

**COMMUNITY SERVICES ADVISORY BOARD MEETING
MARCH 14, 2005 – 7:00 P.M.**

**CITY COMMISSION CHAMBERS – 1ST FLOOR
100 N. ANDREWS AVENUE**

Board Members

	<u>Present</u>	<u>Absent</u>	<u>Cumulative From 10/03</u>	
			<u>(P)</u>	<u>(A)</u>
Robert Brady	P		13	2
Jennie Brooks	P		12	3
Marie Conroy		A	9	3
Marjorie Davis		A	5	10
John Hurley	A		6	9
Robert Pascal	P		13	2
Sanford Rosenthal	P		15	0
Robert Smith	P		15	0
William Goetz	P		6	1
Michael Kimmey	P		5	1
Alfred Imgrund	P		3	0
William Dandy	A		0	1

Staff Present:

Margarette Hayes, Community Development

Margaret A. D'Alessio, Recording Secretary

Guests

Kevin Green
Leslie King

Call to Order

Chair Robert Brady called the meeting to order at approximately 7:12 p.m. and roll call was taken and a quorum was present.

Margarette Hayes advised that one of the Assistant City Attorneys was present at tonight's meeting, along with Lori Milano, Director Community Inspections, and Margarette Hayes of the Community Development Division.

Chair Robert Brady explained that the Assistant City Attorney was present this evening to provide some information regarding the Sunshine Law.

Sunshine Law

The Assistant City Attorney stated that she asked to be placed on tonight's agenda to provide information regarding the Sunshine Law due to the fact that there are a lot of new Board Members. She added that she also wanted to discuss parliamentary procedure with the Board after reading several months of minutes from this Board.

The Assistant City Attorney stated that the Sunshine Law was designed to prevent government from making "smoky deals in back rooms" without public oversight. Everything that the local governments do is to be done in the open. She explained that every decision made by the government needs to be done in public view, along with the discussions which led to such

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decisions. She further stated that the interesting thing about the Sunshine Law was that it applies to any type of discussion that Board Members have which lead to a future decision by this Board or a Board they advise. If various Board Members meet, they should not discuss any items that would be discussed by this Board. Even past cases should not be discussed because it could lead to broader discussions of this Board in making future decisions.

The Assistant City Attorney further stated that the requirements of the Sunshine Law state that minutes should be kept of all meetings, along with the meeting being noticed to the public. She realized the purview of this Board was very broad, but statute requirements must be met. She added that e-mails, phone calls, and letters should not be sent to other Board Members. She stated that if a Board Member had an item they wanted to have presented at the next meeting, then staff should be contacted and the item could be placed on the Board's next agenda. She explained that the letter previously written by Mr. Brady regarding the appointment of Mr. Goetz as parliamentarian should not have been sent to other members, and instead it should have been placed on the agenda for future discussion.

Chair Robert Brady asked that since the letter had been disseminated through staff and was a part of the public record prior to it being distributed was that not permissible.

The Assistant City Attorney continued stating that it should not have been done. She explained that the difference between a public record and the Sunshine Law was slightly "murky." She added that the government was required to have for their record and review any document received or made during the course of the Board's business.

Sanford Rosenthal asked if the Board Members could not socialize. The Assistant City Attorney explained that they could socialize, but could not discuss matters that were to come before the Board.

Alfred Imgrund asked how many people had been persecuted under the Sunshine Law in Broward County. The Assistant City Attorney stated that she would check on the matter and report back to the Board. Robert Smith advised that in today's *Sun-Sentinel* there was an article about this matter. Evidently, one person in the State went to jail and served his full sentence, along with another woman who served 10 days of a sentence. Evidently, there were thousands of violations per day. Normally, the fine was \$500. Alfred Imgrund stated that was an example of an unenforceable law, which was a bad law.

The Assistant City Attorney advised that if anyone wanted to read the Statute regarding the Sunshine Law, they could find it under Florida Statutes 286.011. Robert Smith added that in today's article, it was mentioned that the book containing the law consisted of 278 pages. The Assistant City Attorney advised that the present law they operated under was 2004. She also stated that the City Commission also operated under this law.

William Goetz asked if letters or e-mails providing information, not opinions, could be sent. The Assistant City Attorney advised the Board not to send e-mails to each other regarding information about any items that they could be discussing.

