

**AT A REGULAR MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON FEBRUARY 1, 2022 AT 6:00 P.M.,  
THE FOLLOWING PROCEEDING WAS HAD, VIZ:**

**Present:**       **Dr. Anthony “Dr. V” Viegbesie, Chair, District 2**  
                  **Ronterious “Ron” Green, Vice Chair, District 5**  
                  **Eric Hinson, District 1**  
                  **Kimblin NeSmith, District 3**  
                  **Brenda Holt, District 4**  
                  **Edward J. Dixon, County Administrator**  
                  **Clayton Knowles, County Attorney**  
                  **Nicholas Thomas, Clerk of Court**  
                  **Marcella Blocker, Deputy Clerk**  
                  **Sara Green, Deputy Clerk**

**CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE**

Chair Viegbesie welcomed everyone to the meeting and called it to order at 6:04 p.m. Invocation was given by Ronald McCloud and then the Chair led in the Pledge of Allegiance to the U. S. Flag.

**AMENDMENTS AND APPROVAL OF AGENDA**

Mr. Dixon stated he would like to add item 8a in reference to the Shade Meeting that was held earlier.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY CHAIR VIEGBESIE, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED.**

**AWARDS, PRESENTATIONS AND APPEARANCES**

**CONSENT**

**COMMISSIONER HOLT MADE A MOTION TO APPROVE THE CONSENT AGENDA AND COMMISSIONER GREEN MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.**

- 1. Ratification Memo**
- 2. Approval of Minutes**
  - December 7, 2021 Regular Meeting**
  - December 21, 2021 Regular Meeting**
- 3. Training for Gadsden County Sheriff’s Office Employees**
- 4. Breath Test Operator Renewal Course CJSTC #951**
- 5. Commanders Academy – Class 10**
- 6. Approval of Satisfaction of Special Assessment Lien Dated February 3, 2014**

7. **Approval of a Joint Resolution with the Board of County Commissioners of Jackson County to the US Corps of Engineers**

#### **ITEMS PULLED FOR DISCUSSION**

#### **CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS**

*Anyone wishing to speak on agenda items or non-agenda items should schedule or notify the County Administrator's Office before attending the meeting and will be asked to follow the Gadsden County Public Meetings Citizens Access Guidelines. Also, public comment for Commission meetings can be submitted via email to [CitizensToBeHeard@gadsdencountyfl.gov](mailto:CitizensToBeHeard@gadsdencountyfl.gov) until noon on February 1, 2022. Comments submitted after the deadline but prior to the meeting will be added to the official record, but the County cannot guarantee that Commissioners and staff will have adequate time to review comments prior to the meeting.*

Commissioner Green read aloud the above statement.

#### **PUBLIC HEARINGS**

#### **GENERAL BUSINESS**

8. **Approval of the Modification #1 to the State-Funded Small County Emergency Operations Center Design Initiative Grant F0073, Approval of the Joel Sampson Architect, Inc.**

Mr. Dixon introduced the above item and stated it was for approval of the Modification to the State-Funded Small County Emergency Operations Center Design Initiative Grant, approval of the Joel Sampson Architect, Inc. task order for professional architectural services and approval of The Integrity Group work authorization for Professional Grant Management services.

**COMMISSIONER HINSON MADE A MOTION TO APPROVE AND CHAIR VIEGBESIE MADE THE SECOND. COMMISSIONER HOLT HAD A QUESTION.**

Commissioner Holt asked if this was a reimbursement grant and Mr. Dixon stated yes.

Commissioner Green asked if there was an estimate of allowable costs. Mr. Dixon explained if they did something outside of the grant it would be on the county.

**CHAIR VIEGBESIE CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.**

- 8a. **Shade Meeting**

Mr. Dixon introduced the above item.

**COMMISSIONER NESMITH MADE A MOTION TO PERMIT THE WARNER LAW FIRM, ON BEHALF OF THE COUNTY, TO NEGOTIATE A SETTLEMENT WITH PLAINTIFF'S ATTORNEY IN CASE NUMBER 2020 CA 236 IN THE CIRCUIT COURT FOR GADSDEN COUNTY FOR AN AMOUNT UP TO BUT NO MORE THAN SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) CONTINGENT ON APPROVAL OF PAYMENT BY THE COUNTY'S INSURER WITH THE UNDERSTANDING THAT THE COUNTY WILL BE RESPONSIBLE FOR A DEDUCTIBLE PAID TO THE COUNTY'S INSURER IN THE AMOUNT OF \$10,000.00 AND COMMISSIONER HOLT MADE THE SECOND.**

Commissioner Green stated he would have to refrain from voting due to a conflict.

**CHAIR VIEGBESIE CALLED FOR THE VOTE. THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE.**

**9. Motorola Grant Applications**

Mr. Dixon introduced the above item and said it was for approval of the Motorola Maintenance and Support Agreement in support of the Motorola CapMax radio system which supports Law Enforcement and Emergency Services in Gadsden County.

