

**AT A SPECIAL MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON NOVEMBER 12, 2015 ST 4:00
P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ:**

Present: Brenda A. Holt, Chair, District 4
Eric Hinson, Vice Chair, District 1
Dr. Anthony "Dr. V" Viegbesie, District 2
Gene Morgan, District 3
Sherrie Taylor, District 5
Robert Presnell, County Administrator
David Weiss, County Attorney
Marcella Blocker, Deputy Clerk

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Holt called the meeting to order at 4:03 p.m., asked for moment of silence and then led in the Pledge of Allegiance to the U. S. Flag. A silent roll call was taken by Deputy Clerk, Marcella Blocker.

AMENDMENTS AND APPROVAL OF AGENDA

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE AGENDA AS WRITTEN.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Chair Holt asked if anyone in the audience wished to speak on any item not on the agenda and there was no-one.

GENERAL BUSINESS

1. Board Direction on the Payment to the City of Gretna for Senior Services provided in FY 2014/2015

Mr. Presnell said first on the Agenda was Board direction on the payment to the City of Gretna for Senior Services provided in the 2014/2015 year budget.

Commissioner Taylor stepped out at this juncture of the meeting.

Mr. Presnell

"As you recall, an invoice was submitted by the City with receipts, we processed that payment over to Clerk's Office, they had issues with the expenditures, we went back with them and got with the City, provided additional information, met with Clerk's Finance staff and \$3,200 was approved and as part of your agenda tonight if the Board so directs, they have agreed with a Public Purpose Statement from the Board, then they would pay an additional \$2,000 which would be a total of \$5,300 to the City.

Chair Holt

"OK, Commissioners, you have the packet, it's the large packet with the clip on it. They had some receipts in there and looking at those totals..."

Commissioner Taylor returned at this juncture of the meeting.

Chair Holt

"Let's give you a minute to flip through that, look though that; a few minutes. While we're doing that, Mr. Attorney, when they finish, I would like you to explain what law says and remind us of that."

Mr. Weiss

"Yes mam."

Chair Holt gave Commissioners a minute to review the packet of receipts.

Chair Holt

"And Ladies and Gentlemen, it's rather a large document so that's what we are flipping through."

Commissioner Taylor

"May I ask a question please?"

Chair Holt

"Sure."

Commissioner Taylor

"I imagine I probably need to wait on this question to hear what the Attorney has to say, but, excuse me, the whole reason for this meeting was to have an opportunity to speak with the Clerk so we could get some clarity on the position that he's taken on both of these items and I'm understanding that he's either not coming or coming late, or what's..."

Mr. Presnell

"I spoke with the, and met with him actually, I went over and met with the Clerk last week regarding this and said that he would be available to answer any questions you have at your regular meeting on the 17th."

Commissioner Hinson

"So he couldn't show up today? I'm sorry for..."

Commissioner Taylor

"That's, that's, that's where I'm at, that was my primary reason for coming because we obviously can't do, well, I did want to hear the position of the Clerk and his explanation and I don't, if he's where he is, I don't know how we can proceed on some of these, ah, so I'm a little perplexed as to how we can proceed forward if he's the one that cuts the checks and adamant about his position. Was he adamant about his position?"

Mr. Presnell

"He's very adamant about his position and we were able to determine that we could pay the additional \$2,000 with a Public Purpose Statement from this Board, that he would have that check cut immediately for a total of \$5,300 and he is very firm that anything above and beyond that, they won't be paid."

Commissioner Taylor

“Thank you.”

Chair Holt

“Commissioner, I would like to say this. The purpose of this meeting was not just to meet with the Clerk. It was to look at these receipts because the City of Gretna is here, ah, the City of Chattahoochee decided not to fight this issue, but what we need to do is be able to explain to citizens what the purpose of this is because when they brought the receipts, they were under the impression that they were going to be paid. Whether he’s here to explain it or not, they still want to look at what they may have done or need to do in order to get this taken care of. The other thing is the time factor simply because there is not on just from this issue, but you also have the travel issue up there and that’s next week. Now, I did call the Clerk before we discussed it at the last meeting and he said to turn in an agenda item with the agenda of the travel that type of thing and then he could look at paying it. So, that was another thing, but this Board voted not for it not to go, and to put it on for this meeting. So there were two items, that’s the reason there’s two items on here. The only senior citizens item also, when you look at this one sheet here, there’s another sheet Commissioners, when you look at this one, and we’re not, we want everyone to be paid that we said that should be paid, not just one or two. But if you look on the front, the \$10,000 and look on the back of what was paid and that was paid the total \$10,000 and nothing wrong with it. I’ve seen absolutely nothing wrong with it being paid, because that’s what this Board asked them to do. So, that’s what we want them to do on the back of here, that’s what we want them to do is to do what the Board asked them. If it’s something illegal, we don’t want the Clerk to pay anything that’s illegal, we want the Clerk to do what he’s legally bound to do. So that’s one reason why the City of Gretna is here. They want to know what is wrong with the receipts that they turned in. Now, we’re the ones that said we were going to give them the money. If it was something that they did incorrectly that they need to re-do, then that’s what we need to let them know. Because the receipts come from here to the Clerk; not from the Clerk to us. I’m sorry, Commissioner Morgan, your hand was up first.”

Commissioner Morgan

“Thank you Madam Chair, I just wanted to clarify with the City of Chattahoochee, they did not choose not to as you said “fight” this, they chose to not submit anything because their expenses are going to be in the upcoming year this year, so that was it. But I do think that what we need to make sure of is, number 1, what is it that is giving the Clerk his positioning for those certain receipts that he is saying that can’t be paid and I think the Attorney can bring light to that because I agree 100%, first let me back up. I know there is not a Commissioner up here that doesn’t want the Senior Center to be reimbursed if legally that can be done, but as you just stated, this Board can’t do it if it’s not under Florida Statutes.”

Chair Holt

“That’s why we’re here.”

Commissioner Morgan

“Exactly. So I think we clarified that part about it and it will end up however it ends up. But, moving forward, as I have sent a few emails, I guess maybe three weeks or so ago to the Administrator and the Clerk’s office, is to make sure that the communication, you know, is clearly expressed moving forward not only to the Senior Center, but all of the organizations that we are budgeting money toward that are going to have to be reimbursed and I know that the Attorney mentioned at our last regular meeting that there is going to be an agenda item coming up to address an ordinance and

a policy for that, so, which will clear that up. But I think those are the two main things we have to identify and I think comes from the attorney, Madam Chair, as far as letting us know what the statute says that we are allowed to reimburse and if we can, like I said, I don't know if there is anybody up here that wouldn't want to do that, but if we can't, we can't.

Chair Holt

"Yeah, but if we can then what legal actions do we take if he refuses? OK, Mr. Attorney?"

Mr. Weiss

"Thank you Madam Chair. Basically the way that the law works is this Commission decides how to expend funds and in this case, the way that this body decided to do that was to put it in the budget a certain amount of funding for each of the senior centers. Ah, and that, what goes along with that is basically a declaration, you are making a declaration that serves a public county purpose to the expenditure of funds and that is basically what we are looking at. That's what you're constrained by obviously everyone on this Board, nobody on this Board wants to spend any funds that are not, don't constitute a proper expenditure of County funds and we then have a policy, a grant funding policy that basically requires three things. It requires in order to be reimbursed, each program has to submit a detailed budget of the way that the county funds will be spent; a program with specific objectives that will be met or goods to be purchased with the funds; and then has to follow up with quarterly financial reports to show that the funds were spent in accordance with their program and that they do in fact serve a county public purpose. In this case, what City did provide, after we had, the Clerk had some issues, the City did come back and provide this letter, which I think is the program and their budget, and then also submitted the receipts and that was basically in lieu of the quarterly financial reports, they submitted receipts. My understanding, and again, I'm not an auditor, but my understanding is the Clerk went through and audited each of the receipts and determined which ones did constitute a proper county public purpose and which ones did not. Ah..."

Commissioner Hinson

"Hold on, you giving your opinion what you think he doing or this what you know the Clerk did?"

Mr. Weiss

"That is what the Clerk did. The Clerk went through and did a detailed audit looked through each receipt and the County Administrator can confirm this because I did not have a direct conversation with the Clerk about that particular, but..."

Chair Holt

"You don't know if he did or not."

Mr. Presnell

"It was in writing if you remember."

(Everyone talking at one time.)

Commissioner Viegbesie

"I think I read..."

Mr. Weiss

“Oh yes, excuse me, I, actually there was, I do remember there was an email saying that they had gone through, the Clerk had gone through, looked at each one of these receipts, did a detailed audit and determined the amounts that did constitute a public purpose and the amounts that did not. That’s where we got to the number that we are today, they cut the check for the ones that were clearly a county public purpose and then the additional amounts are what they, the Clerk, believes can be considered a county public purpose with a Public Policy, with a Declaration from this Board.”