William Goetz stated that the Chair had done some research regarding the purview of this Board and provided such information to the members in the past. The Assistant City Attorney explained that it was the role of staff to provide necessary information to the Board.

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Chair Robert Brady asked if any member of the Board questioned an ordinance or State Statute and wanted to know where to find it, and he provided a copy to that person, would that not be all right. The Assistant City Attorney stated that it was actually staff's job to provide such information to Board Members.

William Goetz asked if the information being supplied during tonight's meeting was law or was it the Assistant City Attorney's opinion. The Assistant City Attorney stated that she was supplying her opinion in regard to staff providing information needed by Board Members, and that conversations between Board Members should only consist of matters not pertaining to the Board. She stated there is a "gray area" between information and something that might lead to conversations about a matter that may come before the Board at some time. William Goetz asked if this was written in the Sunshine Law or subsequent administrative or Court decisions, or was it the opinion of the City Attorney. The Assistant City Attorney explained that it was the City Attorney's opinion after reading cases that came about after the Sunshine Law and the Attorney General's opinion. She explained further that it was based on legal traditions, which was the state of the law in Florida.

Robert Smith advised that the person who went to jail had a conversation with another Commissioner in Escambia County.

Sanford Rosenthal asked if he would be breaking the law if he had a conversation with a member of the public. The Assistant City Attorney replied that it would depend, and possibly if that individual were to come before this Board regarding an application, such conversation could be considered "ex parte" and it would be prejudicial to the process. She added that there would not be a problem, if the Board Member disclosed that such conversation had taken place. He stated that soon individuals would be requesting Block Grants, and the Board needed some freedom to visit those individuals and discuss the matter with them. The Assistant City Attorney stated that Commissioners visited sites and the City Clerk's office posted notice and arranged such visits.

Chair Robert Brady stated that he had been in contact with various individuals appearing before this Board and discussed items before with some Commissioners. Therefore, he stated that everyone had the ability to represent themselves and asked at what point did the burden fall on the Board to not allow such conversations. The Assistant City Attorney clarified that she had not said that such conversations could not take place, but they had to be disclosed. She further explained that a person had to recuse himself or herself only when there was a conflict of interest. She stated that their office could be called upon to help clarify such situations.

William Goetz asked if the State Legislature was exempt from this rule. Chair Robert Brady stated they were exempt.

Jennie Brooks stated that she worked with the Broward County School Board and if an item was to come before the Board, the members were not to meet previously with the individuals involved in the matter. She stated that many people came before this Board, and in order to be fair to everyone, she felt the Board should follow the Sunshine Law and not meet with individuals beforehand so as not to be persuaded in their decisions.

Chair Robert Brady clarified that "ex parte" was an opinion and not a law. The Assistant City Attorney explained there was an ordinance, "Access to Public Officials" which dealt with this matter. She further explained that the Board could set a policy not to meet with anyone, but that did not have to be done. She stated that individuals sometimes were more comfortable in approaching Board Members individually and that was known as lobbying. She stated if a Board Member did not want to be lobbied they did not have to participate in such discussions.

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She added that if such conversations were held, they had to be disclosed at the meeting at the appropriate time. She further stated that Commissioners were not applicants, and therefore, such discussions were not considered the same. She explained this was referring to individuals who might come before the Board as applicants.

William Goetz clarified that was different than requesting information on a matter. The Assistant City Attorney emphasized that it was staff's job to supply necessary information to Board Members, and it was not the job of the Chair of the Board. She explained the danger is that it could lead to a conversation about interpretations, which was okay to discuss during a meeting, but not in e-mails or letters.

Alfred Imgrund clarified that each Board Member of a public board was forbidden to discuss, directly or indirectly, with any other Member any item of business pending or possibly to come before the Board except in a public meeting. The Assistant City Attorney confirmed. Alfred Imgrund then asked how many attorneys were employed by the City. The Assistant City Attorney stated that there were ten full-time attorneys.

William Goetz asked if there was a violation of the Sunshine Law, if items were discussed by two employees in various departments of the City. The Assistant City Attorney clarified that he was asking if a meeting between two City staff members would be subject to the Sunshine Law. William Goetz confirmed. The Assistant City Attorney explained that most of the time they would not be subject to the Sunshine Law, but there were exceptions. William Goetz stated that decisions made by staff could be more crucial than those made by Board Members. He said that in most cases those matters were not even subject to public review. Chair Robert Brady stated that sometimes they were, but such discussion would not be entered into at this time.

