

**CHARLOTTE COUNTY AIRPORT AUTHORITY**

**MINUTES OF EMERGENCY MEETING – JULY 18, 2012 – 9:00 A.M.**

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**1. Call to Order**

10 Chair Coppola read the notice of the Emergency Meeting into the record. She explained that several commissioners wished to have the meeting called because of concerns with the requirements to run for the Charlotte County Airport Authority.

**2. Roll Call**

15 **Present:** Chair Coppola; Commissioners Herston, Lee, Seay and Stasko; Executive Director Quill; Attorney Garrard; Mr. Coulter and Mrs. Worth-Dugan. **Others present:** Jim Kaletta, Paul Andrews, Ned Rose, Jerry O’Halloran, Adam Cummings, Jeannie Benjamin and a member of the press.

**3. Invocation**

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Commissioner Herston gave the invocation.

**4. Pledge of Allegiance**

25 **5. Citizen’s Input**

None.

**6. CCAA Election**

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35 Mr. Quill commented that a recommendation has been made by the Department of State to the Governor based on input by the Supervisor of Elections that a proposed qualifying period for a non-partisan race would be held in the last week of August starting on Monday morning to Wednesday afternoon and believes the qualifying criteria would be \$25 or 25 signatures. He commented that the Governor has not ruled on it. Attorney Garrard commented that he posed the question to Darol Carr, the lawyer for the Supervisor of Elections, and Attorney Carr sent him a copy of the e-mail he sent to the Supervisor but has not received a response. Chair Coppola commented that she was told by Mr. Stamoulis that it is sitting on the Governor’s desk. Commissioner’s Seay and Lee said that they were told the same thing. **Commissioner Lee made the motion to accept the recommendation from the Governor and to discuss it. Commissioner Herston seconded.** Commissioner Seay commented that what has happened is not correct. She opined that the Authority needs to acknowledge it is not correct and then state that the Authority will do what it needs to do to get this over with. She read Chapter 189.405  
45 “Elections for governing board members electors shall be nonpartisan, except when partisan elections are specified by a district’s charter.” She commented that the

Authority's Enabling Legislation does say that the Authority's elections are to be partisan. She went back to the Authority's original Enabling Legislation 63-1207 it says under section 2, "Election of members of the Development Commission shall be consistent with the manner of election of other County Officials, and shall be subject to the General Election laws of the State of Florida." She commented that it is very clear that the Authority is to be elected the same way as other county officials. She explained that there have been several revisions to the Enabling Legislation through the years and in 1965 it said that elections are according to the provisions of Chapter 63-1207, Laws of Florida 1963. She commented that is what the Authority has been living by for the past 49 years. She commented in 1970, 1973, 1974, two in 1984, 1988 and 1991 no changes were made to the elections throughout all the iterations of the Authority's Enabling Legislation. She explained in 1998, this is the one that the Supervisor of Elections references, it repealed all prior Enabling Legislations except 63-1207 in which the Authority designated to be elected in the manner of other County Officials which is partisan. She commented that the changes that were made in 2004 and 2011 did not change that. She stated that 63-1207 regarding the manner on how the Authority is elected has never been repealed. She opined that Mr. Stamoulis and the Supervisor of Elections Office is wrong, however, the caveat is because of the challenges, problems and the disruption that has been caused by that office and the Attorney General's informal letter and the only way to prove this is to go to court. She commented that by going to court the Authority would miss the elections and it would cost the Authority money and disrupt the Board. She commented that the Authority does not have the money in their budget to go to court. She opined that the Authority is right and they can prove it but the cost is outrageous. She suggested rolling with it and make certain that this never occurs again. She suggested making changes to the Enabling Legislation and the deadline for proposing the changes to the Legislative Delegation is November. She commented that the Authority will need assistance and that the Attorney the Authority has hired to assist them knows that there is substance to this. She explained that the law firm has an office in Tallahassee that is familiar with this and they are responsible for numerous legislation revisions. She explained that they have worked with airports quite often and she recommends that the Authority allow them to re-write the Authority's Enabling Legislation. Chair Coppola commented that if it is the Supervisor's job to make sure the elections are done correctly, wouldn't the attorney's fee come out of his office. Commissioner Seay commented that the decision has already been made according to the Supervisor's Office and if the Authority is stating that it is incorrect, then the Authority would have to challenge it. She commented that the time and cost factors are critical and she opined that there is not a statutory requirement for attorneys fees that the Authority would have to pay. She opined that being right does not mean that you are going to do the right thing. Commissioner Lee commented that the Authority has to act and get it done to get an election. Chair Coppola asked if Commissioner Lee would go along with what is being proposed, which are the qualifying dates of August 27<sup>th</sup> at 8:00 a.m. through August 29<sup>th</sup> at 5:00 p.m. to go on as non-partisan and go to the general election which would be the twenty-five dollars or the twenty-five cards. She commented that, meanwhile, the Authority will prepare the changes that the Authority wants in the Enabling Act and present it to the attorneys that can help at the Legislative Delegation. Commissioner Lee commented that is the only recommendation that the Authority has

