

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON SEPTEMBER 19, 2017 AT 6:00
P.M., THE FOLLOWING PROCEEDING WAS HAD, VIZ:**

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

INVOCATION, PLEDGE OF ALLEGIANCE

Chair Taylor called the meeting to Order at 6:00 p.m., asked everyone to stand for the Invocation and the Pledge of Allegiance to the U. S. Flag.

Commissioner Hinson arrived at this juncture

AMENDMENTS AND APPROVAL OF AGENDA

Mr. Presnell said he would like to add as Item 12a-Emergency Management Response to Hurricane Irma.

Commissioner Morgan asked what this item would entail and Chair Taylor said it was an update about what happened and maybe some future discussions about the Department. Commissioner Morgan asked if there was any reason they could wait and also felt it appropriate to have all parties involved present for the meeting and it should be properly advertised.

UPON MOTION BY CHAIR TAYLOR AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 2-2 BY VOICE VOTE. COMMISSIONER MORGAN AND COMMISSIONER VIEGBESIE OPPOSED. MOTION FAILED.

Commissioner Viegbesie said his opposition was this was an action item and he supported Commissioner Morgan on his point of view.

Chair Taylor said she did not mind the item for discussion and primarily was the reason for this tonight and did not mind amending the item so it would not be an action item.

Commissioner Morgan called for point of order, he said they had already voted and the motion failed with a 2-2 vote.

Chair Taylor said they were amending what was voted on and Commissioner Morgan said they voted and it failed 2-2. Chair Taylor said what they were doing, they voted and it failed to move forward with an item for discussion and Commissioner Morgan interjected and said they voted and it failed as an item to add to the Agenda.

Mr. Weiss said the way the rules were set up, the Chair makes the decision on these issues and if

Commissioner Morgan wanted to appeal her decision, he had the right to do so. Commissioner Morgan stated he had no interest in doing that.

Commissioner Viegbesie said they had a Policy and Procedure manual and somewhere in to, it states that where there was a tie and the Chair wished to modify the item and bring it back, that could happen.

Commissioner Hinson said this was his first time seeing this item and thought they were talking about discussing this and he was in favor of that.

UPON MOTION BY COMMISSIONER HINSON TO AMEND THE AGENDA TO ADD THIS AS AN ITEM FOR DISCUSSION AND SECOND MADE BY CHAIR TAYLOR, THE BOARD VOTED 3-1 BY VOICE VOTE. COMMISSIONER MORGAN OPPOSED

Commissioner Morgan said he had another agenda item he would like to add; there was a Public Records Request brought before the Board and said he would like an update from the Attorney as far as who had responded and that the potential issues where for not responding in a timely fashion. Chair Taylor asked if that could be discussed during the Attorney comments and Commissioner Morgan agreed.

CHAIR TAYLOR CALLED FOR THE VOTE. THE BOARD VOTED 3-1 BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED. COMMISSIONER MORGAN OPPOSED.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Presentation from Big Bend Transit, Inc.

Mr. Presnell said there were two presentations this evening and the first was a presentation by the General Manager of Big Bend Transit and he did not see Mr. Shawn Mitchell present and asked they move forward with Jim McShane of CareerSource Capital Region.

2. CareerSource Capital Region Update

Jim McShane, CareerSource, appeared before the Board with an update for CareerSource.

Mr. McShane said their job was to connect employers with qualified skilled talent and Floridians with employment career development opportunities to achieve economic prosperity. He went on to give an update of CareerSource.

Mr. McShane said when he came he noticed a lot of Church vans and buses that sit during the week and wondered if they could partner with them to make use of them during the week to get people to school. Commissioner Viegbesie asked how much CareerSource had used the Church community as an outreach and if you wanted to reach the people of this County, you went to the Churches.

Commissioner Morgan asked who he partnered with to reach the young people in the County to make them more employable and Mr. McShane said they were trying to get into the school system to get them before they graduated.

CLERK OF COURT

Mr. Thomas was not present and there was nothing to report.

CONSENT

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

3. **Ratification Memo**
4. **Approval of Minutes**
 - a. **July 18, 2017-Regular Meeting**
5. **Approval of the State Housing Initiative Partnership (SHIP) Annual Report**
6. **Letter of Agreement Authorizing Tallahassee Big Bend Crime Stoppers, Inc. to Act as Gadsden County's Agent for the Purpose of Applying for and Receiving Monies from the Crime Stopper's Trust Fund**

ITEMS PULLED FOR DISCUSSION

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Bob Busch, Motorola, 167 Seville Chase Drive, Winter Haven, FL, Agenda It6em 9

George Hackney, 1020 Dogwood Drive, Quincy, FL – County Administrator's Position

Bonnie Hirst, 5046 Tennessee Capital Blvd., Tallahassee, FL 32303 – Agenda Items 8 & 9

PUBLIC HEARINGS

GENERAL BUSINESS

7 Board Direction of the County Attorney Position

Mr. Presnell introduced the above item and said it was for Board direction on how the Commissioners wished to proceed with the County Administrator position and pointed out his contract would be ending October 30th.

Commissioner Hinson said he was curious and shocked when he saw this on the agenda because none of the Board member asked for it to be placed there and was not sure why it was on there.

