



MEMBER SERVICES ADVISORY COMMITTEE AGENDA PACKAGE

**May 8, 2024
1:00 P.M. [NOTE TIME]
Dial-In Info: 1-321-299-0575
Conference ID Number: 242 837 909 343**

Committee Members

Chairman – Chad Lynch, Ocala
Eric Meyer, Fort Pierce
Billy Branch, Homestead
Allen Putnam, Jacksonville Beach
Julio Torrado, Keys Energy Services
Aaron Haderle, Kissimmee
Steve Langley, Mount Dora
Vernon Steele, New Smyrna Beach
Dallas Lee, Newberry
James Braddock, Wauchula
Dan D'Alessandro, Winter Park

In-Person/Teams Meeting

Wednesday, May 8, 2024

1:00 p.m.

Teams Meeting 321-299-0575

Meeting No. 242 837 909 343#

Florida Municipal Power Agency

8553 Commodity Circle

Orlando, FL 32819



MEMORANDUM

TO: FMPA Member Services Advisory Committee (MSAC)

FROM: Sharon Adams, Chief People and Member Services Officer

DATE: Friday, May 3, 2024

RE: Member Services Advisory Committee (MSAC) Workshop
In-Person/Teams Meeting
Wednesday, May 8, 2024, 1:00 p.m. [NOTE TIME]

PLACE: Florida Municipal Power Agency
8553 Commodity Circle, Orlando, FL 32819
Frederick M. Bryant Board Room

DIAL-IN INFORMATION: 321-299-0575
Meeting Number 242 837 909 343#

TEAMS Meeting Link: [Join the meeting now](#)
(If you have trouble connecting via phone, please call 407-355-7767)

Chairman Chad Lynch, Presiding

AGENDA

1. **Call to Order, Roll Call, Identification of Attendees**
2. **Workshop Topics:**
 - a. Review Sunshine Laws (Dan O'Hagan/Jody Finklea)
 - b. Clarify the Role and Responsibilities of the Member Services Advisory (MSAC) Committee (Sharon Adams)
 - c. Board of Directors Option for Single Read Action on MSAC Recommendation (Sharon Adams)

d. Budget Items Reviewed by MSAC (Mike McCleary)

3. Member Comments

4. Adjournment

NOTE: One or more participants in the above referenced public meeting may participate by telephone. At the above location there will be a speaker telephone so that any interested person can attend this public meeting and be fully informed of the discussions taking place either in person or by telephone communication. If anyone chooses to appeal any decision that may be made at this public meeting, such person will need a record of the proceedings and should accordingly ensure that a verbatim record of the proceedings is made, which includes the oral statements and evidence upon which such appeal is based. This public meeting may be continued to a date and time certain, which will be announced at the meeting. Any person requiring a special accommodation to participate in this public meeting because of a disability, should contact FMPA at (407) 355-7767 or 1-(888)-774-7606, at least two (2) business days in advance to make appropriate arrangements.

**AGENDA ITEM 1 – CALL TO ORDER,
ROLL CALL, IDENTIFICATION OF
ATTENDEES**

**FMPA Member Services Advisory
Committee Workshop**

May 8, 2024

**AGENDA ITEM 2 – WORKSHOP
TOPICS**

a. Review Sunshine Laws

**FMPA Member Services
Advisory Committee Workshop**

May 8, 2024



2a - Review Sunshine Law

Member Services Advisory Committee

May 8, 2024

Overview

- Brief Overview of Florida Sunshine Law
- Applicability to FMPA Advisory Boards/Committees
- Basic Requirements for Open/Public Meetings
- Do's, Don'ts, and Tips
- **Please ask Questions!**

Access to Public Records & Public Meetings is a Constitutional Right in Florida

- SECTION 24. Access to public records and meetings.—(a) Every person has the **right to inspect or copy any public record made or received in connection with the official business of any public body**, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. ..

- (b) **All meetings of...any collegial public body** of a county, municipality, school district, or special district, **at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public** and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

Why are we talking about this?

