

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON DECEMBER 15, 2015 AT 6:00
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
 Nicholas Thomas, Clerk of Court
 Robert Presnell, County Administrator
 David Weiss, County Attorney
 Marcella Blocker, Deputy Clerk

INVOCATION, PLEDGE OF ALLEGIANCE

Chair Holt called the meeting to order at 6:00 p.m., asked everyone to stand for a moment of silence and then led in the Pledge of Allegiance to the U.S. Flag. A silent roll call was taken by Marcella Blocker, Deputy Clerk.

AMENDMENTS AND APPROVAL OF AGENDA

Mr. Presnell said he would like to add Item 10a-Request from Jones Community Health Center to Lease the Chattahoochee Health Department and Dental Equipment; pull Item 1 under Awards and Presentations and add a quick introduction of the new Veterans' Service Officer under Presentations.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 3-0 BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED.

AWARDS, PRESENTATIONS AND APPEARANCES

1. ~~Proclamation Honoring Reverend William and Jeanette Hinson 50th Wedding Anniversary~~
 Item Pulled
- 1a **Introduction of New Veteran Services Officer**
 Mr. Presnell introduced Michael Jackson as the new Veterans Service Officer for the County.

CLERK OF COURTS

Mr. Thomas was present and had no report for the Board.

CONSENT

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY CHAIR HOLT, THE BOARD VOTED 3-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA.

2. **Ratification to Pay County Bills**
3. **Approval of Minutes**
 - a. **November 12, 2015-Special Meeting**
 - b. **November 17, 2015-Regular Meeting**

ITEMS PULLED FOR DISCUSSION

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Ben Chandler, Post Office Box 324, Chattahoochee, FL, with Chattahoochee Main Street appeared before the Board. He said they had partnered with the Gadsden County Development Council, Quincy Mainstreet and the Chamber of Commerce and were putting together ‘Galvanizing Gadsden’ a business resource symposium. He said it would be held January 14th and 15th at the Arsenal in Chattahoochee and was to help put local business owners in touch with resources needed to help them.

PUBLIC HEARINGS

4. PUBLIC HEARING:TEFRA Public Hearing to Consider a Future Bond Issue for Quincy Senior Living, LLC Affordable Senior Living Facility

Mr. Presnell introduced the above item and explained it was for consideration of approval of the Inducement Resolution by Quincy Senior Living, LLC for tax exempt bonds and the County was not liable or responsible for pay-off of the bond.

Nevin Zimmerman, 221 McKenzie Avenue, Panama City appeared before the Board and explained the item. He said it was to consist of 65 housing residential units and would provide affordable housing for seniors and families. They supplied an artist rendering of the proposed site.

Commissioner Taylor appeared at this juncture of the meeting.

Mr. Zimmerman explained the county was not responsible for the bond, was for a short-term (during construction only) and would be paid off with a bank loan secured by USDA Rural Development loan guarantee after the construction was complete.

Chair Holt asked if there were any comments from the Commissioners and there was none.

Mr. Weiss explained the statute provided that the bonds not been deemed to be pledged except as to applied for and that was spelled out in Section 9 of the Resolution.

Chair asked if there were any comments from the public and there was none.

Commissioner Viegbesie asked what happened if the bond defaulted and who would become liable. Mr. Weiss explained the bond was to be considered at a subsequent hearing.

Mr. Zimmerman said the County was not responsible and the responsible party would be Quincy Senior Living LLC. and explained that process.

Commissioner Hinson asked Mr. Presnell if he had any heartburn and Mr. Presnell said no, that he had worked closely with the group and all would be vetted before it came back to the Commissioners.

Commissioner Morgan appeared at this juncture of the meeting.

Mr. Weiss said under Option One, he felt they needed to expand on that to add in addition authorization for the Chair to sign the Resolution and the State of Florida Letter of Intent to issue the bonds.

Commissioner Viegbesie asked the occupancy of the facility and if it were open to everyone or only citizens of Gadsden County. Mr. Zimmerman said it was for persons 65 years of age or older and open to whom qualified per the Federal Fair Housing.

Commissioner Viegbesie asked if they were affiliated with an organization with one that was operating in Leesburg and Mr. Zimmerman said he was not aware of any connection.