The Assistant City Attorney stated that if the Board had any further questions, she would be available to answer them.

Jennie Brooks asked what should be done if a Board Member discovered someone violating the Sunshine Law. The Assistant City Attorney explained there would probably be an investigation into the matter. She stated that she did not know of all the steps that would be taken. She added that they could be removed from the Board.

William Goetz further asked if a Commissioner was asked about a matter that was to be discussed with this Board, would there be a violation of the Sunshine Law. The Assistant City Attorney stated that conversations with Commissioners were permissible. She further clarified that the only disclosures, which had to be made, were those involving individuals that might come before this Board for a decision.

Alfred Imgrund asked if the Mayor or a Commissioner approached the Chair of this Board and requested that an item be placed on the agenda, would that be a violation. The Assistant City Attorney stated that was a different issue, and not a violation of the Sunshine Law. She further stated that was a strange way of doing things. The City Commission is to decide as a Board whether a matter should be referred to an Advisory Board for further discussion or determination. Alfred Imgrund asked if it would be illegal if such a request were made. The Assistant City Attorney confirmed that it would not be illegal.

Robert Smith asked if the City still published a pamphlet regarding the Sunshine Law. The Assistant City Attorney stated that she would inquire of the City Clerk's office whether such information was still being distributed to Board Members.

Parliamentary Procedure

The Assistant City Attorney further stated that she wanted to discuss parliamentary procedure. She proceeded to state that this Board evidently had resolved the tabling issue.

Jennie Brooks stated that she had received e-mail and then received an agenda package. Chair Robert Brady advised that he only received an e-mail stating that the letter would be distributed at the meeting.

Margarette Hayes stated that the cover for the package showed included would be the agenda, minutes, and the letter from the Chair of the Community Services Advisory Board. Chair Robert Brady advised that he had not received a package via the mail.

The Assistant City Attorney advised that Robert Brady's letter would now be distributed to the Board explaining that the Motion to Table should have ended the subject discussion-taking place at that time.

The Assistant City Attorney stated that Roberts Rules of Parliamentary Procedure should be followed and they were highly technical. Therefore, they did not have to be followed to the letter and the members should do the best they could. She stated that such rules provide that the Chair was not to make any motions, but that such motions should be made by Board Members. The role of the Chair was to keep the meeting moving and to carry the process through the agenda. She added that it was a matter of style and what worked for the Board. She stated that Mr. Brady did a good job in conducting the meeting.

Minutes

The Assistant City Attorney stated that she had read the January and February minutes of this Board. In regard to the January minutes, it stated as follows: "Mr. Brady stated that this Board had requested clarification of the ordinance authorizing a budget for this Board." She stated that she had spoken with Mr. Brady about this. She explained that the Board did not actually get a budget. There was no money for the Board to run on. She explained there was an ordinance, which stated: "The Board shall review certain funding allocations based upon a budget provided to the Board." She explained further that pertained to the CDBG items. She stated that was the budget the Board was to work under in order to allocate social service monies to applicants.

William Goetz stated that he did not interpret the question in that matter. It was his impression that the Chair was asking if this Board had any money available if they wanted studies or marketing done. The Assistant City Attorney advised that the Board did not have a budget to operate under. She stated if the Board needed something, a request could be placed with staff. The City Manager could then place the item on the Commission's agenda for discussion.

William Goetz asked for the Assistant City Attorney's opinion regarding the extent of the minutes in general. He stated that it was his understanding that minutes were only to include the results of the decisions, and not the discussions leading up to such decisions. The Assistant City Attorney stated that the minutes were a record of what happened at the meetings. She further stated that minutes were summarized and reviewed. She stated that some of the Boards did publish results of their meetings the next day. She explained the minutes were being done properly and were how the City preferred them to be done.

William Goetz stated they were not done according to Roberts Rules, but it was a good way of doing them. The Assistant City Attorney explained that Roberts Rules did not pertain to minutes. William Goetz disagreed.

Alfred Imgrund stated that he liked the way the minutes were done because the purpose of the minutes were to inform the public of what was taking place. He further stated that previously he had seen minutes for other meetings and they were not very informative. He liked the way the minutes appeared for this Board.