Chair Taylor asked Mr. Presnell of there was an explanation and Mr. Presnell explained his contract would end on October 30th; Staff was instructed to do a search, they interviewed three candidates, two of which dropped out and left one candidate and there had been no action on that. Commissioner Hinson said that again, he was unsure why this item was on the agenda and why there was a rush for it and one Commissioner was not present. He also stated she had asked for information and he was waiting before he made his decision to get the

information from her.

Commissioner Viegbesie said the information was sent out and he printed it out along with other material he had in his possession so he could intelligently discuss this item.

Commissioner Viegbesie asked to be allowed to indulge in this item. He had a few words he said:

“Commissioners, please allow me to indulge on this item for a moment, especially after all I have personally experienced from this particular item. Ever since the very first day that the Board of County Commissioners started to discuss the issue of succession plan, the experience I have gotten on this item by telephone calls and summoned to private meetings have been amazing. I have been threatened and an attempt has been made to discontinue my existence as a County Commissioner during my reelection. In these phone calls and meetings, I have been told that if I do not do exactly what I am being asked to do, my political career will be definitely over in Gadsden County. This experience Ladies and Gentlemen, remind me of what Prophet Samuel, in his contribution to the theological history of Israelites’ wrote in 1 Samuel 17:45 how David told the Philistine, “Thou comest to me with a sword and with a spear and with a shield; but I come to thee in the name of the Lord of hosts, the God of the armies of Israel’. These interferences also remind me of what Apostle Paul, in his letter to some early Christians in Galatians wrote in Galatians 1:10 when Paul wrote, ‘Obviously, I am not trying to win the approval of people, but of God. If pleasing people were my goal, I would not a servant of Christ’. Now I would like to go on record as apologetically declaring that Apostle Paul’s statement to the Galatian is my personal testimony as a public servant, serving people not politics or pleasing man. Please remember what happened to Daniel when he was thrown in the lions’ den because he refused to (inaudible) to man. I am not sure if some of us here would get what I am saying today. I am saying this in preference of this conversation. So, please, I would like those who are members of street committees and those who are in the street listening here via this telecom, to understand, listen, I am not here to please Man, I am going to do what my God tells me to do for Gadsden County. I think I have had enough of these phone calls and threats and summoned to meetings. I thought I should read it into record and let everybody hear where my position is. I’m here to serve, not to please man and I will continue this conversation and I have a whole lot more to say when this conversation continues. Thank you Board for allowing me to indulge in this.”

Commissioner Morgan said sometimes God provides low-hanging fruit and there were some pretty easy decisions that could be made, pretty simple decisions that could be made.

Chair Taylor said based on what she was hearing from one commissioner, and has heard some comments from Commissioner Holt, are offended by phone calls and harassments and all else and one Commissioner curious as to why item even here because the Board had not directed to do so and knew Commissioner Morgan’s position. She then said as Chair she spoke to the Administrator about this item and she concurred with Commissioner Hinson as to why it was placed here at this time because the Board had not directed it to be here and he explained that some type of direction was needed to be given so he and staff would know what to do since his contract was expiring and ample notice needed to be given.

Commissioner Hinson asked how many years she had been a County Commissioner and she said since 2004. Commissioner Hinson said every four years a Commissioner has to run and if they don’t win, they knew what the options were. He said he’s tried to be as professional as he

possibly could and five years ago he was approached, if not mistaken, by Commissioner Taylor, Commissioner Lamb and Commissioner Holt and they were for bringing Mr. Presnell in and Commissioner Morgan and Commissioner Croley were against it. They gave him two years; that time ran out last year and they then gave him an additional year. He said it was not about him and they should not be discussing it; it was about the succession plan and how the process worked and even if they decided, he said he was not sure who was second in command, that was who they usually went with but BOCC made that decision, not the street committee and not staff.

Commissioner Viegbesie said he had a number of questions and asked if Mr. Presnell would allow him to get clarification from the Human Resource Officer and Mr. Presnell said she was not present and he then asked Mr. Presnell the questions.

- 1) What is the minimum education and experience qualification required for applying for the County Administrator's position as advertised using the Succession Plan and what this Board as a whole 5-0 vote during the retreat said the minimum qualifications for this position should be. Mr. Presnell said a Bachelor's degree with a Master's preferred. Commissioner Viegbesie read the minimum qualifications: Graduation from an accredited college or university with Bachelor's degree in Public Administration, Social Science or a related field and required a minimum of five years of advisory experience in Municipal or County Government; 3 years of which should be in a high level Public Administration position or a Master's degree in Public Administration or related field is preferred.
- 2) Was he restricted from applying for the position? Mr. Presnell responded he did not apply for the position because he was currently in the position. Commissioner Viegbesie asked if there was a restriction from allowing the current Administrator from applying for the position and Mr. Presnell said he was not aware of any restrictions. Commissioner Viegbesie asked if he applied for the position and Mr. Presnell said no.
- 3) In his professional opinion, BOCC established minimum qualifications required for the position, why didn't he apply? Mr. Presnell said when a person was in the position you would not apply for the same position. Commissioner Viegbesie said that was not true because he teaches Personnel and added if there were a specific restriction prohibiting the person in the position from applying for it, they could apply for that position.
- 4) Commissioner Viegbesie asked if Mr. Presnell met the minimum requirements as advertised for the position. Mr. Presnell said no. Commissioner Viegbesie said now this was a County Commissioner talking to the Administrator, not Anthony Viegbesie talking to Robert Presnell. Commissioner Viegbesie said he did not apply for the position and there were two items on the Agenda that they went through a process that made them avoid litigation-Motorola and Williams. They were rescinding an action they had already taken and now they had a position where there was still someone who had not withdrawn their application who met the qualification and what if they decided to go with the one they had. He asked what that would do to them with regards to litigation. He said the refusal to come, in the exit survey they had, one stated they did not come because if he was applying and the position was re-advertised and he read one of the person's exit experiences, he would not apply to the County because he murdered this Body and the process. He said they turned in the application; six to nine months later they had not heard anything and would not have heard anything until Mr. Brown came to do the search and was asked where they were

