

Central Florida Tourism Oversight District

BOARD OF SUPERVISORS

June 21, 2023
9:30 a.m.

**Central Florida Tourism Oversight District
Board of Supervisors Meeting**

Agenda

June 21, 2023

9:30 a.m.

1. CALL TO ORDER
2. OPENING INVOCATION
3. PLEDGE OF ALLEGIANCE
4. SAFETY MINUTE
5. PUBLIC COMMENT PERIOD
6. CONSENT AGENDA
 - 6.1 April 19, 2023 Meeting Minutes – *Page 4*
 - 6.2 April 26, 2023 Meeting Minutes – *Page 140*
 - 6.3 Pollution Control Board Appointment – *Page 233*
 - 6.4 Proclamation for Kyra Smeller – *Page 235*
 - 6.5 Proclamation for Bruce Jones – *Page 237*
7. REPORTS
 - 7.1 Management Report
 - Kyra Smeller, Fire Department Battalion Chief – 33 years of service
 - Bruce Jones, Director of Procurement – 20 years of service
 - 7.2 Acting General Counsel Report
8. NEW BUSINESS
9. PUBLIC HEARINGS
 - 9.1 Resolution No. 644 - A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CENTRAL FLORIDA TOURISM OVERSIGHT DISTRICT ADOPTING A WHISTLEBLOWER POLICY FOR DISTRICT EMPLOYEES. – *Page 240*

10. UNFINISHED BUSINESS
11. OTHER BUSINESS
12. ADJOURN

APPEALS: All persons are advised that, if they decide to appeal any decision made at a Board of Supervisors hearing, they will need a verbatim transcript of the record of the proceedings. It is the responsibility of every party-in-interest to arrange for a transcript of the proceedings, which must include the verbatim testimony and evidence upon which the appeal is made.

AMERICANS WITH DISABILITIES ACT: The Central Florida Tourism Oversight District is committed to reasonably accommodating the needs of anyone with disabilities who wishes to attend or participate in public meetings. Anyone with a disability who requires a reasonable accommodation should contact the Clerk of the Board, by telephone at (407) 934-7480 or via email (currently at DistrictClerk@rcid.org), no less than one business day (i.e. Monday through Friday, excluding legal holidays) in advance of the applicable meeting to ensure that the District has sufficient time to accommodate the request.

Central Florida Tourism Oversight District

Board of Supervisors

Agenda Item 6.1

Page 1 of 1

Meeting Date	
June 21, 2023	
Agenda Item Name	
April 19, 2023 Meeting Minutes	
Requested Action	
Approval of the Meeting Minutes of the April 19, 2023 Board of Supervisors Meeting	
Staff Report	
None	
Additional Analysis	
None	
Fiscal Impact Summary	
None	
Exhibits Attached	
1. April 19, 2023 Transcribed Meeting Minutes	

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1 CENTRAL FLORIDA TOURISM OVERSIGHT DISTRICT

2 BOARD OF SUPERVISORS MEETINGS

3 _____/

4 DATE: APRIL 19, 2023

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PRESENT

PUBLIC SPEAKERS:

JAMES MEADE

AARON COLBURN, RCFD UNION VP

JEREMY KELLY, RCFD

SEAN PIERCE, RCFD

BILL DOVER, RCFD

JIM FOX

TIM STROMSNES

TYLER HERON

BOARD MEMBERS:

BRIDGET ZIEGLER

MICHAEL SASSO - VICE CHAIR

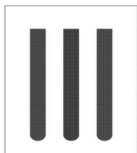
MARTIN GARCIA - CHAIR

BRIAN AUNGST

RON PERI

JOHN CLASSE - DISTRICT ADMINISTRATOR

DAN LANGLEY, ESQUIRE - FISHBACK LAW



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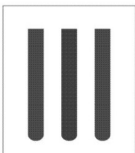
1 MR. GARCIA: There we go. Well, I'd like to
2 call the meeting to order. Good morning to
3 everybody. Welcome. Thank you for being here.
4 Thank you for your interest in district business.
5 We've got a very busy agenda as you have already,
6 probably seen, and so let's get started with the
7 pledge of allegiance. Please rise.

8 AUDIENCE: Pledge allegiance to the flag of the
9 United States of America. And to the Republic for
10 which it stands, one nation under God, indivisible,
11 with liberty and justice for all.

12 MR. GARCIA: Mr. Classe, could you go over the
13 safety procedures, please?

14 MR. CLASSE: Thank you, Mr. Chairman, and
15 supervisors of the Board, and to all our guests and
16 visitors. We just want to cover some important
17 safety information before we start this meeting.
18 I'd like everyone to identify the exit doors in case
19 there's an evacuation, and we need to leave in a
20 quick manner. Please leave in an orderly fashion and
21 wait outside in the courtyard area for further
22 direction. If we need first aid or AEDs, the hotel
23 will provide those to us. And thank you very much,
24 and enjoy the meeting.

25 MR. GARCIA: Okay. So, we're going to hear



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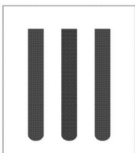
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1 public comments. Just to reiterate, any speaker is
2 going to be allotted three minutes. You'll be told
3 when your time's up. And as I've indicated before,
4 this is a time for the Board to hear from the
5 public. The Board won't comment during this time
6 and won't answer any questions, although we may ask
7 some questions. And so, I'll call you up by the
8 number on your card. First, Number 1, please
9 identify yourself by giving us your name and telling
10 us if you're acting in a representative capacity.
11 And if so, who you represent.

12 MR. MEADE: 30 years ago, I spoke on this issue
13 in front of the Board of Orange County
14 Commissioners. My name is James Meade. I'm not -- I
15 detest public speaking, so I don't speak a lot and
16 like this, so you have to bear with me. Give me a
17 minute. You know, 57 years ago, a man died, and his
18 dream died with him. And this is a -- we've seen
19 this district bastardize his dream. There's
20 supposed to be 20,000 -- 20,000 people in a
21 community of tomorrow. And it's not here. There's
22 60. There's a fight over this. You guys can fix
23 that. The last time a monorail was built, when was
24 that? This is your job. This is your job to bring
25 this man's dream back. He's dead. We can't do



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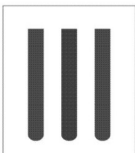
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1 anything about that, but we can bring his dream back
2 to life. You can do that. It's your job. It's the
3 job of Disney. It's the job of Florida to do this.
4 That's all I have to say. Thank you very much.

5 MR. GARCIA: Thank you for your comments.

6 Number 2?

7 MR. COLBURN: Good morning. Thank you, Mr.
8 Chair and members of the Board. My name's Aaron
9 Colburn, Vice President of the Reedy Creek
10 Professional Firefighters. I want to extend a
11 greeting to you back to property from our crews and
12 our on-duty people. We have several of our first
13 responders here today. The crews that covered this
14 area wanted to be here today to welcome you back to
15 property as well, but they were given a direction
16 from the fire department that they were not to
17 attend, so they asked me to do that for them. I
18 just wanted to bring to your attention an event that
19 happened this weekend with one of our members. He
20 was responding to the hospital, transporting a
21 patient. They had just cleared. He felt poorly,
22 decided to turn back and go to the hospital.
23 Something wasn't right. As he walked into the
24 hospital doors at Florida Hospital Celebration, he
25 went into cardiac arrest and collapsed. His partner,



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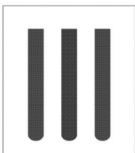
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1 who is here today, started rendering aid right away,
2 brought it to the attention of the staff. They
3 started CPR. They were able to get him back. He
4 went to ICU. His family and children met him there.
5 His fire department family gathered around him. He
6 was released yesterday from the hospital. He walked
7 out thanks to the quick aid of his crew members and
8 the hospital. So, we just wanted to bring that to
9 your attention. And in the past, we have had issues
10 with our workers' comp here. As I'm sure you're
11 aware, there is a heart and lung bill that has
12 presumption protective for first responders in
13 cardiac arrest, and heart and lung related issues.
14 But you-all have demonstrated your commitment to the
15 first responders, to running this district in the
16 sunshine and appropriately, and his family wanted us
17 to pass along that they are thankful for you, that
18 you were here, and that they have all the faith that
19 you will make sure that this district and
20 administration takes care of her husband and the
21 father of her children. And he's also a big
22 supporter of you- all and wanted us to say welcome
23 back to property. Thank you.

24 MR. GARCIA: Thank you for your comments. And
25 thank you for your service to the district. Number



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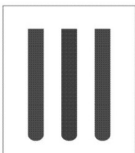
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1 3?

2 MR. KELLY: Good morning. My name's Jeremy
3 Kelly. I'm the secretary of Reedy Creek
4 Firefighters. First and foremost, I want to thank
5 all the board members for the progress that we've
6 made, and the local is looking forward to the
7 progress we will continue to make together in the
8 future. Our local first responders were 100 percent
9 in support of this new board, and it's been a breath
10 of fresh air over how fair this board has been to us
11 from the get-go. I just wanted to touch base on our
12 contract negotiations and where they currently
13 stand. For five years, we have negotiated to no
14 avail. This new board was put in place in just this
15 past week. With the Board's help and direction, we
16 will -- we will -- we were able to tentatively agree
17 to 21 articles. This is a huge step and a huge help
18 from this board. This just goes to show the type of
19 progress this board is capable of. We have a total
20 of 45 articles in our proposal, and we are almost
21 halfway there. We still have important topics that
22 need to be agreed upon. These include minimum
23 staffing, retiree healthcare, our special operations
24 team, and brought to light by VP Colburn our annual
25 physicals. These need to include very important



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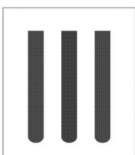
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1 tests, such as calcium scoring to vitally protect
2 our first responders and give them the best possible
3 test to assure they're being protected just as they
4 protect this very property. Again, we look forward
5 to the progress we're able to make together and we
6 thank all of you for your hard work to help the
7 first responders of this district. Thank you.

8 MR. GARCIA: Thank you, sir, for your comments,
9 and thank you for your service to the district.
10 Number 4?

11 MR. PIERCE: Good morning. My name's Sean
12 Pierce. I'm a lieutenant with Reedy Creek Fire, and
13 past vice president of Local 2117 Reedy Creek
14 Professional Firefighters. I'd like to thank you
15 for this opportunity to address the Board, and I
16 have provided you with a couple of documents that
17 will provide factual evidence of what I'm about to
18 discuss. You guys are aware of Jim Dormany. He was
19 a lieutenant who passed away, line of duty death.
20 He still doesn't have his PSOB to his family, and I
21 think the Board has put some pressure and we're
22 starting to work on that, but it's taken six years.
23 Another Central Florida Fire Department -- local
24 fire department had a line of duty death very
25 similar to Jim's. They received that check within



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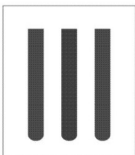
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1 90 days. In 2019, we had a firefighter, Steve
2 Pomanowski, one of the most exemplary employees we
3 could possibly have. He ran, worked out every day,
4 excellent paramedic, brought his meals measured out
5 in a -- in containers every day. Had the massive
6 heart attack, what happens? Commercial Risk
7 Management, the district's workers' comp management
8 company shows up and asks his wife what kind of
9 energy drinks he drinks, how many a day, when the
10 cardiologist says that he only has a 10 percent
11 chance of survival through the night. That's not the
12 time to address those issues. At the time, I met --
13 as the vice president, I met with John Classe the
14 district administrator and asked him to change the
15 policy informed to allow employees to donate sick
16 and vacation time to the Pomanowskis. His answer
17 was that we needed to wait until we negotiated a new
18 policy or form. It's hard to believe that a simple
19 form to help a first responder and his family in a
20 time of need is more difficult to get approved than
21 the recent Land Use Agreement. Forward to the 2019
22 -- or 2021. I have a neck injury, district sends me
23 a denial, says they've unfounded accusations that
24 I'm faking my injury. Requested an investigation
25 letter, no response from the district. In '22,



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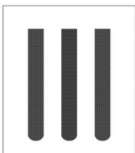
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1 January of '22, I had an A-fib ablation. I have
2 rapid heart rate, had an ablation, went to cardiac
3 rehab, went into another rhythm, SVT. My heart rate
4 was 240. Went to a new cardiologist, they did an
5 ablation just this past March 16th, and I'm in
6 currently in cardiac rehab. Meanwhile, the district
7 cancels my worker's comp benefits for non-compliance
8 to attend their appointments that they don't make.
9 You know, they should schedule the appointments
10 themselves, but they don't. Moving forward; one
11 year notice with an incorrect date. So, we have to
12 -- if we're out on medical for one -- more than one
13 year, we get administratively terminated. They send
14 me a letter saying they're going to fire me last
15 October.

16 MR. DOVER: Bill Dover. I'm going to
17 relinquish my time for Sean.

18 MR. GARCIA: Thank you. Proceed.

19 MR. PIERCE: Gave me a letter to -- that
20 they're going to fire me last October. Well, that
21 wasn't actually the right date. I hadn't been out a
22 year. So even with their own document, that I
23 provided you, it talks about me returning to work in
24 April. They also send -- this is Commercial Risk
25 that sends this information, sends me a Hillsborough



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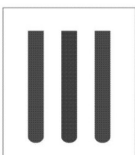
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1 County Sheriff's office information, has my name on
2 the letter, open the letter, and it has all his
3 personal information about his injury and his
4 denial. So at least Commercial Risk is consistent
5 with denials. Another incident of incompetence.
6 They send Johnny Duncan, a 32-year employee of the
7 district firefighter, a notice of denial. They
8 misspelled denial and referenced the wrong statute.
9 So, you know, what they don't understand is this
10 incompetence affects our lives. While we're
11 supposed to be healing from a cardiac incident or
12 any of that stuff, we have to deal with this -- deal
13 with this undue stress because they're not paying
14 attention to the company that they hired to manage
15 this. So, my question to you is, how can the
16 district administrator and his associates treat
17 first responders like this, at the same time preach
18 "One District, One Goal, Excellence"? I trust this
19 current board to end this type of treatment to the
20 men and women who serve the district. And I think
21 Mark Twain said it best. It is never wrong to do
22 the right thing. And the right thing to do in this
23 case is remove the people responsible for this type
24 of treatment. That would include John Classe, Jason
25 Middleton, and Eddie Fernandez, along with

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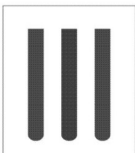
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1 Commercial Risk Management. I appreciate you
2 letting me address the Board.

3 MR. GARCIA: Thank you, sir, for your comments,
4 and thank you for your service to the district. I
5 believe Number 5 was -- allotted his time. And so,
6 I would call up either Number 5, Mr. Dover; or
7 Number 6, Mr. Fox. Are you Mr. Fox? And Mr. Dover,
8 did you allot your -- yes. Okay. Yes, sir. So,
9 Mr. Fox, it's your turn.

10 MR. FOX: Good morning members of the Board.
11 I'm going to defer my time to Tim Stromsnes.

12 MR. STROMSNES: Good morning, ladies and
13 gentlemen. My name is Tim Stromsnes, a current
14 Reedy Creek Firefighter, and the president of the
15 Mayors of the Reedy Creek Professional Firefighters.
16 I really appreciate this opportunity to address this
17 new board. I'm here to speak in support of this new
18 board. This land -- 11th hour Land Use Agreement by
19 the previous board of supervisors and current
20 district administrator adversely affects us as first
21 responders, because for over 50 years, Disney
22 controlled this board and Reedy Creek
23 administration. During this time, through Reedy
24 Creek -- during this time, Disney through Reedy
25 Creek failed to provide the resources necessary to



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1 ensure that fire and EMS services kept up with the
2 growth of Disney and the increasing number of
3 visitors. For instance, Reedy Creek spent \$280
4 million to build parking garages at Disney Springs
5 for Disney while we are currently responding with a
6 20-year-old fire engine with over 200,000 miles that
7 just failed its pump test this week. We've had to
8 respond to visitors with medical emergencies in SUVs
9 instead of ambulances or rescues because of Reedy
10 Creek Administration's mismanagement. While Disney
11 controlled the district, they spent hundreds of
12 millions of dollars to accommodate more visitors
13 without ensuring that safety through adequate fire
14 and EMS resources were made. This 11th hour Land
15 Use Agreement, if left under Disney's -- left under
16 Disney will only perpetuate the first responders'
17 inability to keep the visitors of Walt Disney World
18 safe. I spoke to one of the new board members and
19 they summed up our new vision perfectly. They said,
20 "This is a world-class tourist destination, and
21 these visitors deserve world-class fire and EMS
22 services." We could not agree more, and we have
23 been saying that for years. In conclusion, the
24 district needed oversight due to the old board of
25 supervisors being elected on the premise of "One



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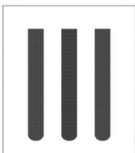
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1 Acre, One Vote." To explain the old -- to explain
2 how the old board was elected, I'm going to tell you
3 a story based on my personal experience. Thomas
4 DeWolf, due to health reasons, who wrote the
5 charter, was stepping down. He'd been in office for
6 over 40 years. They quick claim deeded his land over
7 to Thomas Moses, who was a former district
8 administrator. As fast as I'm speaking here today
9 is as fast as this election went. Somebody from the
10 Board said, "I nominate Tom Moses." Somebody from
11 the crowd stood up, the representative from Disney,
12 and said, "I cast all 17,000 votes for Tom Moses."
13 Election over. No matter what side of the political
14 aisle you are on or your political affiliation, that
15 is not a democracy. I support this current board
16 because no election in America should be based on
17 the "One Acre, One Vote." It should be based on the
18 ideology of one person, one vote. And through the
19 gubernatorial election process, that is how this
20 board was put into office. Thank you.

21 MR. GARCIA: Thank you for your comments, and
22 thank you for your service to the district. And
23 then finally, last public comment from Number 8?

24 MR. HERON: Good morning, everyone. I'm not a
25 firefighter, but I'd like to thank you-all for your



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1 service. Good morning, Chair and board members. My
2 name is Tyler Heron, and I'm a resident of
3 Celebration, Florida. Celebration was built by the
4 Walt Disney company in 1996, and since then has
5 continued to grow while having a productive
6 relationship with both Disney and the Reedy Creek
7 Improvement District. As both these parties own the
8 land, and surrounds and crisscrosses our town,
9 recently residents are starting to grow concerned as
10 the governor continues to put forward ideas that
11 this new board might pursue that can also affect the
12 wellbeing of Celebration. Some examples that have
13 specifically been stated include adding toll roads
14 in the district, many of which that our residents
15 use to get to and from work, to abolishing the
16 district planning committee, which oversees land
17 around and in our town, to even floating the idea of
18 using district lands to build a state prison.
19 Residents are concerned we'll become innocent
20 bystanders in these actions. The people of
21 Celebration would like to respectfully remind the
22 Board that our town is completely surrounded by
23 district lands, and to consider how these decisions
24 have the ability to impact our town and the people
25 that live there. Thank you.



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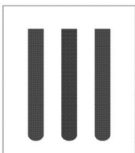
1 MR. GARCIA: And thank you for your comments,
2 sir. We will now move to the Consent Agenda.
3 There's one item on the Consent Agenda, the March 8,
4 2023, meeting minutes. Is there a motion that we
5 approve the Consent Agenda?

6 MR. SASSO: So, moved.

7 MR. PERI: Second.

8 MR. GARCIA: Any opposition? Note that the
9 motion passes unanimously. Next item of business is
10 information items. The first on that, 6.1 are some
11 financial reports, budgeting type reports that Mr.
12 Classe has put on the agenda. And then the other
13 three items were put on at the request of Supervisor
14 Aungst, and they're there for your observation. We
15 have a really busy reports part of the agenda. The
16 first report will come from management. Mr. Classe?

17 MR. CLASSE: Thank you, Mr. -- thank you, Mr.
18 Chair. A couple things to report on for you.
19 First, just for your awareness that I had a
20 conversation with Mr. Sasso regarding housing within
21 the district. And I think later on in the agenda,
22 we do have an item 8.4 that would be a perfect spot
23 to be talking about housing or a perfect excitement
24 to investigate housing within the district.
25 Secondly, the district team met last week and began



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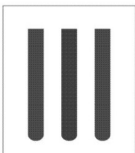
1 working on various improvements and enhancements to
2 the district website. As mentioned at the last
3 meeting, we are looking to implement changes and
4 updates for easier and better public access to the
5 information. We anticipate completion of this work
6 in June. Part of the website would include updating
7 our district logo. And my suggestion would be to
8 have one board member work with myself and staff to
9 finalize that new logo so we can launch that with
10 the new website in June. So that's just my
11 suggestion, but I'll take your lead on how you'd
12 like to move forward with our new branding, if you
13 will.

14 MR. GARCIA: Well, do we have a volunteer from
15 the Board?

16 MR. AUNGST: I will volunteer if you like, or
17 you like, but if someone else wants it, I'm happy to
18 yield to another organizer.

19 MR. GARCIA: I think you found a volunteer.

20 MR. CLASSE: All right. Everybody else stepped
21 back, and he stood straight where he was. I get --
22 I get how that works. Okay. The next thing I'd
23 like to touch on is at Mr. Aungst's request is to
24 discuss guardrails within the district that's been a
25 topic with some media recently. So on January 4,



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1 2023, 10 Tampa Bay contacted the district about some
2 guardrails inside Disney and on the approach --
3 entrance approach roads that have been considered
4 improperly installed are ones that use a mix match
5 of parts. 28 locations were identified in the
6 message. Ten locations are owned or on district
7 owned and maintained roadways, and the remaining 18
8 locations are actually on FDOT owned and maintained
9 roadways. The district team completed an immediate
10 inspection and began the process for engineering
11 evaluation, design, and construction for necessary
12 improvements or upgrades. For all district roadway
13 projects, the designs including guardrails are
14 completed in accordance with the then current design
15 standards published by the FDOT. Design standards
16 change over time, and in response to newer
17 technologies and newer better materials as well as
18 to improve public safety. In 2016, the Federal
19 Highway Administration and the American Association
20 of State Highways and Transportation officials began
21 implementing a program to guide states in the next
22 advancement of safety standards and requirements to
23 countrywide growing concerns over highway safety
24 items such as guardrails, safety barriers, and
25 impact attenuation devices. That initiative yielded



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1 what's called the Manual of Assessing Safety
2 Hardware. Soon thereafter, Florida began to
3 formulate its own multi-year plan to meet these MASH
4 guidelines. In 2017, that following year, the
5 district contact -- contracted with a professional
6 engineering firm to identify cost and prioritize any
7 guardrail components or barrier sections that have
8 been degraded or sustained enough damage to warrant
9 replacement. Beginning in 2018, the district began a
10 multi-year program to replace or implement upgrades
11 to the existing guardrails within the district.
12 Many locations were included in the capital program
13 that we've been going on for the past ten years.
14 That capital program is new roadway construction or
15 pavement rehab. Since that time, 30 of 102
16 locations have been addressed. In March 2023, a
17 second media inquiry was received that included
18 several repeat locations, but some new locations as
19 well. There were 69 locations identified, with 38
20 being on roadways owned and maintained by the
21 district. The district guardrail locations
22 identified and both inquiries are the first priority
23 for us making improvements. To be thorough, the
24 district has engaged a professional engineering firm
25 to complete an update and review of all guardrail



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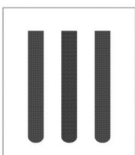
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1 locations on district roadways using the same
2 guidelines as FDOT. That analysis should be
3 completed within the next 30 days, which will
4 provide guidance to prioritize any immediate
5 improvements necessary to address urgent safety
6 measures as well as replace older guardrails with
7 new facilities based on the new and current design
8 standards. The analysis will be used to establish
9 future annual budget to complete the guardrail
10 program started a few years ago. Since the program
11 started, the district has spent approximately \$2.5
12 million, and we anticipate another \$10 million to
13 \$13 million will be needed over the next several
14 years to complete the work. In the month ahead --
15 in the months ahead and part of the current fiscal
16 year, we anticipate another 15 locations, and the
17 two inquiries will be undressed. On a side note,
18 FDOT is currently underway with a similar program
19 statewide. Their discovery phase is -- currently has
20 a targeted completion date of May 31st this year,
21 but their scope of work, funding, and schedule have
22 yet been determined. That's -- if any questions on
23 guardrails, I'll be glad to answer any.

24 MR. GARCIA: Any questions from the Board?

25 MR. AUNGST: I do have just a couple, Mr.



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1 Chair, if that's okay?

2 MR. GARCIA: Yes, sir.

3 MR. AUNGST: Mr. Classe, thank you for adding
4 this to the agenda. And I do want to thank Channel
5 10 in Tampa for bringing this to my attention and to
6 the Board's attention. There were a lot of numbers
7 kind of thrown out there. The one that stuck out to
8 me was 30 out of 102 locations that -- and so I just
9 want to make sure I'm understanding all the numbers.
10 Some locations were identified by WTSP Channel 10.
11 What I'm interested in is how many locations have we
12 identified to date that are not up to current
13 standards?

14 MR. CLASSE: Well, we have -- we have that
15 analysis being done right now, so I'll have that
16 within the next 30 days to have a complete program
17 established. But we started a program back in 2017-
18 18 to address 30 of 102 locations. The -- their 69
19 locations they identified are separate from ours
20 that we looked at, the first 30, so it's kind of
21 merging two initiatives happening at the same time.

22 MR. AUNGST: And you said of the 69 that they
23 identified, 38 of those are ours?

24 MR. CLASSE: That's correct, yes.

25 MR. AUNGST: And by "ours," I mean district



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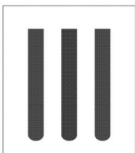
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1 roads.

2 MR. CLASSE: District, right. The others could
3 be either state DOT on the entrances to the
4 district, or they actually could be on private
5 roadways.

6 MR. AUNGST: Okay. And can you just briefly
7 explain, you know, some of the ways these guardrails
8 are not up to current code. Is it based on wear and
9 tear from accidents? Is it based on the way they
10 were installed? Is it based on the way they were
11 designed, the materials that were used? All of the
12 above?

13 MR. CLASSE: All of -- all the above. As an
14 example of what was discovered five or six years
15 ago, is the state change its standard for the wood
16 post and the backing behind the guardrail. If
17 you're aware, there's a post and the actual
18 guardrail sits on top of that. The old way was using
19 wood, and they changed that standard to use metal.
20 And so, we've been going through and updating our
21 systems based on that design change, so that's one
22 example of where they've changed the standards. And
23 then the end treatments are also evolving with
24 design, improving safety measures. So that's the
25 area that we're focusing most on right now is those



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1 end treatments.

2 MR. AUNGST: Perfect. And just from my
3 perspective, I appreciate the work on this and
4 expediting. It's something that I know this board
5 takes public safety as paramount, and I'd like to
6 see it accomplished sooner than later. And as we go
7 into budgeting for next year, I'd like to see that a
8 priority in terms of identifying, particularly the
9 most needed replacements first, but I'd like to get
10 it all done as soon as possible.

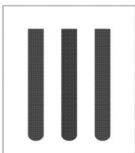
11 MR. CLASSE: Yep. That's why we're doing the
12 full analysis, and we'll present that to you in the
13 budget cycle.

14 MR. AUNGST: And my guess is that Channel 10 is
15 here somewhere, so if you could -- if they want to
16 request for you to talk to them or someone to talk
17 to them afterwards, I'd appreciate if you would
18 accommodate them on that.

19 MR. CLASSE: Okay, sure.

20 MR. AUNGST: Thank you.

21 MR. CLASSE: And then my last comment, Mr.
22 Chair, is that I just want to touch on agenda item
23 8.6 that talks about a special advisor to the Board,
24 and I want to just comment that the -- that there
25 are a lot of challenges ahead of the Board and the



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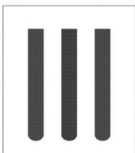
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1 district ahead. The Board has raised in pursuing
2 significant issues and initiatives. I think the
3 board is -- could need a dedicated and timely
4 support from management and staff to support those
5 initiatives. So, looking at a special advisor idea
6 is certainly something that we would support and to
7 help the board on all your actions.

8 MR. SASSO: Mr. Chair, if I may speak to that
9 point.

10 MR. GARCIA: Sure.

11 MR. SASSO: For the benefit of the board and
12 everyone else, I've had a lot of discussions with
13 Mr. Classe for the past week that I think are quite
14 productive, about keeping him involved with the
15 district, but also simultaneously working towards a
16 position where we can appoint, as we're required by
17 statute, a district administrator, and someone that
18 might be new, which is not uncommon when it comes to
19 transitions between boards. As part of those
20 discussions, Mr. Classe and I have been working with
21 legal counsel to come up with a proposition for the
22 board to consider, hopefully at the next meeting,
23 about what that might look like, including having
24 Mr. Classe stay on to assist the board, including
25 with any transition and with existing projects, for



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1 up to a calendar year or as needed at the board's
2 discretion. Hopefully, at the next board meeting,
3 we'll have something to discuss in a more concrete
4 sense, maybe before then. But I think it's -- you
5 know, in our discussions with Mr. Classe, he's been
6 very supportive, and I think it's been a positive
7 conversation. And I think it'll help the board and
8 the district in a transition in a very positive way,
9 that doesn't result in any disruptions or issues
10 that the board could not effectively and efficiently
11 address. So I wanted to add that information item
12 somewhat to the report. And I know I'm encroaching
13 upon 8.6 quite a bit. But I thought, since they
14 were germane, we might address them together.

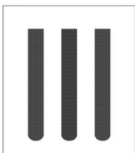
15 MR. GARCIA: Okay. Thank you. I presume, Mr.
16 Langley, there's no action item needed on this
17 issue?

18 MR. SASSO: There's none presented right now.
19 Mr. Langley?

20 MR. LANGLEY: I -- it's totally up to -- is
21 this on?

22 MS. ZIEGLER: Yeah, it is.

23 MR. LANGLEY: Board Member Sasso, if he has no
24 action today to take, then there's no need to take
25 action. We can -- when we get to that item,



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1 dispense of it there, or go ahead and move it up and
2 move on --

3 MR. GARCIA: Okay.

4 MR. LANGLEY: -- from it today. But sounds
5 like, if I may, is that a direction to put an item
6 on the next agenda for next week, to deal with that
7 issue?

8 MR. SASSO: I think I'd like to make that
9 request now that we add to the next agenda. I know
10 we are populating the next agenda at this meeting.

11 MR. LANGLEY: We are.

12 MR. SASSO: So, if we can add that item, I
13 think that'd be beneficial. All right, please.

14 MR. LANGLEY: I think Mr. Classe understands
15 what that item is. And as long as there's no
16 objection from the Board, we'll add that to the next
17 meeting agenda. Thank you.

18 MR. GARCIA: Thank you. Mr. Classe, does that
19 conclude your report?

20 MR. CLASSE: It does, Mr. Chair.

21 MR. GARCIA: Okay. So next we'll hear from
22 Public Resources Advisory Group, also known as PRAG.
23 You-all may recall that the Board at the last
24 meeting retained this financial advisor to help us
25 with some balance sheet analysis and P&L analysis.



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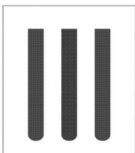
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1 And what I've asked them here today to do is to
2 present us with the scope of their assignment, tell
3 us what they've done thus far, and provide us with
4 any preliminary findings. And if you have any
5 preliminary recommendations at this point, we'd like
6 to hear those as well.

7 MR. GERTNER: Thank you. Good morning. My
8 name is Wendell Gertner. I'm a senior managing
9 director with Public Resource Advisory Group, the
10 district's financial advisor. And I'm joined this
11 morning by my colleague, Marianne Edmonds. PRAG is
12 a leading independent financial advisor firm,
13 serving state and local governments, and their
14 agencies and authorities. We're registered as a
15 municipal advisor with the Municipal Securities
16 Rulemaking Board and the US Securities and Exchange
17 Commission. In Florida, PRAG advises a variety of
18 counties, municipalities, authorities, and special
19 districts. In our role as a financial advisor, we
20 help governments position their financial operations
21 results, policies, and procedures, to ensure
22 financial stability and access to the capital
23 markets. At this stage of our engagement with the
24 district, our goal is to identify policies,
25 practices, and procedures that reduce risk and



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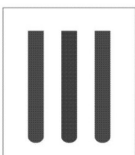
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1 enhance financial stability and transparency. We've
2 embarked upon a deep dive of the district's
3 finances, starting with the statutes, covenants, and
4 policies that govern the district's financial
5 operations. We've reviewed relevant documents,
6 including meeting agendas, contracts, policies,
7 financial statements, budgets, bond offering
8 documents, and continuing disclosure postings. We've
9 spoken with district administration, finance staff,
10 external auditors, bond counsel, disclosure counsel,
11 consulting engineer, and bond trustee. And we can
12 provide references to the Board of any of the
13 documents that we reference here today.

