

**AGENDA FOR PUBLIC HEARING TO ADOPT 2024-2025**  
**FINAL MILLAGE RATE AND BUDGET**  
**WEST VOLUSIA HOSPITAL AUTHORITY**  
**Wayne G. Sanborn Activity Center**  
**815 S. Alabama Avenue, DeLand, FL 32720**  
**Thursday, September 19, 2024, 5:05 p.m.**

1. Call to Order
2. Establish Quorum
3. Comment by Chair Regarding Meeting Procedure as Outlined in 4 and 5 (below)
4. Discussion of the Tentatively Adopted Millage Rate of 1.0750, a 18.2% Increase to the Rolled-Back Rate Necessary to Fund the Budget to include the County of Volusia's required Medicaid Reimbursement contribution of \$3,444,857.11, which is now 17.5% of WVHA's Annual Budget
  - A. Public comment regarding proposed ad valorem tax revenues and millage
  - B. Commissioner discussion
  - C. Recompute the proposed millage rate, if necessary, based on discussion
  - D. Publicly announce the proposed millage and the percent, if any, by which the recomputed proposed millage rate exceeds the rolled-back rate
  - E. Amend the proposed millage rate, if necessary, based on any comments
  - F. Publicly read in full the final millage rate Resolution 2024-005
  - G. Adopt the final millage rate
5. Discussion of the Tentatively Adopted Operating Budget of \$19,634,333 for Fiscal Year 2024-2025
  - A. Discussion of the proposed budget
  - B. Public comment regarding the proposed budget
  - C. Commissioner discussion
  - D. Amend the proposed budget, if necessary, based on discussion
  - E. Publicly read in full the final budget Resolution 2024-006
  - F. Adopt the final operating budget
6. Adjournment of the Hearing

If any person decides to appeal any decision made by the WVHA with respect to any matter considered at this meeting or hearing he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). Individuals with disabilities needing assistance to participate in any of these proceedings should contact the WVHA Administrator at least three (3) working days in advance of the meeting date and time at (386) 626-4870.

**PUBLIC ANNOUNCEMENT  
OF THE WEST VOLUSIA HOSPITAL AUTHORITY  
2024-2025 FINAL MILLAGE**

The Board of Commissioners of the West Volusia Hospital Authority hereby announces that the final millage rate of \_\_\_\_\_ mills [*equals/is lower than/higher than*] the rolled-back rate of 0.9091 mills, thereby [*increasing/decreasing*] the proposed taxes of the West Volusia Hospital Authority \_\_\_\_\_ percent for the fiscal year 2024-2025.

**RESOLUTION OF THE WEST VOLUSIA HOSPITAL AUTHORITY TO  
ADOPT THE 2024-2025 FINAL MILLAGE  
RESOLUTION 2024-005**

**BE IT RESOLVED** by the Commissioners of the West Volusia Hospital Authority, an independent special taxing district of Volusia County, Florida, created and existing under and by virtue of Chapter 57-2085, Laws of Florida, as amended, that pursuant to Section 200.065, Florida Statutes:

1. The Final millage for the operating budget shall be \_\_\_\_\_ mills; and
2. The rolled-back rate shall be **0.9091** mills; and
3. The (increase above) (decrease below) rolled-back rate shall be \_\_\_\_\_ percent.
4. This resolution shall take effect immediately upon adoption.

**ADOPTED** and subscribed to this 19<sup>th</sup> day of September 2024, at a public hearing as required by Florida Statute 200.065.

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**CHAIR, Jennifer L. Coen**  
West Volusia Hospital Authority

**I HEREBY CERTIFY** that the foregoing resolution is true and correct as adopted by a \_\_\_\_\_ vote of the Board of Commissioners of the West Volusia Hospital Authority at its Final Budget Hearing, and noticed for Thursday, September 19, 2024, at 5:05 p.m. and held at the Wayne G. Sanborn Activity Center, 815 S. Alabama Ave., DeLand, FL 32720. In a roll call, the following Commissioners voted on the resolution: Commissioner J. Roger Accardi (yes/no/absent), Commissioner Jennifer L. Coen (yes/no/absent), Commissioner Judy L. Craig (yes/no/absent), Commissioner Voloria L. Manning (yes/no/absent) and Commissioner Donna J. Pepin (yes/no/absent).