regarding the search and he said he had not seen any applications and then they started to rush the process. He said he had no problem with extending the contract and no problem with keeping Mr. Presnell but had a problem spending taxpayers' money to pay for litigation and that was coming from what he saw. He then asked the attorney's opinion.

Mr. Weiss said in an employment context there was no property right to have a position by default; the Board had not taken action to extend him an offer or extend the position so no property right where he could sue the County, anyone could sue the County at any time but in terms of a cause of action, he did not get the position by default because being the last man standing. He suggested if they were not going to make a selection from the candidate pool that they currently had, they should rebid to position or cancel the solicitation and not leave it sitting out there forever

COMMISSIONER VIEGBESIE MADE A MOTION TO TABLE THIS ITEM UNTIL SOME TIME IN THE FUTURE TO BE BROUGHT BACK FOR DISCUSSION AND COMMISSIONER HINSON MADE THE SECOND. COMMISSIONER MORGAN HAD QUESTIONS.

Commissioner Morgan said he would like an opportunity to have a full discussion before tabling.

CHAIR TAYLOR SAID THERE WAS A MOTION AND SECOND ON THE FLOOR AND CALLED FOR THE VOTE. THE BOARD VOTED 2-2 BY VOICE VOTE. CHAIR TAYLOR AND COMMISSIONER MORGAN OPPOSED.

Chair Taylor asked if they could let the Administrator know something and re-advertise the position and let him know he had six-eight months and get it re-advertised and get a better selection in. She said tabling this did not show government moving forward.

Commissioner Morgan said there were a couple of things to remember: the BOCC hired the Administrator and the Attorney and as a Board they needed to be proactive and effective in both the appointments and found it surprising to hear discussion why now they needed to talk about a contract that expires this in five weeks. He said his opinion was they should have already discussed this and this position that basically handled the day to day operation of the County Government and impacted all the taxpayers and their job should be to create and maintain an environment that not only effectively provide services but to also maintain the ability to attract top talent for future County Administrators and the way they were going about this process limited who they attracted to apply and was not right. He said he read all the applications and in his opinion none met the qualifications. He asked them to remember when they issued the RFP there were a limited number of responses; they had someone sitting in the County Administrator position with 33 years' experience and it was a slap in the face to not let him ride his time out. He added they needed to think through the most logical path and the most logical path was to act right now and let this man complete his drop. He further said they needed to renew his agreement for eighteen months; go through the process of hiring someone with a start date to work with the Administrator until the end of his contract. He said the logical path was to act right now because if they let him complete his DROP, he would no longer be available to be the County Administrator and would open up the opportunity for qualified applicants who were at the top of their field to apply, so they needed to do the right

thing and renew his agreement for eighteen months; re-advertise in six months and go through the process of hiring someone with a start date of January 1, 2019 to work with the existing Administrator from then until the end of his DROP period of April 30, 2019. He said it was not an easy decision but a simple decision. He further said with politics aside, do the right thing and said he could not stress how important it was for them to go ahead and make a decision and lead.

Commissioner Viegbesie said when this Agenda package was put together, knowing what they know and knowing the conversations they have had, this item would take a while because it was a very sensitive issue. He commended Commissioner Morgan for his consistency; he had not waived one time with his position on this item. He said when they had the retreat and brought in the expert, he said the same thing then he was saying today and he really admired him for the consistency. He then said they had a very dysfunctional system of hiring, they had embedded in the culture of using "friendship, kinship and bedship" that they did not want to go to using the real process.

George Hackney, 1020 Dogwood Drive, Quincy, FL-appeared before the Board to speak on behalf of extending Mr. Presnell's contract. Mr. Hackney said he was representing Trulieve, the Medical Marijuana plant and this week, they had over 120 employees in Gadsden County and 78% live in the County and the only reason the facility was in Quincy and Gadsden County was this staff. He said no-one could duplicate what this County had done and was no interest in putting it in Leon County-they would still be in the permit stage. He said they had spent a lot of money in this County; had a pretty hefty payroll; Talquin Electric loved them-if you drove by their facility at night, it was seen from a long way away; all the electricians were from Gadsden County, Jones Air Conditioning from Havana put in all the air conditioning; bought vans from Havana Ford, Barkley Security handles round the clock security; have two people on every staff 24 hours seven days a week and extra during the hurricane. He said they had a good man doing a good job and ask they extend his contract.