14 Financially, the district is subject to a number of
15 statutes in addition to its charter that govern the
16 financial operations, including budgeting, property
17 tax assessments and collection, and bonding. The
18 district engages with general counsel, bond counsel,
19 disclosure counsel, external auditors, and
20 independent consulting engineers, to ensure
21 compliance with the appropriate statutes and
22 financial regulations as well as federal tax law.
23 The district is also subject to covenants
24 incorporated into its two bond programs, the bond
25 resolution that controls the district's ad valorem



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1 bonds, and its trust and denture and bond resolution
2 that controls its utility revenue debt. The
3 covenants contained in the bond resolution and trust
4 indenture are typical for those types of credits.
5 They are known and familiar to staff. And bond
6 counsel, disclosure counsel, and financial advisor
7 help the district to ensure compliance with its debt
8 covenants. In addition to disclosure counsel, the
9 district has engaged a disclosure dissemination
10 agent, to assist in the district's continuing
11 disclosure obligations. The district has also
12 enacted formal board approved financial policies,
13 including a debt policy, post issuance policy,
14 disclosure policy, and investment policy. These
15 policies appear appropriate, and we have not found
16 any instance of noncompliance with these existing
17 policies as well as the revel event statutes and
18 bond covenants. We do have the following
19 observations. The district's financial statements
20 are presented in accordance with the Governmental
21 Accounting Standards Boards. And they've received
22 an unmodified opinion from external auditors. The
23 district's financial operations are divided into its
24 governmental activities and its business type
25 activities, which includes the utility. Within its



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1 governmental activities, the district has three
2 major funds: the general fund, the death service
3 fund, and the capital projects fund. For fiscal
4 year 2022, the district had approximately \$187
5 million in expenditures within its governmental
6 operations. 9 percent of the expenditures
7 representing \$17 and a half million were for general
8 government, included administrative, human
9 resources, information systems and technology, and
10 contracts and risk management. 24 percent of
11 expenditures representing 45 million were for public
12 safety, included building and safety and emergency
13 services. 6 percent of expenditures representing
14 10.4 million were for physical environment. They
15 included water control, and planning and
16 engineering. And 14 percent of expenditures
17 representing 26.4 million were for transportation,
18 including roadway maintenance and parking garages.
19 The capital projects fund comprised 16 percent of
20 expenditures representing 29.1 million. And capital
21 project expenditures vary annually based on the
22 issuance of ad valorem debt. Finally, the debt
23 service fund comprised 31 percent of governmental
24 expenditures, representing 58.5 million. The
25 district has 686.34 million in ad valorem debt

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1 outstanding, with 34.17 million due June 1st of '23.
2 The debt matures June 1, 2038. And the ad valorem
3 debt is rated Aa3 with stable outlook by Moody's,
4 and AA- with stable outlook by both Standard &
5 Poor's and Fitch. The general fund and debt service
6 fund expenditures are primarily funded with ad
7 valorem property taxes, which represented 99.3
8 percent of revenues for fiscal year '22. Taxes on
9 the Walt Disney company related entities represent
10 approximately 86 percent of the property taxes
11 levied for this fiscal year. Expenditures from the
12 capital projects fund have been primarily funded
13 with bond proceeds, and have primarily funded
14 roadways and parking garages. The district uses
15 specialized budgeting software, and follows a
16 standard governmental budgeting process for Florida
17 local governments. District administration and
18 finance meet in April to go over the budget
19 guidelines, and timelines, and budget priorities.
20 Departments prepare their budget requests in May and
21 must submit them to finance by June 9th.
22 Administration and finance review the departmental
23 budget request, refine them in June and early July.
24 The property appraisers of Orange and Osceola County
25 provide the certified taxable value to all local

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1 governments by July 1st. At the June 26th board
2 meeting, staff will present the board for
3 consideration the preliminary budget and maximum
4 millage rate for inclusion in the trim notices. The
5 maximum millage rate is due to the property
6 appraisers by August 4th. The board of supervisors'
7 budget work session will be held August 23rd to
8 refine the proposed budget. And preliminary and
9 final budget hearings will be held September 13th
10 and 27th, respectively, with the final approved
11 budget effective for fiscal year beginning October
12 1st. We would want to point out, this year, finance
13 department is aware that budgeting for
14 administrative expenditures should include an
15 increase in cost, due to the additional oversight
16 activities of the district. Overall, the financial
17 policies and budgeting processes for the district
18 governmental operations appear appropriate,
19 documented, and adhered to. There is one additional
20 financial policy that we believe should be
21 implemented to assist in the budgeting process.
22 That is establishment of the fund balance policy.
23 Fund balance is the net position of the fund. An
24 adequate level should be maintained to mitigate
25 current and future risks, to help ensure stable tax



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1 rates. It can be thought of as the district's
2 equity or reserves. Currently, the district has no
3 policy on how much should be held in its fund
4 balance, to be able to respond to unexpected revenue
5 shortfalls or increased cost. Even though the
6 district has not had a fund balanced policy,
7 historically, the district has maintained generally
8 strong reserve levels. And a formal policy would
9 formalize, memorialize those practices, and staff
10 concurs with this recommendation. Given the change
11 in the district's oversight and the risk associated
12 with upcoming changes to past practices, it's even
13 more essential to establish a policy to mitigate
14 future risks. PRAG intends to work with staff and
15 legal counsel to develop a fund-balanced policy for
16 the board's consideration, as it begins this year's
17 budgeting process. On the utility side, the
18 district owns and operates the combined utility
19 system that includes electricity, water, wastewater,
20 reclaimed water, chilled water, hot water, natural
21 gas, solid waste, and recycling. The utility has
22 161.814 million of utility debt outstanding, with
23 22.678 million due October 1, 2023. The utility
24 debt includes bond issues and bank loans, with a
25 final maturity on October 1, 2038. The utility



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1 bonds are rated A- with stable outlook by Standard &
2 Poor's, A, with stable outlook by Fitch, and A1,
3 with stable outlook by Moody's. Fitch states in
4 their report, dated March 9, 2023, that the
5 utility's financial position is "very strong." For
6 fiscal year '22, the utility had operating revenues
7 of 170 million, debt service coverage ratio of 1.5
8 times, and unrestricted fund balance of 57 million.
9 The Walt Disney company related entities represent
10 approximately 82 percent of the utility operating
11 revenues received by the district in fiscal year
12 '22. The financial operations of the utility are
13 controlled by its trust indenture and bond
14 resolution. The trust indenture is considered a
15 closed indenture, which means all funds held under
16 the indenture are restricted to supporting the
17 utility system and cannot be used for any other
18 purpose. The system is a combined system because,
19 under the trust indenture, all revenues from all
20 operations are pledged to repayment of the bonds.
21 The financial operation of the utilities are
22 included in the district's audited financial report.
23 And, as required by the trust indenture, the
24 district engages an independent engineering firm to
25 prepare an annual report on the utility system. The



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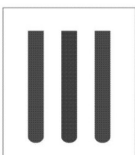
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1 most recent report available is dated as of
2 September 30, 2021. The report as of September 2022
3 is in process. The annual report includes a report
4 on the management of the properties, a report on the
5 operating and maintenance of the properties, a
6 report on the status of the operating budget, a
7 report on the status of the construction fund, a
8 report on the sufficiency of rates and charges for
9 service, and a report on the condition of the
10 system. The fiscal year '21 report concludes that
11 "nothing has come to our attention during the period
12 reported on herein, indicating that the district has
13 failed in any material way to perform or comply with
14 the covenants and agreements contained in the
15 indenture and the bond resolution." From a
16 financial perspective, this annual report is
17 critical and should provide comfort to the district,
18 its customers, and bond holders that the utility
19 system is financially sound. Operationally, the
20 district has contracted with Reedy Creek Energy
21 Services, or RCES, a wholly owned subsidiary of the
22 Walt Disney company, to provide all operational
23 services for the utility through a labor services
24 agreement. The services provided by RCES include
25 not only operations of the system, but also



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1 planning, analytical support, and oversight, to
2 include developing annual and long-term strategic
3 plans, forecasts, and budgets, including rate
4 setting for approval by the board. Historically,
5 the contract was approved on an annual basis.
6 However, on February 8, 2023, the current contract
7 was amended and restated. The amended and restated
8 labor services agreement extended the term through
9 September 30, 2032, among other things, provided
10 greater specificity in the services RCES provides.
11 On February 22, 2023 -- sorry, 2023, the agreement
12 was amended again, to clarify the district's
13 obligation to provide RCES with vehicles and
14 buildings and equipment to perform its service. The
15 district is charged by both statute and the trust
16 indenture to set rates and fees that are just,
17 equitable, and uniform, and that will provide for
18 all expenses, operation, and maintenance and debt
19 service. It's our understanding the district is not
20 staffed to be able to review and opine on the
21 reasonableness of the rates, operational costs, and
22 capital needs of the system, as proposed by RCES.
23 From a policy perspective, we find it highly unusual
24 any government utility to rely on a third party
25 related to its primary user for all services,



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1 including the recommended rate structure. The
2 district is unable to verify the rates are equitable
3 across all users, and proposed rates will be
4 sufficient to maintain the system. According to the
5 amended and restated agreement, RCES will provide
6 the proposed scope of capital work, proposed scope
7 of operational services, and the proposed
8 operational service fee and fee cap to the district,
9 on or before July 1, 2023. Our recommendation for
10 the district is, given the complexity of the utility
11 system and the district's statutory and legal
12 obligation, the district needs to engage an
13 independent utility rate consultant as soon as
14 possible, to be able to advise the district on the
15 appropriateness of RCES's upcoming proposal for
16 fiscal year '24, and assist in the rate setting
17 process and fee negotiations of RCES. The role of
18 the utility rate consultant is different from the
19 consulting engineer's role. The rate consultant is
20 forward-looking as rates are proposed, while the
21 consulting engineer is reviewing past operations and
22 current status of the facilities. In order to
23 engage a qualified rate consultant as quickly as
24 possible, upon direction by the board, PRAG can
25 conduct a competitive solicitation. And we would



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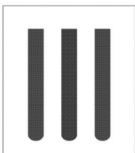
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1 expect to bring proposed form -- firm as a
2 subcontractor to PRAG, for approval by the board at
3 the May 10th meeting. Thank you.

4 MR. GARCIA: Yep. Before you walk away, let me
5 see if my fellow board members have any questions.
6 Any questions from my fellow board members? And
7 before we get to your action item, I want to ask
8 some questions and maybe provide some clarification
9 to your comments. So everyone understands, last
10 Friday afternoon, I learned for the first time about
11 one of these new 11th- hour agreements entered into
12 between Disney and the district. This one relates
13 to our utility services, and I found out late Friday
14 afternoon. And, essentially, so that everybody
15 understands, that what Disney did is create another
16 agreement, and we will have to evaluate the legality
17 of that agreement, but that essentially enables
18 Disney to set their utility rates. In other words,
19 Disney is going to tell the governing body, us, what
20 utility rates they're going to pay, and what
21 everyone else in the district is going to pay, okay?
22 That's -- I've never heard of such a thing. That'd
23 be like having the -- all the CEOs of the utility
24 companies in Florida on the Public Service
25 Commission. And that's highly unusual. And because



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1 they have taken these extraordinary actions, we're
2 going to have to do something that's being
3 recommended to us, which is also highly unusual,
4 that we're -- if these agreements stand up, we're
5 going to have to hire our own independent
6 consultants to evaluate the rates that Disney is
7 going to dictate to us that they're going to pay,
8 and require other property owners in the district to
9 pay. And so, as I understand your recommendation,
10 in order to do this timely, you're recommending that
11 you do the legwork to identify the independent rate
12 consultant. You'll do an RFP process, a competitive
13 bidding process, and then you'll come back to the
14 board and recommend such a consultant?

15 MR. GERTNER: Yes, sir.

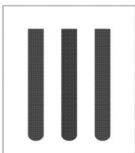
16 MR. GARCIA: Okay. So do we have a motion from
17 the board to authorize our financial advisors to
18 take such action?

19 MS. ZIEGLER: So moved.

20 MR. GARCIA: Second?

21 MR. CLASSE: Second.

22 MR. GARCIA: Any discussion? Anyone opposed?
23 Please note that it passes unanimously. Let me --
24 just a few comments on your fine report. Let me
25 make sure that everybody understands that, because



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1 there's no fund balance accounting at the district
2 under the old board which, based on my financial
3 experience, is also highly unusual. You always
4 reserve for CapEx requirements. Well, the old board
5 was not doing that. And so, we're going to have to
6 take new measures to make sure that that is done.
7 And I've heard some numbers, that we may be short on
8 some accounts as much as 11.4 million. So, what
9 that means is that we're going to have to raise
10 revenues to cover those reserves, okay? Which means
11 we're going to have to raise the millage rate. The
12 other thing that I want everybody to understand, and
13 one of the reasons that we brought in this capable
14 financial advisor, is the process that the old board
15 used to follow. Essentially, for budgeting, they
16 relied on Disney to tell them what their budget was.
17 And so, as it's been told to me, we just backed into
18 the budget, based on what Disney told us we should
19 have as an annual budget. And, as you've heard, our
20 financial advisors are expediting the budgeting
21 process. We're going to be doing budgeting in
22 April. And as you will hear later in this meeting,
23 we are going to be providing new and better services
24 for the district. And because of that and the lack
25 of fund balance -- balances that we're going to have



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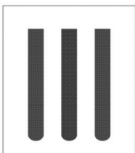
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1 to fund, I want everybody to understand that we're
2 going to have to raise revenues, okay? And there's
3 no way about it. Another reason we're going to have
4 to raise revenues is because of the expenses that
5 we're having to incur, to deal with these illegal
6 agreements that Disney entered into at the 11th
7 hour. And you'll hear more about that later in the
8 -- in this meeting. And then just, finally, some of
9 the things we're going to ask our financial advisor
10 to do is help us with some balance sheet
11 flexibility. We're going to look at things like
12 monetizing some of our assets. And if we monetize
13 some of our assets, that'll give us the balance
14 sheet flexibility to pay off some or all of our
15 debt, which will give us operationally more
16 flexibility, in terms of what we can recommend to
17 the Florida legislature, in terms of further changes
18 they can recommend for this district. So if there
19 are no other questions or comments from my fellow
20 board members -- yes, sir?

21 MR. GERTNER: One clarification. I misspoke on
22 the budget timeline. The -- it's July 26th that the
23 staff would present the board a preliminary budget
24 as scheduled.

25 MR. GARCIA: Okay.



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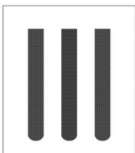
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1 MR. GERTNER: I think -- I believe I said June.

2 MR. GARCIA: Thank you.

3 MR. GERTNER: Thank you.

4 MR. GARCIA: Any other questions or comments?
5 Thank you very much. And thank you for your capable
6 work. You know, in this meeting, you're going to
7 hear about some services and potential operational
8 changes, that we, as a board, are going to evaluate,
9 in order to make this district function more
10 equitably, and be more prosperous, and basically
11 serve the public good, better. You're also going to
12 hear a presentation, or a couple of presentations,
13 on these illegal agreements that Disney created.
14 And you're going to hear from our litigation counsel
15 on that point. But before our general counsel and
16 litigation counsel present, I'd like to briefly
17 explain why Disney's illegal agreements are
18 detrimental to the public good and to the interest
19 of the citizens of Florida. Further, I'd like to
20 outline why the corporation's actions are
21 inconsistent with the state -- the state
22 legislatures, what they intended back in 1967, when
23 they passed the Reedy Creek Improvement Act. So,
24 let's first take a step back into time. In 1967,
25 the tax basis in Orange and Osceola Counties were



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1 rather insignificant. So, the Reedy Creek
2 Improvement Act seemed like a decent deal. In
3 exchange for special privileges, Disney would
4 construct its kingdom to draw tourists, spark
5 industry, generate jobs and revenue. But nobody,
6 nobody, except other than perhaps Disney, believed
7 that the act would live in perpetuity. Lo and
8 behold, the increasingly powerful corporation was
9 able to fortify its sweetheart deal through powerful
10 lobbying and clever marketing for decades. Some of
11 Disney's tactics and strategies are documented in a
12 book titled Married To The Mouse, which was, take
13 note, published 22 years ago. The book also argues
14 why Disney, even back then, 22 years ago, no longer
15 deserved the special privileges, why they were bad
16 for Florida, and in many instances had ceased being
17 a respectable corporate citizen. Disney's lobbying
18 and marketing campaign succeeded for 55 years. It
19 succeeded for more than a half a century, above all
20 because nobody, nobody in Tallahassee was willing to
21 shine a light on this arrangement. Then Governor
22 Ron DeSantis courageously -- and I repeat,
23 courageously called it out for betraying not only
24 fair market competition, but also the citizens of
25 Florida. At this point, only Disney believes that



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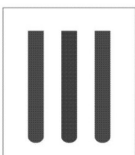
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1 the Old Reedy Creek Improvement Act is a good deal
2 for the Sunshine State. As such, it is especially
3 shameful that Disney decided to take adversarial
4 actions against the district, even before this board
5 was constituted. Before we learned about Disney's
6 illegal contracts created at the 11th hour, our
7 board was genuinely looking forward to working with
8 Disney in a productive and collaborative manner to
9 improve the functioning of the district. In this
10 spirit, I want you to know that, before these board
11 members were appointed, they met with Disney's vice
12 president in charge of external affairs, to launch
13 what they hoped, and thought, would be a mutually
14 beneficial relationship. Unfortunately, when we
15 were meeting with their VP, we were not told about
16 these unlawful agreements. And what we didn't know
17 is that they were not interested in abiding by the
18 new legislation. Weeks later, we discovered these
19 agreements. Our lawyer, general counsel was able to
20 turn them up. And we discovered that they didn't
21 want to work with us like we wanted to work with
22 them. Again, our board truly wished to work with
23 Disney. Instead, the corporation decided that
24 compromise was out of the question. It was Disney's
25 way or the highway. This is why we were forced to



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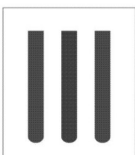
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1 hire litigation counsel. And you will hear more
2 about that in this meeting. It is indisputable that
3 this district requires meaningful changes on a
4 variety of fronts. Indeed, the new board's charged
5 from Governor DeSantis. And the Florida legislature
6 is to ensure that the district finally, finally is
7 positioned to be more equitable, and more
8 prosperous, and thus better serve the citizens of
9 Florida, particularly the citizens of Osceola and
10 Orange County. Now, let me tell you, regardless of
11 your politics, nobody should favor outdated
12 legislation that elevates a corporation above the
13 public good. In seeking to improve the functioning
14 of this district, nothing is off the table with this
15 board. And so, there are a number of items that we
16 now know that we are going to evaluate, to make this
17 district function better for everyone who works and
18 plays in it, and everyone who lives around it in the
19 surrounding counties. Some of those items that
20 we're going to evaluate -- and I've just got 14
21 here. There's going to be many more as we hire more
22 consultants. But we're going to evaluate creating
23 new zoning to develop affordable and workforce
24 housing. There's none of that in this district. I
25 was shocked. I understand Disney has 75,000 to 100



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1 employees working in the district that commute in
2 and out every day. No affordable housing for them,
3 no workforce housing for them. We're also going to
4 look at creating voting rights for future residents
5 in that housing. We're going to look at developing
6 better traffic solutions for the surrounding county,
7 including transit. We're going to look at reducing
8 the carbon footprint created by the district. Think
9 about the idea. You have 39 square miles, 25,000
10 acres, and you have 75,000 to 100 workers commuting
11 in and out every day in their vehicles. Think about
12 the carbon footprint. Think about how you could
13 reduce that with the appropriate housing in the
14 district. So, these are all ideas that have been
15 presented to us that we're going to evaluate. We're
16 going to look at align -- aligning the district's
17 interests, to join Osceola and Orange County, to
18 fight the many lawsuits that Disney has filed to
19 avoid paying their own ad valorem taxes. And you
20 will hear more about that in this meeting. We're
21 also going to join the counties, and, yes, the
22 school boards, in efforts to create more funding for
23 public schools in Central Florida. You're going to
24 hear more about that, too, in a report later. We're
25 going to -- we're going to evaluate regulating



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1 Disney, like every other business in Central
2 Florida. In other words, we're going to create a
3 level playing field for everybody. I don't know how
4 anybody can argue against that. We're going to look
5 at charging utility rates that are not controlled by
6 Disney, which you just heard, that was one of those
7 11th-hour agreements that we're going to have to
8 deal with. We're going to -- we're going to
9 evaluate providing more transparency to the
10 district's governance, implementing new accounting
11 standards, establishing an independent government
12 that's not exclusively controlled by Disney,
13 increasing the district's revenues, to provide new
14 and improved government services, and for
15 maintaining transparency and accountability that was
16 not done under the old board. We're going to
17 evaluate how to monetize some of the assets of the
18 district, and potentially pay off some or maybe all
19 of our debts, that will give the legislature more
20 flexibility on how to make this district work better
21 for the citizens of Central Florida. And then
22 finally, we're going to -- we're going to look at
23 providing the governor and the legislature with a
24 report before the next legislative session, so that
25 they can make more long-term changes to the



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1 legislation of this district, to make sure that we
2 serve the public good. So there's a lot coming.
3 And you're going to hear about some of that here in
4 this meeting. And so, at this time, I'm going to
5 ask two of our trial lawyers to talk about these
6 illegal agreements. And first, Mr. Thompson will
7 present and then --

8 MR. CLASSE: Mr. -- Mr. Chair, can I interrupt
9 one second? Sorry to interrupt, but we do have
10 another agenda item --

11 MR. GARCIA: Yes.

12 MR. CLASSE: -- which is the tide-based solar.
13 You want to do it at the end?

14 MR. GARCIA: What -- which?

15 MR. AUNGST: We're still on reports -- we're
16 still on reports, John.

17 MR. CLASSE: We're on reports?

18 MR. AUNGST: We're on 7.3. Yeah.

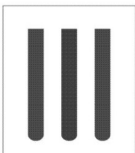
19 MR. CLASSE: Okay.

20 MR. AUNGST: I think we have Mr. Langley next;
21 is that correct?

22 MR. GARCIA: Yes. Yes.

23 MR. CLASSE: Okay. Sorry.

24 MR. GARCIA: And -- but so before I introduce
25 our trial counsel, I'm going to ask our general



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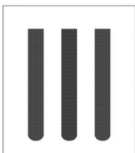
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1 counsel, Mr. Langley, to please provide us with a
2 report.

3 MR. LANGLEY: Good morning. I have a few
4 items. Based on a review of the district's fire
5 prevention code, and in discussions with the fire
6 department leaders, it appears to me that the fire
7 prevention code of the district lacks enforcement
8 mechanisms in ensuring that the -- any violations of
9 those codes are enforced, and those problems fixed.
10 Most local governments have in their code
11 enforcement mechanisms to deal with violations of
12 the fire code. This is lacking in the district's
13 regulations. They're very lax. I would like
14 consensus from this board to work with the fire
15 department to develop and bring back for your
16 consideration new regulations that implement code
17 enforcement mechanisms to ensure that our fire
18 prevention code can be enforced to the fullest
19 extent of the law.

20 MR. GARCIA: And do you need a motion in that
21 regard?

22 MR. LANGLEY: As long as you are in consensus
23 of me doing that, I'll work with them. I'll try to
24 get it to you in the next month and a half or so.
25 I'll try to expedite it. My goal is the May



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1 meeting, but we'll see what we can do.

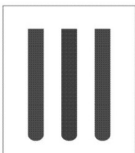
2 MR. AUNGST: Mr. Chair, a fire prevention code
3 that can't be enforced or regulated doesn't seem to
4 do any good for the public, so I'm all in favor of
5 making sure that our fire prevention code is
6 enforceable by our firefighters.

7 MR. GARCIA: Any objections from this board?

8 MR. CLASSE: None.

9 MR. GARCIA: I think you've been instructed to
10 proceed on that. Thank you.

11 MR. LANGLEY: Thank you. Understood. Okay. My
12 next item is -- I know, based on item 8.4, that
13 there is an interest in securing an urban planning
14 firm to assist the district in evaluating the
15 comprehensive plan, land development regulations,
16 growth management issues, and to provide that report
17 that required to the legislature and the governor.
18 I wanted to give the Board an example, a property
19 that the district owns that is affected by that
20 self-dealing restrictive covenant document dated
21 February 8, 2023. And if you would, put up the
22 slide that I brought. If you recall from my prior
23 report, that restrictive covenant purports to strip
24 away all potential uses of district-owned property
25 except those public and governmental purposes that



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1 existed as of February 8, 2023. It also includes a
2 whole list of prohibited uses on those properties.
3 It also prohibits, specifically any residential use.
4 I put up on a slide property that the district owns,
5 and this is just two examples. These are two
6 parcels the district owns. They're 193, plus or
7 minus, acres, it might be a little more than that,
8 owned by the district on Hartzog Road near the
9 intersection of the 429 Western Beltway that are
10 currently RIB sites. And that's the rapid
11 filtration basin for the reclaimed water facility.
12 And that's essentially fields where the reclaimed
13 water is sprayed on vacant land, and it allows water
14 to go into the aquifer. It's a good use and it's
15 necessary, but the district has a lot of land for
16 that purpose, even on the other side of the 429. I
17 think this is an example of where you have
18 essentially a restrictive covenant saying that
19 forever we have to continue to spray water on vacant
20 fields and not use it for any other public purpose.
21 And this area is near the interchange of Western Way
22 and the 429, it's about a half mile from that major
23 intersection. This could potentially be -- even
24 part of it, even part of it, what Chair Garcia was
25 talking about with workforce housing, or affordable



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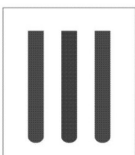
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1 housing site, that's close to Disney and other
2 businesses in the district where employees could be
3 within a little commute instead of driving 45
4 minutes to an hour away, stuck in traffic.
5 Excellent traffic network there. However, these
6 deed restrictions purport to say that this property
7 can't be used by the district for anything other
8 than spraying water on fields. So I just wanted to
9 give you the real-world example of how these
10 documents affect the district's operations,
11 legislative, and executive functions in determining
12 what is in the best interest of the district and of
13 -- in the best interest of the residents of Central
14 Florida. I don't have an action item on that, but I
15 just wanted to bring that to your attention. My
16 next item is I wanted to talk about the fact that
17 there are over 90 pending lawsuits in the Orange
18 County Circuit Court against the Orange County
19 Property Appraiser, this district, and the other
20 taxing authorities of Orange County that were filed
21 by Walt Disney Parks and Resorts USA, Disney
22 Vacation Development, and several other taxpayers in
23 this district challenging the ad valorem tax
24 assessment value of their properties, which would
25 affect the amount of taxes that are paid in property

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1 taxes to all the taxing authorities. Disney's and
2 the other plaintiffs in these cases, these 90
3 lawsuits, contest the value established by the
4 Orange County Property Appraiser for several
5 commercial properties during a seven-year period
6 extending from 2015 to 2022. In those complaints,
7 they allege the assessments do not represent just
8 value of the parcels, and they claim that they
9 exceed the fair market value of those properties.
10 The taxes for these years have already been paid to
11 all the taxing entities, including to the district.
12 In the event that a judgment is entered in Disney's
13 favor, and the other taxpayers, that would result in
14 a reduction of the assessed value of property, and
15 the property appraiser would have to issue and
16 provide to the tax collector, and to the district,
17 something called certificates of correction that
18 would compel the district and other taxing
19 authorities to refund seven years' worth of rebates
20 and taxes to Walt Disney World. Thus, the district
21 has a substantial contingent liability of
22 potentially having to refund millions of dollars to
23 Disney if Orange County -- if the Orange County
24 Property Appraiser does not prevail in these
25 lawsuits. The total potential refund amount has not

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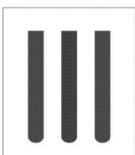
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1 been determined at this time. However, I received
2 information that -- of an estimate of \$11.4 million
3 as a possibility, but it could potentially be a lot
4 more than that. Based on Disney's aggressive
5 stances in these cases, attempting to lower their
6 value by somewhere between 33 to 38 percent, I've
7 even heard some attempts up to 50 percent, to avoid
8 paying taxes to the Orange County Public School
9 system, to avoid paying taxes to Orange County, to
10 avoid paying taxes to this district that serves it
11 directly. I wanted to -- if you could put up the
12 next slide? In regards to the impacts to the Orange
13 County Public School system, I received public
14 records from the Orange County Tax Collector
15 indicating that Disney's property assessment
16 lawsuits could cost our Orange County Public School
17 system anywhere between \$52 million and \$105 million
18 for just the seven years that they're suing on
19 currently. The Orange County Public School system
20 has been reserving funds in anticipation of this
21 contingent liability, and the school system has
22 already been dramatically impacted by these lawsuits
23 due to this requirement to reserve this money. I
24 have on the screen snapshots of a letter sent by
25 Orange County Public School Chair Jacobs, and the



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1 superintendent of the schools, to Walt Disney World
2 and to the Orange County Property Appraiser dated
3 October 31, 2022. In that letter, the school system
4 is essentially stating, please back off of these
5 challenges, these lawsuits are already impacting our
6 ability to operate our school system and to build
7 schools. This letter went out in October. These
8 lawsuits are still aggressively being pursued by
9 Walt Disney World. In the last paragraph of this
10 letter, you will see what the leaders of the school
11 system are saying, if this lawsuit continues, if all
12 these lawsuits continue, they will have a major
13 impact on public school operations and capital
14 projects that would -- could result in public school
15 construction plans being halted and termination of
16 teachers and staff members and termination of
17 important programs that educate the children.
18 Again, these impacts to the public school system
19 have not deterred Disney from attempting to get
20 large tax refunds from the school system, from
21 Orange County, or from this district. In addition
22 to potentially triggering a large tax refund, a
23 lower property assessment would result in lower tax
24 collection in future years. So we're not talking
25 about a one-time hit, we're talking about a hit for

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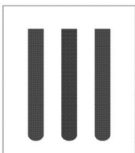
1 years to come. So I would point out to you that
2 this is an issue that, during your budgeting and
3 millage adoption process, you need to be aware of
4 when setting the millage rate to come up with
5 sufficient funding, to perhaps set aside reserves to
6 address this potential impact. The Carlton Fields
7 Law Firm has been representing the district in these
8 lawsuits and was previously instructed by this
9 district to just monitor these cases. I would like
10 to seek this board's permission and direction to
11 instruct Carlton Fields to aggressively defend these
12 lawsuits to support the Orange County Property
13 Appraiser's stance evaluation for all of the
14 properties being contested in these lawsuits so that
15 we can ensure that not only does this district have
16 adequate funding sources, but our Orange County
17 Public Schools are not hit in the way that they're
18 telling Disney they will be hit. Do I have your
19 consensus for that?

20 MR. GARCIA: Is there a motion?

21 MR. AUNGST: Mr. Chair?

22 MR. GARCIA: Yes.

23 MR. AUNGST: So moved, and I would also like to
24 include in that with Mr. Langley and his firm's
25 oversight of outside counsel at Carlton Fields, I



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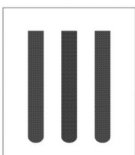
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1 certainly would like to include the authority for
2 our attorneys to engage our own appraisal experts to
3 support the appraisal of the Orange County Property
4 Appraiser, ensure that we are actively involved in
5 defending that appraisal, and supportive by creating
6 our own evidence and our own expert witness
7 opinions. And again, I defer to Mr. Langley and his
8 firm on oversight and management of the outside
9 counsel, but I'd like to include that as part of the
10 authority that we're granting you.

11 MR. PERI: Second.

12 MR. GARCIA: Any -- anyone opposed? Motion
13 passes unanimously. Thank you.

14 MR. LANGLEY: One more thing I'll mention is
15 that the act gives this district substantial eminent
16 domain authority in order to acquire lands as
17 necessary to implement the purposes of the act. If
18 the board desires, I can talk about that more at the
19 next meeting. I don't have something prepared. I
20 just wanted to mention that because some of the
21 things that the planning firms may come back with
22 are some ideas or concepts that may need
23 infrastructure to support those ideas, and so there
24 may be a need to go beyond what the district already
25 owns and acquire additional properties for those



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1 purposes. But at this time, I have nothing further.

2 Thank you.

3 MR. GARCIA: Okay. Is -- are there any
4 questions or comments from the board relative to Mr.
5 Langley's presentation?

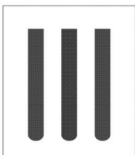
6 MR. PERI: I think I would like to add, Mr.
7 Chair, that Mr. Langley prepare that presentation
8 and bring it back to us at the next meeting so we
9 can be fully briefed on his last remark.

10 MR. GARCIA: Okay. Any other questions or
11 comments?

12 MR. AUNGST: Just thank you for a great job. I
13 appreciate it.

14 MR. LANGLEY: Thank you.

15 MR. GARCIA: The only -- the only comment I
16 would make is what to me seems highly unusual that a
17 government body would stand neutral in litigation
18 when there's an opportunity to raise revenue for
19 their district, and that's -- that needs to be
20 understood, that the old board did nothing but sit
21 idle in terms of helping or asserting in the
22 litigation favorable help to Osceola and Orange
23 County and the school districts. I've never seen
24 such a thing. But our action item will cure that --
25 that problem that was part of the old board's



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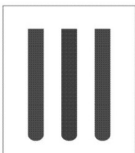
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1 policy. Anything else with respect to this
2 presentation, Mr. Langley?