Chair Holt

“OK, while we are doing that you can go ahead and pull that email up so we can see it.”

Commissioner Hinson

“So all the Board members can see it.”

Mr. Weiss

“I think it’s a part of, was it part of this agenda item?”

Mr. Presnell

“No, it was an email between us that was forwarded to the Board.”

Commissioner Viegbesie

“I remember, Madam Chair, I remember reading the email that explicitly states that particular, I don’t have my I-pad with me or I would easily pull that up myself and I read that and the emails go back and forth between the Administrator and the Clerk. Honestly, since I’m, since I have this time, every senior citizen expenditure should be taken care of, but also I also understand that the Clerk is the financial auditor for the County and it is the Clerk’s office that would determine that has the last say actually as to whether or not money should be disbursed because come the end of the year when they begin to audit our account, it is going to come through his office. So, I don’t know how we are going to resolve this if the Clerk is not here himself to actually explain specifically why he and how he came up with the interpretation of those expenses that he has perceived as not meeting the general purpose need of the, for the expenditure so we, I believe we can go on and on and on and on here until he comes and makes that determination. He’s the one that cuts the check, which I hope, I wish he has done it, but if he has this legal standing for saying he cannot then there is really nothing from my understanding that this Board can do in regards to the disbursement of the funds. So, the legal ramification to it, I don’t think there is really any. I’m not an attorney but I do know a little bit about laws that I would think that would be where we are right now in looking at it. So, it’s not a matter of a motion right now, it should be more of the legality of what is going on and I think he is the only one that is privileged right now to give us exactly which expense he deems not meeting the purpose that is meant for for us to come to a resolution of this. If it’s a motion, I would have no problem in making a motion for the checks to be cut, but that is not going to legally resolve it if he feels like the condition is not that which he can do it, so I don’t know how we are going to handle this. Are we going to table this until he, until we put it in the agenda and the Clerk is here and then we iron it out? Or are we going to want to impose upon him the will of the Board even though it is not from his auditor or auditors’ point of view. So I don’t know how we are going to resolve this Madam Chair and fellow Board members.”

Chair Holt

“OK, Commissioners and I’m going to let you, just, just a minute, I’m going to make a comment then I will come to you. Ah, Commissioners, I don’t necessarily think that that’s the whole purpose of

why we are here. Why we're here is because we need that email so Gretna will know what it is he doesn't want to pay. Because that's what there are here for. They want to know what is on there that is not approved by the Clerk. That's why I asked to start looking for the email. Look for your email."

Mr. Presnell

"I just sent it to you."

Chair Holt

"OK, and that's what they are waiting on. So that way they can see what it is that they may need to clear up or not clear up? So, ah, Commissioner Hinson?"

Commissioner Hinson

"Yes mam, thank you Madam Chair. First question is that did we, ah, Mr. County Manager, did we, ask the Clerk was to attend to the meeting today?"

Mr. Presnell

"Yes Sir."

Commissioner Hinson

"He was aware that we were having the meeting today?"

Mr. Presnell

"Yes Sir and I asked if we could change the time or day..."

Commissioner Hinson

"He refused to do so?"

Mr. Presnell

"He said that he would be available to answer any questions that this Board may have on the regular meeting on the 17th."

Commissioner Hinson

"Even though we already scheduled it, OK, so he refused to come. Alright, ah, also too, ah, ah, with the policy, the policy that, did the Board make this policy or the policy that, because I know a couple of years ago we didn't have that in place but now I see now the Board approved..."

Mr. Presnell

"Yes Sir this was approved by the Board the policy we've been using for the last two years."

Commissioner Hinson

"Ah, to get the money quarterly?"

Mr. Presnell

"Some get it quarterly, some lump sum, depending on the dollar amount."

Commissioner Hinson

"Cause I was thinking that it should be for that small amount, cause what the senior citizens do, I

think should be a lump sum instead of a quarterly project. Especially in Havana, there is no way in the world they could survive with a quarterly amount because they had to do the restrooms. The restrooms were almost \$4,000. Then they had to do the kitchen the following year. I think that was close to about the same amount to as well and now they got some other projects because they built the building I think about forty years ago and the water service now I think they about to do the pump, they got the pump on the other side where they can use the..."

Commissioner Viegbesie

"They, ah, Commissioner Hinson, electrical to the wiring."

Commissioner Hinson

"That's right, that's cool as well. So, I think, thank you Dr. V, I think that for this amount here, we should go back to the original, we putting, I think we are hurting ourself by putting this ordinance on ourself, I think that we should say go back to three years ago how we had it then, just say as long as you want we grant you the money just show us how you are going to spend the money and that's it. Cause the attorney approve at the time when we had this long, elongated meeting when I was trying to position ourself with getting the Senior Citizens. He said that at that time as long as for county use, or public use, ah, we can give them the money without any, anything else. Nobody can't stop us. But we started doing, I think as a Board, we started putting demands, I think we need to get rid of that, those demands and go back to how we had it three years ago. That way then there won't be no problem with Gretna, won't be no problem with Chattahoochee, but now you scaring them seniors half to death right now, ah, the people in Chattahoochee having an issue, with Gretna getting frustrated, Havana nervous because someone put it out there that they, you know, Havana just lucky because of you fall hard to make sure that it worked. So we don't want to, we don't want to keep the seniors nervous about this situation here. I think the County just need to do is get rid of, get rid of those rules and laws put in place, go back to what we had three years ago. As long as they tell us exactly that, how, give us a reason what they gonna do it for and that's it. They just move forward. We talking about just \$10,000."

Chair Holt

"OK, let me, let me say this and I'm looking at the list of items that they are saying that they could not pay for..."

Commissioner Hinson

"But where I'm coming from Commissioner..."

Chair Holt

"...on the food. I understand what you are saying."

Commissioner Hinson

"What I'm saying Commissioner Holt, if we go back to the policy right? You just scratch all that out the way right there. We, I know, because no matter, I mean all these I'm paying .25¢ for a piece of gum because they need some peppermint, whatever. We don't need those receipts right there. We don't have to have that to pass this rule. What we need to know is what, only thing you doing is using it for a public use, just cut them a check and call it a day. That's what I think."

Chair Holt

"I absolutely agree with you. I don't disagree with you Commissioner at all..."

Commissioner Hinson

"So long as We go back where we set our policy, we go back and set our policy, then they wouldn't have no problems no more."

Chair Holt

"Well, the reason I agree with you is because it's nickel and diming the system and I coming to you (looking at Commissioner Morgan) and the reason I'm saying that is because I'm looking at two different Senior Citizens center where you have one that said we are repairing this, we fixing this and you give them \$10,000. That's this one Attorney (holding up a piece of paper). And then you have another one where you want to nickel and dime them to death with receipts."

Commissioner Hinson

"Because they decided to because they thought they was doing what was right."

Chair Holt

"Oh no, they didn't decide to now."

Commissioner Hinson

"I'm talking the Senior Citizens in Gretna thought they was doing what was right and they decided..."

Chair Holt

"Uhn-uh, but he asked for receipts and that's why they turned, they did that. When he asked for them, they turned them in."

Commissioner Hinson

"But did the Board request that we ask for receipts?"

Chair Holt

"When the Clerk asked for them, they turned them in."

Commissioner Hinson

"Did the Board ask the Clerk to do that?"

Chair Holt

"Uhn-uh."

Commissioner Hinson

"So that's not, that's not, so the Clerk went against his own will and decided to do that."

Chair Holt

"Well, that's why, that's why we are have both looking at it. But Commissioner Morgan is next and then Commissioner Viegbesie."

Commissioner Morgan

"Thank you Madam Chair. So, I know everyone would agree that, let me back up. Commissioner Hinson, you had mentioned several situations with Senior Center about how there had been

expenses paid and that kind of thing that were different from what we are looking at now. I am unaware of any of those in Chattahoochee, I do want to clarify again, Chattahoochee did not submit anything that was an issue. They are not confused or concerned about anything so that's off the table. You had mentioned Havana. I'm not aware of Havana having any issues..."

Commissioner Hinson

"There are no issues."

Chair Holt

"That's because they got paid."

Commissioner Morgan

"Because, but their expenditures and what they submitted to get paid fell within what the Clerk deemed that was an expense that was ..."

Chair Holt

"Did you read this? (Holding up a piece of paper)

Commissioner Morgan

"...was ah, under State Statute. Is there any evidence otherwise that there's not?"

Chair Holt

"Read the back, read the back of that sheet."

Commissioner Morgan

"You can't take, we can't say..."

There were several commissioners speaking at one time.

Commissioner Morgan

"I'm sorry Madam Chair."

