

BREVARD FAMILY PARTNERSHIP
BOARD OF DIRECTORS
AUGUST 28, 2009 BOARD MEETING
MINUTES

Board Members in Attendance: Mr. William Ryder, Board Chair, Ms. Helen Voltz, Vice Chair, Mr. Stockton Whitten, Treasurer, Mr. Leo Roselip, Ms. Irene Burnett, Mr. Mel Broom, Judge Kelly McKibben, and Ms Leigh Holt via telephone.

Board Members Absent: Mr. Samuel Gutierrez.

Others in Attendance: Dr. Patricia Nellius, CEO, Ms. Valerie M. Randall, Chief Personnel and Administrative Officer, Mr. James Carlson, COO, Mr. Geo Ropert, Communications Consultant and Ms. Stephanie Strodtman, Executive Assistant.

Mr. Ryder called the meeting to order and requested that those present state their names for the record.

Motion: Mr. Roselip moved to approve the agenda. This was seconded by Ms. Voltz and the motion was passed unanimously.

Mr. Ryder addressed the members and shared that Dr. Nellius had information to provide to the Board after which he would make some additional remarks. He indicated that there is a situation which surfaced very recently which needs to be addressed.

Dr. Nellius provided a brief history on the decision made and contract amendment initiated by Secretary Hadi when it was determined that providers could no longer be on the CBC Board of Directors as it would pose a conflict of interest. Secretary Hadi specifically exempted Brevard County from this exclusion citing its strong involvement in the development of the County's System of Care as well as its financial contribution. It was viewed that the County representation on the CBC board would serve to ensure that the Agency adhered to the principles and values of the System of Care and that they represented the interests of the local community. She reported that the current administration raised concerns over the County staff serving on the Board and that they do not currently support the former Secretaries position on this matter.

Judge McKibben arrived.

Dr. Nellius then shared with the board members recent events in a chronological order. She spoke about a request from OPAGGA to address the administrative overhead. During this call she inquired if all the CBC's were participating in this review process and she was informed by the reviewers that DCF suggested they specifically contact BFP. She then shared that just prior to the DCS the Circuit Administrator came by the office to discuss the language regarding the Board Governance and specifically the County seats. He spoke with the COO who reported that the Circuit Administrator asked him if we still wanted the County on the Board and if so, why. The COO indicated that this was a Board decision. The Circuit Administrator then spoke with the CEO and indicated that there was a concern with the County being on the Board and suggested that he should speak with Commissioner Nelson. The CEO expressed that this was a Board matter and that Commissioner Nelson would not be the appropriate person with whom to have this dialogue at this point in time.

Dr. Nellius then recounted events that took place in the last two days during her attendance at the Dependency Court Summit. She indicated that she had been queried by DCF attorneys and Administration about the status of the County serving on the Board. They shared their position on this matter with suggestions that by having the County serving in this capacity this was viewed as a potential ethics violation. When she inquired why this was presenting as an issue now when the County's role had been previously disclosed and approved, she was informed that prior opinions are not necessarily shared by the current administration, and with the new legal firm established by DCF all contracts are being more fully scrutinized.

Dr. Nellius continued to share the rationale for the County exemption made by Secretary Hadi, the procedures and protocols in place to address any potential conflict of interest and outlined how the history and rationale for County involvement on the Board actually strengthened the community ownership and voice to ensure adherence to the principles of the System of Care developed by the community.

Mr. Ryder interjected and indicated that in his conversations with Mr. John Cooper, Mr. Cooper indicated that the contract can go forward as long as this issue is being addressed and a plan of action is in place.

Mr. Whitten remarked that the issue seems to be that County "staff" is on the Board and that he would be willing to recommend that the Commissioners appoint different people.

Ms. Holt interjected that she had spoken with the County attorneys yesterday and that their opinion is that there is no conflict of interest.

Mr. Whitten offered as Interim County Manager that he would be willing to make the recommendation to the Board of County Commissioners to appoint community members rather than staff. Mr. Roselip expressed that he was uncertain of the underlying issue and that the sequence of events concerns him. He said that he personally believes there may be more to this, but does not know what that could be.

Mr. Ryder indicated that he felt it was important to have County representation on the board. Judge McKibben interjected that she felt that by the County assigning community members there would also be a similar conflict of interest as having County staff as the community appointees would represent the interests of the County in this role.

Dr. Nellius then shared with the Board that before she left the DCS today she and Mr. Cooper spoke again. She specifically asked him what DCF was looking for in order to reach an amenable solution. She asked him if the County attorneys provided a written position that there was no violation of the Ethics law if that would be a solution to the issue. Mr. Cooper responded he believed so.

Mr. Ryder indicated that in a conversation he had with Mr. Cooper that he had received the same answer to the resolution proposed. Dr. Nellius remarked that she felt County representation on the BFP Board provided a strong voice for the community and the System of Care.

A 2003 memo from the County attorney was provided to the Board members where the questions of County Commissioners/appointees serving on the Board were addressed. In this document the attorney cited the Ethics Laws specifically and concluded that there was no conflict of interest in this regard.

Motion: Mr. Roselip moved to obtain a legal opinion from the appropriate source to address the concerns raised.

There was discussion on this motion in terms of the most appropriate method to obtain this information. Mr. Roselip then requested that the motion be read back after which he withdrew his motion.

Motion: Mr. Whitten moved to have BFP make a request of Brevard County to seek legal opinion from the Ethics Commission to resolve the alleged conflict of interest addressed. This was seconded by Ms. Voltz.

There was discussion on this motion with differing opinions as to the methodology to best address the concerns raised. Mr. Whitten withdrew his motion.

Motion: Judge McKibben moved that BFP should seek an opinion from the County attorney's office regarding the alleged conflict of interest raised by DCF. This was seconded by Ms. Voltz and the motion was passed unanimously.

Dr. Nellius indicated that BFP would request its legal counsel to communicate with County attorneys to request a written opinion.

Motion: Ms. Voltz moved to adjourn the meeting. This was seconded by Mr. Roselip and the motion was passed unanimously

Respectfully Submitted,

Valerie M. Randall
Recording Secretary

Approved at the Board of Directors Meeting September 24, 2009