

**AT A REGULAR MEETING OF THE GADSDEN COUNTY
BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON MAY 7, 2024 AT 6:00
PM, THE FOLLOWING PROCEEDING WAS HAD, VIZ:**

Present: Ronterious Green, Chair, District 5
Alonzetta Simpkins, Vice-Chair, District 2
Eric Hinson, District 1
Kimblin NeSmith, District 3
Brenda Holt, District 4
Edward J. Dixon, County Administrator
Clayton Knowles, County Attorney
Adriana Quijada, Deputy Clerk

Call to Order, Invocation and Pledge of Allegiance

Chair Green called the meeting to order at 6:01 p.m. and Pastor Hannah provided the Invocation. Chair Green then led in the Pledge of Allegiance to the U. S. Flag.

Commissioner Holt appeared at 6:03 p.m.

Amendments and Approval of Agenda

Mr. Dixon stated Agenda item 1 needed to be pulled as Mr. Harris was under the weather. He asked to add Item 13a-Approval of the Consulting Agreement for Generation Changers International, LLC. to be placed under General Business.

COMMISSIONER HOLT MADE A MOTION TO APPROVE.

Commissioner NeSmith arrived at 6:05 pm.

Commissioner Hinson asked how Item 13a would impact the General Fund. Chair Green asked if he would like to address his questions regarding an item when they came to it on the agenda.

Commissioner Holt stated item 13a needed to be discussed today.

Chair Green stated this was a program the County Judge was doing as a resource for the youth. They could approve the agenda and when they come to that item, it could be discussed at that time.

COMMISSIONER NESMITH MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED.

Awards, Presentations and Appearances

1. ~~Recognition of Charlie Harris~~

Item was pulled; Mr. Harris was not available.

CONSENT

COMMISSIONER HOLT MADE A MOTION TO APPROVE.

Commissioner Simpkins asked to pull for discussion item 4 and had a question concerning item 7. Chair Green asked if she would like to ask her question concerning item 7 now. She asked if funds from that item would come from the Seniors budget and Mr. Dixon explained that was in the budget for the Gretna Seniors.

Commissioner Hinson asked to pull item 11.

CHAIR GREEN CALLED FOR THE VOTE. (NO SECOND WAS MADE.) THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA AS AMENDED.

2. **Ratification Memo**
3. **BOCC Meeting/Workshop Minutes:**
 - a. **April 2, 2024, Regular Meeting**
4. ~~**Approval of a 10-year Sublease Agreement for 680 Maple Street, Chattahoochee, FL – North Florida Rural Health Corp**~~
Item pulled for discussion.
5. **Approval of the Florida Department of Commerce Agreement #P0478 Providing the County with State Funding for the reassessment and update of the Gadsden County Economic Development Plan**
6. **Approval of Clinical Rotation Agreement with RC Health Services**
7. **Approval of the City of Gretna Interlocal Agreement for Human Services**
8. **Approval to Submit Hazard Mitigation Grant Program (HMGP) Application to Purchase and Install Generator at the Special Needs Shelter (Hospital Location)**
9. **Approval to Submit Hazard Mitigation Grant Program (HMGP) Application to Purchase and Install Generator at the Robertsville Fire Station**
10. **Approval to Submit Hazard Mitigation Grant Program (HMGP) Application to Purchase and Install Generator at the EMS Facility (Joe Adam Road Location)**
11. ~~**Approval of Marketing Funds for Crappie Tournament on Lake Talquin**~~
Item pulled for discussion.

ITEMS PULLED FOR DISCUSSION

4. Approval of a 10-year Sublease Agreement for 680 Maple Street, Chattahoochee, FL – North Florida Rural Health Corp

Mr. Dixon introduced the above item and stated it was for approval of a sublease with North Florida Rural Health Corp. The Board offered them a 10-year lease years ago and DMS deemed they had to have a direct relationship with them early on. They had to have a different agreement and now DMS decided there did not need to be an agreement with them, the Board needed to have an agreement with them.