Chair Holt

"Oh, I'm sorry. He was just asking where it was."

Commissioner Morgan

"So, what I'm trying to say is you can't give someone \$10,000 and I understand about nickel and diming, a quarter here and .50¢ there, a dollar there. But they just simply, there are some things you can't spend the money on. They are not going to meet the, and it's not a..."

Chair Holt

"I know, I agree with you."

Commissioner Morgan

"...right, but it's not a policy that we had in place three years ago we don't have in place now. We haven't done anything to change that to make it more difficult. What we started doing is funding these organizations and there has been unclear communication about the fact, here's what we need to do as we move forward. It's just, it's pretty much that simple. We are very fortunate that

the Clerk is communicating to us his concern if he says there is some that we cannot pay here. He has always been steadfast as far as following statute and having clear communication about what is paid for and what's not. There hasn't been any change in his policy, it's been very clear. The fact is, we just got some expenditure that he doesn't agree with in this instance as being those that, that we are allowed, or he can allow to approve. And again, I go back to say this, I don't think that anybody up here on this Board nor anybody in the Clerk's office wants to not pay an invoice, wants to not pay something that he thinks that is appropriate to be paid. But his position, his duty in that position as the County Auditor, is to say if this can get us in trouble or if this isn't correct, we can't do it."

Chair Holt

"But that's why we are here so he can tell them what they need to do."

Commissioner Morgan

"But he's, I think he's been pretty cut and dry on that in his response, I mean..."

Chair Holt

"But what I'm saying is this. If they came and say, I have a question as to certain items; they say OK, what is it that we did wrong and what do we need to do? And that's exactly what I said to the Clerk when I talked to him."

Commissioner Morgan

"What did he say?"

Chair Holt

"What is it they need to do to rectify any of this?"

Mr. Presnell

"And it's on the Board too, Madam Chair."

Chair Holt

"And see, what's, that's what when you looking at that, look at what it says."

Commissioner Morgan

"I see it."

Chair Holt

"OK, the worksheet, is it up there?"

Commissioner Morgan

"(Reading from the television screen) I'm unable to process this. Note there are items that have no description just dollar amounts and other various issues so noted, that I am unable to process at all."

Chair Holt

"Right, like I said, go to the worksheet. It says there's a worksheet. OK, so their looking at the worksheet and that's what they are here to talk about. That's all they want to talk about and they didn't know that the Clerk wasn't gonna come."

Commissioner Morgan

"Well, I'm not...again...I'm not..."

Chair Holt

"But, but, understand what I'm saying."

Commissioner Morgan

"I'm not getting in the middle of that, I'm not saying, I'm not taking sides on that. But I am also saying in the Clerk's defense, it could have been that today he could not have been here. He could be in a regular meeting..."

Chair Holt

"It, well, but that's what I'm saying, do you see a note that says that? It's not a problem about that. They still wanted the explanation because we scheduled today at 4:00."

Commissioner Morgan

"And I understand that, yeah, I understand, but the Clerk may not have been able to attend this meeting..."

Chair Holt

"He doesn't, you don't need to defend him, he's fine."

Commissioner Morgan

"I'm not defending him, I'm just, I'm just simply saying that he's not here, perhaps because it wasn't, he wasn't able to be here and he offered and said he would be here at the next scheduled meeting, the next regular meeting."

Chair Holt

"That's right."

Commissioner Morgan

"Why don't we talk about it at the next regular meeting?"

Chair Holt

"Because they are here today, we scheduled it today."

Commissioner Morgan

"I understand that, but we are not going to be able to accomplish anything."

Chair Holt

"OK, that, let's, let's go a give up on that but we can schedule as an agenda item."

Commissioner Hinson

"So we spent \$1,200.00 to the media for nothing, then huh? For ads in the paper. How much it cost for ads in the paper?"

Mr. Presnell

"About \$700."

Commissioner Morgan

"No, we had another item on the agenda. It didn't cost us any more for this."

Chair Holt

"OK, let me, let me finish up. I'm not finished with this one yet."

Commissioner Morgan

"No, I understand. We can talk about it all day."

Chair Holt

"OK, on, now the reason I'm bringing this up and we are going to let Mrs. Franks, she wants to speak in a few minutes, but we're gonna let, go through this and I want you to look at, and I want to make sure that we are clear and, because they know the same information we know. So I'm glad that everyone knows the same thing. Now, if you look at, like I said, look at the back of that sheet, ah, when the items that were expressed to be paid to Havana Senior Citizens Center, says \$5,562 and it says these are the things we're gonna do: tear out the kitchen floor, tear down the kitchen, blah, blah, blah. And they said what they were going to do, OK? Now there are no receipts there, just says what you're gonna do. Ah, let me finish. So, cause see, that what they see. So all we have to do is try to be fair with both groups. I want them the (inaudible) both, I don't care if they get \$20,000, in fact, I would rather that they got \$20,000.

Commissioner Morgan

"So this letter and there were no receipts to accompany it? Tell me what they did on this."

Mr. Presnell

"That was considered the program of work."

Chair Holt

"That was it."

Commissioner Morgan

"That was, and so these expenditures..."

Mr. Presnell

"...which met our ordinance..."

Commissioner Morgan

"So, so..."

Mr. Presnell

"...our policy."

Commissioner Morgan

"So, these expenditures in the Clerk's mind were adequate that we could reimburse?"

Chair Holt

“Where, where are they?”

Mr. Presnell

“At that time.”

Chair Holt

“See, you don’t have it, you just have a lump sum.”

Commissioner Morgan

“I don’t know, but again, like you said before, it’s a question for the Clerk.”

Chair Holt

“That, that’s what they’re here for. So, so, let me, let me say this, let me finish. Then with the remaining \$4,438, we hope to expand redoing the floor, and I, they should get really, if they’re doing that kind of work, I think \$20,000 wouldn’t be enough.”

Commissioner Hinson

“The Havana, well...”

Chair Holt

“But, But, understand what I’m saying, when other people see this and they say well OK, you gave them a check for \$10,000 and they did not present not one receipt. That’s how they see it. You don’t, it’s like having your child and step-child. That’s how they are looking at it. So, that’s what the meeting is for to get clarity and it’s fine if you say agenda it, then the Clerk can explain it. So fine with me, I don’t have a problem with it. But I’m just letting you know what, what they are looking at. Commissioner Viegbesie? It’s fine to agenda this item.”

Commissioner Viegbesie

“Thank you Madam Chair. Again, I think the most, from my point of view the policies or whatever this is being based upon was way before I became a Commissioner and if there is a policy and then the policy has to be followed. And If the policy, from what I have just heard, requires a quarterly report of what the money is to be spent on, even if we made it a lump sum payment, and I would think that part of the policy would be, there should be a quarterly report on what was being spent quarterly, even though you have the money, lump sum up front and I think it’s the process, the procedure here is what is bogging all of this down. The expenditures were made, I don’t know if the reporting of the expenditure and the making of the expenditure, which are for the Center, I don’t know if the Clerk is saying that the reporting of the expenditure is not in accordance with the County Policy. I don’t know. See, that is why I believe that he really needs to be, since he’s a constitutional officer himself and he feels like this is not something he doesn’t have the time to make it here, we cannot make the Clerk come here, because he’s also a constitutional officer, from my understanding.”

Commissioner Morgan stepped out at this juncture of the meeting.

Commissioner Viegbesie

“So, if his appearance is going to be that, which he says if going to be next meeting, I would suggest strongly that we agenda that item and make it the very first item so that if there are any seniors that is going to take their time to come here at all, we deal with it expeditiously in the very

beginning and then the seniors can get back in the vehicle and go home and go to whatever they need to do so we get this thing resolved. I want them to have their money and I don't want the Clerk to stand where he is saying I don't accept what they have, but I really want to know the reason why and he is really the only one that can explain, he is the only one who can give appropriate reasons for why he is picking and choosing the expenses that he does not want to write the check for. So, because he is our financial auditor for the County, that's what the statute says, right? OK, so I am going by that with what I am saying so there is nothing right now we can do from my understanding. There is nothing right now we can do; we can talk about this until we turn blue. He's the one that has the last say, as determines what item he wants to write a check for and why not. But when he comes and then he clarifies that to Gretna. Either Gretna will accept it or we made a mistake OR the Clerk (inaudible) we are going to find a way to get around this and cut the check. Because when we start being personalities in and when personalities come in, it becomes, OK, I'm going to show you. Let's not go to that point of where I'm going to show you. This can be resolved, OK? So, let's do it the way we can resolve it, even if it means that we come back next meeting when the entire Board is here, which is the December meeting."

Commissioner Hinson

"Now, I have..."

Commissioner Viegbesie

"Now, Gretna has waited this long..."

Chair Holt

'And they shouldn't have."