1. It's a legal requirement
2. Penalties for non-compliance
 - Any violation could result in non-criminal infraction punishable by fine not exceeding \$500.
 - A knowing violation could result in suspension or termination and a first degree misdemeanor, punishable by up to one year in prison and/or \$1000 fine.
3. Invalidate previous actions/decisions
4. Attorney's Fees





Florida Government in the Sunshine Law: Public/Open Meeting Laws

Government in the Sunshine Law

Open/Public Meeting Requirements

- Right of access to governmental proceedings of public boards or commissions at both the state and local levels.
 - *Florida Constitution & Section 286.011, Florida Statutes*
- Applies to:
 - any gathering of two or more members of the same board/commission/body,
 - to discuss some matter which may foreseeably come before that board for action.
- Meeting must be:
 1. Open to the public;
 2. Reasonable notice given; and
 3. Minutes taken.



Applicability to Advisory Boards, Committees, etc.

Delegated Authority vs. Fact-Finding Authority

- **Sunshine Law applies to the entire decision-making process – not just the final/formal approval.**
- **Key question: “decision-making authority,” versus mere “information-gathering or fact-finding authority.”**
- Includes “advisory-only committees.”
 - “[A]ny committee established by [a public agency] to act in any type of advisory capacity would be subject to the...sunshine law.” “
 - [T]he Sunshine Law equally binds all members of governmental bodies, be they advisory committee members or elected officials.”
- *Example: Textbook evaluation committees created by the superintendent in order to recommend books had been delegated decision-making authority since they eliminated options for the board’s final decision and were therefore subject to the Sunshine Law, even though the school board made the final decision to approve the textbooks.*

Use of Non-board “Liaisons” to Conduct a de facto Meeting of the Board

- Individual board members “may call upon staff members for factual information and advice without being subject to the Sunshine Law’s requirements.”
- However, the law Sunshine Law is implicated where a non-board member is being used as a liaison or conduit for board members.

Example: City manager may not ask each commissioner to state position on a matter that will foreseeably come before the commission, in order to provide that information to the other commission members. (AGO 96-35)

Example: City manager may meet individually with city council members “to discuss city business provided that the manager does not act as a liaison for board members by circulating information and thoughts of individual councilmembers to the rest of the board”. (AGO 75-59)



Avoiding Sunshine Law Violations (and appearance of violations)

Photo of Jacksonville City Council members at bar sparks discussion over Sunshine Law

Robert Bradfield First Coast News

Published 3:18 p.m. ET July 8, 2022 | Updated 3:30 p.m. ET July 8, 2022

[View Comments](#)



FIRST COAST NEWS

Photo raising eyebrows after Jacksonville lawmaker...

Watch later Share

MORE VIDEOS

0:01 / 1:50

CC Settings YouTube

Meetings Subject to the Open/Public Meetings Law

“...any gathering of two or more members of the same board”

- Substance over form
 - Format & formality of meeting does not matter.
 - Not limited to officially noticed meetings
 - Not limited to meetings where quorum present
- “Gathering” or “meeting” liberally construed
 - Includes any form of communication between two or more members
 - May include virtual meetings, telephone, etc.
 - May include written communications (Facebook, Twitter, LinkedIn, email, text, etc.)

Meetings Subject to the Open/Public Meetings Law

“To discuss some matter which may foreseeably come before that board for action.”

- “To discuss...”
 - Time, place, manner does not matter.
 - Any communication between two or more members may be deemed a “meeting” to “discuss”
- “matter which may foreseeably come before that board for action”
 - Not limited to final action
 - Applies to entire decision-making process
 - Courts/Attorney General liberally construe in favor of open government

Do's, Don'ts, and Tips

- Avoid any discussion with other board/committee members on any matters that may foreseeably come before board committee
 - If in doubt, err on side of caution
- Applies to all communications: in-person, phone, text, social media, etc.
- Do not attempt to evade sunshine law
 - No conduits, liaisons, other means of circumvention
- When possible, avoid appearance of impropriety
- If you have any questions, reach out to us!
 - Dan: 321-239-1088; dan.ohagan@fmpa.com
 - Jody: 850-297-2011; jody.Finklea@fmpa.com



QUESTIONS?