**COMMISSIONER HINSON MADE A MOTION TO APPROVE AND COMMISSIONER GREEN MADE THE SECOND. COMMISSIONER HOLT HAD A QUESTION.**

Ms. Daniels said the funds were coming from the Radio Tower Budget and then will have to be budgeted each fiscal year to accommodate the maintenance agreement.

Commissioner Green said it stated due to the age of the equipment, did we know the age of the equipment and the longevity of same.

Mr. Dixon said this was equipment purchased 3-4 years ago and has set in a warehouse and has been aging and that was the reason for bringing the contract as warranties were going out on the equipment.

Commissioner NeSmith thanked the Administrator for meeting with him yesterday and asked during the several years the equipment was dormant, did we have a service agreement? Mr. Dixon stated no.

**Debbie Giles, Motorola Solutions**, appeared before the Board with James Parker. She said they went from three tower sites to five tower sites to give additional coverage. Any issues when the equipment went into the field, they took care of and now this is to maintain the equipment.

Commissioner Hinson said he supports this and was why he made a motion to approve.

**CHAIR VIEGBESIE CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.**

**10. FDOT Grant Applications**

Mr. Dixon introduced the above item and said was for FDOT'S SCRAP, SCOP, CIGP programs. He said the county must select four roads and two bridges to apply for.

Five roads and two bridges were recommended and they must choose from the selection.

**COMMISSIONER HINSON MADE A MOTION TO APPROVE PROVIDENCE ROAD IN DISTRICT THREE, MT. PLEASANT ROAD IN DISTRICT FOUR, DOGTOWN ROAD IN DISTRICT TWO, AND RICHLANDER CREEK IN DISTRICT FIVE AND COMMISSIONER HOLT MADE THE SECOND.**

Commissioner NeSmith said it was his understanding in District 5, that is a bridge.

**Justin Ford, Dewberry**, appeared before the Board and stated that was correct and the last two selections on the list were bridges and they could apply for two bridges. He said of the five roads listed, they need to choose four.

Commissioner Hinson asked about Iron Bridge Road, it has a lot of traffic and was anything in place for that bridge?

Mr. Ford said some improvements were coming to the road, have had designs for a year and bids would be coming in a few weeks.

Commissioner NeSmith asked Mr. Ford if the roads were in a certain order and he said no. He said part of Old Federal Road was in District 3. Mr. Ford explained Old Federal Rd they were now doing was the western part.

Mr. Dixon said the real choice is Aspalaga Road and the second part of Old Federal Road.

Commissioner Holt asked if they could stay on these and get them taken care of. She asked about Old Federal and Mr. Ford said the eastern half was done. She asked which was the worst road and was told Aspalaga is. Old Federal Rd has more traffic.

Commissioner NeSmith said he has received complaints about Aspalaga and Providence but has received none on Old Federal Rd. He said if he had to remove one, he would take off Old Federal.

**CHAIR VIEGBESIE CLARIFIED COMMISSIONER HINSON'S VOTE TO SAY THE ROADS WOULD BE ASPALAGA ROAD, PROVIDENCE ROAD, MT. PLEASANT ROAD, DOGTOWN ROAD AND THE BRIDGES AND COMMISSIONER GREEN MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.**

**11. Gadsden County Mobile Health Unit**

Mr. Dixon introduced the above item and pointed out a typo, the date in the background should be August 17. He said it was also requested that the Board store and maintain the mobile health unit.

Commissioner Green asked with the money coming, would that suffice the upkeep. Mr. Dixon explained it would be \$10,000 for the first year.

Commissioner Holt said she spoke with the Administrator and the contract needs to be between the organization and County as all purchases has to go to the County.

Chair Viegbesie said upon hearing the statement from Commissioner Holt, who would be storing and maintaining the unit and Mr. Dixon said the County. Mr. Dixon said the grant is to the Health Council.

Commissioner Holt said if you have property, it has to be the County's property. They were the ones that set up the Health Council.

Commissioner Hinson said he was going to approve but was thrown off with the County having to provide maintenance. Would they be reimbursed and Mr. Dixon said yes.

Commissioner Hinson made a motion to approve and Chair Viegbesie said he had three hands up and asked him to wait.

Commissioner NeSmith asked if the unit was being purchased by the Health Council and Mr. Dixon said the funding was coming from the State, the Council asked the County to make the purchase and the County will be reimbursed. Commissioner NeSmith asked if the County would own unit and Mr. Dixon said no, the health council will own and will operate it. Commissioner NeSmith said liability comes with the unit.

Commissioner Green said the concern is who would insure the vehicle. Mr. Dixon said it would be under the Health Council.

Commissioner Holt said the language on the contract said Gadsden Community Health Council, on behalf of Gadsden County Health Council and thought would be Gadsden Community Health Council and Gadsden County Commission.

Mr. Thomas wanted to add to what Commissioner Holt said, generally when legislature deals with a local group, they like to go through the unit of local government and want them to have ownership to make sure it was kept up and maintained.

Chair Viegbesie said in hearing what he heard, was there any urgency to approve right now? Mr. Dixon said yes.

Commissioner Holt said if any changes were made it would be between the Health Council and the County, but this has to be approved tonight.