3 MR. LANGLEY: No, nothing further. Thank you.

4 MR. GARCIA: Okay. And now we're going to hear
5 from our trial counsel. We'll first hear from David
6 Thompson and then from former Justice Lawson, and
7 let me give a brief introduction. In the legal
8 community, neither one of these two need any
9 introduction. David Thompson is the managing
10 partner of Cooper and Kirk, which is a premier
11 litigation firm headquartered in Washington, D.C.
12 He is nationally recognized for arguing regularly
13 before the US Supreme Court constitutional issues
14 and issues across the country. He and his firm
15 regularly go up against the nation's largest
16 corporate entities, including Google, Microsoft, and
17 Exxon. He secured victories worth billions of
18 dollars for his clients, and we're glad to have him
19 on our team along with former Justice Lawson.
20 Former Florida Supreme Court Justice Alan Lawson,
21 who founded the Lawson Law Firm, before serving on
22 the Supreme Court of Florida, he spent most of his
23 career right here in our backyard in Central
24 Florida, first as a trial court judge, and then
25 elevated to chief judge of the Fifth District Court



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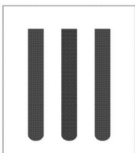
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1 of Appeals. He has seen it all in terms of Florida
2 law, both as a lawyer and as a judge at the trial
3 court, appellate court, even at the supreme court
4 level. And I don't know anybody more qualified to
5 interpret Florida law than former Justice Lawson.
6 So with those introductions, I'd ask Mr. Thompson to
7 please present.

8 MR. THOMPSON: Thank you, Mr. Chairman. On
9 February 8th of this year, Disney and the outgoing
10 supervisors of this district engaged in a blatant
11 effort to attempt to subvert the will of the people
12 of Florida in a backroom deal. For over 50 years,
13 Disney had enjoyed a sweetheart deal that exempted
14 it from the type of government regulation that every
15 other business in the state complies with. The
16 Florida legislature and Governor DeSantis sought to
17 end that special treatment. They were committed to
18 having Disney treated the same as all other
19 businesses in the state. Disney responded by
20 engaging in an illegal and indeed unconstitutional
21 effort to extend the life of its sweetheart deal,
22 but Disney's efforts are riddled with illegality,
23 and they will not withstand judicial scrutiny.
24 Procedurally, Disney and the prior board failed to
25 adhere to the state Sunshine Laws. Specifically,



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1 they failed to mail notices to the other property
2 owners in the district. The obligation to make such
3 a mailing is crystal clear under the law of Florida,
4 and Disney's failure dooms their entire effort to
5 evade the will of the people of Florida. And
6 there's a second procedural flaw in Disney's
7 efforts. Under Florida law, a development agreement
8 of this type can be entered into only if the
9 district has put in place procedures to adopt such
10 an agreement, and the Reedy Creek Improvement
11 District neglected to do so. There are no such
12 procedures in this district, and these purported
13 contracts are therefore null and void for that
14 reason alone. Substantively, the agreements are
15 unconstitutional. Under Florida law, it's well
16 established that governments cannot confer their own
17 powers onto private parties. If they do so, that
18 violates the private non- delegation doctrine, and
19 here, Disney attempted to use these contracts to
20 seize for itself numerous governmental functions.
21 Under these agreements, Disney would have the right
22 to set the maximum height of buildings in the
23 district. Disney would have all of the development
24 rights to the exclusion of every other property
25 owner in the Disney -- district, and Disney would



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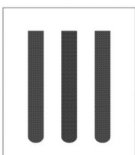
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1 have the right to insist that roads be built
2 regardless of the advisability of building such
3 roads. Beyond the unconstitutionality, the
4 development agreement and the restrictive covenants
5 failed to comply with Florida's law of contracts.
6 At the most basic level, they are blatant and
7 obvious efforts to evade HB 9, and under Florida
8 law, contracts that are inconsistent with public
9 policy are null and void. And in addition, these
10 contracts violate the unconscionability doctrine.
11 They are completely one- sided. Disney takes
12 governmental powers for itself for decades, and
13 offered the district precisely nothing in return.
14 The bottom line is that Disney engaged in a caper
15 worthy of Scrooge McDuck to try to evade Florida
16 law. Its efforts are illegal, and they will not
17 stand. And now I'd like to turn the presentation
18 over to former Justice Allen Lawson, who will
19 address certain aspects of what I've covered, and
20 then I'll come back and hit the other points. Thank
21 you.

22 MR. LAWSON: Good morning. Mr. Chairman,
23 members of the board, on May 12, 1967, I turned 6,
24 an event of little consequence that passed without
25 any fanfare outside the humble home owned by my



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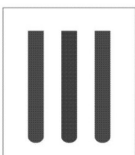
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1 parents in Tallahassee. That same day, however, the
2 Florida legislature created the Reedy Creek
3 Improvement District, and that event was widely
4 covered nationwide in the press because it was so
5 unprecedented and groundbreaking. The press
6 recognized that the Disney company would be able to
7 build a massive entertainment complex with theme
8 parks, hotels, other facilities without being
9 subject to independent local government regulations
10 that applied to everyone else. From the media
11 accounts, it seemed that most, particularly in
12 Florida, viewed this as a -- as a positive, seeing
13 the district as an innovative way for the Disney
14 Company to bring to reality the beloved Walt
15 Disney's dream of a self-contained community of the
16 future. Even then, however, critics, especially
17 those in states that had a lot more experience with
18 for-profit corporations of a large scale, raised
19 concerns about the potential lack of oversight and
20 accountability for the district, with some
21 questioning the soundness of the public policy that
22 would hand a for-profit corporation this kind of
23 unprecedented control over its own local government.
24 Whatever the public opinion, however, that was the
25 law. Disney and its shareholders were able to



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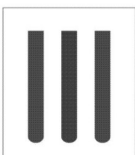
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1 benefit from that unique arrangement until the
2 Florida legislature acted to sunset the Reedy Creek
3 Improvement Company. As a 6-year-old, of course, I
4 had no opinion on the wisdom or propriety of the
5 1967 enactment, and irrespective of what Disney
6 thinks or anyone else thinks about the sunseting of
7 the district, it is the law. And that fact is the
8 starting point for any legitimate analysis of the
9 events that we're here to discuss. After all, the
10 whole point of our constitutional republic is that
11 we're all equally subject to the law. Early in my
12 judicial career, I presided over more than 100
13 criminal jury trials. One of the most solemn
14 responsibilities that I had was instructing each
15 jury immediately before it began its deliberations,
16 and this is what I would say: "In closing, let me
17 remind you that it is important that you follow the
18 law spelled out in these instructions in deciding
19 your verdict. There are no other laws that apply to
20 this case, and even if you do not like the laws that
21 must be applied, you must use them. For more than
22 two centuries, we have lived by the constitution and
23 by the law. No juror has the right to violate rules
24 that we all share." Having served for 22 years as a
25 judge and then justice, I can tell you that I've



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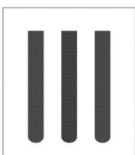
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1 never seen a more blatant and hostile attempt on a
2 scale like this to openly thwart the law. A
3 governmental entity acting at the behest of a
4 private for-profit corporation and attempting to
5 contract away its governmental powers, brash,
6 breathtaking, and unlawful for the reasons that
7 David previewed, and we'll discuss in more detail
8 next. Before I turn this over to David, I want to
9 walk through one of the most glaring and obvious
10 procedural defects that renders void this attempt to
11 evade the rules that we all share. It's been widely
12 reported and talked about here that the mechanism
13 used by the Reedy Creek Improvement District and
14 Disney was a development agreement. Development
15 agreements are provided for in Chapter 163, Florida
16 statutes in a part known as the Florida Local
17 Government Development Agreement Act. If you could
18 put up the first slide? If you can see that, you'll
19 see that the agreement that we are talking about
20 that was entered on February 8th is entitled, The
21 Walt Disney World Chapter 163 Development Agreement.
22 And it outlines in the whereas clauses beginning
23 with the 12th recital that the Disney Creek
24 Agreement was entered into for the maximum allow --
25 amount of time allowed by that chapter. It recites



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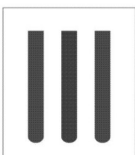
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1 that, "development agreements are used all over
2 Florida", which is certainly true. And then it
3 confirms that this agreement is entered pursuant to
4 that statute. Next slide. And then again, in the
5 very first section, section 1, subsection C,
6 Authority for the Agreement, it states, "This
7 agreement is entered into pursuant to the authority
8 of the Florida Local Government Development Act."
9 Next slide. That act has very clear requirements as
10 to what a local governmental entity must do before
11 it can enter any development agreement. Those are
12 found in Section 163.322, Florida statutes entitled,
13 Public Hearings. Florida has broad government in
14 the Sunshine Laws that require important actions to
15 be taken in the sunshine at public hearings, and the
16 action of entering into a development agreement is
17 no exception. You'll see here that before a local
18 government can enter a development agreement, it has
19 to conduct at least two public hearings in the
20 sunshine. And Reedy Creek did hold two public
21 hearings, however, an important precursor to any
22 public hearing that must be held in the sunshine is
23 notice. You'll see here that section 163.322
24 requires two types of notice. First, notice in a
25 newspaper of general circulation. You've seen



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1 newspapers, maybe not in a long time, but in the
2 very back, there're all these little notices that
3 just are all over the place. And you question
4 whether in today's world that's very effective to
5 let anybody know what's going on, but more
6 importantly, you'll see -- and Reedy Creek did that,
7 they did publish notice in a -- in a newspaper.
8 You'll see, highlighted in yellow, that, "Notice of
9 intent to consider a development agreement shall
10 also be mailed to all affected property owners
11 before the first public hearing." Without a notice
12 that alerts those who have an interest in the action
13 that's going to be taken, appearing in the sunshine
14 is nothing but a facade. That second notice, that
15 mailed notice, never happened. Those most directly
16 affected by and that would have seen and taken note
17 of what Reedy Creek and Disney were about to do
18 together never had that opportunity because that
19 notice was never sent. That's, of course, important
20 for two reasons. One is the practical reason that,
21 as you can tell from what's been discussed here
22 today, the -- these agreements substantially
23 affected and would affect Central Florida if they
24 were left in place. They substantially and directly
25 would affect the other property owners in this area



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1 in the ways that David outlined, and we'll talk
2 about later. But secondly, even more importantly as
3 a legal matter -- next slide. "Florida law requires
4 strict compliance by local governments with notice
5 requirements, and the failure to comply with them
6 means that the governmental action is null and
7 void," or put another way, "void ab initio." It
8 doesn't matter whether property owners would've
9 objected, or anybody would've shown up for the
10 hearing, it is so important the law says that if the
11 notice is not given, it is as if the action taken at
12 that facade of a meeting never occurred. Black's
13 Law Dictionary defines void as, "of no legal
14 effect," void ab initio, "of no legal effect, from
15 the first moment that a contract is entered into."
16 And that is perhaps the easiest way -- issue that
17 can be explained as to why these agreements will
18 fall, already have fallen. They have no legal
19 effect. David will go through the others, but I'd
20 also like to add that a void development agreement
21 also invalidates the restrictive covenants because
22 -- and I could put up the same whereas clauses, but
23 in the interest of time, we won't. But as recited
24 in the restrictive covenants themselves, they were
25 entered into in furtherance of an in consideration



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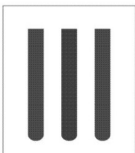
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1 of the development agreement, and that development
2 agreement is void, as if it was never entered.

3 Thank you.

4 MR. THOMPSON: Thank you, Alan. There's a
5 second procedural defect with the Development
6 Agreement. Prior to 1986, districts were not able to
7 enter into these types of arrangements. And the
8 legislature in 1986 empowered districts to enter
9 into development agreements, but they did so on a
10 condition. They required the district by ordinance
11 to put in place procedures governing the adoption of
12 these types of agreements, and counties around the
13 state have done so; Miami-Dade, Jacksonville, and
14 you know, this -- but Reedy Creek failed to do so.
15 There are no such procedures, even though it is a
16 statutory pre-condition to entering into any
17 development agreement. And this development
18 agreement is a perfect example of why there should
19 be procedures, and why the Florida legislature in
20 1986 insisted on this. Here, the development
21 agreement was drafted by Disney. Here, there was no
22 meaningful staff level review of the agreement, and
23 the board voted and approved the development
24 agreement based on Disney's representations about
25 the agreement. The fact is that this failure to



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1 have these procedures in place is a second
2 independent basis for concluding that these
3 agreements are null and void. And as Alan said, the
4 restrictive covenants themselves are premised on the
5 adoption of the development agreement. So, if the
6 development agreement falls, it necessarily follows
7 that the restrictive covenants fall as well. Now,
8 there are a myriad of problems with the restrictive
9 covenants, which I'll get to in a few moments, but
10 the two are tied in that way. There are also
11 substantive flaws with these agreements. It's well
12 established under Florida law that a development
13 agreement in a restrictive covenant is a contract,
14 and thus is governed by the law of contract. And
15 there are -- and so that's an issue, and I will
16 explore that in some detail. But before I get to
17 that, I want to talk about the unconstitutionality
18 of these agreements, because these agreements
19 purport to confer onto Disney governmental
20 authority. And under the private non-delegation
21 doctrine, a government -- a district cannot confer
22 governmental authority onto a private party. Here,
23 the development agreement provides, "if there is any
24 conflict between the agreement and the district's
25 land development regulations, this agreement shall



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1 prevail." That's an astonishing grant of authority.
2 That's saying that even if there are regulations
3 that have been adopted by the district that have the
4 force of law, that this agreement trumps those laws.
5 And that's not all. As I mentioned in my opening
6 remarks, Disney also takes for itself the basic
7 zoning power to identify how tall the buildings can
8 be in the district. They also take for themselves
9 all of the development rights and entitlements. And
10 Disney, under these agreements, is the only one
11 allowed to, "assign portions of the master
12 development rights and entitlements to other
13 landowners." So, Disney takes these governmental
14 functions for itself. Disney also obligates the
15 district to fund, design, and construct public
16 facilities to accommodate Disney's growth. And it
17 does so without giving the district the opportunity
18 to reassess. Now, some may say, well, wasn't there
19 a comprehensive plan? Isn't this just mirroring
20 what's in the comprehensive plan? And that would be
21 fallacious for a number of reasons. First of all,
22 it's just not true in the sense of this has a date
23 that goes well beyond the comprehensive plan. It
24 extends that by a long period of time. It assigns
25 the exclusive development rights to Disney, that



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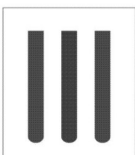
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1 wasn't in the comprehensive plan. And of course,
2 the restrictive covenants place all sorts of
3 restrictions upon the district that were not in the
4 comprehensive plan. And so, Disney cannot hide
5 behind the comprehensive plan as a justification for
6 the development agreement. And all of this is to
7 say, these agreements are unconstitutional, but they
8 also violate the basics of contract law in three
9 separate ways. First, at a most basic level, they
10 are a blatant effort to evade HB9, and under Florida
11 law of contracts, contracts that are inconsistent
12 with public policy are null and void. The
13 legislature was trying to empower this district to
14 take back authority from a Disney, and Disney has
15 tried to thwart that, and indeed exacerbate that, by
16 taking even more powers that it did not have before.
17 So that's one way in which these agreements are
18 inconsistent with the Law of Contracts. The second
19 is unconscionability. When you -- under Florida law,
20 there's a strong public policy that when a contract
21 is inconsistent with public policy, it's
22 unconscionable, and you look at both procedural and
23 substantive unconscionability. Here, with respect
24 to procedure, we see self-dealing. We see a prior
25 board that was hand-picked by Disney. We heard what



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1 the selection process looked like from one of the
2 public commenters. And in addition, the
3 supervisors, they had -- to the prior board, they
4 had to own land in the district to serve. Where did
5 that land come from? Disney, on a temporary basis,
6 gave them use of the land. So that's self-dealing,
7 and that's a hallmark under the case law of
8 unconscionability from a procedural perspective.
9 But there was also a lack of independent counsel for
10 the district. The lawyer for the district has been
11 working with Disney on real estate matters. To his
12 credit, he disclosed this, but that doesn't change
13 the fact that he has been working for Disney for
14 some time now. And I'd like to show a series of
15 slides that we've unearthed in our investigation.
16 These are internal e-mails that we have discovered
17 since we've been retained. And the first one shows
18 that -- Disney's effort to obscure, that it drafted
19 the development agreement by having the district's
20 lawyer, who as I just mentioned works for Disney
21 too, put his name on as the drafter. You can see
22 the subject. It says, "Developer Agreement, Chapter
23 163." This e-mail at the bottom is from John
24 McGowan in his -- he says he's the chief Counsel in
25 the legal department of Walt Disney World. And we



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1 can see that he says in the body of it, "My name is
2 currently at the top of the document," that's the
3 development agreement, "as the drafter, and I'm
4 comfortable having my name on it, but from an optics
5 perspective, that is not ideal, and it would be
6 better to have a non-Disney employee be the
7 drafter." So we see Disney doing the drafting and
8 then trying to cover it up right away. And if we
9 look at the next slide, we'll see the same was true
10 of the restrictive covenants. Here we can see that
11 originally, it says that it's John McGowan, that's
12 the in-house Disney lawyer. We just saw it was
13 listed as prepared by and returned to, and then
14 that's struck out, and then they put in the
15 district's lawyer instead, and you can see that in
16 the red line. If we look at the next slide, we can
17 see that the Disney in-house lawyer also edited the
18 development agreement agenda for the district's
19 board meeting. We can see the subject line,
20 "Forward: Agenda for January 25, 2023 BOS Meeting."
21 And we can see that this is from John McGowan, the
22 in-house Disney lawyer. And we can see he says in
23 the first line, "I would also suggest modifying the
24 agenda item as follows." So he's -- Disney's lawyer
25 is literally writing the agenda for the board



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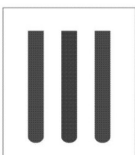
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1 meeting. If we look at the next e-mail, we can see
2 that this same Disney in-house lawyer edits the
3 talking points relating to the restrictive covenants
4 for the administrator. And so here again, Disney is
5 pulling the strings, and all of that is procedurally
6 highly irregular and would satisfy the requirements
7 of procedural unconscionability. But beyond these
8 procedural irregularities, there also is substantive
9 unconscionability. The touchstone is looking to see
10 is an agreement unreasonably unfavorable to one
11 party. The factors you look at are the length of
12 the agreement, and the benefits that flow to both
13 parties. And here we can see that the benefits that
14 Disney has taken for itself are one-sided and
15 substantial. And we've covered them, whether it's
16 the zoning or the building of the roads, or the veto
17 over the district's own alteration, or use of its
18 property under the restrictive covenants, they even
19 take the ability to censor the speech of the
20 district on its own property, and the benefits are
21 long term. And in return, the district received
22 nothing, received absolutely nothing. Now, Disney
23 may say, well, you know, we agreed not to sell our
24 land at more than fair market value to the district.
25 Guess what? You were never going to have to pay



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1 more than fair market value for the value of the
2 land. So, this is totally elusory, and it is
3 totally meaningless, and the district received
4 nothing in return. And not only does that render
5 these contracts substantively unconscionable, but
6 there's a separate requirement under Florida law
7 that a contract has to have consideration, and these
8 contracts do not have that. Indeed, the restrictive
9 covenants don't even purport to have a peppercorn of
10 consideration. Now, if we look at those restrictive
11 covenants, in addition to not having any
12 consideration and in addition to suffering from all
13 the unconscionability factors that we've just looked
14 at in the development agreement, there are two other
15 points I'd like to make. Number one, under Florida
16 law, restrictive covenants are not binding on
17 governmental entities. Under Florida law, we don't
18 want governments having their hands handcuffed by
19 private parties in contracts. And so, it's crystal
20 clear that restrictive covenants simply do not have
21 any force or effect vis-a-vis this governmental
22 entity. And there's another problem, that these
23 restrictive covenants are, once again, a violation
24 of the private non-delegation doctrine. We can look
25 at section 2.1 of the covenants. They restrict the



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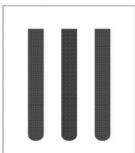
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1 district to use its property solely for the uses
2 that it is currently being used for. We saw that in
3 Dan's presentation. In addition, under section 3,
4 the district cannot alter its property without
5 Disney's review and consent. And the covenants even
6 restrict the district's own speech on its own
7 property. This is Disney setting itself up as a
8 sensor in violation of the private non-delegation
9 doctrine. No private party has that right. The
10 bottom line is that Disney's efforts are riddled
11 with procedural impropriety and illegality, and they
12 are riddled with substantive impropriety and
13 illegality. And we are confident that both the
14 development agreement and the restrictive covenants
15 will not withstand any judicial scrutiny. Thank
16 you.

17 MR. GARCIA: Wow. Thank you, Mr. Thompson and
18 Justice Lawson. Very powerful presentation. And as
19 I said earlier, it's -- it really is shameful what
20 Disney tried to do. At this point in the agenda
21 we're going to hear from some state agencies. I
22 understand that there's a representative from DOT,
23 DPR and DOH. And what I'd ask is first, a
24 representative from DOT to please step up, and give
25 your name, and provide us with your presentation.



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1 MR. WATTS: Good morning, Chair and committee.
2 My name is Will Watts, I'm the assistant secretary
3 over engineering and operations for the agency. So
4 our primary focus in the agency is to lead -- to
5 lead the transportation system and manage one of the
6 most comprehensive transportation systems in the
7 country. Just a reminder of our mission is to
8 provide a safe transportation system that ensures
9 the mobility of people and goods, enhances economic
10 prosperity, preserves the quality of our environment
11 and communities. As a part of that mission we
12 ensure the transportation system is interconnected
13 and supports a multimodal network consisting of air,
14 rail, sea, spaceport, transit, and the ever-
15 expanding deployment of bicycle and pedestrian
16 facilities. As Florida's transportation system
17 impacts every aspect of daily living, maintaining
18 strategic relationships with both public, private
19 and quasi-governmental partners or paramount. This
20 includes regional organizations and special
21 districts like the Central Florida Tourism Oversight
22 District. Our relationship with the prior Reedy
23 Creek Improvement District is unique compared to any
24 other entity in Florida. For transportation and
25 infrastructure related matters, Reedy Creek received



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1 the best of both worlds, the private and the
2 government worlds, and were not subject to the same
3 oversight in terms of uniform protocols and
4 standards or local standards as specified in the
5 Florida Green Book, which sets minimal standards for
6 transportation. We first addressed during the --
7 this was first addressed during the recent special
8 session by removing the requirement for the
9 department to first seek approval from the Reedy
10 Creek when determining where to place intersections,
11 how to build thoroughfares, or design and construct
12 standards for access and connecting to other state
13 roads, including US 192, State Road 535, and
14 Interstate 4. The concept that a private entity
15 could unduly influence a state and/or federal funded
16 highway project is an exception to the rule and not
17 in the public's best interest. The legislation also
18 added substantial requirements for the district when
19 attempting to construct or impact state or federal
20 land within its boundaries. This brings the new
21 Central Florida Tourism Oversight Board in the same
22 standards expected of all local entities and local
23 governments. Over the years, Reedy Creek
24 Improvement District has been quick to attempt to
25 influence the department's decision making by

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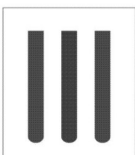
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1 removing Reedy Creek's exclusive authority to
2 acquire, construct, and maintain public roads within
3 the district by way of their self-appointed board.
4 Commuters within the Central Florida region can be
5 rest assured that their best interest will be taken
6 into account when it comes to transportation-related
7 development decisions. In addition to the
8 aforementioned changes, there are several additional
9 items the board may want to consider when
10 determining how to best maintain the best interest
11 of the public as you continue to settle in your new
12 roles as members. As you begin to dig into the long
13 history of the agreements between state agencies and
14 the prior Reedy Creek Improvement District, there
15 are some conceptual comparisons of what is typically
16 looked like when we work with different partners,
17 none of which are consistent when working with Reedy
18 Creek. So we're going to talk a little bit about
19 safety. The first category we're going to talk
20 about is structural safety. So anytime structures
21 are over state roads or under state roads, such as
22 bridges or tunnels, we require ourselves, and any
23 government entity, to inspect bridges every two
24 years. We increase that inspection frequency as we
25 need to, based on the condition of the structure. As



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1 a state agency, we also self-imposed for safety
2 structural inspections for large sign structures,
3 and signals -- and signal structures like trestles
4 or traffic masked arms. And we were -- we would
5 inspect those every five years for public safety.
6 As a reminder, the roadways operating throughout the
7 district within the limited exceptions -- with
8 limited exceptions are under your control. And as
9 far as roadway safety, every public entity is
10 required to follow the Federal Highway
11 Administration Manual on uniform traffic control.
12 And local entities are subject to also the Florida
13 Green Book by statute. This essentially requires
14 all entities to develop standards to meet minimal
15 expectations as well as experiences for all drivers
16 on the -- on the highway system. After a long day
17 at the theme park, commuters should be provided the
18 same standards they're familiar with, whether
19 they're within Reedy Creek or traveling on other
20 public roads. Transit safety is also very important,
21 required regulations, and inspections, and FDOT
22 oversight over fixed guideway systems, fairies, and
23 other transits used by the public. Similarly,
24 quasi-private entities, which receive taxpayer
25 dollars, such as airports, are subject to these

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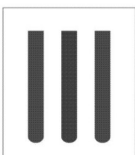
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1 inspections. As the governor mentioned earlier this
2 week, the monorail system, and its structures, are
3 one of the few systems in the state, and the
4 country, that are not reviewed or inspected by any
5 government entity. This was highlighted also by the
6 National Transportation Safety Board in 2009. The
7 agency has experts throughout the modes of public
8 transit, including bus transportation, and we're
9 happy to provide additional information to you. A
10 couple other areas I want to highlight. One is
11 maintenance. As a state agency, we maintain, of
12 course, all of our infrastructure. That starts with
13 a good inventory of what's out there. Of course
14 maintenance also includes pothole repairs, repaving
15 and pavement markings. It also includes mowing,
16 litter, cleanup, signage repair and maintenance,
17 lighting, safety features, such as guardrail as well
18 as drainage conveyance systems, ITS maintenance and
19 operations as well as -- and as well as traffic
20 signals. So, there's quite a bit of inventory out
21 there that you do have to maintain. Permitting,
22 when dealing with fellow governmental entities,
23 state law prevails, which means government does not
24 pay for fees for permitting with local jurisdiction
25 because it is public use. When engaging a private



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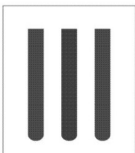
1 entity, government entities must pay fees because
2 they're impacting private property rights.
3 Currently, it is looking like FDOT could have to pay
4 nearly \$2 million to link up to the Reedy Creek
5 drainage system if we make any I-4 improvements.
6 This is another example how they're receiving the
7 best of both worlds, even though this construction
8 is for the benefit of the traveling public. Thank
9 you, Chair.

10 MR. GARCIA: Are there any questions or comment
11 from my fellow board members? Well, thank you for
12 your report, and thank you for the valuable service
13 that you provide to the citizens of Florida. And I
14 can assure you that this board welcomes you, and
15 your department, and your services in our district.
16 Thank you.

17 MR. WATTS: Thank you, Board. Thank you.

18 MR. GARCIA: Next, I'd like to hear from DPR.
19 And the representative please state your name, and
20 tell us the agency you're representing.

21 MR. MCMANUS: Thank you, Chairman. My name is
22 Brian McManus. I am the deputy secretary for the
23 Florida Department of Business and Professional
24 Regulation. The DBPR is responsible for ensuring
25 that more than 1.6 million licensees across more



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1 than 30 fields of industry provide safe, quality
2 services to Florida's millions of residents and
3 visitors. Florida's population has more than
4 tripled since the 1970s, adding more than 3 million
5 people every decade, and under Governor DeSantis'
6 leadership, our team at DBPR has worked diligently
7 to enhance and improve the department services to
8 provide a smooth and efficient experience for
9 residents, visitors, business owners and licensed
10 professionals. Our mission is to license
11 efficiently, regulate fairly. We implement this
12 every day by helping businesses open their doors,
13 and creating a pro-business climate to support all
14 of our licensees. Vital duties of the agency
15 include safeguarding the health, safety and welfare
16 of the citizens of Florida, combating unlicensed
17 activity, ensuring professionalism through
18 education. DBPR is organized into two parts. In
19 our business regulation side we have the Division of
20 Alcoholic Beverages and Tobacco, the Division of
21 Condominiums, Timeshares, and Mobile Homes, the
22 Division of Drugs, Devices, and Cosmetics, and the
23 Division of Hotels and Restaurants. Our
24 professional regulation side includes the Division
25 of Real Estate, the Division of Certified Public



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1 Accounting, the Florida Athletic Commission, the
2 Division of Regulation, and the Division of
3 Professions, which administers 12 professional
4 boards, one counsel, one commission, five department
5 regulated professions and a Florida building code.
6 We have licensed professionals ranging from
7 cosmetologists, veterinarians, real estate agents,
8 and geologists to talent agents, certified public
9 accountants, and contractors. We have nearly 1,600
10 employees and 13 offices throughout the state to
11 directly oversee and support Florida businesses and
12 professionals. Now, our Division of Hotels and
13 Restaurants licenses and inspects all public food
14 service and lodging establishments in the state. We
15 inspect hotels and motels twice a year, and we
16 inspect restaurants between one and four times per
17 year based on risk. During these inspections, we
18 evaluate everything from sanitation and cleanliness
19 to compliance with state human trafficking awareness
20 laws, which thanks to the ongoing leadership of the
21 governor and of Florida legislature in recent years,
22 requires hotels to post information about human
23 trafficking, and to formally train their staff to
24 spot signs of human trafficking. Given the target
25 audience for businesses within the Central Florida



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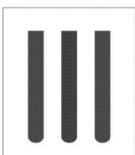
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1 Tourism Oversight District, compliance with the
2 human trafficking awareness requirements is
3 incredibly important, and we take this
4 responsibility very seriously. We estimate there
5 are 359 permanent food service establishments and 28
6 hotels and motels in the district. Inspection of
7 these establishments over the last 15 months have
8 yielded over 3,300 violations, which include 393
9 high priority violations. The category of high
10 priority violations is considered to be capable of
11 directly contributing to foodborne illness or
12 injury. This is just one example of how important
13 maintaining proper sanitation standards are for the
14 safety of our residents, visitors, and workers.
15 Though DBPR has the authority to conduct unscheduled
16 inspections, as is the norm across the state,
17 certain license premises within this district have
18 recently attempted to coordinate the times
19 inspections are scheduled as well as insisting only
20 one inspector having access to license premises at a
21 time. Normally our inspectors do not encounter this
22 type of resistance when they are conducting business
23 elsewhere. We have seen these instances escalate in
24 the last six to 12 months. This has been a
25 noticeable change in feedback from our Central

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1 Florida inspectors. DBPR also issues alcohol
2 licenses through our Division of Alcoholic Beverages
3 and Tobacco, also known as ABT. In this district
4 there are at least 40 alcohol licenses obtained
5 through the Special Act, and an additional 17
6 licenses obtained through general law. At this
7 time, we do not anticipate changes to the Special
8 Act impacting the 40 licenses. ABT inspects license
9 premises to ensure compliance with state laws, which
10 include beverage laws, such as only selling to
11 adults 20 [sic] years of age or older, ensuring
12 alcohol is sold at, licensed premises, such as bars
13 restaurants, pool areas, room service, and others.
14 Alcohol licensees must maintain compliance with all
15 state laws and local ordinance. And as there have
16 been past violations involving the sale of alcohol
17 to underage persons in the district, inspection of
18 these license premises are quite important. Any
19 changes in local zoning by this board can impact
20 licensees and the DBPR is responsible for enforcing
21 compliance with any zoning changes. Other licensed
22 categories of note under our jurisdiction include
23 veterinary clinics and healthcare clinic
24 establishments, which are able to access
25 prescription drugs, including opioids. We also



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1 enforce child labor laws and elevator safety. There
2 are three licensed veterinary establishments, and
3 three healthcare clinic establishments in the
4 district. There are also certain child labor
5 requirements regarding employees under the age of
6 18, such as allowable hours to work and mandatory
7 breaks. Businesses looking to employ children as
8 part of an entertainment show or attraction are
9 required to obtain a child labor permit from the
10 department. Additionally, our Bureau of Elevator
11 Safety works to ensure elevators and escalators
12 throughout the state of Florida remain safe. And
13 regarding elevators via an MOU with the department,
14 the district has been allowed to process
15 applications internally for permits of installations
16 and/or alterations of elevators, and this is
17 separate from DBPR's licensing system. The district
18 has been allowed to conduct oversight for inspector
19 compliance with inspection standards for elevators,
20 escalators, and moving walkways. They have been
21 allowed to correct any division performance by
22 inspectors through direct employment or contractual
23 relationships, and they have in the past been
24 allowed to grant variances and waivers regarding the
25 Florida Elevator Safety Code. Monthly activity

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1 reports are required to be submitted to DBPR, and
2 include the number of inspection, inspection types,
3 accidents, and complaints. The district, we
4 understand, has three employees dedicated to
5 conducting the inspections required by the MOU.
6 Should this agreement be terminated, the agency
7 would assume their responsibilities. This is a ten-
8 year agreement and will expire on June 30, 2030. We
9 have identical MOUs in place with Broward County,
10 Miami-Dade County, the City of Miami, and the City
11 of Miami Beach. However, those local governments'
12 relationships to the businesses in their
13 jurisdiction are different than what has -- than
14 that of the previous board here. If the new state
15 control board wants to reevaluate the MOU and direct
16 DBPR to perform the duties which were delegated to
17 the previous board, we're certainly happy to do so.
18 We share the governor's vision and the board's
19 desire to ensure everything within district
20 boundaries and across the state complies with state
21 law, and protecting the health and safety of the
22 residents and visitors of our state is our top
23 priority. Thank you again for the time today. And
24 if you or any members of the board have questions
25 about our regulatory authority in the district, I'm



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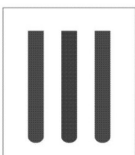
1 happy to take those.