Example

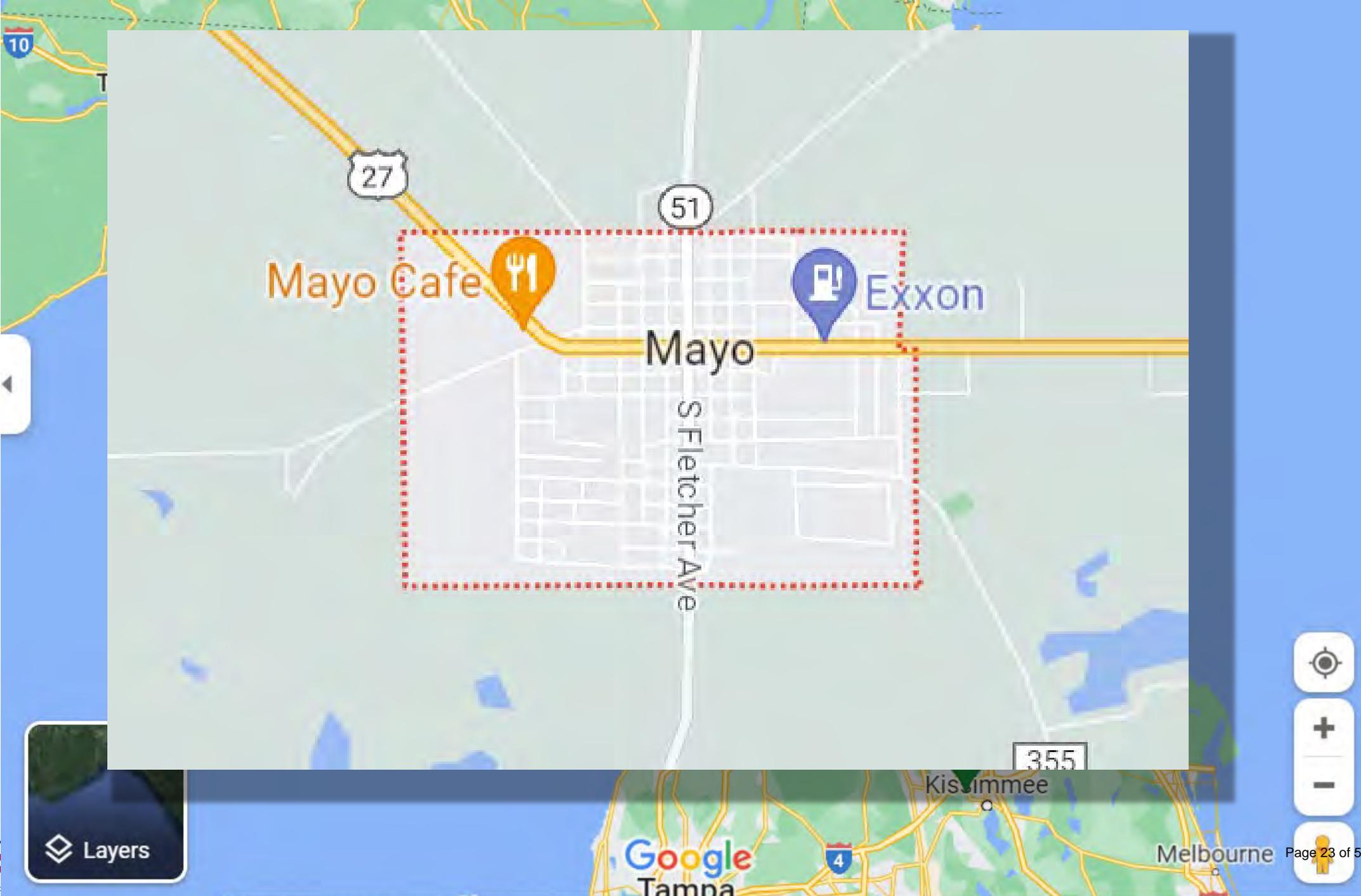
(Time permitting)





VS.









**AGENDA ITEM 2 – WORKSHOP
TOPICS**

- b. Clarify the Role and
Responsibilities of the Member
Services Advisory (MSAC)
Committee**

**FMPA Member Services
Advisory Committee Workshop**

May 8, 2024



2b - Clarify the Role and Responsibilities of the Member Services Advisory (MSAC) Committee

Member Services Advisory Committee

May 08, 2024

Why MSAC Charter

Board of Directors Approved Committee 2022

Creates common structure, like other FMPA Committees

Combines functions of other Member Services Committees

Sets terms of service, like existing committees

Recommends minimum number of members with special interest in member services

Meets quarterly, or as needed, based on criticality of member service needs

MSAC Mission Statement

The mission of the Member Services Advisory Committee is to facilitate the acquisition of high quality and relevant services for FMPA's members by providing direction for new and existing member services offered.

