



FFMA Board of Directors

Conference Call

September 9, 2010 – 11:00 am

Conference Number: 1-866-459-9589

Pass Code: 813-494-6004

1. **Approval of Minutes** Mickey Farrell

2. **President's Report** Mickey Farrell

3. **Committee Reports**
 - Annual Conference Committee Kim Stone
 - Budget Committee Kim Stone
 - By-Laws Committee Roger Englert
 - Legislative Committee Ron Spencer
 - Membership Committee Mary Bensel
 - Nominating Committee Allen Johnson
 - Operations Committee Judy Joseph
 - Scholarship Committee Mark Striffler
 - Site Selection Committee Allen Johnson
 - Sponsorship Committee Barry Strafacci
 - Website Committee Scott Glaser

4. **Old Business**

5. **New Business**
 - Next FFMA Conference Call: Thursday, October 14, 2010 at 11:00 a.m.

6. **Adjourn**

**Florida Facility Managers Association
Board Meeting Minutes (Conference Call)
September 9, 2010**

Present: President Mickey Farrell, Wayne Malaney, Bill Becker, Ron Spencer, Patrick McGrew, Cherie Dubay, Barry Strafacci, Mary Bensel, Mark Striffler, Allen Johnson CFE/CPM

Absent: Vice President Judy Joseph, Secretary/Treasurer Kim Stone, Roger Englert, Mike LaPan CFE, Lionel Dubay

There were no minutes to approve. Kim Stone is working on the minutes from the June and August board meetings.

President's Report

Mickey Farrell mentioned that Cherie Dubay's contract was up for renewal and suggested that this be discussed at an Executive Committee Meeting and be brought back to the Board. Mickey also mentioned that this is the last year of Wayne Malaney's contract and Ron Spencer recommended that it be discussed by the Legislative Committee.

Program Committee

Barry Strafacci stated that the same golf course has been reserved for the 2011 Annual Meeting (Atlantis Golf Club).

Budget Committee

Mickey Farrell mentioned that Kim Stone and Cherie Dubay are working through the Annual Meeting close-out. Helen Gyllstrom is working on the year-end financial documents.

By Laws Committee

Roger Englert stated there was no update.

Legislative Update

1. Bill Introduction:

Wayne hopes to have a bill filed to reenact the exemption from sales tax services included with the rent. Senator Bennett has been asked to again file the bill to retain advanced ticket sales. He has asked Sen. Bennett to identify a House member he'd like to work with as a House sponsor. No word yet from Bennett on this request. It will be difficult to find a bill sponsor in the House on the tax issue. Each House member only gets 6 bill slots and the budget issues make this a tough request. I have had discussions with Rep. Heller and Rep. Randolph about sponsoring the bills.

2. Political Action Committee (PAC) & Political Contributions:

No real excitement was expressed to move forward with PAC. Establishment of a PAC, in the nature of a Committee of Continuous Existence (CCC), would entail creating a bank account, having officers and directors and a treasurer. Regular reports will need to be filed each year, and more in an election year. There is a penalty for late filing. A CCC must have 25% of its money coming in from the members. It has been suggested that \$5,000 come out of the association and half from membership. Wayne also suggested that members consider contributing to specific candidates, in their area, who support FFMA issues. Approach corporate sponsors. Wayne sent out a targeted request to support Rep. Heller, a long time advocate and former member of the board at the Mahaffey Theater. Less than a handful of members wrote checks to Sen. Altman and Rep. Bogdanoff. To his knowledge, no one other than Wayne has contributed to the members who have been bill sponsors for the FFMA issues. So, with the election cycle occurring ever two years, it is reasonable to believe that the membership and partners can raise a significant amount of money. Wayne suggests a target of \$50,000 be raised over the next 20-21 months for distribution during the next elections cycle. While this may seem ambitious, it actually amounts to only 100 contributions @ a maximum of \$500 each. Keep in mind this is only 50 candidates for the primary cycle and 50 for the general election, if it was decided to go that route. It would then be helpful to sustain this every 2 year elections cycle.