Mr. Knowles explained it went back and forth a few times and since the State was the owner of the building, it was sent to them and got different feedback and this was the lease that was acceptable for the sublessee. Mr. Knowles stated they settled on a 10-year lease instead of the 50-year lease that was originally proposed. He said Mr. T. J. Lewis had conversations in December with the Division of State Land and may could shed more light if there were more questions.

Commissioner NeSmith asked if the County owned the building and the State owned the land. Mr. Knowles stated he believed the State owned the dirt and the County built the building, because they were fixing the building. Mr. Dixon explained the building was built by the State, but just like the health departments and some buildings, at some point they turned the buildings over to the county.

Commissioner Simpkins asked why the lease was not prepared by the County Attorney. Mr. Knowles explained the sublease agreement was prepared by Mr. Lewis in conjunction with TIIFF.

Mr. Knowles stated he reviewed the lease and was ok with it. Commissioner Simpkins asked if he normally prepared leases and he stated he did normally prepare them.

Chair Green asked if everything was fine.

Mr. Knowles stated he thought they should change the title; but that was why they have a scrivener's error in Section 14.

Commissioner Simpkins asked about the request of North Florida Rural Health for the \$1 Million and Mr. Dixon stated one had nothing to do with the other.

Commissioner NeSmith asked about title change that the attorney mentioned and he explained.

Commissioner Hinson stated he heard a lot of "I don't think" and "I don't know"; felt they need to table this and talk more about it and then move forward once they received all the answers to the questions.

Commissioner Holt stated the building belonged to the State of FL and the land belonged to the state. After the hurricane came through and she was Chair, she called the State and asked

to use the facility for healthcare and to get medical help in there. They agreed and said they did not need to have a sublease because at that time only the senior citizens were there.

Commissioner Simpkins asked if they normally do 10-year leases.

Mr. Knowles stated 10 years was what the Board was comfortable with 2 years ago.

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

11. Approval of Marketing Funds for Crappie Tournament on Lake Talquin

Mr. Dixon presented the above item and stated he did not believe this should have come before the board as this was a TDC item and they had approved it. The clerk stated it should come before the board. The money has been expended and the crappie tournament was a great success. He said there were hundreds and hundreds of people and hundreds and hundreds of boaters fishing, the \$5000 fish was still out there. He said it was a great tournament and they hope to do more. This project seeks ratification of payment of the bill of \$24,000.

COMMISSIONER HOLT MADE A MOTION TO APPROVE. COMMISSIONER NESMITH MADE THE SECOND.

He asked if they skipped Item 7 and Chair Green stated the question was answered.

Commissioner Hinson stated he had heartburn regarding this. They were paying \$24,000 for advertising and a motion made for approval before they finish reading the item. Then, talking about the fire department asking for \$25,000 “all hell breaks loose”. The deal is they quickly, before finish reading the statement and have a motion and second, they have had four or five meetings there about the fire departments with each meeting lasting more than 3 hours. The fire department asked for an extra \$25,000 to support them. When asking to throw a party, they are quick to approve but to protect the people, “to hell with you”. When Havana, Midway, Gretna, Greensboro, Chattahoochee all asked for an extra \$25,000 to protect their fire station, they said no. He said he did not mind having parties and have a good time, but they needed to support the infrastructure. He wished they could be as fast for the municipalities and hoped they could be as generous toward infrastructure as they were toward parties. He said \$24,000 to market an event was unheard of.

Chair Green asked if he knew what they had invested in the county as a whole in the fire services.

Chair Green asked they stay on topic and wanted to be clear funding for this item was coming from TDC and was budgeted.

Commissioner Hinson asked if they had a fire tax budget and Mr. Dixon stated there was no fire tax. Commissioner Hinson asked the reason the Clerk added this item; Chair Green stated “there is a lot of heartburn the Clerk has that comes from this. We deal with some things that other boards do not deal with when it comes down to the Clerk; so that’s not a question or

situation that we should deal with now since the Clerk is not present to answer that question or defend”.