MSAC Charter

Specific Purpose

- Periodically evaluate the effectiveness of existing member services and development of new member services.
- Embrace topics related to members achieving common vision of providing low cost, clean and reliable power plus value-added services.
- Advise on current member services and provides feedback to FMPA team.
- Recommend new member services to the Board of Directors.
- Propose changes to member services to the Board of Directors.
- Reviews budgetary considerations for member services provided as part of the budget process.

MSAC Charter

Membership and Structure

- Minimum of 7 persons
- Appointed by the Board Chair
- Committee member may designate an alternate

Committee Officers

- Chair and Vice Chair elected
- Voted in July for one year term
- Nominations come from the committee

MSAC Charter

Meetings

- Meet at least quarterly
- One vote per committee member
- Public meeting

Communications

- FMPA staff person with highest level of Member Service responsibility
- Coordinate communications relating to MSAC
- Liaison between MSAC and Board

Authority

- No authority outside of Board approval
- Serves in an advisory capacity to the Board

Duties And Responsibilities

MSAC Charter



Reporting – To receive reports from FMPA staff on member services matters, including measures of effectiveness of existing member services and staff efforts on the development of new member services offerings.



Advice – To advise the Board of Directors and propose changes to FMPA’s member services.



Member Needs – To Provide feedback to the committee staff representative, the General Manager and CEO, and other staff of FMPA on member needs and how existing or new member services may meet those member needs.



Budget Review – To review, as a part of the annual FMPA budget process, the budgetary considerations for member services provided by FMPA.



Scope of Committee – The committee shall embrace topics related to members achieving the common vision of providing low cost, clean and reliable power plus value-added services to our customers. Topics may be raised for consideration from within the committee, or as otherwise directed by the Board of Directors to address member services matters for FMPA.

Duties and Responsibilities

Reporting

MSAC Charter

To receive reports from FMPA staff on member services matters, including measures of effectiveness of existing member services and staff efforts on the development of new member services offerings.

Action

Each MSAC meeting the Member Services team provides reports and updates at the MSAC meeting related to specific items that are major projects or require significant efforts.

Duties and Responsibilities

Advice

MSAC Charter

To advise the Board of Directors and propose changes to FMPA's member services.

Action

MSAC will direct the Chief People and Member Services Officer to present to the Board Of Directors any proposed changes or to advise them on special topics. MSAC will advise on successful programs and explore new services.

Duties and Responsibilities

Member Needs

MSAC Charter

To provide feedback to the committee staff representative, the General Manager and CEO, and other staff of FMPA on member needs and how existing or new member services may meet those member needs.

Action

At the MSAC meetings, updates and agenda items will be provided so that MSAC members can provide feedback on member needs and how existing or new member services may meet those member needs.

Duties and Responsibilities

Budget Review

MSAC Charter

To review, as a part of the annual FMPA budget process, the budgetary considerations for member services provided by FMPA.

Action

Four budget related items are considered by the MSAC. TVPPA costs, DEED dues, MinMax subscription and Lineworker competition . The Agency general budget, as it relates to services provided to the members, will be reviewed and commented on by the MSAC before it is finally voted on by the EC in June.

FLORIDA MUNICIPAL POWER AGENCY

CHARTER

of the

MEMBER SERVICES ADVISORY COMMITTEE

(as adopted as of July 13, 2022)

I. MISSION STATEMENT

The mission of the Member Services Advisory Committee (the “Committee”) is to facilitate the acquisition of high quality and relevant services for FMPA’s members by providing direction for new and existing member services offered.

II. MEMBERSHIP AND STRUCTURE

The membership of the Committee consists of a minimum of seven persons, or more as may be appointed pursuant to this charter. The Chair of the Board of Directors Chair appoints the Committee members. Members of the Committee serve at the pleasure of the Chair of the Board of Directors.

Each member of the Committee may designate an additional individual, who is an employee, elected or appointed official, or other representative of the same FMPA member utility as the Committee member, to serve as her or his alternate member of the Committee when the member cannot attend a Committee meeting. Any such designation of an alternate must be made in writing, at least three days before the initial meeting where the alternate will attend in the place of the Committee member, and delivered to the Secretary of FMPA or to any Assistant Secretary, or to the Chief People and Member Services Officer.