Commissioner Viegbesie

"They shouldn't have but they can wait a little longer just to get results. That's my, that's how I see it."

Commissioner Hinson

"I have one question here, ah, for instance, right, we still got issues because you saying that who defines who gets lump sum and quarterly sum? Because I know with Havana, even with Havana, they tried to get, they gonna get ah, a quarterly amount, and that's not how it used to happen, ah, so they can have a lump sum like they, you know, the last two years they get a lump sum, they should continue to get a lump sum. They cannot afford to get quarterly, or that's what the Board decided to do. But now they trying to say that OK, we approve you, give you a nice letter saying Thank you for having, but yet, you gonna, you know, every quarter we gonna pay you \$2,500. That's not fair. The Board did not put that in place. So, why would, why as a County, we need to make that decision tonight so tomorrow they can pick up their check. So, ah, that's another thing. That's another issue..."

Chair Holt

"But..."

Commissioner Hinson

"Bit, I'm saying the Board can decide on that piece, ah, cause no-one has said anything about that, we got to get quarterly, am I right? Right, so, ah, when they talking about here to get a quarterly, ah, that's the reason why he refused to just come up here right now and sign off because he think

that if, you know, OK, why should he come up here for a quarterly amount. Because right now they can't afford it and they need the whole lump sum in order to get what they got to get. Like you say Commissioner, the Havana issue is, like you said \$20,000-\$30,000. Just imagine they get \$25,000. That's really just wasting their time.

Chair Holt

"Well, if we say,,,"

Commissioner Hinson

"We submit..."

Chair Holt

"OK, but let me say this, we say that they submit and they get the lump sum tomorrow..."

Commissioner Hinson

"That's right."

Chair Holt

"OK, they get the lump sum tomorrow. At least they get a lump sum, Gretna's not going to get anything unless you nickel, they nickel and diming the County to death. But, But..."

Commissioner Hinson

"But, see, no, Gretna should have the same, the same right. What I'm saying, but since Havana already been, already been passed through the process and since the Board didn't never say anything about the Board about somebody getting a quarterly amount, they going to get theirs that way, but I'm with Gretna 100, you know, 100%. Now, Mr. Attorney, I want to know something here though, because we don't want to be a ripple effect that they go up across the whole county that they, if they try to win or correct them, whatever, because you know, I have a strong relationship with folks over in Gretna as well. Did Gretna follow everything they supposed to follow and not only Gretna, of course Havana followed everything, you know Chattahoochee situation..."

Chair Holt

"As far as policy..."

Commissioner Hinson

"as far as policy. We're not talking about the receipts, who cares about receipts right now? Did they follow everything that they were supposed to follow from the Board; I ain't talking about from the Clerk, because the Clerk give his own ideas though. As far as the Board, if the Clerk supposed to follow the policies what the County Commission come through, come with, so if the County Commission say OK, long as you show us the reason why you spend this money, we're going to give you this right here, right? As long as it was showing that, I don't think there's a, there's a problem with the City of Gretna receiving their money. Did the City of Gretna do anything wrong? That's the whole problem. If they didn't do anything wrong then, we need to make sure that we are ah, that the Clerk need to pay the seniors there to as well. Did they do anything wrong though?"

Mr. Weiss

"Well, I think you have to look at this as a, I don't think they did anything wrong from a policy standpoint. You, ah, what I..."

Commissioner Hinson

"So they did follow the policy?"

Mr. Weiss

"Well, what, ah, yes, I mean that, except for the quarterly reports. Instead of quarterly reports they submitted receipts. I mean that's the..."

Commissioner Hinson

"So they shouldn't have sent the receipts, they should have just sent the quarterly reports."

Mr. Weiss

"Well, I mean that's what the policy says..."

Chair Holt

"No the (inaudible-several were talking at one time.)"

Commissioner Morgan returned at this juncture of the meeting.

Mr. Weiss

"But the purpose, but the purpose obviously behind the policy is to make sure that a) I mean it's to make sure that, that County funds are being spent appropriately."

Commissioner Hinson

"Right, right, right."

Mr. Weiss

"And the way that the safeguards are, that they have a program that's a valid you know, program for a county purpose; that they have a budget that shows how they are going to use the money and then that they submit documentation, this is true for anybody and that they submit documentation to show the way that they spent the money was in accordance with what can be disbursed by law. Ah, and that's, so they did those, like I said except for the quarterly report, they submitted receipts. But, yes, they did all those things but the Clerk still has, as we have all discussed, I mean, the Clerk still the duty, the obligation to review to make sure funds have been spent appropriately and that's, I mean, that's true whether there's a lump sum funding or not. I mean, you still have to, and I know everybody on this Board wants to make sure that County funds are only being spent for a county purpose. I mean, obviously, I mean, that's, that's for everyone's protection and not only for everyone's protection, but it's what you all want and I know that's true. So, ah..."

Chair Holt

"Mr. Attorney, excuse me..."

Mr. Weiss

"Yes mam?"

Chair Holt

"But, the only thing he asked you was, did they follow the procedure of the Board?"

Mr. Weiss

"Yes, they followed..."

Chair Holt

"OK, that, that's all that..."

Commissioner Hinson

"So long as they follow procedures, well, well, see, right now, you know, I'm gonna tell you something. Two people I don't mind going, getting stressed out about, like Dr. V said, ah, you know, we get all heated up. You, you 100% right. Ah, cause everybody have a, everybody on this Board right here, including the Attorney and Mr. Presnell love the Senior Citizens and the children here, and that's something that we really care about. And we talking about Senior Citizens and kids, it's kinda getting heated up, cause we know we got parents and grandparents and all that being affected by the situation here. They been paying taxes for the last 50-60 years. Now we talking about \$10,000. As long as they follow the policy and those same people voted for me, voted for you, voted for everybody on this Board, you can't take Senior Citizens for granted. I mean, He want to nickel and dime a senior citizen-that's deep. I have never in my life heard anybody want to nickel and dime a senior citizen, and so, and I, you know, so, my humble opinion, my humble opinion, is that as long as they follow the policy, right, them Senior Citizens, my grandparents and everybody else and everybody else grandparents following the policy, he shouldn't, the Clerk, Nicholas Thomason, Thompson, what, I think his name, Thompson, right?... "

Commissioner Viegbesie

"Thomas."

Commissioner Hinson

"...Thompson, Thomason, Thompson, right, Nicholas Thompson, should not deny them folks from getting their money. And that all, that's all, we shouldn't hold no more conversation about this no more. You should not go against the Senior Citizens in Gadsden County. And then we have a meeting and you refuse to come to a Board meeting and tell, and refuse to come here. I'm looking at my Grandma right now, you know, who struggle and you had weeks in advance to come to this meeting and you refused to come during your work hour. Nicholas, it not that important that you can't come and talk to your Senior Citizens."

Commissioner Morgan

"Madam Chair, that's, that..."

Commissioner Hinson

"That, that, that's the only thing..."

Commissioner Hinson and Commissioner Holt started talking at the same time. Chair Holt banged her gavel.

Commissioner Morgan

"...that's inappropriate about the Clerk, inappropriate comments about the Clerk and that's not professional, Sir."

Commissioner Hinson

"No, that's NOT professional, that is my professional opinion."

Chair Holt still banging her gavel.

Commissioner Morgan

"That's not professional at all."

Chair Holt

"Ms. Franks, come on up."

Helen Franks, 14615 Main Street, Gretna, FL-appeared before the Board.

Helen Franks

"Good afternoon."

Chair Holt

"Good afternoon, pull that mike down."

Ms. Franks

"And let me thank you for allowing me to come up and speak. He's talking about the Senior Citizens, the Senior Citizens is my heart."

Commissioner Hinson

"That's right."