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

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

The Gadsden County Board of County Commissioners welcomes and encourages public participation at all meetings of the Board. Citizens are free to speak for up to three (3) minutes on non-agenda items. Public comments and participation are also encouraged for items on the agenda. Additionally, if you are unable to attend a meeting in person, comments from the Public can also be submitted via email to CitizensToBeHeard@gadsdencountyfl.org until noon on the date of the meeting. 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. Citizens are further encouraged to participate via Zoom using the credentials on the County’s website. The Board’s meetings are also broadcast live on the Board’s Facebook page.

Chair Green read aloud the above statement.

Tony Hannah, P.O. Box 481 Quincy, Florida

Mr. Hannah appeared before the Board and wanted to introduce himself. He was the new Executive Director of the PAMS Program and would be appearing periodically with reports to the Board.

Mike Watson, 2793 Sycamore Road

Mr. Watson appeared and stated he was taking a chance appearing before the board because of what happened a couple of months ago. Information he received from his supervisor was he might be without a job if he did come back. He said he still wanted to complain about Sycamore Road because it was getting worse. After each heavy rain, the road was puckering. He was informed if he kept coming and complaining, the County would reduce or stop purchases from his employer, Quincy Auto Parts, a/k/a Bumper to Bumper. He said he took that personally. He stated on February 24th, he was told by his manager of Bumper to Bumper (Quincy Auto Parts) “that the Public Works Department of Gadsden County was told to possibly reduce the purchase of parts from Quincy Auto Parts...” He said he talked to his supervisor and asked who said that and he said it was Curtis Young, someone told him to get that message across.

Chair Green stated they did not operate like that and he was a citizen of the County and has every opportunity to come to meetings to speak as a citizen. He said they should have a conversation with his boss because that should not have anything to do with him coming to the meetings as a citizen. He further stated they could not have that conversation now because he needed to file a complaint and encouraged him to speak with the County Attorney.

Commissioner NeSmith stated Mr. Watson shared that information with him some time ago and he asked him to provide the name. Mr. Watson said he just did. He added this was not something the Board tolerated.

Commissioner Holt stated it was his right to come to meetings and believed between the Administrator and the Attorney they could get to the bottom of it. Mr. Watson said he hoped so, it had him upset and was the reason he missed the last two meetings.

PUBLIC HEARINGS

GENERAL BUSINESS

12. Approval of the Florida Department of Commerce Agreement HL-222 Providing the County with State Funding for the Design and Construction of a Boys and Girls Club

Mr. Dixon presented the above item and said it was for board approval of the Florida Dept of Commerce agreement HL – 222 providing the county with \$3,618,705 in State funding for the design and construction of a Boys and Girls Club. He added board directed them to work with the City of Quincy and they were provided with a letter from Rob Nixon, City Manager, confirming that the April 23rd meeting the City Commission approved the dedication of property and creation of the long-term lease agreement with the Board of County Commissioners for construction of the Big Bend Boys and Girls Club facility on the MLK track property in Quincy. He said the terms will grant the county full developmental control of the property for 30 years at the rate of \$1.00 per year. He said there were some stipulations, they asked that the track be put back and wanted a swimming pool. He added he thought they were opposed to it short of finding the money and he relayed that to them. He said if they accepted the money that could begin and the design and also seek other dollars to marry with this opportunity.

Commissioner Hinson asked if they planned on leasing the building and land; he thought it was best to purchase and not put three or four million dollars into something they did not own.

Mr. Dixon stated in his governmental background the long-term lease was as good as ownership. He added the state would not allow you to build on anything except without long-term lease.

Commissioner NeSmith stated he was in favor of accepting these funds and moving forward with this project.

UPON MOTION BY COMMISSIONER NESMITH AND SECOND BY CHAIR GREEN, THE BOARD VOTED FOR OPTION 1 AND THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

13. Board Direction Regarding Reimbursement for Delinquency Fees from Department of Management Services, Division of Retirement