III. COMMITTEE OFFICERS

The Committee shall elect two officers: Chair and Vice Chair. Election of officers shall be done by the Committee by majority vote for a regular election or any time there is an officer vacancy, with each Committee member having one vote. (No alternate may vote if the Committee member for whom she or he serves as the alternate is also present.) Nominations of a Committee member to fill the officer positions shall come from the Committee, prior to the elective vote. Regular elections shall be held once each year at the meeting held during the third calendar quarter of the year (July

through September). Each elected officer shall serve upon election until the next meeting of the Committee when an election is held.

IV. MEETINGS

Each member of the Committee has one vote which he or she may cast (yea or nay) on any action coming before the Committee. A quorum of the Committee is present at a meeting of the Committee when at least 51% (rounded to next whole number) of the Committee members are present and able to participate in the meeting in person or by electronic means, including by telephone. A quorum of the Committee is necessary for the Committee to take action.

Notice of the time, date, and place of each meeting will be provided to each Committee member at least five days prior to any meeting. Meetings of the Committee shall be called by the Chair, by any two members of the Committee, or as otherwise regularly scheduled by the Committee. Regular meetings will be held at least quarterly. The conduct of the meetings will follow *Roberts Rules of Order Newly Revised*, with the Chair presiding over the meeting. In the absence of the Chair, the Vice Chair will preside over the meeting or, in the absence of both the Chair and Vice Chair, the Chair of the Board of Directors, or such other person as she or he may designate, will preside over a meeting.

V. COMMUNICATIONS

The Chief People and Member Services Officer (or, in the event of a change in such title, the staff person with the highest level of responsibility for member services) serves as the staff representative to the Committee (the "Committee Staff Representative"). The Committee Staff Representative shall have responsibility for coordinating the communications of the Committee and coordinating Committee meetings, including providing meeting notices to all Committee members. Communications with FMPA by the Committee will be handled primarily through the Committee Staff Representative or directly with the General Manager or General Counsel (for legal matters).

VI. AUTHORITY

The Committee has no authority to bind FMPA or to make any decision on behalf of the FMPA Board of Directors or Executive Committee unless such authority is delegated to the Committee by resolution. The Committee serves in an advisory capacity to the Board of Directors. The Committee's role and authority, as otherwise determined by the Board of Directors, is set forth in the charter and as may be otherwise directed by the Board of Directors, consistent with this charter.

VII. DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Committee are as follows:

- a. *Reporting.* To receive reports from FMPA staff on member services matters, including measures of effectiveness of existing member services and staff efforts on the development of new member services offerings.
- b. *Advice.* To advise the Board of Directors and propose changes to FMPA's member services to the Board of Directors.
- c. *Member Needs.* To Provide feedback to the Committee Staff Representative, the General Manager and CEO, and other staff of FMPA on member needs and how existing or new member services may meet those member needs.
- d. *Budget Review.* To review, as a part of the annual FMPA budget process, the budgetary considerations for member services provided by FMPA.]
- e. *Scope of Committee:* The Committee shall embrace topics related to members achieving the common vision of providing; low cost, clean and reliable power plus value-added services to our customers. The topics may be raised for consideration from within the Committee, or as otherwise directed by the Board of Directors to address member services matters for FMPA.

VIII. INITIAL OFFICERS; APPROVAL AND AMENDMENTS

This charter is effective as of the approval by the Board of Directors. Upon the initial approval of this Charter, _____ will serve as the Committee's Chair, and _____ will serve as the Committee's Vice Chair, with both terms extending until the third calendar quarter meeting of the Committee in 2023. Amendments to this Charter are effective only after approval by the Board of Directors.

**AGENDA ITEM 2 – WORKSHOP
TOPICS**

- c. Board of Directors Option for
Single Read Action on MSAC
Recommendation**

**FMPA Member Services
Advisory Committee Workshop**

May 8, 2024



2c - Board of Director Option for Single Read Action on MSAC Recommendation

Member Services Advisory Committee

May 08, 2024

MSAC is First Review for Member Service Offerings

Programs Are Vetted Through Committee

MSAC reviews new opportunities or new concepts presented by staff or Member



MSAC approves and makes a recommendation to get Board approval



Process consistent with other advisory committies

FMPA Board Typically Has Two Reading Policy

First Reading Information – Second Reading Approval

- MSAC members made up of majority Board and EC Members and alternates
- MSAC in their advisory role is making a recommendation to the Board for approval
- MSAC has fully vetted the recommendation
- MSAC has determined the recommendation will add value to the Member Services provided by the Agency.
- Items that have significant budgetary or staffing impact require approval from the Board of directors
- To expedite implementation, Board can approve MSAC recommendation on a single read

