

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON JANUARY 5, 2010, THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

PRESENT: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
Brenda A. Holt, District 4
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

Invocation and Pledge of Allegiance

Chair Lamb called for a moment of silent prayer, then led pledging allegiance to the U.S. Flag.

Amendments and Approval of Agenda

The following amendments were made to the agenda:

Added to the General Business Agenda as Item 12-A – Appointments to Tourist Development Council

Added to the General Business Agenda as Item 12-B – Appointments to Apalachee Planning Council

Added to Awards, Presentations and Presentation: 1-A - Commissioner Taylor – Personal Privilege

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD
VOTED 5 – 0 TO APPROVE THE AGENDA AS AMENDED ABOVE.**

Awards, Presentations and Appearances

1. Drainage on Champion Oaks Circle

Chair Lamb called for Duane Hume or Margaret Deciano, but neither of them was present. This was passed until later in the meeting.

1-A Personal Privilege – Commissioner Taylor

Commissioner Taylor asked to address a recent newspaper article about her attendance at a Florida Association of Counties' (FAC) County Commissioner's Certification Class in Tampa. She displayed a transcript which she said indicated the credit hours she had received. She went on to say that, contrary to the newspaper article, she has received credit for each class she attended and that no credit hours had been taken away from her. However, she explained that a series of events took place while she was attending that Tampa class. While she was in class, she took several emergency phone calls from home informing her that a bridge on Spooner Road (which had just been repaired) was washing away due to the extremely heavy rainfall that on that day.

She found it necessary to cancel her after-school tutorial program because of the rainfall and the bridge failure. It became imperative to notify the parents as quickly as possible. (There are more than 200 children spanning a wide age range beginning at 4 years old.) Because of the urgency to safeguard the children, she did have to leave the class a number of times to take phone calls and make phone calls, some of them being with the Public Works Director Robert Presnell.

She reminded everyone that it is not mandatory to receive the county commission certification, but she chose to because she wants to be the very best commissioner she can be. She said that she had talked with FAC about the matter and was told she was on schedule to graduate from the certification program in June, 2010 along with Commissioner Morgan despite the issues raised. She also learned in that same conversation that it was one of her colleagues who took issue with her going in and out of the classroom.

She spoke briefly about her disappointment that no one bothered to call her and ask any questions or verify information – neither her colleagues nor the press. She said that the article was written with incomplete facts.

She closed by saying, “I am required to finish and finish on time. If I don’t, then I am responsible to pay those dollars back. That is how I feel. The cost for me to go down there - I absorbed those costs myself. I have not asked for one dime back from the County. I received a letter, Commissioner Lamb, Mr. Chairman, from the Florida Association of Counties indicating exactly what I just told you. They have acknowledged the fact that I was there the majority of the time. They also acknowledged the fact that emergencies do come up that is out of the control of the commissioners sometimes. They have acknowledged all of this and they have put it in the form of a letter. They have also indicated in this letter that I will graduate on time...”

Chair Lamb recalled that he had tried to call her to speak to her about the matter and could not reach her. He said that he left a message, but he did not get a return call.

Commissioner Taylor responded by saying that she would have expected the inquiry to come from the county administrator.

Consent Agenda

Items 2, 3 & 5 were pulled for discussion.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROELY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA AS AMENDED.

2. Approval and Acceptance of the Justice Assistance Grant (JAG) for the Narcotics Taskforce Unit
~~2010-JAGC-GADS-1-4X-187 Drug Task Force \$87,351.00 — Authority for the Chairman to sign the Certificate of Acceptance of the award for the period 10/01/09 thru 9/30/2010 and to approve the request for Budgetary Authority. This item was pulled for discussion.~~

3. Approval and Acceptance of Justice Assistance Grant (JAG) for the American Recovery and

~~**Reinvestment Act of 2009**—Authorization for the Chairman to sign the Certificate of Acceptance of the Subgrant Award—Uniform Agreement 2010-ARRC-GADS-5-W7-203 ; \$193,655.00 (Sheriff's portion) (New grant; sheriff was appointed as the implementing agency. Money to be dispersed by the Clerk to Sheriff and all municipalities.)—Project Title—Gadsden County Sheriff's Office Jail Management Information Sharing System~~ This item was pulled for discussion.

4. **Resolution 2010-002 Granting Approval and Authority for Gadsden EMS to Apply for Grant from Department of Health for EMS County Award** (to be used to purchase and update equipment to be used solely to improve and expand pre-hospital EMS .)
5. **Approval of an Amendment to the Traffic Signal Maintenance Agreement with the City of Tallahassee** to include the traffic signal at U.S.90 and Brickyard Road. The FDOT will reimburse the County \$2,372 annually for these costs. This item was pulled for discussion.
6. **Resolution 2010-003 to Florida Legislature to Encourage the Repeal or Revisions to Florida Statute 500.4 – the Tomato Law**
7. **Resolution 2010-004 to Florida Department of Transportation requesting Improved Lighting at the Interstate 10 Interchanges at Greensboro and Chattahoochee**

Consent Agenda Items Pulled for Discussion

2. **Approval and Acceptance of the Justice Assistance Grant (JAG) for the Narcotics Taskforce Unit**
2010-JAGC-GADS-1-4X-187 Drug Task Force \$87,351.00 – Authority for the Chairman to sign the Certificate of Acceptance of the award for the period 10/01/09 thru 9/30/2010 and to approve the request for Budgetary Authority

Commissioner Taylor noted that the Subgrant Recipient is the BCC Chairman with the Finance Director being listed as the Chief Financial Officer, yet it is a grant implemented by the Sheriff.

Ms. Katherine Pondexter explained that the County is always the recipient of the funds from the State. The sheriff expends the money, then makes the appropriate reports and files his request for reimbursement of his expenditures with the Clerk. The Clerk, in turn, verifies that all expenditures are in compliance with the grant budget and sends the reimbursement request on to the State. The funds are disbursed to the Clerk and the Clerk then ultimately reimburses the Sheriff. In the event the State should require grant money to be repaid, the Sheriff would be the responsible to repay it.

3. **Approval and Acceptance of Justice Assistance Grant (JAG) for the- American Recovery and Reinvestment Act of 2009**—Authorization for the Chairman to sign the Certificate of Acceptance of the Subgrant Award - Uniform Agreement 2010-ARRC-GADS-5-W7-203 ; \$193,655.00 (Sheriff's portion) (New grant; sheriff was appointed as the implementing agency. Money to be dispersed by the Clerk to Sheriff and all municipalities.) Project Title – Gadsden County Sheriff's Office Jail Management Information Sharing System

Commissioner Taylor's comments on Item 2 also applied to Item 3.

UPON MOTION BY COMMISSIONER TAYLOR AND SECONDED BY COMMISSIONER HOLT, THE BOARD VOTE 5 – 0, BY VOICE VOTE, TO APPROVE ITEMS 2 & 3.

- 5. Approval of an Amendment to the Traffic Signal Maintenance Agreement with the City of Tallahassee** to include the traffic signal at U.S.90 and Brickyard Road. The FDOT will reimburse the County \$2,372 annually for these costs.

Commissioner Morgan asked if the reimbursement would be reimbursed at 100% of the cost.

Public Works Director Robert Presnell responded by saying, "Yes, sir. It is almost identical to the agreement that we negotiated with the City...We will be reimbursed within just a few dollars. Within \$10.00."

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE TRAFFIC SIGNAL MAINTENANCE AGREEMENT WITH THE CITY OF TALLAHASSEE.

CITIZENS REQUESTING TO BE HEARD

Brian Tharp, 259 Champion Oaks Circle, Havana, FL 32333

Mr. Tharp spoke to the board about a drainage problem that exists on Champion Oaks Circle. He recalled that when the subdivision was created, there was a drainage system created. It traverses across Terry McDonald's property then across the RMC Hunt Club and down into a creek. He stated that it has fallen into disrepair over the years. At some point in history, the County took over the responsibility for Champion Oaks Circle – the road itself. He assumed that the drainage system would be associated with the maintenance of the road. He stated that the drainage is not fast enough when there is significant rain and the water backs up on the east side of Champion Oaks Circle and fills up a couple of lots - his and Mr. Hume's lot. The problem has worsened over the years and it now covers about three acres which includes septic tanks, which has become a public health issue.

Chair Lamb stated that he has been out there several times. He questioned how some of those residents ever got a permit to build a house on that land. He concurred that it is a mess. He said that he was aware that Mr. Hume hauled in a lot of sand and soil and built up his lot before building his house. He stated for the record that the county administrator, public works director and road crew staff have been on that location and know of the problem.

Public Works Director Robert Presnell stated that it has been an on-going problem since before he became the Public Works Director. It became worse after Mr. Hume bought his lot. That lot has been used as a neighborhood water storage area during significant rainfall. It would be

retained on that lot until it percolated out. When Mr. Hume hauled in 100 loads of dirt and built his home, the lot could no longer store the water as it had in the past and the water was pushed back onto Mr. Hume's neighbor's lots. Two of the neighbors now have some serious water problems. The owners of the lot next to Mr. Hume began to dump dirt in an effort to keep the water off their property and it resulted in the water being pushed more north. He said it is a low spot on a small drainage basin in that area. The developer (during the 70's) installed some drainage ditches and the remnants are still there. However, the maintenance easements were not deeded to the county. Each private parcel of land has a portion of the drainage ditch system. The County voted to take the maintenance of the road, but did not take any of the drainage ditches or drainage features or storm water maintenance.

Chair Lamb suggested that they get an engineer out to Champion Oaks and see what needs to be done and report back to the board.

Mr. Presnell stated that the county would have to acquire property across the road and excavate a larger drainage ditch to get over the topography to get positive drainage. You would have to acquire that property. It is wooded. And, build it. It would be very costly. Put multiple culverts under the road and go along with Mr. Humes and improve that drainage feature as well.

Commissioner Taylor suggested that there might be some stimulus dollars available to help remedy the problem.

Mr. Tharp asked what it would cost to have the engineer come out to make an assessment.

Croley:

Your house, and I mean this respectfully to you, I am very familiar with the property. Robert Presnell knows that I am. You are in the middle of what used to be a shade tobacco farm. That is the back side of a shade farm with a holding wet area in there. You built your house in a wet pond. The fact that other houses keep being built in there, you are building up the water as you have already pointed out. My question to you is – You hire an engineer at public expense to go in there. Mr. Presnell, where is that water supposed to go when you channel it off? Who else is going to complain about that? So, you've got that to worry about that as well.

Mr. Collins, you represent the building inspection office and I would like to ask a question of him along these lines.

Lamb:
O.K.

Croley:

Mr. Collins, if a person comes to your office to purchase a building permit to build a home in a wet area, what regulation does the county exercise over that?

Collins:

Well, we would actually have to do a flood letter on the thing. If it is in a flood zone, you can't build it in there.

Croley:
Are these (inaudible) in a flood zone?

Collins:
At the time they were built, I don't know. I would have to go back and look. But, by today's permitting process, you probably could not build in there.

Croley:
I thought so. I looked at the property recently, myself, over the last weekend. I noticed that one of the houses appears to be relatively new.

Collins:
There is one in there that was probably built – I want to say five years ago.

Lamb:
Less than that. Four.

Croley:
Was that a permit issued since these changes in county regulations?

Collins:
I can go back and look, I am sure that if there was a permit issued, it was issued in conjunction with the flood zones that they had in place at the time. I know that Planning and Zoning would have to go out and look at it, and then an engineer would have to do an engineered foundation to show the flood height of the property. All that should be on file.

Croley:
Well, my point, Commissioners, is this. You run a risk of really opening a major Pandora's Box when you agree to go out and hire an engineer to do all of this storm water survey for private property owners under the circumstances. Now that doesn't mean I am not supportive of helping them and make sure that there is a major distinction here. It is just that we need to understand what we are agreeing to do. If you do it for one, you've got to do it for everybody. I don't know if we have the resources to do it for everybody.

When you go and buy land, respectfully, you know that water runs downhill and you've got to look at the vegetation and where you are building. I hope that the building department keeps the flood maps.

I can always hope, but I would expect that your flood maps are current. And, that the people who build in flood plains, or, if they can, that they can buy federal flood insurance. We supported that program. Is that not true?

Collins:
We keep all that up to date. We have the engineers to go out and look at it, plus the surveyors look at it.

Croley:

Don't you require a soil test? That shows if it is a wetland as well, doesn't it?

Collins:

Yes, sir.

Croley:

From looking at the property, it seems quite obvious that it is a pond. A wet weather pond. Is that not right, Mr. Presnell?

Presnell:

I think I know what you are trying to get at. Under the rules that they worked under, they don't go looking and try to determine if it is a wetland area or not. They require the homeowner, the applicant, to hire an engineer to provide a flood elevation of say 103 feet. That is where the 100 loads of dirt came in. He had to meet that elevation they were requiring. No one from the county was saying, "We don't think this is a good idea. This is a wetland or this is a pond." They were just saying, "If you are going to build here, you've got to be at 103 feet." So, in effect, isolated wetlands of northwest Florida have been non regulated in the past. So, no one was looking for what you are asking about. They were just looking for how many loads of dirt it was going to take. We run into this at Public Works quite a lot. New developments do homes, earth moving, reshaping drainage features and then it is always the county's water. We have to deal with it.

Croley:

When you haul in dirt and you raise the elevation and flood everybody else around you, who is liable for that?

Presnell:

If you flooded me, whoever dumped the dirt, if I was the neighbor.

Lamb:

I don't think the water was coming from the house with the elevation. I don't think the water was coming from that area.

Presnell:

Well, when he put the dirt in there, that used to be a storage area, when he put the dirt in there, it pushed it out farther. It has been an ongoing problem. He didn't cause it by any means.

Croley:

Well, the solution for this and the protection of the public is going to have to be – if we are going to get into regulating people filling in low areas. Cause as you said, the Water Management District in this northwest Florida District has not regulated isolated wetlands.

Presnell:

As of October 1, a new regulation came into effect. They are now doing that. I don't know what cooperation they have with them, but, it is going to be a great thing. The isolated wetlands have just not been looked at. Just in Northwest Florida. The rest of the state, it has. That should cure some of the problems. It will take off of them because the state will be saying, "This is not a suitable location to build a home."

Lamb:

Commissioner Holt.

Holt:

Thank you. Mr. Presnell? What out there does the county own? Out there in that situation, what property is owned by the county?

Presnell:

Zero.

Holt:

The county doesn't own any of the property. Not the road?

Presnell:

I think the road is totally a prescriptive easement.

Holt:

Not even the drainage.

Presnell:

No, ma'am. We have searched the records. Like I said, this has been going on for 10 years. We have researched the property records and deeds and we have found nothing that would make the county responsible for the drainage out there.

Holt:

Mr. Chairman, it is almost impossible to solve on the county's behalf. I have about 6 of those in my district. If you do that, I can just name them. It is almost impossible for the county to solve. If you start going onto private property. In fact, we need a whole workshop on this when you get into it. This is going to be one of the worse messes you have ever seen. Gadsden County has a lot of places that are low and how do we pay for it? We don't even have enough money to budget for that. What we would have to do is - if that group out there, just like I have one in the northwest part of my district, they would have to get their engineers to go out and see what can be done. Applying for funding, as the manager said, the staff can look into that and see if there is something we can do to see if we can help them as far as getting the funding and to do that throughout the county. But, if you go in with engineers there, I've got one guy sitting up there in Robertsville, he is just waiting. That will mean that we have gone onto his property, too. As I told him, "This is private property and sir, that is your property." He told me that he was not going to vote for me and I told him, "That is fine. I have no problem with you not voting for me." If I tell you that I am going to jump in and help you, then I had better jump in and help

everyone else. But, it is not my money. I want to help you. You need some help, but I just don't see where the money is to do it.

I think it is good to start applying for funding in those flood plains to see if we can help to get some. But, that is my only concern in as far as doing that.

Lamb:

That is the same thing that I mentioned to the homeowners out there. I asked the administrator to let Robert come out there and tell them what they need to do and He has done that. He sent his supervisor out there; I think he went out there last year.

Presnell:

I have been out there.

Lamb:

I know the County doesn't have the money to do anything of that nature. I don't think Robert promised them anything.

Presnell:

Other counties - we clean the ditches out, we make sure that the pipe is clean, we jetted the pipe, we even fudged a little bit on each side of the road as far as cleaning the ditch the best we could along the fences and the edge of their yard as far as we could. But, other counties have the same problems. They are probably a little more urbanized than we are. Everybody has the same problem. But, they have implemented storm water fees, various permits, etc. to generate the millions of dollars needed to look at these kinds of issues and address them.

The only other avenue, as far as specific problem is one of those MSTUs. I know Leon County has done that in the past to address a certain area, and then collect it from the people to fix the particular problem. But, that is what other counties have done.

Lamb:

Who would you refer them to in order to go forward?

Croley:

Water Management.

Lamb:

Water Management?

Presnell:

Water Management is not going to go in there and do a study for them. I wouldn't think. That might be a good place to start and have their field representative come out and see what they can offer. But, if they were serious enough about it and wanted to use an engineer, we could direct them. I think we have a file with some, I know we have a file with some elevations. We may have some data that we could provide and our current county engineer might be able to do it at a nominal fee.

Holt:

I have one other question and comment on that. If you are saying that we don't own anything out there, but, we are blowing out the culverts and we are cleaning the ditches – I have said this before and I recommend this to the commission again, we need to sit down and workshop this. This is going to come up every time it rains in Gadsden County. So, what we need to do is see how far we are going to go. What makes it an emergency situation and what does not and how do we solve this problem.

Presnell:

Now, we are required to maintain the road because it was by prescriptive easement. We don't have to own it. We actually paved it several years back because the county had maintained it since they accepted it in the late 70's.

Holt:

That is what I am saying. For the citizens, when they are hearing and watching this, they are comparing the two. That is why I said this is very important that we workshop this. And, we also need to workshop the Comprehensive Plan that addresses several of these issues. We are here trying to deal with them one at the time when we could go in and sit down and have five or six workshops and go after a blanket statement that would correct a lot of these issues and the citizens would know exactly what they can and cannot do.

Lamb:

The next time we have a workshop, let's make sure that we put this on the agenda.

Holt:

This is a total workshop by itself.

Croley:

Robert, while you are still up, is there a possibility that the folks could approach the conservation resource assistance with the engineering design through USDA Rural?

Presnell:

Possibly some help on some of the designs. There is no construction money.

Croley:

Well, I understand about the construction money, but right now, they are looking for an engineer and ya'll could help him with that. That might be a start and it not cost the homeowners any money.

Presnell:

I have a survey. I surveyed it myself about eight years ago. With some county employees, I shot the elevations to try and see what the cuts and balances were going to be. So, we have some things that can save them some money.

Taylor:

Just a comment. I know that you need immediate relief. I would like to oblige you tonight, but, obviously, they are talking about work shopping this. Preble-Rish is our engineer that is on retainer with us. We need to at least have conversation with them. Even if we were to try and apply for dollars from the stimulus, they are going to require some kind of engineering information anyway. In applying for them, through the applications, we are going to have some information to apply for the dollars. I believe, if not in your case, but, some of these other flood areas, these people want out because there is no relief. After a while, engineers or whoever may come in, it may be that you have to move out of that area. The weather is not going to give any relief for you. It is going to get worse. That is unfortunate, but, it is a strong possibility. So, what I am saying is that we do need to bring Preble-Rish to the table and give them some dialogue of no more than just that. That we are going to be looking at doing some drawings and seeing what we can put together so that we can attract some of these stimulus dollars. That is the only thing that is out there at this time.

Lamb:

Robert, will you touch base with them?

Presnell:

Yes.

Lamb:

Thank you, sir. That particular item was on the agenda. I just waited until I got through with the Consent Agenda before I got to them. They were on the agenda.

O.K. Susan Bowden?

Bowden:

My name is Susan Bowden. I live on Old Federal Road and I am in Ms. Taylor's district. We have actually talked on the phone before. I am here tonight to ask for your help with something.

We moved our family to Gadsden County almost nine years ago. We were looking for a clean, safe place to live. We were looking for beautiful land and property. We were looking for peace and quiet and we found it. I am astonished to see in the news media in the last short period of time, photographs in the paper, Channel Six is covering the fact that good news – Gretna has got a Biomass Incinerator coming. And, I am astonished that anybody thinks that this should be presented as a done deal. That is the way it looks.

I am asking you, begging you to look at this issue. Look at these facilities and let's make a decision on whether or not that this is what we want in our community. There is a lot of controversy. There is a lot of information. The jobs they are promising – I don't see it. I think the people you are going to lose – moving out of the county are going to cost more jobs than the 20-25 or is it 10-15 permanent jobs that it is going to create. They are not going to pollute – but, they are going to have big smoke stacks. O.K? So, what is it going to smell like at my house when I walk out in the middle of my pasture, am I going to be breathing in pollutants? Are my grandchildren? Are my animals? All the research and everything I have run across say, "Yes."

I get annoyed when the guy behind us does a control burn and I know that is necessary, but it creates a lot of smoke. But, these plants are being run out of states. The state of Massachusetts shut them down. They are not going to let any more of them open until they finish with the research.

We formed a group of very concerned citizens here in Gadsden County. It is a new group. We just met three days ago. But, we are very concerned because where they are talking about putting this is across the street from the women's prison and right near, within spitting distance of Gretna Elementary School. I don't know who is in charge of all of this. I am just a person. But, it just sounds like a "not good idea" to me. I am turning to you and I am asking you to look at it and help us make some good decisions. Let's not be short sighted because –

I am sorry; does that beep mean my time is up? I am sorry. Can I push a button and make it quit beeping?

Lamb:

No, I have to push it.

The only thing that I can say, and the other commissioners might have something to say on it, too, is that it is a Gretna project. It is not in the county. It is inside the municipality of Gretna. I think you need to let your voice be heard at their commission meeting.

Bowden:

We've got people there tonight. We split to come to both places. The smoke is not going to and the pollutants are not going to respect the Gretna city limit line, wherever that may be.

Lamb:

Commissioner Taylor?

Taylor:

Hey, Susan.

Bowden:

Hi.

Thank you for your help with the tree cutting problem.

Taylor:

No problem.

I did, this morning as a matter of fact, spoke with the attorney for Gretna because my concerns are very, very similar to yours. I talked to him about it. Along with the rest of my colleagues, I did receive an email that highlighted some of the issues around this biomass plant. What he assured me, and I still am requesting more information, but, he assured me of two things that I want to share with you. You probably already know.

Number one is that this plant is far from coming to fruition. There are too many other hurdles that it must come across before one brick is laid. One is DEP. They have to pass all of DEP regulation. The other one is the federal government. They have passed all the federal government regulations. Now, I also asked him about Massachusetts and the incident that occurred with its biomass plant. Now, his comments to me, and I quote, "Those two plants are not the same in nature. They do two totally different things. The technology is different."

Now, what he told me, and I quote, again, Susan, is "The only other plant similar to the one that is coming to Gretna is in Scotland." That is the only one. There is not suppose to be any, because that is my concern, what will it do to the environment? What kind of harm would it bring to the constituents? That plays paramount with me and my support.

Now, they have promised to keep us in the loop. They have promised to come back and do a workshop with this board once they have gathered all their information so that we are assured that going forward that it won't cause any harm.

I have the same concern as you and I will stay on top of this one until I am satisfied. Otherwise, I am in your position right now. I am skeptical, but there is so much that we do need from it. But, I am not willing to fill up the hospital to get it.

Thank you.

Lamb:
Commissioner Croley?

Croley:
Thank you, Mr. Chairman.

The best way to understand my position is to understand what my guiding principles are. I said that I would support sensible economic development and protection of your environment along with support for your transportation infrastructure improvements. Now, having said that, I am like everyone else in business and most of the citizens in the county. We would like to have some good wholesome commercial development to help broaden the tax base and support our agri business and our other traditional economic resources here. We applaud efforts to bring about economic development.

On the other hand, I am not going to, and I can only speak for me, but, I will agree with Commissioner Taylor on this point. I will not do anything to jeopardize your environment. I don't want anything near you that I wouldn't want to have near me.

Now, I would like to simply suggest to your group that you go back and list out all the questions and concerns that your group can think of so that in this process, whether it be with the City of Gretna, economic development folks as well as the business here, that they are given the opportunity to address this things in a factual manner. That way, we will all be better informed and have a better understanding. The public at large will as well. It does affect everybody. If we handle it on that basis, and take some of the emotion out, we will probably come up with a

more logical answer and figure out and do the right thing for both- sensible economic development standpoint as well as the environment.

I don't know how the other commissioners feel, but, as Commissioner Lamb has pointed out, right now, this is within the City of Gretna's jurisdiction.

Lamb:

O.K. Commissioner Morgan?

Morgan:

Thank you, Mr. Chair. Ms. Bowden, thanks for coming and speaking with us about your concerns.

I am going to take a little bit different approach than what I have heard so far tonight. I want to assure you and the citizens of Gadsden County that I am certain that the folks who are weighing this decision are looking at the potential benefits as well as the potential risks that always come together when you consider a project like this. I think that most citizens know that economic development is at the forefront, in my opinion, and it is very important for the county to consider good business that does make sense for the county. One second.

Bowden:

I just want to ask you. Who is weighing the issues, do you think? You said somebody is weighing the issues.

Morgan:

I am sorry, but, if you will let me finish, I will be glad to let you ask questions.

But, I do think it is important to give the folks who are leading this charge an opportunity to gather all the information and weigh it and listen to you, your group, and others and to come to a decision that will be healthy for our county.

With any type of change like this that may or is being considered for our county, there is a lot of information that comes out. There is also a lot of misinformation that comes out. I think that it is important to analyze and distinguish both of those.

Commissioner Taylor actually mentioned this earlier and she is absolutely right. There is only one facility like this in the entire world and it is in Scotland. It meets and exceeds very stringent emission laws that are in effect now and I think it is considered to be truly quote, unquote, "cutting edge green technology, eco friendly technology." So, I am someone, and you have heard me say this before, you find what you look for. I am looking for a way that this project can come to a reality in this county if the benefits do truly outweigh the risks. I would hope that we can look at it objectively and consider all the information and your concerns and do it in a manner that is professional and positive approach. Understand that this is not at all like any facilities that we have had in the press recently. For example, over in Tallahassee or in Massachusetts, as you referred to. They are two completely different types of facilities that we are talking about.

I hope that as we go forward, we will truly look at both sides of the coin and not go ahead and take a position now when we don't have all the information. I am certainly not going to do that. And, if we had done that in the past, there is a whole lot of industry in Gadsden County that is here now that wouldn't be. So, I think that is important to remember as well. We do know that there are going to be a number of jobs that they have already committed – that will have Gadsden County employees working during the building of the facility in different phases.

I appreciate your patience. I will gladly listen to you.

Bowden:

I am not here as an expert in this. I am not an expert. This is brand new to me.

Morgan:

Me neither.

Bowden:

I am worried about my family.

Morgan:

Sure.

Bowden:

I am also worried about my property values. I am worried about children and people who don't have any choice.

Morgan:

Me, too.

Bowden:

The way you speak, sir, sounds like you've got a lot of information about this facility. I guess that even raises a concern with me. Why, as a citizen, don't I have the information that you have?

Morgan:

Well, I made it a mission to go out and get the information. I don't know if you have done that, but

Bowden:

It sounds to me like you have actually talked to the people. You know about the particular facility they are putting in. Have they put their permit in yet?

Morgan:

I know some of the things about the facility. I don't know all of it.

Lamb:

I think I need to bring this to a close. I am going to let Commissioner Holt say something, and then we are going to bring it to a close. As Commissioner Taylor has said, you need to start at Gretna first. Get the information, but don't form an opinion of your own until you hear all sides. Then, that way, you will know all the history behind this particular plant. I know

Bowden:

I came to ask for your help. I want information so that I can protect my family and where I live. Everybody in this room needs the same information that anybody else in this room has.

Lamb:

Commissioner Holt?

Holt:

Thank you, I am so happy that Ms. Bowden is here. The group and I met the other day. Gretna sits inside my district. I have had several conversations from Day 1. I got a call at 10:00 saying they had (inaudible) and it was not available as to what it was. As I told one of the news reporters there that day, I am in favor of the jobs, but, I want to do the research. That is the same thing that you are asking for. I would like your contact information also.

We are looking at several things going on here. Awareness is one. As I said, and I have said this to other people and I have said it to this board. We have to have, Gretna will have to have, workshops. Within District 4, the people inside the county, we are going to have meetings because they are going to happen anyway. I spoke with the mayor and I spoke with the manager out there. They said the cost of the engineer of that company; I spoke to one of the engineers there also. So, it is a matter of getting the data out there.

I want the jobs. But, when we look at jobs, we have to look at what type of jobs and who will qualify. If you have jobs that require all master degrees, then you are looking at what is required there. How many jobs are you going to have in that area?

These meetings are going on anyway as I told the manager and the mayor. People are having the meetings. It is whether they are going to be informed as to whether they provide an opinion based on fact or are they going to base it on "hear say". This is where the workshops need to be at right now. Bring in information. I told two commissioners out of Tallahassee that called me – I said, "Email me your information." Then, you do the comparison. You can't do that unless you have the data in front of you. So, we are now to that point. It is not as if they are going to build it tomorrow. But, the longer you wait on the workshops, the longer you wait on the information, people form opinions whether they are good or bad, right or wrong. So, that is what we are doing right now. That is why I said I need your contact information.

There are people right across the city limits that started calling me first. They have been calling the whole time. I will be more than happy to give you my email address. Contact the city and you will be able to do the same thing. As I said, compiling information. That is what has you concerned. It has other people in the county concerned. If you say "energy plant," which is what some people said, people don't think "Maybe it is a biomass plant." Then when it went from "energy plant" to a "biomass plant," people became nervous. As when they say – I always

say that I need to lose weight and when they find an herb in another country, I get worried. They say that this will make you lose weight all of a sudden. Well, it is from a country that I can't do the research on. Here, I need to do the research. I think people are having a lot of that. There are a couple of scientists even that have called me. So, they are interested in what is going on. So, give them the information. I asked the mayor and the manager to sit down and let's get some information out there so people can look at what is going on. Are there going to be smoke stacks or are there not going to be smoke stacks? If you are going to have water that is used, is it going to be re-injected into the aquifer? That is something the neighboring counties wanted to know. If the water is going to be re-injected into the aquifer and if it is going to be contaminated, they are concerned. If it is not going to cause a problem, we have business people saying "We need the jobs."

I think that until we sit down with them, we will not have all the information. That comes from an old school teacher. If you don't have it, you can't use it. You know how it is. I just need your information if you will pass it over. I will be more than happy to contact you. Your other group is out in Gretna and I would like to sit down with them, too.

Lamb:

Ms. Bowden, what we will do is that we will make sure that Gretna understands that the public wants to know more about this facility and that they need to have workshops and city meetings – whatever they want to have to make sure that the public is involved. And, to make sure that the word gets out that they are having these meetings.

I know my administrator will make sure of that tomorrow.

Thank you very much.

Bowden:

Thank you.

Lamb:

Ms. Barbara Gaye, please. Give me your name and address.

Gaye:

Barbara Gaye. 26 Watson Road, Gretna.

I am in the group with Susan, so I have the same concern that she does. However, I live on the corner of Highway 12 and Watson Road. I will look out my driveway and see this plant if it is put there. So, that is a concern for me. I am concerned, well, since I moved there, you have had the prison, you've had the industrial plant, and we are going to have a race track and now this. This is my community right where all this stuff is. So, that is a concern.

I am concerned about the traffic that will probably be bringing this wood in or whatever is going to be coming in on big heavy trucks. There is already a pretty steady flow of traffic on SR 12. There are big semi-trucks quite frequently making a lot of noise and emitting CO₂, so that is a concern.

Lamb:
Mr. Sam Palmer?

Palmer:
Good evening. Sam Palmer, 1225 Berry St., Quincy, FL

Mr. Chairman, I am here with a concern about the agreement that was signed by you all last month regarding the hospital. I have several copies here. Did you read it before you signed it?

Lamb:
I read it and re-read it.

Palmer:
Well, Mr. Chairman, I don't think the citizens really understand anything about this agreement. This agreement with HCA that you signed and Mr. Craig McMillan. It tells us that the agreement is for a five year period. It says that it can be renewed by them, but, if you all cancel the agreement, all the assets – you have to pay for all the assets that they have. The land, the hospital, the assets that are listed in the agreement here, which means the half cent tax. The money from the half cent tax will also be going to HCA. All the money is really going to be going to HCA with this agreement that you all signed. Also, since Regional is a for-profit hospital, the money from the federal cannot go directly from here to them. You all got this set up, that you signed, that the emergency room that you are going to open, our EMS people will be taking the people from that Emergency Room to Tallahassee Memorial and then you will transfer them from Tallahassee Memorial to Regional. We will have to provide the expenses for that. There is so much stuff in here, the agreement that is signed there, the county, if they cancel this agreement, it will be millions of dollars in the red, and trying to pay HCA for something they didn't do or couldn't do. They can cancel on short notice, but you can't once this agreement goes into effect.

Mr. Chairman, I think that the citizens don't know about this, really. The citizens need to be aware of what this agreement says. I think that once they are aware of it, they will realize that you got a bad deal. You got a bad deal.

If there is anybody that wants a copy, I have some copies.

Lamb:
O.K. Next is Mr. David Borland, please.

Borland:
That is Borland. How is that - Test. Test.

Lamb:
State your name and address for the record.

Borland:

I will do that. I am David Borland. 5 Dante Court, Quincy, FL. I am a 16 year resident of Gadsden County. I am here, Commissioner Taylor, and all of you, in opposition to the Biomass incinerator as well.

I think Ms. Bowden was pretty articulate for a lay person coming before you this evening. I dream at night of this horror that I oppose by day. That is a county leadership in error, potentially in complacency or complicit to it, destroying, bit by bit, our long term heritage in the county, our communities, our land base upon which we all depend, pollution of our streams, our ground waters, and the desecration in this case of its air and most importantly, a sovereign oath to protect the health and well being of its citizens. And, as I might suggest, preserving the natural resource upon which we depend ourselves.

This dream indicates a leadership that from its root dies upward. It is plundered, sold by purchased remote powers and it also dies from the head downward marketing its future for a few hour by policy hour, Comp Plan item by Comp Plan item, day by hidden day, and the very future of our children sold to and bought, legally and possibly illegally, like a commodity – this future, with a knurled and never yielding fist of our own greed, which we make very small this great place, this great life, this county we called Gadsden in the Florida red hills. I think you get an idea of where I am coming from.

Ladies and gentlemen of the commission and all those who still have heart for this place, be aware and be notified that the Concerned Citizens of Gadsden County will not stand idle. We will not stand watching as this bright light of Gadsden County goes dull. Our citizen based activism will be long term, it will be committed, it will be successful, it will be confrontational and we will not take “We can’t do that” as an answer or yield that it is a Gretna City issue. We are all aware that you coordinate and have a reciprocal basis with all municipalities, particularly within a half mile of mutual border jurisdiction. So, I may venture to say that there will be no Biomass incinerator in Gadsden County.

Lamb:
Thank you, sir.

(Applause)

No clapping, please. Thank you.

Mr. Administrator, next item.

PUBLIC HEARINGS

8. Public Hearing – Seeking Board Approval of CDBG-DRI Grant (Community Development Block Grant Disaster Initiative) Application to be submitted to Florida Department of Community Affairs

County Administrator Johnny Williams announced a public hearing for the purpose of considering

a grant application for a CDBG-DRI funding which was made available to Florida by the United States Department of Housing and Urban Development, Under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. Seq.) Federal Register – Docket No. F.R.-5256-N-01, Volume 74, Number 29 and Federal Register – Docket No. F.R. -5256-N-01, Volume 74, Number 156) for federally declared natural disasters that occurred during 2008.

Gadsden County was awarded \$241,866.00 by the Florida Department of Community Affairs through the Community Development Block Grant Disaster Recovery Program, with the cooperation of all municipalities.

It was noted that a Public Notice was posted in all three local newspapers and on the County's website along with pertinent required information to invite public participation at this public hearing. (Documentation attached)

Gadsden County Building Official Clyde Collins and Ms. Audrey Moore of Governance Services addressed the Board explaining the application and the funding criteria which had to be met in order to qualify for the funds. They pointed out that the allocation is intended to address the unmet needs within the county as a result of Tropical Storm Fay, Hurricane Ike and Hurricane Gustav during the 2008 storm season and to assist in identifying the needs of all the municipalities within the incorporated and unincorporated area of Gadsden County.

Discussion followed among the commissioners.

Chair Lamb called for comments or questions from the public. There was no response. Hearing no response, he then called for a motion.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CDBG-DRI GRANT APPLICATION DESCRIBED ABOVE.

- 9. Public Hearing – Seeking Approval of Resolution 2010-001 and Budget Amendments OMB EOY 54 – 77** Approval of this agenda item would also authorize the Administrator and Finance Director to complete and execute any other budget amendments necessary to close out FY 2009 BOCC Budget.

Chair Lamb called for questions from the board.

Chair Lamb called for comments and input from the public. There was no response.

Commissioner Morgan asked Clerk Thomas to disclose how much the general fund balance was impacted by the end of the year budget amendments.

Clerk Thomas responded, "The budget started out with \$363,000 appropriated from the general fund balance. When all of this was done, it was about \$800 and some thousand to fix all the problems. However, the net effect is only about \$300,000. I will try to explain that briefly. The budget is built on 95% of revenues. The state won't let you budget based on 100% of the

revenues. It is a great thing. You ended up collecting 98% of your general fund revenue. So, the net impact is only about \$300,000 because you collected 98% of revenue. If your expenditures had actually been held in check, you could have increased the fund balance instead decreasing it. But, the net impact is only about \$300,000 for the fiscal year that just ended. The previous fiscal year, you had a negative impact of about \$1.2 million. So, for the last two years, your fund balance has come down about \$1.5 million. From \$3.8 million to \$2.2 million."

Morgan:

So, basically, what you are saying is that if we had watched our expenditures more closely, we would not have had this negative impact.

Thomas:

I think in the current budget, the finance department worked with your budget people to try to make sure that all expenditures were covered to try and make the current budget better to deal with that problem. And there was no general fund balance appropriated in this current budget. So, if you can keep the expenditures in check and everything goes well, this situation should turn around at the end of this fiscal year. You should have an increase in the fund balance instead of a decrease. You cannot continue to let the general fund balance decline like that.

Morgan:

I am glad to hear that. I had figured that the negative effect would be \$500,000. I guess the point that I was trying to make to the public is how important it is when we go back and do amendments like this, it affects our overall fund balances dramatically. It simply comes down to the fact that we haven't really stuck to our budget like we should. We have an opportunity this year to do that. As you mentioned, we can rectify this in a major way. If we can do this for a few years running, we can really be in pretty good financial shape relatively speaking. Would you agree with that?

Thomas:

I agree. The main thing is to not appropriate general fund balance and build your budget based on 95% of the revenue. Chances are most of the time; you will end up collecting a little bit more, a few hundred thousand dollars more than you spend.

Morgan:

I did talk to the tax collector and he told me that we were right on track as we have been in historical years, as far as collecting our ad valorem taxes. He felt pretty good about year to date collections, which is good. But, of course, we never know what is going to happen.

Thomas:

You never get 100%. I think that in last year's budget, you got about 96%.

Morgan:

There again, as we talked about it earlier, it may be next year or the year after that we have concerns about collecting. That is why it makes it even more important for us to realize this budget and stick to it as best we can.

That is the only comment that I had.

Lamb:
Commissioner?

Croley:
Mr. Clerk, as the chief financial officer here for the board, the item here of transfer of general fund for debt service IT – information technology. This additional \$295,300.

Thomas:
The debt service for IT was one of things that was not covered in your budget so we had to do that. Then in September, we tore down all those special internal service funds. I complained about those things, I can't believe I couldn't remember the name. So, in the budget amendments that we previously submitted, we did away with the internal service funds. They are gone in this current year's budget. But, yes, the debt service was not covered.

Croley:
You see, that is my question. Why? Of course, you can't answer that question.

Thomas:
There were a number of things in your budget that were not covered. I sent you a memo. I don't know if you remember or not. But, last summer, a memo listed several funds and it said that these are the problems you are going to have with several funds and we need to fix them. Your budget was balanced on paper, but, it wasn't truly balanced.

Croley:
I agree with Commissioner Morgan's point. This is a good example. We had entered into this debt for this equipment, yet it was not properly reflected and what it was truly costing to service the fund as it was represented here. Is that not true?

Thomas:
That is true. Like I said, I changed that. Your current budget better reflects your actual expenses. When finance went through it with your budget people, we tried to make sure that you captured all your costs.

Croley:
You know, Mr. Chair, this is something else. I agree with Commissioner Morgan whole heartedly. There were so many things camouflaged in all those internal service funds, as Clerk Thomas repeatedly pointed out, that we never really knew what the true cost of running county government until after all this money was spent. Now, we are on the proper financial path.

I thank you, Mr. Clerk, for the efforts that you made in helping to bring about those changes that were needed.

Certainly, Ms. Chess, your coming in, with Mr. Williams leadership here, and getting these matters straight. So, thank you.

Holt:

Question, right quick.

I know that this is not something and it doesn't really relate to you, Mr. Thomas, but it does in the budget department. When you bring in – this is something that I asked about, probably in 2003. The transfers in and out of an account – it just says transfer to fund 325 or whatever the fund is. I asked before for a caption that says what that transfer was used for. If it was the buying of equipment for the jail or whatever. We could just never quite get that in there. If we could work on that for the future – to say what the transfer was for. It just says one fund to another. We can vote on it, but, the research isn't really there before us that shows us what that transfer was for. That is all. As for your department, Mr. Clerk, you are just doing the transfer and that type of thing, but when we vote on it, it is not something that we can see right away.

Thomas:

There could be comments on the amendment.

Holt:

Right. That is what I asked for before.

The only other thing that I had a question about was the motor pool. In order to clear up those things that were – at one time we were contracting out, contracting out, contracting out – we found that it was cheaper to go in and do one motor pool to do that minor work and it saved us a lot of money. Instead of doing that as far as going to buy extra parts. I know when we first cleared that up, some of the outside people were complaining because they started bickering as to why is the person down the street getting this contract and I am not getting it. That was my only concern about clearing up those accounts. To make sure that those things that were large ticket items, like the motor pool taking care of those minor repairs, taking care of those service things that could be done in house. That may be an in-house account where it is charged back to those departments, but, we need to make sure that we save the dollars there.

Thank you.

Lamb:

Any other questions.

Croley:

I move approval.

Morgan:

Second.

Croley:

I call the question.

Lamb:

You have heard the motion. We are ready to vote. All in favor let it be known by saying, "Aye."

**All:
Aye.**

**Lamb:
The "Ayes" have it.**

General Business Agenda

10. Award of Bid No. 09-13 for Jail Camera System to Sonnitrol for \$79,929.00.

Five bids were received. See the agenda report for details of the recommendation for the bid award to Sonnitrol.

Major James Morgan, Gadsden County Sheriff's Office, Bureau Chief of the Gadsden County Jail addressed the board in response to the bid award.

Commissioner Taylor asked if the bid award to Sonnitrol is justified even though they were not the low bidder.

Management Services Director Arthur Lawson replied that there is ample justification for the recommendation for the bid award.

Croley:

I am certainly in agreement with the need for the cameras because I came out some years ago and went through the facility out there. We know that a lot of these items are needed, especially these camera systems. The appropriation was made, according to the write-up, and it could be incorrect, in the 2007-2008 budget. Now, is this purchase within the scope of the present budget?

Clerk Thomas:

Well, this brings up a little bit of discussion about projects. When something is budgeted in one fiscal year, to get it to the next fiscal year, you need to budget to bring the money forward into the next fiscal year. A lot of times, that doesn't actually happen. So, you may have a project budgeted in one year and it didn't get done for whatever reason and it wasn't brought forward into the next fiscal year, then there is no funding for it. There is money budgeted for the jail repairs. That specific line item, I don't think is there, but there are other things there. I think the total is about \$300,000 for a boiler or something.

Major Morgan:

Yeah, boiler, heating system. The water system.

Thomas:

There are a number of things totaling about \$300,000. That specific one that he is talking about tonight is not included in it. But, that brings up a point, like I said, about things being budgeted in a previous fiscal year. You have to be careful during the budget process that if a project is not going to get done, you've got to bring that money forward. It is like grants. You've got to bring that money forward into the next fiscal year. That is essentially what you have here. You've got some money budgeted for the jail, for specific line items for the things that he just mentioned. You can change that and maybe not do some of those and do this.

Croley:

The reason I am asking a question is that I don't want to put the Major in a position to try to buy something, and then you turn it down saying that we don't have it in the budget. Or, we may have to go back and do what Commissioner Morgan was referring to. Go back and do an amendment. Take money out later. WE need to have a clear understanding. The board can do whatever we need to do to put the Major's efforts here in a proper financial position to move forward.

Thomas:

You can amend the budget that you have there to re-prioritize and make this a priority, but stay within that total. Or, you can put more money into the budget to cover this.

Johnny Williams:

It can be done with an in-house amendment. I can do it.

Croley:

I think you did a great job on your explanation, Major Morgan, for your recommendation. I would like to hear from our facilities person.

Mr. Collins, in your role as facilities manager and having responsibilities for the structure itself and the equipment out there at the jail, do you concur with this recommendation?

Collins:

Yes, sir. You were talking about the \$300,000 that we have budgeted. We went out and tried to get some bids for the boilers. The boiler bids came in at more than \$400,000. So, we can't do it anyway. We don't have that much money. So, we can take some of that money and do these cameras. Then, maybe next year, we can get some more money.

Croley:

O.K. That answers the questions, Major.

Lamb:

Commissioner Morgan?

Morgan:

Major Morgan, I have just a couple of questions for you. I guess this comes down to – if I

understood the Clerk right and what I have heard – priority wise is this something that is of utmost importance in your opinion. The reason I ask you that is – I think that when I toured the jail out there, I appreciate you all taking me around – it seems like I remember you guys pointing out an area there where some of the locks on the cells needed to be replaced. I thought that was something that was pretty important. Is that something that ranks above cameras? If we don't have the dollars budgeted there, I guess you guys have to say what is the more important priority.

Major Morgan:

It is a very important priority. You have to take into consideration that the cameras are important for the safety of the inmates and also the employees. Right now, we only have two cameras working in the whole jail.

Morgan:

Then, the answer to the question is that this is the number 1 priority in your opinion.

Major Morgan:

That is correct.

Morgan:

I don't have any other questions.

Lamb:

Do you have questions, Commissioner Holt?

Holt:

Yes, first of all, I would like to say that I am glad that you didn't say where the cameras were because the inmates can see this.

The other thing is that it shouldn't be a choice between the locked doors or the cameras. Those, we should budget for. The commission owns the jail. Not the Sheriff's Department. We need to make sure that you get the cameras and the locks. We need to go back and prioritize what we are doing. We need to make sure that the people who are working out there are secure and that the inmates are secure also in what they are doing. We do have people out there who are employed and need those cameras in place. There shouldn't be a priority there. The locks and the cameras absolutely should be there.

That is all I want to say.

Lamb:

This is not just security. It is for safety, too. Not just for individuals who come in there or the ones who work there, but for the security of the inmates, also.

Major Morgan:

Very true. Very, very true.

Lamb:

We have to look at the whole picture. I think this is something that is well needed and I think it is something that we need to look forward and help him to get it.

Holt:

I move approval.

Croley:

The item was already moved. I moved approval subject to the financial budget transfer...

Lamb:

Will you second it, Commissioner Holt?

Holt:

Yes.

Lamb:

O.K. It has been moved and properly seconded that this item be approved subject to the internal budget transfer. Any other questions? No questions, ready to vote. All in favor let it be known by saying, "Aye."

All:

Aye.

Lamb:

The "Ayes" have it.

11. Approval for County Engineer (Preble Rish) in conjunction with Division of Parks and Recreation to apply for Capital Improvement Grant on Behalf of the County for Funds to Renovate High Bluff Landing

Charles Chapman:

In working with Preble Rish, they are willing to take the upfront risk of preparing the grant application at no cost to the County. They will only recoup their costs if the grant is awarded. It will be apportioned out from the administration section of the grant.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE ALLOWING PREBLE RISH APPLY FOR THE CAPITAL IMPROVEMENT GRANT ON BEHALF OF THE COUNTY TO RENOVATE HIGH BLUFF LANDING.

Commissioner Holt asked Mr. Chapman for a status report about the resident of Robertsville who was getting flooded from the water coming off the Robertsville Park.

Mr. Chapman responded, "We met with Public Works employees and we came up with a

solution. I have a meeting tomorrow to go over my first quarter budget report. After that meeting and I know how much money I have, we may be putting some 6" culvert pipe into the storm water drain area to relocate that water down to the main right of way ditch to turn that water properly.

12. Approval of Interlocal Agreement between Gadsden County and City of Quincy for Building Inspections and Permitting Services

The agreement will begin on the date the last party signs the agreement. It is an open ended agreement to be terminated upon 30 days notice by either party.

During discussion among the board the following facts were made known:

- The \$50.00 fee is adequate to cover the cost to perform the service
- There will be an additional load for the inspectors, but not the clerical staff
- The agreement will be temporary.
- The agreement is not in violation with any Florida Statutes.
- There is a hold harmless clause in the agreement.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENT WITH THE CITY OF QUINCY FOR INSPECTION AND PERMITTING SERVICES.

12A Appointments to Tourist Development Council

Ms. Helen Franks, Gretna City Commissioner resigned

Mr. James Atkins, North Florida Seafood, Business Operator resigned

The Tourist Development Council recommended the appointment of Ms. Crystal Tzintzun, owner of El Portillo and Diane Watts, General Manager of Best Western in Midway.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTE 3-2, BY VOICE VOTE, TO APPROVE THE APPOINTMENTS AS LISTED ABOVE.

Commissioner Holt asked the board to look at the appointments to be sure it is in compliance with the Florida Statutes.

There was a consensus to appoint a BOCC member to the TDC at the next meeting.

12B Appointments to Apalachee Planning Council

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, TO APPOINT COMMISSIONER LAMB, DELORES MADISON AND DR. HENRY GRANT TO THE APALACHEE PLANNING COUNCIL.

County Administrator's Agenda

County Attorney's Agenda

Croley:

What is the progress in settling the production cost for the filming of these board meetings?

Minnis:

Mr. Lawson was waiting for some additional information to come in from the bidder. We have gotten the information. WE have contacted Mr. Southerland's attorney to set up a meeting. Under the policy, there is supposed to be an informal meeting with the protester. We have that in the works to get that taken care of.

Croley:

Do we have a time frame in which we need to get this done?

Minnis:

We are trying to set up a meeting for Thursday or Friday of this week or next week.

Croley:

So, we should be in a position to know something by the next meeting?

Minnis:

Yes.

Croley:

Thank you, ma'am.

Lamb:

You will give your findings back to Mr. Lawson and he will give it to the administrator and he will recommend to us.

Minnis:

Correct.

Lamb:

Hopefully, that will be on the next meeting agenda.

O.K. Anything else?

Discussion Items by Commissioners

13a. **Commissioner Morgan, District 3**

Budget Format Status

Upon being questioned, Ms. Chess reported that she has generated a sample, a draft copy of the budget format and forwarded it to him for his review and input. She said that once she

receives his comments and recommendations, she will proceed with a second draft to pass on to all other commissioners. The first quarter's budget update will be on the Jan 19th agenda.

Solid Waste Services

He reported that he has been contacted by several people who were caught by surprise by the change in services for garbage pickup services. He asked what was being done to assure that the public is properly informed.

Charles Chapman responded, "We have actually had this in the newspapers, we sent out press releases, we had it on WCTV, we have had it in our newsletter, we had Waste Pro and Emerald Waste help us with some phone calls saying that we are transitioning. Some folks miss the information and we understand that. Not everybody watches the news and not everybody gets a phone call and not everybody reads the newspaper.

We are planning to do a follow-up press release that I will be sending out next Thursday or Friday to get it in next week's newspaper, just as a welcome for Waste Pro and allow folks to get the contact information that they need if they have any problems.

Morgan:

I think what may be helpful is if Waste Pro might be willing to include a note maybe in the first billing to inform people to the effect that if they have an open account with the previous vendor, how to handle that. I think that would generate some questions – "Who do I send this check to and those kinds of things."

Chapman:

I believe that with the delivery of the cans and recycling bins, they are providing a laminated information sheet with the day of pick up and a ton of information on it. It is double sided and you can stick on your refrigerator so it is right there for everyone.

There is also an informational piece that will be included in the press release about the folks who paid for the full three months with EWS and the rebates that will be coming back to the citizens that paid for that extra month. We are heading that off at the pass. We will get that taken care of and EWS knows what we expect from them.

Morgan:

I just want to make sure that we are not double billing anybody for the services.

That is all I had.

13b. **Commissioner Holt , District 4**

Public Record Request

Holt:

To the attorney. A brief update on the public records request for the emails and the issue that I asked about – the other documentation. The only thing I wanted to know is - will we be within the 15 days? I know that one item that I requested in beyond 25 days. We are not within that statute.

Minnis:

We will – the 15 days, I don't believe is in the law itself. I believe it says a reasonable time frame. But, we will be getting a response to you. As I indicated, there was some issue that we had to address from a legal point of view to make sure that the information that was given out did not violate any other provision of the public meetings law or anything like that. We are working as quickly as we can to get that information to you. It has been moving forward. It has not been sitting still. It was just a lot of information that had to be reviewed.

Holt:

I requested also a copy of that statute. If I am not mistaken, it did state the 15 days. I could be mistaken, but if you will send me a copy, that will satisfy me. Or, you can email me. That will be one email I get and Commissioner Croley gave me one, so that is pretty good. I am two for two.

Hospital – Medicaid Reimbursement Issues

The other item was, and this is very important. I looked back at my notes and information from 2005. Medicaid reimbursement. If we go into a legal agreement with any company, the Medicaid reimbursement needs to be paid back by that company for overbilling. O.K?

We were, at one time, in the court system, stating that we would have to pay back the state or federal government \$2 million. This was during the time that the other company was pulling out. They had been overpaid. That way, the county was liable. So, before we go into another agreement with another company, that Medicaid reimbursement needs to be paid back by that company because they would have received Medicaid funding. Even after that was after a final audit, if any management company pulls out, that final audit would determine whether they were overpaid by Medicaid proceeds. We were lucky because before because we got to write part of that off. If I am not mistaken, it was a little more than \$2 million. It was at least \$2 million that the county owed Medicaid. We cannot take this lightly or that we would be able to write that off again. They say that one time burned, Medicaid may not, the State of Florida, I am sorry, may not want to accept a second time that we went into an agreement with a management company and that was not in place. That needs to be written in place that no matter whom we go into agreement with on the county hospital, that they will be responsible for Medicaid reimbursement to the State of Florida.

Hospital License Issue

The other item on that issue is back to the license. We were not able to get the license back. All recommendations that I had spoken with, every company that I have spoken with and every attorney that I have spoken with said, "Do not give the license to anyone." We could not get

the license back. This board, in good conscience, gives the hospital license away. Now, the hospital board has it for five years. We must hold on to the license because it is almost impossible to get it back. The federal courts would not let us intervene to recertifying to update our license because they said the county commission does not own the license. The previous commission had given it to that company. And, we are about to do it again. If you do that, if we give that license away, it is going to be almost impossible; it will cost a lot of money. We went after it this time. We went to Washington, D.C. twice. We went to the federal courts in Atlanta twice and we could not get that license back.

Commissioners, I have to say this over and over. Two things. That Medicaid reimbursement, they get paid over and that particular company received \$600,000 overpayment from Medicaid and this county is held responsible, it is going to break your budget because we will have to pay that money back. If HCA is going to get the contract and if we refer over to them at their hospital in Tallahassee, they are going to receive that funding from Medicaid. We cannot, in good conscience, allow that everyone else has to pay that back when that company will have left with that money.

Thank you, Mr. Chairman.

13c. **Commissioner Taylor, District 5**

Workshop with Governance Board

Mr. Williams reported that he had not arranged the workshop with Governance Solutions. She asked him to follow up and get it arranged.

Hospital License and Medicaid Responsibility

She stated she would hold her questions for Mr. Glazer.

CDBG Grant Cycle

She was told that Gadsden County cannot apply for new CDBG funds until the grant with Mr. Bradwell is concluded. She asked the administrator to get a status report on the standing of the grant and bring it back to the board.

Drake Acres Park FRDAP Grant Status Report

Mr. Chapman reported that they are going through the administrative permitting process – storm water permit, Building DO, working through Planning and Zoning to get everything geared up and get ready for Requests for Proposals. Tentative timeline is to have and RFP prepared by the end of February; advertising in March; negotiation and bid award by late March; project should begin in May.

Adoption of Private Roads

Taylor:

There are some roads out there that have, for example, Canopy Lane has almost 10 homes down there. Children now have to walk down that road to the end of it. Robert can attest to this, it is just one of the worst roads in the county. It is not long. It is less than 1/10 of a mile, if that long.

Are we, at any point, during this fiscal year, going to maybe sit down and look at adopting some of these roads? He, (being Robert) did indicate that less than 5 miles if we can do it collectively, that it might be something that we could look at.

Presnell:

We currently have about 100 miles in the entire county. Other boards have addressed this in the past. The only way that I could be in support of it, as I indicated to you, would be is – if the board's policy (if they went that way) adopted one that limited the amount that you would take into the county maintenance each year. If you took 100 miles of new road, we will be 10 years climbing out of it.

Taylor:

I don't know how you would want to go about doing it, but, I did want to ask the county administrator to look at this and if he could, get a couple of suggested roads from each commissioner, then look at that as a possibility.

Mr. Chair, is that a possibility? Adopting some of these roads at some time? I am asking if we can get the administrator to survey the commissioners just as a fact finding process right now.

Lamb:

Yeah, he can always survey the commission. I just want to make one statement on that. This is something that we have talked about for years and we always say that you are doing is opening up a can of worms. I'll bet you could go to each one of our districts and find 5 – 6 roads, if not more, that would like to be in. Then, how would you go about picking one over the other. It would be a very difficult job to do that. Robert knows that because he has already been tested on that.

Taylor:

One comment. I hear what you are saying, but one comment on that is what we could do, and that is only if there is interest. I don't know that there is, this might be something that we need to bring up at another time. But, we could set priorities before we begin to open this up so that it doesn't become a Pandora's box. In other words, set priorities as to how much we can adopt, how many folks need to be on these roads, how many homes need to be there and that would eliminate having a barrage of homes coming in here. Now, you've got 50,000 families that are here in this county. 50,000 residents. Well over 20-25,000 homes that are here. All of them cannot be rehabbed at the same time. So, there is a process that you put into place that narrows your list and allows you to go through, take care of the most needed and move through. People understand that. So, there is a way to do it so we won't be opening up Pandora's box where we can still move this county forward in adopting some of

these roads that have gone through years of neglect. We are still taking tax dollars from these people. As well, there are voters down these lanes and children down these roads. There are ways that we can do it.

Lamb:

That is true. But, on the other hand, those roads that we do not come up with, they pay taxes, too. Probably pay more than some of those that we are talking about. But, anyway. At the pleasure of this board, this board could give the manager that direction, if they wish to do so.

Do you want to comment?

Holt:

Right quick. If Mr. Presnell could bring in the roads that we have not paved, bring that in.

Lamb:

She is not talking about the ones that we have not paved, now.

Holt:

I understand. But, what I am saying is that they are already county roads. What we are looking at is the maintenance on both. Even if we were going to adopt private roads, then they would have to come up first. So, when you are looking at the timeline there, we may need to look at what we already have because that is one of the issues that came up from DOT saying, "What are you guys going to do with the roads we already have?" That was years ago. When we got that \$10 million bond, that was the purpose of trying to move on those roads – that 400 and something miles to move it on out of the way because they were frowning upon us taking them when we couldn't do anything with them. At that time, we had dilapidated equipment because we didn't have that lease program. We had machines breaking down on the road out there and couldn't even get them back in.

Lamb:

Not, only that, though, there are still a lot of roads that have not been paved at all. Then, there are the roads that, and I understand what she is saying. But, there are some roads in all our districts that I have been asked the question, "Can we get our road paved?" I say, "At this point, we do not accept private roads." Because I know that, number one, financially, we can't handle it.

Taylor:

I am not looking at paving. Because I know we can't pave them all. Just to be able to maintain them.

Lamb:

But they will want them paved later on, though.

Taylor:

Well, if we could go in there and keep them scraped and maintained somewhat. But, like I say, I know this wasn't a popular idea at this time. I know that. I know that would not jive around

this board. But, I am going to be putting it out there from time to time until I get some support. I promised my constituents that I would put it before the county commissioners to entertain and give some consideration.

Presnell:

I will send each of you a list of the private roads in your district. That may be some help to you with the mileage.

Holt:

Right. Like I said, if I may, Mr. Chairman. Also those other roads and we can do some comparisons.

Presnell:

O.K., I will give you a list of the remaining county maintained roads by district as well so you can look at your mileage.

Holt:

Right. That will give us something to look at.

Lamb:

Did you want to comment on that?

Morgan:

Just real quick, Mr. Chair. We are actually talking about two different issues there. I don't think that was recognized. We are talking about the importance of a dirt road improvement plan for county roads, which is what I asked for several months ago. I know Robert has been very busy working on that. We should see something coming pretty quickly on that. Yeah, I saw a five year plan, but I haven't had a chance to sit down and read it. But, I am assuming that is included in there. I appreciate that.

Secondly, when you are talking about private roads. It is not like there is not another option for these roads to get improved. They can certainly do that. There are other ways that they can contact public works and they will certainly go out and make those improvements. I think the rate is \$90.00 an hour. So, there are ways for them to do that. Of course, if you go onto private roads, again, you look at liability issues and all kinds of things. If we go in there, as a county, and mess something up, we have opened up that Pandora's box that you were referring to earlier.

I think it is important to recognize a lot of different issues when you are talking about county roads and private roads.

Thank you.

Lamb:

Commissioner Croley.

- 13d. Croley:
Thank you.

Widening of Collector Roads

On the roads. If this commission wants to do right by the public, you would get out here and help come up with some money to widen these collector roads where these people are having accidents and getting killed. Am I not right, Mr. Presnell on that?

You add in that extra foot on each side that you heard us talking about during the legislative delegation meeting, here, you would realize that if you wanted to do something that would help everybody, you would want to widen those roads because people are having accidents on them and they are getting killed and everybody's using those.

Governance Solutions

The second thing, Mr. Chapman, may I ask a question of you since I have apparently been accused of selling something. How much did we pay Governance as a County for their services? What was our share?

Chapman:
Our share was probably around \$3,000 - \$4,000.

Croley:
I thought it was about \$2600.

Chapman:
It was \$20,000 total.

Croley:
Yeah, but I said the Board of County Commissioners, we paid our share.

Chapman:
Divide that by 6. \$3400.

Croley:
\$3400.

How much was that grant that ya'll are working on?

Chapman:
That current grant is more than a quarter of a million dollars.

Croley:
Right. Well, I figure that is a pretty good investment.

How many other communities that are involved in the regional effort are using Governance?
Aren't most of them?

Chapman:
I believe so.

Croley:
Wasn't that part of the regional effort?

Chapman:
Yes, sir.

Croley:
Thank you, sir.

Solid Waste/Recycling Transition to Waste Pro

While you are up, let me give you a compliment.

Mr. Williams, under your leadership and Mr. Chapman, I want to compliment ya'll again on the way the Solid Waste and the curbside recycling has been handled. I received my container as I am sure Mrs. Rowan did. And in our container, we found the bin for our recycling material and we found the laminated card which you referenced. The Waste Pro in your, Mr. Williams, you and Mr. Chapman, especially, you have been assigned and delegated to coordinate this. You have done a great job with it and I compliment you. I know Ms. Rowan is applauding you right now. I have heard this all over. I know Commissioner Lamb has gotten some good comments on it out in District 1 because I believe the Chairman of the Solid Waste Committee, Mr. Malloy lives in your district.

Lamb:
Yeah, but I don't have any.

Croley:
Yeah, but you don't have any because you live in the city. And, so does other commissioners except for Commissioner Holt.

But, we, those of us who subscribe, think you did a good job.

Recognition of Ms. Lizza Jane Smith

Last thing. Mr. Administrator, you know, I want to applaud Ms. Dupont from the Gadsden County Times for the wonderful article she did on Ms. Lizza Jane Smith. I believe we have that agendaed for her to receive an award and recognition at our next meeting for her contributions to primary rural health care and her work as a midwife in Gadsden County's rural communities. I would ask that you make sure that county staff coordinates proper background

information with Ms. Smith's family so that whatever appropriate recognition the chairman here is able to provide – will include the necessary factual information.

Ms. Dupont, thank you for the quality of journalism that you do.

Taylor:
Mr. Chair?

Lamb:
Anything else?

Croley:
I am done.

Taylor:
I want to go back and clarify a point made by Commissioner Croley earlier on the \$241,000 that the county will be receiving. Based on the information I have here, this was an allocation that was done through the state. It wasn't any particular cause of Governance Services that we are getting this. I think this was an automatic. They are facilitating the paper work to draw it down. But, these are dollars that were allocated and rationed out per county. You see that all 60 counties have been awarded. I don't know if there are 60, but there are quite a number of them been awarded.

I do thank you for the clarity. They are helping with facilitating the paper work, but it has already been awarded according to what is in it.

Thank you.

13e. **Commissioner Lamb, Chair, District 1**

Economic Development - Bradwell Project

He concurred with Commissioner Taylor that this project needs to be brought back before the board for a status report.

Midway Waste Site

Mr. Chapman reported that new signage is being prepared with pertinent information for the consumer.

Receipt and File

- 14a. For the Record: Resolution 2009-070; Uniform Method of Collection of Non-Ad Valorem Taxes
- 14b. For the Record: Clerk's Summary Financial Statement
- 14c. For the Record: Clerk's Cash Report

Other January Meetings

January 19, 2010, Regular Meeting, 9:00 a.m.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
ADJOURNED.**

Eugene Lamb, Chair

Muriel Straughn, Deputy Clerk to the Board

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON JANUARY 19, 2010, THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

Present: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 5
Gene Morgan, District 3
Brenda A. Holt, District 4
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

INVOCATION AND PLEDGE OF ALLEGIANCE

Chair Lamb called the meeting to order, called for a silent prayer, then led in pledging allegiance to the U.S. flag.

AMENDMENTS AND APPROVAL OF AGENDA

There were no amendments to the agenda.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE
BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS PRESENTED.**

AWARDS, PRESENTATIONS AND APPEARANCES

- 1. Resolution Recognizing Mrs. Eliza Jane Smith for 30 Years of Service as Midwife in Florida, Georgia and Alabama - and Assistance in Delivery of more than 4,000 Babies** This item was passed temporarily while awaiting the arrival of Ms. Smith.

Following Item 2, Chair Lamb introduced Ms. Eliza Jane Smith and her family. He then turned it over to Vice-Chair Croley who presented her with a resolution and plaque in recognition of the contributions she has made to humanity and to Gadsden County in particular.

Ms. Smith thanked the board for the recognition and made a few remarks.

2. Recognition of Employee's Service Awards

Chair Lamb introduced the following people in recognition of their service to the county.

- Joshua Houston, Paramedic with EMS for 5 Years
- Antonio Johnson, Juvenile Alternative Sanctions Coordinator, Court System
- Lester Muralles, Commercial Agriculture and CRD Agent, Extension Services – 5 Years
- Cassandra Paris, Fiscal Assistant, EMS Department – 5 Years
- Gerald Williams, Maintenance Worker I, Public Works Department – 5 Years

3. Update on the Community Development Block Grant (CDBG) Bradwell Huddle House

Growth Management Director Howard Douglas reported that the grant named above was filed in 2007 and it was awarded from CDBG grant to the County for installation of a sewer and road along the Bradwell Huddle House. He made the following points:

- As the project moved forward, it was learned that there was not a written franchise agreement with Huddle House and the project stalled for a time.
- Mr. Bradwell made a financial commitment to build the restaurant himself and he will call it "Uncle Bob's".
- The grant award of \$750,000 is about to expire on July 8, 2010.
- The county stands to be penalized for not getting the grant processed and bringing it to a timely conclusion.
- There is a possibility to get a three month extension to the grant from the Department of Community Affairs.
- Mr. Bradwell has submitted a new site plan and drawings for "Uncle Bob's House"
- A development order has been issued and he is at the point that he must file for a building permit.

Mr. Monty Bradwell, 18300 Blue Star Highway, Quincy, FL addressed the board and gave a historical timeline of his project. He explained that the economic conditions in the nation have hampered the project from moving forward more quickly. He reported that he received an email from Suntrust Bank saying they would finance his project. He made the following points:

- The project actually began in 2002 upon his returning from 12 years of military service.
- It began with a divine vision and a desire to be a positive role model to young people in Gadsden County.
- He first engaged dialogue with Huddle House who told him they could not do a franchise agreement until the infrastructure and site was ready to go.
- He submitted an application through the county to get the grant to do the infrastructure.
- The County told him that he must have financial funding for the project before they would submit the application on his behalf.
- He began the SBA process, which was approved in 2007, and it appeared the project was

moving forward with Huddle House.

- Problems arose with property easements
- Changes in the county leadership resulted in delays in getting the paper work accomplished for the application for the infrastructure money.
- New leadership in the Huddle House Industry determined that Gadsden County did not have enough income population to support a Huddle House. Mr. Bradwell disagreed and attempted to get the leadership to come to Gadsden County, but, was unsuccessful.
- Despite Huddle House decline to grant the franchise, Mr. Bradwell continues to push to get a restaurant to locate to Quincy, but it will not be a 24 hour operation.
- As of Friday, SunTrust emailed him approval of the SBA loan to do the project. The funding is in place.
- The contractor is ready to go to permitting by the end of January. By the beginning of March, they should be ready to "move dirt."

Mr. Douglas stated that the county is in position to move forward to build the road and the sewer as the bid has been awarded. He raised two questions:

1. Can we meet the July 8th deadline and have this thing up and running?
2. How does that affect our future CDBG grant applications.

Steve Feldman, DCA Project Manager for the Bradwell project addressed the board. He made the following points.

- DCA is prepared to move forward with the project.
- The July deadline is not an issue for DCA. Their position has always been economic development of any size is good. They will not pull the plug on any project that wants to move forward. The deadline can be extended for whatever time is needed for as long as it appears that the project is moving forward.
- The number of jobs created by Mr. Bradwell's latest proposed project will drop from 22 to 15 since it will not be a 24 hours operation. DCA cannot fund a project when the cost per job created exceeds \$35,000. Mr. Bradwell's project should still meet the limit if the contractor honors his original price.
- As far as DCA is concerned, the project is still viable and they will grant an extension if requested.
- Due to the various delays, the county has already received one nine-month extension. There is a requirement that any extension request be submitted a minimum of 90 days prior the end of the grant – which would put this project to April. They need to look at the time line for the construction of the project plus the construction of the infrastructure and time to create the jobs. Assuming there is the need to extend the grant past July, it would probably go past one year past the original completion date.
- DCA has a rule that says that any grant that has been extended one year or more past the original extension date is no longer considered to be on time. A community that has an open grant that is not on time (because it has had that one year or more extension) is not eligible for any more grants until that project is administratively closed. All 15 jobs would have to be documented and created.

- If DCA grants the next extension, the county will no longer be on time. The county would not be able to apply for the next cycle of grants that will open sometime in the spring.
- There has not been a cycle recently because DCA is attempting to revise the program rule and they do not want to have another grant cycle until that rule is revised. Consequently, they had not funding last year. Once the rule is revised, they will open a cycle, close it, then open another cycle. So, the second funding cycle will be in the fall of 2010. Provided that Mr. Bradwell's jobs are created by the fall cycle and the project is completed prior to Thanksgiving, then the county would be able to apply in that cycle.
- However, the county has received so many grants over the last ten years, that its competitive score has been reduced below the number that can be competitive in a grant cycle. Gadsden County scored so low in the last funding cycle, that the Community Development Director determined that making an application would have been futile. (In Housing grants, it is almost impossible to receive funding with a score below 700. There is more money available for infrastructure projects than housing projects and a lower score would have a better chance of getting funding - sometimes as low as 650. Depending on the category the county chooses to make application, Gadsden County would be more likely to be more competitive in the second cycle of 2010 – but the chances would still be slim.
- The infrastructure grants will fund any type of public infrastructure project (roads, resurfacing of deteriorating roads, replacement of existing sewer lines, installation of sewer and water, parks, any public facility.) The two big categories the county will have to meet in order to stay competitive would be: 1) projects that are ready to go – set of completed construction plans and specifications; 2) what other money has already been brought to the table – \$250,000 in non-grant money. Without that, the chances of getting funded are very small.

Commissioner Holt recalled when Mr. Bradwell first came to the Commission with his vision. She stated that the mindset of the board from the beginning was to use his project to get the water and sewer lines to that point in the hope that it would enhance development along US 90. Economic development projects will not come without the infrastructure in place. In particular, sewer lines.

Commissioner Croley stated that he has supported Mr. Bradwell's project and agreed with Commissioner Holt's comments. He then asked Mr. Feldman, "If we continue to try to go forward with his project and for some reason it doesn't work out, then could we be placed in jeopardy for any other infrastructure projects in the foreseeable future?"

Mr. Feldman responded, "Well, what I was initially speaking to was at what point could the county submit another application if Mr. Bradwell's project moves forward. I would think that would be- at the very earliest- mid November. That presumes that by mid-November, both sides of the project – his facility as well as the infrastructure are complete and Mr. Bradwell has created the 15 jobs. We would need to sit down with him and look at a projection of that job creation deadline. But, if it is by mid-November, then the county could apply. If not, you will be pushed into the 2011 cycle...I don't think the County can be competitive in the next cycle because there are so many other co-competing projects. When those competing projects bleed off (because they get funded), we will turn right around and have another cycle. Who is going to apply in November? The ones that didn't get a grant in May or June and those few projects that have, in the interim, managed to close

out.”

Croley:

What is the downside to the public interest?

Feldman:

If Mr. Bradwell does not, if we complete the CDBG funded sewer line out there and Mr. Bradwell doesn't create all those jobs, there are a number of issues. The first one is – How many jobs did he create? I mentioned that there are \$35,000 per limit maximum that the grant can fund. So, let's just say for whatever reason, he only created 10 jobs. When you do the math, that is \$350,000. If it took \$500,000 to do the project, we would need \$150,000 back.

Croley:

From who?

Feldman:

We don't care. We would look to you because we have the agreement with you. If Mr. Bradwell agrees to hold you harmless, then you pay us and he pays you.

Croley:

You are going to look to the County to give it back?

Feldman:

Yes, sir. So, that is issue number 1.

Can we make sure that the number of jobs created will meet the limit that is in the (inaudible). If they audit us and see that we didn't ask for the money back from you, they would ask for the money back from the State. Of course, that would become an issue.

Croley:

What if we don't pay it?

Feldman:

If you do not pay it, we would not close the grant out and you would never be eligible to apply for another grant as long as this grant is still open.

So, that is the first test. You've got to make sure that whatever number of jobs occur will come back to that \$35,000 limit or we get refunded for the difference.

The second issue then becomes – the jobs that were created, whether it is 10 or 15 or whatever, at least 51% of them must be for low to moderate income persons. Given a restaurant, where you are talking about the majority of the staff being like wait staff, cooks, receptionist, etc. I don't have any doubt in my mind that 51% cannot be met. But, if for some reason, it could not be met, now we have a problem with why we even have these grants. The purpose of these grants is to assist low and moderate income persons. Whether it is because they are living in a neighborhood where you are putting in some streets or because you are hiring those types of persons. If we do not meet

that national objective, all the money comes back. We shouldn't even have this project.

Croley:

How long do these jobs have to last? I am going to be the devil's advocate here. Mr. Bradwell finally has permanent financing now and he is going to be able to build Uncle Bob's Restaurant and he is going to try and employ these people. Melvin Engineering, or whoever the firm is, is going to honor the original contract price and we are going to lay the sewer lines out there, and everything is going to open up. But, then, what happens if for some unforeseeable reason, it should be closed in 24 months.

Feldman:

Oh, gosh, we have some projects that close sooner than that. Economic Development is a tricky business. It always is. So, our only requirement is that Mr. Bradwell be able to provide to us a single payroll at a point in time that shows a minimum of 15 full time equivalence of jobs – 40 hours a week jobs – so 2 part time wait staff at 20 hours each is 1 job – a full time equivalent. 15 full time equivalent jobs; 51% for low to moderate income persons. Once we see that single payroll, he could shut down the next day and we wouldn't care. As Ms. Holt pointed out clearly, while the jobs are nice, and I am not going to be the one to say that there is some minimal number of jobs that are not worth it. Every job is worth it. But, from our prospective, the true value of economic development job, regardless of whether it creates 5 or 500 jobs, there are 2 things – Number 1, the addition to the tax base of the county. That goes on forever. As Ms. Holt noted, they need sewer lines in there. For any reason, that is critical because it does have a long term benefit.

Have you all, I am sure you all have seen on I-10 in Marianna, State Road 71. Have you seen what that looks like? Do you know that with a CDBG grant that predates me, and I have been there 16 years, put down a sewer line from Marianna out there for that the Pilot Station. When it went out there, it was the only thing out there. Now, you see what is out there as a result of that CDBG grant which is over 16 years old. That is what happens when you put in infrastructure. Other businesses come in and most of them normally don't even need our help at that point.

Croley:

Alright. If I could, Mr. Bradwell, ask you a question.

Thank you, sir. You have indicated or represented now that you have permanent financing from SunTrust Bank in support of your SBA effort. Has that all been signed, sealed, and delivered to where you would be comfortable providing evidence to the county attorney and the board's chief financial officer, the Clerk of the Court for their review so that they could make a report back to this commission?

Bradwell:

Yes. I will give you a copy of this, which, is the whole grant with the SBA – it is the original money that was approved back in 2007. What I did was, I paid \$70,000 out of my pocket at a closing. The money has never gone away, it just had to be updated.

Croley:

But, you would not object to providing the chief financial officer of the board, Clerk Thomas, and

our attorney with that information for their review, so that they can render back a report to the board?

Bradwell:

Like I said, I have about \$200,000 in personal money. The worst thing would be – if this infrastructure went out there and I don't do this project, the county would have about 17 acres out there because I don't have any use for it.

Croley:

I understand. I am just looking to address the concern that it might not come to fruition and that we are holding up the entire county over one project.

Bradwell:

I will go back to my first thing. My first thing is faith in God and that He has delivered from the day I was born. I ask Him and I prayed about this. If I didn't think this was going to happen, I wouldn't be here. I would have told you.

I expect to have more than the 15 jobs, but, being a smart businessman, I am cautious. I have already had one hotel industry asking about coming out already to build a motel out there next to it. I have had several other people who have inquired since I got to this point.

Croley:

I appreciate your willingness to provide that. Then, my last question is to Mr. Douglas.

Mr. Douglas, given the explanation from the representative from DCA and Mr. Bradwell's assurance that he has his financing and his willingness to provide information for review by the appropriate county officials – under those parameters and assuming a favorable report, what would be your recommendation regarding this project? Should it be ended so that we can look at other projects, or do you think we should continue to stay with this project until it is completed?

Douglas:

Based on the conditions that you have mentioned, I would recommend that it move forward. But, my concern is that I don't want to get the county into a position that we have to pay a couple hundred thousand dollars or \$250,000. If you were to make a decision today to stop the project, the county would be on the hook for \$50,000 right now that we have expended. All the administration money for the grant has been expended. We no longer have a private sector administration of the grant. We are doing it now. My concern is that the project move forward in a timely manner and that the county not be put in the position to where we've got to pay that money back.

Croley:

Mr. Chair, thank you, sir. Before releasing the floor, let me just say – out of fairness to Mr. Bradwell and consideration of future opportunities with the State and out of respect for what Mr. Douglas has said, it is just my opinion that we should have Mr. Bradwell turn his information over to Ms. Minnis and Clerk Thomas for their review so that we can get a proper report back as to what we should do and have this properly agendaed in the future.

Lamb:
Commissioner Taylor?

Taylor:
First of all, it was quite shrewd to have you come because you have answered a mountain of questions we might have had if you had not been here. So, thank you very much for coming.

My question is and I want you to stay there, Mr. Bradwell, would you come back to the podium for just a quick, please. You have indicated that you have secured funding. If there is enough funding to complete the infrastructure as well as operate your business for 6 – 8 months?

Bradwell:
Yes.

Taylor:
There is enough funding.

My question to you and this is for clarity – Mr. Feldman, can I call you Steve?

Feldman:
Sure. (inaudible)

Taylor:
It is early. I have to work up to that.

Now, my understanding from what you said a moment ago is that if we ask for a year of extension, then that would allow us not to apply in the fall because of the year extension request?

Feldman:
No. Just because we give you a one year extension does not mean that, by itself, you have to wait until that year is over. If the project finishes earlier than the one year, then you close out whenever you can and that sets the date as to when you can apply next.

Taylor:
That brings up my question back for Monty.

Monty, will you be able to finish and get it going if everything falls into place by November according?

Bradwell:
My contractor, whom I talked to yesterday afternoon, said that he will be at permitting, like I said, we never stopped on it. We have contacted Talquin. The plans are ready – the electrical for Talquin. We will be expecting to be finished with permitting by the end of this month. He said that from the time he starts, it will be 90 days. It is a turn key situation. Everything has been ordered and everything, you know.

Taylor:

So, 90 days for infrastructure to begin or 90 days to secure permitting?

Bradwell:

90 days from the time my guys start, that restaurant will be completed with plates on the table. I don't know about ya'll doing anything. My thing is that once we get it completed, and Monty has done everything and I get it completed, I've got money out there, then the county hasn't done their due, I get caught in the middle and then I need to talk to somebody. The attorney or somebody.

Taylor:

Hold on right there. Hold on. Hold your point, there. Let's hold on. Now, there was a mention of a possibility of \$150,000 having to be paid back by this county. Are you willing to go into a hold harmless agreement?

Bradwell:

That land that I've got out there, (Inaudible)

Taylor:

Are you saying that you would revert that property over to the county in the place of the \$150,000?

Bradwell:

Yes, ma'am. If you will talk to Clay, you will find that I spent more \$10,000 in tax money to this county every year.

Taylor:

O.K. Calm down, Monty.

Hold on, I am not finished. Then I want to move forward if at all possible.

So, there is collateral, I would say, in the retrospect that we had to pay \$150,000 – there is some valued property that you are saying might be turned back over to the county. Is that what you are saying or that might be given to the county? Is that what you are saying?

Bradwell:

I tell you that since dealing with this project, my debt, my total debt is somewhere around \$125,000. I am worth a little over \$400,000 to \$500,000.

Taylor:

Now, back to you, sir.

You made it clear that, well, you really didn't make this quite clear to me, then I am done. If in November or let's say October 15th or 20th, Uncle Bob is up, employees have been identified, not necessarily working, then we can apply?

Feldman:

They have to be working.

Taylor:

They have to be working.

Feldman:

At some point, they have to be working. I mentioned that in order to establish the creation of 15 jobs, Mr. Bradwell will have to allow me to come out to the restaurant and see a single payroll and I will count the number of full time equivalents. If I see Mary Smith, 20 hours; Bob Smith, 20 hours. I am going to count the number of employees hours and come up to a full time equivalent – I need to see 15 jobs and I need to see 51% of those jobs being held by low to moderate income families.

After this meeting, I will probably be talking with Mr. Bradwell and/or Mr. Bradwell's representative. There is a form that each applicant will fill out at the time he interviews them to establish what is their total household income and whether that form meets the qualification of low to moderate income. As I said, given the type of business this will be, I suspect there will be well over 51%. I think it will be 90%. Probably the only one that would not qualify would be the manager.

Taylor:

I have to agree with you. There is definitely a need in this county with the unemployment rate and the market that you are targeting. There is not only a need, there is a market. So, there are people here that can use the jobs.

I would like to take at the very end of my comments, that I support moving forward. We have already been told that this is a time sensitive issue. To prolong it would make it a little more difficult to come to fruition. We need jobs. We need economic development. This man is in business. He has been here. He is from this county, has the integrity and respect of this county. As he said, he is worth more than what the value of the grant itself. To make us wait because we are trying to get certification from the attorney and the clerk – I don't think that is fair. He is willing to submit those items. But, if we could approve this going forward with the request for the extension – whatever that needs to be at this hour – attached with the fact that these documents need approval from those who have been designated to see them. I don't have any problem with that. I think that it is a failsafe initiative to have the clerk to look at it. As well, the attorney. It is just a failsafe initiative. That is our judicial responsibility. But, to stop it – I don't think it will help this project. We have committed money. We got some kind of security in place in the event some catastrophe does happen. So, there is not a lose/lose for the county at all.

Again, I respect this man. I, too, hold very dearly to my heart, God, and have seen His work. It is very seldom spoken around this diocese because they don't like to mix State and God. But, I know who is the ruler over all of it. So, if He is in the midst of this, then it will come to fruition. I have to just believe that.

So, Mr. Chairman, my position is that we move forward and at least attach something to the point of these two having the opportunity to look at these documents. That is my position.

Lamb:

Commissioner Morgan, do you have anything? Then we are going to move on.

Morgan:

Thank you, Mr. Chair.

Steve, Mr. Bradwell, Mr. Douglas, thank ya'll for updating us on this project.

There are a couple of things I want to say. And, Mr. Chairman, just a little bit of time here. I know we have had a lot of dialogue here about this. But, number 1 – I want to commend our commission as a whole for supporting economic development in our county and the need for new jobs. That certainly makes sense for our county. I think it is great that we are focusing on that now.

Mr. Bradwell, I certainly want to commend you. I know the mark of a good businessman is to understand what he wants to do and then to see the project through. I know that over many years, you have invested a lot of time and money as you have explained to us up here. I certainly want to commend you for that.

I will tell you that I grew up in the funeral business. My family, my grandfather and my father, I hope you understand that you may have a few more customer complaints in the restaurant business than you do in the funeral business.

I have heard from the public that this is a project that they would like to see move forward if at all possible. Anytime that we can help someone who is committed to Gadsden County's growth in a manner that makes sense, my personal opinion is that we should support it if at all possible.

What we cannot do is predict the future. We don't know if this business will work out or not. I believe in God, too, and my God requires of me that I still make decisions based on facts that I know and weigh it out and do what I think is best. What we can do is make a decision based on the facts that we know here. From what I have heard, based on the questions that we have had this morning, and from what I heard Mr. Douglas comment on and that his recommendation would be to go ahead and move forward, I think that we should certainly, when it is brought before us, find any way to support it if we can.

I do have one question. I know this project has been ongoing for a long time. Is there any reason that the Planning and Zoning Board – has anything changed so that this needs to go back before them? Do they need to be updated in anyway? I don't want them to come to me and say, "We looked at this several months back, but, there are some things that have changed that we weren't aware of." I will ask Mr. Douglas to comment on that.

Douglas:

No, this does not need to go back to the Planning and Zoning Commission. Actually, this particular project has been approved in house. The previous site plan was approved and when Mr. Bradwell decided to go with Uncle Bob's rather than Huddle House, you know, it had to be updated because as you know, the Huddle House didn't have the same footprints as Uncle Bobs. All of that has been done and approved. So, no, there is no reason for this to go back to the Planning and Zoning.

Morgan:

Thank you, Mr. Chairman, that is all I had.

Holt:

Mr. Chairman?

Lamb:

We really need to move, Commissioner Taylor.

Holt:

I am Commissioner Holt. But, since this is in my district, I just wanted to say this right quick. Since it is in District 4, we need the economic development throughout the county. That line provides millions of dollars. It provides millions of dollars in economic development. That is why the I-10 exits are thriving – because of the sewer lines out there. So, when you run a sewer line down or near a major highway, the income that is received later on from that initial build out is very important to the development of that community. So, this is not something minute that we are discussing. If Mr. Bradwell opens and closes in 5 months, we still keep the line and we get all the revenue from the companies that hook up from that line. So, we need to move on this and allow him to go ahead and meet his deadline.

So, Mr. Chairman, if I may, I move approval.

Lamb:

After I make my comments please.

Holt:

Yes, sir. I most certainly will.

Lamb:

I gave you all an opportunity to speak and you have done a good job as far as I am concerned in speaking.

This is something that I feel we need to go forward on because we initiated this, do you remember. If we stop it right now, you still have to pay the state over \$50,000. Now, I thought everything was going fine until I found out that the Huddle House did not follow through. We were not informed of all this. The board was not informed until we got it through our Planning and Zoning Department. I was disappointed that I did not, this board did not realize that the Huddle House did not follow through. We should have been told by the past person that applied for these grants. We need to be kept up to date. This thing is going to fall right back on the county. I believe that Mr. Bradwell is sincere about what he trying to do. We need to support him in what he is trying to do. But, I want to make sure that this county staff is keeping us and the administrator up to date on what is going on so we can know and we can answer to the people in this county on what is going on. Nobody needs to put anything up under the table. At no time. We want to know exactly what is going on with this project because we are using tax payers money to do this.

I think we need to go forward, support him in his effort. I think he is sincere in his effort and I think he is going to get it done. But, we just need to be kept up to date because we were not kept up to date on what was going on before. This board was not kept up to date.

This administrator was not here. Mr. Howard, you were not even here when all of this took place.

I will entertain a motion, but, also like what has been said, I want the paperwork on Mr. Bradwell to go to the Clerk's office as well as the attorney. Let them look at it while we are going forward.

Holt:

I move approval, Mr. Chairman.

Taylor:

Second.

Lamb:

It has been moved and properly seconded that we go forward on this project. You have heard the motion and we are ready for questions.

Morgan:

Question.

Lamb:

Question, Gene.

Morgan:

I know that what we had agendaed here was to receive an update on this particular project. I would like to ask the attorney if it is proper to take a vote at this time?

Minis:

At this point, it was really just an update. There was no recommendation or a request for action at this time.

Lamb:

That is true. So, what we need to do is withdraw our motion, but, direct him to get the information to the Clerk's office as well as the attorney. Then, we will agenda it again and move it as quickly as possible.

Taylor:

Mr. Chair.

Lamb:

Yes.

Taylor:

Taking a look at the item that has been placed in our booklet, it is asking for an approval – to move

to accept the update on this project. An update is to move forward, so –

Williams:

Mr. Chairman, may I say something?

Lamb:

Yes.

Williams:

The process is moving along automatically already and will continue to unless ya'll were to vote to discontinue it. It will automatically move forward.

Lamb:

So, is to move forward.

Croley:

The item calls for approval to accept the update that has been given. As I said earlier, you are going to have to agenda it as the attorney said, if Mr. Bradwell files his information with the Clerk and the attorney, then we will be ready for the next meeting and in the meanwhile, unless we stop the project, it should continue. There shouldn't be any problem.

Lamb:

Ms. Attorney, do you have any comments?

Holt:

Mr. Chairman?

Minnis:

None other than to point out what the administrator said. The project is going to continue unless the board votes at some point to stop it. So, all you are doing is acknowledging that you got an update and you accept the update that was provided. You are not stopping it. The project is going to go on.

Holt:

O.K. The motion has been moved and seconded.

Lamb:

The motion stands.

Taylor:

No, you need to dub out Huddle House and put in Uncle Bob's because according to what is in here. So, that needs to be removed.

Lamb:

Question, Commissioner Morgan?

Morgan:

The motion that was on the floor was not to approve the update. I just want to make sure that it is restated clearly here with a proper second.

Holt:

It would be updated anyway. I withdraw my motion.

Taylor:

I withdraw my second.

Holt:

I move that we accept the update on Uncle Bob's Restaurant.

Taylor:

Second.

Lamb:

It has been moved and properly seconded that we approve the update on Uncle Bob's restaurant. You have heard that motion and we are ready for questions.

(No response)

Ready to vote. All in favor, let it be known by saying, "Aye."

All:

Aye.

Lamb:

Opposes?

(No response.)

The "Ayes" have it.

Thank you.

Thank you, sir.

Taylor:

Mr. Chairman, right quick.

Lamb:

Yes, ma'am.

Taylor:

Will it need to be agendaed for a vote?

Williams:

No, ma'am, not unless something changes.

Taylor:

O.K. Alright. That is all I needed to know.

Thank you.

Holt:

Right quick, also. I want to make sure - when you said that it is not going to slow him down, when we re-agenda this, we don't want him bumping heads with the State. Also, Mr. Manager, we need to make sure that we meet the deadline also to get that pipe in the ground.

Williams:

Absolutely. We are working under a contract already, so, you don't need to do anything.

Lamb:

Next item, Mr. Williams?

4. HOSPITAL UPDATE

Mike Glazier, GHI attorney addressed the board.

Glazer:

Good morning. A lot has been happening and I want to give you a little update today. I don't need any action today, but that is coming.

You last met on December 15th. At that meeting and the meeting right before it on December 8th, this commission entered into a Letter of Intent with Capital Regional Medical Center and it's parent company HCA. You re-affirmed that we are still operating under an emergency situation here in Gadsden County with regard to the development of this hospital. You passed an ordinance to move forward with the bonds to refinance the construction debt that had incurred.

There has been a lot happening since then. I am going to go through a series of steps that have occurred and are occurring in the next few weeks. I am going to throw some dates at you as I go through my update. I promise that at the end, I will do a summary of all the dates and give you a timetable. So, I will circle back to that at the end of my presentation.

Bond Financing

Let me start first and talk to you a little bit about the bond financing and where we are on that subject. After you approved the bond ordinance at the meeting on December 15th, the county staff, in conjunction with bond counsel, put out a request for proposals for bond financing. That RFP went out on January 8th of 2010. A notice has been posted of that RFP, but we actually sent it

directly to 10 different lending institutions. We asked for bids on both a \$10 million loan to essentially refinance the current construction debt. We also asked them to provide information on a \$13 million loan in the event you want to look at borrowing additional funds. That is an optional provision. The lending institutions may or may not bid on that. For example, we know that Capital City would only bid on \$10 million. Their lending number would not allow them to go above that.

The responses to that RFP are going to come into the county on January 29th. An evaluation committee has been set up that consists of Craig McMillan, Arthur Lawson and Clerk Thomas. The bond lawyers and I will serve as advisers to that evaluation committee. We are going to meet on February 8th to look at those proposals then come to you with a recommendation. Ultimately, this commission will make the selection, not the evaluation committee. But, we did want to provide you with a recommendation. We will presenting that to you on February 16th for action. Again, I am going to come back with all these dates in a few minutes.

You will recall that in addition to putting out an RFP for bond financing, another important step was to go ahead and validate the second set of bonds because of some of the nuances of the indigent care surtax law. We decided to go ahead and validate these bonds. The complaint for bond validation was filed on December 21st. There are all sorts of notices that have to be published and so on and those have been published. We delivered the complaint to the State Attorney. Actually, when you file a bond validation action, the State Attorney is automatically a party to that case. We actually met with the Assistant State Attorney here in Gadsden County who will be handling the case last week. We briefed him on where we are. Your bond counsel, Bryant, Miller & Olive has prepared an entire packet. Their goal is to make it as easy as possible for the State Attorney. That information has all been provided to them. We are going to have a hearing on the bond validation on February 15th here in the Circuit Court and that will hopefully be our final hearing and we will get validation at that time.

We have set a tentative date to close the new financing on the bonds for March 22, 2010. We do want that new loan in place and validated before we do the final documents with HCA. You will recall that one of the reasons that we are doing all of this is because one of the concerns of your current loan, if the hospital is leased to a "for profit" entity, it could jeopardize the tax exempt status of the current bonds. So, that is why we want to convert them over to this new financing that has been validated. March 22 – again, that date is not hard and fast. But, we wanted to pick a target for actually refinancing your current debt. So, that is where we are with the bond financing.

Ashford Bankruptcy

The next subject. The last time we talked, we talked some about the old Ashford Bankruptcy and how that bankruptcy continued to cast a cloud or shadow over this project and that we had a hurdle to get over. I am pleased to report that we have cleared that hurdle.

What happened is the bankruptcy counsel who has been representing Gadsden County since the bankruptcy was filed back in 2005 – I worked together with them and they filed a motion with the Bankruptcy Court in December trying to get the Bankruptcy Court to release the trust from the Bankruptcy so that it could be addressed by the Circuit Court here in Gadsden County. We had a hearing in that bankruptcy case on December 21, 2009. The Ashford estate still did oppose us.

They are not giving up, but, fortunately, the Bankruptcy judge agreed with our side and granted our request and has, in fact, released the trust back to the Gadsden County Circuit Court. Like I said, the hearing was on December 21st, but, it was just last week on January 13th that the Bankruptcy judge entered his written order retroactive back to December 21. So, that is the Ashford Bankruptcy. So, that is good news.

Work with HCA

Let me talk to you about the status of our work with HCA and where that is at this point. HCA, having entered into the Letter of Intent, the next step is to begin working on the final document. That is a much more laborious process. They have begun that. Of course, we had some issues with the holidays and all, but, I expect to see a first draft of those documents from HCA – hopefully, sometime next week. There will be a lease and there will be some other documents. We are continuing to work on a detailed equipment list- a furniture and equipment list. That current estimate has remained the same. I think I told you this number before, but, in case I haven't, I want to repeat it. The current estimate on furniture and equipment is about \$3,226,000 for the facility. We are actually going to have another conference call later this week. Mr. McMillan, Mr. Lawson and myself along with the HCA folks to talk about our timetable and our next steps in where we are in that process.

I have seen some more detailed financial projections that HCA has put together for this facility. It is real interesting. I think that when we were here last time, you got a preliminary taste of that from Mr. Ecenia, the lawyer for HCA, but, now, I have taken a look at those myself. They have looked out about 3 – 5 years. They are projecting operating losses for this hospital of \$700,000 to \$800,000 per year. Now, they will be underwriting those losses. That is their risk, but that is their expectation over the first five years of operation.

In addition to that, they are projecting bad debt, charity and uninsured discounts in the range of \$4.8 million to almost \$6.7 million by the fifth year of operation. That is what they will give away in free care to charity, bad debt and insurance discount aspect of their business.

Now, they are still interested, willing and enthusiastic about doing the project for the reasons that they have told you before. That is that they hope to make that up through referrals that are generated through this facility and through the good folks here in Gadsden County. But, it just goes to show you just how difficult this venture is going to be and how impossible it would be without this kind of partnership. They are bringing resources to bear that the Gadsden County just doesn't have. Not only are they going to underwrite some of the preopening working capital expenses, but, you are looking at big six figure losses every year that this county would have to make up if was still in the hospital business.

There is also another piece of information regarding financial projections that I thought was real interesting. Their projections in the first year are approximately 37 FTEs in this county. That is just the first year. I haven't seen the subsequent years, but, that will grow as the facility grows. That is part of the projection for the financial position of the hospital as we get started. So, that is kind of where we are with HCA.

Trust Case

That is the bond financing, Ashford, HCA. Now, let me talk to you a little bit about where we are with the Trust Case. The efforts to get permission for this commission, if it chooses to do so, to withdraw money from the trust for furniture and equipment. As I said a moment ago, the trust has been released by the Bankruptcy Court. On January 15th, we filed a motion of several hundred pages – I brought a copy just to show you the magnitude of it – It is several hundred pages of material that we provided to the Circuit Court. It essentially seeks three things.

First, it seeks permission for this commission to withdraw money from the trust for furniture and equipment. Second, and you will recall this from a while back, we needed to get permission to amend the trust to provide a new structure for investment decisions.

If you recall, when the trust was set up back in the 1950's, there was an old "Hospital Board" that was making those investment decisions. That board no longer exists and we simply needed a new structure. So, this is nothing new. This is exactly what has been approved by this commission. We are now bringing that forward.

The third aspect of what we have asked the Circuit Court for is permission to pledge the corpus of the trust to get new financing if that will help the rate. Frankly, we decided to add that in before we had moved forward with the bond financing. My best guess is that we won't need that. But, we are in court and we might as well get that permission. It does not obligate you to do anything, but, it provides you with some additional flexibility.

When we first filed the trust case, we had asked permission to withdraw up to \$4.8 million. That was based on an equipment estimate of \$2.5 million and preopening working capital needs of over \$2 million as well. Of course, we have now moved to a different place. I could not justify \$4.8 million given where we are currently. I just simply didn't have evidence to show that. But, that is a good thing because of the relationship with HCA. However, we are still asking for permission to withdraw up to \$4 million. That is the \$3.2 million for furniture and equipment plus a little bit of a cushion there. Again, it doesn't obligate you to do anything. But, it provides you with flexibility.

In support of the motion, we had to demonstrate, we will have to demonstrate to the Circuit Court that there is an "emergency" as that term is used in the old trust. So, I wanted to give you a little sense, a little bit of a flavor of what we have laid out for the Circuit Court as to the basis of that "emergency situation." And, by the way, this information is supported by a series of affidavits that we have provided to the Court from Mr. McMillan, Mr. Lawson, from Dr. Emko out at Urgent Care, from Director Crum of Emergency Medical Services, Patricia Faircloth who works out there and a gentlemen from HCA who talked about the equipment list. Also Randy Poppel from Capital City Bank. So, through these different affidavits, we are attempting to show the Court that we've got an emergency based on a variety of factors.

First, this County Commission, on two separate occasions, has itself determined that there is an emergency situation. We have routine circumstances in which all the ambulances that are in service are actually physically outside of the county. That creates a danger to the health and safety to the patients and residents of this county. It increases response time and adds a tremendous

amount of additional wear and tear on equipment.

We provided information from your EMS Department that demonstrates the huge increase in the number of trips out of the county that have occurred since the hospital closed in 2005.

And, we also provided some opinions from some of your healthcare professionals that a huge percentage of those trips are probably with people who could be seen in a local emergency room, treated and go home on the same day and never actually get admitted. That is the reality in most emergency rooms. That is nothing unique for Gadsden County. But, that is part of the circumstance that we face here.

Talking about the wear and tear on the equipment – Chief Crum told me that in the 12 months that ended in December 2009, your ambulances responded to approximately 8,000 calls and involved over 1.3 million miles. Of course, a lot of that is because of that excess distance that they have to travel.

Another component of the emergency situation that we presented is that you have basically one small Urgent Care Center in Gadsden County. As hard as those folks are working, it has limited hours, it has limited services, it has limited resources. It is not a hospital. It is not an emergency room.

We have also provide information to the courts about the lack of any other viable source of funds. I don't have to tell you that general revenues are not going to be sufficient. You have already had to lay people off. You've got projects here in this county that are going unfunded because general revenues are what they are. You've got special funds, but, those are committed to other projects.

And, the indigent surtax, while it is out there, of course, a huge chunk of it is already committed to the existing debt service, so it is not available for these other needs. It does need to be used for some other things including to help pay for the \$4 – 5 – 6 million worth of indigent care that is going to be treated at the hospital. Quite frankly, there is not enough money there, on it's best day, to pay for the furniture and equipment that you are going to need to get this hospital open. So, that contributes to the situation that we are in.

Finally, the last factor in this emergency is that we are about out of time. We have to keep moving, we have to keep rolling forward. We are going to have a hearing before Frank Sheffield on February 5th. My hope is that on that day, he is going to agree with us and grant us a judgment that will allow me to come back here to you for the next steps. I will get to that here in a second.

Old and Surplus Equipment at the Hospital

Let me move to yet another subject. Let me talk to you a little bit about the old equipment.

A while back, you asked your staff to prepare and inventory of that equipment. I am here on their behalf to suggest that maybe that is not necessarily the best course. If you haven't been out there, I invite you to get with Clyde and get with Mr. McMillan. The magnitude of what you have out

there is huge. It is a lot of stuff that is just piled all over the place. The amount of time and energy and money that you will spend trying to figure out what all you have, in my humble opinion, far outweighs it's value. I know that Mr. Thomas and his staff have a partial list. I think that what makes more sense for you is – and I will tell you – having been through this – there is stuff in there that none of us knows what it is. There is just a lot of it. I am confident that most of it is going to be surplus to the county. There is nothing that is going to have value. You heard from the people at HCA, it is not going to meet American Code standards. You are not going to be able to use it in this hospital.

Actually, last week, with the tragedy that is going on in Haiti, we talked about talking to HCA about whether they could use their worldwide efforts to make use of some of it. We got an interesting response from them. They are very much involved in Haitian Relief work already, but their focus right now is on medicine, supplies and money. They are not looking for big stuff. That might come later, but, not at the moment. They have offered to help us get rid of it at the appropriate time. This is not the appropriate time, at least for that particular piece.

What our suggestion to you is, rather than have your staff spend hundreds of hours trying to figure out what is there, because it is all likely to be surplus, as you get rid of it, as it goes out the door, let's try and make a list of it. Rather than trying to make a list at the front end. I am not sure that anybody could even do it. I know that you've got people in this county that are interested in some of it. There is no reason, at least that I am aware of or anybody that I have talked to is aware of, that you can't go ahead and begin to offer that on some of those things to some of these other organizations here in the county that might use them. Again, to the extent that they are interested in any of it, you can make a list of it as it goes out the door. But, I would encourage you to reconsider the idea of directing your staff to take their time and limited resources to try and make a list at this point.

Balance of Construction Money – Misc. Projects for Hospital

Then, the last thing I will point out before I circle back to my timetable is there is actually still a little bit of money from the original construction. There are a couple of small projects that I know Mr. Collins and the staff are pursuing to get done before we convert the financing over to permanent financing. There is a chiller out there that needs work to the tune of about \$3,500. They don't want to redo the entire driveway, but it does need to be resealed and restriped. I think they are getting bids right now to do that work and make that parking lot look a whole lot nicer for, hopefully, not a whole lot of money before we move to the next financing phase.

I have covered a lot here in a short period. Let me finish by going back over the timetable. This is just over the next few weeks. There is still a lot more to do, but, let me go over some dates.

On January 25, 2010, I will have a telephone meeting with GHI board to give them an update much as I have just done with you here today.

On January 29, 2010 – That is when we will get the responses to the RFP on the new bond financing.

On February 5, 2010 – We will be in court here for a hearing on the trust case and that will, hopefully, be the last hearing on that case.

On February 8, 2010 – The Evaluation Committee on the bond financing will meet and come up with a recommendation.

On February 15th, which is a Monday, the Bond Validation Hearing will be back in front of the same judge and, hopefully, we will get that taken care of on the 15th.

Then a big day for this Commission, and I will warn you all now, is February 16th. AT that meeting, we are going to be back here and if everything stays as is, we are going to come back looking for board action on several things. I want to make sure that you all have a “heads up” and be thinking about and we’ll be happy to answer questions on it.

1. You should be ready to select a lender for the permanent financing.
2. You are going to be in a position to make a decision about use of some of the funds from the trust to buy the furniture and equipment for this facility. To begin that process, of course, that doesn’t happen overnight. There is a lot of work to be done.
3. To talk about whether or not we can go ahead and move forward with that is because, candidly, while I would like to tell you that by the 16th, we will have all the documents with HCA, my own opinion is that is a bit optimistic. That is going to be a bit of a process and, again, I am not going to see the first draft until probably next week. And, it is going to be a lot of back and forth on that. So, I am going to get a little bit more update on that and see what HCA thinks about that when we talk to them later this week. But, that February 16th meeting will be one when we need to agenda a little bit of time to take some action on some of these items.

Then the last date I have is that March 22 date, which, is a tentative date to close on the loan for the new financing. But, that one is a much softer date.

That is our update. There is a lot going on right now. This is a very busy period. We are working hard and the bond counsel has been heavily involved. We have had some good work with the bankruptcy counsel. Mr. McMillan continues to be working real hard for the money he gets paid and your staff, as well. Mr. Lawson and his staff, Sherilynn Chess, Mr. Collins, your administrator has been very supportive of all of our efforts. Whatever we need, we get. We are rocking and rolling.

Lamb:

Are there any questions of Mr. Glazer.

Croley:

I just want to say “Great job. Good news.” I want to pay you a compliment.

I was in with some major medical folks in Tallahassee yesterday. They asked who was working on this project over here for us. I mentioned your name. You were highly complimented by the medical profession, Mike Glazer. So, folks, we’ve got the right man on the job.

And we appreciate it, as always, Mr. McMillan's work and the county staff.

Thank you.

Lamb:
Anyone else?

Commissioner Holt.

Holt:
Yes, right quick.

Mr. Glazer, in the agreement – what about Medicaid reimbursement?

Glazer:
The way the agreement is going to be set up, I anticipate that HCA will be obligated for both Medicare and Medicaid provider. The good news is, because they already are, - remember, we talked about this provider base deal – that should be very simple. They will be able to extend what they have. That will happen like that.

Holt:
O.K. My concern is with the license. If the license is turned over to HCA and they decide to pull out, what happens to the license?

Glazer:
What we are going to do, and, it is not perfect, but, this is going to be a lot better than what happened with Ashford. My goal in these agreements is to make sure that it is crystal clear that if they pull out, they have to cooperate and immediately return that license to the County. That was not clear in your agreements with Ashford. That is one of the reasons you had all the problems. But, the license is going to be HCAs. That is the only way this provider base thing works. And, it is the only way that they are responsible for Medicare and Medicaid.

Holt:
On the final audit, HCA pulls the final audit, HCA is going to be responsible?

Glazer:
Up to the date, up through that last day of licensure, they are absolutely responsible.

Holt:
So any money that they were overpaid, they will be responsible for being paid.

A reversion clause in there so that the license will go automatically revert back to the county?

Glazer:
Unfortunately, that is not legally possible. I had that situation before. You can write that down, but,

AHCA can't do it. You have to go through a process. We can try and make it a whole lot stronger than it ever was with Ashford, but, you still have to go through a process.

Holt:

That will be my only two concerns.

Glazer:

I am with you. We are going to make that as strong as we can. And, I don't think HCA has a problem with that. I really don't. We have talked about that issue and it has been out on the table. We are pretty much of like mind on that.

Holt:

O.K. Because – that is the only reason I have a problem with the agreement. That is the only reason.

Glazer:

Remember, they have actually taken even a step further. They even said that if HCA decides to pull out, they have offered, under appropriate terms, to even to continue to manage for an interim period, which they don't have to do. So, I hear you. I am very sensitive to that concern. I share it with you. We are going to make that as strong as we can.

Holt:

Why is the reversion a problem legally?

Glazer:

It is because the State – It is not a problem with us and it's not a problem with HCA. It is because the State does not have any provision to automatically issue a license to someone who hasn't applied and been qualified. I will give you an example. Let's say that you have a license for a hospital and I have leased it to you. You decide to walk away and I've got a clause in there that says that it automatically reverts to me.

Well, Let's say that I am in federal prison for Medicare fraud. Well, if it automatically reverted to me and the State had to give me a license and I am in prison for Medicare fraud, they don't want to do that. So, you still have to go through that process – that application process and make sure that it is reverting to someone who is qualified. They just simply do not allow automatic reversion.

Holt:

That is why I have a problem with this. The license, as I said before, should stay with the county. We have had too many problems. We have gone to federal court and we did everything for the last 3 – 4 years and we could not get that license back. So,

Glazer:

The other side to that, though, is we would be underwriting \$700-800,000 in operating losses and we would be responsible for Medicare and Medicaid.

Holt:

We would have to be responsible for Medicaid and Medicare. And, we would have to be responsible for underwriting that \$700,000. What that entails is supposed to come back so we could look at that list of why that \$700,000 is there. I have no problem with someone else underwriting that.

But, when you look at the other hospitals that are being managed by a director and they are reporting back to the County Manager on the facility, they are underwriting it, too. You go next door to two of the other counties, they don't have a management company there. They are poor counties, too.

So, if we are going to have an emergency room, that means about 5 people. A doctor, an RN, a tech, a lab tech and an XRay tech, basically. Five people. The beds are not going to be open, right?

Glazer:

Not initially. But, they actually project more staff. They project on a per shift basis, during the day shift, you will have two nurses, a tech, a registrar, a director, supervisor, lab tech, radiology tech and a couple of housekeepers. And, that is before the physicians. That did not include the physicians.

Holt:

I understand that. I am just trying to nail down a few things. The reason that I am saying that is if you are managing it yourself, you wouldn't have a director necessarily. I know that in two counties that I can name right now, the director is part of the regular management staff for the county. They just manage the hospital and report back to the manager. Then the register is the tech that does it. That is how they did it before when we had a real hospital.

But, as I said, if we are looking at that \$700,000 loss, that is why I wanted to look at it. When I asked before, you said you were going to bring it back. That \$700,000 to \$1 million – What does that loss entail? When someone says "I am going to do business with you, but, I am going to lose \$700,000 to \$1 million a year," I get worried. I do. If they say that they are going to lose that much money, I get worried. Not saying that it is going to happen with this company, but, I do need some assurance in there that we are not over killing the situation when you are looking at 5 – 6 employees that could be managed under us and then we are looking at a loss there. You are saying that they are going to have a loss, but we don't have any documentation.

Glazer:

Well, we are not going to have a loss. They are going to have the loss.

Holt:

Well, what I am saying is – They are going to have a loss, but, we don't know what it is. We just know it is a loss because they say so. That is what I am saying. That is why I asked for the data to come back on the last meeting. The last time you were here.

Glazer:

We have just gotten some of the financial stuff. I can provide that to you. You can take a look at it for yourself and ask questions when they come back. But, the bottom line is that they will provide

a heavier staffing load, which is their call to make. That is how they do things. They will underwrite that loss, but, their expectation is that they will have operating losses here that they will make up on the other end with referrals. That is why they are willing to do it. But, in order for all of that to work, they have to lease the hospital and have the license to the hospital. Otherwise, it is not their Medicare number and it is not their Medicaid number.

Holt:

Do we not already have that Medicare and Medicaid ability with the county, with the hospital?

Glazer:

Only if we have the license.

Holt:

Right. That is why I said it. If we had the license, we would have the ability anyway.

Glazer:

But, we would also have the responsibility for it. We would also have the obligation to fund those losses and not have the ability to make it up on referrals.

Holt:

Right. You are right where I need you to be on an emergency room. It makes plenty of sense for (inaudible) to hold the license. SO, if it makes plenty of sense when you are saying it then, because you are looking at liabilities. When we held that Medicare and Medicaid, we held the license. The license is the valuable part. If it goes out of the county's hand – I have spoken to two different directors of hospitals- small rural hospitals about our size – and they are saying the very same thing. "Hold on to that license with your dear life." We just lost ours and they are both saying the same thing – "Do not give up the license. I don't care what you do, if you lose that license, you are going to have to go back through court and everything again and you will have to sit out for two to three years."

Glazer:

Ultimately, that is a decision that you, as commissioners, have to make. You have a trade off. HCA will not do a deal that way. They will not be a part of that. So, it is either HCA with the deal that they have offered and all the funding they have offered and so on or

Holt:

Let the county run the emergency room.

Glazer:

At this point, you have a serious problem with timing. For the county to do that will be darn near impossible.

Holt:

What would be entailed if the county did that?

Glazer:

You have no staff. You have nothing.

Holt:

We have more than enough staff. We have more than enough people that were laid off and are still working at Florida State Hospital. That doesn't phase me at all. In fact, the doctors don't phase me. But, I am talking about the monetary. What would it cost? So that we could compare and make sure. I have no problems with HCA. I just have a problem with transferring that license because we have been fighting for about 4 years to get it. Now, that we have it and we are just going to transfer it – they may be the best company in the world. But, if a company walked off and left us with Medicare and Medicaid – when they left before, we owed the State \$2 million.

Glazer:

That was not Medicare or Medicaid.

Holt:

I am saying that we owed the State more than \$2 million. We were able to get along with AHCA and the governor's office, they helped us write that off. Once we wrote it off, they turned around and said that we should have kept the license. Now, we are going to turn around and give the license away. Some people may say that is very trivial. But, it is not in the medical field when you have people who direct hospitals and they are saying, "Don't do it."

Glazer:

What this agreement will provide is that if they pull out, and remember, they are obligated. They will stay for at least several years. That is part of the deal. And, they are willing to stay, even with losses, that is part of the deal, too. They will be 100% responsible for Medicare and Medicaid overpayments through the day they let go of the license.

And, that several million dollars that you are talking about was essentially a tax payment.

Holt:

I remember that.

Glazer:

They will be responsible for that as well. Unlike your prior lessee, this is a big company that has the money and you won't get stuck with it.

Holt:

I have one other thing, but later on is fine.

Lamb:

Commissioner Morgan, please.

Morgan:

Mr. Glazer, I want to restate what Commissioner Croley has said. We certainly appreciate you updating us and doing it in a way that is methodical and easy to absorb and understand. I know you and Mr. McMillan and the hospital board have been in a lot of discussions, talks, meetings and

doing the best that you can do for us to represent the county.

I am going to take another approach than the one Commissioner Holt was stating. I will gladly gift wrap and put a big bow on that license and give it to anybody that wants to absorb \$700-800,000 a year and us be able to have this facility in the county. From a business standpoint, this is the only way that this project is going to work.

Is it perfect? NO. There is never a project that I am aware of ever – in the past, present or probably in the future that is going to be perfect. But, it is certainly attractive to us. That license is worth a lot to HCA. This is an initial investment, from my understanding. Obviously, this is not their first rodeo in this. They are trying to make a good business decision on their part. We get the benefit from that. But, I hope this is a reality to the public that without something like this, even though we have the indigent care tax, we could not pull this off financially. It just absolutely would not be possible for our rural county. This is something that is really a great thing for us.

I do want to ask just a couple of questions. I do appreciate Clerk Thomas being here today. I would like to know, just for public information as well. What is the balance on the trust? What indigent care tax revenues were produced in 2009?

Glazer:

I can answer one of those. Give me one second.

As of last week, the balance of the trust was \$10,100,000. That was the corpus of the trust.

Let me see if I have the number on the tax income. I don't think I have that.

Do you have that, Mr. Thomas?

Thomas:

When Connie did a schedule last month, it was like \$1,100,000.

Glazer:

You have made some payments on the debt, but there are more payments to come.

Thomas:

We have made two payments on the interest. \$45,000 and a hundred and some thousand. A little less than \$200,000 paid out.

Morgan:

So, now, rather than projections that we were banking on, we actually know that the revenue is only going to just over \$1 million per year. Not a million and a half.

Thomas:

It will be at least \$1.2 and close to \$1.3.

Morgan:

O.K. \$1.2 million. And we know from people in the business, that the operating cost alone for this business is going to be, conservatively, \$700,000 per year and that doesn't touch the debt service.

Glazer:

That is actually the loss. The operating cost that they project

Morgan:

I am just looking at the losses. So, conservatively, that is more than \$10 million in the short term in five years. That just reiterates, in my opinion, the necessity of approaching this from this standpoint.

You had mentioned, Mr. Glazer, that we are going through the re-financing here shortly. What is the cost of that re-financing to the county?

Glazer:

Don't have those numbers yet. We will be that information when we get into the bids. But, interest rates have gone up since you did that last one. You are probably looking at maybe \$600,000 to \$700,000 in annual debt service. That is just ball park that we are playing in. In part because of the interest rate and part because that note was for 30 years, this one will most likely be for 25 years. Most likely.

Morgan:

So, additional cost. Again, it reiterates how important it is to proceed in the manner that ya'll are suggesting. It just makes so much more sense if we want this to be a long term project.

One other thing that I just wanted to mention to you and then I will be through, Mr. Chair. Thank you for the time. You mentioned how we should proceed with any existing equipment and so on that is out there at the hospital. Are you suggesting that we are going to be looking at new equipment. There is no value when you are going into agreement with a company for the equipment. For example, I know that there is a CT scanner that is out there and sits as is. I believe there was someone in the past that said there was a value to that. Maybe I'm wrong – but, the gentleman from Dothan. That is worth something to somebody who is in that business.

McMillan:

The CT scanner that is out there is some off brand. It is not a GE and it is not a (inaudible). From what I have been told, and Clyde, you can also respond to this, - I think the issue is - How do we get rid of it? The guy in Dothan told me that there was no value to it.

Morgan:

Well, I misunderstood. When I talked to him, I thought there was. So, there was some miscommunication there. That is o.k.

McMillan:

Mr. Morgan, there is nothing out there that if it has value, we wouldn't try and find that value. That is HCA something that HCA has pledged to do. To help us get rid of it. It's not "Give it away." If it has some value, let's get the dollar value for it.

Morgan:

You have answered my question. That is all I wanted to make sure of. I may have misunderstood your remark, so, if there is any value there at all.

Thank you for what you do. I am in full support of your guidance. Thanks.

Lamb:

Commissioner Taylor?

Taylor:

Yes, thank you.

First of all, thank you. Great news. I appreciate that hurdle of the law suit. That had me concerned as well. So, thank you. What concerns me now is the timeline. I am looking at March 38 as your date for the bond application or bond approval. Now, we can't do any purchases until after that date – is that what you are saying?

Glazer:

No, no, no.

Let me back up and be more clear on that. The earliest date that you will be ready to do that should be February 16th. Now, having said that, one of the items on the agenda for our call later this week with HCA, is to begin thinking about how long this is going to take and how much lead time do you need for equipment? Remember, we will be buying it through them because they can get better prices than we can get. But, we are going to be talking about that.

The decision that you will have to make is, and then to, is - Are we comfortable moving forward before we actually sign the papers? We probably won't have the final papers on February 16th.

Taylor:

When you say final papers, you are talking about the agreement between HCA and this County?

Glazer:

Yes, ma'am.

Taylor:

O.K. Thank you.

You mentioned a process that we may have to go through and I am just thinking long term, that has just been my behavior, if we have to go through the process of securing the license back in the event HCA decides to leave the county – how long is that process?

Glazer:

60 – 90 days.

Taylor:
60-90 days.

And, HCA has agreed to stay on, perhaps maybe through such a process?

Glazer:
Yes, ma'am. They would stay on as manager. Now, we would have to work out the details and we are not even going to talk about this now.

Taylor:
Could we have some language in the contract that you are bringing back to us going forward?

Glazer:
We will. That was part of the Letter of Intent.

Taylor:
Thank you. Just so that there are no gaps in services and we will have them in place in the event that we have to go through the process to get the license.

Glazer:
Yes, ma'am.

Taylor:
O.K. Thank you. Now, also, during the process, will we, as a county, apply for Medicaid and Medicare?

Glazer:
We will have to because the license and the provider number have to travel together.

Taylor:
For right now, when we do open under a very close deadline, we will open using HCA S license.

Glazer:
That is one of the beauties of it. They don't have to apply.

Taylor:
Because they already have a license, but, we will apply?

Glazer:
We would have to apply in the eventuality that would happen. But, remember, they have to give us like 4 – 6 months notice if they decide to pull out. They have to give us a whole bunch of notice so we could start that process well in advance.

Taylor:
So, that is the only time we will start it, we wouldn't automatically

Glazer:

You wouldn't be eligible to.

Taylor:

I needed to know that.

Next question – we were talking about the items that are down there to be discarded. Is the county not in a position to receive write-offs in the event we donated – I don't know the fundamentals. If we could get a write-offs and if we could get some kind of benefits.

Glazer:

You are already tax exempt, so – But, it we can figure out a way.

(Huge laughter)

Taylor:

I was just wondering if we could go out there and rewrite the rules or whatever – the way things are these days.

Glazer:

But, you have heard, as I mentioned earlier, from some local organizations that may be interested in it. That keeps the value here in the county.

Taylor:

One of the people who was here at our last meeting, I think from the nursing school, asked for some of those items to be donated. I will ask about that toward the end.

O.K. That is it.

Lamb:

One question from you, then I am going to

Croley:

Just a point of order, Mr. Chairman. You know, when Mr. Glazer comes up here, Commissioners, and Mr. Chairman, Thank you. This is a very important point of order, here. We have already made, if memory serves me right, a unanimous vote to go forward in this direction. We don't need to keep listening to long drawn out efforts to redirect or change this course of action. And, I think we are wasting a lot of time, a lot of Mr. Glazer's time, a lot of Mr. McMillan's time and other resources to keep going over and over and replowing the same ground over again when we already have a course of action to follow. I hope that every commissioner will bear that in mind for the sake of everyone's time and consideration of the public.

Holt:

I have a question about the license. Thank you. I think we should hash this out as many times as we need to. Because when that company that had the license before – they did not keep it current.

So, even when they fell out, moved out or were kicked out by AHCA – they did not keep the license current. That is what sent us into that state. So, there will be language in there that says that when they no longer want to operate the hospital, they are still going to have the license and it will be kept current?

Glazer:

Not only will that be the case, but, remember, this license is tied to their hospital in Tallahassee. They are not going to jeopardize that hospital.

Holt:

I know theirs, but I am saying – When we get ours and it transfers to them. I am concerned about the county's license. I know we are going to open under theirs.

Glazer:

If the license came back to the county years from now, Yes, you would, under whatever arrangement we had, we would want to keep the license current. I don't know if I am following your question.

Holt:

HCA has a license. They decide to pull out. Let's just say for an example as Ashford did. Ashford did not keep the license current. That is what sent us into that tailspin. O.K. So, there is going to be a clause in this agreement that says that the license will be kept current by HCA.

Glazer:

That is not a problem.

Holt:

Well, we thought it wasn't in that one.

Glazer:

One of the big differences with the agreement – the problem that you had with Ashford is that they just walked and there wasn't anything in their deal that contemplated that. Here, we are going to have a deal that says 120-180 days notice before they leave. That is going to give this county time to gear up. They got shut down in the middle of the night, basically.

Holt:

Right. But, it wasn't the shut down part. Even after that. They did not renew the license. I want something in here that says they have to keep the license current. That is all.

Glazer:

I don't see that as a problem.

Holt:

Not belittling that, but it was a very important thing to that federal judge.

Glazer:

Even if they go away, that license here will be tied to the license in Tallahassee until the minute it gets transferred to us. If they let it lapse, they are going to have trouble in Tallahassee. So, there is an added incentive to them to keep it current. Ashford never had that.

Holt:

Is there any reason that they did not want to continue under their own license.

Glazer:

The old license is inactive and it belongs to GHI. It will not allow them to do provider based status.

Holt:

No, I am saying – HCA is going to open with their license. Is there any reason not to continue under that license that HCA has? Is there a problem with location?

Glazer:

It really will be their license, but it will be a second location on their license. So, it is an extension of their license in a way that does two things. It provides them continuity that makes it happen much more smoothly. At the same time, it preserves the independent existence of this hospital. To the extent that it is necessary to do that, should they decide down the road to give it back, they can still do it.

Holt:

O.K. Thank you, Mr. Chairman.

Lamb:

Mr. Glazer, I want to thank you for putting up with us. I want to thank you for the road that you have taken to get us where we need to go. I am so happy that you are well versed because if you were not, you would be like some of the ones in the past, we wouldn't be half way to where we are now. I want to thank Mr. McMillan and Mr. Lawson for working with you to get those doors open.

Continue down the path that you are going. You are well versed in what you are doing. I like listening to you. As I said before, I want to apologize for the long drawn out thing. But, that is part of it. I have to listen to it just like you do. But, you are doing a super job. The commissioners do have that right to ask questions and that is why I have to give it to them. But, continue please.

We don't have to take any action do we.

Glazer:

This is not a simple process. I am happy to answer all these questions. I don't mind doing it repeatedly because it is not easy. This stuff is not intuitive. I am always happy to do it.

Secondly, this has been a good and positive report. As I have said, there are all sorts of bumps out there. Some we know, some we don't. We are not there yet, but we are definitely rolling.

Lamb:

Thank you very much, sir.

Let's get a motion to accept this report, please.

Holt:
So moved.

Croley:
Second.

Lamb:
It has been moved and properly seconded that we accept this hospital update report. You have heard that motion. We are ready for questions. Hearing no questions, we are ready to vote. All in favor, let it be known by saying, "Aye."

All:
Aye.

Lamb:
The "Ayes" have it. Thank you.

CONSENT AGENDA pulled 7 & 9

Items 7 & 9 were pulled for discussion.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT THE BOARD VOTED 5
– 0 BY VOICE VOTE TO APPROVE ITEMS 5, 6, & 8.**

5. Approval of Minutes of December 8, 2009

6. Ratification of Approval to Pay County Bills

Accounts Payables Dated:	December 23, 30, 2009
	January 8, 15, 2010
Payrolls Dated:	December 31, 2009
	January 14, 2010

7. Approval of Signatures for Special Assessment Liens — Impact Fee Proviso (IFP) and State Housing Initiative (SHIP)

———— Mary Dixon

This item was pulled from the Consent Agenda for discussion.

8. Approval of Signature for Special Assessment Liens

Pamela McMillan

Kenyatta Jackson
Keyondia Lee

9. Approval of Signatures for Rehabilitation Contract – Emergency Repairs
~~_____ Annie Cunningham~~ This item was pulled for discussion.

7. Approval of Signatures for Special Assessment Liens – Impact Fee Proviso (IFP) and State Housing Initiative (SHIP) Mary Dixon

Commissioner Taylor asked to get some in-service training and better understanding as to the process of receiving the applications. She also asked for a copy of the list of the applicants.

Mr. Clyde Collins explained that the applications grants are made on a first come, first served basis with handicapped and the elderly getting a preference.

9. Approval of Signatures for Rehabilitation Contract – Emergency Repairs - Annie Cunningham

Commissioner Taylor asked if there is a threshold on repairs that requires a lien to be placed on the property.

Mr. Collins replied, "The State makes us put a lien on them. If we spend only \$5.00, there must be a lien. All of them are forgiven unless they decide to leave or sell their property. All the liens are forgiven."

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE ITEMS 7 & 9 ABOVE.

CITIZENS REQUESTING TO BE HEARD

James Mulloy, 1391 Bassett Road, Quincy, FL addressed the board on behalf of the Concerned Citizens of Gadsden County and his 3 year old son. He called attention to the fact that the City of Quincy had applied for a permit for an incinerator at Byrd Landfill. He stated, "In 1985, many of you, who have been here for a while probably also know that Quincy was home to the world's largest wood fuel (inaudible) incinerator. That, by the way, is the same technology as has been proposed for the Gretna facility. That facility received awards from the State of Florida, the Governor, the Department of Energy and National Engineering Association. That facility violated emissions standards and made the citizens ill. The citizens had to fight for their rights to oppose the plants operation and the adverse affects that the facility had on their health. That facility was subsequently shut down in 1990.

Recently, EPA proposed stricter standards on small causing pollutants such as nitrogen oxide, volatile organic compounds, carbon monoxide and methane and another ingredient that we have plenty of here in the sunshine state which is sunshine, which makes all of those things work in the creation of smog. It is clear to the environmental protection agency that present standards and enforcement are inadequate to protect the public health.

In a New York Times article, the agency's administrator stated that EPA is stepping up to protect Americans from one of the most persistent and wide spread pollutants we face. The agency's administrator said in a statement, "The smog in the air we breathe poses a very serious health threat, especially to children and individuals suffering from asthma and lung disease." It dirties our air, clouds our cities and drives up healthcare costs across the county. In fact, those healthcare costs are between \$13 million and \$100 million.

I find that appropriate to bring to your attention due to the fact that we are about to open another incinerator in Quincy as well as the one in Gretna."

Champion Oaks Circle Drainage Problems

The following people addressed the board regarding the drainage and flooding issues on private properties along Champion Oaks Circle - believed to be a result of the county's paving and permitting. They asked for analysis to be performed by an engineer.

Dewayne Hume , 175 Champion Oaks Circle, Havana, FL
Margaret Deciano, Champion Oak Circle, Havana, FL
Elizabeth Lewis, 461 Champion Oaks Circle, Havana, FL Lot 7

It was noted that this matter was discussed extensively at a previous board meeting and the board gave the staff direction to have an engineer to begin an analysis. That report has not been presented at this point.

Ms. Deciano asked that when the staff or engineer come out to make their findings, that she or Mr. Humes be notified in advance and be given an opportunity to be present when they go out. She also asked for a timeline as to when they might expect an answer from the engineer and the county.

Ms. Lewis offered to give property for a holding pond if it would help eliminate the flooding.

Howard Douglas, Growth Management Director, told the board that one of the homes in that subdivision hauled in a tremendous amount of dirt just to create a pad to build a home on. The county does not regulate storm water in a single family residential subdivision. Currently, the Code requires the Homeowners Association of a subdivision to be responsible for construction of a storm water facility and conveyance system and assume responsibility for maintenance of that facility.

Commissioner Croley asked the Clerk's Office to pull any type of record that might be available on this subdivision to show how this subdivision came about and how it was approved and what provisions were by the sitting board. He also asked the Growth Management Department to gather maps and data to show how this land looked prior to allowing this subdivision to be developed.

Mr. Douglas replied, "You will have to do an engineering study of the whole basin in that area."

Commissioner Holt asked Attorney Minnis for a legal opinion – What do we have in place that says if we approve something, even if it is a family home, in a low lying area, and they build it up and the next

house builds up, (that is what it sounds like they did here) How does that legally affect the wide spread areas throughout the county?

Commissioner Holt asked Howard Douglas, "What do we have, what we can and what can we not do? We need that stuff brought back so we can make an informed decision as to how we handle this situation."

Commissioner Morgan asked Mr. Douglas, "In your opinion, has the county contributed to this problem? Yes or no?"

Mr. Douglas responded, "In today's world, these storm water issues have to be addressed up front with these subdivisions. Even with minor subdivision, we will take them down to 7 lots or 6 lots to whatever necessary. Now, we will require them to handle the storm water. I don't know how it was then. I don't know whether there is a homeowners association out there or not."

Commissioner Morgan encouraged the staff to freely communicate with the citizens of Champion Oaks and be responsive, at least in listening to them and talking to them.

Mr. Hume closed with the following remarks:

"In 2006, or it actually started in 2005, that is when I bought my property. I got my building permit through this county. And, I had the Department of Environmental Protection out there. I had the Department of Health out there. I had septic engineers. I had contractors who is now one of the key building inspectors in the county to come out and take a look at that property. It was low. It was wet, but it was not wetlands. Their thought was that there was nothing that money could not fix about that property. You could build there.

As a result of their analysis, it was determined at that time that I needed to have a mounded septic system. But, for me to have sufficient flow to go to a mounded system, I had to elevate my home. I could not build on a slab. I had to build on a stem wall. I could not put it on a six foot stem wall, so, I had to bring in dirt. You bet. I agreed to find dirt. I brought in 272 truck loads of dirt. That is a lot of dirt. But, I understand physics. I spent a lot of years in the sciences. I knew two objects could not occupy the same space at the same time. That water was going to be going somewhere. But, hey, I had a drainage canal out front. I had to put swales in around my thing. I had to put – actually a sump pipe, a French drain circumventing my septic system last year in order to keep the water table from stopping my septic system from working. If it doesn't percolate, it doesn't work.

So, basically, I did everything that the county required me to do. They said, "You've got to bring your elevation up to this point." I brought it up. I have put a lot of money into it. I paid more for the dirt than I did for the property. It cost me more than \$300,000 to build that home. That is a lot of money. So, I relied upon – and, the five engineers I had to have to construct this home, in terms of designing the foundation and everything because of the pipe clay down there, I had to have the hardness and compaction tests done. All that stuff. All predicated on the fact that I assumed that everything in the right-of-way worked. And, it doesn't. That is all.

I appreciate you hearing me and I appreciate the fact that Public Works is going to be following up on this."

Ms. Deciano closed in saying, "This goes back to what he said and also to the gentleman before him said. The thing is when you look at the action plan and what happened – who permitted the property that allowed him to build? That is what caused the water coming more onto me. The guy doing the berm that was here last time – Mr. Tharpe. That has caused more of a problem, too. The thing is – How can Gadsden County go out and permit a property? Who looked at that property? Who gave him the building permit? Who went out there and signed off on all those things? Who signed off on a septic tank that was not functioning? Then it cost them \$2,000 more. Something is wrong. Somebody doesn't know something. The right people are not getting through there. I mean, I am frustrated. I am sorry that it shows. But, that is the reason. I am looking back. These 7 or 8 people have flooded. Our problem is not the same as theirs. Our problem has been caused by things have not been done properly and the county is has kept permitting homes out there. They should have reviewed the situation before it happened."

There was a consensus that the county would make an evaluation based on the engineers report once it comes back to the board. The chairman also gave the Champion Oaks residents assurance that the staff would continue to communicate with them and assist in whatever way they could.

Biomass Incinerator

David Borland, 5 Dante Court, Quincy, FL spoke in opposition to the Adage Bio Mass Incinerator. He presented some mathematical calculations that seemed to bring into question the sustainability of the local resources. He did not complete his remarks within the time frame that the board's policy allows. However, it was noted by Administrator Williams that the issue would be on the next agenda for a thorough presentation and he could return for more lengthy dialogue at that meeting.

GENERAL BUSINESS

10. Approval to Award Bid No. 09-21 for State Lobbying Services to Chris Doolin & Associates for \$25,000 (to be paid in four installments of \$6,250 each under a Professional Services Agreement)

Management Services Director Arthur Lawson presented the recommendation of the bid committee for the above named bid.

Commissioner Taylor voiced some opposition to this award based on the possibility that the successful bidder may have known the amount that was in the budget for this year and it may have been unfair to the other bidder. She was opposed to the award to this firm because they also represent the Small County Coalition and they should be lobbying for the county as a member of the association anyway. Given the fact that saving the jobs at Florida State Hospital was the primary factor in hiring a lobbyist, she felt that the firm should be lobbying in that effort without a contract specifically with Gadsden County.

Commissioner Morgan pointed out that Florida State Hospital is the largest employer in the county and beyond Gadsden County and it is critical to have effective representation to keep them. He reasoned that too much was at stake to not engage some additional help.

Commissioner Holt agreed that the additional help is needed for a number of reasons.

Commissioner Croley stated that he has questioned the need for lobbyist in the past, but, the board did set aside this money in the budget for this cause. He stated that the board does need the additional help to watch the issues that will be before the Legislature in the upcoming session. He concurred with Commissioners Holt and Morgan.

Chair Lamb also supported the recommendation of the bid committee.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 1, TO AWARD THE BID TO CHRISTIAN DOOLIN AND ASSOICATES AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS.

Christian Doolin and Sarah Bleakly were present. He addressed the board just briefly noting that the State revenue is modestly improving, but, the need is rapidly increasing and it continues to exceed the revenue of the State. He addressed the legislative priorities which the board has already adopted. He suggested that they tweak it a bit to bring it into the current legislative environment.

He then turned his remarks to the threat about the potential privatization of Florida State Hospital. He said that it is a publicly run facility and the quality of patient care is of utmost concern. They care for the most needy Florida citizens. They cannot care for themselves as they are mentally ill and brain traumatized. It would be a travesty to let the hospital become privatized and lose accountability for the care of those patients.

11. Revised Appointments to the Tourist Development Council - Midway City Councilman Jarred Holton

COMMISSIONER HOLT MADE A MOTION TO APPROVE THE RECOMMENDATION OF THE TDC TO APPOIINT JARRED HOLTON TO THE TDC. COMMISSIONER CROLEY SECONDED THE MOTION.

Through discussion and questions, it was determined that the appointment is in compliance with Florida Statutes. There will be one more appointment to be made which will follow on the next agenda.

Commissioner Taylor, who sits on the TDC, could not recall that Mr. Holton's name was approved by the TDC. While she had no objection to the appointment, she felt it should go through the proper process.

Mr. Douglas explained that the first two appointments were proposed and approved by the TDC. He confirmed that the above appointment had not been before the TDC for a vote.

COMMISSIONER HOLT WITHDREW HER MOTION AND COMMISSIONER CROLEY WITHDREW THE SECOND.

THE MATTER WAS SENT BACK TO TDC FOR THEIR APPROVAL BEFORE COMING BACK TO THE BOCC.

Commissioner Croley asked the board to direct Ms. Minnis to research whether the TDC members are subject to the public disclosure requirements by the Ethics Commission.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO DIRECT THE ATTORNEY TO DETERMINE WHETHER THE TDC MEMBERS(AND ALL BOARDS APPOINTED BY THE BCC) MUST FILE PUBLIC DISCLOSURE WITH THE ETHICS COMMISSION. IF SO, SHE WAS ASKED TO COMMUNICATE THAT REQUIREMENT TO THEM IF NECESSARY.

Confirmation of Larry Crum as Emergency Medical Services Director

Arthur Lawson introduced Larry Crum whom he recommended to be confirmed as the EMS Director. He noted that Mr. Crum has been with the County since 2003 and is a certified fire fighter as well as a paramedic.

Commissioner Croley stated, "Mr. Lawson, there is no question that a derogatory email has been floating around about Captain Crum bordering on personal injuries. Would you clear that up for the public record – Have there been any complaints or charges that have come up before you as Human Resources Officer against Mr. Crum that would cloud his consideration for the appointment?"

Mr. Lawson replied, "I have no formal complaints that have been filed against Mr. Crum. I have received (and the administrator as well) emails from a couple of employees who work down there indicating things that range from cigarette butts in the ambulance to him talking to them harshly, but other than that, I have not received a formal complaint that he has harassed or had any other type of involvement from anyone down there."

Croley:

I bring that up for Mr. Crum's reputation, for the county administrator and your own good judgment in the process that you are recommending. That email was passed around as you are well aware of to the news media and other parties all over. And you have seen it yourself.

Lawson:

Right.

Holt:

Mr. Lawson, I appreciate your email clarifying things. I don't know why I am not receiving these emails that everyone else received.

Lamb:

I didn't receive it.

Morgan:
I didn't either.

Holt:
Oh, you didn't either. Well, then I don't feel too bad on that one then. They usually don't email me on anything because they don't want me to know anything. But, thank you very much, Mr. Lawson.

Lamb:
Mr. Lawson, if I had received it, I would not have read it because that is your business. That is personnel. Again, people will call you up and stop and talk to you. Keep your nose out of personnel. That is the Statute, Commissioner. And, myself.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO CONFIRM THE APPOINTMENT OF LARRY CRUM AS DIRECTOR OF EMS.

Commissioner Taylor stated, "I, too, was not privileged, but, I, too, stand on the fact that I don't get involved in day to day. But, I do want to say this for public record. Knowing what is there or what issues may be there, I would recommend to this county administrator to be mindful because where there is smoke, there is fire. So, just be mindful and keep an ear and an eye so that he can be successful in this position as manager down there."

13. Travel Policy Revision

The policy was discussed and several changes were recommended.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT AND LATER AMENDED, THE BOARD VOTED 5 – 0, TO TABLE ACTION ON THE POLICY AND DIRECTED THE ATTORNEY TO WORK WITH MR. LAWSON ON AMENDING THE POLICY TO REFLECT THE CHANGES SUGGESTED.

14. Net Quincy Contract Amendment No. 1 – Contractual Services Agreement for Dedicated Fiber Optic Network and Authorize Chairman to Sign Agreement

Charles Chapman explained that the above named amendment simply clarifies the agreement between the County and NetQuincy. Section 10 (A) – additional language that allows Quincy the same right as the county to cancel the contract. The notice was changed from 30 days to 45 days.

Discussion followed regarding who will own the fiber. Both IT Director John Thomas and City Manager Jack McLean responded to questions. It was decided that these matters can be addressed in a second amendment to the contract, but that the project should continue to move forward.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AMENDMENT DESCRIBED ABOVE.