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**SECRETARY, Voloria L. Manning**  
West Volusia Hospital Authority

**RESOLUTION OF THE WEST VOLUSIA HOSPITAL AUTHORITY TO  
ADOPT 2024-2025 FINAL BUDGET  
RESOLUTION 2024-006**

**BE IT RESOLVED** by the Board of Commissioners of the West Volusia Hospital Authority, an independent special taxing district in Volusia County, Florida, created and existing under and by virtue of Chapter 57-2085, Laws of Florida, as amended, that pursuant to Section 200.065, Florida Statutes, the following fiscal determination has been made:

That the Final operating budget (setting forth appropriations and revenue estimates) for the fiscal year 2024-25 shall be \$\_\_\_\_\_.

This resolution shall take effect immediately upon adoption.

**ADOPTED** and subscribed to this 19<sup>th</sup> day of September 2024, at a public hearing as required by Florida Statute 200.065.

\_\_\_\_\_  
**CHAIR, Jennifer L. Coen**  
West Volusia Hospital Authority

**I HEREBY CERTIFY** that the foregoing resolution is true and correct as adopted by a \_\_\_\_\_ vote of the Board of Commissioners of the West Volusia Hospital Authority at its Final Budget Hearing, and noticed for Thursday, September 19, 2024, at 5:05 p.m., and held at the Wayne G. Sanborn Activity Center, 815 S. Alabama Ave., DeLand, Florida 32720. In a roll call, the following Commissioners voted on the resolution: Commissioner J. Roger Accardi (yes/no/absent), Commissioner Jennifer L. Coen (yes/no/absent), Commissioner Judy L. Craig (yes/no/absent), Commissioner Voloria L. Manning (yes/no/absent) and Commissioner Donna J. Pepin (yes/no/absent).

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**SECRETARY, Voloria L. Manning**  
West Volusia Hospital Authority

West Volusia Hospital Authority  
2025 Budget Working

West Volusia Hospital Authority 2025 Budget Working		tentative adopted						
				Option C	Option D	Option E		
				(increased mill)	(increased mill)	(increased mill)		
				(no use of reserves)	(some use of reserves)	(no use of reserves)		
Account	Description	ACTUAL 9/30/2023	FINAL BUDGET 9/30/2023	ADOPTED BUDGET 9/30/2024	PROPOSED BUDGET 9/30/2025	PROPOSED BUDGET 9/30/2025	PROPOSED BUDGET 9/30/2025	Proposed Budget Notes
Millage Rate		1.0816	1.0816	0.9806	1.0750	1.0480	1.0740	
FUND BALANCE FROM PRIOR FISCAL YEAR		\$ 23,457,783	\$ 23,457,783	\$ 19,090,227	\$ 16,000,000	\$ 16,000,000	\$ 16,000,000	Est. used since CY underway
REVENUES AND OTHER SOURCES					18.2%	15.3%	18.1%	Millage % relative to TRIM rolled-back rate
	Revenues							
001.000.3110	Ad Valorem Taxes (96%)	\$ (15,549,906)	\$ (15,900,000)	\$ (15,700,000)	\$ (19,200,000)	\$ (18,700,000)	\$ (19,100,000)	Rollback rate 0.9091
001.000.3611	Investment Income	(459,929)	(45,000)	(400,000)	(400,000)	(400,000)	(400,000)	interest rates are leveling out
001.000.3690	Other Income	(2,842)	-	-	(34,333)	(34,333)	(34,333)	Healthy Start reimbursement (\$103k over 3 years)
	Total Revenues	(16,012,677)	(15,945,000)	(16,100,000)	(19,634,333)	(19,134,333)	(19,534,333)	
	Other Sources							
001.000.2840	Addition to (Use of) Reserves	(4,367,556)	(5,743,390)	(2,800,000)	-	(500,000)	-	
	Total Revenues and Other Sources	\$ (20,380,233)	\$ (21,688,390)	\$ (18,900,000)	\$ (19,634,333)	\$ (19,634,333)	\$ (19,534,333)	
EXPENDITURES AND OTHER USES								
	Healthcare Expenditures							
001.562.3401	Specialty Care Services	\$ 3,690,927	\$ 3,000,000	\$ 3,500,000	\$ 3,500,000	\$ 3,500,000	\$ 3,500,000	Est. per EBMS 6/26
001.562.3403	Emergency Room Care	836,773	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	Est. per EBMS 6/26
001.562.3404	Florida Dept of Health Dental Svcs	146,908	150,000	150,000	160,000	160,000	160,000	Per 6/20 funding request
001.562.3406	Hispanic Health Initiatives	79,700	79,700	75,000	100,000	100,000	100,000	Per 6/20 funding request
001.562.3407	Community Legal Services	78,910	105,794	105,833	88,500	88,500	88,500	Per 6/20 funding request
001.562.3408	Rising Against All Odds	215,758	215,758	167,683	223,017	223,017	223,017	Per 6/20 funding request
001.562.3410	Halifax Hospital	1,460,763						
001.562.3411	AdventHealth	1,791,061	3,000,000	3,000,000	3,200,000	3,200,000	3,200,000	Est. per EBMS 6/26
001.562.3430	Primary Care	2,408,965	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	Est. per EBMS 6/26
001.562.3432	Pharmacy	541,468	900,000	900,000	900,000	900,000	900,000	Est. per EBMS 6/26
001.562.3440	HSCFV - Outreach	81,557	81,560	81,560	-	-	-	No funding request
001.562.3441	HSCFV - Fam Services	76,331	76,331	76,331	-	-	-	No funding request
001.562.3450	The House Next Door	19,054	60,000	45,000	45,000	45,000	45,000	Per 6/20 funding request
001.562.3460	SMA - Homeless Program	78,336	78,336	90,000	90,000	90,000	90,000	Per 6/20 funding request
001.562.3461	SMA - Residential Treatment	528,134	550,000	550,000	550,000	550,000	550,000	Per 6/20 funding request
001.562.3462	SMA - Baker Act - Match	300,000	300,000	300,000	150,000	150,000	150,000	Per 6/20 funding request
001.562.3470	County Medicaid Reimbursement	5,743,390	5,743,390	2,810,405	3,444,857	3,444,857	3,444,857	Per 6/21 letter from County
001.562.3480	H C R A - In County	54,412	400,000	400,000	400,000	400,000	400,000	Budget req'd based on population
001.562.3481	H C R A - Outside County	21,657	400,000	400,000	400,000	400,000	400,000	Budget req'd based on population
001.562.3490	The Neighborhood Center	100,000	100,000	125,000	125,000	125,000	125,000	Per 5/21 funding request
001.562.3499	Other Healthcare Expenditures	-	276,431	126,183	174,767	174,767	74,767	
	Total Healthcare Expenditures	18,254,104	19,017,300	16,402,995	17,051,141	17,051,141	16,951,141	

