

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON MARCH 31, 2003

I. CALL TO ORDER AND ROLL CALL

President William Brooks called the meeting to order at 2:30 p.m. on Monday, March 31st, in the Town Council Chambers. On roll call, the following Elected Officials were found to be in attendance: Mayor Lesly Smith, President William Brooks, President Pro-Tem Norman Goldblum, Councilman Sam McLendon, and Councilman Allen Wyett. Councilman Jack McDonald was absent from the meeting.

Also attending the meeting were: Town Manager Peter Elwell and Town Clerk Mary Pollitt

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Mary Pollitt gave the invocation and President Brooks led the pledge of allegiance.

III. APPROVAL OF THE AGENDA

Councilman Allen Wyett made a motion to approve the agenda. The motion was seconded by Councilman McLendon and carried 4-0 on roll call as Councilman McDonald was absent from the meeting.

IV. CONSIDERATION OF PROPOSAL FROM SMITH, BALLARD & LOGAN, P.A. TO PROVIDE LEGISLATIVE LOBBYING SERVICES

Town Manager Elwell explained the offer the Town received from Smith, Ballard & Logan, P.A. to represent the Town of Palm Beach for the remainder of the legislative session and any special sessions thereafter on issues affecting revenue sharing, health care and transportation infrastructure for a fee of \$20,000. Mr. Elwell said Brian Ballard was agreeable to hiring the firm for a particular term and pay \$5,000/month over a four month period. He said the term would begin March 31st and end on July 31st.

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President Brooks said he did not want the Town residents to think the hiring of the firm would guarantee the Town success as the ways of legislative sessions can be labyrinth and serpentine; however, the Town needs it desperately and if it is not considered in this session, it will raise the visibility of this important issue, and the Town will be in good stead for the next year's session.

Mr. Elwell explained further the legislative prospects for this year relate to the emergency angioplasty provisions that the Town has worked hard to try to achieve locally on behalf of the Town residents. He continued that is the primary purpose for which the firm would be engaged, although the engagement would be broader, representing additional issues on behalf of the Town.

Mayor Smith asked why Smith, Ballard & Logan is more qualified to represent the Town than other lobbyists hired previously in Tallahassee and why do they think they can prevail?

Mr. Elwell said he could not answer the second question explicitly, but the firm is qualified in health care issues and has a recommended track record in that area.

Mayor Smith said she considered this issue to be an emergency issue for the Town and questioned if the firm thought the legislation would go through in some form or another this session?

Mr. Elwell replied affirmatively with the key phrase being in 'some form or another', and the representation made to him by Smith, Ballard & Logan is that they believe they can succeed at the task but there are no guarantees, and this is a complicated issue within a complicated session.

Mayor Smith responded she would go along with the issue at this time on the basis it is an emergency measure facing the Town, but if the firm is not able to accomplish the purposes of the Town for an angioplasty program in Good Sam by the end of the session, then another group should be considered or approach the issue from another direction.

President Brooks said he believed the July 31st termination date would allow the Town Council time to consider other firms if they were dissatisfied with the firm. He pointed out that the legislative session is scheduled to end in one month with the likelihood of a special session that can only address the topic for which it was called, and there could be several special sessions.

Mayor Smith said her concern was over the money being spent, but this is an emergency for the residents.

Councilman Wyett commented that the Klein-Pruitt Bill which will grant 4 hospitals, 2 south and 2 north, to do open heart surgery received overwhelming review; however, no amendment was able to be approved for that bill. He said Mr. Pruitt commented if an

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amendment was not detrimental to his bill, he would consider it, but he must have thought the amendment detrimental and pushed the bill through as he published it. Mr. Wyett said there was a second bill in the Senate, the Saunders Bill, which approaches angioplasty as a stand alone item. He continued that angioplasty is not really being opposed, but it is a question of whether it fails to pass this session because of the rush of other matters. Mr. Wyett said several members of the legislature told him there were too many issues to be considered, such as medical malpractice, unemployment insurance, and they needed the help to reach other members of the Legislature. Mr. Wyett said he recommended hiring a lobbyist who has more resources than any one member of the Legislature would have.

Councilman McLendon questioned Tenet's position regarding the legislation.

President Brooks responded some of the votes may be hard to come by in the Senate and House with the Florida Hospital Association being a very powerful lobbying group. He said he understood Tenet and the Florida Hospital Association are supporting it.

President Pro-Tem said he thought the Council would be remiss if they did not do something now, because the Town's citizens are vulnerable, and the amount of money is not that great.

Mr. Bill Guttman said it was important to emphasize that the bill at the moment is not a bill covering solely emergency angioplasty, and the emergency angioplasty provision is one small portion of a very large bill that incorporates the recommendations of the so-called Kahn Workshop which includes provisions dealing with Hospice, homecare, nursing homes, and a variety of other fairly complicated healthcare issues which has its own set of politics, separate and distinct from emergency angioplasty.

Mr. Guttman said the Saunders Bill in the Senate is going nowhere, and the House took up a proposal that seemed to pivot off the Kahn Workshop but basically it represented the deregulation of certificates of need throughout the State. He said he did not think it will become a bill, and it is important to recognize that there is no separate bill dealing with emergency angioplasty and the challenge, that Jeff Atwater has articulated, is how a stand alone bill covering emergency angioplasty came into being this late in the session.

Mr. Guttman said the effort in the last week or so was to tack the emergency angioplasty provision onto the big healthcare bill, the Pruitt-Klein Bill, which allows open heart surgery in Palm Beach County under a set of fairly lenient standards that will expire in the year 2006. He said the Senate leadership was willing to do that, but they were so afraid of what might happen in the House that, in the end, they did not allow tacking onto the main bill. He added there is great support in the Senate, and the situation in the House is murky. Mr. Guttman said it looks like Pruitt-Klein will pass this session as they have been trying to get it through for four years, and these are not easy things to get through the State Legislature. Mr. Guttman said he would not be unduly critical if this lobbying firm would fail in their attempt when the session is half over. He urged the Council to hire the Ballard firm, as it is impossible to manage the issue from Palm Beach.

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Councilman Wyett requested Mayor Smith speak to the West Palm Beach Mayor to morally support the Town regarding this issue. He said if the firm does not succeed in this session, they should be retained for the next session to prepare a detailed lobbying program.

Mr. Elwell suggested the question at this meeting is the hiring for a four month period, and future considerations should be looked at during the budget process.

Mayor Smith confirmed that she would contact West Palm Beach Mayor Lois Frankel. She added that the residents of Palm Beach need to have an explanation of why the angioplasty issue is part of a political football.

Councilman McLendon made a motion to approve hiring the firm of Smith, Ballard & Logan for \$20,000 (from the Contingency Account in the General Fund) The motion was seconded by Councilman Wyett and carried 4-0 on roll call as Councilman McDonald was absent from the meeting.

V. ANY OTHER MATTERS

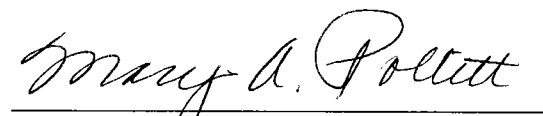
Councilman Wyett announced a new blood testing piece of equipment has been developed that detects if a person has had a heart attack. He said these portable units can be installed on the Town's medical units, and the Town will receive a donation of approximately \$16,000 to cover the cost of one unit for each ambulance.

VI. ADJOURNMENT

The meeting was adjourned at 2:52 p.m.



William J. Brooks, Town Council President



Mary A. Pollitt, Town Clerk