COUNTY ADMINISTRATOR’S AGENDA

COUNTY ATTORNEY’S AGENDA

15. Update on Bid Protest – Video Recording

Ms. Minnis reported that Mr. Lawson has met with the unsuccessful bidder and a more formal protest meeting is being attempted for January 27.

Discussion followed as to whether the board even wanted to continue the video programming of the meetings given the financial constraints of the county.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 2 TO AGENDA THE VIDEO RECORDING FEES FOR THE NEXT AGENDA FOR DISCUSSION AND FOR DETERMINING WHETHER TO CONTINUE THOSE SERVICES. COMMISSIONERS HOLT AND TAYLOR OPPOSED.

DISCUSSION ITEMS BY COMMISSIONERS

16. Commissioner Morgan, District 3

- He thanked the Code Enforcement and Public Works for the response to a number of issues in District 3.
- Observation: ditches need to be pulled and culverts cleaned out; mowing issues
- He stated that he looks forward to Budget Update at next meeting.
- He asked for information relating to the legal costs for last 12 months.
- He emphasized that he wants to make sure that the county is properly overseeing use of tax payers dollars.
- Comments to the public about videoing – Let’s do it when it makes more economic sense to do it. It is not an attempt to deceive the public. When times get better, it can be revisited.

Commissioner Holt, District 4

- To Administrator: What kind of OSHA Laws are we following in public works regarding

restroom facilities – ratio comparison of facilities to employees and breaks allowed? A portable facility is mounted on trailers and carried with each crew to the job site. She was assured that OSHA laws are being followed.

- To the attorney: Public work on private property issues - she asked for a legal opinion – liabilities such as the one with Champion Oaks. She asked for something written in hand now so they can be prepared when requests come forward. (no vote taken)
- She requested the staff move forward to surplus the hospital equipment – auction it off, etc. and use the proceeds to offset the reopening of the emergency room. (no vote taken)
- She contended that televising makes a better defense in the legal arena. She was opposed to breaking from the videoing of the meetings.

Commissioner Taylor, District 5

- She complimented Public Works for work she has observed in her district.
- She also requested to know what has been paid to the attorney to date.
- She requested that the county administrator update the commissioners on matters that have been discussed in the previous meetings as part of the agenda each meeting. Include a list of his accomplishments from meeting to meeting and status report.
- She inquired as to drop off sites for Haitian relief.
- She clarified the travel issue discussed earlier in the meeting. She stated that she did receive credit hours for the meeting she attended and it is reflected on her transcript.

Commissioner Croley, Vice-Chair, District 2

Solid Waste Collection and Recycling

He read an email into the record that he sent to the County Administrator, copied to the County Attorney, Mr. Chapman and Mr. Collins regarding solid waste collection.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, TO AGENDA THE WASTE COLLECTIONS ISSUE IN FEBRUARY. COMMISSIONER HOLT WAS NOT PRESENT FOR THIS VOTE.

Customer Service Policy and Standards

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE BRINGING BACK THIS MATTER FOR DISCUSSION DURING THE SECOND QUARTER OF THE YEAR. COMMISSIONER TAYLOR WAS

NOT PRESENT FOR THIS VOTE.

Improving Collector Roads under SCOP funds – Widening collector roads

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO BRING THIS MATTER TO THE AGENDA DURING THE SECOND QUARTER FOR DISCUSSION.

County Contracts and Agreements

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD APPROVED DIRECTING THE STAFF TO COMPILE AN INVENTORY OF ALL CONTRACTS AND AGREEMENTS AND THAT IT BE POSTED ON THE COUNTY'S WEBSITES. IT SHOULD INCLUDE THE APPROPRIATE BEGINNING AND ENDING DATES OF THE CONTRACTS. THE COUNTY ADMINISTRATOR AND STAFF WAS DIRECTED TO BEGIN DEVELOPING THE INVENTORY WITHIN THE NEXT SIX MONTHS AND MAKE IT PUBLICLY AVAILABLE.

County Property List

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, TO PREPARE AN INVENTORY OF ALL COUNTY OWNED REAL PROPERTY – WHERE THEY ARE, HOW THEY ARE BEING USED, DETERMINE IF THEY CAN BE DISPOSED OF. THIS SHOULD BE BROUGHT BACK WITHIN SIX MONTHS. IT WAS FURTHER MOVED THAT THE STAFF SHOULD WORK WITH THE PROPERTY APPRAISER, TAX COLLECTOR AND CLERK'S OFFICE.

Broadcasting

Commissioner Croley reported that Federal Communications Commission (FCC) opened up the application for the process for entities to apply for low power digital television stations. Companies from other places are coming into Gadsden County without knowledge to the BCC and applying for the FCC licenses to hang the low power transmission stations on existing towers. In order to leverage the new technology in the near future. He reminded the board that this could be a potential source of revenue and the county should be monitoring those applications and licenses. He suggested that the staff look at this.

Commissioner Lamb, Chair, District 5

- **Chairman's Appointment to the Tourist Development Council** - Appoint Commissioner Morgan to represent the board

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPOINT COMMISSIONER MORGAN TO THE TDC.

Commissioner Morgan agreed to serve on the board with the caveat that the council will be

in compliance with the FL Statutes in every way, shape and form.

- **Determination of Desire to Hold a Workshop with Governance Solutions, Inc.**

Charles Chapman was asked to contact with Governance to determine when and if they can meet with the Board.

- **Hospital Inventory**

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 -0, BY VOICE VOTE, TO ALLOW SENIOR CITIZENS SERVICES AND GTI TO GO THROUGH THE HOSPITAL INVENTORY AND IDENTIFY ITEMS THAT THEY WOULD BE INTERESTED IN ACQUIRING. OTHER COUNTY ENTITIES CAN APPROACH THE COUNTY AFTER THE TWO MENTIONED HERE.

FEBRUARY MEETINGS

- February 2, 2010 – 6:00 p.m.
- February 16, 2010 – 9:00 a.m.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 1:45 P.M.**

Eugene Lamb, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

**IN A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON FEBRUARY 2, 2010, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.**

Present: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
Brenda Holt, District 4
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Mike Glazer, Deputy County Attorney
Johnny Williams, County Administrator

Invocation and Pledge of Allegiance

Chair Lamb called the meeting to order then called for a moment of silent prayer followed by the pledge of allegiance to the U.S. flag.

Amendments and Approval of Agenda

Add Item 8A: Added as a companion to Item # 8: Emergency Management Joint Hazard Mitigation Grant Program and Flood Mitigation Assistance Grant for Mr. Larry Fountain

Move Item 10 – Quarterly Financial Report to Item 9 (Reverse the order of Items 9 & 10)

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD
VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.**

Chair Lamb then called attention to an audience member who was carrying a sign in opposition to the Adage Biomass Plant. He asked that the signs be taken outside.

Awards, Presentations and Appearances

**1. Biomass Power Plant – Current Issues and Concerns Raised by Concerned Citizens of
Gadsden County**

A verbatim transcript of this presentation is attached at the end of this set of minutes.

Mr. James Malloy, 1391 Bassett Road, Quincy, FL introduced Carl Owenby and Dr. Edward Holifield. Each of them made a presentation of facts relating to the impacts of the proposed Biomass plant that has been proposed to open in Gretna.

The following people spoke in **opposition** to the Biomass Plant:

James Malloy – He made a PowerPoint Presentation and filed it for the record. See attachment.

Carl Owenby, 427 N. Jackson St., Quincy, FL 32351

Dr. Edward Holifield, M.D. (Internal Medicine and Cardiology) P.O. Box 6491, Tallahassee, FL 32314 – he cited Gadsden County health statistics and cited how the proposed Biomass plant would further impact the health of Gadsden County residents. He gave each commissioner a 47- page document coming out of the University of California relating air pollution to infant mortality.

(Note: This document was not provided to the Clerk for the record.)

Chair Lamb called for comments from the commissioners before moving forward with the consent agenda.

Commissioner Holt asked the chairman if there were other people who wanted to speak to the issue.

Chair Lamb responded by saying, “It is not time for that yet, Commissioner.”

Commissioner Croley asked Mr. Malloy to file a copy of his presentation with the Clerk’s Office for the record.

CONSENT AGENDA

Item 3 was pulled for discussion.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA.

2. Ratification of Approval to pay County Bills

Accounts Payable: Dated January 22, 2010 & January 29, 2010
Payroll Dated: January 28, 2010

3. ~~Modification to Emergency Management Performance Grant Federal Department of Homeland Security and Federal emergency Management Agency 10-BG-25-02-30-01-084~~

This item was pulled for discussion.

4. Department of Homeland Security Grant for Planning Training, Functional Exercise and Post Disaster Redevelopment Contract No. 10DS-39-02-30-01 CEDA# 97.067

The above named contract is a federal funding grant agreement in the amount of \$58,300 to fund emergency preparedness planning, training and exercises for Gadsden County employees, volunteers and citizens. Grant Period October 1, 2009 – April 30,

2012

5. Post Approval of the Community Development Block Grant (Disaster Recovery Program) Grant Application and Authorization for Chairman to Execute

Gadsden County has been awarded \$241,866.00 by the Florida Department of Community Affairs through the Community Development Block Grant Disaster Recovery Program with the cooperation of the cooperation of all municipalities. A public hearing was held on January 5, 2010 during a regular meeting of the Board of County Commissioners to receive public input. Subsequently, staff completed the application and submitted by the close out date of January 15, 2010.

6. County Incentive Grant Program (CIGP) Agreement for Cairo-Concord Road – County Incentive Grant Program – Florida Department of Transportation Resolution 2010-006 (County Road 157A from Fairbanks Ferry Road to the Georgia State Line.) Approval of the Grant Agreement and Resolution

The State of Florida assists small counties with funding for road resurfacing projects under the County Incentive Grant Program (CIGP) for major arterial and collector roads in need of major repair. The Board approved Cairo-Concord Road as a candidate project at the July 21, 2009 meeting. This grant will benefit Gadsden County by \$400,000.

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

3. Modification to Emergency Management Performance Grant Federal Department of Homeland Security and Federal emergency Management Agency 10-BG-25-02-30-01-084

Commissioner Taylor asked, “From what I read from the narrative, there was money carried over from the previous year from this grant that was not expended. My concern is that it gives a deadline that these funds need to be spent. I don’t know what the penalties are in case they are not. It says that \$34,000 plus needs to be spent by June, 2010, but, in fact, the previous year, those dollars were not spent. So, I am concerned as to whether we have budget – I didn’t see anything in the information provided that we have budgeted those dollars and the dollars in question will be spent by the deadline given by the funding agency.”

Major Sean Wood responded , “We knew we had a problem coming with the generators. We got a rollover. We were going to buy a truck. Ours has 240,000 miles on it. But, if you don’t have a generator, it doesn’t do a lot of good to have EOC, so, we are trying to actually take both pots of money and work with the county. That is why we have saved that money – for this.”

Commissioner Taylor then asked, “Is the generator an allowable expense for these grant dollars?”

Major Wood answered, “Yes.”

More discussion followed.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE MODIFICATION TO THE GRANT DESCRIBED ABOVE.

CITIZENS REQUESTING TO BE HEARD

The following people addressed the board in opposition to the biomass plant.

Regina Gore, 17530 Blue Star Highway, Quincy, FL

Barbara Gay, 26 Watson Road

Dr. Terrance McCoy, 1300 Ball Farm Road – physician in Tallahassee for more than 30 years, past president of Medical Association; has a fellowship in environmental and occupational health; he stated that the medical community is unanimous in the opinion that this biomass plant is only bad news.

Dr. Ronald Saff, Allergy Medical Specialist, 2300 Centerville Road, Tallahassee, FL – opposed the biomass plant

Michael Dorian – 145 Alligator Run, Quincy, FL submitted list of questions to the board. Opposed the biomass plant in Gretna.

Bob Fulford, 231 Westridge Dr., Tallahassee, FL - Contended that there is not enough wood in the county to run the plant.

Ray Walke, 401 North 9th St. Quincy, FL – engineer – he drew attention to the threat of global warming and how this plant will increase this.

Michael R. Renwick – Gadsden County Forestry Division – works at Wetumpka Center – rebutted remarks made by Mr. Fulford. Not opposed to the plant or a proponent for the plant. Contended that he gave information to Mr. Malloy and others which was not presented to the board in their presentation.

Bishop C. Holifield, P.O. Box 6131, Tallahassee, FL 32314 – owns farm in Gadsden County with pristine water and clean air. Opposed to the location of the plant in Gadsden County. The plant will not be pollution neutral.

Grace Malloy, 1391 Bassett Road – left questions to ADAGE to be answered. Filed for the record. Opposed to the biomass plant. Concern for asthmatic son.

Leonard Robinson, 282 Dogwood Trail, Quincy, FL – stated he was appalled that the

commissioners met with ADAGE one on one. He suggested that the reason it was done that way was “If you met with them as a commission, then you would have had to open that meeting. It would have had to be held in the sunshine. You met with them one on one so that you wouldn’t have to do that. Then you come to the people, when you are asked, you tell us “You don’t know enough.” We don’t know what you know and that is part of the problem here. The same thing in Gretna. The commissioners there don’t know anything either. If they do, they haven’t shared it with their community.As commissioners, you are elected and you have an obligation to give what you know to the citizens that you represent. Silence is not always golden. ”

Lloyd Schell, 324 Watson Road, Quincy, FL – across the road from the proposed plant. – Opposed to the plant.

Fred Harris, 1050 Soloman Dairy Road, Quincy, FL - - Opposed to the plant. Presented a list of questions.

Julie Simmons, 496 Dogwood Trail, Quincy, FL, - concern that plant will not provide long term sustainable jobs.

Cathy Anderson, 17767 Blue Star Highway, Quincy, FL – opposed to the plant.

Louise Davison Walke – 401 N. 9th St., Quincy, FL - represented the trees. She and her former husband came to Gadsden County because of the trees. She was opposed to the biomass plant because it would destroy the trees.

Wanda Zuber, 504 Woodland Ave. Quincy, FL - opposed to the plant.

She asked the following questions:

- Does Gadsden County need additional power?
- What is the actual power generation and consumption?
- Is there any record that states that it requires more power or how much more does it require?
- How does the cost of biomass energy compare with other forms of energy- coal, wind, solar?
- What regulations will prevent the plant from burning garbage or construction demolition materials now or in the future?
- What are the counts for mercury , lead and other chemical emissions?
- Is the plant going to burn entire massive damp wood chips which are prone to spontaneous combustion?
- How many acres of productive timber land do we have in Gadsden County? How long would it last?

The following people spoke in favor of the biomass plant:

Steve Simmons, 225 Wilmington Westchester Pike, Chadworth PA, from ADAGE , Spoke as a proponent of the project. He pledged to get information out and answer the questions raised at this meeting.

Chair Lamb told Mr. Simmons if he would like the opportunity to make a presentation to the board in a public meeting such as this, the board will certainly give him equal opportunity. He instructed him to get with the county administrator to facilitate it at a future time.

Commissioner Holt asked the Chair to allow her to ask questions of Mr. Simmons.

The chair called for a motion from the board before moving to allow questions of Mr. Simmons. No motion was offered and he continued to decline to allow Commission Holt to direct questions to Mr. Simmons.

Commissioner Holt insisted that she only wanted to ask Mr. Simmons about setting up a meeting with the public.

Chair Lamb recalled that he had instructed Mr. Simmons to contact the administrator about getting on a future agenda for that purpose.

Commissioner Croley called for a point of order.

Charles McClellan, 923 Myrtle Ave, Quincy, FL. spoke in support of ADDAGE.

Marvin Steffan, 14 East Washington St., Quincy, FL. He stated that he is one of the people who lost their jobs. He encouraged the board to listen fairly to all sides of the issue with a sensitivity to those unemployed people.

Chair Lamb thanked all those who expressed their opinion and presented their questions. He also stated that he wanted Mr. Simmons of ADAGE to get with the county administrator and arrange to make a similar presentation for his point of view. He also asked Mr. Simmons to arrange to hold other public meetings in Gretna so that the public will have ample opportunity to meet with them and ask their questions.

Commissioner Holt asked permission to make a comment since the proposed site is in her district.

Holt:

When the City of Gretna requested a meeting with the individual commissioners, I did have people from my district come and sit in on the meeting to make sure that they could gather some information. Mr. Malloy was one of those individuals, so was Ms. Gay and some others., so that they would have information to take back with them. Rev. Brunson was another person that did.

Also, as I said, there will be a meeting at her church on the 6th. That way, you can get, and I would like to, that is what I wanted to say, - that is within the city limits of Gretna. That way, ADDAGE could come in and bring their side of that story, their story. Mr. Malloy can bring their side. Then have several other meetings within that area so that

the citizens around that area would not be so uninformed. We want them informed and educated on both sides of the issues. That gives them more opportunities.

But, Thank you very much for coming out. I do think, as I have said before, it has a lot to do with not working on the Comprehensive Plan. If we would work on the Comprehensive Plan, that lets you know where development is going to be and where you want development to be. That is what the State is asking us to do. If we would go ahead and do that, you would not have so many problems coming up later on because you would be informed ahead of time. That is what the Secretary of DCA asked us to do.

Thank you.

*****The Chair declared a five minute recess at this juncture.*****

7. PUBLIC HEARING –

Approval to Amend Ordinance 2004-03 By Increasing the Non Criminal Traffic Surcharge from \$15.00 to \$30.00 Amend Ordinance 2004-03 by Increasing the None Criminal Traffic Surcharge from \$15.00 to \$30.00.

Section 318.18(13)(a)1 Florida Statutes, was passed in 2004 by the Florida Legislature as part of the Article V Revision 7 court funding reform to authorize counties to impose a \$15.00 surcharge on all non-criminal traffic infractions to help the counties finance the unfunded mandate to fund the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit and county courts, public defender's office, state attorney's offices, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions.

The Second Judicial Circuit requested that Gadsden County Ordinance # 2004-03 be amended to increase the current \$15.00 surcharge to the maximum of \$30.00.

Grant Slayden, Trial Court Administrator, was present in the event there were questions from the public.

Chair Lamb called for public comments and questions. There was no response.

Commissioner Croley commented that it appears that this is just another tax on the people. It was clarified that the County Commission has jurisdiction over the money. He asked if the money could be used for the jail since it was part of the court system .

Mr. Slayden stated that he did not believe that it could be used for the jail.

Croley:

Well, its says reasonable and necessary buildings. I have never heard of a court operating that did not have a jail in its system. That is why I am asking the question because, you know, to support this, I expect it to support the entire court structure and all it's related

facilities, not just certain benefits to the judges themselves. I don't mean that in a negative way. Or, in the prosecution and the defense. Could this money also be used , and I would like an answer to that question. As far as I am concerned, it says necessary buildings. Are you prepared to make any comment on that, Mr. Glazer?

Glazer:
No.

Croley:
I didn't figure you were. Now, can we put a new roof on that courthouse across the street with this money?

Slayden:
Yes, sir, you could. In fact, that courthouse across the street will be 100 years old in two years. It probably does need a new roof.

Croley:
Well, according to what I have heard and what I have seen, it does.

Slayden:
In Jefferson County, they have passed this, raised the money, and they are using this money to put a new roof on their courthouse.

Croley:
In all seriousness, Mr. Glazer, if the law firm, the county attorney's office is not prepared to answer that question, I would ask that, and I believe we can do that without a great deal of expense or inconvenience, that we seek an opinion from the Attorney General on whether or not the jail is a part of that. Could we do so?

Glazer:
Yes, but, the reason that I said, "No" is because I have never looked at the question. Maybe we could look at it and answer it for you. I am just not prepared to answer it this evening.

Croley:
I appreciate that.

Well, Commissioners, I am supportive of this provided that we can look at using it for the entire court system, including the jail.

Lamb:
Commissioner Morgan?

Morgan:
Thank you, Mr. Chair.

Mr. Slayden, thank you for coming to see us tonight. I have a question for a poor county. Are there any negative impacts, from a fiscal standpoint? Is there any reason why we would not want to entertain this ordinance?

Slayden:

I think the only negative would be for people, as Commissioner Croley pointed out, is for the people who get the traffic tickets.

Morgan:

Beyond the people who make poor choices and don't follow the speed limit?

Slayden:

None whatsoever. That is money that goes into your account and it is limited to what is allowable as expenses, but, it could maybe supplant some of the general revenue, free up some general revenue to use on other things. It can be used to make major repairs. It can be put aside - the clerk isn't here just now, but, he has spoken in favor of this in the past because he had hoped that some money could be put away in a capital expense fund for when a building has to be replaced. I know he has supported this in the past.

Morgan:

I appreciate that.

Mr. Chairman, I move approval at the appropriate time.

Lamb:

I have a motion, can I get a second?

Croley:

I will second it.

Lamb:

It has been moved and properly seconded that we approve this item. We are ready for questions.

I don't have a question, but, this information or comment that Mr. Croley gave on some of the citizens. That is not a negative thing. It might help them, too. I could make them follow the law that they are supposed to be following. I think it is a good thing.

Anybody else?

Holt:

Yes.

It could be a good thing for the people who are going to collect the revenue. You are right in that it could be a negative thing for the person who gets the fine. That does not necessarily mean that all of them are guilty, though. So, we cannot assume that. But, what I wanted to know is, Mr. Slayden, did you bring this forward to Mr. Chapman?

Slayden:

Yes, we did. We brought that forward based on that discussion we had back in September when you mentioned the need for additional revenue. You all asked us to look into that.

Holt:

O.K. That is just about where I was going. I wanted to know what your intent is there. You said that it couldn't be used for the jail. You are looking at just the court system.

Slayden:

Exactly. That is the way that I read the statute. But, definitely have the county attorney look at it. No one else has interpreted it that way in the Circuit – that it could be used for jail expense. The statute specifically lists out things you can spend it on. But, like any statute, I am sure it is open to interpretation and an attorney general opinion or a county attorney opinion.

Holt:

O.K. That is basically it. Thank you.

Lamb:

The reason that I said it could be good for everyone is because everybody would have their day in court. If they are found guilty, then they have to pay the fine. It is just that simple. There is no such thing – just because they are poor – they broke the law. It is just that simple.

Are we ready to vote.

All in favor, let it be known by saying, "Aye."

All:

Aye.

Lamb:

Opposes?

(No response.)

Lamb:

Thank you, sir.

8. State of Florida Joint Hazard Mitigation Grant Program & Flood Mitigation Assistance Application Contract with Donald Ward

The board approved Mr. Larry Fountain's FEMA Buy Out Application on November 3,

2009. Once it is approved by FEMA, it will take the form of a grant in the amount determined by the property value and services required to execute and administer the grant process.

The State of Florida Department of Emergency Management contacted Mr. Donald Ward to assist in the coordination and preparation of Mr. Fountain's application. See the attached agreement for consulting services for the grant implementation.

Major Sean Wood stated when he normally comes before the board, he is advocating for something. However, with this particular contract, he asked them to really examine this contract because the entire process with FEMA has been difficult. FEMA wrote the contract and it was hard for him to understand. Because other grant agreements of this nature are sure to follow, it is important that this one is done correctly because it will serve as the model for those to follow.

Commissioner Croley recalled that the board approved his application contingent on another government agency taking possession of the property. He reiterated that the county has no use of the property and it will be a burden to the county for the maintenance and upkeep. He stated that he has no problem with the grant itself, but just did not want the county to take possession of it.

Commissioner Morgan stated that he did not feel the county should acquire anymore property for which it has no use.

There was some discussion about the complexity of the document and the fact that other applications will follow this one. The board concluded that the attorney should take the time to look at it in more detail to be certain that it is handled correctly for the sake of setting a precedent.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 –1, BY VOICE VOTE, TO TABLE THIS MATTER AND ITEM 8A AND BRING IT BACK TO THE BOARD AT THE NEXT MEETING WITH MORE CLARITY.

Commissioner Morgan cast the lone dissenting vote.

8A **FEMA Grant Contract Number 10HM-E7-02-30-01-001 Joint Hazard Mitigation Program and Flood Mitigation Grant for Mr. Larry Fountain**

This matter was tabled along with Item 8.

10. **First Quarter Financial Report FY 2010**

County Administrator Williams introduced the attached financial report. He explained that it is not a full quarter report because the revenues only report two months of revenue as opposed to three because the revenue figures are not complete at this time. He stated that he was very encouraged and it appears that the county has "turned the

corner. Some of the things we have done have worked. We have cut back. We have cut down on spending. We have had to have layoffs and it is beginning to show. Our expenditures, for example, are at 21% instead of 25% for the year. That translates into over \$1.5 million ahead of the curve...I firmly believe that in spite of the fact that we are still in a recession, if we can hold the line for a couple more quarters or through the end of the year, we will be in excellent condition by budget time. This is a good news report.”

Commissioner Holt asked, “How many grants have been applied for in the last three months?”

Mr. Williams replied that he knew of several, but could not answer with certainty as to how many. He stated he would obtain that information and forward it to her.

She then asked how many had been received within the last three months.

Ms. Sherrilyn Chess replied that she is currently working with the finance department and she would be rolling over the revenues and expenditures from the previous fiscal year. But, she stated there are some new grants that have been received.

Commissioner Holt stated that she is particularly interested in getting any kind of grant that will help to get infrastructure to the I-10 interchanges.

Mr. Williams stated, “As far as I know, we are applying for everything that we are eligible to apply for and we have received more grant monies than this county has ever received. That is not because of my efforts, it is because of stimulus money....It is mostly for shovel ready projects and that is where we have a problem - coming up with the up front money to do the engineering and all the things it takes. We are limited on that.”

Commissioner Morgan acknowledged the many hours of effort that Ms. Chess had made in preparing the report. He reiterated that the board will begin to get a more true picture as the year progresses.

There was a consensus that the county will be fiscally healthier when it can move from “grant dependency” and become more financially self sufficient.

Commissioner Morgan then introduced information that was compiled by the chairperson of the Small County Coalition that “recognizes some concern as we move forward into this fiscal year. These are just some guidelines on the fiscal outlook for 2010-2011. They are recommending several things. And I have copies for each of the commissioners and I have also shared this with the Clerk of Court who looked at this and thought it was something that we should certainly focus on. I want to read real quick what this says and for us to try to digest what they are saying.. “The budget alert is intended to encourage local officials and constitutional officers, department heads and financial managers to begin analyzing where your local government relies on state funding for support of local programs and to prepare strategies to initiate budget reductions and cost savings at the local level. It is particularly important that local

communities develop plans for anticipated funding reductions and for the county commission to share how potential state actions will impact their communities.”

Specifically , we have been named as one of the 29 fiscally constrained counties out of the 67 that we have. Those dollars, very likely, will be less in the years ahead. As many of you have read, the State is looking at \$3.1 Billion additional deficit, so we have really got to be focused and prepared on how we are going to deal with fewer revenues. Not just the ad valorem taxes that we are looking at. I have spoken with the Property Appraiser. The outlook there is not as dim or as bleak as perhaps they once thought. But, it is going to decrease somewhat.

So, we have the opportunity, by controlling our expenses and focusing on some of these things to really get into a financially sound shape in the short term and then even better as time goes on.”

The entire board commended Ms. Chess on the report.

Commissioner Holt stated, “Grant dependency is not something that we want to have for your regular budget, but, I don’t want to give the public the impression that we are not seeking grant money because that is the wrong impression. Especially since the public knows that this is the last year of incentive money. We must go after that in order for the tax base to increase. That way, you will have local revenue. If you do not put those lines down in the ground from here down to 12 – to get those tax dollars in going west out to the I-10 exit. If Gretna doesn’t do it, then if we do it in partnership with them, the tax base of all those businesses that are going to be out on Highway 12 will be reaped by the county as well as Gretna. That stabilizes the county revenue base. If you do not stabilize it and you do not have grant money in later on, then you are going to become very unstable. So, we don’t want to give the people the impression that we are not looking to boost the resources in the county.”

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO ACCEPT THE FINANCIAL REPORT.

9. Disbursement of Funds to Non-Profit Agencies

The Partnership Review Team is a committee appointed by the county commissioners to review applications from qualifying non-profit agencies for funding. The board set aside \$40,000 in the current budget for such funding. The team met on January 8 and reviewed the program materials, deliberated and unanimously agreed on the funding disbursements listed below.

The Early Learning Coalition of the Big Bend - \$	500.00
New Image Wellness Center -	500.00
Tony Parker Ministries, Inc.	4,000.00
Legal Services of North Florida, Inc.	10,000.00

A Better Body US	1,000.00
DISC Village	7,500.00
Refuge House, Inc.	5,000.00
Midway Community Improvement Org., Inc.	500.00
Gadsden Arts Center	6,000.00
Redeemed, Inc.	5,000.00
Total	\$40,000.00

County Administrator's Recommendation: Re-evaluate disbursements

A question was raised regarding funding of a faith based organization in light of the laws governing separation of church and state.

Attorney Glazer stated, "I don't think that the separation of church and state necessarily precludes you from funding faith based organizations. But, I really don't know if this fits the description. I am not able to give you a definitive opinion right now."

Commissioner Morgan stated that he had contacted three people who sat on the committee and each of them explained to him how they derived and their recommendations. He was confident that they looked at all the appropriate criteria and was comfortable with their recommendations. However, he was opposed to funding any of the non profits for this year given the financial constraints of the county.

Further discussion ensued regarding the mechanisms that are in place to hold the organizations accountable for how the dollars are used. In particular – is it being utilized for the entire county, or within only one particular geographical location of the county?

Commissioner Taylor suggested that the board should not hold up the disbursements to all of them for the sake of questions about only one.

Chair Lamb stated that he would be totally opposed to any of the money going to support salaries or administrative costs. He did not object to the money toward programs, but not salaries.

Further discussion followed.

A MOTION WAS MADE BY COMMISSIONER TAYLOR TO CONSIDER THE DISBURSEMENTS ONE BY ONE. IT WAS SECONDED BY COMMISSIONER HOLT. THE BOARD VOTED 2 – 3. THE MOTION FAILED. Commissioners Lamb, Morgan and Croley voted against the motion.

A MOTION WAS MADE BY COMMISSIONER MORGAN TO PLACE THE MONEY BACK INTO GENERAL FUND. IT WAS SECONDED BY COMMISSIONER LAMB. THE BOARD VOTED 2 – 3, BY VOICE VOTE. THE MOTION FAILED. Commissioners Holt , Croley and Taylor opposed.

A MOTION WAS MADE BY COMMISSIONER CROLEY TO TABLE ANY ACTION AND DIRECT THE ATTORNEY TO GIVE GUIDANCE REGARDING THE FUNDING OF A FAITH BASED AGENCY AND THAT THE MATTER BE SENT BACK TO THE COMMITTEE TO REEVALUATE THE DISBURSEMENTS BASED ON THE ATTORNEY’S GUIDANCE. THE MOTION WAS SECOND ED BY COMMISSIONER HOLT. THE BOARD VOTED 4 – 1 IN FAVOR OF THE MOTION. COMMISSIONER MORGAN CAST THE LONE DISSENTING VOTE.

Commissioner Croley stated, “Please make sure that the committee knows that we appreciate their services. This is no slight toward them, but, due to the fact that there could be some questions about the separation of church and state, administrative costs and things of that nature, this all needs to be revisited. As well, the location of the programs and other input and guidance that these commissioner have expressed. And that we try to get something back as soon as possible. As Commissioner Taylor has pointed out, some of the organizations, this is important.”

Commissioner Taylor pointed out that those considerations might be more suited for the future application cycles rather than this one. It did not seem fair to her to change the rules in mid cycle. The applications were submitted based on the criteria and guidelines already in place.

Commissioner Croley acknowledged her point.

Attorney Glazer asked for clarification of what was expected from the attorney.

It was clarified that the attorney was being asked to give guidance as to the following question: It is legal for the county to make donations to a faith based organization?

The questions regarding administrative costs were directed to the staff to address.

Ms. Hope Childree, DISC Village Representative, addressed the board. She stated that the actual application which they were required to complete covers most of the questions raised by the board at this meeting. For instance, the question about demographics of the county. She said that there was a form as part of the application that demonstrates where the population is that is being served by the program they propose.

She also pointed out that by virtue of being a 501(3)c corporation, you can be faith based and be a 501(3)c. “By virtue as being designated a 501(3)c as a non profit and passing muster in order to even apply for the funding to begin with, we did that.

As to the issue of funding administrative cost – she said, “That is a real hard cost that we have to pay to have counselors accredited to provide those services, travel out to the clients homes (a lot of those services that we provide are in the client’s home). So, I think it is very fair to include administrative cost as an allowable cost for the funding. I think that by the very nature of the application that you guys put forth really covers all the things that you had questions about.”

Again, Commissioner Morgan pointed out that the committee had reviewed the applications at length. He concluded by saying, “That is the reason we had the committee. Why would we not, If we feel comfortable in who is representing us, we approved the concept, why would we not move forward with it. I don’t understand.”

Commissioner Croley replied, “Again, I don’t have any problems with the services of the committee. That is not the issue. I just read in the write up there something that concerned me. I feel like we should let the attorney at least review this. I don’t believe they did so. If they come back with this exact same recommendation and they have checked it out, I am fine. I might not agree with all the decisions of the committee, but I will respect the committee’s recommendation. I just want to have those items checked. And, I thank you, Mr. Chair for your indulgence.”

11. Travel Policy Revision

Mr. Williams reminded the board that they sent the last proposal back to add some language to cover “emergencies while you all are at a conference or seminar or whatever.” He pointed to Page 5 of the new policy where the language was added.

Assistant County Administrator Arthur Lawson stated, “For purposes of clarification, I took it out so that I wouldn’t have to put a long definition in there as to what an (inaudible). We will just deal with basic illness and let you all decide if that is legit or not.”

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE TRAVEL POLICY REVISION.

12. County Commissioner Retreat 2010 – Services by Local Government Advisor’s Inc. – Dr. Robert (Bob) Lee Cost of \$2,500 (including the travel cost)

See the attached agenda report for details of this proposed retreat. There was some discussion regarding appropriate dates.

Commissioner Croley was receptive.

Commissioner Morgan questioned whether it is appropriate to do this at this time while the board is so constrained fiscally.

Commissioner Holt was receptive.

A MOTION WAS MADE BY COMMISSIONER HOLT AND SECONDED BY COMMISSIONER TAYLOR TO APPROVE THE RETREAT WITH LOCAL GOVERNMENT ADVISOR’S INC. – DR.

BOB LEE.

There was discussion about alternative dates in view of the fact that Chair Lamb would be unavailable to attend on the tentative date. It was agreed that an alternative date would be sought and Charles Chapman would come back to the board at a later time to arrange that time. He pointed out that Dr. Lee would be in Tallahassee teaching several classes during the semester and would likely be able to arrange other dates more suitable to the board.

THE BOARD VOTED 4 – 1 IN FAVOR OF THE MOTION. COMMISSIONER MORGAN OPPOSED.

13. Approval to Supplement Local Agency Program Agreement – Florida Department of Transportation – County Road 12B-Glades Road Contract No. APN13

Public Works Director Robert Presnell addressed the board. He explained that the board received this money through the American Recovery and Reinvestment Act for other projects which have already been bid and contracted. (One was for about \$1 million for stripping projects and one was for resurfacing and safety improvements to Glades Road.) There are some funds left over on both the other projects. The supplemental agreement would allow for the remaining funds to go back to FDOT to be used on other projects within the area. He recommended that the board approve sending the remaining funds back to DOT. By returning the funds, Gadsden County would likely be looked upon favorably by DOT for future projects.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY , THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE SUPPLEMENTAL AGREEMENT DESCRIBED ABOVE.

14. Approval of the Supplemental Local Agency Program Agreement – Florida Department of Transportation – Pavement Marking Project – Urban Roads Contract No. APM31

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AGREEMENT NAMED ABOVE.

15. Discussion and Consideration of Continuation of Video Recording Services of the County Commission Meetings

Ms. Janie Southerland, 70 Iola Davis Lane, Quincy, FL addressed the board. She and her husband, Jim, are the owners of Southerland Enterprises, a video production company that is licensed to do business in the State of Florida. She addressed a statement that was made at the last board meeting on January 19th. The statement was made that their company was paid \$36,000 per year. However, her records reflect that they are paid \$650 per meeting. That agreement also including the following: Cabling and installation

of 3 remote cameras, a recorder, a video switcher, tape stock, tape duplicator, (copy to the county clerk for record), operator, delivery of tape to four stations for broadcast and liability insurance. The charges have not increased since the beginning of the contract in 2005. Her records reflect for the period Oct 1, 2008 through September 31, 2009, they were paid a total of \$23,000 for that fiscal year which is an average of \$1,917 per month. It was not \$3,000 per month as was stated at the last meeting, nor was it \$36,000 per year as reported at the same meeting. She asked that the record be corrected.

Mr. Ed Allen, Lake Taquin. He stated that the video services is a “nice-ity” not a necessity. In view of the recession, he felt the tax payers would be better served by eliminating the cost of this service. He pointed out that most of the county doesn’t have access to cable, yet they are asked to pay for the services for those that do. He objected to the expenditure.

Commissioner Morgan commented that the Southerlands have done a very good job with videoing the meetings and he thanked Ms. Southerland for correcting the record. However, he reiterated that it is a great service when the county can afford to do it. But, he pointed out that the public has access to the minutes, the newspaper coverage and the meetings are open to the public as well. He also pointed out that it is uncertain as to how many people actually can take advantage of the broadcasts. He said that when “times get better” he would be more supportive of continuing the service, but, he felt that the service should be discontinued at the present time, given the financial constraints on the county’s resources.

Commissioner Croley stated that he received a printout of the billings from the Clerk’s office which reflected that between May of 2008 through December 2009, the video costs to the citizens of Gadsden County was \$103,000. He acknowledged that it may have been for things other than filming of the commission meetings.

He said, “I see Ms. Southerland nodding her head in agreement with that. So, I would like the record to state that was the basis of the information that we had received from the Clerk’s office – from their report.”

He agreed that Southerland Enterprises is a fine local company and discontinuing the service is no reflection or anything negative toward Southerland Enterprises. But he agreed with Commissioner Morgan in that the cost is an unnecessary expense at the present time.

He acknowledged that Mr. Allen was correct in his comments that not everyone receives this service. He also stated that the Clerk’s office records the meetings and copies of those recordings can be obtained by anyone. He did not accept the argument that that the only way of getting an accurate statement is by it being videoed. He also pointed out that the meetings are open to the public, the press is always present, including the television stations.

Commissioner Holt reminded the board for the record that the commission was

petitioned by hundreds of citizens to have the meetings broadcast. She suggested that the board could decide to only film the meetings and not have all the special events filmed such as the ground breaking ceremonies and grand openings. She argued that the films are more accurate than a newspaper or a paper interpretation of what happens. She argued that people do watch the proceedings and she had found it amazing that they not only watch it, but they call to let her know what they think about it.

She posed the possibility that the county could write a grant to cover the cost.

Commissioner Taylor was also in favor of continuing the services. She reminded the commissioner who are up for reelection that during the campaign season, lies will be told. If the meetings are broadcast, it could serve as a valuable tool to set the record straight. She argued that the newspaper stories are not always an accurate record and the minutes are not comprehensive. But, being a government of transparency, the board would be well served to continue the video services and the broadcasts.

Commissioner Morgan stated that this was not an attempt to close the meetings to the citizens. While it is an absolute asset to have Mr. Southerland to film the meetings, it is not basic to county government. He argued that it is a great thing to have during good times. However, he did not feel that it makes good common sense to do it during a time when the county is pinching pennies and trying to grow it's reserve accounts. He stated that he was not motivated by politics or doing what it takes to get re-elected. He argued that his only motivation was to make wise decisions.

Morgan:

I do have a question and Commissioner Holt commented on it.

Ms. Southerland, I don't know if you can answer this or not, but you had mentioned, Commissioner Holt, that these were unedited meetings. Is that the case? Are all these meetings unedited, Ms. Southerland?

Ms. Southerland:

They are definitely unedited. Sometimes we have as much as four hours of video taping, and of course that includes a lot of tape stock. Yes.

Morgan:

And you have like, this will air tomorrow evening? Is that correct?

Southerland:

That is right.

Morgan:

Is there a four hour or five hour time slot available every time when you want to air these meetings?

Southerland:

Oh, sure. On the government access channel.

Morgan:

So, there is never a time when that window has to be moved back?

Southerland:

Not on government access channel.

Morgan:

Thank you for that clarification. I appreciate that.

Also, Commissioner Holt mentioned taping on special occasions. One thing we may want to consider doing, if the board chooses not to keep the filming of our regular meetings, I wouldn't think there would be any reason we couldn't ask you guys or someone to come and film a special event that we may want to have recorded. I think that may be another option that is out there.

Thank you, Ms. Southerland, I appreciate you.

Southerland:

We do appreciate that.

Morgan:

That is all I have, Mr. Chair. Thanks.

Lamb:

Commissioner Croley.

Croley:

Thank you, Mr. Chair. I just have a question for clarity, here.

Ms. Straughn, Ms. Muriel, as the deputy clerk here representing the official legal record, is your tape edited? The audio tape, does it record everything?

Straughn:

It records everything.

Croley:

Everything. So, we have an accurate verbatim. Can any citizen obtain a copy of that tape from your office at any time?

Straughn:

Yes.

Croley:

Is your equipment such that it could do a video recording of the meeting as well as the

audio?

Straughn:

We do video recordings, but we rely on the cameras, Mr. Southerland's cameras. We have the capability to do video recording, but we would have to install our own equipment. Mr. Southerland has been very gracious to let us connect to his equipment to get our video.

Croley:

So, the only thing that you are missing right now is what he is providing on the actual visual side of it. The audio, you already have.

Straughn:

Yes. It has been a great advantage to us to be able to tap into his equipment.

Croley:

Now, in terms of the county's technology resources and Mr. Chapman, I guess he is out of the room, but, the county has spent practically \$1 million on computer equipment that should enable us to do some of this recording that you are getting now done. Mr. Chapman just came in.

Mr. Chapman, does the county have the capability within the resources of your department to provide feed and video services that Ms. Muriel would require.

Chapman:

We currently do not have any broadcast equipment at this juncture in time. With the fiber optic network being laid over the next 12 weeks, we may be able to look at the capacity to web feed, but, we would have to purchase the equipment to do that. We would need high definition cameras. So, there would be some investment that would have to be made. We would have to look at getting it on television because not everybody has internet access throughout the county. They would have to have a personal computer.

Looking at government access channels, I have received some information about that type of service, but, I have not, as of yet, begun to scratch the surface of researching what it entails and how much money it takes. So, to answer your question, do we have the resources on hand at the moment? No. We would have to price it out and look at putting a plan together. How much is it going to cost? I couldn't tell you that off the top of my head at this point.

Croley:

So, what we are really down to is we could use the present vendor to provide video services for special needs, events, hearings or whatever we feel necessary to provide 5 hours of continuous service. You've already got the audio. The majority of the citizens don't get the benefit of this broadcast. Even capability wise. I still can't see the financial necessity and justification of it.

Commissioner Taylor, in response to your concerns, that is my responsibility as a candidate to get the information out. Not to depend upon folks, taxpayers, to provide me campaign funding. I am sorry, but that is kinda how I see that.

Holt:

Mr. Administrator, how many legal complaints are there right now against the county?

Williams:

We have one that I am aware of.

Holt:

So, you do not have any others that have been filed against the county?

Williams:

No, we have one that was from an employee before my time that has filed suit against us for wrongful demotion. Is that the kind of thing you are talking about?

Holt:

Well, I have heard of four. But, that is the reason I asked.

Williams:

That is the only one that I know of.

Holt:

I did not say a lawsuit, I said complaint.

Williams:

Oh, complaints. Oh, there have been several complaints.

Holt:

That is one reason why I am more apt to say to keep the cameras rolling. It may allow us not to have to pay out money. It may really help us by not having to pay out money. I think we have only one law suit sitting. Or, has it been settled.

Williams:

There is one law suit pending on personnel matters. There are several complaints that have been filed with the state, but that is something you would expect. We had 35 layoffs, so, obviously, some people are not going to be happy and try to

Holt:

I am not considering that. The only thing I am saying is that once those complaints are filed and you have that video camera, that really helps you with a lot of these incidents. I am sure what they are bringing up in some cases is the treatment they received before this board. So, you are looking at that. And, you are looking at how, legally, that would affect us. So, the video camera is helping the county out in a lot of ways. If our conduct

is as it should be, then that is less to be concerned about. If it is not as it should be, then, you may want the cameras out. But, what I am saying is that documentation of the performance of this commission, especially when it comes to property rights, is very important. It is very important. That is usually where the lawsuits come in at. The real lawsuits normally come when you are doing something for one property owner that you do not do for another. Then it comes back to “you said,” “he said,” “she said,” then in the context of which it was said. Not necessarily that you said it. So, these legal items, I am sure they will be brought. There will be several brought. That camera needs to keep rolling, even if you decide on this commission to discontinue it today, you are going to have ramifications simply because the camera is not here. That needs to be considered. That is going to cost money.

It cost money before when we were settling lawsuits. I have been here longer than anyone else and I can tell you, we settled quite a bit out of court. They were not in the paper, but we settled. When you are looking at what it cost the citizens, and it cost quite a bit, those of you who have been here a long time, you know that. You can go over and pull the records at the courthouse after the lawsuits and after the settlements and you can see what was paid out.

The other thing that we need to look at is that we have to make sure that our citizens bring those items to us about their property. In recent years, they have heard about it and they have seen it somewhere on television and they came up and said, “I want a variance.” Now, they know that we are not in compliance with our Comprehensive Plan because they have been seeing it on television. In the Comprehensive Plan, we have been up here taking care of one item at a time. Give you a variance. Give you a variance. I have even heard some of the commissioners up here at this table say, “We are going to take care of this. And if someone else comes up here later, we are going to take care of it at that time.” That is not how government works. You should have to be fair with everyone at the same time and in the same manner. That camera has allowed people to come up here because then they were aware of what was going on in their county. That is why the person with the flooding over in Commissioner Lamb’s district – when they came up here with the flooding issue, two other groups said, “Wait a minute. The same thing happened to us.” And, they saw it on television. They don’t know to call the courthouse and say, “Let me get a copy of that.” I know what happens is when people don’t want to sit and hear it, they want the o.k. that theirs has been taken care of, but they don’t really care about other people. You have to have it in place so that all the citizens will know. You talk about what the citizens say and what they want, give them as much information as possible. Then, let them discern the information.

The cameras should stay. Do what you want to do. Everybody say what they want to say.

Thank you.

Lamb:

Most of the citizens in my district don’t get it anyway, but there are some who have

commented to me about them getting it and they think it is a circus sometimes. They really do laugh at us sometimes about all the rhetoric going on. But, it could be a good thing to have it in certain aspects. But, then again, it is not. I think we take advantage of it. But, Commissioner Taylor had a point on people are out there talking and going on. I understand exactly where she is coming from, but, I don't agree all the way with that because even though you had 50 cameras in here, some of them are still going to go out there and do some talking. That is just the way life is with some of them. They are going to go out there and lie. And you know that. So, it don't make no difference with me about them going out there. But, financially, we just can't afford it. That is the way I look at it.

I am ready to entertain a motion.

Morgan:

Mr. Chair, due to the current economic environment, I would move that we discontinue the video recording services of the Gadsden County Commission.

Croley:

Second.

Glazer:

Mr. Chairman.

Lamb:

Hold you motion.

Glazer:

I was going to suggest a clarification of the motion so that we take care of some things that we need to take care of. If that is the will of the commission. That is – you've got an outstanding bid, an RFP. There is a protest. If you are going to cancel the service, you may also want to include in your motion a determination to reject all bids and to cancel the RFP.

Lamb:

Do you want to do it until all the bids are finalized. Which way do you want to go with that motion.

Morgan:

I am going to accept the advice of the attorney and I will amend my motion to reflect that.

Lamb:

To reflect what now?

Morgan:

That we discontinue the services, and also the RFP process. Bring that to a close as

well.

Taylor:

Mr. Chair, is it not an approved bid? It is no longer an RFP.

Glazer:

It is under protest.

Taylor:

But, it was recommended for

Glazer:

But, that was preliminary. While it is still under protest, you still have the option to reject all the bids and cancel the RFP.

Morgan:

And that was my motion, yeah.

Croley:

And my second.

Lamb:

It has been moved and properly seconded that we cancel all bids as well as discontinue the video taping. AM I correct?

You have heard that motion. Questions? Are there any questions now from anyone. Get ready to vote.

All in favor, let it be known by saying, "Aye."

Morgan, Croley, Lamb:

Aye.

Lamb:

Opposes?

Holt, Taylor:

No.

Lamb:

Make that 3 -2 in favor of the motion to discontinue.

Thank you.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 2 TO REJECT ALL BIDS, CANCEL THE RFP FOR VIDEO

**SERVICES, AND DISCONTINUE THE SERVICES BY SOUTHERLAND ENTERPRISES.
Commissioners Holt and Taylor cast the dissenting votes.**

COUNTY ADMINISTRATOR’S AGENDA

16. Update on Items Brought Up at Previous Commission Meetings

Mr. Williams reviewed a number of pending items as listed in the attached update.

Commissioner Taylor asked that the board re-address the issue of bringing Governance Solutions back to meet with the board in a workshop setting. However, it was suggested that she first sit down with Governance one on one. After that meeting, if she still wants a workshop, she should bring it back to the agenda for discussion.

Commissioner Taylor then stated that she received the printout of legal services, but she found it totally confusing. The amount for 2009 seemed considerably low while the two months in 2010 seemed excessively high. She stated, “It just didn’t flow.”

Some discussion followed, but the staff was asked to bring it back with more clarification.

Commissioner Morgan agreed that the report was not user friendly. But, he had noted that there have been drastic reduction in legal cost compared to previous years. He also asked staff to bring the information back in another format that includes all the information.

Mr. Williams announced that the **shuttle service** from Gadsden County to Tallahassee with Big Bend Transit is getting very close to becoming a reality. The only remaining obstacle is getting a hold harmless agreement with the City of Midway. They are expected to approve it at their next meeting.

COUNTY ATTORNEY’S AGENDA

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Morgan , District 3

Commissioner commented that he hopes to continue to see the updates on the matters that remain pending from one meeting to the next.

Reimbursement of \$452.00 by Commissioner Taylor

He asked for a status report as to the unpaid balance on the above issue. He asked if the money was used for what it was allotted for. The money was to be used for conference

registration and hotel for Commissioner Taylor.

Mr. Williams could not confirm or deny that it was used properly.

Morgan:

I am concerned for this board, as a whole, because of state statutes that are in place that says that we can be held responsible individually if we are aware of a misuse of public funds and we haven't addressed it properly. There could be ethics charges brought against us individually or as a board. I don't want that done.

My reasoning for having this on here is simply so the board acknowledges that they are aware of this. I am doing my due diligence to make sure that I am not held responsible for this. If there was no misuse of public funds, I have no problem with it. But, everything that I have seen shows that we had paid for rooms and registration for classes – a total cost of \$770. Some of those were paid back as they should have been. We have an unpaid balance of \$452.00. That is the information that I have had. So, the reason I agendaed this item was to bring that forward for discussion at an appropriate time. If the board sees fit, it should be agendaed under general business as to how we are going to address this in my opinion. I would so move and ask permission from the board to do that so we can address this and how we are going to do this. I am good with whatever the board wants to do this.

Lamb:

Let me say this before you offer your motion. On indication from Commissioner Taylor, she was waived on that. As far as the Florida Association of Counties is concerned, they have O.K.'d her for her to take another class. She will take those two classes that they asked her to take on her own. She has said that she will do that and get her certificate.

Now, Commissioner Taylor, although some of us might not agree with the excuse that she gave, but, she did give us an excuse and she also gave it to the Florida Association of Counties. They agreed, evidently, in order for them to grant her permission to take those classes over. What I would like to see done is for this commission to make a decision so we can put this behind us one way or the other. Let's decide if we are going to ask Commissioner Taylor to reimburse that \$452.00 or are we going to accept her excuse and waive her from paying that. That is what I would like to see this commission do. I don't want to keep bringing this up. I really don't want to keep bringing this us. We need to put it down one way or the other.

It is our opinion – whatever opinion we have, let's respect whatever decision we make here. If Commissioner Holt is in favor of her doing that, then I should not take it personally against her because that is her opinion or whomever. So, I would like to see us take action and put it behind us and be done with it. If we want her to pay it back, let's offer a motion for her to pay that \$452.00 back. If we feel as though her excuse is valid, and we want to go forward and waive her from not paying that \$452.00 because of her statement and reason that she gave. The Association of Counties has already done that. I think that we need to go ahead and take action and put this put this behind us so that we don't have to hold up our time or the citizens time listening to this over and over.

If we don't do it, we are going to keep bringing it up. So, please. Let's make a decision on this.

Morgan:

Mr. Chair, just for clarification, I need to be very clear on this. You know, this is not an attack on Commissioner Taylor. I wish this would never have gotten to our desk. WE have some many more important things to do. I made every attempt for that to happen. My question simply is – Were the funds that that taxpayers paid for – did they get what they paid for? I have a letter from the Florida Association of Counties. I spoke with them as well. It says right here and I am looking at it – It is dated January 5, 2010. In December, you agreed to take the additional courses and they list them out here and therefore remain on track to graduate. That is fine. It goes into this and it says "We recognize that you were present for a lot of the class, but, because you did have to step out of the room for some time, you did not receive credit for the course. The tax payers issued money to get credit for that course. FAC does not provide partial credit for courses. Unfortunately, your participation in this course is not reflected in your transcript.

Now, they go on to say some other things. It is great to choose to become certified. That is great. If we do, that is fine. If we don't, that is o.k., too. And there are additional courses that Ms. Taylor is going to be required to take. If the county chooses to pay for those in the future, I don't have any problem with that at all. The issue is – Were the funds spent properly? I think it is pretty evident that they were not in my opinion. That is all I am asking for. Clarification from the board so that I don't bear the responsibility in the future of having this question. So, my motion is to have this put on the agenda

Taylor:

I think I can satisfy you with this.

Morgan:

If I can, Ms. Taylor, I will be through in just a minute.

Taylor:

Let me satisfy you on this.

Lamb:

Hold on. Let him go ahead.

Morgan:

If I can, unless they are paid.

Taylor:

Two things. One is because I know for a fact, me, being the kind of person that I am, looking out for this county, I am going to step out of those meetings when I get a phone call from constituents. I know I am going to do that. So, going forward, if there is a mandated class, I am going to take it on my own responsibility and pay for it myself.

Going forward, from this day forward, until the makeup changes around this board. I am going to step out of the meeting. I know I am. I am going to take calls. I think that Commissioner Croley said at the last meeting, "If a tree falls in a district" – yes, if a tree falls and somebody calls me, yes, I am going to take the call. Why they do it, I don't know, but they do it. So, that is one thing that I want to put in front of you.

From this day forward, I will take it on at my own expense. I have a love and desire to do a great job. I would never want to do anything that is unofficial. So, I will pay my own expenses from now on until there are people around here that feels the same way I do about answering a call when I am called.

Number 2. As far as the \$425. Yes, I did receive credit that day. December 2nd. I have it on my transcript. I didn't receive full credit. I have taken a class on January 21st, and I want to talk about that, that I paid for and I used my own expense. I did not ask for travel reimbursement. I did not ask for food reimbursement when I went down there in December. Those reimbursements – I spent over \$500 that I have absorbed myself. So, I haven't asked for anything. When someone calls me and tells me that we've got to cancel a program and I need to make sure that four and five year olds have someone at their house, yes, I am going to step out. I apologize that you all don't think that warrants me being able to waive this amount.

Commissioner Morgan, a minute ago, you said that you were saddened about this. FAC says that you orchestrated this. That you are the reason that it has come to the point that it has.

Morgan:

That is incorrect. I am letting you know to set the record straight. That is incorrect. Now, I yielded to you under my comments.

Taylor:

Well, according to FAC, one of the commissioners that was down there with me taking this class orchestrated this and demanded that because I was going in and out that I not receive full credit because they sat there. This is what came from (inaudible) Gooding and another one of the representatives there that was at the meeting. These were verbatim. So, I said that to say this. If we can do this, Mr. Chair, and Commissioner Croley eluded to it earlier on another item, but if we could have the Attorney General look at this and we can get it framed. If we can. Because right now, I don't know if the mentality of the board. I don't want to be forced to pay a fee because I stepped out and took calls that I had no other choice but to take.

Now, I am going to look at you, Mr. Chairman and I want to say this to you. You have known me for a long time. Not all my life, because we just met three or four years back. But, you know that I never lie. You know the love and dedication and the obligation that I have to this county. You know what I told you that I stood out for. It was nothing but the truth. But, if ya'll can tell me that "Yes, you stood out and yes, you need to give this back." That really does put a sad thought in my mind because I know that, as a

commissioner that went through one hell of a fight to get this job, that there is no way in the world that I am going to ignore these people when they call me. There is no way that I am going to do that. I am going to answer that phone every time. That is what I am paid to do. That is what we swore to do.

So, if ya'll would allow that. Maybe I am stepping ahead. Maybe I have the votes to have it waived. I pray that I do. But, I am afraid because I have watched the demeanor around this board and I don't know if I have the support.

Lamb:

Now, let me say this and then I will come back to you, Commissioner Morgan. Now, you know I am going to tell you like I feel.

Taylor:

You always have.

Lamb:

I always have whether you like it or not. I am older than all of you and I can handle you. Now, I have been here over the years. I have gone and I have observed us. \$452.00. I remember like yesterday, we had a guy and we gave him \$60,000 and he ain't done nothing. We hired other folks and they led us down the wrong track and we probably gave them over \$100,000. Here we are, bothering this commissioner for \$452.00.

We ain't got time for that. Either you vote it one way or the other way, please. Let's vote to have her pay the \$452.00 or we say that she has satisfied FAC and those of us who want to understand what she did and we want to waive that, say "Yes, we understand her excuse." In our minds, we can vote our opinion and put it behind us. That is all we have got to do. We are just talking and talking.

Croley:

Point of order.

Morgan:

What I want to state here and I think the point is being missed. Whether we are talking about \$452 of taxpayer money or if we are talking about \$452,000 of tax payer money, right is right and wrong is wrong. If it was spent on what it was supposed to be spent on, I've got no problem with it. But, it wasn't. O.K.

Now, we have so many more important fish to fry in this. I understand that. It shouldn't have ever gotten to this point. But, it doesn't allow me to follow through on what my responsibilities are. What I am doing here is making sure that these dollars were spent for what they were supposed to be spent for.

I will give you an example here. I was scheduled to go to an FAC elective class right here in Gadsden County. It cost \$50 to do it. My schedule with my work changed and I wasn't able to attend it. I called Ms. Linda and I said "Miss Linda, can you cancel that and get the

money back for the county tax payers?” She said, “No, we missed the deadline.” I said, “Who do I make the check out to repay those \$50?” And I did that. I sent it to the Clerk of the Court because it was the right thing to do. Now, that situation is no different than this situation.

Don’t imply to me that I am not going to return a phone call to a citizen. I do. I prioritize it. I know why I am down there. I take care of business, just like Commissioner Holt does. I have watched her many times as well as the other commissioners down here. That does not preclude us from getting in touch with the county when we have a break. We can do that. If it is an emergency, certainly, I understand that. I’ve got common sense. But, I was down there. Yes, Commissioner Taylor, I do know what happened down there. O.K.? No, I didn’t instigate it.

Taylor:
Yes, you did.

Morgan:
No, I didn’t. No, I didn’t. But, I am tired of hearing that there is an issue. If you don’t think you have a problem, fine. If the board doesn’t, I have no problem. My plate is cleared here.

Croley:
I only have a point of order here. Mr. Attorney, Commissioner Morgan brings up some very valid points about the ethics. We’ve got a responsibility to make sure that all commissioners conduct themselves, when they are using tax payer money, in a proper manner. No different than if Mr. Presnell is sent by the Administrator on a trip and he doesn’t do what he is supposed to do, he is going to suffer repercussions.

Now, there are two questions that I have for you. One is the question relating to the criminal offense on our part of knowingly and willingly approving an expense where what was intended to be done didn’t get done.

Glazer:
I did look at that. Here is my understanding of the facts. That was that the authorization for the expenditure and the authorization to pay the credit card bill all occurred prior to the December meeting. Those, according to the email that I saw from Mr. Williams, those things occurred in October. That being the case, the statute imposes an obligation that says that each member of the board of county commissioners who knowingly and willfully votes to incur indebtedness and then it goes on to essentially say that it is illegal. I don’t think that any of you have anything to worry about regarding your vote. If those bills were authorized and paid before this event occurred, regardless of whether you think that Commissioner Taylor did the right thing or not, I don’t see where anybody’s vote violated that section.

Croley:
So, we have no criminal grounds against anyone up here for this.

Glazer:

I don't see a problem with that.

Croley:

The second question has to do with the ethics of the matter and the fact – is there grounds if we don't ask Commissioner Taylor to pay the money back or if Commissioner Taylor chooses not to pay the money back, if there grounds against any of the other four of us or Commissioner Taylor? Or for that matter, against the whole board over this matter to be filed with the Ethics Commission?

Glazer:

I am having a very hard time envisioning any circumstance that would affect the board or the other members. If somebody made a complaint about Commissioner Taylor's activities to the Ethics Commission, that would be up to them to investigate it. Obviously, anybody can complain about anything at anytime. But, I can't see anything about the other commissioners.

Croley:

I am asking for Commissioner Taylor's benefit here, Does Commissioner Taylor stand to be at risk of someone filing against her for this \$452?

Glazer:

Again, anybody can file anything at anytime and ask them to investigate. I don't think I am in a position to opine as to what the outcome of that would be. But, if somebody thought that Commissioner Taylor had not properly used county funds, then, sure, that would be a basis for a complaint.

Croley:

Well, that leaves one last and final legal question. Is the board on solid legal grounds to ignore this \$452?

Glazer:

Now, you are on solid legal ground that you have not violated the statute while voting for this expenditure and authorizing its payment in any manner that suggests that you knowingly or willfully did anything wrong. With regard to the policy of whether you want to request the money back or not – that is a political decision for the board. That is not a legal question.

Taylor:

Thank you.

Croley:

Alright. That puts it all within context.

Holt:

I do not have any problems with paying it back or not paying it back. What I would like to say is this. If it was me, I would pay it back because I would not want that cloud hanging over me about it. That is the only thing. That is not saying that you did anything wrong. Because when you said it was an emergency, then we have to take what you said. I wasn't on the phone, so I don't know. I have to take what you say.

The reason I say that is because I would not want to leave a doubt in anyone's mind. Just say, "Look, I am going to do this. It was an emergency." Then I would go on about my business. It becomes a shadow. I am not saying that you are not correct, Commissioner Taylor. I am not even going to question the legal side of it. But, what I am saying is – it becomes an issue when there really is no issue. Once you said it was an emergency, that solved it as far as I was concerned.

Taylor:
Thank you.

Holt:
I would just go along with that if it was me. But, as I said before, I would pay the money back and for the classes you are going to go to, I would just reapply and the board should pay for them because you are going to go to them. You shouldn't be paying for those.

Morgan:
I agree. I agree.

Holt:
You should not be paying for those. We should pay you for everything that you deserve going to those meetings, just as we have.

Morgan:
I agree.

Holt:
That is what I would do. If I were you, that is what I would do simply because when it carries on and people get the wrong impression. We don't want them to get the wrong impression sometimes by just asking legal questions.

Lamb:
That is a good point. If it was me and I was down there and I knew that I had to do what I had to do, I wouldn't pay nothing back, Commissioner Taylor. I wouldn't pay a penny back.

Taylor:
Thank you. I thank you for those comments. Commissioner Holt, I wanted to lend to the Attorney General for that opinion. If it comes back to pay it, I will. If the majority around this board says to pay it, I will. But, it just hurts my heart to think by doing my job – I wasn't at the mall, I wasn't at a bar, I wasn't in my room, I was doing my job. Phone

records, Commissioner, can validate everything that I have told you. Robert Presnell has phone calls from me on that day on his phone record. I have them on mine where he and I talked as well as me and my staff. They can vouch for everything that I have said. It gives a dimmer light. It does. But, sometimes, you just have to fight for what you know is right.

I have had some of my closest friends to say, “Sherrie, it looks like you need to consider it.” But, to me, if you lay down and allow this, then you are constantly having to be compromising your integrity. I did nothing wrong. I did my job, what I was sworn to do. That is what I have done.

Now, the attorney has said that nothing was violated. Let me handle – I have had people to come to me and say “Let me handle that.” But, I can’t lay down, I just can’t. But, we live in a democracy. I will take the will of the board. But, Commissioner, just like you – you are feisty. So am I. And I appreciate you. I really appreciate you.

So, that is just how it is. That is where I am.

Lamb:

If you want to bring this to a motion, please do so and I will carry the motion.

Morgan:

I move to bring this item before the board for action regarding the improper use of \$452.00.

Lamb:

So, you want the \$452 paid back.

Morgan:

Yes.

Lamb:

Can I get a second on that from somebody?

Croley:

Mr. Chair, before you entertain the motion, I’ve got to ask a legal question.

Lamb:

Hold your motion while we go to another question.

Croley:

No, I don’t have a legal question. I asked the three questions, then everyone stated their opinion but me.

Commissioner Taylor, personally, I agree with Commissioner Holt. I wish you would pay the \$452 back to the Clerk’s office. Then when you get ready to travel for the other

course that you do that in the regular manner. I agree with Commissioner Morgan's point. It is a matter of the use of the taxpayers money. Therefore, you do not have any negative reflection on you, your personal integrity or anything about you. And on that part, I agree with Commissioner Lamb because I don't know. In your opinion, you were dealing with an emergency. I might not concur with you that it was an emergency. As a result of that, because it is somebody else's money, I would give it back. Then, when you get ready for your next class, submit the regular travel and then, like Commissioner Lamb said, we don't have to hear about this anymore. I would rather avoid this.

Taylor:

Commissioner, you don't know how much I want to. I have already paid for the classes I need to take. Took them on January 21st. I've already been to them. I've already paid for the ones I am getting ready to take at the next one. So, it has already been done. So, I too, would like to avoid this. God knows, I have the money to pay it. But, it is the integrity of me having to pay for doing my job. That is the only problem that I have. So, let's just move the motion. If it is the will, then it is the will. But, I hope that you can understand what I am saying.

Lamb:

O.K. Commissioner Morgan, will you state your motion again, please.

Morgan:

I move that this board consider for an agenda item and action, to have the \$452 of taxpayer money that has been improperly used to be reimbursed to the county.

Lamb:

Can I get a second?

Croley:

I am going to second his motion on the basis

Lamb:

Just second the motion. Don't worry about the basis.

You have heard the motion and a second that we ask that the \$452 be paid back by Commissioner Taylor.

Holt:

Question.

Lamb:

Question now.

Holt:

Commissioner Taylor, you said that you have already paid for the classes and everything?

Taylor:

I have taken one of them on January 21st, yes.

Holt:

And you have already paid for the first one?

Taylor:

Yes. I talked with Linda today. She is getting that information and we will take care of it, yes.

Holt:

As long as that is taken care of, I know it is not an official reimbursement, but, I can see that part. Because you are paying for it, that means that the county does not have to pay for it.

Taylor:

Yes.

Holt:

O.K. And, I understand that it is not sending a check back over there, but, if you are paying for it out of your pocket, then we are still reaping the benefit toward your certification.

Taylor:

Yes, and I am on task and on time.

Lamb:

Anything else, Commissioner Holt?

Holt:

No.

Lamb:

Anyone else?

Croley:

I only want to say – Commissioner Taylor, if you can demonstrate with the Clerk's office that is applied as a credit toward the \$452, you know, that certainly satisfies how we get the money back. I don't care if you write the check out or whatever. As long as some credit is shown. If you would get with the administrator on that. I am going to support Commissioner Morgan's motion in this regard, but from the way you worded that motion, Commissioner Morgan, I am inferring that it covers the proper credit being satisfied with the Clerk's office. Is that

Morgan:

Are you asking for my input?

Croley:

I am asking to understand it.

Morgan:

No, I don't know the cost of these two classes. I support him paying for Commissioner Taylor's new classes.

Croley:

My second stands.

Lamb:

We are ready to vote. All in favor of the motion, give me a sign by saying, "Aye."

Morgan and Croley:

Aye.

Lamb:

Opposes?

Taylor:

No.

Holt:

No.

Lamb:

Commissioner Holt, I didn't hear you.

Holt:

I said "NO"

Lamb:

O.K. So you are in supporting in the affirmative?

Holt:

I am not supporting that the funds be paid back because she is already paying for the other classes.

Lamb:

You are against the motion. So, make that vote 3 – 2 for the funds not be required to be paid back.

Straughn:

For the funds NOT to be paid back.

Morgan:

Well, actually, it is for us not to discuss it anymore.

Straughn:

It is a dead issue now?

Lamb:

It is dead issue. It is gone. That tax money is gone, too. It ain't just one persons. It is mine too. I pay a lot of taxes.

Who is next?

Commissioner Holt, District 4

Meetings with ADAGE

Commissioner Holt asked how would the meetings that each individual commissioner had with ADAGE be classified. She quickly referred to the board's rules of procedures, then referenced a remark made by Mr. Leonard Robinson earlier in the meeting. He (Mr. Robinson) asked the question, "Why wasn't the information that the commissioners received from ADAGE not disseminated to the public?" She recalled that all five commissioners met with representatives from that company.

Attorney Glazer responded, "As I understand it, you did not meet together. You met individually with representatives from ADAGE. That is not a meeting. As long as you were not using that meeting to relay messages through ADAGE from commissioner to commissioner to commissioner. Essentially, all you were doing was fact finding. It is not different than you meeting with a constituent or a personally going out and gathering factual information and trying to educate yourself on any subject. What is covered under the Sunshine Law - it becomes a problem when two or more commissioners are meeting together. If you are each, individually, meeting with them, that is perfectly fine. Now, any documents that they might have given you - those would be public records. But, that is not a meeting."

Commissioner Holt then asked, "Since the meeting was arranged by the county manager, wouldn't he be the individual that would distribute that information that we were given by ADAGE? Hopefully each one of the commissioners received the same information. So, it is a procedure that we need to look at as to how that information gets back and disseminated. If ADAGE or anyone else hands you a document, it becomes public record then."

Attorney Glazer responded, "Correct. But, in terms of arranging the meeting, all the county was doing was essentially helping to arrange it. If there are documents that you were provided, you should hold on to those and you should give them to the county and

it would become part of the file in this case and would be open for public view. But, it is not a meeting that is covered by this. The only thing that I would caution you to be careful about is that you should not use those kinds of meetings to relay messages to each other through an intermediary. No, that is not what you were doing. You were simply trying to learn more about the project.”

Objection to the Procedure Pertaining to Citizens Requesting to Be Heard at This Meeting

She commented to the chairman that by him splitting the agenda between Mr. Malloy’s presentation and the Citizens Requesting to be Heard, it did not give her an opportunity to question the citizens during their comments. She contended that the comments from those citizens should have followed Mr. Malloy’s presentation on the biomass plant because their comments related to that matter. She said that she was not given ample opportunity to ask questions of those who spoke because of the way he handled the agenda. She recalled that when the Champion Oaks Flooding, a District 1 issue, came before the commission a few weeks ago, he handled it completely different. She asked that the issue be agendaed again so as to allow for more questions.

Questions Posed by Citizens to ADAGE

She then referred to the number of questions for ADAGE that were left with the board by citizens. She asked how those questions would be answered.

Commissioner Croley stated that it would be appropriate to go through the county administrator and to file a copy with the Clerk’s office. He added that ADAGE has proposed a forum in which to respond. - A website as well as providing a written responses.

Commissioner Holt requested that the board also get a copy of the responses from ADAGE.

Respect for Commission Districts

She then stated that if she went into another commissioner’s district for any reason, she would notify that commissioner prior to going. She added that she commonly sends inquiries coming from someone outside her district to the commissioner in that district as well as to the county office. She asked for the same respect from the other commissioners.

Commissioner Taylor, District 5

Taxpayer Bill of Rights

Due to the lateness of the hour, she deferred the above matter until the next meeting.

She did remark that she had learned in one of the ethics classes that she attended that no

commissioner should go out to represent the board in any district, not even their own, without the board's approval - no commissioner is supposed to do that. The chairman cannot give approval for a commissioner to go anywhere to represent the board. It must be a majority vote for a commissioner to do that.

Commissioner Holt asked for an opinion on the matter and to look to see if there is a procedure that the board needs to establish in that regard.

Commissioner Croley, Vice-Chair, District 2

Commissioner Croley concurred with Commissioner Taylor - It takes three votes of the board for any commissioner to speak to any district on behalf of the board.

C.W. Roberts Contracting - Donation of 180 tons of millings for Mary Brown Road in the St. Hebron Community

He acknowledged the above donation from Mr. Chuck Roberts to improve the Mary Brown Road. He stated that he would personally pay for a road sign recognizing Mr. Robert's donation for that road improvement.

Status of Fire Hydrants

He asked staff to prepare a plan for how the county will go about getting the fire hydrants installed throughout the county. He also noted that the blue reflectors on the existing hydrants need to be maintained and he would like to see a plan for a maintenance program as well.

EMS Director Crum responded that he would have to contact Talquin Electric/Water to ascertain their infrastructure capacity.

Library Services and Computer Training

He reported that he is frequently asked by citizens about the basic computer instruction at the libraries.

Dr. Poole, Library Director, replied that a press release will be going out shortly about 30 new classes coming up within a couple of weeks. There will be 10 different types of classes rotating between the three libraries. There is a brand new instructor who will be teaching the courses who is Microsoft certified. This person has been teaching computer classes for eight years at Tallahassee Community College, Tech at Night, and the Workforce Development. The cost to the county will be about \$60 per class for two hours of instruction- which amounts to twice the instruction for half the price of what it has cost in the past.

Commissioner Lamb, Chair, District 1

Chair Lamb thanked the attorney for his efforts to save the county money.

Respect for District Lines

As far as the remarks made earlier in the meeting about going into another commissioner's district – he stated that he is often invited by people in another district. If a commissioner find that objectionable, that commissioner should instruct their constituents and officials not to invite him.

Citizens Requesting to be Heard Agenda

He stated that he felt that things went smoothly considering that there were so many people who requested to speak.

Receipt and File

- 18a** Letter to the Florida Department of Environmental Protection Regarding the Full Compliance of Solid Waste Facilities
- 18b.** Budget Amendments approved by administration
- 18c.** Letter from the State of Florida Division of Emergency Management Regarding Annual Request for Update, Per 9G-22 Florida Administrative code – Local Mitigation Strategy

February Meeting Dates

- **February 16, 2010 – 9:00 a.m. and 6:00 p.m.**

The following is a verbatim transcript of the Biomass Presentation.

Malloy: Good evening, Commissioners.

Tonight, we are going to talk about, myself and Carl Owenby and Dr. Edward Holifield, will be talking about some of the environmental impacts, politics and the history of the biomass incineration in Gadsden County and the health effects of such.

Just as a preface, I am the father of an asthmatic son. I am not an environmentalist and I have no history of being an environmentalist whatsoever, contrary to some reports in the news lately.

Fundamentally, the business model for Biomass Incineration is flawed. It relies on local,

state and federal governments to fund their construction, operation and existence. They are not economically viable without massive taxpayer subsidies. Fuel costs will rise and those subsidies will end. This is a \$250 million project. It is eligible for \$75 million in funding from the federal stimulus tax dollars. That is a 30% payment

ADAGE is a partnership between Duke energy and AREVA. AREVA is a foreign corporation based France. Additional incentives in the form of renewable energy credits, subsidies and tax abatements. For example: Adage Hamilton – there is a 70% tax abatement for the first five years. They are going to ask for something similar to that in Gadsden County before too long.

According to EcoLaw of Massachusetts, who is also fighting these Biomass incinerators, up to 60% of the capital costs are born by taxpayers. Personally, that offends me. 75% of the cost of establishing and planting eligible biomass crops are funded through the USDA Crop Assistance Subsidy program, which we further subsidize through the payment of \$45 per dry ton matching funds paid to suppliers for eligible biomass fuel. The current price is \$4.00 per dry ton – the tax payers pay the difference.

Additional state and federal subsidies – Production tax credits up to 3 cents per kilowatt hour; Evolving incentives include accelerated tax depreciation, guaranteed federal financing and cap and trade carbon credits.

We get 24 permanent jobs. Those jobs consist of skills that are required of a nuclear submariner, communications specialist, welders, boiler operators and utility technicians, cited as potential skills sets required by the engineer from ADAGE. He stated this in a recent meeting.

West End Grill employs 45 people in this county. Bell & Bates, Walmart and McDonald all employ a lot more people than this plant ever will. None of those places have any of the problems associated with biomass incineration.

Accordingly, the Concerned Citizens of Gadsden County, are bringing Dr. Neil Seldman to Gadsden County from the Institute for Sustainable Self Reliance in Washington, D.C. He founded the Waste to Wealth program. He is an expert at finding alternatives to incineration and creating economic development opportunities for struggling counties. He will be here in the last week of February or the first week in March. I don't have the date solid yet. You are all invited to attend the presentation if you so desire. The Economic Development Team, the Gadsden County Chamber of Commerce – you are all invited. The City of Gretna – you are all invited. Tallahassee, you are invited.

This facility is going to burn 100 tons of wood per hour. It is going to burn 600,000 tons of wood per year. There are going to be 310 heavy diesel truck trips (not trucks, but trips) per day carrying wood, ammonia, dry sorbent and ash throughout our county.

If you are expecting the current standards to protect your health, you might want to rethink that. On January 7th, the Environmental Protection Agency has proposed strictest

standards to date for ground level ozone. Some of the components that create ground level ozone are going to be coming out of this smoke stack.

The EPA is stepping up to protect Americans from one of the most persistent large scale pollutants that we face, according to Lisa Jackson, the EPA Administrator. This proposal would reduce premature deaths, aggravated asthma, bronchitis, hospital emergency room visits, etc.

On January 15th, US Environmental Protection Agency announced plans to set water-quality standards in the State of Florida because the current standards, again, are insufficient to protect the public health.

The EPA's proposal for this is the first time that the federal agency has intervened in a state to set legal limits.

Here are some of the standards for the emissions that are going to come out of this facility. The threshold of 250 tons per year for a particular matter – nitrogen oxide, sulfur dioxide, and carbon monoxide. A major source is defined as 10 tons per year for any single hazardous air pollutant or 25 tons per year combined hazardous air pollutants. New standards for particulate matter of 2.5 microns have not been adopted by the Florida Department of Environmental Protection. The .F.A.C. also does not contain any emission standards or limits for particulate matter of 2.5 microns. The nanoparticulates that contain hazardous chemicals that are capable of crossing the blood-brain barrier causing long term health problems for developing fetuses and children. You are going to hear that from your medical professionals here in just a moment.

Here are some of the emissions that are going to come out. Particulate matter – hundreds of tons of those. Nitrogen Oxide, sulfur dioxide, sulfuric acid mist, volatile organic compounds, fluorides, carbon dioxide.

Here are the estimated actual emissions on the left. On the right, you have the potential to emit. Look at some of those numbers. Potential to emit is just below that major threshold.

Look at the bottom 8.7 tons of hazardous air pollutants. Actual estimated emissions – remember, I said 10 tons is the threshold of being a major source of pollution. Either 10 or 25 combined hazardous air pollutants. So, it is right there on the threshold.

Here is the toxic (inaudible) for additional chemicals that are going to be coming out of this plant. The degree to which these toxic pollutants affect a person's health depend on many factors. The quantity, the duration, the frequency of exposures, the toxicity of the chemicals and the person's state of health and susceptibility.

Here is a closer look. Polycyclic Organic Matter has been listed as a pollutant of concern to EPA's Great Waters Program due to its persistence in the environment potential to bioaccumulate and toxicity to humans and the environment.

Dioxins and furans are also extremely toxic and there are no known safe levels of exposure.

There is a video on our website that you can watch. You probably don't want to, but, it is there for your review at Biomess.net about dioxins and furans.

The permit allows the facility between start up, shut down, and malfunction to exceed the emission levels. You didn't see that in the paper.

Meteorologic Data is used from 2001 thru 2005 for their computer air models.

Background concentrations are measured at monitors located in Escambia County and Jacksonville, not right here in Gretna or Gadsden County. Keep in mind, there is a big cement plant right there behind that elementary school already emitting things in there. And that is not in there.

ADAGE has not constructed a sing working model of a biomass incinerator to point to as a model of success. Our folks spoke to the people in Lockerby, Scotland. They complained of smog, smoke, noise and light for (inaudible) facility. We have the data. They took a visit to that facility. The people who live close to there – there aren't many people who live there, fortunately, they don't have schools next to it. They didn't complain of pollution because you can't see the pollution.

Here we have the air model that ADAGE was so kind to present to us. In the green, you will see the proposed site. The top red is Gretna Elementary. Below that is the women's prison. They are telling us that their emissions are only going to be 10% of the allowable limit. But, keep in mind, all those things that I mentioned about particulate matter have microns. Those other noxious chemicals – they are not being taken into account with these air models.

Here is a map of the existing biomass incinerator throughout the US. There are hundreds of these things popping up across the United States. In the green – they are existing. In the yellow – they are proposed. Most of the ones that are in the pipeline are not even on that map. You can see this map, and get more information from Energyjustice.net. It is a big money grab, this biomass incineration scheme. It is just a big money grab for some people to make a lot of money off the taxpayers in our opinion.

"Wednesday's announcement in Gretna was the culmination of three years' worth of effort, including the determination of an appropriate site and building community support," according to David Gardner, Director of the Chamber of Commerce. According to Mayor Anthony Baker, "The people of Gretna share AGAGES's vision for creating new economic development opportunities throughout the 21st century.

There have been no public hearings to date or planned at the County or the City.

There has been no consultation with the Gadsden County School Board.

This is the first public meeting on this topic at the request of the Concerned Citizens of Gadsden County.

ADAGE'S vow of transparency and providing information openly to the public is insufficient, in my opinion.

No public hearings – I've already said that. The City of Gretna has only produced flyers and brochures to disseminate information instead of a public meeting, which I think we all deserve.

The questions over \$300,000 payment offered to the City of Gretna prior to any of those public meetings or hearings, I believe is questionable.

Closed door meetings like the ones that are going to take place at Capital City Bank on Thursday – again, no public meetings.

The public has 14 days from the date the draft permit is issued to submit comments to the DEP to have a future standing in the administrative appeals at the State level. The public is unaware, uninformed and they are unrepresented.

The County Commission cites that this is not jurisdiction, it is the City of Gretna project. However, the Gadsden County Chamber of Commerce received \$100,000 in economic development funds by this county commission.

Mr. Owneby, will you please address the commission?

Carl Honorable Commissioner, I appreciate your time and for letting me speak.

Owenby:
6:16 p.m. I am here to do a little bit of a history lesson.

Williams: Your name and address, please, sir.

Owenby: I am sorry, sir. Carl Owenby. 427 North Jackson St, Quincy, FL

(there was a brief pause here due to technical difficulty)

He talked about one of the participants in this joint venture is Duke Energy Corporation. Duke Energy Corporation was the subject of a Supreme Court Decision in 2006 and it was decided in 2007 Environment Defense. This was like a 10 year fight against Duke Energy to get them to comply with EPA requirements all the way to the Supreme Court and it was finally adjudicated.

The other participant in this joint venture is ADAGE, who is the largest nuclear power supplier in the world. They are a french company. They have just started getting into doing biomass plants.

This is off their website from last night. It shows where they have these plants. A lot of these are under construction. Some of them are in production. But, I want you to take a look at the size of them. If you go take a look at the size of them, they have three biomass plants, two waste heat plants, 47 megawatts.

The plant that we are looking at in Gretna, gentlemen and ladies, is 55.5 megawatts. It is a good bit larger than any of these plants that they have put out here so far.

Southern Electric International was a plant of about 70 Megawatts. It existed here in the 1980's, I think. From 1986 until 1990 when it was finally closed. That plant, I was fortunate to be in with a group of people, we called ourselves the "Booey Committee". It was named after Dr. Pat Woodward's dog name "Booey." He was a little teeny, tiny dog that was an ankle biter. This plant was owned by Southern Electric International, which is a division of (inaudible) company. Pretty good size power company. They own Georgia Power, Alabama Power and Mississippi Power and Gulf Power Company. Huge operating company. Lots of money, lots of resources. All we could do was bite at their ankles. We bit at their ankles for about three years. Some of the issues that we dealt with were releases of soot. There might be a few people here who remember that your porch was covered in soot, your car was covered in soot, your dog was covered in soot. Everything was covered in soot.

We delivered 200 petitions to DEP to let them know that the people in Quincy didn't like all this soot that we were getting pummeled in. There were huge releases of carbon monoxide. CO. Carbon Monoxide. Not dioxide. That is one of the principle components of wood gas. About 15% of it. If you look at the side from a minute ago, about 240 tons will be released from this plant per year. Now, this is a gas. Gas doesn't weight very much. Air doesn't weigh very much. We are talking about huge volumes of carbon monoxide. When we have enough time, I will talk to you about carbon monoxide and what it does.

Blue haze – does anybody remember the blue haze here in Quincy. That was volatile organic compounds that came out of this plant. Ash. It produces a lot of ash. It is what you get when you burn wood in your fireplace. They get it too and you've got to do something with it. It is hazardous waste. If you put it into your landfill, you had better make sure that it doesn't get into your water because it does have something other than just carbon in it.

Odor. The smell. The City of Quincy, when this thing was operating, smelled like a fireplace that had been burning pine because that is what they had been burning. It releases stuff that smells like pine cones. So, that is what Gretna is going to smell like, folks. O.K. There were documented fires. They had fires in their wood storage. They

had explosions in their wood gas fire. One of the things that is most critical to me, or concern, is the (inaudible) that they had. This wood gas is very caustic corrosive material. The piping system looked like it was being eaten up from the inside out. That is what was causing some of the releases. The bottom line is that I have not, and I have done a good bit of research, I was involved last December, started becoming involved in the plant at Jackson Bluff that was in Tallahassee. We have the same concerns here. We had people over there, students, who basically don't have a voice in their government. They were just going to be put upon. Just go put gas, put ash, put particulate matter or whatever on them.

I want to mention one more thing. For the period that SEI was operating, the - What was the name of the organization – the (inaudible). He has slipped out on me. Well, anyway, there was an organization that was doing acid rain measurement. Acid rain measurement in Gadsden County, in Quincy was the most severe acid rain in the entire United States. Worst in the United States. Not just worst in Florida, or in Gadsden County, but, worst in the United States. Now, I can't tell you for certain that that is what it came from, but, I can't think of any other place you would get acid rain from and have it dropped on Gadsden County. That is something that you think would happen up north in industrial areas, not down here.

So, the things that I have concerns for – there are a lot of people who live in Gretna. A lot of people live in Gadsden County. They are the long time residents. These are people, some of which, a number of which are economically disadvantaged. They are not represented here tonight, folks. They own their own homes. They have no place to go if you site this plant there. They can't up and move. A lot of them are elderly. Some of them are disabled. Some of them are in poor health.

I've got more to say, but, I am going to save it. I think that you've got to consider these people when you make these decisions, folks. And, I know that everyone of you wants what is best for the county. I can't think of anything else. I know many of you personally. I have dealt with many of you personally. That is what I want, too. I want what is best for Gadsden County. But, let's not bring an experiment here and let our residents be experimented on with a huge plant like this when it is not proven. This is not proven.

Thank you so much.

Lamb: Thank you, sir.

Dr. Holifield.

Dr. Edward

Holifield: My name is Dr. Edward Holifield. I am from Tallahassee. I am a physician. My areas are internal medicine and cardiology.
6:25 p.m.

Let me ask you something. The number 15.6 – what does that mean to you? I won't

keep you in suspense. 15.6 per 1,000 live births is the infant mortality rate according to the most recent reports from vital statistics. That is more than two times the state average of 7.2 per 1,000. The state average is nothing to be proud of. There are countries in which the Infant mortality rate is less than 3 per 1,000. Again, Gadsden County – 15.6, more than twice the state average. It has been that way for a long time.

Why am I concerned about infant mortality when we are talking about this biomass plant? It came as a surprise to me that in the research that I came across that came out of the University of California – they have found statistical evidence that relates air pollution to infant mortality. The damage that is set to take place in utero affecting the developing fetus – they did what is known as econometric model that provided statistical evidence. I am sure that some are saying, “Well, that is just statistics.” But, if you recall, the battle with the tobacco companies, it started out with what anecdotal information that it was causing lung cancer. Then they moved from anecdotal information to statistical information. Then they went from statistical information to actual proof of what tar and nicotine does to the body in terms of cancer, emphysema. And there has been some mention of what is called particulate matter when it is inhaled in the lungs. Now, Dr. Saff is coming is coming up here and is much more of an expert on this than I am, but it is (inaudible) because the smaller these particles, the more damage they do to the body because they can get into the very fine airways and wreak havoc. So, my question to this commission is – How high does the infant mortality have to get in Gadsden County before people are concerned?

Now, it is interesting. Leon County is different. I didn’t say better, I said different. We have high levels of infant mortality in Leon County as well. Black infant mortality, that is. There is a dicademy that people really don’t talk about a lot. In Leon County, white babies, for the most part don’t die. White babies die at a rate of 4.3 per thousand. Far lower than the state average. But, in Gadsden County, there is a difference. In Gadsden County, white babies die, too. They die at a very high rate. More than 10 per thousand. So, white babies in Gadsden County die almost at the same rate of black babies in Leon County. I think that reflects the economics of Gadsden County. With vast differences in income equality, poverty that extends to the white community as well as the black community and babies are dying as a consequence.

One other thing, perhaps more than one other thing, but, in Tallahassee, we went through this same scenario. We were in a situation in which the biomass company want to locate on the south side of town. Which is the poor side of town, which is the black side of town. As I said, we went through the same battles. DEP, The Department of Health, they all know the statistics. We know that the Department of Health knows the statistics because I gave them the information. I know that DEP and Environment Protection knows the statistics regarding infant mortality and air pollution because I gave them the information as well.

Then, these biomass plants say, “We abide by all the limits from the Environmental Protection.” That is a canard because the data shows that even within the acceptable limits, people die from heart disease, lung disease, cancer at so called acceptable limits of

pollutions. So, am I saying you can't trust DEP? That is exactly what I am saying. They are not to be trusted. Am I saying you can't trust the Department of Health? Well, they know this information. Have you ever heard them talk about the effect of air pollution on infant mortality? I haven't.

So, you have to be your own best advocate. You have to look between the lines and you can't let companies that prey on communities that are basically poor, basically black be an avenue for their main objective which is to improve their bottom line to meet the demands of their share holders. They don't care about that 15.6% infant mortality rate in Gadsden County. I guarantee you that they don't talk about that in their shareholders meetings.

But, you represent the people. They elected you to be their guidance because they don't always have this kind of information. I submit that is a serious charge that you have and a serious responsibility.

If you have any questions, I will be glad to answer it at some point. The 47 page document coming out of the University of California relating air pollution to infant mortality – I have made copies for each of you.

Thank you.

(applause)

Lamb: Let us continue, please.

Commissioners, do you have anything to say at this time? If not, I am going to move forward with the consent agenda.

Holt: Did you have other people who wanted to speak on it?

Lamb: It is not time for that yet, Commissioner. Do we have anything to ask regarding the agenda?

Holt: Mr. Chairman, yes, I do have a couple of comments, not necessarily to ask them, but I wanted to know, since this is an agendaed item, shouldn't we discuss it now?

Lamb: No, we will hear them under Citizens Requesting to be Heard agenda.

Unidentified
Audience

Member: So, we have to sit through all the other?

Lamb: No.

Holt: O.K. So, we are going to wait until "Citizens Requesting to be Heard"?

Lamb: Exactly.

Croley: I have a question.

Lamb: Commissioner Croley.

Croley: Mr. Malloy, do you have a copy of your Power Point that you would file with the Clerk's office so that we can receive a copy of it?

Malloy: I will make sure that each and every one of you get a copy. I don't have one now, unfortunately.

Croley: And, I had asked earlier and emailed a question to the county attorney's office regarding an outline of how the county could monitor this situation on the behalf of the citizens from the environmental standpoint. I think that everyone understands that this effort was part of the county's support of economic development. It is the result of a federal policy and state policy to promote green power. Mr. Gardner, as our representative in that effort brought, along with other folks and other government entities, this type project in. So, from that standpoint, we've got a responsibility. He did his job.

As far as this protection, now, what protection does the public have in the role that this county commission would play?

Glazer: Commissioner, at the moment, as I understand it, what has happened is that a permit application was filed with the Department of Environmental Protection. I believe it was filed last week. There is a process that they go through. At points in that process, there is opportunity for input, not just by the county, but, by the citizens.

Mr. Malloy actually touched on a piece of that in his presentation. There comes a point where I believe that the applicant has to provide some public notice. There is an opportunity for input. The county commission can provide that input if it chooses to do so, as can others. Then, as the permit process proceeds, there are opportunities for permits to actually be challenged by various organizations, should they choose to do so.

That is a very short overview of a very complicated process. But, that is it in a nutshell. There are several places for input and for challenges.

Croley: So, as we continue to collect information and seeking answers to questions and concerns that continue to come up, we are going to have various legal avenues to make -

Glazer: Avenues are available. DEP is not required to provide specific notice to the County. It is really the same notice that goes to everybody. Like I said, there are points in the process where input will be sought in the DEP permitting process.

Croley: O.K. Thank you.

Thank you, Mr. Chair.

Holt: Mr. Chair, we had quite a few comments and questions after that.

Lamb: O.K. Go ahead.

Holt: Mr. Attorney, the permits- the 14 days – what happens if there are no complaints filed?

Glazer: Well, DEP is going to review the permit application, regardless of whether there are complaints filed. The complaints will become part of the review of the permit application file. It will be considered by DEP as they go through it.

Holt: O.K. That is one question that I wanted to ask. The other is – I wanted to make a comment. This commission voted to give the Chamber money. I did not. I must say that I did not agree and I don't think any of the citizens agreed to bring this kind of plant here. I don't care what kind of "green" we are talking about because OTED, that group out of the Governor's office, came and sat in this very room and did a workshop for small counties. They said that if you open a Circle K, it would bring 26 jobs. So, that can't be. That is not true. I don't think, just like I said before and I am going to continue to say, until this board sits down with the other boards in this county and look at the Comprehensive Plans and look at what development should come into the county, those boards are going to have to sit down together. That is how this mess got started. From different boards, from different groups sitting down.

(Applause)

Lamb: Just a second. Let's not have any clapping, please. If you do, I will end this agenda item. So, please do no clap. O.K. Please do not. If you do, I will end this agenda item tonight.

Continue.

Holt: Thank you, Mr. Chairman, when you met with the citizens on Highway 12 over at Florida State last year and the city commissioners were telling me about when you guys had this meeting. When you met with citizens of District 4, what were guys talking about? Was this one of the items?

Lamb: I didn't meet with no citizens.

Holt: They specifically named you at the meeting. I talked to some of the citizens there and they said that you were there. I told them, I said, "Now, I represent District 4. If any other commissioner comes in an official capacity to represent District 4, then I have a problem with that." Are you saying you were not at that meeting?

Lamb: No.

Holt: O.K.

Lamb: I don't recall any meeting.

Holt: They didn't say you called it. They said you were at the meeting.

Lamb: I said, "I didn't recall any meeting."

Holt: Well, one of the commissioners told me that. I talked to some of the citizens and they were talking about the plans for Highway 12 and what development was going along Highway 12. I told them that. They asked me why I wasn't there. I told them, "This could not have been one of the items for development out there simply because you would look at the other development coming along there even if they were going to put a horse track out there." You are talking about light commercial.

This is heavy industrial. They will not mix. You cannot have it. You would have to have a step down model from heavy commercial to commercial to light commercial to residential. That is why I said unless you look at your Comprehensive Plan - that is how stuff like this gets started.

Now, you cannot have 150 trucks coming in there, then down the street have a horse track. They don't go together. That is why you have to have a step down model. This right here is what happens when people are not aware of what is going on in their county and in District 4.

When I was told this, I began rather upset because we are in districts. Each commissioner represents their district. No other commissioner should come into their district representing them and giving out information or being at public meetings that your commissioner is supposed to be taking care of.

Lamb: Well, whoever mentioned that to you, tell them that I said they told a bald face lie.

Holt: O.K. Were you not at a meeting at Gretna the other day?

Lamb: Commissioner, what meeting are you talking about?

Holt: Two weeks ago, were you not at Gretna City Hall, the other day at a meeting – a special meeting called?

Lamb: I didn't go to their special meeting. I came by there and I came by Gretna to give them the

Holt: The citizens told me

Lamb: Now, wait a minute, wait a minute and let me answer your question.

Holt: I am sorry.

Lamb: The resolution that you and this commission passed – I presented that to them. That is the only thing I gave to Gretna, then I left.

Holt: O.K. The reason I am saying that is that these are the things that happen. The citizens got the impression that we were supporting biomass because the chairman showed up. As I told them, the chairman may or may not support biomass, but he doesn't represent District 4.

I must say this, I said it Saturday and I am going to say it again. I am a property owner down the street. I am not in favor of this project as a property owner. I am not.

As a commissioner, I will listen to what happens in the City of Gretna. I will listen to what those commissioners say. But, I am in favor of education. I am a teacher. If all the citizens don't know this information, then there is a problem. Everyone needs to know. Pastor Brunson sitting out there, they are having a meeting at her church on the 6th. Everyone in my district and Gadsden County needs to be at these meetings. Both sides need to be presented. Until we have that, we are going to continue to have problems coming into the county.

Now, we can sit here, and I know my colleagues will start breathing hard when they don't want to hear this, so, you can stop breathing hard and let's go to work. That is how this happened. To be very honest with you. People are not sitting down and working together. As they said in Jackson County, and we keep bringing up that exchange out there, you know what they said when I visited them? I went into the room and the county commissioners were there, the city commissioner, school board members and the Chamber and the NAACP. You know what they said? I asked, "How did you get to this point? What we are doing is fighting." They said they had to have some expensive funerals and some good elections. And, until we get to that point, this is going to continue to happen. But, if we are going to discuss it under Citizens Requesting to Be Heard, I don't mind that. But, I tell you what. This is either going to make or break this commission. So, we can continue to sit back and say what we can or cannot do, but, if we don't start working together and solve these problems, if this project hurts one person, I am not for it. If I think it hurts one person, I am not for it. That is not what we are here for.

Thank you, Mr. Chairman.

Lamb: Thank you.

Are there any other commissioners who would like to say anything before I go to the Consent Agenda?

Commissioner Taylor.

Taylor: Thank you. I have echoed the same sentiments about this plant. That is – if it causes harm to any citizens, I will not support it. I have echoed the same sentiments. I will stand by it. But, I am of the mind that before I make a decision about the growth and development of this county, about the welfare of our citizens, I need to hear all of the information because there is more that we have to balance to insure that the job that we do is an effective job. We have to make sure that the county is still here in 2020. We have to make sure that the citizens are still here in 2020. So, if you all will give me, as well as some of my colleagues an opportunity to get all the information. I know that time is of the essence. But, as the attorney as so eloquently said, we still have voter power in this county. It doesn't matter if it does go to DEP. This board still has strength.

So, all I want is an opportunity to learn. I have gotten two sides to everything. One thing, in particular. Yes, they did mention 24 jobs in the plant. But, they also mentioned 100 jobs out in the fields with loggers. They did mention that the people who will be working in this plant will come from this county. But, they also mentioned that those jobs are highly qualified. So, I looked around myself to see who could fill them. So, there are pros and cons.

Yes, infant mortality has been high. If there is something that will come that will make it even higher, I have a concern. I have a major concern.

Cardio Vascular disease is also one of the highest diseases in this county. And, diabetes. So, anything that is going to come to impair this county – Yes, I will stand in the door and not it pass me. But, if something comes to this county that causes growth and development and is able to give someone a job for \$15.00 plus per hour with good decent benefits, then I will have to look at that as well. So, all I am asking for from this standpoint is an opportunity to learn. Then, come back with a best case scenario for as many people as I possibly can. So, that is where I am at.

Thank you, Mr. Chair.

Lamb: You are welcome.

I don't know how many of these consent items you want to pull, but I will state this before I go to the Consent Agenda.

I concur with Commissioner Taylor in that if anything that is proposed to come to this county that is good for Gadsden County, I will have to consider being for it. But, if it is not good for Gadsden County, I will be the first one, as far as I am concerned, to say, "No, we don't need it."

We fought things out in Midway and we were successful in doing that. I will be the same way here if it is not good for Gadsden County. That is just common sense. You don't

even have to think to know that.

I have lived in this county all of my life and I love this county as much as anybody. If it is not good for Gadsden County – It is not good for me.

Does anyone else want to speak on this?

Commissioner Morgan?

Morgan: Thank you, Mr. Chair. Quite briefly, I think that as we experience things that may change or may not, but, as we talk about change, of course, that instills fear in a lot of people – me included in that. Nobody gets comfortable with change.

One of the things that I have learned, though, is that you don't have to be white, black, rich, poor, smart, not very smart, and have the ability to be wise. Part of having the ability to be wise is to, in my opinion, to make sure that we gather all of the information, disseminate it, think about it carefully and decide what is accurate and what is inaccurate. I think that would be the best course of action and then as we move through this process, and many more questions are asked, that you, as the citizens, and I have a responsibility to do. And, I think the board, as a whole, does need to provide all of us an avenue for submitting any questions that we have - ne place that we can go and gather information, take the emotion out of this as much as possible. We can't do all of that, but, people are going to look at this differently depending on what your situation is, and then go forward and make a decision.

You know, we've got a lot of industry now in Gadsden County. What was it like back then when they came to Gadsden County? There were things that we had to consider then, too. But, there are big benefits that we get right now from that industry. There are some risks that we also incur. But, I think it is important as we go through in a productive and as positive manner as we can to consider all the information and move forward in that way.

Thank you, Mr. Chairman.

Lamb: Commissioner Croley?

Croley: Yes, thank you, Mr. Chair.

For those who are out here this evening, I look across this room and many of you I know. I go to church with some of you. I know practically everyone out here, either in Tallahassee or here in Gadsden County. And, many of you know that I have repeatedly said - like ringing a bell - I am guided by sensible economic development and protection of your environment.

Now, there is a biblical passage that reads something like "Seek proof and hold fast to what we know to be true." That is my commitment to you. I am going to continue to

listen. I am going to hear both sides. I am going to encourage and invite you to submit your questions. Let us help you get answers to them. Let's get the facts.

Mr. Malloy has done an excellent job with his presentation. As did Mr. Owenby and Dr. Holifield. All three of them, I know fairly well.

Now, let's move forward and we look forward to hearing your comments.

Mr. Chair, let's move along with the agenda and be done.

Holt: Mr. Chairman, I have a question right quick for the attorney on that before we finish. Thank you.

What is the county's responsibility in this as far as any approval or disapproval of a company inside the city limits of one of the cities?

Glazer: At the moment, there is absolutely nothing before you.

Holt: I know there is nothing before us, but what is our legal responsibility in anything?

Glazer: Nothing with regard to the air quality permit. There will be additional permitting that comes down the road. To be honest, I haven't had a chance to look at all that yet. But, there will be building permits and that sort of thing.

Candidly, I don't think the county actually has a very big role in a project in the City of Gretna. At the end of the day, there isn't going to be a lot that you have specific responsibility for approving. I wasn't prepared to give you a specific answer. (inaudible)

Holt: Could you bring that schedule of what that is back to us and have it at the next meeting? That way, we will know what is to be done.

Taylor: From the workshop, I think all of us had the opportunity to go through with this company that is bringing it here, they did indicate that they are going to be coming before this board for some kind tax incentives. So, there is a caveat there for this board to come in and - that incentive is going to be very important as to whether that company goes forward. So, there are some areas that we still have.

As I mentioned earlier, we can put our input in it and make sure that we get the information. And, the citizens do as well. When these different town hall meetings are held, we have some power in this. I don't know if that is what you were eluding to.

Holt: Well, I was, in a way. I just want to see the whole list of things that are going to come before us. That way, I can go ahead and get together. I know that in District 4, there are going to be a lot of meetings. There will be a lot of information out there. People need to know what that schedule is.

O.K. Thank you.

Lamb: All right. Eluding to what Commissioner Taylor mentioned, there will be a tax abatement issue coming before us if they get to that point.

Commissioners, we have the consent agenda before us. We have six items on here.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 11:00 P.M.**

Eugene Lamb, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FL ON FEBRUARY 16, 2010 AT 9:00 A.M., THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

Present: Eugene, Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
Brenda A. Holt, District 4
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Michael Glazer, Deputy County Attorney
Johnny Williams, County Administrator

Invocation and Pledge of Allegiance

Chair Lamb called the meeting to order at 9:00 a.m. He called for a moment of silent prayer, then led in pledging allegiance to the U.S. flag.

Amendments and Approval of Agenda

The agenda was amended as follows:

ADD Item 1A – Request from Judge Sheffield for budget amendment and approval for courthouse repairs.

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

Awards, Presentations and Appearances

1. Employee Service Award Recognitions

Antonio Johnson, Five Years of Service – Juvenile Sanction Coordinator
Shirron Cannon, Library Assistant – 5 Years
Carl Money, Equipment Operator, Public Works – 5 Years
Daniel White, Jr. Maintenance Worker I, Public Works Department – 5 Years

Antonio Johnson and Shirron Cannon were present. They were recognized for their years of service to county government and presented a certificate and pin.

1A. Request from Judge Sheffield for Courthouse Repairs and Budget Amendment

Grant Slayden, State Trial Court Administrator, addressed the Board requesting approval for repairs to the roof of the Guy Race Courthouse Annex totaling \$52,125.00. He also requested a

budget amendment to authorize the expenditure from the Courthouse Facilities Reserve for Contingency Fund. He noted that there were significant leaks in the public defender's office space on the second floor and there are also leaks over the old courtroom on the first floor. Some of the ceiling tiles were also damaged as well as carpet. The request was to replace the ceiling tiles, carpet and some chairs in addition to the roof repair.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENT DESCRIBED (MOVING MONEY FROM THE COURTHOUSE FACILITIES CONTINGENCY FUND) ABOVE FOR THE PURPOSE DESCRIBED. THE MOTION FURTHER AUTHORIZED THE BUILDING OFFICIAL TO USE HIS DISCRETION AND TO MOVE FORWARD WITH WHATEVER REPAIRS AND REPLACEMENT HE DEEMS NECESSARY AND BY WHATEVER MEANS HE DEEMS APPROPRIATE.

2. Request for Private Drainage Ditch Maintenance by Public Works – Colonial Oaks Estates – Ms. Peggy Primicerio

The residents in Colonial Oaks Estates Subdivision have been before the board twice in recent months to seek guidance and help with flooding on their properties. Even though the roads, rights of way and drainage easements are privately owned, the county assumed maintenance of the roadway at some point. The flooding on some of the lots in the subdivision is due, in part, to the construction of a home by Mr. Duane Hume, which was permitted by the county after the conditions for the permit were met. A lot of dirt was hauled onto his property without regard for the impact onto the adjacent property owners.

County staff assessed the situation and listened to the proposed solutions by the area homeowners. However, the fact remains that the county does not own the roadway system nor the drainage systems and stormwater easements. Under the current policy, the county no longer accepts maintenance for ditches, etc. Given the issue of ownership coupled with the existing policy, the county would be in violation of Florida Statutes to use county equipment on site or put rock on this site or any private parcel of land. The only legal way for the County to get involved in the project would be to accept the drainage ditch and have the stormwater easement deeded to the county and recorded. Another solution would be to create a drainage assessment against the two properties which would benefit from the work.

Ms. Primicerio addressed the board requesting maintenance on her property, which is an established drainage easement.

Following a lengthy discussion, there was a consensus that the board's policy does not permit the County to help situations such as this one.

Commissioner Taylor contended that the county sets its own policy and if they don't fit the needs of the citizens, the county should re-address the policy.

Commissioner Holt stated that this issue should be addressed with public input in a workshop setting.

Mr. Presnell remarked that drainage is going to continue to be a problem as the county continues to grow. He stated that his department cannot handle additional work until such time as the board gives them additional resources and he could not foresee that additional funding would be available any time soon.

It was noted by the administrator if the board should agree to allow public works to do it, the cost would have to be assessed on the property owner.

3. Board Discussion and direction for the Maintenance and Construction of Private Drainage Projects

The Public Works Department routinely gets requests to assist private property owners with stormwater issues related to their property. Most of these requests involve standing water in low areas of the property or flowing water across sloping lots. A great many of the requests come from owners of property developed in the 1970's and early 1980's before the state and county required enhanced stormwater treatment and paved roads for subdivisions. The County, at that time, accepted road maintenance responsibilities for many of these subdivisions, but, did not accept maintenance responsibility for existing stormwater conveyances. The county currently does not accept stormwater treatment systems for new subdivisions as well.

At a recent Board meeting, some residents from Champion Oaks Circle approached the Board about correcting stormwater related issues in their neighborhood. The Board directed staff to have the county engineer evaluate the concerns and report back to the Board. (See attachment)

FS 157 clearly defines what action a county can take in relation to drainage issues. The county can assume stormwater projects such as a roadside ditch for paving a road, or a treatment pond for a parking lot that will serve the community as a whole. However the maintenance, repair, enlargement or construction of drainage ditches which benefit only certain properties requires a stringent assessment and collection process from those landowners that benefit from it. The County can ultimately grant or deny any request for a special assessment for these purposes. (FS 157.02) It was noted that it is a felony to violate this statute.

Preble Rish Engineering has estimated the project cost for champion Oaks Circle to be approximately \$67,517.76 or \$131,878.08, depending on the solutions chosen. Additional cost would be incurred for the legal cost and collection of the fees for the special assessment.

The recommendation of the staff was to continue the current policy adopted and not accept any new stormwater systems.

Mr. Presnell reported that the engineers have said that they could lower the cross drain under Champion Oaks Circle, go across the road to Mr. McDonald's land, acquire it and dig a substantial ditch until it hits the relief elevation several hundred feet back toward the west. He also reported that he has informed the homeowners. They are not satisfied with the options that he posed to them and they were present to address the board.

Croley:

Mr. Chair. Before we go any further.

Mr. Glazer, as the county attorney, the discussion thus far gives the impression that this board of county commissioners has discretionary authority under home rule to do basically whatever it wants to do. You and I both know, I see you shaking your head, that is not so. We are an administrative unit of the State of Florida governed by State laws except where we have been given home rule authority. In this area of drainage, aren't there specific State Statutes and isn't it stated that it is a felony to use public resources on private property for improvement?

Glazer:

There is a state statute and Mr. Presnell has done a very good job of pointing out Chapter 157 to you. You have only the authority given to you by law. To be honest, I didn't look to see if it was a felony or misdemeanor, but it not right. In Chapter 157, it does lay out a process, but it is a fairly extensive process as I am sure Mr. Presnell will tell you. It does call for assessments and it is not something that you can just snap your fingers and you can do.

Presnell:

And, it is a felony. Believe me. I know.

Lamb:

Robert, the only thing that I can say is that you can talk with the home owners and see which way they want to go. If they want to continue this project, they can get with you and you can let them know exactly what it is going to cost and so forth.

Presnell:

I did that. I got back with the home owners, Mr. Humes and Ms. Diceano. Again, they are not satisfied with my response. They can speak for themselves. I see that they are here if you would like to talk to them. But, basically, that was unacceptable to them. The options that I gave them. So, they are back before you today.

Holt:

State Statute may not tell you everything you can and cannot do, simply because you can do assessments. They have left that in there as a caveat so that special districts, a group of home owners or business owners, for that matter, want to have a special assessment, they can do that. That is why it is in the State Statutes.

Now, the reason to have a workshop is so that the citizens would know that they have that option. A lot of people don't know that they have that option. State Statute does not tell you, Chapter 157 does not tell you that we cannot be innovative and allow those citizens to come into this room and decide if they want a special assessment in their community. Even though it is there, that does not exempt us from getting out there and letting them know what their rights are. You set policy, but, then you are supposed to be up here to help people at the same time. We may never be able to help them. I have no problems with us following the law, but, a lot of communities out there need to know what the law is, and they don't know. They are not aware of the options. What if you had 10 homeowners to say, "We don't mind being taxed for 20 years. Let's solve this problem." And, they are available and they can afford to do it as a group. Or, an assessment over a 10 year period. But, they are not getting that option because we are not

allowing them in the door at a workshop so we can discuss these items.

Thank you, Mr. Chairman.

Taylor:

At this point, I don't think the idea is totally off the table for entertaining a workshop. I did hear the attorney say that there is a process that we can go through to help. I might be an extensive one and that is not something odd or difficult for us because we have been going through extensive processes since we have been sitting up here. Back in 2008, electrifying situations that we inherited. So, that doesn't frightened me. Going through an extensive process. What frightens me is that we would sit and do nothing because of whatever reasons there may be. That is not our job. Our job is to take whatever measures there are available to us to help. That is what I am willing to do. Help. I would like, Mr. Chair, if you don't mind, the process that the attorney just mentioned. At least let him explain it to us. It doesn't have to be a workshop. Just explain to us and then we can see if that is something that we can take. We just went through an extensive process through AHCA and some other agencies. But, we persevered and we have come out on top. So, I don't mind rolling up my sleeves if it takes care of her problems and numerous others. Let's just give it a try. That is it.

Presnell:

There is an attachment to your agenda item that spells out the process. It also, and I imagine it would talk specifically about (inaudible). The county is not even allowed to do the work. It has to be bid. I assume that was put there to keep from padding the bill and making the construction cost less. But, the process is clearly outlined.

Taylor:

Is it where a lay person can understand it?

Presnell:

Yes, Commissioner. It's not too bad. Even I got it.

Lamb:

Thank you Robert.

Anyone else?

Commissioner Morgan?

Morgan:

Just one quick comment. I think we pretty much all understand and realize that all of the policies and information that has been brought before us, and State Statutes, for that matter, - all this information is easily available to the public from several different avenues. Now, it may require some responsibility of the public to go and access that information, then seek out somebody to help explain that to them. But, that information is there to be understood.

Taylor:

Isn't that our job? I thought that was one of my responsibilities.
Thank you, I apologize.

Lamb:
Commissioner Croley?

Croley:
Florida Statute 157 is very clear. Mr. Attorney, you jump in on this if you would and explain that in paragraph 157.01 – it is very clear that the petitioners, meaning you, the citizens, if you want to have this drainage work done, you file a petition with us. Got no problem with me. I'll support you. You file a petition. The process is very clearly laid out. It goes step by step what has to be done. It applies in every county in the State. We don't have the authority to just automatically go out there and overlook this statute.

Mr. Attorney, could you ?

Glazer:
That is pretty straight forward. The petitioner is instituted by the citizens that are affected. If they do that, then they bring it to the commission. Then it is up to the commission to make a decision on it. But, the process is started by those who are interested in pursuing it.

Lamb:
I think it has been well said by everybody.

Come on up. Come on up and state your name and address, please.

Hume:
My name is Duane Hume. I live at 175 Champion Oaks Circle.

You are right on target about FS 157. It does not take a rocket scientist or an attorney to interpret that. However, there has been some misunderstanding because we are not asking for new construction of a drainage ditch. That is what 157.01 applies to.

157.02, which is pertinent for the assessment where we are splitting the cost and the cost gets conveyed down to the owners. That only comes into play if a petition has been submitted for construction of a new drainage. That is not what we are asking for. We have never asked for that and we are not asking for it now. So, it is really a mute point.

We are not asking for anybody to come in and drain our land. What we want is for the county to come in and fix the drainage system that they own.

(applause)

Lamb:
No clapping, please. We are not going to have any clapping inside, please. If you do, I will ask you to leave. I will have him to sit down and we will do away with this agenda item. We will not

discuss the agenda anymore if I hear any clapping. Please and thank you.

Continue, sir.

Hume:

Thank you. I appreciate that.

There is another Florida Statute, and I am sure Debra Minnis, the county attorney, would certainly be interested in exploring and perhaps include it in the workshop. It is one that is called 95.361. It doesn't have anything to do with Chapter 157.

Roads that are deemed to be dedicated. Once the county starts to maintain a road, if you constructed that road and you maintain it for four years, guess what? You own that road and all the appurtenances to that road. If you did not construct that road or you are unable to determine who did construct the road, but you have maintained it for seven years, guess what? You own that road and all the appurtenances to that. And, it is very specific as to what it means. It says the dedication shall vest all right, title, easement and appurtenances in and to the road in the county, whether or not a deed is ever filed. It makes no difference. Now, it does not take a rocket scientist or an attorney to interpret that for the law. This road was paved back – at least back in 2002. My late wife died in late January in 2003, so I know that the road was unpaved prior to that. So, that has been seven years. It was in 2002 when I drove a motor home on that road and it was mud. Trust me, driving a 35 ft. motor home on a muddy clay road is not a thing that I care to try to do again. But, the point is, that during the construction of the pavement of that road, that Commissioner Lamb was instrumental in getting done, to the point that he brought his dad around during a visit to show off that road – and it is great.

But, during that road improvement, they were required to number 1 - verify that the cross drain underneath Champion Oaks could, in fact, pass a 25 year design storm. That is in your own policy. That is in your Comprehensive Plan. Policy 8.3.1.d under cross drains. They have to safely pass the 25 year frequency and it has to (inaudible) up every time the road gets subject to improvement. So, that was one instance where it should have been done. But, that particular culvert was removed because it was damaged. We've got witnesses who were there at the time. I wasn't, but we have witnesses on or block that say that the culvert was damaged. It was removed and I don't know if it was fixed and the same one put back in or if a new one was put back in. But, I shared with you the last time, pictures that show that the culvert was not put in there right. That is a storm culvert. It conveys water from one side of the road to the other side of the road and it belongs to the county. It does not belong to me. It doesn't even connect to my property.

What I am asking for is that the drainage that is already in place, the ditches are already dug along side the road, and although there is a mysterious easement that goes onto Mr. McDonald's property that does not show up on the plat map and it is a drainage easement and we have documentation that shows that there is, in fact, a drainage easement that runs about 100 feet onto his property. At least 100 ft. That is a drainage easement. That is not on the tax rolls. That should be on the plat map that is on the county assessors office. It showed the other easements. There are only two easements on that block right now according to the plat map in the assessors office. One of them is down in the corner, the southeast corner is where they wanted to take one

of these solutions. These two solutions are actually stupid. Who is going to go 1250 feet? Not a couple of hundred feet. 1250 feet with a drain. It is only 303 feet to the back side of his property and it connects to an existing ditch that was initially there for the drainage to start with. The natural flow of storm water. I am not talking about going 1250 feet. You've got an easement. I don't know why it only went a hundred feet. It doesn't matter. That is between you and the McDonalds. But, you can't have water running all the way from CR 270 (there is no drainage up there either). It is expected to come down Champion Oaks.

The fact that the contracting firm of Preble Rish, who also serves as the county engineer, it is a bit disturbing when they submit a proposal to do the work. There is an implicit conflict of interest there. But, aside from that, the fact that they have submitted and they have only considered these two options, I have to wonder – I don't know – Maybe this commission ought to take a little walk on Champion Oak Circle. Take a look at it. Anybody with two eyes and half a lick of sense can see that there are other options.

I brought in a consultant who does this kind of work with Homeowners Associations and he said that the county could solve their water problem by just putting a berm in along Lot 11 and retrenching that ditch, make it deeper, resetting that pipe. Now, the effect of that is that it is going to increase the flood on Mr. McDonald's property. I don't want to do that. I am already being victimized by an inoperable septic system because of what my other neighbor did. That is unsatisfactory. Nobody has even talked about whether or not it is feasible.

If you look at Option 2, they are talking about laying a pipe 1400 feet going straight down Champion Oaks to the corner, taking a left and dumping out on the drain where the current drainage easement is on that corner. Why does it need a pipe? Why does it even have to be a contractor? It is an existing storm ditch. Why don't you just change the direction of the storm ditch so that it goes the other direction so that it takes it down to the one drainage easement. That wasn't even considered. I guarantee you, it would cost a hell of a lot less than \$67,000 to \$137,000 that is in this solution.

Something is not right here. This commission is a lot more intelligent than what I believe that Mr. Presnell gives you credit for.

Lamb:

Let me stop you for a second, sir, before you go any further. O.K. Number one – don't be critical now, of the director. He is working for the administrator and he brings him up here with the information that he received.

What I would like to see done here – I would like to see Mr. Presnell and the attorney get with him and go back out there and see if there are some more options. Bring us some more options. Get with the attorney and let's see what can be done if anything can be done. That is what I would like to see. What you are doing – you have expressed yourself very plainly. You did it before when you were up here. We understand exactly where you are coming from. But, I would like to ask the administrator to direct Mr. Presnell to go back and look at this. Get with the attorney and explain to the attorney exactly what he did and what we can do as a commission. Then, bring that report back to us and let us act on that.

Mr. Attorney, do you have anything that you want to add to that?

Commissioner?

Croley:

Just so that there is no public misunderstanding, Mr. Attorney, will you please look at page 8 of 14 of that Statute 157.116 and 157.117 and review that and explain that section of the law regarding enlarging drains and assessing costs and assessments to maintain drains.

Lamb:

I think for time savings, he can do all that you have asked him to do, then bring us a report back, he can have his whole report with what we should and should not be doing.

Croley:

The main thing, Mr. Chair is that I didn't want anyone to misunderstand. The statute reference regarding the 95.136, I believe that this section of the statutes deals specifically with the issue of land. I agree with you that if it goes back to the attorney, he can explain that at an appropriate time.

Lamb:

Let it go back to Mr. Presnell and the attorney and the administrator. And he will dig and explain it to us when we have time to look at it. Then he can explain to us exactly what needs to be done and what can be done. That is what I would like to see done.

Taylor:

I agree with you. If we could add to that, the task of seeing if we can identify a funding source. Because, I don't know. Those gas dollars that we get in tax, if that can be used to help defray some of the cost down there. They are restricted.

Lamb:

All of that should be a part of the report when they come back.

Taylor:

I just wanted to make sure that was part of your request because I agree with you. I just wanted to make sure. If we can, let's make sure that there is a funding source out there that can help.

Humes:

There is in Florida Statute 339.2818 is a small community outreach that provides funding for just this purpose.

Lamb:

Commissioner Holt.

Holt:

Thank you. Mr. Chairman, you see and the other commissioners and the audience. Now, you see

why we need a workshop, as I said before. What is happening is that the same thing is happening over in district 4. There is one place that I know of over in District 3. The same thing.

If I may finish.

What has happened is that – other people don't know this either – so, we are not giving them the opportunity to do the same thing that you are doing. You are looking at it extensively because you have the opportunity to do so. Some people are not able to do what your group is doing, but, they still have the same needs. What you are saying are some things – the different state statutes – everybody, including this commission, needs to lawyer up. That means they need to have research when they come to the table. This item was on here. The research should have already been done on our behalf. If it is not done, it is lacking on our part. What we need to do is give everyone else an opportunity. If we are going to look at this case specifically, then we have to be fair with the rest of the people in the county and give them the same opportunity. They need some literature to look at. They need to be aware that they could come in here with a petition. Those groups don't know that they can do that. There are a lot of people in this room that didn't know that until it was brought up today.

Humes:

If I could, there is something that I could expand on what you are saying for just a second. One of the reasons why you are seeing such a prevalence of flooding problems in the county right now is – sure, we've got extraordinary rain events going on. We are at twice our normal rainfall. But, that is not the same as a Tropical Storm Fay, but that is what we are experiencing. When was the last time that the Ochlocknee crested? Reached flood stage? It doesn't happen that often. It certainly doesn't happen just because we have double our rainfall. Maybe triple or quadruple the rainfall like Fay did. But, not normally.

One of the reasons why you see standing water in a lot of places where you don't normally see it is because the water table is being held high and it is being held high because they are not bringing down the Ochlocknee River. They keep the locks closed. They started draining it down about 14 days ago, I believe. But, they are way behind the power curve. The Ochlocknee River was way beyond its banks. Far more so than it ever should be. Tallahassee controls that. Gadsden County doesn't control it. They control when those locks are open and when they are closed and Gadsden County gets the backup. It keeps the water table high. When the water table is high, things don't work right. Septic tanks don't percolate. Water doesn't drain away. Mosquitoes come up and you've got an environmental and a health problem. So, somebody needs to be talking to Northwest Florida Water Management District and get them and Tallahassee on the phone and say, "What are you doing?"

I have been doing a lot of fishing – fishing, not catching – a lot of fishing out at Lake Talquin. They have had the water going down there and it is like a river underneath there because they are trying to draw down the water. But, it is like they can't get it down fast enough because they started too late. The water is up so high.

Lamb:

O.K. You brought back what we asked you to. But, we want you to go back and get with the

administrator and the attorney. If you need to talk with them, you do so. Bring us back a more comprehensive report so the attorney can be able to explain it to us also.

Does anyone else want to say anything on this before we turn it over to Robert and the attorney?

Come on up.

Deciano:

Margaret Deciano. 87 Champion Oaks Circle.

I appreciate ya'll listening to us and I appreciate that we have gotten as far as we are so far. I really do. The thing is, I want to go back and just remind you and maybe it will help. You are talking about workshops on these other things. One thing that you need to consider is like I said, the reason I have a problem? My problem, even if that storm water drain had not been fixed, I wouldn't have the problem I had if Gadsden County had not permitted that home. Gadsden County needs to look at what they are permitting. I mean, I have Mr. Lamb, I have had Robert Presnell both out there. I have had the other gentlemen that did the other subdivision stormwater when they were looking at that. Everyone has told me the same thing. That should never have been permitted. That property should never have been zoned for it. I am not good on the property zoning numbers are and everything. I didn't look into this. What the numbers are. But, the thing is, Gadsden County is having enough problems without adding to them because the building department is going out there – and whoever is allowing the building permits and telling people, "This is buildable property." The only way there should have been a house on that property is if it was built up on stilts. That is the only way. It interfered with the natural flow of the water draining off the property. Like I said, my property has been there since 1979. Half of my property is full of water. Yes, we have had a lot of water. But, back two years ago when I called the Clyde Collins office, then I end up talking to the environmental person, it happened to be that they had already CO'd the house. They are telling me, "Too bad, it's my problem." Well, I find a problem with that because if you are saying that you are here to help the citizens and the State Laws are written to benefit us all, then why does it appear that the County – you can own a piece of property, you can have a home, you could have had that property for 50 years, and you don't have a problem. But, the county is allowed to go in and permit a property next to you that causes you a huge problem and then they are saying, like the environment person said, "Well, your argument is with the homeowner. If you want something, you need to sue the homeowner that lives next to you." Well, what I am saying is - Who started this cycle? It was the building department and whoever permitted the property. The minute they see and they go in and they are going to do a building permit for a property – and I guarantee if it was right here at the courthouse and there was a piece of property next to it and there was water standing on that property, they are either going to figure out how to drain the water off to allow somebody to build, or they are going to do something. And, you see, they didn't do none of this. They took all of this, they allowed the property and now the county is getting all this tax from the property and the homeowner, which is me, and I appreciate the fact that it is a beautiful home next to me instead of swamp. But, the problem is that the county didn't do their work and then they are causing the problems to come back to you all. I heard about another housing district that had the same problem. But, to me – I just want to say that this is another reason that I would like you all to consider what is being proposed or trying to help us do something because I am saying that the

county caused this problem. There still would have been a problem on Mr. Tharpe's property, which he has had water since I have been there. Not water as far over to his house, but there have been problems there. But, that water and that drainage drained off my property down onto Mr. Humes property and then down onto Tharpes property. When I bought my home, that is where it was at. The people that owned it before me never had water because I have checked with them.

I don't know if there is anything that you all can do. But, to me, if you don't want to have problems in the future, and they are saying that Gadsden County doesn't have the money, there is not funding for these things, then Gadsden County needs to either have their building department or whoever is in charge of doing these things, take a double look at these properties before they issue these building permits. There are other properties on our circle. People own more than one lot. If they build a home there and the county tells them to raise that lot as high as they told Mr. Humes to raise his lot, what is going to happen? The next person is going to be flooded out.

But, then they are saying that it is left up to me to sue Mr. Humes, then Mr. Humes to sue the County. I find that kind of – I don't find that to be fair to the citizens who live in Gadsden County and pay taxes and try to be a part of the community and do what we do. Right now, if I really needed to sell my home, I would have to sell it or half the price of the home to get out of Gadsden County if I needed to move and go somewhere. In other words, I just have to wait and see what happens or fix something myself, which would be a huge expense. So, you take the cost, one way or the other.

I am sorry, I didn't mean to be so lengthy. But, I appreciate your consideration. But, I just wish that you would please try to go back and check with your building department. Whoever is handling these laws and the things and the way they go out and zone these properties, they need to be more careful about what they are doing. It is impacting the rest of us and leaving us sitting in a swamp. That is basically what I am sitting in.

Thank you.

Lamb:
Yes, sir, come on.

McDonald: (9:59 a.m.)

I am Terry McDonald. I live at 196 Champion Oaks Circle. My property is the drainage area. Approximately, at least in my opinion, 80% of the water that comes from this neighborhood goes through my property straight through to drain down to Little River or wherever it eventually goes. My property also accepts water from highway 270. There is no drainage out there to go anywhere except the way that it flows to my property.

Mr. Hume, when he built his house, just like Margaret said, was allowed to build and filled in and it dispersed the water. One of the major problems that we have out there is the culvert that runs from the east side of the road to the west side. There is approximately 10 inches of slope, the high edge being on the east side and the low edge being on my property, which is the west side. It is merely an overflow drain coming to my property. I have spent approximately 30 years out

there maintaining my property to allow the water flow through. It flows through adequately from my property. The problem is that the water can't get from the other side of the road to my side to flow through. The county has no easement on my property. I allow it to go through there. It has been that way forever as far as I know. It should go through there and I don't have a problem with it going through. But, like I said, I have spent approximately 30 years maintaining that thing, that ditch, beautifying it where it looks a little bit natural rather than just an old ditch going through somebody's property. I have spent my money for equipment to keep it dug out. One of the problems that we have is beyond my property going through the woods. The ditch is probably 8 – 10 ft. deep, over your head, and it has filled in at several spots. Not completely blocking the water, but it is slowing down the process. These issues need to be looked at. This is the problem of Gadsden County, not the neighborhood.

Thank you.

Lamb:

Is there anyone else?

If not, Mr. Administrator, let's go to the next item, please.

Williams:

The next item is the consent agenda.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0 TO APPROVE THE CONSENT AGENDA TO WIT:

4. Minutes of December 1, 2009 Regular Meeting
5. Ratification of Approval to Pay County Bills: Accounts Payables Dated February 5 & 12, 2010; Payroll Dated February 11, 2010
6. Approval and Signatures for Lien Satisfactions (BOCC Emergency Repair Program)
Willie D. Martin; Ethel Pete; Annie Woody; Lucy Glover; Terry Hayes
7. Approval and Signature for Lien Satisfactions (SHIP/CDBG Housing Rehabilitation Program)
Artie V. McGill; Willie Mae Gadson; Joe & Eleatha Langston; George Sailor; Jessie Sailor; Betty Ceasor; Dorothy Glover; Edith Peek; Edgar & Annie Smith; Cora Spencer; Jeanette Spooner; Viney Gause

CITIZENS REQUESTING TO BE HEARD

10:02 a.m.

Commissioner David Stoutamire, Chairman of the Liberty County Board of County Commissioners

addressed the board.

Stoutamire:

Good morning Commissioners. I appeared before you sometime back about the reconstruction of the Corn Hydr Flow Dam on the Ochlocknee River. I am here again today to ask you to support a resolution that the Liberty County Board of County Commissioners have adopted. They passed it with a unanimous decision. All of the counties, Gadsden, Leon, Wakulla and Franklin County have copies of this resolution. You should have gotten a copy of it a week or so ago. The resolution is to request that the Northwest Florida Water Management District to deny the permit for this reconstruction. I got a unanimous decision from Liberty County. Just this past week, we got a unanimous decision from the Leon County Commission supporting this resolution. Gadsden County is not going to be affected with the water flow the way the counties south of this dam is going to be.

Today is a major day in our step to try to head this thing off. The Wakulla County Commission meets this afternoon at 5:00 and the Franklin County Commission is meeting as we speak. There is a great possibility that both of those counties are going to adopt this resolution unanimously. I have talked to several of the commissioners. I have talked to Commissioner Lamb. I have talked to Commissioner Croley about this situation this past week. I am begging people. This dam reconstruction is going to cause major problems down this river if they continue to reconstruct this dam the way they have it programmed.

Now, they can tell you what they want you to hear and that is what they are doing. But, you can't tell me that you can go in there and cut that earthen dam down to 69.5 feet and we get a flood like we have had in past years. I will give you an example of that if I can find it.

In March of 04, we had a 26.5 ft. river. In 08, we had a 25.6 ft. river. In 1969, we had a 29.5 ft. river. Now, in the spring of this past year, we had a 26 ft. river. In 1969, we had a 29.5 ft. You can't tell me that you could put another three feet of water in that river if this dam and it not affect the down river stream more than three inches or three and a half inches.

Lamb:

Commissioner Stoutamire, what we are going to do is put this on our agenda for the next meeting so that we can vote on it. It has to be on the agenda for us to act on it. And, it is not on our agenda for today. But, we will place it on the agenda for the next meeting.

Stoutamire:

I was very much hoping that you would have it on there today. I sent it to you last week and I was hoping you would take action on it. The Northwest Florida Management District meets on the 25th of February and they are probably in the process of issuing a permit for this. So, I need your help.

Croley:

Mr. Chair, Commissioner Stoutamire, you know, when you called, I think we talked about the timeframe. I believe our law requires us to advertise the agenda and I have not seen a copy of the resolution. I don't know who here received it or who you sent it to, but, that is how come it

wasn't on the agenda. That is a problem from a legal standpoint. Is that not right?

Glazer:

Yes, sir.

Croley:

This resolution – has it been received?

Williams:

I think I have seen the resolution, I have not received a request for it to be placed on the agenda.

Lamb:

Commissioner Holt.

Holt:

I was just about to say, Commissioner, it was received because I saw a copy of it. Who did you speak to about putting it on the agenda?

Stoutamire:

I called Mr. Williams and asked him if I could be heard at this meeting today. I felt that with you receiving this resolution that it would be of importance to you and that you would put it on the agenda. I did not specifically request that it be placed on the agenda.

Holt:

But, if you requested to be heard, that is what you needed to do. That was not a specific form. But, if you requested to be heard, that was the same as requesting to be put on the agenda, Commissioners.

Stoutamire:

I asked Mr. Williams if he had received the resolution. I have a copy of it right here.

Lamb:

It is not a big thing. Can we amend the agenda now. It is not a big thing to do that. He did talk to us about it before hand. In your legal opinion, can we do that now?

Glazer:

The ordinance does allow you, with the consent of the commission as a whole, to place items on the agenda. There is some question, under recent changes in the Sunshine Law, whether you have to advertise each and every single item on the agenda. Unfortunately, this is coming up under Public Comment. If you want to move to amend the agenda and place it on the agenda, I am not going to tell you that you can't do it. I would recommend that if you do it, then re-agenda it for the next meeting and if the vote comes out differently, that it would be communicated to whoever the resolution is going. But, we are not a big fan of this procedure, but, your rules do allow you to amend the agenda. This is only coming up under public comment. It doesn't fit anywhere else.

Croley:

Well, Mr. Chair, just let me say this. You know, I must tell you that this commission has worked very well with the adjoining Liberty County Commissioners. We just have a great relationship. Commissioner Stoutamire has certainly been very supportive of Gadsden County and if it is possible, I think we ought to try to work with Liberty County. We did that with your hunting issue and this commission supported you in that matter.

Lamb:

Let's go ahead and amend the agenda and put it on there. Then it can also be on the next agenda. In case the vote next time is different that it is today, that is what the attorney has said.

Glazer:

The rules say that with the consent of the commission as a whole, I would construe that to mean a unanimous consent of the commission.

Lamb:

Right.

Morgan:

Mr. Chair?

Lamb:

Commissioner Morgan.

Morgan:

Thank you, Mr. Chair. Just one quick comment.

Commissioner Stoutamire, I agree completely with Commissioner Croley regarding our relationship between the two counties and your commission and ours. I understand that you received support from other counties on this resolution as well.

I did see an email. I believe it was an email containing the resolution. I am going to disagree a little bit with Commissioner Holt very respectfully in that. Even though you called and discussed that with the administrator, if there was no specific request to have it put on the agenda, you can still address us without having to be formally put on the agenda.

Also, coupled with the fact that our county attorney does not feel comfortable in advising us to do it, I just can't. I would feel better about it, and I understand that we are working on a timeline here. Commissioners, there is a reason that we have a county attorney and there is a reason why we have certain things in place here. I just don't feel comfortable in moving forward with it unless it is properly agendaed. And, I say that very respectfully, Commissioner Stoutamire. There is no reflection on our relationship with Liberty County or your issue.

Lamb:

What is the date that you said they were going to meet?

Stoutamire:

The date that Northwest Florida Water Management is going to meet is on Thursday, February 25th at 1:15 p.m. When do you have another meeting?

Lamb:
March 2nd.

Stoutamire:
Well, this is critical, gentlemen, to the people down the river.

Lamb:
Can we send a letter or something?

Holt:
That is what I was going to suggest.

Morgan:
Is that another avenue?

Lamb:
We will put it on the agenda for March 2nd. But, I think we can send a letter now on behalf of the county.

Glazer:
I think that is a good compromise.

Lamb:
I've got another speaker. Let's keep moving. We are going to send a letter, then we will put a resolution on the agenda for the next meeting.

Come on up, Ed. State your name and address for the record.

Stoutamire:
Thank you. I appreciate it.

Allen:
My name is Ed Allen. I live down at Lake Talquin. I just want to kind of follow up on this resolution that Mr. Stoutamire is talking about.

Now, I happen to agree that they should not reconstruct the dam. However, this resolution that he is talking about – there are some people below the dam that are trying to change the designation of the lake. They are trying to change it from recreational to flood plain. I want to be certain that this resolution does not change that flood plain. The minute it does, it allows that dam to lower it down 20 feet from where it now is. Once you lower it 20 ft., every dock, every fish camp in Gadsden County will not be able to get their boats out on the lake. It is a recreational lake right now. As long as they do not. The people down below the dam are trying to change it from recreational to flood plain. As long as that resolution does not change that from that designated

category, then there shouldn't be any problem with it. But, if it does, this county needs to stop and think about it before it passes.

Lamb:
O.K. Thank you.

Commissioner Stoutatmire, we will send a letter on behalf of the board. At our next meeting, we will have it on the agenda and then we will take a vote. If it passes, then we will send a resolution.

Holt:
Mr. Chairman.

Lamb:
Yes, Commissioner Holt.

Holt:
We need to vote on the letter, right quick.

Lamb:
O.K. Can I get a motion?

Holt:
So moved.

Morgan:
Second.

Lamb:
It has been moved and properly seconded that we send a letter on behalf of this board to Northwest Florida Water Management District concerning this and we will follow up on the next agenda. You have heard the motion. We are ready for questions. If there are no questions, we are ready to vote.

All those in favor, let it be known by saying, "Aye."

All:
Aye.

Lamb:
Opposes?

(No response)

The "Ayes" have it. Thank you all.

Commissioner, we will draft a letter.

Mr. Stoutamire, before you leave, you need to get with the administrator and make sure that you let him know what we need to say when we draft that letter concerning it. It will be on the agenda at our next meeting.

Stoutamire:

This letter has went to all five counties that are involved. Also to the Governor, to the Department of Environmental Regulation, then to the United State Senators, Senator Nelson and Senator Ranew, Congressman Boyd and our local legislators. I am not sure if Representative Williams has gotten one or not, but if he did not, I certainly intend to get him one. But, Senator Lawson and Representative Marty Coley, they have all received the same resolution that you have.

I appreciate your concern with this. This resolution has nothing to do with changing the designation of Lake Talquin. What it consist of is to not allow this thing to happen to where it will flood 40 miles down this river.

Thank you, sir.

Lamb:

Thank you, sir.

Ms. Barbara Gay, 26 Watson Road addressed the board in opposition to the possible placement of the Biomass Plant in Gretna.

Mr. Dave Borland, Dante Court, Quincy, FL also spoke in opposition to the Biomass Plant as well.

Discussion followed among the board regarding the responsibility of the county with regard to the Biomass Plant .

RECESS

THE CHAIR DECLARED A FIVE MINUTE RECESS AT 10:30 A.M.

8. Update on Discussion With Health Corporation of America

Attachments: Letter of Intent with HCA; Pro forma projections of the hospital prepared by HCA;

Glazer: Good morning, Commissioners.

As I mentioned a couple of weeks ago, today is another big day in our efforts to move forward to reopen Gadsden Memorial Hospital. I've got several items to bring before you. Some for information and some for action. We are going to start with a discussion and updating you on our ongoing negotiations with HCA.

With us here today is Mr. Bob Wethington who has been here before. He is the Chief Executive Officer of the Capital Regional Medical Center and also Steve Ecenia, the attorney for HCA. They are both here and I know will be happy to answer any questions as we move forward this morning. Craig McMillan is also here as the chair of Gadsden Hospital, Inc.

I will tell you that we do have now a first draft of the detailed lease that has been provided to us by HCA. Candidly, I have been busy with things like the trust case and the bond that we will talk about here, so, I have not had a chance to get comments back to them, but, the plan is that we will prepare comments -the committee that you set up, which is Mr. Lawson, Mr. McMillan and myself. We will be working on some comments to that draft document.

I will tell you that there are no surprises in it, though. What we have talked about. There are still a number of details, though, to work out. We will get a draft back to them with the hope of at least bringing a lease back to you at the next meeting or the one after that.

We do plan to take that lease, as far as we have gotten, to the board of Gadsden Hospital, Inc. They meet again next Monday and will be discussing the lease at that meeting as well. We'll be giving them an update and get their input to bring back to this board.

One of the things that I did want to do with you this morning is – we have talked, both Mr. Ecenia, Mr. Wethington and myself have talked some about the financial projections that HCA has for this hospital. We haven't really gone through them at any level of detail and I did want to take a few minutes here this morning to provide some of that information to you. We can talk a little bit about exactly what they are projecting for this facility. Can you all see that? You should actually have the – you've got a copy of this in your agenda materials.

Does it work better if we turn off the front lights as opposed to the back lights? I am not sure. Ya'll know better than me. O.K. I think you can probably turn the back ones on if you like. (pause) Well, it doesn't work that way, so, o.k. I operate in the dark a lot, anyway, so.

I wanted to point a few things out to you about this projection of revenues and expenses just to get a comparison. First of all, I am going to highlight a few things, and I certainly invite Mr. Wethington or Mr. Ecenia to supplement anything that I might miss. But, let's look at 2010.