West Volusia Hospital Authority  
2025 Budget Working

West Volusia Hospital Authority 2025 Budget Working				tentative adopted				
				Option C (increased mill) (no use of reserves)	Option D (increased mill) (some use of reserves)	Option E (increased mill) (no use of reserves)		
Account	Description	ACTUAL 9/30/2023	FINAL BUDGET 9/30/2023	ADOPTED BUDGET 9/30/2024	PROPOSED BUDGET 9/30/2025	PROPOSED BUDGET 9/30/2025	PROPOSED BUDGET 9/30/2025	Proposed Budget Notes
Personnel Services								
001.562.2001	Regular salaries and wages	65,588	65,588	67,556	69,064	69,064	69,064	Per employment agreement
001.562.2101	FICA	5,249	5,017	5,168	5,283	5,283	5,283	
001.562.2201	Retirement	7,033	8,467	9,843	10,104	10,104	10,104	FY25 regular class FRS is 13.63
001.562.2301	Life and Health Insurance	11,538	12,000	12,000	12,000	12,000	12,000	\$1K/month per contract
001.562.2401	Workers Compensation Claims	9,764	25,000	25,000	25,000	25,000	25,000	Old claim payments
	Total Personnel Services	99,172	116,072	119,567	121,451	121,451	121,451	
Other Expenditures								
001.562.3101	Legal Counsel	70,297	85,000	70,000	78,000	78,000	78,000	Per Attorney Small agreement
001.562.3103	Outside Legal Counsel	71,077	72,000	10,000	30,000	30,000	30,000	Est per John Mullen 6/28
001.562.3104	Outside Legislative Advisory	72,000	72,000	72,000	-	-	-	Not renewed
001.562.3201	Audit	19,170	20,000	20,500	21,575	21,575	21,575	Per 9/13/2022 agreement
001.562.3202	General Accounting - Recurring	108,000	108,000	114,000	118,560	118,560	118,560	Per JMCo agreement
001.562.3203	General Accounting - Nonrecurring	21,684	25,000	10,000	15,000	15,000	15,000	Any potential one-time consulting
001.562.3409	Healthy Communities Kid Care Outreach	64,169	72,202	72,203	72,203	72,203	72,203	Per 6/20 funding request
001.562.3412	Application Screening - THND	441,034	447,364	521,989	563,761	563,761	563,761	Per 6/20 funding request
001.562.3413	Application Screening - RAAO	47,808	81,452	86,746	97,742	97,742	97,742	Per 6/20 funding request
001.562.3421	TPA Services	345,177	682,000	500,000	500,000	500,000	500,000	Reduced based on prior year actual
001.562.4602	Building Repairs	26,662	100,000	100,000	100,000	100,000	100,000	Est. per EBMS 6/26
001.562.4801	Advertising	4,343	10,000	10,000	10,000	10,000	10,000	
001.562.4901	Other Operating Expenditures	27,349	30,000	15,000	79,900	79,900	79,900	2025 includes Deltona clinic lease, insurance, FASD
001.562.6001	Capital Expenditures	-	-	-	-	-	-	
001.562.9101	Tax Collector & Appraiser Fee	596,382	650,000	650,000	650,000	650,000	650,000	
001.562.9102	City of DeLand Tax Increment District	111,805	100,000	125,000	125,000	125,000	125,000	2024 was \$125K
	Total Other Expenditures	2,026,957	2,555,018	2,377,438	2,461,741	2,461,741	2,461,741	
Total Expenditures		\$ 20,380,233	\$ 21,688,390	\$ 18,900,000	\$ 19,634,333	\$ 19,634,333	\$ 19,534,333	