UPON MOTION BY COMMISSIONER VIEGBESIE FOR APPROVAL OF OPTION 1 AND AUTHORIZE THE CHAIR TO SIGN THE LETTER, COMMISSIONER MORGAN MADE THE SECOND WITH A QUESTION.

Commissioner Morgan asked if they were only supporting the issuance of the bonds and was not responsible and Chair Holt said that was correct.

CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

5. PUBLIC HEARING: Transmittal of the Amendment of the Recreation and Open Space Element of the Comprehensive Plan to the Department of Economic Opportunity for Review

Mr. Presnell introduced the above item and said it was a public hearing and was part of the process for the amendment of the Recreation and Open Space Element of the Gadsden County Comprehensive Plan.

Chair announced public hearing and asked if any comments from audience and there was none.

Chair Holt asked if any of the Commissioners had any comments and there were none.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 5-0 BY VOICE VOTE FOR THE APPROVAL OF OPTION ONE.

6. PUBLIC HEARING: (Legislative) Transmittal of the Amendment of the Capital Improvements Element of the Comprehensive Plan to the Florida DEO for Review

Mr. Presnell introduced the above item and said it was part of the process for the amendment of the Capital Improvements Element of the Gadsden County Comprehensive Plan and the hearing was to transmit the proposed amendment to the Department of Economic Opportunity for review.

Chair Holt asked if there were any comments from the public and there were none.

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

7. PUBLIC HEARING (Legislative) Adoption of Ordinance 2015-016 for the Amendment of the

Comprehensive Plan Future Land Use Map from Industrial to Urban Service Area on a Parcel of Land Approximately 13.912 Acres Along Strong Road

Mr. Presnell introduced the above item and said it was for consideration of an ordinance to amend the Comprehensive Plan Future Land Use Map for approximately 13.912 acres of land along Strong Road from Industrial to Urban Service Area and said it was affiliated with the Quincy Senior Living project.

Chair Holt asked if there were any comments from the audience and there was none.

Commissioner Hinson asked how close this was to the nearest business and was told it was on the corner by the school and the next business was the dialysis center and the apartments.

Commissioner Morgan asked if they approved the item if they should put pending approval of the issuance of the bonds or if it mattered. He added that he approved this but may not want to approve it if this didn't go through for a different project.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE THIS ITEM. COMMISSIONER MORGAN OPPOSED.

- 8. PUBLIC HEARING: Adoption of Resolution No. 2015-025 a Resolution of the BOCCGC approving the operation of the Osceola County Housing Finance Authority in Gadsden County for the purpose of issuing its multifamily housing revenue bonds (Hallmark project) to provide funds to finance the acquisition, rehabilitation and equipping of multifamily residential rental projects in multiple locations within the State of Florida, including a multifamily residential rental project named Greenwood Terrace located in Quincy, Gadsden County; approving the issuance by the Osceola County Housing Finance Authority of its not to exceed \$44,000,000 multifamily housing revenue bonds (Hallmark project) Series [to be designated] of which approximately \$1,371,000 will be for the benefit of Hallmark Greenwood Terrace, LLC, a Florida limited liability company to provide funds to finance the acquisition, rehabilitation and equipping of Greenwood Terrace, a multifamily residential rental project located in Gadsden County, FL; and providing an effective date.**

Mr. Presnell introduced the above item and said it was for adoption of a resolution approving the operation of the Osceola County Housing Finance Authority in Gadsden County for the purpose of issuing its multifamily housing revenue bonds to finance the acquisition, rehabilitation and equipping of multifamily residential rental projects in multiple locations in Florida, including the Greenwood Terrace project in Quincy.

Mitchell Owens, Managing Director for RBC Capital Markets, LLC., appeared before the Board and explained there was no liability to the County.

Mr. Weiss explained the County was not issuing the bonds but was required by statute to give Osceola County Housing Finance Authority the authority to issue the bond because the project was located within the County.

Chair Holt announced this was a public hearing and asked if there were any comments from audience and there was none.

UPON MOTION BY COMMISSIONER MORGAN FOR OPTION ONE AND SECOND WAS MADE BY COMMISSIONER TAYLOR. BEFORE A VOTE WAS TAKEN, COMMISSIONER VIEGBESIE HAD QUESTIONS.

Commissioner Viegbesie asked if there were any affiliation with the operator of the Plantation in the retirement community of Leesburg and Mr. Owens stated not to his knowledge and said there were three facilities that were on this project in Lake County and none went by the name of The Plantation.