What they have projected here is \$3,792,000 in what is called net revenue. I will talk a little bit more about that, but, that is essentially what they are going to collect. That is not what they are going to charge because what you will see as you look down here, you will see \$4,863,000 as bad debt, charity and uninsured discounts. So, essentially, what they are saying is that the billing for the services of the hospital will be well over \$8,000,000. But, more than 50% of that is not going to be collected for a variety of reasons. Now, that is not terribly unusual in a hospital industry. This may be a little bit higher percentage than maybe in some urban areas, but, hospitals routinely collect 50% or less than what they actually charge. That is what they are projecting here. You will see that carries through in all the future years as well. The amount they don't collect exceeds, more than 50% of what they are charging is not going to be collected.

There are a variety of expenses here and I am going to go through some of those as we hit some later pages, but, let me show you this line item here that is called EBIDTA. Earnings before interest, taxes, depreciation and amortization. Essentially, what that is is the money that the hospital will generate, not taking into account non cash items such as depreciation amortization. It doesn't take into account taxes. So, what you are really looking at is – what are the real revenues and expenses associated with operating the facility as opposed to some of these other costs.

Now, these other costs are costs, don't get me wrong, but, they are expenses that are more accounting issues and tax issues than they are actually out of pocket expenses for hiring the staff, buying supplies, and keeping the lights turned on and so forth. You will see that the projection is as we have represented to you in several meetings in the past. They are looking at an operating loss. \$700,000 in the first year. Up in the fifth year - \$800,000. What is important to remember about that is a couple of things.

One, now this does not take into account things like the trust income, so, hopefully, that will help offset some of these losses. But, more importantly, what they told you is that they are not coming in here with an expectation of generating a positive bottom line at this facility. Their plans to stay are not dependent upon them actually generating a profit out of this location. Of course, if they can do better than that, that is great. The provisions of the original letter of intent and the lease do say that if things go much worse than expected, that is an opportunity for them to pull out some 3 and a half years into the venture. But, these are projections, of course. Nobody knows exactly what will happen. This is the projections they've got to this point.

Let me give you a little bit more detail. These are not numbers that have been pulled out of the air. HCA is very good at doing these kinds of projections and they time base them on data. What they have looked at is they are actually able to see that in 2008, you had over 15,000 emergency room visits from the eight Gadsden County zip codes. That data is publicly available. They made an assumption that 57% of those would be captured at this facility with the rest going to other facilities. They have assumed that there would be other diagnostic visits. If you recall, there will be CT and other diagnostic services. Some of those will still be generated at this facility. And, based on that information, they determined the gross revenue.

What they did is they, again, they looked at what Capital Regional Medical Center data is for the Gadsden County zip codes. So, they are actually able to determine when is their experience with patients that come from Gadsden County. They used that in making their projections. They then have to deduct the part that won't be collected. That is the net revenue. Medicare does not pay full rate. Medicaid certainly doesn't pay full rate. Everybody, basically has some level of discount and those are taken into account in determining that net revenue number.

This is the projection on the staffing for the hospital. A couple of things I will point out to you about this is that first of all, you can see that even in the first year of operation, you are looking at almost 40 full time equivalent jobs for Gadsden County. I think if you look, unfortunately, it kind of shows up right there in that column right there. It is a little hard to read, but, you can

see that these are jobs that pay from \$14.00 per hour to almost \$45.00 per hour. So, these are some very good paying jobs. Of course, these are full time equivalents, there may actually be more people. In fact, there are more people than are reflected on here. This does not include the emergency room physicians. Those physicians are independent contractors, but, those will be people who work in the hospital. There will also be some contract staff. For example, the folks who work in the kitchen. We've got them at contract. So, there are more jobs than are even reflected on this sheet. But, the salaries of those folks and the benefits are all taken into account in the various projection of the expenses.

Getting a projection of the supply cost, professional fees, contract service fees – all this is based largely on their experience at Capital Regional Medical Center. You are looking at utilities expenses, insurance, non-income taxes. Some of you may recall that one of the problems that Gadsden County was left with when Ashford abandoned the facility was that the State was owed a bunch of money in indigent care taxes. That indigent care tax, well, fortunately for Gadsden County, the Legislature wiped that out for you. So, that liability does not still exist. But, HCA has included that projection in here. Then, they've got a catch all figure for a number of other operating expenses.

All that then leads back to our first page which is the summary of that. That is the starting point that they are using. They are, like I said, projections. Let me stop at this point and see if either Mr. Wethington or Steve has anything to add. I just hit the highlights. See if there any questions just on this piece. I've got a lot more to cover, but, let me just stop here.

Lamb: Are there any questions from the commissioners on this piece?

Croley: For the sake of public understanding, that \$700,000 loss that you referenced, then depreciation and other matters, a portion of that is indeed the county's that you referenced. Not actual dollars in the sense of loss as much as an accounting technicality.

Glazer: Well, actually, no. The depreciation and amortization is not in here. This is pretty much real loss. These are green dollar bills.

Holt: Mr. Chairman?

Lamb: Yes, ma'am.

Holt: Question: On the \$700,000 – I asked about two months ago for a breakdown on that \$700,000.

Glazer: Yes, Ma'am. This is it.

Holt: Right. That is what I am looking at. And, I had a couple of questions about that. When we are looking at that, it is only for an emergency room. Not with the beds.

Glazer: This is all outpatient services.

Holt: O.K. Alright. Because, I know there is a cost, but I am not comfortable with the \$700,000. Not without having to check that data out. I looked at two other facilities and they were hospitals and their loss was about that on a 20 bed hospital.

Glazer: Hospitals can losses and profits that are – the bottom line is often times regardless of how many hospital beds you have, you may have a 100 bed hospital with a \$700,000 loss. You may have a “0” bed hospital with a \$700,000 loss.

Holt: Right. That one with a 25 bed hospital, specifically. The loss there - it is not enough loss for them to shut down, so, I am concerned about that – an emergency room with beds that we can’t use.

That is why I asked you the question.

Glazer: I don’t think I am following the question.

Holt: Yeah, I have a concern about that, like I said. A \$700,000 loss with only an emergency room when I am looking at the same amount of loss on hospital that has, I think, 28 beds or 25 beds. Their loss is about that. They are not going broke. I need a little bit more definition on that \$700,000 because and the reason that I asked for it two or three months ago, is because I want to have time to look at that data and compare that data with some other hospitals.

Glazer: Well, what I would tell you is that the losses are driven by – your starting point is – What are your revenues, which is what is the assumption on how many visits there will be. Then you look at your cost. So, if you increase, if more people use the facility than are currently projected, your costs don’t go up in lock step with it. You gain with the economies of scale and efficiencies. So, with more revenues, yes, you would have some higher cost, but, in fact, you might generate a profit.

Holt: That, I know. That is not my question. That is not really my concern. It is just that you have the data within a two week period, but, I haven’t had a chance to get that comparison with hospitals that run with inpatients. To do the comparisons with this data to those that have inpatient numbers.

Glazer: This is provided for information. There is no need for you to take any action on it. You still have plenty of time to look at it, Commissioner.

Holt: Right. But, you are going to have some items that you want us to take action and this may relate to it. That is why I asked for earlier, but thank you.

Thank you, Mr. Chairman.

Lamb: Please continue, sir.

Glazer: In addition to presenting this to you this morning, the other thing that we have done is we have also been taking steps with the State. We have met with, last week Mr. Ecenia and I and others met with the Agency for Healthcare Administration to begin to work on some of the details that will be involved in reopening the hospital. There are still a number of details still to work out. We had a very good discussion with AHCA. I will tell you there are still some issues to deal with. I don't think any of them are insurmountable by any stretch, but, it is now as you move forward that you really have to start digging in and figuring out exactly what is it that the State is going to need to see before the hospital opens. Those are the discussions that we are now having. So, we are moving on to that next phase toward getting closer to open.

The plan is hopefully to get some, while some of the AHCA have been out to see the facility, we are now talking about trying to organize a visit by some additional AHCA officials. Some of the ones who will actually be involved in surveying the hospital and getting them out there to see the place and working on the details of that final opening process.

I don't want to state an actual date at this point, but, I will tell you that I think you will see us targeting a date in and around the beginning of June for the facility to reopen. We are all acutely aware of the June 21 termination date. I will tell you that we have discussed, both with HCA and GHI, and I have mentioned it to this commission before, the question of "Will we have to go back to the Legislature for an additional extension?" All of our recommendation is at this point is to not do that, but, we are extremely aware of that deadline and we know that we are going to have to keep a close eye on that. Session starts in just a couple of weeks and if we run into any particular hurdles that look like they might push us back, then we may, in fact, need to go and seek some additional time. No one wants to do that. Trust me. We are all shooting to stay on a timetable to get this hospital doors opened by June 21. That is why, at the moment, we are shooting for that early June date.

The next step that we have undertaken and that HCA has done, even though we are still working on the formal agreement is that they have actually prepared purchase orders for the equipment. You have in your agenda packet, and it is over 40 pages, I didn't try to put it up on the screen in any way. But, you've got a very detailed equipment list. The way that was prepared was literally, experts from HCA went room by room in the facility to determine what was needed. Mr. McMillan and I and Mr. Lawson have looked at that and we have had a number of discussions with them. As I have said many times, we don't really have the luxury of doing things concurrently, I mean consecutively. We are going to have to do some things concurrently.

Equipment Purchase

So, today we are going to talk about whether or not the commission is ready to authorize some expenditures for the equipment. Before I do that though, let me fill you in on two very good pieces of news that have occurred since the last meeting.

First, we had our final hearing in the case with regard to the trust and access to the trust.

And, about a week and a half or so ago, we had a hearing before Judge Sheffield and Judge Sheffield issued an order that authorizes this Commission to withdraw up to \$4 million from the corpus of the trust for purposes of equipment, furniture and other preopening items. He also approved our request to amend the trust with regard to an investment committee. I will come back to that in a few minutes. And, another issue regarding pledging the trust with regard to potential borrowings. But, again, I will deal with that in just a second. So, we had a very good hearing with Judge Sheffield and we got everything we asked for.

Bond Validation

Then, just yesterday, we had a hearing on the bond validation case. In that, Mr. McMillan and Mr. Lawson actually testified in that case. Again, the same judge, Judge Sheffield considered all the evidence and he has validated the bonds. What that means, and, of course, those are the bonds that you all have already approved, the ordinance that you have already approved. What that means is that it has been determined that the use of the surtax proceeds for the continuing payment of the debt associated with the hospital, under the new bonds, is legal, even if the hospital is leased to HCA, a for-profit entity. That has now been determined and taken care of. So, that was also a good day we had yesterday with regard to that.

I am ready to move on and talk a little bit more about the trust, but let me pause and see if there are any questions or I will go on and talk some more about exactly where we are with regard to the trust.

Williams: Are you moving to Item Number 9, now?

Glazer: Not yet.

Williams: Thank you.

Glazer: Let me make sure.

Oh, I am sorry. I am moving to Item 9. Thank you.

If we can, let's move to Item 9.

Do you guys have anything else you want to add to this?

(no response)

O.K. Great.

9. Hospital Trust

Hospital Trust Amendment

Now, let's talk a little bit more about the trust. The Court gave us a final judgment that does three things. 1) The court found that there is a sufficient "emergency" – that is the term that is used in the trust that granted you, the County Commission, the authority to withdraw up to \$4 million for furniture, equipment and related expenditures.

They did amend the trust and authorized the appointment of a new advisory committee. If you recall, the trust requires an advisory committee. When the trust was set up in the 1950's, that was the hospital board. That board no longer exists. We needed a new mechanism so that the trustee could annually or semiannually get investment advisory decisions. There is one appointee that will come from the county commission, one from GHI and then the Clerk or his designee is also the third member of that committee.

The third thing that the court authorized is the pledge of the corpus of the trust for helping to get a better deal with regard to the bond proceeds. While the court has authorized us to pledge that, I will tell you that, at this point, (I'm jumping ahead a little bit to when we get to the bond issue), but, so far, it doesn't look that that is going to be necessary. None of the lenders that we talked to even mentioned that. So, although we have the right to do it, I don't think it is necessary. If it is not necessary, I would not recommend doing it.

Croley: Mr. Glazer, would you repeat that again now.

Glazer: Sure.

We asked early on when we started the bond case, we were not exactly what we were going to do with regard to re-financing the debt. There was some thought that if we could pledge the corpus of the trust, the remaining corpus of the trust, that it might help us get a better interest rate from the lender. But, we knew we would have to have court permission to do that. So, we added that to the trust case. The court did grant us that right. But, as we then went out and put the bond out for bid, that doesn't appear to be an issue.

Hospital Purchase Orders

As I said, we now have over 70 purchase orders. HCA is ready to actually start buying equipment. They have made their purchasing cooperative available to us. So, Gadsden County has, at no cost, joined the HCA purchasing cooperative which allows the County to purchase equipment at their prices, which are based on the national contracts and these are some of the best prices that are going to be out there because they are buying nationwide.

And, while we have gone through those, I know that Mr. McMillan and I have talked and we still have a few details to work out with regard to some of these. In order for us to continue to try and meet the timetable, we have to come to you today and ask whether

you are ready to go ahead and start authorizing some of those expenditures.

I will tell you that, in a perfect world, we would have signed a deal with HCA. We are not ready to do that today. I mean, we've got the agreement. We are working on it. It is going to be a little while before we come back to you with that. But, if we lose another two weeks or a month, then we are going to have a bit of a problem.

You now have the authority to begin to purchase this equipment. WE have purchase orders that are ready to go. The purchase orders are tied directly to the list that you have in your materials. We are still going to work with them some to see if we can fine tune a few things, but, what I am asking you to do today is for a **motion to authorize the withdrawal of up to \$3,226,000 for furniture and equipment purchases for the hospital.** Before I ask if there is someone willing to make that motion, let me tell you one other thing. And again, I am jumping ahead a little bit.

When we were talking about the bond proceeds, there was a question from one or more of the commissioners about, "Should we look at potentially borrowing the money for the furniture and equipment rather than using the trust fund?" I will get to that in more detail, but I will tell you that the bidders that submitted proposals, only one of them was even willing to even consider loaning us more than \$13 million. I will tell you that the debt service on that was (depending on which figure you look at, and I will show them to you in a few minutes) well over \$900,000 to over \$1 million a year, just in debt service for that. And, in fact the bidder that was even willing to do that is not one that we are recommending to you because they have hundreds of thousands of dollars in costs. So, the bottom line is if we use that bidder, the only one who was willing to lend us that much money, we wouldn't actually even have enough money to pay everything because after we deducted the costs, there would not be enough left to pay off the debt plus the furniture and equipment. So, again, I am jumping ahead a little bit here. But, it is my view, and I believe that Mr. Lawson and Mr. McMillan and Clerk Thomas share, we talked about this quite a bit at our evaluation meeting, that borrowing the additional \$3.5 million or so for the equipment is not truly a viable option because it would simply eat up the whole surtax. Like I say, you still have to (inaudible) with some other funds to come up with the money.

Morgan: Mr. Glazer, can I ask you a quick question at this point. And, I was one of the ones that had a concern about that. I did ready the information enclosed and understand completely from a business prospective that it would make better sense to do it that way. I agree with you.

One thing that you did mention, even though you are asking us for a decision to go into the trust for this \$4 million and make some expenditures here, I am very well aware that HCA has excellent pricing and other type things that we will be able to take advantage of. You did mention that even though we don't have a formalized agreement with HCA – I am going to play the devil's advocate here and say for whatever reason that doesn't work out – we've already given you the authority to go ahead and use these funds, are we still going to be able to receive benefits from that HCA pricing on all this equipment?

Glazer: Certainly. Yes. I mean, we can participate in that today.

Morgan: I mean if a month down the road, even if an agreement is still not in place.

Ecenia: If we don't have an agreement, we are not going to restrict your ability to use the purchasing co-op. We are certainly hopeful that we are going to reach that. But, without regard to that, we would not do that to you.

Morgan: I understand. Then that is for the board, that is a pretty good indication of where we are in this process. I hope that people realize that. That was my only comment.

Thank you.

Glazer: At this point, and I know that I am covering a lot of stuff in a hurry, but, it would be appropriate for there to be a motion to authorize the withdrawal. We are not asking for the whole \$4 million. The total is \$3,226,000. **But, a motion to authorize the withdrawal of up to \$3,226,000 for furniture and equipment purchases for the hospital and in addition to delegate to your committee, which is Mr. Lawson, Mr. McMillan and myself the ability to continue to work with them on the details of those purchases.**

Croley: Mr. Glazer, before we act on that request, since the oversight committee of the trust that we are talking about is the Clerk and

Glazer: Actually, I meant the Clerk, too. I am sorry.

Croley: I would like to hear if Clerk Thomas is comfortable with this approach, as the Board's chief financial officer.

Thomas: Yes, we will contact the bank and they will probably need a little lead time to decide what assets to liquidate to get the money. Then the money will come to the County and as the equipment arrives and we get the invoices, the payment will be made.

Croley: But, are you comfortable with this recommendation, all things considered and with what you know about it?

Thomas: Yes.

Croley: Yes.

Croley: And, of course, Mr. McMillan, as chairman of the hospital board, is this your recommendation as well?

McMillan: Yes, it is my recommendation. Also, I want to assure the board that I know the HCA people are tired of me already, but, we are going through that equipment list and there were approximately 76 purchase orders. We pulled out about 50 that are fine with no

questions. But, we've got about 20 – 25 purchase orders that there are going to be substantial discussion on. And also, some reduction in where we are. So, I think they would agree that there are some changes that are going to be made that are going to be to our benefit. I think this is the only way you can get it done.

Croley: And my final question. Mr. Administrator, are you and Mr. Lawson and the county staff supportive of this move?

Williams: Yes, sir, we are.

Croley: Well, alright. That seems to be the appropriate next step.

Glazer: O.K. At that point then, I would ask for a motion to authorize the withdrawal of \$3,226,000 from the trust for furniture and equipment purchases for the hospital and delegate to the committee, which is Mr. McMillan, Mr. Lawson, Clerk Thomas and myself, the authority to work out the details of that.

Taylor: Mr. Chair.

Lamb: Commissioner Taylor.

Taylor: Thank you.

This is a stellar moment and it is great news. Craig, I do appreciate your being the watch eye on the expenditures because that is just not my line of expertise. I certainly appreciate you being a good steward over these dollars. So, that being said, **I would like to make a motion that we approve this request to withdraw up to, not to exceed, \$3,226,000 to use for the purchase of fixtures down at the hospital.**

Glazer: **Furniture and equipment.**

Taylor: **Furniture and equipment. That is my motion, sir.**

Croley: **I second it.**

Lamb: **It has been moved and properly seconded that we give the hospital board permission to withdraw up to \$3,226,000 from the trust for furniture and equipment for the hospital and grant Mr. Lawson, Mr. McMillan, Mr. Glazer and Clerk Thomas the authority to continue their procedures and negotiations.**

Taylor: **I amend my motion to include that second half.**

Holt: **Amend your second. You seconded it.**

Croley: **I amend my second.**

Lamb: **He amended it.**

Commissioner Morgan?

Morgan: Thank you, Mr. Chair, just a question. Do we require a super majority vote for this? Secondly, just for information for the board, I am going to recues myself from this vote simply because the expenditure of the funds - some of those are directly going to GE Healthcare, which I am employed with. Just for your information.

Lamb: O.K. No problem. I know you support it, though.

Holt: Thank you. I have a question for HCA. Well, for Mr. Glazer.

If this contract does not go through, how does it affect the equipment in the contract? I am leery about buying something before we have a contract.

Glazer: I hear you, I do. I hear you. I wish it wasn't this way. Here is what I will tell you and Mr. Ecenia is going to half way help me here.

A lot depends on timing. Let's say tomorrow, this whole thing falls apart. Well, we won't be out anything. If it is a month from now and we've got some things on order, then you will have to decide what to do at that point.

For example, it may – let's say it was a month from now. No, I am not suggesting this. WE are working hard to get this done. But, if something happens and it fell through, then you just heard Mr. Ecenia say that they would allow us to continue to use their purchasing power to buy the equipment. Well, you could decide that we are still going to buy the equipment because we have already sun \$10 million into this place and we need equipment and we might as well take advantage of the work that has been done. And, at that point, we would probably going back to the Legislature trying to get some additional time. But, we would have at least gotten an equipped hospital.

Or, you may say, let's try and cut our losses and see how much of this, for lack of a better word, return or cancel the purchase orders. All of those are potential options if something doesn't work out. Like I say, we are working hard trying to get a final agreement back to you as quickly as we can. But, we have this problem of lack of luxury of time.

Holt: O.K. Question for HCA.

Ecenia Yes, ma'am.

Holt: We get into this, order the equipment, we can't settle on a contract, What is HCA's stance on it?

- Ecenia: You would own the equipment. You are using our purchasing cooperative in order to buy the equipment. We are not selling you the equipment. So, the county would own the equipment. Certainly to the extent the agreement didn't come together and you wanted to get out of certain contracts, we would do whatever we could to help you. But, I can't give you any assurance that you would be able to cancel some of the purchase orders. The critical thing here is that some of this equipment requires a 90 day lead time in order to get it. There is just no way to wait until we have an agreement done to order it or we will be outside of the June 21st date. We are very mindful of when everything needs to be done. The only reason you are here today to vote on this is because of that June 21st date and the need to have the hospital ready to go. We can't operate the hospital unless we have the equipment. But, the county would own the equipment. HCA is really serving as a conduit for the County in order to be able to buy from our purchasing Co-op. Basically, we are just a conduit so that the County is able to enjoy the pricing that HCA enjoys when it purchases equipment.
- Glazer: You don't pay a fee or added cost for that. This is a straight pass through.
- Holt: I know that HCA is the good guy here. But, my question is – isn't there an implied contract, Mr. Glazer?
- Glazer: The purchase of the equipment is definitely a contract.
- Holt: No, no, no. We are using their buying power. We are in negotiations of a contract with them. Is using their buying power by the county to get equipment for the county hospital – is that not an implied contract? How does the law look at this?
- Glazer: It is not a contract to lease the hospital.
- Holt: I know it is not. I said "implied."
- Ecenia: No.
- Glazer: I think that Mr. Ecenia would agree with me.
- Ecenia: Well, really, it is as though – let's say that the county was operating the hospital itself. If you came to HCA and said, "Look, we know you have some advantageous pricing. Would you let us use your pricing mechanism so that we can get a better deal for the citizens of Gadsden County?" Basically, that is what we are saying right now. We don't have a contract and we are trying to do this in order to assure that you get the best prices for equipment. At least the prices that we get.
- Holt: I think you are doing a great job.
- Ecenia: One doesn't have anything to do with the other. The fact that you are using HCA's purchasing cooperative to get the equipment does not imply that there is some kind of

implied contract to operate the hospital. They are two separate things.

Holt: I know that. I just want to make sure, Mr. Glazer that later on if this doesn't work out, because we are not implying that we are doing something that we are not. I am very leary about buying equipment. I know time is a sensitive issue. I know that better than anyone up here. But, what I am concerned about is implying that we are going to work with this company and then it all falls apart, we don't work together. I know that we need the equipment and we need to open on time.

The other thing that concerns me is – getting the equipment – it appears as if we are going to sign this contract. Those are things that I am very concerned about. To buy things for a hospital that still may not open. The fact that we didn't do the due diligence of getting that contract ready in time bothers me.

Glazer: Well, the options are limited, Commissioner. If we don't do this now, then we run a serious risk that we won't be able to get it open. Then, it doesn't matter if we have a contract.

Ecenia: Yeah. I would say that if we don't do this now, you would almost certainly have to go back to the Legislature and extend the license date. There is pretty much no way we are going to be able to do this. I mean, we've got a few more days, but, it is days. You see, we have to submit a license application 60 days in advance.

Holt: I understand that. You don't have to worry about explaining it. I just wanted to make sure, like I said.

The other thing is – How does this affect the trust? When we take the money out of the trust, are we going to have to put the money back into the trust?

Glazer: Not at this point. No. This is authorization from the court to withdraw up to \$4 million from the corpus of the trust.

Holt: So, do we have to pay it back later? You said "not now."

Glazer: NO.

Holt: O.K. That is what I needed to know.

McMillan: Could I just say one thing, too, please?

Lamb: Yes.

McMillan: If this doesn't work, we've got big time problems. But, always think that what we are equipping this facility, at the very least, could always be go back to the Urgent Care Facility. You would have to have most of this stuff. There are some bells and whistles that you wouldn't have to have at an Urgent Care Facility, but, I mean, at least you would

have the equipment that is there to be used for those purposes.

Holt: Mr. Chairman, I am good to go with that, but, I just wanted to ask something about the supply list.

There is going to be a play room?

McMillan: A play room?

Holt: Yeah. There is going to be a play room. I was like – if there is going to be a play room, can we just get a couple of beds for overnight people? People you have to do observation on? It is a hospital.

Wethington: It is actually in the drawing. I think Clyde can probably tell us more about. There is actually a play room drawn into it. So, if it is there, we are going to equip it.

Holt: That, I am concerned about. You know, we have people trying to get to Tallahassee and if you set aside a play room, I am concerned about that. Especially, when you look at the numbers that we are going to spend on equipment for a play room. We need to be trying to take care of people that right now are having a hard time getting gas just to get to Tallahassee. I don't see a play room at all. I see taking care of business and keep moving out there. I don't if any of these commissioners have a problem with it. But, if we need to straighten that out, somebody needs to straighten it out.

Glazer: I think that was a fairly small expenditure.

Holt: No, no, no, sir. You see, we have people that are concerned about healthcare.

I understand about the playroom, but, if they are there long enough to go play in a play room, then they need to be back at the house or working or at another hospital.

Lamb: I don't think they are talking about an adult play room.

Holt: Sir, I don't care who they are talking about. I am saying if there is a need, we need to take care of the need. We will take care of the luxuries later.

McMillan: Our mandate was to equip the facility completely that (inaudible) which includes the four rooms. The patient rooms will be fully equipped. The Chapel. The whole thing. So, the

Holt: I am not criticizing you at all. I am just saying that we were talking about needs. That is all. Like I said, I don't think that this commission or anyone else needs to equip a play room. We need to see if we can take care of some healthcare and move on.

Thank you.

Lamb: It is going to work. Don't think negatively. It is going to work. It is already done.

I am ready to vote. All in favor, let it be known by saying, “Aye.”

Lamb: Aye.
Holt: Aye.
Croley: Aye.
Taylor: Aye.

Commissioner Morgan abstained from voting.

Lamb: Opposes?

(no response)

The “ayes” have it.

Thank you.

Holt: Mr. Chairman, right quick. Are we still looking at the play room, sir?

How are we going to look at that, Mr. Chairman?

McMillan: We are going to look at everything that ACHA tells us that we have to look at. At one point, we were looking at we weren't going to actually equip out the OR, but I think that AHCA is saying that we have to equip OR to a certain extent. So, whatever they mandate us to do, we are going to do. If it is something we, and we have had these discussions, if you will look at your list of equipment, you can see 63 computers. Well, there is no reason to have 63 computers. So, we are going to do what is required. We won't buy those computers that won't be used because they will be obsolete by the time we get to expand. It is our intention that this will eventually become a multi use facility that will have the beds that you want. We just hope that the business will grow to that. But, they've got to have the patient input before that can happen.

Holt: Mr. McMillan, we finally agree.

McMillan: That is scary. (Laughter)

Holt: That is scary.

Lamb: Work with Arthur. Whatever they require, that is what we will do.

Croley: Before it gets all over this community that we have approved play rooms and 60 something computers, let's make sure that everybody up here on this commission and in the official record, here that this has been reviewed by a circuit judge and approved. We have heard from the county staff and heard from the chairman of the hospital board, the attorney and the Clerk's office. I have full confidence that they are not going to do

anything that will waste public funds that has been so responsibly given to them out of this trust fund. So, if it goes out and we hear it all over the street that money is going to pay for a play room is just not true.

Holt: Mr. Chairman, if I may. Mr. Croley, most of the people that you named make more money than people in this county. The people in the county are concerned that if there are healthcare needs, they don't want to keep going to Tallahassee, they don't care what we are spending.

Thank you, Mr. Chairman.

Lamb: Do what you are supposed to do, Craig. Continue, Mr. Glazer.

Williams: Muriel, let the record show that we are on Item No. 10, now. That is approval of the RFP for Financing the Sales Tax Revenue Refunding Bond.

BOND REFINANCING

Glazer: Commissioners, you will recall that a request for proposal was issued on January 8, 2010 for lending institutions to lend money to refinance the current approximately \$10 million debt for the construction of the hospital. The responses were due by 4 p.m. on January 29th. The county actually sent the proposal to 10 different bidders. We received 6 different responses. There was an evaluation committee. That was Arthur Lawson, Craig McMillan, Clerk Nicholas Thomas. They were the committee. They were advised by myself and Jason Breth and Jolinda Herring with Bryant Miller & Olive. We met in a noticed public meeting in this room on February 8th. Before reviewing the bids, I will again tell you that there was a bond validation hearing held on February 15th, yesterday. The bonds were validated as I mentioned a few minutes ago. It has now been determined by the court that it is legal to continue to use the surtax proceeds to pay the construction debt even if the hospital is leased to HCA, a for-profit company.

BID EVALUATION AND RECOMMENDATIONS

Before we actually review the bids, I've got two preliminary items that I need the commission to be aware of and take action on. If you would, because remember, the evaluation committee did not make any decisions. All we did at that meeting was to come up with recommendations for you all. All decisions belong to this commission.

COMPASS BID ACCEPTANCE

First of all, one of the bids we received was from Compass Bank. As I mentioned, the bids were due at 4:00 p.m. Due to a technical problem, the Compass bid came in a few minutes late. It was received after 4:00, but before 4:30 p.m. Again, it was due to a technical e-mail problem. The committee voted to recommend that the Compass bid still

be considered on the basis that no other bidder was prejudiced by the late receipt and that Compass did not get any advantage by us accepting the bid a few minutes late. I will jump ahead a little bit and give you a look at the end of the chapter. I will tell you that we are not going to recommend Compass to you, but, we are recommending that the Compass bid be accepted for consideration by the commission. So, at this point, I would ask for a motion that the Compass Bank bid be accepted for consideration as part of this RFP process.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO ACCEPT COMPASS BID FOR CONSIDERATION IN THE BID PROCESS.

Holt: How does that affect other bids that come in late?

Glazer: There was only one bid that came in late.

Holt: No, I am saying in our bidding process.

Glazer: The bidding process is over.

Holt: No, sir. Our policy for accepting bids.

Glazer: Oh. I spoke to Mr. Lawson about that. He said that is in consistent with prior practice of the county.

Holt: So, we have been accepting them late all the time?

Glazer: Well, I can't tell you in every instance. This one was just a few minutes late due to a technical problem. But, what one typically does is look at whether anyone derives an advantage or is prejudiced by the late acceptance.

It was the judgment of the evaluation committee that was not the case here. There may be other circumstances where someone might feel differently.

Holt: Right. Thank you, Mr. Chairman.

Lamb: You are welcome.

Continue.

Glazer: You want to take a vote on that motion.

Lamb: You heard the motion, are there any other questions? We are ready to vote. All in favor, let it be known by saying, "Aye."

All: Aye.

Lamb: The “Ayes” have it.

Thank you.

CAPITAL CITY BANK

Glazer: One other technical matter before we get on to the bids.

Capital City Bank did not submit a bid in response to the RFP. We were advised, or rather, Mr. Lawson was advised verbally that a proposal that was submitted by Capital City Bank back in December, December 14th was one that they were willing to have us consider as part of this process if we chose to do so. But, that was before we put the RFP out. We had asked them for a bid a while back just to get an idea of how things were. They had given us one, but they did not submit a subsequent actually in response to the RFP.

The Committee took a look at whether the Capital City proposal from December of 2009 should be accepted. I will tell you that Mr. McMillan, because he is a member of the board of Capital City Bank recused himself from any vote on that particular issue. But, it was the recommendation of Mr. Lawson and Mr. Thomas, that Capital City bid not be considered.

I will tell you two things about that. The chart has their information on it. I will also tell you that based on the criteria the committee considered, we would not have recommended them to you anyway. And, in fact, part of the Capital City proposal from December had actually expired by the time of the bond meeting.

So, I would ask for a motion that the December 14, 2009 financing proposal by Capital City Bank not be considered as a bid in response to the RFP.

Commissioner Holt, this would be the kind of situation that if we did that, we might be setting precedent.

Holt: Setting a disadvantage, yes.

Lamb: Can I get a motion?

Morgan: So moved.

Croley: Second.

Lamb: It has been properly moved and seconded that the December 14, 2009 financing proposal by Capital City not be accepted. You have heard the motion. Are there any questions?

(No response)

We are ready to vote. All in favor, let it be known by saying, “Aye.”

All: Aye.

Lamb: Opposes?

(No response.)

The “Ayes” have it. Thank you.

Glazer: Thank you.

BID EVALUATIONS

Alright. Let’s talk some about the bids. Each of you have a spreadsheet in your materials that I want to talk a little bit about kind of in a fairly summary fashion. Of course, we will be more than happy to answer any questions, and, of course, all the members of the evaluation committee are here as well.

Stephens Bid

All of the bids, interestingly, happen to have interest rates that are in the same ball park. That shouldn’t come as a big shock. They are all dealing in the same market. And, the committee looked at each of the bids and recognized that of the six bids, three of them essentially allowed the lending institution to call the loan and force a renegotiation after five or seven years. That was a huge concern to the evaluation committee. Instead of this really being a 15 or 20 year loan, it was really only a five or seven loan. That was, for lack of a better word, a deal breaker for the evaluation committee. And, so, three of the bids were eliminated from consideration by the evaluation committee on that point.

One bid from Stephens – Stephens is not a banker, they are a financial services firm. And, the Stephens bid is the one at the bottom here. This doesn’t do very well, so I have magnified it. But, the chart at the bottom is the Stephens bid. You will see – if you look in the approximate cost category, you will see the cost that go from \$363,000 up to almost \$500,000 for a 15 year loan and \$455,000 to over \$630,000 for a 25 year loan. That is the one bid that came in at 13.5. That again, was a deal breaker. Nobody else has costs anywhere that even remotely approach that and if you borrow \$10 million, to repay your debt and you have \$400,000 in cost, you can see, that \$10 million is all of a sudden \$9.6 million and you wouldn’t even have enough money to pay off the current debt. So the recommendation of the committee was also to not recommend the Stephens bid.

BB&T and Bank of America

Where that left us, and, coincidentally, they were the first two on the page. BB&T and

Bank of America. What the committee looked at there was a couple of things.

First, BB&T was the recommended first choice by the committee. You will see a narrowing degree on the lower level. And, again, I am trying to magnify this. I understand that it cuts off some the outside edges of the screen, but, you will see that they offered both a 15 year and a 20 year loan. They had rates of 4.63% at 15 years and 5.03% for 20 years.

What we wanted to make sure that you understood was – What is the annual repayment amount. How much money do you actually have to come up with every year to pay off this debt. That was an important question for you. What we know from this proposal is that BB&T 15 year annual cost is \$892,391. At 20 years, it drops down to \$763,714. Now, of course, over the life of the loan, you pay more in interest, but, the issue – and we will talk some more about this in a minute – is are you more interested in paying it off faster at a higher amount or a little bit longer at a lower amount recognizing that a pot of money is the surtax proceeds, which, at the moment generates about \$1.2 million a year. Hopefully, that will go up over time. But, that is where we are right now.

I will tell you that you will see under “Other Costs” here they only indicate legal and underwriting costs of only \$8700. Now, that is not all the costs. That is BB&T’s cost for reviewing the loan documents. The county will still have cost. We are using Bryant, Miller and Olive to do the documents. So, there will be costs there. But, they are nothing even remotely in the ball park like the Stephens costs. These costs are ones that we ought to be able to take out in the debt as well.

The other thing that we liked about BB&T was that these rates, I believe are good through the March 22 date. So, they actually gave us firm rates if we close by March 22. March 22 was not a magic number. We needed to get some sort of estimate to the lenders in the RFP, but if we close by that date, these are the rates.

Now, understand – let me make sure that this is clear, too. None of this is written in stone. We have the ability to go and negotiate with anybody you choose. In fact, the recommendation from the committee is to negotiate first with BB&T and if we are not successful, move on to the committee’s second choice, which, is Bank of America.

Bank of America

Bank of America did not give us a firm rate. They gave us an estimated rate as of January 28th of 4.85%. But, their actual rate won’t be set until right before we close on the loan. You will see at 4.85% the annual repayment amount goes up to \$940,000. So, the difference in even fractions of a percent – excuse me, that was for 15 years. That is 15 years. They did not do a 20 year number. I’m trying to remember –

Arthur, did we get a 20 number from them?

Lawson: No.

Glazer: No, we didn't. But, again, we can go back to them if we chose. But, they only proposed a 15 year note. Again, the shorter the term, the lower the rate, but the higher annual payment.

All things considered, it was the recommendation of the evaluation committee that you select BB&T as your first choice. We do need some guidance from you as to whether you like the 20 year option at a lower annual payment, but more over time, or the 15 year option which is a higher annual payment for a shorter period of time. So, we need some guidance on that.

And, I will tell you, again, a lot of this can be negotiated. There are different ways to calculate these annual payments. This is one of the more favorable ways. Mr. McMillan went back and we actually asked BB&T to calculate – instead of paying – this is actually paying interest semi-annually and principal annually. You can look at paying your payments on a quarterly basis, on a monthly basis. All of that changes the numbers a little bit. This seemed to be the best of the group, as I recall. It may go down a little bit.

McMillan: You will save a lot of interest over a period of time by making a payment on the principal more often. Quarterly looked to be the best way to me.

Glazer: Those are the kinds of details that we can negotiate with. So, where we are today is looking for two things from you. First, some indication as to whether you prefer 15 or 20 year deal or want us to work some more as we negotiate. And the second is, let me go ahead and give you the recommendation of the evaluation committee.

I have written this in the form of a motion, so let me just read it to you, then we can talk about any questions.

Motion: To rank BB&T as the first choice with Bank of America, second. In addition, to authorize the staff and consultants in consultation with Craig McMillan and Clerk Nicholas Thomas to negotiate with BB&T. If the terms are deemed acceptable to then proceed to execute documents and go to closing with BB&T. If BB&T is not found to be acceptable, then to negotiate with Bank of America and if the terms are deemed acceptable, then proceed to execute documents and go to closing.

That is the recommendation of your evaluation committee. Let me stop here and answer any questions.

Lamb: Are there any questions?

Commissioner Croley.

Croley: My question was relating to the term of 15 vs. 20. Did you do a total calculation as to how much savings it would be to use the 15 year. I was just doing that and it looks like it

is somewhere around \$1 almost \$1.9 million.

Glazer: We did run some numbers. I am not sure we ran it exactly that way. I took the difference – When Mr. McMillan ran it, it was roughly \$1.5 million to \$2.0 million in total, depending on how you ran it. So, I think you are right in sync in the ball park.

Croley: O.K. The next question would be to Clerk Thomas. Of course, I am sure all of you have looked at this.

Do you believe that the half cent indigent healthcare tax –taking a little more of it would service this 15 year debt?

Thomas: Certainly, it will service the debt. But, the question here, I think, is - looking at it from a strictly financial standpoint – I would say for 15 years. However, there are other factors to be considered. That is the pull on this money from, and it hasn't been decided yet, the Health Plan and HCA. So, those are factors, I think that – that is why it is given to you to decide. There are other financial factors to take into account. But, from just a strictly financial standpoint, the 15 years would be a better deal. It would save about \$1.8 or \$1.9 million, depending on how you pay the principle.

Croley: The objective would be to save the public as much money as possible and in turn, use a greater portion of the tax in the future for the indigent healthcare or other appropriate uses.

Thomas: I agree with that looking at it strictly from a financial standpoint. It is the best option. However, Mr. Glazer will tell you that you have other considerations.

Glazer: If I could weigh in on that, Commissioner. You have a trade off here. It is a very clear trade off. You can either pay it off faster, but have less left over annually from the tax for things like the healthplan. I know that as part of our negotiations with HCA, we are looking to funnel some of that money for indigent care to the hospital and the other needs that you recall from the healthplan. You will have to do that with if you go for the shorter option.

On the other hand, if you go with the longer option, you have more money for those healthcare needs, but, you will, in fact, spend more money over time in interest.

Croley: I appreciate that point. But, you know, we are risking a lot of capital. A lot of public funds out here. We are going to have those who have great concerns about the appropriateness of using some of the principle out of the trust for this purpose. It looks like to me that we need to minimize the risks to the public treasury as much as possible. I don't want to take any action detrimental to coming to terms with HCA or do anything that is not in keeping with the thoughts of the hospital board, especially Chairman McMillan, or anything that our chief financial officer is uncomfortable over and, of course, yourself, as well, Mr. Glazer. But, we just have that public trust in here to be good stewards over these dollars. That is my big concern. If we can save \$1.8 million or

\$1.9 million, isn't that something that makes good sense?

Glazer: This is a hard call. It really is. When you first borrowed this money, the market was such that the debt service was in the \$500,000 to \$600,000 a year ballpark. Now, as you can see from these numbers, and if you look at the rest of it, you will see it's in the same ballpark. It is just going to cost more to refinance this debt so there will be less available from the surtax. But, the surtax is still plenty viable enough to cover whichever option you go with.

McMillan: I would like to add also the information that was given out before that shows that the \$575,000 or whatever it was, that was going to be used for debt service – that was based on 30 – 40 year loans. Interest rates haven't changed a great deal, but the terms that you are able to get have changed a great deal.

You are right. It is actually a \$2 million savings going from 20 to 15 years.

Lamb: Commissioner Taylor.

Taylor: The question I have, Craig, I don't know, but maybe you can answer this one, or Mr. Glazer.

I do know of opportunities of the possibilities of being able to come back and refinance it at some later date. Will that be available to us?

Glazer: There are some prepayment penalties, but there always are in loans, but, yes.

McMillan: It shows, for instance, BB&T shows a 1% prepayment penalty based on the amount outstanding.

Taylor: I read that. In the event that it is paid off early, I guess you have to pay some kind of penalty for that. So, that is understood. But, here again, I did hear you mention earlier that you were still going through negotiations. None of this is actually in stone, but, this is what is being proposed to us at this date and time.

Glazer: Yeah, the things though, that we will most likely be able to negotiate are not going to affect the numbers significantly. I am sure that the 1% prepayment penalty is going to stay. That is pretty much standard kind of clause. But, the interest rate is really set more by the market than by the bank. So, the negotiations are more over – Do we want to go 15 or 20 ; quarterly payments vs. monthly payments or annual payments; and then, of course, there will be a lot of other details in the documents that we will just need to look at.

Taylor: Here is where I was going. I am understanding and agreeing with Commissioner Croley in that if we pay it off in 15 years and we do save \$2 million, however, I just want to see if we can put some kind of agreement in there that we can come back and renegotiate if, indeed, our sales tax does increase with this indigent care initiative, then we can see

more proceeds go towards this debt service, then we could come back, say after 10 years, and at that point in time, you know, try and see if we can renegotiate and not be penalized, but that we are able to pay a little bit more toward this principle, and still stay within the years so that we don't have to pay as much. I am trying to figure out how we can go about saving the money, but, then taking into consideration that we do have cost to us where we can't afford to really pay the \$900,000 right now because of front end expenses that have to get this hospital going. But, indeed, we are able to pay the \$763,000 and then have \$120,000 to go toward HCA and other costs that you are talking about that is going to be outside this debt service.

We need the extra money, but we need to be able to have the savings, too. So, I am trying to figure out how in the world can we come into some kind of agreement with BB&T so that

Glazer: I think that is the "Have your cake and eat it, too principle."

We are going to have to make a choice between 15 and 20 years. If you go with the 20 and the lower payment, we could talk to them about the prepayment arrangement and see if there is anything they are willing to do. But, I think that is a pretty standard provision. But, you know, we can always ask.

Taylor: There is a lot of money involved and I am sure they want the business. Negotiation should give us some kind of leave way, even if it is a half percent. Something, somewhere. I will have to go along with the 20 year plan so that we are able to accommodate some other expenses and we don't see any funds coming from anywhere else.

I have heard my colleagues around this board that have taken a staunch position on not going into general funds and using those funds to expand or support this hospital. So, it has to come from this half cent sales tax. **So, for dialogue purposes only, I have to look at the 20 years and hopefully, we can come back and negotiate.**

Glazer: By the way, I will point out that at the moment, only BB&T has given us the option. If we are unsuccessful with BB&T and go to Bank of America, at the moment, the only thing we have is the 15 year option. We haven't asked them about any others, but that is what is on the table at the moment.

Lamb: Commissioner Morgan.

Morgan: I think it is good to keep in mind the position that we are in right now concerning this project. First of all, we need to understand that everything is negotiable at some point in time. But, we are not right now, in my opinion, to do a whole lot of negotiating really on much of this.

I think that it is very clear – the scope of the project; the debt that is going to be incurred

to Gadsden County. I have voiced concerns over this many times and I am not going to get into that again. But, I didn't have an opportunity to do much about that. However, we do have an opportunity, as a board, to make a decision that can save considerable amount of money on an annual basis. That is by going with the shorter term. It just makes good sense. Then, we can negotiate that later down the road if we would like to do it. But, anytime you have an opportunity to keep \$2 million in the bank, in my opinion, we don't pass that up.

I did have a question for – I don't know if it would be for Arthur or someone on the board, but the original RFP – did we state terms regarding the length of the loan or did they just actually come – I mean, I saw anything from 10 – 25 years. I didn't see anything about 30 years.

Glazer: We let them know how long the surtax ran. I think we were asking for 15 or 20, weren't we? I think others may have volunteered shorter loans, but, we told them when the surtax would run out.

Morgan: Then, the prepayment penalty. I had questions as Commissioner Taylor did. That is simply – the 1% right now, does it regard the full length of the term?

Glazer: That is on the outstanding principle.

Morgan: Right. 1%. But, does that go through the 15 or 20 years? I am sure it probably does. It doesn't say that in here, or at least what I am looking at.

Glazer: It is 1% of whatever the principle is at the time.

Morgan: That would make sense. I just wanted to clarify that.

Glazer: If you did it tomorrow, it would be a lot more than if it was 10 years from now.

Morgan: Right.

My comment, just for the board as a whole, we have an opportunity to take action that would accomplish what we need to accomplish and at the same time, be the responsible decision of saving some money, here for the county.

Croley: I just want to point out to you, Mr. Chair, that unless my calculations are off, I believe that we are talking approximately putting out \$10,700 and some odd dollars extra per month, so to speak, to help amortize the loan over a shorter period of time at a lower interest rate to save the \$2 million. I know that, I see Mr. Maximo Martinez back here from the Health Council. I know that they have some needs that they would like to get addressed as soon as we can get this nailed down. This would be at a fixed rate, as I understand. It would just make good business sense to do that, in my opinion. I am sorry.

Lamb: Commissioner Holt?

Holt: Thank you.

Mr. Glazer, for Bank of America, it says, let me see if I can find it. I was reading so much – What did they say about the early payment?

Glazer: There is a prepayment penalty. Frankly, their formula is kind of confusing. I couldn't figure out a short formula for it.

Holt: It refers to the letter – is it a formula for the prepayment fee as set out in the letter. I was looking for that letter. I didn't have this previously.

Glazer: If you look on the exhibit A in the Bank of America proposal, it is about three pages back. There is actually a formula in there. I am not sure that I can explain it to you.

Holt: Did you guys contact them and find out? They are saying 1%, the bank. There is a lot of discussion about prepayment. So, if we could find out what theirs is, theirs may be .5%.

McMillan: I was just going to say that all we are asking for is the ability to go negotiate about those type things.

Holt: With the two banks?

McMillan: Well, we were going to start with our Number 1 choice.

Holt: O.K., But, you see, some things may make that be the Number 1 choice. I don't know. But, when I saw that while the discussion was going on there. Let me tell you why I am asking. Because if you can pay off partial or whole, what is the penalty then? If you come in, let's say next year, if we were able to come in with an extra \$500,000 and we wanted to pay that on the principle. Would there be a penalty for paying on the principle? Some institutions do allow you after the first 10 years or 5 years that you can pay on the principle and there is less of a penalty. Some of them won't even charge you a penalty if you make it out 15 years or 10 years. So, those are some things – the first thing that I jotted down was for the early pay off of the principle verbage. How do you get that in there? That way, if you say you are going to pay this and they are going to get their money up front in the first 5 – 10 years. They are going to have their money 5 years down the road. They've got their money. (inaudible) making then is interest. Are we allowed with an extra \$1 million or \$500,000 that maybe we do have and we are able to try to pay that loan down early. How do you negotiate that if you have only 1% from one company.

McMillan: I think that is all is going to be decided in the prepayment penalty based on whether it is a full refund or a partial refund of the principle. On the Bank America, I think that is a good point. We need to explore that prepayment issue with them. But, the problem

with them, and the reason they are rated number 2, is because their rates are set to a bench mark. Now, if you want to take and roll high dice and say that interest rates are going down now, then maybe you would be better off with them. But, based on the current date, I mean they gave us exactly what it was. You know, they are .2 of a % higher.

Holt: I am not questioning that at all. I just saw that was not there. I wanted to know if there was some research in that area. What would the penalty be. But, what I was going to say is – I prefer to take the 20 years. The reason I prefer to take the 20 years is – if you could negotiate down that 1%, or put a length of time on that 1%. We could come in every year with a couple hundred thousand dollars extra. Let's say we had \$200,000 and we wanted to put it on the principle, that is going to knock down that interest over "x" number of years. They know the exact day that they get their money back. They know that. Everything else is interest. Now, there are some loans where they do allow you to pay off partial. It happens everyday. In fact, institutions tell you to pay a little bit extra every year. You will pay that principle down. That is one thing that I would like to see no matter who you negotiate with. If we get that option. We are not going to have a lot of money to pay it down, but, if we do have some extra money, instead of splitting up our pots on what we want, we may need to go after the big dog in the house. That is a big dog right now. So, if we could negotiate that part, I am happy with whichever company you go with. Whoever it is. But, I am interested in a 20 year because there are other things in the Healthcare Plan that we are supposed to do. WE are not supposed to only service that debt. That is what was promised to the people – we were going to have other things in there. We have not taken that referendum back before the people to say that we were going to change what they wanted.

So, we have to give them some healthcare out there other than this hospital because that is what they asked for and that is what they voted for. They did not vote for us to decide this – these five people.

Glazer: Commissioner, I think those are all excellent points. We did not go into that level of detail in asking for bids. Of course, at this stage, what we are trying to do is select who likes the best. We asked for them to include information on prepayment, but, we have not negotiated with anybody at this point.

Holt: O.K. I just wanted to make that point. We definitely need to do that. Like I said, I am very concerned about that half cent and that we do what we are supposed to do with it.

The amortization on either of those would have been nice today so that we could see exactly what we would be paying. Then we could compare that back to the budget to see what we may be able to come up with and pay it down early.

Commissioner Croley is concerned about the \$2 million. They are right. But, you could get the \$2 million down early if we paid off a little bit every year. We could get more than \$2 million back.

Lamb: I have studied this before I came to this meeting. I knew about the 15 years. My concern is that in 15 years, I don't think we will have that much money left over per month or quarter or whatever way we are going to pay it, to take care of some other obligations that we are obligated to look at.

Taylor: That is right.

Lamb: That is my concern and that is why I will have to look at 20 years. We are obligated to look at the local concern. HCA as well as the Health Council. We are obligated to do that and we can't overlook that. We don't need to overlook that. So, what do we need to do?

Glazer: Mr. Chair, here is

Morgan: I just have one quick comment. I believe I heard from the Clerk that the half cent indigent care tax is generating \$1.2 million.

Thomas: Right now, I would say that it is up to about \$1.3 million.

Morgan: So, if you took \$1.3 million and subtract the 15 year proposed payment of less than \$900,000, what is the difference there?

Thomas: From \$1.3 million, you subtract \$900,000? It would leave you \$400,000.

Morgan: So, that being said, with a 15 year term, we still have a very significant amount of money remaining that we can fund indigent care, help with our partnership with HCA and things of that nature?

Thomas: Are you asking me?

Morgan: Yeah.

Thomas: I don't know, Mr. Glazer and I haven't talked about to what level of commitment, if there is any, in terms of requirement to the Health Council. I don't know if there is or isn't, in terms of a certain level of funding. I don't know if that was addressed or not.

Glazer: There were projections in the plan, but, we will be well beyond the time frame.

Morgan: My point in saying this is that there is \$400,000 that we are not committing to this debt service.

Glazer: Correct.

Morgan: O.K. Thank you.

Thomas: I guess what I was asking was – legally, if there is a commitment to a specific dollar amount.

Martinez: Yes, thank you. The original projections were that the Comprehensive Healthcare Plan – we were going to have about \$1 million to implement the Comprehensive Healthcare Plan. Now, we do understand because of the circumstances and the financing of the hospital, that you are looking to take a little bit more than that. But, whatever is left is what you are going to have as an indigent care program in this county. That is the bottom line. If you leave \$400,000, we are going to have to go back and redo the whole Comprehensive Healthcare Plan that we based on \$1 million. So, that is all I wanted to say about it.

One thing, since I am up here, I just wanted to let you know that the (inaudible) Foundation at the University of Wisconsin, they did a ranking of all 3,141 counties in the United States. The information is in (inaudible), but come the 17th of this month, every county in the United States is going to know how they are doing health-wise. I can tell you right now, that out of the 67 counties in the State of Florida, we are in the bottom 10. Everyone is going to have access to this information. Your business folks, anyone who wants to come to Gadsden County, they are going to have a website and they are going to click on Gadsden County. You are going to have a reflection of a lot of health issues. If we don't take care of it now, if you think you can economic development, if you think you are going to have a better education system, we have to take better care of our health issues in Gadsden County. I just want to caution you of that. Those are your factors.

I have the information and I will give that to the Board of County Commission once the State Health office tells me that I can release the information. It is going to show everything from infant mortality rate to, social behaviors, everything in Gadsden County, specifically. We don't look good, ladies and gentlemen.

Holt: Thank you.

Croley: One question just for the record. I believe that when this was originally brought up, what wasn't the projections of the sales tax revenue at \$1.6 million?

Martinez: It was \$1.5 million projected.

Croley: O.K. So, that was being represented back whenever it was in the early stages of the projections.

Martinez: Right. That is why I stated that we do understand that the economic situation is not the same as when this came out. We understand that because of the hospital, and we really do want the hospital. I want to reiterate that. We do stand for the hospital. Anything we can do to help. And, I think we have been helping.

I just wanted to say that whatever is left, that is the type of program that you are going to have in Gadsden County in covering 15,000 uninsured citizens.

Croley: Thank you, Mr. Martinez. Your point is well made and well taken. Having that healthcare issue addressed and moving forward in the manner that we have all talked about is important. We thank you for your cooperation.

Martinez: Thank you, sir.

Holt: May I, Mr. Co-Chairman?

Croley: Yes, Ma'am.

Holt: On that – I know they have a healthcare plan was done with citizens committee and the hospital board and everybody was working together on that plan. We are going to look back at what we do have left over. Once this payment is set, hopefully, we will be able to pay if down early. Looking at those other healthcare needs that we are going to be missing because that money is no longer going to be there. Is it possible that you could look at some other needs within that Healthcare Plan that could be addressed by the amount of money that is left and see what those hot points are?

Martinez: We are going to have to do that. We are working on that right now. We are just waiting to see what decision the board is going to make before we can sit and make any sort of plan. We just have the Comprehensive Healthcare Plan based on the \$1 million. Once this board decides what they are going to do and let us know what we have, then we will go back to the drawing board and redo the Comprehensive Healthcare Plan. Then I will be able to come back to this board and say, "With this amount of money that you are giving us, these are the things that we can tackle."

But, again, we look pretty bad. I will give you the report. This is not a Max Martinez fact finding report. This is the (inaudible) Johnson Foundation and the University of Wisconsin. And, this is a collection of all 3,141 counties in the United States. The State of Florida has 67 counties. Gadsden County, in most all of the health issues, are ranking from the low 60's to the high 60's. Leon County is doing far better than we are. I will have to look at what they are doing over there. But, when it comes to health issues, they rank in the top 10 along with Miami, Dade and Broward County.

Taylor: **Mr. Chair, I would like to make a motion if I may at this time to have (and I wrote down notes) to authorize staff, in consultation with GHI, to go in and negotiate with BB&T for 20 year agreement, and I didn't write down anything else that you had mentioned. But, that is my motion at this time.**

Glazer: **I could help you with that, Commissioner Taylor.**

Taylor: **Go ahead.**

Consistent with your motion, I think you are instructing us to go forward with BB&T at 20 years. The recommendation was to use staff in consultation with Mr. McMillan and

Clerk Thomas. Then, what I would suggest is that if those negotiations are not successful, then to move forward and to attempt to negotiate with Bank of America on the same terms.

Taylor: On the same terms. So moved. That is my motion.

Lamb: Can I get a second?

Holt: I will second that.

Lamb: It has been properly moved and seconded. You all heard the motion to give the negotiating team, Mr. Glazer, Clerk Thomas, Mr. Arthur Lawson and Mr. McMillan, authority to go and negotiate with BB&T. If those negotiations are not successful, then go to Bank of America.

Taylor: That is for 20 years.

Lamb: For 20 years.

You have heard the motion, now we are ready for questions.

Holt: Question.

Lamb: Commissioner Holt.

Holt: I seconded that, but I had a question and I forgot about it. I am bringing it back up.

Why was there not a negotiation for the 30 years as we originally looked at?

Glazer: Because your tax runs out before then.

Holt: The tax was and the plan was for when. I don't remember.

Glazer: You are now at 28 or 29 – something like that.

The other thing was what the banks were willing to do. The banks were not interested in going out that long. But, we can ask that question. But, this is what they have proposed.

Holt: I would appreciate it. The reason is – if it is 28 years – the reason I asked was, that is what we originally looked at. See what the interest rate would be at that length of time. That way, it would look at addressing some of the things that we were looking at addressing before. We were looking at refinancing with USDA that we are not able to do now because HCA is a for-profit hospital. I was thinking last night that maybe we should have gotten a loan with the County.

Glazer: We looked at trying to do that through the County, but, with the FDA and it didn't work. They wouldn't do it.

Holt: That is a whole other issue.

One other question. Mr. Attorney, and I know that Commissioner Morgan mentioned this earlier. How is his standing with the equipment company affect all these things that we are voting on.

How is his standing with this hospital equipment company affect all the items that we are voting on for the hospital?

Glazer: He actually is entitled to vote on it if he chooses to do so. He simply has to disclose it. He has chosen not to vote on it. That is his prerogative.

Holt: O.K. I just wanted to know because he mentioned it. I didn't know about it before.

Glazer: It is a disclosure issue. It doesn't preclude him.

Holt: O.K. Thank you.

Lamb: Any other questions?

Morgan: I just wanted to respond specifically to your inquiry, Ms. Holt.

That is strictly to that one vote on how those dollars were going to be spent that included that company. The financing terms don't have anything to do with that so I won't be withholding a vote on that.

Holt: Thank you. I just wasn't aware of it. Thank you.

Lamb: Commissioner Croley?

Croley: Mr. Chair, I have to oppose Commissioner Taylor's motion. I cannot support a 20 year term. It is nearly \$2 million of the public funds and it is too much an added cost. We have already put a great deal of public money into this hospital endeavor and to keep pouring money like this is not responsible in my opinion. As long as it doesn't impact our partnership with HCA in making this work, I would have to stick to the position that 15 years is appropriate.

Lamb: **We are ready to vote.**

All in favor, let it be known by saying, "Aye."

Lamb: **Aye.**

Taylor: **Aye.**

Holt: **Aye.**

Lamb: **Opposes?**

Morgan: No.

Croley: No.

Lamb: Make that 3 – 2 in favor of the motion for 20 years.

Now, continue Mr. Glazer.

Appointment to Trust Investment Committee

Glazer: Actually, I need to go back to the trust item. There was one small matter that I overlooked. The commission needs to appoint a member to the Trust Investment Advisory Committee. I believe you have spoken with your administrator, Mr. Williams. I think he has a recommendation.

Lamb: Mr. Williams, who would you like to recommend?

Williams: I didn't know that I was supposed to make that recommendation.

Glazer: We are recommending him.

Williams: I didn't really want to recommend myself.

Glazer: The reason we are recommending Mr. Williams is because, actually, in his past, he has been a stock broker. A certified financial planner.

Williams: Yes, sir. I have with Merrill Lynch.

Glazer: This is not a time consuming endeavor. This is probably one or two short meetings a year. So, Mr. Lawson and I consulted with Mr. Williams and our recommendation is that you appoint Mr. Williams to that committee.

Croley: I so move.

Morgan: Second.

Lamb: It has been moved and properly seconded that we appoint Mr. Williams to that committee. You have heard the motion. We are ready for questions. (no response)
We are ready to vote.

All in favor, let it be known by saying "Aye."

All: Aye.

Lamb: Opposes?

(No response.)

The “Ayes” have it.

Thank you. Continue.

Holt: Mr. Chairman, I have a question to ask Mr. Glazer right quick.

I know we have looked at the usage of the half cent and how it was going to be used. But, since we went from a 30 year, that left less money in there for indigent care. We voted that more money from the half cent could be used on the hospital. Is that what we did?

Originally, there was not that much to be used for the hospital. But, now, we are going with more money of the half cent to be used on the hospital.

Glazer: Let me say it this way and see if this answers your question.

The first obligation on the surtax was always the repayment of the debt. That continues to be the case. Now, that first debt we had was always short term. It always expired in June of this year. So, your first obligation is to refinance the debt, then with what is left over, as Mr. Martinez said, you go back to the drawing board to look to reallocate the funds.

Holt: I understand what you are saying. We have changed the percentage. So, what percentage can be used now on the hospital from the half cent. Just remind me.

Glazer: I think you could probably use 100%, but, to be honest with you, I am not prepared to answer that question today. I mean, we said you could use 100% for short term. We said in the long term, you do have to fund those other needs. That was our opinion that you could use it in the short term for the hospital. I think that this is an issue that will have to be revisited, though.

Holt: I was about to say that. We need to look at a time frame on that.

McMillan: Mike, make sure though, that they understand that 100% of the proceeds are pledged to the bond.

Glazer: Right. That is a good point. All of the bond proceeds, and this was true even on your current debt. All of the bond proceeds are pledged to the debt. But, as we know, there should be hundreds of thousands of dollars over and above the debt service that is available. But, whichever lender we go with will have a claim on the entire surtax

proceeds.

Holt: O.K. That is why I was looking at the early payoff. I know we discussed that before.

Thank you, Mr. Chair.

Lamb: O.K. Mr. Glazer, you can come back up here and sit now.

McMillan: Excuse me, before you all move on, may I bring up one thing?

Lamb: Yes, sir. Go ahead.

Request from GHI to Do Repairs at the Hospital –Parking Lot, Chiller, Handicapped Doors, etc.

McMillan: Currently, and I just got an email from Connie McLendon and Clerk Thomas has confirmed this. You currently have about \$79,000 left to draw on the loan that is with Capital City. Clyde has some things that need to be done at the hospital. He is getting bids now and has received some of them. He can talk to those. They are going to be somewhere in the \$40-50,000 range to get those items done.

I talked to Emory Mayfield yesterday at the bank to verify at the bank that if we can get the numbers straight and everything is audited and correct, I think we need authorization, and I don't know how you do it, I am not used to this. But, we need to get the parking lot sealed and stripped. We need to get the handicapped doors on the front of it upgraded. There is a chiller that has some issues and some supplies. I would like for us to do that. As I said, I talked to Emory Mayfield. He thought it would be better if we drew that off the loan and then paid the loan back from the bond proceeds once we close on the bond. So, I just wanted to bring that up.

Lamb: **Commissioners, can I get a motion?**

Croley: **I so move.**

Morgan: **Second.**

Lamb: **It has been moved and properly seconded that we give GHI the authority to go forward with that request.**

You have heard the motion and we are ready for questions.

Holt: I am in favor of it, but I have a question.

Since it is moving money, do we have that agendaed?

Did it have to be agendaed?

Williams: It will be packaged up into a bid and it will be brought back to you for approval.

Holt: You are right because it is actual spending. But, I was under the impression that anytime you get ready to spend money, it had to be agendaed.

Lamb: It is coming up under the hospital. That is why he called it before we closed the hospital discussion.

Holt: So, it is o.k. to put bids out there without moving that.

Williams: You will be authorizing us to put it out for bids.

Holt: That is spending money, ladies and gentlemen.

Williams: No, not actually until you approve the bids.

Lamb: Right. You have to approve it before you spend the money.

Holt: That is what I am saying. O.K.

Lamb: **Ready to vote. All in favor, let it be known by saying, "Aye."**

All: **Aye.**

Lamb: **Opposes?**

(No response)

The "Ayes" have it.

Thank you all for coming.

Ecenia: Thank you. We look forward to getting this resolved as quickly as possible.

10. Approval to Award RFP #10-04 for the Financing of the Sales Tax Revenue Refunding Bond, Series 2010 (Gadsden Memorial Hospital)

See the above transcript for the motion and approval of this item. Discussion begins on page 39 with the motion documented on page 51 to award the bid to BB&T for a term of 20 years. Further motioned was that if the negotiations were not successful with BB & T to go to Bank of America and attempt negotiations.

11. Approval to Disburse Funds to Non-Profit Agencies

\$40,000 was set aside in the current budget to be distributed to qualifying agencies. That distribution was to be determined by the Partnership Review Team comprised of appointments from the BOCC. The PRT recommended the following distribution:

Early Learning Coalition of the Big Bend	\$ 500
New Image Wellness Center	500
Tony Parker Ministries	4,000
Legal Services of North FL	10,000
A Better Body US	1,000
DISC Village	7,500
Refuge House, Inc.	5,000
Midway Community Improvement Org.	500
Gadsden Art Center	6,000
Redeemed, Inc.	5,000

County Administrator recalled for the board that a question was raised at the last meeting about the legality of giving funds to a faith based organization. He asked the attorney to respond to previous question that was raised.

Glazer:

This turns out to be quite the issue. We have been looking at this and I will tell you that I do have concerns about giving the money to a faith based organization, but, I will likewise tell you that I am not prepared to tell you that you cannot do it today. The reason is because if we do that, it has a lot of ramifications. These kinds of constitutional issues about separation of church and state are great big issues. I want to do a couple of things further. One is that I want to consult with and we have already reached out, but haven't reached some other counties that have probably faced this. We have good contacts with some very experienced county attorneys and I want to talk to them. Likewise, if necessary, I even want to seek an attorney general's opinion on this point because – if the answer is "There is no problem to give the money", then you don't have to worry about drawing any lines. If the answer is "Yes, there is a problem." Then, the question is – Where do you cross the line and become an organization that is either eligible or ineligible. Lots of organizations have some faith component, but, it is a matter of degree.

My recommendation for you today – because I believe at the last meeting, you were also holding up funds for a number of other very worthy noncontroversial organizations – is to consider moving forward with to approve the other items, but, to leave the Tony Parker Ministries on the table for now and let us continue to work on that and even, if necessary, seek an attorney general's opinion. I don't see – I am not aware of any reason to hold up the other folks. But, this is a big one.

Lamb:

So he has to do some further research on that one. That is what he is saying.

Commissioners, do ya'll have anything you want to say on this item?

Holt:
I do.

Lamb:
O.K. Go ahead.

Holt:
I missed part of your presentation. I want to say this right quick. How does the state and federal government go about doing faith based funding?

Glazer:
That is my question. I want to research it further because when I simply just look at the law, it tells me that there is a problem, but, I know that it happens. So, I am not prepared to tell you, "No."

Holt:
Yeah, because they are all over Tallahassee.

Glazer:
Well, one of the things that you missed is that I want to reach out to some other counties and we have already attempted to do that. We just haven't caught up with the people we need to talk to yet. But, I hate to hold up these other folks. I don't want to sit here today and tell you that you can't do it because I am not convinced that you can't. But, I am convinced that there is a significant issue.

Lamb:
O.K.

Commissioner Morgan?

Morgan:
Thank you, Mr. Chair. I do have a couple of things.

Commissioner Holt, I can agree with you that I believe that it is being done in too many different places for me to believe that we can't do that. I very much respect our attorney's information in that he is not prepared to give us a ruling on that either way. But, I would like to get back to my original discussion that I had on this particular item.

This may help to save us more money here because as we continue to research issues like this, Mr. Glazer, I am sure that comes as an expense to the county and I certainly understand why. Again, financially, I am very familiar with each of these different organizations and they are quality organizations and we benefit from them. **But, due to the financial condition of the county, again, I just want to highlight to the board that we are not in a position to fund this \$40,000 and I would move that we take this money off the table and put it back into general fund until we have better economic conditions that we can help out with these organizations.**

Lamb:

That is in the form of a motion?

Morgan:
Yes.

Croley:
Second.

Lamb:
It has been moved and properly seconded that we place these funds back into general fund until we see if we can fiscally finance these organizations. You have heard the motion. We are ready for questions.

Taylor:
I have a question.

Lamb:
Alright, go ahead.

Taylor:
These dollars have already been budgeted and it has been approved to move forward. They are still rendering services to our county. These organizations are providing to us much needed services. To put these dollars back at this time is not benefiting our county. These are dollars well spent. You are going to spend \$40,000, but you are going to get somewhere in the neighborhood of \$250-\$300,000 worth of services to our county. This is smart spending. Now, to put this money back, take away the immediate services – Are we going forward? I can understand being good stewards over the dollars, but, these are smart dollars.

For example, let's look at North Florida Legal Services. These people offer legal services to people who otherwise cannot afford these services, in particular, there is a case where we are trying to get a clear title on a home so that we can rehab that home so that the property can become a taxable property and allow that family to live in a quality home. Without these dollars to help get the legal services in place, you are impacting other aspects of the county. Other benefits that we can very well get.

One of these companies is offering services to help people transition back into the community who come out of the prison system. You are going to have to pay for these things one way or another. Why not use positive dollars for a positive impact that would have much more of a revenue into the community by paying up front. This is called prevention. You pay now or you pay later.

We are not moving forward with our county government. We are not. This isn't about saving tax payers dollars. This is really about putting a stance on some services that this county could very well use. This is not the way you want to run your government. \$40,000 has already been budgeted. That amount has already gone over to the state and it has already been approved. This is not going to cause a deficit anywhere. These people have already looked forward to these services and have

gotten these dollars year after year from this government and now you want to stop this also? You are hurting yourselves by taking a stance like this.

Now, Mr. Chair, you said something at our last meeting that I agree with on one issue. That is that you brought up the Senior Services and thought that maybe some dollars should go down there. I was prepared today that if we had an opportunity to go through this list and pull dollars from each of these organization to put dollars down there at Senior Services, I would. Now, they are having to look at their meals on wheels services – being able to finance them. I was prepared to go the distance and give the seniors some additional dollars to continue the meals on wheels. You are right. There is an issue down there.

North Florida Legal Services, DISC Village, Refuge House – a place where people seek safety – No, we are not going to help you. The number of situations that come out of this county, you wouldn't believe the families that seeking help from this Refuge House.

The Gadsden Arts Center – these people come and do our windows. This is cultural development. How can we say “No” to cultural development?

Early Learning Coalition – I mean, to say, “No.” Putting it back because of finance – we are not telling the truth. We can fund this. Look at some of these other projects that we have funded. In this one fund we did give out – it doesn't compare with what all these different services can do.

Commissioner Croley wanted to know how far do these items reach countywide. How far? Some of them have indicated that they reach countywide to provide services. How can you say, “Put it back” when these economic times are demanding that this government step forward, Commissioners. We have to step forward and assist when there are not other means. That is one of our primary responsibilities. To help the citizens that put us here.

I am going to implore you all to reconsider this. Reconsider taking this away and putting this back out to where these citizens can use these dollars. We are sending a very bad message from this county government. It continues to grow at every meeting. It is getting depressing. We are no longer a service oriented business. We are not bankers. We are not supposed to sit up here and save money. Sure, we should spend it and spend it smart. You are going to get \$300,000 worth of services by spending \$40,000. Who wouldn't do that? I think there is a hidden agenda here as to why you are taking the money off the table.

I am just about finished, but, I have one last comment.

If you all could take just one minute and look at that packet that we asked these people to fill out, that thing was humongous – 30 something pages for these people to take their painstaking time to fill them out. They went through interviews. They have already been given an indication that these dollars are going to be available. Now, you are taking it off the board. And, you want public trust? You put it out there, now, you are taking it back. We voted to put this money out there. We voted around this board. Now, you want to take it back. We voted to put the T.V. back in. Now, you want to take that back. What are we doing? We are not helping our government.

Lamb:

Thank you, Commissioner Taylor.

Ma'am, come on down.

Cross:

My name is Becky Cross and I am a representative from DISC Village. Address – 3333 West Pensacola Street in Tallahassee. As Commissioner Taylor very eloquently put it, you all have a lot of these funds and the community is counting on it. If you don't pay for these services now, you will at a later time. I am more familiar with children's issues. I am working on a paper right now that if children don't get help and they end up in the juvenile justice system, you pay \$36,500 per year. How much does a school year cost? Between \$1,000 and \$3,000 per year if they have to repeat a grade. You have to pay for the services now or else you pay for it much greater later.

We, at DISC Village, had an office just down the street. We provide services to juveniles and adults and they are in person, full assessments, counselings that go to these individuals. I have success rates here that show that 85% of program participants successfully completed the program and won't reoffend for six months. That is saving you money. By putting these monies back into the general fund – I realize that time are tough, I really do. But, it hurts you in the long run. So, I just ask that you please reconsider and help us to help the community.

Thank you.

Lamb:

Thank you.

Commissioner Holt?

Holt:

Thank you.

I want to ask one thing. Mr. Manager, is the Senior Citizens funded through the county's regular budget?

Williams:

Yes, ma'am.

Holt:

O.K. I was getting worried that you were wanting to save so much money that you were going to take that out, too.

In this situation, they need the money. We need to give them the money. There is no one up here that is going to go out there and do those services. You are not going to go door to door. You are not going to negotiate and work with law enforcement to help them with these children that are going to be doing things that you don't want them to do. You are going to sit here and work two days month and then you are going to leave. That is our board. That is our "M-O." That is what we

do. We work two days a month for a salary. You don't see us giving anything back.

Now, what we need to do is get out there and do what we are supposed to do. These organizations, they help. North Florida Legal Services is backed up. They have people who have problems with mortgages. We have people who can't even buy anything for heating. I've gotten calls right up to when I was pulling up in this parking lot from the elderly. So, this is nonsense to debate \$40,000 when this board took \$100,000 out of my district just for paving – road maintenance. They just took it. They had \$500,000. Five commissioners could have gotten \$100,000 a piece. But, they decided that they were going to get it for theirs and District 4 ended up with nothing for maintenance in that community. You weren't worried about saving money then. You want to save money, but you didn't worry about those people out there in District 4.

O.K. Let's get off this "We want to save money." Conservatives will say a lot of times, "Let's save money until I get there." Then when they get there, they spend the money. That is all it means. That is all this is.

We must look at what we have to do to help citizens. Times are hard. I sent three to the Department of Elderly Affairs in Tallahassee this week. That started this morning. So, we don't have to sit here and debate this. This is only \$40,000 out of this budget. We need to move this money on and allow these different organizations to help these people and stop this foolishness. That is all it is. This is unheard of that you would not help anyone. You close the doors.

We don't have a grant writer. Where is our grant writer? Where is the person who writes grants for the county? We don't have one because we are too cheap to hire one. So, we are missing money we could get because we closed the doors on who we are going to hire. We fired a lady this year that brought in \$800,000. This board fired her simply because we wanted to save money. Well, we saved money, but, we lost the person that could bring in the money. How logical is that?

So, let's stop this foolishness, talking about saving money. We are not saving money. We fired 15 people. Then we talk about economic development. You are not going to get economic development when you are sending people out the door. They have families. Now, their families are in need. One of the employees that we fired has family needs right now. We need to get back to this list. Go back to work and then we cut something next time, let's put in some people who can bring in some money. You fired people who had connections at the capital. Now, we don't have those connections. All they hear about is what we are over here doing – cutting the fool. We were number 1, now, you are number 0. We went from ten to nothing in 2008. That is what we have done. Now, you don't want to give the non-profits any money. It is only a little bit of money compared to what we moved around.

This is nonsense, Commissioners. Let's go ahead and move this on and move to getting somebody in here that can get some money. We hired a company to go after funding. We haven't heard from them. We are paying them. Where are the dollars that they are bringing in? This is the last year of the incentive money. The last year. We have not sat down at a workshop and looked at that agenda and gone after those dollars. We have not. We keep trying to put into a regular meeting. That is why we don't get any money. We need to sit down with the cities and everyone.

Under the previous administration, the one that you criticize all the time, is the one that pulled those cities in and we got together with them on worked on one legislative agenda. Now, we did the same thing again this year, we are working on the same agenda, but, we don't have a plan to achieve the agenda. We haven't done it. Until you get a plan for these people out here that are suffering, they are going to continue to suffer. Hopefully, they will make some changes on this board because this does not make sense. You are going to have to help some people. That is what we do. It is their dollars, not ours. You are going to have to help somebody. You are going to hold their money until what? If you open your hand, you can get something. You keep closing up your fist.

Now, I am going to vote for this – to give these people the money so that they can go out and help the citizens in the county. I am very upset about the ones that are coming out of the criminal system. Out of the legal system. Then, if you are not going to help them, what do you think they are going to do when they get out? They are going to be breaking into your house. As I told the previous governor at a workshop when I was teaching in the year 2000 down in Orlando. I said, "Sir, let's teach them a trade." I told Governor Bush that. "Teach them a trade before they come out of the penal system and before they come out of school." He said, "Well, you know, that is up to the parents if they are in the school system." I said, "Sir, they are going to break into my house at two o'clock in the morning because you are too well guarded." That is just the way it is. So, until you get out there and help people coming out, when they hit that ground out there, if they have a felony, they cannot get a job. They are going to take and they are going to make sure that they are fed. That is going to happen.

So, let's stop this foolishness. Mr. Chairman, we need to bring this to a vote. Let's go ahead and say what everybody is saying.

Lamb:
Commissioner Morgan?

Morgan:
Thank you, Mr. Chair.

Commissioner Holt, I do appreciate your comments. It is not a surprise at all to me based upon how in the recent years, how this county government has spent money and how this would make no sense to you – the approach that we are considering and the direction that we are going as far as how we handle finances.

Commissioner Taylor, I would say the same thing to you based on the financial condition of the City of Quincy during the term that you served there. I understand that we have a different thought processes about how money was invested and spent. This is simply a difference of opinion. It does not mean that I don't want to help anybody or I don't think anybody that doesn't support this would want to help anybody. It is just a matter of understanding priorities and having the ability to provide basic quality public goods and services and understanding the differences between necessities and those things that might be a necessity, but, not as high a priority.

Thank you, Mr. Chair.

Taylor:

Mr. Chair, Mr. Morgan did call my name, so, I would like to respond.

Lamb:

O.K. Commissioner Taylor.

Taylor:

The City of Quincy was a Premier City and while we had our constraints, we met them. We did do a reduction in staff. We did do cut-backs. But, we still understood our premises for being around that diocese and that was to provide services through the government. The City of Quincy is now rebounded and doing well because of the infrastructure that was put in there before I left that I voted on and approved. Yes, we have all gone through economic hard times. No city in the State of Florida nor the United States (inaudible) when no one was touched by the economy, no matter who was sitting around that board and no matter what decisions were being made. Everyone was impacted. I certainly don't know of anything that I could have or should have done when I sat on that board. I made the best sound decisions that I could have as a commissioner. Yes, we spent dollars. Yes, we did maintain services. But, when it was time to cut, we made cuts as well. I appreciate how that government has flourished over the years basically because of the decisions that were made while I was there.

It does not excuse our behavior. You are going to pay now, or, you are going to pay later. It is simple. I am not going to have this as an issue that is going to be drawn through a line for us. We have already had so many issues around this board that we can hardly come together on the simplest things because of points being made or attacks being made against one another. We need to get away from that. All I want to do is see that services go forward. The main thing that I would love to see is a consensus around this board where we can start voting 5 – 0 on items. If we disagree, then we disagree. We don't necessarily have to be pointing against one another. I try not to do that. We need to stop that kind of behavior and that kind of attack behavior.

Yes, we have financial issues. You are spending smart money here. You are investing \$40,000 and will reap almost \$400,000. This is smart spending here. So, that is all I wanted to say, Mr. Chair. I am disappointed. I kinda got a feeling about how this vote is going to go. But, I've got a certain amount of calm inside because I know that change is going to come. It has to come in order to save this county. It has to come because we are not progressing by saving pennies when we could be make dollars by spending pennies. We are not progressing. This is going to hurt us. I have not called one thing on this board that has not come to fruition. I have not said one thing that has not come true. Taking these \$40,000 off the board, and I know it only takes three votes to do it, taking them off – you are going to pay later. I just want whenever it happens, that one will say, "O.K. There was a mistake made. Let's do it better." I can accept that.

Lamb:

O.K.

Holt:

Rebuttal, please.

Lamb:
Commissioner Holt.

Holt:
Thank you, sir.

Commissioner Morgan, you have complained about wasteful spending. Now, I am going to tell you something about wasteful spending. That previous board brought in over \$19 million.

Morgan:
Where is it now?

Holt:
You spent it.

Lamb:
Let her talk.

Holt:
O.K. That is where it is. You are riding off their coattails. That is what you are doing. I am serious. I looked back through my files. You see, I save them. I am one of those crazy people that saves things. I save my files.

As I said, that young lady that this board decided to fire, the one that has a complaint against us now – I looked just at what she was doing, just her alone. That was \$3 million. When you bring in \$3 million, you can afford to spend some of it. Isn't that amazing. You kept talking about those five people. Now, look at what the five people brought in. \$19 million. O.K. We'll go on to 2010. Where is the money that this board has brought in? Zero. O.K. Just look at the numbers.

Now, the President is giving away money and we're not asking for any. You talk about, "Well, we inherited this." You inherited a situation where people were bringing in money. Now, you have (inaudible) but, you don't go get any. Where are the dollars? Over \$10 million in paving. I can tell you how the \$10 million got here. I went to a workshop in Orlando and I came back and asked another commissioner to present it. I said, "If you will present it, I will argue it." He said, "Why?" I said, "Because they are not going to accept it from me. I am the new kid on the block." I argued it. I asked for \$25 million to pave every dirt road in the county and be through with it. But, what happened was this – you didn't go after money. Instead of you learning the system then learning what to do, - if you wanted to lay someone off, that is what you should have done. But, no, you came in and said "We are going to save money. We are going to save money. We are going to save money." You took the money for the Boys and Girls Club and you split that up. O.K. For that building that is supposed to be over there on MLK Blvd. That is what you did. Where is it? Why didn't some of that go to these organizations to help the people? You took the building away.

Now, I am just telling you, you are going to do what you are going to do. You do that. But, in this situation right here, your legacy is not what you want it to be. Your legacy is one that you are going to save somebody else's money. You are not going to go and get any. So, you are going to have a

legacy of being a winning commissioner. Remember, this county commission was the County of the Year – not by accident. We put the pros out there and we hired people out there that were professionals. We put them out there and this county complained about five people making a good salary when they brought in over \$19 million. So, you should look at your own track record before you start to judge someone else.

Look, give these people this money and let them get out there and go to work because you are going to be home in your beds when they are going to be out there working with these people who have need. That is where you are going to be. At home in your bed. Or, you are going to be on a trip somewhere. So, let's do this. Let's take a vote and be done with it.

Lamb:

My motion failed last time. I wanted to give all \$40,000 to Senior Citizens, so remember that. So, I will have to go with my second option today. I will do that at the time I am voting. You will know what it is when I vote.

We are ready to vote on the motion. All in favor of the motion say, "Aye." All in favor of the motion that Commissioner Morgan made was that we take that \$40,000 and put it back into the general fund. That is your motion right?

Morgan:

That is correct. Yes.

Lamb:

And you seconded it.

Croley:

Yes.

Lamb:

Everybody in favor of his motion, let it be known by saying, "Aye."

Croley: Aye.

Morgan: Aye.

Lamb: Aye.

Lamb:

Opposes?

Taylor: No.

Holt: No.

Lamb:

Make that 3 – 2 to put it back into the general fund.

O.K. Item number 12.

12. Approval to Award Bid 09-18 (Resurfacing of County Road 269) to Peavy and Son Construction Company

Public Works Director Robert Presnell explained that this item is coming from Stimulus Money for resurfacing of the above named road which met the qualifications for what they were looking to fund. He then stated that it was a second bid because there was a contest to the first bid award. Peavy and Son was the low bidder at \$ 99,315.00 – funded by the American Recovery and Reinvestment Act. He asked for approval of the bid award and authorized the chairman to sign all the pertinent documents.

Commissioner Croley stated, “Mr. Presnell, you had represented that C.W. Roberts Contracting had given a historically low bid on the price per ton for asphalt.

Presnell:

That will be coming to you at the next meeting for Sycamore Road.

Croley:

The reason that I am asking is that I noticed that they didn’t bid on this project. I was just wondering - what is the price per ton on here?

Presnell:

I don’t know, but I assure you that it is in the 80’s at least.

Croley:

And they were down to \$65?

Presnell:

Yes, sir. We bid - The Sycamore Road project just shocked everyone with the bid that came in on the per ton asphalt price.

Croley:

Well, given the drop in asphalt, not to delay the project in District 3 or anything that would interfere with the citizen’s benefit, is there a way that we might be able to look for that reduction?

Presnell:

The way this project is funded, probably not. There are very strict guidelines on the Recovery Act money. They are very particular.

Holt:

Question.

How did you go about qualifying roads for that because I want some done in District 4?

Presnell:

We had very few in the county that qualified. They had to be US Federal aid highways. There are only a few roads in the county designated that we could even apply for. It was a very complicated formula. Very strict. There were width requirements. We only had two roads in the county that qualified – that met the qualifications for the American Recovery Act.

Holt:
What was the other one?

Presnell:
Glades Road. The main problem with most of our roads, there was a width requirement of 22 feet. Most roads in Gadsden County are 20 feet.

Taylor:
I have just one comment.

Robert, I know you are trying to move expeditiously to capitalize off these fundings when they become available. But, could we not ask that in the future that these items be brought before us so that we can make a choice?

Presnell:
They have been. We have been doing that. The last couple of selections for SCRAP and SCOP, CIGP – they were brought before you. This item has been before you.

Taylor:
This has been before us? I don't recollect.

Presnell:
Because remember, we got into the discussion about the widths. You may not remember that one specifically, but, all grant applications now are brought to you before we actually apply. For board approval.

Taylor:
I don't remember it. I just wanted to make sure that is a process that you are following. I need some information on the sidewalks that we were supposed to get. Striping and sidewalks was supposed to be

Presnell:
Striping is a done deal. We are waiting on the weather. The temperature and rain have delayed us.

Taylor:
Sidewalks are going to be coming.

Presnell:
We have bid it. The bid has been let to a company out of south Florida. They are going to come up and they will be here for quite a while. But, we are waiting on the temperature.

Taylor:

I am ready to move. I will ask about that under my concerns and comments.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE BID AWARD DESCRIBED ABOVE TO PEAVY AND SON.

13. Donald R. Ward: Agreement for Personal Services – Consulting Services with for the Grant Implementation for the Larry Fountain FEMA Buy-out Application; Joint Hazard Mitigation Grant Program and Flood Mitigation Assistance Application

The Board previously approved Mr. Larry Fountain's application to FEMA on November 3, 2009 to buy his property located on US 27 at the Ocklockonee River near Havana. His property was identified by Gadsden Emergency Management as a prime candidate for the FEMA Hazard Mitigation Grant Program. The Board's approval was contingent on finding another governmental agency to take ownership of the property once the buyout was completed.

The State of Florida Department of Emergency Management contacted Mr. Donald Ward to assist in the coordination and preparation of Mr. Fountain's application. The grant provides for such contract services. The total cost for the acquisition services is \$1,200 per parcel.

A verbatim transcript of this portion of the meeting is on file with the clerk's office, but, not incorporated into the minutes.

Attorney Glazer recommended that this agreement be incorporated BY REFERENCE into the contract that follows.

There was a motion and second to amend the main contract to include the provisions of Mr. Ward's agreement. It was later withdrawn pending motion on Item 14 first.

14. Larry Fountain FEMA Buy-out Application; Joint Hazard Mitigation Grant Program and Flood Mitigation Assistance Application Contract No. 10HM-E7-02-30-01-001

The Board approved Mr. Fountain's FEMA application on November 3, 2009. FEMA and the State of Florida also approved the grant in the amount of \$178,275 which is only 75% of the total grant amount, leaving \$59,425 as the optional local share. Mr. Fountain agreed to accept the \$178,275 and waive the local match which was not required. When the Board approved the application, it was contingent on finding another government entity to take possession of the property, thus relieving the county of any storm water drainage liability. It was agreed that Northwest Florida Water Management District would be contacted to see if they would assume the land. Since that time, the water management district has made it know that they do no wish to take the property.

A verbatim transcript of this discussion is on file with the clerk's office, but is not made a part of the

minutes.

Mr. Charles Brinkley was present to answer questions of the board.

Mr. and Mrs. Fountain were ALSO present and spoke to the board. See the attached verbatim transcript for details.

Attorney Glazer reported a number of concerns which are identified as follows:

- The main contract should be amended to include the provisions of Mr. Ward's contract
- The county would own the land which must be kept as open space for perpetuity and it would become deed restricted. If the restrictions of the deed are violated, the land would revert to the Trustees of the Internal Improvement Trust Fund. No buildings can ever be placed on the property.
- There is nothing in writing where Mr. Fountain has agreed to accept what the federal government will pay, thus, waiving the 25% local match.
- Mr. Fountain would have to agree that the demolition costs would be deducted from what would have been a part of the 25% match, which he agreed to waive in order to expedite the acquisition. It was made known to him from the beginning that the county was unwilling to make a match or cash investment to this end.
- The property is in the river flood plain and not suitable for any activity because it is a wetland.
- The intent in purchases such as this one by the federal government is that the land would revert back to a natural state.
- Mr. Fountain agreed to remove the septic tank, the well and all the structures. There was a possibility that he could reuse the buildings on another property.

Several other matters were pointed out by commissioners:

- The Board has no use of the property, but, no other agency has been willing to accept the property as of this date.
- There would be very minimal cost in maintaining the property.
- If approved, the administrator must assign a staff person to oversee that the structures are removed from the property as well as the well and septic tank and in a timely fashion.

Discussion followed.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 3 – 2 TO APPROVE ITEM 14 WITH THE AMENDMENT THAT THE PROVISIONS OF MR. WARD'S CONTRACT BE REFERENCED IN IT. COMMISSIONERS CROLEY AND MORGAN OPPOSED.

Mr. Fountain agreed to have all the structures, etc. removed within 90 days, weather permitting.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE MR. WARD'S CONTRACT SUBJECT TO A PROVISION TO INCORPORATE IT BY REFERENCE TO THE MAIN CONTRACT.

COUNTY ADMINISTRATOR ITEMS

Mr. Williams had no items to discuss.

COUNTY ATTORNEY'S ITEMS

Use of the Traffic Surcharge for Jail Operations

In response to a question at the last board meeting, Mr. Glazer reported that he had researched the statute allowing for the \$15.00 surcharge on traffic tickets and determined that the money probably could not be used for the jail. The definition of court related function would not be broad enough to include the jail.

Commissioner Croley argued that it seemed reasonable to him that the jail is part of the judicial system as well as the courthouse. He asked, "For what other purpose do you hold the prisoners except to hold their bodies for delivery to the court?"

Attorney Glazer again reiterated that the statute limits the use of the money to court related functions. He said, "When you look at it in context, it would be a stretch."

Commissioner Croley asked the board to consider directing the attorney to seek an attorney general opinion for clarification.

Commissioner Taylor pointed out that seeking an attorney general opinion would be additional cost and she would like to see what it would cost and how much the county stood to gain in revenue.

Commissioner Holt asked to first look at what has already been paid out in legal fees before she would agree to spend more.

Commissioner Croley made a motion to seek an attorney general opinion. It died for lack of a second.

15. Update on Issues form February 2, 2010 Meeting

See the attached update.

DISCUSSION ITEMS BY COMMISSIONERS

16.

Commissioner Morgan, District 3

Employee Recognition Program

Commissioner Morgan commended the administrator for implementing the employee recognition program.

Meeting Videos

He thanked Mr. Jim Southerland for his continued presence at the commission meetings and personally videoing the meetings at no cost to the county. He encouraged him to continue his practice even though it is not for official purposes.

Customer Service Issues

Based on comments that have been directed to him by the public, he asked the administrator to look at how the department heads are interacting with citizens who called for service. He particularly mentioned public works and growth management.

Visit from Congressman Boyd

He announced that Congressman Boyd will be visiting in Greensboro at 2:00 p.m. on this day.

Commissioner Holt, District 4

Status of Public Record Request

Commissioner Holt asked for a status report on her request (from last December) to get copies of emails that other commissioners received, but, she did not.

Mr. Williams reported that they were copied to a disc and sent to the Attorney Minnis to be reviewed to make certain that they were in compliance with the Sunshine Act and that no confidential matters were involved.

Commissioner Holt stated that she had received an opinion from another attorney regarding the phrase “timely manner.” She argued that from December to mid February is not timely at all. She stated that Ms. Minnis was not doing her job as far as this matter is concerned.

She then directed her question to Attorney Glazer who disagreed with her. He replied that he had not seen the request and could not respond.

She contended that the manner in which it was being handled “is not proper government as far as I am concerned.”

Asphalt Millings Donated by C.W. Roberts

She recalled that there was a significant stockpile of asphalt millings donated to the county some time ago by FDOT for the county’s use at large. She stated, “It was not given to the county because the county requested it. It was given because Commissioner Holt requested

it.” She then asked if all of it had been used and Mr. Presnell responded, “Most of it has, yes.” She asked that if all of it has not been used, that it be applied to the roads in her district since she was the one who was responsible for getting the donation. She recalled that it was 75 truckloads.

She argued that if such a thing could be done in one district, it should apply to all districts and all donations. (The other donation to which she was referring came from C.W. Roberts who donated millings to District 2 for Mary Brown Road in St. Hebron. Mr. Roberts, as a private entity, donated 180 tons of asphalt material specifically for that road.)

She said, “I want to make this point very clear. It was not brought before this board to get that either. I want to make sure that if I am going to do this, and it may be from private or public entity, but, I fully intend to get some things done on some roads. I want to make sure that if I don’t need to come before this board, then I won’t come. I will just name the road, tell the manager. Whatever he does for Commissioner Croley, he can do the same thing for me in my district.”

The matter was referred to the county administrator as a request, not a directive.

Attorney Fees and Billings

She had questions about how the attorney was paid. The response from Mr. Glazer was - \$7,000 month for 50 hours. Anything more than 50 hours is billed at hourly rate.

She then asked about fees from other attorneys- a report that she previously requested. The administrator replied, “You should have received that report...This was requested once before at the last meeting. And, I remember that I updated it and resubmitted it. Did you not get it?”

Commissioner Holt replied, “I didn’t get it.”

Senior Budget Analyst Sherrilyn Chess responded that she had resubmitted the report to her Gadsden County email address as well as her personal email.

Ms. Chess was asked to send the report again.

Attorney Glazer asked to get a copy of the report as well.

Grant Writer

She encouraged the board to look seriously at getting a grant writer on staff to go after grant money.

Horse A

She questioned the administrator about emails regarding Horse A as well as phone records,

news interviews, etc. Mr. Williams responded, “I assume that it is in the same place as the other emails...This is the first that I have heard that you didn’t have it. I apologize, but, I assume the attorney still has it...I assure you that I have not held it up in any way.”

She then turned her remarks to public record requests in general. She commented that the response time from the staff is not acceptable.

Mr. Glazer stated that Ms. Minnis has had a medical emergency of a serious magnitude and he could not commit that he could talk to her very soon. He did commit to speak to her as expeditiously as he could. He reiterated that it was a very serious matter.

Commissioner Taylor, District 5

For purposes of clarity, Commissioner Taylor stated that she, too, would not receive road paving money for her district during this fiscal year because of budget constraints. However, she felt that eventually, all districts would receive some services.

Taxpayer Bill of Rights

She reported that she had attended a class on the Tax Payer Bill of Rights and the information was very good. Based on the way it will be presented to the people, if it passes, it would greatly hinder growth and development for county government. The Florida Association of Counties is very much against this measure and would like to come to Gadsden County to discuss it. She asked that such a meeting be scheduled.

Criteria for CRA Applicants

She asked the administrator to obtain information from the City of Quincy about how applicants are qualified for home rehabilitation using the CRA funds. She also asked that the board consider requesting that the City allow county representation on that CRA board and have input as to how those dollars are spent.

Private Roads Maintenance

She asked the board to consider developing a policy by which the county can assist people with issues relating to private roads.

Sidewalks

She stated that she had requested sidewalks in her district and she asked for a report from Robert Presnell, public works director.

Mr. Presnell explained that the board would have to look at the sidewalk request during the regular budget cycle. He reported that \$600,000 in stimulus money was received for sidewalks in Midway and Gretna in the current fiscal year. (Selected by FDOT) However,

the rural county has not selected any sites for sidewalks at this time.

She asked that the staff see if there would be any other funding avenues available for sidewalks in the county.

Commissioner Croley, Vice-Chair, District 2

Amendments to the Agenda

He asked the administrator questions regarding the posted agenda to the website – particularly, is the agenda material updated to include the amended agenda items. Mr. Williams assured him that the agenda is updated appropriately.

Mosquito Control Issues

He asked for a status report as to the preparation for the mosquito control after such a rainy season given the drainage problems the county has experienced.

10/90 Commerce Park Road

He stated that he has had business people approach him about the need for improvements to the entrance to the 10/90 Commerce Park in Gretna. The road was determined to be a county road.

Mr. Presnell responded by saying that the entire road was well past the need to be resurfaced and he had submitted a budget request to resurface it in this budget cycle for FY 2010 as a priority. However, the funds just were not available this year. He stressed that the road not only has potholes, but dips and ruts and if the money could be redirected for that purpose, it should be addressed as quickly as possible.

Commissioner Croley called attention to the amount of revenue that comes into the county from the businesses in that park and that special attention to the road would certainly be appropriate.

Mr. Presnell stated that the department does routine maintenance on the road, but, the time has come that it must be resurfaced.

Commissioner Lamb

Appointment of Mrs. Ruth Brankley to Senior Citizen Board

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPOINT MS. RUTH BRANKLEY TO THE SENIOR CITIZEN BOARD.

March Meetings

March 2, 2010 – 6:00 p.m.

March 16, 2010 – 9:00 a.m.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOAD, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 1:45 P.M.**

Eugene Lamb, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON MARCH 2, 2010 AT 6:00 P.M.,
THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

PRESENT: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
Brenda Holt, District 4
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

INVOCATION AND PLEDGE OF ALLEGIANCE

Chair Lamb called the meeting to order at 6:00 p.m. He called for a moment of silent prayer, then led in pledging allegiance to the U.S. flag.

AMENDMENTS AND APPROVAL OF AGENDA

The agenda was amended as follows:

Move Item 11 (Hospital Update) to follow Item 1 on the agenda.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD
VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED AMENDMENT TO THE AGENDA.**

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD
VOTED TO APPROVE THE NEW AMENDED AGENDA.**

AWARDS, PRESENTATIONS AND APPEARANCES

Chairman Lamb reported that he had been approached by Rev. Billy Wells, Jr. (an 80-year old gentleman who resides in Leon County and lives on a fixed income) who has been so concerned about the plight of the Gadsden County hospital that he wanted to make a donation to that cause. He went on to say that Rev. Wells is currently in a rehabilitation center recovering from a broken hip, but was insistent on doing some little something to help get the hospital open thus helping people in Gadsden County.

Chair Lamb He then presented a check from Rev. Wells for \$220.00 to Senior OMB Analyst Sherrilynn Chess and GHI Board Chairman Craig McMillan. He expressed his extreme appreciation for such a heart felt gift.

1. Department of Corrections Re-Entry Center

Dr. Bill Law, President of Tallahassee Community College made presentation for a proposed new

facility to be constructed on the grounds of the Florida Public Safety Institute of which the Pat Thomas Law Enforcement Academy is a part. He explained that this project is in partnership with the Florida Department of Corrections.

He then introduced Dr. Kimberly Moon who was recently reappointed to the Board of Trustees for Tallahassee Community College, Dr. Jim Murdaugh who heads the Florida Safety Institute, Mr. Tony Stallworth, Director of Facilities, Planning and Construction, and Mr. Warren Emo of Emo Architects who represents the Department of Corrections.

He pointed out the following points:

- The facility will house 576 Inmates
- It will be for male inmates who are within the last 12-18 months of their incarceration. They are likely to be men who have family roots in the panhandle.
- The facility will be completely on the grounds of the Public Safety Institute
- The construction budget will be slightly over \$15 million.
- Some prison labor will be used in parts of the construction.
- It will add 150 continuing jobs of which the majority will come from Gadsden County.
- There will be a second entrance which will allow for infrastructure improvements (stormwater, electrical, etc.) which will allow for development of other parts of the site.
- It will not be visible from the road.
- The land is presently zoned correctly for the facility. The Department of Corrections has statutory authority to work through the project, but the BOCC will kept fully informed and abreast of the project.
- Construction should begin in approximately one year – 1st quarter of 2011 and will take about one year to construct.
- Benefits for TCC – significant site improvement benefits that will allow them to move rapidly on a number of other amenities which will be a great addition to the site and to the community. It will solidify the corrections training that is already going on there.
- Benefits to Gadsden County – improve the local employment base; economic stimulus for housing and shopping; local supplier base; special programs to build on the high school academy; .
- It is as removed from neighborhoods as it can be.
- The Department of Corrections will select the general contractor and the professional services used.
- The funding is already in place – The Legislature approved a series of bond funds to roll out over the next couple of years that will include funding for this project.

Questions from the commissioners:

1. Do you have plans for a re-entry certification programs? Dr. Law could not answer the question, but, stated he would find the answer and provide it to Commissioner Holt .
2. Can local people be employed during the construction phase as well as the long term employment? There was no answer.
3. Will the Department of Corrections offer a wide spread based inmate population - will the inmates be from across the panhandle or will they be strictly limited to the immediate counties? Answer: The goal is to create the re-entry centers to be located

close to where those folks will actually locate when they are released. The DOC is geographically spreading those re-entry centers around the state.

4. When you are talking about the panhandle, are you talking about from Escambia County back to the east? The staff could not definitively answer the question. However, Dr. Law pointed out that there are no other re-entry centers between Gadsden County and the State line. He committed to gather more information about how the overall program works, then follow up with the question.
5. Of the 150 continuing jobs, will some of those jobs be available to those coming out of the prison system who have a criminal background? Dr. Law responded, "The 150 jobs are the Correction Officers. So, those are the ones who will go through our training. Those are the ones where we are going to make a special effort to get people ready for that training. Again, the Public Corrections make those choices. They will be Department of Corrections employees. Clearly, they want us to work with them on that. That is professionalized, certified base. When people leave incarceration, you are absolutely right. The people leaving have to have skills or else, they are probably not going to succeed on the outside. We think the kinds of skills that we could teach them in the trades are ways that they can find employment. My suspicion is that with Adult Education, they go out with a degree, we know that is a predictor of success. We know that if they have family structure, that is a predictor of success. Then, if we can give them a job skill, I think we are on the right track." Mr. Murdaugh stated, "One of the things that we are studying is a program in Jacksonville that is actually set up to facilitate reemployment of folks when they come out of the institutions. Apparently, they have had great success and we are taking a look at their model to try and figure out how to do that here as well...President Law's direction, as we have gone step by step in this process, is to make sure that this actually becomes a model in the State of Florida. This is the first time that the Department of Corrections will be partnering with a college to try to bring in GED programs and credit programs and Workforce Programs and set people up to succeed. I will tell you that is his mandate to me in all of my conversations and I want you to know that it is very clearly in the forefront of what we are looking to do."
6. Will you have some kind of employment agency set up on the inside that can reach out or that can bring into your institution jobs that are willing to extend opportunities for those leaving incarceration? Dr. Law responded, "Let me make a commitment to you that we will handle these people as students so they would get the benefit of Tallahassee Community College. One of the things that we like to say is, "A student is a student is a student." If we have to expand on our current career opportunities and career training to do some more intensive, more focused specialized help, with a year's lead time, we can do that."
7. Is the funding already in place for this center? Yes, the facility itself is already committed by the Florida Legislature. It was part of bigger bond package. The operational part will come the Department of Corrections.
8. What do you expect from the County? Ask good questions so that everybody has all the facts. Express your support to the Department of Corrections at the appropriate time. Assurance that the permitting moves the county timely.
9. Will you conduct public town hall meetings with the community to make sure that they are comfortable with this before it goes forward? They will do that utilizing the process set by the Planning Commission.

1A. Hospital Update by Mike Glazer

Attorney Mike Glazer:

Good evening Commissioners. I am pleased to be before you again this evening with the next update on the hospital. We are making good progress. I am here tonight to describe to you the provisions of the draft lease, which is maybe the most important step in this entire process. So, what I have done is I have provided to you some materials that I am going to try and walk you through the provisions of the lease negotiations as they stand as of this evening.

What I have done is – I have previously provided to you another copy of the letter of intent. That is the exact same letter that you have seen before. I just gave it to you again for ease of reference. We have provided to you a copy of the initial draft of the lease that was provided to us by HCA. Then I have also provided you with a copy of the redline document which is primarily my work product where I went through the lease along with one of the other lawyers that work in our firm who does a lot of real estate work, making suggestions and potential changes to it. Then, we have taken that to the GHI Board, Gadsden Hospital, Inc. and they have also had a chance to review it. So, this does reflect their comments as well.

I will point out to you tonight that this redline document is still a draft and I will tell you that the second comment on this slide is now wrong. Less than an hour before I left to come over to Gadsden County, I actually did receive the comments back from HCA. I will incorporate those into my presentation tonight. But, I am very pleased to tell you that they have accepted almost everything that we proposed. We are very close, I think, to a final document. There is one particular issue that I am going to focus on a little bit more when I get to that point in the presentation, but, we are very close and I am going to talk about timetables before I finish this presentation.

I am going to run through the key provisions with you. I am going to try and do this fairly quickly and not take up too much of your time. There is a lot in this lease and I want to make sure that you are fully informed when we come back and ask you to take a vote on this very important project.

First of all, this is a three-party agreement between Gadsden County, Gadsden Hospital, Inc. and Capital Regional Medical Center. Actually, the only thing that GHI brings to the table, if you will, is that they still have the license to the hospital. So, GHI will contribute the lease to the transaction. Essentially all of the other obligations are between Gadsden County and Capital Regional Medical Center. We have taken into account the potential, and, this is nothing that I am suggesting, it is not something you have to do now or ever, but, if, at some point down the road, GHI actually ceases to exist or is no longer a part of this project, then we would go into the provision of the lease that allows the lease to continue with or without GHI. In other words, GHI basically there at the beginning to contribute the lease, then they kind of back out and the obligations run primarily between Gadsden County (essentially as a landlord) and Capital Regional Medical Center. The lease would become effective on June 1 of 2010, which, is roughly the projected opening date. However, as of June 1, Capital Regional will begin to pay basically all of the operating expenses for the facility. However, what we put in there, because they don't

come in until June 1, you can't come in on the same day you are looking to open – as soon as you sign the lease, Capital Regional Medical Center would be allowed to occupy the premises to begin to help us get the equipment installed. I will talk more about that in just a second. And, to also prepare for opening. So, essentially, as soon as we can do the deal, they will come onto the site. We have actually suggested that once they come on site, once the lease starts, that they would pick up 50% of the utility cost and 100% of the phone service from the date they turn the phones on. Now, all of those costs will shift to them on June 1. But, even before the effective date, they will begin to pick up some of those costs. I will tell you that in the draft that I got back just a few minutes ago, they did accept that suggestion from us. So, we will already be able to shift some of those costs.

The lease is for 44,000 square feet, which is about 2/3 of the building. We have been through all that before. The county will provide the furniture and equipment. I am very, very pleased to tell you that through the very hard work of Craig McMillan and Arthur Lawson that - the last time I was here, I was telling you that the equipment cost were over \$3.2 million. Through some pencil sharpening and working real hard, we are now looking at equipment cost that will hopefully be under \$2.6 million. That is still for a first class hospital that is every bit equivalent to any hospital that HCA would put into any place in the country. We are very pleased with all of that.

Now, I don't want to suggest to you that we are going to get all the costs down there. We cut a lot of things, we lowered a lot of costs and we done a lot of savings. But, there will be other things as we come and go. But, it looks like we are going to be able to knock a lot of that cost down from where we were before, which is great news because is just that much less that we have to take out of the trust.

This is not a new provision. It has been there all along. The county will be asked to fund any future capital expenditures that are over \$25,000. Capital Regional will do all of the maintenance except for structural defects or major system failures. I will tell you that we are kind of negotiating a little bit. It looks like where it is going to end up is that the County still probably be responsible for the exterior. But, remember, the exterior is the full 15 acres. Capital Regional isn't going to use anywhere near all that. So, at the end of the day, what that basically means is that we will do the landscaping, which we were going to do anyway, and the county will mow the grass and take care of the shrubs. So, not a huge project, but, the county has been in discussion with Capital Regional about that.

The last point on there is that Capital Regional Medical Center will have a right of first refusal on the other space in the building, which means that, if, for example, the County decided they wanted to sell the building, we would have to offer that to Capital Regional first. If they don't take it, then we will be free to sell it. Or, likewise, if we wanted to rent some of the space to other folks, again, they would kind of get first dibs on that. But, again, that is all very consistent with the letter of intent from the beginning. That is in the lease.

The facility will start out and we have actually met with AHCA . The four beds will actually be licensed. They will be on the license from Day 1. They will be inspected and surveyed just like any hospital would be. They won't be initially operated. Again, consistent with what we have talked about before. But, we have built into the lease, this was a provision we added in there for

clarity, that they will always operate it as a hospital with a full time emergency room. That is their contractual obligation under this. They cannot convert it to some kind of an urgent care center or some kind of part time facility. So, that has been clarified in here.

The name Gadsden Memorial Hospital or something similar will remain in the name of the facility. I think I told you that because of federal Medicare requirements, Capital Regional will also be in the name. They haven't settled on it, but, they will keep some reference to Gadsden County in that name.

The license will be issued by AHCA in a way that is absolutely clear that if at some point this has to be unwound that the hospital can be returned to the County. We have built that into the lease. We have talked to AHCA about that. I am going to even work further with AHCA to solidify that in writing. We feel very good about that. And, upon termination, if that happens and we hope that it won't, but, Capital Regional will cooperate in the return of the licenses, permits, etc. The license will be in Capital Regional Medical Center's name, but, we have built in as strong of a provision as we can to force them to cooperate in every way possible for the return of the license in the eventuality that that might happen. Again, HCA is not Ashford by any stretch. I am not worried about that, but, we have built in some stronger provisions and I am also pleased to report to you that those stronger provisions that we drafted - when they came back to me just a few minutes ago - with just some minor tweaking, HCA was fine with them. So, we are pleased about that. Again, we have asked for strong provisions about cooperation.

The lease would have a five-year term to it. It would be renewed in five year increments unless either party advised the other six months in advance that they didn't want to renew the lease. As we have talked about before, Capital Regional Medical Center can terminate after 30 months with 180 days notice if the financial losses exceed a certain threshold. Let me stop here and talk a little bit about that because this is going to be one of the places that we still have to work on the language.

As we presented to you in the past, they are expecting this facility to operate at a loss. They are looking at making sure that those losses are no greater than they reasonably expect. What we were talking about before in the first draft of the lease, they kind of had a blank. They said, "O.K. if the losses exceed "X", then we can leave. They had not defined what "X" was. I have been talking to them and I knew that informally, they were looking at that threshold being about a half million per year. Today, when I got the draft back, they had dropped that number from a half million to \$200,000. But, before you get too concerned about that, that half million did not include any consideration of the trust revenue or surtax revenue. Now, the \$200,000 does take that into account. To some extent, Gadsden County can help keep the hospital here if the losses are greater than anticipated by the decisions the county makes as to how much additional funding will be provided to the facility. I want to work on that language a little bit more with HCA before we come back with a final because we want to make sure - let's say that we are at month 25 and it looks like there is going to be a problem. We want to make sure that HCA comes to us and tells us that. So, if there is something that the county can do to help that problem, we will have the opportunity. If they wait until month 31, it may be too late. So, we will work on that. But, I don't think we are going to have a problem with them on that point. If the lease does get terminated, then all those capital expenditures above \$25,000 (essentially, the improvements)

we are going to have to buy back from them at the depreciated book value at that time. Again, that is consistent with what was in the letter of intent all along.

Capital Regional has continued with their offer that was put in the letter of intent that if they leave, they will still offer to manage the facility for up to one year. Of course, we would have to work out the terms of that provision you will find in the lease.

If the facility is returned to us, one of the things that they clarified when they returned the lease back to me is that if we take the hospital back we would pay for the cost of licensure. But, I can tell you that is extremely common. The buyer always does that. So, that is nothing unusual.

I want to talk a little bit about the trust fund and the surtax. The provisions of the lease are that all of the income, after expenses of course, from the trust would go to the hospital. Then, also, in the original draft of the lease, Capital Regional asked for a provision that would have the county direct at least 75% of the surtax revenues to the hospital that were not otherwise committed to debt service. The debt service is always the first thing that gets paid. Whatever is left, in the first draft, they asked for at least 75%. We countered on that and asked if they would consider lowering that number to 50%. And, they have agreed to that. Now, that means that you can still allocate more than 50%. It is just a commitment that we won't do less. So, whatever is left over after the debt payments are made each year, it would be going to Capital Regional for indigent care and I think it is very clear from all the information we have received so far that there is not enough money in all of the tax and all of the trust to pay for all of the indigent care that is likely to be provided at that facility. In fact, the more successful it is, the more indigent care there will be providing. And, of course, Capital Regional is obligated by law and by the contract to provide indigent care.

We have asked Capital Regional to provide periodic reports either to this commission or to your designee. I suggested that they be done quarterly in the first year, then twice a year after that. They have come back and I think they want to do that a little less frequently. I think they want to do it twice a year for the first year, then annually after that. They certainly don't have any problem making regular reports to us.

What we are looking at in terms of really what are the next steps. This does keep (inaudible) but, it is really next steps. What we need to do is finish the negotiations, but, again, the document I received just a few minutes ago is real close. We are going to have to take this lease to GHI Board. Given that I just got it a few minutes ago, I haven't even had a chance to even talk to Mr. McMillan, but, we are going to try and convene the GHI Board pretty quickly here to get their signoff on it, then we will bring the lease back to this commission – possibly at our next meeting. I am kind of hoping that we can schedule it for the meeting on the 16th. There are some steps that we are going to have to take at meeting and I will help you through those. The Statute that allows the County to lease the hospital requires us to make certain findings with regard to this lease being in the best interest of the citizens of Gadsden County and some other things. I will help you through all of that. We are also, at the same time, going to sign this lease with Gadsden County, I mean, Capital Regional. We would also be cancelling the current lease with GHI. Obviously, you can't lease the building to two people at the same time. And, there are some other little steps that we will have to go through. But, that is basically the process that

we expect to follow over the next couple of weeks.

Equipment is on order. That work is ongoing. We are trying to work with regulators to get them out to see the facilities. We did have a little hiccup that came up in the last couple of days with regard to pharmacy, but, we will work through that. They require a few modifications to the building, but, hopefully, nothing too serious. Other than that, we are just rocking and rolling along.

I know that I have run through that quickly, but, let me – that concludes my presentation. I am more than happy to answer any questions that you all have this evening.

Lamb:

O.K. Mr. Glazer. Very good presentation.

Commissioners, I will entertain any questions now if you have any. Any commissioner?

Holt:

Mr. Chairman?

Lamb:

Commissioner Holt.

Holt:

On the language for the license to be returned to the county in case that there is a problem and they pull out or we decide that we cannot - or we decide that we are going to get the license back for whatever reason, that language should be, I think, "Shall be returned," instead of "Can be returned."

Glazer:

I thought it did say "Shall".

Holt:

It may be. It may be. I was just thinking that in your presentation, you said, "Can."

Glazer:

It not only says that, but, there are provisions in there that say that they have to pay our attorneys fees if we have to go to court. We really tried to beef that up in a way that you didn't with the Ashford lease.

Holt:

Right. Also, HCA said that they knew there would be a loss of \$700,000. Why did they come back with \$200,000?

Glazer:

Well, they were never - all along, they were, they wanted to set that threshold lower than \$700,000, that allows them to make a business decision to leave if they want. That being said,

they have told me on numerous occasions that the fact that they even have losses that high, does not mean that we are going to leave. Understand that once this hospital opens, for them to leave is going to be a big deal. It is going to be hard for them. But, they always had in their mind that it would be lower than \$700,000 so that they would have some wiggle room there. They dropped it to \$200,000 because when we were talking at \$500,000, they had not accounted for the trust revenue and the surtax. But, understand that even in a worst kind of scenario, the trust income will give them an additional \$100,000. Hopefully, much more than that. And, the surtax revenue will be several hundred thousand dollars a year. Again, hopefully, much more than that. So, that will reduce their losses once you take that into account. That is why they dropped it down.

Holt:

I understand that. But, I don't understand them dropping it down. I understand that they some other revenue over there. But, if you come and you say you know that the loss is going to be \$700,000, but, you can run it with that loss, then really, that is the number that I would expect. If you say it is going to be "A", then in the negotiations, you keep it at "A". You don't go to "B". I am not saying that there is anything wrong with it because I would have the same concern later.

The other thing is the debt service. You are saying that 50% of the remainder of the half cent. So, there would be at least \$100,000 out of the trust and 50% of the half cent that remains after we pay the bond. O.K. I know that we had some discussion about using the entire half cent. There was never a time set when that half cent could be used for those other items that were presented to the public to vote on.

Glazer:

We are protecting that.

Holt:

Right. I understand. But, what I am saying is, 50% of the remainder, and there were some indigent care items that were proposed out in those towns and communities that those people are expecting that indigent care to be taken care of out there. So, if you get \$1.2 million a year on the half cent and the debt service was approximately what?

Glazer:

We are probably looking at between \$750,000 and \$800,000 per year.

Holt:

Right. So, then there is not that much left at all. Then half of that – if it goes toward HCA, then you don't have that much left for indigent care even at - if they use 50% for their indigent care at their facility, then there is only half of that left for the community out there. I don't know if it is going to be used for that because there was no time frame for when we have to start looking at that.

Glazer:

The way we are looking at that is that in a bad economic year, you had about \$1.3 million in revenue. To use round numbers, if you \$800,000 in debt service, that leaves you \$500,000 for

other program. If half of that goes to HCA, it still leaves \$250,000 in this bad economic environment for these other programs. Hopefully, that debt service number is flat, it is not going to change. Hopefully, the revenues will go up as the economy recovers and there will be more and more money for these other programs.

Holt:

Right. But, then you are also looking at this 50% - it is going up at the same time. That is my concern. If you give us a certain number, that makes sense and it stays there. But, if you say 50% because the economy got better, then you are going to give the other 50% to that organization, that cuts out what they can do out in the communities. Let's say that it ends up being \$800,000. That means that HCA gets an additional \$400,000.

Glazer:

I will tell you this. And, I have actually had this conversation with the HCA lawyer. If four years from now, things are going along well and the hospital is doing well and the tax revenues are coming in at a rate that we hope will be much better, you are going to have an opportunity to go in and potentially renegotiate those terms.

Holt:

In what length of time?

Glazer:

You are probably looking at about 4 years from now. Remember, you have the 180 days before the end of the lease. The lease runs for 5 years. Six months out.

Holt:

O.K. How is the indigent care being taken care of at the facility in Tallahassee that they own?

Glazer:

Through a variety of things. First of all, any patient that appears at the emergency room, they are mandated by law to take care of that. They receive, basically because they are a for profit hospital, they don't even receive some of the same tax breaks that TMH receives.

Holt:

Well, I was just wondering about what does this local government do?

Glazer:

I am not aware of them doing anything.

Holt:

That is kind of what my concern was. How do you compare it. You compare shoes and shoes, not boots and shoes. So that we can look at what we are comparing. You are negotiating and Mr. McMillan and Mr. Lawson, but, we are not. We hear it when it comes here. That is one of my concerns.

The other is the license and permits. I know they are not the previous companies. I worked

under one of those when I was working at the hospital out there. I wasn't happy with that one. That was not the last one. But, when you look at the license and permits, the lapse time. Once they left, they did not reapply. That is what made the license go into a tail spin. We couldn't get the license back. It is very important that there is strong language there. That the license will be maintained. Not shall be, not may be. All the permits must be maintained. I know that this is a good company, but good companies run into problems sometimes.

Glazer:

The good news about that, Commissioner, is this. If they mess up with the licenses here, it is going to affect their hospital in Tallahassee. They are not going to put that hospital in jeopardy. So, we have that added assurance.

Holt:

I understand that. I looked up HCA. I did some research on them. No one is perfect. Let's put it that way. O.K. What I am saying is they lose money there because they are going to be referring from here to there. They are going to be referring patients. So, that is how they are going to make their money. They are not going to make it here because you can't spend the night here. Even when it opens, you can't spend the night. They are going to be making their money on the other end over there. I understand that. But, I want to make sure that the license is secure so that no matter who gets it, pulls out, and I know that a contract can be challenged at any time. I would like some strong language to be there. That the license will be maintained, the permits will be applied for and done on time. A federal judge said that wasn't done before. And, in there, it says "Shall be returned back to the County." That makes it more difficult. That is all I am saying.

Glazer:

I think that we already have that in there, but, I promise you that I will go back and double check that.

Holt:

Thank you, Mr. Glazer.

Thank you, Mr. Chairman.

Lamb:

Thank you, Commissioner Holt.

For those of you who came in with those signs, you have to take them back outside, please. We can't have those signs inside. Thank you.

O.K. Commissioner Morgan, please.

Morgan:

Thank you, Mr. Chair.

Mr. Glazer, it is good to see you again. I appreciate your presentation. I am always appreciative

of how clearly you communicate where we are, where we are headed, and give us some timelines. Thank you for that. Just one quick question.

How long have you been an attorney? How many years?

Glazer:

Since 1979. Thirty years.

Morgan:

How many different type leases have you been involved with – hospital deals in particular? As far as putting negotiations like this together. Would you say that you are seasoned in this?

Glazer:

I have been doing it for 30 years. There are not many people that have done more than I.

Morgan:

What other organization is larger than HCA as far as hospital groups and successful operating hospitals?

Glazer:

In terms of size, the only one that maybe even approaches them is the Veterans Administration. In terms of success, I am not sure that they are that successful. So, they are pretty much unrivaled.

Morgan:

I would agree with you. Based on those two comments and facts here, I think that we are very fortunate to be under the direction of you and in partnership with HCA and in this case, Capital Regional and it sounds to me like this is very quickly becoming a reality. We are very fortunate that we have gone through this process in this manner and looking at a June 1 opening. I want to commend you and the hospital board under the direction of Mr. McMillan and those folks. I think you are doing an outstanding job. I just want to tell you that I really appreciate that.

Glazer:

Thank you, but, it is a team effort.

Lamb:

O.K. Commissioners? Commissioner Croley.

Croley:

Mr. Glazer, as always, I appreciate what you are doing. You do a top-notch job. Anyone can see that and we thank you for it. Not enough can be said to compliment Mr. McMillan for his services and Mr. Lawson and Clerk Thomas and Mr. Collins for all their efforts to work with you. So, we thank you.

Lamb:

Commissioner Taylor?

Taylor:

Mr. Glazer, again, I also echo the sentiments of my colleagues and say thank you for a job well done. One question, however. In the license issue, it is because, I followed this, and because the county spent so much money in the last case scenario with the former lessee down there. Would you build in a time line as to when the license should be returned in the event that there is a termination agreement, say 60 – 90-120 days? Something that would be enforceable.

Glazer:

There is a process. And, the only reason that I am hesitating at all on that because I don't disagree with the concept, is that there are so many variables when you get into that situation that are beyond either the county's control or Capital Regional's control. You are dealing with all sorts of regulatory bodies. So, as long as we have the commitment for them to continue and to not let the license lapse, then it will take as long as it takes. But, it won't be allowed for there to be any gap. It is the gap that we are worried about. Like I say, regulators control some of that.

Taylor:

I can understand that with there being so many other variables that are uncontrollable by either you, the board or HCA. I can understand you, but, I was just trying to see if we could narrow the gap so that we wouldn't have to run for a year without it. Obviously, the hospital is needed and we certainly can't operate without the license, so, I was just trying to make sure.

Glazer:

The intent is that there wouldn't be one minute without it.

Taylor:

Well, that is going to be my prayer. That there is not one minute.

Ah, I have already been called about jobs. I understand that applicants need to contact HCA or Capital Regional Personnel Department. What is it that we can do to help locals get some of these jobs?

Glazer:

Sure. First of all, one of the things that is happening at Capital Regional is that there are already a lot of local people that work over there. They are excited. They want to come home. So, I think there are already people from Gadsden County who will probably come back to Quincy and work at this hospital. But, what I would encourage anyone to do is to contact the Human Resources Department at Capital Regional Medical Center and talk to them about it. That is not something we control. Obviously, we can recommend people. If somebody wants to get a letter of recommendation from somebody, I am sure that HCA will be happy to accept that. But, ultimately, those decisions will be theirs.

Taylor:

Well, I can appreciate them wanting to make sure that they have the finest there and certainly, we want the finest working there. But, opportunities are being asked about here, locally. As a commissioner who has the opportunity to sit in this position because of the locals, obviously, I

have got to speak on behalf of them and see if we can put some kind of mechanism in place so that either through our local Workforce agency – I don't know if you can do that or make a recommendation to HCA that they put a block of jobs over here so that people at least know who visit that Workforce Center will know what is available. Some may not have the opportunity to travel to Tallahassee, but, we don't want to take opportunities away from them. So, that is just a recommendation or suggestion.

Glazer:

Let me make this suggestion. They will be back here. If we can get this brought back to you for final action in two weeks, they will be here and I encourage you to make that comment to them as well.

Taylor:

I will. I thank you for that opportunity and I will make a notation and if you don't mind, make that notation as well. I am so pleased and so happy about the progress that you have made and I just want to say thank you and God bless your hearts for all the hard work.

Thank you, Mr. Chair.

Lamb:

Thank you. Is there anyone else?

Holt:

I have one comment and I will make it very short.

The timeline is very important. Thank you, Commissioner Taylor, for making that point. The timeline on the license really drives this. If two people fall out, the hospital doesn't stop, so if the two entities do have disagreements and they decide to pull out, we want to make sure that the doors stay open. I don't know what kind of language you can put in there.

Also, the item that you brought up, if some of the people in Tallahassee want to come back this way to work at the hospital, that cancels out the new jobs as far as I can see. They come back, but, they already have a job. We are looking to get people in the medical field, but, we need the new jobs. That brings income into other households. So, you know, to bring one back doesn't get a job. I think that is a very good point about the job market. We need people going into new jobs.

Thank you, Mr. Chair.

Glazer:

You mentioned timeline and that jogged something that I forgot to mention to you. With the Session starting today, we have not lost sight of the fact that we do have a license that expires. We are continuing to be cognizant and making sure that we are looking out for any issues in the event we have to look for an extension. At this point, we have no reason to want to do that. We are all acutely aware of that issue. If anything happens, we will jump on it with both feet.

Lamb:

Mr. Glazer, thank you very much for giving us that beautiful update on the hospital. I think we are moving forward very good. We are right around the corner now. I know that Capital Regional is working on trying to get some of those employees that they have from Gadsden County that want to come back to Gadsden County. They are trying to get them jobs at this hospital. But, I am going to leave that up to them. That is their job. I've got enough here to worry about. But, I think you are doing a good job. We look forward to seeing you on the 16th.

Glazer:

Mr. McMillan just reminded me of one thing. I want to give you a quick update, we have been negotiating with BB&T on the bond financing. That is all moving forward without any problems at this time, too. Hopefully, we can report to you next meeting that it is done or close to being done.

Lamb:

O.K. Thank you.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE THE CONSENT AGENDA TO WIT:

2. Approval of Minutes

November 17, 2009 Regular Meeting
December 5, 2009 Regular Meeting
January 5, 2009 Regular Meeting

3. Ratification of Approval to Pay County Bills

Accounts Payables Dated: February 19, 2010
February 26, 2010

Payroll Dated: February 25, 2010

4. Approval of Gadsden Express Bus Service – Big Bend Transit

The Planning and Community Development Department requested approval for the Chairman to sign the Hold Harmless Agreements for the Gadsden Express Bus Service and to amend the Contract for Services with Big Bend Transit to change the locations of park and rides.

The purpose of Gadsden Express is to provide bus service from Gadsden County to the Tallahassee central bus terminal with limited stops along the way. The bid was awarded to Big Bend Transit for two years. The original bus route started at the IGA Foods in Quincy and made stops at the Dollar General in Midway, Tallahassee Community College, then terminated at C.K. Steel bus terminal.

As the project developed, the IGA Foods and Dollar General Store declined to allow their property

to be used as a park-and-ride location. Therefore, new locations were secured. The new park locations are at the Winn Dixie Plaza and the Town Hall in Midway.

As a result of those changes, the Contract for Services must be amended. In addition, the resulting Hold Harmless Agreements must also be signed by the County.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Janice Francis – 2691 Mr. Pleasant Road, Quincy, FL -She spoke on behalf of people who are distressed about the excessive increase in their utility bills. She brought her concerns to the board's attention even though the board is without any authority to regulate the utility prices in the hope that it would bring attention to their plight. She asked the board to help them.

Michael Simmons - 103 Azalea Trail, Havana, FL - He spoke on behalf of his sister and brother-in-law regarding damage to their property from the drainage onto their property from the county road. He reported that he had contacted Commissioner Croley and the county did come out and do some work. However, the water continues to drain onto their property. He said that in view of the recent rains, they cannot get in and out of their property. They have to be towed in and out. He asked for help from the county. The matter was **directed to the County Administrator**.

Commissioner Taylor commented to the audience that she would address the issue of the utility bills at the end of the meeting when the individual commissioners address various issues.

PUBLIC HEARINGS

There were no public hearings.

GENERAL BUSINESS

5. Approval to Award the Small County Road Assistance Program (SCRAP) – Sycamore Road – Florida Department of Transportation to C. W. Roberts Contracting, Inc. \$1,334,896.00

Public Works Director Robert Presnell answered questions from the commissioners regarding this project. He reminded them that the matter has been before the Board on two other occasions. The selection was made by the board to submit this road for the SCRAP project and then again for approval of the agreement between the County and FDOT for the project.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR THE BOARD APPROVED THE BID AWARD FOR PAVING SYCAMORE ROAD TO C. W. ROBERTS CONTRACTING, INC. FOR \$1,334,896.

Commissioner Taylor could not recall having discussed the selection of this road for these funds. She questioned how the roads are selected for the SCRAP projects. Mr. Presnell explained that the roads submitted have to meet a set of criteria from DOT. The board then makes the selection

of the road, usually based on the recommendation of the staff as which road meets the criteria and the greatest need.

6. Appointment of Members to the Gadsden County Tourist Development Council (TDC)

This agenda item requested the BOCC to appoint members to the TDC. The TDC recommended Midway Mayor **Jerrold Holton and Diane Watts**, Hotel Owner. The reappointment of Jeff Dubree and Patricia Vice is also at the pleasure of BOCC.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE JERROLD HOLTON AND DIANE WATTS TO THE TDC AND TO REAPPOINT JEFF DUBREE AND PATRICIA VICE.

7. Approval of Post Amendment – Kimley-Horn and Associates – Evaluation and Appraisal Report (EAR) to increase the EAR Contract to include DiMinimis Report Cost of \$3,500

The Department of Planning and Community Development requested an increase of \$3,500 to the Kimley Horn contract amount. The original contract did not include the cost for the DiMinimis Report which was a required by the Florida Department of Community Affairs. (FDCA)

The original contract with Kimley-Horn and Associates was for \$65,000 to provide the EAR to FDCA. When it was submitted to FDCA, they sent back their response, but requested a DiMinimis Report as additional documentation. They would not approve the Capital Improvement Element (CID) for the County's Comprehensive Plan without the DiMinimis Report.

The Department processed a purchase requisition in the amount of \$3,500 and issued a subsequent notice to proceed to Kimley Horn. Subsequently, the department discovered that the purchase requisition was incorrectly processed as an amendment to the EAR Contract.

The Clerk's office was notified of the error and provided documentation and a request to make the correction. However, the correction was not made and the error continued until November 2009 when the final invoice for services under the EAR contract was submitted. Because the error had not been corrected, it appeared that the EAR invoices had exceeded its budget.

In consultation with the Clerk's office, it was determined that the most expedient manner to correct the error would be to amend the EAR Contract to include the DeMinimis Report invoice.

Funds were reserved to pay the outstanding invoice of \$3,500 from the Department's FY 2008-2009 Budget, but were not carried forward into the new year budget because the error was not known at the time. The finance director has identified funds which can be used to pay the invoice in the current budget once the contract agreement has been amended.

Commissioner Holt asked the chairman to invite public comments.

Chair Lamb called for public comments. There was no response.

Clerk Thomas stated, "Public Hearings with budget amendments really only have to take place when you are increasing the total amount of the fund. There are budget amendments within the departments, for example, that can be approved by the county administrator. Every budget amendment does not need a public hearing. In fact, most of them don't. Most of the ones that we do at the end of the fiscal year do, however. I think this is a technicality, a mix-up and the finance director simply needs further documentation of the amended agreement in order to pay the expenditure. The money was already accounted for. But, in terms of public hearings, in general, this is just an opportunity to make that point."

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE THE CONTRACT AMENDMENT DESCRIBED ABOVE.

8. Resolution 2010-007 – In Support of Liberty County's Opposition to FDEP Issuing Permits to the City of Tallahassee for the Reconstruction of the Corn Hydroflow Dam on Lake Talquin

Public Comment:

Sarah Johnson, Friends of Lake Talquin, 166 Talquin Ave. Quincy, FL

My name is Sarah Johnson. I live at 166 Talquin Ave. I am representing the Friends of Lake Talquin. We have some concerns about this resolution and about comments that have been made about the possibility of lowering Lake Talquin in order to retain water so that it doesn't go down through the dam and then flood the people, the residents below the dam. So, I guess that is our main concern that we don't, at any point in time, start thinking about changing the status of the lake from a recreational lake to a flood control lake creating a situation where the marina and people who live on the lake would be out of business for a certain period of time while there was no water at their marinas.

All the marinas on the lake are very shallow, so, if you lowered it even three feet, people couldn't get into them. A lot of us that live on the lake actually have boats that sit out there and they would be on high and dry land. There are a lot of issues that come into play when you start thinking about lowering the lake. So, I want us to stay way, way, way away from that idea.

I know that we could be more responsive and the City of Tallahassee could possibly be more responsive at the dam about how they let the water out. We have no problem with that. We just want you to really take time and we encourage you to study this issue and make sure that you know all the ramifications in supporting this. There is a mixed bag in that resolution.

One is that we want to support those people below the dam. But, secondly, we don't want to start using Lake Talquin as a flood control device. So, that is kind of where we are.

Thank you.

Lamb:

Ma'am, do you want to wait until after Mr. Stoutamire? Thank you.

Mr. Stoutamire, will you come on up, please. Commissioner Stoutamire from Liberty County.

Commissioner Stoutamire, Liberty County, FL -

Thank you, Mr. Chairman and board members, Mr. Clerk. It is an honor and privilege to have the opportunity to come before you tonight to discuss some of the issues facing the people down river. Hopefully, the air can be cleared.

I have been, I guess, one of the most outspoken individuals in this situation. I think I have been, I believe this is about the third time I have been before your commission. I have been before the Leon County Commission, the Wakulla County Commission and also my own commission in Liberty County.

Just to set the record straight, there was some very adverse language that went out in Gadsden County about a position that I may have mislead somebody. If I did, I apologize. I have been in a meeting two times with the Friends of Lake Talquin. You just rest assured, I have no problem with Lake Talquin. Lake Talquin has been there for many, many years and we have lived with it. We can live with it in the future. If I may, let me read something that I wrote.

“Changing the pool level in Lake Talquin is not and has not been on my priority list for that lake. My only intention is that the reconstruction of the existing earthen dam not to be permitted. Any construction should be limited to the emergency spillway and the fuse plug on the extreme north end of the dam. I have not and will not ask for Lake Talquin to be changed from a recreational lake to flood control lake.”

I have not, in any meeting that I have been in - that word has not protruded from this fellow's mouth. I have been accused of saying that, but, that is totally untrue. I asked the gentleman that made that statement to correct it. I don't have a computer. I am a computer illiterate. I don't get emails unless somebody passes it on to me. But, I have not seen where he has retracted that statement.

If the reconstruction of the dam goes as proposed by the City of Tallahassee, the residents downriver will receive excess flooding in cases of severe rainfall. The emergency spillway at 72.3 feet has never overflowed. Lake levels have been maintained through the flood gates and the three generators and the log shoot. I don't know of any homes being flooded under the procedure around the lake. (They may have.) But, I know downriver, they are flooded periodically, especially when we have exceedingly high rivers that we have experienced in the last few years.

There have been three major flood events since the City of Tallahassee has taken over the operation of the Lake Talquin Dam. I am going to congratulate them - in the last few months, with the floods that we have had, we have not had excessive amount of rainfall - maybe by 6 inches or 7 inches over a period of a couple of days. The river level down river has been monitored more efficiently during these periods than it has been in the past. The three major floods and the one that has really, this past spring, was 26.1 feet. That is the most water that they have had to deal with since they have been operating the dam. It is my understanding that they took over the operations sometime in the early 80's. Prior to then, the Florida Power, they

operated that dam from 1929 until they vacated it during the late 70's. I don't have those dates, I can't tell you what they were. But, I do know that the people around the lake, when Florida Power operated it, they generated electricity there almost five days a week. Now, there would be times when the lake would be excessively low and they would have to cut back on their operation. Usually, they would generate electricity for about four hours. From about 8:00 to about 12:00.

But, now, I don't know what the City of Tallahassee's schedule is for the operation. But, I know that at times, we are starved to death whenever the lake level is at 67.5 ft. or 68.5 feet. They want to maintain the pool level at 68.5 feet. I have no problem with that. But, I do have a problem with the spillway. The emergency spillway there now is at 72.3 ft. They have what they call a fuse plug. We always called it a coffee dam, back in my younger days. It is about 74 feet. Now, the lake has never overflowed those areas and they are lower than the 77ft. earthen dam. This is where they are proposing to come in and cut the dam down to 69.5 feet. Now, if they've got a problem on the north end of the dam, that is where they need to work. The dam has been there since 1929. As I said previously, the water has never overflowed the emergency spillway.

They had a dam in the State of Michigan that they say is similar in construction as this dam. They had a break in the dam or drastic destruction. Well, we had a break in this dam in 1957. I suppose, (I don't know this to be a fact) that my family probably suffered a financial loss as much or more than anybody along that river. My brother and I lost about 80 head of cattle. I don't know how many hogs. We are not in the cattle business now, but, if this dam is cut down to 69.5 ft., you've only got a one foot window for the overflow. You can't tell me that water going over an overflow at 825 ft. long with seven flood gates open, that the river is not going to rise more than 3.5 inches. That don't make sense fellows.

I am not here asking for anything at Lake Talquin to be changed and that includes the dam. If they want to fix the north end of the dam and that is where the problem is, that is where they need to work. But, from what I understand, it is a dollar and cent figure.

My family owns a pretty good chunk of property in Liberty County. We have riverfront property, but it is almost impossible to get to unless you go by boat. But, that property is just as important to me as the property around Lake Talquin. As I said before, I have no issue whatsoever with them maintaining the pool level where it is. I have not advocated that Lake Talquin be considered as a flood dam. I have not done that. That is my word. I will stand on a stack of Bibles as high as this ceiling. If somebody goes to putting words in my mouth, it don't sit too good with me. I have been truthful with this thing and every board member that I have talked to about it, every commission meeting I have been to – I have been to three meetings in Tallahassee, I have been to one in Wakulla, and I think I have been here three times.

Folks, all I am asking for is to allow the people down this river to survive. Our property is just as valuable. I don't want to take anything away from Lake Talquin, the people around it or the marinas, the people that are in business there. No, it is a tax structure for Gadsden County and all this work is in Gadsden County. As soon as it leaves Gadsden County, it comes into my county, Liberty County. You are looking at the drainage area of this lake. They say 1,720 miles, square miles. From the time that water exits the dam, you've got about 50 miles of river before it

goes into the gulf at St. Marks. All I ask is please to help us people down this river to not be affected by the changing of this dam. It is important to us.

All of this information that they have given you or that they have acquired is pure speculation. They don't know what the flow into Lake Talquin is going to be. The only areas that they measured as the flow that comes into Lake Talquin is here at Little River and the Ochlockonee River and I think the monitoring station is either on Highway 90 - I think that is where they are at. They don't have any calculation of the water that comes into Lake Talquin down here at Bear Creek, Rocky Comfort Creek, Ocklawaha Creek, and Hammock Creek. If you guys will remember, in 1969, those areas were blown out and the people that lived on the lake couldn't get to Quincy. If they were in Quincy, they couldn't get home. That is a tremendous amount of water.

Now, in 1969, they had a 29.1 ft. river at Jackson Bluff. About six miles, the way the bird flies, or no more than eight, south of Highway 20, they had about three feet more water in 1969 than they had when the dam broke in 1957 - at 29.5 feet. You know, like I say, I don't have the support of the Friends of Lake Talquin. I have not done anything to tarnish the relationship with those people. By the same token, us people down the river needs some help. I don't know where to go to get it other than to go to our county governments. Our county governments, from what I understand with the schooling that I have been to, is the supreme governing agents in the county.

The City of Tallahassee does not have the fortitude to come to your county and my county or Leon County or Wakulla and Franklin County to get any input in the reconstruction of this facility. When they broke the news, it was at a public hearing down at Ft. Braden. They had placards down there scattered over the room saying "This is what we are going to do." Their plans were in concrete. Now, nobody from my county has any representation on the City Council in Tallahassee. From my understanding, that is where the decisions have been made.

Hopefully, I have confirmation from Wakulla County, that they are pleased with this resolution. The City of Tallahassee has approved this resolution and I didn't know until just a few days ago that the City of Tallahassee has petitioned for a formal administrative hearing. To me that speaks.

Now, we may not be able to change the total plan that the City of Tallahassee and the people that operate the dam have come up with. But, I do know that the river has never overflowed the emergency spillway and they say that is where the problem is. If that is where the problem is, let's fix it and leave the main part of the dam as it is.

Mr. Chairman, I thank you for allowing me to come and having a say in this. And, to the people at Lake Talquin, the Friends of Lake Talquin, I am sorry if I have offended you. I am sorry. But, by the same token, I have not advocated anywhere at any time that Lake Talquin become a floodplain.

