

MINUTES OF SPECIAL MEETING OF KISSIMMEE UTILITY AUTHORITY HELD  
WEDNESDAY, MAY 10, 1995 AT 6:00 PM, BOARD ROOM, ADMINISTRATION  
BUILDING, 1701 W. CARROLL STREET, KISSIMMEE, FLORIDA

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Present at the meeting were Chairman Gant, Vice-Chairman Walter, Assistant Secretary Lowenstein, Director Guthrie, Attorney Norman Smith (sitting in for Attorney Brinson), President & General Manager Welsh, and Recording Secretary Rundio. Secretary Bobroff was not present. Mayor Pollet arrived at 6:33 p.m.

A. **MEETING CALLED TO ORDER** at 6:00 p.m. by Chairman Gant.

B. **BOARD APPLICANT INTERVIEWS**

Chairman Gant stated that the current applicants have already been through the interviewing procedure in the past. He suggested for this evening that they alter the procedure somewhat and that, rather than go through the usual questionnaire, they might want to ask the applicants for a general overview of why they want to serve on the KUA Board and ask specific questions instead.

The two applicants were:

Billy J. Ralston  
Richard L. Hord (former Chairman)

A third applicant, Domingo Toro, had changed his mind that afternoon and withdrew his application. He had been an unsuccessful candidate the two previous years.

Two members stated it might be a good idea to follow the normal procedure for the benefit of our latest Board member, which is the course they followed.

Mr. Ralston arrived at 6:15 p.m. Mr. Ralston had applied the previous year. He responded to the General Manager's list of questions, giving an insight into his background. Mr. Ralston felt he was qualified and had considerable business experience to bring to the Board. He said he possessed a background in electrical engineering, that there will continue to be a need for reliable electric power in the foreseeable future, and that he could contribute in that respect. He said he understood the duties of a Board member, that they set policy for the Utility, review and approve major projects and budgets, etc. He stated he has an interest in the community and the environment and would like to see affordable power generated. Following a brief discussion, the members thanked him for his interest and time in wanting to serve on the Board, at which point Mr. Ralston departed.

Brief discussion followed on Mr. Ralston's qualifications and contributions. As a whole, the Board felt he was very qualified as a prospective member.

Mayor Pollet arrived at 6:33 p.m.

Richard L. Hord, applicant and former Chairman of the Board, was acknowledged and was told that in his case the procedure would be changed somewhat since he had gone through it numerous times.

For the record, and at Director Lowenstein's request, Attorney Smith stated the limitation on the succession on the Board for renominating a former member after a break in service.

Mr. Smith read an excerpt from a letter written by Attorney Brinson on May 1, 1995, on the Amended Ordinance of KUA's Charter. It stated that, "No member of the Authority shall, except the Mayor of the City of Kissimmee, serve more than two successive terms on the Authority." Mr. Smith stated that 'successive' and 'consecutive' terms mean the same thing. Mr. Hord, having a break in service, is eligible to be nominated by this Board if this Board desires to do so.

Chairman Gant suggested Mr. Hord give his feelings and reasons for wanting to reapply on the Board.

Mr. Hord said that obviously he feels he is qualified, having served nine years on the Board, plus two years prior to that on the Study Committee and Charter Committee. He said he is still very interested in the KUA and has the time to serve. He said his successful business and business background would give him the right qualifications to apply.

Director Guthrie asked if he had specific accomplishments he would like to see the Board do in the next generation.

Mr. Hord stated it was his desire that KUA provide the best utility service to the ratepayers of the KUA at the most competitive prices. One objective would be to maintain the solid management in the organization and see that pursued.

Director Walter inquired if he foresaw any specific problems that this organization may be faced with in the future. Mr. Hord replied that none he is aware of, but that a new condition is in place now, the bargaining union contract which needs to be dealt with the best management philosophy possible.

Mr. Hord was thanked for wanting to serve on the Board again. He then left the meeting.

Discussion followed, with individual opinions noted by the members.

Director Lowenstein stated that Mr. Hord is a very successful businessman, is very fair and though both candidates are very qualified, he personally feels Mr. Hord deserves another chance. He stated it is our responsibility to choose the most qualified person applying and submit this name to the City Commission for their appointment.

Director Walter said that the Board should pick the most qualified person and that, in this case, it would be Mr. Hord.

Director Guthrie felt both candidates were very qualified.