Commissioner Hinson asked Mr. Owens if he was an attorney and he responded he was before the Board as an underwriter, not as an attorney. Commissioner Hinson said when he answered “not to my knowledge” he could said later he wasn’t aware at the time and was not sure if that was a good enough answer for Commissioner Viegbesie.

CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

9. PUBLIC HEARING: (First) CDBG Grant

Mr. Presnell said this was the last public hearing of the night and said for this CDBG grant, they needed to temporarily adjourn the meeting, take public comments and if they so choose, direct staff after the meeting was re-adjourned to proceed with whatever application comes from the process.

Commissioner Morgan stepped out at this juncture of the meeting.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 4-0 BY VOICE VOTE TO TEMPORARILY ADJOURN THE MEETING.

Chair Holt explained they temporarily adjourned the meeting for a public meeting with no input from the Commission.

Mr. Presnell opened the public hearing at 6:45 p.m. and explained this was a public hearing and the purpose was the Small Cities Community Development Block Grant program and it required the applicant to hold two public hearings and this was the first of the two public hearings to obtain citizens comments. He said the County was eligible to apply for \$750,000 in neighborhood revitalization, commercial revitalization and housing rehabilitation categories and up to \$1.5 Million in economic development category. He said construction activities funded through the CDBG Program had to meet one of the following National Objectives:

1. Provide benefit to low and moderate income persons;
2. Prevent or eliminate slum and blight conditions; or
3. Meet a need of recent origin having particular urgency.

Commissioner Morgan returned at this juncture.

He said there was a Community Action Task Force that was appointed as part of the requirements of the CDBG and they recommended applying for a housing grant in the amount of \$750,000.

Mr. Presnell asked if there were any public comments and there was none. Mr. Presnell closed the public hearing at 6:46 p.m. and the BOCC meeting was re-opened.

UPON MOTION BY COMMISSIONER MORGAN TO PROCEED WITH THE APPLICATION SUBMISSION FOR HOUSING AND WAS SECONDED BY COMMISSIONER HINSON, THE BOARD VOTED 3-0 TO APPROVE. COMMISSIONER TAYLOR AND COMMISSIONER VIEGBESIE WAS NOT PRESENT.

GENERAL BUSINESS

10. Agreement between the Florida Division of State Lands and the GCBOCC

Mr. Presnell introduced the above item and said it was to request the execution of a sublease between the Florida Division of State Lands and the Gadsden County BOCC to lease 13 acres of the adjacent property east of Hopkins Landing Road at the Pat Thomas Park.

Commissioner Viegbesie returned at this juncture of the meeting.

UPON MOTION BY COMMISSIONER HINSON AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THIS ITEM.

10a Request from Jones Community Health Center to Lease the Chattahoochee Health Clinic and Dental Equipment

Mr. Presnell introduced the above item and said it was for Board direction and/or approval of a request made by Oretha Jones, d/b/a Jones Community Health Center to lease the Chattahoochee Health Clinic and dental equipment at 680 Maple Street in Chattahoochee, FL.

Commissioner Morgan said he hoped the Board would support this item.

A MOTION WAS MADE BY COMMISSIONER MORGAN TO APPROVE AND A SECOND WAS MADE BY COMMISSIONER HINSON. BEFORE THE VOTE WAS TAKEN, COMMISSIONER VIEGBESIE HAD QUESTIONS.

Commissioner Viegbesie asked how long the facility had been vacant and if the availability of the facility had been made public for anyone else that would like to have access to the facility. Mr. Presnell said it had been vacant approximately four years and Commissioner Morgan said there was a primary care physician there for a few years and left. He further explained the seniors had been there continuously for a few years and the City of Chattahoochee had maintained the grounds and minor repairs needed.

CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THIS ITEM.

11. Approval to Dispose of Surplus Property and Equipment from the Gadsden County Health Department

Mr. Presnell introduced the above item and said it was for approval to dispose of surplus property and equipment that was obsolete, damaged and had no useful value and for permission to remove the items from the physical inventory.

COMMISSIONER VIEGBESIE MADE A MOTION FOR APPROVAL AND COMMISSIONER MORGAN MADE THE SECOND. CHAIR HOLT HAD QUESTIONS.