Lamb:
Thank you, sir.

Mr. Spencer?

Spencer:

I am Pat Spencer, 84 Yates St., Quincy, FL

I wanted to ask the commission – Is there any sort of movement afoot for re-designation? Is this just a rumor? Have any of you heard anything about any of it?

Lamb:

I haven't anything about that, sir.

Spencer:

This came up and that is why I came here to night to find out if anybody knows. So, there is no re-designation.

The only other thing that I wanted to say is that I am in support of the modernized spillway at Lake Talquin Dam.

Thank you.

Lamb:

Thank you, sir.

Mr. Barry?

Haber:

I am Barry Haber, President of Friends of Lake Talquin. I am going to try to keep this short. I really don't want to get into "he said, she said" and I am not going to tell any lies. You can watch the video which support some of the things I have said. I do have some minutes of the Franklin County meeting. Board of County Commissioners from last May. I really don't want this to get too inflammatory, but, at that board meeting, they unanimously voted to send a letter to DEP for modification of the lake levels of Lake Talquin.

Now, I suspect that they talked to all of you about that. Maybe not. Well, this is what they did. (referring to minutes of their meeting.) I would appreciate it, so that I don't get into a name calling contest, if you would read the names that are on here and decide for yourself.

I am asking you not to sign the resolution and I really feel that at this point there are many facts that you don't know about and how this resolution could affect the County. Maybe we need a stake holders group to find out what the real facts are. We need to find out who is trying to change the lake levels. We need to get copies of documents. These letters that were written to DEP, find out who has signed them. My understanding is that the letter was written to senators. I know there is at least one letter written to the Governor. Let's find out who is behind all these letters. Find out what is really happening and as far as the modification.

We found out about it because the news article in the Tallahassee Democrat. Some of our members read the newspapers. As a consequence of that, last May, almost a year ago, we had

officials from the dam come out and give us an education of what they were doing. After they explained everything, we were satisfied. But, we are not engineers. They advised us that they were going to keep the lake levels the same. That there would not be any change to the lake level. They were replacing the earthen dam, that was not safe anymore, with a concrete spillway providing safety not only for the people on top of the dam, but, below the dam.

Coming to this meeting, I knew there would be a lot of questions that we do not have the answers for. I did ask some personnel from the dam to be present at this meeting. So, if you have questions, you can ask me. If you have technical questions, you can ask him, Mr. Gordon King from the dam and (inaudible) who is in charge of one of the facilities there.

That is all I have.

Lamb:
Ms. Pat Curtis?

Curtis:
Pat Curtis, living 761 Bear Creek Road, Quincy. I am the secretary to the Friends of Lake Talquin. I just wanted to report that, in our concerns about the potential or not potential of the lowering of the lake, that Leon County has filed a petition for a formal administrative proceeding in support with Wakulla County, Liberty County, Franklin County to further study the impacts of what would be happening. So, with that in mind, I wanted you to be aware that they have allocated \$50,000 to do more analysis on this. So, their petition is to not have Northwest Florida Water Management District do the permit yet until further studies were done. I wanted to give you that piece of information.

As secretary, I want to also state that we do not have a consensus on the board about whether to support or not support the resolution. There are some individuals who have their own opinions, but, there is not a Friends of Lake Talquin Board consensus on that stand.

Thank you.

Lamb:
Thank you.

Is there anyone else who would like to say something on this item?

If not, commissioners, - comments on this?

Taylor:
Mr. Chair.

Lamb:
Commissioner Taylor.

Taylor:

I have had quite a few phone calls from down by the lake. Some were Friends of Lake Talquin, some were just residents. They all expressed concerns about some of the issues that Commissioner Stoutamire has raised tonight. I will have to line it up. I see that the attorney did get a draft off some kind of case that is being pursued and I am going to yield to her for just a moment so that she can inform us of what she now has in her possession in regard to this. Then, I have some facts that I want to share. So.

Minnis:

Thank you, Commisisoner Taylor.

As indicated by Ms. Curtis, there has been a petition for a formal administrative proceeding filed with the Northwest Florida Water Management District regarding the dam that we are discussing. The petitioners are Leon County, Wakulla County, Liberty County, and Franklin County. The respondents are the Northwest Florida Water Management District and the City of Tallahassee. Basically, it reiterates the concern that the project that Tallahassee has proposed could cause damage to the aforementioned counties - Wakulla, Leon, Liberty and Franklin. It also asks that the permit not be issued at this point and that other data be gathered and considered before the permitting process goes forward. So, that is what the petition is about. It has been filed. It is signed 23rd of February.

Taylor:

Thank you.

I also understand that Leon County might reach out to some of the other neighboring counties to offset the cost of this \$50,000, so they may be contacting us.

Here is what I have gotten so far and I am being very straight forward with my colleagues and say that I have had some 15 – 20 phone calls about going forward with this dam.

Now, Commissioner Stoutatmire has indicated that we have not seen or had any flood issues that would compromise what is there. I would simply have to say that we have not seen some of the tornadoes and storms that we are seeing today and as well earthquakes. So, there are issues that may come today when we didn't have those concerns for it years ago because of the conditions that we are facing with regards to weather.

Now, he did talk about the bridge that was compromised and damaged in another state. Because of that, from my understanding, the federal energy regulatory commission has mandated reconstruction of this dam and has allocated dollars to do so. It is a one time funding. I think, really, if we are going to move forward and be aggressive about protecting our county, then we need to take advantage of the resources are out there and available. So, I would like to see the dam be put into place. Right now, the earthen dam is about 72.5 feet high and has not had it's height compromised. But, here again, we can't detect or determine the weather. The earthen dam, for those of you who don't know it, is made of dirt. If that is compromised, then obviously, water will wash it away which will cause even more flooding.

There are mechanisms in place to protect Liberty County. I would like for us to explore what

areas we can to protect them. And, I certainly, and I say this with all sincerity, I am not interested in having that lake become a flood control lake. I am not interested in it being lowered at any given time. Now, Mr. Stoutamire, there is, and Commissioners, I guess minutes from a meeting, it did indicate that you are requesting from Franklin County a letter to be sent to DEP requesting modification to the level of Lake Talquin. So, that concerns me. This is in writing. Then, we hear from you that you are not asking for modification, yet I see it in these minutes.

There is one thing that we can concur on around this board. That is the revenues that have been generated from that lake. A lot of people pay high taxes around there. With that being said, as well the fisheries, the marinas, the people who make money off of the lake, anytime you lower the lake, it will cause and compromise structural damage down there. That is a given. We have already been told that it is so low now that it is difficult to launch a boat. If you try and lower it, it makes it even more difficult, thus compromises the revenue stream.

I was wondering if our tax appraiser, our property appraiser, is here tonight. Has he stepped out? It has been somewhat a long meeting. I did have a question for him. Is he here?

Lamb:
He is hiding.

VanLandingham:
Thanks, Commissioner Taylor.

Taylor:
I will try and help you out, Clay, whenever I can.

Clay, thank you for coming up. Just real quick. How would the revenues be compromised down by the lake if anything changed with regard to the levels?

VanLandingham:
It would all depend on the market, Commissioner. Right now, as probably everybody knows in this room, waterfront properties are the most valuable properties we tend to have in the county, Lake Talquin being no exception. If the lake levels were lowered, let's say that no one was able to fish off their dock or launch their boats out of their current boat houses and all you could see would be muck and stump invested yards in front of you, or private lands in front of you, the prices would probably drop. In that case, the assessments would drop. In the case after that, the taxes would drop unless you fellows raise the millage.

Taylor:
Well, that would drop, too. We are certainly not interested in raising the millage. So, you are saying, I know there are different tiers.

VanLandingham:
Right. It all depends. I have to follow the market in my assessments. So, if this house sells for, let's just speak in round numbers, for \$300,000 today because it has a full pool of water. If we lose three feet of water, five feet, six feet, who knows what it would do? What is the market

going to be then for that \$300,000 house? It could sell for \$100,000? If we have a couple more that follow that sale, then I've got data that I can rely on, as the appraiser, to reassess and reappraise the lake front properties around Lake Talquin.

Taylor:

You have answered my question very well. The point that I was trying to get at was that if, indeed, the property is compromised in its value, then obviously, it hurts the bottom line of the county and the way we operate this government. We use those revenues to operate this county.

VanLandingham:

Absolutely. Waterfront properties down there now - just the water front properties - not the water view - just the water front, is almost \$43 million in taxable value.

Taylor:

That is the number I am looking for. I appreciate you coming. Now, we see if there are any other questions for you before you walk way back there.

It is simply, you actually answered the question, if it should cease to operate as a recreational lake, not only are we going to be compromised with the property value of the houses and homesteads around that lake, what about the industry that the lake brings in? Fishing, tournaments, etc.

VanLandingham:

The tournaments, the folks that have restaurants, the boat launches, folks that rent boat storage places, I mean, if there is no water there, what are they going to do?

Taylor:

It still compromises the bottom line when you lower it.

VanLandingham:

Sure.

Taylor:

That is it. I appreciate that.

Commissioners, I know this from past history, we do like to support one another. But, what is the old saying? Charity starts at home. We have to be very, very, cognizant of who it is that we need to be the most mindful of. That is Gadsden County, it's revenues and it's ability to stay afloat and operate quality services. Anytime anything compromises our revenue, then we should be able to sit up and say, "Wait." I said this even when I met and talked with some folk - I want to be able to come up with a scenario that would help Liberty County. But, I am mindful of this, too, that if you own property on the lake, where there are no borders and there are no boundaries, then you are going to be subject to this flooding.

Now, based on what I understood and what I learned over the last few weeks about the situation, there will be a mechanism in place to limit the flooding to Liberty County or not to increase it to

more than what it has gotten over the years. In other words, if it does raise, And, it is my understanding that the normal lake level is 68.5, the spillway that we are anticipating putting in will operate at 69.5. So, only if it raises a foot does the spillway go into actions. Then if it does go into actions, then the flood gates begin to close and push that water back this way as opposed down river. At least, that is my interpretation.

So, it is going to be flooded down there. They have received this and realized this over the years. I am concerned about our letting it stay as it is when all of the different kinds of catastrophes that have been happening to these different counties. I mean, Chilie, then this other place, these earthquakes, there is too much happening now for us to do nothing. We've got \$8.4 million to put this dam in. I would like to do one or two things.

One is to line up with Leon County and wait until the study is conducted to see how and if we can eliminate the problem. Or, two, go forward and have this dam put in and utilize this funding. So, that is where I am at. I certainly don't want to, again, if we are going to go forward with this colleague, Commissioners, please let's indicate somewhere in our language (this is to the attorney) that this lake not be considered a flood control lake and that it stays in the natural state and that there be no lowering of the lake. That is what I would like – the kind of language I would like to see going forward in this resolution – if we are going to do this. But, that we do want to see the spillway put in because we have to take advantage of the opportunity that has been presented to us and stop living in the 40's and 50's and 60's and get modernized. If not, we are going to be compromised at one point in time. \$8.4 million can eliminate any problems. That is it.

Lamb:

Commissioner Taylor, you bring out some very good points. I concur with what you are saying. The money has been appropriated. Some work has to be done on the dam. I will not compromise at all on that dam being lowered. I will not compromise that with my vote at all.

Taylor:

The dam being lowered or the lake being lowered?

Lamb:

The lake.

Taylor:

Thank you, sir. I was about to start an argument with you.

Lamb:

No, I will not compromise on that, whatsoever.

Taylor:

Thank you so much.

Lamb:

We might need more information on what is going on and what they are planning to do to the

dam. I don't know what all they plan to do . I am hearing both sides of it, but, I will not compromise on the lake being lowered at all.

Taylor:
Or, that the lake be designated a flood control lake.

Lamb:
Right.

Taylor:
Are you also

Lamb:
I want it to stay a recreation lake just the way it is now.

Taylor:
Thank you.

Lamb:
I fish there and I love fishing there. I don't want nothing to happen to that lake.

Taylor:
Well, I eat them, but, I don't fish. But, thank you for your support.

Lamb:
Commissioner Croley?

Croley:
Commissioner Taylor, I support you, as well in the points that you are making. I understand that there are some representatives from the City of Tallahassee here and I would like to hear if they have any comments.

Lamb:
Do we have anyone here from Tallahassee? Do you want to come up, sir?

Croley:
I specifically want to draw upon some of the points that Commissioner Taylor has made, but, will you please state your name.

King:
My name is Gordon King. I am the plant manager at the CH Cornhydro

Croley:
Are you aware of any plans by the City of Tallahassee and any other parties that would change the status of the lake from recreation to some sort of flood control designation that the folks have eluded to here?

King:

The City has no plan to do that. Our intent is to maintain it within the normal guidelines that the FERC and the State of Florida have mandated us to control the lake level at. Now, I have heard that there are other entities that would like to see the lake changed to a flood control lake.

Croley:

Who are these entities?

King:

Private individuals downstream of the CH Cornhydro facility.

Croley:

Are these governmental officials or are these just property owners?

King:

Property owners have been the driving force as I understand it.

Lamb:

Second, is there any plan as Commissioner Taylor has made reference to Commissioner Lamb about lowering the mean water level of the lake? In other words, reducing the water level in such a way that it negatively impacts the property?

King:

Not by the City of Tallahassee. Like I said, our intent is to still operate the dam as our lease dictates it at a normal pool of 68.5 feet plus or minus one foot.

I would like to clarify one point. Commissioner Taylor mentioned that the FERC mandated this. That is correct. They developed or found a safety concern at the Silver Lake Dam in Michigan. We studied it. We had our engineering firm come up and evaluate it. They determined that we had similar soils so the potential exists that if water ever did get on the emergency spillway, it could, in fact, fail. So, the mandate that FERC came down with is that we have to come up with a fix. So, we contracted with an engineering firm that specializes in this and they designed this concrete emergency spillway to replace the existing one. The FERC did not provide any funding for this. This is strictly being paid for by the City of Tallahassee.

Croley:

For the record, would you define the full name for the FERC?

King:

The FERC is the Federal Energy Regulatory Commission.

Croley:

So, the City of Tallahassee is funding these improvements?

King:

Yes, sir.

Croley:

The other question has to do with - obviously, I think you can appreciate that the downstream property owners have their uses to consider. They don't want to be inundated, then dried out, and inundated again. They would like to have some consistency about the flow as much as mother nature allows you to do as the dam operator. Do you have a plan in place to work with them in the future to deal with better water flow management?

King:

Well, the design of the spillway project, after all the concerns were raised, we went back to our engineering firm and wanted to know what operational changes could be made to compensate for the slight increase that the proposed spillway had during a flood stage. They came up with an operational change where we could close back on the flood gates when the water first started coming across the OG crest on this emergency spillway. So, in theory, at 69.5 feet, when water starts flowing over the top of the crest, we would start closing back on the flood gates in a sequential mode. Then, as the lake level - and remember, this is an extreme out of the ordinary flooding situation - as the lake level continued to rise, we would continue to slowly close off on the flood gates in a calculated manner. Like Commissioner Stoutamire said, this is a design. It has not been proven, so they are using all of their engineering skills to the best of their knowledge to develop this scenario in the gate operation. So, by doing that, there would be no increase or no change in the downstream flood flows over what we have today.

Croley:

A final question dealing with the City of Tallahassee. Because of the fact that this is a construction project, will it fall within the scope of Gadsden County Building Department or Growth Management to be aware of these improvements - where you would be filing a copy of your engineering information with Gadsden County?

King:

As far as I know, no, it does not fall within that realm. There are permits that have to be obtained from the Northwest Florida Water Management District and the DEP due to the wetland impacts. Those are the driving permits that we have to obtain. And, the design of it has to meet the FERC guidelines, the engineering guidelines. That is why we had to go outside and contract with an engineering firm to work with the FERC to design and come up with the finalized plans.

Croley:

Well, you know, I read the email that was shared from Franklin County and their reference that greater storage capacity behind the Talquin Dam be provided. I am assuming that that was either reduce the lake level so that you had greater storage capacity if you had high water, or retain more water above the 68.5 ft. if there were severe rains which would be a flooding issue to all the property owners around the lake.

King:

That is correct. In order to impound more water than you normally can, you have to either let the lake drain so that you have an empty lake and then allow it to fill back up or let the lake level

rise all the way up to the emergency spillway.

Croley:

And, of course, it might bear, for the record, to state that there are other rivers between the Lake Talquin Dam and the Gulf of Mexico affecting downstream such as New River, Crooked River, the various creeks and the other drainage areas coming out of the Apalachicola National Forest.

King:

Absolutely correct. Telogia Creek is a big player. When added rainfall happens in that drainage basin, it is a major factor in providing water to the Ochlockonee.

Croley:

So, there are a lot of other factors other than just the upstream Ochlockonee River, Little River drainage basin. O.K. I appreciate you coming and answering those questions.

Lamb:

Just one quick clarification. I think you mentioned that the City of Tallahassee is responsible for all of the repairs.

King:

Yes, sir. That is correct. The FERC did mandate it, but, the City of Tallahassee has to fund it.

Lamb:

O.K. Thank you.

Commissioner Holt?

Holt:

Yes, I just wanted to catch him before he left. I am sorry, but, I don't remember your name.

King:

Gordon King.

Holt:

Mr. King, did the City of Tallahassee meet with any of these other counties before they made that decision.

King:

No, we did not. Since it was a FERC mandated project, we had to fulfill the obligations with them. Once they determined that the final design properly engineered, that is when we said, "Let's go out and start letting people in the community know." That is why we had the first meeting at Fort Braden Community Center.

Holt:

O.K. I am in favor of helping out the people at the lake. I am in favor of that. I am also in favor of

not flooding people downstream. O.K.

When I look at the engineers say - and I know that you may be one, but, I look at engineers and I recall Louisiana and that flooding and the dike and levies that broke there. Those were engineers that designed those. So, what they determine doesn't phase me one bit - the title "engineer" doesn't phase me. The thing that does bother me is that if you are going to put in another spillway - the spillway is now at 72.3 feet?

King:

Correct. The emergency spillway is.

Holt:

So, the new spillway to be put in - could it not be at the same level and not change?

King:

If you remember, when we came out a few weeks ago and did a presentation to you, that was pointed out to us. We looked at options to stabilize that area in the very beginning because that was the logical way to go. As the engineering firm looked at that and developed the different scenarios, they actually came up with what they called a duck bill spillway, which was a concrete device. Then, we found that there was a flow problem with that in that we couldn't get an accurate, predictable flow through all the trees. So, a channel would have to be kept in the trees and the wetlands and stuff downstream of the dam to allow the water to get back to the river. We don't have the property, so we couldn't really do that without acquiring other properties and impacting a lot more wetlands. So, we looked at other options. After looking at several others, the 825 ft. LG crest spillway is what they came up with. You have to remember that this spillway will only be in service or be used when the lake level gets up to 69.5 feet. What we try to do in normal operations is to control the lake level below 69.5 ft. by use of the units and the existing flood gates. So, based on that, all the water that is passing through - (inaudible) during the last major storm events and stuff have been passed through the existing flood gates. So, it would have to be a storm worse than the one that we had last April.

Holt:

O.K. When you are speaking in that manner, you are talking about lowering the spillway.

King:

Yes.

Holt:

When you lower the spillway, everyone south of there gets nervous because they are afraid that water coming downstream. O.K. I don't want that to happen at all. I don't want to put anyone's life in danger downstream.

King:

Right. We don't either.

Holt:

I want us to be able to catch fish and ride in our boats. The unusual thing about this is the dam is a flood control device anyway. It controls levels anyway. That is the purpose of having the dam. You either keep the water up here or you let it go down there.

King:

Well, we are permitted to operate it as "run of the river." Any water that comes in that would cause the lake level to go up, we have to release it. Otherwise, it would go up to a critical point. So, if you stretch it – yes, it would be considered water control.

Holt:

Because you have those gates there and that is what it does and that is how you generate electricity.

Wakulla County and Leon County and Franklin and Liberty – they all approved the resolution. I think that is what drove them into looking at this issue. I am in favor of the resolution because it drives us into that process. We need to join the petition that the other counties have and we need to go into that study and study what is going on. I don't think that we should sit back and say, "We don't want it." We need to get in the game and go ahead and get into the fight. If we are going to fight in order to maintain the lake at its level and come up with some other options, I am in favor of that. But, I am not for sitting back and not doing anything - we have people downstream.

King:

You have to remember, Commissioner, that we are doing this simply because it is a dam safety issue. Lake levels, lake operations, dam operations – those are all secondary to the fact that this is a concern that FERC said was a safety issue and we have to address it.

Holt:

Right, I understand, Mr. King.

Mr. Chairman and the board, we need to make a decision about what we are going to do tonight. There needs to be a decision made. Those other counties deserve a vote from this commission – either we are going to be for it or against it. If we are going in there with the other counties and study this issue and look at it. It is a mandate from the federal government, but, even at that, there may be other options out there. They may mandate that you do it, but, they may not say that is the best way to do it as far as what your engineers are saying to do.

King:

That is why they (the engineers) worked with FERC over the last three years.

Holt:

Right, that is why I reminded you about the other flooding areas where the federal government was in charge of those. They flooded anyway. So, that is why I am saying, Commissioners, we need to get into this with the other counties. We need to start sitting down looking at it. We should not sit back and say "We don't want it." We need to vote and let the other counties know if we are going to be for it or against it. You also need to let them know if you are willing to

get in there and help study it. Those counties – Leon, Wakulla, Liberty and Franklin – they need to know where we stand tonight. Mr. Stoutamire doesn't need to keep coming back. This is his third time. And the Friends of Lake Talquin – they need to know.

I think the lake level should stay where it is. It may overflow the emergency spillway later on. He says that it may not happen for 20-30 years, but, you have a group down below the dam that are concerned that in 20-30 years, it may drown some people. This is a very, very important issue. What if it floods this year? We don't know. But, their property and their lives and livestock may be in danger. We need to know that and they need to know.

Lamb:

O.K. I've got another commissioner, then Commissioner Croley.

Commissioner Morgan?

Morgan:

Thank you, Mr. Chair. I can tell the public for certain that when I get home tonight, that I can mention to my wife, when she asks me what the meeting was about, I can tell her that we talked about some "tough dam issues" and it will certainly be accurate.

(Huge laughter)

Mr. King, thank you for being here tonight. I know that this can be a polarizing issue as many of them are that we have talked about.

One specific question that I have for you – you said that this is a federally mandated project.

King:

That is correct.

Morgan:

My question is – Is the funding put forth by the City of Tallahassee tied to a certain timeline on this project?

King:

Well, the FERC wanted us to have this done last year.

Morgan:

And, if it is not done this year by a certain time, does that affect the funding that is in place now?

King:

The potential exists – not that affects the funding because the City is going to have to do it. If the FERC finally says, "That is enough, you have to have it done by date certain," there are provisions that they have that they could impose fines upon the City of Tallahassee.

Morgan:
O.K.

Secondly. You know, when this came before originally, Commissioners, we took a vote. I was the only one that voted against not moving forward with the resolution. And, I am going to stay with that ground tonight. It is certainly out of no disrespect for Commissioner Stoutamire or our neighbors in Liberty County or any other county. My reasoning behind it is, as we have heard tonight, so much information around this issue that we really don't know about. There is also legal concerns and things that can't be talked about at this time. If I understand the attorney correctly. So, when I am in that position, I tend not to want to, you know, put my name on something that could potentially harm such a valuable asset to Gadsden County. That would be changing the designation of this lake from recreational to flood control or lowering levels and things of that nature that can have such a dramatic impact in so many different ways that the Property Appraiser addressed earlier.

In defense of and out of respect for Commissioner Stoutamire, with that being said, I would like to know, perhaps, would he consider a resolution specifically stating that we would not support the designation changing for the lake nor would we support any pool levels being lowered. I am still not in support of this resolution. I think that it is fair to ask him that question here in a public meeting to clear any air as to whether he is supporting that or not supporting that. I don't know if he would like to respond or is prepared to respond. I think it is fair for us to do that.

Lamb:
Commissioner, come on up and respond specifically to that question, please.

Stoutamire:
Mr. Chairman and Commissioner Morgan, I thought I made this clear in my opening remarks. I am not in favor of changing any status on the lake. The 68.5 ft. pool level is fine with me. The Lake Talquin being designated as a flood plain area – I have been the spokesman to every meeting that I have been to and I have not heard this mentioned. I have not. Now, I don't have email, so therefore, I don't put out information to people around and about over the community and the other counties. The information that I give is verbal and I am not opposed to any water levels that they maintain on the lake. 68.5 ft. pool is fine with me.

Morgan:
Yes, sir. And I did hear what you said earlier. My question was specifically – Would you have any opposition to this resolution clearly stating those facts? I just want to make sure that is on the record. I have clearly stated my position. But, I think it is fair for you to have an opportunity to respond to that.

Stoutamire:
I don't have any objection to that whatsoever. I thank you for your comments, sir.

Taylor:
This is just to respond to Commissioner Morgan.

Stoutamire:
Go ahead.

Taylor:
No, I don't have a question.

The resolution, however, even if that language is included, the resolution still states that it is in opposition to that dam being built. That is why I have a problem with it because, as I said a minute ago, we have to be proactive about protecting our county. Again, and I understood what you were saying, Commissioner Holt, about flooding the neighbors, and I am kind of like that because that is just a maternal instinct – you don't want to see anybody harmed if you can. But, this dam is not designed to cause any harm anywhere. It is designed so that we will have a more approval (I used that word for lack of a better term) - something that is a little bit better regulated to control that lake than the earthen dam. That is all this is. It is not suppose to cause any different flow, it is simply an upgrade to the dam that is there. So, I can't approve the resolution indicating that we are not going to support this upgrade. That is a problem with me saying to these people, "No, we don't want the dollars. No, we don't want to see improvements." Especially after we have heard from t our Property Appraiser about how important it is that the safety of that dam is maintained. The property that is around it and the tax dollars that this county receives from the revenue that is down there. So, let's be proactive and make sure that we protect our interests and do whatever else we can do to help. We want to help our colleagues , but, again, we've got to take care here first. Whatever we can do to offset, we can do, but, it starts here.

That is it.

Lamb:
You are right. The dam needs to be repaired. It needs to be upgraded. It is just that simple. If something happens, then we would say, "Tallahassee should have upgraded" or whatever. But, we need to go forward on this, gentlemen. We need to go ahead and take our vote.

Taylor:
I MOTION TO DENY THE RESOLUTION.

Lamb:
Let me get his comments first, Commissioner Taylor, then I will come back to you.

Croley:
I want to - I appreciate it, Mr. Chair, and I will be brief on this. I want to make it clear though, now.

Commissioner Morgan, you referenced that we supported a resolution before. What we said was that we supported the concern expressed by Commissioner Stoutamire for downstream flooding and that we wanted to have those concerns properly monitored. But, as far as the actual resolution here before us, I think it is confusing to the public and it is confusing to us and we definitely, I for one, I agree with Commissioner Taylor. We can't support this at all. Mr. Chair,

I would like to move this forward.

Lamb:

I will entertain a motion.

Morgan:

Clarification here , since I got pulled into this for a second. I just want to make sure that the original conversation that we had and what I was referencing is - We moved forward with a letter of support originally. Not going forward with a resolution, but, a letter of support. I voted against that because I thought there was more information that we needed to get. When I made the comment in asking Mr. Stoutamire if he would be willing to amend the resolution, I was simply giving him the opportunity to publicly say that he would be more than willing to entertain that. I am still clearly – the first time and now presently – I am telling you, I am not supporting it. I am just making that clear.

Lamb:

Just to clarify just a little bit what you just said, the letter that went forward, I believe said that we support the concept that he had when he came here. We said that a resolution would be coming next.

Morgan:

All I said was how I voted. I wasn't saying what ya'll supported. I was saying that I voted against that.

Lamb:

I will entertain a motion.

Taylor:

I move, sir, that we deny the support of this resolution that is in front of us.

Croley:

I second it.

Lamb:

It has been moved and properly seconded that we deny this resolution, Item No. 8. You have heard that motion. Ready for questions.

Holt:

Question.

Lamb:

Commissioner Holt.

Holt:

Thank you. Mr. Chairman, my comment on that is if the level of the spillway stays the same, I can support not supporting the resolution. I can support the fact that we could deny it, but ,

when you go and change the spillway level, then it becomes a problem. Everyone wants the dam redone. It needs to be redone. But, when you change that spillway level from 72 and you drop it down to the point where you drop it down, you are looking at potential for flooding downstream. We cannot say that we want to support people, then we talk about life. We are not talking about whether we like or dislike you or support you or do no support you. The citizens here, we want the lake where it is now. So, it makes to have the spillway where it is now and to maintain the level of the lake. I think we are backing out politely from a fight that we need to get into. We need to get into and on that petition with the other four counties to look at this information, to contribute money to the \$50,000 and go in and look at it. I would think the Citizens of Lake Talquin deserve that also. Once we get in there and find out what is really going on, I think this is kind of a (I hate to say it) but, a cheap way out. To back out. We don't want to support it, but, we are going to sit back and wait. That is not good government. Good government says that you get out there and find out what is going on with this. If it goes through and the citizens out there find out there are problems later on with the new dam; the ones downstream find out they have problems with the dam, we haven't done our due diligence in getting out there and finding out what is going on. That is what they are really paying us for.

Thank you, Mr. Chairman.

Lamb:

O.K. We are ready to vote. All in favor of the motion to deny this support for Item No. 8, let it be known by saying, "Aye."

Taylor: Aye

Morgan: Aye

Lamb: Aye

Croley: Aye

Lamb:

All those who oppose this motion, say "aye."

Holt:

It is "no", but thank you. No.

Lamb:

So, the vote is 4 – 1 to deny this resolution.

9. Update on Board Requests

County Administrator pointed out the periodic update which was included in each commissioner's agenda packet.

- TDC Appointment – Was approved on this agenda.
- Inventory of Contracts – Arthur Lawson is working on it.
- SHIP Housing Applications List – Assigned to Clyde Collins

- Hospital Surplus Property – Ms. Atkins has taken what she wants for her purposes and Senior Services has made an appointment to do the same.
- Governance, Inc. - Charles Chapman is coordinating those efforts.
- Solid Waste Issues – Charles Chapman is coordinating those efforts
- Customer Service Standards – They are almost ready to present to the Board
- Inventory of County Buildings and Land – Assigned to Betty Sprengle
- Widening of County Roads – Robert Presnell will make presentation in April or May
- Fire Hydrants – EMS is working on it.
- Working on Private Property – assigned to Attorney
- Private drainage on Champion Oaks Circle – Attorney & Public Works
- Mosquito Control – Recent weather conditions will yield smaller mosquito population, not greater

10. Grant Writer Position

Williams:

I wanted to bring up the matter of a grant writer. Actually, I wanted to put this in last year's budget, but, as you know, we had a bare bones budget and it got lost in that bare bones budget. We just didn't have room for it. It was a time when we were actually looking to eliminate positions due to revenues that were falling. It is something that we have always wanted to do. Commissioner Croley wanted to get it in there and I said, "Not now. We just can't afford it right now." But, I think we are getting to the position pretty rapidly where, through a series of various budget amendments, we might could pull this off.

I think it is something that is essential in any government – that kind of position. We are so dependent on federal and state grants and loans. We just can't do without them. We are getting grants and loans, there is no question about that. But, it is a kind of scattered effort. Robert picks up some for roads and bridges, the SHIP program with Clyde and our Community Development people do community development block grants – and, it is scattered. It would really be nice to have a real professional here that knows what they are doing and they can pull all of this together and keep up with it and look for additional grants.

I just really think that the time may be here. I think, if it is your wishes, I am asking for your guidance. I thank Commissioner Holt for keeping this matter in front of us – a grant writer. It is something that I think is essential to every government to have such a professional on board.

If it is your wishes, I would like to look at the budget and pursue a series of budget amendments to see if we can put something together. We already have people who have expressed interest in it. I don't know how they found out about it- various ways, I suppose.

Lamb:

I will comment on what you are saying. I think it is a good idea for you to investigate this and bring us back your proposal. I know the other commissioners have an interest in it too and have stated that they would like to get someone on board for grant writing.

Commissioner Croley, do you want to comment on it?

Croley:

I certainly concur, Mr. Chair. As we tried to explain last year, even with the regionalism. We never were going to be satisfied completely with the group effort with Governance alone. We were talking stimulus money that was possibly available. So, I think this county does need it's own grant writer and I think that we should be able to have that position to more than pay for itself. If you and the Clerk's office can work together to come up with the money, I would certainly like to pursue that, Mr. Chair.

Morgan:

Mr. Chair?

Lamb:

Commissioner Morgan?

Morgan:

Thank you, Mr. Chair.

Mr. Administrator, I've got a couple of questions for you, really on both these items.

On the grant writer position, since we are talking about that now, other small rural counties that are our size, do we have any information on how they handle this, if they have such a position? I think if we are going to prioritize this, and I don't disagree that there is a need for that.

Williams:

I am sure that you would find a pretty wide variety of different ways of doing this.

Morgan:

I guess we might could learn some different ideas on the true fiscal impact of that position, Number 1 and also how to maximize that position. If we are going to have a grants writer, how can we use that person in other ways to get a better return on our investment if we are looking to add another position? I would certainly want all that information if we are talking about going back and putting another position in place for the county. I certainly understand the reason for that. But, I think it is critical and I think it is your responsibility to provide the information around that.

If I can, Mr. Chairman, going back to the update that he provided to the board. I did have one quick question on Item No. 4, which was Surplus Hospital Property. I know there was much discussion about the Senior Center being able to have access as well as the very nice lady from GTI. I can't recall her name.

Holt:

Ms. Atkins.

Morgan:

Ms. Atkins. Thank you. There it is right there in front of me. It looks like she has already had the

opportunity to do that.

Williams:

She got all that she wanted.

Morgan:

I guess I was confused. I was thinking that there was going to be discussion on priority of that – who got access and I guess I am a little bit concerned why Senior Services hasn't already been there to see what they can use. Certainly, they are challenged as well.

Collins:

They are next.

Morgan:

They are next. Thank you.

Holt:

Il just want to say right quick on the grant writer, you will be able to get a good return out of that with the Association of Counties. What we have done in the past - the large counties would mentor the smaller rural county. What they did was even with their lobbying services, we partnered with them to go after funding on different items. So, the grant writer would work through the Association of Counties and look at different grants that other counties have already gotten, our sizes and larger. Don't exclude it to our size. We miss a lot of things that we would be able to get just by looking at what other counties have that are our size. We want to be able to move up. When you go to other places – I don't know it if is Graceville- It has been so long since I have been that way, but, there are places that have a civic center. They are a lot smaller than we are. I want to say that, but, I am not sure about the name of the town. I just happen to get lost there one time. I remember thinking, "How did they get one and we didn't get one?"

So, they have the ability to go after things above where their population may be. The Florida Association of Counties has all that data. They also know who has lobbyist and who doesn't, what their attorney – Palm Beach County once turned down a grant amount of \$75 million because it didn't suit what they needed it for. I wanted to get a grant for just \$1 million. Just a little crumb from the table would have been nice. But, for them, it didn't suit what they were going after and they turned it down. A lot of times, these counties will be willing to go and turn that information over to us and we can go after it rather than having it go away. So, your grant writer works with that organization. All the data is there anyway. They keep all the data.

They can also do group grant proposals according to your area. So, we may be able to partner with Jackson, Liberty, Franklin, or whatever neighboring counties to go after grants even in the healthcare areas, not to mention the arts and humanities. So, that is the mechanism that you go through to get that information out there.

Thank you for doing that.

Lamb:

That is a good point about the Florida Association of Counties. You definitely need to get hold of them and see who they know.

Alright, Madam Attorney?

11. Hospital Update

This was heard earlier in the meeting. See Page 4.

Champion Oaks

Attorney Minnis confirmed that she and the staff are looking into the issues surrounding Champion Oaks Circle as well as the broader issue of private property drainage in the county. One of the attorneys has already met with the public works director on site to get a look at what is going on in Champion Oaks.

Citizens Planning Bill of Rights

She then reported that she met with the Growth Management Director to make revisions to the proposed bill of rights as suggested by the Planning Commission. The revision will be presented to them at their next meeting.

12. DISCUSSION ITEMS BY COMMISSIONERS

12a. Commissioner Morgan, District 3

Hospital Update

He commented that he was confident in the direction that the hospital is moving. He stated that given all the adversities the county has faced with timelines, money, etc, that he thought it was a major accomplishment.

Annual Report by County Administrator

He called attention to the newly printed annual report. He commended the Administrator and his staff on such a good job. He encouraged everyone to take a look at it because it contained very good information.

Gadsden Senior Services Fund Raiser

He reported that he attended the Seniors fundraiser and found it to be a quality event. He stated, "It is absolutely amazing how this organization has literally turned around on a dime to be recognized. It is a very good lesson for us to learn. They have taken the initiative to find other funding and not rely just on Gadsden County. I just want to commend those folks over there and this board for placing those people on that board to serve. They are just doing an outstanding

job.”

12b. Commissioner Holt, District 4

Utility Rates

She addressed the people who were present and voiced concerns about their utility bills . She sympathized with them and encouraged them to continue their efforts to bring attention to it and she assured them that their plight is not “falling on deaf ears.”

Complaints Filed against the County

She asked for an update on the status of the complaints that have been filed by former employees of the county. She reminded them that she had asked for it before and had not received it.

Holt:

I have asked for this before. I don't know if the county board wants to hear them. I need to know because from my talks with the state level, they are telling me that whenever a complaint is filed and they rule in the complainant's favor, the county becomes responsible, not the manager. And if this board is responsible for any complaints or lawsuits, I need an update. I need to know what is going on. So, if we need to go into a legal meeting, I know that the chairman has said before that the board has to vote on that. I don't want the board to vote on it if they don't want to hear it. I want to hear it. I need to know. Where are we standing with these four or five complaints? What is our standing on any lawsuits that we have? O.K. I need that. I don't know, Mr. Chairman, how we handle that since you have said that the board has to vote on anything coming back before the commission.

Lamb:

O.K. Board Members, if this is what you want – to come back to this commission, you have to vote on it. Now, if this is something that they can work with her personally on and give her the information that she is asking for, I don't have a problem with that. If you've got it, give it to her. But, if you want it to come back before this board, then we will have to vote on it.

Holt:

Right.

Williams:

Debra has all that information.

Lamb:

O.K. So, you want to get with her?

Holt:

O.K. So, I just need to get it from her. All complaints and all lawsuits against the county.

I have received several complaints – there was one person standing in my living room saying that commissioners are harassing them, threatening them with their jobs, they are saying that you are going to be fired if you don't do what I say.

Mr. Chairman, you told us and our rules supposedly say that we don't have contact with employees to threaten them.

Lamb:

Right. No commissioner should be dealing with personnel. Now, when I say dealing with personnel, I mean, speaking to personnel and so forth is different. But, threatening them or holding a conversation with them about what needs to be done in this county – let them call the county administrator. But, you are right – there should not be any threats by nobody. No one.

Holt:

Right. The reason that I am bringing that up is because it is not just one employee. There are several. So, instead of me saying, and I am not telling them to go do this or you go do that, but, I did tell them that I was going to bring it to this board.

Lamb:

What I would like for you to do is mention it to the administrator so he can mention to me which commissioner is doing that and I tell the administrator and attempt to talk about it.

Holt:

I am very glad you are saying that because I will mention it to him. But, if it is not handled, I am going to bring it back in public and it will be taken care of in the public. I want to make sure that you know that because our employees need their jobs. They pay taxes here, too. They deserve good treatment. They don't deserve to be talked down to. It is just unnecessary, especially when they are all telling me the same thing. It is not anything that is any different. I will follow your directions, Mr. Chairman in that.

Hospital Lobby Dedication – Dr. Jessie Furlow

There was a dedication of the lobby of the hospital to Dr. Furlow. I would like to see that dedication redone in the new facility. I don't know what plans Mr. McMillan has for that. I would like to see that brought back and done – the dedication to her since she was the one that really kept that hospital open to the last minute. She really did a great job there.

Lamb:

That is a good suggestion, but, we will let the board vote on that when the time comes.

Biomass ; Comprehensive Plan; Growth Management Issues

Holt:

O.K. So, I just wanted to bring that to you.

On the biomass issue, I was at the Armory the other night. Very hot issue. It is supposed to be. I want to let people know that you should listen to both sides – the pros and the cons. Then do your research. As I have said before, a commissioner called me from Tallahassee and said, “Ms. Holt, how do you keep your dirty air over Gretna? We don’t want it.” I am telling you the calls that I get. If it doesn’t affect us, it is o.k. Let it stay in Gadsden County. If it affects us, then we are very concerned. I am telling citizens to listen to both sides. It became very, very tense there at the Armory the other night. There were officers sent to try to get people to stop talking. There were officers sent mostly for those that opposed to tell them that they needed to stop talking, but, some of those who were pro, they didn’t say anything to them. Some of the citizens brought that point up. But, what I would like to say is this – Listen to both sides. There was something interesting brought up about the healthcare concerns that the citizens want to hear from doctors. They want to hear from the doctors that have to treat healthcare concerns have to say. That was one of my suggestions – have some doctors, medical doctors, on both sides. Let them discuss that instead of having a county commission tell you or city commissioner or a citizen of a neighbor tell you what the healthcare concerns are. I told them that I am not qualified. I don’t treat illnesses. We need someone that does that for a living.

Then the other area – relocation. What is the proper location or what is the best location for the facility? There needs to be group discussion on that.

Another was the economic concern. What is the best facility for a certain location? Now, the last two – this commission should be concerned about. Not for the biomass, necessarily, but any development in the county. At one time, we went to each city on the map, we went around those cities and said these are urban service areas. What are we going to put in them? What are we going to put out there at I-10? We haven’t done that in the last two years. We need to go back to that. That way, when these concerns come up, if we are talking about something near Gretna, Gretna needs to know. If Gretna is talking about something near us, then we need to know. But, that only comes from us having joint meetings together and that is what we should be doing. We should not have to worry about “Could we have helped Havana?” When Havana has a project, and we could help them, then we should do that. But, when people come back and say, “We didn’t know and the citizens in the county didn’t know something was coming.” Then it is kind of our fault. It really is because they hired us. Whether we are inside the city limits or outside, they hired us to make them aware of what is going on. If we don’t hurry up and sit down and look at that Comprehensive Plan, I have told this board I don’t know – Byron Sprires teased me one time and said, “You have already told them 200 times.” I think it may have been 250 times. Until we sit down and look at the comprehensive plan as a board, and sit down with the zoning board and we sit down together and plan for this county, we are only going to have problems. Every time we turn around, we are going to have problems. We could avoid the problems by looking at where we want industry to be. Where do we want commercial to be? Where do we want the tourist to be? Where do you want sidewalks? Where do we need pathways instead of sidewalks? You have to have that in there.

We are going to get run over from the east and we are not going to have a say-so if we don’t sit down and go after it. That way, you get the jobs anyway because you have planned. You have to do that and if we don’t do that, we are always going to be behind.

Thank you Mr. Chairman.

12c. Commissioner Taylor, District 5,

CRA Criteria

Taylor:

I want to bring back the discussion that I had two weeks ago and I have not gotten this information. And, that is criterias that we set forth or that has been set forth by the City of Quincy for CRA Applicants. I want to know what criteria are they outlining so that applicants qualify for this program.

Mr. Administrator, I still haven't gotten that information.

Williams:

Yes, I am waiting on Jack McLean. He was going to provide that to me. I guess I had better get after him again.

Taylor:

I don't want what they have come up with just recently. Well, I want that, but it is my understanding that they are supposed to be revamping the criteria, but, I want to know what they have been using for the last year as well. That will help me to understand and explain to some of the citizens, some of the recipients of those services.

I had also asked about, and I think the previous board wanted to get appointees to that CRA Board from this board. I certainly would not mind having that explored because my district sat – Parcel two of that district has been designated to get these services and I would like to be able to have a say-so on how those dollars are being disbursed. Especially since those dollars really come through the county, then, subsequently sent over to the city. So, we should have a say-so. I would like that looked into. Again, this is my second request that I am asking for.

Now, you went over an agenda of items that this board has requested. But, in looking at your agenda, keep in mind that it is also a tracking device for your being responsive to this board. I am looking at items that are still being repeated, "We are working on it. We are working on it. We are working on it. We are working on it."

You should have had in place a list from the SHIP's housing application because this is where you are pulling applicant's names from. That list should be ready to hand out the front door – other than you are working on it. Are you trying to readapt the list to align up with what you have done? Other than that, that list should be available. This items should be dated, too. I see you started dating them, some of the more recent items, but the ones on the front page are not dated. As far as when they were given to you to follow up on so that we can track your progress.

Library Services

I have gotten a call about the services at the Library. From my understanding, this might be just an isolated incident, but, I want to follow up. I kind of either want to talk with the director over the library services about activities that are going forward and to make sure there is adequate supplies. That is what I am being told, that the supplies are substandard. I don't know this, but, I always like to hear both sides to make sure that the services are quality services going forward.

Funding of the Non-Profit Agencies

This is for my colleagues around this board. I have really, really, really prayed and asked God to touch at least one of your hearts to reconsider not funding those non-profits. I really wish you would think about that and reconsider that. I know we are being fiscally minded going forward, but, to take \$40,000 that we had already allocated and put it back in our coffers and not help the Refuge House, not help programs like North Florida Legal Services, not help increase our arts. You know, those are some vital programs that we literally took dollars from that could help. I mean, Refuge House – when a parent is trying to seek refuge away from harm and danger. We took dollars – I am asking that one of you bring this back and let's reconsider those dollars.

Abandoned Homes/Delapidated Homes

I looked at this report and I concur with Commissioner Morgan. It is a job well done. It really is. It is quality and I can appreciate it. But, looking at the Code Enforcement Section, I didn't see in Item 4 – Abandoned homes, dilapidated & Abandoned homes. I think we need to look at that because when homes are out there like that, obviously, it devaluates property and I want Clay to be able to get every dollar we can from out there. It helps our bottom line. So, abandoned homes and dilapidated homes - it talks about homes, but I don't see that specific item, Mr. Administrator.

Public Works Crews/District Work

I did see a proposed concept from Public Works about how you are going to now dispense crews into the different districts so that we can have crews in our district every day. The density of these work crews - How many will be in each district? I want them to get an idea as to how much work could be covered in a day's time. Is there any idea of the number of crews per district? Per work crew?

Presnell:

They are listed on the organizational chart.

Taylor:

Thank you. Now, I thank you, Mr. Chair, for allowing me just this one moment. I will only take another minute and a half and then I am done.

To address the group that came in and wanted to discuss utility issues. Let me give you some Roberts Rules that you might be able to use in the future. They may, my colleagues around this board may buck on it, but, it has been done. The next time you might want to get two or three on the docket and one might lend it's three minutes to another speaker. You might want to

consider that. Knowing this group the way I know this group, it really, really, really, disturbed me to hear the speaker being cut. That bothered me because your issues and concerns are heart felt and what you are trying to do is simply put an issue out there so that you can get some help from whatever avenue that is available to you. So, in the future, realize how that works so that you may be extended some time. It is up to the chair to allow it, but, he tends to be fair if it is within guidelines and something that is appropriate.

You do have the right of the First Amendment. That is your right to speak in any venue. No matter what it is and in front of who it is. You are absolutely right. We don't control utilities, but, the first amendment says that you have a right to speak and that has been held up in the courts of the state. You have a right to come in here and speak and be heard and get some response to your questions. There are avenues that this particular diocese can help. There are. It is up to the mentality of us being able to do it. Yes, we are fiscally constrained. Commissioner Holt said a minute ago that we need a dialogue between the municipalities. We need to be talking to the City of Quincy to see if we can do grant writing or whatever avenue. We have this Governance Board that we paid \$25,000 to and they are supposed to write grants for us. This Governance Board, which is what it is called, could have very well have looked for and identified revenue to help build that transmission line to Georgia that would have brought in another provider, thus brought competition to Progress Energy. If they don't have any competition, they are obviously going to rate whatever they want.

Now, they are regulated by the PSC, the Public Service Commission, they are regulated. They can't take it but just so high. But, yes, our rates are different depending on where we are in this country. Competition drives the cost. I said that when I was up there and I say that here. It drives the cost.

So, I would like to be able to explore that. Your vote counts. Your vote counts. Make it count. Get out there and get the word out what you want. Let my commission and my colleagues know. Let them hear what it is that you want and that you are determined. Don't stop. I implore you not to stop. There are avenues. When I was at the City of Quincy, we put \$50,000 aside to help people with utility cost. We also renovated some 46, 47, 48 homes to make them energy efficient.

Now, one of my colleagues said at the last meeting, "Well, Commissioner Taylor, you sat on the City of Quincy Board and that is why they have had fiscal problems then." Well, my response was, "Everybody in these United States was having fiscal responsibility, but, we are a service oriented business. We can't just fold our tents and go home just because there is no money." We continue to do what we can at what level we can. We just can't stop. That is what we are supposed to do. Provide quality services.

Don't stop what you are doing. What you are doing is noble. There are people hurting. I have seen one 83 year old lady heat one room and stay in that one room. The rest of the house is stone cold. No one should live like that in these United States of America. So, all I am asking you to do is to understand Robert's Rules and how it can work for you in the future. Remember though, remember your language and how you present your language. The comparison that you were making between an incident and citizens, you may want to be mindful just to make your

issue clear and not in comparison to what has happened or what this board is (inaudible) but, your issue. Your issue is High Utility Bills. You want to be received well so that you can get help. That is the end results. That you are received well, that you don't anger anyone around this board because they have feelings and emotion and they will react. I have seen that only too often.

That is my soap opera box. I thank you all for staying and listening out to this. I pray that you will continue your stuff and you pray for this board and other leaders to start thinking of ways to help. That is it.

Lamb:

Thank you, Commissioner Taylor.

Commissioner Croley?

Receipt and File Agenda

- 13a.** For the Record: Economic Development Report from Gadsden County Chamber of Commerce
- 13b.** For the Record: lease Agreement Between Gadsden County and the Men of Action for the old Commodity Building Parcel No. 3-1-2N-4W-09-60-0000D-0011 – for one year beginning January 4, 2010 - Lease was approved by the BOCC on October 20, 2009
- 13c.** Budget Amendments Approved by Administration OMB-BA# 100023 thru 100025

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN DECLARED THE MEETING
ADJOURNED at 9:30 p.m.**

Eugene Lamb, Chair, District 1

ATTEST:

Muriel Straughn, Deputy Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MARCH 16, 2010, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

Present: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Brenda Holt, District 4
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Debra Minnis, County Attorney
Mike Glazer, Deputy County Attorney
Johnny Williams, County Administrator

Absent: Gene Morgan (excused due to family medical emergency)

Call to Order

Chair Lamb called the meeting to order at 9:00 a.m. He called for a moment of silent prayer then led in pledging allegiance to the U.S. flag.

AMENDMENTS AND APPROVAL OF THE AGENDA

The following changes were made to the agenda:

Move Item 9 (Approval of Hospital Update – Lease of Gadsden Memorial Hospital to Tallahassee Medical Center to Tallahassee Medical Center, Inc. d/b/a Capital Regional Medical Center) to Item 1-.

Move Item 8 (Approval of Bond Financing Resolution Number 2010-011) to 1-A

Add to the Agenda: We Care Network Funding using Indigent Care Sales Surtax Funds as Item 1-B

Move Item 11 (Community Development Block Grant (CDBG) Bradwell Huddle House Project) to Item 6-A.

Move Item 6 (Resolution 2010-09 Fourth Amendment to the FACT Trust Agreement) from the Consent Agenda to General Business as Item 11.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.

Excusal of Commissioner Morgan's Absence

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO EXCUSE COMMISSIONER MORGAN DUE TO A FAMILY MEDICAL EMERGENCY.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Liberty Correctional Institution/Quincy Annex Presentation – Chris Douglas, Warden

Warden Chris Douglas of the Liberty Correctional Institution introduced himself to the Board. He stated that he also supervises the Quincy Corrections Annex. He invited them to contact him if there is anything that he can provide to Gadsden County. He noted that they are already providing several services already.

Holt:
Mr. Chairman?

Lamb:
Commissioner Holt.

Holt:
Thank you. It is great to meet you. I met the gentleman with you yesterday. I work out there with the GED Prep Program. Outstanding program. It is the best in the State. I told Dr. Law that. It is under his program. It is really a good program. Outstanding. Commissioners, if you ever get an opportunity to get out there to look at it.

Croley:
Mr. Chairman?

Lamb:
Commissioner Croley.

Croley:
Warden Douglas, question. The number of prisoners that you have available for work crews – are you short on available personnel. I have heard at various times that you are.

Douglas:
There are times that I am. Right now, the Department is requiring us to carry a (inaudible) factor on our positions – that we keep them open or vacant. Sometimes that reflects our staff availability that I have for the work squads themselves.

Croley:
Are you still making available the training program for county employees to be certified to check inmates out?

Douglas:
Yes, sir, we hold an annual class. I think it is in June of each year for Liberty and Gadsden County.

We also, if any new staff are added from the county on an interagency work squads, we can train them at any time.

Croley:

One other issue that I hear about is that we can't get inmates cause you have to get them back in by a certain time – that is a problem. Have you been able to address that?

Douglas:

Yes, sir. The last time I spoke with you, I think over the phone, as far as I know, that has been addressed. I have not heard of any other issues since then.

Croley:

I just want to thank you for that response that you gave us. I wanted to get the air cleared and allow you to say that publicly about what you have done to get a handle on some of the questions that has been raised at various times that you and I have discussed. Thank you very much.

Mr. Chair.

Lamb:

Is there anyone else?

Thank you for coming by to see us.

Douglas:

Thank you and you all have a good day.

1A. Approval of Bond Financing Resolution No. 2010-011

Glazer:

Good morning, Commissioners. Today is a big day. I am happy to stand before you on what I think is the biggest day we have had thus far with regards to the effort to reopen Gadsden Memorial Hospital. There are a whole lot of people who have participated in getting us to this point, way too many for us to thank here this morning. I am sure we find another occasion on which to do that. I will tell you that we are joined once again by Bud Wetherington, the administrator of Capital Regional Medical Center and Steve Ecenia, the attorney for HCA. Craig McMillan is here from the Board of GHI. We are ready to move forward with the lease.

Let me give you a brief overview of what I want to cover here this morning with you, then I will launch right into it. I am going to start by providing you with a bit of an update on where things are, then, I am going to ask if there are any questions or comments that you might have. And, at that point, we are going to need to go through a series of motions designed to lead us up to, hopefully, the approval of the lease between Gadsden County, Gadsden Hospital, Inc. and HCA. Assuming that we get through all of that, then you've got a couple of other items to go through.

The new agenda item relating the We Care Network and approval of some funds for that program. Then, we are going to discuss the Bond Ordinance. As I communicated with all of you, because we are going to need to come back this evening for that, I am hoping that we can cover all of the business aspects of that today, answer all of your questions here this morning, so, when we reconvene this evening, it will be a very short meeting.

Unless there are any questions, I will go ahead and launch right into it.

Lamb:
Proceed.

Glazer:
Thank you.

First, let me give you an update on where things are with regard to the hospital and preparations. First of all, you may have heard a little bit of something about some additional construction that we need to do out there. There are a few items that were left over from the construction that have to be corrected. Those things are all in process. Frankly, some of them were items that were always going to be left over because there are certain things that AHCA could not approve until the equipment was actually purchased. So, there were a few items like that. We have worked with the architect and the contractor and we have worked with Clyde Collins and his folks. All of that is progressing nicely. We don't anticipate any problems.

During the course of the negotiations, we did discover an issue with regard to the pharmacy in the hospital. The pharmacy was apparently built to satisfy minimum standards for AHCA, but, once we started working with the folks at Capital Regional Medical Center, we realized that it's physical configuration was not really appropriate for the level of pharmacy services that they would want to provide to the citizens of Gadsden County. That is going to require some reconfiguration of the physical space. We have met with the architects and they have already designed that up and they are working up the documents to submit to AHCA as we speak. We have talked to the contractor and that will cost at the end of the day approximately \$160,000, but, it is necessary. It is work that if it had been planned this way to begin with, probably would have cost near that much anyway. I am sure there is a little additional costs because it wasn't anticipated at the time. But, like I say, most of the expense, you would have incurred anyway during the construction. We don't anticipate it holding up the opening of the hospital. But, we are anxious to get started with that.

The funds for that – there are several sources that we can tap into for it. There will be a little bit of left over money from the bond financing. We can use some of the funds from the trust that we are not going to spend on the equipment. As well, potentially, some surtax funds to take care of that project.

I will tell you that the hospital license application is being prepared by Capital Regional as we speak. They anticipate filing that probably by some time next week, which will be in plenty of time for any anticipated opening by or around the first of June.

The purchase orders for equipment and furniture have already started to have been filed and so some of that stuff is actually in the works as we speak. So, things are really moving at this point.

I have provided all of you with a copy of the lease that we are going to present here to you this morning before I actually get to the motions. I am pleased to report to you that there are very, very few changes from the last version that we discussed. So, I am not going to go through that longer explanation of everything that is in it. Instead, just let me highlight a few factors for you. I will tell you that the only really significant change in the lease, I think works to the benefit of Gadsden County.

Last time we spoke, I reported to you that the loss threshold that had been set in the lease for the potential triggering after 30 months for HCA being able to terminate the lease was set at \$200,000. After further discussions with HCA, they have agreed to bump that number up to \$300,000. So, again, that works to the benefit of Gadsden County. Hopefully, that is the number we will never need to worry about. But, in any event, they did agree to the higher number.

In addition, what they also agreed to do is – you will recall that the trigger point for that is 30 months after the lease commences. What they have agreed is that after 24 months, if there is a problem, if it looks like we are potentially in danger of them exercising that clause, they have agreed to advise the County Commission of that fact so the county can look at whether there are any steps that the county can do to help alleviate that problem. Again, we hope we never get to that point. But, it is an added safeguard that is now built into the lease.

All of the other changes are pretty minor. Very quickly, the county will now have to provide notice one year in advance of the end of the lease. In the first version, that was 180 days, but, frankly, in the letter of intent, it was one year. So, all we did was we made the lease consistent with the letter of intent.

The lease clarifies that the county will need to provide security for the building up to the date that the hospital opens, at which time, the role will shift to Capital Regional. Once the furniture and equipment does start to arrive, then we all recognize that there is going to be the need for 24 hour security on the property.

It has always been the role of the county to take care of the grounds outside of the building. We just clarified the lease to make it clear that it includes the parking and the driveway areas.

We have incorporated some very limited confidentiality provisions that were in the letter of intent. Everybody recognizes that the county is, of course, subject to Florida's public records law and nothing in that provision would, in any way, contravene or require the county to do anything that would violate that law.

Those are really the only changes there are from the last draft that we went through in detail. So, with that, let me stop and ask whether there are any questions before I move into the more specific motions that we need to deal with.

Lamb:

Commissioners, are there any questions to him concerning the lease?

Holt:

Yes, if I may.

Lamb:

Commissioner Holt.

Holt:

Go through the license transfer again.

Glazer:

The license application has been, is being prepared by HCA. That is an application by Capital Regional Medical Center. What will happen is Gadsden Hospital Inc. will also be filing license application. The current license for the hospital is what is called an "inactive" license. It is illegal under Florida Law to transfer an inactive license. So, GHI will file an application. Mr. McMillan signed the papers last night. GHI will file a license application to convert the license from inactive to active. That active license will be issued a moment before the license is issued to Capital Regional Medical Center. Technically, what will happen is that Gadsden Hospital Inc. will hold the license for what I call a moment in time. Then, the license will be issued to Capital Regional Medical Center and the facility will become a unit of that hospital.

Holt:

O.K.

I am not going to vote for this simply for that reason. That is one reason. The other is that the citizens voted for a hospital, not an emergency room. I just wanted to make sure that they understood, that the audience understands and the people understand the transfer of that license. The reason that I am opposed to that is because of the issues that we got into before with the courts in trying to get the license back. So, I am not in favor of that at all. That is my trigger point in that.

The other is the – and this is just housekeeping, it has nothing to do with that. You can go on with that. The other is on the issue, and this is more for the hospital board, on the issue of the accident the other day with the school bus. There were parents going out there to the emergency room and there was no emergency room. That sign was misleading to them. So, I think that we need to go back and rethink that until it opens. To reconsider how we do that sign. Maybe cover it or something that says – so they will know where to go. They went in the wrong direction. Some of them did.

But, no. If the citizens voted for 24 beds, I am only going to vote for something that says 24 beds. Also, on the transfer of the license, I think that should stay with the county as has been recommended by several counties that have their own license. We should keep the license.

Thank you, Mr. Chairman.

Lamb:
Any other questions?

(No response)

Alright. Proceed.

Glazer:

There are a series of motions that I am going to suggest be passed this morning. What I would like to do is in order to help you walk through this, I am going to suggest what motion and ask that if you of you are willing to, to then go ahead and adopt it as a motion by indicating, "So moved." If we get a second, then we can have discussion on that motion, then move forward with a vote.

A script of the motions to follow was provided to each commissioner and the recording clerk and are attached to the minutes

Termination of Lease with Gadsden Hospital, Inc. at the Appropriate Time

The first is that - at the moment, the hospital is leased from Gadsden County to Gadsden Hospital, Inc. That lease needs to stay in place until the moment that the license is issued to Capital Regional Medical Center. However, what we will need to do is to terminate that lease at the moment that we are ready to transfer that license of the hospital. And, so, that motion would be **At the appropriate time to authorize the chairman to terminate the lease between GHI and Gadsden County at the appropriate time in advance of the issuance of the license to Capital Regional Medical Center.**

Croley:
So moved.

Taylor:
Second.

Lamb:
It has been moved and properly seconded.

Glazer:
Let me go ahead and also point out in discussion that Gadsden Hospital Inc. Board did pass a similar motion last night.

Lamb:
It has been moved and properly seconded. You have heard that motion. We are ready for questions. Are there any questions?

(No response)

We are ready to vote. All in favor, let it be known by saying, "Aye."

Croley: Aye.
Lamb: Aye.
Taylor: Aye.

Lamb:
Opposes?

Holt:
No.

Lamb:
Make that vote 3 – 1.

We are going forward on the hospital. Continue.

Approval of the Article of Incorporation of Tallahassee Medical Center

Glazer:

The second is a technical requirement of Florida Law. Frankly, in the context of what we are doing here, it is not terribly meaningful, but, it is a requirement of Florida Law that this board have approved the Articles of Incorporation of Tallahassee Medical Center, Inc., which is the corporation that owns Capital Regional Medical Center. I have provided you with a copy of those. They were entered many, many years ago. So, at this time, I would ask for a motion to indicate that the board of county commissioners have reviewed the Articles of Incorporation of Tallahassee Medical Center, Inc. and approves of them.

Croley:
I so move.

Lamb:
Second.

It has been moved and properly seconded that the motion be approved. You have heard that motion and we are ready for questions.

Ready to vote?

All in favor, let it be known by saying, "Aye."

Lamb: Aye.
Croley: Aye.
Taylor: Aye.

Lamb:
Opposes?

Holt:
No.

Lamb:
Make that vote 3 – 1.

We are moving forward with the hospital for Gadsden County. Please continue.

Holt:
Sir, if I may. That was not for going forward, that was just for his motion.

Lamb:
It was going forward for him on the hospital.

Holt:
Oh. For him. O.K.

Lamb:
Continue, sir.

Glazer:
This is going to be a longer motion in which I am going to indicate and provide you with a series of proposed findings that will be then followed by a motion at the end to actually approve the lease between Gadsden Hospital, Inc., Gadsden County and Tallahassee Medical Center d/b/a Capital Regional Medical Center. It is going to take me a moment to run through these findings. Again, at the end, if someone will make the motion and second, I will be happy to answer any questions that anyone would have about that.

I am going to ask that the board of county commission make certain findings regarding the lease that will be incorporated as part of the motion to approve the execution of the lease.

Findings by the Board of County Commissioners Regarding the Lease to be Incorporated as a Part of the Motion to Approve the Execution of the Lease:

- That the Board of County Commissioners of Gadsden County states that this meeting has been publicly advertised as have been the prior meetings at which the lease has been considered.
- Next, there are representatives of Capital Regional Medical Center here in attendance today.
- Next, that in August 2006, Gadsden Hospital, Inc. put the operation of the hospital out to bid. That through the bid process, GHI entered into negotiations with Tallahassee Memorial Hospital, but, in the spring of 2009, Tallahassee Memorial opted to withdraw its proposal to operate the hospital.
- Next, that GHI's inactive license would have expired on June 21, 2009 and not been subject to renewal if legislation had not been passed that extended that date by one

more year.

- That the negotiation and execution of this lease has been done pursuant to the declaration of emergency as declared by the board of county commissioners of Gadsden County both in a motion dated May 2, 2006 and a resolution dated December 8, 2009.
- Next, that this board believes that the lease of Gadsden Memorial Hospital to Tallahassee Medical Center, Inc. D/B/A Capital Regional Medical Center is in the best interests of the public for a variety of reasons including, among other reasons:
 - That Gadsden County has been without a hospital in the county since November 2005
 - That every patient transported by ambulance must now leave the county
 - That Gadsden County has and continues to incur substantial additional expense as a result of the lack of a hospital in the county and the additional demands that this places on the County EMS System
 - That the health, safety and welfare of the citizens of Gadsden County has been jeopardized by the lack of a hospital and will be significantly improved by the restoration of the hospital services in the county;
 - The absence of a hospital in the county has caused particular hardships for the poor who may have problems accessing care due to the distances involved;
 - That by leasing the hospital to Capital Regional Medical Center, the citizens of Gadsden County and others that use the hospital will have greater access to more specialized services than might be otherwise available if the hospital was operated directly by the county or leased to an entity without a similar affiliation;
 - That, while the lease is for \$1.00 per year, Capital Regional is still committing considerable resources to successfully operate the hospital and that those are resources that the County will not have to expend in opening and operating the hospital.
- Next, that the lease provides for the orderly transition of the operation and management of the hospital from GHI and the County to Capital Regional Medical Center;
- Next, that the lease provides for the return of the hospital to Gadsden County upon termination;
- Next, that the lease provides for the treatment of indigent patients pursuant to the provisions of Florida Law.

THEREFORE, IT IS HEREBY MOVED THAT THE LEASE BETWEEN GADSDEN HOSPITAL, INC, GADSDEN COUNTY, FLORIDA AND TALLAHASSEE MEDICAL CENTER, INC. D/B/A CAPITAL REGIONAL MEDICAL CENTER BE APPROVED AND EXECUTED BY THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA

**CROLEY:
SO MOVED.**

**TAYLOR:
SECOND.**

LAMB:

It has been moved and properly seconded to approve that motion. We are ready for questions.

Holt:

Question.

Lamb:

Commissioner Holt.

Holt:

Yes. The citizens voted for a hospital, not an emergency room. This is not for Capital Regional Medical really. This is for the commission.

The citizens of Gadsden County voted for a hospital, not an emergency room. The license should always stay with the citizens, not with any organization.

Thank you, Mr. Chairman.

Lamb:

O.K. Are we ready to vote?

Glazer:

I would point out that Gadsden Hospital Inc, voted and did approve this unanimously yesterday. I will also point out to you that HCA has approved the form of the lease. It is going to be signed by a regional person who could, unfortunately, could not be with us here today, but, they are committed to signing this lease if it is approved today.

Holt:

Response, Mr. Chairman.

On that, as I said, this belongs to the citizens, not HCA, not the commission. The half cent is paid by the citizens, it is not paid by us and it is not paid by the hospital board. That is my point in saying this. It is nothing against Capital Regional or HCA. This is in-house business that we need to take care of.

But, Thank you, Mr. Chairman.

Lamb:

O.K. We are ready to vote. All in favor, let it be known by saying, "Aye."

Lamb: Aye.

Croley: Aye.

Taylor: Aye.

Lamb:

Opposes?

Holt:
No.

Lamb:
Make that 3 – 1 in favor of the motion.

I am glad that I pay taxes.

Holt:
That is a good thing.

Lamb:
I pay my taxes on time, too.

Glazer:
Mr. Chairman, I do have the lease if you would like to go ahead and sign it.

Lamb:
Yes, sir. Come forward. I think that Mr. Glazer has asked that the commissioners gather around and the hospital board chairman, Mr. Lawson. Bring the attorney up, too. And all the commissioner gather around.
This is a great day for Gadsden County.

Croley:
Yes, and, it is done.

Lamb:
A great day!

(The commission meeting paused for pictures of the signing.)

Glazer:
Thank you, Mr. Chair. Now, date it today's date.

Williams:
Smile, Arthur.

Glazer:
Thank you very much.

(loud applause)

Lamb:
Thank you.

O.K.

Croley:
Mr. Chair?

Lamb:
Commissioner Croley.

Croley:
I just wanted to say, Mr. Glazer -- I just want to say to you again how much we appreciate all the hard work you have putting into this. We thank the folks from HCA and their involvement.

As I have repeatedly said on many occasions, Thank you, Mr. McMillan, for your services as the chairman of the hospital board. He has put thousands of hours into this without compensation along with his fellow board members.

I want to thank Clerk Thomas for his providing for the financial stewardship to help oversee this in a proper financially sound manner.

And, certainly, Mr. Lawson for his continued support on behalf of County Administrator Williams.

This concept that we are getting something less than a hospital is a false one. This is a hospital. Yes, we are starting small. But, most things start small. Even the efforts that have gone thus far have been tremendous. But, you plant with hope and you planted a small seed to make a large tree. We will see that this goes forward and it is saving the tax payers of this county a great deal of money in operational costs because these folks have been kind enough to step forward and from an entrepreneurial standpoint, take that risk for the operating expenses.

But, none the less, this is a great day for the people of Gadsden County. Mr. Chairman, I want to recognize you for being there and giving good leadership on this and Commissioner Taylor, for your part in this. It is disappointing that it is not unanimous, but, that is the way it goes.

Thank you.

Lamb:
That is life.

Taylor:
Mr. Chair?

Lamb:
I just want to say that I want to echo everything that Commissioner Croley has stated here. He could not have stated it any better.

Commissioner Taylor.

Taylor:

Thank you. Just a moment to also join in with my colleagues and say "Thank you" to the hospital, HCA, Mr. Glazer, Craig – you are one of a kind. Is this the ideal starting out? For me, I can say that I wanted to see a full fledged 20 bed hospital. Yes, I wanted to see that. But, I know that if I am making \$20,000, then obviously, I can't find management. Obviously, I'm in there for only a day or two and then I am out. The same concept. We are trying to buy more than we can afford at the same time.

I want to thank you for this because it impacts heavily my district. The folks from my district will certainly be utilizing those services because of the location. I am pleased to know that 70% of the ambulance trips that goes to Tallahassee can now stop in Gadsden County. I believe, Commissioner Croley and Commissioner Lamb, I believe in the concept that we will grow. Times will get better and we will get a 20 bed hospital at a time when we can afford it and continue to operate it.

I can appreciate the concern that Commissioner Holt has because of what they have seen in the past. But, I have been mindful to make sure that our attorneys are top of those issues that came up that cost so much concerning the past with regards to the license, with regards to the licensees. So, we have put things in place, citizens, to make sure that the difficulties won't face this county if there is a break in our contractual agreement. Those terms are there where they were not there previously. So, I am moving forward. I am proud of the vote today and I am proud of what I am seeing.

Please, everyday I pass by it and I look over. There is one truck and I don't see very much activity, so, please get this hospital open by June. Anything we can do, don't hesitate to come back. I appreciate your tenacity. I appreciate you being able to go up under all the scrutiny and still move forward anyway.

But, this is a great, great day. To my colleagues around this board – Thank you. Thank you. You are champions today.

Thank you, sir.

Lamb:

Commissioner Holt.

Holt:

So, you are saving me for last, huh? I am teasing, I am teasing. Thank you, Mr. Chairman.

And, I do appreciate what you are doing as far as opening the emergency room. As I said, I appreciate that because we need one. When those parents were stopping out there, and I was running back and forth with some of them – they were calling me asking, "Why isn't it open? Where do we go?" And I told them, "Straight on to Tallahassee, but, we are going to have something open pretty soon, an emergency room." They were still looking for overnight stays. Some of them left the emergency room in Tallahassee because it took a long time. I told them,

"You shouldn't do that. You should stay there and wait. Get those X—Rays done. Get those things done."

I am happy with what is being done. I am just saying that it doesn't match with what the voters voted for. The voters voted for a hospital. They looked at the literature and that is what they saw and that is what they voted for. That is the problem that I have with this. We have to give them what they voted for. It has nothing to do with HCA and Capital Regional. It has nothing to do with you, Mr. Glazer because you were not here either. What I am saying is that I cannot vote for this. If we told them "A", we have to give them "A." If they come back as say, "We don't want that, we want you to change it to "B", then the citizens should say that and not us.

As far as what we are doing so far in getting an emergency room open, we needed on a long time ago. But, we also promised them a hospital and that is what it said on the ballot. It said, "Hospital" and the literature that supported that said "24 Beds". That is what it said. I still have a copy of that at my house. So, those are the things that I know were said to those citizens. That is what we should give them. If not, they should have an opportunity to vote it up or down. That should have come also, even if we had to do a special election, put it on a ballot and put it to a special voter referendum.

The citizens voted for this. That license, I will never agree for a license transfer because of the problems we had before. Commissioner Taylor, you may be correct, there may be enough safeguards in here to make sure we don't have that problem again. But, I am very leery of it. It was set up by the State, by the Senate. One of the senators really helped us and the county in order for that 24 beds to be paid for. It was set up strategically to make sure that those beds were paid for. That is what the swing beds, that was with the leasing of the doctors offices, that was with leasing to the Health Department for Urgent Care. All those items were in that Plan. So, that is why you didn't start out with a Cadillac. You started out with leasing and doing the things that we needed to do to get up and running. That is why I am letting you know that I am happy with what you are doing for and emergency room, but, it is not what the citizens asked for and it is not what they voted for. 68% of them said that is what they wanted – a hospital with the beds and all the other things.

Thank you very much, Mr. Chairman.

Thank you very much, Mr. Glazer and the Hospital Board. Thank you.

Lamb:

Thank you, Mr. Glazer, the board, and everybody. To the citizens of Gadsden County – this is a great day for all of us. Knowing that we are getting the opportunity to move forward. I can't thank this commission enough, especially those who have voted in the affirmative for this hospital. I can't thank them enough for sticking to it and trying to get some type of medical facility here in Gadsden County. It is not just for the people here in Gadsden County, but, the people from all over the area are really glad to see what happened here today. We are going to continue to keep going forward and, hopefully, this hospital will be opening in the next few weeks. Like Commissioner Taylor has stated, "This is just a blessing." It is so good. I know that EMS is smiling now knowing that one day they will not have to go all the way to Tallahassee or

Jackson County or wherever and pass through Quincy to get to an emergency room. I thank God every day for the election, this past election that we had here in Gadsden County. If He said, "It will be done," it is going to be done. I am just so happy today that this has happened.

Continue, Mr. Glazer.

We Care Network Funding

Glazer:

The item that you added to amend the agenda this morning is to provide some funding to the We Care Network. You recall that on several occasions, Karen Winland from the We Care Network has been here requesting some funds. We Care is what provides specialist services to the citizens of Gadsden County after they have received some primary care that are in need of specialty services that they cannot afford. We Care Network does support and provide those services. They had originally made a budget request, I don't recall precisely what that was, but, they did amend that to make it \$27,000 as a request.

I can tell you that the folks from Capital Regional Medical Center are supportive of that funding. Last night at our meeting of GHI, one of our board members, Dr. Charles Kent, spoke in favor of that and did ask that the board consider going ahead and provide that funding because those are services that are being provided right now and have been provided in the past. It is not a huge amount of money, but, can go a long way. Those are funds that were originally talked about out of the surtax proceeds. So, I believe the request would be for, and I will ask the administrator to correct me if I am wrong, for a budget amendment to approve the \$27,000 request for the We Care Network.

Williams:

That is correct.

Lamb:

We really need to go ahead and approve this budget amendment so that we can get that money to We Care.

Taylor:

Mr. Chair, the only issue I have, obviously certainly not the funding of it, that is not my issue. But, according to policy and Statute, I don't know if you can amend a budgetary item. It needs to be advertised and it needs to move through the proper process. I am more than willing to provide the support if this is something that HCA can see as a benefit. But, let's follow the proper process. I think, according to the ruling that was handed down through the Legislature, any budgetary issue has to be properly advertised. I will ask the attorney to speak to this. If we can forego that at this time, I am willing, but, I prefer to follow the proper process so that when we put it there, then we don't have to worry about legal recourse.

Minnis:

My recollection is that if it is adding amounts to the budget, it has to go through the budgeting process for the amendment. Perhaps Clerk Thomas could help me out with that, but, if the

money is already in the right category and it's a matter of just moving it around in that category, you don't have to go through the formal process. But, if it is adding to the category or increasing the budget, it has to go through that process. Am I correct?

Clerk Thomas:

I think you can go ahead and approve the action Mr. Glazer is requesting. Then, there is a separate process to approving the budget amendment itself.

Minnis:

O.K.

Lamb:

Thank you. So, Mr. Glazer, what do we need to vote on right here?

Glazer:

It would be a motion to approve the transfer of \$27,000 to the We Care Network.

Thomas:

The actual budget amendment will be brought back and in this case, I think it will fall under the authority of the county administrator can approve. If not, it can be brought back to the Board. It doesn't require an advertised public hearing. This particular budget amendment will not require that.

Taylor:

Well now, the amount does exceed the authority of the county administrator.

Thomas:

Then it will be brought back to be approved by the board.

Taylor:

That is the point I am trying to make. It is my understanding, and correct me if I am wrong, is not the amount that the county administrator can approve \$10,000? You can approve anything up to \$10,000 without board approval?

Williams:

Actually, it is \$25,000, but, that really relates to purchases. There is no cap. Something that costs more than \$25,000 is something that requires bidding. Anything that requires bidding has to be bid and has to come to this board for approval.

Taylor:

I am not talking specifically about bidding, I am talking about administrative authorization to approve

Williams:

There is no threshold.

Thomas:

This will be just a line item budget amendment within the half cent indigent surtax fund. So, you just need a budget amendment approved by the board of county commissioners. Today, you are approving the action. Then, you will bring an actual budget amendment back to be approved.

Williams:

We will be glad to do that.

Glazer:

You can do that as a consent item.

Williams:

We will have it on the consent agenda.

Taylor:

Mr. Chair, just one last question.

Lamb:

Go ahead.

Taylor:

May I please ask, if it is o.k. with you, sir, the finance person to come up because I don't know if there is a specific line item that has been identified.

Williams:

Sherrilynn?

Taylor:

That has been identified in our budget. I know that there is a line item for revenues for the half cent sales tax, but, if there is a budgetary line item for "We Care" or if we have to have a specific one.

Chess:

If the funds have not been appropriated, then you have to come back with a budget resolution. You have to do a public hearing and you have to do a budget amendment. From my understanding, the funds have not been appropriated.

Taylor:

The funds haven't been appropriated to We Care?

Chess:

For We Care. Yes.

Taylor:

So, what is – after all that being said, someone sum it up. Based on what she just said, do we come back in two weeks?

Chess:

I think you need to come back because the funds were not appropriated into the budget when you adopted the original budget.

Taylor:

Thank you. Now, do we agenda it, Mr. Chair?

Lamb:

Question, Commissioner Croley?

Croley:

Mr. Glazer, I think, and Clerk Thomas, jump in on this, but, what I am understanding that you are asking for is for and "earmarking" of this money now so that you can prepare the necessary budget amendment.

Thomas:

In approving budget amendments, it is always a two-step process. You are approving the action tonight to bring back a budget amendment. Then you will actually approve that budget amendment. Then you will actually approve that budget amendment within the fund that pertains to the half cent surtax. There are line items there. There is not a specific line item there now because you have resolved all the issues that come into play there. So, there has to be a line item change there. There is money budgeted in reserves in that fund. We will do a simple budget amendment to be approved by the board. It does not have to be an advertised public hearing. I know that you all have been doing advertised public hearings, but, that action is not required in this case.

Croley:

So, in short, we need to move the concept. Do you want to move that?

Taylor:

Yes, I so move.

Croley:

O.K. Then I will second it.

Lamb:

It has been moved and properly seconded that we approve the concept of the budget amendment for the We Care Network for \$27,000. We are ready for questions.

Holt:

Question.

Lamb:

Commissioner.

Holt:

I did not get a chance under comments, but, I wanted to ask this question of the board. We were supposed to have part of that half cent surtax for indigent care. Do we not need to look at all of the areas of indigent care before we start assigning? Now, We Care is definitely a part of my top priorities. I have seen We Care in action. That is part of the indigent care network that we need to look at. But, there are other areas there, too. We need to look at all of those. We can go ahead and approve We Care because I am going to vote for that anyway. But, we need to look at that overall indigent care because what they were looking at in the plan with Mr. Martinez heading that committee – that there was suppose to be in each one of the outlying locations that we were looking at to say that if you could not make it from Chattahoochee, you could still have some healthcare there. In Havana and all the outlying areas. That was the concept of the indigent care plan. So, we need to look at how we are going to do that. If we are going to use part of the half cent and set it aside for indigent care, how is that going to be used? Are we going to say there are 20 different organizations there? Are we going to look at those organizations? Or, are we going to look at one or two? This board needs to decide because they are going to be coming. It is part of the indigent care network.

Lamb:

Any other questions?

Ready to vote?

All in favor, let it be known by saying, "Aye."

Taylor: Aye.

Croley: Aye.

Holt: Aye.

Lamb: Aye.

The "Ayes" have it.

Thank you.

Glazer:

The last item for this morning's discussion is about the bond.

Lamb:

Before you get to the bond, Mr. Glazer, I think I have someone that wants to speak on the hospital. So, I need to get that out of the way before you go ahead with the bond.

Mr. Sam Palmer?

Palmer:

Since the vote has already been taken, I would rather to speak on the Huddle House.

Lamb:

O.K. Thank you.

Go ahead, Mr. Glazer.

Glazer:

Thank you.

The last item for this morning is about the bond financing. We are ready to close on that later this week. There are a number of steps that we need to take to make that happen.

Certificate of Public Meetings and No Conflict of Interest Forms

First of all, I will tell you that we have successfully negotiated with BB&T and we plan to close the loan on this Thursday, March 18th. There are series of steps that we need to take which will culminate in the passage of an ordinance. Before I get to that, none of the documents that I am going to ask each of you to sign as part of that process is one that I provided to you last week. It is a Certificate of Public Meetings and No Conflict of Interest. It is a very short form. All it does is indicate that none of you are aware of any actions with regard to the bond was taken outside of a public meetings and secondly that none of you have any conflict of interest with BB&T. That means that you have no financial interest with BB &T. So, I will need actually 5 copies of these. What I would like to do is just pass them around unless someone has questions and objections. If each of you would sign this five times, that will become part of our bond closing package. Are there any questions on this?

Lamb:

Are there any questions?

Bring them forward, please. We need to get them to Commissioner Morgan.

Glazer:

We will work that out. If we need to carry them to him, we will do that.

While you are doing that, let me indicate to you that what we are going to do is come back

Taylor:

Mr. Glazer.

Lamb:

Excuse me.

Taylor:

I am sorry, is it this particular process that you have given us to sign, all five of us have to sign off on this?

Glazer:

Yes, five times.

Taylor:
All five, mandatory to sign?

Glazer:
That is my understanding, yes. That is part of the requirement for the bank on the loan closing documents.

Taylor:
All right.

Glazer:
It is the same form. I just need each of you to sign it five times. It is the exact same form.

The ordinance that we are going to present for public hearing this evening and then passage is one that we have provided a copy of to you in the past. You will recall that this past December, an ordinance was passed that allowed us to move forward with the bond financing. The bond financing is essentially to refinance the debt on the construction of the hospital. The original plan was that we thought we could do just a simple resolution and not have a public hearing. But, we discovered in the course of this that if we do an ordinance, we can actually save the county some money. We thought that was worth the additional effort. So, what we are going to be doing is effectively amending the ordinance that was passed in December. The main thing - it does two things primarily.

First, it authorizes the county to make payments on that debt on a monthly basis. The original ordinance called for payments on semiannual or quarterly basis. By doing it monthly, we will actually, over the life of the loan, save somewhere between \$40,000 and \$100,000 in interest payments. Unfortunately, with the first ordinance, we did not know about that. So, we need to amend the ordinance for that.

The second purpose of the ordinance is so that we can -- there will be a little bit of money left over out of the \$10 million that we can use to finish up the construction projects and the amended ordinance will allow us to use the money to finish up those construction projects.

I will tell you that the bond closing that we are going to go through is consistent with what you voted on at the meeting where we approved BB & T. That is that we are going with the repayment over the 20 years as opposed to the 15 years. That is what the board voted for.

I will tell you that when we had that meeting, I was strangely silent on that point. I really didn't have a strong feeling about 15 years versus 20 years. I thought there were plusses and minuses to both. I thought that was best left to the sound discretion of the commission. We have structured this according to the directions of the board for 20 years. I did want to tell you that today, I do have strong feeling. I think that 20 years is the correct decision. The reason is that by doing it over 20 years, the actual cash outlay that you spend on a monthly, quarterly, annual basis is less. That will leave you more money from the surtax for other projects including helping to support the hospital, including things like We Care and other issues that may come up. So, as I stand here

before you today, I am even more supportive of the action that you voted for last time. That is just one of the reasons I am here to recommend the passage of the ordinance.

Again, we can't do that until this evening. It does require a 4/5th majority of the board. I wanted us to fully discuss it this morning so that we don't need to keep any of you very long this evening. Let's see if there are any questions or concerns and let's go ahead and get those out this morning.

Mr. Chair, that is my presentation. I am prepared to answer any questions.

Lamb;

At the end of this meeting, we will recess until six o'clock this afternoon. That is what we will do.

Any questions?

Taylor:

Yes.

Lamb:

Commissioner Taylor.

Taylor:

You said 4/5ths?

Glazer:

Yes,

Taylor:

Will we have a full board tonight?

Williams:

I think we will have one that will call in, Mr. Chairman.

Taylor:

Is that admissible on such a transition?

Thank you.

Lamb:

Any other questions?

Croley:

Yes.

Lamb:

Commissioner Croley.

Croley:

Mr. Glazer, before, as you said, you had not taken a position regarding the 15 years versus 20 year term of the bond repayment. Of course, I was in the minority along with Commissioner Morgan in supporting the 15 years versus the 20. That is now your position. I would like to hear from Mr. McMillan and from Clerk Thomas to see if they support this 20 year recommendation.

McMillan:

Commissioner Croley, thank you for putting me on the spot. I was like Mr. Glazer. I really didn't have a strong opinion. I did think, from a true business standpoint, that it made sense to try and save interest if you could. But, then, realizing in the negotiations with HCA and the other people that you are going to have to respond to with the indigent care tax and all, you are going to need funds to help keep this facility open and to also meet the needs of those people like We Care and all. We have saved you some money by changing the method of payment which will help offset some of that loss. It will help mitigate some of that loss you would have saved on the interest. So, I am in agreement with the 20 years.

Thomas:

I am also in agreement. We have had discussions throughout the meetings. From a purely financial standpoint, I would have preferred 15 years, but, once you look at the whole picture, it is a matter of making the whole deal work with what you have. That is what the 20 years is all about – trying to make the whole thing work.

Mr. Chair, based on the recommendations that I have heard, I am willing to support the 20 year term now.

Holt:

I have a question.

Lamb:

O.K. Thank you for coming around to my side.

(laughter)

Commissioner Holt.

Holt:

Mr. Glazer, is there any penalty for early principle payments?

Glazer:

Yes, ma'am. But, there is in the current note as well.

Holt:

O.K. So, what is that penalty?

Glazer:

We did try and do something about that, but, the bank was not willing to.

Holt:
What is that penalty, though?

Glazer:
1% on the outstanding balance.

Holt:
That is for the term of the loan?

Glazer:
The full term.

Holt:
The full term?

Glazer:
Yes, the full term.

Holt:
Usually, they give you an early out. AT the end of ten years , they will usually let you start paying off the principle early.

Glazer:
We tried.

Holt:
You tried that?

Thanks!

Lamb:
So, I will see you this afternoon at six o'clock in here.

Glazer:
Yes.

Lamb:
Is there anything else?

Glazer:
No, thank you very much, Commissioners.

Lamb:
Thank you, Mr. Glazer.

	<p>McMillan: I would like to say one thing.</p> <p>Lamb: Go ahead, Mr. McMillan.</p> <p>McMillan: We are leaving and we are taking Clyde with us if ya'll will leave him alone. (laughter) But, just to show you how things grow and you plant that seed that you were talking about. The fact that we are going to grow. I will comment on what Commissioner Taylor said and Commissioner Croley. We are going out to the hospital right now to look at space that a doctor wants to lease. That is what we are doing.</p> <p>Taylor: Thank you , Jesus.</p> <p>McMillan: And, we are going to move forward. Thank ya'll.</p> <p>(large applause.)</p> <p>Lamb: O.K. Let's get through this agenda because we've got to come back this afternoon.</p>
<u>2.</u>	<p><u>TAXPAYER BILL OF RIGHTS (TABOR)</u></p> <p>Craigien Mosteller, Director of Communications with the Florida Association of Counties, greeted the board and congratulated them on the new hospital.</p> <p>She explained the policy called TABOR which has been around for a time. She stated that the Taxation, Budget Reform Commission of Florida started it and proposed it in the last legislative session as well this session. She pointed out the following points:</p> <ul style="list-style-type: none">• It is a national movement not born in Florida to limit State and Local Government s to a very rigid formula on revenue growth. You would not be able to go over inflation plus population growth every year. If you needed to exceed that growth, you would have to take that matter to a voter referendum.• Local governments are already capped. You are not allowed to grow revenue greater than the CPI plus population growth during any given year without a supermajority vote of the commission. Last year counties cut back by \$1.8 Billion. Only six counties voted to override and go above the rollback rate.• If Amendment 3 passes (It is on the ballot in 2010), it will lower the non-homestead cap from 10% to 5% which means you would not be allowed to grow revenue more than 4% per year on those properties.• TABOR doesn't really look at the Consumer Price Index (CPI) affect on local governments

- TABOR doesn't take into consideration the effect of unfunded mandates passed onto the local government by the Legislature –the growth cap remains the same regardless of the additional expenses imposed.
- TABOR will limit the government's ability to fund the various ballot initiatives that are approved by the voters – such as the school classroom size.
- TABOR would stifle and limit new innovative ideas.
- TABOR is a constitutional amendment and once it is in the constitution , it is very hard to remove, it becomes a permanent solution – however, the problem is only temporary.
- TABOR would remove any flexibility and the ability for the local government to make a lot of decisions would be removed if it passes.
- Elected leaders would become powerless.
- TABOR was adopted in Colorado in 1992 and they have regretted that decision. It has been attempted in 25 other states and defeated in all of them for various reasons.
- TABOR is sold as being a pro-business project, but, it has not turned out to be as pro-business in Colorado as it was hoped to be. It has proven to be detrimental when it comes to recruitment and economic development.
- In Maine, the State Chamber of Commerce initially came out in support of TABOR, but, the local chambers began to look at it and determined that it would not hold up to the promises and ultimately, the State Chamber reversed their opinion and opposed it before it went to the ballot in their state.
- The Florida Association of Counties opposes TABOR. (Senate Bill 2040) and is trying to make certain that the local governments understands how it will affect their communities.
- Brevard County adopted a TABOR like amendment in their charter, but, it was by their own choice to use it to develop the character of their community in their own way. But, it was not done at the state level with state mandates.

She encouraged the Board to begin talking about TABOR in the community and engage quality debates about the issue. Whether the county supports it or not, TABOR will change the face of the local government. It will change the way that it operates and it will change the way the community looks at projects and policies.

Commissioner Taylor thanked Ms. Mosteller for coming to talk about this bill. She commented that it appears to limit the county in its ability to provide quality services in all the areas and will impact Gadsden County. She asked the board to go on the record in writing stating its position relative to the Senate Bill.

Commissioner Holt stated that the FAC has been fighting this bill for many years. She also stated that Colorado has suspended TABOR and they are trying to figure how to get rid of it. She explained that it sounds good to citizens because they get to vote on what goes in and out of the county. But, the power of a referendum vote allows a county wide vote on projects that will affect only one small segment – despite strong objections raised by that particular community. Another concept of TABOR is that the individual person who seeks the project approval must pay for the referendum to be placed on the ballot. She supported the county sending a resolution to the Legislature opposing it.

Attorney Minnis advised that a resolution would have to come back on a future agenda if the

	<p>board should decide to do so.</p> <p>Ms. Mosteller interjected that while there is a bill being considered in this legislative session, the FAC has a greater concern about it for next year. She suggested that the county has adequate time to deliberate on an official posture to take with the legislative delegation. Chair Lamb asked that it be placed on the agenda for the next meeting.</p>						
	<p><u>CONSENT AGENDA</u></p> <p>UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD APPROVED ITEMS 3, 4, AND 5 OF THE CONSENT AGENDA TO WIT:</p>						
3.	Approval of Minutes – January 19, 2010 Regular Meeting						
4.	<p>Ratification of the Approval to Pay County Bills</p> <table> <tr> <td>Accounts Payable dated:</td><td>March 5, 2010</td></tr> <tr> <td></td><td>March 12, 2010</td></tr> <tr> <td>Payroll Dated:</td><td>March 11, 2010</td></tr> </table>	Accounts Payable dated:	March 5, 2010		March 12, 2010	Payroll Dated:	March 11, 2010
Accounts Payable dated:	March 5, 2010						
	March 12, 2010						
Payroll Dated:	March 11, 2010						
5.	Guardian Ad Litem Resolution 2010-008						
	<p><u>CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS</u></p> <p><u>Citizens Requesting to be Heard on Non-Agenda Items</u></p> <p>Ms. Evelene Ramirez – U.S. Department of Commerce Census Bureau She asked the board to encourage all the districts to participate in the 2010 Census. She reminded the board that the information on the questionnaire is confidential and concealed for 72 years after which time it will become public. She told them of the March to Mailbox Event on March 10th. She called for the local officials to get involved.</p> <p>Mr. Sam Palmer, 1225 Berry St., Quincy, FL - He deferred his remarks until the Bradwell Project was to be discussed.</p> <p>Ed Allen addressed the board in response to Letter to the Editor written by one of the commissioners that appeared in the Gadsden County Times on March 11.</p> <p>Lloyd Schell, 324 Watson Road, Quincy - Biomass Power Plant – read statement into the record – asked for referendum regarding a tax abatement requested by ADAGE ; referenced 196.1925 FS</p> <p>Antonio Jefferson, 14615 Main Street Gretna, FL – gave an update on ADAGE biomass project – The City made a decision that it will defer future decision on the biomass project for a period of 6 months. As a result of that announcement, ADAGE also announced that they will withdraw their</p>						

	<p>permit application and withdraw the consideration for the proposed facility in Gretna. He said, "This issue is dead. Dead on arrival." He thanked all of the commissioners who kept an open mind about the project even though it was not successful.</p>
	<p><u>GENERAL BUSINESS AGENDA</u></p>
<p><u>6.</u></p>	<p><u>Resolution 2010-009 Approving the Fourth Amendment to the FACT Trust Agreement</u></p> <p>Assistant County Administrator Arthur Lawson stated that this agenda item seeks approval of the above named resolution approving the fourth amendment to the FACT Trust Agreement. It is asking that FACT be allowed to offer additional lines of insurance. They are currently limited to offering liability and automobile liability. They would like to be able to extend their lines of coverage to also be able to offer property coverage, worker's compensation and automobile physical damage.</p> <p>Because the county is a member of the Association of Counties Trust, they are requesting members of the trust to pass a resolution showing their support of the Trust Agreement Amendment.</p> <p>John Pat Thomas, of Pat Thomas Insurance Agency, addressed the board in support of the Trust Agreement.</p> <p>UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION 2010-009 IN SUPPORT OF THE FOURTH AMENDMENT TO THE FACT TRUST AGREEMENT. Commissioner Taylor was not present for this vote. Commissioner Morgan was excused from the meeting.</p>
<p><u>6A</u></p>	<p><u>Community Development Block Grant (CDBG) Bradwell Huddle House Project</u></p> <p>County Administrator Johnny Williams recalled for the board that the project was first approved on August 13, 2007. However, on May 7, 2009, The county received an email from Mr. Jim Bullock stating the "Huddle House has not approved Mr. Bradwell's site and a franchise has not been awarded to him or anyone else in the Quincy market." Mr. Bradwell moved forward to try to do an "Uncle Bob Restaurant", but he was not able to secure the financing.</p> <p>CDBG grant funds were to be used for infrastructure improvements at the Bradwell site located off Highway 90 West (Blue Star Highway) It was to include the sewer lines lighting and paving of access roads.</p> <p>The project has been open for three years without going forward. Because it remains open, the county cannot apply for other economic development grants until it is closed out. Mr. Bradwell and the county could apply for an extension on the grant, but it must be filed by April 7th.</p> <p>Ms. Jill Jeglie, Growth Management Department, concurred with the remarks made by the administrator.</p>

Clerk Thomas remarked, "I just want to be sure that by closing it out, there is no additional liability that what is in the agenda packet. I see what you've got. But, by closing it out, is there any additional liability out there? Is there a greater figure?"

Ms. Jeglie answered, "My understanding from Mr. Fellerman is that the only thing that we would be liable for would be the money for the easement to Mr. Bradwell. The additional money that was spent for administration of this grant would not be required to be paid back. I spoke to him on Friday."

Mr. Sam Palmer, 1225 Berry Street, Quincy, FL spoke in favor of giving Mr. Bradwell additional time to continue to seek funds for the project.

Mr. James Palmer, 329 South Patton St. Quincy, FL spoke on behalf of Mr. Bradwell in his effort.

Ms. Laurie Bouie, 4237 Highbridge Road, Quincy, FL spoke in favor of extending the Bradwell project. She spoke about the necessity of the infrastructure asset to the County. It will allow for other projects to be placed in the county and not set future limitations. She said, "It would seem more positive to continue rather than not continue based on one person's ability to seek funding. The county also has the ability to assist him with the funding....." Her primary concern was that the county use this opportunity to put the infrastructure in place – not necessarily for Mr. Bradwell, but, for the those businesses that can utilize the infrastructure system. She said, "If the opportunity is at your gate, why close it?"

She then commended all persons who were involved in the emergency of the school bus accident. She said, "I think they did a commendable job. While I noted that, I also noted that we had to use make shift facilities to aid our children. We never know when there is going to be an emergency. But, we have to do whatever is necessary so that we can aid anyone in an emergency situation. While I say "hospital", we are in desperate need to have our emergency situation in place. It was the school bus that time. It may be a tornado or an earthquake the next time. But, we do need healthcare in place so that we can respond."

Chair Lamb recalled that the board was in full support of Mr. Bradwell's project going forward when it last came to the board's attention.

Ms. Jeglie reminded the board that the grant was contingent of providing a certain number of jobs and it is more than just getting infrastructure to a business. The county would have the option to reapply on Mr. Bradwell's behalf at some time in the future.

Discussion followed among the board.

It was determined that Mr. Bradwell had a medical issue preventing him from being present at this meeting.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO DEFER ACTION ON THE CDBG BRADWELL PROJECT UNTIL APRIL 6.

7.	<p><u>Approval of Resolution 2010-010 to Ban the Sale and Marketing of Flavored Tobacco Products</u></p> <p>Jowita Cichy, Program Manager for Gadsden County Tobacco Free Partnership appeared before the board. She introduced Calvernia Davis from Havana Middle School who spoke briefly in support of the resolution.</p> <p>Ms. Cichy introduced letters from the Students Working Against Tobacco (SWAT Kids) as well as letters of support from community leaders.</p> <p>UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE RESOLUTION 2010-010 URGING TOBACCO RETAILERS TO STOP THE SALE AND MARKETING OF FLAVORED TOBACCO IN GADSDEN COUNTY.</p>
8.	<p><u>Approval of Bond Financing Resolution Number 2010-011</u></p> <p>This was moved to Item 1-A.</p>
9.	<p><u>Approval of Hospital Update/Lease Agreement between Gadsden Memorial Hospital to Tallahassee Medical Center, Inc.</u></p> <p>This item was moved to Item 1A at the beginning of the meeting.</p>
10.	<p><u>Approval of Task Order Number 2010-01 by Preble-Rish to Complete EAR Based Comprehensive Plan Amendments, Area Specific Community Plans, and Adoption of Urban Service Area Boundaries</u></p> <p>The Planning Department requires the services of a professional planning consultant to prepare the EAR based amendments for adoption into the Comprehensive Plan. This is something that has to be done every seven years. The County is also interested in completing area specific community plans and the adoption of respective Urban Service Boundaries (USB) for the Lake Talquin/Wetumpka area and US 90 East Corridor of the County as part of these services.</p> <p>The fee for this project will cost \$42,950 which is already budgeted in the Planning and Community Development budget.</p> <p>Commissioner Taylor questioned why this Kimley Horn was not tasked with this part of the EAR implementation.</p> <p>Mr. Lawson stated that Kimley Horn was contracted to do the first part of the EAR amendment implementation and there was never a commitment made to them that they would be awarded the second part.</p> <p>She asked the following questions: Does Preble-Rish have the expertise in house to do the implementation?</p>

	<p>Did the bid process go forward correctly given the fact that this contract exceeds the amount that we need in order to have a proper bidding?</p> <p>Mr. Lawson replied, "The procurement of engineering services was done through a competitive bid process and part of their service agreement is that they do planning and management services. So, therefore, if it is the board's choice to allow Preble-Rish to do this as part of their outstanding contract with the board, I don't see any problem with that. It is your decision as to whether you want to approve Preble Rish to do this work. It is not that it is circumventing the bidding process. Obviously, any competitive vendor will tell you that because they want to get the business. However, within the scope of engineering services contract, we are well within our rights to allow Preble-Rish to do this." (See the documentation attached for further details regarding their expertise.)</p> <p>UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE TASK ORDER 2010-01 BY PREBLE-RISH TO COMPLETE THE EAR BASED AMENDMENTS, AREA SPECIFIC COMMUNITY PLANS AND ADOPTION OF URBAN SERVICE AREA BOUNDARIES.</p>
<u>11.</u>	<p><u>Community Development Block Grant (CDBG) Bradwell Huddle House Project</u></p> <p>This item was moved to 6A on the agenda.</p>
<u>12.</u>	<p><u>COUNTY ADMINISTRATOR'S AGENDA</u></p> <p><u>Update on Board Requests</u></p> <p>See the attached report</p>
<u>13.</u>	<p><u>COUNTY ATTORNEY'S AGENDA</u></p> <p>Ms. Minnis reported that she had researched the use of the one cent surtax and would follow up with a written opinion if the board wishes. In the interim she stated, "I just wanted to let you know, verbally, that I have looked at it. The way that the small county surtax works is, if you are not going to use it to service indebtedness, it can be if it is done by ordinance, which is what this county did. Based on your ordinance, you set out the types of projects that the surtax money could be used on. In my opinion, the money should be used for the types of projects set out in the ordinance.</p> <p>There was some discussion about the broad definition of "public works", but the ordinance that was passed by the commission gave examples of projects that it defined (as public works) to be maintenance, infrastructure public work projects. I believe that the expenditure should be to those types of projects. I will follow up with a written document to be distributed to the county administrator and to the board members. I just wanted you to know that I have looked at that project and that was what my opinion on it was."</p>

Croley:

Mr. Chair, may I ask a question on that?

Lamb:

Yes.

Croley:

Ms. Minnis, thank you for looking into that matter. We definitely needed to get clarity on that.

Mr. Administrator, I would request that, in follow up to the report that we have just gotten and the written response, that we see some kind of balance in what the one-cent money is generating. And, I ask that the Clerk's office assist in providing that information so that we can understand better what capital improvements and public works that we could see funded out of that as well as the fire services – that is a portion of it. Just so we can understand the capital improvement opportunities.

Minnis:

The examples used or those types of projects mentioned specifically in the ordinance are "road improvements, water and sewer systems, fire protection and suppression." Those are the types of projects that were referenced in the ordinance.

Croley:

I am afraid that prior to your coming, Mr. Administrator, things drifted off course on what the intent of the ordinance was.

Lamb:

O.K. Anything else?

Minnis:

Not on that particular issue.

Champion Oaks

We also did look at the Champion Oaks issue. This is for information purposes only and I would suggest and I also have a memo that I need to do some revisions on to provide to the board, and I would request that it be agendaed for formal consideration at the next meeting to give the citizens and the land owners in that area an opportunity to come forward and voice their opinion with regard to this particular issue. But, we did look at all of the legal information provided by Mr. Hume. Based on our review, none of the provisions that he cites would authorize or require the board to control flooding on private property. The issues of the culverts and the drainage and flooding prevention deals with preventing the road from washing out or preventing the right of way from being washed out. It doesn't authorize the county to use public funds to deal with private draining issues.

There is a mechanism for doing a special assessment for property owners who have an issue that they want to get resolved in that fashion. But, again, that memo will be coming to you and I would suggest, (I don't have the authority to require it), but, I suggest that it be considered more

formally at the next board meeting and give those land owners an opportunity to attend.

Lamb;

O.K. Thank you. Is there anything else?

Minnis:

I also have a list of the current litigation matters. My understanding is that there was a particular interest in the four or five dealing with employment issues.

I do have a list of those that I can make available to the commission. I can tell you that out of the six that are pending, only one is actual litigation in the court system. The county is being represented by the McCaunahey Law Firm with that particular issue. The remaining are still in the administrative process. There has not been formal litigation filed on those. There have been "No Cause" determinations" on at least two of those. And one of those, there has been a "Partial No Cause" and "Partial Cause" determination. And, on two of them, we are still awaiting initial determination from FCHR.

Croley:

A follow up question on that. Are those – that litigation – are they being handled under the county's liability coverage, under the employment practices?

Minnis:

Well, there is only one that is in actual litigation and yes, it is being handled by the liability insurance. The other five are not considered to be in litigation yet. But, I am in contact with the representative for the insurance company to keep him apprised of where those are in the process. When actual litigation is filed, those then go to him and then the insurance company assigns an attorney to represent the board.

Croley:

But, you are not involved in investigating and adding additional legal cost to this matter?

Minnis:

No. The only thing that our office does is that when a charge comes in from FCHR, we assist the staff in filing the response and getting the response done. If FCHR asks for additional information, we get that information together and send it to them, but, it is all part of the services that we for the county. If it turns into actual litigation in court where you are talking about depositions and production requests and all that those items, it gets kind of "pricey" – that goes out to the insurance company to be assigned.

Croley:

You know, Mr. Chair, that is in great contrast – you remember just a couple of years ago, we had almost a \$30,000 bill for an investigation into public works because of the previous approach by the former county attorney in these matters. So, we thank you, Ms. Minnis, for the savings that your firm is providing.

Taylor:

Mr. Chair, this is a question for the board and just a little history lesson for me. Do not this board enter into a executive session with the attorney? One where only the board and the attorney is present so that we can discuss some of these? Because a lot of times in the executive sessions that I used to participate in as a city commissioner, we are able to give directions so that once we (inaudible) by the attorney, so that unnecessary procedures don't go forward. I can't think of the legal term for it, but,

Lamb:

You are talking about an attorney/client meeting. That is what you are talking about.

Taylor:

Will we meet ? I think we have to advertise it and notice it. But, I don't know if that is within the Statute of the Counties.

Lamb:

I think she wants to comment on that.

Minnis:

I can respond to that. That question has been raised. The statutory provisions of Section 286.011(8) – basically, it is a very narrow category of things that you can go into attorney/client meetings on. It is a very narrow category of discussion that you are supposed to have. The Statute only allows you to do those meetings when there is actual litigation pending. Many of the administrative claims that we have are not in actual litigation at this point by FCHR and EEOC don't have the authority to award damages. Basically, the most they can do is make an administrative determination as to "cause" and "no cause". Then, at that point, the individual complaining has the option of going to court or to a Division of Administrative Proceedings, which is considered litigation. Even with the "Shade Meetings," or attorney/client meetings, there is a very narrow window of discussion that you are allowed to have.

Taylor:

Now, let me ask you on that interpretation – Is that, again – a history lesson for me – Is that a State Statute or is that county policy?

Minnis:

That is a State Statute that applies to all public meetings. It is an exception to the general public meetings statute, therefore, it is construed very narrowly since it is an exception to the public meeting statute.

Taylor:

Now, that there is one in particular that is in litigation, you are saying that according to State statute that we can't come back (based on your information) and make a determination about how this board will actually proceed in the suit? We have to keep the bottom dollar in our mind set.

Minnis:

Actually, the further limitation is that you can't just have a general discussion of how you want it

to proceed. You can discuss settlement and financing of the claim, but not necessarily strategy in general.

Taylor:

No, no, no. I am familiar and you are absolutely right. The only thing that we are given is the opportunity to voice as to whether or not we want to settle or go forward and all of that is based on your information. If the county is in a strong position to defeat and not have to be costly, then, of course. But, if the county is not in a strong position, this board needs to know that before we engage in spending dollars chasing because this is what you have been given to do.

Minnis:

With regard to the item that is actually in litigation, if I am so instructed, I can talk with Mr. Brian Duffy at McCaunahey Law Firm who is actually representing the firm to find out where it is in the process to see if the board is interested or if it is appropriate at this point for the board to have an attorney/client session with him.

Taylor:

Now, you all go out and get these private companies through your firm?

Minnis:

No. the litigation award or the assignment is made by your insurance carrier. We don't have any involvement in that.

Taylor:

O.K. That is it.

Lamb:

Is there anything else.

Minnis:

No.

COMMISSIONER'S DISCUSSION ITEMS

Commissioner Morgan was not present.

Commissioner Brenda A. Holt, District 4

Commissioner Holt remarked that every commissioner needs to receive information regarding the personnel litigation that is up to date. (the county's standing, etc.)

Response to Public Comments to Her Letter to the Editor in the Newspaper

She remarked that her letter to the editor was in support of county employees and she will continue to support them.

Response to Public Comments Regarding Payment of Property Taxes

She commented that last year she became the guardian of a handicapped young lady and she will continue to do whatever is required for her care even as it relates to paying for her medical needs and property taxes.

Comprehensive Plan Issues

She pressed the commissioners again regarding the importance of getting infrastructure to the I-10 Interchanges and planning for those projects. She reminded them that Jackson County had sewer and water at their interchange 16 years before the development began.

School Bus Accident

She remarked that overall, the response to the school bus accident went pretty well with the exception that some parents went to the hospital expecting to find it open. Some parents went to Marianna thinking that is where their children were taken. In hindsight, it became apparent that there needs to be an emergency plan for how to handle those kinds of situations. She commended the EMS Department and the Florida State Hospital for the manner in which they responded. There were also young people who arrived on the scene before EMS or Law Enforcement who aided in getting the children off the school bus and to safety for fear that the bus would ignite.

She then thanked Jackson County, Leon County, Liberty County, the City of Chattahoochee and the Sheriff's Department for the role they played.

Commissioner Sherrie Taylor , District 5

She asked for permission to question Public Works Director Robert Presnell. She asked, "The maintenance agreement where we were to go up into that area and dig out that drainage – In talking with the residents there, there is still an area that needs to be dug out. They were told that you guys would come back, but, you haven't had a chance. So, if you get a moment, please look at that because the one that is living behind the mom's house is in a very bad flooding area. I think you were supposed to dig out behind her as well, but, that has not happened as yet."

Mr. Presnell responded, "That is why we wanted the easement so that it would be perpetual. We will have to go back and address needs there forever now. But, I will look into that."

Taylor:

Paving. Big discussion with you about a potential funding for future paving. Is anything evolved, any additional dollars that might or might not be coming to the county?

Presnell:

Not for paving. We have a SCOP Program Grant that will be coming to you on the 6th for some choices, but, that won't address any dirt road paving. It is for widening and resurfacing type projects.

Yesterday, now, we did receive \$513,000 from CRPTA in Tallahassee, but, it is to address a particular bridge, as a matter of fact. We had hoped to get \$700,000. We got \$513,000 to address the bridge 50032 up on Salem Road.

Taylor:

So, no additional dollars in the works? I've got some people hollering and screaming.

Presnell:

That is outside money that we were lucky to get to address a bridge. Then you will have a SCOP Program decision that this board will make at the meeting on the 6th, but, it will only address, like I said, the existing paved road needs.

Taylor:

O.K. Thank you. That is it.

At our last meeting, we took a position on the Lake Talquin spillway. We took a position in that we did not support the resolution that was in front of us. But, we have not presented a position to the City of Tallahassee as to where this board is. In other words, there was unity around this board that we want the lake level to stay where it is and that it stays as a recreational lake. We were still, Mr. Chair, in agreement with the spillway that they were going to bring with that funding - \$8 plus million. So, I am asking this administrator and I don't know if it has already be done, but, just to put things into perspective, - Have we not given Gadsden County's position to Tallahassee, the City of Tallahassee, about how we feel going forward with the spillway.

Lamb:

I don't think we have, but, we need to.

Taylor:

Yes. And, I wanted to see if we can either do it in the form of a letter or whatever because all those who are being given consideration are those who are contacted in one form or another to the City of Tallahassee on their position. We have not and I want to make sure that we do stress what was said around this board in the form of a letter to those who are making major decisions about the spillway.

Lamb:

O.K. We will put that on the agenda.

Taylor:

O.K. Thank you.

Williams:

Do you want a resolution?

Lamb:

Yes.

Taylor:

I think a resolution would be in order since that is what other municipalities have done.

Lamb:

Right. We will put it on the agenda.

Taylor:

That needs to be immediate because I think they are getting ready to make their decisions.

Now, I have been harping on this and harping on this and I am not going to stop until I get some traction. That is going back to give funding to these non-profits. I am hoping that one of my colleagues will consider that and come back and address that. Folks haven't stop knocking at my door and I have gotten to the point that I am embarrassed to look at some of the people who depended on these funds. So, up or down vote, if I could just get it put back on the agenda – an up or down vote – that is what I would like to see. Also, Mr. Chairman, I am going to lean on you and the vice-chair because you all were in the affirmative on this one. So, I am going to lean on one of the two of you to kind of help out when it comes to your turn to talk.

Also, I do want to reconsider Policy No. 1.1.5 – having to do with neighborhood commercial. I have been thinking about this. This is something that I voted for and (inaudible) can attest to this, when I was with the City of Quincy. I did vote to not intertwine the two in the same geographical area. In other words, to have commercial and residents in the same area. I made the comment a long time ago that I don't want to walking by a mill that is located right outside my window. So, I want to revisit that policy, now. Those who have been given agreements up until whenever we put this back on the agenda, I don't want to retroact them. I don't think that is fair. But, I do want to be able to put this back on the agenda for reconsideration for me going forward. So, for anybody that we have approved, I know we did this some months back – back in December, I believe. Any company that came forward and received agreement to go forward, I don't want to stop them. But, I am saying, that going forward, I do want to reconsider this. I think that according to Robert's Rules, Madam Attorney, we can put it back on the agenda.

Minnis:

You can consider it, but, it would have to agendaed and you would have to decide whether you will rescind your prior vote at that time.

Taylor:

Well, Mr. Administrator, I don't know if I have to ask the chair or whatever, but, I do want to put this one back.

Lamb:

We will put it back on there.

Taylor:

I didn't hear you say anything about my non-profit concept.

Lamb:

Well, that is going to be up to the commissioners. We will wait and hear from all the commissioners.

Taylor:

Well, thank you. I don't mind doing that.

Jeglie:

May I ask a question?

Lamb:

Yes.

Jeglie:

If we receive new applications in the meantime, do we process them between now and when we decide on this?

Taylor:

I think that is fair because you have a law in place right now until we rescind it.

Jeglie:

I just wanted to clarify.

Taylor:

Now, something came out tonight that concerned me that I did not know about and I think we need to address. That is the limit that is placed on the authority of the county administrator. I thought there was a \$10,000 threshold – that he can only approve up to \$10,000. But, according to his interpretation, there is no such thing and that concerns me. Certainly, anything over \$10,000 should be brought back to this board. So, is there or is there not a threshold for this county administrator?

Lamb:

Let Commissioner Holt say something.

Holt:

A while ago, a few years ago, we upped it to \$25,000 in order to get some of those items on out that we didn't have to vote on – like household items. I have never heard that there is no limit. That is the first time that I have heard that.

Williams:

If it is a budgeted item and it does not have to be bid or if it can be taken off the state contract or bid, I have no limitation. The \$25,000 figure does not relate to a cross the board cap. It is in the state statute that when an item reaches \$25,000, if it is appropriate to do so, you must bid. Therefore, it comes to the board for approval. Other than that, there is no authority.

Lamb:

I think we were talking about things besides agenda items.

Holt:

Right, and I don't want to take any more of Commissioner Taylor's time, but, I would like to see

that policy brought back, too. We need to set a policy if we don't have one.

Lamb:

I think the policy we have, Commissioner Holt, deals with – well, I forgot what it dealt with, but, we did set a \$25,000 limit.

Williams:

That is set by State Statutes.

Lamb:

On doing things outside of the bid process – agenda items.

Taylor:

Yeah, but, here is my concern. I can appreciate that, but, I don't want the county administrator to be able to write a \$5,000 check without us knowing about it. That is my concern. I think we need to have more input. I am not trying to compromise your integrity, but, if we are fiscally responsible for this county's dollars, then we need to know and at least have some input. I don't want to manage you under \$10,000. I don't want to manage you under \$10,000. But, over \$10,000, I think that thing should come. I think that \$25,000 is too much. Especially in this given time.

Lamb:

What we will do on that is bring it back and let the attorney give us some information on that also. But, we did set a limit of \$25,000 I know.

Williams:

That is entirely up to you. You can make it \$5.00 if you want to. But, if it is already approved in the budget, you have already approved it and you have already authorized it, so, you are approving something twice.

Taylor:

That is true. Any budgeted item has already been authorized and should go forward as a normal procedure. But, anything that comes into your office that is not budgeted or something that you have the threshold to approve, I am saying to cap it at \$10,000.

Williams:

If it is not in the budget, I have no authorization to spend it.

Taylor:

You have been given leave way to spend dollars.

Lamb:

I agree with you, Commissioner Taylor. It was done in the past. It should not have been done, but, it was done. We need to go back and correct that and we will.

Taylor:

That is something that we should bring back.

Now, Commissioner Holt made a comment about EMS. I was there on that scene with those children. I was there. I was there only minutes after it happened because I was called on to transport the social services director there because they did not have transportation at that time to get her there. So, I was there and I watched all that went on. And, I had a concern about it. I really did. I had a concern about – it was kind of chaotic there for a moment. I spoken with the county administrator and colleagues about the fact that our EMS Director was not there. That concerned me. That concerned me immensely because every other director was there.

I understood from reading the printout as to what went on radio wise, but, reading this printout, the director was commanding a dispatch unit or some kind of communication. But, he had to wait for second hand information in order to prompt a situation to happen. He had to wait for them to tell him if we needed additional transport units and if we needed this, that and the other. I watched those EMS workers when they were out there. They could not make two steps without being pulled by someone else for attention. So, the delay that was there in getting information back could have been better handled if he had been on site. Now, I am not an expert in this kind of situation. But, in just observing it, there was a little boy that they tried to put on a bus with children who were there who really did not have serious injuries, but, this little boy could not even walk. He had sustained a very bad injury to his leg. I argued. I said, "You can't put him on the bus because he is a little more seriously injured than the rest." They acknowledged that. But, they put him on a tailgate and he had to sit there. I kept trying to get this guy to go to him, but, he was so busy. I did see some of our guys out there, but, they were so busy.

That concerns me with the amount of delay that our guys that was there had before they could get back to the (inaudible), which was the chief. So, there was a delay in you getting information. And, I am saying "you" because this is your body. There was a delay in that. It should have been, and again, this is just my opinion, you need to correct me if I am wrong, that there should have been someone there on site. We put four and five and six children in one unit because there were not enough. Now, that may not have been up under the power of anybody. Yes, they had to be triaged outside on the grounds because of the Statutes of which Florida State Hospital had, which was understood. Which proves the imperativeness of having our own hospital emergency facility.

For the most part, it did get worked out and I thank God for the limitations that were there. I grieve immensely for the family, but, I thought, in my opinion, and I got a phone call from a high authority figure who was irate at the fact that they were not there. I just pose that question as to why not. So, other than that, I thought that everything went well, but, I did see that was something that we could have had and would have certainly represented the county a lot better if the director had been there on site.

Prayer. That is my last statement. I know it has been the position to have silent prayer at the beginning of these meetings. But, the way this county is going, we need to start acknowledging God out loud.

Thank you.

Lamb:
Is that it?

Commissioner Doug Croley, District 2, Vice-Chair

Croley:
Thank you, Mr. Chair.

First I want to comment on the performance of the EMS and Law Enforcement and School personnel in the handling of the bus accident. I want to congratulate everyone on a job well done. I did talk to Superintendent James and he had nothing but praise to say about the EMS services and the response provided, not only by Gadsden County, but, also all the other surrounding counties that participated. So, job well done.

My condolences go out to all the families of the injured students, especially those of the family that had the fatality. We continue to pray for their well being.

Mr. Presnell, you have already referenced or he referenced the CRPTA meeting yesterday at 1:00 p.m. at Tallahassee City Hall. As the representative for Gadsden County, I wanted to give a brief report here, Mr. Chair.

We were successful in getting support under the American Recovery and Reinvestment Act, some \$518,000. I believe Mr. Presnell said \$513,000, but it was some \$518,317 to be exact, for the bridge replacement on this very rapidly failing bridge that we have. I appreciate that Preble-Rish has been involved in having the design ready for that. So, we look forward to seeing if we can't move it rapidly into a construction phase.

I want to applaud Commissioner Delores Madison from Midway for her support. She is always there for us. I wish, if you see her, Mr. Chair, please let her know that she was recognized for that contribution.

Now, let me take a moment here and share something about where this county stands. This county is moving forward. No later than last week, I had three separate people, well known in business in this region, make compliments about the progress that Gadsden County is making.

You are on the threshold of getting you a 24/7 Rural Emergency Facility. The same business model recommended by the citizens committee. Planting that seed to move this county forward with a 24/7 medical facility. Look at the support that we are getting from other regional groups such as the Capital Regional Transportation Planning Authority. I know that you have seen that with TCC, Mr. Chair, with your work there. This county is up and coming and reasserting itself and we should all be proud of that.

County staff, you are doing a great job now and you are moving forward. Mr. Administrator, I think the Clerk is gone, but, I know that financially, we are making good progress. You know, I

think the outlook is a bright one for the future of Gadsden County. Sure, we are in bad economic times and yes, we are going to have challenges. Sometimes, some of the projects that are brought here are not universally accepted. We all have different points of view. But, I see proponents and opponents of some of these projects sitting out there together. At least, you are not out there fighting. That is commendable in itself as opposed to elements that want to keep dissention and controversy going. So, let us keep moving together because that is really what it boils down to. Do you want to go forward or do you want to go back? I think the vast majority of the citizens in the county and in this region want to keep moving forward and will help us in that endeavor.

Thank you, Mr. Chair.

Lamb:

Thank you, Commissioner Croley.

I have four or five things, quick things here. I want to thank Commissioner Taylor for recognizing the administrator before she called his staff up. I thought that was a good example of what we need to do because a lot of times, the administrator, himself, can answer your question if he would like to do so. If not, then he can call the staff. But, we don't need to call staff up unless we have to. We don't want to mess with staff.

School bus accident. I agree with Commissioner Holt in what she was saying about the response. I think she summed it up pretty good on what happened and the response that took place. From the comments that I have received from the school system as well as the Sheriff's Department, that is exactly what they stated also. I appreciate the concern that Commissioner Taylor mentioned. That is something that EMS can include into their plan in case something of this nature takes place next time. It is something they can think about. It is always good to mention things that she mentioned. You ain't going to be right all the time. You ain't going to be right most of the time, but, you can think about the criticism or whatever to make you better. I thought that was good, what you said. Not that you were criticizing anyone, but, you wanted to make sure that you bring that to their attention and there is nothing wrong with that.

But, on the other hand, as Commissioner Holt stated is what I heard, too. She stated what most of us – the constitutional officers like the Sheriff and the Superintendent of Schools, they said that everything was well done and they really commended the county for responding in the manner they did.

I would like to consider – since the last meeting, I did some kind of searching myself and talking to some folks about this non-profit thing. I didn't know some of these non-profits organizations. And, you know how I feel about non-profits organizations. I am very careful about giving non-profit organizations money because I do not believe in just handing money out to anybody. But, I did consider some of them and I am going to put that back on the agenda for us to consider two or three of them. I ain't about to go all the way because some of them don't need nothing. But, some of them do. I will reconsider that to Commissioner Holt and to Commissioner Taylor. I think that some of them do need it. I looked into it and I found out some things that needs to be done. All we can do is use my one vote and hopefully, that will help.

Also, we had the Men of Action. The Men of Action is a program in the community that helps the community, especially young people- giving them scholarships and all that kind of stuff. They sent a letter to us asking for the Board of County Commissioners to sponsor something. But, I explained to them, we have not done this in the past and we didn't do it because we couldn't afford to do . It wasn't right for us to use tax payer's money in sponsoring tables and things of that nature. After talking to him, he withdrew the idea of us sponsoring a table from the commission. But, I did tell him that I would mention to all the commissioners that if they would like to buy a ticket to the fund raiser for the Men of Action, you are welcome to do so. Now, this letter came from Mr. Bruce James. I think most of you know him. If you would like to buy a ticket to their function, please do so. I am going to make it my business to buy one. I commended him for withdrawing his statement so far as this commission sponsoring a table. That is something that we just don't need to be doing.

The other thing is – this afternoon at 6:00 p.m. We need to convene back here for our bond issue.

ITEMS TO AGENDA:

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO DIRECT THAT THE COMPREHENSIVE PLAN POLICY 1.1.5 (NEIGHBORHOOD COMMERCIAL) BE BROUGHT BACK TO THE AGENDA FOR RECONSIDERATION.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR ,THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO DIRECT THE ADMINISTRATOR TO AGENDA THE COUNTY'S POLICY REGARDING THE SPENDING CAP THAT THE ADMINISTRATOR MAY AUTHORIZE.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO DIRECT THE ADMINISTRATOR TO AGENDA THE NON-PROFIT FUNDING FOR THE NEXT MEETING.

The chair declared the meeting recessed until 6:00 p.m.

The meeting was reconvened at 6:00 p.m.

PUBLIC HEARING:

Glazer:

Good evening, Commissioners. Thank you very much for coming back this evening. What I would like to do first, is to announce that we are here today pursuant to public notice to consider an ordinance that amends the earlier ordinance 2009-033 that was passed in December of 2009 relating to bond financing. You have before you today an ordinance. But, before we get started in talking about that, I would like to acknowledge that Commissioner Morgan is appearing by telephone. I would ask that one of you would at this time, please make a motion to allow him to appear by phone due to extraordinary circumstances.

Holt:
So moved.

Croley:
Second.

Lamb:
It has been moved and properly seconded that Mr. Morgan will appear with us by telephone due to extraordinary circumstances. You have heard the motion. We are ready for questions.

(No response)

We are ready to vote. All in favor, let it be known by saying, "Aye."

All:
Aye.

Lamb:
Mr. Morgan, are you there?

Morgan:
Yes.

Glazer:
All right, folks, we are here today on an ordinance that, if approved, would be given 2010-003. This relates to the bond financing. I will tell you that this is the same ordinance that has been previously been provided to you. There was one minor typographical correction, but, other than that, it is the same.

As I described to you this morning, the primary purposes of this ordinance are to authorize us moving forward with the closing of the bond and to attempt to save the county some money by authorizing the county to make repayments based on a monthly as opposed to a quarterly or semiannual basis. That should save the county between \$40,000 and \$100,000 over the life of the loan. The loan will still be the 20 year loan as we discussed today. The other thing in this ordinance is to allow the county to also spend a little bit extra money that will come from the bond proceeds for the additional construction issues.

At this time, Chairman Lamb, I would ask that you please open the floor because this is a public hearing and see if there are any public comments to be made on the subject.

Lamb:
At this time here, the floor is open for comments from the public concerning this bond ordinance. Do we have any comments from the public?

Any comments one way or the other? For or against?

Hearing none or seeing none.

Glazer:

Let me also acknowledge that with us here this afternoon is Jay Breth from the Law Firm of Byant, Miller and Olive who is bond counsel for us. He is going to wave his hand if I do anything wrong.

With that, at this time, I would ask that a motion be made to approve Ordinance 2010-003 and then we can open up for any discussion.

Croley:

I so move, Mr. Chair.

Taylor:

Second.

Lamb:

It has been moved and properly seconded that we approve Ordinance 2010-003. You have heard the motion and we are now ready for questions.

Holt:

Question.

Lamb:

Commissioner Holt.

Holt:

Yes, I would just like to make a statement and it is the same as earlier. I have no problems with the bond. I have no problems with the financing of the hospital. I don't agree with the emergency reason and that is the only reason. That is it, Mr. Chairman.

Glazer:

This is a motion that does need to be passed by an extraordinary vote of the commission, so I would ask that the commissioners be polled, please.

Lamb:

O.K. You have heard the motion. We are ready to vote. Commissioner Holt?

Holt:

No.

Lamb:

Commissioner Croley?

Croley:

Yes.

	<p>Lamb: Commissioner Taylor?</p> <p>Taylor: Yes.</p> <p>Lamb: Commissioner Morgan?</p> <p>Morgan: Yes.</p> <p>Lamb: Commissioner Morgan, you voted "yes" on this didn't you?</p> <p>Morgan: Yes.</p> <p>Lamb: Commissioner Morgan, did you hear me.</p> <p>Morgan: I hear you. I am voting yes.</p> <p>Lamb: O.K. And Commissioner Lamb is yes.</p> <p>Alright. It has passed 4 – 1.</p> <p>Anything else?</p> <p>Glazer: I would like to tell you all one last thing. Actually, the lease with Capital Regional was signed by HCA today and we do now have a fully executed document and unless there is anything further, I have nothing further, Mr. Chairman.</p> <p>Lamb: O.K. Thank you.</p> <p>This meeting is adjourned.</p>
13.	<u>RECEIPT AND FILE AGENDA</u>

13a	For the Record: Letter to Capital City Trust Regarding Appointments to the Gadsden County Hospital Trust Endowment Fund Committee
13b	For the Record: Budget Amendments Approved by Administration OMB-BA 100026 thru 100028

Eugene Lamb, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON APRIL 6, 2010 AT 6:00 P.M., THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

PRESENT: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
Brenda A. Holt, District 4
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Debra Minnis, County Attorney
Johnny Williams, County Administrator

CALL TO ORDER

Chair Lamb called the meeting to order at 6:00 p.m. then called for a moment of silent prayer followed by the pledge of allegiance to the U.S. flag.

AMENMENTS AND APPROVAL OF THE AGENDA

The following amendments were made to the agenda:

Add: Non-Profit Funding Disbursements as Item 20A under General Business

Move Item 16 (Discussion of the \$10,000 Stipend for Volunteer Firefighters for FY 2009-2010 and Discussion of Money Budgeted for Training) to precede Item 15 (-Approval of Grant Writer Position and Senior Planner)

AWARDS, PRESENTATIONS AND APPEARANCES

1. . Resolution Number 2010-015 Recognizing the Achievements of Louis "Tre" Zanders III

Chair Lamb and the board recognized Louis Tre Zanders, III, 11 years old, who received a four year scholarship for winning the Governor's student essay contest and for his academic excellence.

Tre responded with a few remarks in appreciation for the recognition.

2. Presentation and Invitation to Attend the Census March to Mailbox Gadsden County Event

Evelin Ramirez, US Census Bureau, addressed the board encouraging them to attend the Census March and urged them to help promote the citizens participation in the census count.

CONSENT AGENDA

Items 7, 8 & 10 were pulled for discussion.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR , THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE THE CONSENT AGENDA AS AMENDED ABOVE TO WIT:

3. Approval of Minutes – February 2, 2010 – Regular Meeting
4. Ratification of Approval for the Payment of County Bills
Accounts Payables Dated: March 19, 2010
March 26, 2010

Payrolls Dated: March 25, 2010
5. Approval of Signatures for Special Assessment Lien and Rehabilitation Contract - Impact Proviso (IFP) and State Housing Initiative Partnership (SHIP) Programs for Clara Shaw and Catherine Whitaker
6. Approval of Signatures for Special Assessment Liens - Impact Fee Proviso (IFP) Program
Tawanda Scott (New Construction – 10 year lien)
Virginia McGlamory (Existing purchase – 7 year lien)
Adrian Stuger (New Construction – 10 yr. lien)
- ~~7. Approval of Budget Amendments for FY 2010 – We Care Assistance Network~~
This item was removed from the consent agenda for discussion. See minutes below.
- ~~8. Approval of Budget Amendment Request to Authorize Expenditures of the Courthouse Facilities Reserve for Contingency Fund to make Necessary Repairs and Renovations OMB-BA # 100059 and 100060~~ This item was removed from the consent agenda for discussion.
9. Approval of Resolution Number 2010-14, Budget Amendment OMB-BA# 100056 and Acceptance of Grant Awarded from the Florida Department of Health, Bureau of Emergency Medical Services (EMS)
- ~~10. Approval to Piggyback on the Leon County School Board Contractual Services Agreement for Environmental Testing with Jim Stidham and Associates (Charles Chapman, Administrative Coordinator)~~ This Item was pulled from the Consent Agenda for Discussion. See minutes below.
11. Approval to Sell Surplus Equipment to the Town of Havana Boom Mower valued at \$5,000
12. Road Closure and Maintenance Agreement for Kemp Road Bridge Replacement – Florida Department of Transportation Fin. Project I.D. 413485-1-52-01 for Bridge Replacement on CR 12A,

Kemp Road over and Unnamed Creek Bridge No. 50035

7. **Approval of Budget Amendment OMB BA# 100061 and 10062 – We Care Network Budget Authority**

It was clarified that the above named budget amendment is merely the follow-up documentation to the board's directions at the last meeting. The funds will come from the half center indigent care surtax and will not impact the general fund.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROV BUDGET AMENDMENTS OMB-BA# 10061 AND 10062.

8. **Approval of Budget Amendment Request to Authorize Expenditures of the Courthouse Facilities Reserve for Contingency Fund to make Necessary Repairs and Renovations OMB-BA # 100059 and 100060**

Commissioner Taylor raised a point that there is a contradiction in the agenda narrative about the amount of the project. It was clarified that the project would not exceed \$52,125.00.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS STATED ABOVE CONTINGENT ON THE AMOUNT NOT TO EXCEED \$52,125.00.

10. **Approval to Piggyback on the Leon County School Board Contractual Services Agreement for Environmental Testing with Jim Stidham and Associates**

There was some discussion regarding the term "piggy-back" and the fact that the board had previously engaged the services for two vendors, but, it was proposed to use only the one vendor.

Commissioner Taylor remarked, "From reading the narrative information, why would this function require two vendors, because, from what I am understanding, to "piggyback" with Leon County, it would be a lesser cost. But, if we didn't, then we would be required to get two vendors to do the job that is being identified here. So, I am curious as to why we would need two vendors to take on this responsibility."

Mr. Charles Chapman responded, "No, ma'am, we are not *required* to have two vendors. The previous practice, in the past by Gadsden County, was that we had two vendors conducting the business because one had a cheaper price for the testing and sampling of the nitrates involved with the abandoned landfills. The second company, Jim Stidham and Associates, was just providing the analysis. This has actually changed over the last two years and Jim Stidham is now a full service firm. (They can do both.) The reason we are choosing to piggy-back with Leon County is that they recently entered into this service agreement where with the bulk and the amount of pricing that Jim Stidham is able to give the county, it proved to be a substantial savings to the Solid Waste up to \$2,500."

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE

There was some discussion about how and why issues wind up on the consent agenda as opposed to being placed for discussion. It was explained that most matters on the consent agenda are things that have been discussed previously and it just a matter of following up with them to conclusion or they are such things of a routine nature that they are not likely to be controversial. The administrator sets the agenda by law, however, by protocol, it is done in conjunction with the chairman's approval.

PUBLIC HEARINGS

13. Shady Rest Paws Resort Special Exception with Conceptual/Preliminary Site Plan (SE-2009-05) (SP-2009-06) Tax Parcel ID #3-072N-2W-0000-00410-0200

Type of Hearing: Quasi-Judicial in conjunction with the advertised public hearing as a Special Exception, Type II conceptual/preliminary site plan per Subsections 7202.A.9 and 4202.D of the Land Development Code.

Owners/Applicants: Daniel and Barbara Dombrowski

Location: North side of Shady Rest Road (County Road 270) 1.4 miles east of the intersection of Shady Rest Road with State Road 12 and 5.1 miles west of its intersection with U.S. 27.

Land Use Designation: Agriculture 3 (requiring parcel size of 20 acres per dwelling)

Size of lot for the proposed project: 10 acres – it is considered a legal non conforming lot.

Surrounding Land Use Designation: Rural Residential to the north and east sides; Agriculture 3 on the south and west sides.

Planning Commission Recommendation: February 11, 2010 Meeting - Approval based on the findings as listed in the attached agenda report and subject to special conditions listed in a-k also in the attached agenda report.

Ms. Jill Jeglie, Planner in the Growth Management Department, was administered an oath by Muriel Straughn, Deputy Clerk, then gave testimony as contained in the agenda report attached. She explained that the applicants had taken the extra step to meet with their neighbors and see if there were any objections to the proposed project. No objections were raised. There was also a petition circulated in support of the project.

Chair Lamb called for public comments.

Barbara Dombrowski and Dan Dombrowski offered sworn testimony. Additionally, they entertained questions from the board.

The chair called for board discussion.

Commissioner Croley stated that he had contacted many of the neighbors adjacent to the proposed project and found that they were all supportive of it.

Commissioner Morgan asked the applicants if they were agreeable to the 11 special conditions of approval. They indicated that they understood them and agreed with them.

Again, the chair called for public comments.

Michelle Ostenberg gave sworn testimony in favor of the project and told how much it needed in Gadsden County. She said that her daughter would use the facility when they visit.

Wendy Adams, 1305 Shady Rest Road, a nearby neighbor, gave a sworn testimony in favor of the project.

Chair Lamb called for comments from anyone who might oppose the project.

There was no response.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE SPECIAL EXCEPTION AND THE CONCEPTUAL/PRELIMINARY SITE PLAN FOR THE SHADY REST PAWS RESORT AS DESCRIBED ABOVE.

GENERAL BUSINESS AGENDA

14. Resolution 2010-012 and Carry Forward Budget Amendments for FY 2010 Grants OMB-BA#100031-100055

OMB Analyst Sherrilynn Chess, Sr. Management and Budget Analyst addressed the board with the above resolution and budget amendments.

Board discussion followed.

The chair called for public comments. There was no response.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE ABOVE NAMED BUDGET AMENDMENTS AND RESOLUTION.

16. Discussion of the \$10,000 Stipend for Volunteer Firefighters for the FY 2009-2010 and Discussion of Money Budgeted for Training

County Administrator Williams introduced the agenda item explaining that when the board adopted the 2009-2010 budget, it included \$10,000, which had been intended, in part, to be used as stipends to the volunteer firefighters who respond to fire calls 75% of the time. It was brought back to the agenda for discussion at the request of Commissioner Morgan.

Captain Crum addressed the board. He reported that he had talked to each of the fire chiefs regarding how to distribute the money equitably. He said he had also discussed with them the possibility of using some of the money for an appreciation dinner. After meeting with all of them, there was a general consensus among the firefighters that they would prefer receiving money as opposed to a dinner.

Commissioner Morgan recalled that his reason for approving the money in the budget was threefold. 1) To show recognition and appreciation for the volunteers in front of their families who give their time to protect the citizens throughout the county. It would also serve to encourage a new generation of people to become volunteers. 2) To provide for the additional requirements for training that is mandated for the firefighters certification. 3) To offset the impact of the expenses involved to the firefighters who respond to fires. (Gasoline, leave from their jobs, etc.) He suggested that the money should be split up in a fashion to cover some of all of areas. .

Captain Crum stated that he had contacted a local restaurant regarding the cost for catering a dinner. A steak dinner for 350 people would cost approximately \$3,500.

Discussion followed.

Commissioner Holt was in favor of stipends being paid to every volunteer, but, not have it tied to the number of calls to which they respond. She pointed out that many of the volunteers have to leave the jobs and are not paid for the time they are gone. She was also in favor of some type of recognition, but not necessarily on such a grand scale.

Commissioner Croley had no opposition to a banquet. He raised a question about whether the stipend would be subject to income taxes to the volunteer.

He also asked, "When you respond to a fire, do you know whether or not a bill is being sent to that property insurance company for reimbursement of the firefighting cost?" Captain Crum was not certain. Commissioner Croley stated that there is a provision in almost all homeowner policies for that. He suggested that they get with the fire chiefs and come up with a billing plan to recoup some of those expenses. He said that it could possibly result in some additional funds for each of the departments which could be used for operations.

Commissioner Taylor recalled other decisions made by this board to reduce expenditures because of budget constraints such as eliminating the televised meetings. She also pointed out that six months of the year had already passed without utilizing any of the money, which left a question in her mind about whether it is really needed. She then questioned whether it would be wise to use the money for a "dinner" in such economic times. She stated that she did not feel that it is the right time to give a dinner or a stipend. She was in full support of spending it for training. She was emphatic that she is supportive of the firefighters, but called for consistency in board actions.

Commissioner Morgan asked if there were any firefighters were present. There was no response.

It was noted that there are 10 volunteer fire stations with 130-150 firefighters.

A question was raised regarding cash payments to the firefighters – would that money be subject to taxes. Staff was directed to look into the matter.

Howard McKinnon, Havana Town Manager, addressed the board. He expressed appreciation to the board for funding the volunteer departments. He told them about a fire that occurred just the day before this meeting in Havana.. He said that one of Havana's trucks was in the shop leaving them with only one truck to send to the fire and that the Concord Fire Department was dispatched to aid with the fire. He said that in just a short time, there were four trucks responding to the fire and he was so impressed with the response time and their expertise. The citizens took note as to how quickly it was extinguished with all volunteer firemen. He said he felt certain that the firefighters would be appreciative of anything they decided to do for them.

There was a consensus to take no action at this meeting. Directions were given to Captain Crum to meet with the administrator and come back to the board in May with a recommendation about how to spend the money, keeping in mind the board's intention when the money was budgeted.

15. Approval of Grant Writer Position and Senior Planner Position

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO TABLE THIS DISCUSSION FOR A LATER MEETING.