Mr. Dixon presented the above item and stated it was for board direction regarding reimbursement for delinquency fees from the Department of Management Services, Division of Retirement. He added this was not a simple issue and explained Commissioner Hinson and Commissioner Holt were in the FRS system as dual capacities. Both left the system at some point and usually the leaving entity they separate from would notify FRS and FRS would then do what they needed to do. The entity was not notified of those 2 commissioners were leaving the system. That accumulated fees in the FRS System. For one commissioner it was 10 years

old and less for the other Commissioner. The problem was when they started negotiating with FRS about the fees and whether or not notice was given, the Clerk's office paid \$162,000 of their own accord; it took away the strategy according to Ms. Maas. He stated to "the Clerk's folks 'I don't think you have that authority to do that'. You ride us about \$300 in a cake, yet, of your own you go and spend \$162,000 without the Board's approval". He said they went back and forth and a letter came in from FRS about having a hearing if they wanted to. He added for the most part it was already done. He said to the Clerk they did not have the authority to do this and if they did it would have to come to the board; it would have to come to the board at some point. You are in the position that it has been done, there are delinquency fees and they now have the obligation of verifying or approving what the Clerk has done and paying \$82,263.43. He said the attorney might have a different look but that was his understanding.

Mr. Knowles stated Commissioners Hinson and Holt were both dually employed through the school system and the board of county commissioners. He said you are able to report yourself pursuant to statute in FRS, as either an employee of the school board, which had a certain percentage of contribution that those folks get, the regular class, about 4 ½%, then there is the County-elected officer class, about 44.23%. Those are current numbers and they fluctuate up and down. Once the two employees left the employ of the school board, they needed to notify the County so the County could notify FRS of the change and the County could start making the additional contribution. When FRS audited last year, they discovered there was an underpayment in amount of \$165,000 and they assessed a delinquency amount of \$82,263.43 and accruing penalties at 1% on the unpaid amount. He was told the Clerk's Office paid to stop the bleeding. In December 2023, Ms. Mass contacted the attorney and a portion of the fee had already been paid, to set up a meeting with FRS, they canceled that, set up another meeting on another day. They gave the option for an informal or formal hearing and he did not think even if they had availed themselves of that, that they would have had a colorful claim and that was due to 121.71(6), F.S. that stated:

"If a member is reported under an incorrect membership class and the amount of contributions reported and remitted is less than the amount required, the employer shall owe the difference, plus the delinquent fee of 1 percent for each calendar month or part thereof that the contributions should have been paid. The delinquent assessment may not be waived. If the contributions reported and remitted are more than the amount required, the employer shall receive a credit to be applied against future contributions owed."

He said for each employee they had for whatever time period it was, it was 1 percent for each calendar month of that timeframe listed in that letter. He said the key part of 121.71(6), F.S. was **"The delinquent assessment may not be waived"**. He said they have to pay it; they were essentially still bleeding by not paying the \$85,000. He said they were the ones responsible for the payment of this pursuant to statute.

Chair Green said technically, they had to pay the bill. Mr. Dixon said they had to pay it. Chair Green said he understood it should have come to the Board before being paid. Mr. Dixon said it was an operational question.

Commissioner Holt stated in 2012 they were notified by her and was not a concern. The concern was that FRS could not find their records. She said when she left the school system, not only was she making sure she notified them, she wanted to make sure her retirement was correct. She said she spoke with FRS on that day and told them the problem was they could not find their paperwork. She said it took them a long time to find their error. The other thing was the Clerk did not have the right to pay this without notifying the Board. Their HR person should have had the opportunity to negotiate with FRS.

Chair Green said this was an argument they did not necessarily have to have, he did think, in not just this situation, there is a lot of things they did need to have some conversation with the Clerk and that department as a whole across the board so they could all be on the same page when it comes down to scenarios such as this and many others. He stated they did not have to prolong the time on this because it has to be taken care of.

Commissioner Simpkins said she wanted to be clear, she saw emails from the Clerk, and thought they all were on the emails, regarding this back to September. There has been requests for direction in all of that from the Clerk. There was some back and forth with Ms. Maas and Clerk's office. However, when they take a look at the portion regarding the delinquency piece, the request for the letter was made by the Clerk's Office and was never done on their end. Also, the Clerk did request and ask in September, made the Board aware of this particular fee and said he needed assistance and that was on October 24th. There was communication and she agreed it has to be taken care of. She wanted to make it clear he had been communicating.