Commissioner Hinson said he heard a lot of things, noticed they put \$250,000 into it to get the matching grant. He asked if the County would be reimbursed \$400,000 and was told no, it would be \$250,000.

Mr. Dixon said this was an ongoing grant and was time sensitive. He said he would suspect the Health Council would not want to own the unit.

**COMMISSIONER HINSON MADE A MOTION TO APPROVE AND COMMISSIONER HOLT MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.**

**12. Proposed Broadband Services Agreement Extension**

Mr. Dixon said they received documents earlier.

Mr. Knowles said as they all were aware, the contract expired today. He said he and the Administrator had a discussion with FCI yesterday. FCI is requesting an additional 6 months to distribute units with a potential board discretion for an additional 6-month beyond the six months so if they agree to that today, the first six months extension would go into August, then a subsequent six-month extension would run into February of next year. He said the Administrator has spoken with the Superintendent, the County will initially purchase 6 to 8000

devices and donate them to the School Board for their distribution to faculty, staff and students. FCI is also proposing an additional amount for a total of 12,500 devices. He said this would be half of the original contract.

Commissioner Hinson said if they were going to extend, they should stick with the original contract so citizens could have access.

Commissioner Green asked what was the energy of the School Board to taking on donated devices.

Mr. Dixon said the superintendent was hopeful. This was an opportunity to get hotspots to the students.

Commissioner Green asked in the timeframe that has been given, people that needed hotspots, why haven't they made an attempt to get devices if there was a need.

Commissioner Hinson said he knew someone that lived almost to the Georgia line and they received one but the County put a cease and desist order in place. Even so, FCI continued service to those people.

Commissioner Green said in hearing that, if the County caused conflict, they owed the extension.

Mr. Dixon said for point of clarity, while the cease and desist was put in place, it was also lifted by the Board.

The Clerk said he had not had the chance to review and it still seemed to be a request for advance payment and that was problematic. He cannot pay for devices up front and for services not being used. Second, the Finance Director has made several requests for a W-9 from FCI and still has not received same. They need to have that. Third, this has been going on since 2020, and from the Clerk's perspective, this deal was designed for one company and feel there should be disclosure here; the Commissioners ought to think about that. If you received multiple contributions from multiple companies associated with this person, there t should be disclosure made in front of this Board. He felt there was a moral, ethical and may be illegal requirement that they do that.

Commissioner NeSmith said he had a number of questions. He said he received multiple campaign contributions from FCI, his company and persons related to his company towards his campaign and was public record. He said if he needed to disclose any additional information, he would be more than happy to do so. He wanted to make sure it was on the record. He said there were multiple concerns, could the County purchase and donate the items to the School Board. Was the County being asked to amend the original contract or extend it.

Mr. Dixon said they could do nothing; they could amend the contract to some form of degree to extend it, and according to what they requested, to give a six-month option totaling one year to move some hotspots, a total of 12,500. Mr. Dixon said the Clerk referred to advanced payments, was that something new as he had not seen it.

The Clerk clarified it was in a memo he sent out a year ago and felt it was still relevant.

Commissioner NeSmith asked to refrain from voting. Mr. Dixon said he could not abstain.

Mr. Knowles said if he had a conflict of interest, it must be disclosed on a certain date and (reading from the Disclosure Form):

(a) a measure came up or will come up before my agency which (check one or more)

- 1) If you received a special private gain or loss;
- 2) Have a special gain or loss of a business associate;
- 3) Received a special gain or loss of a relative;
- 4) would receive a special gain or loss by someone by whom he was retained; or
- 5) could abstain if a special gain or loss, which is the parent subsidiary, or sibling organization or subsidiary of a principle which has retained him.

Or, if he just felt uncomfortable, if he felt there was a conflict he may have, if he had discussions with the bidder outside of the Board, he would need to fill out the form, announce it on record, explain why he believed he needed to abstain and submit the form to the Clerk within 30 days of the date of the meeting. He said he could abstain but if he chose to do so, he could not continue in conversations regarding the item.

Commissioner NeSmith asked the direction the attorney was giving him and Mr. Knowles said he did not know the nature of the conflict.

Commissioner NeSmith said there were contributions made during his campaign.

Mr. Knowles stated he was sure there were contributions made by a lot of vendors. He added he did not think a donation to his campaign would create the conflict.

Commissioner Holt asked if they were going to hear from the company and after, she may have more questions.

Chair Viegbesie asked to hear from the representative of the company.

Rose Garrison, Esquire, spoke but said she was not appearing as an attorney. (She was calling on a different matter and was asked to wait until they were done with this item.)

**Jerry Moskowitz, consultant for FCI**, appeared via Zoom. He humbly asked for the Board to approve to give them an opportunity to perform and hand out the remaining units. He also asked for favorable support.