## LEGAL UPDATE MEMORANDUM

TO: WVHA Board of Commissioners

DATE: September 10, 2024

FROM: Theodore W. Small, Jr.

RE: West Volusia Hospital Authority – Update for September 19, 2024 Final Budget Hearing and Regular Meeting

Summarized below are updates on active legal matters/issues for which some new information has become available since my last legal update. This Memorandum will not reflect updates on matters resolved by a final vote of the Board and thereby already summarized in the August 15, 2024 Regular Meeting Minutes.

**I. Legal Context for Budget Workshop/TRIM Procedure [Tax/Budgeting]** *Refer back to Legal Update Memorandum dated 9/17/2014 and 7/09/24 for additional background details.* [See new info. in italics and bold]

For most years since 2007 including for the current 2023-24 tax year, the Board has voted to adopt millage at the “rolled-back rate” (“RBR”), which is the rate calculated with a statutory formula to allow the Board to raise the same amount of revenue as it did in the immediate past tax year with a simple majority vote. Refer to counsel’s 9/17/2014 Legal Update for further historical summary of final millage votes.

The following are descriptions of the exceptional years where the Board has voted to set its final millage rate either below or above that statutory rolled-back rate, which meant a tax decrease or tax increase in layman’s terms:

Regarding the 2022-23 budget year, the TRIM Final Budget Hearing was held on Thursday, September 22, 2022, and the Board voted unanimously to set its final millage at the rate of 1.0816 mills with a separate unanimous vote to adopt the Authority’s 2022-23 tentative budget of \$15,945,000.00. Therefore, the 2022-23 tax year’s millage of 1.0816 mills represents a **14.3% decrease** below the 1.2645 mills rolled-back rate.

Regarding the 2020-21 budget year, the TRIM Final Budget Hearing was held virtually on Thursday, September 24, 2020, and the Board voted unanimously to set its final millage at the rate of 1.5035 mills with a separate unanimous vote to adopt the Authority’s 2020-21 tentative budget of \$18,566,158,000.00. Therefore, the 2020-21 tax year’s millage of 1.5035 mills represents a **14.42% decrease** below the 1.7569 mills rolled-back rate.

Regarding the 2019-20 budget year, the TRIM Final Budget Hearing was held on Thursday, September 26, 2019, and the Board voted 3-1-1 to set its final millage at 1.908 mills with a separate 3-1-1 to adopt the Authority’s 2019-20 final budget of

\$19,556,988. Therefore, the 2019-20 tax year's millage of 1.908 mills was a **5.563% decrease** over the 2.0204 mills rolled-back rate.

Regarding the 2017-18 budget year, the TRIM Final Budget Hearing was held on Tuesday, September 26, 2017, and the Board voted 4-0-1 to set its final millage at 2.366 mills with a separate 4-0-1 to adopt the Authority's 2017-18 final budget of \$20,023,304.00. Therefore, the 2017-18 tax year's millage of 2.366 mills was a **58% increase** over the 1.4966 mills rolled-back rate.