Bobby Jones, 450 Circle Drive, Quincy, FL-appeared before the Board and said he and Robert came to the County about same time; he started six months before Robert came in and when he started he was given a hard hat, earplugs, gloves and bush axe, and that was how they cleared the ditches and roads, then got a new tractor and they would cut trees and limbs, gave him an old van and a chipper, it was nothing like today. He said he was loyal to Mr. Presnell because he was loyal to him.

Chair Taylor said they needed to give direction on this item and was going to ask each Commissioner their thoughts.

Commissioner Viegbesie said to table the item.

Commissioner Morgan said to move forward and extend his contract for 18 months and begin the process of re-advertising for a new administrator to work with Mr. Presnell.

Commissioner Hinson asked Mr. Weiss if they had to give him 30 day notice. Mr. Weiss said no, his contract would expire on October 30, 2017. Commissioner Hinson said today was not about the County Administrator and before they made the vote he wanted to make a

statement, if not for Commissioner Holt, the Administrator would not be here. He said they were fair to Mr. Presnell and was not going to call names but someone who spoke earlier helped persuade him and he was going to wait to make his decision.

Commissioner Morgan asked if he could make a motion and Chair Taylor said she not had the chance to speak.

Chair Taylor agreed his contract should be extended but did not agree with the 18 months; she had received phone calls as well but was not threatened. Chair Taylor said she championed Robert Presnell from the beginning but could not go with extending his contract until the end of his DROP. She said she appreciated what Mr. Jones and Mr. Hackney had to say. She added she did think they needed to extend his contract; get another pool of applicants and search from within.

Commissioner Morgan asked for clarification on what Chair Taylor spoke of; he heard she wanted someone to grow the County. They heard from a man that employed 120 people because of Mr. Presnell and was confused as to why they wanted to replace someone that had done that.

COMMISSIONER MORGAN MADE A MOTION TO RENEW HIS CONTRACT FOR 18 MONTHS AND MOTION DIED FOR LACK OF SECOND.

COMMISSIONER VIEGBESIE MADE A MOTION TO TABLE THIS ITEM AND COMMISSIONER HINSON MADE THE SECOND. THE BOARD VOTED 2-2; CHAIR TAYLOR AND COMMISSIONER MORGAN OPPOSED. CHAIR TAYLOR SAID A DECISION WOULD BE MADE TONIGHT.

Chair Taylor said they were at an impasse and she could agree if they took the concept of tabling this and put a time for it to come back, it would be the same as extending his contract. She suggested tabling this matter, get through this fiscal year and then bring it back.

Mr. Weiss said he thought if the Board did not take action to extend the contract for some period of time even on a month to month basis, when the contract expires, it expires and that would happen October 30th.

Chair Taylor said they must decide if they wished to extend the contract to go month to month or if they wanted to go to a certain period of time. She then said she wanted to go along with a motion to put this to rest until a certain period of time that they could come back and address it.

Commissioner Viegbesie said either group could make a motion because no-one had losing hand and the winning hand was the one that could bring this back and make a motion.

Commissioner Morgan said for point of order, a 2-2 vote was not neutral, it failed.

Chair Taylor said for them to motion to bring this back, give the Administrator a timeline to do so and extend to him a month to month contract until a new Administrator had been identified or the Board gave him different directions.

Commissioner Hinson said Commissioner Holt was not present and felt they should have a meeting, instead of talking about this item for another hour, and felt they were playing towards the people instead of playing toward what was right or wrong. He said he felt it would be fair to wait until Commissioner Holt was present and then discuss the direction they wanted to go in.

Chair Taylor said there had been times in the past there were only four members around the dais and it didn't stop them then and all they needed to do was extend his contract or give him a month to month until they were able to come back when there was a full board to make decisions.

Commissioner Viegbesie insisted on his position. He said there were two meeting in October and the contract not up until the end of October. He pointed out it could be agendaed before the end of his contract and asked they be able to table the matter because he was not going with what was comfortable, he was going with what made sense and was not changing his position with regards to tabling this item. He said from his humble opinion, they were at an impasse and had no impasse resolution process in place for them to go beyond this point. He also pointed out they could not meet past 11:00 p.m.

Chair Taylor said they could extend the meeting with a vote and had been done in the past. She said they were a public service organization and morale was important and she wanted to bring closure but would not happen tonight. She then said to Mr. Weiss as the Parliamentarian, with them being at an impasse, they would be bringing this matter back.

8. Rescind August 1, 2017 approval to purchase equipment for a New County-Wide Communication System from Mobile Communications, Inc. and cancel any and all solicitations seeking proposals for a New County-Wife Radio Communications System

Mr. Presnell said he would defer to the attorney regarding this item.