Chair Holt asked if there were any items the public might be interested in and Mr. Presnell said it was old medical items that they should have gotten rid of a long time ago and had to be disposed of in an auction or sealed bids or something of the sort.

Commissioner Taylor returned at this juncture.

Commissioner Hinson asked if everything had been tagged and labeled and Mr. Presnell said yes. He asked if someone could fix any of the old computers

CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

12. Approval and Acceptance of the Temporary Construction Easement from the City of Quincy for the construction of a sidewalk on Atlanta Street pursuant to a FDOT LAP project and instruction for the Clerk to record the Easement

Mr. Presnell introduced the above item and said it was for approval and acceptance of the Temporary Constriction Easement from the City of Quincy for the construction of a sidewalk on Atlanta Street and instruction for the Clerk to record the Easement along with a copy of the minutes showing approval and acceptance.

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

13. Approval to Accept the FY 2015 4th Quarter Report

Mr. Presnell introduced the above item and said it was for acceptance of the 4th Quarter Report for FY 2015.

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

14. Approval of Non Profit/Human Services Funding Agreement for Gadsden Senior Services for FY2015/2016

Mr. Presnell introduced the above item and said it was for Non-Profit funding for the Gadsden Senior Services for 2015/2016 year and authorize the Chair to sign the agreement.

COMMISSIONER VIEGBESIE MADE A MOTION FOR APPROVAL AND COMMISSIONER MORGAN MADE A SECOND. BEFORE THE VOTE WAS TAKEN, COMMISSIONER HINSON HAD QUESTIONS.

Commissioner Hinson stated he had a problem with this item because they had budgeted to give Havana their money and at the last meeting, they “threw Havana in the pot that they cannot receive their funding so what’s the difference in Havana and the City of Quincy?”

Mr. Presnell explained Gadsden Senior Services was in a different part of their budget and had not been lumped with Non-Profits because they were big enough to have their financials and audits done and historically had not been lumped with the Non-Profit funding. He further explained that

Chattahoochee, Gretna and Havana were funded in that category.

Mr. Weiss explained the funding was approved in the budget by the board and the issue now was with respect to the agreement and whether the agreements had to be approved in order to disburse funds.

Chair Holt pointed out there was no agreement with Havana when it was approved and approved by the Clerks' Office and Commissioner Hinson had a point and the agreement was written later.

Commissioner Viegbesie said if he was hearing correctly, Havana's budget was approved and if the Clerk had no issue with disbursement of the money, why has the money not been disbursed to Havana?

Commissioner Morgan said the agenda item he was looking at was for Quincy and them approving authorization of quarterly payments based on them providing quarterly financial reports and there was a motion and second currently before them.

CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

Commissioner Morgan stepped out at this juncture of the meeting.

15. Interlocal Agreement for Planning Services with the City of Midway

Mr. Presnell introduced the above item and said it was an Interlocal Agreement between BOCC and City of Midway for planning services.

UPON MOTION BY COMMISSIONER HINSON AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THIS ITEM.

16. Approval of Re-Appointment/Appointments to the Apalachee Regional Planning Council

Mr. Presnell introduced the above item and said it was for approval of appointments or re-appointments to the Apalachee Regional Planning Council.

UPON MOTION BY COMMISSIONER HINSON AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE OPTION ONE.

inson option 1/V 4-0

COUNTY ADMINISTRATOR

17. Update on Various Board Requests

Mr. Presnell said the Annual Report was done and would be posted on the website.

Commissioner Morgan returned at this juncture of the meeting.

He said they won the window decoration contest that Quincy Main Street had for most creative.

He then wished everyone a Merry Christmas.

Commissioner Morgan asked Mr. Presnell the status for video services and Mr. Presnell said it had been bid out.

Mr. Presnell then introduced Ulysses Jenkins as the new Special Projects coordinator.

COUNTY ATTORNEY

18. Update on Various Legal Issues

Mr. Weiss wished everyone happy holidays and said he had nothing to report but was available for questions.

Commissioner Hinson said some apartments at Havana Heights burned some time ago and was making the whole community look bad and said something needed to be done.

Mr. Weiss said he had written a couple of letters and had received a response back and also have tried to set up meetings to no avail.

Chair Holt asked if there was a safety factor for the community, what could be done next.