Ms. Franks

"It's my mission in life right now, and your Commissioner, Sherrie Taylor got me started. She was doing things for the citizens over here in the County. I decided I wanted to do something for Gretna citizens. We don't have transportation to come over here and get things done so we have to do things on our own in our own area. I was told that we got \$10,000, nobody gave us any stipulations, no policy. I know, I don't know anything about your policy. All I know is you were giving me, you were giving me \$10,000 to spend. I spent it according to Gretna policies, that if I spent it, it had to be for the Senior Citizens. Every penny that was spent was reported by receipts. Every penny that was spent was for the Senior Citizens. He don't want to pay for bingo prizes. Those Seniors love bingo, let me tell you, they love bingo. You can't buy a candy bar for \$1.00. But I found Dollar General, even Country Dollar have jewelry for \$1.00. So I went all the way to Tallahassee to find gifts for \$1.00 for my Senior Citizens and he refused to pay for it. They love bingo. That's something that they can do and they get a little something to take home for it. So, you know, that was one of the main things they liked when we did it kinds regular. All the food items, some of them that he approved, I don't know how he can approve some and not approve some. All the food was for the Senior Citizens. Every bit that was spent was for those Senior Citizens and they ate there except for one time we went to Tallahassee to compare the program in Tallahassee to the program that we have. We're trying to better our program. So we went to see what Jake Gaither Senior Citizens was doing. So then, we did go out and eat, the group of us did. OK, that was the only exception. But every other meal was had to the Helen B. Franks Center for the Senior Citizens. We even select to make sure we had the same and right age so that we wouldn't violate any laws. Now you said, the attorney said that he wanted to make sure that money was spent the right way, well,

(inaudible) I didn't take a penny from these Senior Citizens money. Well, you can insinuate something and people can take it the wrong way. You said it. I'm paraphrasing what you said. I'm not arguing with you, I'm just paraphrasing what you said. Every penny, every receipt was turned in was spent for those Senior Citizens and we did according to what we thought we were doing that was right. I turned them in at the end of the day whenever we had a program, I turned them in. Whenever we had a program, I turned them in. Like I said, we had no policy, no county policies to go by. We having the same problem up in the future. This next budget year. Nobody's given us any policies to go by. So, here we are in the same situation now we may be in again. We keep trying to work it out. It's our first time, first time that you ever given us any money for our Senior Citizens. I'm hearing that Havana been getting some already. We haven't been able to get any. So, we didn't know what to do but to follow OUR guidelines in Gretna. Also, I want to put my glasses on, sorry, cause I want to make sure I get it right this time. You are talking about another meeting. We could come to many meetings. Mr. Thomas may not never change his mind, it's gonna be to you Board members to pay us if you want to pay us because it was you said we could have the money. And, what is the law, there's a law that say you can't come up with a policy if a crime's been committed. We didn't commit a crime but we did act, we did act, and now you come up with policies after the fact. We can't go back and change what we done. The policies coming out now. You supposed to done this, you suppose to done that, but you didn't tell up beforehand. So we didn't have no idea that we were doing something wrong. I know I did all I could to do right by our rules and regulations. Alright, the next thing I want to tell you-and I'm sorry if I sound a little rough..."

Chair Holt

"No, you're fine, you fine, go ahead."

Ms. Franks

"I've been dealing with 1st graders, 21 1st graders, about had me out of my mind today. He picked and chose meals that he wanted to pay for. That's not fair. We tried to get meals from the County delivered to Gretna. We were gonna build, they said we were gonna to a storage. They said we couldn't do that because people would break in and steal the meals. Everything that we tried to get, get meals from the County, they turned us down or we would have had meals. We couldn't get any, so we had to go the route that we were going. I want to make sure that I don't forget nothing. Alright, I was writing things down as you are talking and like I said, we don't know what the policy is. We don't know. I don't know today. We had a meeting yesterday, Thanksgiving dinner with the Senior Citizens. But I don't know if I violated a policy, not nobody gave me one. Alright. Back to that law, I think I've just about covered all, oh, I was looking at the receipts. To be straightforward, to make sure I wasn't accused of spending city money, county money or any other money for my personal use, I turned in a receipt. I had every item there for them to use. I never spent one penny, sometimes I spent my own gas money to go to Tallahassee when I didn't get the city vehicle to make sure that these things were there for these Senior Citizens, because let me tell you, if I missed a meeting, I was sick in the hospital and they got mad with me. I didn't get a get well card, but I got some angry letters and calls because I missed a meeting. They called up and what we doing? We've been doing it for a whole year (inaudible) and I worked with the Senior Citizens at my church for 15 years. We kinda ourgrew it so we moved to the Helen B. Franks Building. The church couldn't afford us. So then we moved and that's where we've been and we've been meeting there for a whole year. A whole year and the only people that we have working there is volunteers. There is no salary being paid to nobody. It's from our heart and the work that we want to do for God. That's why we're there. That's why I'm there. So, you know, like I said, Ms. Sherrie Taylor got me started, she may not know it, but she did. I was looking at the receipts. Sunglasses, little storage boxes,

picture frames, you know how Seniors Citizens want to hang their pictures on the wall rather than put them in a frame. Well, I got some frames for them. They wasn't but \$1.00 apiece. That's what I did. Diabetic socks, that something they could use because all of us are pretty much diabetic at that age. Men's (inaudible) socks, men's, hand soap, mugs, the mugs and (inaudible). Something simple for \$1.00. He would not pay for it. Those are bingo prizes, now what's wrong with paying for bingo prizes? The citizens got them, I didn't. Now tell me what did we do wrong? What did I do wrong? The City allowed me to do it because they told me, I made sure I checked and Mr. Jefferson, (turned to audience) you sure they said we could have the money. He said yeah, he talked to Mr. Presnell, he said to go ahead and that's what I did. Y'all tell me why you don't want to pay us. All this little talk you doing and coming up with now a no, it's late, it's after the fact. Now, let me tell you about Chattahoochee. Chattahoochee was doing pretty much the same. The reason they're not requesting money, they didn't keep their receipts. Now, who told me, the City Manager, he'll tell you he told me so, 'Well, I'm not going to worry about it because we didn't keep our receipts.' Alright, now Havana getting money and I under, heard they get money every, done got money before we got any. But you know what, I thought we wouldn't have any problems if we done what we were supposed to do. Have the receipts for what we spent, turn it in, and then the citizens receive the benefits from the program. Like I said, you came up with all these policies, you gotta have a quarterly report, I never heard of it. You gotta have a, a, what you call it, some kind of service something, I don't know what it was. We've been meeting for years, we never had none of that stuff. We just met and did what we could for Senior Citizens. When you volunteering, you do what you could. I was trained to work with anybody because my job for 25 years with the State of Florida was in Rehab. So that's where I got my training from. But then I spread it on when I retired, I want, now I'm not working for pay, I'm working for God except this little job I got right now with children. But anyway, anyway, I just want you to know that we doing the best, I'm did the best that I could. I can't speak for nobody else, I know what I did. I'm the one that spent the money by the way, nobody else spent any. I did it. But I did it according to our rules, our government rules. If you spent any City money, you got to have receipt to show for it and I had all the items to give the citizens at the end of the day. Now you tell me what I done wrong attorney. Tell me what did I do wrong."

Chair Holt

"Ms. Franks, I do appreciate the question because that's what we are trying to figure out. And I don't want you to be upset because and this is how I feel about it. I'm going to be very honest with you. If you had not turned any receipts in you said you did some repairs on the building and you did some of that stuff, you should have gotten \$10,000."

Mr. Franks

"Uh-huh."

Chair Holt

"Because that's how they paid the other Senior Citizens. Not paying any different, OK, so that's what I'm saying now. On this there are no receipts for that, so you cannot pay one if you don't pay the other and that's my stance and I'm not gonna move from it, Mr. Attorney, and it doesn't matter because you cannot do that as far as I'm concerned by law. Now, Mr. Jefferson, Ms. Franks, you can stay right there, I just need to ask Mr. Jefferson a question."

Antonio Jefferson appeared before the Board.

Chair Taylor

“Mr. Jefferson, what did you turn in the first time or did you turn something in first and then y’all turned in the receipts?”

Antonio Jefferson

“Yes Mam, we turned in the receipts on the first occasion and there was some, the County Administrator asked me to provide some clarification for the program, what were our objectives and I gave him a little history of the program and we also went back and took the actual receipts and categorized them in under meals or equipment or whatever it is that we done, so it would be clear, the receipt tied to meals, the receipt tied to whatever the item was on the budget document that we submitted.”

Chair Holt

“OK, let me ask you something. On here it says ah, that you couldn’t pay for one because it, I guess if you bought gas there was no purpose served on that, ah, if you had to take them somewhere, there was no purpose served on that. For you buying water, there appears to be for more than Senior Citizens for \$37.00. I guess you bought water and you had less than 37 people, I guess they couldn’t drink two bottles, right?”

Mr. Jefferson

“Right, there’s not a water fountain in the building, we had to provide them water.”

Chair Holt

“Right, so you had to buy them water. But, see, what I’m saying is Commissioners, this is what they need to know to bring back even to the next meeting. Do they need to clarify something? That was the whole purpose of this meeting so that way they could come back with what they needed to do. There are some other things on here that says tickets have no description or can’t pay for reasons listed and those are some of the reasons listed. Something was aid they can’t pay and Gretna need to know what to bring back so that way the Clerk says this is why they can’t be paid. They need to give him some clarification, they need to know that and that’s the purpose of them coming to day, not necessarily for a decision, but so that way they would know what the need to bring back. Now, Mr. Manager, was there a reason why you called the Clerk and told him that he needs to provide some clarity on these items?”

Mr. Presnell

“Yes Mam, the Clerk’s Office, the Finance Office, rejected the first submittal that we sent over and I asked why and got an email describing what the problems were so I called the City Manager and tried to address those questions, scope of work and purpose.”