17. Approval of Budget Amendment for the City of Chattahoochee Volunteer Fire Department for the Second and Fourth Quarter of 2009 OMB-BA# 100058

There was some discussion between the commission and Captain Crum regarding the unpaid funds to the City of Chattahoochee on the fire service contract for 2009. For clarity on this issue, it is noted here for the record that the City of Chattahoochee did not receive funds for the second and fourth quarter of 2009 and they are owed the money based on the contract in place. Upon research to determine why the payments were not disbursed by the clerk's office, it was found that the reason the City of Chattahoochee did not receive the second quarter payment was because the backup documentation required by the county was not provided along with their request for payment. As for the fourth quarter, the clerk's office denied having received the request. It was received eventually, but, not until after the close of the 2009 fiscal year. Ultimately, the necessary documentation to support the second quarter request was received by the clerk, but, not in time to process it in FY 2009. Since the Fire Services budget for FY 2009-2010 did not anticipate making payments for the prior year, those prior year payments could not be processed without a budget amendment to authorize the additional \$18,000 in expenditures.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENT NAMED ABOVE.

18. Consideration and Approval of Small County Outreach Program Grant Project and Approval to Submit for Grant for Widening and Resurfacing of Flat Creek Road

There was discussion with Public Works Road about the projects that are most likely to get funded. There were a number of roads that were proposed including Dodger Park Road and Lewis Lane. However, considering there was a consensus that the county should apply for only those roads that are the most likely to get funded.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE APPLICATION FOR A SCOP GRANT FOR WIDENING AND RESURFACING OF FLAT CREEK ROAD AS THE NUMBER ONE PROJECT.

UPON MOTION Y COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE JOE KNIGHT ROAD AS A SECOND PROJECT FOR THE SCOP APPLICATION.

19. Extension of Economic Grant Funding (CDBG) – Bradwell Restaurant and Infrastructure

Mr. Monty Bradwell appeared before the board to explain that he is experiencing difficulty in getting a loan commitment for his project and requested 60 days to continue to secure financing.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE OPTION 3 – DIRECT STAFF TO APPLY FOR A SIX MONTH EXTENSION ON APRIL 7TH TO ALLOW MR. BRADWHEEL TIME TO PURSUE ADDITIONAL FINANCING TO COMPLETE THE PROJECT AND TO AUTHORIZE THE CHAIRMAN TO SIGN THE APPROPRIATE DOCUMENTS.

20. Discussion of Neighborhood Commercial CPA-2006-08AD and Adoption of Ordinance Number 2009-032 – Comprehensive Plan Text Amendment

Commissioner Taylor requested that this item be brought back to the board for reconsideration following discussions with her constituents. She explained that when she made her decision to support the amendment, she was under the impression that it was for only one business. However, she has come to realize that it relates to all property throughout the county and she has reversed her thinking about it for several reasons. One reason is that having commercial use in neighborhood areas could compromise the safety of the community with regard to quality of water, traffic, and property values. It sometimes invites crime and vandalism and she would never want to make a policy decision that would bring harm to a neighborhood. She said that she also wanted measures to be put into place that would not allow for a business to be “right smack in the middle of homes.”

Chair Lamb pointed out that the Planning Commission had objected to that ordinance moving forward at the time it was adopted because they felt like significant changes had been made to it since they last reviewed it. He said that several of the planning commissioners had called him to request that the Text Amendment come back to them for further revision.

Ed Allen, speaking as a private citizen, not as a planning commissioner, asked that this be sent back and go through the Planning Commission review process. He explained that one change that was a part of the amendment, which the Planning Commission objected to, was the removal of floral shops and addition of liquor stores.

Ms. Jeglie confirmed that the liquor stores were added as an allowable use in a neighborhood as part of the last amendment. She also pointed out that there were changes made to the intersection criteria. There were some changes made for the commercial floor area ratios and square footage requirements as mandated by the Department of Community Affairs. (DCA) The new policy also allows neighborhood commercial applications to be considered in places where there has historically been commercial uses on nonconforming lots even when there is a change in ownership. The policy was written so as to preserve the use of nonconforming uses in places such as Ingrams Marina at Lake Talquin. The old policy would not have allowed the Marina to stay in business once it was sold because it is a nonconforming commercial use in a rural residential zone. With the new change in policy, that historical commercial use could continue if the board chose to allow it to continue.

Again, Ms. Jeglie pointed out that the Comprehensive Plan amendment that was passed took away the "distance from an intersection criteria." However, that criteria is still in the Land Development Code and they are inconsistent to each other at this time. So, whenever applicants come in, they have to do pay for a variance permit and a special exception use permit. She explained that the Land Development Code should contain the same language as the Comprehensive Plan.

Commissioner Holt did not object to it going back to the Planning Commission, but, she did object to not allowing businesses to exist in homes – such as beauty shops. She said she would not want to do anything to stifle entrepreneurship in the current economic environment. She also implored the board to arrange for some land use training for both the BOCC and the Planning Commission.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO DIRECT THE STAFF TO GO BACK TO THE PLANNING COMMISSION AND DEVELOP A NEW ORDINANCE FOR CONSIDERATION, THEN BRING IT TO THE BOARD TO BE WORKSHOPPED BEFORE MOVING FORWARD FOR ADOPTION.

20a. Approval to Disburse funds to Non-Profit Agencies (amended agenda

A MOTION WAS MADE BY COMMISSIONER TAYLOR AND SECONDED BY COMMISSIONER HOLT TO APPROVE THE NON PROFIT FUNDING DISPERSEMENT. This motion was later withdrawn

DISCUSSION FOLLOWED.

It was determined that the agenda item was not posted as part of the agenda. The attorney reminded the board of recent statutory responsibility when an electronic agenda is available, that backup documentation for the agenda must be available to the public in advance of the meeting unless it was an emergency. It was the attorney's opinion that this was not an emergency, and, in an abundance of caution, the item should be brought back after it is properly noticed as part of the agenda. It was noted that this money was included in the budget, it had appeared on previous agendas and tabled.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO REAGENDA THE ITEM UNTIL THE FIRST MEETING IN MAY.

21. COUNTY ATTORNEY’S AGENDA

Ms. Minnis had nothing to report but offered to answer questions from the commissioners.

TDC Members Requirement for Public Disclosure Ms. Minnis stated that she had written an opinion and provided it to the commissioner that requested it. However, she offered to distribute it to the other commissioners as well.

Private Driveways and Private Property – Ms. Minnis reminded the commission that this matter was discussed at the last meeting. She said that she is in the process of preparing a written opinion, but basically, it states that there is no obligation for the county to get involved in private drainage problems. There is a provision in FL Statutes for the county to get involved through special assessments for the affected parties. Commissioner Taylor asked for Statutes to be cited in that opinion.

Citizen Bill of Rights – It has been through the Planning Commission and will be before the Board soon.

Pending Law Suits Attorney Minnis was asked to get with insurance company attorney to discern status of the pending law. That attorney would have to be the one to request a confidential meeting if there becomes that need.

Law Suits Commissioner Holt asked how can the board deal with personnel complaints prior to them becoming law suits. She asked for statute requirement in that regard. Ms. Minnis reminded the commission that those cases are all being handled by the insurance company attorney.

Ms. Minnis was asked to provide copies of the opinions she has prepared once again to the commissioners for their review. (Infrastructure sales tax, indigent sales tax, pending litigation matters, etc.)

Commissioner Morgan, District 3

- Conveyed to board the importance of the Small County Coalition – efforts were successful in Legislature to abate the closing of institutions
- Update on Potter Road – guard rails have been installed and ditches are ready to be paved.
- Requested that Tax Collector and Property Appraiser be asked to come before the board as an agendaed item at next meeting

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROELY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO AGENDA AN UPDATE FROM THE TAX COLLECTOR AND PROPERTY

APPRAISER AT THE NEXT MEETING.

- Budget Update – Expenditures are at about 40% - Ms. Chess was unsure about Revenue Status. A full report will come back at the second meeting in May.
- State Legislature Session – revenue cuts coming to small governments. Library funding may be eliminated. Fiscally constrained funding will soon be a thing of the past.

Commissioner Holt, District 4

- Roads in District Four - Call received regarding Phillips Road – road is stable now following issues following slow rain
- She asked for an update on Lewis Lane – ditches are pulled on regular basis; it is bladed every three weeks – other maintenance as necessary.
- Fire Hydrants – she requested they be installed in her district - staff response was that placement of the hydrants must meet written criteria that are in place.
- She requested an update on the EMS Department investigation. Mr. Williams reported that the Sheriff's Department is still investigating. Nothing has come forward to this point. More interviews are still scheduled.
- Sweet Potato Day in Robertsville was a fun event.

Commissioner Taylor, District 5

- Streamlining the Growth Management Process for New Businesses to Open Sooner - directed her remarks to the county administrator and interim department director
- **Discuss Comp Plan** –she requested dialogue to begin so that she can become more familiar with it. The County Administrator to bring back dates for possible workshop at next meeting.

Commissioner Croley, Vice Chairman, District 2

- **Frank Smith culvert** – Attorney Minnis will send documents to Robert Presnell – The project is ready to bid. He emphasized to need to get it expedited in anticipation of the rainy season.
- To County Administrator – He remarked that the staff needs to be better versed on items on the agenda in the future.
- **Meth Labs in the rural areas**. There is an ordinance in the Code of Ordinances that might address this problem. He asked that it be put on the agenda for discussion

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO AGENDA DISCUSSION ON THE ABOVE STATED ORDINANCE.

Commissioner Lamb, Chairman, District 1 –

Hospital Name and Sign

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO DISCUSS THE NAME AND SIGNAGE FOR THE HOSPITAL.

Receipt and File

- 23a. For the Record: Contract Regarding the State of Florida Joint Hazard Mitigation Grant Program and Flood Mitigation Assistance Grant (Larry Fountain)
- 23b. For the Record: Letter from the Town of Greensboro Regarding Ordinance Number 2010-3 Providing for the Voluntary Annexation of Real Property

There being no other business before the board, the chairman declared the meeting adjourned.

Eugene Lamb, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON APRIL 20, 2010 AT 9:00 A.M.,
THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

PRESENT: Doug Croley, Vice-Chair, District 2, Presiding
Gene Morgan, District 3
Brenda A. Holt, District 4
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Debra Minnis, County Attorney

ABSENT: Eugene Lamb, Chair, District 1

Invocation and Pledge of Allegiance

Vice-Chair Croley called the meeting to order, asked that all cell phones be turned off, then called for a moment of silent prayer followed by the pledging of allegiance to the U.S. Flag.

Approval of Chair Lamb's Absence

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE ABSENCE OF CHAIR LAMB.

Amendments and Approval of Agenda

Add: Hospital Update by Attorney Mike Glazer (Added to Awards, Appearances and Presentations)

Add: Gadsden Express Update as Item A-1.

Add: OMB-BA# 1000066 to the Receipt and File Agenda

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE AMENDED AGENDA.

Awards, Presentations and Appearances

A-1. Gadsden Express Update

Mr. Williams reported that the Gadsden Express (Shuttle Service to Tallahassee) was already up and running and it cost only \$1.00 to ride from Quincy to Tallahassee.

1. Revenue Update (Material Attached)

Tax Collector Dale Summerford addressed the board. He referenced the attached material, which was the Certified Tax Roll Recap. He pointed out that the total dollars to be collected for the year was \$26.2 million. Of that amount, he reported that he had already collected \$23.6 million, leaving a balance of \$2.6 million to be collected. He said, "In a perfect world if everything went as planned,

in other words, if collections came in over the course of next five weeks and we have a tax certificate sale at the end of May and I sold every tax certificate that is available, I could look at bringing in \$2.5 million. The difference between the total unpaid balance and the net unpaid balance – if you will look toward the bottom there, you will see some status code there dealing with bankruptcies. I've got about \$162,000 that is tied up in bankruptcy cases currently. There is one particular large taxpayer that is involved in that. So, we will continue to monitor that. I have spent about \$15,000 out of my budget for legal counsel representing me in the bankruptcy court. So, I will continue to work on that. It is a Chapter 13 – Re-organization, excuse me, Chapter 11-Reorganization. Hopefully, they will soon be emerging out of bankruptcy and we will start seeing some payments in the near future."

He then turned his remarks to the Board of County Commissioners General Revenue dollars. The total Tax Roll to be collected was \$12.3 million. The Total Payments to Date was a little over \$11.1 million giving a net balance of unpaid taxes of \$1.2 million. He went on to say, "In a perfect world, I would hope to see that \$1.2 million between now and the first of June after the tax certificate sale. But, I want to give you a heads up like I did last year. The Tax Certificate business has changed in this state. They are not as successful as they used to be primarily because the investors that participated in this process simply are not there anymore. We don't have nearly the number of investors buying tax certificates as we once did. Last year during the tax certificate sale, I had \$1.8 million that was available and I only sold \$1.2 million. So, you see there is a difference in what we can actually sell at the sale and what winds up being struck off to the county in the form of county held tax certificates. We do eventually get that money, but I cannot guarantee you that we are going to see it during this fiscal year. I don't know what to expect on May 28th. I hope that I will have a lot of investors participating. We have put that sale on-line now. There are probably 50 counties doing it that way. The idea there is to spread it out all over the world. Of course, most of them are in the United States. The idea there was to open it up because we simply don't have the investors. If we were relying on the local folks here in this county to buy tax certificates, we would certainly be in a lot worse shape.

Anyway, we are anticipating that things will probably go the same way as last year, which will leave some funds out there uncollected. They will go in the form of county held tax certificates. Last year, we had quite a bit. We had roughly about \$400,000 that wound up going to county held tax certificates. As of about a month ago, we had collected – we had either sold certificates to individuals or collected those funds to the tune of all but about \$ 40,000. So, the money does eventually come, but you might not look for it before the end of the fiscal year.

In terms of the parcels that we have that are delinquent – a lot of people like to know how many parcels we have that are delinquent right now. We have 4,102 parcels that remain unpaid. That is out of roughly 25,000 that do receive tax bills from us. So, you have a little more than 4100 that have not paid. When we go to advertising here in about a week and a half, I anticipate advertising about 3,500 parcels. Last year, we advertised about 3,100. I think we will have a bit of an increase. I cannot see 1,000 parcels being paid between now and next Friday.

So, that is where we are at currently. I hate to be the bearer of bad news. This is mainly a word of caution. Like I said, in a perfect world, I would hope that we would have a lot of tax certificate investors and everything would be sold and that the county, the school board, and the cities would

receive the money that they budgeted for. But, it is not a perfect world, unfortunately. That is where we are right now.”

Taylor:

I do have a couple of questions. What would have helped me is to see where we were last year in comparison to where we are this year. For example: You have on here “Total Roll to Be Collected - \$12.3 Million.” Were we at that same level in 2009 or is that an increase?

Summerford:

It is a slight decrease. It is \$20,000, roughly. So, we are pretty close with 09 compared to 08, in terms of what you can expect or what you all levied, so to speak.

Taylor:

So, this is pretty much what our budget said we should be collecting?

Summerford:

Correct.

Taylor:

Now, you also indicated down here where –

Summerford:

Commissioner Taylor, I am sorry, I didn’t mean to interrupt you.

In your budget process, you do not budget for the entire 100% of this. State Statute requires, I think, 95%.

Taylor:

Yeah. Thank you.

You have also indicated with bankruptcy included in the TDA (I am not sure what that code stands for) and litigation. These are monies that are not going to be collected unless they are spent outside of what the county should get?

Summerford:

No, they will eventually be collected. It is just that we have to show them in a little bit status while they are in bankruptcy or in litigation. However, we have no idea or have any way to know when those funds will come in. We will eventually see them, but it may be two or three years from now.

Taylor:

My last question. Give me a case scenario that would decrease your tax roll. In other words, you just said a moment ago that it now decreases \$25,000 from last year. What will happen, give me an example of what will happen that will decrease it. If it is taxed one year, it seems to me that it should be taxed the following year.

Summerford:

Well, your next speaker will answer that question for you. It has to do with property values and, of course, millage rates. There are several things to be taken into consideration that will affect that.

Croley:
Commissioner Holt, any questions?

Holt:
Oh, yeah, I do.

Would you explain for me and for others the situation of the three-year process of allowing citizens of Gadsden County to pay their property taxes? That became an issue last year over in the governor's office.

Summerford:
What happens, in terms of paying property taxes, to take you from start to finish – I send out a tax bill in November. The taxes become delinquent on April 1st. On or before June 1st, I am required to have a tax certificate sale. On those parcels where we sell tax certificates, the taxpayer technically has two years before a tax deed can be applied for. That is two years from the date of the delinquency. So, using this year as an example, the 09 taxes went delinquent on April 1, 2010. So, come April 1, 2012, if the property owner has not paid their taxes, then there could be a tax deed applied for. Now, the key word there is "could." It doesn't necessarily mean that it will. Usually what drives that is the interest rate that that tax certificate investor is getting on that tax certificate. The lower the interest rate, which is good for the taxpayer, the drawback is the tax certificate investor may apply for that tax deed as quick as they can. If they are only getting 5% on their money, they will want to try to apply and get that money back where they can reinvest it on something else at a higher return.

Now, those tax certificates that are sold at higher rates, those investors may hold that tax certificate for 4 – 5 years before they put any pressure on the property owner. A tax certificate is good for 7 years. So, it is not me that dictates when the tax deeds are applied for, it is that investor. They all think differently, depending on what they are expecting.

Holt:
What the interest rate is?

Summerford:
Right.

Holt:
The reason I asked that is because when I was in the governor's office, that is one issue that was brought up by his attorney. At different places in the state, they look at this differently. In Gadsden County, the legal process, as I said, is what we base it on. That is the same thing that you are saying. But, there are people in Gadsden County that do not understand why it worked. They knew that it did work, but they did not understand why. As I told the governor, "I am sure it will continue to work that way." The reason it will continue to work that way is because no one will get re-elected if they don't or if they try to get rid of it.

The second thing is that I see on here that you have interest rates. That is interest rates paid to the county for property taxes that are paid late?

Summerford:

I am not following you. Where are you?

Holt:

Second page. Total Interest rate – on the certificate.

Summerford:

Yes. No, that is actually interest that is paid to the taxing authorities on a quarterly basis on those tax dollars that are in the bank account. So, the money that we collect, I am required to invest it. Quarterly, what we do is disperse that money back to the taxing authority on a pro-rata basis. Unfortunately, the banks aren't paying anything in terms of interest. So, this amount is relatively low compared to where it has been when banks were paying more.

Holt:

Do you have a number on here that states what is paid in late payments? I mean, interest that is paid on late payments? Surely, there is some kind of mechanism.

Summerford:

No. That information could be gathered. But, in terms of being any kind of routine information that we look at, I am sure I can capture it in some way, but that information – we do pay certificate holders interest, which, is what you are getting at with the late payments.

Holt:

I said, "What you are receiving for the payments being late." Do you receive any? Does your office receive any of the late payment?

Summerford:

When the taxes become delinquent on April 1st, there is a mandatory 3% penalty or interest that is added immediately. That covers the interest for the month of April and May. Yes, I can generate that information real easy. Those funds come back to the taxing authorities. Anything after tax sale time, that is in the form of a tax certificate. The county does not get anything on those. The county gets the taxes when the certificates are sold, naturally, but the interest is paid to that investor.

Holt:

Right. After those two months. O.K. Thank you.

Croley:

Commissioner Morgan?

Morgan:

Thank you, Mr. Chair, we appreciate you coming and updating us and communicating with us. I don't want to put words in your mouth, but I believe I heard you say the word "cautious" and

“concerned.” The fact that our major source of revenue, and, we have over 4,000 unpaid parcels due to the current economic environment and the fact that you said there is an increase in unsold certificates last year and it will probably be the trend this year, maybe even for the next few years, - How should we, in your opinion, move forward for the rest of this fiscal year from a financial management standpoint?

Summerford:

Well, I don't work for the board, but – simply caution, that is the key in the economic climate. Caution is the key word.

Morgan:

Do you think there is a potential need for us to be conservative and perhaps, and I know that Clay is coming here to talk to us in just a second, but, do you think it would be wise for us build up our cash in the bank and be very conservative in how we manage our programs and funds?

Summerford:

Yes, it is wise, but, I mean, that will be the call for this body, here.

Morgan:

I am just asking your opinion. That is why I said “your opinion.”

Summerford:

I would think so, yes. We are all having to do it in all our offices, so, yes, you are correct.

Morgan:

O.K. Thank you.

Croley:

The only question that I have for you, Mr. Summerford, is about the 4,102 parcels. Could you roughly give an idea of what percentage of those would be commercial agriculture versus residential.

Summerford:

I don't have any idea.

Croley:

Ball park?

Summerford:

No. That type of information doesn't concern my side of the shop.

Croley:

I understand. I was just curious as to whether or not it was one more than the other.

Summerford:

I don't have any way of breaking that out.

Croley:

Well, thank you for coming and providing us with this information. Certainly, we will be able to make use of this data and information in conjunction with the Clerk's office in the budget process.

I believe we have Mr. VanLandingham coming up next.

Holt:

Thank you, Mr. Summerford, I forgot to mention that.

Property Appraiser Clay VanLandingham

VanLandingham:

Good morning, Commissioners. I want to thank you for inviting Mr. Summerford and myself up here to address you all concerning the current year's taxes and the coming tax roll for 2010/2011. What I have for you (in the way of a handout) is a just a little bit of history to look at the trends that are happening in the county as far as real estate is concerned. The very top row is the number of single-family residential sales beginning with the year 2006 thru today, 2010. There next to the number of sales is the median sales price. If you will note that price in 2006, that median sales price was \$150,000; in 2007, it was \$160,000.; in 2008, it was \$151,700; last year in 2009, it was \$150,000. So far this year, the median sales price of a single-family residence in Gadsden County is \$129,450. That is a 14% decrease from last year.

The next column down deals with vacant land sales – 50 acres or more. In 2006, the median sales price per acre of 50 acres or more was \$5500 per acre. In 2009, it is \$2,300 per acre. It is almost in half. Vacant land sales (going across) of 10 acres to 40 acres vacant –in 2006, that price was \$7394 per acre; in 2009, it is \$5500 per acre.

All these trends indicate that we are going down in real estate values. I think we have probably hit the bottom as far as single-family residences are concerned. We may have a little bit further to go. Farmland, I think, has bottomed out.

If you will look at the next column, it is new construction. This has been the saving grace for our tax rolls for the last three or four years. In 2006, we had \$62.3 million worth of new construction. 2007 was our banner year. We had \$79.3 million worth of new construction. If you will look at 2010, we are down to \$23.4million. That is quite a drop. That is more than \$50 million in the last three years that we have lost in new construction. For the tax roll coming up – 2011 – I look for that \$23 million number to be cut in half at least, gauging from the number of building permits we have seen from the building department.

If you will go across and look at the foreclosures, you can see that they are trending upward. What I have done is go to the Clerk's office and looked up the number of certificates of title that have been issued. That is usually the last document in a foreclosure proceeding. In 2006, we have 284 foreclosures. In 2009, we had 439. So far, to day in 2010, we have 140 and if that trend keeps up, we will be near 600 foreclosures by the end of the year.

There are currently 260 parcels of land listed for sale in the county. So, we have quite a saturation of the market. A lot of these will be short sales and foreclosures. As these sales hit the record, we are going to see the prices continue to drop. The lenders that own these foreclosed properties are not in the business to own property. They are in the business to open that envelope every month and get that mortgage payment. We have seen some sales that – I won't say defy logic, but, they come real close to it – based on our assessed value and what they are selling for. If that continues, I see the market going down even more.

The very last column I show is the total taxable by the county from the year 2001 up through the present. If you go down to the year 2007, which was our banner year, the total taxable value was \$1.4 billion. That was an increase over the prior year by \$197 million. In 2010, it looks like we are going to be down some \$30 million dollars, based on where we are right now. In taxes to the Board of County Commissioners, that is a little more than a quarter of a million dollars.

If we see this 14% drop in values as indicated by the median sales price, in 2011 and in 2012, you could look at losing well over a million dollars in taxes.

Any questions?

Croley:
Commissioner Taylor?

Taylor:
Why don't you start at the other end this time, if you don't mind this time?

Croley:
You want to start Commissioner Holt?

Holt:
I am still writing.

Morgan:
I'll go first.

Croley:
Go first.

Morgan:
You are the grim reaper this morning, aren't you?

VanLandingham:
Yes, sir.

Morgan:
Thanks again. As I mentioned to Dale, we appreciate you all communicating with us. You came before us maybe a year ago, but you forecasted that 2011 and 2012 to unfold exactly like what we

are seeing right here and the potential negative impact on the dollars to this board on how we spend our money.

If I heard you correctly, we could be looking at a quarter of a million dollar decrease in revenues, in our revenues. Is that what you said?

VanLandingham:
For this year.

Morgan:
For this year. We have six months left in this year's budget. This fiscal year's budget. Do all those dollars affect this fiscal year – is that what you are saying?

VanLandingham:
This fiscal year. Yeah. This quarter million is in this fiscal year.

Morgan:
O.K. I don't have any other questions. Thank you.

Croley:
Commissioner Holt, are you ready?

Holt:
Yes. I was just jotting down a couple of things. Thank you.

Thank you, Mr. VanLandingham, but I don't know for what yet. (Laughter) When you look at those numbers, it's like – I don't know what all of us are doing anyway. But, how has Amendment 1 affected the real estate market and sales?

VanLandingham:
Do you mean the Save Our Homes?

Holt:
Right. How does it affect the property value? Don't say anything bad now.

VanLandingham:
No. No. I don't think Save Our Homes has really affected property values. What we've got to go along with Save Our Homes now is that "Portability," which is, - I don't know, I think we had several hundred thousand dollars worth of portability used last year. I don't think we will have quite that amount this year.

Holt:
The reason I asked that is because we went on and on about that. You went with us to the communities on those issues.

VanLandingham:

One other thing that we have is the Conservation Easements. You can put 40 acres or more in conservation easement in perpetuity and that value comes off the tax roll completely. So far this year, we have had about 1500 acres put into a perpetual conservation easement and that money has come off the tax roll.

Holt:

That was the next item I was writing about. So, how does that look? Do you think that is going to increase?

VanLandingham:

I look for the conservation easements to increase as more and more of our large property owners see that the market is stagnant at least. There are two types of conservation easements. One is for perpetuity and one is over a period of years. But, once they are perpetuity, they come completely off the tax roll. The ones that are set up for 10 years, that assessment is $\frac{1}{2}$ of the Agriculture value. That is how they are assessed. That would make *some* impact, but not a *great* impact.

Holt:

Right. That will be. The 10 years - if they wanted to pull it off and sit back and wait until the market gets better, they could go into those developments or those items that we argued about before the Committees over at the Legislature. What we know is that the economy is bad. We know that the sales are not there. But, I was interested in seeing how ours compare to the rest of the state. When I was in a workshop down in St. Petersburg, our housing market seemed to be dropping slower than others were.

VanLandingham:

We did not have the run up in values countywide that many of the larger counties in South Florida and Central Florida experienced. So, therefore, our decline is going to be - Number 1 is going to be slower and Number 2 - not as much each year. The last few years, we are probably down 5% overall since the boom, or since the bust. I always say that things come a few years later to Gadsden County than they do anywhere else in the state. I think these numbers are probably going to indicate that. **It is looking like 2011 and 2012 are going to be the worst years we have seen yet for a budget. Especially if the prices continue to fall.**

On these median sales prices, in 2006, the first quarter of that year, we had 101 sales and the median sales price was \$120,000. But, by the time we got the fourth quarter of that year, we had 122 sales and the median price had climbed to \$155,000. In 2007, we had 445 sales. By the time we got to the fourth quarter of that year, there were 91 sales and the median sales price was \$158,000. So, it has been going up and staying fairly steady. The first quarter of 2009, there were 30 single-family residential sales and the median price was \$159,400. This year to date, we have had 32 sales. The median price is \$129,400.

Holt:

Right. Thank you for that. At the State Association, when we looked up at the screen, they were using Gadsden County as the only place in the state that it wasn't dropping. I said that depends on whether you have money to buy and whether the market will hold.

I noticed that there are a lot of foreclosures. The money is not moving. In fact, I dealt with a young man yesterday who was evicted from his home. The government programs don't seem to be moving. He was one of those that applied, was approved, never received any funding, and then had to be evicted. Do you see anything coming up in your office or any of the tax offices, (I see you shaking your head, there.) Anything that you are hearing that will help any of these people who are losing their homes.

VanLandingham:

If the federal government does not extend the first time home buyers credit, I know that is helping this market some, but, if the federal government fails to extend the deadline on that, (I think that is the end of this month), I think we will see sales almost come to a standstill.

Holt:

I know that they went by that, Amendment One, supposedly to stimulate the market. In his case and in some others, they have changed jobs because of layoffs, but they are making less money. They are still trying to pay them, but they are making less money. I don't know if that foreclosure is going back and sell. I am sure it probably will not because it is not a prime property, but it was all he had. So, that situation, maybe if we hear of anything, not just them, but if we hear of anything that will help some of these folks, I would appreciate it.

Croley:

Commissioner Taylor, questions about the information we got here – anything?

Taylor:

Yes. Thank you. First, thank you, too, Clay for coming and Dale.

It seems like the stellar year was 2007. We need information as to what happened that year so we can repeat it if it can be repeated. That is one thing that I am going to be looking for – to see what actually happened. According to the trend that we are now in, there was still recession going on. Part of that year, or it had just begun in that year. So, I need to know what happened so that either we can get with the Chamber or we can get with the staff and see if we can motivate that same kind of activity or something in the way of it.

Commissioner Holt did touch on some of the issues that I was going to raise. That was – we did allocate a little over \$200,000 to prevent foreclosures and to help with first time homebuyers. Now, those dollars are available and have been available, I know, for a little over a year. But, it seems to me, and I am talking now with the board, that there is a trend. I am seeing that the average home cost is \$129,000. According to the criteria for those dollars, you couldn't use those dollars for things over \$110,000 to \$120,000. So, that knocked those dollars out of play that could have very well have been used by someone trying to get into a home.

As well, Commissioner Holt mentioned that revenues that a person in foreclosure has a bearing on whether or not they qualify. We should have looked at this some time out so that what programs we had could have met the need of the public.

VanLandingham:

You could have custom tailored them.

Taylor:

Exactly. We have what we call “Home Rule,” which means that this government can fit what is going on in our home as opposed to making it a universal thing. So, we dropped the ball in trying to help stop off some of these folks that are losing their homes and these folks that are trying to get into homes. I have someone who is trying to get into a home. I have gotten to the point that I don’t even feel comfortable telling them to call here anymore because it looks like 95% of everyone that I have sent has to come back and not get any services for some of the same reasons – that they simply don’t qualify or whatever else the case may be.

I am hearing you say \$250,000 as a deficit for this year. Now, Dale said something just before you came up and that is that we don’t budget 100% of our revenues.

VanLandingham:

Correct.

Taylor:

Now, the \$250,000 – Will it fall somewhere within that 5% that we didn’t budget? Are we O.K.? In other words, do we need to go back after you all have a seat and come up with a budget workshop to reduce our budget by \$250,000? Or, are we O.K. because you are not going to give us all the money anyway. So, this \$250,000 that you are now talking about really won’t impact us at this point.

VanLandingham:

The monies that Dale talked about were current budget monies. This fiscal year that we are in now. The monies that I am talking about are for the tax roll and the budget that starts on October 1. So, what you are looking at – my numbers are for next year’s budget.

Taylor:

Got you. That is clear. What you are collecting this year will be used for our 2010/2011.

VanLandingham:

That is the numbers that I am reporting. Right.

Taylor:

So, there is a little padding, but, we need to be mindful going into our next budget sessions that we need to decrease it to this tune and maybe even a little bit more for comfort sake.

VanLandingham:

Correct.

Taylor:

Got you. I just didn’t want to look at this thing as if we needed to come back first thing in the morning and try to fight.

Now, I did hear a couple of questions being posed to Dale about fiscal issues. I can comfortably say that if this board stays within they have budgeted, then we should be fine – if it stays within what we have budgeted. For example, we budgeted for the T.V. and we budgeted for non-profits. Those things are already budgeted, so if we are not going outside of that, then we should be fine, based on the revenues that are coming in. Now, that is not a question, that is a comment.

VanLandingham:
Right.

Taylor:
All right. That is it.

Croley:
Thank you, Commissioner.

Mr. VanLandingham, again, thank you for coming in and delivering a report. While it may be dismal on the financial side, it certainly was comprehensive and very useful information.

Mr. Administrator, I would encourage you to have both these reports posted on the county's website for the benefit of the public. I think it will be useful for people to see that.

Just a point or two, here. When we look at the type of development that goes on in the county, particularly like Gadsden where we are adjoining a more urbanized county like Leon where you have a lot of properties being put in perpetual conservation easements and other things that restrict their ability for affordable housing and commercial development and some other things along with the various higher fees, that causes one to ask the question. When you are looking at the services that have to be delivered, becoming the affordable track-housing backyard for Tallahassee/Leon County might not be the best strategy for the long-term financial interest of this county. (Given the number of foreclosures, the average size home, and the demand for services as opposed to a concentration on commercial and AG balance.) Would you say that that has merit?

VanLandingham:
I would think that any development that we get in Gadsden County should probably encompass everything. Commercial, light industrial, and certainly, residential. I think that if we concentrate on just becoming a bedroom community, we have limited ourselves somewhat to future revenues. Of course, as people come and demand services, sure, the county has to produce more. But, that will also bring some commercial development with it once the number of heads per square mile count increases enough to satisfy the statistics of restaurants and grocery stores and stuff like that.

Croley:
My point is - since we are in the process now of looking at future land use changes with this EAR report, these are the kind, (since I saw the planning folks back there) this is the sort of information that needs to be laid out carefully in how this commission and other elected officials in the county move forward in the future.

Commissioner Morgan?

Morgan:

Thank you. I just had one point because Commissioner Taylor raised a very good issue about the budget. I just wanted to ask you - you have a certain amount of dollars budgeted in your office every year.

VanLandingham:

Correct.

Morgan:

Do you spend all of it?

VanLandingham:

I haven't in the past.

Morgan:

What happens to that money when it is unspent?

VanLandingham:

I give it back to ya'll.

Morgan:

I believe Mr. Summerford had the same issue. History of money being brought back to the county. So, what you are telling me is just because you have a certain amount of money budgeted, you don't spend all of it every year.

VanLandingham:

I try not to.

Morgan:

Why is that?

(Laughter)

VanLandingham:

Mainly because I try to be a good steward of the tax payers dollars.

Morgan:

Thank you. I appreciate that.

Holt:

Good comment, Mr. VanLandingham.

Taylor;

Let me make a comment. Just one quick comment. That is a great question. And, Commissioner Morgan, I notice that you and I are probably go back and forth and I want to say this. We need to be

mindful of quality services and our citizens. We take sometimes 3, 4, 5 weeks to sit here and come up with a budget. We go over it. We mill over the numbers and we make sure that what we put down is conservative but that we still provide quality services to our citizens. You and Dale are probably the only two constitutional officers that are able to turn money back over. According to what I have reviewed in some of those line items that this county has budgeted, there are times when we don't expend all of the dollars out of line items that we have budgeted for. So, I think that we all can comfortably say that we don't spend it all. But, I still want to be able to insure that we provide quality services to the citizens in a conservative manner. I am not asking to give volunteers checks and I am not asking to spend \$3,500 to feed folks. I am saying to continue quality services and not demise that and stay within our budget. That is all I am trying to get across.

Croley:

Commissioners, thank you for your comments. Mr. VanLandingham and Mr. Summerford, thank you for coming in to share this information. Again, I hope that the county administrator will see to it that this information gets posted. We will look forward to continuously moving forward.

VanLandingham:

Well, I am due on June 1 to give you another estimate to which you are supposed to begin your budget process by. Hopefully, the numbers won't be any lower than they are now. We do see a couple of things happening on commercial properties and rental properties. There are so many of them. We are seeing the rental rates starting to drop a little bit and other things like that which will probably have an additional impact on next year's budget.

Croley:

Well, again, we thank you and for the sake of time, we need to move on to other items. But, Thank you so much for coming in and you all have a good day.

1-A. Hospital Update

Glazer:

Good morning, Commissioners. My report will be brief. We are moving forward with a million details. I am not even going to try and summarize all of them for you. I do want to hit a few highlights. Things are busy and accelerating and will continue to accelerate through the time that the hospital opens. Craig McMillan, Arthur Lawson, Clyde Collins continue to work diligently on a variety of things. We are still shooting for approximately June 1 as the opening date. That date has still not yet been set. There are still some variables there, but, that is the time frame that everyone is still shooting for. The pace of work out there is accelerating daily. There are a few construction things that are going on as I reported before – extension of the awning over the ambulance bay – that is proceeding. There is some work being done on the pharmacy to reconfigure it to make it a more advanced facility. What has really been taking up a bit of big focus of work over the last few weeks is beginning to get the equipment and furniture ordered. I think Arthur Lawson has processed something in the neighborhood of 85 purchase orders for everything in the world that will be needed for the hospital. But, I am very pleased to report that we continue to think that the bottom line numbers are going to be well below what we thought. Everyone has been a real good steward. Craig McMillan has been all over them about a lot of things as has been Arthur and Clyde.

Again, not final numbers, but we are still looking at \$2.5 million range, we think, for furniture and equipment as opposed to over \$3 million that we had originally come in with. So, that is some good news. But, there have been some other expenses. For example: Because we have moved to the point because things are beginning to arrive, it is important that there is security at the site. So, at nights and on weekends, there is the Sheriff out there and there is security that we are paying for and we will cover up until the point when the hospital opens.

We are going to be meeting tomorrow with some folks at Capital Regional Medical Center to talk about many logistical things. Just the process of – because the county is buying the equipment, as we have talked about all along, we don't have to pay tax on it and so forth, but, ultimately, as stuff arrives, it is going to be important for the hospital folks to be involved in helping catalog it, unpacking it, with installing it, getting it all ready to go. Again, just a million things. We are going to be meeting with them tomorrow to go over some of those issues.

I have had a number of folks ask about the issue about jobs. What I would encourage folks to do at this point would be to contact the Human Resources Department at Capital Regional Medical Center in Tallahassee. I will ask them tomorrow what the current plan is. I don't have an update from them. What I have been told all along, though, is that will be handled through their HR department. Frankly, getting people, I think, is going to be one of the easier things. There are a lot of folks that are interested in working at that hospital. Both in the existing staff as well as folks here in Gadsden County. Although, I think some of the existing staff are actually Gadsden County folks. So, we'll see how that is going and get an update on that. They will be bringing those staff on for the most part. Typically, what happens is that in the last couple of weeks, they get the actual line staff in place and begin to get them acclimated to the facility. They are healthcare professionals to begin with, but, begin to get them acclimated.

Couples of other things that we are beginning to focus on, too, as well as just the process of getting the hospital open. We are going to have to wind down Urgent Care. Yesterday, I met with Pat Faircloth over at EMS who has been running that facility. By the way, it has been reported to me, I haven't actually seen the numbers, but it has been reported to me that since the County actually took over the Urgent Care, it is carrying itself. Like I say, I haven't been able to see the actual numbers, but several folks have reported that to me. I am really hoping that is the case. I think ya'll made a good decision by taking that back over. Of course, the plan is to wind that down. We begin to talk about the logistics of that, getting notice out to folks, maybe even having somebody at the facility for a few days after it closes just to make sure that folks get directed. We will work through all of those details. You've got supplies there, you've got equipment there. Again, just a lot of things will need to happen as that facility closes down.

The other bigger project that we are beginning to focus on, too, is unfortunately going to take a little while. By the way, you have heard me say this from time to time, the ghost of Ashford continues to haunt us. One of the problems that we have had, and I don't want to overstate it, but, one of the issues we have had as we have started to buy equipment is that we will send in these purchase orders and these big companies will go out and they will start checking on the credit. They will come across something that says that the hospital is in bankruptcy. And so, they say, "oh, no." They get all nervous. So, we have had to explain to several vendors that "No, that is not us.

That is somebody else.” We will work through all those issues.

Medical Records

But, the other thing is the volume of medical records that is out there that the county is not the owner of, but possession in 9/10th of the law. They are in our possession. There is a massive amount of old medical records, old billing records, old x-rays, and ultimately, some of that is actually in space that we have leased to Capital Regional. Others are in other parts of the space. It is all within the confines of the building. But, we are going to ultimately have to do something with that. There is some law in the bankruptcy laws about disposing of those and I have been in touch with your bankruptcy counsel. We have started drafting a motion. Unfortunately, that process may take some time. We may ultimately have to move those into a different part of the building, but, hopefully, not off site. But, we are beginning to look at a process. Personally, my goal is to get permission that those records can be destroyed. Some of them literally go back to 1994. It is a huge volume of stuff. My biggest fear is that someone is going to want them to be cataloged. I will fight that tooth and toenail in terms of having the county having to do that because that would be a massive undertaking. But, I know that Ms. Pat over at EMS said that she got a request for records again just within the last week or two. They continue to float in from time to time. So, that is something that we are going to be focusing on, but I think that project will go on for quite some time.

Grand Opening

As I said, there are a million things going on. I don’t want to take up a lot of your time this morning, but I did want to give you this little report and see if you all have any questions. We will continue to try and keep you updated. Of course, the minute that we know of an actual date, we will certainly send a note around to everybody so that ya’ll can plan your schedules. There will be some sort of grand opening ceremony of some sort. It is actually somewhat tricky about when you actually plan that. If you do it too early, then people will start showing up before the hospital is actually open. If you do it too late, it becomes a problem because it is difficult to run something like that if you’ve got patients coming in and out. So, the timing of that is still a little bit in the works. But, we will talk more about that with the HCA folks tomorrow.

That is my report, Mr. Chairman.

Croley:

Thank you, sir.

Commissioners, let’s keep our questions confined to the subject here so that for everyone’s sake and everyone’s time. Anyone have any comments or questions today?

Commissioner Taylor?

Taylor:

I will yield.

Croley:
Commissioner Morgan?

Morgan:
Yes, thank you.

Mr. Glazer, thanks for the report. Specifically regarding the medical records for our past patients, are there any HIPPA compliance issues about how to manage those or destroy them that we are going to be held to that you are aware of?

Glazer:
Well, it is actually more bankruptcy. We always have to be sensitive to HIPPA. For example, the EMS folks would love to tell people when they come and request records, "Well, if you really want them, you go look at them." That is somewhat of a flip response because, of course, we can't do that. For them to start flipping through boxes and boxes and boxes of records would implicate privacy concerns. So, that is not really a solution. So, we have to be mindful of that. Of course, they are kept in locked areas now and we will have to make sure that whatever we have to do with them while we go through the bankruptcy process that we are respectful of those. We continue to take the position that they are not really ours. But, we are going to be held to be responsible.

Croley:
Commissioner Holt.

Holt:
Thank you. On the patient records, what if the patient requests them – Do they have rights to those records?

Glazer:
Well, if there was a way realistically to find them, then the answer to that would be "Yes." But, I certainly encourage you to go out and take a look. It is just massive.

Holt:
I understand what you are saying. But, I am asking about our legal obligation. If we or one of those patients get into a litigation and they say, "My records are at that facility." If those records are destroyed by the county, then are we legally held responsible for those records?

Glazer:
We are not responsible forever. There are time limits.

Holt:
What are those?

Glazer:
Pardon me?

Holt:
What are those?

Glazer:
Well, actually, there is not a limit for hospitals. Physicians have to keep records for seven years. Of course, some of these are much, much older than that. I am not comfortable recommending to this commission that we unilaterally destroy even the old stuff. My recommendation is that we go back to the bankruptcy court. If we can get the court to approve a disposition plan, then we will have the protection of that order.

Holt:
Well, there have been patients requesting their records for years. I know that we have had people in our audience requesting their records while we were in bankruptcy. We were not allowed back then to give them anything. But, I would hate for them to think that now that we are going to open that they cannot get their records for whatever reason. But, I think that is something that we need to look at to make sure that they are comfortable with this situation. They have requested them before and couldn't get them. It wouldn't be that they did not meet a timeline because there were people requesting their records from the day it closed.

Glazer:
I am confident that part of the process that the court approves will include some public notice. What I want to avoid is individual notice. That would be just a nightmare.

Holt:
A facility that wants to lease space in the hospital. I was contacted by a group out of Jacksonville that has a base out of Washington, D.C. They are interested in any facilities, but they are interested in private also. They go into private facilities. Private areas. They do medical work.

What is the policy on that? What do we need to do?

Glazer:
Well, we still have over 30,000 square feet of space available in that building. So, that remains the county's. Our only obligation under the lease agreement is to consult with Capital Regional to make sure it is not terribly inconsistent. Here is going to be the practical issue because we would love to find a way to lease out that space. The practical problem that we are going to have to grapple with is – How do we fix it up? Course, most of that space is very unfinished. The difficulty would be in coming up with the funds to make the leasehold improvements necessary to make it rentable. If we find a tenant that is particularly interested in helping contribute towards those leasehold improvements, maybe in return for a lower rent, we need to start looking at those things. I think that is a role that GHI may help you play on a-going forward basis. They can help the County Commission look at some of those issues and provide some recommendations.

Holt:
I am going to make this very short and the reason I wanted to ask that is because they were looking for some information back. The first thing they asked about was a certificate of need and I explained that situation as to where we are right now. The other was that they do that type of

thing. They come in and they fix it up. But, they are talking about using federal dollars to come in. They wanted to be – if you are in those low-income zones, where you can go in and levy that money in order to get that. We have several zones in the county, but also, private properties are in those areas also.

Croley:

We would ask you, Commissioner Holt, to please convey the name of that organization to Mr. McMillan and he will take that up.

Holt:

Mr. Chairman, I am sorry, but I have to take that up. That is the reason that I am asking that question.

Croley:

You have to do what, ma'am?

Holt:

I have to take that up with that organization. That is why I am asking those questions.

Croley:

The organization, if you can facilitate putting them in touch with Mr. McMillan.

Holt:

I will do that as soon as I finish getting this information.

I just have one other question about the facility.

Croley:

Yes, ma'am.

Holt:

How much of that is leased to HCA. Is it the whole entire facility? That is another question they asked.

Glazer:

The facility is about 77,000 square feet. The lease is for 44,000 ft. That leaves 33,000 square feet. Now. I think that the county plans to move EMS out there. But, I don't think that is going to be a huge amount of space.

Holt:

O.K. Thank you.

Croley:

Let me again say, "thank you, Mr. Glazer for the good job."
Is there any estimated target deadline for opening that you have?

Glazer:

We are still working off that June 1 date, plus or minus. I am hoping to have a much better handle of that tomorrow. As soon as we have something firm, I will send an e-mail out and we will get the word around.

Croley:

My final question is – Mr. McMillan, do you have anything you would like to say or add on behalf of the hospital board?

McMillan:

No, sir.

Croley:

Well, thank you again for coming in.

Taylor:

Mr. Chairman. Just one more little small question. Thank you.

At some point in time for public information, we might need to put our info sheet on the name that the hospital will fall up under. I think that is going to be important information so that everyone would understand how it will be named.

Glazer:

One of the things that I expect to get an update on tomorrow is they are working on an actual marketing plan for the facility. I am sure that will be a highlight for that marketing plan.

Croley:

Thank you, again, Mr. Glazer and Mr. McMillan.

We will move on to the next item, the consent agenda.

CONSENT

Items 5, 6, & 8 were pulled for discussion.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO APPROVE ITEMS 2, 3, 4, AND 7 LISTED BELOW TO WIT:

2. Approval of Minutes – February 16, 2010 – Regular Meeting
3. Ratification of Approval to Pay County Bills
Accounts Payables Dated: April 2, 9, & 16, 2010
Payroll dated: April 8, 2010

4. Approval of Revenue Sharing Application for Fiscal Year 2010-2011
5. ~~Approval of Signatures for Special Assessment Lien and Rehabilitation Contract –Impact Fee Proviso (IFP) and State Housing Initiative Partnership (SHIP) Programs (Clyde Collins, Building Official)~~

This item was pulled for discussion. See below.

6. ~~Approval of Resolution Number 2010-013 Amending the State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan and Resolution Number 2005-008C for Fiscal Years 2005-2006, 2006-2007 and 2007-2008 (Clyde Collins, Building Official)~~

This item was pulled for discussion. See below.

7. Approval of Contractual Agreement with the Clemons Rutherford and Associates per the Award of RFP Number 03-20 Architectural Services for the Apalachicola Northern Railroad Depot Preservation Project
8. ~~Approval to Award the Dupont Road Resurfacing Bid to Peavy and Son Construction Co., Inc. (Robert Presnell, Public Works Director)~~ This item was pulled for discussion. See below.

CONSENT ITEMS PULLED FOR DISCUSSION

5. **Approval of Signatures for Special Assessment Lien and Rehabilitation Contract –Impact Fee Proviso (IFP) and State Housing Initiative Partnership (SHIP) Programs (Clyde Collins, Building Official)**

Taylor:

Again, I have asked and I am going to continue to ask, I guess I am going to have to wait until we can see a change, I don't know, but, Mr. Chairman, I have asked on several occasions for a list of how these names are being pulled. Maybe one is available today. Over the last three months, I know we have had a huge number of recipients of these dollars go towards Midway. I am not questioning as to why or where or what. I just need to see a list as to how these names are coming about. I am concerned about whether this thing is subjective, if it is done according to feelings and not necessarily the rules that have been set down to us by the state. So, again, the list is ready today. Mr. Administrator, I don't know.

Williams:

I am a little bit dismayed myself because I have directed staff at least three, four, five times to provide this list to you. I am dismayed that it has not been done. I was not aware that it had not been done. So, I don't know.

Croley:

Mr. Collins or Ms. Kemp.

Commissioner Taylor, let's first respond to the item here and then we are going to address your

question about the request for information.

Taylor:

The item here, the reason why I am asking for that question is because I want to vote on an item that is done correctly. I can't vote on an item that is not done according to the laws and rules that was set down to us by DCA. So, if I got a list sat down in front of me, Commissioner Croley, and I can see where these names are coming off in sequential order, then I am comfortable in voting for this. But, until I've got that in front of me, I am not comfortable in voting for this. In my opinion, the intelligence of this board is being compromised. If we have asked for a list on several occasions, I am sure that you have heard that request. That is in your official record. You and I have talked and I want to thank you for your assertiveness.

Williams:

Well, I want to apologize to you because I have directed this list to be made available to you as much as months ago. I am totally dismayed that it has not been done.

Taylor:

That is my only concern. That is why I am uncomfortable in voting on this at this time.

Croley:

O.K. Let's give Mr. Collins and Ms. Kemp an opportunity to respond .

Moore:

Good morning, my name is Mrs. Phyllis Moore.

Croley:

I am sorry, Ms. Moore. I am sorry. I didn't mean to say that.

Moore:

The list you are talking about, first let me tell you that the work that we are doing are the people who were in the Impact Fee Proviso Program. This list was already provided to you all and approved by the board. That is the same list that we are working from.

Taylor:

I have not seen that list. I need to get another copy.

Moore:

O.K. That is no problem. But, it is the same list that we are working on. That is the money that we had to spend and be completed by June 30th of this year. That is the same list that we are working from. O.K.

Our agenda item is approval of SHIP Lien. The Impact Fee Proviso Program – from the list of the people you are talking about. Those are the people we have the liens on. The same list that has been approved by the board. What I will do is put a copy of the minutes where it was approved by this board and a copy of the list and I will personally give it to you. That is not a problem.

Taylor:

You just give it to the administrator.

Moore:

I will personally give it to you. I don't have any problem with that.

Taylor:

Excuse me, just a moment. Let me say this, Mr. Chair.

According to rules – You may not know this, but – according to the rules and protocol, you don't have any direct contact with me. You have to go through the administrator.

Moore:

I understand. I understand. As a matter of fact, I have 30 years next month, I surely know about the rules of the county.

Taylor:

Well, you just made an error in that statement.

Croley:

Excuse me. Hold on.

Ms. Moore, I do apologize. I know who you are. I just had my mind on how best to handle this. Let me ask you in follow up with what your instruction is from the manager.

Please get this list before the sun sets today and put it in all the commissioners' boxes, Mr. Administrator. And not just minutes, but, the list as requested by Commissioner Taylor.

Williams:

Not just the Proviso Program, but all programs.

Croley:

Provide the list as the commissioner has requested and put it in the boxes. That will solve this problem before the sun sets today. I think, Commissioner Taylor, that should address your request for information.

Taylor:

That will and, Mr. Chair, that will address my issue and my concerns, but, here again, without a board – that should be an active board. I don't know how or where these names come from to make this list. It is too subjective. We each nominated a board member to sit over in there. I don't know if it is an active board that can sit and look at these applications as they come in and then derives the list. I am concerned that it is done just by one person. That concerns me. There are some issues there that I have been talking about all along with the county administrator about.

Croley:

I don't think there is a board.

Taylor:

Yes, there is.

Williams:

No, there isn't.

Moore:

We do have an advisory board. We have had several meetings. Every time we have a meeting, only one, maybe two will actually show up. We never have a quorum. We can't just stop because we get to this point. We have to keep going on because we are in a time frame. So, we have a problem with this board. I will bring them to you all if you want them. Whatever you want me to do, I will gladly do it.

Croley:

Ms. Moore, let me make this suggestion to you. Again, Mr. Administrator, you are the one and Mr. Collins that has to direct this.

Mr. Collins was shaking his head that there wasn't a board and you were acting puzzled about the attendance of the board. So, here is what we need to do. We need to know who is on the board, who represents each district, who is appointed to it and add that to the information. Then, maybe we can agenda this item in the future for a proper discussion and review as to how the process is working. That will make life easier for Ms. Moore in trying to do her job and satisfy your concerns.

Now, Commissioner Morgan.

Morgan:

You said exactly what I was I was going to say, Mr. Chairman. I would recommend putting a contact number in there as well for these board members. I don't see anything wrong, as a matter of fact, I would encourage the commissioner, not only theirs, but the other members of that board and get input all the way around to see what is going on on it.

Croley:

O.K.

Commissioner Holt, do you have any comments on this item?

Holt:

I was just about to ask you who the board members are. But, on this item, as far as giving us the list, Ms. Moore has done that. But, what we need to do is what you said earlier. Give us a list of the board members. If the board members aren't meeting, it is our responsibility to make sure we appoint new board members. That way, it will come back to us. It is fine if we just establish the board. There is no problem with doing that. Then we are not working staff to death trying to get some of these things done. There is a deadline. These houses and these programs are not run and the money is not spent, then they don't meet those deadlines. We can lose the opportunity to get it again. If our board is not working, it is up to us to get it working. Also, in those areas, I am sure that

there are people, as Commissioner Taylor is saying, there are people that are in and out there and they are asking me the same thing. They need to get funded. They are trying to get funded and there is not enough money to go around. It becomes frustrating. That \$800,000 will not last anytime. That is a cut from what we were getting. We were getting quite a bit more money, but we are not getting as much now, so, it becomes tense. But, I would think – Mr. Manager, I would expect you to make sure that we get that information. To say to that you are dismayed in a public meeting isn't going to help us one bit and it is not helping them. So, we need some help from you to get this done.

Williams:

Mr. Chairman, may I make a clarification?

Croley:

Sure.

Williams:

We have more than one list. I assume you are wanting all of them.

Taylor:

All of them.

Croley:

We need all the commissioners to be given the list that Commissioner Taylor is requesting, and a list of the board members, a copy of their appointment dates and terms of service, who is attending and who is not. Obviously, this is causing some stress for you with Commissioner Taylor's expectations not being met. Mr. Collins, if you see that is done today, that will be a great help to everybody – just as the administrator has instructed.

Collins:

Any of these people that we work on, we bring these to the board. I will get you the list of the people that we have worked on and hopefully (inaudible)

Croley:

Well, under the circumstances and given the points that have been made and accepted, we need to move on this item.

Taylor:

Let me make this one point. Yeah. I'm not going to vote on anything until I see a list because I think we are out of compliance. I want the people who want to be served to get to understand that some 6, 7 of 8 years ago, one of my strongest desires was to help improve our county. We just got a grim report from our property appraiser and our collector. When these houses are rehabbed and new homes are built, that builds your tax base. So, I am a proponent of doing it. I want to see houses redone. I want the process done. I am very mindful of time constraints and timelines and getting it done right. I want to see these houses done – as many as we can possibly do because it helps our bottom line. I just want to be assured that the process is fair. That the people who submitted their applications some time before are the ones who are being considered first and according to what rules have been set down to us. So, I am proponent of this. I want to see it work. This is one of the

things that we worked on did extremely well, but, we had boards in place, then it was brought back to us from the board's recommendation. That is how it was done when we worked with the City. But, I am not seeing that. I am glad it came up today that the board that we have is inactive. So, we can make calls and get this back active so they can make the decisions and that takes staff out of the way. Now, you've got a board making a decision, which obviously, is not happening at this point.

I am through with this item, so you all can make a motion for –

Holt:
I move approval.

Croley:
I will second the item.

All in favor of moving item 5, signify by saying "Aye."

Holt:
Aye.

Croley:
Aye.

Croley:
All opposed?

Morgan:
No.

Taylor:
No.

Croley:
O.K. Well, the item fails at this time.

Holt:
Mr. Chairman, I have a question for staff, please.

Croley:
Pertaining to this item?

Holt:
Yes.

I need some clarification. What is the deadline on this item?

Moore:

This is Item 5. We have already addressed these houses. They are completed. This is just a lien that has to be recorded.

Holt:

That is what I was about to say, Mr. Chairman. This is a lien and we need to approve it because you don't get any money.

Williams;

That is for our protection.

Taylor:

Well, here is the thing. It can come back to us in two weeks. But, again, the process is not correct. The process is not correct because we should be given an authorization to say go forward or not go forward before you go out and do the work. You are spending dollars that no one person has authorization without board approval.

Holt:

Mr. Chairman, What I am saying is that we approved it. This board approved the work already for the work to be done. That is why it is done. It came before us. But, the list, you are saying has not. That is what you are saying. But, this work has already been done and we need to get paid.

Croley:

Hold on, Commissioners. What is the issue – Commissioner Holt is correct, if I understand this right. The Commission did approve this list of names. This is now to protect the taxpayer's interest by approving this item for these liens. Now, we are on the failing side of the motion. The motion has failed because of the tie vote. Unless one, either Commissioner Morgan or Commissioner Taylor would recognize the importance of that effort, then so move it.

Morgan:

What is the deadline date for us to approve this, Ms. Phyllis?

Moore:

Well, the work has been completed, the contractor is gone, the homeowner has gotten the lien, and that is up to you all.

Morgan:

Is there any harm is us delaying this?

Moore:

If something happens and somebody decides to sell this house or something, if you don't have a lien recorded, there is nothing you can do about getting your money back.

Croley:

In addition, there may be a liability to the individual commissioners up here under this by you failing to exercise due diligence.

Taylor:

Mr. Chair, each homeowner has been given an orientation about what they can and cannot do with that house. They have already been given that. They know that if they move out of that house within that 7-year period, they will be held liable. So, for you to say that they don't know, that they aren't aware – no homeowner is going to move out a house and sell it with the fact that they have already been verbally told that there is already some obligations there on their behalf in receiving these services. They were told that before one nail was put in that house. That they would have to live in that house. So, I am asking for two weeks. That is all I am asking for.

Croley:

Well, Commissioner, the only thing that is at risk is if there is a death and this

Taylor:

That has already been recorded, too. So, this whole thing is thought out. If there is a death, according to the process that should have been in place, a beneficiary should have been named and that beneficiary should have received that same orientation as that property owner. So, all of that is already established, or should have been, according to what I am used to or what we were exposed to at the City. I don't know very much about this one.

Croley:

Well, Commissioner, we fix it. Don't get too emotional. We are all right.

Holt:

Was I emotional? I thought I sounded like I knew what I was talking about.

Croley:

Well, you do. I am impressed. I am impressed.

Ah, Commissioner Morgan had asked a question before.

Morgan:

My question, Ms. Moore, other than what you had stated in response, if we bring back these two items at our meeting in two weeks. In that time, we will have our package that Commissioner Taylor has requested and I think that should be before us and so we are more informed. We can approve that at that time – Is that correct? Are we missing any deadline date?

Moore:

Item 5, I don't have a problem with that. But, Item 6, our auditors have come and they completed our audit. WE have a homeowner, a guy that purchased a house in the Greensboro area, and the house sold at \$125,000. Our cut off is \$110,000. His income is moderate and he could afford that unit, so we helped him purchase that house with down payment and closing cost at the price of \$125,000. That is it for that. Other than that, I don't

Morgan:

Yes, Ma'am, and I may have

Moore:

I will have to take this back to the auditor. As a matter of fact, you should find a copy of our audit report.

Morgan:

I may have not been listening as carefully as I should have. Did we just approve 5 and 6? Or just 5?

Holt:

No, you didn't approve 5.

Morgan:

I mean, did we not approve 5? Or not approve 5 & 6?

Croley:

We did not. We did not. It

Taylor:

I am willing to go with Number 6, Commissioner Morgan.

Croley:

Wait, wait, wait a minute. Hold it commissioners, ya'll are getting out of order here. Wait a minute.

Item 5 has failed because of a tie vote unless you or Commissioner Taylor wishes to change your vote.

Morgan:

Was number 6 included in that vote?

Croley:

No.

Morgan:

O.K. Then I will move that we approve Number Six.

Croley:

Well, we haven't gotten to number 6 yet.

Morgan:

I thought 5 had failed and we had moved on to number 6.

Croley:

Well, 5 has failed now.

All right. Ms. Moore, Mr. Administrator, Mr. Collins, if you will bring Item 5 back after you have provided this information today to Commissioner Taylor.

Holt:

Before you move on, I just have a statement right quick. That was on 5. After Commissioner Morgan. This is to the manager and to staff. This is definitely not your fault. This is our fault and I just wanted to let you know that because we are not supposed to attack you. That is in our Policy and Procedure. If we address it in a negative way or a positive way, we have to address the manager. I just wanted to let you know that there is no problem with what you are doing. We have to, as a commissioner, say that.

Thank you.

6. Approval of Resolution Number 2010-013 Amending the State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan and Resolution Number 2005-008C for Fiscal Years 2005-2006, 2006-2007 and 2007-2008 (Clyde Collins, Building Official)

Croley:

Now, we are going to Item 6. Commissioner Taylor, you pulled the item. We've had all this discussion. I doubt that there is anything new to add.

Taylor:

Well, just a question because the information that I have gotten in the last couple of weeks was that if it is a new home, the max is \$140,000. If it is a rehab, the max, I thought was \$120,000.

Moore:

No. An Existing unit is \$120,000. This is a 2007/2008 unit.

Taylor:

So, you are asking – let me go through the administrator because I don't want it to sound -

Mr. Administrator, this morning you are asking that we increase the \$120,000 or the \$110,000. I am confused.

Williams:

\$110,000.

Taylor:

\$110,000 to \$125,000.

Williams:

Yes, ma'am.

Taylor:

O.K. Are we not also going to look at the new because I don't see brand new homes everyday for \$140,000. Can we also increase it, Mr. Administrator to \$150,000, \$165,000 or is that something that you don't want to address at this moment.

Williams:

Well, this is the only one that has been brought to us. There is a reason for that. This is to increase the availability of houses. I would defer to Phyllis.

Is there a need to revise the others – for the new construction?

Moore:

Well, I was listening to what Mr. VanLandingham has said a while ago when he was talking. He was talking about the foreclosure rates. I deal directly with the State. From what I gathered for Gadsden County, Gadsden County has had only two foreclosures out of a period of more than 10 years. The reason why is that we put people in homes that are affordable for them. Most people in the Gadsden County area will fit into the “extremely low income” bracket to “Low.” There are very few moderate. If you put people out there – for instance, we will take the Midway area. The houses out there are selling for \$175,000 to \$180,000. All the foreclosures are in that area. They can’t come through our program. But, the ones that come through our program, we have no foreclosure problems to speak of. The one that we have now is because her house payment was like \$500-\$600 per month. She decided to buy her an SUV. So, that meant that she couldn’t make her payments. As far as our price limits and our area, I think it is tremendous. But, it is up to the board. If you all want to put people in houses that cost \$180,000 to \$190,000, that is up to you. But, the income of the people won’t allow for it. The banks will not finance it because of their low income.

Williams:

So, we should stick with our limits.

Taylor:

I will stick with just what is on this thing. I don’t want to go any further.

I motion for approval of \$125,000. Mr. Chair, Mr. Administrator, never mind. We will leave it as it is. I move approval.

Moore:

As a matter of fact, Commissioner Taylor, for 2007/2008, we have no more money. We have depleted that program. All the money is gone.

Taylor:

We only have the Impact Money.

Moore:

Impact money will expire as I said on June 30th. For first time homebuyers, we have money allocated for first time homebuyers. There is no problem. But, this right here that we were talking about is closing out. This man – he was served.

Croley:

Now, wait just a second. From a legal standpoint, Madam Attorney, I noticed that this is a resolution. Does this require a public hearing?

Moore:

Yes, the State requires that. Yes. If you go back to the back.

Croley:

Hold on Ms. Phyllis. Let the attorney respond. This is a resolution. It is changing some values. I wonder if this has been agendaed properly. It is the legal reason that I am asking. You will see that you are talking about a resolution for 2010 – 013 approving Gadsden County Local Assistance Plan for Fiscal Year 2005/2006; 2006/2007; 2007/2008. It's like we are going back.

Moore:

According to the State, where there is a finding, you have to complete it by resolution. I also have to go back and amend my Local Housing Assistance Plan (LHAP) and resubmit it back to the State.

Croley:

Well, what I am trying to say is – Is this something that requires a public hearing? Or, is it properly agendaed under the Consent Agenda? It is just a legal question.

Minnis:

I am looking at the fact that since this is closing out a program and it deals only with this limited area, that a public hearing may not be necessary. Now, if we get into changing the requirements of the program that we have in place now overall that will affect the public at large, I could see a public hearing required for that. But, given the limited and narrow nature of this, unless I am told otherwise, I don't know that a public hearing would be required on this particular resolution because of the narrow focus of it.

Croley:

Thank you for that clarification.

Minnis:

I think Commissioner Holt has a concern.

Croley:

Yeah, I just wanted that clarified.

Holt:

I am kind of concerned about that resolution part. But, the attorney has given the advice and we are covered, I am O.K. with it. But, I think you are right, Mr. Chairman about the resolution issue. I have some concern there. I have no problems with approving it and to move on. She is telling us that there is a close out date and we need to meet that date. But, I must say this. Everything that you do is going to be behind because you are going to have to move up to that point. The list is behind and it always will be because these people are poor.

Croley:

Commissioners, we have a motion to approve.

Holt:

I will second it.

Croley:

We have a second.

All in favor signify by saying, "Aye."

Morgan: Aye.

Holt: Aye.

Croley: Aye.

Taylor: Aye.

Croley:

All opposed?

(no response)

It passes unanimously.

But, do let me remind you, Ms. Moore, and especially Mr. Administrator, it is obvious that once this information is provided, at Commissioner Taylor's request, to all of us, that it may be that you want to put this under General Business and have a proper discussion. If we are going to change anything, if the attorney, Ms. Minnis, you might need to review that and see if we have to have a public hearing. Right now, this is sort of all up in the air.

Commissioner Taylor, on these items, I appreciate you bringing it up. You are very knowledgeable and you have brought forth a lot of information.

And, Ms. Moore, we always thank you for what you do. It is just a matter of everybody getting on the same page.

**8. Approval to Award the Dupont Road Resurfacing Bid to Peavy and Son Construction Co., Inc.
(Robert Presnell, Public Works Director)**

Commissioner Taylor had requested that this item be removed from the consent agenda for discussion. She asked for an explanation of the change order.

Public Works Director Robert Presnell explained, "We negotiated with the low bidding contractor and basically cut his bid in about half to match the grant amount that we received – this particular grant – to the dollar. We got him to that figure to do the job. The change order will be to reduce the contract amount from the \$600,000 or something down to \$313,000. The change order is a reduction to get it to the negotiated price.

Williams:

Mr. Chairman, we need to note that this Dupont Road.

Presnell:

That is correct. This is a contract for the resurfacing of Dupont Road.

Taylor:

I so move to approve. I just wanted to understand that change order.

Morgan:

Second.

Croley:

It has been properly moved and seconded that Item 8 be approved. Is there any discussion?

(There was no response.)

All in favor signify by saying, "Aye."

Holt: Aye.

Morgan: Aye.

Croley: Aye

Taylor: Aye.

Croley:

The "Ayes" have it.

Citizens Requesting to be Heard on Non-Agenda Items (3-minute limit)

Howard Kinch, 240 Mockingbird Lane, Chattahoochee, FL – Paving of Mockingbird Lane

Mr. Kinch told the commissioners that the population on Mockingbird Lane had increased to the point that maintaining the road had become impossible. Delivery trucks and the garbage pickup service trucks have had to delay service because of the condition of the road. He was quick to point out that he was not complaining about the public works department service because they always gave good response to their plight.

He then presented a petition signed by all residents on the road requesting that the board consider the road for paving.

Commissioner Morgan noted that he had talked with Mr. Kinch on at least three occasions. He clarified that there is a road paving priority list. He asked Mr. Presnell and the administrator to be in touch with Mr. Kinch and report to him what position Mockingbird Lane is on the priority list.

Dave Dempsey –540 Mockingbird Lane, Chattahoochee, FL

Mr. Demsey added that there is an impact on the people who live on the roadway. He asked to be put on the road-paving list and be considered for paving.

Public Hearings

GENERAL BUSINESS

9. Approval of Grant Writer Position

This item was deferred from the last meeting pending advice from the county attorney. Based upon the attorney's research, the staff was given a favorable review to move forward to hire a grant writer.

Attorney Minnis:

I will tell you my thought processes on this. My understanding is that the individuals who were laid off were not specifically grant writers. As part of their duties, they did provide some grant writing services, but, so do a lot of the other employees in the district. There is not a concentrated position or a person that is called a "grant writer" that we laid off. We laid off individuals that, as part of their overall duties, they did write some grants. But, everybody else in the county also writes grants. Mr. Presnell writes grants, Mr. Collins writes grants, the Growth Management Department would write grants. So, we did not have "a" grant writer. So, this is a new position for the district. It would basically coordinate all of the efforts of the employees that are already writing grants. So, I saw it as completely different. It is not similarly situated to the individuals that we were dealing with.

Taylor:

I am glad you put it that way. I am sorry, just one comment and then I am done.

Maybe the way that I addressed it would probably look like I was talking about one particular person or position like you just explained. But, the overall reason for the reduction was fiscal issues. That was the overall reason. You are right. We should not point to a particular position because no one person held it. But, your overall reason for laying off 13, 14, 15 people was fiscal issues. To come back in the middle of a year and say, "Well, let's just pan out \$40,000 for salary plus another \$15,000 or \$20,000 for benefits, then, now you have countered your overall reason for your reduction.

Please, don't misunderstand me. We definitely need a grant writer. But, at this point, at this juncture, when we have laid people off in this fiscal year, it is just counter to come back and say, "Let's put this person on now." We have made it through. We are fiscally o.k. But, to get a decent grant writer, I would appeal to this board to wait until we get into our budget year, then look at it seriously. I concur. The only way that we are going to get the dollars we need now – obviously, it is not going to come from our tax appraiser. They came before us this morning with their report. So, it is not going to happen there. It is going to have to be new dollars. But, not now. We would be setting ourselves up. We are giving them credit (I am talking about the people who are going to be suing us) We give them credit to come back in the middle of the fiscal year and hire a person. It concerns me at this point, fiscally. I understand your rationale.

You are talking about a position. I am talking about our reason for the layoffs. That is where I am going back.

Croley:
Commissioner Holt?

Holt:

Some of the positions that were laid off, I was not in favor of because they were bringing in large dollars. We don't have those large dollars, so we have to have someone to go and get them. We have to have someone that is in that area that can draw down those dollars. Now, I am in favor of that. I am not in favor of standing still simply because even though the State is in debt, there are a certain amount of dollars that they are going to send out anyway. They are going to be sent out. We are not going to get those dollars because we are not going to be, as we were told eight years ago, "shovel ready." We were not shovel ready then and we will not be "shovel ready" in the future for those grants. We have to have a point person to go after that funding. If we do not have anyone, we are going to miss the funding.

As the tax collector said and the property appraiser said, we are going to be down "X" number of dollars. How do we go after the funding to replace those dollars? We are going to be sued anyway. O.K. We are being sued and we are going to be sued. That is just the way it is. That is the way it has worked in the past. You just haven't heard about it because the county has been very creative. But, what I am saying is that we need those dollars. Those dollars are not in the door here. Now, I am not for writing a position for a person. I am for providing a position in order to accomplish the goal, but not for a person. I will be the first one to raise sand about that.

But, we have not gotten out there and met deadlines to get money. AS those deadlines pass us by, and, I was told by one commissioner that running that sewer line out at 267 – at one time, they were not in favor of it. And I said, "You will not get the people, you will not get those hotels out there if we don't run that line." Now, we have the hotels out there and they are making money.

"We don't want to be responsible for those dollars," that is what the commissioners said (two of them on this board) if we do it, we'll have to be responsible."

The only way that we are going to draw down the dollars that we need to draw down from the state and federal government is that we are going to have to put in sewer lines. They have already told us that. They are not accepting anything else. They are not sending money for anything else. So, we have to have people to go after this funding. They are going to have to run lines down U.S. 90. They are going to have to run lines out there on 27 no matter what the communities want. Everyone is looking for those dollars.

We got zero in the humanities. The funny thing about that is that there are large numbers of dollars in the humanities. When I asked about the issue of the hospital – about companies trying to come in – they want to service a certain population in this county. That grant right there, that money right there in the federal government in those hospitals is \$224 million. So, we have to have someone who can go after that funding. They know specifically what they need to do, but we don't. We are not ready. We don't want them to pass us over again as they did with a lot of

the incentive money and regular dollars that we didn't get.

So, we have to have someone. If we do not, we are going to lose the \$250,000 that the property appraiser and the tax collector say that we are going to lose, we are going to be stagnant, and we are going to have to have another layoff. So, we are perpetuating the problem by standing still. We cannot stand still. That is why you see there is an uprising among the Association of Counties and the League of Cities saying, "Can we go and get other dollars?" They are trying to fill those holes. If we don't fill them, then, we are going to be stuck, we are going to be stagnant and we are going to be broke because of the Portability Amendment One. We are going to be broke because Amendment One is a grinding amendment. It cuts every year. So, even with the portability, there are not many people coming in from the coast. Selling off, coming in and buying again and getting that big tax break. The next hurricane hit, they are going to come. That is going to be another cut. We have to have a grant writer or someone as a point person. We also have to have someone to monitor grants. That is something that we lost. You've got to have someone to monitor grants coming in. If that is not filed correctly in those reporting quarters, we will be liable and we will have to pay money back.

Croley:

Thank you, Commissioner Holt.

Commissioner Morgan, do you have any comments?

Morgan:

Yes, briefly. Thank you and I appreciate it.

Just a couple of things. I think, from what I am hearing around the board, the grant writer position is something that we certainly need to consider. I think it would be wise right now to table this issue until we can do a couple of things. 1) Better define how that position is going to be carried out within the county. It may be that we should contract these services out rather than have a fulltime employee. In my opinion, I don't think we have an opportunity to get any grant dollars between now and the end of this fiscal year. I think we have a better chance of catching a flight out of Iceland this morning than that. But, I think because of that, it would probably be wise to table this right now. Plus, we only have a board of four here this morning and this is an important position. I would like to see us consider ways that we could maximize this position, as I said in the past. There may be ways that this position could work with our TDC. We ought to get input from them about how they might like to see that done. I think we ought to look and see how other small rural counties are addressing this issue where they have a fulltime position for this with benefits. Or, again, is it a contracted position? I think that we need to consider if it needs to be a salaries position or a position where they receive dollars based on how much they bring in. I think there are a lot of questions to be asked.

Croley:

Thank you, Commissioner Morgan.

Well, Mr. Lawson , Mr. Administrator, I would tend to concur with the points that Commissioner Morgan is making and Commissioner Taylor's concern about the fiscal impact at this time. I do

agree that this is one of times where I think there is a consensus of opinion up here, but for different reasons. Commissioner Holt's point about the need for an effort on the grants would be logical and certainly appropriate. But, again, I don't know if we need a salaried position. I don't think it is very clear here what our plan and what type grants this person would go after. I think you need to be able to answer all those questions and it may be that might be better and we move into next year's budget to consider. So, on that basis, I need a motion to table this as suggested. Would you make that motion?

Morgan:

I move that we table this.

Taylor:

He had already made it, so I will second it.

Croley:

Then questions?

Holt:

Yes, thank you. One point that I want to bring up, if you are going to table it, and it seems that is the way this is going, that we bring this information back with all the information. WE need to look at some deadlines and see if we pair up with other counties. We paired up before with Palm Beach County to look at draw down dollar and the things that we went after. We have paired up with a group on the federal level. So, if we can do that, as we have done before (you can get with the Association and they can tell you some of the things we had.) We had and "Adopt a County" where large counties adopted smaller counties. That is how we ended up with Palm Beach. We tried to get paired with Collier because they were the wealthiest county in the State. But, Palm Beach was the second wealthiest. They gave us a lot of things that they were discarding and they were not necessarily interested in. But, if we would bring the issues back along with this item. There are some deadline dates with the State and Federal Government. I don't know who is going to do that. As Commissioner Morgan said, he doesn't know which ones. I don't know which ones. Other people on this board – we don't know because that is not our area of expertise, but we need someone in the room to tell us some things. I don't know if we need to invite over a grant writer from Leon County or another area to come back with this item.

Croley:

Commissioners, we have a motion to table this item. I would request that the administrator to bring this back for further review after we have developed some information during the budget process. I think that would satisfy the majority of the board.

Williams:

During the budget process. O.K.

Holt:

What is that date?

Williams:

June.

Croley:
In June or July.

Holt:
O.K. Thanks.

Croley:
We have heard the motion. All in favor, please signify by saying, "Aye."

Croley: Aye.
Morgan: Aye.
Holt: Aye.
Taylor: Aye.

Croley:
All opposed?

(No response)
Make that unanimous.
"

10. Approval of Resolution Number 2010-016 Supporting the City of Tallahassee for the Reconstruction of the Corn Hydroflow Dam on Lake Talquin

Vice-Chair Croley pointed out a minor change in the wording of the resolution as it was posted.

Charles Chapman clarified a small change. Gadsden County is expressing its support of the City of Tallahassee to the Northwest Florida Water Management District (not to the Florida Department of Environmental Protection.)

A MOTION WAS MADE BY COMMISSIONER TAYLOR AND SECONDED BY COMMISSIONER MORGAN TO APPROVE THE RESOLUTION.

The following question was raised: How did this resolution originate?

County Administrator Williams:
I believe it had to do with the group down around the lake having conversations with the Chairman that we needed an actual position. We rejected the previous position, which left this board without a position. So, there was the feeling that the board needed to be on record as having some sort of a position. I think the request came to the chairman and Ed's group down there around the lake.

Croley:
That is still not very clear. Who wrote this resolution up?

Williams:

Charles is actually the author of it at my request.

Croley:

Mr. Chapman, who instructed you to write the resolution?

Chapman:

Mr. Williams, as he just indicated. He gave me the direction to write this agenda item. From what I believe, the Friends of Lake Talquin had taken a position with the chairman and it was approved by this board to be brought back at a later date for approval. It was also expressed to the Tourism Development Council that this was a concern. Defining the lake and the things that would change pending not doing this improvement that would possibly affect the use of the lake from a recreational property to a flood control, which could affect various aspects of local business, property values, and having an echo effect with the economy, especially with the Tourism Development Council for concern.

Morgan:

That answers my question.

Holt:

The resolution, if I am not mistaken, the chairman told us and the commission agreed that when you brought these items back, it had to be voted on, and it was not voted on.

Croley:

Well, this is that opportunity, then.

Holt:

No, I am saying that in order for it to be put on the agenda, it was not voted on. That was specifically -

Croley:

I would have to go back and check the minutes. I don't know whether we approved this item to be put on the agenda.

Holt:

Not a resolution. We did not approve the support for Liberty County, but neither did we approve placing another resolution on the agenda.

Taylor:

Mr. Chair.

Croley:

Yes, Commissioner Taylor.

Taylor:

That particular night, or maybe the following meeting, I made the statement that we have not stated our position on this issue. I knew that there were other counties that were presenting a position to the City of Tallahassee as to where they were. Then I asked that particular night that we do a resolution to state our position as far as what we want to see to make it clear that we did not want it to become a flood control lake. That we did not want to take the recreational aspect from it and certainly not compromise the value of the property. Those statements were made by myself. Then we said, "Let's bring a resolution back so that we can present to Tallahassee our clear position on it." That is how this resolution derived.

Yes, there were conversations with the chairman as well as Lake Talquin. But, around this diocese, I made that comment that we needed to set a position.

Holt:

Mr. Chairman, I have no problem in supporting it if it was put on the agenda correctly. Not necessarily correctly because that policy has been shaky anyway for putting items on the agenda. But, that is the only reason I am bringing it up because it has been very shaky.

Croley:

O.K. Well, let's

Holt:

Sir, if you will allow me, I wanted to finish and I will make it very short.

But, I will vote for it contingent upon those minutes and that it was put on there by the recent procedure of this board. This board has never really followed that procedure.

Croley:

O.K. We have a motion and a second on the floor.

All in favor of this resolution, signify by saying, "Aye."

Morgan: Aye.

Croley: Aye.

Holt: Aye.

Taylor: Aye.

Croley:

All opposed?

(No response.)

Croley:

Make it unanimous.

Holt:

Mr. Chairman, if I may.

Mr. Manager, I would like to see those minutes.

Croley:

Well that would have to come from the Clerk's office. If you will, please provide that to Commissioner Holt.

Holt:

That would be the manager.

Morgan:

I believe in your book, in the February 16th minutes, I read them last night.

Holt:

Right. But, I need to make sure that I have a copy. And that will be through the manager.

Croley:

They are in your book.

Holt:

I saw that. But, I wanted to see the other copy.

Thank you.

Croley:

If they are in the book, then she has a copy. If that is not satisfactory, she can get with Mr. Williams.

Holt:

Right. I will get with him.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION AS AMENDED.

11. Request from Office of the Medical Examiner for Fee Increase

Mr. Williams pointed out that the last increase in the medical examiner's fees was in 2007 and the list provided in the agenda report reflects a 5% increase across the board.

Clerk Thomas had no comments or objections to the increase.

It was noted that this increase would not go into effect until October 1 in the new budget year.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE REQUEST FOR THE FEE INCREASE TO GO

INTO EFFECT ON OCTOBER 1, 2010.

Revisit of Item 10

Commissioner Holt stated that she had read the minutes of February 16 and it did not reflect that a resolution was to be brought back in support of the City of Tallahassee and the Lake Talquin Dam issue.

The County Administrator was instructed to get with Commissioner Holt on providing the minutes she has requested.

12. COUNTY ADMINISTRATOR

Update on Board Requests

Mr. Williams referenced the summary sheet at the front of the commissioners' agenda packets, which noted the progress being made on each of the requests made of him by the individual commissioners. (It is noted here that this sheet was not available in the clerk's agenda packet.)

Vice-Chair Croley called for questions from the commissioners.

12. COUNTY ATTORNEY

It was noted that Attorney Minnis had distributed several opinions by email to each of the commissioners and is provided for the record as attachments to the minutes. Some of them were discussed as follows:

12A Opinion on Small County Sales Surtax Passed in Accordance with Section 212.055(3), Florida Statutes

This opinion limits the use of the Small County Sales Surtax to the maintenance of infrastructure defined as public works projects, water/sewer systems, and fire protection.

Taylor:

When you went over the one-cent sales tax, at one point in time, from my understanding coming up here, there were dollars being allocated to the Sheriff's Department from that one-cent sales tax. Is that correct?

Minnis:

I don't know if that is correct. I dealt with going forward. I did not review any prior or past expenditures. I didn't make any opinions as to those past expenditures. My opinion is from the date of the opinion going forward. This is my suggestion as to how the money should be spent. So, I have not delved into what those past expenditures were. That would be something that the Clerk would have to say. And, I don't know that they have been expended for those types of projects at all.

Taylor:

Can I yield to the Clerk for that?

Croley:

Yes, I was going to ask Mr. Thomas that question.

Thomas:

Not for operations. There was money for capital projects that they were supposed to do – repairs and all at the jail. I am not sure if all of them were ever completed. But, there was money from that particular tax allocated for that purpose.

Taylor:

So, based on the opinion that you have given, going forward – would that expenditure be allowed to continue?

Minnis:

No, it would not. Now, the commission does have the authority to amend its ordinance to broaden the category of items that it wants to spend that tax on. My opinion was solely based on what I read and interpreted the ordinance and the type of projects that the ordinance indicated that the money should be spent on. Again, I did not make any opinion as to prior expenditures. The appropriateness, viability of them or anything like that. Mine was from date forward.

Taylor:

One final question to the Clerk.

Was there language in there to amend this ordinance so that the sheriff will have access to those dollars for infrastructure or did the then attorney read into the language that the sheriff could have those dollars – reading into the existing language? Is that clear as mud to you?

Thomas:

The prior attorney had a more broad interpretation. But, still, in terms of operating, the money has not been used for that purpose yet.

Taylor:

I understand. So, it has been strictly infrastructure – what it was used for. Now, you are saying that going forward that it cannot be used.

Minnis:

Yes. Since there was an opinion on the books, I gave no opinion as to prior expenditures because that was based on your prior opinion and I have not made any judgment or value as to that. It is just in my reading of the ordinance, going forward, this is my recommendation to the commission.

12B Expenditure of Public Funds to Benefit Private Property

Taylor:
O.K. Going forward.

Now this last one you had about public property.

Minnis:
Public property or public funds?

Taylor:
Public funds for private property. I am sorry. There are a few “ps” in there. Once I read what you had issues, you had indicated that each county has home rule.

Minnis:
Correct.

Taylor:
And, that we can look at – per our conditions – and kind of curtail to our needs. Then you went on to say, “Since it is a private road and it is specifically for private residents, it would not be considered a countywide need.” I think that is how you put it. Then, I thought to myself – well, every road is private and it only satisfies those who live on it. So, that opinion was kind of – not compromising you because you are the attorney around here, but, I can see where we could have some wiggle room. The gentlemen that was here, Commissioner Morgan, I don’t know if Mockingbird Lane is a private road,

Morgan:
It is a county road.

Taylor:
But, I do know that there are several of these roads that they are willing to give their roads back to the public – to the county.

Minnis:
Perhaps I can clarify what that means.

Yes, the counties have home rule. However, you have home rule unless it is inconsistent with the Statutory provision issued by the Legislature. The Legislature has issued provisions regarding the use of public funds on private property. Basically, unless it is a county road or one that serves a countywide purpose for all the citizens of the county, they have limited your ability to use funds on that road. Now, what they have allowed is that if it is a private road that has not been dedicated to the county or that the county has not taken over, then you can work with the citizens who live on that road to make the repairs at their expense. Sort of like a special assessment situation. They can request that you use your equipment, your manpower, and then pay you the actual cost for doing the paving or repairs for them. But, the Statute looks at that as more of a narrow purpose serving those particular citizens and not the county as a whole.

Taylor:

I saw that and I still at the point, not compromising your opinion, it is very clear that you are quoting statute on that, but, what it did to me was make me look at another avenue to try and still get this done. That is one reason that we are here. That avenue is that we now look at the possibility of adopting the roads. I have said at one point in time, and I talked to the administrator about it as well as he had shared with the director of Public Works that each commissioner might be given the consideration to adopt at least a mile. That is various roads in the district that are private that we can get some kind of legality ruling or document that could be signed off on and allow those roads to come back into our coffers. Then we can use it once it did become a county adopted road. Then we could use public funds to pave those roads.

Minnis:

If it becomes county property and a county road.

Taylor:

Yes.

Minnis:

When it become county property, that puts it into a different category.

Taylor:

That is it. That is it. Thank you.

Croley:

Any other questions for the county attorney?

Holt:

Yes. The Drug Abatement Committee –

Croley:

Excuse me, would you repeat that?

Holt:

The Drug Abatement Committee.

Croley:

The Drug Abatement Enforcement Board.

Holt:

O.K. Enforcement Board. O.K. I will put Board on it.

On that board, no matter what they look at or what they decide, they have to report to the Sheriff. How does that work? We are looking over into Law Enforcement side of government and I wanted to know how that would work – right quick.

Minnis:

Well, I have just started looking into that area. There is an ordinance that the county did pass

back in the early or late 90's – somewhere thereabouts. The Statutes does allow for the creation of an abatement board. It would work similar to the board you would have controlling nuisances with property. Even though those boards are in effect, they don't really usurp the Sheriff's authority. They are more of a civil kind of penalties and fines and those kinds of things. So, I think they work in conjunction with the criminal system and the legal system. They don't usurp those authorities.

Holt:

Well, I wasn't looking at them taking over any authority from the Sheriff, but I am looking at the fact that once you know something, you become liable in certain instances as far as real knowledge of those issues. I think that if we are going to look at a board looking at those issues throughout this county, we need to make sure that they are reporting to right authorities, the correct authorities to report to this board. We are elected officials and once you become aware of something, to a certain extent; you may be liable for what you are aware of.

Minnis:

I think in those kinds of situations, constructive knowledge could also fall into play. If you don't have a board in place and the citizens bring to your attention that there are issues going on, you are going to have the same type of issue. My understanding is that with this board, it is an effort to be more organized with that kind of situation. Like I said, I am only beginning to look into that process. I am beginning to look into the ordinance and dissect the ordinance that was passed and compare it with the Statute to make sure that it is in line with what the Statute permits the boards to accomplish. If there is a concern that the commission has about having more information brought back to it, or more information provided to the Sheriff in advance – as long as it is permissible under the Statute, I have no problem with amending the current ordinance to meet those needs.

Holt:

Thank you, Mr. Chairman. I would like for that to be looked into simply because of that issue of who they would be reporting to; what type of time frame – because if you know of any of these items that were brought up under that Enforcement Board, if you look at any of those items, once that they are reported to you, that becomes another whole animal and it also has to be looked at as a time factor when someone is breaking the law.

Croley:

Well, Commissioner, I believe that the Board is set up in the county ordinance, and it is intended – I know that we had a petition – I don't know what happened to it, Ms. Minis, but you may have gotten a copy of it – from individuals who are complaining about drug related activities on properties that are adjoining them. It has been going on for a long time. Officers go out repeatedly to these same properties trying to do their job at public expense and risk of their life and personal safety. But, the authority of these boards under State Statute is to bring action on a civil basis against the owners of that property that are allowing these activities to go on on their premises. It goes beyond that of the regular law enforcement activity. I am not even sure that it involves this board, as the Board of County Commissioner. This is a separate entity that is set up to deal with those type problems. When citizens bring these type criminal violations and is predicated, you know, they can look at the number of calls sent out to a property. So, the idea

that the State Legislature seems to have had, and Ms. Minnis, I am sure you will elaborate more when this item is brought back, our responsibility would be to appoint the members of the board.

Holt:

Right. I don't have a problem with the concept.

Croley:

That would not involve us being involved in it beyond that. The Board would take the actions. The Board is indemnified under the State Statutes as no liability on them for their work. I think that it is on the books. We have citizens complaining. It is a question whether we make those appointments to that board or not.

Of course, Ms. Minnis, I guess you will get back with the administrator and follow up. Those are good concerns and I am glad you mentioned them.

Holt:

I have no problems about it – whatever is legal. But, she just mentioned that you can change certain items and those items may be brought back before us. If we see that there is a conflict in there any kind of way, I want to make sure that we are working with law enforcement and not when people get on boards and committees. We have appointed them before and we have some now, but when they get on boards and committees, a lot of times they start dictating to other citizens what they are supposed to do. Then, they do step over those bounds. When they go out there saying, "You can't do this on private property. You can't do that." Then they are stepping out into an area, and they are appointed by this board, I don't want to make us liable because you went onto someone's property and say "Well, you are having a party and there is someone over here smoking pot." Then you have got to go – If they say to me, "Ms. Holt, they are out there smoking pot." Then, that can be a problem. I want to make sure that we are working very, very close with what law enforcement says to do. I do not want those citizens to take it upon themselves. You know how that works sometimes.

Croley:

This has nothing - this has no law enforcement aspect. As she said, it is strictly a code enforcement aspect for property owner.

Commissioner Morgan, do you have any questions for the county attorney?

Morgan:

I do not.

Croley:

Thank you for all the information you provided. You did a good job with all these write-ups.

12C Gadsden County Tourist Development Council – Code of Ethics

This opinion was not discussed.

13. Discussion Items by Commissioners

Commissioner Morgan, District 3

Morgan:

I've got a few comments. I do appreciate it, Mr. Chairman.

Resolution in Support of City of Tallahassee and Lake Talquin Dam Repair

First of all, I believe I may have misinformed on the February 16th minutes in our book. We were talking about Commissioner Stoutamire's resolution. So, to clarify that – it originally talked about his request and our comments to issue a letter of support. I believe it was the following meeting, so I want to make sure that I stand corrected on that. I made an error on that.

Code Enforcement Issues on Hardaway and Atwater Road

Secondly, I wanted to ask about an issue on Hardaway Road. I know that I mentioned it to Mr. Collins and maybe he can give us an update on it. We have a situation out there, just past Atwater Road, and I just want to make sure that we can be updated on that and a couple of other issues over there.

Collins:

This is out there at the railroad tracks out there. Randy (inaudible) is the property owner. We have issued him all the letters. He has requested a hearing with the county administrator and we set up that date for sometime next week. One afternoon so that he can come in and discuss it.

Morgan:

That is a deal out there. I don't know what that is all about. Just stuff strewn everywhere.

Collins:

There is junk just piled up everywhere out there in the yard.

Morgan:

So, we are doing what, legally, we have to do on our end to make sure that is taken care of?

Collins:

Yes, we have posted the property and actually have contacted the owner and we have had conversations with him and he has formally requested a hearing with the county administrator.

Morgan:

O.K.

Code Enforcement Issue on Hardaway and Bonnie Hill Road - RVs

Then, I just had two other quick issues.

There is right at the end of Hardaway Road, and the Bonnie Hill Road, I know you are aware of an abandoned RV there. It looks to me like they have started to get that out of there.

Collins:

Yes, we posted that property. We had a hard time finding who owned it. But, we finally posted the property and kept on until we tracked him down. They are tearing those down. They have asked us to give them a little bit more time to get the rest – the other camper that is there – torn down and moved.

Code Enforcement Issue – Bonnie Hill Road and I-10 Area – Abandoned Cars

Morgan:

Then, the last thing, Clyde – right there at Donnell's where you turn to go to the Interstate there on Bonnie Hill Road, it looks like there are some cars starting to pile up actually on the other side of the road there that I notice. Have we addressed that as well?

Collins:

Yes, we have addressed that and given them a time frame to move them.

Possible Enhancement to Code Enforcement Ordinances – Possibility of Magistrate

Morgan:

The reason that I bring those three things up is that I wanted to highlight to the Board, and I am sure this is the case throughout the county. But, Clyde and his crew are doing a great job in District 3 addressing some issues that have been ongoing over there and we are making progress and I just want to tell you that I really appreciate it. I am hoping we can get these other ones down.

Collins:

They are working in all the districts. We sent out 10-15 letters a day.

Morgan:

The only reason that I bring it up is to see if there are things that we can do to tighten up those codes that will make it easier for us to enforce. Maybe not easier, but, be able to hold some of these folks more accountable? Can we tighten these things up?

Collins:

We can use some help. Most of the time, 99% of them will comply. They will clean up. It takes a little coaching and stuff like that, but they usually do. But, it is the other 1% that just will not do it. And, I don't know that we have the laws on the books for us to start issuing monetary citations and stuff like that, but we need something like that. We do.

Morgan:

I wish that would be brought before us, Mr. Administrator, to look at that.

Croley:
Are you making a motion?

Williams:
I would be referred to a county judge, would it not?

Morgan:
I am sorry.

Williams:
I would think that it would be referred to a county judge.

Morgan:
I don't know. But, I would move that we get some information to us and if it is o.k. with the board, just see how we can move forward on this.

Croley:
Are you making that as a motion?

Morgan:
Yes.

Taylor:
Well, I will second the motion, but, with a comment. I did talk to the retiring judge who would consider sitting as a magistrate. I did talk to him and he will consider doing that. It is down here as my No. 6 item for Code Enforcement – to put more teeth in the policy.

Croley:
Well, Commissioners, we have a motion and a second for this item to be properly agendaed at some point in the future and allow the county attorney to review the codes and find out what we need to do to strengthen them and explore Commissioner Taylor's suggestion about a magistrate to try to clean this up.

All in favor?

All: Aye.

Croley:
All opposed?

(no response)

O.K. Mr. Administrator, sometime in the upcoming weeks, months, you, and the attorney see what you can do to strengthen Code Enforcement – or consider.

County Newsletter

Morgan:

I just had another couple of quick issues. I appreciate your patience and I will get through this pretty quick.

I did want to recognize for the public, that our county newsletter update is out. There is very good information in that and I believe that Charles may still be spearheading that. But, I think that has really been good and I know that it is also on the web.

Staff Interaction with Constitutional Officers

I want to thank Dale and Clay for coming by and giving us an update and for the fact that the Clerk is now attending our meetings and listening in and making comments. I really appreciate that what your office does and how they are working with Ms. Chess and how she is responding.

Mr. Administrator, I am hearing really good things on how we are communicating on either side of the street. I think our citizens are benefitting from that.

Financial Updates

To that end, our second quarter financial update is due – I just want to confirm that it will be on our next meeting. I think that is what Ms. Chess had said.

Williams:

Yes. Well, we want to make sure that we wait until everything is closed out. Last month, we only had two months of actual.

Morgan:

But, if I understood that, she said that we would have that.

Williams:

Assuming that everything, Mr. Clerk, is closed out for the second quarter.

Library Commissioners Retirement and Replacement Appointments – to be placed on agenda

Morgan:

And the last item that I had – I just want to agenda a couple of items for our next 9:00 a.m. meeting, (not the following meeting) with the board's approval.

I have two library appointees that have requested to not continue in that capacity. I would like to recognize those ladies. They have served for 20 plus years on our library board and I would also like to formally appoint their replacements. Again, I would like to request this at our next 9:00 a.m. meeting. I don't have the date for that, but –

Croley:

Are you making that as a motion?

Morgan:
Yes.

Holt:
I will second it.

Croley:
O.K. It has been properly moved and seconded that this item be placed on the agenda. All in favor please signify by “Aye.”

All: Aye.

Croley:
All opposed?

(no response)

Motion passes.

Is there anything else?

Morgan:
That is it. Thank you.

Commissioner Holt, District 4

Comprehensive Plan Workshops Requested to be Placed on an Agenda

Holt:
Thank you. I would like for this board to really consider having some Comp Plan workshops. I can't reiterate this enough. I am going to tell you another thing that property appraiser said when he was standing up there.

Any development, and do it across the board, and we definitely need training for this board and for our Planning and Zoning Board. We need to be able to look at those areas that you want to develop in the county. In order to attract the type of businesses that we want and the type of jobs that we want. Until we sit down to look at the Urban areas and we look at the I-10 exits, we look at 27, 90 and the railroad. If we don't look at those mechanisms, we are going to be behind in development. We will develop in the places where we do not want the development at. You cannot stop a property owner from selling their property. When the next person comes in under that zoning, they may stretch that out a little bit further than you may want. Once development starts, it is too late to look at the Comp Plan workshops. We need to do that and we need to start matching up our Land Development Code to match the Comp Plan.

Now, we can do that by bringing in specialists. We are right next to Tallahassee, so we would not necessarily have to leave to go to workshops. But, those individuals have sight over the whole state and they know what is going on a lot better than we do in small counties and small counties surrounding large counties like Leon. Like Henry County and the rest of them in south Florida that surround these large counties. But, they are getting the benefits of developing in certain ways.

Commissioner Croley, you brought up about you may not want to be the bedroom community, but we need to look at that now before development starts back. And, it is going to start back. We have to know what we are going to do coming from east, coming up from I-10. Where do you want this at? I noticed that there are members in here from Lake Talquin. You have to look at that area also. All of your resources – where are they? What do you need to do? How do we do it? Because we are going to end up with problems.

I would like that to be looked at at a certain time. It doesn't have to be in the next month, but we do need to look at that.

Croley:

If I may respond, Commissioner. I remind you that we are being required, as you are suggesting, by the DCA for the EAR report, which, is why you have the Preble Rish Group assisting with the Planning and Zoning. So, you will have that back.

Also, I believe that you are aware that the Settlement Agreement required that the Urban Services Boundary be determined. All of those things are a part of that Comp Plan and in determining the growth.

For clarification, let me make correct something there that you said there. I did not mention about bedroom community, what I was referring to is the "affordable tract housing" back yard. Leon County and other adjoining counties may be crowding out people by some of their restrictions. As Commissioner Taylor was saying, we need to identify what process we want to use for the citizens who live here who need help with their housing. Not be the accommodating factor for somebody else. But, the items you are requesting are going to have to occur in the coming next few months.

Williams:

They have a series of meetings set up, I understand. I have not seen the schedule, but I think this is going to happen anyway.

Croley:

She is asking.

Holt:

It is, but, what is happening is when Preble Rish and the company that was doing before, what they are looking at is – they are doing the surveys, they are doing everything that they were doing before. What I am saying is that this board and the Planning and Zoning Board – there are two or three members there that have, in the past, asked for workshops. The reason they are asking for workshops is not just so that we can do our EAR report. Not just so that we can report to the

State, but, they want to look at things that are going on in different areas that we may want to bring in. So, we need to workshop that separately from a regular meeting. We don't need to have just what Preble Rish is saying that they are going to give us. Once they give it to us, we have to say - Do we want to do this over on 267 at Highway 12? Do we want to go here, I am sorry, I-10 and SR 12. What do you want to do out there at the High Lai area and that intersection? The report gives you something to go by, but we have to make a decision as to what you are going to do. In order for you to do that, you either have to go to those other locations in the surrounding states, or the surrounding counties, or to south Florida. You have to go and look at those areas and see if this is something you want in Gadsden County. So, we can either go and look or we can have those people come in they can bring it at a loss less expense. We are right next to Tallahassee. That is what I am saying. We need to schedule those workshops so that this board and other boards can look at it. Especially, Planning and Zoning. Then, they can see what it is that we should be doing.

Croley:

I believe that part of this process will have to have some workshops. I am sure your staff will be bringing this back to do just what you are saying.

Holt:

If I can get some joint meetings, as I have said, with Planning and Zoning so that we all see the same thing. That way, we don't have something coming to us and they are thinking, "Well, this is what you want." This has happened before. Planning and Zoning thought we wanted "A" and when it got to this board, it got to be "B." They were upset because they thought we were not working with them. So, we can have some cohesiveness.

Croley:

Your point is well made.

Holt:

Thank you, Mr. Chairman. If I can get that looked at. I know you are saying that the EAR report has to come.

Resolution in Support of City of Tallahassee for Lake Talquin Dam Improvements

On the resolution. I am glad that you brought that back up. I looked again Commissioner Morgan and I did not see that in there and I would like to see those notes on that for safety reasons – on that resolutions. We didn't have to put it under General Business for what we needed to do with it.

Hospital Name

That is about it except for the hospital name. On the naming of the hospital, I saw the information that Mr. Glazer sent to us about the Medicaid and Medicare naming so that they can be a provider. HCA and their facilities are already providers for Medicare and Medicaid, but, I would prefer that the building itself stays Gadsden Memorial Hospital and they can put their

name up there. For the building itself. That is what we told the citizens we were going to do. We said, "We are going to re-open Gadsden Memorial Hospital." We did not say that we were going to name it something else and put it there. So, we may get around that by naming the building itself and not necessarily the organization. That way, they will still be able to go about and do what they need to do.

Croley:

Thank you, Commissioner Holt.

Commissioner Taylor?

Commissioner Taylor

Tornado in Shiloh Community

Taylor:

Mr. County Administrator, I want to personally thank Clyde, Earl, the Florida Baptist Association, Shawn Wood, Red Cross, and Robert Presnell for coming out to Shiloh. And, as well, Commissioner Holt, for coming out to the Shiloh community and helping with that tornado that touched down. I have the highest regard and respect for Clyde and Earl that stayed out there through all of that rain and worked to restore those people's houses in the back level. I just wanted to recognize them, Mr. County Administrator. Of course, yourself, as well, and Charles, I think, came down there and made an assessment and took pictures. We were really blessed and fortunate that it was not as bad as it could have been. But, those people who came out and worked diligently to restore and give those people down there confidence and compassion, I just want to personally thank you all for the overwhelming support.

SHIP Funds

I was going to talk about the SHIP program on foreclosures, but I don't want to open up that can of worms. But, I would like to know if we were able to save any property through that program. From my understanding, Commissioners, if those dollars are not expended at a given time, then they can roll over into the rehab program. That they don't have to be turned back over to the State. We have to meet all the deadlines and to have done the best that we can to spend those dollars in the categories allocated, but, if they are not, then we can use those dollars to rehab houses. I am sure there are plenty of houses still left that can use those dollars.

Employee Sick Leave Bank

One of the city commissioners called me and asked a question about whether or not we bank sick leave. I am understanding that one of the county employees was in a very serious car incident and they had used all of their time on some other situations. If there is something like that that we have,

Williams:

We don't have a bank. I am sorry.

Taylor:

I certainly would like for it to be looked at. We have a valued employee that goes out on some unfortunate unexpected situation that we be able to support that person until he/she can return to work. So, Mr. County Administrator, could you kind of look into that? It is something that is being done in and at other municipalities. It is certainly something that we could consider.

Williams:

That would require a change in our personnel policies and procedures.

Taylor:

I just want it. So, we can bring it back through HR or however method you want so that we can at least look at it.

But, I think, you said at this juncture, what you do have in place is that employees can volunteer to give them sick time.

Williams:

Yes, ma'am. They can. They can do that.

Hospital Jobs

Taylor:

All right.

Then I was going to ask about jobs at the hospital and he has already mentioned that. I wanted to talk about real quick something that I wanted to bring back up. That is the work schedule down at Public Works to see - what is it? 7:30 a.m. to 4:00 p.m. Is that being effective? Based on what I am getting, any and everything after 12:30 is pretty much downhill. They have 30-minute lunch, 15 minute break, then, of course, the time to get back to the barn. So, is the work being productive? Are we getting our bang for our buck by going to this five-day workweek or are we getting a shortfall on work being done to the district? It is summer, it is spring. The rights-of-way are about to get into the streets now. There are cutbacks that are needed to cut back the rights-of-way. So, my question to you all is – Is this five-day workweek working? That is a question that I want to ask and see if I can get a response at this time, Mr. Administrator.

Williams:

Well, we changed to it last summer at the request, I believe, of the chairman. I have not – I have heard the same thing that you have heard. That is sometimes shorts the afternoon. I have not really heard any real complaints out of Robert or anybody down there that it is not working.

Robert, do you have an opinion on it, maybe?

You know, I was under the impression that it was working very well.

Presnell:

It did work very well through the winter due to the daylight hours and all. We have been following it as well as we track our work with the work programs that we do now. But, in the afternoons, I would tend to agree with the commissioner. That it hampers the type of jobs that you can schedule after lunch. The crews eat lunch from 12:00 – 12:30. They get a break at 1:15 and they leave the job site at 3:30. So, you are down to 1.5 hours of work in the afternoon. You haven't put in any pipe or you are not going to clay a road. JB. Is not going to pull a half mile of road. So, it hampers the type of job that you have to schedule for the afternoon. You can't do any large jobs.

Williams:

You can't accomplish any major jobs after lunch.

Presnell:

With the lunch and the break in there, then, you know, them knocking off a 4:00 p.m., You can't do any large jobs whatsoever. But, that's

Holt:

Mr. Chairman?

Croley:

Commissioner Holt, no. This is Commissioner Taylor's time.

Taylor:

I will yield.

Croley:

Well, you can't – Here is the thing. If we are going to talk about work hours, we need to put that on the agenda properly. I don't think - he would need to have report time and all that. Otherwise, we are just editorializing.

Presnell:

Right. You know, I mean.

Taylor:

That is all this is. I am not asking, I simply made an inquiry.

Croley:

O.K. And, it is your time, so, you ask all the questions you want.

Taylor:

Well, I was going to yield if somebody wanted to comment, but I will get back to my time if that is what you want.

Holt:

I have a question.

Croley:
Let us stay on

Holt:
It is about this – I don't want a big discussion.

No, what I wanted to say is that when it comes back, bring back a comparison in numbers. That is all. If there is a comparison brought back with numbers and dollars. A four-day workweek and a five-day week.

Croley:
O.K. Commissioner Taylor, your turn.

Taylor:
Yes, thank you.

I wanted to come back to this because I did make a notation about code enforcement and here again how it impacts our bottom line. If we have properties out there that have devaluated, then, of course, the taxes are not collected properly. So, I would like to see if we could put in our budget process, whatever we need to do to put teeth in it. If we need to bring on a magistrate, that might cost. If we need to be able to go before and file with the court system a little bit more, that may be a cost. So, if we are going to make a difference, then we need to step up the game. So, I am saying to the administrator, see if this is an item for budgeting. I don't want to get into the middle of next year and see that we don't have the dollars to do this when we are hoping and praying that these people follow the codes. That is just not what we are here for. We need to enforce our policy and procedures at a measure that it has been adopted and enforced.

That is all that I have.

Thank you.

Commissioner Croley, Vice-Chair, District 2

Croley:
First, let me say, "Thank you" to each one of you commissioners here for your cooperation today with me serving as chair in Commissioner Lamb's absence. I appreciate your cooperation and I think that everyone sees that if we day on the agenda, we have very civil discussions and are able to keep moving forward.

In closing, let me say, Commissioner Taylor, I saw some of the damage down in your district and certainly, as you have so articulately said, we can be thankful that no lives were lost. You had some pretty severe wind, obviously, from the trees that were broken off and the houses damaged – (inaudible) Thank you for the acknowledgment of the EMS folks.

In closing here, I don't really have any items other than, again, to say thank you to the staff this

morning for your reports. We will call this meeting closed.

Thank you.

Receipt and File

14.

- a. For the Record: Budget Amendments – Approved by Administration (Additional Budget Amendment Attached)
- b. For the Record: Memorandum from the Clerk Regarding the Summary financial Statement
- c. For the Record: Memorandum from the Clerk Regarding the Cash-In-Bank Summary Report

May Meeting(s)

- May 4, 2010, Regular Meeting, 6:00 p.m.
- May 18, 2010 Regular Meeting, 9:00 a.m.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 11:39 A.M.**

Doug Croley, Vice-Chair, Presiding

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MAY 4, 2010 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

***District 4 Seat was vacant due to resignation of Commissioner Holt

***It is noted here for the record that a digital audio recording of this meeting can be found on the Clerk's Website at www.clerk.co.gadsden.fl.us under the link titled, "Meetings."

CALL TO ORDER

Chair Lamb called the meeting to order and called for a moment of silent prayer as the invocation. He then led in pledging allegiance to the U.S. flag.

AMENDMENTS AND APPROVAL OF AGENDA

The following items were added to the agenda:

- A-1. Hospital Update (Material Attached)
- B-1. Census Update

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE AMENDED AGENDA.

2010 Census Update

Ms. Evelin Ramirez, U. S. Department of Commerce, Census Bureau, addressed the Board. She reported that the census participation of residents in Gadsden County has been good, but there are still many who have not completed their census questionnaires and the census takers are now beginning to call on the non-responsive residents. She noted that the takers will not ask to go inside a person's home – the interview will be taken entirely outside the home. They must also wear a census badge and carry a census bag.

She thanked the board for their support, but she especially thanked Charles Chapman, the chair of the Complete Count Committee, an intergovernmental partnership that the Census Bureau has with Gadsden County.

HOSPITAL UPDATE

Hospital Security – Approval of GHI Request for \$30,000 for Security of Off Duty Sheriff Deputies

Craig McMillan:

Good evening, Commissioners. I am here tonight for a couple of reasons. One is – I don't know if you all are aware or not, but we have had to provide security at the hospital facility because of all the equipment that is arriving. We are a little bit concerned about something happening – vandalism or anything else that might cause us to have a delay. We sort of did a risk management assessment of the site and decided that we needed to have security out there for the hours that there are no workers there. That means that on the weekends, we've got security 24 hours a day for those two days on Saturday and Sunday. During the week days, I think it is from 6 p.m. to 6 a.m. Is that right, Clyde? We felt like that was a position that we needed to take. We talked about it earlier and we felt like that we needed to have that security out there. The last thing we want to do is come before you and report there had been some vandalism or report that something had been stolen which would prevent us from meeting our deadline. So, in an abundance of caution, that is what we have done.

We thought that would not be a big issue. That it could be handled through the Clerk's office, but what we are doing is hiring off duty deputy sheriffs to provide that security. I have been told by the Clerk's office that there is really no way they can "1099" these people because they are employees of the county already. So, you would end up having to pay benefits, higher rates, the whole thing. So, what we have done is - we have decided that the best way to handle that would be to pay them on contract from GHI. In that way, we would not have to get into the expenditures of benefits and we can 1099 them at the end of the period. This is only for a short period of time. This will cover us until the opening of the hospital.

As you see in the request that I have for you, I also added monies for legal fees to get me through the end of this fiscal year, which is September 30th. If you recall, last year, in the last fiscal year, ya'll gave us money for legal fees. In opening, we have actually expended way beyond that amount. I think we have been good stewards of the county funds and we wouldn't be coming to you tonight if it wasn't for the security issue. But, we've got to come to you because that is an added cost and we are asking you to transfer \$30,000 to us to get us through September 30th.

I will be glad to answer any questions.

Lamb:

After the opening of the hospital, that would cease, right?

McMillan:

Exactly. We are looking toward sometime in June for that to be over with.

Lamb:

O.K. Commissioners, do ya'll have any questions? If not, I will entertain a motion to grant him that request.

Taylor:

The only thing, of course, whatever it takes to get it open, but, I am just concerned about the process of approving dollars without having the issues properly advertised. I know this is moving dollars within the budget, and, I don't know if this is a process that would apply to this tonight. I guess this is a question to the attorney. It was raised about –

McMillan:
May I speak to that, Commissioner Taylor?

Taylor:
Sure.

McMillan:
That is fine if we need to delay it. That will be fine. I was just bringing it before you right now. I actually have enough money in my budget to carry it for a period of time. But, I didn't want to have to come back to ya'll later. I would like to get it all done at one time. We can delay it if it needs to be advertised differently. It matters not to me.

Taylor:
If it is not a requirement, then I am ready to go forward tonight.

Have we identified the funding source?

McMillan:
I would say – Mr. Glazer and I discussed it and we thought it could come out of the ½ cent sales tax.

Taylor:
Is the availability there?

McMillan:
Oh, yeah.

Taylor:
Is it within the guidelines that we have set forth for those dollars?

Minnis:
Yes.

Taylor:
I am just waiting for her opinion on whether or not we can go forward tonight.

Minnis:
About the ½ cent sales tax?

McMillan:
That is above my pay grade.

Taylor:

Minnis:

As to the half cent sales tax – it has been approved to be used for hospital expenditures.

Taylor:

My other question was whether or not this item needs to be properly advertised since we are moving money. I know it applied to another issue we have at a previous board meeting. What is your opinion?

Minnis:

I don't see this – moving money – it is coming out of a fund that is already approved for expenditures of the hospital. I would ask the clerk if he has any different take on it, but I see it as just part of being a part of the ½ cent sales tax. It has been approved for expenditures associated with the hospital.

Clerk Thomas:

In the past, issues like this, the commission would vote to approve the issue, and an actual budget amendment would be brought back, then you would approve the budget amendment – whether it is at a public hearing or simply place it on the agenda. That is how it was done in the past. You vote to approve this action, then there would be a second vote to approve the actual budget amendment when it is brought back at the next meeting on the agenda.

Lamb:

Question, Commissioner Croley.

Croley:

I want to follow up on Commissioner Taylor's point. Are you saying that the procedure that we need to follow is – if we approve it now, it will need to come back as a budget amendment? Is that what I am hearing?

Thomas:

Yes. You approve the action. Then a follow up budget amendment gives us the financial authority to implement your action.

Glazer:

Which you could simply put on the Consent Agenda for the next meeting.

Croley:

That is fine. I just wanted to make sure that I understood what he was recommending that we do.

Lamb:

O.K. Commissioners. Are there anymore questions?

If there are no more questions, I will entertain a motion to approve his request.

Taylor:

So moved.

Croley:

I second it.

Lamb:

It has been moved and properly seconded that we approve the \$30,000 as requested by Mr. McMillan. You have heard that motion. We are ready for questions.

(No response.)

We are ready to vote. All in favor, let it be known by saying, "Aye."

All: Aye.

Lamb:

Opposes?

(no response.)

The "Ayes" have.

Thank you.

Is there anything else?

Hospital Job Fair

McMillan:

Yes, a couple of other items. First of all, I hope that all of you were able to see the job fair that took place out there on Saturday. I can't tell you how excited the people from Capital Regional Medical Center are. They got there, and if you recall, it was advertised and it was supposed to start at 10:00 a.m. with Workforce Plus. Actually, when they got there at 9:00 a.m., there were over 100 people waiting. That gives you an indication of just how bad we need jobs in this community I think. But, it was a great success. They said that they had over 600 people come through the program. Some of them, I think, were coming just to go through the Workforce Plus part of it. It may not have been just hospital type employees. In fact, when I got there about 10:15, I think there were more people there than there were at Quincyfest. I was afraid that it was going to affect them, but later on, Quincyfest got a lot of people, too. I thought it was a resounding success. I know that HCA was extremely happy.

Strategic Planning for the Build Out of Hospital Space

The third item that I wanted to ask ya'll is for you to be thinking and give me some direction. Since this is your facility, not mine – we gave you the lease back. I think we need to do some strategic planning on the use of the rest of the facility. We have some legal obligation through the lease with HCA. I know that there has been talk that the county has been talking about moving EMS out there. I think what we need to do is to sit down and come up with a plan. We don't need to do this haphazardly. I think this

building will fully occupy eventually, but we have got to plan how that happens. I have had a lot of people showing interest in it. HCA has a doctor right now that wants a place in there. But, we've got to plan for that. I want ya'll to give me some direction on how you want to proceed.

Lamb:

O.K. Give us an opportunity to think about it and we will come back.

McMillan:

That will be fine.

Lamb:

But, you mentioned about the job fair. I had the opportunity to ride out there on Saturday. I was very excited. I talked to some of the people that were there. I didn't know that so many people were looking for jobs. They had over 300 to come through. I thought that was a very good thing that Capital Regional was holding out there this past Saturday. To those who did not get to go, it was very exciting and very touching that this county has something like that going on. But, I need to go a little bit further – I had the opportunity to go to the hospital today. I was very touched by walking through that hospital and I thought about this commission. I said to myself, "I am proud of what this commission has done for the citizens of Gadsden County." If the citizens of Gadsden County, everybody, knew what has been done out at that hospital site, they would be proud of their county. That is one facility that I think is second to none when it comes right down to the facility.

You guys have done a great job. This commission has backed you guys on that. I am proud of what this commission has done. I know that we might not always agree on certain things, but that is one thing that we agreed on for the betterment of this county. You all have done a good job, commissioners, for supporting that hospital. That is one of the best things that has ever happened to this county and I have been here for more than 60 years. I know that is one of the best things I have seen in this county. It was really touching walking through there knowing that we are about to get a facility for the citizens of Gadsden County. It was not easy. We took a lot of slams and knocks from people who really did not understand what we were trying to do. I don't know if they knew what we were trying to do or not, but we took a lot of criticism. We stood firm because we wanted to get that facility opened for the citizens of Gadsden County.

My relatives as well as your relatives and not just for now, but for those who come in the future, that is why we got it. If it doesn't stay open but two years, look at what we have done. I hope it stays open for a hundred or more years. I know it will grow. It is going to be enhanced. One day, I feel personally, that it is going to be a full blown hospital with as many beds as we can possibly get in there. I wish that all of you would go and take a look at what has happened down there at that hospital. You will be proud of what has happened here in Gadsden County.

I am appealing to the citizens of Gadsden County – those who have doubts, those who did not want to come to Quincy to this hospital in the past – you will be proud of what you have here in Gadsden County now. I believe that the citizens of Gadsden County are going to stand firm, going to stand together and will support that facility. That is the only way it can stay open. We've got to support it. We have to do that first.

Again, I am proud of what Craig and the hospital board has done. What our attorney firm has done – headed up by Mike Glazer. Most of all, I am proud of this commission, who stood behind you all and gave you all the support that you needed. You could not have done it without this commission. Again, my hats go off to you guys.

McMillan:

That is not a question is it?

(laughter)

I would like to respond, Mr. Chairman. Without your support, this could not have happened. We have, and I can't take any credit. I am telling you that you've got an employee in Clyde Collins. He has done a wonderful job with that facility. And, Mike Glazer, who has just done an excellent job and knows the "ins and outs". But, with ya'll's support, you have made the job a lot easier and I really do appreciate what ya'll have done and the support you are giving me.

I know that I have to jump through some hoops, Sherrie, and do it legally. I'm not used to doing it that way, but, - Huge laughter but, keep me straight.

I think you will be proud. Clyde can tell you that there is equipment coming in there every day. In the morning, the CT and the XRAY machines will be there – by noon, I think. They will start being installed. I am being told that it will take a week to get them all installed. You know, that is the largest expenditure of the equipment. There is something happening every day. We are also having to walk around little pot holes every day. There is always a mine out there that you've got to avoid. Somebody will come up with something else that you've got to respond to. I think that there is going to be an AHCA inspection on Friday – some kind of preliminary inspection. Everything looks like it is going great guns. We are just tickled to death. I think you will be very proud of it.

Lamb:

To add it up, those citizens, those of us in Gadsden County who grew up here, was raised here and have been here all of our lives, if you have any doubts whatsoever, just come by and view that facility. I think all doubt will be erased from your mind. If you stay back and not observe that facility and tour it, you will never know what is in there. I could not believe what I saw. I didn't think it could be that nice. But, it is first class. It really is.

McMillan:

We are working now – HCA has hired a public relations firm that is handling it and will handle the Grand Opening and all the publicity and everything. You know, the big thing is getting the community to buy into this facility and put in the rear view mirror all the old stuff that went on with the prior operator of the facility. This is a brand new day.

Anything else?

Morgan:

I just wanted to feed off a couple of your comments, Mr. Chairman. Craig, we do appreciate the update.

You know, you and I talked a couple of times and there are a couple of things for our citizens of Gadsden to understand. This partnership with HCA, first and foremost, is the only way that we could have pulled this off as a sustainable facility for us. Because of that partnership, we are also going to have services offered right here in Quincy that are not even being offered in some other areas, such as Tallahassee. This truly is a new “state of the art” facility for HCA. I think that is very important. They are going to be able to learn in Tallahassee from some of the things that we are doing in Gadsden.

McMillan:

To expand on that, Commissioner, I know for instance that the communications systems and the telecommunications system – right now, HCA, companywide throughout the country, has mandates on their facilities that they meet certain standards for wireless and the most up to date IT stuff and all. The hospital in Tallahassee won’t even have what we’ve got. We are up to date on everything that they want to see in one of their facilities. Like you said, you are going to be very proud.

Morgan:

Most importantly, the citizens need to remember that we have done this in a way that doesn’t expose our county from a financial standpoint. That in itself is a success story. We have limited our financial exposure.

Lamb:

Craig, I really want to give thanks, although I know that they are dead and gone now, but, some of their family members are still around – those people who saw a need some 50 years ago and left that Trust Fund here for Gadsden County. I want to give thanks to those families who are left behind here. Let them know how much we appreciate it. I don’t think we could have done this without that trust fund. That is a blessing to us that they saw that there was going to come a need one day.

McMillan:

And, we are only going to use a small portion of that trust fund.

Lamb:

Right. It is a blessing for all of us here in Gadsden County. All you have to do is look around. Ask Franklin County if it is tough. The thing I love about this commission is – We took our time. We had patience. You’ve got to have patience in a situation of this nature. When you are dealing with something of this magnitude, you have to have patience. You can’t let anybody hurry you or try to force you or intimidate you. You have to do what is right and take your time in doing it. It will end up right. This is what this commission did.

In Franklin County, they can’t get a hospital now. They can’t afford it. But, we took our time and did what we had to do. I want to thank this commission for doing that. I can’t thank them enough for doing what they did.

Any other commissioners?

Croley:

Only to say again, I went to the job fair, too, Mr. McMillan. I was impressed with the whole facility and the atmosphere out there.

I also want to thank Clerk Thomas for his leadership, too, as the chief financial officer of the board, here. He certainly played an equally important role in making this happen.

Mr. Glazer, as always, you and your insight is just invaluable. So, from a pure business standpoint, we have taken a situation where we were given a bunch of lemons and with everyone's help, you have made what is going to be some fine lemonade out of the process here. Everyone is to be congratulated. Every citizen in the county owes you guys a debt of gratitude for what you have done. We appreciate you very much.

Mr. Chair, you have said everything very eloquently. We need to move forward.

Lamb:
Thank you.

McMillan:
So, the ball is in your court. You are going to get back with me. You are going to think about it and let me know how you'll want to plan for the future.

Lamb;
Exactly. We will call you in.

McMillan:
Oh, I am sure you will. Thank you all.

Lamb:
Thank you.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT:

- 1. Approval of Minutes of March 2, 2010 Regular Meeting**
- 2. Ratification of Approval to Pay County Bills as Reflected in Warrant Vouchers dated as follows:**

Accounts Payable:	April 23, 2010
	April 30, 2010
Payroll:	April 22, 2010

CITIZENS REQUESTING TO BE HEARD ON NON AGENDA ITEMS

Ms. Brenda A. Holt, former County Commissioner for District 4, addressed the board to explain why she had resigned as county commissioner. She explained, "I kept in touch with the Division of Retirement as recently as January and then again in March. I was informed, and thank goodness someone called me

form the Division of Retirement and said, "Ms. Holt, if you intend to retire any time soon and not sit out six months, you need to do it before July 1st, which was the law that was passed. " I knew about it, but I did not know that it was going to have to be by April 30th. That was a new thing. Before they had told me that during any calendar month would be fine. So, once I heard that, I got in contact with the people at the Legislature, I got in contact with the Senator and the Representative and also with the Governor's office and made those decisions. As soon as I found out that this is approximately 10 days before the deadline. So, then I found out that it wasn't going to move forward and I called Commissioner Lamb, Chairman Lamb and I said, "Look, this seems like it is going to be a "go" whether I really want it to or not. But, under State Statute 121.053, it is required that I resign from the commission. I wanted the citizens to know that and this board to know that. I spent more time running over to the Capital trying to find out if there was something there that would allow any commissioner – it is not a friendly bill for any commissioner. It has been for other elected officials. What has happened with commissioners is that if you are elected the first week in November, you are sworn in on the third week of November, so you don't have the 30 day gap in there for your retirement. But, for other elected officers, they did have that because they aren't sworn in until January – So, they could sit out in December.

I told the Association also and their lawyers looked into it. That is a problem. Now, at least it is a problem across the board. As of July 1st, if any commissioner or elected official takes retirement, then they are going to have to step down for six months. That is why it became very important that if you had to do that, (and several thousand people in the state have taken their retirement by last Friday.) They say they have a big back log over there. Some elected officials in the State are doing the same thing. In fact, one of the secretaries under the governor's office is doing the same thing. It makes more sense because you only have to sit out a small amount of time. Hopefully, you can get back in there and go to work. The only problem is, as I told someone this, it may not be a problem, but it is the law, and the Governor can reappoint after 30 days or he can appoint someone else. So that is the option.

I waited on the letter. I want to explain right quick. The reason that I gave the letter a little bit late is because I was waiting on the scheduling department from the Governor's office. Once they notified me, I said, "Let me go ahead and turn it in. That way, I would have it in in time.

I just wanted to explain that to you. I do appreciate everything that everyone has done, as I said in my letter. I don't know if you have received a copy, Commissioners, but, I did give one to the manager and had one put in the Commissioner Lamb's box. Also, it is required that if you decide to do that, you have to give one to the Supervisor of Elections to turn in.

I just wanted to inform you of that. Are there any questions?

Lamb:

I received a copy of the letter. It was a nice letter. I looked at it twice because I didn't think it was from you. (laughter) Then I said, "She did a good job."

Holt:

The funny thing is that I sat out here for two years and I would argue back and forth with Commissioner Dixon. So, I sat out here for those two years and Commissioner Dixon couldn't believe it. I said that I said one nice thing to him one day when I wasn't fighting with him. He said, "Are you the same person that just got through calling me out in public?" But, thank you. That is politics.

PUBLIC HEARINGS

3. Public Hearing Ordinance 2010-004 Amending the Gadsden County Tourist Development Strategic Plan by Implementing the Revised By-Laws to Comply with Chapter 125.0104

County Administrator Johnny Williams introduced the ordinance saying that it essentially is amending the strategic plan to include the By-Laws which were not included at the time that ordinance was adopted. He then turned the hearing over to Jill Jeglie, Interim Director of Planning and Community Development Department.

Ms. Jeglie explained that there is one amendment to be made to the By-Laws which is only the addition to the Title to Article 9 before the last paragraph. (to say the duties of the secretary/treasurer shall be included, but not limited to....- the heading was left off.)

Ms. Jeglie was administered an oath by the deputy clerk, Muriel Straughn.

She stated that the By-Laws were inadvertently omitted when the Tourist Development Plan was adopted in 2008.

Chair Lamb called for questions.

Morgan:

Mr. Chair, I do have one.

Jill, I did read that and it seemed to look fine to me, but I did have one question with regard to the make-up of the TDC. As you know, one member is from this Board that serves on the TDC. When I was reading through that, I don't think that I saw any mention where the chairman needs to reappoint or appoint a BOCC member each year to serve on that TDC. I didn't know if that would be an issue or not. But, I think it would be appropriate to spell that out. That is just a recommendation to the Board.

Jeglie:

We would add that to Article 2 under membership. The last paragraph where it says "at the expiration of a term, members may continue to serve until the Board of county Commissioners reappoints another member to fill such vacancy." And you are adding that the Board should ?

Morgan:

Just specifically that the commission board member, that the BOCC board member be appointed each year by the chairman.

Lamb:

I think Hemant has something he wants to say.

Be sworn in before you make a statement.

Straughn:

Do you swear or affirm that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?

Patel:

I do.

Commissioner Morgan, to answer your question on that, it is actually in the Statutes. It is in the Florida Statutes. The Statutes supersede the By-Laws.

Morgan:

Would it better, in your opinion, to go ahead and clearly state that in the By-Laws so that it would match the Statutes so there will be less confusion?

Patel:

You can. Certainly, you can.

Morgan:

I would agree with that. Just for clarification. Thank you for that.

Lamb:

O.K. Do you want to offer a motion to amend it to that effect?

Do you have anything else?

Morgan:

It was just a comment. If the board doesn't see that as a necessity, then I am good with it.

Lamb:

Well, we will come back to that. This is a public hearing, so I am going to have to hear from the public.

Morgan:

Sure.

Lamb:

Is there anyone in the public that has anything they want to say on this particular item?

Is there anyone who has anything to say against it or for it?

(There was no response.)

O.K. I come back to the commissioners.

Commissioner Taylor?

Taylor:

There was one question that I had. I don't know if this is something that was added or not. I know that this wasn't the normal process. Up under Article 8 – Officers – where it says, "The Council shall elect a Chairman (who must be a bed-tax collector in the private industry)" - I don't know if that was a qualification required for the previous chairman or if that is something you all are going to do going forward. This is something that is new. I don't think the former chair was a private, well a bed tax collector. That is the part that I don't agree with. The rest of it, I am in line with.

I am sorry.

Patel:

Commissioner, that was, if I am correct, we have not adopted By-Laws before. These are brand new By-Laws. That was my understanding from Ms. Burns. The TDC does not currently have By-Laws.

Taylor:

So, you are saying that what is before us – has it been reviewed by the Council?

Patel:

Correct.

Taylor:

It has?

Patel:

No, it has not been reviewed. The Tourist Development Council at this time has never had By-Laws under the opinion of Ms. Burns.

Taylor:

So, what is before us has not been reviewed by your council? These By-Laws that are before us tonight?

Patel:

This is an administration policy, not a council policy.

Taylor:

O.K. So, Mr. Chair and Mr. Administrator, we are adopting By-Laws tonight for what reason? Is it State Statute?

Patel:

Correct.

Taylor:

Is that what we are looking at tonight?

Patel:

Correct.

Taylor:

And, you don't think your council should look at these before this body does?

Patel:

It is an administrative policy. It is totally up to the administration.

Taylor:

Here is my problem. These By-Laws are outlined for your body to guide itself by.

Patel:

Correct.

Taylor:

If there is something here that your body may feel does not fit what your goals and missions are, then it should not be before us. I understand when you say that it is an administrative responsibility, but I don't want to adopt something that does not fit the mission and goal for the TDC for the County. That is why I am concerned about us adopting just a generic set of By-Laws as opposed to one best fits our county. So, that is where I am at with this. Especially since you are my appointee. I am proud of the work that you have done. Certainly, I am not going to sit here forever. And, who is to say if we have someone who is a bed tax collector on the council year on end.

Patel:

You have to, commissioner. You have to have 3 – 4 collectors.

Taylor:

But, who is to say that the person should or could really be the chairman? Everyone doesn't have the expertise or the capability of being the chair. This is something that is very, very important to the county. That is the only part that I have a problem with. And, of course, the Council not having a chance to review these By-Laws that are before us so that whatever is in here, they can actually do. So, that is it for me.

Lamb:

O.k. Thank you.

Anyone else?

Commissioner Morgan, do you want to add what you mentioned to these By-Laws? If we approve it, Jill can add it to these By-Laws.

Morgan:

I think it would help with clarification issues. I think some of the points that Commissioner Taylor brought up are important. I do think that it is helpful in a lot of ways to keep this By-Laws separate and in fact that our board should determine the By-Laws. I think it would actually be helpful to do that. I do understand your point. **But, with those changes, and specifically, I would ask again that it be worded that the "Chairman appoint the BOCC member to the TDC each year." With those**

changes, I would ask for approval.

Taylor:

Are we going to include taking off the Bed Tax collector as a mandate for the chairman?

Lamb:

Let's look at that as a second amendment. Let's go ahead and deal with this change first.

It has been motioned.

Croley:

Second.

Lamb:

And seconded that the Chairman of the Board of County Commissioners appoint the BOCC appointment to the TDC each year.

Did you get that Jill?

Jeglie:

As long as Ms. Muriel has it.

Lamb:

You got it?

Straughn:

Yes, sir.

Morgan:

So we are moving to approve with those noted changes.

Lamb:

Exactly.

Any other questions?

Ready to vote. All in favor, let it be known by saying, "Aye."

All:

Aye.

Lamb:

Opposes?

(no response)

The “Ayes” have it.

Lamb:

Now, go ahead with yours.

Taylor:

So, what I am saying at this point is that we don't put in specific criteria on who the chairman might be. Just let it be someone who is elected by the majority of the board and that it is someone that can really hold that office and fulfill its responsibility.

Lamb:

She is talking about the council itself, now.

Taylor:

Yes, the TDC Council.

That is the only part that I have a problem with and of course, the fact that the TDC board has not seen these.

Minnis:

You would have to move for an additional change then.

Lamb:

Right. But, we are just discussing it right now. She is just explaining to us what she would like to have changed.

Croley:

Can we ask a question of Mr. Patel?

Good evening, Mr. Patel. I can appreciate the point that Commissioner Taylor is raising here.

Would it do any harm in the process here in the By-Laws if that adjustment was made? Do you see any downside to it?

Patel:

No, sir. But, again, this is an administrative policy. It is at the will of this commission.

Croley:

And, I appreciate that you have to have the number of people that collect the tax serve in accordance with the law. But, you don't know any downside about her suggestion?

Patel:

No, sir.

Croley:

Jill, would you be able to respond as well? Do you see any downside?

Jeglie:

No, I do not. My only recommendation is that if we are going to remove this for us to be specific. That it is Article 8 under Officers where we would be striking.

Taylor:

Yeah, that is it.

Croley:

"Who must be a bed tax collector in the private industry". That would be the only change? Is that correct?

Taylor:

Yes, that is it.

Lamb:

O.K. Do you want to put that in the form of a motion?

Question?

Morgan:

Thank you. Were you through, Commissioner Croley?

Croley:

I am done. I just wanted to make sure that it wouldn't do any harm.

Morgan:

I have a question for Mr. Patel, as well. I am not sure. Other than running the meetings, the function of the chairman on the TDC is primarily what?

Patel:

Lead the Council.

Morgan:

Lead the council. So, there is no other specific function. O.K.

Taylor:

I so move that change, Mr. Chair.

Croley:

I will second it.

Lamb:

That we remove the requirement that the chairman must be a bed tax collector in the private industry. Just strike that.

You have heard the motion.

Croley:
I seconded it.

Lamb:
He seconded it. You have heard the motion. We are ready for questions. All in favor, let it be known by saying, "Aye."

All:
Aye.

Lamb:
Opposes?

(No response)

The "Ayes" have it.

Thank you.

O.K.

Straughn:
I have a question.

Lamb:
Go ahead.

Straughn:
Did we approve the ordinance itself or did we only approve the two changes to the ordinance. I think we need to go back and vote on the ordinance, itself.

Taylor:
She is right.

Lamb:
Did we approve the ordinance.

Taylor:
No. We approved the individual changes.

Croley:
I think we need to go back.

Lamb:

Let me get a motion.

Taylor:
I so move.

Morgan:
What I had said was – and that is why I clarified when you were speaking – what I said was that we were approving that item with the changes noted.

Straughn:
With your changes. But, now, she has made another change after that.

Morgan:
Yeah, that was after that.

Taylor:
Well, then, if you will affirm **Mr. Chair, I make a motion that we approve the item with the changes that have been approved around this board.**

Croley:
And, I second it.

Lamb:
It has been moved and properly seconded that we approve this item with the changes that has been made. You have heard the motion. We are ready for questions. Ready to vote. All in favor, let it be known by saying, "Aye."

All:
Aye.

Lamb:
Opposes?

(No response.)

The "Ayes" have it.

Now, we will go to our attorney on Item 4.

4. Public Hearing – Citizens Growth Management & Planning Bill of Rights

A digital audio recording of this public hearing is available at the Clerk's Website at the link titled "Meetings" at www.clerk.co.gadsden.fl.us

On May 19, 2009, the County Commission directed the staff and attorney to draft an ordinance reflecting the language proposed by the 1000 Friends of Florida's Citizens' Bill of Rights and the provisions of the Citizen's Planning Bill of Rights proposed by the Department of Community Affairs.

The draft ordinance was presented to the Planning Commission on two occasions and was amended somewhat by them. As written, the ordinance would require the Bill of Rights to be incorporated into Section 7001.1 of the Land Development Code and will require the preparation of a Citizen Participation Plan, increased public notification, notification of neighborhood associations, require the staff to maintain a list of neighborhood associations, require a seven (7) day "cooling off" period, approval by the BOCC with a super majority vote of no free density and support the establishment of Urban Service Boundaries.

Jill Jeglie, Interim Planning and Community Development Director, addressed the board. She was administered an oath by Deputy Clerk Muriel Straughn. She then introduced the ordinance explaining that it has already been before the board on a previous occasion as well as the Planning Commission. Public Hearings were held with the Planning Commission on February 11 and March 11, 2010. They recommended that the BOCC adopt the ordinance (by a vote of 7 – 1.)

Attorney Minnis pointed out that this proposed ordinance is not the "Tax Payer Bill of Rights." It has nothing to do with controlling the taxing authority or the power of the Board of County Commissioners. It gives citizens additional input into the planning process and the Comprehensive Plan and other Growth Management issues. It is not the same thing as the Hometown Democracy petition. It calls for more citizen involvement than the current planning policy allows, but it is not as rigid as Home Town Democracy which almost requires a referendum before changes can be made to the Comprehensive Plan. From a legal standpoint, she assured the board that they have the authority to adopt the proposed ordinance.

Sworn testimony and comments were received from the following people:

- **James Malloy** – objected to moving forward on this issue in view of the fact that District 4 does not have a seated commissioner to represent them. He stated that he met with the county administrator on Friday of last week and requested that it be tabled until District 4 tax payers can be represented. He also stated that he talked with Commissioner Lamb and Commissioner Croley about delaying the vote. He filed for the record his comments and recommendations pertaining to the ordinance. He stated that he felt that the ordinance did not "have enough teeth" to protect the citizens.
- **Brenda Holt** – She voiced concern regarding the effect that requiring a super majority vote on issues would possibly have on small "mom and pop" type growth. She requested some clarity in that regard.
- **Larry Ganus, Planning Commissioner** - he commented that the Planning Commission held two public hearings on the proposed ordinance and no one appeared at either of those meetings to offer input or express reservations. He stated that the Commission spent many hours in developing the ordinance and "It would have been nice if we could have had this input back then so that it could have been incorporated before tonight. This is sort of a last minute plea for more changes to be made to the ordinance that could have been done, should have been done two or three months ago." He then called attention to Item G of the Ordinance saying that the county still has not established urban service boundaries. He

stressed it as being a very important thing to accomplish and that is why the Planning Commission proposed to set a deadline of 2014. His remarks then turned to the EAR recommendation to establish a zoning map consistent with the Comp Plan and the vision of how the county should grow in the future. He encouraged them to move toward getting those two things accomplished sooner rather than later. (Urban Service Boundaries and Future Zoning Map)

Ms. Jeglie announced there would be a meeting on Tuesday, May 11th to discuss the EAR amendments and the amendments to the Comprehensive Plan.

- **Ed Allen, Planning Commissioner and private citizen** – He reiterated that the Planning Commission had been through the proposed ordinance with a “fine toothed comb.” He encouraged the board to go forward with the ordinance adoption despite the plea by Mr. Malloy to defer it.
- **Dian Sheffield, Chair of the Planning Commission** - She stated that this ordinance gives the people of Gadsden County the right to have more voice and requires a developer to sit down and have discussions with the community people.
- **Brenda Holt** – she remarked that if the Planning Commission wants the County Commissioners to approve growth management issues by a super majority vote, she would expect that the same requirement should be made of the Planning Commission.
- **Ed Allen** – He made note of the fact that the Planning Commission can only make recommendations to the BOCC . It has no power.

Chair Lamb called for other comments from the public. There was no response.

Board discussion followed.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED UNANIMOUSLY (4-0) TO APPROVE THE ORDINANCE 2005-005 KNOWN AS THE CITIZENS’ GROWTH MANAGEMENT BILL OR RIGHTS.

GENERAL BUSINESS AGENDA

5. Approval of the Tobacco Product Placement Resolution 2010-018

This agenda item requested that the board pass a resolution requesting that vendors place all tobacco products behind the counter in stores that sell tobacco products in Gadsden County. While it will not impact sales, it does enable the store manager and the clerk to have greater control during the actual sale of the product. The purpose of the resolution is to help reduce minors’ access. It will also support a federal law that will require businesses that sell tobacco to place all their tobacco products behind the counter. In addition, the new Food and Drug Administration rules which will go into effect on June 22, 2010 will ban the sale of cigarettes and smokeless tobacco in vending machines or self-service displays.