Chair Viegbesie said as the Clerk said, he just received the item as well. He said to the Administrator, the Gadsden County School district has approximately 4,576 students enrolled and even if they go that route and add staff he did not think it would be close to 6,000 and they were talking about 6000 to 8000 going to the Gadsden County school district. He said that was already over and above the amount. He asked if an assessment had been done to see how many devices were needed? It would not be a hotspot going to each student, but to each household. This issue been around almost 3 years. The sense of urgency was not as much as three years ago. He asked if he could tell how many cell towers been installed since 2020, he knew they have installed at least 2-3. The need is not as urgent as it was in 2020. Since then,

many households have better, greater and faster internet service. Even if they are given the hotspots and the County pays for the first 3 months, who would pay after that? They will have dead hotspots after that time and will still have the same problem with no service because the citizens will not be able to afford the subscription to get the connectivity with the units. He then asked about the attestation and how they could make sure that those items were actually given to the citizens and there is in attestation showing that the citizen actually received the units. He added they have been talking about roads that need to be paved, have a hospital that has so much square footage that is dilapidated and health specialists that would like to come to Gadsden County but there is no room for them. He said they needed monies to be used to improve services that would bring those health specialists to the building. He stated this was an albatross that he wanted over with but not with wasting what little money they have.

Commissioner Hinson said they had a workshop last year and 4-5 years ago. He asked the Board to strengthen the broadband infrastructure. He said that was why he made the motion to approve Motorola.

Commissioner Hinson made a motion to approve 12,500 devices, extend the contract 6-months or a year.

Commissioner Holt said she did not have a chance to finish her question on the conversation with the superintendent. Was there any documentation on what his procedure would be and will it have to go before School Board? Mr. Dixon said no, he has not told them what his procedures would be. Commissioner Holt said it would be helpful to have that and her concern was she did not want to get the School Board involved and they could not settle it. If there are any problems, who would it fall back on? Mr. Dixon said he was sure the Superintendent would have it come back to the County. Mr. Dixon said they never had the chance to get that in depth with it because they never knew if FCI was interested. The issue was not with the items themselves, it was more of with the operation of the item. They never had the opportunity to explore it all the way through because they were never delivered. If they make an agreement or extension, they need to have something from the Superintendent. If they have that, it would be a no-brainer. She asked how do they settle this right now? She would like to hear from the company about her concerns.

Chair Viegbesie asked if Mr. Moskowitz had any comments. One concern as far as working with the School Board, this was an idea from the Administrator and they appreciate him identifying where they think there is a need. They do think there is still a need and was why they asked for the ability to hand out additional devices. They also agree that some needs that were there initially no longer exist. He thought they could perform fairly quickly on how the units would be handed out with the accountability that was necessary so they could make sure the cares act and the Federal grant program was adhered to.

Commissioner Holt said there was a request for a W-9 and they need to receive that and there was a request for payment. She asked if they were going from this date forward, excusing the invoice that was already submitted and they will get the County a W-9.

The Clerk said Finance booked the \$1765.20 and can still make payment. He said Mr. Dixon and staff went through all the documentation submitted and determined they were owed \$1765.20 and his staff went through the paperwork and confirmed what was concluded. They booked the



money because they did not have a W-9 to make payment. There were several attempts made to get that through the Administrator from the Finance Director. They did approve the bill for \$40,000 and Mr. Thomas sent an email that said they determined it was inappropriate approval of expenditures because it was already concluded they were awarded \$1765.20 and there was nothing to back up the \$40,000. He said they need a W-9 and can make the payment of \$1,765.20. Commissioner Holt said with the W-9, they can pay the \$1765.20 and the \$40,000 will be null and void. Mr. Thomas said it was the Clerk's position it was an improper expenditure of payment.

Chair Viegbesie asked if there was a spokesperson for FCI.

Mr. Markowitz said it was hard to hear and what he heard was about the money that was owed to FCI for their previous performance. He said that was a separate issue from this and they will work with the County and the Clerk's office on that.

Commissioner Holt said with this proposed renewal, hotspots will be delivered to the school and is FCI expecting payment at that time. Mr. Markowitz said he was having a hard time hearing her comment. Commissioner Holt said if FCI delivers the hotspots they want to be paid, then there is a connection issue. If you receive the product, you get paid and they are not connected up, then the product is no good.

Mr. Markowitz said he would like to sit with the Clerk, at his convenience, to make sure they were adding the correct accountability in place. He said there was already a lot in the contract and will not have to redo; they will assess the amendment.

Commissioner Holt said they had hiccups before and never worked.

Mr. Markowitz said they have a current viable contract with a dispute that was ongoing and he did not want to get into their position about the dispute. He said they will deliver the units if the amendment is approved; they will come with three months service.

Commissioner Holt said on the original contract, it was for delivery, will receive a certain amount of money and they would pay for the service in two different payments. If they extend the contract, were they saying the same terms apply? Mr. Knowles said no, because they were effectively changing the distribution. Mr. Knowles said service unused, the County would be reimbursed for.

Commissioner Holt said the County would receive the product and pay them for the product; then they would be paid for the three months connectivity service. That would be two different parts of the contract and to different payments. She said the units would be delivered to the School Board and that would have to be verified also.

Mr. Knowles stated in the document, Section 5.3 defined the payment terms and said the County shall be obligated to remit for payment to the Clerk of the Circuit Court the itemized invoice within 30 days of receipt of the itemized invoice. Pursuant to section 5.2, the County shall pay FCI the \$38.60 device the and \$32.00 service fee per device. He said pursuant to the particular clause, it would be one invoice.