The Assistant City Attorney stated that if the Board had any suggestions on how to improve or add to the minutes, the recording secretary did hear the meetings and would note all comments being made.

William Goetz reiterated that he did like the way the minutes were being done, and he did not want that misunderstood.

Chair Robert Brady stated that on tonight's agenda there was an item entitled "Discussion of CSB Taking on Waterworks 2011 Project and Other Water Issues." He continued stating that this had been recommended the matter be discussed by one or more of the Commissioners but was not a Commission action, and therefore, was it the Assistant City Attorney's recommendation that the matter not be discussed at this time.

The Assistant City Attorney confirmed and stated further that staff was now aware that the Board had been approached regarding this matter, and it would be up to the City Commission to decide whether or not to enlarge the Board's duties to include water issues.

William Goetz asked if the Board should not discuss the matter and then make a recommendation to the Commission. The Assistant City Attorney explained that this Board did not have the jurisdiction to do that. William Goetz asked if the duties of this Board should not be expanded to include such matters. The Assistant City Manager stated that the Board's minutes explained their desire to expand, but the problem doing things this way was that possibly all Board Members might not agree about their duties being expanded. She explained for someone to independently hijack the process to expand the Board's duties without Commission approval, put every other Board Member in a bad position. She explained that at this point the "cat was out of the bag," and the next thing to do was to have the discussion placed on the Commission's agenda. Then, any Board Member could attend and voice their opinions as to whether the duties should be expanded or not. She stated that it was not the Board's purview to discuss these issues and decides to have the Board's duties expanded. William Goetz stated further that this Board could recommend to the Commission that the Board's duties be expanded. The Assistant City Attorney reiterated that the appropriate way was to approach the Commissioners during a meeting and discuss the issue.

Alfred Imgrund asked why this Board could not discuss the issue of expanding their duties. He felt this should be discussed at a public meeting and a consensus be reached. He did not think that an individual member of this Board should approach the Commission and ask that the matter be discussed. He stated they were not doing anything illegal in that regard. The Assistant City Manager stated they were because the ordinance set forth the duties of this Board, and WaterWorks 2011 was not included. Therefore, the Board or a member should approach the Mayor or a Commissioner if they desire, and suggest that a Board be appointed to oversee the WaterWorks 2011 project. She stated that the consensus discussion would then take place at the Commission level.

Robert Smith stated that it was his understanding that the ordinance setting forth this Board's duties stated that they could look into any matter that affected the community.

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William Goetz stated that the Board's purpose was to advise the City Commission, and unless matters could be discussed, it would not make sense that other matters could not be investigated or discussed out in the open. Then, a recommendation could be made to the Commission. He felt it was the Board's mandate to do that.

Jennie Brooks reiterated that this Board had certain duties assigned to it by the Commission. She continued stating that possibly there were other issues that this Board could discuss and oversee that would benefit the community, but unless deemed by the Commission any individual could approach this Board with a matter that the City might not want to get involved with or to fund. She reiterated that if an individual wanted this Board to consider a matter, then it should be sent to the Commission first and they would decide if the item should be referred back to this Board. She stated that the community matters reviewed by this Board should go before the City Commission.

Leslie King, Ft. Lauderdale, stated that in regard to raising this issue at a Commission meeting, she advised that she had spoken with several Commissioners and had met with Commissioner Moore who had indicated that he liked the proposal. She met with him and he advised that the matter would be discussed at the Commission level. She was then further advised that at least 3 Commissioners had approved the discussion, and she had then spoken with the Chair Robert Brady who invited her to the Board's meeting to discuss the issue. She suggested that the oversight committee be called "Citizens for Community Water Assistance and Outreach." She stated that it was her understanding they were ready to proceed, but now it appears they are being instructed that they have to start over once again at the City Commission level. She stated that since she had raised this issue originally, she would like to participate in this discussion.

Chair Robert Brady stated that Ms. King was informed by Commissioner Moore that at least 3 Commissioners had approved the idea. Ms. King confirmed Chair Robert Brady stated that Commissioner Moore had contacted him and discussed the matter. He then asked this Board for a consensus regarding the issue, and it was decided that they were interested in pursuing this.