Jowita Cichy, 604 5th Ave., Havana, FI addressed the board explaining the purpose of the resolution.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED UNANIMOUSLY TO APPROVE THE RESOLUTION REFERENCED ABOVE.

6. Approval of Travel for Commissioners Lamb, Taylor, Croley to the Florida Association of Counties Annual Conference and Educational Exposition in Tampa, FI on June 29-July 2, 2010

Commissioner Morgan was opposed to approving the travel for anyone other than the chairman.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 1, BY VOICE VOTE, TO APPROVE THE TRAVEL. COMMISSIONER MORGAN OPPOSED.

7. Disbursement of Funds to the Non-Profit Agencies

The Partnership Review Team is a committee appointed by the county commissioners to review applications from qualifying non-profit agencies for funding. The board set aside \$40,000 in the current budget for such funding. The team met on January 8 and reviewed the program materials , deliberated and unanimously agreed on the funding disbursements listed below.

The Early Learning Coalition of the Big Bend - \$	500.00
New Image Wellness Center -	500.00
Tony Parker Ministries, Inc.	4,000.00
Legal Services of North Florida, Inc.	10,000.00
A Better Body US	1,000.00
DISC Village	7,500.00
Refuge House, Inc.	5,000.00
Midway Community Improvement Org., Inc.	500.00
Gadsden Arts Center	6,000.00
Redeemed, Inc.	5,000.00
Total	\$40,000.00

Question by Commissioner Croley to Attorney Deborah Minnis: Ms. Minnis, in review – these funds were budgeted. We held up the disbursement because we needed to wait until the county’s financial position could be better determined and whether or not the cash flow could be handled. We had a committee that used a process that had previously been approved. Not necessarily by this board, but it had been used by past boards. My question is – Has all this been done legally and will we be on good legal grounds to make this distribution?

Reply by Ms. Minnis: I will have to answer the question very broadly. The criteria for expending public funds is that they must be spent for a public purpose and there must be some controls put into effect to make sure that the funds are spent for public purpose. So, the initial question would be the criteria that the committee used in deciding which of the agencies would be recommended

for an award of money. In reviewing the ordinance that created the committee that reviewed these, I did have some concerns about particularly the control. It does require the agencies to submit reports. I didn't see any real controls on the agencies. It wasn't really clear to me when I review the ordinance whether they looked at the public purpose. Each agency does have to fill out sort of like an application and do a registration. But, I didn't have any information that indicated to me (just by looking at the list) what the public purpose would be for these particular entities. So, I did have some concerns about that particular aspect of the awards.

Croley:

Well, Mr. Clerk. Are we, the county, in a financial position to act on this now in terms of this distribution?

Clerk Thomas:

I think that it is totally up to you. It is really a matter of whether or not you want to do this. I don't see anything hindering you from doing it if you chose to do it.

Croley:

O.K. So, in other words, financially, it can be done if the board made that decision.

Clerk:

It is strictly at your pleasure.

Croley:

But, then coming back to your concerns, Ms. Minnis, is there something here that if acted upon that, in your opinion, would create a legal problem for the board?

Minnis:

There have been challenges when public funds are spent in a way or expended in a way that doesn't serve a public purpose. When the attorney general and others who have opined on this issue talk about public purpose, that has to be paramount reason for the entity getting the money. If a public purpose is served incidentally, the attorney general doesn't really see that as meeting the conditions. This is a constitutional provision dealing with this. Article 7, Section 10 basically kind of limits, you know, the authority of the commission to spend money. It has to be for public purpose. So, that was my concern with the information that I was presented.

Croley:

Well, then, that has been my concern about the process. I dug into it a little more and said, "O.K. I am not real sure how we can use the power of the tax to force people to pay taxes and then turn around and basically give to the board's favorite charities unless there is a public purpose being served. Now, I am willing to support this as long as it is done in a legal manner and it serves that broad public purpose as stated in the constitution – at least for this year. I feel like we have made a lot of representations to the public and brought people through this process that now may not have been done properly in the past. We basically inherited that process.

So, Mr. Administrator, who is in charge of handling this committee and the way that it met?

Williams:

Ms. Chess was the one that was assigned to that.

Croley:

With your permission, would she be able to come up and clarify how we are dealing with this broad public purpose issue as Ms. Minnis has pointed out?

Chess:

Each one of you all appointed someone from your district to come in and review the applications. I had a list of criteria that I gave to them to be able to go back and determine how they would chose who they would give the funds to. Now, once that was chosen and the board agrees to what the reviewers chose, then we have a contract that each entity will sign. In the contract, it states that have to give us receipts and voices according to how they would spend the funds.

I spoke to finance to see how they did it previously. Finance said that it is really up to the board. When Connie and I spoke about it, I suggested that quarterly or monthly, that they would submit their receipts and documents. Each month we would disburse the funds by a certain percent unless the board says differently.

Croley:

So, now you have a contract for these services. I don't know what Tony Parker Ministries is going to provide, but whatever the committee felt –

Chess:

There is a packet over there, a book. In the book they indicate how they plan to use the funds. It has everything that they filled out according to the questions that we asked on where they were going to use the funds, what type of public entity they would going to set up – anything about how they planned to use the funds and how their organization came about and how it exists up to this date – those questions were asked and the answers are in that information in that book.

Croley:

But, you are going to have a contract with them and it is going to say that somehow they are going to serve the public health, safety and welfare interest of the county.

Chess:

I have the contract if you want to review it.

Croley:

I have never seen the contract.

Chess:

This contract has been used for the last 4 – 5 years. So, if anything is out of compliance, it has been out of compliance for the last 4 – 5 years. Some of these entities that you gave money to you in the last 4 – 5 years. So, if you are going to bring up something that is saying that a lawsuit can back on you all, then they can bring a lawsuit for last year and the year before because these are entities are entities that you have given money to over and over again. Some of them. And, they

have signed the same contract.

Lamb:

I think what you have worked out is a good check and balance here now. And, you are going to monitor that, or whoever in that position. They will take care of that. We have already acted as far as placing the money aside in the budget. We are expecting a good check and balance. Hopefully, this will be done right and I think it will be done right. So, I think we need to go ahead and proceed with this particular item and get it out of the way and get it behind us.

Can I get a motion, please?

Morgan:

Mr. Chair.

Lamb:

Hold it, I've got another question. Commissioner Morgan?

Morgan:

You all knew that I could not let this slide without making a quick comment. You know, we've just brought the State Legislature to a close and I can't think of one positive thing I heard regarding finances from the federal, state or local government level. I don't see how we can do this even in the best of financial times, when we have other basic county government services clipping along like a sewing machine. And, we don't right now. Some of the reasons that we don't are because of funds.

We have been on shaky ground in the past. We are moving in the right direction. These are fine organizations as I have stated this in the past. I appreciate the partnership review team for their efforts. If you all approve this, we certainly will go by their recommendation as I have stated before. I just don't feel that this is appropriate. That is all I have to say.

Lamb:

O.K. Thank you. A motion?

Taylor:

I motion to approve the disbursement, Mr. Chair.

Lamb:

O.K. Can I get a second?

Croley:

Second.

It has been moved and seconded. It was moved by Commissioner Taylor and seconded by Commissioner Croley that we approve this particular item. You have heard that motion. Are there any other questions? (no response) We are ready to vote. All in favor, let it be known by saying, "Aye."

Croley, Taylor, Lamb: Aye.

Lamb:
Opposes?

Morgan:
No.
Lamb:
Make that 3 – 1.

Minnis:
May I say something quickly for the record?

Lamb:
Yeah.

Minnis:
I don't have feelings one way or the other against or for any of these groups. I was just looking at the information that I was provided and purely from a legal point of view and the criteria that I saw in the Code that they looked at. If there is a check and balance in place, then that is a very good thing.

Croley:
Mr. Chair, I wanted to say this, too. I expect the check and balance to be followed very closely this year if this is intended to be considered in the future. I am concerned.

Lamb:
They will. They are going to do what they are suppose to be doing.

8. Approval of Signatures for Special Assessment Lien and Rehabilitation Contract – Impact Fee Proviso (IFP) and State Housing Initiative Partnership (SHIP) Programs

Lien and Contracts for: Majorie Vactor; Mary Dixon, Shelly James, Beulah Johnson

Taylor:
What I have done was, and I want to hand this out to you. I just want ya'll to take a look at it. I am going to approve this item, but what came up in that meeting when you were not here were a couple of concerns that we need to address. One is that the committee that we appointed is not meeting regularly to make decisions about who gets services and who doesn't. This is what we were told.

Lamb:
By who?

Taylor:

It was Ms. Moore. She indicated that notices were being sent out and I think that one of the comments made at the last meeting is that we need to know who is not attending those meetings per the notices so that we can either talk with our appointee or reappoint these people or what have you.

Well, I had the opportunity to talk to my appointee, actually today, to figure out what was going on – if she was no longer interested in serving. Based on her comments, and this might be something that we need to schedule for later because I don't want to be bitter. I have been very quiet all evening. What I am told is that there were two letters that were sent out. She has been there a little over two years, well, a little less than two years, maybe a year and two or three months. Two letters were sent out sometime during the middle of last year. Nothing else since then. She has not gotten any follow up since then. I don't know if that is true or not, but that is what she told me. My representative.

Since I have sat here, I have asked for a list. I did get one. I don't know if you all got one. I got a list with 12 names. I went back in our archives (from our agenda archives) back to May of last year. I put together 50 names. 50 names that we have approved arbitrarily through our meetings. Now, where these other names come from or how they came or how those got services, I don't know. I don't know if one person is selecting these people or is the process being abated because no one is attending the meetings. That is my problem and that is my concern about that department over there. How are they selecting people's names.

I looked at the list of 12 names. I looked at the period that we were selecting from the list of 12. The priority of the order in which they were being selected. It is not in chronological order. They were just being selected arbitrarily from the list. It is nothing that I can follow and understand how these people are being selected. The only thing that I am asking for is that this process be fair. If our people are not meeting, we need to know that so that we can reappoint so that we can have a committee selecting these names. That is my problem.

Lamb:

So, you have a committee. So, Mr. Administrator, we really don't need to discuss this here. Mr. Administrator, get with that particular person, Clyde and his department and find out what is going on and find out if we need to select any other committee members. You talk to them and find out how they are being selected. Do whatever you need to do. Please talk to us individually. Talk to Commissioner Taylor and myself and the other commissioners about what exactly what is going on and how it is being done.

Williams:

Actually, you are talking about the internal workings of one of my departments, which, by the way, is my responsibility. It really isn't yours.

The committee – we have had discussions about this. They are required by their program to take people as they come. There is no discretion in who gets the money. I am not sure how the committee would function.

Lamb:

Talk to us individually on that. Explain to us everything that we need to know about that situation. We don't need to discuss that here.

Williams:

Like I said, that is an internal function. Yes, it is, sir.

Taylor:

Let me make one comment and then we can move on.

Lamb:

Clyde, you can have a seat.

Taylor:

Let me make one comment about that, a statement. I am not one to knock this man's door down about internal day to day operations. That is not my responsibility. But, if I appoint a person to sit on a committee and their responsibility is to go through and select people from a list as you mentioned, or first come, first served, - then I expect that person to fulfill the responsibility from my appointment. But, if that person is not fulfilling it, I need to know what is happening. You have asked me to put a person over there that should have taken on the responsibility. If that person is not doing it, then who is doing it and how is it being done?

Now, point number two. These are federal and state dollars. They set their criteria as to how people are supposed to be selected to participate in this program. As a board, we are responsible for how these dollars are being spent. I am not trying to involve myself in the day to day. I don't want you to think that because that is not me. I am trying to make sure that the process is done fair and according to the procedures and criteria that has been sent down to us by the State. That is why I bring it up. That is why I took the time to go back and look at these names and see if I could see a list somewhere about how we derived at these 50 names. I don't see that.

So, I am not trying to get into this man's job. He has his job. But, I want to make sure that these dollars are being spent right and that the process is being done right. I think that is my responsibility. That is all.

Lamb:

O.K. As I said before. Talk to each commissioner. Let him bring back to this board exactly how this process is done. In that way, we can leave it alone and leave it where it is supposed to be – in your department. But, bring back to us how it is being done so that we can make sure that we know what the procedure is that the county is following as far as the State is concerned. That is all we need to know.

Croley:

Can we move on this item ?

Lamb:

Yes.

Croley:
I move approval of it.

Morgan:
Second.

Lamb:
O.K. It has been moved and properly seconded that Item number 8 be approved. You have heard that motion. We are ready for questions. (no response) Very well. All in favor, let it be known by saying, "Aye."

All:
Aye.

Lamb:
Opposes?

(no response)

The "Ayes" have it. Thank you.

9. Approval of the Allocation of the Budgeted \$10,000 For Firefighters

Captain Crum addressed the board with the proposal below:

Training: \$3,000 will be given to the City of Gretna for the Firefighter I class they just recently completed.

Equipment: \$3,000 will go toward 1 new GPS unit for each of the 10 fire departments. This will aid all the departments by allowing quicker access to the correct navigational directions to an emergency scene.

Banquet/Awards: \$4,000 will go toward the first annual Gadsden County Volunteer Firefighter Banquet. The fire chiefs will also nominate a volunteer firefighter from their department to receive the Firefighter of the Year Award. Mr. Pat Murdaugh of the Pat Thomas Public Safety Institute has offered the use of that facility for the banquet. He will also cater the event. Any money not spent on the banquet can be used for training or equipment.

Taylor:
Let me ask the Clerk a question. Just the Clerk.

Are there any restrictions involved in spending money on food?

Clerk:

You know, we went through this a few years ago and the board passed an ordinance that somewhat dealt with that. It allowed them (the Board) to declare it as a public purpose. I would defer to Ms. Minnis in terms of whether that ordinance would cover this.

Minnis:

I have not reviewed that particular ordinance.

Taylor:

I know that as a recipient of grant dollars that spending dollars on food is not an approved expense. Now, what I did have an opportunity to do and I want to share it in the hope that you all hear this real quick. I did talk with someone from that department.

The three items – the first two – they think is the best thing. With the training and the little tracking device. That is the best thing. I applaud you for that.

But, these same firefighters are having to buy their own fire boots. They are having to buy their own equipment. They are having to buy their own safety equipment that they need to go in and out of these houses. They really are not interested in the dinner. They would rather these dollars be used for equipment for their safety.

One statement that was made to me was, “It would be great if they could be assured that they could just go home at the end of the day and eat their dinner as opposed to spending \$4,000 for a one time fee.”

I think you have crossed over into some areas that people are going to come back up here and ask about. We have several groups that are volunteering for us throughout this county. I would love to spend this \$10,000, too. I think it is a great idea to give back to these people. But, let’s do it in a fashion that it doesn’t come back to haunt us. It is dollars spent at its best that I would rather see. I would rather see them with the boots and belts and the hats and whatever else they need than a plate of food for one time.

Now, let’s do, and I will be willing to do it if I can, I don’t know. I would be willing to go and talk to some of these vendors and let them sponsor this banquet. I am not saying that it is not a good idea. I think it is a great idea. But, I don’t think that public dollars should be spent.

Williams:

That is a good idea.

Lamb:

I think that is a good idea, Commissioner Taylor. I think what we need to do though is – he would have to – I don’t know how many firefighters are out there. We’ve got a whole lot of them

Crum:

We've got 125 – 127 firefighters.

Lamb:

He will have to divide that money up amongst all of them for something that the money can get. You might not be able to get all three things that she mentioned, but you might get one or two of those items.

Crum:

Well, basically, the board's direction to me from the last meeting, was for me to go back and make a plan with the input you gave me. I actually added the equipment part in there after we had a meeting with all the chiefs. The fire chiefs came up with the GPS units. I had to make a plan from the board's direction at the last meeting. You had said that perhaps it should go back into the general fund because of the economic status.

Taylor:

I did. But, I agree with your plan all the way up to the last one. I think you did a good job. I think you thought about it. You are trying to make sure that it goes to the right place. It is just that last \$4,000 for food. It is just the \$4,000 for food that I don't concur with.

Croley:

Commissioner Taylor, you and I are on the same page about that. I would like to support the training and equipment and use the public funds for that broad purpose. But, not give an dinner. I mean, if you can amend the expenditures to help with the training and the equipment, that is fine.

Lamb:

O.K. Commissioner Morgan.

Morgan:

Nope. I just had the money put in there and was seeking input. They went back and now they are giving you input. So,

Lamb:

What I am hearing is that we would like for you to go back and look at equipment and try to get some equipment for each one of the fire stations. But, make sure that you do it equally.

Crum:

What I would suggest is being able to add that money into equipment money that I have already got that might better give me the opportunity to afford better equipment when I purchase equipment.

Lamb:

I don't have a problem with that.

Croley:

I don't think he needs to come back again.

Lamb:

No, he don't need to come back.

Crum:

As long as 1 7 2 are O.K., the \$4,000 will be put into equipment and purchased for the departments.

Taylor:

I see what you are going to do. But, if there is a firefighter out there that needs some boots, I don't want you to hold up the \$4,000. Get him some boots.

Crum:

You are absolutely correct, but I've got 125 firefighters that need boots.

Taylor:

I hear what you are saying, but I assure you that all 125 firefighters will not need boots at the same time. If they do, let's see if we can stagger this time. Let's don't bury the money on them. That is all.

I would like to motion for approval.

Morgan:

We have 10 different fire stations, is that correct?

Crum:

Yes.

Morgan:

You've got 10 separate groups. If you start pushing money to a certain item in those groups and the others don't get it, there had better be some really good thought that goes into that, in my opinion.

Crum:

My phone will blow up if I give one person something that I do not give another person.

Lamb:

You can't do that. Go with equipment.

Crum:

I can add that \$4,000 into actually self contained breathing apparatuses that they use when they go into a house fire. It will actually allow me to move up from a 1997 NFPA Code to a compliant 2002 NFPA when I buy this equipment.

Croley:

Are you ready for a motion?

Lamb:
Yeah.

Croley:
So move.

Lamb:
I've got a motion. Commissioner Taylor made a motion.

Croley:
Would you restate the motion.

Taylor:
I make a motion that we approve \$10,000 expenditure with the aforementioned changes. Taking out the \$4,000 for a banquet and add it back in as equipment.

Croley:
And training?

Taylor:
And training.

Croley:
Second.

Lamb:
It has been moved and properly seconded that the motion that has been stated be approved – that we do not have a banquet, but move that money back into general fund so that he can use it for training and equipment. You have heard that motion. Ready for questions. (No response). All in favor, let it be known by saying, "Aye."

All:
Aye.

Lamb:
Opposes?

No response.

The "Ayes" have it.

O.K.

Mary A. Mickens-Bryant , District 1, 902 First Street S.E. , Pine Park Subdivision in Havana

She reported that she sent a letter and a booklet to both the chairman and the county

administrator on January 21, 2010 telling them of drainage problems she was experiencing on her property and that it was coming from five different directions. She said that water was even coming into her house through the garage. She added that she has not received any kind of a response from anyone – not a phone call or a letter.

Chair Lamb assured her that he would be in touch with her.

Sam Parmer, 1225 Berry Street, Quincy, FL

He asked the question, “During the commissioners comments, when they make the, it is not something that you are going to act on is it?”

Chair Lamb responded, “No, not if it is not on the agenda.”

10. COUNTY ADMINISTRATOR’S AGENDA

Mr. Williams had nothing to report.

11. COUNTY ATTORNEY’S AGENDA

Ms. Minnis had nothing to ask the board to act upon, however she did tell them she and Mr. Williams have looked at the Drug Abatement Ordinance that is already in place. She stated that there have been significant amendments to the Statutes since the BOCC passed that ordinance. She cautioned them that she may be bringing back recommendations to amend the ordinance. She said, “They have broadened the scope of that particular Statute since the Ordinance was initially passed by the commission.”

COMMISSIONERS’ DISCUSSION ITEMS

Commissioner Morgan, District 3

Request to Agenda Recognition of Chattahoochee Library Commissioners

Commissioner Morgan reiterated the request that he made at the last meeting – to see his Library Commission appointees appear on the agenda in recognition of their 20+ years of service. He asked that it be placed on the agenda of the next 9:00 a.m. meeting.

Commissioner Taylor, District 5

She asked as to the status of audit for FY 2009.

Audit Report Status

Clerk Thomas replied, "They have been gone from the office for more than month. As to when they will present, I don't know. The point is that they have been in and audited us. When they are going to finish and present it to you, we don't know that."

Taylor:
Are they still on board with us?

Thomas:
They just completed, finished out their contract in terms of the last year to audit us. I think you recently went out for bid. I think Mr. Lawson has something coming to you at the next meeting in terms of the results of that bid.

Taylor:
So, the audit report is forthcoming?

Clerk Thomas:
Let me clarify. I addressed two separate things. I am sorry. Mr. Lawson is going to report to you about the results of the bid for audit services. The auditors have finished auditing the county. We haven't received the final copy of the audit report yet. I have seen a draft copy of the clerk's office. I have not seen a draft of the boards' or any of the other Constitutionals yet. So, it is up to Law, Redd, Crona as to when they are going to wrap it up and present it to you.

Last year, they did not make a public presentation to you which is the first time that I can recall that ever happened. As far as the 2008 audit – you got the audit report and you met with them individually, but, they did not make a public presentation last year.

Taylor:
Is there within their contract – and can you turn that mic around just a little bit toward you – is there somewhere within that contract a timeline or deadline that they should get a report to us. Obviously, the audit helps us in planning for our next fiscal year's budget.

Clerk Thomas:
I'll tell you this – it is helpful if they get it to us by then end of March.

Taylor:
Right.

Thomas:
The fiscal year ends on September 30th. If they would come by December and be out and done completely by the end of January and get you a report by the end of March – to me – that works. This group has routinely presented it in like July or August. There are requirements – a lot of agencies need these audit reports. They are clamoring to get them from us. It delays in getting grants and all of that. But, these agencies are not getting the reports timely and that is something that needs to be addressed.

Lamb:

Mr. Administrator, can you check to see when he is planning to bring it and get us a copy of it?

Williams:

I will be glad to check with them. I know that he is normally and the Clerk will testify to this – by the time they finish, it is usually several months before they come in with the final report. At least, this agency has been that way. I think it was mid-summer last year.

Lamb:

O.K. Mr. Lawson is supposed to be bringing us some bids pretty soon on the RFP.

Taylor:

Well, we need to be in the forefront of the contract and have some kind of language in there that gets this report to us in a timely manner or there might be some penalties. Again, just like the clerk said, and I concur, grants are contingent upon what our audit findings are as well as our being able to do a budget – a fiscally sound budget. So, we need our audit report.

Lamb:

We are expecting the report. We need the report as you said. Also, the bids should be coming in on the RFP to us. I think Mr. Lawson is controlling that.

Taylor:

Well, just as soon as possible.

Williams:

The RFP has been done. The committee has met and they have made a recommendation. It should be on your next agenda.

Taylor:

Thank you.

Community Area Action Committee

Taylor:

I have asked on several occasions to have the community action representative come before us. Now, to my understanding, there was \$1.3 million that was given to that program to provide rehab to several homes in this county, but I don't see the movement. I am not saying that it is not happening, I just don't see the movement. I have asked for some kind of update on what is happening with those dollars. It has been allocated. I know the deadlines are beginning to hit with those stimulus dollars. These were stimulus dollars. So, Mr. Administrator, I am needing to hear from somebody over at Community Action on the dollars for rehab.

Signage on Strong Road

Taylor:

I don't think that is up, Mr. Administrator. That is along where that new school has been built as well as there is a retirement facilities that are out there and there is no signage at all that is going

up and down that road. I think we need to discuss it when they come before us through the Planning and Zoning Department. As of this date, from my understanding and my remembrance of it, they were trying to determine to determine who was responsible for it. So, to date, nothing has happened. So, we certainly need to get on top of that.

Meeting with GHI Board

Craig asked for a meeting with the GHI board to determine what we need to do with space. I do recall the chairman saying that was something that we need to look at. But, I would like it, if the other board members are concurrent, that we go ahead and try to schedule some kind of time. I asked the administrator to get with Craig and look at scheduling a time so that we can start the process of looking at it. That is revenue and we don't need to wait on opportunities to generate revenue. We don't need to wait on that to help support that hospital. I know you kind of left it out there for them, but, Mr. Chairman, you are right. Pacing ourselves is very good. But when the time is good, we need to grab those dollars and be a little bit more proactive. I would like to have some kind of meeting set soon.

Commissioner Holt's Retirement

I was glad that Commissioner Holt did stop by and give us an update on what was going on with her because I had no idea. You get information from all over and I wanted to comment on the fact that I appreciate that she did stop by. However it turns out, it turns out. I just wanted to put that down.

Future Land Use Map

The gentlemen from P & Z was so right in the reference that he made to this map that we are looking at here now. Making space for a future land use map – where this board wants to see infrastructure go so that we can have smart growth and development. He was dead on point. Again, he said, "Maybe not in our lifetime," But at least, Let's get the ball rolling. Having a map sitting there - Now, we've got goals in mind and there are objectives out there for how to obtain those goals. But, if we don't do something – and I have asked in the past about a Comp and Land Use Change workshop – we have got to start focusing. We've got the hospital behind us. I concur with the comments of both the Chair and the Vice-chair on what was given to GHI. I didn't need to echo them and that is why I didn't say one word. You all were dead on target with your comments. God has blessed that and now we need to think about the development and the future growth of this county. It is another big, huge undertaking that we need to get underway. Let's have smart growth and development. You are right. This clustering and people having to get on top of one another because infrastructure not being available anywhere else is going to continue if we don't start looking at future land, growth and development and put infrastructure out in some of those areas.

Thank you all for the time.

Commissioner Croley, Vice-Chair, District 2

Public Works Projects in District 2

Croley:

Mr. Administrator, I would like for you to provide me with a list of the projects that are going on by Public Works in District 2 so that the citizens and myself can have a better understanding of just what work is being done. We have had several projects that are taking a long time – culvert replacements and we have heard that those delays have prevented other things from being done. I want to know what all is going on in District 2. If you can provide that information to me within a timely manner, I would appreciate it.

That is all, Mr. Chair.

Commissioner Lamb, Chair, District 1

Lamb:

I don't have anything else except for what I have already stated about the hospital. I just couldn't say enough about that. To you commissioners who are sitting up here, you are doing such a super job.

District 1 Drainage Issues

Mr. Administrator, I would just like for you to get with Robert and the lady who is behind him before they go so that we can find out exactly where she is and what is going on and see if I can get Robert out there to look at that. I haven't seen the information that she said she had sent. But, that is alright, we'll get on it.

Is there anything else?

If not, this meeting is adjourned.

RECEIPT AND FILE AGENDA FOR THE RECORD:

- a) Budget Amendments OMB BA# 100065 & OMB BA# 10079
- b) Grant Adjustment Notice 2010-JAGC-GADS-1-4X-187
- c) Letter from the City of Tallahassee acknowledging the Resolution in support of the Corn Hydro Dam Spillway Project.

THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 8:20 P.M.

Eugene Lamb, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON MAY 18, 2010 AT 9:00 A.M., THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

Present: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

Absent: District 4 - vacant due to resignation of former Commissioner Brenda Holt

Invocation and Pledge of Allegiance

Chair Lamb called the meeting to order at 9:00 a.m. He called for a moment of silent prayer then led in pledging allegiance to the U.S. flag.

Amendments and Approval of the Agenda

There were no amendments mad to the agenda.

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD
VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS PRESENTED.**

Awards, Presentations and Appearances

1. Weatherization Program Update – Capital Area Community Action Agency

Dorothy Inman-Johnson:

Good morning. I was here earlier to talk to you about the Weatherization Program and the Weatherization American Recovery and Reinvestment Act dollars. I am pleased to give you an update today. Of the 222 homes that we are capable of doing out of the weatherization ARRA dollars, since November when we actually received the money from DCA, we have completed 61. This is for a 2 ½ year period – those dollars are available. We have estimated that we can do 222 out of your \$1.5 million allocation if all of the homes are done at the maximum amount per unit. I am also pleased to announce to you that Capital Area Community Action Agency is now the provider agency responsible for overseeing the multifamily weatherization projects in the counties that we serve. We don't actually receipt the money that was held back from each county. The way the State decided to do it was that they held back a certain percentage of each county's allocation at the very beginning of these projects to facilitate doing multifamily units with weatherization. That pool has come up to about \$35 million statewide. I had asked if there were no multi family units or not at the rate of Central or South Florida available in North Florida or the Panhandle, would they reallocate those collars back for single family unit in those counties.

At first, the answer was, “yes.” Now, the answer is, “no.” If we don’t have multifamily units coming forward from these counties, that money will go to whatever the counties are that have the multi family units for those \$35 million. So, we have already started accepting interest letters from projects that want to have it done. I am not sure if we have one coming from Gadsden County yet. If there are multifamily units that fit HUD requirements and at least 60% of the people living in those units are below the 200% of the poverty guideline, then they would be eligible. It would also have to be a project that has at least 5 units in it and cannot exceed five floors. I don’t think that is going to be a problem much here in the panhandle area. I wanted to make you aware of that.

Our next RFPs for contractors for all of our projects will be about mid-June. Start watching for notices in your local paper and posted notices in the Building Inspection units of each county for when we are advertising those RFPs. We will be accepting new applications and proposals from contractors to do this work in those counties. Basically, with that, that is a brief update. If you want more information, I can provide it to you. I gave each of you a folder with the brochure, the updated brochure for the weatherization project that shows exactly the income level of people who are eligible to have their homes weatherized. The purpose for the weatherization project is not only to make the houses energy efficient, lower utility costs and reduce the burden on local government to create more generation for energy, but also to create jobs in the community.

I am pleased to announce that Capital Area was recognized last week at the Florida Association for Community Action Annual Conference as the Community Action agency in the state which has created the most jobs or retained the most jobs in the state since this program started last fall.

Thank you.

Lamb:

We might have some questions. Commissioners, do you have any questions that you would like to ask Ms. Johnson.

Taylor:

I have some questions. First of all, thank you for coming. I had requested that you stop by and give us an update and I appreciate the staff for following up on that.

You mentioned a couple of things that I just wanted to follow up on. I have been inquiries as to where folk are on your list of the 222. I don’t know if there is a designated area or a phone number where they can call to find out where they are and what time frame will they be receiving services.

Johnson:

That number is on the back of the brochure. We do have a procedure. If that procedure isn’t being followed, I would appreciate those clients calling me because I can make sure to check the list to find out when their applications were received, if we are on our time schedule in terms of notifying them. However, there are some steps that determine who gets served first and it is in the brochure where it lays out the priorities. The federal government sets that up. If you are 60 years or older, you get a certain number of points. If you are disabled, you get a certain number

of points. If you have a high energy burden, you get a certain number of points and if you are a family with children 12 and under, you get a certain number of points. We have to follow that point system in terms of the applications, but nobody should have had to wait for months. So, if you have people calling you asking, I would appreciate it you would refer them to me and the numbers are on the information that I gave you – the agency brochure and the weatherization brochure.

Taylor:

O.K. Let me just real quick – Is there a list of homes?

Johnson:

Yes, there is a list.

Taylor:

O.K. That is the first question.

Is that list posted or available locally or through your office?

Johnson:

The list is in the office.

Taylor:

Which office?

Johnson:

In our main office where the weatherization program is operated.

Taylor:

O.K. And, of the two – I heard your language when you used, “capable of doing 222 homes.” Are you saying that you have that many applications or that much money?

Johnson:

We have, with the amount of money we received from the state and the federal government, if we divided that by the total amount that can be spent per house, that is the number of houses that we would be able to do in the 2 ½ years.

Taylor:

So, you don’t have that number of applications, but just that number of availability for homes to be done.

Johnson:

Yes.

Taylor:

And you are spending an average of how much on each home? Is it around \$5,000 per house?

Johnson:

I can't tell you that because I don't do the program. If I had known these were the specific kinds of questions you would need answered, I could provide that to you. I can certainly provide that to you after this meeting.

Taylor:

O.K. Then, jobs. Were you able to differentiate, or can you at this time, and again, I understand that you are being put on the spot, but are you able at this time to tell how many jobs actually came into this county through this program? That is very important because of the economy over here and the fact that there are people who need to go to work. So, are you able to determine how many actually went to work?

Johnson:

I can't tell you the actual amount, but I can tell you that a sizable number of Gadsden County residents who were enrolled in our family self sufficiency program went through the program that we have with Workforce Plus and TCC to get that weatherization installer credential and have been placed throughout OJT program with weatherization providers. I can't give you the exact number. Had I been provided the specific data that you wanted at this meeting, I would have had those answers for you.

Taylor:

Well, I would like for you to relate that to the office so I can follow up on some of the inquiries as to the jobs that were promised. Then, I will be able to be a little bit more specific because I don't know the numbers either.

Johnson:

I will be happy to provide you, your office, with those numbers.

Taylor:

Thank you.

You wouldn't know the number of contractors that was actually selected from this county either at this time, or would you?

Johnson:

No.

Taylor:

I guess those things are important because these are the people that I see and talk to everyday. They kind of wanted to know where we are.

You've done 61 houses, or 61 homes to date – that is what you also said. It is a 2 ½ year program. So, I will assume, since you are getting ready to advertise an RFP that one year has gone – of the program.

Johnson:

One year has gone since DCA received the money. We received the money in November.

Taylor:

So, would that mean that we have a year and a half left on the contract?

Johnson:

We have until early 2012.

Taylor:

O.K. Thank you. That is it. Thank you.

Lamb:

Are there any other questions from commissioners?

Croley:

May I ask for just one clarification? You said 61 – Good morning, Ms. Inman. It is always good to see you.

Johnson:

Good morning.

Croley:

You said 61 houses had been completed to date. Is that in this county?

Johnson:

No.

Croley:

That is total. Do you know how many in this county? She may have asked that, but I missed the response.

Johnson:

I will provide you the breakdown when I answer the other questions. I really wish when if – all I was told is that you wanted a general update on weatherization. I was not given any information on specific data you wanted or I would have prepared a report with that data in it for Gadsden County. In future updates, now that I know the specificity of what you want, I will come prepared with the breakdown of all of those numbers. I will promise that I will provide that to you in writing immediately this week following this meeting.

Croley:

Thank you.

Lamb:

Thank you very much Ms. Johnson for coming by and giving us this update.

Johnson:

Thank you.

**2. Resolution 2010-028 Honoring Mary Jo Hargrove – Library Commission
Resolution 2010-029 Honoring Rowena Middlebrooks – Library Commission**

Dr. Carolyn Poole, Library Director and Commissioner Morgan introduced Ms. Mary Jo Hargrove and Ms. Rowena Middlebrooks and recognized them for the many years of service to the Library Commission.

3. Hospital Update

Mike Glazer, Deputy County Attorney addressed the board.

Glazer:

Good morning Commissioners. I do want to update you briefly on a few things. There are two primary surveys that a hospital has to pass – that this hospital has to pass in order to open. I am extremely pleased to tell you that yesterday our hospital passed the Office of Plans and Construction Survey by the Agency of Healthcare Administration. That is particularly noteworthy for a couple of reasons.

Of the two surveys, this is the one that the county had the biggest role in. Second, I can tell you that it would not, could not, did not happen without Clyde Collins. Clyde has been remarkable. He has been dogged in his determination to get this done. There are a whole lot of people that participated in it, but nobody more important than Clyde. He has learned an awful lot about hospital codes, a lot more than I am sure that he ever thought he would. This is really a testament to his hard work.

The second survey is the licensure survey. While we will have a role in that, that is really up to the folks at Capital Regional Medical Center. That survey is scheduled for May 27th and 28th. In fact, there is some pre-survey work that is already going on with regard to making sure that all the policies and procedures and so forth are in place so that the hospital will be ready to open.

There are several important dates here. I did bring some pictures this morning and I am going to run through them real quickly in just a minute for you. May 27th and 28th is that licensure survey. What is important about that is if they pass, then the state can actually issue the license. That doesn't mean that the doors will open. But, they can issue the license which is critical because we have to have a license by June 21. I don't want there to be any misconceptions. The hospital doesn't have to be open by June 21, it has to have a license by June 21. With any luck, it will have a license three weeks ahead of that June 21 date.

The second is the grand opening ceremony. We don't have final, final, but it is looking like that will probably be June 8th. There will be much more information to come on that, but the hope is that it will be June 8th out at the hospital. The folks at Capital Regional are also organizing that. They've got a public relations firm that they have brought in to not only help with the ceremony, but also to help get the word out.

The date that the doors will actually open has not yet been set. The reason that they don't want to announce that date yet is they want to get through all these surveys. If there is any sort of a problem on the 27th and 28th, there will still be time to fix it. So, they haven't actually set that date yet, but we are hopeful that it is going to be in that first couple of weeks in June that the doors will actually open up.

They have started hiring people. I don't have any precise numbers yet, but I know that they have actually hired some folks through that job fair the other day. They are in training now.

Yesterday, when we were out there, we had the last couple of surveys. There has actually been a series of AHCA surveys over the last few weeks. I took a few pictures that I wanted to run through with you real quick.

This is the new sign that is out on the highway there.

This is the front of the building. I think that looks really nice. You can see we have preserved the Gadsden Memorial part of this and merged the two names – Capital Regional Medical Center and Gadsden Memorial .

This is the emergency department entrance. As you are facing the hospital, it is on the left side of the building.

This is the public entrance for the emergency department.

This is the ambulance entrance. Understand that this is still a construction site, so that will get cleaned up a little bit more. But, that is where the ambulances will pull up. This awning here is something that has been added. It was always there, but it has been extended as part of some of the last work that we have done here to provide a little bit more protection for the ambulances as they back up.

Just to the left of this is this shower area. This is for hazardous material – an area for haz mat preparations and for dealing with those kinds of situations and actually, inside the building, there is additional work areas for hazardous materials – dealing with hazardous material events. So, that is a nice little feature. You often times see these showers on the outside. Obviously, if somebody comes in who has been covered with some sort of hazardous materials, you don't want to bring that into the building. So, that work gets done right there on the outside.

A couple snapshots of the pharmacy. This is the area that we have done some additional renovation on. There is some very nice case work in there. There is actually several different rooms. Just a couple of shots from different angles. This is a secure area and it is locked and I actually took these pictures through the glass window. The pharmacist will be behind there. This is actually a piece of equipment that is used for the preparation of intravenous solutions that will be done on site. They will be able to prepare some medicines as some are time sensitive and have to be prepared within a certain time period before they are administered to the patient. That type work can be done in this hospital.

This is the laboratory. It was locked yesterday and I didn't bother going to look for a key. I am not sure what all is in those boxes. But, they have a very nice laboratory out there that is being set up to do what is called (inaudible) lab where they will do the initial tests that have to be done on a quick basis.

This is one of the nursing stations. The big nursing station where you have the monitors up there. This light is actually a portable light. It just happened to be sitting there because the AHCA surveyor literally came in and took this apart to make sure it was in proper order. There are a couple of portable lights that are out there.

This is one of the treatment rooms. This is a treatment room like you would find in any hospital in any city. This is a modern first class up to date treatment area in the emergency department. This is just another angle in that same room.

This is another treatment room. Is this the trauma room? It may not be. But, a bed can actually be put here. That is the trauma room. This is a very big room. One of the things about this hospital is that it's got some really good size spaces. You can see here again that we've got some very modern lights and such there.

This is the X-Ray room. Again, it is still kind of a construction zone. But, this will be cleaned up. As you can see, it is very nice, very modern X-Ray equipment that has been brought into this hospital.

This is the CT Scanner. There are a lot of places that don't have these things. This is a great thing for this hospital to have. Just another angle for it. This is the control panel. Again, this is a new modern hospital that the folks in Gadsden County are going to have in very short order. This is a portable X-Ray machine that they will have which is important in an emergency department so they will be able to take X-Rays wherever they need to.

This is just some of the crowd that was out there working on the survey. There were even more people out there than that.

This is the operating room. This won't be used initially. There are surgeons all over this country that would crawl all over each other to have an operating room as big as this one. Once they get this in operation, this is going to get a lot of good use. This is the recovery area. You've got room for four beds in the recovery area. This is part of the operating room suite. That is the sink where they do the wash up.

They had to set up some of the patient rooms. Of course, as you know, they are not going to operate inpatient beds when the hospital first opens. But, in order to pass the surveys, we have fully equipped a couple of the rooms because that is part of the requirements. You can see that this is a very nice patient room, one that you would be happy to find in any hospital anywhere in the country. Just another angle here.

The good news is that these beds were already here. You did not spend a penny on those beds. They are brand new. That is one of the things that was left behind. It may be the only good thing

that I can say about Ashford that they left behind for us.

I took a shot of one of the bathrooms. You can see that it is handicapped accessibility. You can roll a chair right into these showers. It is very well thought out design.

This is a very nice kitchen. It is not a full kitchen, it is what they call a warming kitchen. You are going to be able to do really nice things in there.

I took a couple of shots of some of the mechanical equipment mostly to show you that this isn't just – they have really done a nice job in setting this up as a new functional hospital. This is not just a "Paint up, fix up some of the old stuff." This is a lot of new equipment in here that has been replaced and is going to serve this building well for many years to come. This is another shot. Clyde has it set up so that you could eat off these floors. Here again is just some additional equipment.

Then, a couple of shots of just some areas (I know it is a little bit dark) where there is room to grow. This is what we call "shelled in space." You see one, two, three, four or five – this is actually the area where you could have five new patient rooms. The space is there. All you have to do is finish it out. This space wasn't created, it was always there, but it is part of what has been leased in the hope that it will grow into it. Then, there is even more. This is not even part of the space that has been leased. With the light, you can't really see it, but you've got a long corridor back here and another long corridor back here. This is some of the area that we are going to be looking at for other services that we may be able to bring in. Hopefully, once we get the doors open and can kind of catch our breath and start thinking about how best to use the remaining parts of this building. This is some of the space and by the way, these are some of the additional beds that were left behind.

So, that is kind of a quick run through of what it is looking like as we sit here today. There will be a lot more. There are all sorts of supplies and other equipment that are out there being installed. A lot of work still to be done, but we have made tremendous progress. There are a million different people who have been involved with this. There are a lot of folks to thank. We are making very good progress out there. The folks at HCA are out there every day now. They are excited and looking forward to this. We are in the home stretch now. We are just going to keep our fingers crossed and keep working hard.

I want to leave you with one last thought before I take any questions. I spent two days in Washington last week at a seminar on the federal healthcare bill that has been passed. It is a massive incredibly complicated piece of legislation. One of the main themes that came out of that seminar was that the hospitals of the future, in order to survive, are going to have to look at things like consolidation. They are going to be looking at things that we call "integrated delivery systems" where hospitals work together with physicians who are the post acute care providers. The way this new healthcare plan is evolving, the small stand alones are going to really struggle. I know that wasn't part of anybody's thought processes as we through this, but by having this partnership with Capital Regional, under the new healthcare plan, we are going to have a much better chance of making a go of this. Call it coincidence, call it fate – whatever you want to call it, but as we move into this new era under this new healthcare plan which will take 4 – 5 years to

evolve, we've got a model here that has a much better chance for success than we might have had otherwise.

Mr. Chairman, that is my report. I don't know if you have anything else to add. I will be happy to answer any questions.

Lamb:

Commissioners, do you have questions that you want to direct to Mr. Glazer or any comments that you would like to make.

Commissioner Croley?

Croley:

Yes. Mr. Glazer, I appreciate that report and Mr. McMillan.

I visited the hospital yesterday morning. Mr. Collins gave me a tour. I was very impressed with all that has been done. You know, I think we would be remise if we didn't allow you the opportunity to make a comment about the fit of the facility for this community. I think everyone is well aware that we have some on one side that clamor "Oh! This is too small." We have another set that clamor, "Oh, this is too large." It is almost like the story of Goldielocks and the three bears. What is it that is just right?

From what I have seen, given the task in the very difficult time that we had and the complexity of the problem with not having a medical facility, it does appear that we are on the right path. But, I do think that it is appropriate, if you could, just make some comment about what we are doing with this facility and what size it is.

Glazer:

Well, let me say a couple of things about it. First of all, I think that yes, a lot of money has been spent on it. But, if you were to go around and look at what it cost to build a hospital, you have not spent that much money. And, on top of all that, by having this partnership, we have been able to keep our cost down. I mean, the amount of money that we are spending on equipment is significantly lower than we originally projected by working through this partnership. I think all of this is still an experiment, but I feel like the facility is well positioned because it is providing what is the most critical need, which is for 24 hour modern full service emergency department. When I talked with Chief Crum and we talk periodically, he probably expresses it far better than I ever could when he talks about how important it is going to be for this community to have a local place that is a high quality institution where those ambulances can pull up without having to leave Gadsden County. The vast majority of them won't have to leave the county any longer. So, the hospital is going to provide that immediate need in this county and provide cost savings. But, more importantly, it will hopefully save lives.

On the other hand, the facility has the room to be a lot more things in the future. Exactly what those things will be remains to be seen. Ultimately, the people of Gadsden County are going to decide whether this hospital is successful or not. But, this facility has a lot of flexibility in it. The one thing that I am pretty confident of is that it evolve in ways that we don't even know as we sit

here today. But, it's got the ability to go in all sorts of different directions. So, to me, it is really a win/win/win situation for ya'll.

Lamb:
O.K.

Croley:
Thank you, Mr. Glazer.

Lamb:
Are there any other commissioners? Commissioner Morgan.

Morgan:
Thank you, Mr. Chair.

Mr. Glazer, thanks again for your presentation. I think it is important to note here a couple of things. Number 1, healthcare, quality healthcare is vital to a community who is looking to grow. This will positively impact us economically as we look forward to economic development in this community and in so many other ways years down the road. Quite frankly, I think we have positioned ourselves, as you mentioned earlier, absolutely perfectly because we now have flexibility to grow as things change and they will rapidly change in the next 4 – 5 years as you have mentioned.

Number 2 – we have insured our sustainability because of the partnership that we have with HCA and the quality of care for our citizens is going to be exactly what we would receive over in Tallahassee. Am I correct about that?

Glazer:
Oh, yeah!

Morgan:
So, all of that combined with the fact that Number 1, this was a mandated facility by the public, by the voters of Gadsden County. We have done that. We have fulfilled that. And Number 2, we have done so in a manner that does not expose us financially because that money that you referred to that we spent on this facility, that debt service is well covered by this half cent indigent care sales tax that is being generated. Am I correct in that?

Glazer:
Yes, sir.

Morgan:
That is all I had to say. Thank you very much.

Glazer:
Let me give one reaction to that, too. A number of, well, it wasn't that many years ago, but I worked on the project that brought the hospital to South Walton County in Destin, the new

Sacred Heart that came there a few years ago. In working of that project, we worked very closely with the people of the St. Joe Company. I don't have to tell you the investment that St. Joe has in South Walton County. The reason that they were so adamant about working with us to get that hospital was they said there are three things you have to have to have a successful community. You have to have transportation infrastructure, you have to have schools and you've got to have a hospital. That is the component that we are bringing to Gadsden County. That was their model for successful economic development.

Lamb:
Commissioner Taylor.

Taylor:

Thank you, Mr. Chairman. Let me just say that since taking my seat in 2008, November 2008, it has been my desire to see this day. I wanted to see this day in 2009, obviously, but as it was something mentioned at our previous meeting, this was well paced, we took our time. Now, we have a supreme project in our emergency facility. 70% of those who have been transported over to Tallahassee will no longer have to be. That is the percentage. I don't know the percentage of lives that were lost because of time, but that is a percentage that we can now say can also be eliminated because of the availability and the quality of services out there.

You said a few minutes ago, based on the health reform that is coming out of Washington, that it was coincidental. I have been on this soap opera box since day one in saying that you can't stop anything that is good. You just can't do it. And, that hospital is not only good, it is great. I don't think that it is coincidental, I think it is fate. I don't think that it is coincident that all that has gone on with the approval just recently from AHCA. I know you gave that big long name, but that was AHCA. We have been listening and hoping that we could pass those. I don't think we are going to have any problems on the 28th & 29th because it is a food thing and it is going to help this county. Now someone touched on it a minute ago, but I want to echo that now it is time for the upturn of this county because in just about every category, we have been either 66 or 67 or 65 when it comes to ranking among the counties for services – health, education & jobs. WE have always been at the bottom. But, this is a turn up because of that premier project that is out there.

I want to personally thank each of you for the work that you have done. That is not enough. I wish there was some kind of way that I could really express what is on the inside. I do know that on the 8th of June, which is what I was told would be the grand opening date – I'm going to say this and it is going to sound facetious, but I don't care if Obama asks me to come to Washington, I don't care if I have just won the Lotto, 1.2 million, I don't care how many million dollars – it will not be done on the 8th. I will be out there at that hospital. This will be my first visit. I have not been out there since it got started. I pledged to myself that I won't go until it opens and until it is completed. We will bless God. I hope there will be some kind of religious ceremony put out there on that day. I hope we won't abate that because this is government. I think that no matter what we do, there is an involvement of God.

So, from my heart to yours, I want to thank you. Mr. Chairman, you gave a speech last week at our last meeting thanking this board and I, too, want to convey those sentiments. We have had some ups and downs. There have been some hard struggles. We've had some disagreements

around this board. We had some arguments. But, at the end of the day, we came together to produce a superior product, which is that emergency room. I, out of all the things we have done around this diocese for the last year and a half, almost two years, this is one of the proudest moments. This is one of the proudest things we have accomplished and I want to personally thank everyone for a job well done.

Thank you, Mr. Chair.

Lamb:

To my fellow board members, I can't thank you enough - these three other board members that you see here. Ladies and gentlemen, to our hospital board and to our health council and to our attorneys and staff and to Mr. Clyde Collins – this partnership – the attorney said he didn't know what to call it. Just call it blessed. That is all it is. It is just a blessing. Like the commissioner to my left has stated, we have gone through a lot for the last three years with this hospital. But, look at us now. It is because these four commissioners that you see here stayed firm. We were firm in our belief, we were firm in believing that we could do what it took to get that hospital open. We were doing it from our heart and we were doing it for the citizens of Gadsden County. That is all it was. We were doing it from our heart and we were doing it for the citizens and Gadsden County. Politics was not included at all in our minds. That is why we took our time. That is why we were patient. That is why we stood firm – for you and all the citizens of Gadsden County. I am appealing to all of the citizens from Gadsden County – from Chattahoochee to Greensboro, to Gretna, to Quincy, to Havana, to Midway to support this facility. This is a first class facility and this facility can grow.

With our school system making a big improvement and improving every day, we will soon have our school system doing well. Now, we've got healthcare in this county doing well. So, all we have to do is stay together and support each other. That is why we are where we are right now with this hospital. We are letting the world know that if you stick together as a board and do the right thing for the citizens of Gadsden County and not let your personal agendas or your politics come into play, you can do whatever you want to do to advance this county.

This county is on the right path. This county is doing well. When you spend \$1.3 million for administration six years ago and now you are spending less than \$700,000 – are you telling me that we are not going in the right direction? You are out of your mind if you think that we are not going in the right direction. This county is going in the right way. This county is using the funds that the taxpayers send here wisely. We didn't do that before. I am including myself – we did not do that five, six, seven years ago. I came on this board in 2004 and we didn't do that. We were spending the taxpayers money as fast as we got it. But, we are not doing that now. We are doing the right thing for you, for Gadsden County. This county is moving in the right direction. If anyone tells you anything different, they are lying. Anything different, they are lying. You know we are going in the right direction. They know we are going in the right direction. So, don't use politics to try to make a lie out of what we are doing and what you are doing by supporting us. That is why we are moving in the right direction because of your support. We couldn't do this without your support. The citizens of Gadsden County right now is more closely together than they have ever been in the last 15-20 years because we are doing things together. If anybody has any questions about that, tell them to call me and I will repeat myself right in their ears.

I can't be any happier than I am today because of these three commissioners who have supported this cause and this attorney firm who has gone out of their way. We can't give our hospital board enough credit. I don't know how Mr. Craig McMillan does it, but evidently, God has blessed him to do what he is doing. He has put in hours after hours after hours and hasn't gotten a penny for what he has done.

The same thing for Mr. Clyde Lawson who works for the county. He hasn't been paid what he should be paid. Mr. Clyde Collins. (laughter) I've got a friend named Clyde Lawson, that is why I am always getting your name mixed up. But anyway, it is such a blessing folks. It is such a blessing to be in the position that we are in this county now. I am just asking everybody in this county and the people who are here to go back to your different areas. When you get the opportunity, go by the hospital and let Clyde Collins give you a tour of the hospital. He will do that any day that you want to do it. Then go back to your community and tell them what you see down there. Just let them know what you see.

The commissioner to my left said that she hasn't been down there, but she can feel what is down there. She can feel it. She knows it is good down there. Now, today, he brought us pictures of what is down there. On June 8th, I want to see all ya'll's faces in the place on June 8th. It is going to be a Hallelujah time on June 8th.

Again, thank you, Mr. Glazer for this update.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO APPROVE THE CONSENT AGENDA TO WIT: (ITEMS 4 – 11)

4. Approval of Minutes – March 16, 2010 Regular Meeting
5. Ratification of Approval to Pay County Bills
Accounts Payables Dated: May 7 & 14, 2010
Payroll Dated: May 6, 2010
6. Appointment of Mrs. Emily Rowan and Mrs. Rebecca B. Gregory to the Gadsden County Library Commission from District 3
7. Recommendation by the Chamber of Commerce to Appoint Hemant Patel (Owner of Holiday Inn Express) to Workforce Plus Governing Board.
8. Approval of Resolution 2010-026, Proclaiming May 16, 2010 – May 22, 2010 as Emergency Medical Services Week
9. Approval of New Road Names – Cummings Lane – East off Reed St. South of Joe Adams Road

10. Approval of Budget Amendment OMB-BA 100081 – GHI Security Expenses for Hospital
11. Resolution 2010-019 thru 2010-026 Recognizing Contributions to the Gadsden Memorial Hospital Project
Curtis Richardson – FL Representative
Alan Williams – FL Representative
Maximo Martinez – Gadsden County Health Council
Arthur Lawson – FL Senator
Clyde Collins – Gadsden County Building Official
Arthur Lawson – Management Services, Assistant County Administrator
GHI Board of Directors
Clerk Nicholas Thomas

CITIZENS REQUESTING TO BE HEARD

Jackie Williams , Community Educator with Covenant Hospice, 1545 Raymond Diehl Road Tallahassee, FL addressed the board. She stated that she is working hard to raise awareness in the community about Covenant Hospice and the services that are available in Gadsden County. She pointed out that Covenant Hospice is not associated with Big Bend Hospice. She stated that they have a doctor who makes home visits to the people in their care and they also have an arrangement with River Chase Nursing home to house patients who can no longer stay in the home for their last days.

Commissioner Taylor stated, “I have had a chance to meet this young lady and work with her to get information out into the community. It is a worthwhile program and there are a lot of people who don’t know the availability of Hospice. Whatever it is that we can do to get it out there, I did want to ask, Mr. Chairman and as well, the county administrator, if they could get some information from this program and have it put on our website so that folk who might need these services can have access to it through that mean. So, that is what I am requesting. To have her meet with the county administrator and see if we can also help in getting the word out.”

Dorothy Inman Johnson – revisited:

Thank you. I have spent a little bit of time on my cell phone outside and I am reporting that it is costing about \$4,500 - \$5,000 per unit in Gadsden County for the weatherization. So, it is pretty much maxing out what can be spent per unit. So, it is going to be close to the figure that I had announced.

I am pleased to announce with more updated figures from my staff – they obviously gave me low numbers – instead of 61 units being completed in Gadsden County, there are 91 units that have been completed in Gadsden County and there are 20 more in progress. On our waiting list, obviously, that is a problem. We have 372 people on the waiting list with applications. Obviously, if we can only do 222 units or a little bit more, based on the amount per unit, out of all the money we are getting from the federal government, there are going to be some people who are not

going to be served. We have applications coming in every day, so, we are obviously going to have to close that waiting list.

Right now, we have one major contractor out of Gadsden County. I have them researching to find out how many applications or proposals we received from Gadsden County. My staff is telling me that we did not receive a good response of proposals from Gadsden County, but I have them researching to find out how many other contractors submitted proposals. I can provide that information to you later.

We have 16 jobs that have been created in Gadsden County since November.

Lamb:

Do you have the name of the contractor?

Johnson:

The name of the contractor is Calvin Robinson. And, for the question you asked earlier, Commissioner Taylor about where we post the list. We can't post our list because people come to us for services and their applications are confidential. However, in future reports, status reports to the commission, I will have specific breakdowns on the numbers of applications, the numbers of who has been notified, the numbers that are in progress, the numbers that have been completed in future status reports.

Taylor:

Thank you so much for getting that information. Commissioner Croley did ask earlier if the 61 homes were in Gadsden County.

Johnson:

That is what I am reporting. I got clarification. The 61 I reported before were Gadsden County, however, they updated me with more current information to 91 homes, units, completed in Gadsden County with 20 in progress.

Lamb:

Thank you very much, Ms. Johnson.

12. Amendment to the Comprehensive Health Care Plan

Johnny Williams:

You all are well aware that the amount of money available to the Health Council has been reduced from the original plan requiring an amendment. I think Maximo will explain that to you.

Maximo Martinez:

Thank you and good morning Mr. Chair. Good morning, Commissioners.

First of all, let me thank you, Mr. Chairman, for your fairness and at least acknowledging that the Health Council was also a part of this effort for the hospital. I want to thank you for that.

The second part of the half cent sales tax is the Comprehensive Healthcare Plan. As you know, in the many presentations that I have made, I always knew that we had to go back kind of make changes to the Comprehensive Healthcare Plan. Well, this is the time. All we are asking, Mr. Chairman and Commissioners is the opportunity to go back and look at the original Comprehensive Healthcare Plan and make the changes to reflect the reduction of funds that we have now.

Lamb:
Repeat your question again.

Martinez:
Sure. The request is to have this board approve, give us approval, the Health Council, to go back and tweak a change the Comprehensive Healthcare Plan to reflect the reduction in funds that we now have.

Lamb:
Who will you coordinate this with?

Martinez:
Well, we've got the Health Council Board. We also met with Mr. Wethington. We also met with the county attorney. We met with Craig McMillan. All the key players in this process. This is well recommended, I might add, I don't know if it was coincidence, but Commissioner Croley and the county attorney strongly recommended that we connected with these entities so we could prepare a better plan.

Lamb:
O.K. Mr. Glazer, do you have any comments on this?

Glazer:
My only comment is that it is appropriate for them to rework the plan at this point to reflect the smaller amount. I would like to see what comes out of it, but it will ultimately come back to the board, but it is appropriate to do that.

Croley:
Mr. Chair, so are we ready to move forward now, Mr. Glazer and Mr. McMillan, with this next step, in your opinion?

Glazer:
I believe so, yes.

Croley:
O.K.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO AUTHORIZE THE HEALTH COUNCIL TO AMEND THE

COMPREHENSIVE HEALTHCARE PLAN TO REFLECT THE REDUCTION IN FUNDING TO THE HEALTH COUNCIL AND BRING IT BACK TO THE BOARD FOR FINAL APPROVAL.

13. Approval of CDBG Grant Contract #10-DB-K4-02-30-01-K13 - \$241,866.00- Disaster Recovery Initiative

Crawfish Island Project – to re-enforce banks of Mosquito Creek adjacent to Crawfish Island to alleviate current and foreseeable flooding issues

Audrey Moore, Governance Solutions, Inc. was present to answer questions.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO APPROVE AND EXECUTE THE GRANT CONTRACT DESCRIBED ABOVE.

14. Approval of Second Quarter Financial Report by Sherrilynn Chess

Questions raised by the commissioners regarding the report:

Croley:

Just to look at the summary, we are at approximately at 50% of the year. Yet, I am looking at the percentages of the 2010 budget. It looks like you have spent about 59% according to page 3 at the bottom. Is that correct?

Chess:

What you are looking at is general fund numbers. Where are you looking?

Croley:

I am on page 3 of your second quarter report. I just want you to explain, if you would, the 59%.

Chess:

That is for the Constitutional Officers, not the budget as a whole. If you calculate as a whole, between all funds, we are at 47% of the operating expenditures. That does not include the debt service or capital projects. So, if you see 59%, that is under the Constitutional Officers.

Croley:

But, that is all a part of county government. I am just trying to make sure that I am understanding this correctly. In other words, Mr. Clerk, as the chief financial officer, are we tracking?

Clerk Thomas:

Nobody has gotten any money that they were not suppose to get. A couple may get – the Property Appraiser, for example, instead of monthly draws, he might get it quarterly. So, that might factor into it. But, he won't get more than 100% of what he is asking. He may have gotten a little bit more of his draw simply because he gets it on a quarterly basis.

Croley:

My point was that if anyone saw this, and you were making the statement that you are at 47%, I didn't want there to be any confusion in the public mind or a misinterpretation by someone. I appreciate you clarifying that for the record.

Morgan:

Thank you, Mr. Chairman.

Ms. Chess, thanks for providing this report to us. I know it takes a lot of your time and focus to get it done. I think it has been helpful for us. I do have a question on page 2.

Under second quarter fiscal year major operating fund analysis. In the third column, it shows revenues and expenses. I will just take the first line. General fund, it shows second quarter revenues of \$11,660,000. Is that year to date? Or is that just the second quarter?

Chess:

That is the second quarter.

Morgan:

That is just the second quarter. Then when you go over to the next page to page 3 – Animal Control – it is just the top one that I am picking out here. All of those are second quarter expenses, those are not year to date expenses?

Chess:

Second quarter.

Morgan:

All right. So, there was nothing in the first quarter that we spent on animal control?

Chess:

Well, it was from October 1 to March 31st, which is a combination of the first six months.

Morgan:

So, it is year to date, it is not second quarter.

Chess:

It is the year to date. When you said "year to date," I was thinking that you were talking about as of

Morgan:

Fiscal year to date.

Chess:

I was thinking that you were talking about as of this month. But, it is as of March 31st. the fiscal year to date.

Morgan:

Fiscal year to date. So, that is the same case on the revenue on the previous page. That is fiscal year to date, that is not second quarter revenue.

Chess:

No, it is not the second quarter alone, it is a combination of the first and second quarter.

Morgan:

That might be important to distinguish in the future so that we will know – When are we collecting our revenue or when are the majority of the expenses in each of these departments occurring throughout the year. That way, we can establish a trend so that we know , for example, that third quarter is typically high in expenses for department whatever. That way, we can better gauge how we truly are doing during the year. I really appreciate the report.

Clerk Thomas, I have a quick question. Thank you for being here this morning. In your opinion, for the record, how are we doing financially as compared to recent previous years? How are we managing the money and sticking to the budget. Are we improving or are we not improving.

Thomas:

You are sticking to your budget pretty well. I think you are going to have a good fiscal year. When you get to September 30,

Morgan:

I can't hear you. I apologize.

Thomas:

If you continue at this pace, you will have excess revenue to expenditures at the end of the fiscal year. So, I think You will be better this fiscal year than you have been for the previous two or three.

Morgan:

So, we are improving then?

Thomas:

You are improving.

Morgan:

Thank you very much. Great. That is all I have, Mr. Chairman.

Lamb:

Thank you Ms. Sherrilyn. The Clerk says that we are improving. Of course, I knew all the time that we were.

15. Approval to Award RFP No. 10-03 for County Auditing Services to Purvis Gray and Company of Tallahassee, FL

Ron Whitesides, Ryan Tucker from Purvis Gray & Company

Lamb:

Are there any questions of Mr. Lawson?

Taylor:

I do. Looking at the bid and reading from the packet, I noticed, that just for clarification, why did not one of the bidders not have any points assigned to them? Did they not submit a proposal? That was Watson & Rice. In every line item, I saw you indicated a "0" scoring rate.

Lawson:

Yes, Ma'am. They did submit a proposal, but when the committee initially reviewed that proposal, the committee voted to eliminate that proposal for that particular entity for not meeting the requirements of the RFP.

Taylor:

They did not meet the requirements of the RFP?

Lawson:

Yes, Ma'am.

Taylor:

That threw me off a little bit because you indicated that there were four that had submitted.

Lawson:

Yes, there were four. And, the Watson, as I put in the agenda item, when the evaluation committee reviewed their proposal, it was determined that they did not meet the technical requirements because the partners who would have been in charge of the county's audit did not demonstrate the specific current experience in auditing county government.

Taylor:

Are you sure? Is that not the same firm that has been doing the City of Quincy's audit for the last five or six years?

Lawson:

They have been doing the city's. We asked for "county government" experience.

Taylor:

You said municipalities or did you specifically say "county?" I didn't hear that, I apologize. I thought you said – so it was that specific.

Lawson:

Yes, that is the reason that their proposal was rejected. Yes.

Taylor:

So all of the other three were – I know this number 4 – I think they were our previous auditors – no, number 3 were our previous auditors.

Lawson:
Yes, Ma'am.

Taylor:
So, you are saying that the other two that were selected and scored did have county experiences?

Lawson:
Yes, Ma'am.

Taylor:
And, one last and final question. The criteria that they must have county experience were put in the RFP?

Lawson:
They were listed in the RFP. The criteria that we used to evaluate all of the proposals were included in the RFP.

Taylor:
Thank you.

Lamb:
Commissioner Croley?

Croley:
I certainly have no problem with the committee's recommendation with Purvis Gray. They are a well known firm with many years of experience in county auditing as well as a lot of utility experience. The big concern that I have, and Mr. Chair, I would like to direct this to the commission, the attorney and Clerk Thomas. It is that we, I think, need to improve our standards in the contract with the audit firms, whichever firm may be chosen or selected by the board. To that end, I would like to bring up three points that I have discussed with the Clerk, Mr. Lawson and Dale Summerford, Tax Collector as well as Mr. Williams as administrator. Those three points would be to establish a target date for the delivery of the completed audit. To improve the ethics and performance of the selected audit firms and provide complete audit reports with oral explanations to be made available to each member of the board of county commissioners as a part of the contract. I am not suggesting that the present audit firm or any past audit firm may not have been doing some of these things, but I think that it is important that it been in the contractual document that the board would approve and request the county attorney's office to look at these items if the board would so approve.

The first one is a target date. I discussed this with Clerk Thomas. I would ask that we establish March 1st target date for the delivery of the completed audit. I know that other counties do receive their audits along about that time.

Commissioner Taylor, I know you asked the question about where is the audit for this past year. I don't believe that we have received it to date and we will soon be into June. So, if I may share these points with you.

Lamb:
Go ahead and read them to us.

Croley:
I would like to establish a target date of March 1st for the delivery of the completed audit. Failing to meet this target date should contractually penalize and require the audit firm to provide both an oral and written report to be delivered to the board of county commissioners at its first regular March meeting detailing the specific reason or reasons that the target audit delivery deadline cannot be met.

The second – improve the ethics and performance of the selected audit firm by contractually prohibiting the immediate family members of any principle of the auditing firm before or at any time during the contract term to be employed or contracted for accounting services within any unit of county government covered by the scope of the county's audit, including the offices and operations of all constitutional officers.

Third, provide complete written audit reports with oral explanation to each member of the board of county commissioners. Such reports and explanations are to include the individual audit reports for each constitutional officers' operations as well as the consolidated county audit report.

If I may make that as a motion, Mr. Chair, I would so move those items be included in any contract entered into with an auditing firm by the attorney's office.

Lamb:
With that motion, though, we need to have our attorney to look at it and make sure that it is in line.

Taylor:
Before you make a motion –

Lamb:
We are going through questions with it, too.

Croley:
I would move the approval of Purvis and Gray with these provisions with the attorney being able to look at these points.

Lamb:
Can I get a second, then I will take the questions.

Taylor:
I don't want to second it just yet. Can you just hold your motion for a moment? I will.

Croley:

I will pull my motion.

Taylor:

Commissioner Croley, you are dead on target. But, what I am looking for is a contractual agreement that spells out those three things plus. I think that is what we need to be able to go through because looking at what was presented to us are just bullet points. What they will cover and what they will do. There is nothing on our behalf as to what an auditing firm should do.

For example, you mentioned having a meeting with us on a specific time. I am sorry.

Lawson:

Commissioner, if I may.

Taylor:

Yes, I will yield.

Lawson:

Today was just to present the firm to get approval. We will be bringing back a detailed contract of what they are going to do before you.

Taylor:

Well, that is good, but as Commissioner Croley is saying here, we should have some specifics from this board to see.

Lawson:

Oh, yes, Ma'am. We will include whatever you decide in the contract. But, I just wanted to clarify that today, we were just trying to get approval on the auditing firm.

Taylor:

I needed to hear that from you. I needed to hear that. So, I guess what we are saying is that I am in agreement with you. But, I just want to make sure that all the points are covered. That we look at this as a body and make sure that the three points might need to be looked at. There are some other issues. What happens is we get a qualified audit? What happens if we – Well obviously, it is good to get an unqualified audit. But, there is still some more language before we sign a contract – that we need to be notified well in advance if there is going to be a qualified report. That will hurt. These are things that we need to discuss. I agree with you, but I just want to make sure that the whole nine yards are included in that contract.

Lamb:

I think Mr. Lawson will get that back to us in time so we can read it and have questions. Once you get the material, and you want to call him before we get to the commission meeting and make sure that you iron out some things, please do that so we won't have to linger on it here at the commission meetings. I would like to have these things included, too.

Morgan:

Is that something, Mr. Chair, that we need to actually act on here this morning or just have that included in what Mr. Lawson will bring back to us.

Lamb:

Include it in what Mr. Lawson is going to bring back.

Taylor:

I will motion it.

Croley:

Well, before we do, with your permission, Mr. Clerk. You have to deal with this audit situation all the time. You and your staff, you have to have these audits on a timely basis and I know that you have expressed concern on several occasions about the lateness of when you receive them. I think you may want to clarify for everyone what the problem is.

Thomas:

I will just say that the March 1st date is fine. For us, the drop dead date is March 31st. I have mentioned that a couple of times. We will work hard and I am sure the auditors will, too, to meet the March 1st date. But, our drop dead date is March 31st. An earlier date is something that we will all work to comply with. April, June, July and I think last year it was August 19th. That is late. There are a lot of entities that require these audits. All the people you get grants from, the Auditor General's Office and a lot of other state entities - there are possible penalties if you don't get them the audit reports on a timely basis.

So, absolutely, there needs to be a deadline in the contract. The 31st probably works best for us. What we are saying is that the whole process is not over when they give you the audit. They complete the audit, they come and report to you in the month of March – If you are saying that the deadline is March 1st, does that mean that they report to you in February?

Croley:

The intent, Mr. Clerk, is to try to achieve your objective by having the deadline March 1st. If for some reason, they can't meet that, they can certainly come and explain why they couldn't. But, if we wait until April 1st, that may push us back into May. The objective was to try to get it at the first of March. I know that many other counties much bigger than this county are telling me that they have gotten theirs on March 1st or thereabouts. I think that is really what we need to reach for. Maybe you have worked this out in terms of exact wording that you feel comfortable with, but, that that be a target date.

Thomas:

I know that sometimes there may be a constitutional officer who has drug it out a little longer than usual and that sort of thing.

Croley:

Then, that will have to be explained. I mean, but, I am not trying to get into any particular constitutional officers situation, that is their business. But, they need to - we can't have the

whole world stop there.

Lamb:

Let me say this, I think the target date could be March 1st. But, now, like they are saying, they can come here and tell us why they can't get it delivered by March 1st.

Thomas:

And that the absolute drop dead date is March 31st.

Lamb:

Right. If there is a constitutional officer dragging and not doing what they are suppose to do, we need to know it. So, they need to come and let us know. We want to make sure that we let the auditors know that. Don't hold nothing back when someone else is not doing their job. We need to know who is not doing their job. We don't want to hold up everybody else because one constitutional officer is not doing their job.

Thomas:

We have had an issue, and this might sound minor to you, but it is major to us. Copies. The previous auditors or the current auditor have not always provided enough bound copies with all the constitutional officers and the board in it. A couple of times, we have actually take the audit report and have it printed ourselves to get additional copies. So, that is something that we would like to make sure that is covered. Adequate number of copies. You can talk to Mr. Lawson about the number.

Lamb:

And number 3 here is to provide written audit report with an oral explanation to each member of the board of county commissioners. Such report and explanation are to include individual audit report of each constitutional officers operating as well as the consolidated county audit report.

I think Mr. Lawson can look at this and include this into his contract. He is going to get it back to us and we are going to look at it. If we have any questions, we can get with Mr. Lawson before we get to the commission meeting here. That way we can finalize everything here.

Croley:

One last question on the pricing, Mr. Chair. Under this proposal, it looks like we are giving an automatic \$4,000 increase a year. Now, that is one of the things , you know, if we are not getting the service, I think we need to be able, as good stewards of the public money, we shouldn't be paying for poor services and automatically giving increases. That is how come, and I am hoping as you work up the contract, You and Ms. Minnis, that you would not just automatically have us approving increases without a proper performance. That is why I said, Mr. Chair, about possibility of a financial penalty.

Lamb:

I think Mr. Lawson got the point and I think he will take care of it in the contract. Give him an opportunity to do it. Get it back to us. If we need to add, we will add.

Taylor:

I think right now, Mr. Chair, this is a good time to stop all the dialogue. We are giving him directions now, which are great directions, but to piggy back on the obligation to give them the \$4,000 for poor performance, I agree also that we need to put in there somewhere, "if we are fiscally able" to give those additional dollars, then so. If not, and it looks like we are not going to be able to increase in these two years to come, we might need to just plug that into the language. If this county is fiscally able to agree and go along with the increase, then yes along with performance.

Lamb:

I don't see anything wrong with that.

Taylor:

That is it.

Lamb:

I think that is good.

Morgan:

I have several comments. I appreciate it Mr. Chair.

I think it is important as a board that we let Mr. Lawson and his department put together an agreement to review. He knows how to do this. We are simply giving some additional guidelines and we need to let them do their job then review what they bring back to us. I think it is very important – the three points that Commissioner Croley brought up to be included in that. I think it is good to have that input. I would ask just a couple of things.

Mr. Clerk, is there anything that we haven't mentioned that we are overlooking that needs to be put in there that you can bring to the attention of Mr. Lawson. I am not asking right now, but, I am just saying communications to insure that we have a good agreement with whoever is selected here.

Thomas:

I can't think of anything right now, but I will get with my finance staff and get with Mr. Lawson.

Morgan:

I think that will be great. Again, I read through this and I have no problems at all with the recommendation of the group for the RFP. I do have a couple of questions. One thing that I noted in this agreement and it may be standard. Mr. Lawson, I don't know, but a 30 day not to renew clause by either party so that gives us the out. We can say, "Hey, we ain't happy with what you are doing" or "We ain't going to be able to give you a 4% increase." You would need to have the option of not renewing with the county based on whatever the current economic environment might be. Those kinds of things might be something that is important.

I didn't read anywhere in here. What are we spending now for auditing services? I thought it was about \$150,000 to \$160,000.

Lawson:

I almost have to defer to the Clerk. I think it is somewhere in the neighborhood – and it has been a three year thing that the board agrees to. I think we started out somewhere around \$130,000. And we might be up to

Thomas:

\$149,000.

Lawson:

\$149,000.

Morgan:

So, \$150,000 and we are talking about this year \$126,000. So

Lawson:

Now, keep in mind, Commissioner, if they have to do any additional work, there will be additional charges.

Morgan:

And, that is my next question that I have here. What is defined as additional work? Why is there a necessity for much additional work?

Lawson:

If you don't mind, could I bring somebody up from the firm and let them respond to your question?

Morgan:

Yes, absolutely.

Ron Whitesides:

Good morning. My name is Ron Whitesides. I am a partner with Purvis Gray & Company out of our Gainesville office. I am the partner that has been assigned to your proposal and will be handling your account. With me is Ryan Tucker. He is out of our Tallahassee office and is one of our Senior Managers. The two of us will be responsible for making sure that the county receives excellent service.

If you give me the latitude, I will address some of the questions that have been raised here today, at least my observations on them.

Lamb:

Address Mr. Morgan.

Whitesides:

Yes, sir. The issue of a target date – March 31st is probably customary in the industry. That is the deadline for a certificate of achievement award from the GFOA although the county is not

currently applying for that. So, we are used to working with that as a common deadline. We are currently auditing about six counties and 25 cities around the state. From my prospective, I am happy to have a March 31st deadline. We will get it done by then unless there is an issue here that would prohibit us from being able to complete the audit. As has been said here, you would like for us to come March 1st or 31st, whenever that is, and talk to you about why there would be a delay. I am happy to do that as well. One thing that I think I heard here a little bit, you know, we have a very clear understanding that our relationship is to report to the Board of County Commissioners when we perform the county audit. We obviously work with the Clerk's office and we work with all the officers, but we do report to you about the consolidated audit.

Something else that was raised was the concept of individual meetings. We did perform your audit. The last year we did it was 2002. Back then, actually, we did meet with each of the county commissioners at the conclusion of the audit to sit down and talk about the results of the audit. I enjoy doing that and it gives me the opportunity to get to know each of you a little bit. We will be happy to do that again.

Something else that was mentioned was providing the number of reports. You know, you have specified in your proposal what you need and we are happy to get you that. If you need a few more, we are happy to get you that as well.

Now, specifically – why would there be additional billings on contracts and who defines that and how is that defined? It is really defined in auditing standards as to what is expected that an auditor does. In layman's terms, what we expect is that when we come in to do the audit, that there be an auditable set of records. If we come in and find that one of the officers or the board's records are in such a condition that a significant recrafting of the records has to be done because they are factually and materially incorrect – negligent might be a good word to describe the accounting for them – then the issue becomes : Well somebody is going to have to clean these books up before we can verify the numbers. Well, what an audit is supposed to be is us coming in and verifying that your numbers are accurate. If it is going to be more than that, then we begin hitting that threshold moment of who is going to do this extra work? Is this something that we need to back off and step away from the audit and give you time to do it or do you want us to do it or do you want to hire another firm to come in and do the clean up work? That is the tipping point.

Morgan:

Do you mind if I interrupt. I appreciate your remarks. I have a comment for the Clerk. Is what he was just talking about, I mean, Ms. Muriel was saying that it was the end of August or something that we got our audit report. Are these the reasons that we are not getting it or is it just because the copies haven't been out? I mean, what is – is this a history that we've got an issue in Gadsden County or what?

Thomas:

Well, I will give you an example. When Purvis Gray & Company did our audit before, they would usually come in around December and bring in a whole bunch of people. They would be here for three weeks and then they were gone and we got our audit reports by March 31st. The current firm doesn't usually come in until after Christmas and sometimes not until February. And, they

don't usually bring a whole team like Purvis Gray used to do . He brought a whole team of people. Law Redd Crona doesn't bring in but one or two people in at a time. Sometimes, the main person is in our conference room for weeks and weeks and weeks because there is only one person working.

We prefer a whole team of people coming in for three weeks because while they are here, it is hard for our finance director to get very much else done because she is constantly having to answer the auditors' questions and provide them with information and that sort of thing. So, that concentrated period of time is preferable. You get a team here, you get the job done and they go back and you get your report in a timely way.

The current firm just doesn't come in until February and they stay here until March or April sometimes. This year, they have been gone since March. But, there are a number of reasons that go into why. Some of it probably has to do with other audits that they have to do. But, I think that they need to answer the question, really. Now, there is one thing. For the past two or three years, we have been doing all of the financial statements after they have completed the audit. Well, we can't start on that until til they finish with everybody. So, that takes us a couple of weeks sometimes to get done. So, we need a little time to get that done.

But, mainly, I think the problem is the issue of coming in, bringing a team, getting the job done and then going back and pulling together the audit. We just haven't had that with the current firm.

Morgan:

O.K. So, that is a logistical issue. That can be, as you mentioned, that was not a problem previously. There is nothing on the part of the citizens of Gadsden County have a concern about as far our availability of information from any of the constitutional officers, the accuracy, the causing of time lines to be pushed back. That is what I am interested in – to make sure that we aren't or that this is not an issue. But, that is what you are saying.

Thomas:

I am not aware of anything as it relates to the clerk or the board. Your records and the Clerk's record – absolutely. They have been done with the Clerk a long, long, long time.

Morgan:

And that is important. O.K.

Thomas:

(inaudible) a copy of that report. I really think that the firm needs to answer some of these questions. But, from the beginning, we have not been a priority. They have never reported by March 31. Never – since they have been doing the audit for six years now.

Morgan:

Thank you.

Lamb:

O.K. Do we have any other questions of him?

Commissioner Croley.

Croley:

I just wanted to ask you, sir, and thank you for coming up. When additional costs are incurred, you would explain then or report to the board that there is going to be additional cost and why before we automatically put that in a contract or how does that work? Maybe you could elaborate.

Whitesides:

I will tell you typically how it works and what our audit engagement letter will say is that if we encounter significant additional work beyond the scope of what is a normal audit, we will meet with management to discuss what the issue is and arrive at what we agree to be an appropriate resolution- whether it would be county personnel to fix the records or whether they want to do some sort of RFP to hire a firm or whether they would want to contract with us. Those types of things would normally be subject to all of your customary vendor policies and purchasing. I will tell you in general, we don't customarily or historically with Gadsden County have done additional billings with you if I remember correctly. I think we have pretty much been able to stick with the audit fee. Of course, I don't know the status of the records today since we haven't done an audit, but it is not customary that that would happen.

Croley:

I know that we need to move this item and if you are willing to entertain a motion, I will

Lamb:

We need to approve what Mr. Lawson has asked of us. Mr. Lawson, what are you asking for us to do?

Lawson:

I am asking you to award the auditing services to Purvis Gray and allow the administrator the opportunity to negotiate a contract and bring it back for approval.

Croley:

Then I will move that subject to the inclusion of the three provisions and Commissioner Taylor's fourth recommendation about a provision in there to terminate.

Lamb:

You have heard that motion. We are ready for questions. Commissioner Taylor, do you have anything you want to add?

Taylor:

No, sir. I am ready to move.

Lamb:

O.K. We are ready to vote. All in favor, let it be known by saying, "Aye."

All:
Aye.

Lamb:
Opposes?

(no response)

The “Ayes” have it. Thank you.

Mr. Lawson, do you want a copy of this or do you already have one?

Lawson:
I will get a copy of that from the administrator.

Croley:
We need to also give it to the Clerk for the record.

Lamb:
Thank you.

16. **Approval of Lawn Care Contract for the Chattahoochee Public Library to Gregory Donald Lawn Service - \$300 per month or \$150 per cut**

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT NAMED ABOVE.

17. **Renewal of Legal Services Contract with the Law firm of Ausley and McMullen as County Attorney**

A MOTION WAS MADE BY COMMISSIONER CROLEY TO APPROVE THE RENEWAL OF THE CONTRACT WITH AUSLEY MCMULLEN LAW FIRM.

Morgan:
I need to know what the total cost that the current firm has been for the past 12 months. Somebody must have that figure.
Williams:
Yeah, they do.

Lawson:
Unfortunately Commissioner, I don't have that figure with me today. I can get you that figure shortly after the meeting.

Morgan:
Thank you Mr. Lawson, I appreciate it. When you are considering an item like this, I would think,

to me, that would be the very first thing that would run through my head. “O.K. Here is what our existing agreement is, but in total, this is what we spent.” I want to say that I think they have done an outstanding job for us during this past year.

Williams:
I certainly agree.

Morgan:
But, that is just the way that my warped brain works. But I do second that motion.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO RENEW THE CONTRACT FOR LEGAL SERVICES WITH THE AUSLEY AND MCMULLEN LAW FIRM.

18. Contract with District Board of Trustee of North Florida Community College to allow their Paramedic and EMT students to perform clinical rides with Gadsden EMS

Commissioner Taylor voiced some concern about the contract seemingly to be an open ended contract. She asked that it be done in increments of three to five years instead. That would give the board an opportunity to review how well the program is working or if there are any concerns to be addressed. She also suggested that a “Hold Harmless” clause would spell out more protection for the county.

Commissioner Morgan asked the attorney if she had reviewed the contract.

Ms. Minnis replied, “Yes, I have. Actually, we dealt with the “Hold Harmless” issue and that is why Paragraph 8 was inserted. We had different language in there and we got a little bit of push back. So, what we did was we got in touch with Tallahassee to see what type of Hold Harmless language they had in their contract. It is my understanding that Mr. Theil has been the county attorney over there for more than 30 years. I figured that if he was O.K. with that language, it wouldn’t be awful for us to look at using it. So, that is why we inserted that our liability will only be whatever liability we would have under 768.28 which is the TORT protection laws. So, we inserted that language in paragraph 8.

Morgan:
So, you are comfortable with it.

Minnis:
Yes.

Morgan:
I move approval, then with that being the case.

Lamb:
Do we have any comment on number 5?

Croley:

Commissioner Taylor brings up a good point about an on-going contract, but if you look at Item 4, Commissioner Taylor - and we may ask Ms. Minnis to give us an explanation, but it does appear that this would simply be a 30 day notice and it is terminated anyway. So, basically, it is something that you don't have to see again, but if you want to get out of it, just sent them a letter and it is over.

Taylor:

I see what you are saying, but you sometimes give a program a span of time to determine its effectiveness. That is why I asked for the three years. Then they can come back and we can do increments of five years. It not only gives protection to insure that we've got a quality program going forward, but it also gives - there may be a different configuration of this body and it would give them an opportunity to address this at some point in time. You don't ever want to say indefinite agreement for this county because of different attitudes and opinions going forward. You saying that it is definite does not make it that you can get them out in 30 days because you also have number 5 that shows the other side that "I am here to stay." So, it is a good argument because you've got the one which kind of contradicts the other, but it doesn't. It just concerns me to see anything indefinite.

Lamb:

What do you want to see different in it.

Taylor:

I just want to put in three years. Come back in three years. After three years, then we will do increments of five. That is all I wanted to say.

Croley:

All I was going to suggest is to save the legal expense and Ms. Minnis, since you are coordinating with a lot of folks, could be maybe satisfy the concern by requesting that there be a report given at the end of 36 months as to how this program is going to satisfy Commissioner Taylor's concern. Then they can come give a report and as Commissioner Taylor is saying, if the results are not what you want, then send a letter and terminate it and move on to something else other than trying to pay the additional legal cost of redoing agreements.

Minnis:

Yes, you can definitely do that.

Taylor:

Then the hold harmless, now here is a legal question for you. I read number 8, but it doesn't outline the board of county commissioners name. We are not mentioned in here. Not only the board of county commissioners, but there are some other entities that we work in correlation with that needs to be protected as well. So, that is just a little broad for me. I know that a lot could happen on an ambulance. You even mentioned a few of them. There is an opportunity that there could be communicable diseases that these people are exposed to once they get into these ambulances. There is blood there and it exposes the county quite a bit. Allowing this is a good thing and I don't want to get in the way of progress. I just want to make sure that we are

protection along with the students as well as the county.

Lamb:

O.K. What can we do on that on number 8?

Taylor:

That is where my legal abilities are extremely limited. I just want to make sure that all entities are covered in the hold harmless agreement and that is all.

Lamb:

Ms. Minnis, do you understand what she is saying?

Minnis:

Yes, I do.

Lamb:

Is there anything that you need to change in that particular, on that number to -

Minnis:

Well, under this, basically under Number 8, North Florida Community College has basically accepted all the responsibility for its students, employees, instructors, agents and personnel and will pay the cost of litigation and expenses arriving under any situation. The only thing that they would not be responsible for would be one through the wonton and willful conduct, but neither would the county because under 768.28, the counties are protected from the wonton and willful and malicious conduct by any of its employees and agents and officers. So, we cant definitely look at that again, but I think the way it is written does offer all that protection.

Lamb:

Can I get a motion.

Croley:

I move approval of the agreement subject that a report be given at the end of 36 months from the date the contract is executed so that we can determine if we want to continue it.

Lamb:

O.K. you have heard the motion, do we have a second?

Morgan:

Second.

Taylor:

Second.

Lamb:

You have heard the motion. We are ready for questions. It has been seconded by Commissioner Morgan. All in favor, let it be known by saying, "Aye."

All:
Aye.

Lamb:
Opposes?

(no response)

The “Ayes” have it.

Chief Crum, in 36 months, we will look for you. O.K.

Next item.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOCE VOTE, TO APPROVE THE AGREEMENT SUBJECT TO A REPORT AT THE END OF THE 36 MONTHS TO DETERMINE WHETHER IT SHOULD BE CONTINUED IN THE FUTURE.

19. Approval to Apply for the Assistance to Firefighters Grant Program for the Gadsden County Fire Services Total Grant Request \$260,000 which requires 10% match

Commissioner Morgan raised questions about what funds would be used for budgeting the match.

Chief Crum responded, “The monies have been identified for the fire grant, for the fire side of it, Ms. Sherrilynn has identified those funds already and this year would like to (because it was not put in this year’s budget) we would like to use general fund money if we are awarded this grant.

Morgan:

I certainly understand the importance of this, but I would urge the commission – this is not something that we have budgeted for – I don’t feel comfortable approving that \$51,000 coming out of general fund.

Williams:

If it is awarded, when would the grant money come?

Crum:

It just depends. It could be awarded – the deadline is in two weeks for the application to be submitted. Once the application is submitted, it is a year long process. So, it could award –

Williams:

So, it could easily fall into next budget cycle.

Crum:

It could easily fall into the next budget cycle. Absolutely. But, it could be the first one awarded. But, it could be the last one awarded.

Croley:

Commissioner Morgan, your concern is a very valid one, but you are saving a great deal of public money if we are successful in getting the grant because then you would save all of that money for this equipment. You may be advancing some money up front for something, but you would be getting almost ten fold return on that investment. That would be a very wise move and very prudent use of the tax dollars from what I see here. So, that is why I am saying that I think we ought to approve it. Let him apply. We could always, if we have to, you know, we could turn it down. But, right now, I don't think you have to put out any money, just send in this paperwork.

So, Mr. Chair, I think it would be the prudent thing for us to do to at least let him apply.

Lamb:

Any other questions?

Morgan:

Yes, Mr. Chair. I appreciate and thank you for your response, Commissioner Croley. I agree absolutely, wholeheartedly as far as the return on the money. It is very good for a needed cause as I stated earlier. My question was – in the agenda item itself, is this grant – when did this come about as far as when we were going to apply for this? Were we aware of this? Is this a brand new grant?

Crum:

We were not aware of the opening date. They open every year, but we don't know when they are going to open. This one opened at the beginning of March, the beginning of May, I am sorry.

Morgan:

Every year, though, does this grant come about and are we aware of it?

Crum:

Yes.

Morgan:

I guess my concern with it is why don't we properly budget for these potential items? That is all I am asking. Anyway, that was my point.

Lamb:

Next time they will, hopefully.

O.K. We are ready to vote.

Are there any other questions?

Taylor:

Just a comment, question, rather. I am kind of leaning toward the side of Commissioner Morgan in trying to stay within our budget after the report given to us by the Clerk. I am leaning toward that way. But, then Commissioner Morgan made a very, Commissioner Croley, made a very noteworthy point. To apply and then kind of figure things out later. The only problem with that is that if we are not able to do it, then we would have hindered someone else, some other county from getting these dollars that might have been able to receive the award. So, I am in a quagmire. But, here is a question that is a defining moment for me. Can we use general funds for a match? I know some of these grants require restriction to certain funds to be used. It is kind of like a supplement – an area where you can't use certain dollars to match because of where these dollars may come from. So, that is my question. Can general fund dollars be used as a match? Now, you all have that researched.

Lamb:

I believe we will let the Clerk answer that question.

Thomas:

I have not read the specific grant, but generally, you can use general funds to provide matches for grants.

Taylor:

O.K. That is it.

Lamb:

O.K. Let's carry this motion. All in favor of the motion, let it be known by saying, "Aye."

All:

Aye.

Lamb:

Make that unanimous.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY CHAIR LAMB, THE BOARD VOTED 4 – 0 TO APPROVE THE EMS APPLICATION FOR THE GRANT DESCRIBED ABOVE.

20. Approval to Apply for the Assistance to Firefighters Grant Program for Gadsden County EMS – 1 set of tools and 1 new ambulance - \$159,000 with match requirement of \$15,990.00

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE GRANT APPLICATION DESCRIBED ABOVE.

Attorney Expenditures Revisited:

Clerk Thomas:

Mr. Chairman, if it is alright, I would like to go back and answer Commissioner Morgan's question about the attorney expenditures.

This is minus any hospital expenditures. We gave GHI money from the half cent sales tax that covers a lot of the hospital expenses. So, but from the general fund, you budgeted \$234,000. To date, you have spent \$88,646.00 dollars. So far, you have spent a lot less than you did at about the same time last year.

Morgan:

I believe we were averaging about \$550,000 in total legal fees. If I heard you correctly, Clerk Thomas, it was \$88,000 that we have spent?

Thomas:

So far this fiscal year.

Morgan:

So far this fiscal year.

Thomas:

Minus the hospital related expenses.

Croley:

I hope the news media gets that down.

Morgan:

I appreciate that. Thanks for getting that update to whoever provided that. I certainly appreciate it.

Lamb:

Thank you, Mr. Thomas and again, again, you see the improvement in this county. You see this county moving forward financially and in all areas. Please take that back into your communities, too, and see how we are moving forward. We are going to continue to move forward as long as we spend the taxpayers money wisely and discuss together and be able to come to conclusions. WE rely on our Clerk to keep us on task. I want to thank the Clerk for doing such a good job. I want to thank the administration for getting along and cooperating with the Clerk's office. That is what it is going to take to move this county forward. We are moving forward at a good pace and carefully.

Thank you.

21 Approval of Bid Award of 10-10 for Supply of Asphalt Coated Culvert pipe to Gulf Atlantic Culvert Co. Inc.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE OPTION 1 - THE BID AWARD TO GULF

ATLANTIC.

22. Approval of Change Order Number 1 to Dupont Road Resurfacing Contract with Peavy and Son Construction Co. Inc. – reducing the price from \$693,701.00 to \$314,928.00; Also increase to Dodger Ball Park Road by increasing the cost by \$36,000.00

Williams:

We have identified a problem at Dodger Ball Park Road. Approximately 2,000ft. very rough at the end from the Ball Park side. Robert and I have talked about this and Robert has suggested that we just make it a change order to the Peavy Contract on Dupont Road, which would be the quickest and easiest way to do this. It is approximately \$32,000, I believe. \$36,000.

Taylor:

Mr. Chair.

Lamb:

Yes.

Taylor:

Did you recognize me?

Lamb:

Yes, Commissioner Taylor.

Taylor:

From reading this narrative, the change order, you are decreasing the contract that we have with Peavy & Son by a little more than \$300,000. Am I correct?

Presnell:

If you remember, we had a grant to do that Dupont Road job. The bids came in higher than the grant. The board awarded the bid to the lowest bidder and we went back and negotiated out certain segments of the projects to get it to the grant amount.

Taylor:

So, there is a savings, in essence, of a little more than \$300,000?

Presnell:

On paper. Those are not real dollars. It was a grant for that amount. We negotiated Peavy down to the grant amount.

Taylor:

So, it was a grant.

Presnell:

Correct.

Taylor:

And, so, now the grant dollars can be approved to take care of Dodger Park Road?

Presnell:

No, Ma'am. The grant dollars are all going to be spent on Dupont Road. The change order was to – You awarded the bid to Peavy. He was the low bidder, but he was way high. We went back and took out the guard rails, ditch work, slope work and negotiated him down to the exact penny we had on the grant. It basically covers the mixing and the paving. The \$36,000 will come out of contingency. That is real county dollars. Dupont is grant money.

Taylor:

Then, why are the two here together?

Presnell:

To expedite the process and -

Taylor:

So, you are giving it to Peavy to do?

Presnell:

We had a bid that is two weeks old with Peavy at a very good price. So, yeah, we didn't feel like it was prudent to pay the engineers and do a bid immediately one month after we just did a bid.

Taylor:

I am just trying to get to the cusp of it. I don't have any problem with it. I can understand why it is being done and I don't have any problem with this. To be very honest with you and my board members, I was trying to see if I could get a road taken care of as well. That is my only reason for the line of questions because I am interested in Talquin Avenue – to see if I could sneak Talquin in there. So, I understand why it is being done. I just wanted to hear it. So, you are saying if we go ahead on and capitalize on the Peavy and Son bid here, that we can get this road done at a much reduced cost.

Presnell:

\$65.00 per ton and we didn't' spend anything on engineering services. That is correct.

Taylor:

So, Dodger Ball Park is bringing brought up for reasons why?

Presnell:

Just a segment of it. A segment of it has some base issues. It is cracking and popping up.

Taylor:

Are there a lot of people on that road? Are there a lot of residents on that road?

Presnell:

I wouldn't say a lot. It is rural highway.

Croley:

It is a connector road though, isn't it?

Presnell:

Yeah. A lot of trucks use it. But, as far as residents, there may be 20 or something. But, like you say, it is a connector road.

Taylor:

Is it an active road?

Presnell:

Yes.

Taylor:

Like I said, I have no problem with that. And, I will say it again.

Croley:

Can we move a motion?

Taylor:

Hold on just a second, I still have the floor. You are not going to get any argument or push back from me. I just wanted to be able to have a little dialogue with this.

As you said, you are capitalizing because they are here and you are not having to have an engineer firm involved.

Presnell:

Correct. The only reason that I recommended that to the administrator was because we had such a recent bid. If you all were ready to approve a road tonight, I would have to recommend to him the exact same thing as long as that bid is pretty new. To be honest with you, that is a very good price.

Taylor:

Again, what do I do, Mr. Chairman. **MOTION TO APPROVE.** This is for you. **MOTION TO APPROVE.**

Croley:

SECOND.

Lamb:

It has been moved and properly seconded that we approve the Change Order Number 1 to Dupont Road Resurfacing Contract with Peavy and Son Construction Co. Inc. – reducing the price from \$693,701.00 to \$314,928.00 and to increase it to include Dodger Ball Park Road repairs by increasing the cost by \$36,000.00. Do we have any questions. Ready to vote. All in favor of the motion, signify by saying "Aye."

All:
Aye.

Lamb:
The “Ayes” have it.

Taylor:
Here is a question that I want to ask the administrator and Robert as well. This \$32,000 comes from somewhere. This \$36,000 comes from somewhere. My question is – is there still some dollars from that somewhere?

Presnell:
We have a contingency in Public Works.

Taylor:
What is the total there now o the best of your recollection?

Presnell:
A little over \$100,000.

Taylor:
Thank you. That is all I have.

23. Update on Board Requests – County Administrator

Taylor:
I have a question about signage on Strong Road. Have we got those signs coming along?

Williams:
Jill has been working on that project. I don’t see any reason why we can’t go ahead with it if Jill and Robert will get together on that.

Jill, do you want to say something on that? I see you coming forward.

Jeglie:
The question would be – Will the applicant pay for that signage? When this particular project went forward to you all, the Planning Department’s recommendation was that they come to Public Works and provide a crosswalk and signage and possibly slow the speed in that area. That recommendation that was in the staff report was not followed through with, so there was not a requirement to do so. There was a variance approved to not require sidewalks along Strong Road and a recommendation had been made to have the sidewalk across Strong Road and place a crosswalk. At that meeting the variance was approved not to require a crosswalk and/or any

additional signage. So, at this point, we are very concerned. Commissioner Taylor had raised the question regarding signage. I sent a Code Enforcement Officer out there to see if they had proceeded and not requested any signage. There was not and they are crossing children across that road contrary to what you may have read in the paper recently. Children are crossing across Strong Road without a crosswalk, without crossing guards and without any additional signage. So, it was brought to my attention at the end of last week. That was contrary to the testimony provided at those meetings.

Taylor:

Here is where I am going with it. I just simply think that we need to get on top of it because of what it is, which is a school, and the fact that there are children. You know, I just think that we need to get on top of that. Whomever needs to erect these signs needs to do it as soon as possible before there is an incident that we cannot get back. I don't want to go back and forth with who's what and what has been happening, but that the signs are being put up. Hopefully, as soon as possible.

Jeglie:

We can, we will contact Ms. Forehand and ask her to cease the activity of crossing the students there and we can also bring something back to the Planning Commission and the board for they would require her to provide as far as crosswalks, sidewalks, etc. if she wants to continue that activity.

Taylor:

I think there just really needs to be some dialogue that needs to go forth. I am understanding why they are going back because the ground that they are using for recreational activities. I just think that whatever they can do and you can do to expedite it is the only thing right now as opposed to trying to spill this thing out. The sooner it gets done the better.

Jeglie:

I think they definitely need to cease that activity that is going on right now.

Lamb:

Right. Come dialogue needs to be going on. Whoever is responsible for doing it needs to do it. I hope we don't have any more variances come to us concerning that or waivers coming to us concerning it. Variances or waivers. They need to do what they need to do in order to protect those young people out there at that school. There are some things that they have not done that they need to do. I personally thought that they should have put sidewalks out there, but I did not prevail in my vote on that. Now, you see that they need sidewalks. Now, they don't even have signage out there. They don't have a guard out there, but that is their responsibility. They need to do something themselves. Hopefully, they won't come back here asking for a variance or a waiver.

Jeglie:

We can make sure that no further COs are granted until they have rectified that situation.

Lamb:

Exactly. Thank you.

Taylor:

Let me say this. You don't want to halt the development out there. That is not what I am asking for. What I am asking for shouldn't take any more than a week to put up the signs, to do and identify a crossing walk. That shouldn't take long. You don't want to tie their arms up either. They will come here and we don't want them here. We want to work with them. That is the whole idea of having that Planning Department now being customer friendly instead of tying their hands and arms. They are doing a great job out there and you don't want to stop them. I don't want to see all the parents and all those up here. I have seen them gather before when they are in opposition to something. You don't want to see that happen. Just give them an opportunity with dialogue and get it up as soon as possible. You don't want to just stop them. I hear what you are saying.

Jeglie:

No, I am not saying to stop. I am saying that we would not issue any final approvals. They can continue with their construction. They will not be complete in their construction within a week. I agree that they should be able to contact their engineer and/or Mr. Presnell about what is required regarding signs and get it done. They should be able to do that.

Taylor:

Thank you. That is it.

Lamb:

Anything else directed to the administrator?

(no response)

Madam Attorney?

Minnis:

I have no items at this time.

Taylor:

For the attorney, I am sorry, and this is really quick.

Lamb:

Do you want to wait until we get to you then?

Taylor:

No, because I see one of the gentlemen here and it is an attorney question. Real quick. Real quick.

With regards to Mr. Long, he had requested several documents from you on clearance. Are you familiar?

Minnis:

I am not sure what clearance he is talking about. We have given him a response to his request. He had indicated that we have not given him a response, but we did give him a written response. He mentioned something about that we were obligated to give him surveys and that the prior attorney had obligated to give him surveys. But, I could not find any indication that we were obligated to give him that.

Taylor:

Well, I see that he is here. Will you have an opportunity to speak with him?

Minnis:

Sure.

Taylor:

Thanks, that is it. That is it.

24. Discussion Items by Commissioners

Commissioner Morgan , District 3

Morgan:

Thank you, Mr. Chair. Just a couple of quick items.

First, I wanted to take just a second to thank the Clerk, again, for being with us this morning. I know our hospital board chairman, Mr. McMillan, is also here. We appreciate them taking an interest in coming and communicating with us. I think that a lot of things that we heard this morning show that there have really been some policies put into place and some good things are being accomplished here, particularly during this past 12 months. I know we talked a long time about the hospital and the fact that we are seeing that as a reality, but that is because there were some really good decisions made and we, in my opinion, approached it the right way. I want to thank the board, as a whole, because that is a major accomplishment.

Budget

I do want to make a remark about the budget. We are simply half way through this fiscal year. We have done a really good job, in my opinion, because of how this board has responded to different items. The Clerk mentioned that we are improving dramatically in our finances, but we still have half the year to go. I think it is critical that we maintain focus on these expenditures and prioritizing these expenditures.

Projected Revenue Shortfall from Ad Valorem Taxes

We got a email from, all the board I am sure got an email, from the Property Appraiser that confirms his projections on revenues for the next two years and they are going to be down. That is just one area that we are going to see a drop in revenues. I think it is really important to keep up the good work that we've done so far.

Appreciation to County Administrator's Staff

Mr. Administrator, to your staff, I would like to really say how much I appreciate – I know I went through you on several different projects that involved (in the recent 10 days or so since we last met) and it involved Mr. Lawson's office, it involved Betty Sprenkle, Charles Chapman and they just really did a great job responding and getting information to me. I am very appreciative of the effort that they put in. In my opinion, it was beyond their normal routine activities. They were just some last minute things that I requested.

Williams:

Thank you. I wish I had about a dozen more like them.

Morgan:

They do a great job and I appreciate that.

The other thing that I wanted to mention real quickly. Again, I see Mr. Southerland is here and is filming our meeting. To you, I say thank you because that is at no charge to the county and we appreciate the opportunity for you to communicate what is going on up here with the citizens of Gadsden County. So, thank you for that.

Responders to Bus Crash

Then, last, but certainly not least, we had a recognition program over in Chattahoochee this past Sunday at El Bethel Church and it recognized very special young men, five of them, who where among the first responders at the March 8th bus crash. I know that the chairman is aware of that and I think maybe the entire board is, but these young men – I hope that we will take a moment out and just call and say, "Thank you" to them.

I appreciate it.

District 4 Commission Seat is vacant as of this date.

Commissioner Taylor, District 5

Status of Audit Report FY 2009

Taylor:

Here is a request and I am hoping that you all will concur. The auditors that we now have on contract, they are still on contract. When does that contract expire? That is a question real quick. Does anyone know?

Thomas:

I assume after they present the final audit to you.

Williams:

Yes.

Taylor:

Well, I was hoping that we could get a representative in here sometime soon and give us a

timeline as to when we will be able to get what. Right now, we don't know and we are operating in the dark. Either a letter from them or something from them letting us know when we can expect the report.

Lamb:

O.K. Mr. Lawson or Mr. Clerk, can you all get in contact with them?

Thomas:

I will give them a call.

Taylor:

Can we have that information or a representative at our next meeting? If that is at all possible, I will appreciate that. So, it will help us in formulating this contract as well so that we can see what obstacles they have had. In going forward, we can avoid some of the same mistakes. So, please, please, please try and get that information.

Road Naming Procedure

We did the naming of a new road. I would like to know the process of the renaming of a road. I have had some folk call me on one particular road. They want to rename it.

Williams:

It is the same procedure. 911 has to look at it and then they have to bring that recommendation to the board.

Taylor:

Will the citizens on that road be polled?

Williams:

I would recommend that. I certainly would.

Taylor:

All right. Then, I will get with you. If you have staff or whomever you want to designate to call me so that we can get that started. They made their request over two months ago.

Lamb:

911 is the Sheriff's office, isn't it?

Williams:

Yes, that is Emergency Management.

Taylor:

Well, whomever. I don't know the process and that is why I am making inquiries now. Whomever needs to get in contact with me.

Croley:

That would be Mr. Devane Mason.

Taylor:

Mr. Administrator, would you initiate that for me, if that is o.k.?

Williams:

Which road is that, Ma'am, may I ask?

Taylor:

I would rather talk to you privately about that. I would not want to publicly (inaudible) Cause I have only talked to a few of them. I wanted to get some legwork done before I put it out there.

We talked this morning, and I might say, Mr. Chair, we are moving very well. This is the first meeting that I am going to get out of here before twelve o'clock and I am very excited about that. We talked about the attorney's contract, but I have not heard anything about the county administrator's contract. That should also be expired or up for renewal. I certainly – I know we brought on the county administrator before we did the attorney, so, we need to look at renewal of his contract, then do an evaluation for his performance. I am sure that is something that is customarily done. Am I correct?

Lamb:

We will get with Mr. Lawson on it.

Taylor:

O.K. Thank you.

Affordable Housing Advisory Committee

I need to know the names of the committee members that is on the housing program. I know the one that presented, but I want - there was a concern about whether all these people are active. Mr. Administrator, I need to know the names of these people and to make sure that this board is activated.

Appreciation Resolutions Regarding Hospital Efforts

When I was walking in this morning, I had two to jump on me to make sure that I did not pull that resolution for approval – It was funny. The administrator did talk to me about what they were trying to get done and indicated some very good information, which is why I didn't bother anything on that consent agenda. But, the resolutions should be number through 2010-027. We went up through 026. 027 – that is just me, and I am sorry, but I think there should be a resolution for this board for the four or five of us that worked. There should be a resolution. I looked through everyone of them and no one made any mention of this board. I know I went through some heart ache. I have been lied on, pulled, jerked every which a way you can go about that hospital. But, through it all, we persevered and I think this board should be recognized for the tenacity that we have gone through and that if 201-027 that I think we need to add in and not stop with 026.

Talquin Ave.

Last and final thing. Mr. Presnell, I guess I am always working and I appreciate you. I appreciate you and the job you have to do out there. You have a tremendous task. I appreciate you and your group and the things you have done. That \$100,000 you mentioned a minute ago in your contingency fund. I am going to ask, you know this is just how I do it, I don't come up here with surprises – I don't even call that much in the intervals. I certainly don't bother, but I am going to ask that you do look at Talquin Ave. If you don't mind, Mr. Administrator, and if you all don't mind, take a look at that. We started paving it. We started on the south. We started on the north, and when we got to the middle, we stopped. It is dirt.

Lamb:
We who?

Taylor:
The county. It is a public road.

Williams:
Yes, I have ridden.

Taylor:
You started it. A brand new road on both sides and stopped right there in the middle. There, you've got dirt.

Williams:
Yes, you've got dirt in the middle.

Taylor:
I still don't understand why it was abated at that time. (inaudible) I doubt it would cost more than \$15,000 - \$20,000 to finish that little piece.

Presnell:
When we paved that road, Talquin Ave, it was about six years ago, we had a land owner there who would not give any right-of-way and there were storm water issues with DEP – it is really close to the lake there. There was a cross drain that went directly into the lake. So, the board at that time chose to skip that part because we have a policy of not buying right-of-way. That is the reason that it was left.

Williams:
Is he still there, Robert?

Presnell:
He is dead.

Taylor:

He is dead and gone.

Lamb:

As she said before, go back and look at it and see what it would take.

Presnell:

We will talk to the new owners and see if they will be willing to give the right-of-way. The right-of-way is the secret to that whole project.

Williams:

And get us a cost estimate.

Presnell:

Yeah, we will work up the price.

Comp Plan

Taylor:

And the Comp Plan. That is not you, Robert. That is the County Administrator. I don't know if you all are ready. I understand that you are getting ready to bring in a new director over there. I don't know if you are ready for a Comp Plan, but we need to keep that in the forefront. If we don't start the future, this is set by the four of us. If we don't start and stay focused for new development, there won't be any. So, we need to be proactive about where this county needs to go and start looking for those dollars. They are going to get scarce. They are few and far between. Now, while there is still some stimulus dollars out there and available, we need to talk about infrastructure going into areas and prevent this urban sprawl, this cluster that is going to happen if we don't build waterlines on out into other areas.

So, please, Mr. Administrator, the Comp Plan needs to be discussed. We need to schedule it. We need to do that.

Williams:

Do you want a special meeting?

Taylor:

Schedule a meeting.

Williams:

That would be up to the board, I would say.

Taylor:

Well, here is what I am going to ask of you because the board is probably looking to see if we are prepared for this discussion. We need to already have some material in place in order to have an intelligent discussion. Some resources need to be provided to us in order to discuss this intelligently and then see some progression as opposed to us sitting up here just trying to come up with some ideas and not have any plan in front of us that steer us into some direction, I guess.

Lamb:

So, what you do, Mr. Administrator is get with your Growth Management Department and see if you all can come up with some materials for us to discuss. Then bring that back to us and we will make a decision here as to whether we want to have a special meeting about it. I agree. We will have to make that decision here.

Commissioner Croley?

Commissioner Croley, District 2

County Property – Formerly Fountain Property – US 27 North Purchased through FEMA Funds

Croley:

Briefly, Mr. Chair. I want to raise something. This is not getting into District 1's business, but it is an observation that I made this week. I saw heavy equipment on that piece of property that we call the Fountain Property (on US 27 that was accepted by the Board) this week parked on the property. I wanted to make you aware of that and also the county administrator because what security has been made to secure this property and who has responsibility for it now?

Lamb:

Is it our equipment? It might not be our equipment.

Croley:

I know, but it is on our property now and that is one of my concerns. Who is overseeing the property.

Williams:

I was not aware that there was equipment on it.

Croley:

But, who has responsibility by law to secure the property?

Williams:

By law, I am responsible and am the custodian of all county property.

Croley:

Yes, sir. Well, I am making you aware that you need to go look at what is going on on your property.

Williams:

Thank you.

Capital Regional Transportation Planning Agency Meeting

Croley:

The other matter, Mr. Chair, is that I want to report to you that Capital Regional Transportation Planning Agency met yesterday at Tallahassee City Hall at 1:00 p.m. I wanted to let you know

that while there was obviously a lengthy agenda, one of the things that we were able to secure for Gadsden County and the other rural counties – And, Mr. Presnell may be interested in knowing this – and that is they gave unanimous support for a communication to be sent to the US Department of Transportation seeking support or a expansion of their programs to help you with the rural collector roads – the roads around in this county that have been deemed a foot too narrow to meet their funding requirements. Mr. Brian Paulk, with DOT, was present and they are helping to draft this up, but you got unanimous four county support for that. So, hopefully, Gadsden County will see some financial benefits along with some of the other rural counties in this area. So, again, that is a very good thing for Gadsden County in working together regionally as you have talked about, Mr. Chair, on many occasions. We are getting support from all around the area for the progress that is being made here.

Thank you, sir.

Commissioner Lamb – District 1, Chairman

Lamb:

I don't have anything particularly to say except, Commissioners, thank you for moving forward in this county. We've made a lot of progress here and all we have to do is to continue to work together with the administrator and the attorney firm and we can just go forward.

Don't forget. If there is anything that you need to call the administrator about to alert him on before we get to the meeting, it would really help. If you see a tractor or something parked somewhere, you can just tell him and tell him to take care of it before we get here. But, if there is something that you just can't hold, bring it on here and we will talk about it.

Do you have something?

Craig McMillan:

If you don't mind.

Lamb:

That is good. You go ahead. You are taking my time, now.

McMillan:

Well, I am sorry.

Lamb:

That's o.k. (Laughter)

McMillan:

I know you want to leave, too.

Hospital Update on Staffing

I get got an email, a copy of an email from Capital Regional Medical Center that I thought you would like to hear. It is just following up on other things that we have been saying all along. It is from Dale Nealy, who is the CFO for Capital Regional. He says, "We are in the process of hiring approximately 45-50 new employees to work at Capital Regional Medical Center Gadsden Memorial Campus." That is confirming what an industry this is that is being brought to Gadsden County.

Lamb:

That is improvement and advancement for Gadsden County. That is what your Board of County Commissioners are working with the Hospital Board to try to do. That is improvement, people. Ladies and gentlemen, that is improvement. Please, go back and tell them that. That is what we are doing here. Just moving forward.

Commissioner Morgan, did you want a second of my time?

Morgan:

Less than 30 seconds of your time as I know that you are hungry just like I am.

One name that I failed to mention, Mr. Administrator, when I was giving accolades earlier. You know, we have got Ms. Jill Jeglie who has stepping in and performing a lot of tasks as our interim Growth Management Director. I have heard many, many, many compliments on how she has handled this. I am sure that you would agree that she has done a great job and I want to add her name to that.

Secondly, if you could make the public aware of our public meeting this evening at 6:00 p.m., I think that would be appropriate as well.

Thank you, Mr. Chair.

Hospital Ribbon Cutting

Lamb:

Don't forget on June 8th, there will be a ribbon cutting ceremony down at the hospital at 10:00 a.m. Please tell everyone to come out and support this effort.

Morgan:

Mr. Chair, I am sorry to interrupt. Were you going to give the details of that meeting this evening – where it is and the time and that sort of thing and what it is about?

Williams:

For the public - It is at 6:00 p.m. this evening on the third floor of the Holiday Inn Express at the Quincy Interchange.

Morgan:

I think it is actually an open meeting in the conference room, is it not?

Lamb:

It is an open meeting.

Williams:

The open meeting is going to be where?

Morgan:

I believe in the conference room on the first floor.

Williams:

First floor. O.K. The meeting rooms are on the third floor and the conference room is on the first floor. I got you.

Lamb:

Just tell them to come to the meeting room.

This meeting is adjourned.

Receipt and File Agenda

- 25a Policy of Title Insurance – Larry Fountain Property
- 25b Office Ally Enrollment - Gadsden Urgent Care - Software for CMS
- 25c Grant Adjustment Notice – Recover Act Edward Byrne Memorial JAG Program 2010-ARRC-GADS-5-W7-203 Adjustment No. 1
- 25d Resignation of Commissioner Brenda A. Holt – Due to retirement from DROP
- 25e OMB BA# 100080, 100082, 100083
- 25f Proposal to the FY 10 US EPA Brownfields Program for a community wide assessment grant application

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 11:30 A.M.**

Eugene Lamb, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

Doug Croley, Gadsden County Commissioner – District Two

2010 – 2011 Goals & Objectives

5-16-2010

1. Improved Customer Service

- a. Citizens First – County government should service the citizens – not the citizens serving county government.
- b. Measure and Evaluate Performance – Track production and evaluate the results.
- c. Develop a strategic plan for the delivery of customer services

2. Improve Financial Performance & Public Accountability

- a. Review and monitor revenue structure by developing a strategic plan for proper funding
- b. Build county reserves
- c. Hold all county operations accountable for their respect financial performance by proper audits

3. Improve Public Safety *Infrastructure*

- a. Improve Emergency Management
- b. Activate the Gang, Drug & Prostitution Abatement Board
- c. Improve law enforcement, fire services, roadways and emergency medical response.

4. Improve the County Environment

- a. Strengthen code enforcement
- b. Promote scenic beautification of state and county road rights of ways
- c. Strengthen the protection of water and wildlife resources

5. Promote Sensible Economic Development

- a. Support existing local businesses
- b. Strengthen local municipal governments and get infrastructure resources to the I-10 interchanges.
- c. Support regional economic and educational opportunities

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON JUNE 1, 2010 AT 6:00 P.M., THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

PRESENT: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
District 4 – Vacant since resignation of Brenda A. Holt
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

CALL TO ORDER

Chair Lamb called the meeting to order, called for a moment of silent prayer, then led in pledging allegiance to the U.S. flag.

AMENDMENTS TO THE AGENDA

The following changes were made to the agenda:

- Delete Item 2 – Mr. Doolin cannot be present.
- Item 13 was pulled at the request of Captain Crum.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD
VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED.**

AWARDS, PRESENTATIONS AND APPEARANCES

1. Parking Challenge to Business in Downtown Quincy

Ms. Grace Malloy, Chair of the Quincy Mainstreet, addressed the board on behalf of the Quincy Main Street Program.

Malloy:

The Quincy Main Street Program, the mission of the program is to together public and private stakeholders to revitalize and promote Quincy's commercial district. That involves resource building through private citizens, companies and public entities, infrastructure improvements, economic development, publicity and special events that bring people down town. Of course, Quincy has a wonderful downtown courthouse square. It is the last complete square in the State of Florida, from what I am told, in terms of the existence of the original historic buildings. Our vision is to develop a thriving commercial district anchored by that rich history as well as our leading cultural organizations, create a destination for visitors and a social gathering place that continues to strengthen our community.

With that, we set priorities for this year. They were twofold. One is to support our existing businesses who are in a recession and we didn't see the sense in trying to attract new business before we helped to insure that the ones that are here, stay here and grow. The other is to continue to build upon our monthly Mainstreet Events that help to bring the community together and draw people downtown.

In supporting existing businesses, we thought it best to start with a survey last December and this January. We asked the area business why they do business here. What strengths are in Quincy that attract them? What challenges do they face? The number one challenge they face, especially if they are near or in downtown – is the lack of parking for customers.

If you look at your first page, it says that parking is the #1 barrier to achieving the Main Street Mission. If you are a retail business and you have no customers, you have no business.

In terms of the Gadsden Arts Center, I hadn't fully appreciated the challenges of the parking issues until about two years ago when I returned to my position at the Art Center. We have been doing well. We attract between 10 – 20 people a day and up to 30 on Saturdays. Between 200 and 550 at our exhibition openings. Those are in the evenings. But, what I have learned is that during business hours, parking is a real challenge. The people that it most impacts are our older residents. If they drive a few blocks to visit the art center or have lunch at Miss Helen's or at Divine Grace and they have to lap the block twice and don't find a space near by, (and they are older and you won't walk several blocks) they will drive home or they will go elsewhere. Those folks who have driven from out of the county will usually park a couple of blocks away and make the walk. But, for the local folks, they are really able to participate less downtown because of the parking issue.

We have had several new businesses attempt to move into downtown spaces and rent. They are facing the same issues. Again, if the customers can't reach them during business hours, they can't do business. We have two buildings for sale on the square right now. A savvy business owner or developer won't buy those until we can offer some solutions to the parking issue.

What we have identified are both short term and long term solutions. Short term, the City of Quincy does have on its books for two hour parking. That is for around the square and also the streets feeding the square. You can see on the square some signs that are nearly faded white. If you look closely at the lettering, they say "Two hour Parking", but that has not been enforced in a while. The Main Street businesses (and the members are listed on page 3, so you can see who our paid members are this year) have asked the City staff to enforce that ordinance again. But, before we move forward with that formally, we would like to talk to everybody who is involved or may be adversely impacted by that.

Enforcing that ordinance, of course, will create more parking for business customers, but it will create challenges. The primary challenge will be faced by folks who do business at the courthouse. The courthouse staff, the jurors and judges. There is a direct correlation between the business happening at the courthouse and whether or not there is available parking on the square. If it is a court holiday, there is plenty of parking on the square and you can really read it according to what is happening at the court.

In the long term, purchasing an alternative site and creating parking either for visitors or for courthouse participants or both, will be a great solution. Of course, that requires funding. So, back to the short term. We will be going to the city commission soon asking them to enforce this two hours parking ordinance again. They are able to do so now because the Police Chief has developed a volunteer crew that is helping with a number of things that have not been staffed. So, they would be able to do that should the city commissioners vote to enforce that ordinance.

I have identified on Page two, prospective parking areas that in adversely business or the court might lease or purchase for alternative parking. I have noticed several lots that are not utilized during main business hours between Monday and Friday from 9 – 5. That may be an inexpensive short term solution. If these entities could resolve any potential liability issues and lease those lots, more money in their pocket that they don't have and possibly a cheap solution for those looking for more parking.

Off site parking, unfortunately, for the business customers may not be a good solution because, again, these are largely older people from our local area who can't walk very far. A final parking issue that we have is very, very limited handicapped parking of the square. We will ask the City that that also be addressed.

I have provided highlights from that Main Street survey. I am happy to provide anyone a full copy to anyone who would like it. I can email it to you. But, tonight, I would simply ask for your feedback and any ideas that you may be able to share on this issue. I realize that the courts and staff are outside of your jurisdiction, but occupy a lot of space here on the square and you may have some insights for us.

Lamb:

Ms. Malloy, so, they have not been enforcing their law?

Malloy:

No. My understanding is that this type of survey was done about 15 years ago and the 2-hour parking was enforced for a number of years. Then that went away and full time employees began parking on the square again.

Lamb:

When you approach the city officials, will you ask them also to consider a grace period before they go into enforcing it directly. If you don't, you are going to get a lot of kick back saying that we were not warned and we have been doing this for years.

Malloy:

Sure. Sure. Do you have other groups in addition to the courts that you recommend that we speak with prior to going to the City to discuss the issue?

Lamb:

Some of the other commissioners might have somebody. Since Ms. Taylor has been on the city commission, she may be able to give us some insight on who we might contact.

Malloy:

You might know more of the history than we do.

Taylor:

Well, what I do know is that I think that even through the county, that they were planning to use the building adjacent to the Capital City Bank - that lot behind the therapy center, Charles? That was going to be parking space and they were going to have two or three levels there. That was supposed to be something that they were looking at in the short future. That is the only thing that I heard that they were going to do. They, being the county, and not the city. They were looking at that aspect. There is ample room back there to supply parking for the court. The biggest problem is the courts. That is where most of the parking comes from during the day. As far as remedies and solutions. Obviously, space is limited downtown. You are going to have this problem unless you find additional parking space. I think, as the chairman has said, grace is one thing you can offer the citizens when you get ready to enforce this 2-hour minimum. But, you are also going to have a double sword effect. Some are not going to come because of it. You have an hour and a half for lunch, then if they want to tour the art center, then that is two and a half hours. Some people are going to want more time. I don't know how wise it is to enforce that until you do a survey. That is it, Mr. Chair.

Lamb:

Commissioner Croley?

Croley:

Yes, Ms. Malloy, it is always good to see you. Good report.

You know, something was brought to my attention today that when you do have these parking violations in the two-hour, even if it was enforced, if they were there for court, if I am not mistaken, and Clerk Thomas might be able to confirm this, but I don't believe that the traffic citations necessarily hold up when the charges are filed. Is that correct, sir?

Clerk Thomas:

The city used to grant a waiver for people that were here for jury duty. If I may, I would like to add something. A lot of this affects my office and the courts.

Let me start by saying that we are all in this together. We are not at odds. There is problem. I acknowledge that there is a problem. I had 105 jurors in the courthouse today. There wasn't adequate parking for them. Certainly, if someone came up to the courthouse square today, they had a problem finding parking. But, I think that government should provide parking, certainly for jurors and people coming downtown to use the courts. The courthouse has been there 100 years. It is not going anywhere. What we do has only grown over the years. So, that is just one of the realities that we deal with. we have 150 people on a docket sometimes when we have Traffic Court or Misdemeanor Court and on and on.

One of the things that I had thought of was the CRA money. You were talking about funding and I didn't see on here on your proposed funding sources any CRA money. The county has contributed \$2, 015,000 since 2001 to the CRA which is controlled by the City of Quincy. Certainly, that money

could be used for acquisition of parking. If the businesses downtown are complaining about parking, it seems to me that is a very reasonable use of that money. The county has made its contribution from my point of view through the CRA. We have been contributing up to almost \$360,000 a year. That money comes off the top when the tax collector starts collecting money in November. He usually sends the check to the City in the month of November off the top. The CRA gets its money before we get our money. So, I think that really needs to be looked at as a reasonable way to acquire property and provide reasonable parking for downtown. We had a problem years ago when the city suggested that my staff use the city lot down by the Garden Center. That was a problem. We had a purse snatching incident many years ago. That type of situation is not acceptable. But, we are in it together. We want to be part of the solution. We don't think Clerk staff is the problem. I think we have to do what we do downtown. But, we want to be a part of the solution. I think we need to look at the CRA as a potential financing solution.

Croley:

To follow up, then, Mr. Clerk and Ms. Malloy. I just remind you that this board has approved the courthouse square to be the Veterans Memorial Park. We just need to take that further. You've gotten support through the Capital Regional Transportation Planning Agency to support the truck by-pass to take steps to have that shovel ready. As the Clerk said, I think that we are all in this together.

Commissioner Taylor has pointed out that this is part of the court process to try and deal with the parking. I think what we really need to do is maybe, Mr. Chair, if you will entertain this is give you some sort of resolution of support that Clerk Thomas can work with us on to present to the City of Quincy and encourage them to look objectively at a parking facility close by within site of the Courthouse so that we not only help you with your immediate parking situation, but to come up with a long term solution that is safe for the employees, your visitors and all who may wish to visit downtown. I have heard from quite a few businesses that they have the same thought. I think you have been very progressive in bringing it to the board's attention.

Lamb:

O.K. Do you have something to add?

Morgan:

None other than, Mr. Chairman, than what Clerk Thomas has said. I agree with that whole heartedly. The CRA funds should be used for that.

Lamb:

In your research, keep us informed on what you are doing. If you need our help, let us know, please.

Croley:

I just wanted to ask if I may offer a motion of resolution of support and that it be prepared in conjunction with Clerk Thomas and sent to the City of Quincy.

Lamb:

I think that is a good idea.

Croley:
I would so move.

Lamb:
Could I get a second?

Taylor:
I have a second with a question.

Lamb:
It has been moved and properly seconded that we give a resolution to Ms. Malloy and her organization on this particular item. Do we have questions? Commissioner Taylor?

Taylor:
Thank you. This question is for Mr. Hayes. Realizing the constraints of the dollars for CRA, understanding the rationale that Commissioner Croley has used to allow those dollars to apply, but, you being, I guess, having a closer look at what the criteria is for using these dollars and the area that it can be used in, are we in accordance? Would we be able to use those dollars for what we are putting forth before you now?

Charles Hayes:
Yes. What we are proposing

Taylor:
Short version, please.

Hayes:
What we are proposing, and you are doing exactly what we would like for you to do – having the county to support this process – the next step is when it comes before the city commission – because I serve as the Main Street director as well as CRA director – we are trying to acquire a lot with CRA dollars as we speak in our upcoming budget. But, we need to make sure that everybody is in support of the incorporation of this process. The answer, in short, is yes. It is in accordance with CRA.

Taylor:
That is it. Thank you.

Lamb:
Any other questions. If not, we are ready to vote. All in favor, let it be known by saying, “Aye.”

All:
Aye.

Lamb:
The “Ayes” have it.

Thank you, Ms. Malloy.

2. Legislative Report by Chris Doolin, Lobbyist

This item was deleted from the agenda.

3. Hospital Update

Attorney Mike Glazer:

Good evening, commissioners. Just a brief update tonight.

We are still on track with the hospital. There is more equipment coming in. There is more people coming in. I stopped by there on my way over here this evening because I hadn't been through the hospital in about 10 days or so. It looks so much better than even 10 days ago. If you walked in and saw the treatment rooms in the emergency room, for example, they rival treatment rooms that you would find in any hospital anywhere in this state. Ms. Minnis stopped by and we gave her a little bit of a tour, too. She had not seen it. We were introduced to the woman who is going to be the director over there. She came out and introduced herself. She is a resident of Gadsden County and she will be splitting her time between Tallahassee and this hospital. The day to day administrator was over there and there is just a lot of stuff going on.

The final inspection – the hospital operation survey – is scheduled for later this week. We are all keeping our fingers crossed that it will all go well. We are still on track. Again, the bottom line is that we have to have a license by June 21. If they pass this survey this week, then they can get the license and we will be ready to go.

The actual date that the hospital will open its doors still remains to be determined. They've got to get through the survey process before they actually choose that date. You should all have received an invitation. The opening ceremony is going to be June 8. Oh, one other thing before I get to that.

Early on in this process, I told you that one of things that we wanted to try and get from the Agency for Health Care Administration was some assurance from them that the structure that we had set up – that is this partnership with Capital Regional – if for some reason, it had to be unwound down the road, that we would be able to get the hospital back. Just last week, [I received a letter from AHCA in response to a letter that I had written to them](#), assuring us that if it has to be unwound, of course we would have to go through all the normal licensure stuff, but, assuming that we do that, that this could be divided up again and that the hospital can be returned to Gadsden County as a separate free standing independent hospital – if the need arises. We hope it never does. But, I feel better having gotten that.

Then, we do have the ceremony set for June 8th. There will be all sorts of folks on the program. Each of you will be offered a couple of minutes to say a few words. I will tell you that it is already a long agenda, so think about what you want to say and keep it short. But, we are looking forward to

that date.

I am sorry to tell you that over six months ago, my family and I planned our vacation and I will be gone next week. I am very disappointed that I am going to miss the event, but I am looking forward to seeing all the pictures and I know that it is going to be a good time. I will certainly be there in the weeks to come to help out and do whatever we need to do. We will then be turning our attention, of course, to things like using the rest of the building. There are lots of other projects that we can talk about once we get the doors open and ready to go.

That is my report for this evening. I will be happy to answer any questions, but other than that, we are on task and on track.

Lamb:

Are there any questions from the commissioners concerning the update of the update of the hospital.

Commissioner Taylor?

Taylor:

No questions, just a comment.

The letter that you mentioned that you secured from the AHCA indicating that in the event things unwind, that we won't have the difficulties that we have faced before in securing the hospital back under the auspices of the county. I just want to make sure that the letter is in someone else's hand as well – the county administrator, the procurement department. In the event that something happens, I would like to have more than one copy.

Glazer:

I will be happy to provide a copy. There are actually several safeguards that we have in place. We have a much better contract with Capital Regional than the County had with Ashford. Now, we also have this assurance. So, I feel much better about that.

Taylor:

I am aware of the assurances because we were making sure as we go forward. Obviously, no one around this board wants to see an expensive legal bill again trying to secure that license back. I am sure that the contract is better in tact. But, that letter also is a surplus.

Thank you, Mr. Chair.

Lamb:

Mr. Croley?

Croley:

One follow up comment. I think Commissioner Taylor made a good point. Mr. Glazer, are you providing copies of all these letters and all for the Clerk's office to put on the public record?

Glazer:

There is so much stuff, to be honest with you, Commissioner, I have not. We've got license applications, we've got tons of correspondence.

Croley:

My question was specific to the letter that you have mentioned.

Glazer:

That letter is no problem. I would be happy to provide a copy to the Clerk.

Croley:

What I am referring to is more letters from governmental entities that are regulatory. If the Clerk had a copy of that down the road, some years from now, it may be beneficial to the county's interest to have those in the public record.

Glazer:

I think that is a great idea. I will take care of that. I will tell you one of the things that we routinely do when we are helping hospitals with going through a processes like this. Once the dust all settles, we go back through our files and we put together a package of the important items. Rather than trying to produce them all in a piece meal fashion, we will put a package together and share that with the county and with the Clerk's office.

Croley:

Having had the experience of the former occupant not sharing with the County the information, it would be prudent to do that. So, I think that is a good idea, Mr. Thomas.

Lamb:

Thank you, Mr. Glazer for that update. I am sorry that you won't see you next Tuesday, but you will be in our prayers. Have a good vacation.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT:

4. Approval of Minutes – April 6, 2010
5. Ratification of Approval to Pay County Bills
 - Accounts Payables Dated: May 21, 2010
May 28, 2010
 - Payroll Dated: May 20, 2010
6. Approval of Resolution 2010-030 Dedicating June 8, 2010 as Capital Regional Medical –Gadsden

Memorial Campus Day

7. Policies of the State Housing Initiative Program (SHIP)
8. Approval of New Road Name – Andrew Lee Lane – South of Joe Adams Road , East of Reed St.

CONSENT ITEMS PULLED FOR DISCUSSION

No consent items were pulled for discussion.

CITIZENS REQUESTING TO BE HEARD

There was no response.

PUBLIC HEARINGS

There were no public hearings.

GENERAL BUSINESS

9. Approval to Confirm Appointment of Planning and Community Development Director Anthony R. Matheny

County Administrator Williams introduced Mr. Anthony R. Matheny as the new Director of Planning and Community Development. He stated that Mr. Matheny received his Masters Degree in Urban and Regional Planning from Florida State University as well as a Master's Degree in Economic Development from Southern Mississippi University.

Assistant County Administrator Arthur Lawson addressed the board for questions, then yielded the floor to Mr. Matheny.

Mr. Matheny addressed the board explaining that he was born and raised in Jackson, MS. He gave a brief overview of his experience.

Questions and comments from the board followed. A digital recording of this confirmation can be heard on the Clerk's Internet Website at www.clerk.co.gadsden.fl.us under the link titled "Meetings" on the lower right of the homepage.

Specifically, Commissioner Croley asked, "Do you have an insight as to how you see our future here in North Florida evolving with the talk of Amtrack Train trying to come back?"

Mr. Matheny replied, " I have and I am looking forward to that happening. I think that is crucial. I hope it happens. I think that is an economic development tool. All the stops along the way, those old depots, you are talking about main street revitalization and economic revitalization if we can

get that route back open. I am interested in that. I haven't done a lot of research on that, but when I jump in feet first, hopefully tomorrow if you all approve me, then I will be participating with the area planning agencies to make sure that we have a strong voice in that. I will obviously work hand in hand with our county administrator."

In response to questions, Mr. Matheny made the following points:

- Coming from an economic development background, he believes that funding of economic development is very important to a community, but he had not formed any personal opinions about Gadsden County as of yet. However, typically, when he is doing planning, he always considers the impact any planning will have on the economic development in a community.
- When he presents Comprehensive Plan recommendations to the board, he will attempt to present it in such a way that the average person on the street would be able to understand it. The aim would be to make the document user friendly.
- Prior to items being presented on an agenda, he would meet with staff and key people on the various projects to make certain they are all on the same page so as to avoid confusion and streamline matters so as to present a project in an easy to understand fashion.
- It is his intention to locate in Gadsden County.

Mr. Lawson noted that once the board confirms his appointment, Mr. Matheny's employment would be contingent upon a positive outcome of normal process involving a background check, drug screening, credit check, etc.

Chair Lamb called for comments from the public.

Former Commissioner Brenda Holt asked if there would be any liabilities for the county, in terms of his job performance, between the hiring date and the date that the background check comes back.

Ms. Minnis responded, "If work is performed, then the person may be entitled to compensation for the work that is performed, but they would not be entitled to remain in the job unless all the items mentioned comes back positively. One option is to have the person wait until that clearance is done before they start actually performing services, but, you would have to check with Mr. Lawson on how the normal procedure is."

Ms. Holt clarified, "I was interested in the work performance. In that situation, how are we liable if there are some things done that do not necessarily follow DCA or State Law? How is the county liable in those items? Not his pay or his position."

Ms. Minnis answered, "Well, it would be whatever liability you have with any director who is in that position."

Ms. Holt then stated, "Hiring outside of the county was an issue with Commissioner Croley and Commissioner Lamb before when I was on the Commission. Now, you are hiring outside of the State. Is there a change in policy there, or how are we doing that. As I said before, if you hire

someone, I don't care if they come from Canada, they were going to do a good job – but, that was not your opinion at that time.”

Chair Lamb responded, “ I don't remember that I had a problem with hiring inside, outside or wherever. I don't have a problem with it at all. So, I guess it is up to the administrator as to who he wants to hire.”

Mr. Williams interjected, “I am not sure that we even had a qualified individual from Gadsden County to apply.”

She attempted to ask questions of Mr. Matheny, but she was instructed to direct any questions to the chair. She then raised the issue of making the Land Development Code match the Comprehensive Plan. She cited it as a big problem in the planning department that needs to be addressed.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE APPOINTMENT OF ANTHONY MATHENY AND THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT.

10. Public Officials Bond Reviews

Ordinance 2009-005 requires the Board of County Commissioners to review the public officials bonds each year for sufficiency. (The first meeting in January and June of each year.) Currently the ordinance requires the Clerk of Circuit Court and the Tax Collector to post a \$100,000 bond; Sheriff - \$10,000 plus \$1,000 per deputy; Supervisor of Elections and Property Appraiser - \$5,000 each; and the County Commissioner to post \$2,000 each. The bonds were not examined in January. Since there has been no change to the duties and responsibilities of the various offices, it was the staff's recommendation to find the current bonds to be sufficient.

Mr. Williams stated that as a general rule, the bond should be 1.5 times the amount of money for which they are custodian.

Discussion followed.

There was a consensus to appoint Clerk Thomas, Mr. Arthur Lawson and Mr. Johnny Williams to meet and subjectively discuss the bonds as to them being sufficient, then come back with their recommendations for what the bond amounts should be.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO TABLE THIS DISCUSSION AND APPOINT CLERK THOMAS, MR. LAWSON AND MR. WILLIAMS TO BRING BACK A RECOMMENDATION FOR THE BOND AMOUNTS AFTER THEIR SUBJECTIVE REVIEW AS TO THE BOND SUFFICIENCIES.

11. Approval of Gadsden County Tourist Development Council Grant/Marketing Request – 2010 Funding Cycle (First and Final Funding Cycle for 2010)

TDC Recommendation for Funding:

Gadsden Art Center		\$ 8,340.00
○ Mark Linquist Exhibitiion	\$5,000	
○ 22 nd Art in Gadsden	3,340	
Havana Merchants Association		6,500.00
○ Pumpkin Fest -\$	2,500	
○ Holiday Open House -	2,000	
○ Lawnmower Parade	2,500	
○ Old Time Havana Days	2,500	
City of Quincy		1,500.00
○ Quincyfest Blues & Barbeque	1,500	
Quincy Music Theater		10,000.00
○ Grease	2,425	
○ Scrooge	2,425	
○ Music Man	2,425	
○ Meet Me in St. Louis	2,425	
○ Chicago	2,425	
West Gadsden Historical Society		1,500.00
○ Annual 4 th of July Celebration	1,500	
Habitat For Humanity		1,500.00
○ Fishing Tournament	1,500	

TOTAL **\$ 29,340.00**

Ms. Jill Jeglie presented the fund allocation as stated above. She called attention to the minutes of TDC which shows that the bulk of the money is to be spent for “marketing”. The TDC has shifted their emphasis from just allowing for grant funding to actually marketing of their events after they have been able to demonstrate they can actually bring in revenue through the bed tax.

Board discussion followed.

Commissioner Morgan stated, “It is important for us to understand that the funds that have been approved here totaling the \$29,340 are contingent upon valid receipts being turned in and being verified. That is the maximum amount that they can be awarded if they have proper receipts and they have spent that money properly. If they haven’t and they don’t produce the receipt that is sufficient, then those funds will not be spent.”

For further details of this discussion, please refer to the digital recording for June 1, 2010 –(play position 17) at the Clerk’s Internet Website link titled “Meetings” at www.clerk.co.gadsden.fl.us

UPON MOTION CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE FUNDING AS PRESENTED ABOVE.

12. Approval of the Brownfields Award Application and Community-Wide Assessment Grant Work Plan and Authorization for the Chairman to Execute

The county applied for the EPA Brownfields Assessment Grant in October, 2009. The county was notified on April 19, 2010 that it had received funding of two grants for assessments, totaling \$400,000. (\$200,000 for hazardous substances and \$200,000 for petroleum) This funding will allow the county to pay qualifying property owners to conduct an assessment of their property toward the revitalization and redevelopment process.

The EPA requires that the grant recipients prepare and submit a Brownfields assessment work plan no later than June 1, 2010. The work plan outlines the required tasks and anticipated dates of completion for the Brownfields grant over the three year duration of the project. Once the work plan has been accepted by the EPA, the county will issue a "Request for Qualifications" to select a qualified contractor/consultant to perform the required tasks required by the EPA.

Ms. Jeglie explained that the staff held an online meeting with the other recipients regarding how to prepare the application. Because the application had to be shipped by this date (June 1, 2010) in order to remain eligible for the funds, the staff asked the chairman to sign the application pending approval of the board. If for some reason, the board should decide not to proceed with the application, it can easily be withdrawn. There was no commitment at this stage.