2 MR. GARCIA: More comments from my fellow board
3 members?

4 MR. MCMANUS: Thank you.

5 MR. GARCIA: Well, let me thank you for your
6 report, and thank you for the valuable service you
7 provide to the citizens of Florida, and assure you
8 that this board welcomes and expects you to regulate
9 everyone within the district, just like you're
10 regulating those outside of the district. Next, we
11 have someone from DOH, please come forward.

12 MS. KHOURY: I have a presentation. Good
13 morning, Chair and board. My name is Weesam Khoury,
14 and I'm the deputy chief of staff at the Department
15 of Health. I was born and raised right outside
16 Orlando so it's a pleasure to be home to discuss
17 this critical issue with you-all today. Many travel
18 from around the globe to experience Orlando just
19 once, but I was lucky enough to grow up within an
20 hour of the best attractions in the world. From
21 WonderWorks on International Drive to swimming with
22 dolphins at Discovery Cove, Central Florida is home
23 to experiences like any other. These experiences
24 are a cornerstone of my childhood and truly very
25 precious to me. They're a monument to Florida, and



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1 something that should always be cherished and
2 protected. To protect the unique resources of our
3 beautiful state there must be checks and balances.
4 Government, law and order, and consistency is a
5 central component of that protection. I'm here to
6 talk to you today about the Department of Health's
7 role in that protection of Floridians and visitors,
8 and how this is essential to ensuring the safety and
9 success of tourism and hospitality, specifically in
10 Orlando. An essential element of the department is
11 the ability to collect and assess data and develop
12 evidence-based approaches to the protection of
13 health and wellness. By having population-based
14 data surrounding disease outbreaks, injury risks,
15 and healthcare standards, the department is able to
16 identify issues in public health, develop mitigation
17 strategies, and develop regulation to prevent risk
18 to our communities. Swimming pools are a prime
19 example of this. To protect from the risk of
20 disease and injury at public swimming pools, the
21 department has regulatory authority over operations
22 of public pools and inspections. This is outlined
23 in Florida Administrative Code and Florida statutes.
24 For these pools and water parks in Florida,
25 including at theme parks and their hospitality



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1 counterparts, the Department of Health regulations
2 include water quality and chemistry, pool
3 cleanliness and safety measures, proof of contract
4 with pool service technicians or proof of pool
5 operator training, pool maintenance records,
6 location and condition of bathroom facilities,
7 because improper maintenance of pools can result in
8 injury, illness, drowning, and even death. High
9 volume pools and water parks, including those at
10 Disney, are prime areas for infections among open
11 wounds, illnesses as a result of improper handling
12 of fecal matter, injuries, drownings, and sometimes
13 the tragic death of children. Sadly, drowning is
14 the leading cause of accidental death for children
15 ages 1 to 4 in Florida. In 2021, 98 children were
16 victims of drowning in the state among various water
17 bodies. This is why water safety is essential in
18 our state, and why standardized operation and
19 regulation prevents these tragedies, especially by
20 requiring safety infrastructure in pool areas.
21 Sufficient pool chemistry is not only essential for
22 maintenance, but to prevent the spread of illness.
23 Waterborne disease and parasite outbreaks like
24 giardia, legionnaires, E. coli, and cryptosporidium
25 are culprits among high volume pools. Legionnaire



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1 specifically has a 10 percent mortality rate, for
2 example, so it's especially critical to ensure that
3 the chemistry of all pools in Florida are maintained
4 at the same standard. Outlined in Florida
5 administrative code, the department's protocols for
6 public high-volume pools and water parks are in
7 place to mitigate these risks, minimize incidents,
8 and outline corrective actions. The difference
9 between Disney and other properties? Through Reedy
10 Creek, Disney is solely responsible for reporting
11 and management of any incidents. Disney addressed
12 their complaints in-house, creating risk of
13 conflicts of interest. There are 267 pools on
14 Disney World properties that were delegated to Reedy
15 Creek for inspection under this sovereign authority.
16 To put that into perspective, Universal Studios'
17 properties only have around 40. Ensuring the health
18 and safety of 267 pools requires uniquely trained
19 and well-organized resources and management. I
20 think we can all agree on that. Our county health
21 departments are built to manage this. We conduct
22 over 100,000 inspections annually at 42,000
23 facilities statewide. 267 pools are less than a 10
24 percent increase in Orange County alone, which our
25 team is prepared to absorb. Since 1996, the



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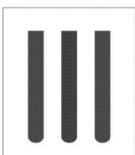
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1 department is aware of over 7,000 violations on
2 Disney property. Since pool inspections were
3 delegated to Disney in 2014, over 3,000 violations
4 occurred. Disney was the judge and jury for these
5 incidents since 2014, and the State is only aware of
6 what was reported to us. There was no ability for
7 confirmation or assessment to ensure protocol was
8 followed. Essentially, there was no external
9 oversight for the pools and water parks, aside from
10 Disney themselves. By eliminating special
11 jurisdiction, the Department of Health has resumed
12 the work of the Reedy Creek swimming pool inspection
13 program. This will allow us, as a third party, to
14 ensure safety of Floridians and visitors to prevent
15 injuries and illness. Protecting the health and
16 safety of Floridians is our core mission. This
17 mission also provides authority over healthcare
18 licensure in Florida, including within the
19 boundaries of Reedy Creek. This has never been an
20 exception. Within the department, the Division of
21 Medical Quality Assurance is responsible for
22 regulatory activities of various healthcare
23 practitioners and facilities. Within the confines
24 of Celebration alone, over 1,000 healthcare
25 professionals are licensed by the department. That

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1 includes doctors, nurses, dentists, pharmacists, and
2 even EMTs and paramedics we've heard from today.
3 And I also wanted to say, I'm very glad that your
4 teammate is okay. And thank you for your service.
5 All licensees are required to meet criteria and
6 scopes of practice determined by the department and
7 their subsequent boards. Could you imagine if your
8 doctor or nurse was exempt from the same standards
9 as other providers in Florida or if the enforcement
10 varied as you cross geographical boundaries? That's
11 not the case. Under this authority, the department
12 is able to issue restrictions or suspensions through
13 emergency orders. If a practitioner poses an
14 immediate serious danger. That authority is
15 essential, and protects Floridians daily from any
16 unsafe healthcare. This oversight also feeds into
17 our license verification database, which is an
18 online resource that provides Floridians with the
19 ability to check the status of any licenses,
20 complaints, and any disciplinary action of their
21 providers, allowing Floridians to remain informed
22 and make safe decisions for their needs. Government
23 oversight of all entities in Florida, including
24 Disney, should match this structure. Facilities of
25 much smaller scope are also regulated by the



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1 department. For example, massage therapists and
2 establishments are regulated by the department.
3 Reedy Creek is home to a few massage establishments
4 licensed by the department and has always been
5 required to meet standards under Florida law. With
6 this authority, we are able to detect, investigate,
7 and halt criminal activity conducted through massage
8 establishments and fraudulent practitioners.
9 Regulations require that massage establishments pass
10 inspections conducted by the department ourselves,
11 provide proof of insurance coverage, ensure human
12 trafficking training and reporting procedures, and
13 comply with background screening requirements, which
14 does not allow for ownership or management by any
15 individual who has been charged with any heinous
16 crimes, including but not limited to, sexual
17 assault, prostitution, human trafficking, or child
18 abuse. Overall, the department's authority shows
19 that checks and balances are in place to protect the
20 health and safety of our communities. It also
21 supports transparency and accountability for our
22 residents and visitors. This requires a partnership
23 between the public and private sectors. Our role is
24 to protect the health and safety of Floridians and
25 visitors alike when they enjoy all that Florida has



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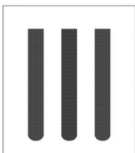
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1 to offer. We all have the shared intention of
2 supporting the unique experiences available in
3 Florida. We look forward to working with you, as
4 the board, as we continue this mission together.
5 Thank you for your time.

6 MR. GARCIA: Are there any comments or
7 questions from my fellow board members? I would
8 like to thank you for that wonderful report. And
9 thank you for the very valuable services that you
10 provide to the citizens of Florida. And I can
11 assure you that our board supports your providing
12 these services of health, safety, and transparency
13 within the district. And we look forward to seeing
14 you and your agency here in the district. Thank
15 you.

16 MR. AUNGST: Thank you.

17 MR. GARCIA: And that concludes -- the --
18 reports. We'll now go to new business. Item 8.1.
19 A couple weeks ago, I received a call from the
20 inspector general who is conducting a civil and
21 criminal investigation into the activities -- past
22 activities here at the district. And she asked me
23 if our financial advisor would cooperate with her
24 department. And I said, of course. And she -- so I
25 contacted our financial advisor, and was advised



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1 that they would like a direction from the board for
2 their permission to cooperate with the inspector
3 general. So I think I'll ask for a motion to
4 effect. Yes, Mr. Langley?

5 MR. LANGLEY: So moved. Yeah. That would be
6 -- would like you to include in that motion also
7 direction to the district staff and in addition to
8 just the PRAG consultants?

9 MR. GARCIA: Yes. So not only our financial
10 advisor, but everyone in the staff to cooperate with
11 the inspector general. So is there a motion to that
12 effect?

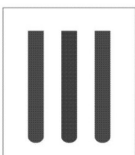
13 MR. AUNGST: So moved.

14 MR. GARCIA: Second?

15 MR. PERI: Second.

16 MR. GARCIA: Anyone opposed? Motion passes
17 unanimously. Next item, 8.2, which is a report for
18 -- from management on a Fourth Amendment to the Tide
19 Bay Solar Facility.

20 MR. CROOKS: Morning, Mr. Chair, fellow members
21 of the board. My name is Ray Crooks. I am a member
22 of the Business Affairs Team for Reedy Creek Energy
23 Services. Our responsibility is to plan for the
24 long- term energy supply for the district as well as
25 natural gas supplies. So this morning we're going



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1 to talk about a solar project that's associated with
2 Amendment 4. Next slide, please. Just some brief
3 information about the project. The project is
4 called the Tide Bay Solar Project. It's going to be
5 in Polk County, Florida. The developer of the
6 project is Origis Energy, which is a nationally --
7 actually, an internationally recognized solar
8 developer. They have many projects in the country
9 as well as outside of the continental United States.
10 They're located in Miami, Florida. The project is
11 going to be in Polk County, Florida. And it's going
12 to be roughly on Highway 555 and I -- Highway 603 in
13 Polk County, right at that corner near Duke Energy's
14 transmission facilities. It's going to be a total
15 capacity of 75 megawatts, and it's going to serve --
16 the projection at the time when we presented this to
17 the board, it was supposed to be online in January
18 20 -- January 1, 2023. There's a purchase power
19 agreement in place that the board signed back in
20 June 2020. It's a 20-year agreement. And the
21 estimated savings at the time that we went to the
22 board was about \$173 million over a 20-year period,
23 roughly \$8.7 million savings per year. And again,
24 as I said, it was approved by the board on June 20,
25 2020. Next slide. The district has pursued a



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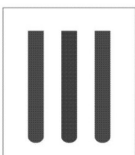
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1 portfolio of renewable resources for quite some time
2 now, seeking, as the chair said earlier, to minimize
3 this carbon footprint. These projects definitely do
4 that, and add to that objective of the board. We
5 have facilities here on property called the Citrus
6 Ridge Facility, and you can see that driving down
7 the 429. And if you drive down World Drive here on
8 property as well, you'll see a solar facility that
9 was developed by Duke Energy. That has the shape of
10 Mickey's head, if you will. But we work with the --
11 with Duke Energy in the development of that project.
12 The other ones that are being contemplated here, and
13 we'll discuss the Tide Bay project here in a minute.
14 But there's two others that were being contemplated.
15 The first one is Tide Bay, which we're going to talk
16 about, which is in Polk County. And the second one,
17 which we were planning at that time and having
18 discussions, is called the Bell Ridge Solar
19 Facility, which is going to be located in Gilchrist
20 County, which is kind of northwest of Gainesville,
21 Alachua County. Next slide, please. Whenever
22 evaluations are done with respect to resources for
23 portfolio, specifically the districts, we have to
24 make sure we understand what the natural gas market
25 is doing. Natural gas is the predominant fuel for



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1 generation in the state of Florida. Roughly 50 to 60
2 percent of electricity generation comes from natural
3 gas. So whatever we're doing, we have to kind of
4 evaluate it with respect to what natural gases are
5 -- prices are forecasted to be, and how our project
6 or proposed projects will be impacted by it. When
7 we originally thought about this in late 2018, going
8 into 2019, the NYMEX futures market was about \$2.65.
9 And we subsequently before the board meeting in
10 2020, we looked at the gas prices again, and they
11 were very similar. So we were confident that we
12 used the appropriate gas prices for the evaluation.
13 Next slide, please. When we looked at these
14 opportunities or additions to the district's
15 portfolio, we saw that adding the Tide Bay Solar
16 Project would generate roughly about \$92 million in
17 savings over the 20-year period. And over time,
18 even with the change in gas prices, even though the
19 gas prices have gone down, they're still driving
20 significant amount of savings over the 20-year
21 period. The green line on this graphic is what you
22 should be focusing on, where the savings were
23 developed. The other two lines, the gray line and
24 the blue line, are just basically sensitivities
25 around the analysis that was done, and it's still



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1 generated savings for us. The difference between
2 the Tide Bay Project and the other two is that we
3 also added additional solar, or contemplated
4 additional solar, which then drove additional
5 savings. The bottom line here is, as natural gas
6 prices increase, solar projects become much more
7 financially beneficial to the district. Next slide,
8 please. I apologize for the -- there we go. Thank
9 you. The district has a long-term tenured
10 relationship with Duke Energy. We have been
11 business partners with Duke for a long period of
12 time. They have supplied the district for many
13 years. However, over time, they've started to let
14 us know that they won't have energy to sell us,
15 excess energy. And so we had to figure out other
16 ways that we could supply the rest of our portfolio.
17 And we looked at other suppliers within the Central
18 Florida region, and quite frankly, in the state.
19 The biggest suppliers in the state, we asked them
20 for proposals, if you will, to supply our needs.
21 And we got some responses, but not -- certainly not
22 from everybody that we had solicited from. Bottom
23 line is when we looked at the portfolio using a
24 particular supplier other than Duke, it's still
25 generated savings into the tune of about \$173



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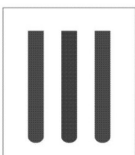
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1 million savings over the 20 years. And as gas
2 prices -- as I said earlier, as gas prices increase,
3 that line gets more and more savings tool for the
4 district. So in our -- in our estimation, the Tide
5 Bay Project proved itself to be a couple things.
6 One, beneficial from a long-term perspective in
7 terms of keeping our costs low. The second thing is
8 a reliable supply because it's part of the Florida
9 grid. The third thing that I want to emphasize is
10 that it's a great effort on the part of the district
11 to reduce its carbon footprint. And we know that
12 that is an important thing for not just the
13 district, but the other energy providers in the
14 state of Florida. So all in all, this project, this
15 Tide Bay project kind of checked all the boxes for
16 us. Financially feasible, reliable, reduction in
17 carbon footprint. It was a win-win no matter which
18 way we looked at it. Next slide, please. So we had
19 had a preliminary discussion with the chair, and he
20 asked us -- he says, "This can't be as good as it
21 sounds. Put some pros and cons on here, and let me
22 see really what we're talking about." Well, let's
23 focus on the pros for just a minute. It was the
24 least cost alternative for the district. Make no
25 mistake about it. It was \$92 million initially.



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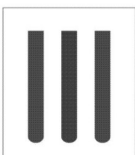
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1 When we reevaluated it with other suppliers in the
2 mix, it was \$173 million of savings over the 20-year
3 period. So there was no doubt that it was a
4 financially smart thing to do. The second thing is,
5 in these types of arrangement, the district has no
6 capital outlay. There's no bonds involved. There's
7 nothing. The developers are the ones that spend the
8 capital to build the facility. The district has a
9 purchase power agreement that buys the supplies from
10 the -- from the project, and has no capital exposure
11 whatsoever. And that's something that you can't do
12 when you're building a gas plant, or a coal plant,
13 or a nuclear plant. You will have to expend
14 capital, so the developer takes that risk. It's a
15 fixed price over 20 years. That's also unheard of
16 in the market. There's no other generation source
17 that will give you a fixed price over a 20-year
18 period. That doesn't exist. And then it's a great
19 hedge against natural gas. As you are all aware,
20 the natural gas market has been very volatile.
21 Prices go up and down, and sometimes it goes up for
22 a significant amount of time. The higher the gas
23 prices for -- on the NYMEX is the more savings
24 you're going to derive. And we showed you in slide
25 2 or 3 what the natural gas forecasts were, and



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1 they're still fairly consistent today. The gas
2 price is still \$4 for the -- for the forward curve.
3 So we're still within the realm of reasonableness
4 for this project. It's connected to the Duke Energy
5 Transmission System. If you kind of learn a little
6 bit about our -- the district's service territory,
7 we're surrounded by Duke Energy. Duke Energy
8 Transmission System surrounds us, and we're
9 connected to them. That's another way of reducing
10 our costs. If we went outside of the boundaries of
11 where we are, we would have more than one
12 transmission requirements to take care of, which
13 would increase our cost of energy supply to the
14 district. And then last but not least, it lowers
15 the carbon footprint. I was encouraged when I heard
16 the chair say that was one of the things he's
17 wanting to do. This does exactly that. On the cons
18 side, however -- and I did find some cons. Solar
19 plants are subject to weather abnormalities. If
20 something comes and wipes out the facility in Polk
21 County, it is what it is. But suffice it to say
22 that even if you build a gas plant and a hurricane
23 came through, it would've wiped that out as well.
24 So that is a con. I get it, but it's -- we can't --
25 we can't avoid that risk. The second thing is



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1 there's no off-peak energy production, meaning solar
2 is going to operate when the sun is shining, for the
3 most part. So, what do you do at night? Well, what
4 we do, because it's the most economic thing to do,
5 the district buys power off peak. So it uses solar
6 during the on peak period. At probably about 11:00
7 at night to 7:00 in the morning we buy market power
8 because it's the cheaper thing to do. If we use --
9 the only way we could do that with a solar facility
10 is to add battery. And battery technology is
11 completely out of the picture right now in terms of
12 cost. So, it's cheaper to buy market power. So if
13 you view the market power availability as a con,
14 that's still the cheapest thing for us to do. The
15 other con to this is, should it happen, and we have
16 surveyed the market since our conversation and even
17 before that, then nobody's forecasting the longer
18 marginal price of natural gas to be \$2 for 20 years.
19 It hasn't happened before, and we don't expect it to
20 happen now. So if gas prices don't stay at 2 bucks,
21 then this project will always be in the money, no
22 matter what. Then lastly -- I got to read my own
23 writing here. Solar degradation. Over time, the
24 panels degrade as part of the normal process of
25 using them. If that degradation goes faster than



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1 was -- is anticipated by the developers, then it
2 will have a shorter life, yes. But they also have
3 the ability to replace those panels, and we can just
4 continue generating and the district will get the
5 benefits of that supply at a lower price, fixed
6 price for 20 years. Next slide, please. So in this
7 slide, I wanted to show you that before we started
8 adding solar to the portfolio, roughly 91 percent of
9 the district's portfolio was based on natural gas,
10 because that's the predominant fuel in the market.
11 And so, as we started to look up about having more
12 solar and more renewables in our portfolio, and
13 reducing our carbon footprint, we ventured off into
14 looking at solar projects. That was the real
15 genesis of what -- why Tide Bay occurred. And so,
16 if you look on the left-hand side, it tells you that
17 we were predominantly natural gas and market power.
18 And market power in the state of Florida is
19 typically natural gas. And then we move towards the
20 graphic on the right side that says we're going to
21 have about -- with the solar project, we're going to
22 have about 23 percent of our portfolio in solar
23 energy, 58 percent in natural gas, and 23 percent in
24 market power. What that says to us is that we're
25 improving our carbon footprint, we're reducing our



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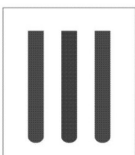
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1 dependence on natural gas, because that's a carbon-
2 based fuel. And we're also lowering our cost. The
3 chair chided me. When I spoke to him, he says, "You
4 tell me this is a no-brainer." It's our opinion
5 it's still a no-brainer. This does -- checks all
6 the boxes for the district. Next slide, please. So
7 when we -- when we prepared this deck to go to the
8 board, we had some recommendations that we thought
9 were prudent and kind of the direction that we think
10 the district ought to go in. What we said was, we
11 should continue to work with Origis Energy, the
12 developer of this Tide Bay Project, and get this
13 project in place and online so the district can
14 start saving significant amount of money in its
15 profile. We also had to manage their transmission
16 service requests because as the developer, they had
17 to request service from Duke in order to connect to
18 Duke's system to be able to deliver energy to us.
19 That's just part of the process. And then we had to
20 also review their generation interconnection service
21 agreement, which is also an agreement with Duke. So
22 we had to kind of follow them, if you will, in their
23 process, in them getting permission from Duke to use
24 their transmission system to connect their solar
25 facility so they can send the energy to us. So it



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1 wasn't just a one-off where you sign an agreement
2 and you're done. It's a process that we helped them
3 manage, follow the rules of the road, if you will,
4 to make sure that come the time for in-service, that
5 the energy would be delivered to the district,
6 because again, the price, the reliability was so
7 good we didn't want to waste any time. We wanted to
8 get going. And then we also asked them to pursue
9 formal proposals for incremental capacity for the
10 district because this solar project in and of itself
11 did not supply all of the district's needs. We
12 still had to go and get other things. The problem
13 with that is our previous suppliers, including Duke
14 and others, didn't have anything to offer us. And
15 they told us that. We had worked with them for
16 several periods of time, and they kept us apprised
17 of what was going on. And they just couldn't go on
18 beyond a certain point. And so we have to find
19 other ways of looking at it, and we're still doing
20 that even today. And then lastly, we wanted to
21 continue discussions with another solar developer
22 that we had been talking to out of south Florida,
23 NextEra Energy, another nationally recognized solar
24 development firm to see if they had a solar facility
25 that we could probably get into. Because again, the



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1 economics simply said as natural gas prices went up,
2 it was cheaper to get a fixed price solar deal for
3 20 years, and you could create a significant amount
4 of savings over a 20-year period.

5 MR. GARCIA: Does that conclude your report?

6 MR. CROOKS: Yes, sir. It does.

7 MR. GARCIA: Are there any questions or
8 comments from my fellow directors? Just so the
9 board knows, I've been through this presentation and
10 had several questions. And my questions were
11 answered by additional items that were put on the
12 slide.

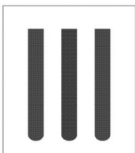
13 MR. CROOKS: That's good.

14 MR. GARCIA: I want to thank you for an
15 excellent report. And for your recommendation.
16 What we need from the board is a motion to ratify
17 the April 6, 2023 forbearance letter, and authorize
18 our district administrator to execute the Fourth
19 Amendment to the Power Purchase Agreement that's in
20 your material. Is there such a motion?

21 MS. ZIEGLER: So moved.

22 MR. AUNGST: Second.

23 MR. GARCIA: Any opposed? The motion passes
24 unanimously. Thank you again, sir, for an excellent
25 report.



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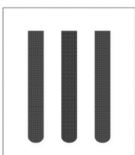
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1 MR. CROOKS: Yes, sir. Thank you.

2 MR. GARCIA: The next item on the agenda is
3 8.3, removal from office and terminate all Planning
4 and Zoning Board members, and appoint the board of
5 supervisors to serve as a local planning agency of
6 the Central Florida Tourism Oversight District. And
7 I'll ask our general counsel to address this item,
8 please.

9 MR. LANGLEY: Yes. Under the State Growth
10 Management law, the governing body of the district
11 has the authority to self-appoint this body as the
12 local planning agency. Currently, there's a board
13 called Planning and Zoning Board that serves that
14 function. That prior board is made up of, I assume
15 volunteers, but of course, were not appointed by
16 you. I think it would make a lot of sense for this
17 board, in order to know what is going on with the
18 functions of that board, to take over that duty.
19 And to -- so this action item would remove and
20 terminate the existing Planning and Zoning Board
21 members and appoint yourselves to serve in the
22 capacity of the local planning agency. There's
23 another item coming up on the agenda that would also
24 put into the land development regulations that same
25 thing. But you independently have this authority



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1 under the act to remove the members of the existing
2 advisory board and to self-appoint five members of
3 the board. I'd also point out that some of our
4 members have backgrounds in this area of the law.
5 And I know Board Member Aungst especially. I'm sure
6 others have some experience in these areas as well.
7 And I'm pretty certain that you- all could handle
8 this role very easily. Sir, that's my
9 recommendation. I have included a motion for your
10 consideration in the agenda packet. If you have any
11 questions, let me know.

12 MR. GARCIA: So the motion or a package of
13 motion to remove from office and terminate all
14 Planning and Zoning Board members, and appoint the
15 board of supervisors to serve as the local planning
16 agency of the Central Florida Tourism Oversight
17 District, and to perform the functions of the
18 Planning and Zoning Board. Do I have a motion to
19 that effect?

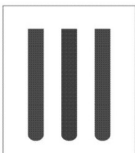
20 MR. AUNGST: So move.

21 MR. GARCIA: Is there second?

22 MR. PERI: Second.

23 MR. GARCIA: Any discussion? Anyone opposed?

24 Motion passes unanimously. Next item is 8.4,
25 discussion and potential action regarding the



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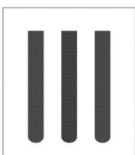
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1 selection of an urban planning firm, and conducting
2 a regional fiscal impact analysis or study to assist
3 the district in the review and evaluation required
4 by the district's Enabling Act. Some of the items in
5 my prepared comments related to housing, traffic,
6 and environmental issues that this district is going
7 to want to take up. Can't be done without the
8 assistance of an urban planner, and probably an
9 economist to do the regional impact study. And so
10 what I'm asking for, and I'm going to -- I'm going
11 to need Supervisor Aungst assistance with this
12 because he is one of the preeminent land use lawyers
13 in Florida. But I'd -- what I'd -- what I'd like at
14 this stage is authorization from the board to move
15 forward to evaluate regional urban planners and
16 economists. And I'll figure out a way to use the
17 capability of Supervisor Aungst in that review
18 process. And then what I envision is that he and I,
19 working of course under the Sunshine Laws, will
20 bring some recommendations to the board. And this
21 is -- by the way, this is something that I think we
22 need to fast track because I indicate -- as I had
23 indicated in my prepared remarks, we want to get our
24 evaluation to this legislature and this governor
25 before the next legislative session. So I'd ask for



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1 that authority. Does it require a motion, Mr.
2 Langley?

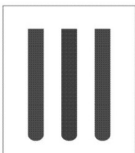
3 MR. LANGLEY: Yes, sir. On --

4 MS. ZIEGLER: I move to direct -- or authorize
5 the chair to gather information, and bring back to
6 us regarding urban planning firm.

7 MR. SASSO: I'll second, I'd like to add some
8 discussion points, Mr. Chair.

9 MR. GARCIA: Awesome. Sure.

10 MR. SASSO: The discussion points are I'm not
11 sure if this is something that Mr. Aungst wants to
12 take on himself, but I wouldn't be comfortable if
13 you are either delegating it to him to bring back to
14 us, or I'm not sure if you were envisioning a
15 committee of two. Either way, I think we can decide
16 on how you'd like to proceed with that. If you --
17 if you would want to expand upon your original
18 remarks and how you want to use Mr. Aungst, and
19 ourselves, within the confines of Sunshine. I would
20 ask that two points be considered. I'm sure you're
21 thinking of it already. You mentioned them earlier,
22 but the affordable housing needs of the district
23 that's been a significant challenge throughout
24 central Florida and probably the state. I'd be
25 curious what kind of results come out of a study,



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1 and make sure we get an elaboration on that point.
2 As well as some of the utility remarks that were
3 shared earlier. What makes the most sense in terms
4 of utilities? Again, you- all are probably already
5 thinking of this, but from my perspective, I think
6 this will be important for us to consider.

7 MR. GARCIA: Those are well taken comments. And
8 I agree we're going to deal with those issues. Let
9 me ask Mr. Langley, Supervisor Aungst and I can't
10 work together as a committee, can we? Which --

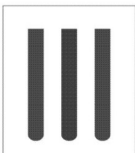
11 MR. LANGLEY: Well, the only way you could do
12 that is if we have public meetings where you two are
13 having these discussions. So it's really better if
14 the board delegates to just one board member of this
15 process to bring back a contract for the board
16 approval.

17 MR. GARCIA: Well, let me ask Supervisor
18 Aungst. Is this something that you're willing to
19 take on, on your own?

20 MR. AUNGST: Yes, Mr. Chair. With the board's
21 approval and support, of course, it would be
22 something I'd be willing to do.

23 MR. GARCIA: Awesome.

24 MS. ZIEGLER: So let me amend my motion to
25 authorize Board Member Aungst to go through a fact-



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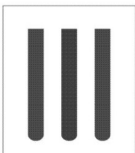
1 finding mission and provide us with a -- with a
2 recommendation for an urban planning firm and a --
3 as well as conducting a fiscal impact analysis.

4 MR. GARCIA: Is there a second to that motion?

5 MR. SASSO: Second.

6 MR. GARCIA: Any other discussion? Any
7 objections? Note that the motion passes
8 unanimously. Next item is 8.5, board discussion and
9 potential action regarding direction to the district
10 staff and legal counsel and priorities of the board
11 for future agendas. One of the action items that I
12 know our general counsel will direct us on is with
13 respect to the powerful presentations that we
14 received from trial counsel today, in terms of what
15 action he recommends that the board take. So I'll
16 turn it over to our general counsel.

17 MR. LANGLEY: Thank you. I would recommend at
18 this time that the board move to direct the
19 district's litigation counsel to prepare a
20 resolution for consideration at the April 26th board
21 meeting, which is next week, which does the
22 following: declares the development agreement and
23 covenant restrictions entered into by Reedy Creek
24 Improvement District and Walt Disney Parks and
25 Resorts U.S.A., void ab initio. Makes findings of



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1 fact in support thereof and directs actions as
2 needed to assert the district's positions on those
3 issues.

4 MR. GARCIA: Is there a motion to support that?

5 MS. ZIEGLER: So moved.

6 MR. GARCIA: A second?

7 MR. PERI: Second.

8 MR. GARCIA: Any discussion? Anyone opposed?

9 Please note the motion passes unanimously. Are
10 there any other action items under 8.5, Mr. Langley?

11 MR. LANGLEY: None for me.

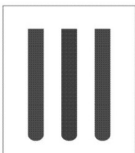
12 MR. SASSO: Can I --

13 MR. GARCIA: Okay.

14 MR. SASSO: -- interject, Mr. Chair?

15 MR. GARCIA: Yes, sir.

16 MR. SASSO: I don't know if this is the best
17 place. It might be in 8.6, but it's a bit of a
18 hybrid. There's some good informational items I
19 wanted to provide some comments to the board to
20 consider for the next meeting. Some of those
21 crossed over, both legal and district administrator,
22 you have a copy. If anyone would like an electronic
23 copy, I think Mr. Classe and Mr. Langley also have
24 electronic copies. I just wanted to bring that up.
25 It's mundane, but if you'd like those remarks from



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1 me, I want to make sure you knew that I had provided
2 some comments.

3 MR. GARCIA: So you want to -- you want to
4 provide comments?

5 MR. SASSO: Comments on the -- on some -- I
6 think it was item 6.2 and 6.4, job descriptions.

7 MR. GARCIA: So you want to have a discussion
8 on that now?

9 MR. SASSO: I don't need any further discussion
10 right now. I think we're going to bring it up in
11 the next meeting. I just wanted to note that I had
12 provided some feedback in the form of written
13 comments.

14 MR. GARCIA: Okay.

15 MR. SASSO: That's all.

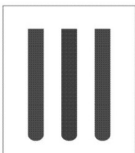
16 MR. GARCIA: Mr. Langley, anything else on 8.5?

17 MR. LANGLEY: I believe earlier in the meeting,
18 Mr. Classe was directed to bring back something for
19 next week, based on a prior discussion we had during
20 his report. And I don't think we need further
21 direction on that, correct?

22 MR. CLASSE: Correct.

23 MR. LANGLEY: Okay. Thank you. That's all I
24 have.

25 MR. GARCIA: Okay. And then 8.6. Vice Chair,



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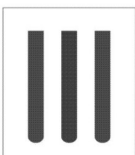
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1 is that something that you've already provided or is
2 there more that you want to provide on the
3 negotiations that you're having with Mr. Classe?