Mr. Weiss explained this was a rescission of the Board's August 1st approval of purchase of the County-Wide communication system from Mobile Communications and would cancel any and all solicitations seeking proposals for a new County-Wide Communication system. He said staff had explored other financing options and found there were better options that would allow the County to save some money on the purchase. He said in addition there was a bid protest filed by Williams Communications and there were some issues raised in the Bid Protest related to what they alleged were a solicitation. Mr. Weiss said the County never issued a solicitation, only sought an alternative purchase option under their procurement policy. He said a letter was sent out to potential bidders and that was what Williams Communication considered that a solicitation. He said for that reason and because they felt they had found better financing options for the purchase of the equipment, whether from Motorola or Williams, they were asking the Commission to rescind that award and cancel whatever solicitation may be allegedly out there.

Commissioner Viegbesie said this reason was why he expressed concern; County staff supposedly did due diligence in vetting this process of the purchase of the system giving them information using what they had with the two firms that submitted bids for this item. Now they were going to rescind something they voted for because the one that did not get the contract was asking for public records and why they needed to be very careful on how they

handled items.

Commissioner Hinson asked if this was legal and if it could come back and bite the County for doing this.

Mr. Weiss said no action had been taken on the Board's direction after the August 1st meeting, they still had the ability to rescind that action, cancel whatever solicitation Williams Communication alleged was out there and there still was no solicitation under the County's procurement policy and this was the quickest, easiest and cheapest way to address the issues raised and come back on the next item and give staff direction.

Commissioner Hinson said he wanted to make sure they were doing the right thing and asked if they rescinded something, they had 2 companies come in, give their position and now they were rescinding that and starting all over again.

Commissioner Viegbesie stepped out at this juncture of the meeting.

Commissioner Morgan asked the attorney if a lawsuit had been filed and Mr. Weiss said not that he was aware of.

Commissioner Morgan said he did not see where the County or Staff did anything wrong, the Board made a decision to have Staff move forward on how they wanted them to proceed.

Commissioner Viegbesie returned at this juncture of the meeting.

Commissioner Morgan continued and said Staff went through the process and found a way to save County money and said by rescinding this they found a way to save additional dollars.

Mr. Weiss said valid points were made but if they did not rescind and instructed Staff to move forward with the August 1st decision.

Commissioner Morgan stepped out at this juncture of the meeting.

Commissioner Hinson asked if there were any complaints filed and Mr. Weiss said there was a bid protest filed under their Procurement Policy and said their allegation was a solicitation was issued. Mr. Weiss explained that did not happen and the County did not go through a bid process at the direction of the Board; there were questions whether they could solicit bids and the Administrator found out in order to hire a consultant to develop specifications for a bid would cost approximately \$100,000 and the County not have funds to hire a consultant for that amount and there were other options under their Procurement Policy where they did not have to go through a competitive bid process if they could make a cooperative or piggy-back purchase on another government's existing contract.

Commissioner Morgan returned at this juncture of the meeting.

Commissioner Hinson said where he was coming from, they wanted Board and Staff to give all emails, phone records, etc. to know what going on and to him was one step away from a lawsuit. He added when they contacted him, he forwarded everything to the attorney and the

County Administrator and wanted to make sure there was a smooth transition.

Chair Taylor said this was pretty simple and she was going to move the Agenda along.

Commissioner Viegbesie asked the attorney in his professional experience when any entity made a public records request, that was a preamble to possible litigation and now they were going to rescind that and the next item was a recommendation from Staff to award this to Motorola. He said to go back and vote for what they already voted on, what would prevent Williams Communication from going through with the Public Records request when they already have problems.

Mr. Weiss said the reason for rescission and cancellation is to clean up two things: 1) There was a Scriveners error in the Motion previously. The August 1st motion was to approve the purchase of the Motorola equipment from Mobile Communications, Inc. and the contract that the County was going to use for the purchase was actually with Motorola Solutions, Inc. and that was the Scriveners error pointed out in the bid protest. He agreed that was a problem that needed to be corrected. He added with respect to the cancellation of the solicitation, he did not think there was a solicitation ever issued but was another issue they were raising and felt this would clean it up so there was no question whether a solicitation was currently out there and this would put them in a position where it would take whatever arguments were being raised and would put them to bed. He said then the Board could take appropriate action with Item 9. He added that with public records requests, that happened all the time for a variety of reasons and was separate and apart and an obligation they had as a County and was not going away with whatever action was taken by the Board this evening.

COMMISSIONER MORGAN MADE A MOTION TO APPROVE OPTION 1. COMMISSIONER HINSON SAID HE WAS GOING FOR THE DIRECTION AND RECOMMENDATION OF MR. WEISS ON WHAT HE SAID WAS THE RIGHT THING TO DO AND MADE THE SECOND. CHAIR TAYLOR THEN SAID WILLIAMS COMMUNICATION WANTED TO SPEAK.

Bonnie Hirst, Williams Communication, appeared before the Board. She said Florida Statute 287, which was the Government Procurement Guide and set the laws and the rules that Government followed and local government implemented policies that stayed within the intent of the law. She said Florida law recognized that a fair and open competitive process was a basic (inaudible) for public procurement using the public's money to make a purchase. She said these laws were in place to reduce the appearance or perception of favoritism and instilled public trust in Government. She said they believed the County did elect to go with a competitive solicitation with the letter they received from the County. She said the letter laid out specific criteria that had to be met and gave a date and time certain that the proposal had to be sent to County Administrator's office. She said they responded in good faith to a solicitation from the County and offered the lowest price proposal and when the attempt to award was made in early August based on Staff recommendation to award to a vendor with the highest price proposal costing \$50,000 - \$85,000 more for essentially the same product; used an out of state contract, from Texas not Florida, they filed an objection, not a lawsuit but a formal protest. She said there was a letter from the County Administrator's office and no formal notice in writing to the public to all vendors to cancel the letter and this did not follow the normal process.