Chair Robert Brady asked if it was permissible to get a motion or make an appointment of a spokesperson to appear before the Commission on behalf of this Board regarding this issue.

The Assistant City Attorney proceeded to read Ordinance 93-48 that stated the duties of this Board as follows: "The Board shall review social services and cultural funding allocations with the social service impact based upon a budget provided to the Board by the City Commission. The Board shall research and develop funding sources for various City projects. The Board shall act as the Advisory Board for Community Block Grant activities and report their findings and recommendations to the City Commission." She advised there were also two other ordinances regarding this Board, which encompassed the June meeting in connection with the taxicabs, and an ordinance regarding non-taxicab vehicles for hire. She stated that if the Board wanted to discuss the water issues, then they should approach the District Commissioners and the City Manager suggesting that a Committee be formed to discuss the water issues. A suggestion could be made by a Board Member that such discussions could be included as part of this Board's duties. She explained that it would then be up to the City Commission to make a decision regarding the matter. Otherwise, this Board had no jurisdiction to consider such matters.

William Goetz asked if the Commissioners who had approached the Chair of this Board had acted improperly in regard to the matter. The Assistant City Attorney advised that the Commissioners had not acted improperly. Alfred Imgrund asked who had sent the Assistant

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City Attorney to come and “spank this Board.” The Assistant City Attorney explained that no one had sent her, and that she had read some of the minutes of this Board and felt they were getting a little “off track.”

The Assistant City Attorney stated that she would be available for any questions this Board might have for her.

Robert Smith clarified that the Assistant City Attorney was present at tonight’s meeting based upon her own initiative. The Assistant City Attorney confirmed and reiterated that the minutes were read by their office.

William Goetz stated that if he disagreed with some of tonight’s comments could he approach a Commissioner for their opinion. The Assistant City Attorney explained that a

Board Member could speak with anyone they wanted, and that she only provided advice, which could be taken or ignored by the Board Members. William Goetz stated that he had assumed that someone in the City had sent her to come and straighten out this Board.

Jennie Brooks asked if procedures to be followed by this Board could be discussed. The Assistant City Attorney confirmed.

Sanford Rosenthal stated that this Board could also decide not to follow Roberts Rules of Order. The Assistant City Attorney confirmed and stated that unless another set of parliamentary orders were adopted; they assumed that the Board was following Roberts Rules. Chair Robert Brady stated that such rules had been adopted during the Board’s elections. The Assistant City Attorney stated that if the Board needed assistance or further explanations of such Rules, then the City Attorney’s Office should be contacted.

Chair Robert Brady asked if there was a copy of the Roberts Rules of Order available to the Board for their meetings. He felt it would be helpful to have a parliamentarian at the meetings. The Assistant City Attorney replied it was not necessary to have a parliamentarian at the meetings, but she would inquire whether a copy of the book was available.

William Goetz stated there were several variations of the book and summaries had been published that were easier to digest. The Assistant City Attorney explained there was a “cheat sheet” available regarding motions.

Chair Robert Brady thanked the Assistant City Attorney for the information provided this evening.

Approval of Minutes – February 14, 2005 Meeting

Motion was made by Jennie Brooks and seconded by William Goetz to approve the minutes of the February 14, 2005 Meeting. Board unanimously approved.

New Board Member Updates

Margarette Hayes stated that William Dandy had been appointed to this Board by Commissioner Moore, but was not present this evening.

Grant Site Visits

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William Goetz stated that he had been approached by a grant applicant via telephone requesting that he do a site visit, which he had done, and asked if that was a problem.

Sanford Rosenthal stated that since he had disclosed the matter, evidently it was all right.

Margarette Hayes reiterated that according to the Assistant City Attorney, the contacts had to be disclosed.

Chair Robert Brady stated that since he has been Chair, he had discussed items with every person who came before this Board, and probably would continue to do so as long as he was Chair.

Other Business

Chair Robert Brady stated that the information provided by Mr. Alexander had been provided to staff for their review.

Discussion of CSB Taken on WaterWorks 2011 Project and Other Water Issues

Chair Robert Brady stated that pursuant to instructions of the Assistant City Attorney, the item of WaterWorks 2011 Project would not be discussed this evening, nor any other issues raised by Ms. King until the Commission directs this Board to do so. He further advised that he would contact the City Commission, along with the Mayor, to ensure that this matter is placed on the Commission Agenda for discussion, and that he would attend such meeting to advocate this matter.