and to work on the changes after the election. Chair Coppola asked Attorney Garrard if the Authority can do that with the proposed changes for this election. Attorney Garrard commented that nothing has been in writing and the general law states that all Airport Authority boards are going to be non-partisan until the Legislation decides to change it.

5 He commented that it is not certain that the Authority's change request will get through. Commissioner Lee commented that the Authority has to act now and there is not much choice. Commissioner Seay commented that three Board members, Commissioners Herston, Stasko and Seay, have been affected by the miscommunication and they have put their time and made investments in the elections. She commented that they have been

10 campaigning but now there is no election for them and the people will be wondering why they are not on the ballots. She opined with that kind of disruption the Authority will not be able to overcome it. She commented that any future campaigning will cost two, three and four times the cost to re-educate all the people. Chair Coppola commented that it will be odd that two of the Board members will be Republicans and three will be non-

15 partisan and she stated that it is a strange situation. Commissioner Stasko had concerns regarding if this is an ethical problem and if the Board is breaking the law for convenience. Attorney Garrard commented that this issue can be answered by either one of the interpretations, either the Supervisor's interpretation or the CCAA interpretation and it is up to the court to decide. He commented that the Board has an issue, that

20 nobody is right or wrong. Commissioner Seay commented that once the Governor states that this is the way it will be done, it will no longer be wrong and the issue will be corrected. Commissioner Stasko opined that he had a problem with knowing something is right in his heart and putting it aside to do what is wrong because it is convenient. He opined that it is ethically and morally wrong, but he will go with what the Board decides.

25 Chair Coppola commented that there are two rights and the Board needs to choose one. Commissioner Lee commented that the Board has to get this done so there will be five people on the Board come November. Commissioner Seay questioned how much time is necessary between time of qualifying and the actual election, and if the Board holds a special election outside the date of the regular election and the qualifying period is the

30 end of August, there will not be ninety days from qualifying to election. She commented that it would be the end of November before the Board could hold an election. Chair Coppola commented that those were the dates that came from the Supervisor of Election Office and he would know if those dates are in the correct parameter. Commissioner Seay asked with the qualifying date, when would the election take place and what would

35 the cost be to the Board if there has to be a special election. She commented that special elections are very expensive. Attorney Garrard commented that he was under the impression that the special election would be held at the same time as the general election. Chair Coppola asked if there was a stipulation that states by the time you qualify there has to be ninety days to an election. Commissioner Seay commented in an email in

40 response to what was sent to the Governor that it did not state that there would be any timeframe for the actual election, but the qualifying period would take place at a certain time. Chair Coppola commented that Mr. Stamoulis has to certify the ballot and assumed that the 29<sup>th</sup> date would be the last date to qualify so Mr. Stamoulis can certify the election the following Monday. Chair Coppola opined that Mr. Stamoulis should be here

45 to answer these questions. Commissioner Stasko suggested appointing Commissioner Seay to be a point person to ask questions and distribute the information to the Board. He