Chair Holt

“Did you ever ask the Clerk or the Finance Director what was the difference in them paying the other Senior Citizens with no receipts and this one with receipts? Was there any clarity on that?”

Mr. Presnell

“Yes, her response in an email, I think I forwarded that to the Boar as well, was that that money should be repaid.”

Chair Holt

“OK, but she paid it, so then she need to pay them and then they can repay it to I guess. But you can’t do one any differently than you do the other. You can’t treat one any differently and...”

Mr. Presnell

“And I think our new Agreement that we have, I’ve already received it, moving forward, we’ve addressed these problems where you’re desire, it’s through an interlocal agreement such as we have with the roads and everything. All of this interpretation will no longer be allowed in the process by the Finance Department.”

Chair Holt

“But everyone keeps going to that, that hasn’t some back before us.”

Mr. Presnell

“Right.”

Chair Holt

“OK, so we can look at that later Commissioner Hinson, when you were talking about that, that hadn’t been voted on yet.”

Commissioner Hinson

“What’s that?”

Chair Holt

“On, on the reporting policy and all of that and the funding...”

Mr. Presnell

“For this fiscal year’s money moving forward, all cities, all Senior Centers, all non-profit, we have a new agreement. The Attorney, our Finance Staff, the Clerk’s Office has looked at it, we gave them a chance to comment and that’s already with some of the cities. I think y’all have already looked at it as a commission. But they’re going to sign them and we are going to bring them back to this Board and GOING FORWARD, you won’t have these arguments with the Clerk’s Office. We resolved that.”

Chair Holt

“Right, but, now...”

Mr. Presnell

“It will be audited in a different fashion.”

Chair Holt

“May I say this? That’s still, even if you take it to all these entities, this Board still does not have to approve it in the manner it’s delivered, you can still make changes to it.”

Mr. Presnell

“Nope”

Chair Holt

“So, Commissioner Hinson, when you’re talking about that lump sum when it comes back, that will be your, your opportunity to debate that point. “

Commissioner Hinson

"Right."

Chair Holt

"As for now, we're not discussing, I don't know why we keep talking about what's happening in the future. We only have to solve right now."

Mr. Presnell

"Madam Chair, may I say something? Address the Board?"

Chair Holt

"Sure."

Mr. Presnell

"And, ah, this maybe something you're interested in, if not, because ah, I know I've heard the Board's side and talked to the Clerk on numerous occasions and ah, I just want to throw this out here if it helps y'all resolve this, if that's what you are looking for, in this current budget year you have another \$10,000 budgeted for these senior centers. Ah, tonight, if you act before we ah, table this item or vote on it or dispose of it, the additional, he give me the authority to pay them the additional \$2,000, whichever one is agreed to, that would give them a total of \$5,300.00. That would be \$4,700 short."

Chair Holt

"We can pay them the \$4,700?"

Mr. Presnell

"This year, right, you have the, when the Interlocal Agreement comes, if you desire to, you can pay the difference on this year's, except for the \$10,000, you would pay them the \$14,700, if you are looking to get the money to them. That's, and that will not be no receipts, we won't have to get into all that."

Chair Holt

"Right, and we talked, the Manager and I talked about that earlier and that does make sense, ah, if that's what we want to do. We can still do it, but, now, will the Clerk not argue that point?"

Mr. Presnell

"Once we bring back this new Agreement, Mr. Attorney, I think there would be no question of that."

Mr. Weiss

"Well, if I may..."

Mr. Presnell

"And I had this conversation with him as well."

Mr. Weiss

"First, I just want, for clarification purposes, I want the record to reflect I was in no way, shape or form trying to insinuate at all that this money was spent for anything that was improper and I

apologize if that was, if I in anyway made that, that is not at all what I was trying to say. All I was trying to was advise the Commission of what the law says in terms of how, the division of powers between the Board and the Clerk. I am not an auditor, I have not reviewed these to determine whether they are proper or improper and I have not in any way shape or form made a determination in that regard and I'm sorry if in any way that came forward. I apologize for that. Ah, but, in response to that question, the new agreement, it effectively tracks the policy in terms of what has to be provided. I mean, you still, and that is really a function whether it's in the agreement or in the policy or anywhere, the Clerk is ultimately going to have the obligation and the duty to review to make sure that the expenditures were spent for a county purpose. I mean, and that's, there is no way around that whether it's in a policy or whether it's in an agreement, the Clerk is going to do that."

Chair Holt

"Uh-huh."

Mr. Weiss

"So that's, it, and the Clerk likes the idea of having a separate agreement, Interlocal Agreement, for one thing, because everybody knows up front exactly what the policies are and exactly what they will need to provide in order to have the funds."

Chair Holt

"Right."

Mr. Weiss

"And for another thing, for auditing purposes, it makes it easier is my understanding because then it is more, they can rely more on the cities procedures and policies rather than the County's and you don't have to nickel and dime for lack of a better term and submit individual receipts. It's just a matter of saying, 'Look, this is our program, this is our budget, this is our, broadly how we spent the money in accordance with our policy and in accordance with our budget and then the Clerk doesn't have to review individual receipts. So that, that's kind of the difference in what we're talking about moving forward with this agreement."

Chair Holt

"OK, but that would be if we decide to pay them the extra money onto the next \$10,000, but we have not made those decisions yet. But what I want them to do is leave with some idea of what they are supposed to bring back, not necessarily to try to solve a problem."

Mr. Jefferson

"Madam Chair, can I just, which I think is to the subject, I personally called the Clerk this week to try to avoid the Board trying to get to the point of where you are trying to get to and I offered, and I asked him if there was a question from Connie relative to what we had submitted, why couldn't myself, Commissioner Franks, or the two of us sit down with Connie and work through what was there and his response to me was that well, he had spoken to Robert, Robert had, was going to move an agenda item that would make Gretna whole and you know, there was no need to meet and then he had to go to a meeting or something. But for us, we've done everything that we know to do to try to resolve this without it becoming a political issue more, you know, because, again, I understand the Clerk's role. I think Commissioner Franks understands that. We've never been against explaining what we have done. The problem is, is that somebody's making a determination

and then drawing the line in the sand and saying, OK, well, I can't do this because as those items are listed and as Commissioner Franks said, the tickets that don't provide any description, we categorized those things just like the ones that she said she could pay. You know, we done the same thing, but we don't know, as you mentioned Madam Chair, what's the difference between the people, the Northside Seafood there and the one for Piggly Wiggly. I mean, it's for the same purpose, so, you know, just so you know that we've done all we know to do to try to get this thing resolved without it having to put, pitch the Board against the Clerk at the end of the day.

Chair Holt

"Right, and you're not doing that. Let me tell you something. You're definitely not doing that because this Board needed charity anyway. This issue or any other issue that comes up and if there was a big debate and it was several million dollars, we'd be here a lot of nights, not just one or two, because we have to do that. Boards and as I said before, Boards and commiss, the Clerk's Office have been to court all the time and they go throughout the State of Florida. Collier County, not only did they sue the Clerk's Office, they sued the Clerk's Association. So, this is nothing new Commissioners, and it's nothing new that one win sometimes and one loses sometime. That's nothing new. But what I want to say is this, we want to make sure that when these people leave here tonight, that they have some type understanding of I need to go back and get this, I need to go back and that. Now, the Manager of Gretna had said something pretty much the same thing as what the Manager here said. OK, you guys can settle it out or we can come back and they can add it on, you put an agenda item on for 14 whatever on an agenda item, I will assume that's what he's talking about. That's the only way you can straighten it out because the other one is the \$2,000 for public purpose. That's not going to make you whole because you're going to be at \$5,200."

Mr. Presnell

"Well we still need to do that tonight."

Chair Holt

"Right, we're going to do that tonight, but I'm saying if you put that official, if you put the \$14,000 on a, what was it...?"

Mr. Presnell

"It would be \$4,700.00 short."

Chair Holt

"\$4,700 add to the \$10,000 then that's still has to be, is he still going to base it on these receipts?"

Mr. Presnell

"No mam."

Chair Holt

"OK, so then he'll let it go. You see how this, ah, ah, ok. Then this could have been taken care of already."

Commissioner Morgan

"Yep."

Chair Holt

“Other than the fact that you could have just said very vaguely what you were going to do and you would have gotten paid.”

Commissioner Hinson

“That’s what I said at the beginning of the meeting, I said at the beginning of the meeting we changed it, we put ourself down.”

Chair Holt

“I know, I know, that, that, I know, but see, you can’t, what Ms. Franks is saying she can’t go back and change anything she’s already turned in. So that’s what she was frustrated for. But that’s what was frustrating. But, Commissioners, ah, I don’t have a problem with it if there is clarity to them and they know what they are going to do to get back to the next meeting and that’s going to be when, Commissioners? Commissioners, they need to know when to come back. We need to set a, is it going to be in the first meeting in December?”