Mr. Weiss said HUD could be notified of the condition of the property, but the downside was if the tenants lost the federal assistance and the property was no longer a HUD property where they were getting Federal assistance, there was a risk of them being displaced.

Chair Holt said the tenants could apply for individual housing.

Commissioner Hinson suggested they could bring in Code Enforcement to look at the burnt building.

Mr. Collins said one of the apartments caught fire during the summer and permits had been issued and it was being worked on. He further explained no-one was living in the one building and it had to be brought up to code.

Commissioner Taylor said the idea about Section 8 and getting approval for housing takes almost two-three years and there was a long list of ones on the list. She said they had been dealing with this almost four years and in that time a HUD grant could have been gotten and built a complex. She further stated if funding was pulled, it could cause a back-lash and felt they should get a grant and give them competition.

Commissioner Taylor then said she had to leave early to get to work and asked to speak and said she had nothing to report. She then left the meeting.

DISCUSSION ITEMS BY COMMISSIONERS

19. Report and Discussion of Public Issues

Commissioner Anthony “Dr. V” Viegbesie, Ph.D, District 2

Commissioner Viegbesie said he had nothing to report and wished everyone a Merry Christmas.

Commissioner Gene Morgan, District 3

Commissioner Morgan wished everyone a Merry Christmas and a Happy New Year.

He said Dr. Emko had announced his retirement and asked for a Proclamation at the appropriate time and to recognize his efforts and input in the County.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE A PROCLAMATION FOR DR. EMKO.

He also asked for input and said there was a facility in the County that was jewel and mentioned the Arsenal at Florida State Hospital and said the building had been renovated and they were looking to put in a museum and hoped the Board would consider providing funding at the appropriate time and added it was full of history and felt it would benefit the citizens of the County and would appreciate thoughts back from Board if the Board was so desired to do.

Chair Holt said she was in favor of this and asked that he include other museums in county because there were others in the works as well.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 4-0 BY VOICE VOTE TO CONSIDER FUNDING FOR MUSEUMS IN THE COUNTY.

Commissioner Sherrie Taylor, District 5

Commissioner Eric Hinson, Vice-Chair, District 1

Commissioner Hinson thanked the Board and staff for a great job done during 2015 and wished everyone a Merry Christmas and Happy New Year.

He felt it would be great that they clear up what was going on with the Havana Senior Citizens and wanted to make a motion to fund Havana fully with a lump sum amount.

COMMISSIONER HINSON MADE A MOTION TO FUND THE HAVANA SENIOR CITIZENS WITH THE LUMP SUM AMOUNT AND SECOND WAS MADE BY COMMISSIONER VIEGBESIE. CHAIR HOLT HAD COMMENTS BEFORE THE VOTE WAS TAKEN.

Chair Holt asked the attorney if there was a need to agenda this item because it had been voted on to give them the funds.

Mr. Weiss said in terms of the distribution of funds that had not been established. The budget had been approved for distribution of \$10,000 and whether it was distributed quarterly or a lump sum amount had not determined and asked the Administrator when the agreements would be back on agenda and Mr. Presnell said it would be at the next meeting and there were options there.

Commissioner Morgan said they could not approve that because it was not on the agenda and it needed to go on the next agenda.

Commissioner Hinson said the Board could do what they wanted to do.

Chair Holt said the attorney needed to look at that.

Mr. Weiss said procedurally the Board has already authorized this and no reason to vote on this again and was now a matter of the Clerk distributing the funds.

Commissioner Hinson said they needed to give direction to the County Manager to cut a check to the Senior Citizens.

Commissioner Morgan said they were discussing how to distribute the funds not when they were to be distributed.

Chair Holt said hopefully they would be distributed without ending up in Court and Commissioner Hinson was saying in his motion he would like for it to be in a lump sum and Commissioner Viegbesie had made the second.

Mr. Weiss said the problem with voting on that now was it was not an agendaed item and according to their ordinance 2-45 that discussed placing items on the agenda, but before he could read the Ordinance Commissioner Hinson interrupted.

Commissioner Hinson asked if he could move to remove that Ordinance and then make a motion.

Mr. Weiss explained it needed to be agendaed and advertised for ten days and until it was on the agenda to remove they could not just decide to remove an Ordinance. He also said he felt it was “contrary to your current Ordinance to right now add that item...”