3. Rule making Issue:

The "Sales Tax on Services as Part of Total Rent" may/could be subject to a rule change expected to come out in December, from the Department of Revenue (DOR). Rule 70, according to DOR, is long overdue for an overhaul. In discussions with Mark Zych (DOR) Wayne determined that there may be an opportunity here. Several options exist. A rule change is one. Seeking a declaratory statement from the Department is another and filing a Declaratory Judgment Action is another; or some combination may work to put some pressure on DOR to reconsider its position. Any of these propositions presupposes the need to hire a tax law firm to assist. It has been suggested by Wayne and Ron Spencer that the financial assistance of promoters, including Live Nation Entertainment, Feld, AEG and others be actively sought. Wayne has spoken to Madsen, Goldman & Holbrook (they represented the SunDome on this issue several years ago and went to the last meeting Wayne had with DOR after the issuance of the TAA this past spring) about the approach and whether the firm can work up a flat fee rate. Wayne is waiting to hear from them both on suggested approach and a fee. Some response is expected by mid-October.

Wayne suggests we get in on the front end and provide language to the DOR to consider putting into the rule for adoption, rather than wait to see what the DOR comes out with. Also, by bringing in the promoters and other interested parties, the combined front from such a coalition provides more credibility to the argument about how the current rules and interpretation are hurting and will continue to hurt the industry. Frankly, the help is also needed to be able to afford

to hire a law firm. Patrick McGrew suggested Feld Entertainment. The Board asked Wayne and Ron to get info on a flat rate for legal services and interested participants.

4. Dual Contracts:

It was discussed to have Wayne send a note to the membership on the potential impact of separating the rental contract into a contract strictly for rent and a contract for the services. Wayne noted that the DOR stated that they would look at each situation on a case-by-case basis. There is no magic bullet. In fact the personnel at the meeting w/DOR seemed surprised that FFMA had an earlier TAA which indicates that a separate contract may be a way to avoid paying a sales tax on the services provided to a client/customer using the facility. Wayne is going to review the early '90s TAA and email an update on this issue. Members are cautioned however that such a practice (separating rent from services) is no guarantee that DOR will not find that sales tax is due.

Membership Committee

Mary Bensel stated there was no update from the membership committee.

Nominating Committee

Allen Johnson brought to the Board's attention that there would be two Directors At Large positions to fill at the Annual Meeting. Allen mentioned Jason Rittenberry has been active since the beginning of the year and he would be interested in one of the positions.

Operations Committee

Mickey Farrell mentioned the Operations Seminar would be held in Daytona Beach on September 26th.

Scholarship Committee

Mark Striffler said three (3) applications had been received already for the Operations Scholarship Program.

Site Selection Committee

Allen Johnson stated that the committee is waiting for a proposal from the Four Seasons for 2012 and 2013 for Annual Conferences on Father's Day weekend. The 2011 conference is scheduled for June 12th through June 14th at the Four Seasons.

Sponsorship Committee

Barry Strafacci suggested getting the sponsorship letters out earlier this year. Barry also suggested targeting new sponsors. Mickey stated that Ticketmaster still wanted to be involved as a major contributor for an additional four (4) years at \$12,500 per year. The suggestion was made to send Ticketmaster a letter of intent to sign for four (4) years at \$12,500 per year beginning in 2012 through 2015. Barry Straffacci made a motion to proceed with the letter. Seconded by Ron Spencer. The motion carried.

Website Committee

Scott Glaser mentioned that the scholarship flyer was now posted on the website. The Website Committee will continue pursuing access to PayPal for membership and conference payments.

Old Business

None

New Business

None

Next Conference Call

The next conference call will be Thursday, October 14th at 11:00 am.

Allen Johnson motioned to adjourn the meeting and it was seconded by Scott Glaser. The motion carried.