4 MR. SASSO: I don't think there's anything
5 further than what was already shared, but I'm
6 certainly happy to discuss it if someone has a
7 question or a comment. Otherwise, I'm okay moving
8 on until next week or the next meeting.

9 MR. GARCIA: Any comments or questions by my
10 fellow board members on 8.6? 8.7 is an item that
11 the Vice Chair put on the agenda, so I'll turn it
12 over to him.

13 MR. SASSO: So I believe this was predominantly
14 covered in another resolution, and I think we're
15 going to hear about it next week, so it might be
16 something that I'd want included on that agenda, Mr.
17 Langley, which we've already discussed. And it also
18 bleeds in subject matter-wise into 9.1 with the
19 COVID resolutions and what the policy is of this
20 district. I understand we'll hear about that 9.1
21 whereas this district is not going to enforce any
22 COVID restrictions, vaccine mandates, et cetera,
23 within the district staff, and I think at our next
24 meeting, we'll hear about that with respect to other
25 entities outside of just the district itself or the



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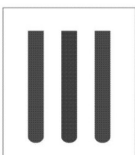
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1 district staff and our employees. I think it's well
2 known that the emergency officially ended, according
3 to Washington, D.C., on April 10th, and I think
4 we're just kind of catching up to an extent and
5 piggybacking off of that. I know the Florida House,
6 I think it's House Bill 1013, is also addressing
7 this currently in the legislature. So again, an
8 important housekeeping item, I think, for the
9 district, but did want to bring that up and have it
10 recognized in case there are other comments. I'm
11 happy to address those if there are some.

12 MR. GARCIA: So is this an item you're going to
13 put on the agenda for the next meeting, Vice Chair?

14 MR. SASSO: I believe Mr. Langley can more
15 accurately describe that point.

16 MR. LANGLEY: Yes, sir. So we already have
17 advertised for the next meeting Resolution number
18 640, which addresses COVID-19 restrictions and
19 mandates by businesses within the district. That
20 regulation -- resolution also puts in place, in
21 resolution form, other things that affect district
22 operations and contractors of district -- of the
23 district and district meetings. I'd also point out,
24 and we could talk about this in 9.1, but the
25 resolution adopting the board's rules and



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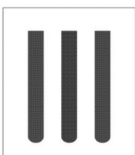
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1 regulations also provides a rule that discusses that
2 we do not require for your attendance at our public
3 meetings any COVID restrictions, mask mandates, or
4 vaccines. And also as a policy, we do not require
5 these matters from our district employees. We will
6 not deny services from any taxpayer that wants
7 services from the district on a basis of any sort of
8 COVID mandate. So we are taking action, in part
9 today, on those issues, but we're being a little --
10 we're going to capture some additional items next
11 week in Resolution 640.

12 MR. AUNGST: Mr. Chair, I think this is
13 somewhat germane, but Mr. Langley, in reviewing the
14 docket of litigation, and I can't remember if it was
15 the Middle District or the Ninth Circuit, but I
16 noticed that the district has been named recently in
17 some retaliation or discrimination lawsuits as it
18 relates to COVID-19 practices, and I just wanted to
19 see if we can get an update on those at a future
20 shade meeting. Not to put you on the spot about
21 that right now, but it's something that I've
22 noticed. I think -- I don't know if they've been
23 served, but they were filed recently.

24 MR. LANGLEY: All right. We'll have to bring
25 that back for a future meeting so I can get updated



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1 on that.

2 MR. AUNGST: Thank you.

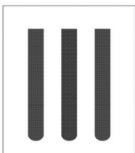
3 MR. LANGLEY: Thank you.

4 MR. GARCIA: Okay. Anything else, Vice Chair,
5 on that point?

6 MR. SASSO: No, Mr. Chair.

7 MR. GARCIA: Okay. So that -- have I missed
8 anything on new business? Is there any further new
9 business that anybody on the board wants to discuss
10 or address? If not, we'll move to the public
11 hearings part of the agenda, and first, the 9.1,
12 which is Resolution number 638, and I'll turn that
13 over to our General Counsel.

14 MR. LANGLEY: All right. I'm going to read the
15 title first. Resolution number 638, a Resolution of
16 the Central Florida Tourism Oversight District
17 Creating Rules and Procedures for the Board of
18 Supervisors and Governing Procedures, Conduct
19 Decorum for Meetings of the Board Providing for
20 Severability Conflicts and an Effective Date. As
21 the board directed, I have prepared for your review
22 and consideration Board Rules and Procedures for the
23 operation of your meetings and the general conduct
24 of the members of the board. This document also
25 governs the decorum and conduct of the attendees of



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1 the meetings of the board. And as I mentioned
2 previously, there's also a COVID policy within this
3 resolution as well. This is a -- sort of a working
4 procedures for how matters get on an agenda, and how
5 we conduct our meetings, the time limitations set
6 for public speakers, the enforcement mechanisms for
7 the chair to implement and enforce these rules.
8 There's a number of items in here. It's -- you
9 know, it doesn't address all the organizational
10 issues of the entire district, but it is a good
11 start. And I know this is something that the prior
12 board did not really -- well, it appears, from what
13 I understand, that they did not have formalized
14 rules for how they governed their meetings, which is
15 very unusual. So as this board directed, they
16 wanted to correct that, and that's why we expedited
17 these set of rules for your consideration today.
18 That's all I have. I have -- this would be a motion
19 to approve Resolution number 638 as presented or if
20 any board member has any potential or suggested
21 revisions, we can, if the board agrees, incorporate
22 those today with the adoption of the resolution.

23 MS. ZIEGLER: I move to approve Resolution 638,
24 and just want to add that it was well done, so I
25 appreciate that.



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1 MR. LANGLEY: Thank you.

2 MR. GARCIA: Is there a second?

3 MR. AUNGST: Second.

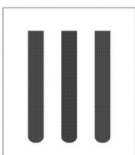
4 MR. GARCIA: Any discussion?

5 MR. SASSO: Mr. Chair, I have one point of
6 discussion on this. Would it be appropriate to
7 include something about public identification of
8 lobbyists who wish to contact the board in the
9 procedures, or would that be better addressed in
10 another fashion, Mr. Langley?

11 MR. LANGLEY: I think we need to -- it'll be
12 tough to come up with that today. It is something I
13 think we do need to address. I think because the
14 importance of the working order sort of procedures,
15 I wanted to get this in front of you. I think the
16 lobbyist part needs to be addressed separately, and
17 I'm willing to tackle that and forward bringing it
18 back to the future meeting.

19 MR. SASSO: Okay. Well, for discussion
20 purposes only, I think it'd be helpful if we had
21 that maybe at the next meeting if you can muster it.
22 If not, I have no further discussion on this other
23 than I thought it was very well done. Thank you for
24 your efforts on it.

25 MR. LANGLEY: Thank you. Appreciate it.



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1 MR. GARCIA: Yeah. The only thing I want to
2 make sure that everybody understands is in terms of
3 board policies. You know, as you've heard a number
4 of times, the old board had virtually no board
5 policies, which is highly irregular, and this really
6 is just the tip of the iceberg. The vice chair has
7 just identified an issue that we're going to need to
8 address and there's many more. And so we're going
9 to have a much more comprehensive board policy.
10 I'll just share with you one of the items -- one of
11 the ideas that I've been discussing with our
12 financial advisor is that we don't have an internal
13 audit function in this district, and with some of
14 the accounting irregularities, and what we've heard
15 from some of our employees, that their complaints,
16 grievances, and suggestions fell on deaf ears with
17 the last board, and I've read what is purported to
18 be a whistleblower policy for the district, and I
19 find it to be highly inadequate, there really is no
20 anonymity for the employee. And so that is one of
21 the other items is we're going to have a very
22 accessible whistleblower policy. We're going to
23 look at having an internal auditor function that
24 reports dotted line to the administrator and direct
25 line to the general counsel. So this is just the



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1 tip of the iceberg. We're going to continue to work
2 on board policies, like lobbying issues,
3 whistleblower policies, and many more. So what I
4 anticipate is at every meeting or every other
5 meeting, we're going to be proposing new policies
6 until we bring this district into the appropriate
7 good practices for a governing agency. Any other
8 comments on that?

9 MR. LANGLEY: Chair, on this item, I would ask
10 for a voice vote because it is a regulation. I'd
11 like to --

12 MR. GARCIA: Yes.

13 MR. LANGLEY: -- make it clear that -- for the
14 record that all voted in favor.

15 MR. GARCIA: Okay. Is there anyone opposed to
16 it? Does that work?

17 MR. LANGLEY: Well, it will work, but I
18 would --

19 MR. GARCIA: Okay.

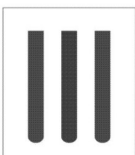
20 MR. LANGLEY: -- was asking if you could go
21 ahead and do the aye and --

22 MR. GARCIA: Okay. All in favor?

23 MR. SASSO: Aye.

24 MR. AUNGST: Aye.

25 MS. ZIEGLER: Aye.



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1 MR. PERI: Aye.

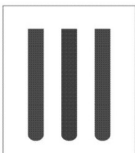
2 MR. GARCIA: Any opposed? Passes unanimously.

3 MR. LANGLEY: Thank you.

4 MR. GARCIA: Okay. 9.2, Resolution number 639.

5 Mr. Langley?

6 MR. LANGLEY: Resolution number 639, a
7 Resolution of Central Florida Tourism Oversight
8 District to Amending Article 6, Chapter 6-90 in
9 Article 7, Chapter 7-20, and seven -- Chapter 7-30
10 of the RCID Land Development Regulations Providing
11 for Codification, Severability, and an Effective
12 Date. Now the Enabling Act of this district is very
13 clear on this matter. As constituted by the law
14 effective on February 27, 2023, this district has
15 superior authority over the entire district,
16 including within the cities within the district, on
17 the issues of comprehensive planning, zoning, land
18 development regulations, environmental protection
19 regulations, platting, subdivision regulations, fire
20 and safety, building. This act that created this
21 district also gave specifically the authority for
22 this district to review, process, comment on,
23 approve, approve with conditions, or reject
24 applications for development orders and building
25 permits pertaining to and -- properties within the



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1 entire district. Not only does it give that
2 authority, it actually compels by legislation that
3 you must -- you must exercise these powers. You
4 have no discretion, you must do it, within the city
5 limits and throughout the entire district. The
6 purpose of this resolution is to make the land
7 development regulations that predate this
8 legislation consistent with this legislation. So
9 it's clear on the books that this district has these
10 authorities, and that the cities within the district
11 do not have the ability to get in our lane and
12 interfere with your duty as a district to enforce
13 these superior authorities and these regulations.
14 One of the important ways of enforcing a
15 comprehensive plan and land development regulations
16 is where you get a development application that has
17 to be reviewed. That's the process, in part, where
18 you enforce these regulations. You get a site plan,
19 you get an application, you determine whether or not
20 that project meets these regulations. So if you
21 have another jurisdiction reviewing applications,
22 that is a problem. And it's very clear in the law
23 that creates this district, this is our job, this is
24 our role, and we must do it. So again, what this
25 does is it makes the existing regulations consistent



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1 with our act. It also further clarifies that this
2 board is now serving the function of the local
3 planning agency and you are also serving as the
4 planning and zoning board with respect to any
5 reference of that board in the Land Development
6 Code. It also makes the notice provisions for
7 amendments to the Land Development Code consistent
8 with the Act. The Act provides that this board acts
9 in adoption of regulations through resolution, so
10 we're making that clear, and that resolution could
11 be done through a single public hearing and a single
12 vote. I am recommending that we have a second
13 reading of this for the next week, that's already
14 been advertised, and it's teed up for the next
15 meeting. But, you know, under the Act, that's not
16 necessary, we're just giving public additional
17 opportunity to comment if these so desire. So also
18 the Act provides that if -- to the extent the cities
19 wish to adopt regulations on land development
20 matters, their regulations cannot be in conflict
21 with the district's regulations, and they must -- if
22 they do pass them, must be more stringent against
23 development than our own regulations. So that,
24 again, is just making our regulations consistent
25 with state law. So I don't have any further



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1 comments on this. I did have a proposed motion in
2 the requested item. It would be to approve this
3 resolution and to set next -- the next reading and
4 public hearing on April 26th.

5 MR. GARCIA: Is there a motion to that effect?

6 MR. AUNGST: Mr. Chair, I move to approve
7 Resolution number 639 and set second reading for
8 April 26th.

9 MR. GARCIA: Second?

10 MR. SASSO: Second.

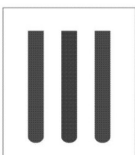
11 MR. LANGLEY: Before we vote, can we make sure
12 that no one wants to speak on this matter? Although
13 -- and I don't think anyone requested to, but just
14 for the record.

15 MR. AUNGST: Public comments?

16 MR. GARCIA: Yeah, I thought public comments
17 would've covered that, but in the --

18 MR. LANGLEY: Yeah. Well, we're having a
19 public hearing. I just want to make sure no one who
20 was here earlier wants to speak now on this
21 particular issue, because this is a public hearing.

22 MR. GARCIA: Anybody want to speak on the
23 subject? Hearing none, is there any discussion from
24 the board on the motion? Anyone opposed? Motion
25 passes unanimously.



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1 MR. LANGLEY: Can I get a voice vote again? I'm
2 sorry.

3 MR. GARCIA: Oh, you want -- okay.

4 MR. LANGLEY: I just like --

5 MR. GARCIA: All in favor, say aye?

6 MR. SASSO: Aye.

7 MR. AUNGST: Aye.

8 MS. ZIEGLER: Aye.

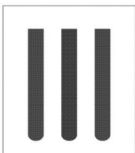
9 MR. PERI: Aye.

10 MR. AUNGST: Any opposed?

11 MR. LANGLEY: Thank you.

12 MR. GARCIA: And then the -- there are no items
13 on unfinished business, and so that takes us to the
14 part of the agenda for other business. At this
15 point in the meeting, we're going to go into what's
16 called a shade meeting, or a attorney client
17 conference with our lawyer -- lawyers concerning the
18 union negotiations with the firefighters. But I do
19 know that my fellow directors, some have had -- made
20 some comments on this subject. Before we go into the
21 shade meeting, do any of my directors want to make
22 any comment on this subject?

23 MR. AUNGST: Mr. Chair, I will. One of the
24 biggest priorities that I've had as a board member
25 here in the district is to ensure that the men and



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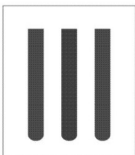
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1 women of our fire department, our first responders,
2 our paramedics, our EMTs, have the resources they
3 need to do their jobs. And I will say, it's not
4 anti-business to expect one of the most powerful
5 corporations in the world to pay the same impact
6 fees for its development that every other business
7 in the state of Florida has to pay. And it's not
8 anti-Florida for us to ensure that the men and women
9 of our fire department, our first responders, are
10 appropriately paid, and they have the equipment and
11 the certifications they need to do their jobs and to
12 keep our guests and our stakeholders safe. And I am
13 extremely pleased, Mr. Chair, that under your
14 leadership, and the board's leadership, and Mr.
15 Classe working together that we have come -- we've
16 bridged a gap of five years in about two weeks, and
17 I'm very confident that we're going to close that
18 gap and get this job done. But I just want you to
19 know, men and women of our fire department, our
20 first responders, that we have your back, you do
21 matter, and we're going to represent you going
22 forward. And I'm so thankful to hear that our first
23 responder who had his medical issue is out of the
24 hospital and is doing well. And I hope his family
25 knows that they're in our prayers, and that we're



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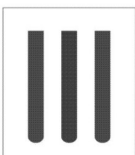
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1 going to support them no matter what. And I
2 especially want to make sure we take a look at those
3 benefits and those investigations and make sure
4 those are done fairly and that we set a new tone in
5 that regard. Thank you.

6 MR. GARCIA: Thank you for those comments.
7 Thank you for those comments. Any other comments on
8 this point?

9 MS. ZIEGLER: I just wanted to make one
10 comment, because I see members of staff here, and I
11 just wanted to thank you guys, because I know that
12 you've been put in somewhat of an uncomfortable
13 position, but it's no reflection -- as Chair Garcia
14 had mentioned before, you guys have served this
15 district incredibly well, it was wonderful meeting
16 with you and has been, and so I just wanted to
17 recognize you-all.

18 MR. GARCIA: Anything other -- anything else?
19 So just so I -- everyone understands, we as a board
20 are going to recess now temporarily and go into
21 another room with our lawyers to discuss the union
22 negotiation for the firefighters, and then we will
23 reconvene or come back in here after recess and then
24 we will adjourn after that, and you're welcome to
25 stay until we come back and adjourn and make



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1 yourself at home, but we'll be back in a little bit.

2 (OFF THE RECORD)

3 MR. SASSO: Okay. Well, that's -- actually,
4 that's the digital court reporter.

5 MR. GARCIA: Okay. We have concluded the shade
6 meeting. If there's no other business before the
7 board, we will stand adjourned. We're adjourned.

8 MR. AUNGST: Thank you.

9 MS. ZIEGLER: Thank you.

10 (END OF RECORDING)

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STATE OF FLORIDA
COUNTY OF ORANGE

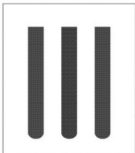
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Submitted on: June 7, 2023.



KATIE O'MALLEY



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Central Florida Tourism Oversight District

Board of Supervisors

Agenda Item 6.2

Page 1 of 1

Meeting Date	
June 21, 2023	
Agenda Item Name	
April 26, 2023 Meeting Minutes	
Requested Action	
Approval of the Meeting Minutes of the April 26, 2023 Board of Supervisors Meeting	
Staff Report	
None	
Additional Analysis	
None	
Fiscal Impact Summary	
None	
Exhibits Attached	
1. April 26, 2023 Transcribed Meeting Minutes	

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1 CENTRAL FLORIDA TOURISM OVERSIGHT DISTRICT

2 BOARD OF SUPERVISORS MEETINGS

ORIGINAL

3 _____/

4 DATE: APRIL 26, 2023

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PRESENT

PUBLIC SPEAKERS:

JEFF AARON

STEVE SCHUSSLER

STEPHEN LOMBARDO

MELISSA GIVSON

MARK GIBSON

GEORGE MILIOTES

JACOB HENINGER

SHAWNA HENINGER

RICHARD DEBLER

JON SHIRLEY, RCFD UNION PRESIDENT

DEBIE MCDONALD

BOARD MEMBERS:

BRIDGET ZIEGLER

MICHAEL SASSO - VICE CHAIR

MARTIN GARCIA - CHAIR

BRIAN AUNGST

RON PERI

JOHN CLASSE - DISTRICT ADMINISTRATOR

DAN LANGLEY, ESQUIRE - FISHBACK LAW



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1 PROCEEDINGS

2 MR. GARCIA: Good morning.

3 THE GROUP: Good morning.

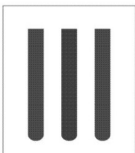
4 MR. GARCIA: I'll call the meeting to order.

5 Welcome. Thank you for being here and thank you for
6 your interest in the Board's work. We'll begin with
7 the Pledge of Allegiance. Please stand.

8 THE GROUP: I pledge allegiance to the Flag of
9 the United States of America, and to the republic
10 for which it stands, one nation under God,
11 indivisible, with liberty and justice for all.

12 MR. GARCIA: Mr. Classe, could you give us a
13 safety briefing, please?

14 MR. CLASSE: Thank you, Mr. Chairman and
15 Members of the Board. We'd like to start this
16 meeting the way we do with the safety announcement
17 for all of our guests and visitors. I'd like to let
18 everyone know that in -- we are on the second floor.
19 As a reminder, we don't typically have meetings on
20 the second floor of a building, so we are on the
21 second floor. In the need for an evacuation, please
22 use the staircase, try to exit in an orderly
23 fashion, and avoid the elevators. For those of you
24 sitting up here in the front, there is an exit door
25 right behind that screen, so keep that in mind, and



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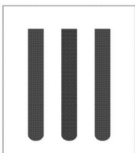
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1 there's another one here, and you can always use the
2 exit door that's not identified, but where you
3 entered from to reach the main staircase. We do
4 have a first aid kit and an AED nearby if necessary.
5 Thank you very much and enjoy the meeting.

6 MR. GARCIA: Thank you very much. And now
7 we'll go to public comments. And the first is an
8 attorney named Jeff Aaron. And just a little bit of
9 background here. I actually invited Mr. Aaron to
10 speak here today. He called me on Monday and
11 advised me about some information that was new to me
12 relating to a widow of one of our firefighters, and
13 then I received a letter from him this morning. But
14 after receiving his call on Monday, I asked our
15 General Counsel to do some background work, and I
16 believe he will have an update for Mr. Aaron
17 concerning his presentation. And as I've indicated
18 before, during public comments, the Board doesn't
19 answer any questions and typically doesn't comment,
20 but since I have invited Mr. Aaron, I anticipate
21 that we will have some comments from the Board, and
22 we will certainly have a response from our General
23 Counsel, and perhaps some questions. So Mr. Aaron,
24 just state your full name for the record and tell us
25 who you represent. I know you're doing it on a pro



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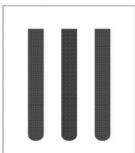
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1 bono basis, and we really appreciate that, but
2 please state your name for the record.

3 MR. AARON: Thank you, Mr. Chairman. My name
4 is Jeff Aaron, I'm an attorney at GrayRobinson, and
5 I'm here representing Ms. Leslie Dormini (phonetic),
6 who is the surviving spouse and widow of fallen
7 firefighter, Lieutenant Jim Dormini. As many of you
8 know, Jim Dormini, Lieutenant Dormini, had worked
9 for Reedy Creek for 18 years before he fell on the
10 line of duty on -- in May of 2017. He -- his wife,
11 my client, Ms. Dormini has been waiting for six
12 years for some relief from the Public Safety
13 Officer's Benefit Program, which is administered by
14 the Department of Justice, and that's a program that
15 would pay benefits to fallen firefighters and other
16 public safety officers. For six years, Ms. Dormini
17 has been waiting for word from the Department of
18 Justice, and they're unable to respond to her
19 because the application is incomplete. The PSOB
20 application is two parts. Part A is required -- is
21 -- is a portion that the claimant fills out. In
22 this case, that's Ms. Dormini. She filled that out
23 in 2017. And Part B is a portion that the officer's
24 agency must fill out. In this case, it had been
25 Reedy Creek for six years. For reasons unknown to



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1 me, the -- the -- Reedy Creek had been unwilling to
2 cooperate with the PSOB office and to fill out that
3 form. It is literally a form. The lion's share of
4 this document is contact information, some basic,
5 multiple choice, you know, questions on the method
6 -- on the relief requested and -- and the cause of
7 death if it's even known. Once the DOJ gets this
8 form, then they will be able to complete a thorough
9 review of Ms. Dormini's application and render a
10 final determination. I know this with certainty
11 because I've been in contact with a gentleman by the
12 name of Michael Jenkins, who is the director, excuse
13 me, he is the benefit specialist assigned to this
14 claim. Mr. Jenkins has been -- has expressed a
15 great desire to help Ms. Dormini and make sure that
16 this application is complete, had been in touch with
17 Reedy Creek lawyers in the past who instructed him
18 that they would not fill out the form, and he was
19 shocked to hear that. It's rare that an agency
20 doesn't support a fallen firefighter. But he
21 remains willing -- Mr. Jenkins remains willing to
22 communicate directly with the Reedy Creek District,
23 with the Central Florida Tourism Oversight District,
24 and help in any way possible to complete this form
25 and submit it so that Ms. Dormini can have a final



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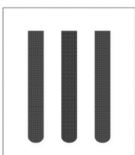
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1 determination. I've got copies of my letter here
2 with me along with my e-mail communications with Mr.
3 Jenkins so everyone can have his contact
4 information. You can e-mail him, call him directly.
5 He even offered his cell phone. And so I'm here
6 today just simply asking that this board, who can
7 and should do better than Reedy Creek did for six
8 years, direct your executive director, your
9 attorneys, whoever the appropriate person is, to
10 complete this part B application and submit it to
11 the DOJ. That's all we're asking. I'm happy to
12 answer any questions, but that's all I have.

13 MR. GARCIA: Well, Mr. Aaron, thank you for
14 your comments. We will have some information here
15 in a moment from our General Counsel, but I
16 anticipate that some of my board members will have
17 some comments. And I'd first ask Supervisor Aungst
18 who's been very interested, involved, and this
19 issue's been very near and dear to his heart. So
20 Supervisor?

21 MR. AUNGST: Thank you, Mr. Chair. And -- and
22 thank you, Attorney Aaron. First off, I greatly
23 appreciate your representation of -- of Mrs.
24 Dormini. This is an issue that was brought to my
25 attention very early on in the process of the



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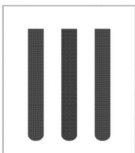
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1 transition between the boards, and it was one of the
2 main issues along with the union contract that I
3 know that all of us have undertaken. And I -- and,
4 you know, I guess I'll turn it over to Dan to maybe
5 update us on -- on what he's found out about the
6 form B, but I don't see any reason - - and I have
7 investigated it, and Mr. Classe has provided me with
8 e-mails back and forth between the district -- the
9 old district and DOJ. I fully understand the issue
10 from a legal context. I understand the position
11 that the district previously took. But I am more
12 than willing, and in fact, from my perspective as
13 one of five directing the district to move on from
14 that position and to fill out the form B. My
15 understanding it -- to distill it is that our
16 refusal to fill out the form B kicked it into a
17 different more bureaucratic process. But Mr.
18 Langley, do you have any other information on that?
19 All we have to do is fill out the form; is that
20 right?

21 MR. LANGLEY: Yeah. The -- (coughs) excuse me.
22 There's a form B that needs to be completed. I went
23 ahead and reached out to the district's existing
24 labor and employment lawyer to get access to the
25 file to review everything, and that's already in



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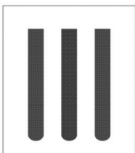
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1 process. The files were transmitted last night to
2 the labor counsel, and he's reviewed about a third
3 of that file, and thinks as of the end of the day,
4 he'll be able to make a recommendation to the staff
5 to move forward with completing that form based on
6 that information. That's assuming there's not
7 something else in that file that would reverse that
8 position from a legal standpoint. But essentially,
9 we do think at this time it will be possible to
10 complete that form in a way that would not be a
11 mischaracterization of anything, and we can provide
12 that to DOJ probably as early as next week, I would
13 like the board's direction to move forward in that
14 regard with flexibility pending review, completion
15 of review by legal counsel. This is -- we -- we got
16 on this as quick as we could and we're still within
17 24 hours of completing that review, but I would ask
18 for your direction to do that. If -- any other
19 questions from the board?

20 MR. GARCIA: Are there any further comments
21 from the board?

22 MR. SASSO: I would comment that I, like Brian
23 and yourself, Mr. Chair, had some interest in this,
24 and I've taken some time with Mr. Langley to discuss
25 it. I'm happy to -- I know we sometimes need to



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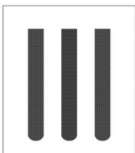
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1 either just give direction now or continue to work
2 with staff to get something done. I'm happy to
3 volunteer to help Mr. Langley finish whatever needs
4 to be done in the next day or two. I think it's
5 appropriate for a lawyer to help since the
6 Department of Justice has a lawyer, and obviously
7 the party is represented. And I think we can get
8 that done very quickly. And I'm happy to continue
9 to assist in that or let someone else take the
10 laboring war.

11 MR. GARCIA: Well, thank you for that. Bridget,
12 do you have any comments?

13 MS. ZIEGLER: No. Yeah, I would echo those
14 comments. I think that what I don't want to see is
15 it further delayed, but I understand. And respect
16 the due diligence. So whatever authority we can
17 give today so that that is not going to be further
18 stuck in any kind of paperwork or bureaucracy, but
19 obviously doing the proper due diligence. So thank
20 you for coming forward. Thank you, Supervisor
21 Aungst, for also your continuous work on this. But
22 -- and to the Dormini family, I am sorry that it has
23 taken this long, but I'm very eager to see us
24 resolve this immediately.

25 MR. GARCIA: And thank you. And Mr. Langley,



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1 do you need a formal motion?

2 MR. LANGLEY: That's the board's prerogative. I
3 wouldn't -- well, I would ask you for direction
4 either by consensus. It sounds like I have
5 consensus to move forward in the direction that
6 we're already moving forward with, so I don't think
7 you need to take action, but if you want to, I
8 welcome it.

9 MR. SASSO: I can -- Mr. Chair, if you -- if
10 the Chair would like to entertain a motion, I can
11 make --

12 MR. GARCIA: Sure.

13 MR. SASSO: -- a motion to, with the
14 Commission's consent, to continue working with Mr.
15 Langley to wrap up this process and get that form
16 submitted as soon as we reasonably can get it
17 submitted.

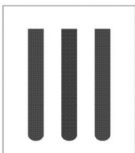
18 MR. GARCIA: Okay.

19 MR. AUNGST: Second.

20 MR. GARCIA: Any further discussion? Any
21 opposition? Let the record reflect that it passes
22 unanimously.

23 MR. AARON: Thank you.

24 MR. GARCIA: Thank you again, Mr. Aaron. Thank
25 you for your good work.



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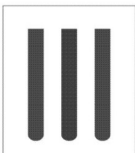
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1 MR. AARON: My pleasure. Thank you.

2 MR. SASSO: Thank you, Mr. Aaron.

3 MR. GARCIA: Speaker number two, please state
4 your full name, and if you're here in a
5 representative capacity, please tell us who you're
6 representing.

7 MR. SCHUSSLER: Thank you, Mr. Chair. My name
8 is Steven Schussler, I represent Rainforest Cafe, T-
9 Rex, Yak & Yeti, and The Boathouse at Disney.
10 First, I'd like to say thank you for allowing us to
11 speak and -- and share some of our concerns. And I
12 want to thank you for keeping the state open during
13 COVID. It made a big difference for all of us, and
14 we were able to stay in business. Our employees at
15 all of our places -- and my partner, Steve Lombardo,
16 will be speaking next, and I might yield some of my
17 time to him if that's okay with you. He's got more
18 facts than I do. I'm very passionate about what
19 I've created. I have laboratories in Minneapolis,
20 Minnesota, where I create my concepts, and it's
21 taken me five years for each concept to present to
22 the Walt Disney World Company, to get accepted, to
23 raise the money, and find the right real estate for
24 us. So my history has been all Rainforest Cafe, T-
25 Rex, Yak & Yeti, and The Boathouse. And we're



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1 talking over 30 years that we have invested, and all
2 of our staff and employees. Some of the proposed
3 changes will affect every single one of them. A lot
4 of those people are just getting by paying their
5 insurance for cars. Some of them take buses to
6 work. And I think every one of them have expressed
7 concerns over what's happening with Reedy Creek. I
8 worked really hard to develop relationships with
9 everybody at Reedy Creek and everybody at Walt
10 Disney World, and we're starting over. And I hope
11 that we're starting over with a group that feels
12 concerns for all the people that are not affected
13 and affected by all the decisions that you make. We
14 work hard. Some people work double shifts.
15 Everyone's lives are on the line. And I don't know
16 if everyone is as passionate as I am and they've
17 devoted as much time and concern to the operations,
18 but I can tell you that it would be great to have an
19 advisory board with operating participants and with
20 other people that are affected so that you could
21 hear some of our concerns during all your meetings.
22 It would be great to be an insider instead of an
23 outsider. And I would volunteer to -- to be part of
24 that in any way that we can. We obviously, with all
25 the number of restaurants that we have, and I'm



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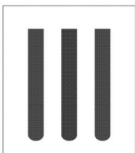
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1 affiliated with, represent a great deal of employees
2 and a great deal of time that I've invested. With
3 that, I'll yield the rest of my time to Mr. Lombardo
4 who has some more facts and a better indication of
5 tax consequences and other issues. And again,
6 welcome, and I thank you for allowing us to speak.

7 MR. GARCIA: Well, thank you for your comments.
8 And of course, small businesses are the backbones of
9 America, and thank you for being a -- one of those
10 members of the small business group.

11 MR. SCHUSSLER: Thank you, sir.

12 MR. LOMBARDO: Thank you, Mr. Chairman. My
13 name is Steve Lombardo, I'm the CEO of the Gibsons
14 Restaurant Group, and I'm partners with Mr.
15 Schussler in The Boathouse Restaurant at Disney
16 Springs. The Boathouse is one of the most popular
17 restaurants at Disney Springs. We do employ 492
18 people there. We are a tenant of Disney's. We are
19 not Disney. Last year, our restaurant paid between
20 sales tax, rent tax, real estate taxes, property
21 taxes, something in the neighborhood of \$3.9
22 million. Restaurants were hit very hard by the
23 pandemic. And as Steve said, we are very grateful
24 to the State of Florida for keeping us open during
25 that time period. I have 12 restaurants in the



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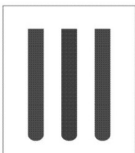
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1 Chicago area, and they were facing an existential
2 crisis during that time period, and we didn't have
3 that here. And again, we're very grateful for that.
4 The restaurant business is run on very tight
5 margins. We have costs that have increased
6 dramatically over the last year. Inflation has hit
7 us pretty hard. And the discussion of additional
8 taxes, additional utilities has been very concerning
9 for us. And, you know, I want you to just please
10 understand that when you make these decisions, that
11 it impacts far more than just Disney. Thank you
12 very much.