commented that he would like to see a chain of notification and somebody compiling the information for the Board. Commissioner Seay commented that she would be happy to do that if it is acceptable to the Board. She read the original email from Mr. Gary Holland, Department of State, regarding the qualifying period for the candidates for the Charlotte County Airport Authority so the election can occur at the general election. She commented that, according to the email, it does not have to be ninety days from qualifying to election. Commissioner Lee commented that his motion stands which was to accept the parameters that were given by the Governor's desk. Commissioner Seay commented that the Board does not have the right to reject the Governor's statement and therefore do not need a motion. Commissioner Lee commented that the Board needs to decide if the Board is going to have an election or not. Commissioner Herston commented that the motion would be to not to accept, but to abide by the election method as determined by the Governor of the State of Florida. Commissioner Lee commented that the Board has to make a decision before the time passes and the people that are running will be hanging. **Commissioner Lee withdrew his first motion. Commissioner Lee made a motion to abide by the Governor's decision on Charlotte County Airport Authority for this election. Commissioner Herston seconded. Motion passed unanimously. Commissioner Stasko made a motion to appoint Commissioner Seay as the point of contact to get more information for the upcoming election for the Board and on the upcoming legislation that the Board hopes to put through to absolutely clarify the next election and she will work with the Attorney Garrard who will work with their other attorney and bring the information back to the Board.** Attorney Garrard pointed out that unless the Board waives attorney privileges, Commissioner Seay will not be able to talk to the attorneys because attorneys only talk to each other, not to each other's clients without their consent. Commissioner Stasko commented that Commissioner Seay could talk with Attorney Garrard which would be preferable. Attorney Garrard commented that he will copy all emails received to Commissioner Seay. **Commissioner Herston seconded.** Commissioner Seay commented that Commissioner Lee has made some important points relating to what is done is done and it has been hashed to death. She commented that, because she knows she is right, does not mean it has to continue so it is an irrelevant issue to a certain extent, because the Board does need to refer to the Enabling Legislation. She commented that the purpose is to find a way that the Board can accomplish the elections appropriately, properly and in a timely fashion, and to assure that future elections would be done in the manner that the Board prefers. She clarified that she cannot make any decisions and it would only be as informational liaison. Commissioner Stasko questioned that when the qualifying period is open, will this open the elections to any and all commerce, and is the Supervisor going to advertise. He commented that there are so many questions and the Board does not have any answers. He commented that all efforts have gone into the primary and the reasons for the dates is to make it convenient for the Supervisor of Elections Office to not do this until two weeks after the election and he would like to know how they are going to handle the procedures. He questioned if they put an ad in the paper for anybody who wants to run for the Airport Authority can they now qualify. Chair Coppola commented that it is not done for regular elections. Commissioner Seay commented that it would be up to anybody that would be interested to find out on their own. Commissioner Seay commented that a member of the press is

attending this meeting and this will be put in the paper. **Motion passed unanimously. Commission Seay made a motion to extend the retainer agreement with Lewis, Longman and Walker so the Board will be able to engage them regarding Authority's Enabling Legislation. Commissioner Herston seconded.** Commissioner Stasko asked what the cost would be. Commissioner Seay commented that they have no estimated cost, but she suggested that this should be discussed and brought back to the Board. Attorney Garrard commented that the Authority has a retainer with the law firm and will extend the retainer to cover this subject. Commissioner Seay explained that Lewis, Longman and Walker are actively involved in airports, ports and other infrastructure and they have a couple of attorneys located in Tallahassee who are on the airports industry group, local government industry group and have worked with Legislation. She commented that by engaging the law firm, the Board would be able to tap into their expertise and work with Ken Roberson who has indicated his support in trying to resolve this issue as quickly and as reasonably as possible and in the best manner. Commissioner Lee suggested that in the future the Board will either appoint an oversight committee or get an oversight committee so the Board will never have this happen again. He commented that if this was caught early on the Board would not be having this discussion. Chair Coppola commented that somebody did not transcribe it properly, simple as that. **Motion passed unanimously.**

## 6. Citizen's Input

**Adam Cummings** - Commented that he had hoped, after he had popped the incumbent a couple of times in a debate for not attending these meetings, that it would have motivated him to have staff to answer your questions and he was dismayed at his failure to achieve that goal. He commented that he is finding it fascinating that in the debates Mr. Stamoulis is claiming to be creating a solution in this process. He commended the Board for trying to clean the mess. He suggested that the Board should receive from the state something like a Gantt chart which would show a critical path for the steps for the special election and have it comprehensive enough so that it includes all of the statutory requirements for time lines that the state is attesting that this is all the steps the Authority has to take and if the Authority makes the request the Supervisor should be willing to provide it. He commented this would give the Authority a document that would take some of the heat off. He commented that this has shifted so many times and the Authority would not want to find out later that somebody missed a step. He commented that the Authority would want them to tell the Authority that here is a comprehensive list of a Gantt chart and the Authority's critical path to make sure that everything is taken care of and assure the Authority that if all these things are done, the Authority will not have an invalidated election.

**Paul Andrews** - Commented that he has been affected by this turn of events. He commented that several weeks ago he had addressed a solution which is exactly what is going on here and he applauded everyone for doing that. He commented that he appreciated that Commissioner Seay had brought up more questions that he would like answered, and he opined that they are on the right path and to get the election behind them and resolve the issue. He agrees with the oversight committee. He commented that

the Airport does not need to have this happen again and he looks forward to a good solution.