Commissioner Hinson said since it was already approved and they agreed to pay a lump sum amount, could they advise the County Administrator to get the money from the Clerk. Mr. Presnell said they had done that. Commissioner Hinson stated “All I want to do is for the Board to do something, once the Board makes their move and then I can make my move. That’s all I got to say.”

Chair Holt said they had advised the Manager to do that and the Manager asked the Clerk; the Clerk refused.

Commissioner Hinson said he would withdraw his motion and wanted to instruct the County Manager to submit an invoice for payment and he would have them come tomorrow to see him and said if he understood correctly the Clerk had no problem with Havana and asked that Mr. Presnell submit the invoice to the Clerk and “let the chips fall where they may”.

Commissioner Brenda Holt, Chair, District 4

Chair Holt said they had gotten off track with Proclamations and they used to have everyone signed them and then got to where one or two would request a Proclamation and she felt when they all approved them, everyone should sign them. She said it would be nice if the Resolutions were done the same way but was not necessary.

Commissioner Viegbesie thanked her for bringing that item up and he had discussed that with the County Administrator to get an understanding on how those items were handled.

Commissioner Hinson said he felt anything that had a golden stamp to it, the Board as a whole should sign it and not someone individually.

Commissioner Morgan left at this juncture of the meeting.

She asked the Attorney to look into Proclamations and bring this back at a later date.

She said the next thing she wanted to look at solving the problem they had had with the Clerk in the past and had asked the attorney to look into it. She said the previous Board had fought with the Clerk and he ended up not coming to meetings and there was no reason for it to be passed on and on. She asked Mr. Weiss to tell them what he had found out.

Mr. Weiss said "...When it comes down to it, the Board has the authority to set policy and to make a determination regarding public purpose, I mean that's the Board's responsibility. That cannot be delegated to the Clerk. The Clerk then has the responsibility and the authority to, and in this case we're talking about making payments to disburse payments, but in accordance with law. After making a determination, the Clerk has liability associated with making improper payments, so along with that, it's the Clerk's responsibility for auditing and making sure that payments are appropriate. Part of, in accordance with law, would be in accordance with any existing County Ordinances or County policy, and I don't know, I mean I think that's, I mean that really how it breaks down and beyond that, I think that then..."

Chair Holt said he sounded like where they were before and she added he said the Clerk was liable for approving something that maybe he should not approve but then he is also liable for not approving something and holding us at a standstill and either way he was liable. She asked him how they could clear it up.

Mr. Weiss said "The way to do it and I think what we, if we are not able, I mean I think trying to work with the Clerk to figure out what will resolve any issues that anyone may have is the way we would like to address this and I understand we are where we are. I think that the idea behind these agreements was to try to satisfy everyone's concerns and I obviously participated in drafting the agreements. O don't think that they are, I honestly would say that they serve a couple of purposes that are valuable, one being to let everybody know what's expected and what's required up front and two being they actually do protect the County from..."

Chair Holt said she was talking in general and she said whatever crossed the street, they make policy and it gets across the street and it looks like they did not know what they were doing or the Clerk didn't know what he was doing and she wanted to solve the problem.

Commissioner Hinson said he felt the problem is they tried to do what was right and then the Clerk did not want to "go with none of it no more".

Mr. Presnell said there was an agreement and it was on the agenda at the last meeting, there was more discussion on the dais and the agreements included some lump sums and once it was presented to the Board, there was discussion and the item were tabled and the next morning an email was received from the Clerk's office that all disbursements moving forward would be quarterly disbursements, which required financials and certified audits.

Commissioner Hinson said the Clerk had a “change of heart” and said for the Board to do their job and get rid of stipulations. He said they had been generating more money every year at the end of the year and did not think there was one County Commissioner on the Board that was trying to do anything improper. He added for the record, He had no problem with the Clerk, assistants, or staff, that he really did not know them and never had a conversation with the Clerk. He added when it came to the Senior Citizens and youth, all he did was ask questions and was sorry he hurt his feelings by asking questions and wanted to get away from all the policies that they had put against themselves and if they did not have the policies, the Clerk would not have anything to go against.

Chair Holt agreed and said “Commissioner Hinson I agree with you and I don’t think we need to be writing agreements. I don’t think we should be doing any of that. I think if we send something across the street, we’re legal, he cannot prove that anything we’re doing is illegal then we should be in Court...”