Mayor Pollet said he had mixed emotions. He felt that when the Charter was set up it did not mean for the members to be succeeding themselves. The five-year term would become a ten-year appointment. He expressed concern that KUA would discourage good applicants from applying when starting this routine of reappointing themselves, and that is what can happen with each member. It would discourage outsiders from applying, people who would add something to the system. He felt all those applying are qualified, yet one withdrew today. He had applied twice before and asked how many times should one reapply before you quit. He felt there was no question they weren't all qualified. The intent was to serve ten years and keep from discouraging others.

Chairman Gant said he agreed with the Mayor and members and though it may occur repeatedly, he felt it would be foolish not to consider the former Chairman as most qualified.

Mayor Pollet stated that Mr. Ralston was told last year to reapply this year, which he did, and he would have had a chance had not Mr. Hord reapplied. He stated then the whole procedure should be changed so you can reappoint yourself every year and not have to leave the Board for a year. The reason it was set up the way it is was so that this kind of thing wouldn't happen, and now it's happening. He stated that if you're serving a five-year term and came back he would not have a problem with it. That the same people that serve would not be the same ones reappointed. The people reappointed are the same people that they served with. It's difficult to not be reappointed, how would you reappoint anybody else.

Chairman Gant emphasized that if Mayor Pollet meant that he'd rather deal with procedure than the person, he had a problem with that. He would rather change the rules. The Charter said Mr. Hord was eligible, that he would have trouble not dealing with what's better for KUA. That was his opinion.

Director Guthrie said he'd hoped the success of KUA did not depend on any one of them. Chairman Gant said it depends on having a good team.

Mr. Welsh said to clarify, that in the last sessions everyone was impressed with both Mr. Ralston and Mr. Toro. That the Board asked Mr. Welsh to thank them for applying and asked them to continue their interest in KUA and consider reapplying, with no promises.

Chairman Gant stated he would not be uncomfortable with either one of them being on the Board.

It was explained this is not a matter of prioritizing applicants. You nominate one person and that name goes up. If that person is not approved then you come back and meet again and nominate another person, according to Mr. Smith.

**Director Guthrie moved to nominate Billy J. Ralston for the upcoming position on the Board. The motion died for lack of a second.**

**Director Lowenstein moved to nominate Richard L. Hord to the City Commission for appointment. Seconded by Director Walter.**

Director Walter stated that if you prioritize by experience, Mr. Hord should be selected. The purpose of the Board is to select the most qualified and, in that case, Mr. Hord is the one--the most qualified. He also felt that there is a lot of validity in the things they discussed and that this is not an easy decision. Director Walter said he believes we are fulfilling the obligations to pick the right person, even though he felt all the candidates are qualified but that we should continue to reassess the situation.

Director Guthrie said he would vote favorably.

**Motion carried 4 - 0  
Director Bobroff not present**

Mayor Pollet left the meeting at 7:00 p.m.

Mr. Welsh stated that he didn't feel it was his position to enter the discussion, but that it was his observation that the last two members were not reappointed but new members. He did not see that this decision was a set pattern, nor does it need to be in the future. This is a decision that needs to be made on an ad hoc basis. If it was a pattern, it might be a big problem.

Chairman Gant said if you look at this procedure, he didn't feel the cycle would be repeated for about six years.

Director Lowenstein said some members may not wish to reapply. Chairman Gant stated that when Director Lowenstein leaves, he can reapply, but he would be going against a member already on the Board.

Attorney Smith stated that, putting on his ratepayer's hat momentarily, he would not want to think that the Commission performing the function that we just performed would simply let go talent, experience and dedication if it was available to the Board. The ratepayers need to know we got the best that there was available. He felt that, as a ratepayer, he would hate to see us let it go for an arbitrary reason. He hoped that's the way the City Commission would see it. If it's a situation where they feel strongly about the rule, then maybe they may take exception. The rule ought to be changed; not make the rule based on who applies.

Brief discussion continued. Mr. Welsh stated that the only requirement of the Charter is that you choose a nominee and send it to the City Commission--not what procedure you go through to do it. He felt the candidate chosen is a very desirable candidate--there may be a more qualified candidate next year which we're not aware of at this time.

C. OTHER - No comments

D. HEAR GENERAL MANAGER, ATTORNEY, DIRECTORS

No comments

E. ADJOURNMENT: Meeting adjourned at 7:05 p.m.

  
CHAIRMAN

ATTEST:

  
SECRETARY