13 MR. GARCIA: Well, thank you for your comments
14 and your entrepreneurship. But -- and I think
15 you've heard from this board before that one of the
16 goals and the reasons we were appointed is to make
17 sure that this -- this district functions better for
18 more people. And we are very sensitive to the
19 concerns and issues that impact small businesses
20 like yours. And -- but, you know, maybe I shouldn't
21 call it a small business with the number of
22 restaurants that you've been able to create. It's
23 very impressive. But we will have open ears, to --
24 as your partner indicated, to the opportunities to
25 hear comments from you all. One of the things that



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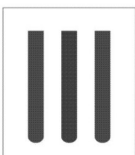
1 we've heard as a board is that the other -- the last
2 board was tone death to ideas from employees and
3 perhaps small businesses. But what one of the
4 changes you will see from this board is that we will
5 have systems in place for you so we can hear your
6 ideas and we can indeed make this more prosperous
7 for more people and more businesses like yours. So
8 thank you very much for the comments. And next
9 number four, please state your name, and if you're
10 here in a representative capacity, please tell us
11 who you represent.

12 MS. GIBSON: Sure. Good morning. My name is
13 Melissa Gibson, and I represent businesses with my
14 husband located in Disney Springs. So I would like
15 to yield my time to Mark, with your permission, so
16 he can speak on our behalf.

17 MR. GARCIA: Of course.

18 MS. GIBSON: Thank you.

19 MR. GIBSON: Good morning. Thank you, Mr.
20 Chairman. I'm going to largely echo the comments of
21 Steve and Steve, but I'm going to be a little more
22 wordy than they are. Sorry about that. Thank you
23 for the opportunity to speak. My name is Mark
24 Gibson. I apologize, I'm going to read a large
25 portion of my thoughts, but with a limited time and



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1 the importance of the topics, I just want to try to
2 get right. I've lived in Florida for more than 30
3 years. My home has been in Orange County since
4 1999. I'm married to Melissa who you just met. We
5 have two children, Grace and Jack. Grace is a
6 freshman at Furman University, and Jack is a junior
7 at high school here in Orlando. I'm a registered
8 independent, and I voted for the governor two times.
9 My business partner, Guy Revel (phonetic) from
10 Tampa, and I graduated from Wake Forest too many
11 years ago and then had the good fortune to move down
12 to Florida in 1990. Since then, we've operated a
13 hospitality business all over this great state from
14 Key West to Lake Wales, from South Miami to Winter
15 Park, and from Fort Lauderdale to Tampa. In
16 Orlando, specifically at Disney Springs, we've
17 operated for more than ten years. (coughs) Excuse
18 me. We own and operate three concepts: Splitsville
19 Luxury Lanes, Homecoming Florida Kitchen, and
20 Everglazed Donuts & Cold Brew. If you haven't been
21 there, I really would love to have you guys come see
22 us. I'm here today to express my concern, as the
23 prior gentleman, just regarding the ongoing tension
24 between the board, the State, and Disney. The focus
25 has been on Disney as the corporation, but as you've



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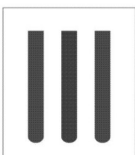
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1 heard, the parks hotels, most of Disney Springs, and
2 other ancillary uses are largely made up of, you
3 know, regular real people and Florida small
4 businesses. Small to medium-size businesses, my
5 friends back there. This dispute continued for more
6 than a year. There's already been a lot of negative
7 publicity that -- that we have to deal with guests
8 and with customers. And ultimately, we're just
9 concerned there's going to be repercussions to our
10 restaurants. Our businesses employ over 450 people
11 in the combined Disney operations. These people
12 work hard for three different small businesses.
13 They don't work for Disney. They're talented and
14 they cross every demographic. Now, I just wanted to
15 take a quick step back before we go forward. As we
16 all know, over 36 months ago, we were all shut down,
17 all of our business across Florida, as a result of
18 the pandemic. Those are really dark times for us
19 and for everybody else. But when I look back on
20 that period, I personally believe we survived and
21 rebounded so quickly based on two primary factors,
22 the leadership of Governor DeSantis and his extended
23 team and the patience and long-term perspective of
24 Disney. Governor DeSantis was responsible for
25 keeping the state open for business, instrumental in



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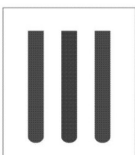
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1 encouraging the wheels of industry to keep moving,
2 and we feel his leadership was much more effective
3 than any other governor across the country. We also
4 operated Splitsville in California so we know
5 firsthand the pain of lockdowns. Splitsville
6 Orlando was closed for ten to 12 weeks while our
7 Splitsville in California was closed for more than a
8 year. So we get it, probably more than most
9 companies, and we appreciate the ability to operate
10 in Florida. We just don't want to lose it. On the
11 Disney side, we couldn't have asked for a better
12 partner during those difficult times. Disney was a
13 very equitable landlord. Also, which at times gets
14 forgotten in -- in -- in some of the discussions,
15 Disney hosted the NBA playoffs in the Bubble of
16 which we were a small part. It was early in the
17 pandemic. It was very important to show that
18 business and sports could continue. And it helped
19 restore some semblance of normalcy. However, what
20 was not seen where the countless meetings were
21 people from our team, from other OPs coordinate with
22 Disney management to deal with these historically --
23 literally, historically daily issues on how to
24 strategize on some level of keeping operations open
25 while also keeping guests safe. Disney and its



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1 operating participants worked as very good teams
2 during this whole pandemic. You find out a lot about
3 people during times of adversity. Governor DeSantis
4 led, Florida led, and Disney led. I know this board
5 is charged with making long-term decisions with the
6 district and overseeing aspects of the Disney team.
7 We have found our experience with Disney to be very
8 reasonable. They're committed to excellence, guest
9 satisfaction, and best practices. They invest in
10 their properties, continue to innovate, and keep
11 their parks and Disney Springs clean, safe, and
12 relevant. I can't help but think that Disney's
13 ongoing investment in innovation might suffer with
14 increased taxes, more regulation, and you know,
15 potential other actions. There should be a great
16 working partnership between this board and Disney,
17 and now that we're all getting back on track, I'm
18 sure that no one wants anything that would stifle
19 small business again. We also pay a very large
20 amount of taxes, property tax and sales tax was in
21 excess of \$3 million in 2022. We're very happy to
22 pay it, and we don't like the alternative. In
23 closing, over the past 14 years, I've had the
24 opportunity to work with Disney -- with much of
25 Disney senior leadership all the way up to Mr. Iger.



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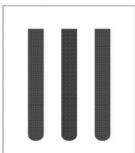
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1 They work hard, they care about their people, both
2 cast and guests, and they're focused on long-term
3 vision. Similarly, I've watched our governor and
4 his team guide the state through unprecedented
5 times. Their leadership and fortitude during the
6 pandemic as well as the ongoing stewardship of
7 Florida is, in my opinion, unparalleled. Disney,
8 the state of Florida, and this board could be a
9 powerful coalition with its talent and resources.
10 We should do great things. Therefore, I urge the
11 executive team at the governor's -- the executive
12 team at Disney, the governor's office, and this
13 board to try to find a resolution that works for
14 everyone. Let's get the two sides talking. Let's
15 get back to business. God bless, Florida. God
16 bless the United States. Thank you for your time.

17 MR. GARCIA: So Mr. Gibson, thank you very much
18 for your comments and your -- your -- the balance of
19 what you presented makes a whole lot of sense. And
20 you'll hear later in the meeting a number of issues
21 that address your concerns. And like I said
22 earlier, we're here to serve everyone in the
23 district and particularly small businesses like
24 yours. And I didn't know I was going to meet a
25 fellow Demon Deacon.



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1 MR. GIBSON: All right.

2 MR. GARCIA: I am, too.

3 MR. GIBSON: I'd tell you when I graduated, but
4 that would give away my age.

5 MR. GARCIA: And your partner, Guy, is actually
6 a neighbor of mine in Tampa.

7 MR. GIBSON: Oh, really?

8 MR. GARCIA: Yes, sir.

9 MR. GIBSON: Oh, well, good to hear it. He's
10 actually in California dealing with some stress out
11 there, but I got elected to speak. He would not
12 have been able to stand here six minutes so it's
13 probably fortunate you got me.

14 MR. GARCIA: Well, thank you. This board will
15 take all of your comments to heart, I can assure
16 you.

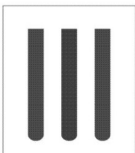
17 MR. GIBSON: Fantastic. We really appreciate
18 it.

19 MR. GARCIA: Thank you. Yes, sir.

20 MR. GIBSON: Thank you.

21 MR. GARCIA: Number six, please state your
22 name, and if you're here in a representative
23 capacity, please tell us who you represent.

24 MR. MILIOTES: Good morning, everybody. My
25 wife and I are going to go consecutively six and



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1 seven. My name is George Miliotes. This is my wife,
2 Leanne Miliotes. We run Wine Bar George at Disney
3 Springs. We are the essence of a small business.
4 We're family owned. It's the only operation that we
5 have. Both my wife and I were born and raised here
6 in Central Florida. Our families both before us
7 owned small businesses. We enjoy paying our taxes.
8 Maybe not enjoy, but -- and we vote, and we enjoy
9 being part of the fabric of the Central Florida
10 Community for a long, long time. Our wine bar has
11 been open about five years. It's been a -- a happy
12 run for us in many ways. We've gotten great
13 accolades like are we the best wine bar in the
14 country? And we've won awards like we have the best
15 wine list in the world. It's all great. But what
16 really, really makes a difference and the only thing
17 that my wife and I really care about are the 90
18 families that are employed by our restaurant. Those
19 people come in every day, work hard, and make a
20 living, and they make a good living, and we want to
21 continue to help them make that really, really good
22 living. Why -- I mean, you may ask, why am I
23 telling this story? The only thing that I want to
24 say is any change in our business cli- -- our
25 business climate directly affects those 90 people



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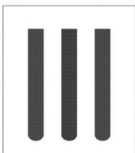
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1 who are trying to put their kids through school,
2 trying to pay off cars, mortgages, all those type of
3 things. We know a little bit about being Demon
4 Deacons also. I want to say our daughter graduated
5 from Wake Forest also, so it's all good. But just
6 please remember that anything that we change affects
7 those 90 people, and that's what we most care about.
8 I'll cede the rest of my time to my wife, Leanne.

9 MR. GARCIA: Thank you for your comments.

10 MR. MILIOTES: Thank you.

11 MS. MILIOTES: As George mentioned, I was born
12 and raised in Orlando, born in 19 -- in the '60s.
13 My father was also born in Orlando in 1930. So we
14 have spent many, many years in this community.
15 Given that we've spent so many years here, I am very
16 proud of my hometown and I -- I'm proud to be a
17 Floridian as well. I never traveled that far, just
18 up to the University of Florida, same as my father.
19 I'm very proud of Central Florida. We've seen so
20 many things change in the many, many years that I've
21 lived here, but one of the things that remains the
22 same is how beautiful our Central Florida area is,
23 and the City of Orlando. It's a great place for
24 families to visit. It's a great place for families
25 to live. And it provides so many amazing job - -



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1 job opportunities. I -- all these many years I was
2 a practicing CPA in Orlando, and over the last five
3 years, I've -- oh, I've spent doing -- taking my
4 expertise to our business and I ran all the
5 financial and human resource part of our -- of Wine
6 Bar George. We've been open, as my husband said,
7 less than -- coming up on the five year mark, but I
8 can honestly say that it has been the hardest,
9 craziest five years of our life. We have put -- it
10 has been a labor of love from the beginning, and we
11 work tirelessly day in and day out to make it a
12 great place for our employees to come to work and
13 for guests to visit. It is our only location. And
14 we were maybe open just two mo- -- not even two
15 years before the pandemic, COVID landed at our
16 doorstep, closed our doors, and we've literally
17 spent the last three years trying to recover from
18 the impacts of COVID as well as just what ensued
19 after with this current economic climate that we
20 find ourselves in. We have, of course, everyone
21 knows, high food costs, high labor costs. Some of
22 our labor costs have increased 25 to 30 percent with
23 certain people -- certain functions within our
24 restaurant than what they were before COVID. So
25 it's -- it's been interesting to navigate, hard to



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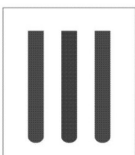
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1 find people to come fix our equipment, very costly
2 to come have people fix our equipment. So we are in
3 this constant battle of, oh, can we raise prices to
4 help cover some of these costs that we've had to
5 incur? And we -- we have, and we do. And we're at
6 the point where we're -- we can't, we've raised our
7 costs to the most that it can be. So any additional
8 cost at this point we're hoping and praying are
9 going to level out. We're -- we just need a
10 leveling out of costs. We are hoping that any type
11 of initiative that you're considering, if it's to
12 raise taxes, if it's to change the operating cost of
13 the property, or if it makes it more costly and
14 difficult for our team to get to work, that will
15 have a significant impact, a financial impact, on
16 our business, as well as to our employees and their
17 standard of living. So we appreciate your time
18 hearing our concerns. We hope that the board can
19 get together and maybe come up with some cost-saving
20 initiatives. That would be most appreciated. And
21 thank you for your time and consideration today.

22 MR. GARCIA: Well, thank you, also, for your
23 comments. It's a -- it's a real joy for me to hear
24 from so many small businesses. I have a small
25 business and it too is a family business.



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1 MS. MILIOTES: Yes.

2 MR. GARCIA: And -- and so I know how
3 challenging it can be, and I know that, as your
4 husband said, that your employees are like your
5 family. So it's one big family. And, you know, one
6 of the things that I don't know if you were at the
7 last meeting that we're looking at is that Disney's
8 filed 90 lawsuits contesting their ad valorem taxes.
9 And one of the things that the district was not
10 previously doing is taking any affirmative action in
11 that -- those cases. They were neutral, okay? And
12 so that's one of the things that we're going to
13 reevaluate, okay? And that what may be an
14 opportunity for us to raise the revenues that I
15 spoke at, at the last meeting, okay? Relative to
16 Disney's actions. So I wanted you to be aware of
17 that if you weren't at the last meeting.

18 MS. MILIOTES: Thank you.

19 MR. MILIOTES: Excellent. Thank you.

20 MR. GARCIA: Thank you all again. Item --
21 speaker number eight, please state your name for the
22 record, and if you're here in a representative
23 capacity, please tell us who you represent.

24 MR. HENINGER: Hi, my name's Jacob Heninger,
25 and I represent Basin. Retail Concepts of Minnesota



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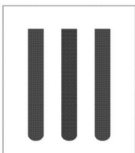
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1 is our full name. And we're a small family business
2 here, too. And I yield the rest of my time to my
3 mom, the president of our company.

4 MR. GARCIA: Awesome.

5 MS. HENINGER: Boy, mom -- mom's pride. I
6 don't know why I'm crying. But as the -- as Jacob
7 stated, we represent Retail Concepts of Minnesota.
8 Unlike Mr. Schussler, we got our start at the Mall
9 of America in Minnesota and -- in 1992. And I'm
10 Shawna Heninger. My husband and I opened this, and
11 we -- we've -- we're a small business. We're a
12 small family-owned business. We started on carts in
13 Mall of America, selling refrigerator magnets and
14 key chains. And we've expanded. And now we own
15 Basin at Disney Springs, Basin White at the Grand
16 Floridian, and Crown & Crest, soon to be Rose &
17 Crest, at Epcot in England Pavilion. And as the
18 president and one of the owners, we have 89
19 employees all at the Walt Disney World. Just sort
20 of a short thing. We've closed all of our other
21 businesses that are not in Florida because we love
22 the climate, the business climate that Florida has.
23 We love living in Florida. Florida's amazing. And
24 -- and I appreciate you guys and the job that you
25 are doing and listening to my comments today, but I



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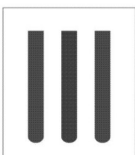
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1 am concerned, as all of these other small businesses
2 are. Small businesses don't have -- we don't have
3 stock. We don't have -- we don't have stocks and
4 people and investors to buoy us up. So these
5 proposed regulations and taxes could negatively
6 impact our business and the small -- these small
7 businesses. And not only do we support our 89 -- and
8 I wanted to give you an accurate count. 89
9 employees that are all in Florida, but also support
10 many of our suppliers throughout Florida and their
11 families. And many of our suppliers are small
12 family-owned businesses. And -- so we're worried
13 what happens if the taxes and the regulations in
14 this district hurt my business. What happens to my
15 business, my family, my employees? And what happens
16 to companies like mine that partner with Disney?
17 Being a -- you know, being a tenant in a lot of
18 other retail environments, I can honestly say Disney
19 has been the best landlord and partner we have ever
20 worked with. And I won't name the other ones we
21 have worked with, but they are giant multinational
22 stock exchange companies. And we're talking about
23 if you do something to -- that affects us.
24 Thousands of Central Florida residents will suffer.
25 It's sort of like trickle-down economics. And let



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1 me offer an example of one of the things that is
2 concerning me. Recently, I read that this board was
3 considering imposing tolls on the roads that lead to
4 Disney theme parks. My employees would not be able
5 to afford to continue to work for me with such
6 tolls, or I'd have to pay them considerably more to
7 keep them from leave -- leaving. And at this point,
8 increased labor costs would put an unfair burden on
9 our business that other retailers outside of Disney
10 don't have to pay -- might not have to bear. And it
11 could cripple our business to the point of shutting
12 our doors like we have had to in several other
13 states. I'm grateful to the State of Florida and
14 its business- friendly environment. I echo the
15 sentiments that we appreciate the partnership of
16 Disney and the State of Florida in getting us open
17 so quickly during the pandemic. Just so you know,
18 we are concerned about our employees enough that out
19 of our pocket, we paid our employees' wages, all of
20 theirs, for the first six weeks after the pandemic.
21 We are not a business that takes advantage of its
22 people, we care for all of our employees. And
23 unfortunately, as a small business, we have been
24 hurt by COVID. We have been hurt by inflation just
25 as been mentioned. Our costs are -- are horrible.



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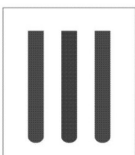
1 Now, we're staring at a recession. These are hard
2 times for small businesses. So in closing, I ask
3 you to please, please remember me, my family, my 89
4 employees, my fell -- fellow small business owners,
5 my suppliers, and remember that taxes and
6 regulations matter. And they will affect all of our
7 businesses, and -- that operate -- all of the
8 businesses that operate within this district. And I
9 really appreciate your time and thank you for
10 listening.

11 MR. GARCIA: Well, thank you for your comments,
12 and thank you for your family story and your
13 concerns. And what I can assure you is that this
14 board hears you loud and clear, and that we're very
15 sensitive to the prosperity of businesses, family
16 businesses like yours, and the others that we've
17 heard from. I mean, you all are the backbone of
18 America, and you all are the backbone of the
19 district. And so I promise you, we hear you loud
20 and clear.

21 MS. HENINGER: Thank you so much.

22 MR. GARCIA: Yes, ma'am. Number nine? Speaker
23 nine?

24 SPEAKER 9: I think that was -- they were
25 together.



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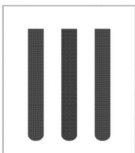
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1 MR. GARCIA: Yeah, you're right. Speaker ten?
2 Please state your name, and if you're here in a
3 representative capacity, please tell us who you
4 represent, sir.

5 MR. DEBLER: Good morning, Chairman and members
6 of the Board. I'm Richard Debler, I'm the CEO of
7 Palmas Restaurant Group. I operate 14 locations in
8 Walt Disney World. We have over 700 team members.
9 For the last 40 years, I've been a contractor in the
10 Disney property in different roles. I was born in
11 Mexico City. My family they -- I grew up in Mexico
12 City. My family started the business in 1963,
13 opened a restaurant in Mexico City. My father after
14 the Second World War came down to Mexico and with my
15 mother and they started the business in 1963. And
16 fortunately, it was a very successful restaurant in
17 Mexico City. In 1982, I -- the Disney organization
18 approached us and wanted us to participate in the
19 opening of Epcot. And obviously at that age, I had
20 already opened my first restaurant at age 21. And
21 by age 23, I was already enrolled coming to work
22 here in Florida in 1982. So I'm a little bit of the
23 -- I don't -- I hope I don't look like it, but I'm
24 one of the oldest participants here that have been
25 around the -- this property. So you know, since



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1 then, you know, I -- I've been operating in
2 different areas. I run a hotel, the food and
3 beverage for a resort for Disney, I have a
4 restaurant in Disney Springs, and the Mexican
5 Pavilion at Epcot. You know, we have -- you know, I
6 want to obviously echo everything that has been
7 said. I mean, there's not much -- it's difficult
8 for me to add a lot to what already has been said.
9 You know, they -- everybody has really done a great
10 job of presenting our concerns as a small or medium
11 businesses operating in -- in this property. You
12 know, it was a tough recovery, you know, coming from
13 the pandemic. And like it was said before, the
14 efforts of the governor and Disney to keep us open
15 was amazing, and that's what most of us were able to
16 stay alive and keep our businesses operational. But
17 at the same time, we still have huge challenges like
18 they were mentioning. We have very high labor
19 inflation and cost of goods, disruptive supply
20 lines. So even so things have recovered to a
21 certain level, but we still have a lot of challenges
22 on our plate. The other thing, you know, operating
23 in Disney for so long, and in the environment, and
24 with Reedy Creek, it is not cheap to operate here.
25 It's very expensive. Construction is very



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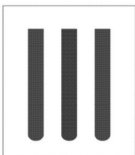
1 expensive. The construction and review process is
2 -- is -- is slow. But I don't want to -- I don't
3 want to take any more time of your time, but I
4 definitely think there's a great opportunity to
5 bring back the collaboration between the -- the
6 governor and Walt Disney World to again give us
7 another boost and be -- hopefully, I'll be around
8 for another maybe 20 years, at least. Thank you for
9 your time. Thank you.

10 MR. GARCIA: Well, thank you for your comments
11 and your entrepreneurship. And in addition to small
12 businesses, first generation immigrants are the
13 backbone of America. And so thank you for coming to
14 this country and being a great American. Number 11?
15 Please state your name, and if you're here in a
16 representative capacity, please -- we recognize you,
17 so we know who you are.

18 MR. SHIRLEY: Yes, sir. Good morning, Mr.
19 Chairman.

20 MR. GARCIA: Good morning.

21 MR. SHIRLEY: Mike, Bridget, Brian. Pleasure
22 to see you guys all this morning. My name is Jon
23 Shirley. I'm here representing the Reedy Creek
24 Professional Firefighters. And I just came here
25 today to give you a quick update on two very



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1 important issues the firefighters brought to your
2 attention almost from day one when you guys took
3 your positions here at the district. The first one
4 is going to be in regard to our fallen brother, Jim
5 Dormini. Jim passed away after working a 24 hour
6 shift back in May of 2017. And for the past six
7 years, we had been in a battle with the previously
8 appointed Disney's, you know, appointed Board of
9 Supervisors just to obtain those federal death
10 benefits. This did not cost the district a dime,
11 but as you guys have already spoken and Mr. Aaron
12 also addressed, we have had no movement forward. I
13 can't tell you how much I appreciate the actions
14 taken by the Board today. I mean, what you've done
15 will finally put to rest an issue that is near and
16 dear to every single one of my members, and it's
17 going to secure the benefits that the Dormini family
18 so greatly deserves. The second issue that I wanted
19 to give you an update about was about the four-year
20 expired contract between the firefighters and the
21 district. For the past four years, we have had zero
22 progress forward. We were basically at a day one
23 point when you guys came into your positions. I am
24 beyond thrilled to announce to you guys and to
25 everybody here today that, as of yesterday, we have



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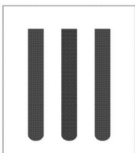
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1 a full tentative agreement that our membership is
2 getting ready to vote on, and it should be here and
3 ready for your consideration at your May Board of
4 Supervisors meeting. With the leadership and
5 direction that you guys have provided, I mean,
6 you've truly created a life- changing benefit for
7 our members, and of course, for the Dormini family.
8 And so I just wanted to close with this. You know,
9 the actions that were taken by our Governor, Ron
10 DeSantis, along with the state legislature that puts
11 you all in -- in these positions was probably one of
12 the single best things that could have happened to
13 me and my members. Again, what you've done is
14 you've created an environment that is really just a
15 life- changing and a career altering event. And I
16 just want to thank you guys all from the bottom of
17 my heart. You guys have my respect and I look
18 forward to working with you guys for all the years
19 to come. Thank you.

20 MR. GARCIA: Well, thank you for your comments,
21 your kind words, and most importantly, thank you for
22 your service to the District. Number 12? Speaker
23 number 12? Please state your name, and if you're
24 here in a representative capacity, tell us who you
25 represent, please.



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1 MS. MCDONALD: Hi. Good morning, Board. My
2 name is Deborah McDonald. I am just a resident of a
3 community and surrounding area. I live in Osceola
4 County. I did not grow up here. I'm not from here.
5 Have had a small business here and worked here, but
6 I'm really just coming to speak to you from my
7 heart. And I do hate speaking, so I apologize if
8 this is jumbled. But again, I live in a surrounding
9 community of Osceola County, which has approximately
10 400,000 residents. My father was an Air Force
11 Colonel. I did not grow up here. We moved all over
12 and lived and traveled over most of the world. I
13 had never had a home for more than two or three
14 years. When we came to this area, we bought a home,
15 myself, and my husband, and our four children. And
16 we have lived in a little town that Disney built
17 called Celebration for 26 years now. I love our
18 community. Ever since I stepped foot in our
19 community, my purpose was to serve the community,
20 the surrounding area. That's how I was raised.
21 I've spent every day trying to follow in my parents'
22 footsteps of service. Both my parents are buried in
23 Arlington Cemetery in Washington, D.C. I'm afraid
24 of losing our home. Many people in our community
25 are afraid. I will say that uncertainty, fear, and



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1 controversy are not good sentiments when you look at
2 the leadership, and I've always respected whatever
3 leaders were empowered. I have never lived in a
4 state where I have feared that leadership or what
5 they would do. Reedy Creek was our neighbor, still
6 is our neighbor, Disney our neighbor for the entire
7 time I've lived here, and I will say they have been
8 an incredible neighbor. I am on many boards in our
9 community and one of them is Advent Hospital, which
10 is the hospital that you would go to if any of you
11 were injured right at this moment. When we were
12 faced with a pandemic, and we didn't have supplies,
13 and you couldn't get masks anywhere, we didn't even
14 have enough cleaning supplies, I called on Disney.
15 I just mentioned it and they were there every step
16 of the way to help, not only our community, but
17 anyone that stepped foot in that hospital. When we
18 had a problem with our school -- schools, I'm sorry,
19 way back when, years ago, Osceola County is not
20 known for having a lot of money. Most of it goes to
21 the tourist tax, and we do not have enough for
22 schools, or for our healthcare, or for first
23 responders, or roads, et cetera, you name it,
24 because most of it again goes to the tourist tax,
25 which is a whole other issue. People volunteer.



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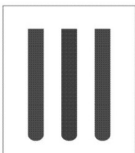
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1 People help their neighbors. People are there for
2 each other. When this issue happened, call it what
3 you may, I call it a feud, it has hurt us. It has
4 hurt us deeply. It's not just between the governor
5 and Disney. It's affecting everyone around him. I
6 know my time is up, but I'd like to say that please
7 keep that in mind, that we live here and have lived
8 here, and this is our home. Thank you.

9 MR. GARCIA: Well, thank you for your comments,
10 and thank you for speaking from your heart. One of
11 the things that the Board has mentioned that's
12 important is we're going to do a regional fiscal
13 impact study. And you mentioned residents like
14 yourself being impacted that don't live in the
15 district. And that's never been done before in
16 terms of analyzing the impact that this district
17 makes on the residents that are sur- -- that live
18 around it. And so we're going to broaden our scope
19 to make sure that we're sensitive to neighbors like
20 you and we very much appreciate your comments and
21 hear them loud and clear. Thank you. Next, that --
22 that concludes the public comments part of the
23 agenda. The - - there's nothing on the consent
24 agenda. I would note there's two items on the
25 information items, a report on permitting and



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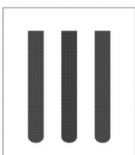
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1 regulations, and then a -- a schedule for proposed
2 budgeting. And we're going to start that, I think,
3 as you heard from our financial advisors at the last
4 meeting, very shortly. Next as to reports, Mr.
5 Classe, do you have a management report?

6 MR. CLASSE: I do, sir. Thank you. I do want
7 to drop back to the proposed 2024 budget calendar
8 that we have in your package. I just want to
9 highlight that based on the discussions at the last
10 board meeting, and the fact that this is a very new
11 board to our operations, I have suggested, and on
12 your calendar in the schedule, is a workshop in
13 July. Our normal schedule is have -- the end of
14 July have a budget kind of workshop, and then we
15 move into budgeting approvals in August, and budget
16 hearings in September. I thought and suggested that
17 we might have a -- another meeting in July as kind
18 of a budget overview and start a more detailed
19 discussion to give you a couple cycles of learning
20 about our budgeting process and to get into all the
21 details that this board hasn't had exposure to. It
22 would make sense to do that. So just for food for
23 thought. So take a look at the schedule and if you
24 want to make any adjustments to that, we have time
25 before we make any definitive decisions on



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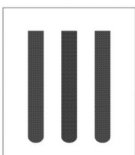
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1 additional meetings or how we want to play that out.
2 And perhaps PRAG can help us think through that at a
3 next meeting in May.

4 MR. GARCIA: Thank you. Does that conclude
5 your report?

6 MR. CLASSE: I have just one other thing. I
7 just want to also reiterate and -- and echo some of
8 the public comment period regarding the collective
9 bargaining agreement between the district and the
10 Firefighter Union. From the schedule perspective,
11 upon acceptance of the CBA by the Union membership,
12 we will present the agreement to this Board. Our
13 target date I think is May 24th to begin -- bring
14 that CBA to you for your final approval. And I just
15 want to say I want to thank the Union leadership,
16 Jon Shirley, Aaron Colburn, Chad Barley, and Jeremy
17 Kelly as well as the district negotiating team,
18 Chief Richard Laper, Deputy Chief Eric Ferrari,
19 Deputy Chief Joel Edwards, our Director of Finance,
20 Susan Higginbotham, and Chief of Staff, Jason
21 Middleton, along with outside counsel Jay Seagers
22 (phonetic) for all their hard work in reaching this
23 historic agreement.

24 MR. GARCIA: Thank you. Does that conclude
25 your report?



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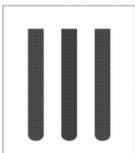
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1 MR. CLASSE: That does.

2 MR. GARCIA: Thank you. We'll now hear from
3 our general counsel.

4 MR. LANGLEY: Good morning. At the last board
5 meeting, Board Member Sasso asked that I give a
6 brief summary of the eminent domain authority of the
7 district. So I wasn't going to spend too much time
8 on that, but I wanted to generally say that the
9 district does have eminent domain authority, which
10 is a legal process by which a governmental entity
11 can compel the acquisition of private property
12 that's necessary for a public purpose. And it
13 provides under the Florida Constitution that the
14 property owner is compensated with full
15 compensation, which could include any damages caused
16 to the remaining property, and reimbursement of that
17 property under the attorney's fees and expert fees
18 as provided by Florida Statute Chapter 73 and 74.
19 The district generally has the power to exercise the
20 eminent domain for any public purpose for which it
21 was constituted. This includes but is not limited
22 to the construction, maintenance and operation of
23 roads, utilities, drainage projects, public
24 buildings and other public facilities. This power
25 is granted by Section 8 of the Enabling Act that was



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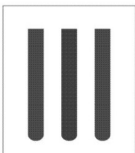
1 adopted and signed into the law this February.
2 Unless you have any questions for me, I didn't have
3 anything further on this. I do have, of course,
4 comments on the following agenda items.