(Commissioner Hinson interjected)

Commissioner Hinson

“And, and Mr. Attorney, I got to say this Ms. Holt right quick because it’s on my mind. Mr. Attorney, if, you represent us, right, you represent us. It should never come out of your mouth that a perception like we gonna make sure that the County do everything, make sure we do something right, right? Make sure we don’t do anything wrong or anything else. That’s the same thing the Clerk said in the paper. He said that same thing, wanted to make sure we not doing anything, why that coming out? We have \$6.9 Million surplus, \$7.2 Million surplus, we doing everything right, it shouldn’t come out of your mouth unless we doing something wrong. It shouldn’t come out of the Clerk’s mouth because we not doing anything wrong. That’s what I’m just saying. Because once you say it, it’s in the paper.”

Chair Holt

“Right, but let me say this Commissioner, wait, wait, hold up Mr. Attorney, let me tell you something. No matter how we discuss this, until you get a legal ruling from a Judge, it’s not going to matter. The Judge has to say yes, no and that’s it. Now, what we’re saying is, a group comes before us and it doesn’t have to be any of these, it could be anyone. We decide to give them some money, we decide on how we’re going to give it to them. He says ‘Well, I’m not gonna do it that way’, like you said, he changed his mind by the next day. That’s not law.”

Commissioner Hinson

“That’s unethical.”

Chair Holt

“That’s not law. So now you’re saying, and I saw a couple of State Statutes, right? I asked you about looking at those. I went on-line and I looked at some and I called Chief Financial Officers’ Office in Tallahassee and I got an opinion from some of the people there on staff and I’m going to continue getting opinions because this does not make sense. It doesn’t make sense in that if you are doing something wrong, he says ‘Well I can’t approve this payment of this because of A, B, C and ‘D, it should apply to ordinances or State Law, not how I felt when I got up in the morning. So I really don’t need to know any of this other stuff. I’d rather let a Judge across the street decide, or wherever that Courtroom’s going to be. And then we do it and as I said before, Commissions and

Clerks sue each other all the time all over the State of Florida. It happens every year. So this should be settle before we get any new young people that think they are doing a good job, then time they get everything done, they get shot down by a Clerk. It don't have to be that Clerk, it could be any Clerk. So, why don't we just go ahead a solve this. Call it, bring it to a head, let's go ahead and do it and solve. It's not going to kill anyone. I campaigned for the Clerk. I was one of his supporters when he ran. I don't have a problem with anyone not following the law. I don't care if it's my brother, sister, or whoever. That's just the way it is, let's do it."

Mr. Presnell

"At you next meeting, it's agendaed in such a way, you have options there and if this Board, the majority of the Board..."

Chair Holt

"I don't even want that agreement."

Mr. Presnell

"Well, then, that was the set-up for taking further action..."

Chair Holt

"Right, let's go."

Commissioner Hinson

"I have, I have..."

Commissioner Viegbesie

"Motion to adjourn?"

Commissioner Hinson

"Hold, hold, hold on, I have one more question, Doc. I've got to say this real quick because I know this is here. I was talking with one of the City Commissioners in Tallahassee and really, it made perfect sense, 'cause what happened was, you guys have Christmas as well as y'all have, what you call it, first of January, whatever, New Years' Day, whatever and what I was thinking here, just that, so that you guys won't be in a rush, here's what the City of Tallahassee did. They cancelled the first meeting in January and they went to a third meeting because they looked at staff, you may have staff that may be out of town that week, the end of December and the first day may fall on January 2nd, which means that you guys cannot, the staff can't have a, you know, they can't meet that much because they rush...that's just something to consider. I think we should cancel first meeting in January..."

Chair Holt

"And do what?"

Commissioner Hinson

"And do what? Because what I was saying was that the staff..."

Mr. Presnell

"We're off that Friday."

Commissioner Hinson

“Right, that’s what I’m saying, the staff, the staff, it just, you really want them to enjoy their holiday too as well. That’s what I was thinking. You don’t want to make it a disadvantage, things, like it’s a dreaded thing, they got family too like everyone else, and so, I was just thinking...”

Chair Holt

I’m trying to think what that date is.”

Mr. Presnell

“It’s that following Tuesday.”

(Deputy Clerk Marcella Blocker told them the date was January 5th.)