Mr. Dixon stated they had been back and forth with the Clerk's Office about whose job this is. That is what this point is; it's no different than the TDC just now. He did not pay it, he thought it ought to come before the Board, whether it should have or should not have. This should have and what we wanted was the opportunity to do was to talk to FRS about it. If it did not mean a dime extra. The problem about the delinquency fees came out later. It's been going on for 10 years, another month wasn't going to kill. We were working this situation; it may have come back just the way if was. He said his contention to the Board and to them, it was the Board's obligation to pay this bill, not the Clerk. He had the ability to write a \$160,000 without Board approval, then that was a different set of worms.

Chair Green said, as he had stated, they needed to move to take care of this and need to have that conversation as needed on different things as it relates to payment, who they do what from that particular office, but need to move this forward.

Commissioner NeSmith said as stated, asked if he heard the Administrator say they could ask for a hearing but the other side was the penalty continues to accrue.

Mr. Dixon said the opportunity had passed.

Mr. Knowles said to answer his question, yes, the penalty would have continued to accrue while that process, informal or formal, (inaudible).

COMMISSIONER HOLT MADE A MOTION TO APPROVE AND COMMISSIONER NESMITH MADE THE SECOND. BEFORE THE VOTE, COMMISSIOENR HINSON HAD A QUESTION.

Commissioner Hinson asked if he and Commissioner Holt should abstain from voting. Mr. Knowles stated he did not believe they were getting any gain from this; it was contributions the County should have made to FRS. They have already received the benefit, but he would defer to someone from HR to explain better than he could. He said this was just “catch-up” in a sense, not like it was money coming into their account. He did say, it might be advisable for them to abstain because it could be construed as a benefit to them, however since he did not think they were getting the direct payment of that to themselves, there should not be a problem.

Commissioner Holt stated she spoke with them earlier and they said that rate was paid lower into the pool. That money never comes to the person, to them. They pay into the pool just like paying into Social Security except they do not get anything back from it. The County paid that money in, not the individual.

Mr. Dixon said the pool gets the money for everyone they have in it.

Mr. Knowles said he just wanted to make sure that legally he gave them the advice that someone could construe that and did not want them to say it was not said that they could realistically recuse themselves from voting on this matter if they did not feel comfortable. Fill out the appropriate form and state why they abstained for having a conflict.

Commissioner NeSmith had questions and it was convoluted. He said he had been trying to follow this. He said they had two commissioners that was working two jobs; those two commissioners separated from the school district; it was up to the Board of County Commissioners to notify FRS.

Mr. Knowles said no. It was up to the commissioner to notify the Board to change the code from regular class to elected official, who would then notify the Plan Administrator of that. He added if Commissioner Nesmith was in the same boat, how would the County know that he left the employment of a third party.

Commissioner NeSmith said was it because those two employees left the school district, the School Board does not notify anyone that they have separated?

Mr. Knowles said the duty was on the employer once they are notified by the employee. So, it would be on him to notify the County or HR that he had left the school board and now needed to be in the Elected Official category. You would have received a letter. Commissioner Holt said she sent in her response; you would have gotten a letter from FRS stating he was no longer dually employed, no longer under the regular class, you are now in the Elected Officer Class; you need to alert your agency to this fact and they need to change that.

Commissioner NeSmith said if Commissioner Holt did notify FRS, did it matter that Commissioner Holt had evidence that she notified them then or is it too late?

Mr. Knowles said it was too late because the time to request a hearing has passed.

CHAIR CALLED FOR THE VOTE. COMMISSIONER HINSON ASKED TO RECUSE HIMSELF FROM THE VOTE. THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE OPTION 1.

13a. Approval of the Consulting Agreement for Generation Changers International, LLC

Mr. Dixon introduced the above item and stated it was for approval of the Consulting Agreement with Generation Changers International, LLC appointing Mr. Kent Osbourne as the keynote speaker for the Gadsden County Youth Resource Fair scheduled for May 18, 2024 from 9:00 am to 1:00 pm. He added Judge Garner had requested Mr. Osbourne to come and his fee is \$3,000 to participate. She asked the Board to agree to pay.

Chair Green asked if there were other people willing to make contributions and thought the amount was steep from where the speaker was coming from which was Georgia.