Mr. Thomas said he was saying to the Board that he had a problem with that clause and that was reflected in a memo he sent to them in January last year. That is still an advanced payment problem. They are still trying to get money up front and then they can run and the devices would not be distributed and service not had and that was a problem.

Commissioner Holt said the reason she said with the way it was laid out, when do they pay and what do they do. The Clerk is letting them know there is a problem and he's going to stop it. She said if they were going to do this or not, either way was fine, it needed to be laid out so they do not run into problems again.

Mr. Knowles said it sounded like the best way, when the devices are distributed and activated, they will be paid for.

Commissioner Holt said if they were going to extend the contract, it has to be in there. Mr. Knowles said he thought they needed a new document. Commissioner Holt said if they approve this, that clause needs to be there that says delivery, connection, service. She said how they want to amend the contract needs to be in the motion.

Chair Viegbesie said they were about to vote on something that involved another entity with the School Board. The Administrator has not had a conversation with the Superintendent. Now they were about to include a whole other government and they have not been consulted.

Chair Viegbesie said the School Board has through the CARES Act, more money for broadband than the County. He said the they were about to spend their money when law enforcement and public safety is in jeopardy. He said killings were going on and they have this money to save the lives of citizens. He asked they not be narrow minded because of one service; for them to look at the County as a whole.

Commissioner Holt said what they need money for was what he just said. The kicker is they need something from the other organization, have to have an amendment, and get all this straightened out tonight. She said to Commissioner Hinson the agreement they were looking at has to include those things. She also thought there needed to be an addendum to state that the School Board agreed to take delivery.

Commissioner Hinson said he thought they were getting stuck with the School Board. They have other options, there was the Florida State Hospital, Trulieve, Walmart, etc. He said not only the School Board, he said they put everything out there and what the County/FCI need to work from that point. He did not think they should narrow it down to just the School Board.

Commissioner Holt said without those items in there, why not extend the contract 30 days and these terms get put in or they don't. She added either that or it would not fly.

Commissioner Hinson said he was saying to extend the contract until they got the language right.

Commissioner Holt said her suggestion is have 30 days to get the language together. She asked the Administrator what he felt about the situation.

Mr. Dixon said it has been the Board's wish to work to make this thing happen. If they had reported three weeks ago, they thought they had a good idea; talked to FCI and it is FCI who waited three weeks. If they are going to wait three weeks to do something again, the County is here and has always been here. He said they could not talk to the School Board because they couldn't say what FCI would be able to do. If he has a concern, it is a concern that has always been there.

Commissioner Green said he thought the collaboration opportunities would be great, however he felt they were beating a dead horse even considering talking to the School Board and haven't had that meeting with them to collaborate.

*Commissioner Holt stepped out at 8:09 p.m.*

He felt FCI should consider having a contract with the School Board themselves in order to get rid of the devices as opposed to the County taking the responsibility of making that happen between the School Board and the County. He said they were just receiving the document and agree to a 30-day extension so they could possibly come back to the table and there might be a different contract. But as it relates to the school board he thought they should allow all them to build a relationship with the Superintendent and the School Board members.

Commissioner Hinson said that made sense. Then a check could be written directly to the School Board.

**COMMISSIONER HINSON WITHDREW HIS PREVIOUS MOTION; MADE A MOTION TO EXTEND UNTIL THE FIRST MEETING IN MARCH AS PRESENTED BY COMMISSIONER HOLT AND COMMISSIONER GREEN AND COMEBACK BY THE NEXT BOARD MEETING.**

*Commissioner Holt returned at 8:13 p.m.*

Chair Viegbesie asked if they were extending the original contract or which were they extending.

Commissioner Hinson said if there was heartburn or challenges, they may have to have another meeting so they could talk before the last day.

*Commissioner Green stepped out at 8:15 p.m.*

Commissioner Holt said the School Board has not told them anything and she wants things in writing. She said (terms) give 30 days to first meeting in March, receive the W-9, deliverables and how they will be delivered, the School Board has to agree to accept it and that was with the connectivity and service.

Mr. Knowles asked if they were bringing back on March 1<sup>st</sup> a new contract to the Board?

Commissioner Holt said that did not faze her one bit because they could not do what they were doing before because they were delivering to the County.

*Commissioner Green returned at 8:17 p.m.*

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Mr. Knowles said what if the School Board said they did not need any hotspots. Commissioner Holt said if the School Board said no, it would not work anyway.

Commissioner Hinson asked about other places and Commissioner Holt said they were talking about one place.

Mr. Knowles asked for clarity and said FCI was requesting that the school board did not accept delivery of the devices for whatever reason or a certain number of devices, FCI is still asking to be able effectuate distribution as they would under the current contract.

Mr. Markowitz had questions also. He said the motion is for FCI and the County do have 30 days to hammer out the terms of an extension and amendment. They were getting 30 days of an extension to bring forward an amendment and the amendment will contemplate the beginning to (inaudible). If for some reason the School Board is not interested in the units, FCI was asking for a chance to hand out 12,500 units to other places and they will have a period of performance in the amendment as it comes back to them in the first meeting of March.