Commissioner Taylor

“I think that meeting should be really set according to when the Clerk can be here at the meeting.”

Chair Holt

“He’s at every meeting except the last one.”

Commissioner Hinson

“He hadn’t been to all of them.”

Commissioner Taylor

“Just want to, may I say a couple of things here?”

Chair Holt

“Yeah, sure.”

Commissioner Taylor

“Thank you. Ah, the statement that I’m going to make is kind of harsh. It is, but it’s been in the back of my mind and it’s a true statement, but, before you pull judgement on me, just let me finish. OK? Just, just, let me finish, because at the end of the day I am in support of what the Administrator has suggest. I am very much in support of it. But, again, it’s a harsh statement, but please, I think you can appreciate it because you are very intelligent woman and all of those with the City of Gretna, they’re intelligent. But ignorance is no excuse of the law, it is no excuse of the law because you did not know, because you did not know, does not make it right because you did not know and I am a victim of the same thing. Because I came under that audit. I thought buying air conditioners for a classroom for children was certainly acceptable, taking them on a physical fitness activity roller skating was certainly acceptable, but after being in an audit, I had to pay back some \$3,000. It was unacceptable. I thought parking in a certain place in New Orleans was certainly acceptable, but that was the first time I ever heard the term ‘ignorance was no excuse of the law’. So it’s not to be disrespectful to you and you say they keep moving the line, keep moving the margin, we can vote around this dais to pay you, but you won’t get paid. At the end of the day you won’t get paid because he has his ruling, he has his law and I appreciate what you just said, when you don’t want a division between the Clerk’s Office and this Board. Thank you for that. So the idea that the Clerk, I mean, excuse me, that the Administrator came up with, I’m going to go

with that idea where we can supplant, because in essence, that's all it is. So, you would take, I guess, Mr. Administrator, \$4,700 from some other a line item to cover the food and all else and we will pay for, you know how to fix it so it all works and washes itself out and a receipt or a narrative because I see the narrative that was given by Havana, you learn as you go. You learn, you get smarter, but I think we got the end of the day resolution. This has to be an agendaed item because it's a budget amendment. It cannot be handled tonight. I'm glad he is giving up the \$2,000. So, what we did between the last time we met and now did work, at least \$2,000 worth and then what the Manager came up with will give you your \$4,000. So, with all due respect, if we can just let it be that, I'd be glad to make the motion to that we can get out of here, with all due respect. That's all I have to say."

Commissioner Holt

"OK, thank you and Ms. Franks, I want you to know that I do not agree with that statement about the ignorance of the law because there was no law to be ignorant of, there was none to be ignorant of. First of all, our attorney can't tell us what's on this list that's not for purpose, public purpose and several people could not. So, we have an attorney that can't tell us, like I said, Clerks don't always win in court all the time, neither do County Commissioners. They don't win all the time. So, first of all, we would have to tell you what you had or what the policy was and we didn't tell you one. OK, now Mr., ah..."

Ms. Franks

"May I ask a question?"

Chair Holt

"Sure, come up to the microphone please."

Ms. Franks

"My problem is, are we going through the same thing next year, this budget year."

Chair Holt

"We're gonna have to vote on it."

Ms. Franks

"But what happen if he's gonna pick and choose what they're gonna, what food items he gonna pay for or what he's not gonna pay for. We'll have the same problem..."

Chair Holt

"That's why we're trying to get some clarity, if we can get some clarity with an agendaed item..."

Ms. Franks

"Alright."

Chair Holt

"...with him."

Mr. Presnell

"Ms. Franks, we don't want any more receipts moving forward..."

Commissioner Morgan

"It won't be an issue next year, moving forward, it won't be an issue."

Mr. Presnell

"No receipts."

Commissioner Hinson

"No receipts."

Commissioner Taylor

"May I, may I, ah, say this one statement?"

Chair Holt

"Yes Commissioner."

Commissioner Taylor

"Thank you. The statement 'ignorance is no excuse for the law is a very broad statement. It doesn't really cover about policy procedures, or thereof, it's just not knowing and making mistakes and having to pay for it afterwards is what I meant, and that what is actually happened, that's the reason why you can't get your money back because obviously the Clerk or whomever had some rules in place which caused this dilemma and that's why we are here. So that's my clarity on that and as I said a few minutes ago, I'm ready to move the question."

Chair Holt

"Well I'm still going to make the statement that says that you must have the law in front of you and there was none, because we don't know, I'm serious, and I want you to know this on other issues, we don't know what's acceptable by the Clerk. That's what we need to know. Then you can say we're ignorant of the law. You have to know what that is first."

Commissioner Taylor

"See, see, you just proved my point, but I'm not going to get into it because, because..."

Chair Holt

"No, no, you're, you're proving my point that you must know the law first. The law comes first, not your opinion."

Commissioner Viegbesie

"Madam Chair, let's, let's move..."

Commissioner Hinson

"Move the motion for \$2,000, move for \$2,000."

Commissioner Viegbesie

"...let's move the agenda."

Chair Holt

"Ah, ah, let me, let me, ah, you have a motion for \$2,000, I have a question, do you have a second?"

Mr. Weiss

"Option One."

Chair Holt

"Option, option one. So we have a second? (Pointing at Commissioner Viegbesie) You're the second. OK, now the question is, is, was there a certain reason for the \$2,000 Public Purpose?"

Mr. Presnell

"They had that amount of those receipts to the right column there, ah, that had to do with food and beverage, ah..."

Chair Holt

"Came to approximately that amount..."

Mr. Presnell

"Somehow \$2,000 worth of those would be approved with for public purpose if the Board approved it."

Chair Holt

"Alright, see, you see right there, that's my point Commissioner Taylor. Right there you have some non-descriptions you gonna pay for them anyway. So, there's no law..."

Commissioner Taylor

"See, the thing is..."

Chair Holt

"BUT, go ahead, we have a motion and a second, all in favor, all in favor..."

Commissioner Viegbesie

"Was there a second, is there a second?"

Chair Holt

"Yes there was."

Commissioner Hinson

"Who, who second?"

Chair Holt

(Pointing at Commissioner Hinson) "You said you made the motion..."

Commissioner Hinson

"I made the motion to second..."

Chair Holt

(then pointing at Commissioner Viegbesie) "...and I said that's a second and you (nodding her head in affirmative)"

Commissioner Viegbesie

"I did not, I mean, I did say second, yes, but I was listening to the conversation."

Chair Holt

"Please give me a motion and a second then."

Commissioner Hinson

"I made the motion, I made the motion to approve option one, somebody second it."

Commissioner Viegbesie

"Where's option one? I'm not to move, option one of what?" "

Chair Holt

"Well, you better stop give, stop giving me the head nod."

Commissioner Hinson

"Board direction on..."

Mr. Presnell

"The \$2,000."

Commissioner Viegbesie

"And where is the option one?"

Commissioner Morgan

"Page 2 of 112."

Commissioner Hinson

"Yeah."

Mr. Presnell

"Approve and authorize chairperson to..."

Commissioner Hinson

"Page 2 of 112."

Mr. Presnell

"...sign the Public Purpose Declaration."

Chair Holt

"And I said second and you said second, let's go."

Commissioner Viegbesie

"I did not second that..."

Commissioner Taylor

"I know you did..."

Commissioner Viegbesie

"As loud as my voice is..."

Chair Holt

"No, it's called voting, and motions and seconds. I'll second it. I'll, ah, I'll second it. That's fine, I'll second it."

Commissioner Hinson

"OK, you second?"

Chair Holt

"That's one I'll second. All in favor?"

Commissioner Hinson

"Aye."

Chair Holt

"OK, item passes. Commissioner Franks and great people of Gretna, that is for the \$2,000 for tonight."

Commissioner Taylor

"But that's not what he said."

Chair Holt

"That's what the Manager said."

Commissioner Taylor

"Is that what it means?"

Mr. Presnell

"Yes mam, there will, they will get \$2,000 processed tomorrow and they will cut the check, the Clerk assures me that check will be cut as soon as feasibly possible by his..."

Commissioner Taylor

"...signing the Public Purpose Declaration?"

Chair Holt

"Yes."

Mr. Presnell

"The Chair's going to sign it tonight."

Commissioner Taylor

"The option should have been a little bit more explanatory so we would know what we were signing, but..."

Chair Holt

"Well, let's go..."

Mr. Weiss

"I, I can tell you what the Declaration basically says is that..."

Commissioner Taylor

"You better ask permission first..."

Chair Holt

"Yeah, you normally do."

Commissioner Morgan

"Hadn't we voted and passed it?"