Commissioner Viegbesie stepped out at this juncture of the meeting.

Commissioner Viegbesie returned.

She said their attorney filed the bid protest separately to gather the information needed and some documents have been received. She said Williams was still their partner and neighbor and wanted to follow the County's policy and go through the process and be addressed. She said they stood ready and willing to assist the County as their only responsive bidder offering the lowest price at the lowest interest rate or encourage the County to re-issue a new solicitation and go through a fair, open, competitive process.

Commissioner Viegbesie asked Ms. Hirst about the public records request received from their Legal Department was actually a discovery process with regards what to do next and she said she was not aware what their General Counsel intended to do next.

Commissioner Hinson apologized to her and said he was listening to her but also went to Online Sunshine 2017 Florida Statutes to follow what she said. He asked if she had the letter she referenced and she did not have it with her and said it came from Staff and they should have the letter. Mr. Presnell said they were instructed to look at other alternatives but to do a bid, as had been suggested, they would have to have specifications and radio business was very technical and they had no-one on staff who could write those types of specifications and they asked around. He said they asked around and normally would hire consultant, they would spec out a system and it would be bid but the County did not have the money budgeted nor did he think was a good idea from a monetary standpoint. He said they did try to engage Williams to get a feel for what they had to offer as instructed by the Board and that was what caused this entire scenario.

Commissioner Morgan said a letter was sent from Brad Johnson, Assistant County Manager, to Williams Communication, Mr. Presnell said correct. Commissioner Morgan said in the letter there were specifics because they wanted to have information comparable to what they had already received and Mr. Presnell said correct. Commissioner Morgan said there was nothing wrong with doing that, it was not a formal bid process and Mr. Presnell said according to the Attorney they were good.

Chair Taylor said as a point of clarity, it was not board direction to seek a second solicitation that night, it was Commissioner Holt who wanted that and the two of them went back and forth with going with Motorola and leaving it alone. Chair Taylor said she won and the Administrator chose to get a second opinion as opposed to using what was in place with a sole source provider.

Commissioner Morgan said for them to remember any vendor that might not have went out on this particular opportunity they feel the same need to say they did not like this and the other most important thing to remember, the County still had antiquated communications system and this problem was not solved.

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

9. Purchase or Lease of New County-Wide Radio Communication System

Mr. Weiss said this item was related to the last item and they needed to make a decision on how they wanted to move forward since they rescinded the August 1st action and cancelled any solicitation that may or may not have been out there. Mr. Weiss said the Board needed to now make a decision and explained the different options.

COMMISSIONER MORGAN MADE A MOTION FOR APPROVAL OF OPTION 2-DIED FOR LACK OF A SECOND.

Commissioner Viegbesie said he hated to find the County in this position because renewing the communications was very important and asked which was more expensive-the life of a first responder or thousands of dollars. He added if they approved option 2 or 3 they would still be in the same predicament. He said he was leaning on option 1 to direct Staff to issue a solicitation for the hiring of a Consultant to develop specifications for a solicitation of the lease and keep praying and keep fingers crossed that the first responders do not lose their lives in attempt to save someone else's life.

COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE OPTION 1 AND COMMISSIONER HINSON MADE THE SECOND. COMMISSIONER MORGAN HAD A QUESTION.

Commissioner Morgan said this would be a process that would slow them down for well over another year, cost the County probably \$100,000 to do this and then choose a vendor. He asked the Attorney by the rescension of the previous item and with one of these 4 options moving forward, if they were putting the County in a legal quagmire. Mr. Weiss said he did not and the County had a good bit of discretion in terms of purchasing options and Commissioner Morgan said they did nothing wrong to get a good solution for the Volunteer Fire Departments and Law Enforcement, one of which was completely and fully endorsed by the Sheriff's Office.

Chair Taylor asked if there was any way the two companies could work together and they said no.

CHAIR TAYLOR CALLED FOR THE VOTE. THE BOARD VOTED 3-1 BY VOICE VOTE TO APPROVE THIS ITEM. COMMISSIONER MORGAN OPPOSED.

10. Extension of 2017 Tax Roll Pursuant to Sections 197.323 and 193.122 F.S.

Dale Summerford, Tax Collector, appeared before the Board to ask them to approve the extension of the 2017 tax roll prior to the completion of the VAB proceedings and added that many Counties take advantage of this process.

UPON MOTION MY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE OPTION 1.

11. Approval of the Extension Service Contract with Dear Oaks EAP, LLC to Provide Employee Assistance Program Services

Mr. Presnell introduced the above item and said it was for approval to execute the extension

services contract with Deer Oaks EAP to provide employees assistance program services for the period of October 1, 2017 through September 30, 2018 and for approval for the Chair to execute the contract.