Commissioner Green said that brought a little clarity to him. The extension is for a better plan. If the School Board says no, he did not want the County to take responsibility to take delivery and how the devices would be distributed. He was asking for an extension because after today, there was no longer a reason to have the discussion. He wanted to clarify his reason.

Chair Viegbesie asked how they would attest as to who received the devices or would it be as it was before.

Commissioner Hinson said during the summer they had food cards and was the same thing. The Board has the capability to do that.

Commissioner Green said the card program was different.

Commissioner Hinson said the County's heartburn was delivery.

Chair Viegbesie said this Board, as Commissioners, makes policies. The execution rests on the shoulder of the County Administrator. The Administrator and staff will be looking at how this could be effectively distributed and accounted for, not the Board.

Commissioner Holt said if Commissioner Hinson would say School Board, she would second, but to nothing else.

Commissioner Holt asked the Administrator if he was negotiating with the Superintendent and he said yes.

**COMMISSIONER HOLT MADE A MOTION TO EXTEND THE CONTRACT WITH IMPROVEMENTS FOR 30 DAYS FOR THE ADMINISTRATOR TO NEGOTIATE WITH THE SCHOOL BOARD. MOTION DIED FOR LACK OF SECOND.**

**COMMISSIONER HINSON MADE A MOTION TO EXTEND 30 DAYS TO WORK OUT KINKS AND MOTION DIED FOR LACK OF SECOND.**

Chair Viegbesie said he would make a motion they do nothing and Commissioner Holt said he did not have to make a motion for that.

**COMMISSIONER HINSON MADE A MOTION TO EXTEND THE CONTRACT UNTIL THE FIRST MEETING IN MARCH, HAVE THE COUNTY ADMINISTRATOR AND FCI REACH OUT TO THE SCHOOL BOARD AND NEGOTIATE ABOUT THE SCHOOL BOARD RECEIVING THE HOTSPOTS AND COMMISSIONER HOLT MADE THE SECOND. CHAIR VIEGBESIE CALLED FOR A ROLL CALL VOTE.**

<b>COMMISSIONER NESMITH</b>	<b>NO</b>
<b>COMMISSIONER HINSON</b>	<b>YES</b>
<b>COMMISSIONER HOLT</b>	<b>YES</b>
<b>VICE CHAIR GREEN</b>	<b>YES</b>
<b>CHAIR VIEGBESIE</b>	<b>NO</b>

**MOTION PASSED 3-2**

**At this time, there was a person that asked to speak that attended by Zoom.**

Ms. Garrison said she was a resident of a Homeowners' Association on a private road. She said their first question was the process of submitting private roads for County maintenance under Ordinance 2021-010.

*Commissioner NeSmith stepped out at 8:35 p.m.*

Chair Viegbesie suggested a meeting with the County Administrator and the Director of Public Works to get the questions and concerns addressed.

*Commissioner NeSmith returned at 8:38 p.m.*

## **CLERK OF COURT**

### **13. Updates**

Mr. Thomas said he was just learning they may not have received his recent emails due to their email being down and handed out reports to the commissioners. With all accounts combined there is a total \$34,639,884.14. Of that approximately \$12,000,000 is in the General Fund and of that amount, approximately \$4,000,000 is unrestricted fund balance. The rest of the \$8,000,000.00 will be spent during the course of the fiscal year to fund the budget. The Transportation fund has \$2.8 Million; however, they did appropriate about \$900,000 to fund their current year budget. Fund 127 is HHRP hurricane housing money and a good bit of it may be already allocated but in terms of cash there is \$1.5 Million in cash. He pointed out fund 144 CARES Act residual money there was \$2.9 million in cash there. Fund 156 is the SHIP Housing and there is \$678,000 in that account. Fund 194, the American Rescue Plan has \$1,998,000 in it.

Mr. Thomas said in fund 140, Indigent Ordinance Surtax there was \$1.1 million of un-disbursed money and that goes back to their hospital contract starting in March 2020. He has mentioned this before and said the board used to give quite a bit of money to Capital Regional and under the new contract they only wanted \$200,000 and never figured out what to do with a remainder. That has now accumulated to \$1.1 million. He said they may want their attorney to take a look at it, but his understanding of the Ordinance is it could be used for construction at

the hospital or it could be used for indigent Health Care. He said Fund 661 the Hospital Endowment Fund, there was \$1.6 million there and this is dividends and interest earnings off of the Trust. This also could be used to do work at hospital or for equipment at hospital. He said the Hospital Trust itself is not included in those numbers but the Hospital Trust is now valued at \$11,738,000.

Mr. Dixon asked Mr. Thomas to explain what the Hospital Trust was. He said the Trust was set up in the 1950s by private groups to benefit the County in order to make improvements to the hospital and has accumulated over the years. The County has gone to court to get use of some of the money a couple of times. He said the County does receive a portion of the interest earnings off of it and that is probably sufficient to do whatever they need to do with the hospital. He said the interest earnings were \$1,664,000 that is in their account they could use without going to Court to make improvements at hospital. He said the actual trust itself is valued at \$11,738,000 and there is not easy access to that money, it can only be approved by the courts.