Regarding the 2015-16 budget year, the TRIM Final Budget Hearing was held on Thursday, September 17, 2015, and the Board voted 5-0 to set its final millage at 1.6679 mills with a separate 5-0 to adopt the Authority's 2015-16 final budget of \$16,741,063.00. Therefore, the 2015-16 tax year's millage of 1.6679 mills was a **10% decrease** over the 1.8532 mills rolled-back rate;

Regarding the 2014-15 budget year, the TRIM Final Budget Hearing was held on Thursday, September 25, 2014, and the Board voted 4-0-1 (vacant) to set its final millage at 1.9237 mills with a separate 4-0-1 (vacant) to adopt the Authority's 2014-15 final budget of \$15,989,676.00. Therefore, the 2014-15 tax year's millage of 1.9237 mills was a **15% decrease** over the 2.2632 rolled-back rate;

Regarding the 2013-14 budget year, the TRIM Final Budget Hearing was held on Thursday, September 19, 2013, and the Board voted 5-0 to set its final millage at 2.3759 mills with a separate 5-0 to adopt the Authority's 2013-14 final budget of \$17,453,695.00. Therefore, the 2013-14 tax year's millage of 2.3759 mills was a **1.5% decrease** over the 2.4121 rolled-back rate;

Regarding the 2009-10 budget year, the TRIM Final Budget Hearing was held on Tuesday, September 22, 2009, and the Board voted unanimously to set its final millage at 1.745 mills with a separate unanimous vote to adopt the Authority's 2008-09 final budget of \$15,680,000.00. Therefore, the 2009-10 tax year's millage of 1.745 mills was a **2.04% decrease** over the 1.7813 rolled-back rate;

Regarding the 2007-2008 budget year, the TRIM Final Budget Hearing was held on Wednesday, September 12, 2007, and the Board unanimously voted to set its final millage at 1.2619 mills with a separate unanimous vote to adopt the Authority's 2007-08 final budget of \$18,414,937.00. Therefore, the current tax year's millage of 1.2619 mills is the same as the final millage adopted for 2006-07, but it represented a **10.37 percent increase** over the statutory rolled-back rate of 1.1433 mills.

## II. Funding Agreements for 2024-25:

Please note that each Board member is responsible for making their own independent determination about whether the terms of a particular contract is consistent with the public interest. Counsel, EBMS as well as the Administrator and accountants at James Moore & Co, are available to answer your questions and offer counsel about accounting and business or legal



matters, each respectively; but, the Board retains the ultimate authority to approve or disapprove the terms of all proposed agreements after due consultation.

Based on the proposed budget presentations (which have now been approved in the 2024-25 Tentative Budget), Counsel prepared “redlined” versions of funding agreements for each of the previously funded providers. On or about August 21, 2024, Counsel circulated copies of the redlined drafts to the agencies.

Unlike past years which have involved some new agencies or significant changes to existing agreements, the redlined drafts for this year mostly reflect updated dates and the increased or decreased funding limits requested and approved by the CAC/Board.

In a nutshell, the Funding Limit for The House Next Door Eligibility Determination Services will increase by \$41,772.00; the Funding Limit for Rising Against All Odds HIV/Aids/Outreach will increase by \$23,255 (from its FY 23-24 amended Funding Limit); the Funding Limit for Hispanic Health Initiative will increase by \$20,300.00 (from its FY 23-24 amended Funding Limit); the Funding Limit for the SMA Baker Act Match will decrease by \$150,000.00; the Funding Limit for Community Legal Services of Mid-Florida will decrease by \$17,333.00; The Funding Limit for Florida Department of Health (FDOH) Dental Services will decrease by \$10,000.00.

Also, at SMA’s request, Counsel renamed the SMA Homeless Services to the SMA Psychiatric Outpatient Services agreement. Additionally at Counsel’s request, SMA agreed to delete some now obsolete language from the “Screening” provisions in the SMA Psychiatric Outpatient Services and Residential Treatment agreements.

In addition, the funding agreements for the SMA Baker Act Match and Residential Treatment program once again reflect the Board’s provisional approval of SMA’s request to redirect its usual reimbursements for that agreement through lump sum payments to AHCA (Agency for Health Care Administration) so that SMA can receive additional LIP Match funding to provide more services to residents of the tax district.