Commissioner Hinson

“January 5th the date? Yeah, and what I’m saying, you got Christmas then the following New Years’ Day...”

Chair Holt

“We’d have to vote on that.”

Commissioner Hinson

“We got a quorum, we got three, I’m just throwing it out there for you.”

Chair Holt

“No, doesn’t it have to be agendaed? Does it? Say something.”

Mr. Presnell

“We’ve got a lot on that agenda; I’m trying to think of what’s time sensitive.”

Mr. Weiss

“I think technically per our Ordinance it would, if you are going to take action to cancel a meeting, I think you would need to have it as an agendaed item. Can I make one more comment real quick and I will not belabor this at all. All I wanted to say was any comment that I may have made, I certainly would never suggest the County has done anything wrong. I think the only context I may have said anything in that regard would be just to say what the County does is again, make policy. You make the decision to disburse funds to qualified agencies that provide human services to the citizens of Gadsden County and the only thing that I may have said about that is we, there are checks and balances that are needed to insure that those funds are not improperly used. Not that this Board by any stretch of the imagination did anything or would do anything, but you have to, there is a reason that there are checks and balances in place, because there could be the potential for someone abusing public funds. That’s possible, that can happen. There’s a way to deal with this, like you said, if we are of the opinion that, you know, the clerk is not doing what the Clerk is supposed to be doing is to sue for a Writ of Mandamus and that’s our remedy. I mean, that would be our remedy and if we make that decision, I think like Mr. Presnell said, I mean, after we vote at the next meeting on the funding depending on what happens on that respect, we can discuss whether or not that’s an option.”

Mr. Presnell

“And you will have a good paper trail for your action.”

Chair Holt

“And also that’s the reason, that’s one reason why you want to do it while the issue’s hot. You’ve got a lot of documentation and you have documentation that’s legal because you’ve been in an official meeting. The other thing is that when I told you to look at some of the items, that’s one reason why I said look at some of the items that were not approved. You have to look at items and say if this legal or not legal because you get in Court and he say do we have policy (inaudible) just say yes. You say ‘Does he have a right to audit what you do’ the answer is yes. So what’s the dispute? The dispute is, are these things legal or not and that’s what’s debatable in this and that’s what should be taken care of by law. That’s where I am with that. I don’t see any sense to keep talking about it.”

Mr. Weiss

“I just want to say one more real quick thing and I think the reason that some of the items, my understanding, the reason that some of these items were rejected was because of the way the payments were being processed and because they were coming back as receipts they were having to be processed as though they were being paid as a county expenditure rather than as a (inaudible).”

Chair Holt

“As I said before, that’s why you don’t ask for a receipt, but when you ask for them, they give them to you.”

Mr. Weiss

“And that’s why I think that this, what the Clerks’ office has said moving forward with these agreements there will be no receipts. There wouldn’t be any of that, what there would be is an agreement to provide funding and once when, they would be obligated to provide certain documents...”

Chair Holt

“Now, let me say this right quick, and you are totally correct in that, that’s why I said you don’t ask for receipt, but when you ask for receipts and they gave them to you, then you shouldn’t complain. The other thing is this, when you are looking at that, if we say ‘and the next time we do something, we want it done in a lump sum and then he says ‘I’m gonna do it quarterly’, ok? So then you’re back to where you are. And that’s why I say get a motion, I mean let me get a ruling from the Judge and be through. This is cra...”

Commissioner Hinson

“Suppose the Clerk starts saying ‘I want it monthly then, if he get comfortable with quarterly he might say I want it monthly, or bi-weekly.”

Chair Holt

“OK, anyway, what I want to do is make sure we get everything done we need to get done. Motion to adjourn.”

Commissioner Viegbesie

“Moved”

Receipt and File

- 20.
- a. Truth in Millage (TRIM) Certification Letter
 - b. BY2015 Administrative Budget Amendments

UPCOMING MEETINGS

21. January 5, 2016-Regular Meeting-6:00 p.m.
January 19, 2016-Regular Meeting-6:00 p.m.

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR HOLT DECLARED THE MEETING ADJOURNED AT 8:08 P.M.

GADSDEN COUNTY, FLORIDA

**BRENDA A. HOLT, Chair
Board of County Commissioners**

ATTEST:

NICHOLAS THOMAS, CLERK