Commissioner Hinson said he did not mind donating or raising money for this event.

Chair Green said he knew time was of the essence as this event would take place in a couple of weeks and there would not be a whole lot of time. He said \$3,000 to invest in the youth, he did not have a problem, was hoping there would be others willing to donate.

Commissioner Holt stated \$3,000 was nothing with what Judge Garner puts up with in the Courtroom with the young people.

Commissioner Simpkins stated Judge Garner was funding this herself and they need to pay the \$3,000. They pay for entertainers.

COMMISSIONER SIMPKINS MADE THE MOTION TO APPROVE AND COMMISSIONER HOLT MADE THE SECOND. COMMISSIONER NESMITH HAD A QUESTION.

Commissioner NeSmith asked what the line item was and it was explained it was the Public Purpose Ordinance line-item number.

THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

14. Clerk of Court

There was nothing to report.

15. County Administrator

Mr. Dixon stated Public Works and EMS are requesting Proclamations; May 19th – 25th is Public Works and EMS Week.

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

Mr. Dixon announced the Youth Resource Fair on May 18th and the first Budget Workshop will be on May 23rd at 4 p.m. He asked if that date would work with Commissioner Simpkins.

He recognized Shawanna Moyer as the new Parks and Recreation Director.

Ms. Moyer appeared before the Board and introduced herself.

16. County Attorney

Mr. Knowles stated Commissioner Holt had asked about public roads and the annexations, he did research regarding it. He directed the Board to Florida Statutes 335.0415, Public Road Jurisdiction and Transfer Process and read it aloud.

He said they were looking, in conjunction with the Clerk, at the Ordinance regarding Special Purpose and what the purpose of certain governmental funds expenditures could be. He said the Clerk has presented some information; he and Mrs. Bradley was looking at information and they will be bringing some things back to the Board, either via email or as an agenda item if it warrants that to explain where they were in that process.

Commissioner Holt asked what it would take to challenge on the roads. She asked him to see if there were any challenges they may be able to apply. Mr. Knowles said there was an issue and he will send it to her, there was an AG opinion from 1996 regarding Annexation and inclusion of Public Roads and dealt with a similar issue involving Chapter 193, the Municipal Annexation and Contraction Act and that came to the same conclusion.

17. Discussion Items by Commissioners

Commissioner Eric F. Hinson, District 1

Commissioner Hinson congratulated former Commissioner Eugene Lamb as he was inducted into Hall of Fame at Dillard University in Louisiana.

Commissioner Kimblin E. NeSmith, J.D., District 3

Commissioner NeSmith stated Happy Nurses Week and Teachers Appreciation Week to all nurses and teachers.

He asked the County Administrator for an update for Lincoln Drive repairs. Mr. Dixon stated it was an engineering thing and would get him an update tomorrow.

He said there was a goal and he had been very vocal about trying to reach the \$100 Million revenue stream. He asked in preparation of the Budget workshop; would he be able to present to the Board the various opportunities to enhance the revenue. He asked if there were different revenues to the County that they were currently not accessing so additional services could be provided to the constituents.

Mr. Dixon said there are additional resources, some require a vote or referendum, others require a vote of the board.

He asked how they were coming on stripping, there are several roads that need attention.

Commissioner Brenda A. Holt, District 4

Commissioner Holt said to the Attorney stated trying to find way to improve the flow of invoices paid from the Commission to the clerk. She said she talked with some of the ladies and said there was a calendar, invoices turned in by this date, they are paid by that date. She asked that be placed on their web page so contractors dealing with the County now could see when

they provide a service to the County, they would know when they should get paid. She said it could not be haphazard, what made one invoice getting paid and the next not? If they could give them a type of process. Did they need to write the process? She said she knew the Clerk's Office was under the State, was responsible for certain things. She said they could work all they wanted to get businesses in but if they did not pay the contractors and people on time, there would be a problem. That is why it was so irritating they paid FRS. She said she was not criticizing; she was trying to find a fix. She said there was something that they should be able to do, was there an Ordinance they needed to write? She said there should be something that stated if they sent something over to be paid, they would do "A", "B", "C", "D", "E" and they did do well on two invoices she asked for but was trying to find something they could do because it was hurting the County's credibility.