With those clarifications and subject to any suggested changes that counsel receives before the meeting from the Board, Administrator or Accountant, counsel expects to recommend approval as to form the following 2024-25 funding agreements with redlined changes incorporated into a final set of agreements:

- A. Community Legal Services, Inc. Medical-Legal Partnership program.
- B. Healthy Communities – Kidcare Outreach
- C. Hispanic Health Initiatives, Inc.’s Taking Care of My Health
- D. Rising Against All Odds, Inc. -- HIV/AIDS Outreach and Case Management
- E. Rising Against All Odds, Inc.—Health Card Enrollment & Retention Services
- F. SMA Healthcare – Baker Act Match
- G. SMA Healthcare– Psychiatric Outpatient Services
- H. SMA Healthcare —Level II Residential Treatment
- I. The House Next Door – Mental Health Services
- J. The House Next Door—Eligibility Determination Services

- K. The Neighborhood Center of West Volusia “Access to Care”
- L. Volusia County Health Department—Florida Department of Health (Dental Care)

Counsel has received back confirmation from each of the listed agencies of their acceptance of the terms in the redlined drafts.

IF the Board does not decide on any last-minute changes during its Final Budget Hearing, then the Chair may entertain one Omnibus Motion in the following form or words to that effect: Omnibus Motion to approve all of the proposed Funding Agreements for 2024-25 for signature by the Chair and Secretary once they are finalized and signed by funded agencies based upon the Redlined drafts that were circulated to the Board in electronic format.

### III. General Compliance with the Sunshine Law and Applicability to Members-Elect Following Their Election, With or Without Opposition [*See new info. in italics and bold*]

The Government in the Sunshine Law, section 286.011, Florida Statutes, provides in pertinent part:

"All meetings of any board or commission . . . of any agency or authority of any county, municipal corporation, or political subdivision . . . at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting."

It is impossible to summarize all relevant points of the Sunshine Law, but please note that courts uniformly interpret this provision as prohibiting two or more members of the same board or commission from talking about or discussing any matter on which foreseeable action will be taken by the public board or commission. (If your conversation with another board member concerns personal or business matters unrelated to the Authority, the Sunshine Law does not apply)

Please note that the Sunshine Law DOES apply to “off-the record” chats during meetings or during breaks, written correspondence, telephone conversations and e-mails exchanges between two or more board members if such communication concerns matters likely to come before the Board; provided however, it is permissible for one board member to send correspondence to the rest of the board outside of a public meeting as long as this correspondence does not result in replies or other back and forth exchanges until a public meeting is convened for such discussion and also the correspondence is made available to interested members of the public.

The Sunshine Law also prohibits nonmembers (staff, lawyers, accountants, and members of the public) from serving as liaisons between Board members concerning matters likely to come before the Board.

With the increased use of social media accounts, including Facebook and other community and political blogs, Board members should be mindful of the following Florida Attorney General guidance before posting on Facebook, or other blogs an opinion or viewpoint on matters likely to come before the Board. In AG Opinion 08-07, the Florida Attorney General concluded that the use of a website blog or message board to solicit comment from other members of the board

or commission by their response on matters that would come before the board would trigger the requirements of the Sunshine Law. As stated therein:

*"While there is no statutory prohibition against a city council member posting comments on a privately maintained electronic bulletin board or blog, members of the board or commission must not engage in an exchange or discussion of matters that foreseeably will come before the board or commission for official action. The use of such an electronic means of posting one's comments and the inherent availability of other participants or contributors to act as liaisons would create an environment that could easily become a forum for members of a board or commission to discuss official issues which should most appropriately be conducted at a public meeting in compliance with the Government in the Sunshine Law. It would be incumbent upon the commission members to avoid any action that could be construed as an attempt to evade the requirements of the law."*

Once our candidates for the Board of Commissioners become "members-elect" either because they ran unopposed or won their election, Government in the Sunshine Law rules will apply to them.

Courts have recognized the applicability of section 286.011, Florida Statutes, to members-elect of public boards or commissions. In *Hough v. Stembridge*, the court concluded that an individual upon immediate election to public office loses his status as a private individual and acquires a position more akin to that of a public trustee. The court thus held that a meeting of an incumbent council member with several council members-elect who would serve together on the city council when sworn into office was subject to the Sunshine Law when the discussion at that meeting concerned matters on which foreseeable action would be taken by the city council.

Similarly, the Sunshine Law will prohibit any conversations between incumbent WVHA Board members and any new members-elect about matters which foreseeable action could be taken by WVHA unless these conversations occur at a duly noticed public meeting.