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

12. Approval of the Fall 2017 E911 Rural County Grant Application for the E911 System and MapSAG Annual Support and Maintenance

Mr. Presnell introduced the above item and said it was for approval and signature of the Fall 2017 E911 Rural County Grant Application for the E911 System and MapSAG Annual Support and Maintenance.

UPON MOTION BY COMMISSIONER VIEGBESIE FOR OPTION 1 AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THIS ITEM.

12a. Emergency Management Response to Hurricane Irma

Mr. Presnell said this item was added for discussion.

CHAIR TAYLOR MADE A MOTION TO TABLE UNTIL THE NEXT MEETING AND COMMISSIONER HINSON MADE THE SECOND. THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THIS ITEM.

13. Approval of the Annual Contract between the Gadsden County BOCC and the Florida Department of Health for the Operations of the Gadsden County Health Department

Mr. Presnell introduced the above item and said it was the annual contract between Gadsden County BOCC and the Florida Department of Health for the operation of the Gadsden County Health Department for the Contract Year 2017-2018.

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

14. Approval of the Interlocal Agreements with the Local Municipalities and the Gadsden County School Board for Road Maintenance and Special Projects

Mr. Presnell introduced the above item and said it was for approval of Interlocal Agreements with the six municipalities and the Gadsden County School Board for road maintenance and special project activities.

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

Commissioner Hinson asked if they were working close with Midway and Mr. Presnell said they had not requested any work.

Commissioner Morgan asked if all the municipalities were currently enrolled and Mr. Presnell said he would refer to the Public Works Director.

Curtis Young, Public Works Director, appeared before the Board and said they were not

currently under contract with Midway; they were sent a contract last year and never responded.

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

15. Approval of the Annual Certified Budget with Department of Agriculture and Consumer Services (DACS) for Mosquito Control

Mr. Presnell introduced the above item and said the Public Works Department must apply to the Department of Agriculture and Consumer Services for matching funds for Mosquito Control and the Annual Certified Budget was attached.

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

16. Agreement between the Gadsden County BOCC and Big Bend Transit, Inc. to Provide the Quincy Shuttle Bus Service

Mr. Presnell introduced the above item and said it was for approval between the Board and Bid Bend Transit, Inc. to provide Quincy Shuttle service in and around the City of Quincy. He said he was directed to get with the City of Quincy and they have included \$18,500 in their current budget.

COMMISSIONER HINSON MADE A MOTION TO APPROVE AND COMMISSIONER VIEGBESIE MADE THE SECOND. COMMISSIONER MORGAN HAD QUESTIONS.

Commissioner Morgan said the fact that they asked, they received half the costs. He asked that they approve and stipulate in Option 1 that their payment was made upon receipt from the payment of the City of Quincy.

Chair Taylor asked that whoever made the motion if they would amend it and Commissioner Hinson said he would.

Mr. Weiss suggested a motion to approve Option 1 with a revision to the Contract where paragraph 5 stated at the end "and receipt of reimbursement payment from the City of Quincy".

COMMISSIONER HINSON AMENDED HIS MOTION TO INCLUDE THE REIMBURSEMENT BY THE CITY OF QUINCY AND COMMISSIONER VIEGBESIE AMENDED HIS SECOND. THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THIS ITEM.

17. Agreement between Gadsden County BOCC and Big Bend Transit, Inc. to Provide for the Continuation of Gadsden Express Services

Mr. Presnell introduced the above item and stated it was for approval between the BOCC and Big Bend Transit to provide Gadsden Express Service in and around the County.

COMMISSIONER HINSON MADE A MOTION TO APPROVE AND SECOND MADE BY COMMISSIONER VIEGBESIE. COMMISSIONER MORGAN HAD COMMENTS.

Commissioner Morgan asked that Mr. Presnell explain costs of the contract. Mr. Presnell said the contract was for \$7,740 per month and came to \$92,880 per year and said that the City of Tallahassee was paying half the costs making it \$46,440.

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

18. Agreement between the Gadsden County BOCC and Big Bend Transit, Inc. to Provide the Gadsden County Connector Bud Service

Mr. Presnell introduced the above item and said it was for approval between the BOCC and the Gadsden Connector for service in and around the County.

COMMISSIONER HINSON MADE A MOTION TO APPROVE AND SECOND MADE BY COMMISSIONER VIEGBESIE. COMMISSIONER MORGAN HAD QUESTIONS.

Commissioner Morgan said he had some heartache with this one because they had to understand that the grant dollars were gone and this was now coming out of the County taxpayers' pocket. He said they were stopping in every single municipality to provide a service to their citizens and asked how much money was the municipalities participating in the programs and Mr. Presnell said none. Commissioner Morgan encouraged them to approach the municipalities to ask for support.

Commissioner Hinson said personally this was near and dear to his heart.

CHAIR TAYLOR CALLED FOR THE VOTE. THE BOARD VOTED 3-1 TO APPROVE THIS ITEM. COMMISSIONER MORGAN OPPOSED.

19. Approval to Renew the Lease Agreement with Neighborhood Medical Center to Lease the Havana Health Department

Mr. Presnell introduced the above item and said it was to renew the lease Agreement with Neighborhood Medical Center to lease the Havana Clinic located at 604 East 5th Avenue.