Mr. Knowles said he did not pretend to speak for the Clerk, he thought it might be good for them to have a workshop where they could discuss the creation of a policy. He said if there was a prompt payment act where if you do not pay by a certain time on different types of invoices, then there are penalties. So, they certainly should be cognizant of that because there are penalties after 30 days for some of those. He felt there should be a workshop with Clerk to understand when things need to come in. He added when he first started his firm had an issue and was not accustomed to the County's the billing and got with Ms. Porter or Ms. Sanford and found out when invoices needed to be in to be processed. He said it would be helpful from a legal perspective because he did not want them running afoul of the prompt payment act and those penalties. Also to have something to be able to explain to the vendors, based on dialogue with the Clerk's Office and the Board, as elected officials and a separate constitutional, as to when things need to be submitted and when they can anticipate to be paid. He added, secondarily, and he has stressed this before, there is more than just a ministerial function of the Clerk. There will be payments that will be questioned and their option is frankly, to deal with it or take him to Court. He wanted to make sure he was clear about that. He said if there is a particular invoice that the Board believes should be paid and it was not paid or is not paid, then the direction would need to be to him, to initiate a declaratory action within the Circuit Court to ascertain whether or not that was a properly payable expense and whether or not the Clerk has the ability to refuse it. That was up to the Board, not him. He felt the first step was to get the process in writing, understand when things need to come in and also the process for it to come into the County; who it gets submitted to, who it goes to once it comes to the County; that person has a certain period of time to send it to the Finance Office. They receive it by a certain date, they issue a check and that check gets mailed out. He said some things was beyond their control such as the mail. He did agree there could be a process that they put in place, absent certain checks and balances that the Clerk has as the Comptroller and Chief Accountant and Custodian of funds, whereby everyone could understand and know what the process was. But they have to have that workshop and have that dialogue and understand that and then present that to the vendor.

Commissioner Holt said she called over there and had a conversation about two different invoices. What she was looking for was to have before that workshop, the information, State statutes, that helps them deal with the Clerk and the Clerk deal with them. That way, they will know how each affects the other legally. If they end up going to Court, it was better to have that information than not.

Chair Green added that lots of times they were dealing with small businesses who really need to be paid. He added as a small business owner, he knew how important it was to get the money.

Commissioner Holt stated there have been other Constitutionals that have had a problem.

She added she wanted to have a workshop regarding the internet cafes as to whether they were legal or not.

She stated the treasure hunt was great. There were people that came from all over.

She also asked for a list of the road projects, striping, paving, etc.

Chair Green said regarding the treasure hunt, they needed to get the list of winners so they could be acknowledged in the next meeting.

Commissioner Alonzetta Simpkins, Vice-Chair, District 2

Commissioner Simpkins thanked Ms. Alma Venisee for collaborating and presenting with her at the 'Are You Ready for a Grant' workshop and it was a success.

She mentioned the blinking light on the curve of Shady Rest Road has been out for a while.

She said she has received some concerns from citizens on Jameson Road and was not something they could address overnight, but a conversation needs to happen with the one-way in and one-way out. She said if they recall, there have been a couple of emergencies, one with the officer that was shot in that area and for hours the people were not able to get out because of that.

She said she did not know where they were at with Scott Town Park on Charlie Harris Loop and asked, they take a look at that.

She mentioned the email from the Clerk regarding the utilities and asked the attorney if he would follow up.

Mr. Knowles stated he contacted Mr. Nixon and Mr. Nixon requested the Board allow him, or his company, two years to cover the arrearage. He informed him that would be a contract and would need to be brought before the Board for approval. He stated he was trying to get a copy of the lease agreement so he could ascertain when the property was occupied and when it was the responsibility of the landlord to pay the utilities and when it became the responsibility of the tenant. Mr. Meeks went to Mr. Hutley and obtained a copy of the lease. It appears as though that started in October 2022, or that's when the lease is dated. They need to ascertain from that period forward what those amounts are and from that period back what those amounts are. Then with the Board's permission, send out demand letters requesting that those amounts be paid. If there are arrangements that need to be made, then those individuals or their respective corporate entities, could come to the Board and request whatever relief they are trying to effectuate. In the meantime, he wanted to make sure it was legal and they could actually do that. He said he had not had that issue come up where a government is owed money in this manner. He further stated now that they had the appropriate information, they

could draft the appropriate letters and move forward with demanding the receipt of the \$13,000.