Roger Register addressed the board. He congratulated the county for winning the award saying that it is a great accomplishment for Gadsden County to receive the \$400,000. He stated that they are very limited in dollar amounts that the federal EPA provides. He said that he had assisted the staff in completing the application and looks forward to assisting the county when the RFQ comes out for qualified professional environmental firms. He clarified the dollars cannot go toward administrative cost per se, but it can be used for travel, but it cannot be used to pay for the overhead administrative cost. He also pointed out that there is no cost share requirement for the county. If the staff spends time actually working on a project, their time can be charged to the grant, but it will not pay any indirect administrative cost. The qualified consultant can be paid for doing the assessment work during Phase I and Phase II (the environmental work, itself – lab costs, drilling costs, etc.) There will be no fiscal impact to the county. It is a federal pass through grant for eligible activities that are funded through the EPA.

The purpose of the grant is to redevelop properties. The type of sites that would qualify for cleanup using this grant would be under utilized industrial, commercial or other properties that have the hindrance for redevelopment due to contamination or the perception of contamination. (dry cleaning solvent site, petroleum site that has been abandoned, service stations, etc.)

Requested Action: Approval of the Brownfields Assessment Grant Application and Work Plan; Acceptance of the Award; and authorization for the Chairman to execute documents for transmittal.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE BROWNFIELDS AWARD APPLICATION AND COMMUNITY-WIDE ASSESSMENT GRANT WORK PLAN, ACCEPTANCE OF THE AWARD, AND AUTHORIZATION FOR THE CHAIRMAN TO EXECUTE THE APPLICATION.

13. ~~Approval of Contract with MAF Collection Service for Bad Debt Collections at Gadsden County Emergency Services (EMS) – Write Off of Bad Debts~~

This item was removed from the agenda at the request of Captain Crum.

14. Approval to Sell Ambulance At Auction 2001 Ford F-350 SN 1FDWF36F21ED01035

Gadsden County EMS Department requested board approval to declare an ambulance that is no longer in service as surplus and sell it at auction. They further requested that the funds received from the sale be allocated to the FY 2009-2010 budget 0144-54600 line item. (Maintenance and repair) These funds would give some financial relief to EMS as they encountered some unexpected repairs to the ambulance fleet during the year.

Gadsden County EMS Department requested board approval to declare an ambulance that is no longer in service as surplus and sell it at auction. They further requested that the funds received from the sale be allocated to the FY 2009-2010 budget 0144-54600 line item. (Maintenance and repair) These funds would give some financial relief to EMS as they encountered some unexpected repairs to the ambulance fleet during the year.

Michelle Ostenberg, as resident of Gadsden County, spoke to this issue.

Ostenberg:

I am speaking as a resident of Gadsden County, not as a employee.

Lamb:

Go ahead and speak, please.

Ostenberg:

I am Michelle Ostenberg, 79 Butterfly Lane.

There is an organization that is called Ambulances for Afghanistan. Remember back in World War II, our parents, they had to sacrifice. If they wanted sugar, they had to have a coupon. If they wanted tires, they had to have a coupon. Luckily, with the last two wars that you and I can remember, Desert Storm and Operation Enduring Freedom, which is the Afgani War, we haven't had to have those kinds of sacrifices. But, think about it. How would you feel if, in order to get an immunization, in order to get a bone set or even looked at, if you had to go to your town center and participate in a lottery because the medical care is not limited.

Now, during the Operation Enduring Freedom, that is what the Afganis do. During Operation Enduring Freedom, as many of you know, I was there. In order for them to get in the City of Kabul, which is a huge city, any kind of medical care, they had to go and participate in a lottery once a month. 100 tickets were given out. So, that means that 100 people were going to be able to receive some sort of medical care.

When I arrived at Kabul at Camp Phoenix, one of the greatest things in the world that just set my

heart to pitter patter was an ambulance that was fully stocked. On the side, it said, "International Rotary Club." The International Rotary Club donated this ambulance fully stocked. We took it out once a week to give out some kind of medical care, usually to children, but also to the elderly.

These people desperately need medical care. They have no ambulance services. They have no medical care that is available to them. So, in honor of a paramedic who was killed in Afghanistan in 2009, the town of Ashburnham, Mass got together and the fire chiefs of Massachusetts got together and said, "Let's see what we can do because we don't have to suffer like they do overseas." And, they found in the Massachusetts area there are a lot of drug companies. They talked to the drug companies and they talked to some of the hospital, Massachusetts General, Boston's Brigham and Women Children's Hospital, and they were willing to donate supplies, medications, equipment and they said, "All we need you to do is find us an ambulance, as we will have it refurbished and we will have it shipped." It cost Ashburnham nothing to do that. So, they sent their first ambulance over.

Now, one of the philanthropic organizations that I am involved in saw that, indeed, that we had an ambulance that we wanted to surplus. How much is that going to bring us? Three, four hundred dollars? A thousand if we are lucky as opposed to spending \$110,000 to send an ambulance to Afghanistan. So, what we would like to do is to have this "Ambulance for Surplus Sale " tabled until we can get more information and find out if, in deed, Gadsden County can rise to the level of our parents and make a sacrifice and say to the people of Afghanistan, "We understand. We are not your enemies. We love you and we want to look after you the best way we can."

Now, if it cost the county nothing, what would we profit? Tons. Millions. If it costs the county money, we all say, "O.K. Let's look at our financial situation and pull it back." But, if it costs the county nothing, what we would be reaping in return. And, that is all I would like to say.

Lamb:

Commissioners, we have Item No. 14 before us. What can I – What is your pleasure?

Morgan:

Mr. Chair?

Lamb:

Commissioner Morgan.

Morgan:

Chief Crum might have covered this, but, what do we expect to get from the auctioning off of this particular piece of equipment? Does history tell us a "ball park?"

Crum:

We have never done this with an ambulance. Road and Bridge, I believe, has done it in the past with their vehicles and tractors and things like that, but we have never done it. I am thinking \$1500, \$3,000. Basically, they are going to be buying it just for the chassis. Nobody really cares about the box. They will be wanting to make some type of flatbed truck with the chassis – whoever would purchase it.

Morgan:

Not that that would be chump change, but no major money. And, I did hear what you said about your line item budget.

Mr. Chair, I would think, we've got someone who has brought up something that we might want to consider and we don't have all the information – knowing what it might generate to the county, it may be worth tabling it and gather some more information and look at it later.

Lamb:

Any other comments from any other commissioners?

Taylor:

I so move.

Lamb:

Is that in the form of a motion?

Morgan:

Yes, unless there is further discussion on this.

Lamb:

O.K. It has been properly moved and seconded that we table this item and gather more information concerning the sale of it or what?

Morgan:

I would think more information on both what Ms. Ostenberg is bringing to our attention as well as what we can look to gain from the sale of the ambulance as well. Then we can make our decision based on that. That is my motion, I guess.

Lamb:

Any other questions? You have heard the motion, we are ready for questions. Let me say something before you say something. My only problem with this, Commissioner Morgan, is that although she is coming as a private citizen, she is a daily employee of Mr. Crum. There is nothing wrong with her suggesting that. I think it is a good suggestion as far as she is concerned. But, now, I personally feel like she should have said something to her supervisor and try to get him on board if she could. I don't think you can just overlook your supervisor and just come to us and ask us to do something that your supervisor has recommended to us. It's protocol.

Morgan:

I was not aware that had happened.

Lamb:

Well, you were not in here.

Crum:

I did not know about this until I got here to this meeting.

Lamb:

Have a seat and let me say this. That is just respect for your supervisor and your administrator and I don't like that. It is just that simple. I don't like that. That is why the county is the way it is now – because we are losing respect for the people we need to be answering to. All you have to do is go and find out how they feel about it.

Morgan:

Mr. Chair, are you talking to me or are you talking to this lady? I mean, I understand what you are saying, but, I just simply made a motion.

Lamb:

And, I understand. But, what I am saying is that I really feel that the supervisor should have known that she had this in mind.

Williams:

It certainly is a breach in the chain of command. It probably could be a disciplinary action.

Lamb:

It is just common sense that you would talk to the supervisor. I wouldn't dare do anything behind my supervisor unless they knew I was doing it. I would get their feeling on it first. It might be a positive feeling. Who knows unless you try. You've got to first try. That is my concern about this.

Are there any other comments?

Commissioner Croley?

Croley:

Well, Mr. Chair and Commissioner Morgan, I appreciate the different points of view. I certainly think that it is unfortunate here that there would be any disagreement about this. I am sure that Captain Ostenberg never escaped the responsibility as a county employee while you are an employee. While your motives may be noble, I appreciate the county administrator's point, but I do hope that no county employee ever feels that they can't come before the commission, especially those that are citizens and residents here. So, I would not want to have any repercussions from that, Mr. Chair.

Lamb:

I agree.

Croley:

However, we don't have the money to be just giving away equipment. If organizations wish to bid or buy equipment, I think that is fine. Do not let there be any doubt - we just had Memorial Day. Americans' blood, many of us have had family there, America's treasure has been spent for many of these foreign countries and for these wars. And, they attacked us. We did not attack them. So, I don't necessarily feel all emotional about just giving away equipment for that purpose. I will

tell you that I certainly agree that I support the motion to table it and allow for more input and review by the board. So, on that, it has been seconded, I think, I will call the question, move the question.

Lamb:

Alright. Ready to vote. All in favor, let it be known by saying, "Aye."

All:

Aye.

Lamb:

Opposed?

Lamb:

No.

Lamb:

Make that 3 – 1.

Thank you and next item, Mr. Administrator.

15. COUNTY ADMINISTRATOR'S AGENDA

Mr. Williams had nothing to discuss.

16. COUNTY ATTORNEY'S AGENDA

Update on Pending Legal Issues

Ms. Minnis requested an executive session by the authority set forth in FS 286.011 (8). She noted on the record that the meeting was duly noticed. She asked that the board recess the regular meeting and go into executive session.

Chair Lamb declared the regular meeting recessed and noted for the record the people who were to attend the executive session. County attorney, commissioners, administrator, court reporter. He then asked all others to leave the room. (7:24 P.M.)

MEETING RECONVENED

Chair Lamb reconvened the regular meeting at 7:37 p.m.

17. DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Morgan, District 3 –

Commissioner Morgan had nothing to discuss.

Commissioner Taylor, District 5

Commissioner Taylor apologized for not attending the commissioners retreat on May 18.

Taylor:

Sometime back, previous to me, DCA and Gadsden County went into an agreement. What was one of the issues for the folk down by the lake and Wetumpka is that they were supposed to come up with an agreement of what it was supposed to look like with regards to AG 3, drilling sand pits and the whole nine yards. Based on my understand, there was a report written up as to what the residents down there want to see in their neighborhood. Obviously, from discussions around this board, sand pits and all those were some of the items that they didn't want to see down there. From that, they did have discussion with – I think the lady's name was Kim. I can't remember her last name. But, she was someone doing this report previous to Preble Rish. Alright, she had gone down there, gotten input from the constituents, gotten input from the owners of the pits. The idea going forward was between DCA and Gadsden County – that the area down there would mirror itself. In other words, you wouldn't have AG 3 on one side of the highway and sandpits on the other. This was an agreement that was put together and it was supposedly going forward to DCA. But, when Preble Rish met with the residents down there within the last couple of weeks, all that they had wanted to see in this agreement had somehow vanished.

So, Mr. Administrator, what I am saying is my Planning and Zoning appointee can give you a little bit more input. He has a copy of the agreement.

Williams:
Ed Allen?

Taylor:

Yes, Ed Allen. He has a copy of the agreement that was derived from the input from the citizens down there. That should have gone on to DCA at sometime in 2009. He has a copy of that. But the agreement that was struck by the constituents and residents down there and I don't know who else has changed. They are concerned about what is going forward down there.

So, I am asking the county administrator to set up some kind of meeting with Mr. Ed Allen to see what was originally put together by the citizens and now what is being offered by Preble Rish. From my understanding, it is contradictory to what the citizens originally asked for.

Is that kind of clear to you?

Williams:
Yes, Ma'am.

Taylor:

Again, he has the original of what was supposed to go forward.

Notice of Appeal

Someone called me about the Notice of Appeal process that they read in the paper. Based on what I was told, if this board voted on an item that the citizens did not agree on, based on what this particular person read in the paper, the appeal process seems not to be customer friendly to the constituents. The appeals process seems to be very cumbersome if someone wanted to come back before us and appeal an item that we voted on and approved.

I spoke with the county administrator and I wanted to make sure of this. I spoke with the county administrator about this notice that was in the paper. He explained that this is something that has traditionally been done whenever you notice a meeting. I don't know if it is being done every time we put something in the paper. For example, we have notices of our regular meeting. After it, there is an appeal process that should have gone with that regular meeting notice. Is that how it is supposed to appear in the paper?

Williams:

The appeals procedure that goes with it is actually an appeal to the court in the event somebody disagrees with an action that the board took. It specifies what they have to do. They have to have a verbatim transcript, which is available as you know.

Taylor:

Yeah, I do know that. But, I don't know why that all of a sudden, it is a big issue. Is that something that we always did?

Williams:

It is always done. It is required by state law as I understand it.

Taylor:

So, Muriel, you are shaking your head. Is this something that we put in the paper each and every time we advertise?

Straughn:

It may not appear along with the agenda, itself, but, those items that require advertised public notices, that language is always included in those advertisements.

Williams:

The appeal procedures is required to be stated.

Taylor:

Well, I am at a little odd because it is like this is the first time I have ever seen it. I got two calls about it. But, I just wanted to make sure that we are putting it out there each and every time so that the people can understand it better. You know, it is frustrating. For some reason, folks think that this board is trying to trick them, fool them, you know. So, just wanted to make sure that

notice is being put out there as a part of the regular process and not something that has come up out of the blue.

Williams:

No, as far as I know, we have it on all our notices.

Straughn:

I think it is also included in the agenda request form. It is included in the information you are given to fill out to request to appear on the agenda.

Taylor:

In this package?

Straughn:

When a person approaches the commission to have an item put on the agenda, it is usually included in the information that they are given along with the agenda request form that they fill out.

Taylor:

In that packet. Alright.

I am still not quite clear on that, but I will have more discussion about it later. I wanted to bring that forward for you to let you know there is some question in the community about the appeal process.

County Administrators Contract

Taylor:

The other thing is about the county administrator's contract. As Commissioner Croley has so duly noted, we overlapped or did not see this bond sufficiency issue. I think that we are at a time when we need to review or entertain the county administrator's contract. I have done the evaluation. I don't know what the direction of the board is, but that should be a process that should be done yearly. I don't think we gave him a multiyear contract. It is fair to him that we go back and review and renew if that is the way we are going to go or whatever the case may be. So, I want someone to answer my question now about the county administrator's contract. I guess that will be a question to the chair.

Lamb:

Concerning the county administrator's contract. What do you want to know.

Taylor:

We need, just like you entertained at the last meeting, to renew the county attorney's contract, we need to entertain whether we want to renew the contract with the county administrator's contract as well.

Lamb:

But, it is not on the agenda, here.

Taylor:

I know it is not, but I need to know if and when because I am sure that a year has lapsed.

Lamb:

Oh yeah.

Williams:

May I make a comment about this? My contract was not a one year contract. It was an open ended contract that is in effect unless and until terminated by this board.

Lamb:

What she is talking about is that it comes up every year for us to renew it or not renew it every year. But, it is on the next agenda.

Taylor:

It is on the next agenda?

Lamb:

I think that is when Mr. Lawson said it would be – the next agenda.

Taylor:

That is what I wanted to make sure of. That is it for me.

Williams:

Arthur, I have discussed this with you. Have you put it on the agenda for some reason.

Lawson:

It is the evaluation, not the contract.

Lamb:

O.K. It is the evaluation.

Croley:

Mr. Chair?

Lamb:

Mr. Croley.

Croley:

A point of clarification.

Ms. Minnis, correct me if I am wrong, but the administrator is correct. I think a copy of the contract should be provided to Commissioner Taylor for her records and review, of course. But it is a continuous contract on the county administrator with an annual review as you have indicated.

That is what Mr. Lawson has had us doing. Each year, it is reviewed. If you so chose to not continue that contract, you have that option practically at any meeting if that so be chosen. In the case of legal services contract, that is a contract for services and it does renew periodically. It is the same thing, but it is just a different approach.

Williams:

But, there is no provision in my contract for an annual review.

Taylor:

But, you should have an evaluation.

Williams:

It does. There is a provision in the law that says that I am to be evaluated annually during the budgeting process. That is the way it is stated.

Croley:

I agree with Commissioner Taylor's point, though, that when you do the evaluation report, that a copy of the contract should be included so that everybody would have a copy of it if they should wish to make some changes.

Lamb:

There ain't nothing wrong with that. Mr. Lawson, can you get Commissioner Taylor a copy of that contract? But, the evaluation will be coming back to us. He asked us to have them in by this past Friday, I believe. It will be on the agenda for the next agenda.

Williams:

So, we are going to have the evaluation on the next agenda, we are going to provide Commissioner Taylor with a copy of my contract,

Croley:

Everybody.

Williams:

Everybody a contract to go along with the evaluation. I got you.

Lamb:

Commissioner Morgan.

Morgan:

I think that answers it. What we look at is the performance and not the contract.

Taylor:

That is perfectly clear. If my request was confusing, I am sorry. I sit around this board and I understand how the process goes. To me, once you go through the evaluation, then you look at the terms of the contract. Previously, we have renewed the contract if we are in agreement with the performance. All of that comes from the evaluation. You are right. We had until Friday to do

it.

Lamb:

It is the same thing that Commissioner Croley said. It really adds up to the same thing.

Taylor:

I am satisfied.

Lamb:

Commissioner Croley.

Commissioner Croley, District 2

Croley:

First, this is a question that came up to me from some volunteer firemen and I guess it should be directed to the administrator and maybe end up with Chief Crum.

Fire engines are owned by the county, or a certain number of them are. The regular maintenance of those fire engines, the oil changes, the filters, the greasing, the maintenance – who pays for that?

Williams:

The city pays for that. We pay for major repairs.

Croley:

The cities pay for those stationed within the incorporated areas. What about the units in the unincorporated areas?

Williams:

Chief, are you here?

Crum:

They are under contract. They receive funds to run their fire departments. Anything over \$1,000 – repair and maintenance - any one line item that is more than \$1,000, the county pays for. Anything under that price, the individual fire department would take care of.

Croley:

So, the volunteer fire departments are responsible for maintaining the oil changes in their trucks and the filters and the oil that goes in them? Where do they get that money?

Crum:

They get money yearly to operate their fire departments under a contract.

Croley:

Well, one of the fire departments in the unincorporated areas said that before, those

reimbursements were coming through your office, but they were not getting that reimbursement. I am just trying to understand it. I think that it is very important that we know. A fire engine cost a lot of money. I want to make sure that they are being properly maintained. I think that is reasonable and prudent. How do you know when the oil is being changed and the service is being done?

Crum:

That is dependent upon the fire departments to do.

Croley:

Well, - we don't have any kind of a log system? We don't have any kind of way of knowing how and when those units are being maintained?

Crum:

They are serviced once a year. There is a log of that. As far as oil changes, that is kept at the department level because that is departments' responsibility to do so.

Williams:

They keep records of it.

Crum:

Correct.

Croley:

Mr. Administrator and Mr. Chair, I can't direct you to do anything without a majority vote, but I sure would think that it would be prudent for the county to work with these volunteer fire departments and make sure you have maintenance logs. The last thing in the world that we want is another situation where equipment is not being maintained and there be some controversy arise about it or some life be threatened. I want to make sure that when that fire engine gets to my house as it does to anybody else's house that everything is working. And, I want it to be verified that it is working. On behalf of District 2, I am sure expecting that to be done.

Lamb:

Can I add something to that?

Croley:

Sure.

Lamb:

You've got a good point, but I fear that someone is telling you this, if a fire department is telling you that or if a citizen is telling you that our fire trucks are not being serviced or whatever, I think what you should have done was to get hold to the county administrator and Mr. Crum and let them know this. I don't think you have to bring it to the county commission meeting to explain to those two men that you heard there is something that is not being done. Then, they can look into it for you.

Croley:

No, Mr. Chair, they didn't say that it wasn't being done. They said the question was being paid for. Who was paying for it? Now, when Chief Crum made the reference there about it being their responsibility and they were keeping the records, I am asking, "How do we know that?" That just led to a second question. Otherwise I would have directed it to you, Mr. Administrator.

Williams:

I think that is a job for our fire coordinator. We will discuss it and make sure that he gets on top of that.

Croley:

I didn't mean to belabor that. Last thing. I want to say to Commissioner Morgan that I apologize to you in any way shape, form or fashion if my comments regarding your motion about the tabling was said in any offensive way or to anyone else that was involved in that. My point is, certainly, there were valid issues, but your point was about the tabling and I just wanted you to know that I did not in any shape, form or fashion mean to be offensive.

Morgan:

I know you didn't, but I appreciate the apology.

Croley:

Yes, sir and we appreciate you.

Thank you, Mr. Chair.

Lamb:

O.K.

Commissioner Lamb, District 1

Lamb:

To Commissioner Taylor – we accepted your excuse. We knew you probably had something else on your plate when we had our retreat. It was very nice, like you said, and the information that we received, I believe the administrator has copies of it.

Williams:

It is available, if you want to see the same thing that we saw, it will be available to us.

Lamb:

I think she should be given the opportunity.

Williams:

If we were to get a new commissioner, we might have both of them there, if you would like.

Taylor:

Thank you.

Lamb:
Good.

Commissioner Morgan, I was looking your way, but I was not talking to you. I am sorry that I looked at you.

Morgan:
I have a tendency to jump back. I apologize.

Lamb:
You got on your defense and I knew that. But, anyway, I don't have any other comments.

This meeting is adjourned.

18. RECEIPT AND FILE AGENDA

- a. Letter from the Department of Community Affairs extending grant period for 08DB-3R-02-30-01-E01 through January 8, 2011 (Monty Bradwell Restaurant Project)
- b. Fund Summary Report as of May 10, 2010 – Filed by the Clerk
- c. Cash Report as of May 14, 2010 – Filed by the Clerk
- d. Non-Profit Funding Agreements: Legal Services of North Florida, A Better Body, DISC Village, Tony Parker Ministries; The Early Learning Coalition; New Image Wellness Center; Redeemed, Inc.; Midway Community Improvement Organization Org, Inc. Gadsden Arts Center

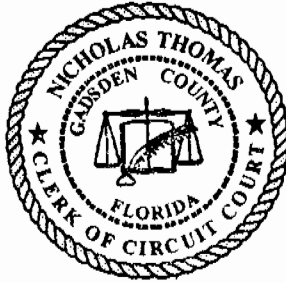
JUNE MEETING DATES

- June 15, 2010 – 9:00 a.m.

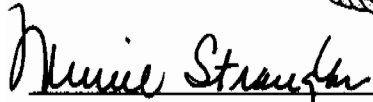
Gadsden County Board of County Commissioners
June 1, 2010 Regular Meeting

ADJOURNMENT

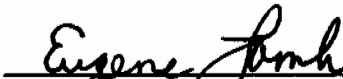
THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN DECLARED THE MEETING
ADJOURNED AT 8:00 P.M.



ATTEST:



Muriel Straughn, Deputy Clerk


Eugene Lamb, Chair

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JUNE 15, 2010 AT 9:00 A.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

Present: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
District 4 Seat vacant
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

Absent: Gene Morgan, District 3

CALL TO ORDER

Chair Lamb called the meeting to order by calling for a moment of silent prayer. He then led in pledging allegiance to the U.S. flag.

AMENDMENTS AND APPROVAL OF THE AGENDA

The agenda was amended as follows:

Add 19A: Board Approval to Sell Surplus Ambulance at Auction – add to General Business

Add Material to Item 18

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE AMENDMENTS TO THE AGENDA.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Hospital Update Craig McMillan

Craig McMillan reported that the hospital opened for business on June 14 and they saw 57 patients in the first 17 hours. On the day of this meeting, they had already seen 7 patients before 7:00 a.m. All but 3 patients were released after treatment. They utilized all of the equipment at the facility during those hours. He said that Capital was excited about the opening day.

He stated the following:

If you recall, you did a \$10 million permanent financing which took care of the construction. Then you authorized us to take money out of the trust to purchase equipment and get the hospital open. These numbers may change a little bit, but I don't think they will change a great deal. We are

looking at somewhere in the neighborhood of \$2.915 million for equipment in opening the hospital. Now, that may change because there are a few more items that Clyde needs. He can talk about that and he has to get some bills paid. But, I think we are going to be in the neighborhood of \$3 million. We had speculated that we would spend \$3.2 million just on equipment. I will tell you about \$260,000 to \$270,000 of the \$2.915 million was for things that had to be done that we were not even aware of. Like, we had to do something for the pharmacy because it was not properly designed to meet AHCA requirements. And, we had to do something to the floor. There were some construction items in that \$2.9 million that we are talking about. So, you are looking at a total project of about \$13 million. Those are the current numbers. Currently, and it depends on what day, hopefully it is up a little bit, this was last week, but currently you have left in the trust \$8.8 million. Now, there are some obligations. There are some encumbrances to that. We still have some purchase orders that we still have to pay. We haven't gotten the final bill on it. So, I would say that you are going to have over \$7 million left in the trust by the time it is over with. and, that depends on what the markets do.

You know, if we had talked about this three weeks ago, that number would have been a little bigger. But, as you know, the market – the stock market took a hit in the last week or so. That number fluctuates. But, I would say that you would be fairly safe to say that we are going to have \$7.5 million left in the trust. I would say that is pretty close. And, that is as close as I can get it for you right now. It is one of those things where we spent less money than we had projected that we were going to spend. So, I feel real good about how we got it done. All that credit goes to Clyde and Arthur Lawson, those people at Capital Regional and Mike Glazer. They did a great job of keeping up with what was going on.

Do ya'll have any questions about any of that?

Lamb:
Commissioner Croley?

Croley:
Yes. Before I ask my question, I want to make a point of clarification. You said that the board authorized the money to be taken from the trust. We approved the hospital board going to ask Judge Sheffield if you could take the money out of the trust. We did not approve the actual drawing down of the money. But, I think he did the right thing, obviously and he was present and we appreciate his support of your efforts.

I think also that you are to be commended. Under your board's leadership and getting this project completed at such a favorable cost as compared to what had been earlier projected. As Commissioner Morgan said last Tuesday morning, there are a lot of wild figures being thrown out, but you all are to be commended in getting this project in in what I consider certainly under the budget that was projected.

I want to come back and ask a question, though about the people that were seen out there. You mentioned about insurance. Is there any way that maybe in the coming weeks, you could monitor the number of people who have insurance or some sort so that we will have a better feeling about the ability of the hospital to sustain a revenue source?

McMillan:

I am sure that they will be able to give us some idea of what percentage of the people that come in have some type of payment. I will talk to them and see what they can come up with.

Croley:

I think that would be helpful, Mr. Chairman, if we could monitor it and have some idea of what the paying customers cash flow out there was.

Lamb:

He will check on that.

Croley:

Thank you.

McMillan:

The other couple of items that I want to talk to you about and just to let you know that we are planning on some meetings with Mr. Glazer, Mr. Lawson and Clyde and a couple of people from Capital Regional and anybody else that you suggest that we have – They truly want EMS on the campus. And, I think it makes all the sense in the world to have EMS at that campus. I don't where or how we are going to do it or how they propose to do it, but we have talked about utilizing the old Urgent Care area. But, I've got some doctors that want the whole Urgent Care area and are willing to pay rent on it. So, Clyde can talk to you about what the cheapest and the best way to handle that. I would really like to see from our standpoint, and echoing what Capital Regional was saying, that EMS should get on campus as soon as possible. But, we've got to plan to.

The other thing is – And what - As further explanation about Urgent Care, I know there were times when people were saying, "The thing for us to do would be just to move Urgent Care, I mean, EMS into where Urgent Care is and that would be the cheapest thing to do and we could utilize it." But, they've got a group of doctors that want to use that area basically like a time share several specialties would come into that area one, two or three times a week. Quite frankly, I think that is a great thing – to be bringing those specialties to Gadsden County that are not here now. They are talking about OB/GYN, ENT, and different specialties that we just don't see now. This would give good access to the citizens of Gadsden County – to be able to come out and utilize that facility. The more we can utilize that facility for medical – there is one other space they want other doctors to come into. So, we are getting calls, but we've got to start doing some planning.

I met with a doctor who wanted the Urgent Care area and I told him to put together a proposal and I would bring it to you all and that would get us off dead center and get us started in trying to get started about what to do. I think it has gotten past that. With your permission, we will start having meetings to come up with a plan on how best to utilize that facility. Like I said, I don't want to overstep my bounds, but if ya'll in agreement that EMS needs to be on campus, let's look at the best way to get them on that campus.

Lamb:

To my board members, that is one thing that I have asked and been talking about myself. What I

think we need to do is to have you and your board and Clyde and Mr. Lawson to bring back a proposal to us and a plan as to how we can get them in there and how soon we can get them in. We need to get them in. I agree with Capital Regional on that. On the other hand, like you said, there are other doctors that would like to use the Urgent Care area. If it is your plan for them to do that, then give us another area where we can get EMS in.

McMillan:

Clyde can talk to that and about abatement issues and that kind of thing. Mike Glazer and Ms. Minnis and their law firm are working on a commercial lease right now as a model for us to use for that facility for outside parties. So, we are already moving. We just need to figure out what is the best way to plan for the future.

Lamb:

My fellow commissioners might want to say something on the EMS situation.

Taylor:

I only will be echoing what you just said. Craig did come to us a meeting or two earlier and ask for a special meeting with us to sit down and look at space and ways to capitalize off of it through revenues. I am looking forward to that meeting. I guess it is kind of piggy backing on what you said a moment ago when you asked that the interested parties get together and come back – maybe we can do it in the form of a workshop. I would like to see both of them there, obviously. Maybe some renovation might be necessary which is a cost. We need to renovate to accommodate one or the other.

McMillan:

Commissioner, I was going to get Mr. Glazer to try and identify where those funds might be able to come from, legally.

Taylor:

I am looking for a workshop or a special meeting where we can make decisions and not have to come back to make decisions.

McMillan:

That is why I say that we need to hold some preliminary meetings – myself, Clyde, Arthur and interested parties and try to nail something down and come out with a plan, then come to you so that you don't have to meet numerous times to agree to something.

Lamb:

Once you come up with your plan and in looking at your plan, you will be able to look at EMS because the EMS budget is going to dictate to them now some things that they can do extra by not using the funds going to Tallahassee all day everyday.

Commissioner Croley.

Croley:

Thank you, Mr. Chair. You know, I hear specific county employees being named, but I think our

primary contact should be the county administrator, Mr. Williams. And, our chief financial officer, Clerk Thomas obviously plays a key role in this. I know there is talk around both of them, but procedurally, I am sure that we all know that the county administrator and Clerk Thomas as the chief financial officer for the board are ones that we need to hear from as well in any plan that you come up with.

I do think it is the right thing to try and expand the medical services. The more traffic you generate, the more pay and the more revenue. From a business standpoint, we know that has got to be done. But, again, you've got my full support on getting back with a plan.

Williams:

Mr. Chairman, may I make a clarification? The motion that was made referencing the facility was that I and my staff meet with the attorneys and the hospital board and come up with some recommendations to bring back to this board for consideration.

Croley:

Correct. That is what was said.

Lamb:

Exactly.

McMillan:

Like you say, I like it. As I said, I don't know the protocol. I apologize Mr. Williams, I don't want to overstep my bounds.

Lamb:

We know that. He will be the person – right.

McMillan:

But, it is the same group who has been meeting, including Clerk Thomas.

Lamb:

Do you want Clyde to come up and say anything?

McMillan:

Yeah.

Lamb:

Do you have any comments, Clyde?

McMillan:

I tell you, I think we are attached at the hip.

Collins:

There have been a lot of doctors who want to come out here and I don't want us to bail off here into anything until we actually look at this thing and see what doctors you actually want to come in

there. I can get some pricing. I have already started kind of working on it. Putting a separate building out there like we did out at Gretna or at Robertsville. It would have to be bigger, but we will start working on it. It is going to go. You've got it open now and everybody is wanting to come in here. You've got specialists wanting to come in and I have even heard that some are wanting to build out there where we are. So, I mean, there are a lot of things that are going to happen with that hospital.

Lamb:

We will look forward to you getting with Mr. Williams and the Hospital Board chairman and Mr. Lawson and ya'll work it out. Get a plan and bring it back to us so that we can have a meeting like Commissioner Taylor has stated so that we can go forward. We don't want to waste any time. Let's go forward on it.

Mr. Crum, do you want to say anything about yesterday.

Crum:

The first day at the hospital, I would say was a major success. Like I said, they had a very low number that they thought they would see. They didn't think the word would get out or whatever. Like Mr. McMillan said, they saw 57 people in 19 hours. I mean, they had people out in the hallways. They had all the rooms full and they were treating people out in the hallways.

As far as EMS is concerned, we had 25 EMS calls yesterday in a 24 hours period from when the hospital opened until this morning. 10 of those got transported to Gadsden ER up here. Three people got transported out of the ER and one of the persons that got transported out of the ER was one that we had brought. So, that one person got brought up there, then got transported out. But, still, that was 7 trips that we did not have to make to Tallahassee that we would have made yesterday. It is roughly 25 miles one way from this hospital to either of the other hospitals in Tallahassee. So, you are looking at saving roughly 50 miles per trip. So, you are at 350 miles saved yesterday on the ambulance. It is still a little too early to tell what the savings are going to be. But, yesterday, we saved 350 miles. That's got to be worth something as far as repair and maintenance goes. The preventive maintenance to the trucks and all of that. It is nothing but a great thing.

I have spoken with the fleet maintenance man and we are going to be tracking the miles on the ambulance to see if we can't extrapolate out some type of plan with what we had been doing preventative maintenance to the ambulances to what we will be doing and the money that we will be saving there, but only time will tell -before we can get the information we need to pull out to realize why the financial savings might be. .

Croley:

Aside from cutting down on the number of trips outside the county, did having the hospital improve your response time to the citizens within the county?

Crum:

Absolutely. Absolutely. We had yesterday where all the trucks were out twice. We were taking patients up there that would have taken at least an hour or call for other resources to come into our county to take our EMS calls. So, absolutely. And, the number of calls that we ran yesterday were

decreased to the number of calls that we have been running on a daily basis. So, the actual 911 emergency calls are also going to drop.

Croley:

And the people you got into the hospital were able to receive faster than they were?

Crum:

That is correct. They do not have the advertised 10 minute wait time like they do at the Tallahassee facility. At one point, somebody walked in and five minutes later, they were talking to a doctor. Capital Regional is on the ball with seeing patients at this facility.

Taylor:

I do have a question. You said there were 25 runs, however only 10 were taken to our facility. What differentiates who goes where?

Crum:

The problem. The patient has a determination, the doctor has a determination, the problem that the patients has determines which facility they go to. It is basically a paramedic preference. When you get into the back of the truck, the paramedic is going to say, "Listen, this is what is wrong with you." They know what can be handled at what facility and this is what they are going to advise. But, ultimately, it is the patients request. We fall under the kidnapping law if we take somebody to a facility against their will. If we take somebody to where they do not want to go, we have essentially kidnapped them.

Taylor:

And I can understand that and I appreciate that. But, as you said earlier, the issue that we really have is getting the word out there and letting folk know what is available. The fact that this facility is new is statue, but also in quality of services. Somehow or another, either from this board or this county, we are going to have to re-advertise what is going on out there so that the patients can be confident in saying "Take me to Gadsden County". 10 is great, but I would have liked to have heard of 15 or better. You still have people out there that have syndromes from the way it was.

Crum:

In Gadsden County, nothing works as well as the word of mouth. I think that someone going there and having a good visit and getting exactly what they think they deserve as far as healthcare and patient care is concerned, then they come out and tell their friend and they tell another friend. I think it is going to run rampant. We are only on day two. I think we will begin to see the number of people that get transported there by EMS will increase. We are also going to see the number of calls that EMS is used to receiving go down also.

Taylor:

You are right. The word of mouth will certainly carry, but I guess I am asking Craig this question – I do know that Capital Regional had indicated that they were doing some PR work. I don't know if that was just for the grand opening or if that will proceed in the next 30-60 days that we can get that word out, especially to those people as you said a moment ago in your presentation –that have insurance that will help the bottom line. We need to give them some kind of assurance that this is

“state of the art.”

McMillan:

First of all, Commissioner, and let me clarify. Don, I don't want there to be a misinterpretation and maybe I have misinterpreted it. Of those 26 patients that you saw and you transported how many?

Crum:

We transported 26 people yesterday. We had 26 911 calls to be transported to “a” hospital. Of those 26 calls, 10 were transported to this facility. Now, there were 3 or 4, or 5 that wanted to be transferred to this facility, but the doctor at this facility said, “No, that patient needs to go on to Tallahassee.” So, that number could have been more if those patients had been seen at this facility. They wanted to go to this facility.

McMillan:

Of those 911 calls, were some of them just people that you called on, but did not transport anywhere?

Crum:

No, those were transported.

McMillan:

Oh, O.K. So, they did go somewhere. I did misunderstand, then.

Crum:

Of the 26, five did not go by ambulance anywhere. So, that number even went down.

Taylor:

So, that number reduces it. That is good clarity, Mr. McMillan. Thank you. So, that is 50%, then.

McMillan:

On your PR question, yesterday, I got a call from Clyde and he said, “You’ve got to come out here, I’ve got an issue.” So, I was on my way back from Tallahassee and I stopped by. There was a newspaper, there was Channel 6 news with cameras and all and Emily Reed, who works for the PR firm for Capital Regional – they were there. So, they are not looking at it for just the grand opening. They were out there doing what they are supposed to be doing and getting publicity out there in publicizing what is going on.

Taylor:

Thank you.

Lamb:

O.K. Thank you for that update, Craig.

This item was not discussed because the Tax Collector was unable to be present.

3. ~~Human/Bear Conflicts in Gadsden County~~ ~~Alan Knothe, Wildlife Assistance Biologist, Florida Fish and Wildlife Commission~~—Mr. Knothe was not present.

4. Judicial Correction Services, Inc.

Richard Stewart, Operations Manager, Stewart Consultants, Inc. addressed the board and explained that Judicial Correction Services, Inc. is a private misdemeanor probation company. They serve 137 courts in Florida, Alabama, Georgia and Mississippi. (Florida counties include Franklin, Gulf, Bay, Osceola, Volusia, and Okaloosa but they expect to expand into two larger counties soon.) Robert McMichael is the CEO of Judicial Corrections. He has 40 years of experience in the criminal justice system and served as Sheriff of Fulton County, GA from 1989-1992. He was also the US Marshall in North Georgia for two terms under two former Presidents – Bill Clinton and George Bush. He then introduced the a software system called Probation Tracker and explained how it works toward successful termination.

Harold Bazzel, former Clerk of Bay County, addressed the commission and told them how successful this program had worked in Bay County. He stated that Judicial Corrections doubled the collections from probationers in that county while he was clerk.

Brief discussion followed.

When questioned by the board, Clerk Thomas stated that he thought the system merited consideration.

County Administrator Williams stated that he has some experience with similar programs and it has worked well. He supported further exploration of the system.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, FOR THE COUNTY ADMINISTRATOR TO PUT TOGETHER (IN CONJUNCTION WITH THE CLERK) TO FORMALLY CONSIDER THE CONCEPT AND MAKE FURTHER EXPLORATION.

CONSENT AGENDA

Items 11 and 12 were pulled from the Consent Agenda for discussion.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE REMAINING ITEMS FROM THE CONSENT AGENDA.

5. Approval of Minutes of April 20, 2010 Regular Meeting

6. Ratification of Payment of County Bills

Accounts Payables dated: June 4, 2010
June 11, 2010
Payroll Dated: June 3, 2010

7. Approval of Chairman Lamb's Travel to the 2010 National Association of Counties' Annual Conference and Exposition in Reno/Washoe County, Nevada – July 16-July 20, 2010 Approximate Cost \$1,750.00

8. Resolution 2010-031 Appealing to the City of Quincy for Downtown Parking Solutions

9. Approval of Gadsden County Appointments to the Gadsden County Industrial Development Authority by Gadsden County Chamber of Commerce

Nick Bert – Havana (District 1)(New Appointment to replace Wilson Hinson whose term expired on 5/18/2009)

Barry Haber – Quincy (District 5) (New Appointment to replace Felecia Battle-Jones whose terms expired 5/18/2008)

Calvin Dawkins Chattahoochee (District 3) (Reappointment)

10. Approval of Settlement in the Matter of Herb Chancy v. Gadsden County, Florida

Mr. Chance, a Gadsden County employee, filed suit against the County alleging race discrimination and retaliation related to several employment decisions affecting Mr. Chancey's employment. The matter proceeded through the federal system through the end of discovery, when the parties were able to agree on a tentative settlement figure of \$20,000, inclusive of any and all fees and costs, in exchange for complete dismissal of Mr. Chancey's action against the County.

The attorney for the County's insurance carrier recommended approval of the proposed settlement.

11. ~~Approval of Signatures for Special Assessment Liens for Crystal Jones; Philynsia Jenkins for Impact Fee Proviso Down Payment and Closing Cost Assistance~~

This item was pulled for discussion.

12. ~~Approval of Signatures for Special Assessment Lien and Rehabilitation Contract using Impact Fee Proviso funds and State Housing Initiative Program funds for Rehabilitation of Homes of Margaret Odom and Clara Pride~~

This item was pulled for discussion.

13. Approval to Enter Into Interlocal Agreement with Town of Greensboro for Watermain Extension

In April 2009, the Board approve the Immediate Needs Report and associated recommendations as prepared by Preble-Rish, Inc. (PRI) One of the recommendations contained in that report was to provide \$250,000 of the legislative appropriation funds received by the County in 2008 to the Town of Greensboro to use as leverage funds toward a Community Development Block Grant grant. The leverage funds, along with the CDBG grant funds would be used to construct a watermain from Gretna to Greensboro. The Department of community Affairs (DCA) requires that an Interlocal Agreement be entered into if any portion of the grant activities will take place outside of the jurisdiction of the applying government. Since a section of the line will be installed in unincorporated Gadsden County, this agreement is necessary for Greensboro to move forward with the grant application.

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

11. Approval of Signatures for Special Assessment Liens for Crystal Jones; Philynsia Jenkins for Impact Fee Proviso Down Payment and Closing Cost Assistance

Commissioner Taylor expressed her concern about how the applications are being processed and considered for services in the county department. She said that she is not confident that the process is being conducted fairly. She stated that she had sent people to that office for services who have come away with little or nothing done for them. She concluded by saying, "I am not satisfied with the way that department is being run and I want to see it improved. I have had several conversations with the administrator. I have talked with him about it. He has supported some of my issues and concerns, but I have not seen any improvement. That is where I am at."

Chairman Lamb admitted that he had very little knowledge of how the department is run, but he has never had reason to question it. He asked the County Administrator to have someone from the State to come to this body and explain how this program is supposed to be run. Let them put this program in proper perspective before the board. He also asked that the staff provide a copy of the local ordinance to the commissioners which defines how the committee should function.

Mr. Williams stated that he would be happy to contact the State and request that they meet with the board.

Commissioner Croley asked that they have the Planning Department prepare a map with their software that will demonstrate the locations where the housing projects have been completed over recent years in the county. (All the houses that have benefited from the program)

Mr. Williams stated, "The board has very little discretionary authority because it has to be in accordance with the state regulations. The state regulations require "first come, first served" unless you are elderly or handicapped. Then, you get to jump to the front. They tend to cluster. In other words, if you do a house in one neighborhood, the neighbors see it and the neighbors talk and then all the neighbors come in and apply. So, they tend to actually go in little clusters. The board, as it is set up, has very little discretionary authority."

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE ITEMS 11 & 12.

12. Approval of Signatures for Special Assessment Lien and Rehabilitation Contract using Impact Fee Proviso funds and State Housing Initiative Program funds for Rehabilitation of Homes of Margaret Odom and Clara Pride

This was approved as part of the motion on item 11.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

GENERAL BUSINESS

14. Department of Homeland Security Grant for Planning Training and Functional Exercise Contract No. 11-FG-39-02-30-01 (CFDA# 97.042) \$44,967 July 1, 2010 through June 30, 2011

Charles Brinkley was present. There was no discussion among the board.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT NAMED ABOVE.

15. Approval of Maintenance I Position for Gadsden Memorial Hospital Campus

The lease agreement with Tallahassee Medical Center, Inc. d/b/a Capital Regional Medical Center requires the County to maintain the grounds of the facility. In order to fulfill that requirement, the County's Facilities Maintenance Division needs to add an additional employee with responsibilities specific to maintaining the grounds of the hospital. Cost - \$30,000 per year. Funds will come from the same fund which paid for Urgent Care. Capital Regional has requested that inmate labor not be used for this purpose.

Clyde Collins was present and answered questions of the board.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE NEW POSITION DESCRIBED ABOVE.

16. Public Officials Bond Reviews

At the instruction of the Board on June 1, 2010, the staff and Clerk Thomas reviewed the public official bonds for sufficiency in relation to the functions that each elected official performs. Their recommendation was to increase the amount of the Sheriff's bond from \$10,000 to \$100,000. The fiscal impact would be approximately \$275.

Staff recommended that the county attorney be directed to amend Ordinance 2009-005 to

increase the bond amount for the Sheriff.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE NEW BOND REQUIREMENTS FOR THE CONSTITUTIONAL OFFICERS AS RECOMMENDED IN THE AGENDA REPORT AND INSTRUCTED THE COUNTY ATTORNEY TO PREPARE THE APPROPRIATE AMENDMENT TO THE ORDINANCE IF NECESSARY.

17. Approval of Resolution No. 2010-027 and Appropriation of Funds (0020-120) Tourist Development Council (TDC) for Website Development & Marketing, Advertisement and Promotional Planning OMB-BA# 100086

The TDC currently has \$215,806.94 accumulated in fund reserve from previous fiscal years that were allocated and budgeted for marketing, but not utilized. The TDC requested an additional \$64,450 of that money be used to implement the website and marketing plan identified in the adopted TDC Strategic Plan. The funds would be spent to develop a market/media driven web-site, advertise with VISIT FLORIDA, advertise in statewide regional marketing materials and prepare collateral materials that will be spread over the five year strategic plan planning horizon.

In addition to the \$64,450 outlined in the TDC Strategic plan, an additional \$6,000 is required from the reserve fund to contribute to the anticipated cost of the regional billboard blitz.

Commissioner Taylor raised some questions about the use of the funds. She stated that she does not intend to approve a staff position by the recommended action.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE RESOLUTION 2010-027 AND THE APPROPRIATION OF FUNDS (OMB-BA# 100086) CONTINGENT ON THE FACT THAT IT DOES NOT INCLUDE A STAFF POSITION) TO BE USED FOR THE MARKETING PLAN AS IDENTIFIED IN THE TDC STRATEGIC PLAN.

18. Bradwell Restaurant & Infrastructure Project & Economic Grant Funding CDBG

The agenda was amended at the beginning of the meeting to include additional material to support this agenda item.

The County submitted an application to the Florida Department of Community Affairs (DCA) in 2007 for Mr. Monte Bradwell's proposed project for a restaurant on the Bradwell property located on U.S. 90, west of Quincy. Parcel No. 3-10-2N-4W-0000-00134-0100. On August 13, 2007, the staff was informed of the funding award in the amount of \$750,000. The BCC approved the award on August 21, 2007. The grant funds were to be utilized for infrastructure improvements – sewer lines, lighting and paving of access roads to extend to the proposed restaurant site. The funding was tied to and contingent on the construction and extension of infrastructure to a restaurant which was to result in an economic benefit and employment center.

Subsequent to that August 21, 2007 meeting, a number of events unfolded throughout the entire country and the world which led to recession and credit crunch which posed a financing challenge for Mr. Bradwell. However, he remained hopeful that the project would move forward. At the April 6, 2010 BCC meeting, the BCC granted a sixty day extension to allow him more time obtain funding. As of June 2, 2010, Mr. Bradwell had not provided information to the board to document that he had secured financing to construct the restaurant.

As the application stands at present, the project must be completed by January 2, 2011. As that deadline approaches, it does not seem likely that the project could be finished by that time. A decision is now required of the county to either apply for another extension or close the application out and return the \$22,450.00 already expended. (Used to purchase an easement for roadway.)

It is noted here that the county cannot apply for another CDBG grant until this project is closed out.

The staff recommended the following:

- 1) Submit a closeout package to DCA so that the county may continue to apply for CDBG grants;
- 2) Authorize payment of \$22,450 to DCA;
- 3) Request that Mr. Bradwell repay the \$22,450.00 paid to him for the ingress/egress/utility easement located on his property;
- 4) The county vacate the easement and return the property within the easement to Mr. Bradwell.

Mr. Bradwell has withdrawn his project. He has submitted a check for \$21,000. The difference was county incurred expenses that should not be reimbursed by Mr. Bradwell.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE STAFF RECOMMENDATIONS STATED ABOVE.

Commissioner Taylor noted that Mr. Bradwell withdrew his project and she wanted the record to reflect it in that way. She stated that she wanted the county to continue to pursue installation of infrastructure in the area proposed by Mr. Bradwell's project.

19. **Approval of Change Order # 2 to the Contract with Peavy and Son Construction Co., Inc. for Paving of Dupont Road to Include the Paving of Talquin Ave**

The original contract to pave Dupont Road was approved on August 25, 2009 through a Joint Participation Agreement with Florida Department of Transportation (FDOT) using funding from the County Incentive Grant Program. The original project was designed and bid with the lowest bidder being Peavy and Son at \$693,701. However, the bid was award contingent on bringing the contract amount at the grant. Public Works Director Robert Presnell then went back to Peavy and Son and negotiated a reduction in the scope of the project, thus reducing the contract award to match the grant award. The first change order not only reduced the scope of work to Dupont Road, but also included some work to Dodger Ball Park Road – bringing the contracted amount to \$314,928. The BCC approved that contract change order and directed the staff to come back to the board with estimates to pave Talquin Ave in anticipation that perhaps it could also be paved by a change order to the Peavy and Son contract as well.

Change Order # 2 would increase the contract with Peavy and Son contract by approximately \$40,701.58 to include the paving the unpaved section of Talquin Ave. (It was already paved on either end leaving an unpaved portion of the road because the homeowner refused to give the right of way. The new home owner has agreed to give the necessary right of way and requested the unpaved portion now be paved.)

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 – 0, BY VOICE VOTE TO APPROVE THE CHANGE ORDER DESCRIBED ABOVE.

19A **Approval to Sell Ambulance At Auction 2001 Ford F-350 SN 1FDWF36F21ED01035**

Gadsden County EMS Department requested board approval to declare an ambulance that is no longer in service as surplus and sell it at auction. They further requested that the funds received from the sale be allocated to the FY 2009-2010 budget 0144-54600 line item. (Maintenance and repair) These funds would give some financial relief to EMS as they encountered some unexpected repairs to the ambulance fleet during the year.

Gadsden County EMS Department requested board approval to declare an ambulance that is no longer in service as surplus and sell it at auction. They further requested that the funds received from the sale be allocated to the FY 2009-2010 budget 0144-54600 line item. (Maintenance and repair) These funds would give some financial relief to EMS as they encountered some unexpected repairs to the ambulance fleet during the year.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO DECLARE THE AMBULANCE AS SURPLUS AND AUTHORIZED STAFF TO SELL IT AT AUCTION AND UTILIZE THE FUNDS FROM THE SALE AS RECOMMENDED BY STAFF.

20. **COUNTY ADMINISTRATOR'S AGENDA**

Update on Board Requests

Commissioner Croley asked for a status of Inventory of County Property. The administrator was not certain of the progress so far, but the staff put in charge of preparing it had promised it by the end of June.

Commissioner Taylor raised several issues that should be considered for funding during the budget cycle such as new fire hydrants, grant writer position, and other matters previously raised by the board.

21. **COUNTY ATTORNEY'S AGENDA**

Update on Various Legal Issues

Drug Abatement Board

Ms. Minnis reported that she is working on a draft of an amendment to the ordinance. She would have something for the administrator to review within a few weeks.

22. **DISCUSSION ITEMS BY COMMISSIONERS**

Commissioner Morgan, District 3

Commissioner Taylor, District 5

Morris Long- Incorrect Legal Description on 1976 County Deed

Ms. Minnis attempted to explain the deed discrepancies surrounding Mr. Long's deed.

Minnis:

Apparently, the county was given the land in 1973 through a court order. There was a final judgment awarding certain properties to the county as a result of failure to pay taxes, as I understand it, by the then property owner. What happened was that the prior attorney did look at this matter. There was an indication that he was to do a survey if he thought it was necessary. The notes that I have in my file indicate that based on the title search that was done, there was a feeling that a survey was not necessary because they found out what happened while looking at the title search. Basically, what happened with the title search is they found out that the order from the court had given an improper property description for the property which ultimately ended up belonging to Mr. Morris Long.

In the interim from 1973, after the county got the property from the court order, the property

was actually bought from the county by Mr. Long's brother, David Long. So, the county has never really given a deed to Mr. Morris Long. Their involvement was with his brother, David Long who then deeded it to his sister who then deeded it to Mr. Morris Long. So, the county's involvement with the families two or three deeds back.

I did meet with Mr. Long. On at least one occasion we had conversations. I did send him a letter. The concern we saw with doing a corrective deed because there are some instances when that can be done, is that because the issue is so old. The original error was in 1973. Doing a corrective deed would not necessarily solve the disputes that Mr. Morris Long is talking about. We would first have to do a deed to his brother, not to him because he is not the person that we sold the property to. The corrective deed would not solve all of the other issues dealing with the adjacent land owners, any of the tax concerns, or any of the adverse possession issues that circulate around this property.

There are mechanisms by going through the court where this could be resolved where all the parties could be brought in at one time to resolve all of those issues through a court proceeding. But, since I am the county attorney, I don't have the authority nor can I ethically advise Mr. Long on what proceedings he needs to take or the other property owners need to take through the court system. Unfortunately, that is where this situation has kind of stymied. We sent Mr. Long a letter indicating that we didn't think that we could legally advise him on what he needed to do via the court system in order to resolve this issue. But, that we didn't think that simply giving a corrective deed to David Long, his brother was going to resolve the problems that he had.

I can tell you from looking at the notes in my file, a survey has not been done, nor was a survey ordered. The note indicated that because the problem was found through the title search, that they didn't believe a survey was going to add anything to that information.

Lamb:

So, what needs to be done now?

Minnis:

Well, you see, that is where you are putting me in an awkward position.

Lamb:

So, as the county attorney, you can't suggest that. What can we do on our part, that is what I am asking.

Minnis:

From a very technical point of view, a corrective deed could be issued to David Long, but, Mr. David Long has not approached us to give a corrective deed. Now whether giving him a corrective deed would then correct Mr. Morris Long's problem would depend on whether they redeed the corrective properties. You would basically have to have three corrective deeds. The concern with the corrective deeds is that in most instances where that has been done, it has been done in close proximity to the erroneous deed. So, everyone whose property was affected by that corrective deed had prior notice before they brought their property or decided to do anything with their property. At this point in time, since the error occurred in 1973, to do a corrective deed now and

record it may cause issues with adjacent property owners. There may be mechanisms that could get all of the parties into one location at one time and one proceeding to try to correct everybody's issue and all of the issues surrounding this parcel and the adjacent parcels and doing a corrective deed to Mr. David Long would not resolve those issues.

Lamb:

I see what you are saying. Was money involved in that transferring of deeds? You see, that is going to be another problem. That is why, as you were saying and I understand exactly what you said, all of them have to get together at one time.

Minnis:

You see, when I met with Mr. Long, he did indicate that there had been some issues with adjacent property owners. This is the first that I have heard that they may be interested in trying to get together to try and resolve this problem.

Long:

I have spoken with all of the neighbors and the property owners that are affected and I have them on board with me. So, there is no problem with that.

Minnis:

My concern is if we simply give a corrective deed to David Long, that is not going to solve the tax issues, the adverse possession and all of the other issues that the adjacent property owners may have. It is going to affect other property lines in that area. I think it would just make the problem escalate a little more.

Lamb:

They need to get together. Who needs to coordinate them getting together and who do they need to get together with?

Minnis:

The optimum thing would be, if they wanted to consult with their private counsel, an attorney or their own, even if Mr. Long could get an attorney for himself or some of the other property owners could get an attorney for themselves to look at the option of going into the court system to get this matter resolved for all parties to have an opportunity to participate and have a say-so about what happens to get this all straightened out. In that instance, then all the issues could be addressed. All the property owners could have their concerns and their rights and property issues resolved.

Lamb:

O.K.

Commissioner Croley?

Croley:

Ms. Minnis, I have spoken to Mr. Long as well. He's got something to add. Let us hear him.

Long:

I would like to add that I would really ask this board to just do a survey. I think a lot of the issue will be solved if they just do a survey for me. That way, it will put the boundaries straight for us and I think as far as the neighbors, they will be on board if they could just get the survey did. That is what I asked you to do. Do the survey and that way it will correct all the legal problems that we have. As far as getting counsel, I have already paid for the expense of the west side to be surveyed. All I am asking is for you to pay is for this side. From the west side, I have already paid for the surveyor to do all the markers and everything from Pat Thomas all the way back to Stewart Street. All I am asking is for you to go from Love Street to Stewart Street and do that survey for me. Then that will put the legal point straight. If you don't get the legal point straight, then that is not going to solve anything. So, I am asking the board to just do the survey. That is all I am asking you to do.

Croley:

But, Mr. Long, when you buy land, normally the one doing the buying is the one that pays for the survey. Not the seller. In this instance, Ms. Minnis, didn't his brother acquire this land on a tax deed?

Minnis:

Yes.

Croley:

And that tax deed carries that same – ah, it is as good as a warranty deed - isn't it, generally?

Minnis:

Yes.

Croley:

The question then is if you conveyed an inaccurate warranty deed or a tax deed, the only obligation the county should have or the public is to convey a proper corrected tax deed. At that point, if Mr. Long and the other parties involved wishes to have a survey done, that would be their responsibility. I don't see where, from a business standpoint and from a legal standpoint in the community, and I supported getting this correct. I want to make sure that everybody understands that. I don't think the public has an obligation to run a survey for the purchaser of the tax deed. If you get one, the county never does that for other buyers.

Minnis:

That is my understanding. The title search did – when the title search was done cause the county did pay for a title search to be done – the error was found and there was information showing where the point of beginning had erroneously been moved in certain parcels of property. I have provided all of that data.

Croley:

But, we could give a corrective deed to Mr. David Long to correct the deed that he originally received, the tax deed that he originally received. Then from that point forward other interested parties would have to pull their own wagon about that. Is that not true?

Minnis:

That is my understanding. Like I said, the concern with the corrective deed is that normally, it is done closer in time to the error. Usually, there is a mutual error that is corrected by the deed. So, that is one concern.

Croley:

I understand that it should have been closer in time, but the question is – If the original plat is missing – Clerk Thomas may know more about whether it is in the courthouse records or not. I don't know. Do you know anything, Mr. Clerk about the original plat of the City of Quincy.

Thomas:

We have some plats going back to the 1830's. I understand that he is questioning whether or not there is an additional plat. We have what we have. What is in the courthouse is what we have. And, I understand that you have been there looking at them. It seems to me that if Ms. Minnis can provide to him the legal description, the correct legal description for the property that his brother originally purchased and give that to him, he could get his own surveyor to survey that particular piece of property. The correct legal description. He can go from there and correct this problem. Just listening to this and this is the first time I have heard it, he needs that correct legal description and he can then take it upon himself to have that matter fixed and not the county. If he can be provided the correct original legal description.

Croley :

That would be the right thing.

Long:

I went before the City and I have been to the Clerk, I have been to the Property Appraiser. Mr. Clay VanLandingham said that he had seen the original plat with the dimension of the town of Quincy. I have a problem when he (inaudible) seen the plat, and now I go before and ask for the plat, it is not on record. No one has no mention of it. It is lost and can't be found. I can't be found. I have proof where I have had documents signed from him. All I am asking is that the original plat of Quincy would have been surveyed and the dimension is 2640. All I want is the original plat. Not a duplicate of it. I know the duplicate, but it don't have the dimension. All they have given me is this here. This don't have the dimension on it. The one that Mr. Clay VanLandingham has looked at has all the dimensions and the layout. My point came out of Lot 128. That would put my land correct. That is all my brother's land and I have a power of attorney for my brother. He is still living. He has no problem. He has signed his rights over for me to speak for him. I don't know what she is saying. He has given me power of attorney and I have done gave her the power of attorney and I am speaking on his behalf. But, I am asking that you give me the original plat of the original town of Quincy. It is 2640. My land came out of that 128 out of the original plat of 1834, not 1955. That is what they keep showing me. The 1955 revised of the plat. All I want is the original plat of 1834, revised in 1923 of the original dimension of the Town of Quincy. Then, that will put my boundaries right. That is all I am asking.

Lamb:

Has he shown you that he has power of attorney? Has he shown you papers concerning that?

Minnis:

He has told me that he has them. I do not have a copy. I need to have a copy.

Lamb:

O.K. you can't give him anything unless he shows you something.

Minnis:

I need to have a copy of the power of attorney. He has told me that he has it. But he has not given me a copy of it.

Thomas:

If she could give him the legal description, the correct legal description, then that correct legal description can be provided to a surveyor who can then – they search the records all the time and know about all of the original boundaries and all and the plats. Then they can take that and try to figure out exactly where your property is. What we have – the records we have in the courthouse is what was there when I got there. I wasn't around in 1834, obviously. So, we have what we have. We have some originals. They don't have all of those detailed boundaries that you are looking for maybe, but you can go to some of the local surveyors, they have lots of records and they know what is available. You take that legal description and they can take it and find original plats and they can probably tell you where your property is. Then you might have to take that a little further with a lawyer.

Croley:

Mr. Chair, under the circumstances and since I made the motion prior back in January to deal with this for Mr. Long's situation, **I WOULD LIKE TO MOVE THAT THE COUNTY ATTORNEY ISSUE A CORRECTED TAX DEED TO MR. DAVID LONG OR HIS LAWFUL REPRESENTATIVE TO CORRECT THE DEED IN QUESTION AND THAT IF POSSIBLE THAT THERE BE INCLUDED IN THERE, BY SEPARATE REFERENCE – NOT IN THE DEED – BUT BY SOME OTHER COMMUNICATION A REFERENCE TO THE CLERK'S SUGGESTION SOMEPLACE FOR THEM TO LOOK AT. I DON'T KNOW WHERE, I WOULD SAY THE CLERK'S OFFICE, BUT HE SAYS HE DOESN'T HAVE IT SO I WILL AMEND MY MOTION AGAIN TO DELETE THAT PORTION AND MAKE IT THAT YOU ISSUE A CORRECTED TAX DEED TO MR. DAVID LONG OR HIS LAWFUL REPRESENTATIVE. PERIOD.**

LAMB:

O.K. CAN I GET A SECOND?

TAYLOR:

SECOND.

LAMB:

IT HAS BEEN MOVED AND PROPERLY SECONDED THAT THE ATTORNEY WILL ISSUE A CORRECTED TAX DEED TO MR. DAVID LONG OR HIS DESIGNEE. Now, she is going to have to see something from somebody to make sure that he is the lawful designee. That is the law. **YOU HAVE HEARD THE MOTION. READY FOR QUESTIONS. HEARING NONE, READY TO VOTE. ALL IN FAVOR, LET IT BE KNOWN BY SAYING, "AYE."**

**CROLEY & TAYLOR & LAMB:
AYE.**

**LAMB:
OPPOSES?**

No response.

THE AYES HAVE IT.

Commissioner Croley, District 2, Vice-Chair

Tax Revenues –

Very briefly, Mr. Chair.

You know, I have had some communications with some business people and talked to the administrator about the tax revenues. We have possibly had some decline in traffic through here going to the beach because of this oil thing. I would like to have this situation reviewed by the county administrator, Clerk Thomas and Tax Collector Dale Summerford to see if they can detect any decline in revenue that may be attributable to this oil spill so that we can have the county attorney look at any type of claim we may have against the British Petroleum Company.

Fire Service Equipment Standardization

The second matter, and Mr. Administrator, I had an opportunity just in passing to discuss with Chief Crum the need to try to standardize the fire service equipment within the county. We seem to have different type of equipment among the different departments. If we could get with one of the regional, I'll just use the Tallahassee Fire Department or some other appropriate point of reference, and try to work on standardizing the fire equipment that we have in place. That would be good and maybe if you could come up with a plan for consideration by the board at some point in time, I think that would be beneficial to the public safety.

With that, Mr. Chair.

Commissioner Lamb, District 1, Chair

Brumby Street House

Thank you. I only have or two things right quick.

Mr. Administrator, I don't know if you could appoint somebody to look into this for us if you can,

but, the house that we built some time ago, using public funds for \$100,000 – Where are we on that now?

Williams:

The Brumby House – the so called Brumby House.

Taylor:

In the worst place they could have built it.

Williams:

We have made attempts to sell it. We can't get any offers. Of course, the location has a lot to do with it. The economy has a lot to do with it. People are actually stealing things off the house now and it is a problem.

Lamb:

Clyde, do you want to expound on that a little bit for us, please.

Collins:

We have, well, just recently, somebody stole the condenser unit, the air-conditioner, off of it. That is going to cost about \$2,000 to put one back. It is just

Lamb:

We spent \$100,000 of the tax payers money.

Collins:

Yes, sir. And then, the upkeep on it. We have to mow the grass, and I am fixing to have to put an air-conditioner in it. If we don't, it is going to get mold in it, then I will have to tear it down then. So.

Lamb:

Is there any way that you can put that place up for sale and try to sell it for something?

Collins:

We have tried to sell it. We had somebody that actually wanted to buy it at one time, but their credit didn't pan out so they could buy it.

Taylor:

Where they built it, no one with decent credit will buy it. As soon as you spend that \$100,000 and put your key in that lock and turn it, it devaluates the property almost 30%.

Lamb:

We probably won't sell it for \$100,000.

Williams:

You won't get \$100,000.

Lamb:

We probably won't get half that.

Taylor:

But, then like I say, those who, \$50,000 or \$60,000 don't want it or won't qualify for it. So, it is in a quagmire. Best thing the county can do is perhaps take it and use it for some other kind of space. Something. If you just give it away, you are going to have a loss.

Lamb:

Can the county rent that house?

Taylor:

We don't need to get into that kind of business.

Lamb:

I know we are not in it, but we need to do something. We spent \$100,000 of the tax payers money.

Taylor:

They lost. We lost.

Lamb:

We need to go get that money from the ones who spent it. That is what we need to do.

Collins:

I agree with you. I don't know what to do to be honest with you. Whether to try to sell it or - We keep trying to sell it. We will sell it to anybody that wants it that can qualify to get it. Even if we sold it for half what it was worth, I still don't know if I could sell it.

Lamb:

Will you investigate a little bit, Clyde, please, for us to see if there is anything we can do it – if we can use it for something else like Commissioner Taylor has mentioned. Is there a possibility that we can rent it or a possibility for whatever. Bring us back something if you can.

Collins:

What other uses would you want to do with it?

Lamb:

I don't know.

Commissioner Croley?

Croley:

What about, I know Habitat for Humanity is building a house in that area there, I mean, why can't we – They wouldn't accept it, Mr. Administrator to use as a rental property? I thought that they had done that.

Williams:

I haven't really discussed it with them, but I know that it would not meet their standards.

Croley:

Well, let me put it this way, I agree. Commissioner Lamb and I were here. We strongly opposed that. It was done and we've got to deal with it now. We have got to get rid of that house. If not, it is just going to get worse.

Williams:

Maybe an auction might be possible.

Croley:

Maybe we could do an auction, Mr. Chair.

Lamb:

That is why I asked him to go back and talk to administration and see what we can come up with to get rid of that house. We've got it now. I know Commissioner Taylor wasn't here, but we tried as hard as we could not to do that, Commissioner Taylor. That is just \$100,000 of our money – those that pay taxes – that we threw out the window. I would really like to go get that money from the ones who did it. That is what I would like to do. But, we can't do it, so Clyde, look into that for us, please. I don't care how we get rid of it, let's just get rid of it.

Thank you. If there is nothing else coming before the board, this meeting stands adjourned.

23. **RECEIPT AND FILE AGENDA**

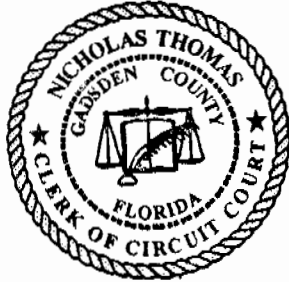
- a. For the record: Grant Adjustment 1 Notice – FDLE- Havana Department of Drug Apprehension Program 2010-ARRC-GADS-1-W7-192

July Meetings: July 6, 2010 Regular Meeting 6:00 p.m.

July 20, 2010 Regular Meeting 9:00 a.m.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN DECLARED THE MEETING
ADJOURNED AT 11:00 A.M.**



ATTEST:

Muriel Straughn

Muriel Straughn, Deputy Clerk

Eugene Lamb

Eugene Lamb, Chair

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JULY 6, 2010 AT 6:00 P.M. , THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

Present: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Mike Glazer, Deputy County Attorney for Attorney Deborah Minnis
Johnny Williams, County Administrator

Absent: District 4 Seat - Vacant due to resignation of Brenda A. Holt

INVOCATION AND PLEDGE OF ALLEGIANCE

The chair called the meeting to order and called for a moment of silent prayer. He then led in pledging allegiance to the U.S. flag.

AMENDMENTS AND APPROVAL OF THE AGENDA

The agenda was amended as follows:

Added: Hospital Update by Mike Glazer added as 1A.

Added: Summer Youth Program as 1B.

Move item 12 to follow Item 9 (ahead of Item 10) on the General Business Agenda - Approval of Bid Award for Frank Smith Road Repair Project, to Duggar Excavating, Inc. for \$249,413.80 (Road Culvert Replacement)

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE AMENDMENTS TO THE AGENDA.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED ABOVE.

AWARDS PRESENTATIONS AND APPEARANCES

1 . Pipeline Update – Thomas Nestor, Public Relations Consultant, Florida Gas Transmission Company, LLC

County Administrator explained that Commissioner Taylor had requested that someone from Florida Gas Transmission come to the board and explain the pipeline construction project that is going on within the county.

Administrative Coordinator Charles Chapman introduced Thomas Nestor, the Public Relations Supervisor with Florida Natural Gas and Pipeline. He also told the board that Florida Gas Transmission is laying a new pipeline throughout Florida.

Mr. Nestor addressed the Board saying, "Florida Gas Transmission Company is an interstate natural gas pipeline. We have been operating in Florida since 1958. We are regulated by the Federal Energy Regulatory Commission, commonly known as FERC and the U.S. Department of Transportation. When we started in 1958, we had one single pipeline that went from South Texas, all the way around the Gulf and Mexico down to just south of Miami. Today, we have roughly three pipelines going most of that way.

Approximately 80% of the natural gas that will be transport into the state always has and still is used for the generation of electricity. Our Phase Eight expansion, about 90% of that will be used to generate electricity.

I originally contacted Gadsden County in early 2008 and I was directed to the Growth Management director and the assistant county manager. I informed them about our project and the process that we had to go through in order to get permission to build it. In January of this year, I met with the assistant county administrator and said that we had received our certificate from FERC and we were approved to go ahead with the project and that we would begin construction in the spring of this year.

Phase Eight expansion is mostly in Alabama and Florida and consists of 483 miles of pipeline. It will bring an additional 820,000,000 cubic feet per day of transportation capacity into the state. This will bring our total delivery capacity to 3.1 billion cubic feet of natural gas per day. That is a lot of natural gas and it generates a lot of electricity.

In Gadsden County we are adding 20 miles of 36" pipeline. If you started at the eastern boundary of Gadsden County right at Leon County and came west 20 miles, you would arrive at our compressor station. That is where the pipeline is being constructed. It is all south of I-10. It is also being built parallel to our existing three pipelines that go through Gadsden County. Construction started in Gadsden County in May of this year. It is about 85-90% complete at this point. It will be completely finished probably in mid-August. They have to do some tie-ins with the existing line, then finish the grading of the right-of-way and then seed it. The in-service date for the whole Phase Eight expansion is in the spring of 2011. As a side note, Florida Gas does pay property taxes to all the counties that it passes through. If you will ask your tax collector, you will find that it is a substantial amount of money.

I have a summary of my presentation which is very brief. I was told to be very brief. I hope I was brief enough. I will leave it for your use later. I will be happy to answer any questions.

Lamb:
Commissioners, do any of you have any questions?

Taylor:
I am Commissioner Taylor and it is my district. I know that portions of it has already come

through. There were some questions as to - Number 1 – were there jobs available for folk to apply? Number 2 – Was this a safe operation? It is dealing with gas. Then, Number 3 – I did not understand because I never, as far as I could remember, we never entertained you coming before us to discuss this going forward. You mentioned earlier that you did meet with the assistant county administrator. I didn't know we had an assistant. But, you did mention that you met with this person and I just thought it should have been entertained here so that we would be able to speak intelligently about it. So, jobs was one issue. Safety is another. Then, I don't know the process. I didn't understand the process of getting them out there and getting them started with the operation without it coming before the board.

Nestor:

As to jobs – pipeline construction is a very specialized field. The contractors that we hire – we hire contractors, we don't do the work ourselves – Their employees travel with them from state to state. There may be some local people hired for certain things, but I really can't answer that question. I would say that most of them are from out of state because that is what they do. They travel to where the jobs are.

The safety issue – We operate the pipeline in as safe a manner as we can. We don't want anything to happen. It is a high pressure gas line. The pipe is constructed, put in the ground, then it is cleaned internally. It is then filled with water and the pressure is raised to twice the maximum pressure that it will ever operate at. So, if there are any weaknesses in the pipe, you would know then. Plus the pipe is tested where it is built at the factory. Then we weld the 80 ft. sections together. Every section is X-Rayed to make sure that the weld was done perfectly. So, it is a very safe process. Since we have been operating, for over 50 years, actually almost 60 now, there have been very few incidents with the pipeline. Every year, the quality of the steel gets better and better.

As to not appearing before the board, my job has been to contact all the counties. I usually call the county administrator and say, "I would like to tell you about our project." I was directed to the Growth Management Director at that point. I always offer to come if the board would like to have a presentation. I think I have done two or three – Most boards listen to what their administrator or manager tells them. Then if they have any questions, they follow up.

Taylor:

Thank you.

Lamb:

Anyone else?

Is there anything else that you want to add?

Nestor:

No.

Taylor:

One final question. Would the local municipalities be able to tap into this source and maybe have

reduction in their costs? Some of the folk around here have high utility bills. Just a footnote here. Is that a possibility?

Nestor:

The pipeline is only constructed for current demand. We can't build excess capacity. You could tap into it and there are times when there is excess capacity that you can buy or rent from other shippers.

Taylor:

So, what you are sending through is already purchased by some end user?

Nestor:

Yes, but there is always excess capacity at times of the year. The City of Quincy is served by a pipeline from south Georgia. There are no customers that we serve in Gadsden County. Not because we wouldn't, but because we have never been asked.

Taylor:

Oh, really? Thank you very much.

Lamb:

Thank you very much for the update.

Taylor:

Do you have contact information that you can leave with us?

Nestor:

Yes, I have my card in here.

1A **Hospital Update – Attorney Mike Glazer**

Glazer:

Good evening, Commissioners. Thank you for allowing me to provide this little update to you and to talk about a couple of other issues that we are moving forward on.

First of all, at this point, the hospital has only been open for three weeks, but in that three week period, they are averaging about 45-50 patients a day, which is fabulous. Not that I am wishing any will on anybody, but that is about double what they had originally projected. They are being very well received. We know we don't have any precise numbers at this point, but we know that a lot of those patients are folks who are covered by Medicare, Medicaid or private insurance. They are getting quite a mix of patients. It is still very early so it is hard to provide too much detail after only three weeks, but certainly the hospital has been well received.

I spoke with Chief Crum at the EMS service also. It is interesting. A couple of quick facts. First – even in the first three weeks, the ambulance transports out of Gadsden County are already down about 30 – 40%. That is really something. Something that I just learned – prior to the hospital being opened, every week and sometimes almost every day, Gadsden County would have to call

on its mutual aid agreements. That is they would have to contact their sister agencies in Leon County or other surrounding counties for help because there wasn't an ambulance available in Gadsden County. That was a very routine occurrence. In the last three weeks that has not happened even once. That is not to say that it won't, but that has dropped dramatically.

Lamb:

Excuse me. To those in the back – there are some seats up here if you want to come up here.

Glazer:

So, again, it is still very early, but some very encouraging signs. We have already had some meetings with the folks at Capital Regional to deal with the next steps and maybe using some of the additional space in the hospital for other purpose, maybe bring some other physicians to town. So, we are off to a very good start. That is a good segway into the real reason I wanted to bring this item to the agenda.

It is something that I brought to you two weeks ago, but now we need some action from the board. When Gadsden County reapplied for the hospital license from Ashford, the prior operator, there were literally tons of old furniture, fixtures and equipment. That old stuff was not actually purchased by the county. It was essentially given to the county, so you don't have any capital to speak of invested in it. But, you do have possession of it. It literally takes up thousands of square feet of space in that building. It is space that we now need to use. It is also old furniture and equipment that needs to be disposed of. A number of months ago, you all, we talked some about this subject. Since then, there has been some donation of some of the furniture and equipment to the Senior Center and some to Gadsden Technical Institute. But, there is a lot left. Way too much.

Let me distinguish what I am talking about and what I am not talking about. There is and you have heard me say this before, too. Right before they closed, they bought a whole bunch of new hospital beds. We do not want to get rid of those. So, I am not talking about those old beds. Likewise, I am not talking about old medical records or financial records. We are going to have to deal with those separately. I will be back before you on that at a later date. What we are talking about is furniture, computers, an old X-Ray machine that's got no value, and it is just stuff. But, we now need the space.

There are records in the space that has been leased to Capital Regional that we need to make available to them. And, we need to move all this old equipment out of the hospital so that we have the flexibility to do more things with that building. The old computers can actually be given to Goodwill. Goodwill will come and haul them off, decommission them and discard them properly, I think, at no cost to us. There are other items that just really need to be thrown away, frankly.

Mr. Collins is here and he can attest to the fact that this property is of no value. I know some of you have been out there and seen some of it. It is just taking up a lot of space. The Law actually provides a mechanism for disposal of the property by the Board of County Commissioners. There are two statutes that are out there. One is called a surplus property statute.

The other one has an odd name. It is called alternative procedure. The alternative procedure statute provides you with the greatest flexibility. If, in the course of disposing of this, we actually find that there are some items that can still be donated, that might have some little bit of value that we can realize, this alternative procedure that I am presenting to you this evening would give the county the flexibility to dispose of that in a different manner. But, it also provides the flexibility to just throw things away if that is what we need to do. Again, you don't have any money invested in that equipment, you just kind of inherited it.

What we are suggesting to you this evening is that you provide the county administrator, working in conjunction with the Clerk, because the Clerk does have some sort of an inventory of that material, to give the authority to dispose of these items under this alternative procedure. While it would be helpful as we discussed before, it would also be helpful to ratify the donations that have been made. So, what I have done this evening is I have drafted certain findings that I would like to read into the record followed by a motion that I would suggest that one of you make that would allow us to move forward with that procedure. I can either take questions or I can go ahead and read that into the record, Mr. Chairman, then take questions.

Lamb:

Go ahead and read it.

AUTHORIZATION TO DISPOSE OF SURPLUS HOSPITAL EQUIPMENT

Glazer:

O.K. I am asking the Gadsden County Commission to make certain findings. There are certain items of tangible personal property including furniture, fixtures and equipment in storage at the Gadsden Memorial Hospital building. Those items are not leased to Capital Regional Medical Center. Excluding the newer patient beds and the medical imaging and financial records, the Board of County Commissioners hereby determines that the remaining furniture fixtures and equipment are without commercial value. The Board of County Commissioners further determines that it is in the best interest of Gadsden County that this obsolete furniture, fixtures and equipment, which serves no useful function and the continued use of which is uneconomical or inefficient should be disposed of by the county in accordance with the alternative procedure for disposal of such tangible personal property codified in Section 274.046 FS. **THUS, IT IS HEREBY MOVED THAT THE BOARD OF COUNTY COMMISSIONERS FOR GADSDEN COUNTY FLORIDA AUTHORIZES THE GADSDEN COUNTY ADMINISTRATOR TO DISPOSE OF THIS PROPERTY IN THE MOST EFFICIENT WAY POSSIBLE IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS. THE COUNTY ADMINISTRATOR IS FURTHER DIRECTED TO WORK WITH THE CLERK OF THE CIRCUIT COURT IN ORDER TO ALLOW THE CLERK TO MAKE THE NECESSARY ACCOUNTING FOR THIS PROPERTY IN A REASONABLE AND ECONOMICAL MANNER. THE BOARD OF COUNTY COMMISSIONERS FURTHER RATIFIES THE PRIOR DISPOSITION OF ANY SUCH PROPERTY TO LOCAL GOVERNMENT OR NON-PROFIT ORGANIZATIONS.**

Someone can so move.

Croley:

So moved, Mr. Chair.

Lamb:

O.K. Do I have a second?

Morgan:

Second.

Lamb:

It has been moved and properly seconded that we will comply with this particular motion. You have heard the motion. Are there any other questions?

Ready to vote. All in favor, let it be known by saying, "Aye."

All:

Aye.

Lamb:

The "Ayes" have it. Thank you.

Morgan:

Mr. Chair?

Lamb:

Yes, sir.

Morgan:

Just a note that I would mention, that I would encourage the administrator and his staff. I know that we have reached out to Senior Services as well as Gadsden Technical Institute. But, as they say, one man's junk is another man's treasure. There may, in fact, be some area medical facilities or these organizations that administer expired medications and also pre-owned medical equipment and other medical accessories that third world parties and countries can use and benefit from. I would ask that you guys really do your homework and reach out there before you just "junk" this stuff. But, I do understand the immediate need to remove that from our facility.

Lamb:

Anything else?

Glazer:

I am done. Thank you.

EXCUSAL OF COMMISSIONER MORGAN'S ABSENCE FROM THE JUNE 15, 2010

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO EXCUSE THE ABSENCE OF COMMISSIONER MORGAN AT THE JUNE 15TH MEETING.

Commissioner Taylor recommended that a roll call be added to the agenda at all meetings in the

future.

LIBRARY SYSTEM

Dr. Olga Connally:

I am here as part of a larger group of citizens who have come together to support the Gadsden County Library Youth Services Programs. Many of us are parents of children who participate in these programs year round. My own daughter, who is now seven, has been participating since before she could speak. I am also here as a former teacher. I was in the classroom for 13 years, the last five of which I taught reading and basic math to developmental students and high school dropouts. I have witnessed first hand the difficulties that struggling readers face in every aspect of life. It is therefore of great concern to me that the youth services programs are struggling. Our librarians have worked for over a decade to build a vital educational network. They not only helped those children who come through the doors of the library, they also interact with children in schools and daycare centers all over the county. Their partnership with the daycares is often the key to accreditation. Beyond this, they have developed onsite programs that nurture reading and thinking skills in our children and engage whole families in the learning process. They are truly on the front lines of education.

If we want to point to examples of how we are meeting the goals of reading first and the goals of the U.S. Department of Education's Blue Print for Reform, we can point to the Gadsden County Library Youth Services Programs. We should be highlighting these programs as some of our best accomplishments, not cutting them. I and others are so concerned that we have been working since February to bring this issue to people's attention. When we learned that the crayons and coloring pages have been removed from all three library branches, we dropped suggestions in the suggestion box. Some patrons even attempted to donate these things back to the library. They were again removed. When we learned that the special guests would not appear this summer, we sent e-mail testimonials to Dr. Carolyn Poole, the Library Director, explaining the value of these high impact educational experiences for families in Gadsden County. We also explained that for some families, the library provides the only affordable way to see a professional story teller, artist or musician. Dr. Poole's response was that the summer programs would continue, but she could not justify high priced entertainers. As a result of Dr. Poole's refusal to engage special guests, Gadsden County lost an opportunity to be part of the four-county cooperative in which Gadsden Leon, Jefferson and Wakulla share special guests. Engaging special guests before the spring deadlines allows us to engage them for days when they are already traveling through this area. This is generally a win/win. A cost savings for us and better income for them.

In March we became aware that the library staff was paying for most of the arts and crafts supplies out of pocket. Needless to say, they could not continue this for long. As the last bottles of paint ran out, we knew we did not have enough funding to get through the spring much less the summer months. Quickly, we contacted the Friends of the Library and appealed for help. The friends asked us for a cost proposal to be reviewed first by Dr. Poole, then forwarded to them. Our proposal, a joint effort between Youth Services and parents, showed a reduced cost method for implementing the summer programs. The grand total was \$2, 735, an educational bargain considering that hundreds of children would have access to arts and crafts, movies and even special guests. Instead of passing on our proposal, Dr. Poole allowed it to sit on her desk. We

discovered this only by accident in late May. This was the point at which we realized that we had a serious difference of opinion with Dr. Poole. It was in May that we did three things.

First, we initiated a material drive as a stop gap and emergency measure to keep the Youth Services Program afloat. The flyers for this were distributed in Quincy and accompanied by request in two county newspapers.

Second, we formed a parent group to meet and discuss the status of the children's programs at Gadsden County Libraries. This group has been meeting for more than a month now donating both time and money to support Youth Services. On June 3, 19 parents and children gathered for an entire evening to prepare materials for the summer. Some parents even took materials home, spent many more hours preparing them and brought them back. This volunteer night was necessary because we had so little money to spend and because we got such a late start on the summer schedule.

Third, I communicated with Dr. Poole through email as well as face to face meeting. I let her know that the parents were becoming very frustrated. Our view, both then and now, is that we were being forced to pay for our programs three times over. One, in our taxes, two in our time and three from our pockets and kitchen cabinets. I also let her know that our role as auxiliary fund raisers was strictly temporary. Dr. Poole explained her budget restraints to me. Quite thoroughly in fact. However, she did not account for her priorities or lack of priorities for the children of Gadsden County. For whatever reasons, she would not make herself available to attend the parent meeting.

By early June, we understood that things were deadlocked. Therefore, we drafted a petition to seek a permanent solution to this problem. This petition has been circulating among the citizens of Gadsden County for approximately five weeks. In addition, I has been delivered to 16 daycare centers and one elementary school. I think you will agree that the results are impressive. We still have names coming in.

We believe that the problem is not with the budget itself as Dr. Poole claims, but with the way that budget is being managed. Why do we have money for a roster of adult computer classes in the spring, for example, but no money for arts and craft supplies? Why did we install a new state of the art copy machine at Bill McGill, but leave no money for special guests? Why do we now support an additional cataloger, but do not support our children? Remember also that we moved into summer 2010 with two collaborative summer library programs. Make a splash for school age children and make a wave for tweens and teens. These programs were approved by Dr. Poole. Why then, did she neglect to fully fund them?

In my email to you on June 27, I said that we needed help to correct situation so that families throughout Gadsden County will receive the educational support they deserve. We would like to publicly praise and thank those who have already jumped in to do just that. WE appreciate those school board members and the community leaders who have been proactive in the past two weeks. All have attempted to do something immediate and real to help the Gadsden County Libraries Youth Services Programs.

The next step, as we see it, is outlined in the petition. We believe it is extremely important to establish a permanent operating budget for Youth Services. A discretionary budget will only mean that we will have to gather here again next year and repeat this conversation. I hope you will see the wisdom in giving Youth Services a line item and I thank you for your time and attention.

Lamb:

Thank you very much. I think all of us heard it very clearly and she had it very well outlined. I think what we need to – instead of going through a whole lot of dialogue here, we need to give it to our administrator and hopefully, the administrator can get with the organization as well our library director and fix the problem if there is a problem. I don't think we need to go through anything a whole lot. I think he is already working on it.

This is my first time really, really knowing about it. But, by the next meeting, I would like to have an update, Mr. Administrator, on where we are. Hopefully, you will have it fixed by the next meeting or as soon as possible. I think that is where this needs to go.

Unidentified Audience member:

May I make just one point. We keep hearing "Summer" programs. This is a year round issue.

Lamb:

Come to the mic, sir.

Connally:

My name is Tom Connally. The point that I want to make is that we keep hearing "summer programs, the summer programs." This is a year round issue. She stopped funding things in February. If it wasn't for the parents, there would be NO programs. She likes to take the flyer out and say, "Oh, look at these wonderful summer programs." There would be none if we weren't there. That is where three quarters of this room is right now. They are parents that want simple funding.

Lamb:

O.K. We are looking to our administrator to bring us back a report. We don't want to criticize anyone in this meeting. We will give it to our administrator. (

Speaking to the county administrator: Take care of it, fix it and bring it back to us. We will expect a report at the next meeting.

Thank you very much, sir.

Taylor:

Mr. Chair?

Lamb:

Yes, ma'am.

Taylor:

Before you go, and I concur, not trying to make this one side versus the other side, but I think the county administrator needs to have the echo and the sentiments of the other commissioners that you have just outlayed so that he can understand that there are other commissioners behind you that want to see this matter resolved.

Lamb:
Exactly.

Taylor:
I, too, have spoken earlier in the year about issues that were raised by parents – lack of color crayons and some other things. I thought things were well underway.

I support this type programs. As a matter of fact, this is a service that we use. The young lady is absolutely correct. It gives merit to a program when the bookmobile comes to that program. You don't want to lose that kind of services. So, I am just echoing the chairman in that whatever way we can work this thing out, we need to work it out so that we can continue the services to the community. That is imperative. I am echoing what he is saying. Just to let you know that I support it.

Lamb:
My fellow commissioners, do you all have comments?

Morgan:
Mr. Chair, I have a couple of things and I appreciate it.

Thank you for the detailed update. We appreciate you all coming out and speaking with us and letting us hear about the frustrations that you have.

Mr. Administrator, I spoke with you a couple of times about this very issue and this goes back several months ago. I have spoken with the local folks over on the Friends of the Library, not only in Chattahoochee, but in other areas of the county. There are a couple of things that I want to comment on here.

It is very frustrating when there is no open communication. I think when we don't have that, we truly do have issues that escalate and then the damage is done. So, I would encourage us to open up those lines of communications. If there are some changes that we need to make, let's sit down at a table and talk about why they are being made and those types of things.

I want to speak just a minute in defense of Dr. Poole because the reality is that earlier in the year, during the legislative sessions, we did not know if Gadsden County was going to receive any dollars at all from the State of Florida or what those may be. Quite honestly, we are going to face those same hurdles during the next state legislative session. So, it really is an issue as far funding of Libraries. That being said, I don't know how many meetings that I have attended here since I have been on the board where I haven't talked about priorities of funding things when we have needs versus wants. This is a prime example of a need. We are talking about our children. Future contributing adults in our community. These summer programs are critical in so many ways.

As Mr. Connally mentioned, these year round programs are critical in so many ways. This is not an issue that is uncomplicated. But, it can be addressed effectively with open lines of communications and priorities for funding. This is going to be something that we should address in our budget sessions coming up. Next year is going to be tighter than this year. So, again, I would encourage us to talk among ourselves and try to reach out and find some solutions and understand that this is something that we do need to consider budgeting for.

Thank you, Mr. Chair.

Lamb:
Commissioner Croley?

Croley:
Thank you, Mr. Chair.

I certainly want to add my voice to the fact. As I sit here and I look at the faces of these parents and these children, I recognize and see the sincerity and desire to see improvements made.

Mr. Administrator, as you and I have talked in the past few months about the library system, I, too, want to see a plan as to how you are going to deal with this. But, I want to see a communication plan as to how the present library administration is going to be better engaged with the community. It comes down to communication, the capital requirements needed to provide these programs. We may not be able to do everything that has been done in the past, as Commissioner Morgan references because of the state budget cuts and the general state of the economy, but, our folks need to see a commitment to the public in some form or fashion so that they know what to expect. We, as commissioners, on their behalf, know what to look for from your administration and especially from the library administration. If we have a library board or a series of boards or something that can pull, the Friends of the Library, that can pull some of things together for better communication and guidance back to the board, I think that would be an important element as well.

Thank you, Mr. Chair.

Lamb:
Your observations are on part of all of you. I look forward to seeing this being taken care of in the near future. I know they want to get started with the summer. Like we have said now, the way the cuts are and so forth from the state level, we might not be able to do everything, but that is why you can establish that communication to this group and they can give a helping hand. I am almost sure that they are willing to give a helping hand. But, you've got to have that communication. So, Mr. Administrator, take care of it for us, please.

Taylor:
I want to make sure that our directions are clear. What I am hearing that they are asking for is that there is a budget in place that have line items for some of these items. Not that it comes from contingency funds, but there is a budget put in place where they can pull and make sure that

there are some activities are funded.

Now, yes, the Legislature is talking about cutbacks, but that is for 2010/2011. So what is happening now doesn't have anything to do with what is going on at the Legislature. So, just wanted to make sure that going forward, that there is a line item in the budget for these services so we don't have to worry about looking for money. That this will be protected money. If the funding is available, that this goes forward in this way. Like she said, she won't have to come back anymore.

That is what I would like to see. Thank you.

Lamb:

Thank you commissioners and Mr. Administrator.

CONSENT AGENDA

Items 4, 5 and 7 were pulled from the consent agenda for discussion.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO APPROVE ITEMS 2, 3, AND 6 BELOW.

2. Approval of Minutes of May 4, 2010 Regular Meeting

3. Ratification of Approval to Pay County Bills

Accounts Payables Dated: June 18, 2010
June 25, 2010
July 2, 2010

Payrolls Dated: June 17, 2010
July 1, 2010

- 4. Post Approval of Notice of Intent to Apply for Funding—2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program—JAG Countywide Certificate of Participation from the Florida Department of Law Enforcement, Office of Criminal Justice Grants—A Reimbursable Grant of \$75,160,000. (No county match required.)**

~~Gadsden County receives annual grants from the Florida Department of Law Enforcement, Office of Criminal Justice Grants for the Gadsden County Sheriff's Office Drug Taskforce. These funds are used to partially fund one Narcotics Investigator position and operating expenses for the Narcotics Taskforce Unit. The grant period is from October 1, 2010 through September 30, 2011.~~

~~Questions raised by Commissioner Morgan about why it was submitted so late by the Sheriff's office. The letter was received from FDLE on May 21.~~

This item was removed from the consent agenda for discussion

5. ~~**Resolution 2010-034** Approval of the Supplemental Local Agency Program Agreement (LAP)— Florida Department of Transportation (FDOT)— County Road 269 (Resurfacing of South Main Street in Chattahoochee) (Authorizes Chairman to Execute the LAP Supplemental Agreement 1) Financial Project 426685-1-58-01~~

~~This item sought board approval and execution of the attached LAP Supplemental Agreement for acceptance of a reduction of funding for the CR 269, South Main Street in Chattahoochee.~~

~~The State of Florida is administering Federal Funding for road projects through the American Recovery and Reinvestment Act (ARRA). These projects are selected from the candidate projects submitted by the County and approved by the FDOT. This item will reduce the amount of the funds in the contract from \$272,023.00 to \$148,233.00. The remaining balance of \$123,790.00 will be returned to the State for projects of need.~~

~~This item was removed from the consent agenda for discussion~~

6. Approval of Public Works Mosquito Control Budget FY 2010-2011 (Anthropod Control)

The County must apply to the Department of Agriculture and Consumer Services (DACS) for Matching funds to operate the Mosquito Control program in Gadsden County (FS 388.341). Annually the County must submit a Detailed Work Plan Budget. DACS reviews the documents and if approved, the State of Florida provides partial funding for the spraying of mosquitoes during the year. Based on historical funding, the proposed Work Plan will provide for the spraying of mosquitoes during the next fiscal year. It includes a base salary for one employee and required materials to carry out the program. The County match is \$36,686 for the 2010/2011 fiscal year.

7. ~~Approval of Contract for County Auditing Services with Purvis Gray and Company of Tallahassee, FL~~

~~On May 18, 2010, the board approved Purvis, Gray and Company, LLP as the auditing firm to provide auditing services for the county for the years ending September 30, 2010, 2011 and 2012. The Board requested that certain items be added to the contract in addition to the basic contractual terms. The requested items are included in the contract as follows: 1.A— Audit Report Delivery Date; 1.F— Requiring the auditor to provide a written report of individual audits of each constitution officer's operation; 19.G— includes a provision to disallow immediate family members of the contractor to be employed or under contract with any unit of Gadsden County government during the term of the contract; Section 8— increases for funding based on ability to pay and service satisfaction.~~

CONSENT AGEND ITEMS PULLED FOR DISCUSSION

- 4. Post Approval of Notice of Intent to Apply for Funding – 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program JAG Countywide Certificate of Participation from the Florida**

Department of Law Enforcement, Office of Criminal Justice Grants - A Reimbursable Grant of \$75,160,000. (No county match required.)

Gadsden County receives annual grants from the Florida Department of Law Enforcement, Office of Criminal Justice Grants for the Gadsden County Sheriff's Office Drug Taskforce. These funds are used to partially fund one Narcotics Investigator position and operating expenses for the Narcotics Taskforce Unit. The grant period is from October 1, 2010 through September 30, 2011.

Morgan:

Thank you, Mr. Chair. Just a couple of quick questions. This is a post approval for a grant. My question was just, "Why are we approving it past the due date?" And secondly, I need to know what the true fiscal impact of this is going to be to the county. I do see under the "Fiscal Impact", it is anticipated to be a totally reimbursable grant. I already knew that, but I don't see anything as to whether this is a "zero" impact to the county. Are we talking about adding another position with these funds?

Lamb:

That is that JAG grant. There is no impact. There is no match.

Williams:

There is no match.

Morgan:

Yeah. Well, I saw that there is no match, but potentially, we could use this to fund a position, so, potentially, there is some fiscal impact in the future to the county.

Williams:

I don't know if there is anybody here from the Sheriff's office, but as you know, with these JAG grants, they have varied deadlines. Ever since I have been here, which is a little over a year now, we have always had problems with them getting them here on time.

Morgan:

This arrived on May 11th from FDLE.

Williams:

May 11th?

Morgan:

Yes.

Williams:

It has been a problem ever since I have been here.

Morgan:

The deadline was June 25th and this is July 6th. I am just curious to see if that was a concern to anybody else.

Lamb:

Right. It was, Commissioner Morgan.

Williams:

We put them on the agenda when we get them.

Lamb:

And I did speak to the financial person there and told them to do what they can to get them to us on time. She promised me that she was going to do that. I went ahead and signed this one because I knew it was late coming to us. I didn't want to lose this money. That is why it is signed. I think they will get it to us on time from now on.

Croley:

What happens to you if we don't approve it?

Lamb:

I don't know.

(laughter)

Morgan:

We have already mailed it off, I think. Haven't we?

Lamb:

Yeah.

Morgan:

Yeah, we have.

Lamb:

(inaudible) That is one of those things and they have been talked to about it, but I didn't want them to lose the money.

Williams:

It is a continuing problem. I don't have a lot of faith that it is going to be corrected, quite frankly.

Lamb:

O.K. Can I get a motion to approve it or do whatever you are going to do?

(Laughter)

Taylor:

I so move.

Let me say this. Let me say this. Obviously, none of us around this board want to do anything to get in the way of combating crime. These dollars will help with the Task Force. I have seen these people in action. I have seen the reduction in crime. So, no one wants to stop \$80,000 from coming in here. We have heard time and time again that dollars are not going to be available. So, whenever there is an opportunity for a grant, obviously, we want to do that. Would we like to see these things in front of us sooner? Yes. But, unfortunately, we have to deal with what we have in front of us. Let's get these dollars in here to help folks from coming through other folks windows and selling drugs on the corner. **So, I am going to motion to approve it.**

Lamb:
Second.

It has been motioned and seconded that we approve this item. You have heard that motion. Are there any questions? Any other questions?

Croley:
Commissioner Lamb and Commissioner Taylor is correct. It is my understanding that this grant is administered among the different municipalities, I believe. They have a committee that does that. I think Commissioner Morgan's point about the time frame is a valid one, but certainly we agree with Commissioner Taylor and yourself in that we can't hold this up. So, when you are ready for a vote, I will support it.

Lamb:
Question?

Morgan:
Just a comment, Mr. Chair. I didn't say that I wasn't going to support it. My point is that complete and timely information. We owe that to our voting citizens out here. There is a right way and a wrong way to do things. That is the right way to do it. Anyway, I am ready to move.

Lamb:
They know the right way and I think they are going to follow the right way. Any other questions?

We are ready to vote.

All in favor, let it be known by saying, "aye."

All:
Aye.

Lamb:
Why are ya'll giving me that hard time?

(Huge laughter)

Croley:

We like to shake you up a little bit.

5. Resolution 2010-034 Approval of the Supplemental Local Agency Program Agreement(LAP) – Florida Department of Transportation (FDOT) – County Road 269 (Resurfacing of South Main Street in Chattahoochee) (Authorizes Chairman to Execute the LAP Supplemental Agreement 1) Financial Project 426685-1-58-01

This items sought board approval and execution of the attached LAP Supplemental Agreement for acceptance of a reduction in funding for the CR 269, South Main Street in Chattahoochee.

The State of Florida is administering Federal Funding for road projects through the American Recovery and Reinvestment Act (ARRA). These projects are selected from the candidate projects submitted by the County and approved by the FDOT. This item will reduce the amount of the funds in the contract from \$272,023.00 to \$148,233.00. The remaining balance of \$123,790.00 will be returned to the State for projects of need.

Morgan:

I just have a quick question and Mr. Presnell might be the one that can clarify this one for me.

This is actually looking at the LAP agreement for Main Street in Chattahoochee where we just completed that paving over there. It looks like we are sending back a considerable amount of grant monies. The question that I had is, "Why didn't we use all of it and pave some more?"

Presnell:

We were not allowed to is the simple answer. This is some of the "Obama money" as I call it. They pick the limits, since it goes through DOT, they pick the limits of the project work. We pick the street. We wanted to do Main Street. Well, DOT sent folks out and they said, "Well, it is this amount of money and you can only do this. The limits will be here." Then, through and agreement, we administer the project. Basically, that \$123,000 reflects how much more efficient we are than a state project. They took their estimates and said, "You can only do this length of work." We bid it and had it done. Preble & Rish handled the CEI services and there was \$123,000 left in the grant. We weren't allow to extend the project and we did not have those options. They picked the length of work and all you could do was beef up the thickness, put thermoplastic stripping and we did all of those things. That is the amount of money that was left over.

Morgan:

You could not use these dollars in any other manner at all? Is that what you said?

Presnell:

No, sir.

Morgan:

O.K. That was my question. I am ready to move on that now. Thank you.

Croley:

Well, to follow up on that , since this money is going to go back to projects that are needed, is that going to be projects outside this county?

Presnell:

Yes. It goes back into the American Recovery and Reinvestment Act fund that DOT is administering statewide.

Croley:

Well, I understand that, but then we don't have any opportunity to get this money back into the county?

Presnell:

Yes. If you remember about six weeks ago, we had some monies left over on another project that we returned. We were able to get about \$500,000 for a bridge project. That is one example of how the money pools around. But there has been nothing talked about for this \$123,000. It is going back into the pot.

Croley:

That is why I am asking if it is possible to get this money for that bridge?

Presnell:

Yes.

Croley:

Well, I would like to make sure, Mr. Chair, that our administrator and our attorney and the public works director make a formal written request to the powers that be at DOT to get this money back for our bridge repairs cause we need it.

Lamb:

O.K. That sounds good.

Taylor:

Mr. Chairman, while Mr. Presnell is there, I have just one quick question. Part of the Obama Money, as you referenced it , was suppose to do sidewalks as well. That is what the initial plan was - stripping and sidewalks. I have had numerous requests recently for sidewalks in various neighborhoods. Are there any dollars anywhere? Are there opportunities anywhere for that?

Presnell:

Not for the county. We spent most of ours on stripping. Midway and Gretna combined spent about \$900,000 on sidewalks. Those two municipalities spent their money on sidewalks.

Taylor:

Will there any opportunities in the future? In 2010 or 2011?

Presnell:

Not that I am aware of unless there is another round of stimulus funding .

Taylor:

Well, there is supposed to be, isn't there?

Presnell:

It is nothing official yet.

Taylor:

O.K. Thank you, then.

Lamb:

Is there a motion to approve Item number 5?

Taylor:

So moved.

Morgan:

Second.

Lamb:

It has been moved and properly seconded that we approve Item number 5. Are there any questions?

(no response)

We are ready to vote. All in favor of the motion, let it be known by saying, "Aye."

All:

Aye.

Lamb:

Opposes?

(No response.)

The "Ayes" have it. Thank you.

7. Approval of Contract for County Auditing Services with Purvis Gray and Company of Tallahassee, FL

On May 18, 2010, the board approved Purvis, Gray and Company, LLP as the auditing firm to provide auditing services for the county for the years ending September 30, 2010, 2011 and 2012. The Board requested that certain items be added to the contract in addition to the basic contractual terms. The requested items are included in the contract as follows: 1.A – Audit Report Delivery Date; 1.F – Requiring the auditor to provide a written report of individual audits of each constitution officer's operation; 19.G – includes a provision to disallow immediate family members of the contractor to be employed or under contract with any unit of Gadsden County government during the term of the contract; Section 8 – increases for funding based on ability to pay and service satisfaction.

Taylor:

I am going to vote against this and I am going to tell you why. When I asked the last time about some of the other firms that had applied and one in particular received "0" in every category. I was told that this company received "0" because there was one item that the county had required of the applying companies that this particular company did not have. So, it gave "0's" in every category. I think that was unfair. I asked the question, "Why?" They said that they didn't meet this particular criteria. But, in looking at some of the other bids that we have done previous of that, there were other companies that did not have all, but were subsequently allowed to go forward in the bid process. In particular the Telecommunications was one of them. The one company did not have certain services that we needed to get the program out in the community, but this particular company was allowed to go through the process and was subsequently won the bid. But, that company didn't have all the criteria that was in the packet. So, this does not seem consistent to me. I have a problem with the fact that this one company that applied for the auditing services failed one criteria and subsequently zeroed out on all others that they did have experience in. Then, now we are saying that is the reason why, but we did another bid process totally different and allowed companies to move forward who did not have all the criteria. I know that may sound a little rumbling there, but I am going to vote against this process. If we are going to be consistent, if we are going to say that you have to have every one. If not, you can't go forward. Then I will support it, but I am not going to do one company one way and another company another way. I think that was an unfair process. So, that is why I pulled it and that is why I am not going to vote for it.

That is it.

Lamb:

O.K. Commissioner Croley.

Croley:

Mr. Chair, I believe – Mr. Attorney, if you would correct me if I've got this wrong, but, the board had already made the award to Purvis Gray and Company. All that this is is the approval of the contract with the provisions in it that we asked for. The actual bid award had already been previously approved. Is that not right, Mr. Chair and Mr. Attorney? Isn't this just approval of the contract, itself?

Glazer:

I wasn't at that meeting, but I believe you are correct.

Williams:

That is correct. You asked for certain changes in the contract and those have been incorporated. You know, this process of selection is a little bit different than other processes since it is in Florida Statutes and some representatives of all the constitutional officers must be on the committee, it does operate a little bit different than our usual processes.

Croley:

But, we have heard from Clerk Thomas.

Williams:

That is why there may not be some consistency there.

Croley:

This was consistent with Clerk Thomas's recommendation and the other members of that committee and tracks with proper procedure. On that basis, Mr. Chair, I move this item forward.

Lamb:

O.K. Can I get a second?

Morgan:

Second.

Lamb:

It has been moved and properly seconded that we approve Item number 7. You have heard that motion. We are ready for questions.

(no response)

We are ready to vote. All in favor, let it be known by saying, "Aye."

Morgan: Aye.

Lamb: Aye.

Croley: Aye.

Lamb:

Opposes?

Taylor:

Aye.

Lamb:

Make that 3 – 1.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Ms. Kimberly Renee Henry-Cooper addressed the board on behalf of the young people who have benefited over the years from the Youth Services Program. She stated that her daughter, Velvet, started attending such programs at the age of 2 and she is still attending at 10 years of age. She reported that she and her daughter have been enriched by the programs which are educational and fun. She then read a letter into the record from Velvet. She encouraged all commissioners and the adults present to visit the library and see the benefits of the art programs.

Sharon Franklin addressed the commissioners representing “Whole Child Gadsden.” She explained that they are working throughout the State of Florida to build a community where children thrive. She said, “Children need every opportunity to see what they can do and to embellish what they are learning. With this you need art, music and all those things that happen. One of the big things is “Story Telling.” Ms. Sherrie Taylor is one of the best. I have seen her take over a room full of adults with her story telling. She doesn’t come in just her blue jeans, she comes dressed as the character or the person who may have written the story she is telling. So, please help us take care of our children. It is easier to raise a child than it is to repair an adult. We are spending a lot of money trying to repair adults. Let’s put the money back down where it needs to start as we build lives and children in Gadsden County.”

Millie Forehand:

I am here to speak briefly if I can about a development order that has been issued.

My name is Millie Forehand, first of all, with Crossroads Academy Charter School and CEDO of Gadsden County. As policy makers, we sometimes make policies and decisions and then when we turn around and look at them from a realistic standpoint, we wonder what it is that we said we were going to do and ask, “Does it make sense?” So, I am here because we agreed to do this sidewalk on Kelley Road for the school. We looked up and started doing it and said, “What is this? This doesn’t make sense.” It is on a narrow road that is not maintained. It is an “alleyway” We were asked to put in a \$85,000 to \$100,000 sidewalk in between the grass that is not kept and to a road that is not maintained and into bushes that is supposed to be a buffer zone. So, I am asking the commissioners to look into this and see if it makes logical sense. We could really hire 2.5 teachers with what it is going to cost to put a sidewalk that nobody is going to use.

Mr. Presnell, if he has that \$123,000 left and can go and get it, we could certainly use it for a sidewalk instead of sending it back – if you just must have a sidewalk. But, please, I just want to know – Does it make sense? It just doesn’t make sense. If you can see it in the way I see it, it just doesn’t make sense. We could use that money for a lot more practical things.

If you will, please consider that for me.

Taylor:

Just one comment on that if I may.

Lamb:

We don’t discuss anything on the Citizens to be Heard Agenda, now. You can make your comments at the end.

Taylor:

O.K. then, let me make it at the end.

Millie Forehand:

I've got plenty of time left of my three minutes.

Lamb:

I know, but we can't discuss this now.

Croley:

No, we can't do that.

Taylor:

I will go ahead and hold it up toward the end, but I did want to address this if I could.

Lamb:

O.K. No further discussion on this at this time.

Thank you, Ms. Forehand.

PUBLIC HEARINGS:

8. Public Hearing – Transmittal of Comprehensive Plan Text Amendment to Policy 1.1.5(D) – Neighborhood Commercial (NC) (CPA-2010-01)

On April 6, 2010, the Board of County Commissioners voted 5-0 to remand Policy 1.1.5(D) Neighborhood Commercial (NC) back to the Planning Commission to discuss and recommend amendments to the Comprehensive Plan and Land Development Code (LDC) NC is a land use overlay which is designed to provide commercial services to rural communities. Policy 1.1.5(D) was amended in the second comprehensive plan cycle of 2009. The Cycle 2009-2 amendment to Policy 1.1.5(D) expanded areas where such uses are permitted by removing intersection criteria and allowed historically existing waterfront commercial uses to expand as a special exception use with Board approval (Ordinance 2009-032.) NC uses were limited in intensity and size to more specifically ensure that the scale of the commercial uses remains compatible with the existing neighborhoods and community. The on/off premise sale of alcohol was added as permitted with BOCC approval.

Subsequent to the adoption of the amendment, there was concern among some of the commissioners over the addition of alcohol sales and the removal of intersection criteria that would allow commercial uses "smack in the middle" of residential areas. Therefore, the BOCC brought the matter back for consideration and remanded the issue back to the Planning Commission for further review. .

In response to those concerns, the Planning Commission recommended changes to Policy 1.1.5(D) to permit alcohol sales only as accessory to commercial retail uses or for consumption in a restaurant use. No free-standing liquor stores would be permitted.

Intersection criteria are proposed that would require that NC uses in Agricultural (AG) Future Land Use categories be located within a .5 mile radius of an intersection of greater than local roadways. In Rural Residential (RR) NC uses must be located within a .25 radius from an intersection of greater than local roadways. The Planning Commission found that the proximity to an intersection should be greater in the designated AG use areas due to the large size and greater roadway frontage length of parcels. The test was also revised to be consistent between the AF & RR Future Land Uses districts.

No changes in density were proposed as part of this amendment.

Once the amended policy is adopted, it was proposed that the LDC be amended to be consistent with the language proposed by the amended Policy 1.1.5(D)

Attachments: Proposed Ordinance
Newspaper Advertisement of Notice of Intent
Attachment "A" – draft of policy 1.1.5(D) with changes proposed
Comp Plan Amendment Process Flow Chart

Anthony Matheny, Growth Management Director, addressed the board then turned the matter over to Ms. Jill Jeglie, Senior Planner to explain.

Chair Lamb called for questions and comments from the commissioners.

Commissioner Taylor stated for the record that she had been on the prevailing side of the motion that approved the NC text change originally. After further consideration, she became aware of pitfalls in the policy change and asked that it be revisited and remanded back to the Planning Council.

Jill Jeglie, Senior Planner , Growth Management and Community Development Department, explained the changes as noted in the attached document.

Following discussion, the board made no other changes to the text amendment.

Chair Lamb called for public comments:

There was no response.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0 TO TRANSMIT THE TEXT AMENDMENT TO DCA FOR THEIR REVIEW AND COMMENTS.

9. Mears Two-for-One Variance Request (V-2010-01)

Owner: Marilyn Mears

Agent: William Jolly and Gay Steffen

Property Location: South Side of Flat Creek Road, west of Lonnie Clark Road

TAX ID: 3-06-2N-5W-0000-00433-0000 (30 acres) Parent parcel

New TAX ID #S if Approved: 3-06-2N-5W-0000-00433-0300 (In Lieu of payment, Ms. Mears deeded this 10.27 acre parcel to Charles A. Curran in January 2009 who bargained to file the Two for One subdivision of the parcel in 2009, but he failed to do it.) & 3-06-2N-5W-0000-00433-0200 (20.25 acre parcel still owned by Ms. Mears who now wishes to subdivide it into two ten acre parcel.) Since the first subdivision did not take place timely in 2009, she is prohibited by the LDC to do the Two-for-One of this parcel unless the board will allow her to do two subdivisions of the parent parcel in the same year.

Requested Action: Variance from Gadsden County Land Development Code (LDC) Subsection 6003.G(5) and to allow two (2) Two-for-one subdivision to be filed and approved in 2010 (under normal circumstances, only one subdivision would be allowed during the course of one year.)

Type Action: Quasi-judicial action in conjunction with the advertised public hearing as a Type III action per Subsection 7203 and 7301 of the LDC.

Planning Commission Recommendation: June 10, 2010 – Unanimous Approval based upon findings that the applicant's hardship met all seven requirements as identified in the agenda report, Attachment 3, but contingent on the special conditions noted in the draft final order (Attachment 2),.

Anthony Methaney, Growth Management Director – Administered an oath by Muriel Straughn. He explained that one of the subdivisions proposed was only correcting an error that occurred in the previous year. The other is actually adding another subdivision of the parcel.

Chair Lamb called for discussion among the board.

No other testimony was given.

Chair Lamb called for public comments. There was no response.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTE 4 – 0, BY VOICE VOTE TO APPROVE THE VARIANCE REQUESTED.

GENERAL BUSINESS

12. Approval of Bid Award for Frank Smith Road Repair Project, to Duggar Excavating, Inc. for \$249,413.80 (Road Culvert Replacement)

This agenda item seeks Board approval to award the contract for the repair of Frank Smith Road to Duggar Excavating, Inc. Staff also requested approval for the chairman to execute the agreement, Notice of Award and Notice to Proceed. Staff hopes to negotiate a reduction of the contract amount to \$200,000. There is \$100,000 in the current fiscal budget for \$100,000 which will not be adequate. A budget amendment will follow once this contract award is approved.

Frank Smith Road is the only access in or out to approximately 40 homes. It has served as an earthen dam for an impoundment until a failure in 1994 and has failed on three occasions since that time due to water overtopping the roadway and breaching the road and back slope. The pipe under the road is undersized and has been repaired twice and additional culverts have been added to increase flow capacity, but the structure remains substandard and is a safety hazard.

Eleven bids were received for the project. The low bidder, Cal-Co Construction and Development, made a written request to withdraw their bid. The next lowest bidder was Duggar Excavating, Inc.

Robert Presnell addressed the board.

Williams:

Number 10 is the approval of the bid award for Frank Smith Repair project. I will have to add a caveat here. This is going to require a budget amendment which we have not yet had the opportunity to prepare. I was out all of last week and we just didn't get it done. But, the money is there and we've got the mechanism for funding it and I encourage you to do so because there is some urgency involved here. If there are storms forming in the gulf and this thing has blown out I don't know how many times. Robert, two or three times?

This is the final fix.

Lamb:

O.K. Robert.

Presnell:

Yes, sir. What we are here tonight asking the board to approve is the award of the bid to Duggar Contracting. There was, just for the record, eleven bids received. There was a low bidder who asked to withdraw his bid in writing. His company was the low bidder. We knew we were over budget when we received the bids. The manager and I met and we worked on that. We plan to negotiate with this Duggar Contracting if you so chose to award the bid, to stay with our original design with concrete headwalls that was in the original set of plans. We will have three 60" pipes that will safely pass a hundred year storm event. It will be very safe and up to anyone's standard project. We are over budget, but we do plan to do a budget amendment to come up with the extra money to complete the project. As well, we will be back before you with a change order. We are negotiating some things with the low bidder to lower that contract amount. You are awarding this contract tonight for \$249,000, but I assure you that we will be back with a change order to lower that amount. We are shooting for about \$200,000. So, just for your information tonight, you will know that ahead of time. We will be back with a change order, but it will be to lower it.

We have a representative here from Preble-Rish if there are any technical questions you may have about the design.

Lamb:

O.K. Are there any questions?

Commissioner Croley.

Croley:

Thank you, Mr. Presnell and thank you, Mr. Administrator for re-enforcing the point that this is a major issue of public safety. I would like to ask that the engineer representative come forward because I know that there are residents here from Frank Smith Road Community that might want to hear you re-enforce a point that this is the original design that I believe that you -

Clark:

Yes, sir. I am Matt Clark with Preble Rish. I have talked to the contractor and he has agreed as Mr. Presnell said to do the original design for around \$200,000.

Croley:

If this design is approved and completed, we can expect this to take care of the issue for within our lifetime.

Clark:

Yes, sir. It should be there for 100 years.

Croley:

100 years.

Well, Commissioners, I need not remind you how important this is to the safety of the Frank Smith Community and to Gadsden County Emergency Management in having this drainage matter addressed properly.

Lamb:

It needs to be done.

Any other commissioners?

Taylor:

So moved.

Croley:

Second.

Morgan:

I have some comments.

Lamb:

I am going to come to you. It has been motioned and seconded that we approve Item no. 12. You have heard that motion and we are ready for questions.

Commissioner Morgan.

Morgan:

Thank you, Mr. Chair. I had some input here before we got to the motion and second.

Robert, if you could help walk me through some of this, I sure would appreciate it.

I am looking at the bid tabulation form. First of all, let me say that I understand that this is a project that we need to complete and get done. It is certainly critical that we finish this up. But I just don't understand how some of these things unfolded and I need to see if you can help me out.

We had one, two, three, four, five, six people respond to the bid that we sent out. The one that we selected originally, the one that withdrew, Cal Co, was basically \$100,000 cheaper than everybody else. Did that throw up any red flags at that point in time?

Presnell:

We knew at the bid opening that there was a problem. He soon did and he found a mistake in his math and his calculations. (To the engineer) Was it on the concrete or the dirt?

Clark:

On the dirt.

Presnell:

He left off a zero.

Williams:

He dropped a zero.

Presnell:

So, he immediately, the day of the bid opening, he said, "Oh, my God, will ya'll please help me here?" We told him, "Just submit a letter withdrawing your bid." It happens sometimes.

Morgan:

O.K. Then secondly, we were at basically \$250,000 and you are saying that the folks that we are going to be contracting with have already agreed to lower that price for that \$50,000 and they are going to complete the project in the same manner?

Presnell:

That will involve – we are going to furnish the dirt. We are changing the scope of the project some, but when we went back to negotiate with him, when we knew we had a problem, we talked about negotiating with maybe the three lowest bidders, but immediately, Mr. Duggar says, "Well everybody knows my numbers now. We can't rebid this. What do I have to do? I don't want it rebid, I need the job. Where do you need to be?" So, I told him around \$100,000 is where you need to be, (laughter) But, we have some access problems with this job. I think you are aware of that and we may still go out a different way, but that kind of fell through. So, we are going to have to maintain traffic. We should have had him adding another \$30,000. During good times, there would not have been a decrease, but he is not only willing to maintain traffic, but we are going to furnish the dirt to him for the project and that is not that big of a deal. He is going to lower it

down substantially.

Morgan:

Have we done business with this person in the past?

Presnell:

I have. The county has not. Preble Rish is very familiar with him. He has done work in Blountstown, Calhoun.

Morgan:

I just happened to notice that C.W. Roberts is actually just about \$4,000 or \$5,000 difference here and that is basically a local firm. We have obviously done many, many projects with Mr. Roberts. I guess I would have to question – you know, we know what we've got with Mr. Roberts. He has always done a great job and then some. I just don't know how these decisions were made and I am asking some questions here.

Presnell:

We went with the low bidder. Upon advice of legal counsel, who was in our meeting as well. Deborah was there and she recommended – when we (Johnny and I) talked about negotiating with the three lowest bidders, she recommended, she felt more comfortable if we just negotiated with the low bidder and then do a change order to reflect any changes. She was more comfortable with that. We did discussed negotiating with the three. We can still do that if you so desire.

Morgan:

I don't want to. Obviously, this has been an on-going project and I know that it is critical that we get it completed. I understand all of that. I am very concerned about processes and how we do things. It seems like there are just some things that we are missing here and I just don't understand why.

Presnell:

We sure don't want to. It is not our intention to miss anything. We will try to give emphasis to any questions. Nobody is perfect. We may have missed something here. I will be glad to get it for you.

Morgan:

O.K.

The only other question that I have and this will be for the attorney. Is there anything in this process that we are going about that would put the county in a legal bind?

Glazer:

Well, this is new to me so I am not familiar with it. Deborah has been dealing with it. But, as I understand it, it has already been bid. The time for challenges is long past, hasn't it?

Presnell:

Yes.

Glazer:

Usually, after the bid,

Presnell:

Well, no, it is after the award. After tonight, they will have so many days to challenge it.

Glazer:

Oh, so the notice has not been posted.

Presnell:

Well, Ms. Minnis had a problem with that. She said that as long as we are dealing with the low bidder, she felt more comfortable with our process.

Glazer:

But, you are going to be posting the notice after tonight.

Presnell:

Everyone will get a letter.

Glazer:

And an opportunity to challenge?

Presnell:

Yes, sir.

Glazer:

O.K. So, Commissioner, what is happening, and this is not unusual, at some point in the process, a decision is made and there is an opportunity to challenge. It is a very narrow window. You have that issue to regardless.

Morgan:

I'm good.

Lamb:

O.K. Are we ready to vote. All in favor, let it be known by saying, "Aye."

Croley: Aye.

Lamb: Aye.

Taylor: Aye

Lamb:

Opposes?

Morgan:

Nay.

Lamb:

Alright, make that 3 – 1.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 1 (BY VOICE VOTE) TO APPROVE THE BID AWARD FOR FRANK SMITH ROAD REPAIR PROJECT, TO DUGGAR EXCAVATING, INC. FOR \$249,413.80

10. ~~Department of Homeland Security Grant for Planning, Training, Functional Exercise and Equipment – Contract No. 10-CC-43-02-30-01 (CFDA 97.067)~~

~~This grant is for \$7,000.00 to fund citizen emergency preparedness planning, training exercises and equipment for Gadsden County first responders and volunteers. This program is referred to as the Citizen Corp Program (CCP). This is a federal non-matching grant with a period of agreement of October 2009 through April 2012.~~

This item followed Item 11.

11. Approval of Contract for Emergency Debris Management Services - Ash Brit Environmental Services

The Board of County Commissioners currently has a contract in place with Grubbs Emergency Services to handle debris removal and emergency repairs if Gadsden County were hit by a major hurricane or other emergency.

FEMA is currently implementing a Public Assistance Pilot Program which increases the federal cost share of these grants by 5% (80/20). To qualify, a county must have an approved debris management plan and at least two prequalified eligible contractors. Public Works would like to add an additional debris contractor to comply with this requirement. Staff issued RFP and eight firms responded. Ash Brit Environmental Services ranked the highest total score based on the criteria described in the attached agenda report. (familiarity with the area; experience, etc.)

Mr. Presnell explained, "It will cost us little to nothing. If we were to have a devastating Category 3 hurricane and it tore up more than we could handle in the county, this board decided to bring in a disaster contractor. A lot of them are working now in the oil spill area. They will bring in some help. In our case, FEMA would pay them 75%. We would be responsible for 25%. DCA would pay 12.5% of that. The board will be responsible, but if you were to call these people in, at that point, money will not be that big of an issue. We would be dealing with a problem."

Commissioner Croley inquired, "Is there any agreed upon rate, a monetary rate?"

Mr. Presnell continued, "Yes, there is a schedule for use of dump trucks, excavators, backhoes,. Each one of them, in their submittals, stated their rates. They are all pretty close. They mirror the

FEMA rates and there is not a lot of difference.”

Croley:

In the future, Mr. Administrator, in order for us to make a more informed decision, I would like to see those kind of maths.

Presnell:

We are not supposed to rank them on rates.

Croley:

I understand, but I would like to see what the rate is for one that you ranked as number 1 just because I think that is good business to know what we can expect.

Presnell:

I will forward, through the administrator, a copy to all of ya'll of the contract and the book.

Croley:

Just a summary. I don't need the whole book. Just something of the rates that show us what that is going to be. I am assuming

Presnell:

They all – I would be happy with from the first up through Syrius. From Ash Britt all the way up to Syrius.

Croley:

I don't have a problems at all with your recommendation. The other thing – Will we see this back before us as a contract?

Presnell:

Yes. Yes.

Croley:

That will give plenty of time to provide that.

I so move approval.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE ASH BRIT ENVIRONMENTAL SERVICES AS THE SECOND CONTRACTOR FOR DEBRIS MANAGEMENT IN GADSDEN COUNTY IN ORDER TO COMPLY WITH FEMA REQUIREMENTS FOR FUNDING.

12. ~~Approval of Bid Award for Frank Smith Road Repair Project, to Duggar Excavating, Inc. for \$249,413.80 (Road Culvert Replacement)~~

~~This agenda item seeks Board approval to award the contract for the repair of Frank Smith Road to Duggar Excavating, Inc. Staff also requested approval for the chairman to execute the agreement,~~

~~Notice of Award and Notice to Proceed. Staff hopes to negotiate a reduction of the contract amount to \$200,000. There is \$100,000 in the current fiscal budget for \$100,000 which will not be adequate. A budget amendment will follow once this contract award is approved.~~

~~Frank Smith Road is the only access in or out to approximately 40 homes. It has served as an earthen dam for an impoundment until a failure in 1994 and has failed on three occasions since that time due to water overtopping the roadway and breaching the road and back slope. The pipe under the road is undersized and has been repaired twice and additional culverts have been added to increase flow capacity, but the structure remains substandard and is a safety hazard.~~

~~Eleven bids were received for the project. The low bidder, Cal Co Construction and Development made a written request to withdraw their bid. The next lowest bidder was Duggar Excavating, Inc.~~

Move to go ahead of Item 10. See above.

10. Department of Homeland Security Grant for Planning, Training, Functional Exercise and Equipment Contract No. 10-CC-43-02-30-01 (CFDA 97.067)

The above named grant amount is \$7,000.00 to fund citizen emergency preparedness planning, training exercises and equipment for Gadsden County first responders and volunteers. This program is referred to as the Citizen Corp Program (CCP) This is a federal non-matching grant with a period of agreement of October 2009 through April 2012.

This item followed Item 11.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE ABOVE REFERENCED CONTRACT.

13. Approval of Resolution No. 2010-035 Approving Participation in the Florida Rural Broadband Alliance, LLC.

This agenda item is an economic development initiative seeking American Recovery and Reinvestment Act funds to construct a “middle mile” broadband trunk line in the big Bend region.

In January 2010, the Office of the Governor re-designated Gadsden County as a Rural Area of Critical Economic Concern (RACEC) by Executive Order 10-22. As a RACEC, each county is encouraged to participate with its regional economic development organizations to align the critical mass of resources and talent needed for success therefore increasing the competitive advantage of rural communities. In the summer and fall of 2009, Opportunity Florida, on behalf of its members, applied for and has subsequently been successful in proceeding to the due diligence phase of a \$30 million broadband technology infrastructure grant allocated from the American Recovery and Reinvestment Act of 2009. The success of this grant is hinged upon the creation of the Florida Rural Broadband Alliance, LLC.

Local internet service provider will be able to purchase bandwidth from the Florida Rural

Broadband Alliance and the FL State Department of Management Services and install the “last mile” connectivity to end users in the local area.

Charles Chapman addressed the board explaining the resolution. Rick Markham was present representing Opportunity Florida was present to answer questions of the board.

Chapman:

By creating Florida Rural Broadband Alliance, LLC, we will basically construct a trunk line for broadband services that is a middle mile connection. We are not an internet service provider. We are not an end user. We do not sell to residences. This basically is selling electricity to the end using utility provider that connects to the homes. Once this trunk line is in place, it will be guaranteed at certain cost rates and levels that the government will monitor. The federal government will monitor it. The great thing about this for Gadsden County is that it comes at almost no cost to us. There will be some right of ways that we will need to look at in the future, but outside of that utility easement, it is going to be a great benefit for our residents and our corporate partners alike.

What does this mean for us? It means that our end user ISPs will be able to buy broadband at a lower guaranteed rate and drive the cost down for them. That way, the cost to the end users, the businesses and the homes, the schools, the universities, the hospitals, the corporate businesses altogether will be lower.

Lamb:

Do you have any questions?

Commissioner Croley has a question.

Croley:

Thank you, Mr. Chapman. Thank you, Mr. Markham, for coming.

Now, it seems like some months ago we had a group here from Tallahassee that had some sort of broadband service that they were trying to put together that had something to do with the rural counties, but upon examination of their permanent board, we found no representatives from the rural counties on their board. This is a new LLC? Is that correct?

Markham:

What we have done is we have joined the South Central RAECEC - six counties there – along with our eight counties. Due to the fact that we do not touch, we couldn’t go through a government authority, so the best we could do was form an LLC. What we called it was the Florida Rural Broadband Alliance because it brought the rest of the rural counties, the critical concern counties, into this grant. We have applied for a \$24 million infrastructure into two networks. One up here and one there and we came up with another \$10 million worth of private sector commitments for matching funds that are needed for the grant itself.

Croley:

Tell me who all is on the board. Tell me about Florida Rural Broadband Alliance LLC.

Markham:

Each county will have an appointment to that board with an alternate. That is part of the resolution that you are looking at here. You will have to nominate someone to sit on that governance authority and an alternative. The other RACEC will – each RACEC has 8 people sitting on the board of governance. They will have 6 – one including the Seminole Indian Tribe and they will have one other unincorporated area that will have an appointment as well.

Croley:

My question is, in this instance, we have the county administrator and the alternate as Mr. Chapman. The question I have for you – Will these be permanent members of that LLC board in so far as this county commission approving them and removing them.

Markham:

They will be able to – if this commission were to change any personnel or anything like that, they could reappoint. That is why we are coming here to you for that appointment. We didn't select. We are letting the counties make those selections.

Croley:

But, Gadsden County will have a permanent representation. That is what I am trying to get at compared to what we heard some months back.

Markham:

They will have a permanent representation. Yes. Jackson – only the RACEC counties. There are basically two members to the alliance. Opportunity Florida and the South Central RACEC. Then on ours, we have one from each county sitting on our eight seats.

Croley:

Now, as Mr. Chapman has referenced, if we have this high speed trunk line coming through here, how will that affect those of us who may be using AT & T Broadband in our homes, or TDS or St. Joe .

Markham:

One of the requirements of this grant is that it has to have open access. What we are basically building is – let's call it an interstate highway. If someone wants to access that interstate highway and they are willing to build a road, then they can develop anything along the road that they do and get those people to the highway. What we are doing is providing the backbone. In other words, all the capacity. One of the things that we are looking at to connect all the hospitals. We will be able to provide, if the hospitals request it, 1G per second of speed, which is tremendous. We doubt very seriously that anyone will do that, but with the points of presence that we have identified in conjunction with the Round 1 grant that was given to the North Central RACEC, we will really maximize all the capacity for the 28 rural counties.

Croley:

So, in theory, for the benefit of the citizens of this county, if they were to go and use the Capital Regional Medical Gadsden Memorial Campus facility for medical tests, that information could be

easily transmitted to their doctors who may also have offices in other communities.

Markham:

And the same thing with the Department of Corrections, all your colleges, your libraries and those things. We will bring more capacity and it is open access. Let's say that ABC ISP wanted to start selling broadband. They can. No one is permitted. The City of Quincy of Quincy could do that as well.

Lamb:

Does anybody else have any questions? Can we get a motion?

Croley :

I move approval.

Taylor:

Second.

Lamb:

It has been properly moved and seconded that we approve Item no. 13. Are there any questions. (No response.) Ready to vote. All in favor, let it be known by saying, "Aye."

All:

Aye.

Lamb:

The "Ayes" have it.

Thank you, sir.

14. Approval of Bid Award and Notice to Proceed for Drake Acres Florida Recreational Development Assistance Program Renovation and Authorize the Chairman to Execute Contractual Agreements with North Florida Construction for \$135,611

Approve Bid Award , Notice to Proceed, Authorize Chairman to execute the contract and authorize staff to make appropriate change orders in advance.

Chapman:

Because we are a RACEC county, we also carry a ready designation and the match for this grant program has been waived. So, that is one of the benefits that you are receiving from being a RACEC and REDI county. This grant was awarded some time back as the administrator noted. North Florida Construction was the low bid. During the process, there were eight bids total. North Florida Construction bid \$108,905 and were the low bidder. As such, we do have the remaining balance within the grant funds that are available of \$5,364.35. This item tonight asks for you to do three things. Approve the bid award and the notice to proceed in one swoop. Approve the contractual agreement which is attached and to approve the staff to make the appropriate change orders in advance similar to using that \$5,000 balance left over for extra picnic tables, water

fountains, benches and those kinds of things that would be used in direct effect related to the playground itself and the children...

The scope of the work will basically be the destruction and removal of the unsafe equipment that does not meet international playground manufacturers standards. Basically, what we are used to and what we grew up on were the metal slides, the spinning ferris wheels and those kinds of things. Unfortunately, those have all been deemed as unsafe by the powers that be. With right case loads to substantiate to insurance companies that say that this things are very unsafe. I know that I have cooked my legs on the metal slides in the summers, too. So, we are going to remove all the dangerous equipment, fix whatever infrastructure we need to, meet stormwater requirements that occur on the books with Northwest Florida Water Management District and then come back, reconstruct the playground, reconstruct the basketball area, picnic pavilion, picnic facilities, benches, water fountains, parking facilities and make it into a full service park in that area.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE OPTION 1 – APPROVE THE BID AWARD TO NORTH FLORIDA CONSTRUCTION, APPROVE THE CONTRACT WITH NORTH FLORIDA CONSTRUCTION AND AUTHORIZE AND APPROVE CHANGE ORDERS TO BE MADE BY STAFF.

15. Approval of Memorandum of Agreement with State of Florida Governor's Office for the "Rural Area of Critical Economic Concern" (RACEC) Designation for Gadsden County.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE MEMORANDUM OF AGREEMENT WITH THE GOVERNOR'S OFFICE FOR THE DESIGNATION AS A RACEC COUNTY.

16. Approval of Bid Number 10-13 for Solid Waste Division Portable Restrooms Service at Rural Waste Sites and Authorize the Chairman to Execute Contractual Agreements - to Talquin Portable Restrooms (Waste Sites and Post Plant Pit)

Taylor:

I have a question and a comment. I spoke with one of the businesses that did it last year. They informed me that they did not receive notice of the bid. I did read in this description behind Item 16, that you did use three different newspapers as your source of giving out information out there. But, did you still follow up with letters to those who had bid it the previous year to inform them that this bid was back up? This particular company is one of the well known local businesses as is the one that received the bid, I am sure.

Chapman:

Yes, ma'am. I believe that is standard operating procedures. But, I would have to confer with Mr. Lawson's office. But, I know they typically do that service for those previously bid vendors.

Taylor:

They typically send letters to those who have bid previously – to inform them that this bid was

back up.

Lawson:
Mr. Chairman,

Lamb:
Mr. Lawson.

Lawson:
Yes, Commissioner. We send letters to everybody who is on our vendor list. If they are on our vendor list and have bid previously, they were sent a direct invitation.

Taylor:
Is this normal that you would only get one bid for this? I remember last year that we had a tug of war between three bidders. I think we were back and forth. So, did anyone call to say they didn't get notice of this?

Lawson:
No one called me.

Taylor:
O.K. Thank you.

Croley:
Before I make a motion, Commissioner Taylor, I've got the same contact. Mr. Chapman, I compliment you. All your items are very thorough. This one, while I have a concern about there only being one bid, given the fact that in the past we have had several different businesses bid on this item. I was contacted probably by the same vendor you were, Commissioner Taylor, and they represent that they did not receive any communication. While it is very clear that legally this has been advertised and maybe we have dotted all the "I's" and crossed all the "T's" in this process so that we have to go forward with this bid, I hope that the staff will make an extra step in the future to make sure that they go back and look at all the businesses that have bid on this contract in past years and make sure that they are properly notified by letter. I don't put much confidence in the legal advertisements in the newspapers. On that basis, that is all I have to say.

Lamb:
Another thing, the vendors that claim they did not know about it, they need to contact them, too. Don't hold them responsible for them not being able to see it. They know about what time this happens anyway. So, they ought to be contacting the staff. We don't want to hold the staff hostage saying that they didn't hold up their end of the job. Anyway, they will make sure that they get the letters out like they did before.

Can I get a motion to approve?

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 1, BY VOICE VOTE, TO APPROVE THE AWARD TO TALQUIN PORTABLE

RESTROOMS. COMMISSIONER TAYLOR CAST THE LONE DISSENTING VOTE.

COUNTY ADMINISTRATOR'S AGENDA

17. **Update on Board Requests**

Williams:

I want you to take note of the two new maps on the wall which you requested. The board requested. They were prepared by Clyde, I believe. Clyde can give you a couple of pointers about what he has found out there.

Clyde Collins:

Basically, all it is that we have , all the SHIP Programs and the Rehabs and the new houses that we have done, we actually put a circle on there to represent each project. The address is on them. We put them in the respective areas on the maps. You see that these triangles are new construction, the circles represent rehabs that we have done in the past five years in the county.

Taylor:

Is there any way we can get a condensed version of that so that I can take a look at it?

Collins:

Yes, we can shrink it down.

Taylor:

I would like that so I can take a closer look.

Collins:

It will be really small dots, but, we can do it.

Taylor:

I need one that I can read, obviously. Not too condensed. I mean, if that size is available, is there something smaller that I can pick up from the office?

Collins:

Yes, ma'am.

Taylor:

Thank you. I appreciate the work and the effort.

Lamb:

Are there any other questions?

Croley:

Mr. Collins, thank you for putting that map together. I believe I am the one that suggested it. At the same time, I noticed that over on the western side of the county, certainly I understand about population centers and all, but I know in Commissioner Morgan's district here, and I am not trying

to get into his business, but you can see that there is what looks like less activity than perhaps in some of the other districts. Is there an explanation for that? Is it population or what?

Collins:

I don't really have a good answer for that. I guess it is the population area. It is the process of the applications that have been sent in. If they send in first, then they get services first.

Croley:

I think that Commissioner Taylor's whole point in a lot of the discussions that have taken place up here about this is just trying to make sure that within the legal framework of the programs that you have a good -

there she is (speaking of Ms. Phyllis Moore) We needed you up here to begin with here.

If there is some way to better spread the participants within the legal framework of what you are allowed to do by notice or advertisement or public relations or whatever.

Collins:

We have to go by the applications that come into the office.

Croley:

But, there is nothing prohibiting you from making the public aware of that program, is there.

Moore:

We go out into the community and actually work it and do the applications on site.

Collins:

You can see right here where we rehabbed one house right here and the whole neighborhood called about it.

Croley:

I understand.

Williams:

Have you been to Chattahoochee?

Croley:

But, at the same time, you can do it in the other communities as far as community outreach.

Moore:

One other thing for the reason that it is like that is because the city has applied for CDBG grants and we can't do CDBG for the county within the city. That is another reason you see more dots in some places than other places. If it is in the city, we can't work a CDBG in that area.

Croley:

I want to thank you all myself for providing that map because I think a picture is worth a thousand words. That helps everybody see it is spread out more than what some may have first thought.

Collins:

We are going to try to get out into your area.

Morgan:

It looks like there are about 12 in district 3. I counted about 12 in district 2.

Moore:

It is spread out. It is about even. Another thing is new construction. We don't have a right to tell people where they want to live. They live where they want. That is one reason that you see more new construction in the Midway area than you will see in any other area. That is another thing to consider. Also, we have another map where we did a CDBG in a target area. We completed thirty something units and replacement in the Shiloh area. All of that was totally in District 5. All of those people have been serviced and we cannot go back and serve people that have already been serviced.

Croley:

Good job, Mr. Chairman.

Lamb:

Any other questions on that?

If not, Mr. County Attorney?

COUNTY ATTORNEY'S AGENDA

18. Update on Various Legal Issues

Mr. Glazer had no report.

Discussion Items by Commissioners

Commissioner Morgan, District 3

Budget Workshop

Morgan:

Just a couple of things. I know that as we move forward in the budget process, we certainly want to focus on the five goals that we had from the retreat. I guess the administrator is going to be providing

that to us in the budget packet. I mean, we heard a very serious issue tonight with the youth programs and the library. I think that is one prime example of some things that we need to prioritize and take a look at. I hope that is going to be coming to us pretty quickly. I know we've got our workshop scheduled here, but that is going to be upon us very soon and it is going to be a difficult year again. I am sure everyone understands that.

Hospital

I did want to mention the hospital just briefly, Mr. Glazer. I know that you just gave us an update. I was out there this afternoon for about 20 – 30 minutes. I was talking to some of the technologists and other staff out there. In fact, I happened to recognize some of them out there from my visits over to Capital Regional for work reasons. So, it truly is the same personnel. We actually had the lead technologist from CT that was here at our Gadsden Campus. That was very encouraging to me when I walked in there. That truly talks about the commitment that HCA has given us and Capital Regional has given us over here in Gadsden County. I was asking him some questions because I had heard some of the numbers thrown around here for the first three weeks of operation. They are right on target with what you provided us with. Capital Regional is very encouraged because of the number of patients that do have insurance that are going out to our facility. The lead technologist was actually commenting on the equipment that we have here in Gadsden County. He said, "You all have things over here that we don't have in Tallahassee." They were very impressed with the commitment that has been made to this facility. They are very encouraged. In fact, he pointed out that in years past, he worked over here in Gadsden County at the previous hospital. He said, "It is night and day difference in every single facet – from the staff to the commitment with equipment to how it has been handled in moving forward." He said the he was very surprised and very impressed. So, I wanted to relay those particularly to Mr. Collins and to Mr. McMillan if he is still here. To the administrator and everyone else involved in getting this going.