5 MR. GARCIA: Supervisor Sasso, do you have any
6 further comments on that?

7 MR. SASSO: No. No questions, no comments, Mr.
8 Chair.

9 MR. GARCIA: Okay. Thank you.

10 MR. LANGLEY: Okay. If we're -- if we're on
11 the New Business 8.1, if you could, I.T., put up my
12 slideshow. This is item 8.1. I wanted to give the
13 Board additional information about the legislative
14 findings that are in the agenda packet for your
15 consideration, a little more information about how
16 some of these conclusions were reached for your
17 consideration. I think it's important that everyone
18 understand what the authority of the district was
19 before February 27, 2023, and the relationship that
20 this -- the former district, Reedy Creek, had with
21 the cities that are within the district. Under the
22 Enabling Act of Reedy Creek that's set forth in
23 Chapter 67-764 of the Laws of Florida, yes, the
24 District had planning and zoning power. However, as
25 the act states that if there are cities within the



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1 district that have charters that give similar powers
2 for comprehensive planning, zoning, that the cities
3 have exclusive jurisdiction over comprehensive
4 planning, zoning, and land development regulations
5 within their city limits. So here's a -- I've
6 highlighted the provision from Section 23 of the
7 Reedy Creek Act that was in place since 1967,
8 clearly states that, yes, the district has these
9 powers to do comprehensive planning, building code
10 safety regulations, planning subdivision,
11 regulations, and zoning, except if the government
12 body of a municipality has, under the terms of its
13 charter, like powers as provided for the district,
14 then within the municipal limits of those cities,
15 the city shall have exclusive jurisdiction over
16 those matters. So the next slide is -- this is the
17 Charter of Bay Lake, one of the cities in the
18 district, and it clearly provides that when this
19 city was created, the charter by special act that
20 the City of Bay Lake was given like powers,
21 comprehensive planning, zoning, building. So the
22 City of Bay Lake has exclusive jurisdiction over
23 those matters at the time the 1967 Act was in place
24 up until this year. Same with Lake Buena Vista's
25 Charter. Used to be called Reedy Creek -- the City



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1 of Reedy Creek. That was later changed. But the
2 Lake Buena Vista Charter provided like powers for a
3 comprehensive planning, zoning, land development,
4 regulations, building code, et cetera. So the
5 district -- the bottom line is the district has --
6 constituted prior to this year, did not have
7 authority to regulate comprehensive planning,
8 zoning, land development regs within the city limits
9 of Lake Buena Vista or Bay Lake. So again, this
10 slide reiterates that, but also it shows you a map
11 of the district. It's hard to see the coloring, but
12 I don't know the exact percentage, but I -- I've
13 heard 85 percent of the land area approximately is
14 actually within the city limits of those two cities,
15 and the unincorporated areas are a smaller part of
16 the district. So prior to February 27, 2023, the
17 cities of Bay Lake and Lake Buena Vista, not the
18 district, had exclusive authority over comprehensive
19 planning, land development regs, development orders,
20 building permitting authorities within their city
21 boundaries. So the bottom line is the district did
22 not have the authority to enter into a development
23 agreement that purported to vest comprehensive plan
24 intensities, and densities, and uses district wide
25 within the city limits of those cities. The city



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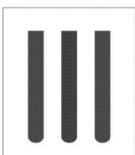
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1 councils of Bay Lake and Lake Buena Vista did not
2 hold public hearings on or approve the development
3 agreement that is at issue that we've been talking
4 about for the last couple of meetings. That makes
5 the development agreement void ab initio. That's a
6 fatal flaw. Each of those cities had to also
7 conduct noticed public hearings and approve this
8 development agreement because the development
9 agreement purports to vest densities, and
10 intensities, uses, and grant transfer of development
11 rights for all properties that Disney owns. And
12 those properties include not just what's in
13 unincorporated areas that the District has authority
14 over, but also the incorporated area -- incorporated
15 areas contained within those cities. And as you can
16 see, I've included a snapshot of the parties to the
17 DA, and it's solely while Disney Parks and Resorts
18 USA, Inc., and Reedy Creek Improvement District, the
19 cities, are not parties to this agreement. Also,
20 prior -- as I said, they -- because the district
21 didn't have the authority to, district wide, do
22 comprehensive planning, land development regs within
23 the City limits, that's why you'll see that the
24 district, and the cities in the past have adopted
25 joint comprehensive plans and adopted land



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1 development codes, verbatim and tandem. That's
2 because the district could not act alone on those
3 things. So because one entity essentially
4 controlled all three jurisdictions, the three
5 jurisdictions worked together in the past to adopt
6 the same comprehensive plan, the same land
7 development regulations. Now people might be
8 confused by this thinking, well, doesn't the
9 district deal with applications for development?
10 Well, they do, but there's an interlocal agreement
11 between the district and the cities that creates a
12 situation where essentially the district staff
13 functions as the city's staff as well. But when
14 this -- when those District employees are operating
15 in that manner, they're actually exercising the
16 authority of the cities. Now, if you recall from a
17 prior meeting, there was actually no staff review of
18 the development agreement. That went straight from
19 a lawyer of Disney to a lawyer also of Disney, but
20 of ostensibly the district and then straight to the
21 Board. So there wasn't even the staff level of the
22 city's -- you know, the staff of the district acting
23 in their capacity as city staff members either
24 reviewing this document. The bottom line is that a
25 development agreement has to be approved by the

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1 governing body of a jurisdiction, and that didn't
2 happen from the cities that have jurisdiction. Now,
3 what does the law say now? In February of 20 -- I'm
4 sorry. It was February 27, 2023, the act that
5 constitutes this board, the Central Florida Tourism
6 Oversight District changes that relationship
7 completely. The district now has the authority
8 district wide for comprehensive planning, zoning,
9 land development regulations, environmental
10 regulations. They have it all. And not only do
11 they have it all, it's -- they must exercise that
12 authority in the city limits. So there's no longer
13 jurisdiction of the cities. There's no longer
14 separate jurisdictions. The district has
15 jurisdiction within the city limits of those two
16 cities to exercise these powers. And not only do
17 they have the right, they must do it pursuant to --
18 as you can see here, they must exercise its
19 authority on these matters within the city limits of
20 the cities and the district. And the cities now,
21 their only authority is to -- if they wish to
22 exercise it, is to implement more stringent
23 regulations than the district may implement and
24 enforce. All right. I also wanted to give you a
25 little timeline. I'm not going to go through this



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1 in detail, but of course, this is a public record
2 and you all can take this away from today. But I
3 think it's important to have a perspective of what
4 happened, what transpired before February 8, 2023,
5 and the Reedy Creek Board of Supervisors approval of
6 the development agreement and the restricted
7 covenants. There was a process to start a -- what
8 they call appraisal evaluation report, comprehensive
9 plan amendment process that started all the way back
10 in June of 2017. The first reading -- now, let me
11 tell you about this. The conference of Planning
12 Amendment process is a process that starts with,
13 usually staff puts together a proposed amendment,
14 and then a -- you got to have a local planning
15 agency review and give a recommendation to the
16 governing body. The governing body has a first
17 reading and a public hearing to consider those
18 recommendations of the staff and the local planning
19 agency. And if the -- at the first reading, that
20 comprehensive plan amendment is approved on first
21 reading, that comprehensive plan amendment is
22 transmitted to the Department of Economic
23 Opportunity for review and comment. The Department
24 of Economic Opportunities review, and comment is
25 extremely limited. They have, you know, after some



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1 changes in the law over a decade ago, very little
2 authority to comment on comprehensive plan
3 amendments. Once the Department of Economic
4 Opportunity grants or gives comments on the
5 comprehensive plan amendment, the local governing
6 body is supposed to conduct the second reading of
7 public hearing on that comprehensive planning
8 amendment within 180 days. Okay. And then at that
9 point, there's supposed to be a -- a public hearing
10 and final adoption or rejection of the comprehensive
11 plan amendment. Now, so the first hearing of the
12 comprehensive plan amendment that concluded in May
13 of 2022 started on first reading in November of
14 2018, three -- like almost four years ago. So in
15 the timeline, you'll see that the City of Bay Lake,
16 City of Lake Buena Vista, and the Reedy Creek Board
17 of Supervisors all adopt on first reading their
18 separate ordinances adopting or transmitting and
19 verbatim the same comprehensive plan amendment. In
20 this comprehensive plan amendment, there was --
21 there were no changes proposed to the intensity
22 densities of uses, meaning there were no proposed
23 new parks, new hotels, no -- none of that. No new
24 retail, no new office space, no changes to permitted
25 uses. And I can show you what was actually



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1 proposed. It was essentially a proposal that was
2 cleaning up references, outdated references to state
3 law, and it was also -- sorry, I'm having some
4 issues with my mouse here. Okay, this is a -- this
5 is a letter that is transmitted to the DEO,
6 Department of Economic Opportunity. If you can see
7 on this side over here, it -- it's essentially
8 summarizing the purpose, the original purpose of the
9 comprehensive plan amendment that was transmitted in
10 November 2018. The purpose of the comprehensive
11 plan amendment is to fix or update our comprehensive
12 plan to change references to -- with regard to state
13 law on our transportation element, update outdated
14 references to the Florida Administrative Code that
15 were changed since the last comprehensive plan
16 update, revise the housing element and
17 infrastructure element, potable water sub element,
18 revise certain dates to meet current conditions, and
19 to update the future land use map to reflect the de-
20 annexation of property that occurred. You notice
21 what's not in here, there's nothing about we're
22 adding a ten year additional plan for new parks, and
23 a lot of new hotels are changing the uses. There's
24 nothing like that in here. This is -- so this is
25 the first reading of the comprehensive plan



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1 amendment that was finalized last year. Okay. So
2 -- oh, let me go back. I wanted to show you also in
3 the letter, see right here, it says that the
4 district was intending to actually complete its
5 adoption of these comp plan amendments in April
6 2019. Okay. That didn't happen in April 2019. I'm
7 -- I'm not fully understanding the reason why it
8 took so long, but after three and a half years,
9 there was -- there was some renewed interest in the
10 comprehensive plan amendment that was transmitted a
11 long time ago, and it just so happens to be around
12 the same time the legislature passed Senate bill 4-
13 C, that would have dissolved the district in the
14 summer of this year. Within a month of that law, we
15 have the district and the two cities attempting to
16 adopt the second reading in public hearing -- via
17 second reading in public hearing a comprehensive
18 plan amendment that they started three and a half
19 years earlier. What's interesting about these
20 ordinances is that, and I'll show you an example. I
21 think because the -- there was a lot of lack of
22 transparency, the agenda packages themselves for the
23 district and the cities failed to contain the
24 proposed changes to the comprehensive plan amendment
25 attached to the ordinance, even in the version that



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1 the board members and the city council members
2 themselves received. I'm going to take you to May
3 25, 2022. This is the Reedy Creek Board of
4 Supervisor's agenda. Let's scroll down. This is
5 the comprehensive plan amendment second reading,
6 three and a half years later after they did their
7 first reading, which is unusual, because you're
8 supposed to do your second reading 180 days after
9 you get comments from DEO. Scroll down to what
10 they're -- what are they adopting? Section 3,
11 they're adopting EAR based amendments that amends
12 these elements of the comp plan. And the text shown
13 that's being amended is showing the strikethrough
14 underlines. But the thing is, there are no
15 strikethroughs and underlines in the agenda packet,
16 so this isn't actually doing anything. This doesn't
17 adopt anything. You also will look, what is the
18 purpose? What is the purpose? Oh, I'm sorry. I'm
19 not -- for some reason it's not displaying my PDFs.
20 How do I display the PDFs? Oh, sorry. Okay. Thank
21 you. So this is the ordinance in the agenda packet.
22 This is the second reading and adoption hearing.
23 This section 3 is what the amendment is supposed to
24 be doing and it essentially says that what is
25 attached is what we're amending in the comprehensive



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1 plan. And there's supposed to be a
2 strikethrough/underline version showing the existing
3 comprehensive plan with the changes being made. And
4 this document, this ordinance resolution has no
5 strikethrough/underline. This is the official
6 agenda packet that the Board of Supervisors was
7 considering. It also states the purpose of this
8 comprehensive plan amendment. What is missing from
9 the purpose in applicability section is all the
10 things that Disney was attempting to ram through
11 with the comprehensive plan amendment in May 2022.
12 There's no mention of, we're updating the ten year
13 capital improvement plan to require the district to
14 do all these new projects. There's nothing in here
15 about increasing densities and intensities district
16 wide. There's nothing about changing the list of
17 permitted uses. This language is exactly the same
18 as what was the original purpose, which was minor
19 updates to adjust for revisions in the Florida
20 Administrative Codes, minor changes in the law, and
21 to do a de-annexation. The cities had the same
22 language in their comp plan amendment. They also --
23 the cities also did not have in their packages --
24 whoops. I'm sorry. Bear with me here. I'm
25 scrolling through more -- multiple documents. The



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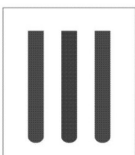
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1 cities -- this is Bay Lake, May 2022, same thing.
2 They were having a public hearing to consider the
3 comprehensive plan amendment on second reading and
4 adoption. This is the ordinance of the City of Bay
5 Lake. Scroll through. Again, they have in here in
6 section 3, that what they're adopting is shown on
7 Exhibit A. Exhibit A. Okay, where's Exhibit A?
8 There's no Exhibit A. So this means that the city
9 adopted something that has no consequence because
10 that Exhibit A is what the adoption is supposed to
11 be. Again, I go back to section 4. Again, it's --
12 it talks about the purpose, and the purpose doesn't
13 say anything about what the real purpose was, which
14 was, let's add a bunch of density, intensity, and
15 change the uses. Now, what's interesting about this
16 is, you know, keep in mind that this is May 2022.
17 If the comprehensive plan process would've started
18 at that point in time, they probably wouldn't have
19 been able to get it done before the district either
20 dissolved, or the legislature met in session earlier
21 this year to reconstitute the district. So there was
22 a reason that -- let's just pick up the second
23 reading and use that as the vehicle to add these new
24 things. It's because if they started over, they
25 wouldn't have time to get it done, because -- I'll



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1 talk about this later, they also had to do land
2 development code changes to implement those changes
3 in the comprehensive plan. Then they had to -- they
4 had to do public hearings on a development
5 agreement. All that takes time. So if they
6 would've restarted the process, like they should
7 have, legally, they were required to when you change
8 the original purpose of the comprehensive plan
9 amendment and go back to the first reading, they
10 wouldn't have had time. Okay, so the two cities and
11 the district all adopt ordinances without exhibits
12 so that makes the comprehensive plan amendment
13 nonexistent. The -- however the district and the
14 cities transmitted jointly a letter to DEO claiming
15 that they adopted changes to the comprehensive plan.
16 You know, the DEO takes the local governments at
17 their words that, you know, that they, in fact,
18 adopted these ordinances correctly. The transmittal
19 letter that was sent to DEO by the district, you
20 know, says, okay, here's what we adopted. We
21 adopted all these things in this document here.
22 It's over 300 pages long. None of that was actually
23 adopted. And one of the -- one of the things that
24 was in this, of course, is what we've been talking
25 about, is this -- these tables, which significantly



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1 increased the number of hotels, resorts, the number
2 of retail, restaurant space, office space, theme
3 parks, you know, changing the properties that these
4 uses are allowed on. There was a change to the
5 capital improvements plan. None of that was in the
6 first reading or transmitted as the original intent
7 of the comprehensive plan amendment. Okay, so after
8 the comprehensive plan amendments were purportedly
9 adopted, which they were not, the district and the
10 cities then move on to attempting to adopt land
11 development regulations to implement that new
12 comprehensive plan amendment, which wasn't actually
13 adopted. The district, in December of last year,
14 conducts the first reading public hearing on
15 Ordinance Resolution 637, which increases densities,
16 and intensities, and changes permitted uses. And
17 then the cities do the same thing in January 11th.
18 Okay. The -- on January 11th of city council
19 meeting agendas for the land development ordinances
20 have the same defect. There are no exhibits to the
21 ordinances to show the changes that are being made
22 by the Land Development Code Ordinance. Apologize.
23 This is the Ordinance Resolution number 139 for the
24 City of Bay Lake amending the Land Development Code,
25 supposedly in compliance with the 2032 comprehensive



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1 plan that didn't actually get adopted. And you'll
2 see here in Section 2, it says, the regulations set
3 forth in Exhibit A and adopt here -- adopted hereby
4 shall be known as, et cetera. But you know, again,
5 as I said, there is no Exhibit A. This is also true
6 for the other city. There was no Exhibit A, and I
7 don't think I need to go through that, it's a matter
8 of record. These are -- these are on the -- this is
9 on the district's website already. These agenda
10 packages show you there were no exhibits to these
11 ordinances. The -- the district conducts the second
12 reading public hearing on January 25, 2023, of its
13 Land Development Code changes. What's also
14 interesting is the -- the district, on the same day,
15 also conducts a first reading of the development
16 agreement. Why is that interesting is that the
17 cities haven't even had their second reading and
18 adoption of their Land Development Code yet and the
19 DA purports to vest the Land Development Code, even
20 in those cities and the cities hadn't even adopted
21 the Land Development Code that the development
22 agreement purport to vest. So it's very strange.
23 You're having a public hearing before -- to say you
24 -- your development agreement's consistent with a
25 regulation that hasn't even been adopted yet. So



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1 around this time, also February, HB9 gets filed in
2 the legislature. It moves very -- forward very
3 quickly. It's passed in February 10th. You can see
4 the scurry of activity that's happening in the
5 cities and the district. You know, we're having
6 meetings at the cities a half an hour from each
7 other to adopt -- attempting to adopt the land
8 development regulations on the 8th at 8:30 in the
9 morning, 9:00 in the morning, and the district at
10 9:30 in the morning. At 9:30 in the morning, the
11 district then attempts to approve the covenants and
12 restrictions that we've been talking about, and they
13 also conduct the second reading of the development
14 agreement. What's sort of interesting in the
15 sequence of that February 8th meeting of the
16 district is that the covenant document is approved
17 before the development agreement. The development
18 agreement did not exist -- legally exist at the time
19 that the covenants were approved, yet the covenants
20 purport that the development agreement is the
21 consideration for the covenants. So how could
22 something that doesn't exist be consideration?
23 Okay, so I wanted to point out why is this
24 important? Why am I making a point about ordinances
25 not having exhibits? It's because legally under



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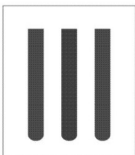
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1 Florida Law 166.041, the Municipal Ordinance
2 Adoption Statute, it states that no ordinance shall
3 be revised or amended by reference to its title
4 only. "Ordinance -- ordinances to revise or amend
5 shall set forth -- set out in full the revised or
6 amended act, or section, or subsection, or paragraph
7 of a section or subsection," meaning you got to show
8 what you're doing. You can't just read the title of
9 an ordinance, have an ordinance that's two pages,
10 and fail to include the attachment that shows the
11 strikethrough/underline. So this is -- this is -- I
12 think this is really common sense. I mean, this
13 isn't just a statute. If you're saying I'm adopting
14 -- hereby adopting what's on Exhibit A and there's
15 no Exhibit A, are you doing anything? The answer is
16 no, you're not. You're not doing anything. It's
17 just common sense. Okay, so -- also the official
18 records of the district, the official rec- --
19 resolution book containing the executed and adopted
20 versions of the ordinances/resolutions for the
21 Comprehensive Plan Amendment and for the Land
22 Development Code have no exhibits either. So this
23 is not just a situation where, oh, we just forgot to
24 put it in the agenda packet. You forgot to put it
25 in the official records book for the ordinances and



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1 resolutions. You didn't forget. You were trying to
2 not be transparent about what you were adopting by
3 not putting it in the agenda packet so nobody could
4 see what was really going on. And you had vague
5 titles describing an EAR based comprehensive plan
6 amendment that started in November, 2018 with a
7 completely different intent and purpose, which was
8 to fix some language -- outdated language in -- that
9 referenced 9J5, Florida Administrative Code, updated
10 a couple elements, transportation element, and to
11 deal with a de-annexation of property, not all this
12 other stuff that was purportedly adopted in May. So
13 all of these tables, and the comprehensive plan, and
14 the Land Development Code that were purportedly
15 updated in May of 2022 and February or January of
16 this year are not actually adopted into the Land
17 Development Code or the comprehensive plan. They do
18 not exist. So your development agreement that
19 purports to vest under comprehensive plan amendments
20 and Land Development Codes that don't exist don't do
21 that. Furthermore, the -- we've already gone
22 through the Development Agreement, a lot of the
23 flaws, but this is -- this is a further flaw. This
24 is a major issue with this whole development
25 agreement and the restricted covenants, and just



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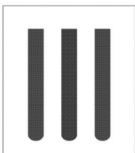
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1 shows you what the timeline, how rushed this all
2 was, and you know, anyway, I wanted to, unless
3 there's any questions, turn it over to former
4 Supreme Court Justice, Allen Lawson at this time.

5 MR. LAWSON: Thank you. Mr. Chairman, members
6 of the board, last week, we talked about the fact
7 that this is essentially about what it means to live
8 and work in a country governed by the rule of law.
9 Everyone must play by the same rules. Disney was
10 openly and legally granted unique and special
11 privilege, that privilege of running its own local
12 government for a time. That era has ended. As we
13 now know, Dis- -- Disney worked with the old Disney
14 Control District Board in its final hours in a
15 sweeping attempt to, without notice, retain control
16 over all of the property and the district so that it
17 could assure that the land Disney owned as well as
18 the government owned property, and that owned by
19 private citizens would continue to be tied up,
20 controlled, and used as Disney desired for the next
21 30 years. We also know that this attempt was not
22 carried out in accordance with Florida law. For
23 that reason, it's invalid. Last week, we
24 highlighted a number of reasons why the development
25 agreement and restrictive covenants produced by the



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1 Disney board were void ab initio, of no legal effect
2 from the moment that they were entered. Today, Mr.
3 Langley has highlighted some additional reasons why
4 Disney's attempt to bind the hands of this board in
5 the exercise of its lawful powers has failed. I
6 will very briefly summarize these issues. There are
7 essentially three ways that the old Disney Control
8 Board's actions were unlawful in a general sense.
9 I'm not talking about criminal actions, just a
10 failure to follow the law that applied to those
11 actions with the result being that the attempted
12 actions were of no legal effect. First, the old
13 board attempted to act without legal authority to
14 act. As you can see here, under Florida's
15 Constitution, the legislative power of the state is
16 vested in the Florida legislature and includes the
17 power to create, abolish and control local
18 governmental entities. Now, this is very
19 counterintuitive because when you live in a city,
20 for example, it looks like the city has all this
21 power. It's this structure that -- that makes it
22 appear that the city has all this power. I -- I've
23 taught Florida constitutional law in law schools
24 throughout my career and one of the questions I
25 remember asking on a final exam is if you were



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1 representing a citizen in a city that the
2 legislature had abolished by act, what would your
3 legal recourse be in court? And the students
4 frequently, having -- despite having Florida --
5 studied the Florida Constitution would say and
6 answer, well, I'd go into court, and make this
7 argument, and this argument, and this argument.
8 There is no argument that you can make because under
9 the Florida Constitution, the power is vested in the
10 legislature and they can create, abolish and control
11 local government, any local government entity. As
12 Mr. Langley just explained, the legislature did not
13 give the Reedy Creek Improvement District authority
14 to adopt a development agreement within the cities
15 within the district. That composes about 85 percent
16 of the land within the district. They did not have
17 that authority, and because they didn't, when they
18 purported to do so without the action of the cities,
19 as Mr. Langley just explained, they were acting
20 without authority. And for that reason, the
21 development agreement is invalid, void ab initio.
22 And I want to point out that each of these legal
23 arguments are cumulative. They each stand on their
24 own. You do what -- what a responsible lawyer does,
25 and you make every argument that is legally



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1 available and point them out to your client. But
2 for any one of these reasons, the development
3 agreement and the restrictive covenants are invalid.
4 The second category, next slide, of illegalities is
5 action attempted without following legally required
6 procedures. We walked through this last week with
7 the most glaring notice defect with respect to the
8 development agreement that rendered the sunshine
9 meeting required by Florida law a facade. Last
10 week, David walked through another procedural defect
11 that you will see laid out in Paragraphs 10 through
12 12 of the findings you're considering. Dan just
13 walked you through the multiple notice and other
14 procedural errors that rendered the 2022 comp
15 planned amendment attempted to be adopted by the
16 Disney controlled Reedy Creek Board and councils of
17 the cities of Bay Lake and Lake Buena Vista null and
18 void. Because those were ineffective, and here's
19 the legal effect on the development agreement, as
20 Dan just explained, without a comprehensive plan and
21 the ordinances pursuant to which the law requires a
22 development agreement to be enacted, you can't have
23 the authority to enact the development agreement.
24 That's laid out in Paragraphs 22 through 40 of the
25 findings that you're considering. Next slide.



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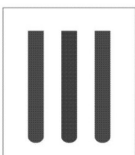
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1 Third, and finally, the old board's actions, though
2 the board had the general authority to act, violated
3 the constitution and other substantive laws in ways
4 that were laid out next -- last week. And I won't
5 go through all of those again, but each of those are
6 covered in the findings that you're considering.
7 The result is that the development agreement and
8 restrictive covenants were of no legal effect for
9 many legal reasons, and I respectfully recommend
10 that this board declare them null and void, along
11 with the 2022 comprehensive plan amendment and
12 associated amendments to the land development
13 regulations. And I do so because that is simply the
14 legal reality. Thank you very much.

15 MR. GARCIA: Thank you, Justice Lawson. Do my
16 fellow board members have any comments regarding
17 these presentations?

18 MR. AUNGST: Mr. Chair, I just want to thank
19 our legal team, Mr. Langley, Mr. Lawson, and your
20 teams. You've done a tremendous amount of work in a
21 very short period of time, very complicated subject
22 matter, and really have put together a very
23 comprehensive and very transparent picture of what
24 transpired. And as we have discussed, ad nauseum,
25 going back to the March 29th meeting, just the



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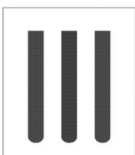
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1 voluminous issues and infirmities that belie these
2 documents. I -- I did want to just ask you, and I
3 think we -- the agenda item we have, 8.1, is to
4 declare the development agreement and the
5 Declaration of Restrictive Covenants void ab initio
6 and adopt the legislative findings of fact outlined
7 in the agenda item. Do we need to have a future
8 agenda item about the 2032 comp plan and recognizing
9 the 2020 comp plan as the operative comp plan?
10 Because I do think we need to probably address that
11 as well, because obviously our staff, our planning
12 staff, our building department, our stakeholders
13 need certainty on what the operative comprehensive
14 plan is.

15 MR. LANGLEY: That is a good question. That
16 would be my recommendation, that -- that we would
17 need to -- or we should bring back something for
18 further action with respect to that. The motion as
19 reflected is requesting adoption of the findings of
20 fact, the legislative findings at this time, and the
21 -- direct the staff and the district act
22 accordingly. But I would like an opportunity to
23 consider that additionally, and to bring back a
24 future item on that particular issue. But the
25 legislative findings do include findings that make



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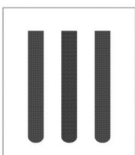
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1 it clear that the comprehensive plan amendment was
2 not properly adopted, nor was the land development
3 regulations so I would also ask that the board
4 direct the district and the staff to act
5 accordingly. So -- but we may need to clean up the
6 ordinances on the books, but you know, the official
7 -- and I was pulling it up. I'm sorry I didn't pop
8 this up earlier, but this is -- for example, this is
9 the official signed ordinance resolution for the
10 comprehensive plan amendment of the district in the
11 official record book. There's no -- again, there's
12 no attachment. So you know, it's not adopting
13 anything, but we did transmit to DEO something that
14 stated that we did so it would be good to clean up
15 the record. So I would like to do that at a -- in a
16 future process and not today.

17 MR. AUNGST: Absolutely. Yes. I think that's
18 necessary. And unfortunately for me, I spent many,
19 many hours reading those 390 pages of the comp plan
20 that apparently does not exist, so I will not get
21 those hours back, but that's okay.

22 MR. GARCIA: Any other comments from my fellow
23 board members? I have a few comments. You know,
24 you just heard a lot of detail about ordinances, and
25 -- and plans, and what wasn't an exhibit, and what



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1 wasn't attached. And let me just put this in
2 perspective in a simple way. We didn't learn about
3 these agreements that our lawyers tell us are
4 unlawful until we had been serving on this board for
5 about six weeks. And what you need to know, because
6 some of the comments from some of our small
7 businesses is that you said you wished that we would
8 work together with Disney. So let me give you a
9 little perspective on that. Shortly before, the day
10 before, the day of that we were appointed, before we
11 were officially appointed, each member of this board
12 met with a vice president of Disney, and that vice
13 president of Disney said we want to work with the
14 new board. We want to make this work for everybody.
15 And so we thought we were off to a good start.
16 They're a big part of this park. They're a big part
17 of the district. We were all delighted. In fact,
18 each of us committed that we would meet individually
19 with the leadership of -- of Disney to figure out
20 how we could work together for the benefit of Disney
21 and for the benefit of all the small businesses that
22 came here today and spoke with us. And so we
23 thought we were off to a good start. And then six
24 weeks -- or five weeks later I get a call from our
25 general counsel at 10:15 on a Friday night, and he



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1 said, you're not going to believe what I found. I
2 said, what's that? He says, in asking for a bunch of
3 documents we turned up some agreements between the
4 old board and Disney that effectively say that the
5 new board can't do what the Florida legislature and
6 Florida's governor say you can do. They have -- and
7 they did this at the 11th hour. Think about this.
8 This whole dispute between the governor and Disney
9 was going on for two years. And they decided that a
10 couple of weeks before this board takes action that
11 they're going to tell the Florida legislature, and
12 the governor, and this board that they can't act
13 according to Florida state law. So to respond to
14 our small businesses, that's not working together,
15 okay? And so you understand that perspective,
16 Disney picked the fight with this board. We were
17 not looking out for a -- for a fight. We had agreed
18 to meet with the leadership of Disney. We had
19 agreed to meet with the leadership of Disney to
20 figure out how we could work together. And then
21 with respect to what you heard here, because there
22 was a lot of detail and a lot of things that are
23 complicated, but at bottom line, what our lawyers
24 have told us is factually and legally what they
25 created is an absolute legal mess. It will not



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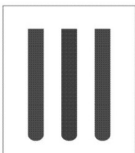
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1 work, okay? But nevertheless, and this is going to
2 answer some more questions from our small business
3 owners, we had to hire lawyers to first evaluate
4 these 11th hour agreements, and they have evaluated
5 them, and that's going to cost us money, okay? And
6 -- and because that is going to cost us money, we're
7 going to have to raise taxes to pay for that, okay?
8 And some of the other things that -- that I want to
9 address from the small business owners, because we
10 hear you loud and clear, is there were a lot of
11 functions that this board did that were not
12 according to Florida law. They were not functioning
13 under best practices, and we've got to bring those
14 transparency and accountability for the benefit of
15 all of you, and to be in compliance with Florida
16 law. And -- and because that wasn't being done by
17 the old board, and this board is lawfully mandated
18 to do it, it is going to cost us some money. And so
19 -- but one of the things that Disney could have
20 nipped in the bud is not created this mess of legal
21 documents that is now causing us, the district, to
22 incur unnecessary expenses. And so that's all I have
23 on this point. The next item --

24 MR. AUNGST: Mr. Chair, do we need a motion to
25 approve Agenda item 8.1?



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1 MR. GARCIA: I'm going to get there.

2 MR. AUNGST: Yeah. Okay. Sorry.

3 MR. GARCIA: So the next item dovetails into
4 Justice Lawson's presentation, and it's item 8.1.
5 And I don't think we need any further discussion on
6 this, do we, Mr. Langley?

7 MR. LANGLEY: No, it'd be appropriate to make a
8 motion at this time.

9 MR. GARCIA: Okay. Then I -- I'll make the
10 motion. I make a motion to approve the legislative
11 findings of the Central Florida Tourism Oversight
12 District Board of Supervisors relating to the
13 February 8, 2023, development agreement and
14 Declaration of Restrictive Covenants and direct the
15 district and its staff to act accordingly. Is there
16 a second?

17 MS. ZIEGLER: Second.

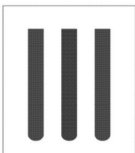
18 MR. GARCIA: Any discussion? All in favor, say
19 aye.

20 MS. ZIEGLER: Aye.

21 MR. AUNGST: Aye.

22 MR. SASSO: Aye.

23 MR. GARCIA: Any opposed? Let the record
24 reflect that it passes unanimously. Thank you very
25 much, Mr. Langley, for your presentation, and thank



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1 you very much, Justice Lawson. We'll now get to the
2 public hearing part of our agenda, first 9.1. And I
3 would ask Mr. Langley to address that.

4 MR. LANGLEY: Okay. "Resolution number 639,
5 final reading. A resolution of the Central Florida
6 Tourism Oversight District Amending Article 6,
7 Chapter 6-90, and Article 7, Chapter 7-20, and
8 Chapter 7-30 of the RCID Land Development
9 Regulations providing for codification,
10 severability, conflicts, and an effective date."
11 This is the second reading. I did a report at the
12 first reading and public hearing. Unless there are
13 any questions, I don't have anything further to add.
14 This is a public hearing, so I would ask if you
15 would -- anyone who wants to speak could at this
16 time on this particular item.

17 MR. GARCIA: So are there any public comments?
18 Hearing none.

19 MR. LANGLEY: It'd be appropriate to make a
20 motion at this time.

21 MR. GARCIA: Yeah. I think we need a motion
22 for a second reading, is that correct, Mr. Langley?

23 MR. LANGLEY: This is the final reading. We
24 had the first reading --

25 MR. GARCIA: Okay.



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1 MR. LANGLEY: -- at the last meeting.

2 MR. GARCIA: Is there a -- is there a motion?

3 MS. ZIEGLER: Yeah, I move to adopt Resolution
4 639.

5 MR. AUNGST: Second.

6 MR. GARCIA: Any discussion? All in favor, say
7 aye.

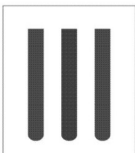
8 MS. ZIEGLER: Aye.