Commissioner Simpkins said she did not know if the Clerk was giving them the update or if he needed anything additional.

Mr. Knowles said Mr. Meeks went to Mr. Hutley's office earlier in the day to obtain the lease and gave them his attorney's name. He said he will reach out to him the following day and will continue to update the Board as they go through the process. He hoped by the next meeting they will have an agenda item for discussion and action to discuss a path forward.

She said she made a request and Mr. Knowles sent her over and she asked if HR trumped Legal. He asked if she was talking about the termination letter. She said yes.

Mr. Knowles stated it was his position Commissioners could ask for any document they want. He said he stood by that, whether it was Commissioner Hinson asking for FCI, Commissioner Holt, herself, Commissioner NeSmith or Commissioner Green, any form of commissioners, since he has been that chair, is that documents should be provided to Commissioners that is in Statute. That was his legal opinion. He said he was not in charge of any staff so he could not direct Staff to do something or not do something and he was not in possession of the record that she sought. He believed anything that any of them, anyone on the dais, if they asked for a document and it was not privileged in some way such as medical records, Social Security number, etc., he believed they should receive it. He said that was his position. He did not want to say HR trumps legal, legal trumps HR, he just believed as Commissioners, and pursuant to Statute, they were allowed to have documents that are non-privileged documents and if they request a document, they should receive it. He further stated if in the commissioner requested a document, they should receive that it was not unique to her or anyone else.

Commissioner Ronterious Green, Chair, District 5

Chair Green thanked Commissioner Simpkins and Commissioner Holt for serving the communities very well with events over the weekend.

He thanked Deputy Peterson and said he was very key and responsible for capturing the young man that was on the prowl that committed a murder the past week and was very integral in making that happen. He wanted to publicly thank him again for his efforts.

He requested a motion to recognize Pat Durden.

UPON MOTION BY COMMISSIONER SIMPKINS AND SECOND BY COMMISSIONER HINSON FOR RECOGNITION OF PAT DURDEN, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE MOTION.

He said he also had a request for Dr. Henry Grant for being selected a 2024 inductee to the Florida 4-H Hall of Fame. He said the ceremony will take place on August 1st.

UPON MOTION BY COMMISSIONER SIMPKINS AND SECOND BY COMMISSIONER NESMITH FOR RECOGNITION OF DR. HENRY GRANT, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE MOTION.

He then congratulated all of the graduating college students.

Commissioner Holt said she wanted to thank the Black History group, they did a lot of research and worked hard.

Commissioner Simpkins wanted to say the infomercial regarding the fire fighters was very nice and did not know who was responsible. Mr. Dixon stated he was.

Commissioner Hinson asked to recognize the Quincy Rotary Club for the Trap Tournament that was held at the Coonbottom Gun Club. The match was their annual fundraiser for the North Florida Rotary Youth Camp, which provides a summer camp experience for disabled and special needs children and they were able to raise over \$27,000.

He also thanked the Alpha Fraternity for feeding the teachers at Crossroads Academy that morning for Teacher Appreciation Week. He said that One Gadsden Foundation along with School Board member Cathy Johnson will be feeding the teachers at the Havana Magnet School and will have lunch at the Gadsden County High School Friday.

Chair Green mentioned the first budget workshop was scheduled for May 24th starting at 4:00 pm but asked they keep in mind that was also graduation for Gadsden County students.

Commissioner Hinson said the School Board has received \$76 Million for a new school and they need to find a way to bring in a convention center.

Motion to Adjourn

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR GREEN
DECLARED THE MEETING ADJOURNED AT 8:49 PM.**

GADSDEN COUNTY, FLORIDA

**RONTERIOUS GREEN, Chair
Board of County Commissioners**

ATTEST:

NICHOLAS THOMAS, Clerk