Other Business (Continued)

Margarette Hayes advised that applications had been received for the CDBG funding cycle. She stated that 18 applications had been received from outside agencies, and 2 applications from within the City. She stated that packets would be delivered by this Friday to the Board Members, and would be hand-delivered unless otherwise advised. She explained that the Board Members had 3 weeks to review the material and then could raise their questions to the applicants when they appeared before the Board.

Chair Robert Brady asked if the Board Members should keep a record of the individuals they spoke with and contacted regarding the applications to be disclosed at the meeting in the form of a sheet of paper that would be copied and distributed to the Board. Margarette Hayes advised that the disclosures had to be announced at the meeting by the individual Board Members according to instructions of the Assistant City Attorney. She stated that she did not have a problem with the Board keeping track of their conversations in that manner, but they would still have to be publicly disclosed.

Sanford Rosenthal suggested that possibly each Board Member visit 1-2 sites and then all applicants would be covered. Chair Robert Brady stated that he had already met with 3 applicants and discussed their applications, such as 211, Starting Over, and the City of Fort Lauderdale Police Department. Sanford Rosenthal asked if possibly the Chair could recommend or suggest which sites should be visited by the remaining Board Members. Chair Robert Brady advised that the Board Members visit as many sites as possible. Margarette Hayes agreed and stated that was the recommendation made each year.

Alfred Imgrund asked if the Board voted on their recommendations at the next meeting. Margarette Hayes explained that at the next Board meeting, the members would hear

presentations by each applicant, and then in May the Board would make recommendations to the City Commission. Alfred Imgrund asked if it was possible for the Chair to give his impressions to the Board of the 3 applicants that he had visited already. Chair Robert Brady stated that when the applications were discussed at the applicable meeting, all recommendations would be made and suggestions given at that time.

Margarette Hayes stated that she had conducted a training workshop with Michael Kimmey. She stated that if anyone had any questions before the next meeting, they could call her at any time.

Discussion of Items for Placement on the Agenda

Jennie Brooks reminded the Board that they were to discuss whether or not to accept information presented during a meeting for their review.

Margarette Hayes stated that she had forgotten to bring this matter up when the Assistant City Attorney was present. She further stated that a consensus had been reached last month, and it was agreed that any information to be provided to this Board would go through staff and then distributed to the Board prior to their meeting.

Jennie Brooks clarified that no information would be presented to the Board during their meeting. Margarette Hayes confirmed.

William Goetz stated that it was his understanding that information could be accepted by the Board during the meetings, but would not be used in making their decisions. Jennie Brooks stated the Board needed the opportunity to review such information. The Board agreed.

Chair Robert Brady stated that it was his suggestion that William Goetz be made Parliamentarian of this Board.

Motion made by Robert Pascal and seconded by Jennie Brooks to appoint William Goetz as Parliamentarian of the Community Services Board.

Chair Robert Brady asked if William Goetz would accept the position. William Goetz agreed.

Alfred Imgrund asked about William Goetz's expertise in this matter. Chair Robert Brady stated that he had corrected the Chair when he was wrong. William Goetz stated that he had served on various boards in the past and had the opportunity many times to read Roberts Rules of Order. He further stated that workshops on such issues were available and he would be happy to attend one if the Board Members desired him to do so. Alfred Imgrund.

Margarette Hayes stated that there had been discussion of the City attempting to hold workshops on this matter for all Advisory Boards.

Alfred Imgrund stated that he was reluctant to follow this path in the hopes that this Board could proceed without such a position being filled. He stated that he had nothing against William Goetz, but just felt that this was not necessary. He further stated that he had hoped the Board could proceed congenially.

Chair Robert Brady agreed but stated that he hoped such a position was not needed, but he felt they should do so in case questions arose. He felt it could only help this Board. He advised the Board Members that this would be part of the Board's procedures to be followed.

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The Board unanimously agreed in favor of the Motion.

Motion made by Jennie Brooks and seconded by Robert Smith to adjourn the meeting. Board unanimously agreed.

There being no further business to come before the Board, the meeting was adjourned at approximately 8:30 p.m.

Respectfully submitted,

Margaret A. D'Alessio
Recording Secretary