**AGENDA ITEM 2 – WORKSHOP
TOPICS**

- d. Budget Items Reviewed by
MSAC**

**FMPA Member Services
Advisory Committee Workshop**

May 8, 2024



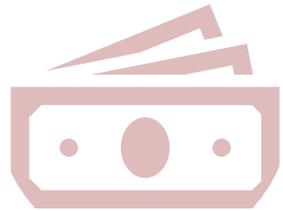
2d - Budget Items Reviewed by MSAC

Member Service Advisory Committee

May 08, 2024

Currently Four Budget Items for MSAC Review

MSAC Makes Recommendations to Finance Committee



Budget Review – To review, as a part of the annual FMPA budget process, the budgetary considerations for member services provided by FMPA.

FMEA
Lineworker
Competition

MinMax
Substation
Asset
Management

TVPPA
Lineworker
Safety Program

APPA
Demonstration of
Energy & Efficiency
Developments

FMEA Lineman Competition

FMMPA supports FMEA event through a "sponsorship"

Sponsorship goes to Journeyman team and
Apprentice winners

Payment is a reimbursement if participants compete at
National Lineman Competition in the same calendar year

Currently budgeted at \$8,000 – Meets FMEA
Sponsorship Level and provides up to \$2000 per
participant for travel

MinMax Substation Asset Management

FMPA is Host and Members Have Individual Accounts

FMPA currently pays yearly subscription of \$3,600

All participating members pay \$600 per substation per year

Three utilities signed on and others are reviewing

Training held for members to use for PRC-005-6

TVPPA Lineworker Safety Program

Current Budget Supports Membership and Discounted Meetings

\$150,000 Budget

- Currently 23 members in Safety Meeting Program
- Larger member costs for safety meeting program capped at \$15,000 annually
- Smaller members pay a pro-rata share of costs
- TVPPA Apprenticeship and other program offerings at a discounted rate

Demonstration of Energy-Efficient Development Grants

APPA DEED Program for FMPA Members

Budget amount \$35,000

APPA invoices
FMPA for
member dues at
discounted rate

Approximately
\$655,000 in
grants awarded
to 12
participating
members

Member
Services to assist
all 25 eligible
members with
potential
opportunities for
DEED grants

Individual
member cost
total if not under
JAA structure
\$115,000

DEED Grants Awarded

Only 12 of 23 Members Participated in Grant Opportunities

| Member | Grants |
|---------------------------------|------------------|
| Kissimmee Utility Authority | \$267,000 |
| Gainesville Regional Utilities | \$181,193 |
| FMPA* | \$64,000 |
| Beaches Energy Services | \$45,000 |
| Lakeland Electric | \$42,000 |
| Keys Energy Services | \$25,000 |
| Orlando Utilities Commission | \$10,000 |
| Fort Pierce Utilities Authority | \$10,000 |
| Ocala Electric Utility | \$5,000 |
| City of Newberry | \$5,000 |
| Totals | \$654,193 |

*FMPA TripSaver grant installed reclosers at Keys, Havana and Tallahassee

Other Members Eligible for DEED Grants

| |
|---------------------------------------|
| Homestead Energy Services |
| Leesburg Electric Department |
| New Smyrna Beach Utilities Commission |
| City of Lake Worth Beaches |
| City of Winter Park |
| City of Bartow |
| City of Alachua |
| City of Green Cove Springs |
| City of Chattahoochee |

| |
|------------------------------------|
| City of Clewiston |
| City of Starke Utility Department |
| City of Mount Dora |
| City of Fort Meade |
| City of Wauchula |
| City of Bushnell |
| Town of Havana |
| Jacksonville Electric Association* |
| City of Tallahassee* |

**AGENDA ITEM 3 – MEMBER
COMMENTS**

**FMPA Member Services
Advisory Committee Workshop**

May 8, 2024

AGENDA ITEM 4 – ADJOURNMENT

**FMPA Member Services Advisory
Committee Workshop**

May 8, 2024