Commissioner NeSmith asked who controlled it. Mr. Dixon said the Board did.

*Chair Viegbesie stepped out at 8:46 p.m.*

Mr. Thomas explained the bank was the trustee and they control the investments. He said the County Administrator and he, although he has not yet with this County Administrator, would meet periodically with the Chair of the Hospital Board to discuss it. Mr. Thomas said there has been previous discussions about the hospital, and the Chair brought it up tonight. Capital Regional only leases a portion of a building and they have the emergency room. During negotiation the issue was brought up about potential developing some of the undeveloped areas of the portion they lease to put in additional beds. They rejected that idea because their plan was to expand the emergency room area in the portion of the lease. But, there is a huge portion as the Chairman mentioned the other night that was demolished in 2008 that was never put back. The County controls and owns that. This is potential money that can be used for that. The clerk stated his take on the statute is the State has the right potentially to call back the indigent tax money. They reserve the right under the statute if they determine that is not being used. He said from time to time he needs to remind them of that.

Vice-Chair Green asked if he could give them the total amount of usage of dollars they were able to use at the hospital? Mr. Thomas said the dividends and interest was \$1.6 million, the half cent indigent tax money that is undistributed is \$1.1 million.

*Chair Viegbesie returned at 8:49 pm*

Mr. Thomas said someone mentioned the CARES Act earlier. He said before December 2020 they could not use it for physical structures and that program ended and the money that is there now is the County's money. They were originally awarded \$7.6 million and have left of that \$2.9 million. They have obligated some things that Mr. Dixon wants to spend some money on and there is the Figgers contract.

Commissioner NeSmith asked the Administrator their options with regard to the indigent or surtax the Clerk mentioned. What could they use the money for?

Mr. Dixon said the Clerk just explained that in one thing they were doing, they were working with the health department. He said they were number one in getting a new health department in Gadsden County. The question was how could they create a better situation for the citizens in terms of the health department. He said how could the increase access to Health Care, could they invest in the hospital in certain ways where doctors' offices are provided free space if they would come and stay in the County. He said the problem was not building buildings but the profit margin the doctors make when they are in Gadsden County as opposed to Leon County.

Mr. Thomas said that was something to pursue with the state legislature about funding the actual building of a health department. And Mr. Dixon explained that's what he meant, they were number one on the State's list and the state would build it.

Commissioner Hinson asked for an email of the breakdown of indigent funds. Mr. Thomas said it has been emailed already been understood they did not receive it with the email being down. Mr. Thomas said they collected \$2.2 million in the tax, the most ever collected. They paid \$645,835 on the debt, the bond issue on the Emergency Room portion of the hospital. He said the Gadsden County Health Department received \$573,000, the Health Council received \$81,120; Capital Regional received \$240,000.

Commissioner Hinson said they have Neighborhood Health in Havana and at one point they started rejecting people because they did not have funding. He thought they received money from the indigent sales tax at one time. Mr. Thomas said at one time the Board gave organizations a one-time funding. He said the board to decide if they want to put back the kitchen and dining room at the hospital or some rooms before giving funding out to other organizations. He explained in looking back there was a statute before the ordinance that prioritized the hospital first and then branched out into the different areas and organizations that could receive money. He said there was an existing health plan that was passed in 2008 along with the Ordinance that was passed then and would advise them to review it before they start distributing the money. He said Capital Regional was receiving money to defer the costs of indigent health and they concluded that they were making enough money and if they received more of the County money, they did not want to be obligated to expand services. When they receive gov't money they have to be accountable and was why they wanted to reduce the amount of money they were receiving. He said that was why they were now in the position on how to distribute this un-disbursed money.

Commissioner Holt said the ballot was passed in 2008 for hospital to reopen the hospital. She stated the Clerk said the State could call it back. Mr. Thomas said they have not heard from the yet because the auditors have not yet identified it specifically in an audit report. Once that happens it would bring it to the attention of everybody because everyone receives a copy of the audit report.

Mr. Thomas said he wanted to mention some smaller funds. Fund 178 Boating Improvement has \$85,399 and the State periodically asks about. Commissioner Hinson mentioned Joe Budd off Lake Talquin highway and Joe Adams Road and Mr. Dixon said they had talked about rebuilding those docks. Commissioner Hinson then mentioned Iron Bridge Road and said there was a little river there and thought the County owned that little part. He said they'd needed to start looking at that because growth was headed that way.

Mr. Thomas said there was another fund he would like to mention, Fund 101 Dori Slosberg that had \$114,987 in it. He said the County Commission voted to add \$3 to traffic tickets and can only be used for driving improvement or driving programs at public or private schools.

### **COUNTY ADMINISTRATOR**

#### **14. Updates**

Mr. Dixon said their next meeting was canceled and the next one would be on March 1<sup>st</sup>.

He said they will be doing some things for Black History Month.

He said things were moving with the Legislature.

Chair Viegbesie had a question for him and the Public Works Director. He said at one point they had talked about having a couple of pits for the millings from the road resurfacing could be kept to help with repairing of roads. He said they were about to start resurfacing some of the roads and was the contractor taking the millings with them or would they have pits where the millings would become property of the county.