Chair Holt

"Ah, yeah. You sound like me. I'm looking at and wondering why you still talking. I don't know why they're still talking. Let's go. Ah, Commissioners, we need to go ahead and agenda this item. You said we need to agenda the item for them to come back, they need to know a date and everything."

Mr. Presnell

"Well, ah, then we're going to bring them back as a package with my understanding, I think the City Manager said they had already looked at theirs. Soon as we get Chattahoochee, we're going to bring them back to this Board as a whole to make sure y'all are good with all of it."

Chair Holt

"Alright, OK. Thank you."

Mr. Presnell

"And then we will deal with the ah, I'll bring you an item on the \$4,700."

Chair Holt

"Sure, that will work. OK..."

2. Travel Approval for the Florida League of Cities 55th Annual Legislative Conference for TDC Chairman, Keith Dowdell

Mr. Presnell introduced the above item.

Mr. Presnell

"The last item tonight is revisiting the Gadsden County Tourist Development Council seeks Board direction on the payment of TDC Chairman, Mr. Keith Dowdell's travel to Florida League of Cities 55th Annual Legislative Conference. Same issue here, you've addressed it at your last meeting, we added it to the agenda and y'all asked that it be put back on the special meeting agenda."

Chair Holt

"OK, Commissioners..."

Commissioner Viegbesie

"Madam Chair?"

Chair Holt

“Yes?”

Commissioner Viegbesie

“I think this is also going to be the same case without the Clerk being here, this issue will also not be resolved because he has the reason for refusing to fund this particular expense. That’s why we brought it back for discussion so that he could come and discuss it with us. So this is not going, I’m thinking, I don’t think we are going to be able to resolve this like we were able to partially resolve the first item on the agenda. So, having said that, we can, in my opinion, we can talk and talk and talk on this until we turn blue if the Clerk is not hear for him to understand where we are coming from and for we to understand where he is coming from, I don’t think there is going to be a resolution to this item. Because he has the last say here to cut the check.

Chair Holt

“OK, ah, Commissioners, what we can do on this, you can vote approval of this item contingent upon the Clerk approving it. That solves it as far as approving the travel, he stops it, he stops it. But the item in the, I just, on Clyde’s I-pad, found, pulled up the items from the mayor’s office down in Orlando and they are setting an agenda for Mr. Dowdell because they have all these items they are doing for eco-tourism and all that, Clyde, I can’t even pull up my email. But what they have done and I’ve called the Clerk and he did say that if they were an agendaed item that they gave an agenda like they did when I went down to look at the murals in-between my two workshops, that then he could go ahead and do it. So that’s why I say we go ahead and vote for it and let it go.

Commissioner Hinson

“I’ll make a motion, since the TDC approved it, I approve to held it back for another week whatever to look into it. You said since the Clerk and everybody decided all the other stuff, I move that we approve it then.”

Chair Holt

“I’ll second.”

Commissioner Morgan

“Just had a question. Thank you. Just had a question for the attorney. David, what is the reasoning behind the Clerk’s position on this specifically, on this particular item?”

Mr. Weiss

“I have not had a conversation with the Clerk on this, I think probably, my understanding and I think the Administrator could probably confirm this, but it’s, there is nothing on the agenda that relates to tourism.”

Commissioner Morgan

“OK, thank you.”

Chair Holt

“OK, ah, this is from the, as I said from the Mayor’s office down there and also from the League of Cities. They are saying that ‘It was great speaking to you earlier per our discussion, I recommend Commissioner Dowdell to attend the third Thursday in Orlando, which will be November 19th, well the week of November 19th, ‘the activities start from that particular day will be from 6:00 p.m. to

9:00 p.m. What they are going to do is take him around to different economic development engines that they have set forth. One that we looked at was the duck pond, I thought, OK, y'all put that much money in a duck pond, but when you see what they did and how much money they are making off that, then you will see what they are talking about. They made the swan boats that people paddle in, they did all the attraction areas and they are looking at their economic impact was like so many millions of dollars that they made within the first year. So those are the things that we were talking about them going to find out. Now, I don't care about all the other stuff going in Orlando, I'm one of those crazy people that I really do go to class. I love it. The other thing is this Economic Impact Eco-tourism was another one that they brought up that they can go and view and look at that. That one is a little bit more like us because they are doing their bike trails are some in the city, outside of the city and they are looking at the generation of money. I have several of these on my I-pad now. So when you see these and you think a duck pond, when you see what they call a duck pond, you will see why it makes money. The other is the eco-tourism, that's this one. And what they are saying on eco-tourism is not only do you get the bike trail, every so often you stop, they put something there for you to do so it's not just like you are going somewhere just riding a bicycle. The other one that the son of the Mayor of Orlando wrote and this is coming up to the Legislature is agri-tourism, where they go out to a farm, which I thought was more appropriate for us..."

Commissioner Hinson

"Ego-tourism."

Chair Holt

"...go out to a farm, it's agri-tourism, you go out to a farm, go to the woods, they put something in there for these people that like to hike and bike and all that and they come back. So we have a lot's of farm land that is sitting empty because they are not growing crops. So those are some things that they are putting together that for us to try to see can we come up with some of this stuff to help us make money. But anyway, we have a motion and a second for approval contingent upon the Clerk, which we had to do anyway."

Commissioner Taylor

"May I say this before we move the question and I hope you and I don't get into a back and forth on this because I don't like when we get in that position, but let me say this, we are going to find ourselves back if y'all push this thing through, and that Commissioner go out and spend his dollars, in the same quagmire because the Clerk is not going to pay it. We are going to find ourselves in the situation where now it's going to be who's chest is the biggest and then it becomes ugly, as opposed to us just not going with these items right now, if we can't fix them like we did the first one, not going with them right now, fixing ah, the ordinance in some hearings so that in the future this doesn't happen. But this isn't going to end it you approve this tonight and push this on through, he's not going to pay it and then you want to talk about suing the Clerk's Office? That's just a situation we don't need to incur right now. So I'm not in agreeance with approving this, I'm more in agreeance with let's come back and do it the next time if the ordinance permits and presents. That's where I'm at. Thank you."

Chair Holt

"Thank you Commissioner. I'm not going to argue with you one bit, because as I've said, if he, it's contingent upon him approving it so that way Mr. Dowdell knows whether or not to spend his money or not. So it's no problem about that. Besides, if everybody starts sticking their chest out,

they'll get over that. OK, we have a motion and a second for approval contingent upon the Clerk checking to make sure that it's in line. All in favor?"

Commissioner Viegbesie

"Madam Chair, Madam Chair?"

Chair Holt

"Yes Sir Commissioner?"

Commissioner Viegbesie

"The, this motion is contingent on the Clerk approving to agreeing to write the check."

Chair Holt

"Yes."

Commissioner Viegbesie

"OK, I want to make sure that is specific and is clear so if he decides not to. I'm glad you said what you just said. Co..."

Chair Holt

"Well, all of it is anyway."

Commissioner Viegbesie

"So, so, if ah, Commissioner Dowdell decides not to go because of the contingency so be it, but if he decides to go, which is something I wish he does, if he decides to go and the Clerk deems it not appropriate and refuses to write the check, then we leave it at that. So now that I'm clear of what the motion is, now let's, I'm ready to vote."

Chair Holt

"Well, what happens is this, even if we go to the Florida Association of Counties, the Clerk, we have to send it through the Clerk's office and they approve it for our travel, right? Am I not correct Mr. Manager? So he's going to do that anyway, I just put it in there to make you feel better, but he has to do that anyway."

Mr. Weiss

"If I may, if that is in fact a motion, because I think the way the motion was stated wasn't actually, there was no contingency on it, but if there is a contingency make sure that's..."

Commissioner Hinson

"We'll, we'll put a contingency..."

Mr. Weiss

"...just for the record that that is..."

Chair Holt

"OK, you amended your motion; I'll amend my second..."

Commissioner Hinson

Gadsden County Board of County Commissioners
November 12, 2015-Special Meeting

"Yeah, I amend the motion."

Chair Holt

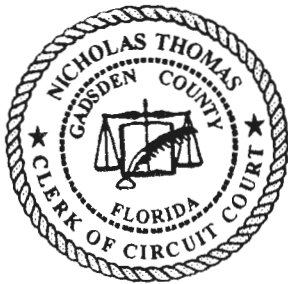
"OK, all in favor?"

Commissioner Hinson, Chair Holt and Commissioner Viegbesie voted for the motion and Commissioner Morgan and Commissioner Taylor opposed. The motion passed 3-2.

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR HOLT DECLARED THE MEETING ADJOURNED AT 5:22 P.M.

GADSDEN COUNTY, FLORIDA



BRENDA A. HOLT, Chair
Board of County Commissioners

ATTEST:

NICHOLAS THOMAS, Clerk