5 **Jerry O'Halloran** - Opined that this is a monkey drill and he stated that he was never so embarrassed for the public about the Board's activity this past few months. He commented that this is an election and it is badly screwed up. He opined that Commissioner Seay is not the one to talk with Mr. Stamoulis. He commented that the last debate they had, they went after each other like cats and dogs and he opined that they will not communicate very well. He commented that this got started when Commissioner Stasko challenged something on a fee and then the whole wall collapsed. He commented 10 had the Authority thought of admitting to a mistake in the election system and talk to the Airport Manager or their attorney and iron this out before it went public, and that it would have stopped this mess. He commented that this is embarrassing when he talks to his friends in the system and they ask what is happening at the Airport, and he commented that he does not have a good answer and he opined that it should never have gotten this far. Commissioner Stasko commented that what Mr. O'Halloran is saying is that if the Authority finds a law they should not follow it because it is inconvenient and it might embarrass Mr. O'Halloran. He commented to Mr. O'Halloran stating that it was an asinine statement and if the Authority finds something that is wrong, it will be 20 corrected and not half way. He commented that if the law states this, the Board is bound to follow that law. He opined that Mr. O'Halloran's comments are unbelievable. Mr. O'Halloran commented that he did not say that it should be corrected. He opined that Commissioner Seay is correct and it was not a mistake to start with. He commented that had the Board gone to their attorney and discussed it with him, you would have found out that there was not any violation. He commented that this is a major miscommunication and that the Authority should have gone to the Supervisor of Election with the ramification before the Authority came to this meeting to vote on the proposal. He commented that the ramifications should have been done a couple of weeks ago. Chair Coppola called the meeting to order. Commissioner Herston commented that Mr. 25 O'Halloran is assuming that nobody talked to Mr. Stamoulis and he commented that he did talk with Mr. Stamoulis with those questions. Chair Coppola stated that they are trying to correct it at this meeting and not cause more oil on the fire.

## 35 7. Commissioners Comments

35 **Commissioner Herston** - He commented that during his conversation with Mr. Stamoulis he had made the statement that it was kind of eerie that he was so quiet about this issue because he had the most to lose because he had already won. He commented that he is okay with the way it is being handled and that is the Board's job, and he opined 40 that everybody did a great job.

45 **Commissioner Stasko** - Commented that the Board was at the Special District Conference and they were informed by a state official that the qualifying fee is twenty-five dollars or twenty-five signatures and he had asked the Supervisor of Elections Office if this was true. He commented that by going to attorneys to handle simple questions does not make any sense. He commented that as a Commissioner, he went to the

Supervisor's office with a valid question and he was told that it was not correct. He commented that he had researched it further and found out that he was correct. He stated that what has happened since with the election, it is up to the Supervisor of Elections in the interpretation of the law. He commented that to be accused of starting this mess because of a simple question, which is his right, especially when a state official had told him what it should be. He commented that Mr. O'Halloran supports his opponent, but to spin this that he had torn down the Charlotte County Airport Authority Board by going to the Supervisor and asking a question did not make any sense to him. He thanked everybody for coming.

**Commissioner Lee** - Commented that he is not going there. He commented that he had said something at the Florida's District Meeting and he got a berating email from Commissioner Stasko. He commented that this is not the time to point fingers, but to get things done.

**Commissioner Seay** - Commented that the Airport Authority is responsible for an airport and to take a look at what has been accomplished for the last forty-nine years. She opined that the Authority has done a fantastic job on the Airport with the airlines, the air traffic control tower, with the businesses on the Airport and with the jobs that are being created. She commented that the Authority runs an airport and they do a fine job. She commented that the Supervisor of Elections is responsible for elections and the Board would like to help the Supervisor to do it correctly. She opined that the Board's goal is to make an effort to help the Supervisor of Elections conduct the Authority's elections properly. She commented that the Board will need to create a new Enabling Legislation so there will never be a question. She commented that the Authority needs to do this, not the Supervisor of Elections office. She commented that the Board is taking a proactive stance, looking at it from the Authority's standpoint, and not saying that the Supervisor of Elections office or the Governor's office is doing it to the Authority. She opined that the Airport Authority is responsible for its Legislation. She commented that she was glad that Commissioner Stasko asked the question. She commented that it came up in a meeting and it the question needed to be asked and the only person who would have been able to answer it was the Supervisor of Elections.

**Chair Coppola** - Thanked everybody for coming. She commented that they will carry forward with this election and with a new legislative action.

**8. Adjournment** - Meeting adjourned at 9:49 a.m.

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Kathleen Coppola, Chair

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Gary Stasko, Secretary/Treasurer