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

20. Discussion of the Sublease with the Quincy Police Department for Space at the W.A. Woodham Justice Center

Mr. Presnell introduced the above item and said it was to discuss the sublease with the Quincy Police Department for space at the W. A. Woodham Justice Center.

Commissioner Morgan said he wanted to make this a fair and equitable agreement for the taxpayers and asked Mr. Presnell to bread down the original intent of the Agreement. Mr. Presnell said there was a need for the City to vacate their original space due to some mold issues and on July 2011, the County executed an Agreement with the City for them to relocate at the Woodham Justice Center and were required to pay 25% of the utility bill, they utilize approximately 25% of the square footage in the building; they were required to do some maintenance like mowing the grass and cleaning of the first floor where they were located. He

added instead of them paying the utility bill, they credit the County 25% off of the monthly bill received from the City.

Commissioner Morgan said there were a couple of things to consider: 1) They initially moved in in 2011 and was supposed to be temporary. Commissioner Morgan said in the last 6 years there had been several maintenance issues. He reminded the Board they had approved to put new door locks on and the total amount was over \$7000. Commissioner Morgan said the County had maintained the building and the City had not participated in any of the costs. Commissioner Morgan said this was another example of how they needed to put together a better deal for the taxpayers.

Chair Taylor asked if he thought the contract should be renegotiated and Commissioner - Morgan said if the majority of the Board felt it was the thing to do.

Commissioner Viegbesie said to bring this contract back for further discussion.

21. Approval and Execution of the State Aid Grant Agreement

Mr. Presnell introduced the above item and said it was for approval and execution of the State Aid Grant Agreement for the Library.

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

22. 2017-2018 EMS County Award of Grant Funds

Mr. Presnell introduced the above item and said it was for approval to apply for the 2017-2018 EMS County Award of Grant Funds from the Florida Department of Health and for approval for the Chair to execute all documents.

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

23. Commission Appointment/Reappointment to the Inmate Commissary and Welfare Funds Committee

Mr. Presnell said this was for Board approval to appoint or reappoint one Commissioner to serve on the Committee to oversee the Inmate Commissary and Welfare Fund for the Gadsden County Jail.

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

COUNTY ADMINISTRATOR

24. Update on Various Board Requests

Mr. Presnell said there was nothing in writing, but there was an indication that the Local Legislative Delegation wanted to be here on October 9th and when they received something formal, it would be sent out.

Commissioner Morgan stepped out at this juncture of the meeting.

COUNTY ATTORNEY

25. Update on Various Legal Issues

DISCUSSION ITEMS BY COMMISSIONERS

26. Report and Discussion of Public Issues

Commissioner Brenda A. Holt, District 4

Commissioner Anthony “Dr. V” Viegbesie, District 2

Commissioner Viegbesie said there was going to be a public hearing for the Quincy Loop North Design.

Commissioner Morgan returned.

He said this would be held at the Florida National Armory on Thursday, October 12th from 5:30-6:30.

He said there would also to be a retreat, the CRTPA Annual Retreat on October 17th from 9:00 a.m. -1:00 p.m. and they did need a Gadsden County representative as he would not be able to attend because he would be in class. He asked for a replacement representative.

He then requested that the BOCC look seriously into a retreat to discuss the comprehensive and land use plan as well as a road construction and economic development plan.

Chair Taylor asked if Mr. Presnell could attend the CRTPA retreat in Commissioner Viegbesie’s place and Commissioner Viegbesie stated they needed a delegate there, he would not be able to conduct business and he agreed.

Commissioner Eric Hinson, Vice Chair, District 1

Commissioner Hinson said Commissioner Holt was not present at this meeting because she was in the hospital and she also said she had told Staff.

He thanked the Board for securing funding for 125 jobs for the summer youth employment and thanked for paving Brickyard Road in Midway.

He said they needed to be more proactive with Emergency Management and could not play politics with this. He said they needed someone quarterly to make sure the roads and ditches were cleaned and clear and the right-of-ways were cleared so the water could run through along with the culverts being pulled.

He said in the Gibson community there were no lights on the side of the road and they need to make sure set money aside for lights for that community.

He also said Glade Road hadn’t been pulled in forever and the road was in terrible shape.

Commissioner Gene Morgan, District 3

Commissioner Morgan had questions and comments for the attorney about public information requests and said he would save that until next week.

Commissioner Sherrie D. Taylor, Chair, District 5

Chair Taylor asked the Administrator about campsites and asked if there were people there affected by the storm and had to stay there because there was nowhere else for them to go, asked that they use discretion and waive fees if displaced by Irma.

Receipt and File

27. Letter from the Division of Emergency Management
Letter from M & J Construction Company
Letter from FDOT
Letter from Governor Rick Scott

UPCOMING MEETINGS

28. October 3, 2017-Regular Meeting – 6:00 p.m.
October 17, 2017-Regular Meeting-6:00 p.m.

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR TAYLOR DECLARED THE MEETING ADJOURNED AT 9:37 P.M.

GADSDEN COUNTY, FLORIDA




BRENDA HOLT, Chair
Board of County Commissioners

ATTEST:


NICHOLAS THOMAS, Clerk