9 MR. AUNGST: Aye.

10 MR. SASSO: Aye.

11 MR. GARCIA: Any opposition? Passes
12 unanimously. We'll move to Public Hearing item 9.2.
13 Mr. Langley?

14 MR. LANGLEY: "Resolution number 640, a
15 resolution of the Board of Supervisors of the
16 Central Florida Tourism Oversight District, adopting
17 regulations prohibiting COVID-19 restrictions and
18 mandates by businesses within the district upon
19 their customers or patrons, and prohibiting COVID-19
20 restrictions or mandates regarding the services and
21 operations of the Central Florida Tourism Oversight
22 District providing for severability, conflicts, and
23 an effective date." I previewed it -- this at the
24 last meeting as well. This -- this resolution would
25 prohibit a business entity operating in the district



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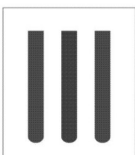
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1 from requiring its patrons or customers who want to
2 obtain access to goods, or services, or that
3 establishment from having to provide documentation
4 certifying that the customer or patron has a COVID
5 vaccination or post-infection recovery and doesn't
6 allow a position of any COVID testing mandate to
7 gain access to those businesses services. Also,
8 that further it puts in one place also the COVID
9 policies that you adopted in the board rules. That
10 would be just good for the records to have it all in
11 one location, related things, so it further does
12 that. This resolution, the provisions are
13 consistent with current statutes and the pending
14 legislation on this issue.

15 MR. GARCIA: And I know this is an item that
16 the vice chair has put on the agenda, and so I'd
17 give him the floor now, if he'd like to speak to it.

18 MR. SASSO: Thank you, Mr. Chair. I know I
19 want to credit Supervisor Ziegler, who I think also
20 brought this up earlier in the year, and just say
21 that my -- my understanding is consistent with Mr.
22 Langley's. This is a resolution that's consistent
23 with what will be state law, and also, I think
24 consistent with what we saw in Washington this
25 month, where the COVID pandemic was - - or the



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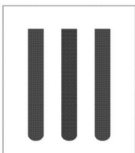
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1 emergency was officially declared no longer to be in
2 effect. And I would urge the board to adopt this so
3 we can make clear for everyone in the district that
4 this will not be a concern of theirs moving forward.

5 MR. GARCIA: Any other comments?

6 MS. ZIEGLER: Yeah, I have a couple comments.
7 So you know, I think it's interesting you kind of
8 dovetailing into the comments that were made by the
9 public, and I want to make sure I reiterate Chair
10 Garcia's statements that I do take those very
11 seriously and I can hear what you're saying. I
12 think a lot of the comments were highlighted of
13 that. How grateful they were to operate in the
14 State of Florida in a time that was unprecedented
15 across the country. But as more information became
16 aware, under the governor's leadership, we were able
17 to continue and pursue open business and
18 opportunities. I'm also a school board member in
19 Sarasota County, Florida. I can tell you as a
20 policymaker, they were unprecedented moments sitting
21 there trying to evaluate that. But as more and more
22 information became aware, we were able to open up
23 our schools in the State of Florida where other
24 schools were not able to be done, just like the
25 business components. But what's -- what was



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1 challenging is that when you think about certain
2 components about -- I mean, if you think about COVID
3 restrictions, that has an impact on the thrivingness
4 of your business. I've heard from many people,
5 sadly, who had to actually leave their jobs in this
6 area that they loved because of, you know, the
7 overzealous aspects and requirements of certain
8 corporations, including Disney, and that -- and then
9 there were heartbreaking stories. And I do recall a
10 reporter kind of taking a jab of saying that this is
11 a political statement. No, this is protecting
12 businesses to operate with the freedom of those
13 liberties and components. I think that I can't
14 underscore that enough. And I think it is important
15 as, again, as Chair Garcia highlighted, this kind of
16 legal mess that we found ourselves in, I as a
17 Floridian, and I know the governor, in representing
18 the governor in this -- in this capacity, takes that
19 very seriously to ensure that we have a thriving
20 economy, a thriving tourism economy, but also to
21 support small businesses, and also to support free,
22 and you know, individual liberties. And so I think
23 it's -- it underscores that ability to support our
24 businesses so that they can be successful. We know
25 what the climate is and what's supportive of in the



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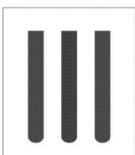
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1 State of Florida. I think also not an -- alienating
2 your customer base is a really important aspect if
3 you think about as you're a tenant -- you're a
4 tenant of a landlord that potentially has run that
5 risk. And I hope that that's not the case. And I
6 think as I've mentioned, and as was said here, our
7 goal is to work hand in hand so that we can support
8 the businesses in the State of Florida and support
9 the thriving tourism industry. That is a point of
10 pride in Florida. And also to help, you know, make
11 sure people enjoy coming and visiting, but also our
12 Floridians as well. And I think that's a role that
13 this board will take very seriously and not minimize
14 that. But I do want to highlight that there are
15 steps that have been taken, unfortunately, that have
16 put us in this place. But my commitment, and I -- I
17 don't want to speak for my board members, but based
18 on all the actions up here, is to work and have an
19 -- have an open ear. I think we've mentioned we've
20 been able to solve some pretty historically long
21 issues that didn't necessarily take us too much
22 time. I know that we've had great work by Mr.
23 Langley and other board members, but I want to,
24 again, reiterate my commitment to the members of
25 this community, but also of this state, small



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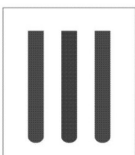
1 businesses as well, to ensure that we aren't
2 alienating anyone, that we see them thrive. I -- I
3 -- I -- I would be remiss to say that there are
4 certain corporations that I think completely
5 alienated their customer base, and we see the
6 devastating impacts on that. And so that's not what
7 my hope is. I hope that, of course, each company is
8 going to make their own decisions. But as a board
9 and oversight in the district, we're going to do
10 whatever we can to see those operations thrive. So
11 I just wanted to reiterate that commitment. Thank
12 you.

13 MR. GARCIA: Thank you for the comments. Any
14 other comments from my fellow board members?

15 MR. LANGLEY: This is a public hearing, so we
16 should open it up for any comments at this time.

17 MR. GARCIA: Yes, ma'am. Did you want to
18 speak?

19 MS. MCDONALD: I do. Correct me if I'm wrong,
20 but I think one of the foundations of being a
21 Republican is that we try not to be too heavy handed
22 on businesses, that small businesses and other
23 businesses can make decisions and operate without
24 fear of heavy handed legislation. Restricting a
25 business from making a decision about COVID-19 may



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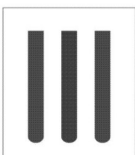
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1 seem like it's casual to you, but people died. A
2 lot of people died. And I think this area took
3 responsibility in ensuring what they could do by
4 losing billions of dollars by the ways of
5 corporation to protect people. And when they
6 returned people to business, they did so in what
7 they felt was a safe manner. People weren't laid
8 off because they were wearing masks, people were
9 laid off because people stopped flying into our
10 area. Our airports suddenly were a ghost town. The
11 tourism, which we are known for, and which we
12 respect, and which we thrive on, people weren't
13 coming. People were afraid. People were dying.
14 People were not supposed to gather in large groups.
15 I don't know where you guys were, but I will say
16 that for us, and I hope for you that you took some
17 precautions for your families, for your schools.
18 And as far as our schools operating, they operated
19 with kids and computers. And yes, it was difficult.
20 The teacher had some inside, some on computers,
21 remote learning. It was very, very difficult for
22 the teachers. But I will say that to say, you're
23 going to sit here as a board appointed by our
24 governor and tell businesses what to do and how to
25 do it on COVID-19, it's a very sad day. It's very,



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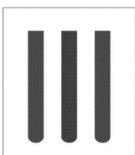
1 very sad. This feud and -- and whatever it is that
2 Governor DeSantis is using as a political step off
3 for presidency, it's not going well for you. We're
4 the laughingstock. Let people do what they do.
5 Don't come in with your lawyers from Tallahassee and
6 turn our world upside down. I'm sorry that you're
7 doing so, and I'm sorry that you see this as so
8 important or that they made mistakes. Sure boards
9 make mistakes. I'm sure you're -- you have too in
10 your business. But whatever your intention is for
11 this pass -- and I know it'll pass unanimously. Why
12 bother speaking? I speak because I care. And I
13 think to come in and tell businesses how to run
14 their -- these people are afraid. These people own
15 businesses. They have employees that have bought
16 homes here, devoted their lives to this area, and
17 you're turning it upside down by your power. And I
18 just think it's a very sad day for the State of
19 Florida. Thank you.

20 MR. GARCIA: Thank you for your comments. Are
21 there any other public comments? And do we need a
22 motion?

23 MR. LANGLEY: Yes.

24 MR. GARCIA: Is there a motion?

25 MS. ZIEGLER: I move to approve Resolution 640.



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1 MR. GARCIA: Second?

2 MR. SASSO: Second.

3 MR. GARCIA: Any discussion? All in favor, say
4 aye.

5 MS. ZIEGLER: Aye.

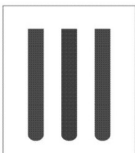
6 MR. LANGLEY: Aye.

7 MR. SASSO: Aye.

8 MR. GARCIA: Anyone opposed? Passes
9 unanimately. Okay. Next is unfinished business,
10 and this board will be hiring a new administrator.
11 And Mr. Classe has expressed an interest in
12 remaining on in another capacity. And the vice
13 chair has been discussing this with Mr. Classe and
14 negotiating it, and so I would ask him to update the
15 board on the status of that.

16 MR. SASSO: Yes, Mr. Chair. The update I have
17 for the board is that we probably need to bring this
18 back up at the next meeting. So I would ask the
19 agenda item be carried over until that meeting.
20 We're having very productive discussions. We're
21 quite close to having a final agreement in place,
22 but we're not quite there at this moment, and I'd
23 like to continue it on to the next agenda if it's
24 okay with the Chair and the board.

25 MR. GARCIA: Okay. Thank you for that report.



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1 Yes, sir.

2 MR. AUNGST: Mr. Chair, I just want to make a
3 comment on the draft district administrator job
4 description if I -- if I might. If this is an
5 appropriate time, or is that --

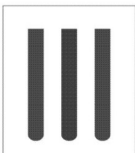
6 MR. GARCIA: We're going to get to that.

7 MR. AUNGST: Okay.

8 MR. GARCIA: Okay?

9 MR. AUNGST: Thank you.

10 MR. GARCIA: Any other comments with respect to
11 the vice chair's report on Mr. Classe's new
12 arrangement? Okay. The -- the other thing that I
13 need to report to my fellow board members is that as
14 a result of -- of the board hiring a new
15 administrator, I have received several phone calls,
16 referrals, some resumes, and I am -- I am pleased
17 to report that we received a resume from a candidate
18 who is interested in that position. An outstanding
19 candidate. If you know anything about public policy
20 in Florida, you're familiar with this candidate.
21 He's been -- he's a -- he's a man who is dedicated
22 to public service, and has done, I think, more than
23 anybody I know to help the underserved in the State
24 of Florida. He is -- he is bright, he is of the
25 highest character, he is hardworking, and he has



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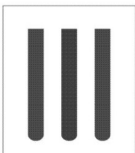
1 exceptional leadership qualities. And his name is
2 Glen Gilzean. And what I'd like to ask from my board
3 is that you meet with Mr. Gilzean before our next
4 board meeting. I'd like for you to meet with him
5 individually, ask him whatever questions, and
6 hopefully you will come to the same conclusion that
7 I have in terms of his qualifications, and what a
8 great opportunity this is for the district. And in
9 the meantime, of course subject to your approval, I
10 will, with your authority, negotiate with Mr.
11 Gilzean a -- an employment contract. And my goal is
12 to have such a contract presented to us at our next
13 meeting.

14 MR. SASSO: Mr. Chair, I think that's a good
15 idea, and if you'd like a motion, I can present one
16 adopting that point, or you can make a motion and
17 I'd be glad to second it.

18 MR. GARCIA: I'll take your motion.

19 MR. SASSO: I'll move that you, as the Chair,
20 have the authority of the board to enter into
21 discussions with Mr. Gilzean, and also that I
22 believe the rest of us will thereafter meet with
23 him, either virtually or in person, to discuss his
24 interest in the board in the district.

25 MS. ZIEGLER: Second.



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1 MR. GARCIA: Any further discussion? All in
2 favor, say aye.

3 MS. ZIEGLER: Aye.

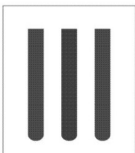
4 MR. AUNGST: Aye.

5 MR. SASSO: Aye.

6 MR. GARCIA: Any opposed? Passes unanimously.
7 Okay. Supervisor Aungst, let's get to the - to the
8 next --

9 MR. AUNGST: Well, yeah, I was just going to
10 mention on the district administrator position, not
11 a requirement, but a preference that I would have
12 would be a master's level degree in one of the
13 associated fields. And I noticed that Mr. Gilzean
14 does have a master's degree, so that's fantastic.
15 And I did just want to echo I've known Glen for many
16 years. He was a faithful and excellent school board
17 member in Pinellas County. And I know he's
18 established himself as an excellent, outstanding
19 not-for-profit leader here as a CEO, and has been
20 recognized as CEO of the Year by Orlando Business
21 Journal. So I'm very excited to meet with you
22 again, Glen, and we'll see where we go from here,
23 but I thank you for your interest. Appreciate it.

24 MS. ZIEGLER: If I may. Well, I was excited to
25 see this name -- familiar name pop up, and I could



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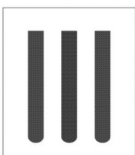
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1 not say anything -- I would echo what was just
2 stated. I think that, especially even when we had
3 members of the public come forward, this is a
4 gentleman that I know means -- works deeply with
5 everyone to see that we succeed. So I could not be
6 more excited about this opportunity to work with
7 him.

8 MR. GARCIA: Any other comments? Mr. Gilzean
9 is here, and I'd ask him to just stand up, and so
10 everybody can recognize him. And we really look
11 forward to getting to know you better, and working
12 with you, and thank you for attending our meeting
13 today. Is there any other discussion on the items
14 on the unfinished business portion of the agenda?
15 Hearing none. Is there any board discussion before
16 we go into a shade meeting?

17 MS. ZIEGLER: I just wanted to follow up as far
18 as making sure the business as was mentioned on the
19 comp plan, what that next step. Is that the next
20 board meeting? Is that something that needs some
21 additional work? So I think that was a well stated
22 point.

23 MR. LANGLEY: I -- what I'd like to do is I'd
24 like to have discussions with DEO of what they're
25 looking for as far as an action item from us to



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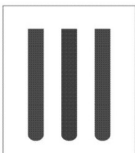
1 correct the record, make it straight, because this
2 -- the district did transmit something that
3 purported to be a comp plan to the state. So I'd
4 like to get some commentary from the State on that,
5 and then report at the next meeting or bring back an
6 action item.

7 MS. ZIEGLER: Very good.

8 MR. AUNGST: Mr. Chair, this -- oh, I'm sorry.

9 MR. GARCIA: Go ahead.

10 MR. AUNGST: This isn't extremely pressing, but
11 I did have a list of things before we uncovered the
12 -- the unpleasant surprise of the development
13 agreement and the deed restrictions. And on that
14 list were -- there are some advisory boards. I know
15 that we have done away with the planning board and
16 have addressed that, but there are two other
17 advisory boards. There is a -- an - - a Board of
18 Appeal, which my understanding was a board that was
19 to hear any site plan or permitting appeals from a
20 staff level. So disputes with our staff would go to
21 that board. I think we should probably have that
22 authority as opposed to that board. So I'd like to
23 ask Mr. Langley and you to maybe look at that over
24 the next month or so and do that. And then the
25 other one is the Pollution Control Board, which I



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1 don't really know a ton about. I'm not as concerned
2 about it, but I think we need to know more about it
3 and evaluate that as well. So those two boards are
4 still in existence, and I do think we need to look
5 at those, and understand them, and consider any kind
6 of action we need to take given the new structure of
7 the new act.

8 MR. GARCIA: So I'll take that as you're
9 wanting to put those two items on the next agenda
10 and get a report to you on that?

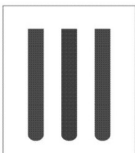
11 MR. AUNGST: That'd be great.

12 MR. GARCIA: Can we do that, Mr. Langley?

13 MR. LANGLEY: Yes, we can get a report. If we
14 need to make additional changes to the way those
15 boards are structured, may need one more meeting to
16 have a resolution advertised.

17 MR. GARCIA: Thank you for your insight on
18 that, Supervisor Aungst. Any other comments before
19 we go into a shade meeting?

20 MR. SASSO: Mr. Chair, one more comment, which
21 is more of a request to reiterate from the last
22 meeting, which I -- and I want to thank our general
23 counsel who's working overtime, but we would like to
24 see a proposal to have a means and a process for any
25 lobbyist or people that represent other stakeholders



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1 in the district. And I think we could maybe
2 consider adding that into our policies and
3 procedures as a board. I want to make sure that
4 folks know how to get ahold of us when they want to
5 comment to the board, so that they can have that
6 access that I know many of them expressed today that
7 they're interested in. And it -- it's also helpful
8 from our perspective, so we know who's contacting
9 us. We get a lot of calls and e-mails, and we want
10 to know who the people are that are reaching out to
11 us and those that are trying to discuss issues that
12 might be important to the stakeholders. So I think
13 that policy might further that goal and that
14 interest as well.

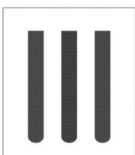
15 MR. LANGLEY: Yeah. I actually have a draft
16 that one of my associates provided to me. I just,
17 you know, haven't got to review it. So if I can
18 review it this week and turn around, if it's not too
19 late to get an ad posted this weekend, maybe we
20 could take action on it at the next board meeting.

21 MR. SASSO: And I know you've been working very
22 hard and we're all grateful. Thank you.

23 MR. LANGLEY: Thank you.

24 MR. SASSO: Nothing else, Mr. Chair.

25 MR. GARCIA: Anything else? The only thing I



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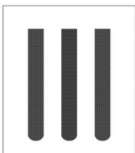
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1 guess I really need to say is -- about our general
2 counsel. You know, I don't think a day has gone by
3 that I have not spoken with him since we've been
4 appointed. And he and his partner are -- have been
5 just fantastic. And, you know, I am a lawyer. I
6 haven't practiced law for a long time, but I've
7 dealt with a lot of lawyers. And -- and there's no
8 question that there's a lot of smart lawyers but
9 being able to find a lawyer that is smart,
10 committed, and has really good judgment, it's -- is
11 not the easiest thing. And I'm really grateful for
12 the -- the judgment that our general counsel's is
13 exercised throughout this process. And then the --
14 the amount of work that he's put into it. I mean, I
15 -- he calls me at 10:00 on night -- at night on the
16 weekends. I get 4:00, 4:00 a.m. e-mails from him.
17 And he is very dedicated to the -- to the cause that
18 -- of the -- of the district. And I just want to
19 thank you on behalf of the board for all your good
20 and hard work.

21 MR. LANGLEY: Thank you.

22 MR. SASSO: Thank you.

23 MR. GARCIA: So now we'll go -- we'll recess.
24 We'll go into a shade meeting, and we'll come back.
25 There's nothing left on the agenda. When we come



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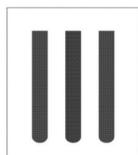
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back, we will just merely adjourn.

MR. GARCIA: Okay, we will stand adjourned.

(END OF AUDIO)



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19 Submitted on: June 7, 2023.

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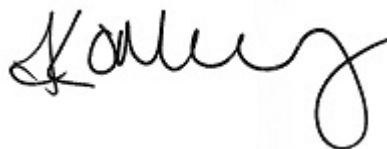
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Central Florida Tourism Oversight District

Board of Supervisors

Agenda Item 6.3

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Meeting Date	
June 21, 2023	
Agenda Item Name	
Pollution Control Board Appointment	
Requested Action	
Appoint Kermit L. Prime, Jr. to a one year term to the Pollution Control Board	
Staff Report	
<p>Kermit Prime, Jr., PE, BCEE has served the Board since 1978. He has over 40 years of engineering experience in environmental, industrial, water and wastewater management and retired as Senior Vice President from the national consulting firm PBS&J in 2009. He is currently employed by Prime Solutions, LLC and continues to be an active member of the National Society of Professional Engineers.</p>	
Additional Analysis	
None	
Fiscal Impact Summary	
None	
Exhibits Attached	
1. Pollution Control Board Bio	

The goal of the Pollution Control Program is to maintain pollution control within the area of RCID under the procedures and policies of the Florida Department of Environmental Protection

Pollution Control Board

The RCID Pollution Control Board was established in 1970 in order to provide support for the unique and innovative character of the projects to be carried out within RCID boundaries. During 2010-2011, the Board was made up of five interested representatives of RCID and surrounding communities:



Kelly Smith

The Chairman of the Board, Kelly Smith, was instrumental in helping to draft the Local Pollution Control Program, and has served the Pollution Control Board since its inception in 1971. He has been a partner in the Orlando firm of Smith Mackinnon, P.A. for over 25 years.



Jim Thomas

Jim Thomas has served the Board since his appointment in the mid-70s. Jim is owner and President of Biosphere, Inc. of Orlando, an environmental consulting firm engaged in environmental assessment and permitting programs throughout Florida.



Kermit Prime

Kermit Prime, Jr., P.E., DEE (retired) is a former Senior Vice President at PBS&J, the largest consulting engineering firm in Florida, & has served the RCID Pollution Control Board since 1978. He has over 30 years of experience in Environmental Engineering & Management and has provided consulting services to many large water & wastewater projects in Central Florida.



Sam Ackley

Sam Ackley has served the Board for 18 years. Sam is the Founding Director and Board Member of First National Bank of Osceola. He has served as City Manager of Kissimmee, Titusville, Florida and Sanibel Island. Sam is currently Senior Vice President of Retrieval Payment Systems Government Division.



Grace Pierce

Grace Pierce was appointed as a member of the RCID Pollution Control Board in 1999. Ms. Pierce is the owner and president of Traffic Systems, Inc., a transportation planning and engineering consulting firm. Ms. Pierce has also served as a board member to the Orange County Development Advisory Board.

Central Florida Tourism Oversight District

Board of Supervisors

Agenda Item 6.4

Page 1 of 1

Meeting Date	
June 21, 2023	
Agenda Item Name	
Proclamation for Kyra Smeller, Fire Department Battalion Chief	
Requested Action	
Approval of Proclamation for Kyra Smeller, Fire Department Battalion Chief	
Staff Report	
Kyra is retiring on June 30, 2023 after 33 years of service to the District.	
Additional Analysis	
None	
Fiscal Impact Summary	
None	
Exhibits Attached	
1. Proclamation for Kyra Smeller, Fire Department Battalion Chief	

Proclamation

WHEREAS, Kyra Smeller, who served the Central Florida Tourism Oversight District (formerly known as the Reedy Creek Improvement District) through outstanding dedication to the District and its landowners, providing the highest level of service and professionalism, ensuring successful operations as a Battalion Chief in Fire Prevention; and

WHEREAS, Kyra Smeller is being recognized and thanked for her outstanding performance, exemplary dedication, and willingness to serve the District; and

WHEREAS, the members of the Board of Supervisors of the Central Florida Tourism Oversight District feel that Kyra Smeller merits and deserves the plaudits and appreciation of the Central Florida Tourism Oversight District;

NOW, THEREFORE, the Board of Supervisors of the Central Florida Tourism Oversight District assembled in regular session this 21st day of June 2023, do hereby proclaim and express sincere appreciation and gratitude to Kyra Smeller for her outstanding service and dedication to the Central Florida Tourism Oversight District;

This Proclamation shall be set forth in full upon the minutes of this meeting and a certified copy of the same be presented to Kyra Smeller from the Board of Supervisors of the Central Florida Tourism Oversight District.

ADOPTED this 21st day of June 2023.

By: _____
Martin Garcia, Chair of the Board of Supervisors

ATTEST:

Tina Graham, District Clerk



Central Florida Tourism Oversight District

Board of Supervisors

Agenda Item 6.5

Page 1 of 1

Meeting Date	
June 21, 2023	
Agenda Item Name	
Proclamation for Bruce Jones, Director of Procurement	
Requested Action	
Approval of Proclamation for Bruce Jones, Director of Procurement.	
Staff Report	
Bruce is retiring on June 30, 2023 after 20 years of service to the District.	
Additional Analysis	
None	
Fiscal Impact Summary	
None	
Exhibits Attached	
1. Proclamation for Bruce Jones, Director of Procurement	

Proclamation

WHEREAS, Bruce D. Jones, who served the Central Florida Tourism Oversight District (formerly known as the Reedy Creek Improvement District) through outstanding dedication to the District and its landowners, providing the highest level of service and professionalism, ensuring successful operations as a leader in Procurement; and

WHEREAS, Bruce D. Jones is being recognized and thanked for his outstanding performance, exemplary dedication, and willingness to serve the District; and

WHEREAS, the members of the Board of Supervisors of the Central Florida Tourism Oversight District feel that Bruce D. Jones merits and deserves the plaudits and appreciation of the Central Florida Tourism Oversight District;

NOW, THEREFORE, the Board of Supervisors of the Central Florida Tourism Oversight District assembled in regular session this 21st day of June 2023, do hereby proclaim and express sincere appreciation and gratitude to Bruce D. Jones for his outstanding service and dedication to the Central Florida Tourism Oversight District;

This Proclamation shall be set forth in full upon the minutes of this meeting and a certified copy of the same be presented to Bruce D. Jones from the Board of Supervisors of the Central Florida Tourism Oversight District.

ADOPTED this 21st day of June 2023.

By: _____
Martin Garcia, Chair of the Board of Supervisors

ATTEST:

Tina Graham, District Clerk



Central Florida Tourism Oversight District

Board of Supervisors

Agenda Item 6.5

Page 1 of 1

Meeting Date	
June 21, 2023	
Agenda Item Name	
Proclamation for Bruce Jones, Director of Procurement	
Requested Action	
Approval of Proclamation for Bruce Jones, Director of Procurement.	
Staff Report	
Bruce is retiring on June 30, 2023 after 20 years of service to the District.	
Additional Analysis	
None	
Fiscal Impact Summary	
None	
Exhibits Attached	
1. Proclamation for Bruce Jones, Director of Procurement	

Central Florida Tourism Oversight District

Board of Supervisors

Agenda Item 9.1

Page 1 of 2

Meeting Date	
June 21, 2023	
Agenda Item Name	
Resolution No. 644 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CENTRAL FLORIDA TOURISM OVERSIGHT DISTRICT ADOPTING A WHISTLEBLOWER POLICY FOR DISTRICT EMPLOYEES.	
Requested Action	
Approval of Resolution No. 644 adopting a whistleblower policy for District employees.	
Staff Report	
<p>In consultation with the District’s labor attorney, it was determined that the District does not currently have a specific whistleblower policy within its personnel policies. Thereafter, the Acting General Counsel requested the labor attorney to prepare a whistleblower policy for the Board of Supervisor’s consideration.</p> <p>This proposed Policy is intended to provide guidance to and assist employees and persons that have knowledge of unlawful activity, misfeasance, or malfeasance by the District, its employees, or its independent contractors, in reporting such knowledge so that the District can address and correct inappropriate conduct and actions. In order to encourage reporting of such information without fear of reprisal, this Policy prohibits adverse action against an employee or person who has disclosed information to an appropriate official under this Policy. This Policy does not replace the State of Florida’s Whistleblower’s Act (“State Act”) and persons who wish to disclose information pursuant to the State Act may do so in addition to, or in lieu of, the procedures in this Policy.</p> <p>The Policy is effective immediately for non-unionized employees. The Policy has a delayed effective date of August 1st for employees who are members of a collective bargaining unit in order to give the unionized employees time to comment on the same. If any comments justify further revisions to this Policy, an amendment to this Policy can be processed at a later date. The District Administrator is given flexibility to further extend the delayed effective date for up to 90 additional days.</p>	
Additional Analysis	
None	
Fiscal Impact Summary	

None

Exhibits Attached

1. Resolution No. 644
2. Whistleblower Policy Attachment

RESOLUTION NO. 644

**A RESOLUTION OF THE CENTRAL FLORIDA TOURISM
OVERSIGHT DISTRICT ADOPTING A WHISTLEBLOWER
POLICY FOR DISTRICT EMPLOYEES.**

WHEREAS, the Central Florida Tourism Oversight District (“District”) exists pursuant its enabling act codified at Chapter 2023-5, Laws of Florida becoming effective on February 27, 2023 (the “Act”); and

WHEREAS, the District expects all of its employees to comply with applicable laws and observe high standards of ethics and conduct in carrying out their duties and responsibilities; and

WHEREAS, the District wishes to adopt a Whistleblower Policy intended to provide guidance to and assist employees and persons that have knowledge of unlawful activity, misfeasance, or malfeasance by the District, its employees, or its independent contractors, in reporting such knowledge so that the District can address and correct inappropriate conduct and actions; and

WHEREAS, in order to encourage reporting of information without fear of reprisal, the District wishes to adopt this Whistleblower Policy to prohibit adverse action against an employee or person who has disclosed information to an appropriate official under this Policy; and

WHEREAS, the Policy is not intended to replace the State of Florida’s Whistleblower’s Act (“State Act”) and persons who wish to disclose information pursuant to the State Act may do so in addition to, or in lieu of, the procedures in this Policy.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of Supervisors of the Central Florida Tourism Oversight District, as follows:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Resolution.

SECTION 2. Adoption of a Whistleblower Policy. The attached Whistleblower Policy is hereby adopted and created.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

SECTION 4. Effective Date. This Resolution shall become effective immediately upon adoption by the Board of Supervisors of the Central Florida Tourism Oversight District, except for employees who are members of a collective bargaining unit for whom this Resolution shall become effective on August 1, 2023. The effective date pertaining to bargaining unit members may be further delayed for up to ninety (90) days by the District Administrator.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of Supervisors of the Central Florida Tourism Oversight District, this June 21st day of 2023.

CENTRAL FLORIDA TOURISM OVERSIGHT DISTRICT

By: _____
Martin Garcia
Chair of the Board of Supervisors

Attested:

By: _____
Tina Graham, District Clerk

Attachment to Resolution No. 644

WHISTLEBLOWER POLICY

The District expects all of its employees to comply with applicable laws and observe high standards of ethics and conduct in carrying out their duties and responsibilities. This Policy is intended to provide guidance to and assist employees and persons that have knowledge of unlawful activity, misfeasance, or malfeasance by the District, its employees, or its independent contractors, in reporting such knowledge so that the District can address and correct inappropriate conduct and actions. In order to encourage reporting of such information without fear of reprisal, it is the District's policy to prohibit adverse action against an employee or person who has disclosed information to an appropriate official under this Policy. This Policy does not replace the State of Florida's Whistleblower's Act ("State Act") and persons who wish to disclose information pursuant to the State Act may do so in addition to, or in lieu of, the procedures in this Policy.

Reporting Responsibilities and Nature of Information Disclosed

It is the responsibility of all employees to report good faith concerns of the following conduct:

- (1) Any violation or suspected violation of any federal, state or local law, rule or regulation committed by an employee or agent of the District or an independent contractor which creates and presents a substantial and specific danger to the public's health, safety or welfare; or
- (2) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of the District or an independent contractor.

This information is referred to throughout this Policy as "legal violations or gross misconduct" or "disclosures under this Policy." Legal violations or gross misconduct disclosed under this Policy must be disclosed to the appropriate local official at the District in a signed, written complaint/disclosure. For purposes of this Policy, the appropriate local official, as referenced by state law in the State Act, is the highest ranking individual in Human Resources at the District or the District Administrator.

Investigation of Reported Violations

All disclosures of legal violations or gross misconduct under this Policy will be promptly investigated in as discrete a manner as practicable and appropriate corrective action will be taken, if warranted, by such investigation. The identity of the person disclosing legal violations or gross misconduct, and certain other information, shall be confidential and exempt from the provisions of the public records laws to the fullest extent permitted by law, and in accordance with the law, including, but not limited to the confidentiality requirements and exemptions set forth in Florida Statute Sections 119.0713 and 112.3188, as such may be amended from time to time. In the event a disclosure made under this Policy is not a report of a legal violation or gross misconduct, the

District may employ an alternative investigation process or procedure (e.g., the District's Conflict Resolution Policy) and this Policy will be inapplicable.

No Retaliation

The District prohibits retaliation, to include dismissal, discipline, or other adverse personnel action, against any employee who in good faith discloses legal violations or gross misconduct under this Policy. The District also prohibits retaliation, to include taking any adverse action that affects the rights or interests of a person, against any person who in good faith discloses legal violations or gross misconduct under this Policy. These protections extend to employees or other persons who make disclosures under this Policy in good faith, even if the allegations are, after investigation, not substantiated.

Employees and Persons Protected

This Policy protects employees and persons from retaliation who disclose legal violations or gross misconduct on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by the District or by any state agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act; who refuse to participate in any adverse action prohibited by this Policy; or who are otherwise protected by the State Act.

The protections of this Policy do not apply to any person who has committed or intentionally participated in committing the violation or suspected violation for which protection under this Policy is being sought. It shall be an affirmative defense to any retaliation complaint brought pursuant to this Policy that the adverse personnel action was predicated upon grounds other than, and would have been taken absent, the employee's or person's exercise of rights and/or protections under this Policy.

Existing Rights

This Policy is not intended to and should not be construed to diminish the rights, privileges or remedies of any employee under any other law or rule or under any collective bargaining agreement or employment contract; however, the election of remedies provided by Florida Statute Section 447.401 shall also apply to disclosures under this Policy.