**Jeremiah Lee, Public Works Director**, approached the Board. He said at the last pre-construction conference they discussed having milling pits so they would be able to take it from the road as they scrape it to be used on other roads as needed.

Chair Viegbesie asked for a Pt. Milligan Road update. Mr. Lee said it was out for bid.

Commissioner Hinson thanked Mr. Lee for being there tonight.

Commissioner Holt asked to get an update every two weeks on the roads.

Commissioner Hinson asked the progress on the senior citizens, they were saying they had not been paid yet. He said Midway had not received their funds. Mr. Dixon said as far as he knew everyone had received their funds. Mr. Dixon said they were getting ready for a big meeting because they have to figure the senior citizens out. He said they will be having a meeting for the senior citizens.

### **COUNTY ATTORNEY**

#### **15. Updates**

Mr. Knowles said the State has entered into the second opioid settlement through Janssen. He said after the last meeting the Chair asked them to discuss a property registration ordinance and they had the initial meeting and believe they will be presenting at the first meeting in March.

Mr. Knowles also said he and Mr. Stiell will be getting together in looking at section 5300 of the Land Development Code per a request by Commissioner Holt.

### **DISCUSSION ITEMS BY COMMISSIONERS**

#### **16. Report and Discussion of Public Issues**



**Commissioner Brenda Holt, District 4**

Commissioner Holt had no comments.

**Commissioner Eric Hinson, District 1**

Commissioner Hinson had no comments.

**Commissioner Kimblin NeSmith, District 3**

Commissioner NeSmith thanked Mr. Dixon for the fence repair at Rosedale Park. He thanked the Administrator and Commissioner Hinson for representing the people of the County at the Capitol meeting with State Representative Ramon Alexander.

Commissioner Hinson said he received a phone call and the trash price has almost tripled.

He said they need a workshop on goals, objectives and finances. He thanked the Clerk for his update.

He said when he first arrived on the board there were some contracts it came to his attention immediately and asked where they were with their legal representatives' contract? Mr. Dixon said it was due now and would be on the next meeting.

Commissioner NeSmith asked when the contract would end. Mr. Dixon said it would end at the end of February. Commissioner NeSmith said by the time of the next meeting the contract would have officially ended and technically they would not have contractual legal representation at the next meeting.

Mr. Knowles stated he did not think the Clerk would pay them if there was no contract.

Commissioner NeSmith asked if they had the latitude to extend it. Mr. Dixon said he would talk to them in the morning. Commissioner NeSmith said his understanding was they have the opportunity to extend for another year. Mr. Knowles said that was correct.

Chair Viegbesie said he thought they had dropped the ball and did not know the contract was due at the end of the month. If they had, they should have done something earlier with regards to the extension that was in the contract. Now that they have found out it was here, he thought they needed to do something so they would have legal advice and legal opinions that was not interrupted. If appropriate, he would entertain a motion this evening to either in extend, renew or whatever to extend for one more year so there is no break in the legal representation.

**COMMISSIONER HOLT MADE A MOTION TO EXTEND THE CONTRACT FOR SIX MONTHS AND BID THE CONTRACT. MOTION DIED FOR LACK OF SECOND.**

Commissioner Hinson asked how many years the County Administrator's contract was for, two or three years. Mr. Dixon said the original was for three years. Commissioner Hinson said to vote for two years and go from there.

**COMMISSIONER HINSON MADE A MOTION TO EXTEND THE CONTRACT FOR TWO YEARS AND CHAIR VIEGBESIE MADE THE SECOND FOR DISCUSSION AND SUBSEQUENT VOTE.**

Commissioner Holt suggested they do the extension for one year because it was not on the agenda and was under the impression when they do the agenda, items that involve money had to be advertised.

Chair Viegbesie said her point was well taken but there was a motion and a second and they would carry the motion.

**CHAIR VIEGBESIE ASKED FOR THE VOTE. THE BOARD VOTED 4-1 BY VOICE VOTE.  
COMMISSIONER HOLT OPPOSED THE MOTION.**

**Commissioner Ronterious Green, Vice Chair, District 5**

Commissioner Green thanked the vendors for Service Day.

He said he received a call from the Tuggerson Group in regards to payment they had not received. Mr. Dixon says there has been a conversation with Integrity.

He thanked the Clerk for the update and agreed a workshop was needed regarding the funds.

Commissioner Holt said a contract was up and should have been brought before them and she would be bringing those issues back at the next meeting.

**Commissioner Anthony O. Viegbesie, Chair, District 2**

Chair Viegbesie expressed his sympathies to Mr. Lee.

Mr. Lee came before the Board to thank them for their condolences.

**MOTION TO ADJOURN**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR VIEGBESIE DECLARED  
THE MEETING ADJOURNED AT 9:38 P.M.**

**GADSDEN COUNTY, FLORIDA**

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**ANTHONY VIEGBESIE, Chair  
Board of County Commissioners**

**ATTEST:**

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**NICHOLAS THOMAS, Clerk**