Sawdust Park

The other item that I did want to mention and Mr. Chapman may comment on this. Mr. Administrator, you may want to comment on it. We had a meeting, the three of us had a meeting with some of the community members out at Sawdust Park. We made some commitments to those folks and I want to follow up and make sure that we have met those deadlines and that we are moving forward. Maybe, Charles, if you can say, "Yes, we are getting there." I don't need a long drawn out thing, but I just want to make sure that we still have that on the front burner.

Chapman:

We have that and we are honoring those commitments. We ran into a small scheduling snag with the ward in Liberty Correctional Institute with the availability of the inmates, but it is one the front burner. The materials are in house. We just need the inmate labor to execute.

Morgan:

O.K. Great. Thank you. I appreciate that.

Pubic Works Roadside Program

Then the last thing I was going to ask - Mr. Administrator, you may want to comment on this, but the public works mowing and weeding and weed killing program. I know that we've got that implemented. I can look in different parts of the county and it looks like in some areas that it has been done very haphazardly. I just was curious to see if somebody could tell me why that is. I mean, or is that something that you – a more appropriate comment might be – Can you check into that and see if

Williams:

I will have to check into that. I haven't personally seen that myself, but I will certainly check into it with Robert.

Robert, are you aware of any haphazardness that is going on?

Presnell:

Define haphazard.

Morgan:

Well, here are some of the things that we have done, which I really think is great with some of the spraying, but for example. One particular sign has got a area of killed grass and weeds that is enough to land a space ship on. It looks like a UFO has landed on it. I don't understand why that is as opposed to just spraying around a sign or doing it in an organized fashion. What I have noticed is that these folks are doing it from the truck. They are not

Presnell:

We mounted it on an old surplus pickup truck. If it is level enough, sometimes they will do it from the window. If not, they will do it from the tailgate. Again, this is our first year. And the personnel. I know what you are talking about. Go over and look at the one on Smithtown Road in front of my house.

Morgan:

Yep. Yep. I know. That is a classic example. Doesn't that make you wonder how that was done? I mean.

Presnell:

It is as big as a (inaudible) there. But, again, they were new. We did send them for some training. We have had the state come and train them, but I guess when they first started – when you first spray it, and you don't see the dead spots. They sprayed weeks before the results, but I know what you mean by haphazardly now.

Morgan:

Would you agree that it has helped. That program that we have put it, would you agree that it has helped us?

Presnell:

Yes. As far as the vegetation management, yes. What we are concerned about now is erosion problems. We have gone back now and started spraying the concrete and the ditch paving.

Morgan:

And this is weed killing spray. This is not – there is a difference in weed killing and grass killing. I want to make sure

Presnell:

This kills whatever it comes in contact with. It is systemic.

Morgan:

What I am saying is that what we are using is working.

Presnell:

Yes.

Morgan:

Is there something that might be better?

Presnell:

No, sir because you have a broad leaf type chemical which will only kill certain plants. Or you can use a grass one. We are dealing with briars, broad leaf and bahiagrass. What we need to do - Grady Littlefield is the person we have assigned to this program. He is heading it up. He is aware of it now. When he first started doing the ditch paving, we were trying to kill the seams and edges where grass was growing up. But, the overspray, I am sure you have seen it, would be up the hill several feet above the ditch paving and several feet on this side. So, we are concerned about the erosion now. He is getting better, but again, he sprayed a lot of miles before he learned.

Morgan:

This is something that I have gotten some calls on and questions.

The other thing I wanted to ask you about was the

Williams:

Robert, how are our complaints this year versus last year?

Presnell:

We get very few complaints. We have received very few complaints as far as grass mowing and stuff like that.

Williams:

I remember a year ago, that was tremendous.

Taylor:

Commissioner would you yield?

Morgan:

Yeah, I will, but I do have one other item.

Croley:

Let Commissioner Morgan finish.

Taylor:

I wanted to comment on this though.

Morgan:

I will allow it.

Taylor:

I learned something new that I didn't know about from what he is talking about. Well, when you get a moment.

Croley:

Well, commissioner, let's stay on track.

Morgan:

The other thing I wanted to mention then – I am sorry –

Croley:

No, you go ahead and finish, then Commissioner Taylor can have her time.

Presnell:

I want permission to use your term at my next staff meeting at work. Haphazard. I want to use that.

(Laughter)

Morgan:

The other thing I wanted to know about was the mowing. I saw you are over in District 3 last week. Is the weed eating program following the mowers? I mean, if they are up that road, are they coming right behind them?

Presnell :

They cannot keep up. We've moved them twice trying to keep them right behind it. We started in your district with setting them up. They did pretty good until they got around to the south end of the county. The mowers just left them. We caught them back up again over in District 1 in the Havana area. They are behind again. They just can't keep up physically with the mowing machines.

While you are one the subject, I don't know if the administrator has informed you of this, but we have lost two inmate crews from the State, officially due to their budget problems or whatever. That is going to have a tremendous impact on public works operations as far as trash. We had two crews assigned and they are doing real good, ahead of the mowers. But, it takes two full time crews to stay ahead. That is the only way. Even that is difficult at times. But, we lost the two crews and I have asked the administrator to call on all of ya'll to make any contacts you may have. It is devastating. If you want to – if we can't do something about that with getting more inmates from either the state or the county level, to maintain this level of service with trash and so forth, you are going to have to hire some people.

Morgan:

And that leads into my last item and then I will be done, Commissioner Croley. There seems to me to be evidence of more trash just strewn among the roadways all throughout the county. It seems to be more. Maybe I am just noticing it more than I have in the past, but this seems to be a very, very serious issue and I am wondering, Mr. Administrator, I just think that we need to come up with some sort of game plan to address the issue. Whether it is an awareness program among the public on how, you know, some things that we can do – it's just – I don't know.

Presnell:

Each district has it's own special areas. Commissioner Croley's district is at Point Milligan. In your district, you know it is going out to I-10 and Hardaway Road would be your number 2 one. Each district has specific areas where if you pick it up today, it is back there tomorrow. They are isolated, it is not the entire county, but there are specific areas in each of your districts and it is almost a daily job.

COMMISSIONER TAYLOR'S DISCUSSION ITEMS.

Roadside Mowing

Taylor:

The reason why I wanted to yield while you were on the subject of killing weeds is because I didn't know that we were doing that and I just think that is not positive. It is certainly hazardous to the environment. We had a plan, but I don't know what happened to our plan. It was one that I thought was discussed through our budget where we would take the \$125,000 or the \$120,000 and get three contractors to take care of three districts and then public works would be responsible for the other two. But, then that contractor would be responsible for picking up the trash, doing the culverts and cutting only in that district. Now, it is reduced to three months of weed eating. We are living in the state of Florida where grass grows at least 10 months out of the year. So, ideas of what we need to do to counter this, now that we have lost the inmate crews, we are going to have to sit down with the sheriff's department and figure out what it is that he can with his inmates to help us. We are going to have to sit down and talk to him. Calling people up. Obviously the people in their own neighborhood are not the ones littering their neighborhood, it is the people who are coming thru and driving thru that is doing this. So, that is not going to rectify our problem. Telling people not to litter – you know, we've got signs up and down the highway about littering and the cost of the fine that is associated with it, but, that is not stopping it. So, the reason that I wanted to comment was that I didn't know that we were poisoning the weeds. That concerns me going forward. I am hoping that in this next budget year that we might look at going back and let the contractors who have their own equipment, their own manpower that will take, I don't know how much time it will take to cut a district, but at least it will be constant. Then we won't have that expense on us. It just makes more sense to do that. Give one contractor \$40,000 – three different contractors taking up three different districts for an entire year. That just makes more sense that what we did with the money this year. That is one thing.

Tourist Development Advertisement Dollars

Now, on to my items. I was listening at the news and tourist development, rather the Tourist Council is what is being used to attract some of those dollars for cleanup and (inaudible) to help advertise our county so that we'll let folk know up north, out west, out east that we are still a county that is free of oil spills – that we are still a vital county and we want you to come and fish here. My request is that we

make sure that the Tourist Development Council is giving some of those advertisement dollars to keep Gadsden County on the forefront of those who may be skeptical thinking that we have had some kind of damages from the spill. So, I want to make sure that they are out there getting some of those advertisement dollars since there are billions that are being set aside.

Florida Gas Transmission

The gentleman that came in to talk about the Florida Gas Transmission. I am just going to ask, if we can, that the staff talk with the other municipalities who are selling gas and who are selling utilities, that they talk with this gentleman. He clearly said tonight that no one has reached out to him. I know that if they can get gas or power at a lesser rate that they would all be interested. He said that there are opportunities.

Kelly Road and Crossroads Academy

A few minutes ago, Crossroads Academy came up. I did go out there and I did take a look at what is going on. I want to address this and see if we can help them. That school, out of over 1300 schools statewide, excuse me, I think it was 13,000 schools statewide – that school was one of 30 that has been designated as a distinguished school. It does well out there with the children. I went out there and I have already seen that they have begun to pour that sidewalk. I am for letting that go forward. They did the framework for it. I know the director doesn't want to, but I am for putting that sidewalk in and out of the way because it has already begun, but there are some things that she did mention that I think we might want to look at. Kelly Road is like an alley. However, they have donated to us, the right of way on both sides of that road. At least, they have donated the right of way. We do need to be able to maintain it. Now, you've got a brand new sidewalk out there and a road filled with potholes. So, I am asking this board if they will consider putting it in our next year's budget – some money to pave it. You've got a brand new school, a brand new sidewalk and you don't want that road running adjacent to it the way it is now. So, I am asking if we can consider looking at that through our public works department. It won't cost much. That road is no further than from here to the bank, so to speak, that we would need to do some resurfacing. And, that we maintain it, the cut-a-way, because it is going to be a very, very nice area out there. So, let's maintain the cut-a-way.

One other thing that they were asked to do was to put up an earthen buffer in a particular area out there and the area that they (the planning department) wanted them to put up a buffer is the area where they are going to have their playground. It is already an earthen buffer there because there are trees and other bushes already there. I would hate to see them go out and buy a bunch of trees that they are going to have to cut back in order to have a playground area. Right now, they are going across the street because that is the only clearing that they have available to them. That area will, in the very near future, become their playground. So, that is one area that I hope that we can not hold their feet to the fire. As I said, there is a buffer already there. There are already trees and bushes at a nice height there. It does the purpose in its present state. I would not want to see them buy trees. They put the sidewalk in and then we maintain it. That is what I am asking at this time, Mr. Chair.

Lamb:

I think I concur with you because I have been out there myself and looked at the whole picture and I believe that street is a county road, but it has not been well maintained. I did speak to Robert concerning that. What I would suggest that we do is have Robert bring us some figures on it and get it

back to the administrator and we can put it in our budget to resurface that road as well as complete that sidewalk out to Kelly Road or to Stone Road. I talked to Robert about that. I don't see a problem with that. I think that once he brings us the figures and everything back, then we will consider putting it in the budget.

Taylor:

Well, I know that the director said that the CO was being held up because of some things that they were still discussing, but I am hoping that we don't have to follow through. If you don't mind, your planning and Zoning director might be able to just come and answer this question.

The little buffer that is being required, the planting of the trees – knowing now that they are going to use that as a playground area, that we may not mandate that. What is there, like I said, there are already trees, the underbush is already there. They will fence it once it becomes a playground area. They will fence it. We have already had that discussion. But, let's not let that be a mandate at this point. Let the sidewalk stay, just like you asked for.

Metheney:

Let me go out there tomorrow and look at it as see what we can do to help them. Let's do that.

Taylor:

That is the key.

Lamb:

To support her on the tree situation, that is something that they can look at in the future. There are enough trees there now for a buffer.

Metheney:

I promise you that I will go out there and look at it tomorrow.

Taylor:

Thank you. That is it for that.

Senior Services

Now, you do know that we now have a new director down at the Senior Services. I understood that they are only going to be there a year anyway, but, that trend has still continued. A year, a year and a half, and they are gone. You really need to look at why.

Housing and Community Development

I am glad for the map. I want to know this question though. If you don't mind, Mr. Clyde, do you have an intake letter so that when folks do call in and ask for services, that there is a record of their intake so that we will know when they called in, the date, so that I can take a look and see the this one is due to get services now. Is there an intake letter?

Clyde Collins:

There should be list of everybody that has called in or that has come in and filled out an application. There should be a detailed list of them.

Taylor:

But, is there an intake letter? In other words, a little basic information that you take as they call in. You just write it down, the date, this is who wants services, this is what they have done, then file. Do you have anything like that?

Collins:

I don't know if we've got anything like that or not. I will have to look and see.

Taylor:

Alright. We talked about the weed eating. We talked about the – That is it.

Thank you.

Lamb:

Commissioner Croley:

Commissioner Croley Discussion Items. District 2

Thank you, Mr. Chair. Mr. Williams, again, I wish to formally extend our condolences for your recent loss and your immediate family.

Certified County Commissioner Designations

The second item I would like to do is recognize Commissioner Taylor and Commissioner Morgan for having completed the certified county commission designation. I certainly applaud Commissioner Taylor because she said she would get it done and Commissioner Taylor, you got it done. So, good for you.

Commissioner Morgan, we missed you last week, but Gadsden County was well represented and they took plenty of pictures to document that everybody was there where they were supposed to be.

The other part of this is something that Florida Association of Counties did host. That was a report of projected state revenue. As Commissioner Morgan already pointed out a little earlier in this meeting, the financial outlook for the state is very challenged. I think that as we are moving forward here in our budget planning process, that everyone needs to go into it with both eyes open. It is going to be the case and that we are going to need to focus back on the basic public works that need to be done, the promotion for economic development and for our health and safety and welfare focus.

Oil Spill Impact on Gadsden County

I also want to remind county staff that another part of the Florida Association of Counties program was a great deal of attention to the oil spill and its impact here on the state revenue. Its impact on our tourism and what affect that can have on all of us. We had a representative from BP Claims regarding the need for us to file our claims now. We don't have to prove them, we just need to file them. Mr. Attorney, I need to remind you and the county administrator and I know we have brought this up with Clerk Thomas here at the last meeting. WE need to get our claim filed as an interior county. The other counties here in the panhandle recognize this as well because we do have people coming through here going to the coast and this could have an impact our revenue sharing with the State. It was strongly recommended and I even asked the question point blank of the PB representative, "Do we need to file

as an interior county?" He said, "Yes, you do." So, we don't know exactly what the damages will be, but we need to get that called in.

Roadside Spraying for Vegetation

Going to the last point that you, Commissioner Morgan and Commissioner Taylor elaborated on having to do with the spraying.

Robert, I would like to call you back up and wind up on this note.

I, too, have been noticing the spraying. My question to you is "Has the operator completed the agricultural training in the applicator training that is offered here through the extension office?"

Presnell:

No, he has not yet completed that training. It is actually going to be public right of way.

Croley:

Well, I realize that you have some exemption from that, but I think it would help because I agree with Commissioner Morgan, I have seen areas as big as basketball court, it looks like sometimes or a half court anyway. They are wasting chemical which is a waste of resource, when they should have really just sprayed right around the post as we were talking about. This is a safety issue for the public. The guard rails that were overgrown in the Johnson grass does need to be sprayed.

One other thing, are you using any type of liquid dye marker or anything in the solution so that the applicator can see where he is spraying?

Presnell:

No, we are adding a recommended surfactant, but no dye. He is getting better. As late as last week, Wednesday, we had a state official to come over and provide a couple of hours of training. I had Grady there as well as all of our supervisors who attended the training last Wednesday to address this problem.

Croley:

I see other rural counties – I was over in Jefferson County watching them spray and it looks like to me that you ought to be using some dye in there so you will know where the spray is going. I don't think the dye is that expensive. You see it used on all of our farm activities, so it would seem to be logical. They need training about the drift. I don't want to hear about you got into somebody's fish pond and all the other things that can happen.

Presnell:

Again, I have taken my test. Grady hasn't yet taken the course. It won't be for the ag plant, it is public right of way license, the state license. Again, we just started this this year to address concerns with vegetation. It may not be something that we continue to do.

Croley :

Well, I think it is very effective, but I sure don't want to look like where you have killed all of the vegetation along the road.

Thank you, Mr. Chair.

Lamb:

Commissioner Lamb, District 1

Two or three things and I will be done.

Mr. Administrator, I will direct all concerns to your regarding the spraying. Will you make sure that all procedures are followed the way they are supposed to be. WE can communicate with you directly to make sure that all those little things are carried out. I will direct my questions to him.

The other thing is that I want to commend Commissioner Taylor and Commissioner Morgan for completing their certification to become certified county commissioners. I thought that was a great thing that you all did. I want to commend you on that. I think everybody on the board now is certified. As you all know, I am certified as an advanced county commissioner. So, I am a little ahead of ya'll. (laughter) Everything went well. The governor of Florida came down. Governor Crist came down and spoke well toward the county and he gave the county his support. As well, the CFO, she came down. Alex Sink, she came down and gave the commissioners great support. So, I really enjoyed the speakers that came down on behalf of the Florida Association of Counties.

I would like now for us to go ahead – I will entertain a motion to approve the county administrators evaluation. We have went over the evaluation with the HR director as well as the county administrator. I would like to entertain a motion to approve his contract.

Croley:

So moved.

Lamb:

I've got a motion, do I have a second?

Morgan:

I will second it.

Lamb:

It has been moved and properly seconded that we approve the county administrator's contract be approved. You have heard the motion. We are ready for questions. Are there any questions?

Taylor:

Just a comment.

Lamb:

Commissioner Taylor.

Taylor:

Just a comment. I saw where the average rating for the administrator was just a little below 4 points, but was given an outstanding or beyond expectation with that rating. Those two just didn't jive with

me, but I can say with all honesty that the things that I requested have been met in a timely way. To this administrator, I can say that. The only area of concern that I have had and I have had this discussion with him is employees morale. That is the only issue that I have with this administration – the employees and their desire to come to work, the desire to do their jobs, them being able to work in a friendly environment. As I have said, I have had that discussion and I want the public to know that is an area of concern for me. I had hoped that we can improve that and start making some innovative ideas about how to improve this county. Right now, all the directions that have been taken are pretty much derived from this board. I would like for some ideas to come to us on how to grow, how to think outside the box. How to progress. In essence, we are saving dollars, but we are not progressing. That concerns me. I am not hearing anything.

Just now we learned that we are losing two inmate crews. This you already knew. There should have been a solution ready for us tonight to follow up on. How do we generate revenues outside of the ways that we are now getting revenues? What grants are out there that we can track and apply for? I don't hear these things. So, that is a concern for me. That is not our job and we hear this often enough from one another around this diocese that we are not to get into the day to day operations. But pretty much all that has been done is pretty much what this board has been projected. We need to know about ways to make this government stronger and better and more productive for the citizens and we are not doing that. Again, I will never deny that anything that I have requested this manager that he followed up with me on. He does that, but I just don't see the vision. That may be something that we need to ask him to bring back to us. The vision and how it is going to work for every department within his auspices. We need to know what he is going to do to take us into the 21st century. To take us into 2010/2011. We need to know and that is the only thing that I am not hearing. There is no vision that I have been made aware of. That concerns me. If we don't plan, we don't grow.

Thank you.

Lamb:
O.K.

Commissioner Croley.

Croley:
May I ask a question of Mr. Lawson?

Mr. Lawson, I want to verify something. Mr. Lawson, the county administrator's contract in continuous, I believe unless it is cancelled.

Lawson:
That is correct.

Croley:
Has there been any change in the contract in terms of compensation or any benefits or any thing other than what was originally negotiated?

Lawson:
No, sir.

Croley:

So, everything is just a continuation and the recognition that he has been evaluated according to the annual requirement.

Lawson:

That is correct.

Croley:

Thank you for that.

Lamb:

Any other comments?

I think those are those are observations mentioned by Commissioner Taylor. I will say, Commissioner Taylor, if you and I were co-administrators, you and I would have all these same morale issues. They would be mad with us if we were co-administrators. You wouldn't satisfy everybody. But, you have a good point. Any other questions? Ready to vote.

All in favor, let it be known by saying, "Aye."

All:

Aye.

Lamb:

Opposes?

(no response)

The "Ayes" have it. Thank you.

Is there anything else?

(No response.) This meeting is adjourned.

RECEIPT AND FILE AGENDA

20a. For the Record: Gadsden County CDBG-Ed Contract – Bradwell Huddle House Project – close out

20b. For the Record: Appointment of New Executive Director for Gadsden Senior Services, Inc.
Latoya G Moody, MSW

20c. For the Record: Budget Amendments – Approved by the County Administrator
OMB-BA 100085; 100088; 100089; 100090; 100081; 10087

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 8:15 P.M.**

Eugene Lamb, Chair

Muriel Straughn, Deputy Clerk

**AT A BUDGET WORKSHOP OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON TUESDAY, JULY 13, 2010, AT 4:00 P.M., THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

PRESENT: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
Sherrie Taylor, District 5
District 4 Seat – Vacant due to resignation of Brenda A. Holt
Johnny Williams, County Administrator
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Lamb called the meeting to order then turned the meeting over to County Administrator Williams.

Williams: As you all know, our revenues are still flat. Not only flat, they have slightly decreased. You remember, Clay came over here and said that we were going to experience \$226,000 reduction over last year. That is not nearly as bad as it was a year ago when it was over \$2.25 million. So, our revenues are still flat. They are not recovering. Some people predict that it may be years before they really ever fully recover.

Sherrilynn wanted to give you an overview of what we have here, so I am going to let her go ahead, then maybe we can ask her some questions.

Lamb: So, you want to turn it over to Sherilynnn?

Williams: Yes.

Lamb: O.K. Ms. Sherilynn, the floor is yours.

Chess: Good afternoon. I want to start off by saying that I have had conversations with Commissioner Morgan and I know that you wanted some information about where we are as far as our financial status as of today. What I have decided to do after this meeting is to get a quarterly report to you. It will give you all the information and updates on our revenues as to where we stand as of this month. That should help you somewhat in knowing what our financial status is.

The 2010/2011 recommended budget – I just want to give you an overview of how this budget was developed and how it came about. After I met with Johnny, I asked him to give me some directives on how to lead the directors on preparing their budgets and submitting their budgets. He indicated that we didn't want any new staff, any new vehicles, really no

new anything because our revenues, some of the revenues are going down and we know the ad valorem taxes are going down by at least \$200,000 or more. So, when I met with the departments, I gave them a letter indicating that they were not to add any new staff, try not to add any new vehicles unless it was just necessary and to look over their budget line by line and make some cuts on some of the things that they didn't necessarily use this year. Some of the items that they may can cut back on. So, after that meeting, the departments implemented their budgets. Johnny and I met with them and we made some additional cuts. Although we told them no new items, everyone put new vehicles, new this and new that. They were way over the current budget. We knew that we could not support a budget like that. After that, we made our cuts and this book reflects the cuts that Johnny and I made.

Are there any questions up to this point?

Croley: In preparing this budget, Sherilynn, if I look on the first page here where it says 2010/2011 Revenue and Expenditures Variance – it says “requested revenues”. Do you mean “projected revenues”?

Chess: I say “requested” because that was the name in the budget system. It was called “New Requested Budget” and “New Requested Expenditures.”

Croley: What I am trying to understand is this first column of revenue – is that a projected revenue?

Chess: That is projected.

Croley: And it is supposed to represent a 100% of the projected revenue or 95% of the projected revenues?

Chess 100% because in the revenues, we do less 5%.

Croley: O.K. Alright. Now, if I go here to the item that says discretionary sales sur tax – 130. That is the one cent that originally was passed to build the jail and then later continued by the commission for use and then they restricted it by ordinance in a certain manner. Public Works, such as transportation, fire and water and sewer projects, I believe. My question is have you restricted that revenue to those limited purposes in this budget?

Chess: Yes, just to public works and fire.

Croley: O.K. So, that \$2.1 million or 95% of it has been restricted to transportation and fire services in this budget?

Chess: Yes.

Croley: Thank you. Now, the requested expenditures column reflects the total of what you are

expecting to come out of these funds at 95% of that revenue. Is that the way I am to read this?

Chess: You are looking at the requested expenditure column?

Croley: Yes.

Chess: The requested expenditures – those are the requests from the departments.

Croley: This was their original request?

Chess: No, it not their original request. This is after the cuts from administrator.

Croley: But, does it represent 95% of the revenue column?

Chess: Yes.

Croley: O.K. So, when you say budget variance vs. percent of change. Explain that to me.

Chess: O.K. It is the expenditures minus the revenue. The requested expenditures minus the projected revenue. That will give you the budget variance. It will let you know which fund is out of balance. I balanced all of the funds up until last night. In general fund, after I made a couple of observations, I went back and made some changes and we have savings of \$253,000.

Croley: Then, you \$15.00 short in fund 130?

Chess: Yes, I will have to go back and check over that. But, that is what that represents.

Croley: Alright. Maybe somebody else has some questions.

Williams: One question. You don't have any totals here.

Chess: The grand total is at the bottom. But I don't have any bottom line totals.

Williams: Did you balance this budget?

Chess: Yes, this budget is balanced.

Williams: Like we talked about?

Chess: Yes.

Williams: O.K. So it is balanced both ways?

Chess: Yes. I want to say that we really went over the departments budgets and we made a lot of

cuts. We have some savings there with the departments where we really made more cuts – something they may have wanted or may have needed.

Once you all go through the budget with each department, you have \$253,000 that we can give back to the departments if you want to balance out to zero or you can move it to fund balance.

I also want to say that I did not do any carry forward except with one department and that was fund 112. 112 is Transportation, Public Works. They were \$362,000 over their budgets so I did a carry forward for \$362,000. I don't think they have any fund balance available. I will have to meet with finance once Connie gets back and go over their fund balance, but according to when I first got here, I did the fund balance for Transportation and Public Works and they had \$400 and some odd thousand in their budget. But, a couple of things happened this year and that \$400,000 was taken. The revenues were reduced. So, I don't think they will have any fund balance. But, I won't know for sure until I speak with finance. So, they are over budget by \$362,000 and I took it from carry forward, but they really don't have any carry forward.

Lamb: Fund 661.

Chess: I didn't touch that fund at all because I didn't get a chance to talk to finance and I wasn't sure how you wanted to use those endowment funds or how that is recorded or do you carry it forward into another fund. I didn't want to put it anywhere until I speak to finance. I left that fund just as it was this year.

Williams: Helene, are you aware of that one?

Helene Shuler: I think all that money is supposed to go to the hospital. I think that we will move it to somewhere else, then give it straight to the hospital.

Croley: I have another question.

Helene, would you come up to the podium, please, along with Sherrilynn. That way, you are both up there. Just out of respect for the Clerk's office as the chief financial officer of the board, as you looked at these numbers, and I don't know how long you have had to study them, but do you see anything right now that you think we should be made aware of that immediately comes to your mind?

Shuler: Well, I am looking at this for the first time just like you are. I did look at what was keyed into the computer yesterday.

Sherrilynn. I did work until 10:00 last night, so I did go back and make some changes.

Shuler: Only revenue. Expenses – you guys decide yourselves. On revenue, the clerk had me

check to make sure that the fiscally constrained amendment one money would be coming in. You've got \$1.2 million this year. I called DOR and they expect that we will get the same if not more this year. That was the big number that we were concerned with. Besides that, what you had keyed – and I just glanced – was that you had Urgent Care Revenue, which of course, there is no more Urgent Care. There is some dribbling revenue in, but not what you had in there.

One thing that I did notice so let me ask you here – If you look at the top page, then say you go to EMS or Fine and Forfeiture – if you see the requested amount, this is because you have lowered it from what this is here?

Chess: Yes, I went back and made some changes – last minute changes.

Shuler: So, these don't connect with this?

Chess: Right.

Williams: What you mentioned for distressed counties, is it on the revenue side? I don't see it.

Shuler: It is in general fund.

Williams: It is in general, o.k.

Shuler: She just doesn't have it broken out, but what I saw was the same number as last year. Last year was budgeted \$1.125 million. We got \$1.2 million in. According to DOR, we will get \$1.2 million if not more, depending on what Clay turns in.

Croley: But that is all in the general fund already? The \$1.2?

Shuler: Well, I don't know what is in this number. Do you have this revenue broken out anywhere in here?

Chess: Not in this book, but I do a sheet with it broken out.

Croley: We want to get that sheet.

Chess: To tell you the truth, I have it in the computer, but we were putting the books together at the very last minute and we didn't have a chance to put that in here.

Croley: Well, maybe

Lawson: Can't you email that to them, Ms. Chess?

Chess: Yes, I can email. I did go and break out all of the revenues.

Croley: I understand and I appreciate that.

Shuler: You may want to let them know that when they look at this, like say if you go to Fine and Forfeiture Tab – you will see what is requested and then see \$7.5 million. But when you go to this top sheet, you see \$7.1 million. So,

Chess: That is because I went back and I gave the Sheriff's Department what they requested, then I had to go back and change it and put what was requested last year in their budget. I am leaving it up to the discretion of the commissioners to give them what they requested. It is way over.

Shuler: I didn't pull the Sheriff. I just looked at that because it was easy.

Croley: That raises a question about what I am asking here because if I look at the Fine and Forfeiture Fund at \$7.1 Million and you look over at the Fine and Forfeiture Fund under the tab, it is showing \$7.5 million. My question is – Where are you going to get that difference?

Chess: I went back and lowered what I had increased the Sheriff Department's according to what they requested. They requested much more than what they received this year. I went back and put their original budget in because I want the commissioners to decide if they should get an increase.

Croley: I am just trying to understand.

Chess: So, the \$7.1 million is correct. I just have to go back and change their summary sheet. It needs to be changed in your book.

Shuler: O.K. now is Emergency Management the same way?

Lamb: What is the difference in what they received last year and what they requested this year?

Chess: I don't have that before me. I have a binder that they put their entire budget in. They gave me a budget line by line and I don't want to give you a total off the top of my head. I just put their original budget in from last year. When the sheriff's department gets ready to meet with you all, I was going to make copies of what they submitted to me and give a copy to all of you. I can make that copy today and just put it in your box.

Croley: I think you already gave it to us.

Morgan: We've got a copy. We have had it for weeks.

Chess: O.K.

Lamb: Are there any other questions? on what she has covered up until now?

Morgan: Yeah, I have questions.

Lamb: Are there any other questions on what she has covered up until now?

Morgan: My questions are more directed toward the administrator, Mr. Chair.

Lamb: O.K.

Lynn, Commissioner Morgan has questions to direct toward the administrator. Go ahead.

Morgan: Thank you, Mr. Chair.

My first question is that we had a budget workshop scheduled for today at 4:00 p.m. and at 4:03 these books got brought in here and put in front of us to look at. You are asking for us to consider your recommendations and ask questions. Am I the only one that is baffled by that?

Williams: I am also baffled.

Chess: We changed the meeting until the 22nd and the reason we changed it was so that you all would have these books to look over before the first meeting on the 22nd. If you have questions, you can ask me any questions or you can ask the department head any questions at that time. That is why we didn't have the departments meet with you all today.

Williams: Commissioner Morgan, at the time this particular meeting was scheduled, it was anticipated that you would have this in your hand a week before hand. Sometimes things just don't happen that way.

Morgan: I guess my question is when we say that train coming, why didn't get off the track?

Williams: That is when we changed the definition of this meeting from a detail meeting to an overview.

Morgan: Well, I guess where I am coming from is that I really appreciate the Clerk's office and taking an interest in showing up. I don't know of anything that we can comment on from our chair because we haven't looked at the information.

Now, are there trends in here like we talked about last year very clearly and identified. We wanted to have a three year trend that shows us what was budgeted, what was spent.

Chess: I have the request in. I have the 2010 and the 2009. I didn't go back farther than 2009.

Morgan: Why?

Chess: Because you only have one person working in your budget department and it takes more than one person to pull a budget together. I don't know if you all know how much work it

takes to pull this information together. It takes a lot of work.
Morgan: What I do know is and I do understand that.

Chess: And it sounds like you don't even appreciate it. I hear you commend finance. But, I have been working in Atlanta the entire time driving back and forth and going over the phone, going through the computer.

Morgan: Ms. Chess, Ms. Chess, I appreciate it.

Lamb: Now, I know that I got the word from her and the administrator that today was suppose to be like an introduction. Am I correct?

Chess: Yes.

Lamb: When we come back on the 22nd, if you've got a million questions, ask those questions. Don't start asking any kind of questions today. Wait until we look at. Let's not be so critical of our staff until we get back on the 22nd. If we've got questions, I mean, I ain't going to kill us to wait til we come back on the 22nd. Then we can ask any question we would like to ask of our staff concerning the budget. They are giving us time now to go and look at this whole book here and then we will come back and ask our questions and ask them intelligently. We will respect one another and we won't be critical of our staff. We will try to do everything we can constructively. That is what I am asking ya'll to do, please.

Morgan: Mr. Chair, very respectfully, I appreciate your comments. What I would say is that I have not criticized Ms. Chess, I have not criticized any staff member. I have criticized the process and I have the right to do so and I am going to do it from this seat if I think it is not being done appropriately.

Now, the most, one of the most important things that we are charged with doing is administering the budget or having an administrator that administers the budget and we give our input on that. I want to be very clear that I want to go back to last year and simply state that we talked about the shortcomings, in our opinion – this board as a whole, and I know I was very focal on that moreso than others, but we agreed that we were going to make some changes where it was easy to follow and understand and that we were going to have some trends so that we can accurately say, "We've been here, we've fallen short here, we are doing very well here," and it would help us as we move forward in the next budget. We don't have that here.

Chess: We don't have a system that can give you trends.

Morgan: I understand that. I really do appreciate where you are coming from. Fix the problem then. O.K. That is the only thing that I am coming from.

Taylor: Mr. Chair?

Lamb: Are you finished?

Commissioner Taylor.

Taylor: Sherilynn, from my seat, I haven't said very much to you because I have appreciated and admired the work that you have had to do on your own and by yourself. I do, however, see where there are three years. You have one 2008/2009 actual, then 2009/2010 actual and then requested 2010/2011. So, there is a trend here. Let me just say from my seat and I appreciate the work that you've done. Given the fact that you are volunteering to come back on a contractual basis, this isn't an easy task to do. I know that this is quite – especially with all the requests that is asked and certainly that is not uncommon or that is unnecessary, but, in my opinion, because of the staff that is over there, we were not able to come to this point. That is all it is. We have to recognize and appreciate that.

Now, all of us have received emails that that department was going to be without a director almost two months ago. That there was going to be a transition almost two months ago. At that time, staff should have stepped in and honored the request of the commissioners to give a trend and make sure that this budget is readable. If we had gone out and gotten a consultant or a contractual services to help fill in the gap between Sherrilynn and this budget period. We all know it is coming up in June and July. It's been Coming up in June and July as long as the history of this government.

You see, that is a point that I keep trying to argue. There is no vision. We don't see behind us or in front of us. If we did, we would have had someone to come in and get this thing prepared per the request of this board and the direction. But, I lay nothing at your feet. I compliment you and I think that you have done a surmountable job given the fact that you are doing it on a contractual basis and you are between here and Atlanta. I thank you. I lay the concerns at the foot of the staff saying that we should have had the fortitude to go forward and bring in someone to assist. There are CPAs all over this place. They would have been willing to come in at any given moment to fill in this gap.

So, as the chairman has said. What we have is what we have in front of us. I will be back. I will be more than happy to be back here on the 22nd with my questions and whatever and anything additional that you can send to help. I will be happy to take a look at it. But, thank you from this seat. Thank you.

Lamb: Thank you Commissioner Taylor and Commissioner Morgan. I would like to say, Mr. Administrator, whatever it takes – and it s not easy and I understand exactly what Commissioner Taylor is saying. It is not easy to go out there and just get someone to bring in here to do a budget. It is not easy. It sounds easy, but it is not like getting someone to go to public works to mow grass. That ain't the same as putting these numbers together. But, hopefully, they will have someone in there next week. Hopefully, we won't do too much questioning about who they are putting in there. We will let them do their job. Get someone in there to help her out. On the 22nd, I hope we will be in a situation where we can ask our questions and everything will be in front of us and we can move forward from

there.

Whatever it takes, Mr. Administrator and staff, please do that. I don't care how much money it takes. Use it and we won't have no questions about the money you are using to do whatever you've got to do. Just go ahead and use whatever you've got to use to get this done so we have this ready on the 22nd.

Taylor: Just one comment. And I want to say this to you. The comment that you just made. No one rises to low expectation. No one rises to low expectation. This budget is pretty much a traditional budget. It may go up 10% or it may go down 10%, but it is pretty much traditional. Any CPA could pick it up at any given time and follow its format. So, no sir, I differ with you. I won't say that it wasn't a correct statement. I differ with you when you say that it is difficult to find someone to come in and pick this up. No, it is not. It is pretty much the same. It is pretty much what is being requested. Sometimes departments come in and ask for more than what they can get. That is normal. The dollars are pretty much within each other – 10%, 15% or 20% one way or the other. It is normal. The line items don't really change. The requests of the board, however, may change. The board members may ask for more. But, then this is documented some 6 – 7 months out. He has knowledge of what we are going to ask for 6 – 7 months earlier. So, no one rises to low expectation. You could have gotten somebody in here that could have gotten us to this point and could have helped her either by just following her directions. If we kind of smooth this thing over and don't expect much, then you are going to continue to get the same. You are going to continue to get the same.

Morgan: Yes, Ma'am.

Taylor: You are going to continue to get the same. So, it is incumbent on us to say, "This is what I want, this is how I want to see it, make it happen." So, I have to differ with you on that and in a respectful way.

Lamb: Good point. Good point. Let's get it done.

Taylor: Let's get it done. That is the ultimate. I'll be back here on the 22nd.

Lamb: Commissioner Croley.

Croley: Ms. Sherrilynn, I appreciate what you do and I think that everyone up here really does appreciate what you have done. I do think that Commissioner Morgan makes a very good point about the process making it difficult to establish trends. But as the administrator has made clear, and I think the Clerk's office is well aware of this, Revenues are going to be flat. You don't have a whole lot leave way in here. It is going to be a matter of what we can cut back to build up reserves. I know that has been a priority. But it is very difficult sometimes to know what the departments ask for and then see what you recommended, Mr. Administrator, when we never know what the departments originally asked for. Maybe they've got some real key issues that they want to raise with us. So, I would encourage in

the process that your department heads be allowed to come and articulate

Williams: Not allowed, but they will be required to come. They must defend their budget requests.

Croley: To answer questions. When they have particular needs that feel have been critically cut out of here, then we need to be able to evaluate them. But, I would ask that you do total up your columns. I also ask as Commissioner Morgan has indicated. I support him in this that we have as many years back, say at least 5 years back in terms of revenue so that we can see those trend lines. Recognizing that some of this money was given by the Legislature for small counties that may or may not exist in the future. If we can do that, I think we can get a better trend line and then we can understand where we need to try and give emphasis. It is a very difficult financial time and we hear this, everyone of us heard that at the Florida Association of Counties that was there. We all get their emails and we will just have to do the best we can.

Commissioner Taylor, you are correct. We've got to have some higher expectations here to achieve what we need to.

Thank you again for what you have done, Sherrilynn.

Taylor: Mr. Croley, Mr. Chair, if you don't mind.
I think we have put a lot of – I don't want to use the term "unnecessary", but to go back five years, you and I both know what happened around here 3,4,5 years ago. I don't want to mimic that kind of behavior and put that much pressure on them to go back. If they have to put five years of information here as opposed to three, that is reformatting every chart that is in here.

Croley: You misunderstood, Commissioner Taylor. I was referring to the revenue. Just this one column here in the summary. They don't need to go back and redo that. Make sure you understand me on that. I am only referring to the revenues.

Taylor: I misunderstood you.

Croley: Only the revenue column. The rest of it is not going to make any difference. It is the revenue trends that we need to see. That is what is so critical. Your revenues are trending either down or flat. We need to be able to see that.

Morgan: Mr. Chair.

Lamb: Commissioner Morgan.

Morgan: Commissioner Taylor, I agree with you 100%. Haven't heard that very often here lately have you? But you are absolutely dead on target that this is something that is easy to fix. It is not difficult. We do have staff in place that can get this done. We are a small rural county of 50,000 people and Mr. Administrator, we have your position, we have an assistant county administrator, we have an administrative coordinator, we have an

executive secretary in your office, we have an assistant in your office, we have a department head for a budget office, we have a willing Clerk's office to help us through this process, we have historical data and we actually have an ineffective working model. That is my opinion as far as the working model goes, but when I say three years, I am not saying five. I am saying three years of how much was budgeted, how much was spent; how much was budgeted and how much was spent. Not just 2007, 2008, 2009 showing revenues. I am talking about how we held to that budget.

As we approach these hearing, we need to know how well we did this past year in budgeting. Those kinds of things. What are some of the variables that we may be looking at in the year ahead. I am not trying to be difficult here and I know that it is coming across that way. That is not what I am trying to do. I am simply trying to make sure that we focus on what is important and make it obvious to our public and available to them so that they can understand how to follow the decisions that we make. That is the only thing that I am trying to get done here. It is not difficult to do. Every other rural county and every other large county in the State of Florida has to do it. Every year. I am saying that we need to focus on it.

I have not read this. I am sure Ms. Chess, you have worked very hard and I appreciate that. I have complimented you many times. I've got emails to show it and we have had that conversation. Is that correct or not. Absolutely. I am just asking us to do a better job this year than we did last year. And how this is starting out, that is not the way that we are going and that is my concern.

Thank you.

Williams: Mr. Chairman, may I ask Arthur to come up and report on our progress on getting a replacement for Sherilynn.

Lamb: Go ahead.

Williams: Arthur, can you?

Chess: I do want to ask that if I have any changes in the pages, do you all want an email or how do you want to receive those changes? Or do you want to wait until right before the meeting or the day of the meeting?

Taylor: Email those out as soon as you can.

Williams: You need to email them so they can review it.

Lamb: That is good. Some of our commissioners are pretty good with budgets. I don't too much keep up with it. I have confidence that you all will do the right thing, so, I ain't got time to be keeping up with all that.

Come up, Mr. Lawson.

Lawson: There is not a whole lot to tell really. We have interviewed a couple of people, or at least I have. Johnny and I have discussed making a tentative offer to one candidate. I have not made the offer yet. I have just finished doing a background check on this particular person when he gave us authorization to talk to his current employer. I will be tending an offer probably sometime tomorrow morning. Then we will start the negotiations with that individual back and forth.

Williams: Is he still employed?

Lawson: Yes, he is still employed.

Lamb: Mr. Administrator, is there anything else that you have?

Williams : No, sir.

Lamb: Commissioners?

Croley: Having dealt with a few budgets myself, I want to explain something to you all. If you get the five year trend in summary, Commissioner Morgan's point, Commissioner Taylor's point, I think the concerns of the Clerk's office and my own concerns are better addressed because you can see how this county has been receiving its money and where its money has been going. The five year period is a pretty good snapshot. You don't need to put it in every one of these pages. I am talking about on the summary. You also need to break down for us where this general fund revenue is coming from so that we can see how these trends are by the different sources, especially in big funds like general fund that makes that up. That can't be that difficult. All you have to do is, or you should be able to do , is look at your audits for each of those respective years that have already closed out where you had actual revenue. Now, I am going to say again, and I have already requested the administrator to put it on the next agenda, Mr. Chair, the fact that we are now approaching the 11th month without a formal audit is not good business. I don't care what the reason is. I don't care why. It is not good public business. We see issues go on in other governmental entities and quasi-governmental entities in the newspapers. That is our responsibility to make sure that all these offices get audited and know where this money is going. Again, that is good business. There is not a person in here that doesn't know that or shouldn't know that. It is inexcusable that we are approaching the 11th month. Now, maybe in the future we will not have that problem, but we do right now.

So, if we get this information, we will be able to see what we can do to build the reserves, Commissioner Morgan. I think that has been a consensus around here – to try to build those up for the future. I think we will do a better job for the public in the needs of addressing the department's, Mr. Chair if we can do that.

I thank you again for allowing me the opportunity to elaborate on this trend and why I want it.

Lamb: Mr. Williams, when is the audit going to be on the agenda?

Williams: We have met with the auditor and he has presented a draft of the audit. He only left one copy. I have it available for anybody who wants to see it. He stated to me that he was going to immediately going to schedule individual meetings with you, the commissioners. I don't think that has happened. Then he was going to make a presentation at the next board meeting.

Croley: Have we paid him? Has the county paid him any money.

Williams: Helene pays the bills.

Shuler: Connie pays the bills. Probably she is holding the last draw. She said they were waiting for management response letters. I don't know who.

Morgan: Mr. Chair, do you think perhaps we should have the administrator follow up on that and let us know.

Lamb: You have taken the words right out of my mouth. We don't need to be paying him until we get our audit.

Shuler: I am pretty sure she is holding money.

Williams: I would guess that she is, but we will check on it.

Lamb: Stuff that he has passed by you, the stuff that he has mentioned to you and you are telling us now, will you go back and follow up on it and see when he is going to meet with us individually and when he is planning on coming. Everybody is asking for him, but we don't see him. I can't understand what is going on. Every one of us commissioners have asked for him and we still have not seen him, nor have we had anything in our hands to tell us or show us what he has done. So, we need to hear something as quick as possible. Each commissioner.

Williams: I will call him first thing in the morning.

Lamb: Thank you. Is there anything else from commissioners?

O.K. Meeting adjourned.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 4:47 P.M.**

Eugene Lamb, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JULY 20, 2010, AT 9:00 A.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

Present: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

Absent: District 4 Seat - vacant due to the resignation of former Commissioner Brenda Holt

CALL TO ORDER

Chair Lamb called the meeting to order and called for a moment of silent prayer prior to leading in the pledge of allegiance to the U.S. flag.

AMENDMENTS TO THE AGENDA

ADDED TO CONSENT AGENDA: 10A: Award of Bid Award for River Road and Ochlockonee River Road (Resurfacing) and Notice to Proceed

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0 BY VOICE VOTE, TO ADD THE ABOVE ITEM TO THE AGENDA AS STATED ABOVE.

APPROVAL OF THE AGENDA

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Possible License for Use of Space in the Gadsden Memorial Hospital Building

Michael Glazer, Deputy County Attorney spoke to the board regarding the former Urgent Care space.

Glazer:

Good morning, Commissioners. I want to give you a little update on the efforts to try and lease out some of the space in the hospital building. I was hoping that I would actually be able to present an agreement to you this morning, but we are not quite ready to do that, but I did want to tell you what we are doing and get some guidance from you. If you have any questions or concerns, we can build those in as we move forward.

As you recall, we had the former Urgent Care space in the old hospital building and we would like to use that for medical office space. Through the work of Capital Regional Medical Center, there is one physician – I guess the best way to put it is, “The physician is nibbling at this point.” We have prepared a draft of an agreement. That physician would be a specialist. They have asked that I not disclose who it is other than to let you know that it would be a specialist coming to town. They will probably only be coming for a couple of days a month to start and kind of build up slowly. However, it is a start.

We have looked at that space. You are already incurring costs for that space now. It is not a lot, but you have to keep it minimally air-conditioned. You have to keep it clean so that there is not mold or mildew growing in there. Therefore, there is already some expense even though it is empty. What we have looked at is to try and figure out what the expense of that be and how much would we have to charge to try to get a physician in there. Obviously, if a physician is using the space only a couple of days a month, it is not fair to ask them to pay 100% of the cost, but you do want to be able to try and recoup some of your costs there. Our best estimate at this point is that we are probably looking at somewhere in the range of \$1300 to \$1500 per month in costs for that space if it is being used on an infrequent basis. Obviously, if we can get more people in there, actually, your cost goes up, but your revenue goes up as well. What we have suggested in an initial proposal to one physician is that we are looking at charging in the range of \$150 per day with a minimum of two-day rental. Again, I do not have a response back yet to see if that is fair or what kind of usage there might be. That would be something to put out there on the table.

What we would be providing is the space; we would be providing the utilities. It will be a turnkey deal. They can just come and bring their files and see patients. We would provide space, utilities, cleaning. Again, we are doing that anyway. About the only thing that we would have to add that is not there now is a phone line and an internet line. They are not big expenses. We probably would have to have some arrangement to clean up any biohazardous waste. However, that should not be more than a little bag now and again. The people that do that are already coming out to Capital Regional anyway. Those are small expenses.

We would probably still make available the entire Urgent Care space. Frankly, it is more space than one physician probably needs. However, we actually looked at trying to divide it. At this stage, it would cost more money to do that. Since we do not have a lot of interest yet, we do not think that is worth recommending the cost of trying to divide it. We will just let them use it.

The other thing, too, is in our initial proposal; we are trying to build in a fair amount of flexibility into it so that it can be cancelled by either party on short notice. Therefore, if we get more interest, we can be more flexible. If it is not working out, they can leave as well. We are trying to be very user friendly.

That is really my report this morning. What I wanted to see is if you all are O.K with the direction that we are proceeding in and if you have got questions and comments. It would be nice to see if we could see attract a specialist or two into town. I hope that that will continue to build as we ramp up.

I am open to questions.

Lamb:

I do not have a problem with what you all are doing. I support what you are trying to do because you are trying to get more people into the facility. That is what it is there for. You are trying to get people there at a good price so that we can at least afford them coming there. So, I support what your effort 100%.

Commissioners?

Commissioner Croley?

Croley:

Good morning, Mr. Glazer. What type of marketing effort are we doing to reach out to the specialist? Do we have any type of real estate representation, leasing agents involved to try to mail out and let them know what is going on? How is that being handled?

Glazer:

Not at this point. We need to talk about doing that. Mr. McMillan has been out of town as you know and when he gets back, that is something he and I need to visit some more about. This first lead has come to us through Capital Regional. It is a physician that they have brought to us. That is probably going to be some of the best way to do that. Physicians who already have some affiliation with them. But, we do want to look at doing that. At the moment, we have been focused on getting a document together that works. That is the next step.

Croley:

We hear some representations in the community that we are paying this outrageous amount of monthly bills for utilities. Clarify that for us, please. I see Mr. Collins is here. He might join you if it is necessary.

Glazer:

Here is the deal. The minute we signed the lease with Capital Regional Medical Center back in March, they immediately started paying 50% of the utility bill for the hospital space. Remember, the hospital space is about 2/3 of the building. When the hospital opened, they took over and are now paying 100% of the utility cost for that space. We pay them a very, very minor amount because actually some of the air-conditioning from there is used for space that is still storage. However, Mr. Collins has the building set so that in the area that is not being used, in other words, the area that the county is paying for is minimally conditioned. You are talking about a bill in the hundreds for 30,000 plus square feet of space. It is not much money at all. So, he is being extremely efficient. In fact, he is actually working with Capital Regional to help them get their utility bills down in the hospital space. So, what you are paying for that space now - Well, you are not paying at all for the hospital space. The amount you are paying for the other space is very minimal just to keep it in a state where it is not going to grow mold and mildew and cause a lot of other problems and potential health hazards. That is about it.

Croley:

Thank you.

Lamb:

Just to add to what he is saying, percentage wise, Capital Regional is probably paying more than 75%, if not 90% of the utilities.

Glazer:

Over 90%. Yeah, plus probably, but easily 90%.

Lamb:

Come up, please, Mr. Clyde.

Collins:

The other 33,000 square feet that we have there – our bill last month (and that was part of month that Urgent Care was still open) was \$650.00 for the 33,000 square feet.

Glazer:

That is compared to \$20,000 for the hospital.

Collins:

Yeah. Capital Regional's bill was \$27,000 last month. I am working with them trying to get theirs down. Well, they had everything jacked wide open. Now, we are trying to throttle everything back.

Lamb:

I think the reason that he wanted you to verify that is because there is a lot of false information that is out there in the public. They are saying that the county is paying over \$10,000 in utilities and so forth.

Collins:

Well, whenever we were under construction, it was running about \$6,000 per month. There was one month that it was \$12,000 right before they took over. We had jacked everything wide open just to see how it would run. But, \$12,000 was the most that we have paid.

Glazer:

And that was highly unusual.

Collins:

And, Capital Regional paid ½ of that. So.

Morgan:

Mr. Glazer, thanks for your report.

If I am doing the math right, we are looking for a physician who will agree to be there about 10 days out of the month and we would be at a breakeven point. Is that about right?

Glazer:

If we are able to get that \$150.00 per day, then 10 days a month is probably break even for us. If you figure that you've got 20, 21, 22 business days per month, you might actually even make a little money. Now, your cost will go up if we were to fill it up. We will have higher utilities, higher cleaning bills. So, that is kind of where we are. Again, I don't know. It is a number that we are going to have to negotiate. I don't know whether we can get that or not. I just don't know yet.

Morgan:

You have dealt with a lot of hospital re-openings and negotiations and that type thing in the past. Is the first specialist to come to a hospital like in our situation – is that usually the hardest one to get here and does that generally lead to additional types of specialist showing interest if that works out?

Glazer:

Sure, in a rural community, it is going to be a very slow and tentative startup. That first person who is willing to dip their toe in the water is the hardest one. Then, and you are still looking at part-time people in the specialist community in the early phases. People aren't likely to set up a full time practice right off the bat. You now, that would be a huge business risk, particularly in a community that has been without a hospital for so many years. I am not particularly bothered; in fact, I am kind of encouraged by the fact that we've got a specialist this early in the game that is expressing some interest. Remember, we are still only a month into it.

Morgan:

And, HCA – our affiliation with them – certainly, they have a network of folks that will help us with what Commissioner Croley was inquiring about in our advertising – That we are looking for potential relationships with specialists.

Glazer:

Absolutely and they have every incentive to do so. While I think Commissioner Croley is correct in saying that we ought to do a little bit of marketing, the reality is that I think that is where most of our leads are likely to come from.

Morgan:

Last question. Whoever that we are going into a partnership with; they are obviously going to accept the major insurances so that will be a benefit to most of our citizens.

Glazer:

The document we actually have drafted is a quite extensive - we don't even call it a lease, we call it a license agreement, but they would have to agree to provide adequate insurances to indemnify the county. There are a lot of protections built into it. And, of course, we are not going to do anything until we have actually presented that agreement to you for your review and approval.

Lamb:

Commissioner Taylor, do you have anything you want to say?

Taylor:

Just a – my question is more a budgetary kind of question about you. The idea of renting space seems to be a minimal task, not very much entailed there. So, how long are we looking to continue your services during this fiscal year? I am kind of –

Glazer:

I serve at your pleasure, so when you tell me to go, I go. But, here are the major tasks that are still left.

Taylor:

That is my question. What hurdles are still there and are we still within our budget with you and are we looking at thing for the fiscal year? As you know, we are preparing the budget and if we need to carry it on into next year, then I need to get an idea.

Glazer:

As far as I know, we are still within a budget. I am still charging my time, other than when I am actually doing work – for example – if I am stepping in for Ms. Minnis, my time is charged to the commission. My time goes to the GHI budget as far as I know and I talk to Mr. McMillan about this on a fairly regular basis. We are still well within the amount of money that he's got left.

The major tasks that are left: Preparing this agreement has actually been more of a chore that we thought. The first draft of the document is almost 20 pages and it is quite extensive. We actually got the template from HCA, but it is designed to make sure that we protect the county. The big projects are this, you know, trying to help to get that big space going. The other big project is that we have to deal with all those files, those medical records. I am working with the bankruptcy lawyer. Frankly, you will see some bills from them. Exactly how that is going to progress - it is too early to tell. It just depends on how much push back we get from Ashford and their successor. But, that is the other big project that we will be working on over the coming months. Other than that, it is just helping as need be to kind of make sure that things keep rolling. My work has dropped off dramatically since June.

Taylor:

Again, the reason that I am asking this line of questioning is because we are getting ready to get into our budget hearings. Obviously, this is a line item in itself – the GHI board. We need to know if we need to put in additional dollars or if that is a way we can see savings in that line item.

Glazer:

I think there will be significant savings. If you compared last fiscal year, it is going to be dramatically less. I think there will still be some expense, but I think it is going to be a whole lot less. Actually, I think one thing that you will need to decide is – up to now; we have funded my position all through the GHI board. Whether you want to continue to do it there or just make it part of the legal budget for the county.

Taylor:

You think that your services will be an ongoing service throughout the history of the hospital?

Glazer:

I think it will be a periodic service throughout the history of the hospital.

Taylor:

That is understandable inasmuch that we don't want it to come to the point that it did in the past. Now, scaling back. Thank you for that information. I hope I didn't put you on the spot, but scaling back now to the rental of the space there.

You are talking about using the Urgent Care for this physician that you are looking at bringing in. I know that at one point in time, we also discussed that the EMS will come out of that place. And, I thought that they were looking at that portion for it because of the size. Obviously, we will be able to get in more per dollar wise than had we did it with a physician. Where I am going is – Is there any other space out there besides that particular location that the specialist might be interested in? \$150 per day for two days a month just doesn't prop my hat up on my head and make me want to throw that out there. I had rather see EMS in there and the dollars that I know that we can save by not paying utility bills over there, insurance over there, and I don't know if they have a line item cost where they pay them, but it looks like to me we could maximize our costs if we had them in that spot. Then, put the doctor in a much nicer area that hasn't been used. I am just asking that question. Is that a possibility?

Glazer:

It is a fabulous question, Commissioner. It really is. Let me tell you because we have talked some about that. I won't say from the beginning, but for some time now, we have talked about trying to move EMS over there. Frankly, Capital Regional would like nothing better than for EMS to be out there as well.

Here has been the thinking of myself, Mr. McMillan, Mr. Lawson, who has been working a lot on this, and Clyde and others. That is that we wanted to go down this road to see what kind of interest we could generate in that Urgent Care space to lease it out. We are kind of still in that. The goal is to move EMS out there at some point if we can. Here is the rub. While there is a lot of other space out there, the other space that belongs to the county is unfinished space and you will have to spend a bunch of money to get it put together.

Now, one of the things that we have thrown out is just an idea. Mr. Collins has talked some about this, too. You've got a lot of land out there. If we can generate a lot of interest in that Urgent Care space, and we think we ought to give it a little bit more time, and make that productive physician space, then you have the option of either renovating other space in the building for EMS or potentially, it may be even less expensive to put up another building out there. They don't need a very fancy building for EMS. No offense, Chief Crum. But, we have talked about that as another option. So, I guess the best answer to your question is that all of this is being talked about. We invite you to ask questions. I realize that as you get into budget cycle, it is probably even more important to thinking ahead about that. But, at the moment, trying to use other nonhospital space will be expensive because of the renovation cost.

Taylor:

O.K. This is my last question and this might be a question, Mr. Administrator, for Clyde. I am a little confused. My understanding when we paid the amount of money to get the hospital renovated that

the rooms that were not completed – it would be minimum to get them completed. It is supposed to be just walls and the dropping of a ceiling. Air-conditioning ducts, utility wiring, and everything has been placed there. So, when you said a moment ago that it will be expensive to complete some of those rooms that are shelled in at this time, kinda is backward because that is not what I was told initially. That all we would have to do was to come in at a minimum cost and put these rooms in.

Glazer:

Let me clarify that for you. Let's assume and you correct me if I am wrong. Let's assume that the building is 70,000 square feet just to use round numbers. About 44,000 of it belong to the hospital. That is the space you renovated. It was renovated at two levels. One is fully finished out and that is the space they are using. Then a small amount of it is what we called the "shelled" space where you could add additional rooms later. But, that is still part of the hospital. We have leased that space to Capital Regional. It does not belong to us to use right now. Then you have another 25 – 30,000 square feet of building that was never touched. It was not renovated at all. The money that was spent was only to renovate what I call now the hospital portion of the building. So, that space consists of both Urgent Care, which wasn't renovated, and it consists of what now looks like a bunch of storage space. So, the only shelled in space is a small amount of what is now the hospital and has been leased to HCA and it is not really available to us to use to put EMS there.

I am sorry if that was confusing. That has been the way it was since before I was the county attorney.

Taylor:

We did pay, from my understanding, some thousands of dollars to the former contract, not Childers, to do that Urgent Care. My understanding was that there was some renovation over there. The new cycle that they are in now. Yes, some dollars were paid there because that was the initial project – to get that Urgent Care. Am I correct?

Collins:

We did and we actually painted.

Taylor:

Excuse me for just a second. I don't mean to belabor this and I apologize if it is frustrating you. I am getting a little confused, so I am looking for clarity.

Collins:

Yes, we did renovate Urgent Care to move the Urgent Care facility. It was actually the old emergency room at the other end of the hospital. We move them down there where it was the old labor and delivery room and made it the Urgent Care. We did go in there and repaint, put some doors in, put some windows in and thing like that for Urgent Care to move into. That space is sitting there right now and that is what he is talking about trying to rent out.

Glazer:

If you went in there, it looks like a medical office.

Taylor:

It does. I have been in there before. I took the grand tour. We had the ribbon cutting there. So, you are saying that there is still about 25,000 square feet that has not been touched.

Collins:

Hadn't been touched, right. It has been cleaned and abated and it is ready to go back, but we haven't done anything to it.

Taylor:

There is no air-conditioning?

Collins:

Yes, there is air-conditioning there.

Taylor:

There is air-conditioning and there is electrical?

Collins:

Yes.

Taylor:

And the 25,000 square feet that was originally told to us that it wasn't touched.

Collins:

Well, we had the old in there – that is what we have done. What we have done is separated it from the other hospital. The on e big air-conditioner that is in there right now, Capital Regional is paying for and we pay them every month just a little bit to run minimum air-conditioning to keep the mold and mildew out.

Taylor:

I we wanted to lease that space, it is expensive to go in and renovate that 25,000 square foot?

Collins:

It would be kind of expensive, yes.

Taylor:

Not the entire space, but as we lease it out?

Collins:

Well, it would be like a wing at the time.

Taylor:

That is it.

Glazer:

And, when you get to the point where you want to seriously think about moving EMS, the thing to do would be (I hate to use the word "commission as study" , but that is kind of what you have to do

and look at your different options. Is it going to be cheaper to actually put another structure on that property because we have plenty of land, or do you want to renovate some of that space?

Taylor:

I don't see building another building when we have space there available. I happen to lend agreeance to one of the commissioners' comment about the fact that we are getting beat up pretty bad in the public on the amount of money that was spent out there. WE were defending ourselves by simply saying that it was completely done and it would be just a matter of ripping into walls. To hear differently this morning is kind of throwing me back just a little bit. But, thank you. Thank you very much.

Lamb:

Commissioner Morgan?

Morgan:

Thank you, Mr. Chair. Couple of things. I think that it is really healthy that we are having conversations because we do need to have plans in place as we grow. But, the reality of it is that we just got the baby on the diaper or the diaper on the baby, however you want to look at it. I guess it could be argued either way. I think that a year from now, we are going to have real numbers where we can go back and see if we are being successful and we can look and see how we want to move forward when it comes to larger dollars.

Some clarity to the issue. I remember back when we were discussing this. We talked about finishing these different areas out in the hospital. When you look at it relatively, when you are talking about \$13 to \$16 million renovation project, it is much less dollars that you are talking about to finish these things out. I believe, and you may want to correct me, Mr. Glazer if I am wrong, but I think that we were very wise in the way that we have moved forward so far so that it does allow for reasonable growth at a reasonable cost rather than sinking in a lot of money where there may be a waste. We don't really know what it will do. So, rather than paying out a bunch of consultanting fees and having eight different sets of Proformas that we looked at a couple of years ago, we are going to have the real data in place one year from now.

Glazer:

One of the things that you have heard me talk about over these many months is the concept of flexibility. What we have tried to do is maintain as much flexibility in that space as we could. One way to do that, because none of our crystal balls are prefect, we don't know what it is going to look like six months or a year from now. And, so rather than going in and trying to finish out a bunch of space only to find out that is really not its best use. Now, what we have done, we have tried to take it slowly, not to mention the fact that there really hasn't been any more money anyway.

This stuff isn't easy. I understand how people in the public might get confused about how monies are being spent, but I think that when you look at the actual facts, you see that it has been done in a fashion that is designed to focus on what is realistic at the time. Again, before we were involved, the then commission had committed to spend \$10 million to renovate a portion of that hospital. So, you have kind of made that commitment that you were going to put that part of the building in

place to be a hospital. You then had to go in and find an operator and try to make it a reality once. But, once that commitment was made, the die had been cast and either you were going to reopen it as a hospital or you weren't. Fortunately, we have been able to get it to a point where it has reopened. But, you still have the flexibility in the rest of the building to do other things like EMS, like physicians, like things that we haven't even thought of yet.

Lamb:

O.K. Commissioner Croley?

Croley:

Alright. Mr. Glazer, before this street committee takes some portion of what has been said here and starts inflaming it that the building has not been completely renovated or properly renovated, I know this is your presentation, but, Mr. Collins, will you please come back up to the podium with him. Short answers are usually the best ones, but in this instance, let's make sure that we understand that you've got a hospital facility that you have referenced, Mr. Glazer that is under lease with shelled space that can be easily converted into additional rooms as the need arises, as the customers demand, and as opportunity presents. You are nodding your head, "yes," – is that correct?

Glazer:

Correct, that is correct.

Croley:

Alright. Then, we have an Urgent Care facility or the former Urgent Care facility that was renovated to a certain degree to be used as Commissioner Taylor has referenced for either medical offices or perhaps for some other use such as EMS or whatever. Then you still have this additional space that the interior has not been finished out. Is that correct?

Collins:

That is correct, yes.

Croley:

So, the interior can be finished out for whatever the purpose of need might arise. That, of course, is dictated - that need or that use will dictate the degree to which it is finished out. Then that need will determine what the cost will be, dependent upon who is going to use it.

Collins:

By whoever leases the space.

Croley:

So, if you put EMS out there, that cost might be "X" and if you put more physicians' offices out there, it might be "Y." It just depends on the actual situation is going to be. But, the building itself, the roof is secured, the environment is secured. We don't have a mold issue. We don't have contamination issues. It is just there as a resource that the public owns for whatever future opportunities may arise.

Collins:

It is still in Capital Regional's part of it, they still have room to put the other beds in there. We've got everything done, we just need the sheet rock and the beds to put in it. Then you have a clinic over there that we have renovated. All they've got to do is get it in. Then there is a rehab center that was going to be put in there. All that stuff is in and ready to go. We've just got to put the walls up.

Croley:

So, we just don't want to leave anyone with the impression or at least an opportunity to make a claim, Mr. Chair, that somehow the building has not been properly tended to.

Lamb;

Mr. Glazer, thank you very much for your report and bringing us up to date on where we are now. It was a very good observation that you made on Capital Regional and well as Health Care of America that the doctors who will come down, we need to be communicating with them and have some kind of relationship with Capital Regional. That way, things will work much better when you've got doctors who come that Capital Regional knows about. I think that is the way to go.

Taylor:

Mr. Chair, did he need any direction today from us?

Lamb:

Do you need any kind of direction from us today?

Glazer:

Unless you have any specific questions or comments about the basic outline of the arrangement that we are progressing, then I think I am good to go.

Lamb:

That is what I thought. We are in agreement with you and the steps that you are taking and the way that you are going. I have no questions. Does anybody else have questions about the way they are moving?

O.K. Thank you very much.

1. Purchase of Current Tax Collector and Property Appraiser Office Building at 16 South Calhoun Street, Quincy, FL

Tax Collector Dale Summerford:

Good morning, Mr. Chair and Commissioners. I am here to bring forth a concept regarding the purchase of the building that we currently occupy. As you are probably aware, the county has been leasing this property since 1973. There have been a couple of opportunities in the past to purchase the property, but it just hasn't worked out for various reasons. We are in a situation now that I believe that it makes good business sense to move forward with this purchase.

As you know, my office and the property appraiser currently occupy that location. We are paying now, the county is, rent to the tune of about \$3800 to \$3900 per month. Probably for the first 25 or so years that the county leased that property, they were getting a very good deal in terms of the lease payments, but as property values increased in our community, the landlord saw the need to go up on the rent a couple of years ago. So, we have been paying that amount for the past couple of years.

We definitely want to remain at that location. We feel like the location is a good central location in the city of Quincy. It is easily accessible by the public. In the business that I am in, in terms of the volume of customers that I have to service, accessibility is very, very important. We feel like that the property presents itself as an opportunity to expand should the need arise in the future. I have hinted in the past that my office is going to be taking over the driver's license services from the State of Florida. That has been up in the air, but I can report this morning that that is going to happen by 2015. The Legislature passed a bill this past session that transitioning the entire program from the Department of Highway Safety and Motor Vehicles over to the local tax collector. You have tax collectors in some counties that are currently doing drivers licenses. I have stayed away from it, to be honest with you, for various reasons. But, it is going to be coming our way. If I don't take it over, the State will move it out and we won't have a driver's license office. I mean, that has been happening in several of the counties throughout the state. Of course, the tax collector has been put in the position to take up that responsibility.

Another thought, in terms of expansion, is that both Mr. VanLandingham and I and Clyde Collins have had some informal discussions about the possibility of moving the county building department down there close to us. They don't interact with my office very much, but they certainly interact with the property appraiser. We feel like there is room at that location for that expansion. Of course, this purchase also includes the corner lot. If you remember, there was an old gas station that used to be there. It was torn down a couple or three years ago.

We are here today to ask you mainly for direction in terms of moving forward with negotiations with the landlord. One of the things that I know will have to happen is that the county is going to have to have that property appraised. That has not been done officially. I think that is probably the first step as we get into the negotiation process.

In terms of the financing or the purchase of the property, the landlord has offered to finance that property for the county. The interesting thing is that the mortgage payments will be almost exactly what we are paying in lease or rent payments currently. The only additional stipulation is there is a request that the county make a \$50,000 annual payment toward the principle until the amount is paid in full.

The proposal came forward a couple of years ago and I came before the previous board. The asking price at that time was \$470,000. Honestly, I don't know what it is worth at this point. We will know once that appraisal gets done and then we can move forward. But, the landlord is very interested in selling. We are very interested in remaining down there at that location. So, I would like to ask for some direction, whether it be to appoint the administrator to start negotiations with the landlord or a committee of myself, Clay or Clyde, or whoever. It doesn't make any difference, but I just want to start moving forward because the opportunity is there.

Lamb:

Dale, I know you came before us before just like you said. I know that you know the landlord pretty good because you have been dealing with them now for years. This is something that you and Clay would like to see done. I don't have a problem with it. I know that it will be headed up by the administration here, but I would like, if this board sees it that way, I would like for you and Clay be a part of the negotiation. You might even be the main negotiators and bring back a proposal to us after the appraisal and everything has been done. I would like to see it done. This is something that I know that you and Clay have been trying to do for some time now.

I would like to hear from our other commissioners to see how they feel about it.

Commissioner Taylor or Commissioner Croley?

Croley:

Thank you, Mr. Chair. Good morning, Mr. Summerford and Mr. VanLandingham back there and Mr. Gray from real estate.

I am aware that we have been paying lease payments on this building for many years. You could have bought it many times over as you have frequently pointed out. It is a very convenient space. I am sitting here thinking about that some folks are going to say, "Well, you should use some of the space in the hospital building." But, really and truly, it is like apples and oranges as far as those types of resources. You've got a facility there that is set up already for what you are doing. So, I concur with Chairman Lamb about the merits of the effort.

I would like to ask, Mr. Chair, that if this board is willing to entertain this idea further that any committee consist of the administrator, of course, Mr. VanLandingham, Mr. Summerford, but I would also like to ask that Clerk Thomas as the chief financial officer, since money is involved in this matter, to either he or his representative be involved as well.

Lamb:

Yeah, anytime we have money issues.

Croley:

I think that when it is about money, we need to have him looking at this as well.

Now, I am going to say this. You are going to have to come up with a real good deal.

Summerford:

We hope so.

Croley:

Well, I know so, on my part. So, anyway.

Summerford:

On a lighter note, you were mentioning about moving to the hospital – as much as the Legislature went up on the motor vehicle fees, I probably need to be down the hall from the emergency room.

(Laughter)

So, that does make some sense to me.

Lamb:
Commissioner Morgan?

Morgan:
Thank you, Chairman Lamb.

Dale, you are going to have driver's licenses. Can you make better pictures on our driver's license for us than we get now?

Summerford:
I can't guarantee that.

Morgan:
The only question I had is that it seems to me like – if it a fair purchase price, it makes very good sense financially to do it. The only thing that I may not have seen in the write up was the current maintenance costs and the upkeep of the building. Has that been significant throughout the years. Is that on the tab of the county or the person who owns it now?

Summerford:
That has been on the tab of the county. That comes through Mr. Collin's office. I am not privy to any of that information.

Morgan:
So, that would not really be a factor in the equation. We've got that now and we will have it in the future. I would assume that we are going to have the building inspected so that we would know of any potential serious issues so we could properly take care of that in the future. Looking into something that we don't want to get into with a county owned building.

Summerford:
The county has been maintaining that property all along, both inside and outside for the most part. Of course, it is a brick building and not much maintenance has needed to be done through the years on the outside.

Morgan:
The last question – I do have a comment after that, but you had mentioned the fact that there was a gas station there before and I did read in your information here – just so that the public understands – you guys have received a final closure report stating that there are no environmental concerns, or are we still waiting for that?

Summerford:

I am going to defer to Mr. Gray. I believe they have.

Chip Gray:

We are still waiting for that from the State, but it has been applied for. The engineering firm said that everything looked good to them. It is just a matter of when we get it.

Morgan:

So, we would obviously have that in hand before we would proceed?

Summerford:

Correct.

Morgan:

Then, lastly, it makes sense. Somebody had mentioned it before - the public – now when they come down to building inspection department, they have to come here to a separate location and climb the stairs, manage through the maize looking for the right person. I think it would make a lot of sense to have that department, if space permits, down there where Clay is located. I think that would be good public service on our part.

Thank you.

Lamb:

Yeah, I think it is, as I said before, I think it is a good idea for us to do. It is something that should have been done years ago and the building could have been ours. For some reason, the commission did not see it that way. I personally feel like we should go forward on this and give them an opportunity to continue going forward in trying to make a deal and bring it back to us on this particular facility.

Croley:

Mr. Chairman. Now, of course, all we agreeing to and hearing this morning, is that you be allowed to explore and research and come back with your findings.

Summerford:

And have the appraisal done.

Croley:

Who will pay for that.

Summerford:

It is going to be the county's responsibility as far as I know. I don't think the county can purchase it anyway without doing an appraisal. So,

Williams:

That is correct.

Mr. Chairman, I think I should add that a while ago Mr. Croley asked for us to compile a list of our real estate holdings and they are considerable. Much more than I would have suspected. We can offset some surplus real estate with some property here that we need very much.

Lamb:
Right.

Croley:
Yes, and I appreciate you bringing that up. I did see the book and that is something that is on mind. I need to talk to the School Board representatives about this and the Superintendent of Schools. We need to get as much of this public property that is not being utilized for public purposes back on the tax rolls as soon as possible. I see our property appraiser nodding his head in agreement. But, that would help offset some of this property that you are talking about acquiring so that we can keep what we need or obtain what we need and get rid of our surplus because even if we don't much for it on the sale, it puts it back on the tax roll for the future. I think that is important.

Summerford:
That is correct.

Lamb:
I would like to entertain a motion giving permission for Dale to move forward on this.

Morgan:
So moved.

Croley:
Second.

Lamb:
It has been motioned and seconded that we give Dale and the administration the approval to go forward in this situation. You have heard the motion. We are ready for questions.

Ready to vote?

All in favor, let it be known by saying, "Aye."

All:
Aye.

Lamb:
They "Ayes" have it. Thank you, Dale and Clay.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, TO AUTHORIZE THE TAX COLLECTOR, PROPERTY APPRAISER, CLERK AND

COUNTY ADMINISTRATOR TO HAVE AN APPRAISAL MADE AND TO MOVE FORWARD WITH THE NEGOTIATIONS TO PURCHASE THE PROPERTY DESCRIBED ABOVE AND BRING BACK A PROPOSAL FOR THE BOARD'S CONSIDERATION.

3. Legislative Update

Chris Doolin, President of Doolin and Associates & Sarah M. Bleakley, Esq., Nabors, Giblin & Nickerson, P.A. addressed the board.

Doolin:

Thank you, Mr. Administrator and Mr. Chairman, members of the Commission. It is a pleasure to see you this morning. My name is Chris Doolin. I am here with my partner, Sarah Bleakley. We would have liked to have been here a little bit earlier, but schedules juggled and it just didn't provide for that.

I want to say at the outset that we appreciate the support given to us and to this effort by the Commission. This is our fifth year and we appreciate the relationship. More importantly, it provides a very important focus and framework for your community issues. Each year, there has been more collaboration and communication that has developed among your cities and county priorities. It has been easier to manage for your legislative delegation. I would say that your legislative priorities for this year had an introductory statement. There is a report in the backup and you acknowledged the condition of the State very well. Limited revenue, potential stresses where the State was going to try to tighten its belt that could affect you and the importance of the state funding and the state programs to your county. A very high reliance on the many revenue sharing programs.

I would like to say that in the context of the session, there were several priorities that were in somewhat of a maintenance, but important role. The issue regarding the current hospital license – Sarah and our team stayed in very close contact with representatives of the hospital as you proceeded to reopen and to insure that there were no issues in play there, there were some conversations that might have needed our assistance, which they didn't. We were pleased with that.

We were pleased with the Amendment One funding for the offset of fiscally constrained tax roll issues. There will be about an 8% increase in the amount that you receive. Last year, you received about \$1.1 million. There should be an increase there. We don't know what that is going to be. The distribution is contingent upon tax rolls in other counties, so there will be a fluctuation, but I think you should see about \$90,000 increase in that area. I would not budget that until you figure out what is happening with the distribution, which should come clear in about November. So, in conversation with your budget staff and the Clerk, I think it is fair to say that there would be an increase there.

The conservation lands. I am not certain how you have administered the Amendment Four, but the conservation easement issue – this is the first year that the Legislature had the opportunity to fund that. There was \$2.7 million funded.

Other issues – the major issue that you were aware of and that you stepped forward to assist in protecting this community was the context of privatization and the impact of what privatization of a major employer would do in this community. A couple of things occurred. I am talking specifically about the Florida State Hospital. On the heels of a major effort to privatize the public hospital over in NE Florida, there were surveys, there were site visits and there were efforts to begin discussion to look at efficiencies at the hospital. A couple of things happened. One – it was very clear that this hospital is very well run and had accreditation and so the effort, and there were efforts at the hospital to run very efficiently. So, on the heels of a major fight regarding privatization in NE Florida and the quality of program and leadership at this particular institution, it just did not materialize.

However, privatization as it relates to the prison system emerged during the session. The need for a grass roots effort to protect the jobs in the neighboring institutions in the prison system – some leaders took a role in that and we worked on that. The issue regarding privatization is something that we need to keep our eye on because it would affect your community greatly. The leadership that is supportive of that is still there. It is not an issue that pops up with a lot of deliberative time to work for. It pops up generally and provides a language and it takes a pretty rapid response. So, that issue will be a recurring issue.

Infrastructure funds, as you well know, the State had a very tight budget. There were limited infrastructure funds for projects and parks, but the bottom line is that a lot of the key areas where you rely on funding were refunded. Recycling, where you receive about \$78,000 was reduced marginally. State Libraries was fully funded,, which was a major fight.

Other than that, a couple of issues. Road funding – those projects were funded. I think, by and large, with the revenue conditions, we think - the bottom line is that I am very pleased where we ended up.

There are some requirements that you would have been responsible for. The composting requirement – recycling continues to be voluntary. That would have been a costly scenario if that had changed and it was proposed to be changed. There were other significant issues that came up that would have cost you money that affected other counties of which you are well aware. Pre-trial release, sovereign immunity, retirement issues, truck hauling limits on state roads were increased so that it enables truckers to carry higher loads – that is something that was important to our rural area.

So, with that, I just want to say that this afternoon, they convene a special session to deal with a proposed constitutional amendment that should be pretty short. The economic issues relating to the oil spill – there will be a session in September. The Senate will have meetings for the next two days. They are not actually just going to go away.

As we look forward, general revenue for the first quarter of the year is up. They have not brought into the equation the effects of the oil spill, which will have an effect, but the estimators are not locking down on what that would be yet. It will have an impact.

The general revenue estimates are up over about \$100 million. That should help. They were looking at potential budget reductions and grant programs and other funded programs.

Next year is going to be a tough year. Stimulus money is gone. Federal money is out of the equation. The case load increases will be cause increases, so they are looking at about a \$3 - billion challenge to fill again. So, it will be tough. Over the next few months we will have a special session in September. In November, there will be an organizational session with the new leadership and the new legislature being elected. We will have a new governor, we will have new cabinet. We think that certainly your special project relationship, your communication with the state agencies is important to continue. We have had discussions with your legislative delegation and DOT. Secretary Kopelousas with DOT is planning on spending some time in Gadsden County in the next month or so. I talked with the administrator this morning and we need to talk to you about the use of her time to promote the key priorities that we want DOT to look at – whether it is bridges or the Crawfish Island or other priorities that we want to continue to keep on their radar. There will be sometime within the next month or so where she will be coming out and we need to have a good solid “Stop at this location” and maybe meet with the community at another. But, we need to use her time as best as possible.

That is pretty much what I want to say. I will respond to any questions at this time.

Croley:

Commissioner Taylor, do you have any questions for Mr. Doolin this evening?

Taylor:

Not really a question as much as it is a comment. I hear all the accolades that you are saying that has come forward. Do I understand that you and your staff are the primary source of these items coming toward this county? Or are we to look to our representatives as well as being instrumental in getting these things for us?

Doolin:

Absolutely, your representatives are clearly the front line of what happens on your behalf. We certainly are involved in the process in terms of communicating, but there is no question that it is a combination and collaboration.

Taylor:

I am going to hold my comments because we have gone through this year with various concerns about budgetary issues. Obviously, I did not support a lobbyist. I think that is something that the representatives that we voted for should do. I am still not sold on this. I appreciate the update and the information, but I tend to want to stand of the merits that the representatives were instrumental in getting these services over to us. That is all I am going to say at this time.

Thank you.

Croley:

Commissioner Morgan?

Morgan:

Thank you. Mr. Doolin, I appreciate your update. I am going to take a slightly different approach than what Commissioner Taylor has mentioned. I was directly involved in a couple issues that came up in the past session. I can tell you from being hands on, elbow deep in a couple of these issues that you brought much value to us. I, too, am very focused on what is important to invest in from a budgetary standpoint. When it comes to an issue that involves the largest employer in our county, or in this case, even two different areas in the county of the county that affects so many people in Gadsden and the neighboring counties. It is critical that we have somebody that knows what they are doing behind the scenes, has the relationship to discuss these issues with our leaders, they have access to our leaders that we don't have. If we are getting a good return on our investment, it is a very wise move to have that representation.

What I have found and discovered is that we have really good leadership, obviously, at the state level, but they are pulled in so many different directions. They have items thrown at them so quickly that they don't have an opportunity in many cases to become as familiar with the issues as they could. That can directly affect us and our citizens. I just think that it is very important that we keep our eye on the ball and understand how important it is in today's environment that we have some representation for the citizens, employees, employers of Gadsden County, whether it be state, private – either way.

A couple of things I wanted to mention as well. My take on this last legislative session is that there was some low hanging fruit out there and there were some pretty good cuts that were made, but there were things that, quite honestly, I think needed to be made anyway. It helps us to work a little smarter and more efficiently. I think what we are going to see as this session progresses is that there are going to be some really tough, tough decisions being made. When you talk about \$3 – 6 billion again following how many billions of dollars did we had to cut due to a shortfall last year. Now is when it is really going to get down to the serious issues. We kick around the privatization issues. What we obviously don't want to have happen is privatization of our major employers as a whole. There are some areas that we have done a very good job at with our major employers in our county. Privatizing certain services that make us more efficient. What that does is that keeps these private companies at bay because we don't have , as I mentioned earlier, low hanging fruit and ways to say, "Hey, they are wasting money right and left over here. We can do this for you much more efficiently. And, by the way, we are going to shut down these facilities and build a centralized facility in another part of the state." Well, that is when it really gets ugly. I can't emphasize enough, in my opinion, as I represent District 3 and all of the state workers in Gadsden County and the neighboring counties, we need representation in the short term here. I think it is very important for us to keep that in mind.

Lamb:

Do you have anything to ask him?

Croley:

Yes. I wanted to ask a question. Mr. Doolin, Ms. Bleakley, thank you for your report.

The question I had is what impact on Gadsden County – (especially on the road programs, the SCRAP, the SCOP. That is the Small County Road Assistance Program and the Small County Outreach Program) any increase in population might have. If we go over 50,000, does that impact us in any way in those programs?

Doolin:
Not yet.

Croley:
What is the threshold?

Doolin:
75,000 and 150,000.

Croley:
Well, we are a good ways from that.

Doolin:
Yeah, you are fine.

Croley:
Also, I appreciate your work as Commissioner Morgan has pointed out in helping, shall we say, to make certain that there is an objective review of the Florida State Hospital and the public prison systems here in Gadsden County. Obviously, those resources mean a lot to the citizens in this county in terms of employment and as a career base for so many of them. I appreciate the point that you made, Commissioner Morgan, about the need to look out for that. Although, at the same time, I also recognize that our legislative delegation, as you emphasized and Commissioner Taylor referenced, being a very key force in looking after Gadsden County. I certainly appreciate them.

Final point. One of the things that we are hearing about and this affects us from privatization. I know that our work crews that were available to get from the Liberty County Correctional System and the Quincy facility have been reduced in order to transfer, as I understand it, resources to the Black Water Facility, which is now the privatized system. As an alternative, they are offering us a contract for services with the prison system. I believe that they have presented our administrator a contract for those services. I would ask that, and I don't know when your contract ends, but I would appreciate, Mr. Administrator, that we make Mr. Doolin's office aware of how that program works and what, if any, impact that may have or opportunities it may present.

Williams:
The contract is \$57,000 for 10 volunteers. The catch here is that we used to get this for free. Now, they are asking us to, in effect, pay for the correctional officer.

Doolin:

Part of the Black Water out of Santa Rosa discussion that emerged was the closure of beds and the closing down of work camps. That, in a negotiated compromise, was pulled off the table with a direction to the agency to manage opening that and minimize impacts on others. Well, what we are seeing is the management side of that issue. Administratively, they moving to close some of these work camps down. Columbia County, I received some correspondence from Columbia. I would like to look at this. We probably need to sit down and talk to leadership of DOC and see if there is something that we can work there and work on. That is certainly a major issue.

I do want to say that particular issue of privatization – you are correct. They have privatized some elements, but I want to underscore the importance of having a county commission and municipal leadership involved in an issue like that. Those kinds of issues are usually labor versus the State PBA, AFSME, and that kind of labor straight on jobs advocate. But when you have a community to come forward through its elected officials it is very important and critical to the overall equation. That happens. Legislators are pulled in a lot of directions. Our capacity is not just at a podium above the radar kind of thing. Ours is timing, it's knowledge, it's finding out about things and getting them to the right people so they can run the play they need to run. But for us in some instances, they would not have known that someone else was doing things. So, that is a historical perspective on the relationships.

We know budgets are tight. That is why we came forward a year ago and offered to reduce our fees in half. We are pleased that the community had a set of communication and expertise that had developed over the years. The relationship between your county administrator and the municipal managers working together to identify priorities, the capacity of your staff to develop a legislative program, which in the past we were heavily involved in. So, there was a sustainability developed over the years, but you are right, Commissioner. It is going to be tough next year. These issues are going to be around and we appreciate what you have said and want to just answer any more questions.

Croley:

One final thing. Put on your list for the Secretary of Transportation to see is the need for the Quincy by-pass. We have the right-of-way secured and the design. It is shovel ready. That is a state project. It is a public safety issue for here in downtown Quincy. If affects the entire community here. We need that by-pass to be completed. Any assistance you can provide in communicating that fact to her would be most appreciated.

Thank you, Mr. Chair.

Lamb:

O.K. Let me go ahead and finalize this.

Taylor:

Mr. Chair, before your finalization, just one final comment. I think they are taking that by-pass again off the agenda for funding. I think I received correspondence to say that it is going to be delayed just one more year. Put back, I mean, it is going to be funded, but it won't be funded when they agreed to be funded on previously. This is something they have been doing because I

served on that same board. As they come close to making it a reality, they take it and put it back. But here is my point. Let me go back just one-half click here.

We have to be smart now. We have to be very smart in moving forward. With the closing of River Chase, the facility, some months back, it took strong legislative dealing between our representative to stop that. That is what it took. I learned about the closing from someone in the supermarket, not from the county administrator and not from you. I called and talked to Arthur Lawson and he found out more because he didn't know anything about it himself. I want us to be smart going forward. If we are going to spend this money to continue these services, let's just do it because it feels good to do it or that we are actually getting the services that we are paying for. If they decide to privatize that hospital, which I hope never happens, I think it is going to take more than lobbying to stop it. Obviously, we need to know. The representative that we vote and put up there every year will let us know. We need to (when I say "we," I am talking about this administrative staff) needs to be more in tune to what is going on in that Legislature every year. We need to be more in tune. We are talking about downsizing our budget and looking at areas that we can cut and we can have some money from this staff. We are doing it almost everywhere else where people are multitasking. The county administrator and I were talking about it just the other day. Staff are multi-tasking because we cannot afford to pay expenditures going forward. We have to have someone over there and I agree that we need to have someone on the floor of those sessions. We do. We do need strong representation over there. But, can we not use staff? Can we not use other bodies that doesn't cost us a cost? We just heard about a \$57,000 cost to use inmates, which was once free to us. So, we can argue this back and forth and I don't want to. I just want to make sure that we are smart and that we capitalize off our dollars. You take away television, but you want a company to go over and continue to draw down dollars that I don't think needs to be drawn down.

Now, we are not isolated with this company. They have other companies that they are representing as well. Supposed to be representative of the State of Florida. So, we are not the only ones they are looking after. So that was not altogether true there.

I am not arguing that there is a need for us to keep our thumb on the post of what is going on over in Tallahassee. I am not arguing that at all. I just don't think that this is the right avenue to continue to spend money like this when we won't keep our citizens in tune with what is going on in our sessions or taking out the television.

I heard your comment earlier, Commissioner Morgan. I am not arguing you or disagreeing with you. I am having an opinion just like you are having an opinion. I think we need to capitalize off our dollars a little bit stronger than what we are doing. Here is an area that we can look at seriously. That is just my opinion.

Morgan:
Mr. Chair.

You are right. Everybody has an opinion and I certainly respect yours from that standpoint. I am just looking at it from needs versus want prioritizing type of issue. You had mentioned that you had heard about the closing of the prisons at a local grocery store. I would contend that the

reason you did is because the community pulled together and got very involved on that issue. The reason they did that is because that issue was quickly and efficiently brought to light within several different areas of the community because of an organized effort. But, in this case, Mr. Doolin and Ms. Bleakley were very involved in and I was very appreciative of that. I was also involved in it as were other local leaders and our representatives, our legislative delegates. I am suggesting that all of these pieces of the pie are critical when you are looking at representing us in a manner that is productive and we maximize a return on our investment. I would also mention that while we do need to, from a staff standpoint, a county administrative standpoint, we do need to become even more involved in these issues. But, the fact is that we don't have staff or the people in the administration that can do these folks do because we don't have the relationships and we are not skilled at that. So, I am just saying, and again, I do appreciate your opinion and this is just mine. This is certainly something that plays into our five goals that we mentioned are very important to us. It addresses each and every one of those. I think we should realize that this is not a nicety, this is an absolute necessity.

Croley:

Mr. Chair, point of order. You know, we are not here this morning to make a decision about whether or not lobbying services will return or not. We should just be accepting this report.

Lamb:

Let me go ahead and close this out and I want to comment on something here.

First, let me say thank you to Mr. Doolin and your associate for your patience that you had for the last two months because you were supposed to come two months ago and we put you off because of other things. I want to thank you for your patience and thank you for your report here this morning also.

Let me go back a little. I really appreciate what Commissioner Taylor has stated because that is the same way I was thinking four or five years ago. Commissioner Taylor, I was thinking the same way. But, you know what I did? I did something – something came into my mind and said, "Why don't you do a little homework?" So, what I did was that I went over to the Capital and I talked to our representatives about this situation. I asked them and I knew them very well, I asked them to be up front with me. I said, "Now, do we need help over here for our county besides you guys?" All of them told me, "Yes." I asked, "Why?" And they replied, "Because we are busy. We sometimes don't even see other legislators in order to try and get something across for Gadsden County. Our vote is toward Gadsden County, but we just don't have the time. If you would have if a person who is here every day, knows all the legislators, who knows how to communicate with them, who has communicated with them and has a good relationship with those people. " I was serious when I was talking to them because I wanted to know how we were going to spend our county's money. I was concerned just like you are. That is why I appreciate the question that you are asking. It is a good question. But, they sold me on it. They sold me on it. From that day up until now, I have been very satisfied with what they have been doing because I have been going over there. When I go over, I can't see my representative every time I go over, but I can see them. They can bring me up to date on whatever I need. They can answer my questions and they can introduce me to certain legislators. Because my legislator might be busy doing something else and I can't see them when I want to see them.

But, Mr. Doolin and his associate, they have been doing a good job for us over there at the Capital. Like I said before, I want you to know that I really appreciate the way you are thinking because I was thinking the same way until I did my homework. I agree with my legislators that we need somebody in place over there who knows the halls and know where they go and who to go to.

Then I appreciate what Mr. Morgan is saying. It sounds like Gene Morgan has done the same thing that I did in talking to somebody. We do need someone to speak up for us over there in the Legislature, but at a minimum cost.

I appreciate what Mr. Doolin did a year ago. He cut it in half to accommodate us and to help us out here at the county. I have been pleased with what he has been doing and I think they have done a good job. I just want to make sure that I compliment both of my commissioners here because you both had good points.

If there is nothing else, I want to thank you, Mr. Doolin for giving us your report. It was a good report.

Doolin:

Thank you Commissioner. So, we will work with the administrator on the DOT issue. I think we need to make sure that we know exactly who and what we are going to present in what venue to use that time properly. Not necessarily us, there are people over here that know transportation a lot better than we do in this community.

Lamb:

If there is anything that comes up that we don't know about, please don't hesitate to inform us that this is taking place.

Doolin:

We, traditionally, work directly with you or the administrator as the timing and needs provide. If any of you would like to call us at anytime, feel free.

Lamb:

Thank you.

Next item, Mr. Administrator. Item Number 4, I believe.

4. Home for American Legion Post 84, Auxiliary Unit 84 and Legion Riders Chapter 84 - Use During Natural Disasters as a Shelter J

James Brennan, Commander was not present.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA.

5. Approval of Minutes – May 18, 2010 – Regular Meeting
6. Ratification of Approval to Pay County Bills
7. List of Errors, Insolvencies and Discounts Report – 2009 Tax Roll
(Dale Summerford, Tax Collector)
8. Approval of Resolution Number 2010-036 Designating and Recognizing the Parole, Probation, and Community Supervision Week
(Johnny Williams, County Administrator)
9. Approval of Signatures for Special Assessment Lien and Rehabilitation Contract-Emergency Repairs for Lucretia Dixon (Clyde Collins, Building Official)
10. Approval of Signatures for Special Assessment Lien for Carla Dudley; Mauricio & Sonya Solis; Treva Peacock; Carla Adams
(Clyde Collins, Building Official)
- 10a. Approval to Award Resurfacing Bid for River Road and Ochlockonee River Road to Peavy & Son Construction Company for \$102,107.60

Commissioner Taylor stated, “The county administrator had mentioned that the pavement that we have included, and I do remember it, I think at our last budget workshop, we had given both the chairman and the vice-chair \$100,000 each out of that fund and we did decide to put the rest back into some kind of reserve. I think there was \$500,000 total, with \$100,000 that would be give to each commissioner to do paving. But, it was motioned and seconded to do just two and put the rest back. Here again, I am on this budget thing because this thing is coming up Thursday. I do know that the staff is working and doing inserts as we speak on the budget. So, I am looking to use my \$100,000 this year if at all possible. So, that is where I am going. Mr. Administrator, where that fund came from, I am hoping that those dollars will be another insert for this year. I don’t know if Commissioner Morgan is interested, but we did hold off and allow the two to go forward last year. “

Lamb: We will definitely be looking at that budget on your behalf. Whatever dollars we have. There are some things in your district that needs to be done and in Commissioner Morgan’s.

CONSENT ITEMS PULLED FOR DISCUSSION

There were no items pulled for discussion.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS (3 MINUTE LIMIT)

There was no request to speak filed with the Clerk.

GENERAL BUSINESS

11. Approval of Bid Award for Professional Construction Engineering Inspection Services to Greenhorn and Omara, Inc for Hardaway Road

This agenda item seeks Board approval to award bid number 10-18 for construction, engineering and inspection services for the County Road 268 – Hardaway Highway Project to Greenhorn & Omara, Inc. Funding requires separate engineering for inspection and reports.

COMMISSIONER TAYLOR MADE A MOTION TO APPROVE THE BID AWARD TO GREENHORN AND OMARA. COMMISSIONER CROLEY SECONDED THE MOTION.

Commissioner Morgan asked. “Robert, I see in here that we had contacted the FL DOT to make sure we didn’t have any type of conflict going on since they may potentially subcontract this out. It says here that we have received approval from them, but I don’t see that anywhere in this agenda item. Did we get that in writing from them?”

Mr. Robert Presnell answered, “In an email form from the administrator over to Chipley. The reasons for that is because our engineering firm, Preble Rish, is listed as a subcontractor with them as everyone who submitted rfps has a number of firms who serve as subcontractors. But, due to the fact that we have a relationship with Preble Rish, we wanted to get clarification.”

Commissioner Morgan responded, “As long as we’ve got it in writing from them that it is not a conflict. O.K. Thank you.

Lamb:
Any other questions?

Croley:
Mr. Presnell, will you make sure that the email is filed with Clerk Thomas’s office and that it becomes a part of this item please to document that approval.

THE BOARD VOTED 4 – 0, IN FAVOR OF THE MOTION TO AWARD THE BID TO GREENHORN AND OMARA.

COUNTY ADMINISTRATOR

12. Update on Board Requests

Mr. Williams had nothing to report.

COUNTY ATTORNEY

13. Update on Various Legal Issues

Deborah Minnis, County Attorney reported that she had prepared amendments for the Drug Abatement Ordinance and will bring back with updated version at public hearing that will amend it with the authority to match what the state now allows.

14. DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Morgan, District 3 – No Items

Commissioner Morgan read into the record the five goals that Commission unanimously approved at the retreat in May.

1. To develop and maintain sound financial policies that requires specific goals and objectives in the county's annual operating budget with emphasis on building partnerships, public and private, to enhance and build reserves.
2. To enhance the county's appearance through beautification and maintenance of roadways, rights-of-way, county parks, consistent code enforcement and education efforts.
3. To collaborate with businesses and all other stake holders to implement an economic development plan that supports existing businesses in Enterprise Zones. Encourages new businesses through infrastructure improvements especially within urban service boundaries, arterial roadways and interstate interchanges, and supports education and healthcare opportunities.
4. To provide proficient public safety services.
5. To develop and promote a quality of life branding that focuses on the county's rural assets and proximity to metropolitan areas.

He went on to say, "Since we did invest tax payer's money on this retreat, I would like to see us focus on what we all found to be important and actually implement those if the board would agree to do that. "

Lamb:

Do we need a motion on that to put these in every agenda and especially in our budget packet?

Morgan:

Just as a reference.

Lamb:

That is just a request that you put it in our agenda packets.

Williams:

I will be glad to.

Morgan:

I appreciate that. Then secondly, I just wanted to mention that we kicked around the topic a little more than we should have as Commissioner Croley pointed out regarding representation

by lobbying services. The prior commission actually spent \$150,000 on two different firms for representation. I was very vocal in the fact that it was way too much money that should have been invested. We have now reduced that down presently to \$25,000. As you have mentioned, Mr. Chair, in my opinion, we have certainly gotten a return on that investment and it seems like a reasonable expense.

Thank you.

Commissioner Taylor, District 5

Taylor:

Thank you.

I am glad to see that Robert is still here. Mr. Administrator, on Joe Adams Road. I wanted to bring this to your attention during this particular setting because I wanted to make sure that we did something. Joe Adams Road where that new paving that was done down there the pretty lights and the new road that was done back in 2008, 2007. Where the pretty lights and the new roads stop, there is about a half mile gap between there and where that road intersects at Pat Thomas. There are no markings on those streets at all. No striping.

Presnell:

That is the city.

Williams:

It enters into the city of Quincy at that point.

Taylor:

I know that. I am fully aware of that. But, from my venue, I can't go and tell the city what to do. So, I can ask through my Administrator that we do have an interlocal agreement with the City that we can at least speak with them and let them know about the striping on those roads. There is absolutely none that is there. So, I am asking that you guys, however you do it, that we follow up and see if that can be done a little bit better because there is nothing. There is nothing there.

I was going to ask about the \$100,000, but that was one of my little bullets, but now that I have already talked to you about that – potentially having those dollars looked at for road paving in the two districts that were not considered in our previous fiscal year.

I wanted to recognize Commissioner Jackson and the other newly elected Commissioner Nealy from Gretna. I saw that they were sitting out in the audience. I wanted to recognize you and thank you all for attending the meeting. Newly elected. Good luck. Sometimes folk say that it is when you get it is when the trouble really begins, not trying to get it.

There was a report or investigation into EMS that I have not heard. I do want to get a status on that. You can either call me or let me know where we are on that. It is nothing that needs to go into a report. Just for my purposes only.

That is it.
Thank you.

Commissioner Croley, Vice Chairman, District 2 –

Croley:

I have no real items right now pertaining to my district. But at the last meeting I missed recognizing you for your Advanced Certified County Commissioner Certification efforts. I add my congratulations to you for that.

I also want to recognize you for your selection as the chairman of the Tallahassee Community College Board. That is quite an accomplishment and I know that all the citizens in the county are proud of you for that and the impact that TCC has on the county and the local area. We appreciate your leadership there. So, congratulations and recognition for that.

Commissioner Lamb, Chairman, District 1

Lamb:

I wanted to mention just one or two things that I think Commission Taylor kind of hit on it. It dealt with the budget. I think we will really put some attention on the budget next week and this week – on the budget to come. On the video of the meetings – that is something that we need to see if we can get that back in the budget and if we can afford it. That is why we made a decision to pull it out – because of the budget. But, I will agree with Commissioner Taylor. I have gotten some comments on that and they agree with me when I told them that we were concerned about our budget and that is why we pulled it. But, we will definitely will consider putting it back into the budget again if we can once we start going through our budget process.

I didn't know that the housing situation in the State of Florida was as bad as it is until we had a representative from the National Association of Counties explain that to us the other day when I was at the conference. There are still over 2 million in the United States, there are over 2 million homes going into foreclosure. That is one of the biggest things that the National Association is working on as well as our State Association. They are trying to see what we can do to help these people in Florida with foreclosures. Florida, right now, is leading state in foreclosure. There are about 4 – 5 states in the United States that have really taken a beating on that and Florida and California are two of the leading states that are really taking a beating on it. That was the biggest topic that we talked about at the conference – finding some way to help to get Washington to understand that they need to really look at the foreclosure of homes within the United States.

The other things that we talked about, and I have some information for Clyde to look into because Home Depot has a program now to help small counties, and any counties in situations where there are homes that needs to be built, they have a program now where they want to

partner with counties. They gave a presentation at the National Conference and I want to make sure that you get this information so you can get in contact with them.

That is the end of my report. If there is nothing else to come before the board, we stand adjourned.

RECEIPT AND FILE

- 15a. For the Record: GAG Program Grant Adjustment Notice – Drug Taskforce
- 15b. For the Record: GAG Program Grant Adjustment Notice – Greensboro Police
- 15c. For the Record: GAG Program Grant Adjustment Notice – Gretna Police
- 15d. For the Record: GAG Program Grant Adjustment Notice – Quincy Police
- 15e. For the Record: GAG Program Grant Adjustment Notice – Havana Police
- 15f. For the Record: Letter from Florida Department of Transportation Regarding Speed Limit Improvement – S.R. 267

August Meeting(s)

August 3, 2010 – Regular Meeting, 6:00 p.m.

August 17, 2010 – Regular Meeting, 9:00 a.m.

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD THE CHAIRMAN DECLARED THE MEETING
ADJOURNED AT 10:30 A.M.**

Eugene Lamb, Chairman

ATTEST:

Muriel Straughn, Deputy Clerk

**AT A SPECIAL MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN, COUNTY, FLORIDA,
ON JULY 22, 2010, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ**

PRESENT:

Commissioner Eugene Lamb, Chair Dist. 1
Commissioner Doug Croley, Vice-Chair Dist. 2
Commissioner Gene Morgan, Dist. 3
Dist 4 - Vacant
Commissioner Sherrie Taylor, Dist 5
Nicholas Thomas, Clerk of the Courts
Johnny Williams, County Administrator
Deborah Minnis, County Attorney
Muriel Straughn, Deputy Clerk

CALL TO ORDER:

Chairman Lamb called the Budget Workshop Meeting to order at 4:00 PM, with a quorum present and he then turned the meeting over to the County Administrator.

Mr. Williams referred to a letter received from Clerk Thomas in which the Clerk stated the County's revenues were basically on target. Mr. Williams also stated the County is actually further ahead than they were at this time last year; that actually the County has a balanced budget at this time. He said this year it is just a matter of setting priorities. Mr. Williams also explained Ms. Chess is present to assist in the review of the budget.

AUDIT:

Commissioner Taylor brought up a letter sent to the Commissioners from the Clerk concerning the audit and asked if the letter could be addressed at this time.

Chairman Lamb said he had spoken with the Clerk and asked that Clerk Thomas explain the situation to the Board.

Clerk Thomas explained the Audit is not considered complete and will not be accepted by many of the State and Federal agencies without the required response letters to the Audit from the Board and each of the Constitutional Officers. The response letters must be included in the "bound audit/financial statement report". He said his Office has received response letters from the Board and each of the Constitutionals, with the exception of the Sheriff. This is causing a delay in the submission of the Audit to the agencies and could possibly affect some of the County's future funding on grants, etc. Once the Sheriff's response letter is received, the Audit can be printed, bound and distributed to all State and Federal agencies as required by Fla. Statutes. It was noted that the Sheriff is waiting on his legal counsel's response before submitting his formal response letter.

There was some discussion as how to best handle this situation and it was the consensus of the Board that the County Administrator send a "courtesy" letter to the Sheriff concerning the importance and necessity of receiving his response letter as it is imperative.

Chairman Lamb asked at this point that the Administrator proceed with the budget review.

REVENUE TRENDS/FUND BALANCE:

Commissioner Croley asked to go over the revenue trends, in the general major fund areas as to how they are trending. He said they had received a report from the Clerk's Office (Ms. Shuler) that gave the breakdowns but he couldn't print it -

Clerk Thomas said the report from Ms. Shuler is pretty much the same, in line with what is being presented at this meeting.

Commissioner Croley asked Ms. Chess if the report from her dated 7/14/10 is the report that is more accurate in terms of the revenues and she responded affirmatively. He also asked if the 2010-2011 budget is being based on 95% of the revenue, holding back 5% and Ms. Chess said that was correct.

Commissioner Croley addressed Clerk Thomas on revenue hold back, "Mr. Thomas if this budget is predicated on 95% of this

revenue, does that adequately allow you to add to the reserves?"

Clerk Thomas "The budget is based on 95% of revenue and the 5% hold back is a requirement of law. They have to do that and what is really smart is that helps you with fluctuations; potential fluctuations. In terms of building reserves, we're mainly talking about general fund right? We're talking about building reserves and I did have an issue that I addressed in a memo that we think the revenue is good in terms of the general fund. I think, and the last time I checked we had a \$500,000.00 reserve for contingency budgeted, which by itself is really great. So what that means if you have that \$500,000.00 in reserve for contingency, it means if you go through a fiscal year and you have an emergency, you can take that money and cover that emergency. But, if you have no emergencies and you go through the end of the fiscal year then that \$500,000.00 can go in your fund balance. The only problem I had with that was that it also, on the revenue side budgeted \$246,134.00 cash forward which means you're taking revenue from the previous year fund balance and taking it to the next year; and that's the one thing we talked about last year about zeroing out in the general funds. So the one way to build reserves is to always, in the general fund at least, is to budget zero in terms of cash forward. Right, because that means you are taking cash from reserves from the previous years and using it in the next year so if you - The key, I think, to build reserves is to budget it at zero there because if you are budgeting \$246,000.00 bringing it forward, then your reserve for contingencies really is not truly \$500,000.00; are you with me because you are bringing money from the previous year that would have been in your fund balance or your reserves."

Commissioner Croley "I'm with you - the point you're making. So, if we're dealing in percentages we should reserve more, in your opinion, more than 5% which is the minimum required by law. Should we increase the reserves beyond the 5% hold back is what I'm asking."

Clerk Thomas "Well structurally you could do that. However, you have a problem already -- OK, we say the budget is balanced. It is somewhat balanced because by bringing that cash forward you're not really building as much reserves as you think you are because you are bringing cash forward from the previous year. So, then if you zero that out, then your

reserve for contingencies that you have budgeted automatically goes from \$500,000.00 down to \$250 something thousand."

Commissioner Croley "Then I'm asking is that enough to build the type of reserves that you have advocated?"

Clerk Thomas "This is my thing. I'm comfortable as long as you budget zero cash forward and you have a significant budgeted reserve whether its \$500,000 - I think \$500,000.00 is a super number, but in this case it's just not a real number. I think if you can build \$500,000.00 a year to your fund balance, I think that's wonderful. That's a reasonable goal for a county our size and in our financial situation. I'm just saying to you that that \$500,000.00 is not completely real because you are budgeting cash forward. If that \$500,000.00 was - if you didn't have - if you had zero in terms of cash forward, I would feel really good about that \$500,000.00."

Commissioner Croley "What happens if we do zero cash forward?"

Ms. Chess "We'd have to go back through the budget then and make a cut for \$246,000. between the departments that are funded by general fund."

Clerk Thomas "Could I just address a couple of things, three areas and then I'll be done? So that's one issue and means that \$246,000 takes your reserve for contingencies on your expense side down - take it down no longer \$500,000.00 and in one of the memos I addressed an issue about the hospital. There are a couple of things that are happening as a result of your agreement with Capital Regional. In the hospital fund she (Ms. Chess) budgets money from dividends from the Trust, but you are no longer getting those dividends from the Trust. That money is going to Capital Regional. As of June, we will be sending that money to Capital Regional so you can't build your budget on that anymore, and then the Indigent half-cent Tax - that's a whole discussion that we probably need to have; give me a minute on that one, OK? You know, originally the County was only supposed to get one-third of that money and that changed because they went to Court and approximately 60% of it now goes to debt service - started seeing that debt service in April. According to your agreement with Capital Regional, 50% of what's left goes to Capital Regional which is approximately 20%, so a total of 80% now goes hospital related. That leaves 20% and at a recent meeting you told Maximo Martinez and the Health Council to go back and re-

formulate a plan. I met with them and they are formulating a plan based on the 20% that's left which is approximately \$250,000.00 a year going forward. So, you would think, from the way we look at it, that that money is going to the health plan. You haven't addressed that issue yet, but according to your agreement with Capital Regional 50% of what's left after debt service goes to Capital Regional. The assumption, I guess is that the remainder goes to the health plan which is now only 20% vs. what they thought would be about 66% and they are, of course, willing to accept that but what that means is you don't have revenue going into this hospital fund #103 and you still have some minor expenses left there. You have some insurance and some utilities, but we believe those expenses should now go to general fund because you don't have any revenues going there any more."

Commissioner Croley "How much would you estimate the insurance and utilities that had previously come out of Fund #103 would amount to?"

Clerk Thomas "She has a budget, I think she budgeted --"

Ms. Chess "Utilities, I put \$120,000.00. Did you say utilities?"

Clerk Thomas "Utilities, insurance and what other expenses you have there and --"

Ms. Chess "Well, the total expenditures, I put around \$177,000.00 and that was just on my estimate because I didn't get a chance to talk to Clyde, but when Clyde and I talked today he said he can cut a lot of those expenditures down because I told him now it's fully funded from general fund. It's not funded from the #103, so I'm going to go back in and take out all of the revenues and cut the expenditures down."

Commissioner Croley "OK, because the comments made about the cost of running the utilities is substantially less than what it had previously been. Is that -- so that shouldn't be a major problem."

Ms. Chess "In the insurance I put \$27,000.00 this year."

Clerk Thomas "And then there was discussion about mowing and I don't know if Clyde put that in his regular maintenance budget yet or if we were expecting to have that come out of there, but the point is there is no revenue. There is potentially a

few dollars if you lease the place, but you can't count on that being enough money to cover those expenses so it really just needs to be dumped into the general fund. It's like with mowing for example or with maintenance - you maintain all the other buildings. All of that is a general fund expense; it's just a normal practice. It shouldn't be a big deal; however, what it means though is a little bit more expense going to your general fund that may not have been previously funded to go there."

Commissioner Croley "You said there was a third area?"

Clerk Thomas "About the half-cent tax and that will come up later, but since we are talking about it; remember I sent you a spread- sheet, there is a spreadsheet that shows what was collected through March of this year from the inception - January of '09. Right, I think it was like \$1.7 million and it shows all of the expenditures and then it shows some money left. Now that will be something that's going to be a question mark for you. We know as of April going forward when the debt service started and in June when Capital Regional starts getting their money, we know that 100% of what you collect on the half-cent tax is obligated; either debt service, Capital Regional or the health plan. But, through March there will be about \$400,000.00 left. \$400,000.00 and you will probably be faced with the decision of how to spend that money. You'll probably hear from the Health Department wanting it because they will say for 20 years now we'll only get the 20%. You might hear from the people from the hospital committee who may want to use it for additional hospital renovations or something, I don't know. I'm just letting you know that will be an issue that will be coming up, but in going forward, 100% of that money is obligated. Therefore, you don't have revenue going into your hospital fund any more, and then that brings up another issue. That fund that we're telling you that no longer has any money in it has traditionally been a place where we've had money. We had dividends, at one point we had \$2.5 million there and there was money available to do repairs and stuff at the hospital. You just need to be aware that that doesn't exist any more as you go forward and things pop up - requests pop up and that will be a challenge to decide how to address the whole thing."

Commissioner Croley "Well that of course, and to bring this to a close, is that we're hopeful that, as Mr. Glazer said last time, that space will be leased out and we have flexibility with what may or may not be done with the space. All the

environment is secured and that's in good order so we really shouldn't have, based upon the actual operational factors, the demands for all of the monies that have been in the past and if you are able to cut the costs Mr. Collins that will help tremendously on removing that \$177,000.00 that I think you said you had in the budget, so that would help us."

Clyde Collins "There's still going to be some maintenance issues out there you know. We're still going to have to take care of the chillers and things like that. You still have all of that to do. You know, lightening struck it and it was - there are four contactors in that one chiller and each one of them is \$4,000.00 a piece. Chillers - if one of them went down and we had to replace it that is \$130,000 for a chiller. They're not new; they're eight or nine years old."

Commissioner Croley asked if that was an insured claim and Mr. Collins responded affirmatively and said it is going to the insurance company.

Commissioner Taylor "Mr. Chair, if I may, I did hear the Clerk say, or said the 25% of the half-cent sales tax is already obligated to the Health Council, but in light of this information and I don't want to be the one divvying at 20% but there is something we might need to consider, at least \$50,000.00 of the \$250,000.00 that they are going to get, because that's what 20% equates to, based on what you just said -- \$250,000.00 am I correct?"

Clerk Thomas "Yes, \$250,000.00."

Commissioner Taylor "That's just an idea of where we could get some revenues. I don't want to do it, but obviously when you have a line item that has expenditures but no revenue base then you're getting money from another source and you want those sources to match. If we've got an area where we can get \$50,000.00 and put it into a revenue line to kind of off set some of those expenditures, then I think that this is something we need to look at. So the \$50,000.00 and I will personally say to Mr. Martinez that I won't ask for anything additional, but I would like to see a revenue obligated to that item, that line item annually and asking for \$50,000.00 off of the \$250,000.00 I don't think would--"

Clerk Thomas "I knew that was probably what you guys would want to try and do. I personally don't think, and I'm not an attorney, but I think there are issues with doing that. You

know, the Judge allowed use of the money to get the hospital going, the hospital is going, there was a vote taken that many of us didn't understand at the time, but there was an Ordinance passed that included a health plan as part of it and very little of that money has left for that particular purpose. I think these expenses are general fund expenses. You can subsidize them with, like you said, the rent that comes in. I think legal counsel would really need to take a look at it if you're going to take more of that money under those circumstances and I think there could be questions legally about that."

Commissioner Taylor "I certainly agree that we need to make sure we are legally OK to do it. I'm not one to side step the law, but we should consider it - I don't want to Clerk. I want to be very honest with you. We are going to need indigent care money and that's what it is obligated for. That's what the \$250,000.00 is for going towards the Health Council and I would like to see a larger part going over there because you are going to find quite a few people in the County that are going to need that assistance, but like I said, we didn't see this; obviously we didn't but if we are able to balance the budget by using general funds then fine. If we can get the revenues to use to take care of our side of the utilities and the insurance, then I think we need to look at it; but, you are right - we need to look at the legal aspect of it."

Chairman Lamb "And from your office there will be a track record on how those funds are spent?"

Clerk Thomas "Yes sir, we're accounting for the money."

Commissioner Morgan "Mr. Clerk, thanks for being here and we appreciate that and particularly our communications we've had in the past week. I know Helene has spent a lot of time in your office and has been very helpful, as well as Ms. Chess. Regarding the general fund, our fund balance as now compared to last year. How do they compare? Are we in better shape than we were the end of last year?"

Clerk Thomas "At the end of last fiscal year I think it was about \$2.3 million; the previous two fiscal years, at the end of 08 and 07- excuse me, at the end of 09 that you're going to an audit report on real soon, your fund balance in the general fund came down two hundred and something thousand dollars. We had talked

about that at the end of last fiscal year, trying to guesstimate how much and it was less than \$300,000.00. The year before that it was \$1.2 million. So the last two years your fund balance has gone down about \$1.5 million. At the end of this fiscal year, I fully expect your fund balance to increase. I can't say exactly how much but I do fully expect it to increase based on the budget you passed last year."

Commissioner Morgan "OK, so we're turning our direction that way, and I know we have mentioned a couple of times that we budget at 95% as required by the State. Historical collections of our revenues have been at 96-97%, is that correct?"

Clerk Thomas "In general fund really, you really never - sometimes you collect less; there have been some years when we collected less than 95%; 95-96%, but you never collect 100%."

Commissioner Morgan "I was taking a look in your Office and historically I think it showed 96-97% "

Clerk Thomas "Yes, something like that, and its better now because a few years ago we insisted that Davin Suggs back out the CRA money that goes to the City of Quincy and the City of Havana. We know the money is going there, so just automatically back it out in the budget, but prior to them doing that the collection rate dropped to below 95%. Having done that and continuing to do it ever year since, you're getting around 95-96-97%."

Commissioner Morgan "OK, thank you."

Mr. Croley "One thing. Our favorite news reporter is sitting over here writing it down and I want to make sure that we're clear though, Mr. Clerk on the fact that 'yes, it wasn't, we're not being blindsided on the hospital expense. We do have to mow the grass, we do have to keep up with the basic infrastructure of the buildings and we do have to pay some of the utilities, but none of those expenses that are properly planned in here should be overwhelming or reach the level that you have in the budget Ms. Chess, if he can go back in and make the adjustments and as Commissioner Taylor referenced here, maybe we need to look at other - at how we handle the revenue on how the rental of space is done. Are we clear on that?"

Ms. Chess "Correct, correct and Clyde sit in my office and went over the budget because I told him that it was just a estimate that I done so he should be able to give you some figures today."

Clerk Thomas "Like I said, though, in every other department those expenses are in general fund and it should not be a big to-do and the rent being that you collect and then deposit in general fund off sets that. It's just that you don't need to have a fund there that you know you don't have the revenue for it, that you may not have enough revenue collected from utilities to cover it, but in general fund the problem is resolved."

Commissioner Croley "OK."

Ms. Chess "Clyde will be the first one to speak and he will go according to how it is set up in your books and whatever you decide on I will take notes and go back in the system and make the changes and let you know an up-date of what happened at the end of today."

BUILDING INSPECTION:

Mr. Williams explained Mr. Collins has building inspection, code enforcement, building maintenance and custodial.

Mr. Collins "We've already cut our budget from what we had last year, so."

Commissioner Taylor asked Mr. Collins if what they have before them is a break-out because in the 08-09 budget that was a \$4 million year and in this years requested budget it shows \$2.5 million, if there are other services being categorized in a different category because this is a substantial reduction in costs.

Mr. Williams said that was because several months back they got a new definition on how they could use the one-cent surtax and it was limited to public facilities and fire protection. In years past they used that on buildings, but under the new definition it can't be used on buildings any more. You will see a huge reduction on buildings and you will see a huge increase in public works that was brought about by the new definition.

Commissioner Taylor "And that is a definition this Board adopted sometime back; am I correct?"

Mr. Williams "Yes Mam."

Ms. Minnis "That is all relating to the Small County Sales Tax; the one-cent sales tax that was adopted some years back. That is the wording in the Ordinance adopted by the Board at that time."

Commissioner Taylor asked what the funds were previously used for and how those expenses will be handled in the future and Mr. Collins said it had been used for capital outlay/repairs on county buildings. Now they will go through Capital Projects and there is \$462,000 shown in his budget for that.

Mr. Williams "Now it will come from general revenue, can't use the one cent any more so Robert is the winner and Clyde is the loser."

Chairman Lamb also pointed out that in Mr. Collins budget under Gadsden County Urgent Care 08-09 showed \$1,091,000.00, 09-10 shows \$320,648.00, and 2010-11 -0- which is a big savings.

Commissioner Taylor agreed and said that would certainly bring the 2010-11 budget down on that line item but that there is still about \$700,000.00.

Commissioner Taylor "Now you say you have found some dollars. Do you have some capital projects for this year where you will need the \$462,000.00?"

Mr. Collins "Well we budgeted that but we're going to split that up, if I'm not mistaken, over a four-year period. It's \$143,000.00 a year until we get - and it's basically for the roofs of these buildings because they're in bad shape."

Commissioner Taylor "So you're looking to get a contract, will it be a debt service over the next four years because, correct me if I'm wrong. Can you spend forward out of dollars from a current year? Can you project those dollars over three - four years? I thought you could only budget for what you're going to spend that year."

Mr. Collins "Well, you know if we budget \$143,000.00 this year for a roof and give it to me then I'll use that and then hopefully next year you'll give me another \$143,000.00."

Commissioner Taylor "Then it should be \$143,000.00."

Mr. Collins "I had a problem with all these roofs and I had them all looked at to see what it would cost to fix them. I had a contractor give me a price and that's what he gave me to fix all four of these roofs."

Commissioner Taylor "And that's what you want to do this year?"

Mr. Collins "I can't do all of them this year. I can only do one or two - or one of them this year."

Commissioner Taylor "Mr. Clerk, could I ask you a question. Help me with my legal process here. When you're budgeting multiple years in one fiscal year, you follow what I am saying?"

Clerk Thomas "I'm not sure -"

Mr. Collins "I will do, I mean I don't have to have one contractor do them all. We can bid them out and do all four roofs in one year, so I could do it. It would be a job, but we can do it."

Commissioner Taylor "OK."

Ms. Chess "On this front cover sheet that's how much he asked for in capital projects but it is not funded in the budget because I didn't want to put it in unless you all approve any capital. I didn't put no capital in. I just put it on this sheet as a reminder to let us know that we need to ask for that to the Commissioners and also you need to fund it from general fund so even if he asked for \$429,000.00 and he's only going to use \$143,000.00 we need to find that in general fund. We don't have it budgeted."

Commissioner Taylor "Correct me if I am wrong. What I'm looking at, you have identified revenues to balance these requested items?"

Ms. Chess "Well, not capital projects."

Commissioner Taylor "Not capital projects?"

Ms. Chess "And I spoke to Clyde today to let him know no capital was funded out of general fund. Although, I told him once he go over his projects and we get to the capital tab - that's why you see no projects back there to let the commissioners know that he wants to fund a roof and also any projects that he didn't fund or finish this year he is going to ask you all to forward those to next year and we will have to find the funds for those, also."

Commissioner Taylor "OK, I'll go to my next question. Where would you find funds for capital outlay projects?"

Ms. Chess "We don't have the funds. If you want to fund any capital projects from general fund you would have to cut another budget that is supported by general fund in order to come up with some capital project funding."

Commissioner Taylor "So, if I look at the expenditures - if I look at the requests in other line items, with the exception of capital outlay projects, you've identified a revenue source to do those?"

Ms. Chess "Yes."

Commissioner Taylor "And how many other departments will have this request in their budget?"

Ms. Chess "It's just - Public Works is funded with their own fund. They may be the only one, No, Charles budget. Charles budget asked for \$82,000.00 in capital projects for Sheffield Park. That's not funded by general fund so it's only Clyde's budget and Charles -- \$82,000.00 and the 462,000.00. Those are the only two and I just put them here as a reminder because if I didn't have them here, and with all that's going on, I wouldn't have remembered to let him know that we need to fund any capital projects that you approve."

Commissioner Taylor "Totally understandable. Thank you for the explanation."

Commissioner Croley "Clyde, explain what is a Provision parameter."

Mr. Collins "That's with the Ship Program and it's gone away. You're not going to get that."

Commissioner Croley "So that's gone away and you're OK. You mentioned roofs and it seems like to me that we passed a surcharge to speeding tickets or something that were generated in a Court facility fund. Now who is getting the money off the Court Facility Fund; is that coming into your Courthouse maintenance monies?"

Mr. Collins "Well, ya'll give me \$53,000.00 I think, not long ago to remodel the courtroom over there and we spent that and there will be an agenda item coming up in the near future for some more to do some of these roofs. I mean we can use it out of Court Facilities, but like on this building or any of the rest of them you couldn't do it. I think we could use it for the Courthouse, the Guy Race Annex and the Records Center."

Commissioner Croley "So that's three out of the four, perhaps from that money for capital outlay, so it's possible."

Clerk Thomas "And I would certainly like to see it go to those roofs and I know a request is coming, possibly at the next meeting, from the Chief Judge's Office and they're wanting to spend like \$157,000.00."

Commissioner Croley "Who is asking for \$157,000.00?"

Clerk Thomas "Court Administration."

Commissioner Croley "Well see, I'm like this. Don't you work in this building? Aren't you over the Courthouse?"

Mr. Collins "Yes, sir. Yes, sir."

Commissioner Croley "OK, well it seems like to me if you work in this building and you're over the Courthouse then this is part of the court system and we can fix the roof on this building, too."

Mr. Collins "I agree, just as long as I can get them fixed."

Commissioner Croley "You know, two and two add up to be four. Ms. Minnis we may have to call on you about that, but let somebody prove us wrong. Mr. Chair I think that's the direction we want to go in until somebody says sue or stops us."

Chairman Lamb "Now, we will have to get a legal opinion on that to see if or what can be done."

No further questions on Building Inspection.

CODE ENFORCEMENT:

Mr. Collins said Code Enforcement is a new one this year. It had to be broken out of the Building Department and made its own department.

Commissioner Taylor asked Mr. Collins with everything that he has been asked to do if he is able to handle it with the staff he has and Mr. Collins responded, Not Officially. He said they maintain, that he only has one permit clerk and that he had to let one go but not because of budgetary problems.

Commissioner Taylor asked, with Mr. Collins Department also being a revenue generating department, if his department was self-supporting and he said at this time they are. That could change, but right now they are and permitting has picked up. He said his department has spent approximately \$141,000.00 so far this year and they have taken in \$217,000.00. He also said they were in the hole last year, and were in the hole this year until June but right now they are self-supporting.

Commissioner Taylor asked if Mr. Collins could look at his budget and possibly find somewhere to make a few cuts in order to get an additional permit tech - possibly in OPS position so that no benefits would have to be paid, etc.

Mr. Collins responded that he would love to have- that he really needs another permit tech. He explained the permit techs have to be certified and the one he has right now is doing everything; that he had to call one of his Code Enforcement Officers back into the Office one day last week to help out, and he also was in the Office helping out with the permitting. He did say they have to go to a class, pass it and be certified and they must be a notary. He said the last time he sent two of them to N. Carolina and the cost which included travel, lodging, class, and certification was approximately \$1,200.00. This cost would be at the expense of the County.

Commissioner Taylor said she didn't want to see the Code officer having to leave his responsibilities to help out in the Office as they need to keep the Code Enforcement proficient and

functioning effectively, and she would rather try and help with an additional employee for permitting.

Commissioner Morgan asked if they would incur any unforeseen costs because of some of the things they are having to do and then having to go and place liens on some of the properties because the owners aren't complying and Mr. Collins said they could possibly see some of those charges; if they start having to take people to Court that simply refuse to comply and the County has to go in and tear the house down or a mobile home taken apart, but so far 95% to 97% of the people are complying. There will always be one or two that doesn't. He said they have some funds built into the budget but it's going to be hit and miss because he has no way of knowing how many they may have to tear down and this is the first year they have done this.

Commissioner Taylor added that there are still ways for the County to recover whatever costs are incurred because once the structure is torn down, the County liens the property and if the property owner tries to sell it the County will get whatever costs they have in it.

Commissioner Morgan said a lien may be on that property for 20 years or longer and Commissioner Taylor asked the County Attorney if there was some type of provision that after so long if it doesn't sell, that it then become the property of the County and Ms. Minnis responded No, not that she was aware of.

Commissioner Croley said he has asked Ms. Minnis before about the possibility of looking at the Code Enforcement Ordinances to see if she could de-criminalize them so that the standard of evidence was not quite so high to assist Code Enforcement in their activities. He said it would help the public somewhat and at the same time make it easier for Code Enforcement to work with the people. If you then do have to incur costs perhaps as with the road paving of private roads, you would have the opportunity to sell those liens if it can't be dealt with any other way to recover the public costs of destroying, or demolishing severely damaged structures.

Ms. Minnis said she had looked at that and it hasn't been brought forward, but she couldn't remember specifically what she found, but that she does know part of the issue is controlled by the Courts and they demand a certain amount of evidence and whether the County can completely take it out of

the Courts or not that she doesn't remember what her findings were.

Commissioner Taylor said one of the retiring Judges had agreed to set as a Magistrate and that's something they talked about and it appeared to have received some support. She said right now she knows of three or four homes in her district where neighbors are feuding over it because they just built a brand new house in front of a shelled out house and it's still sitting there and that's unfair. She asked if there were any funds in it for a Magistrate and Mr. Collins response was No.

Chairman Lamb said that Ordinance is definitely something they need to work on because in the Gadsden County Codes for 2010, that is item 2; and that's exactly what they are talking about. He said staff will need to come back to the Board with something on it, but first the legal side of the issue needs to be addressed first.

MAINTENANCE DEPARTMENT:

Chairman Lamb asked for comments/questions on the Maintenance Department's budget and Commissioner Croley said he would like to address a question that will apply to every department; it has to do with benefits and especially the cost of the health insurance.

He then asked if any recent effort had been made to try to get CHP to be more competitive for the County on the cost of the health care because it is a big burden for all of the departments to provide health care costs to the workforce.

Mr. Lawson responded that they have tried to get CHP to be competitive, but the biggest problem is that there isn't much competition in this area. He said CHP is about as competitive as any of the others are so the County is kind of over a barrel; that's what they've got and there will be an 8% increase to the County on it's premium coming in August.

Commissioner Croley asked if, with this item (Health Insurance) affecting every department Mr. Lawson could get the CHP Rep here with that increase, along with the County's agent as well, so the Board can have discussions on how these insurance costs are being based. He said the county needs to do something to try and control some of these expenses - especially with having the new medical facility maybe they can give the County some recognition.

Mr. Lawson responded that he could have them at the Board meeting when their agenda item is presented and Commissioner Croley suggested possibly even earlier if possible.

CUSTODIAL SERVICES:

Mr. Williams said if you look at health insurance, in every case you will see that it is higher than it was the year before and part of the increase is already built in (4%).

Commissioner Morgan asked if 4% had been built in and 4% still had not been built in and Mr. Williams responded affirmatively.

Commissioner Morgan asked when the 8% was going into effect and Mr. Lawson said October 1, 2010. Commissioner Morgan said then they are not necessarily looking at correct figures in that regard and Mr. Williams said it would have to be adjusted.

Ms. Chess said she would like to go back and check her figures because she had spoken with Trudei and they talked about putting in 10%. She said she wants to go back and verify her numbers. She said she knew at first she had put in 4%, but after she talked with Trudei she believes she increased it. Mr. Williams said he hopes at least 8% is in there and Ms. Chess said she will review it and will send out an email first thing in the morning.

Commissioner Taylor said the only thing she would recommend is to see if they can find the dollars needed to get an additional person in Building Inspection (permit tech) because that Department is a revenue generating department and is self-supporting. She asked the County Administrator if that was a reasonable request.

Mr. Williams responded "It is needed and has been for quite a while, but here again, everything in here is balanced and when you add something, you've got to take away something else and they will have to make a suggestion of where they are going to take it from."

Commissioner Taylor responded that is why she asked Mr. Collins to take a look at some of his line items to see.

Chairman Lamb explained Mr. Collins would look at that.

GRANTS ADMINISTRATOR - SHIP PROGRAM:

Mr. Williams explained the Grant Administrator is formerly what they called the SHIP Program, and Mr. Collins said he thought it had always been called Grant Administrator but they call it SHIP for short. All of this is under Community Development and basically there are no changes to this item.

HOSPITAL:

Mr. Williams asked if the new maintenance worker is included in the hospital budget portion and Mr. Collins said that position will actually be under building maintenance.

Clerk Thomas "There shouldn't be any money here. This is back to what we were talking about earlier."

Mr. Williams "Yeah, this is going to be zeroed out."

Commissioner Croley "Question. Back to the utility services - that \$120,000.00. As we heard earlier this week at the Commission meeting, the utilities are significantly less than that."

Mr. Collins "Yes, sir. Now the Urgent Care, I haven't got the one for this month now that nobody is in there. It's like I said, last month it was about \$650.00 and this month should be significantly less, but there will still be some utility bills for the shelled out spaces, including Urgent Care."

Commissioner Croley "But, you said they were minor though and the point I am trying to make is that you could use these funds elsewhere in this budget. I'm not trying to remove it from your budget and transfer it to someone else. I'm just trying to say we could move it around. Is that not --"

Clerk Thomas "No, --"

Mr. Collins "Has it already been moved?"

Clerk Thomas "This money doesn't exist there in this fund."

Commissioner Croley "Right, so basically Fund 103, from what you said earlier, this needs to come out altogether, right? So we can write that off - This whole hospital operating fund, it doesn't exist."

Commissioner Morgan "It exists, it just shows zero, correct?"

Clerk Thomas "It will be there but there is no money going to it. It doesn't function anymore.

Commissioner Morgan "Oh, OK so there's no reason to have it in there."

Chairman Lamb called for the next item.

JAIL MAINTENANCE:

Mr. Collins said this budget request shows a \$15,000.00 increase.

Commissioner Croley "Again Mr. Collins, a couple years ago it seems like we had budgeted like \$800,000.00 for capital improvements. Did you ever do those improvements?"

Mr. Collins "I did some of them but most of the money went away. Now for the air handlers, I think I had \$30,000.00 in there and then I had \$175,000.00 for the jail lock down, for the new locks but I have not done those projects yet."

Commissioner Croley "Well, what happened to that money?"

Mr. Collins "I'm hoping its still there."

Commissioner Croley "What do you mean its still there? How could it still be there?"

Clerk Thomas "Ya'll voted to spend the money on other things and I think that was the year the Sheriff actually came back and asked for money too. There has been two or three years that money has been budgeted in capital projects using that one cent tax but those projects haven't always been completed. Of course that probably was not a good thing because when you're talking about the County jail you don't want that to snowball at some point. I have a whole conversation I want to have with you about that. I don't know if this is the time; maybe that's a conversation we should just have about the jail."

Mr. Collins "Well, just for the jail maintenance we asked for, Friday it was \$40,000.00 and then it went to \$35,000.00 and now I'm asking for \$50,000.00 because I've got 30 exhaust fans on that roof and only like five of them work. I've got to replace them. It's amazing that it's been let go like it has."

Commissioner Croley "Do you maintain the building? I guess that's what I'm trying to understand."

Mr. Collins "The Sheriff actually has two people that work out there but we foot the bill for it. Like for changing out the shower stalls we do all of that. Maintain the air handlers, chillers, exhaust fans, everything."

Commissioner Croley "I'm looking at my page and it says \$40,000.00, where is the \$50,000.00? Am I looking at the right page? What I am trying to say, is you are asking for \$50,000.00 rather than \$40,000.00."

Mr. Collins "Yes, sir."

Mr. Williams "Somebody didn't get an update. You and Commissioner Taylor didn't get an update."

Commissioner Croley "Well I don't know Mr. Clerk, what kind of conversation we are supposed to be going to have and when, but"

Clerk Thomas "He is only talking about jail maintenance now."

Mr. Collins "Yeah, all I'm talking about right now is just jail maintenance."

Clerk Thomas "I'm talking more about capital projects that you budgeted money for in the past but the projects weren't executed and it just concerns me that— doesn't have to do with just the jail - it just concerns me that we're not heading to a situation when you fail to do capital projects like that; at a place like that, that we don't find ourselves in a situation where you have to do major renovations or expansion, and that's why I think a whole conversation needs to be had in that area. I want to go back to something I tried. I started it last summer and that's when the Chief Justice was here. One of the things he put up on that board, and one of the things that he acknowledged was that we are entitled to two and two-thirds of a judge. That two-thirds of a judge we don't have. We have it in the form of hearing officers who can't hear felony cases. That is something I would like this Board to be willing to follow up on with the judiciary because I believe that was the purpose of adding the extra courtroom that we just paid for and it's not being used for that purpose. So what I believe, and if you look back in the record, the jail has been a problem for 40 years and it's always going to be a problem, but you are finding yourself in a situation where if you have got to do

major expansion without getting additional judge help first then the problem is only going to be worse. You are going to house more people and you still have only one circuit judge dealing with the situation. I just think as a Board, as a Body, you need to put pressure on the Chief Judge to fulfill that promise made many years ago, that we would have a third judge spending two-thirds of their time here and the focus would be on felony trials, OK, and that that happens before you find yourself having to do jail expansion. You are probably going to have to add a pod or something anyway, but I'm saying the situation will be worse if we don't do that. What you also see in this budget, in that Judicial Fund 114 - we haven't got there yet but I'll just tell you about it - He has in the budget subsidizing that fund \$149,000.00. This is money you don't have to do, but you are doing on top of the fees that my Office collects that goes into that fund to give them things -- special things that they want; for example paying for their travel, so you're doing some special things for them and I would like for you as a Body to put pressure on the Chief Judge to honor that obligation. Then you can start talking about in the future, a pod or whatever you choose to do. So, I too am concerned that major repairs got budgeted but money never got spent on them and are we finding ourselves in the situation where the place is going to pot and you are going to be forced to do something about and if you are, you really don't have money to deal with it, but let's start dealing with the problem and get a judge - a real judge with two-thirds of their time to focus on felony trials. I think that should happen first, but if not, you can go and build as much jail as you want but then we're going to have an even bigger problem."

Mr. Collins "I think, if I'm not mistaken and in talking to them down there today, the jail is already way over crowded."

Clerk Thomas "Last year when the Chief Judge was here he bragged on Judge Dekker working hard and I complimented her, too. She worked hard and got the population down and I said that is something that can't be sustained and now she is retiring."

Commissioner Croley "Well that brings up the question and I'm sorry but I've got to try and understand this -"

Clerk Thomas "I got off the subject."

Commissioner Croley "No, what you're saying kind of makes sense. You've kind of put the horse before the cart so that I

appreciate. What I don't understand is when you say we budgeted money for capital improvements and we think, at least I thought that we were addressing the need with a resource and then it doesn't happen and I don't understand why it doesn't happen."

Clerk Thomas "That's happened a lot of years. Sometimes the Board will budget a project and they don't get done and sometimes you think well we budgeted that a year ago or two years ago and the money's still there, but it's not there unless you've carried it forward for the next fiscal year to do it in. Davin Suggs was notorious for doing that. He would say what all ya'll want to do and he would put it all in there and then say what do ya'll want to do next year and put all of that in there, and then the stuff from last year wouldn't get done."

Commissioner Croley I think a lot of times the people up here may be thinking that money carries over. You start off a new budget year and if it's not carried over then its back in the funds or contingencies, or whatever the case may be."

Clerk Thomas "You have to make it carry over."

Chairman Lamb "So, if we have a capital project we need to make sure it is carried out, but right now we have a request for that two-thirds judge and we still haven't got it."

Clerk Thomas "He thinks that he makes that up by a Magistrate Hearing Officer for child support, but the whole thing about that is that that is not what our intent was as those individuals aren't legally authorized to handle felony trials so it would help if we had a real judge to spend some of their time helping out with felony trials for those people in jail with no bonds, they're not getting out, they have to have their day in court."

Chairman Lamb "What is your request or recommendation to us?"

Clerk Thomas "They're going to be here, I think next week on that request to spend some of that Court Facilities money you've talked about. I would like to see a resolution of some effort that this Body would encourage them to give us a real judge. He acknowledged it here in this room that we are entitled to two-thirds of a judge - two-thirds of a third judge."

Chairman Lamb "OK Mr. Administrator you hear that. You need to remind us to make sure we remind that Judge of that."

Clerk Thomas "Now he's under pressure to not do that because he wants that two-thirds of that judges time in Tallahassee to help Leon County; they built a new jail and it was filled up almost when it was built and he wants that judge's time in Tallahassee, but that's what we are entitled to—having a judge rather than just a hearing officer."

Commissioner Croley "Can we get a resolution drafted?"

Chairman Lamb "Even if we get one drafted he ain't going to do it."

Clerk Thomas "I think he needs to be put on record and he's been Chief Judge for al long time and I think maybe after next year he won't be Chief Judge any more and I think the next Judge may be more favorable to us because he will already be on record."

After additional discussion it was the consensus of the Board that they would talk with the Chief Judge first, prior to the resolution."

Commissioner Morgan "Clyde, just to clarify on the capital outlay projects -- have you got too many things that we are trying to do in a specific time that doesn't allow us to get to these capital projects? I know that's a separate issue from the funds being carried over, but --"

Mr. Collins "The hospital kept me from getting to all of this or I would have already had them done, but it's on now and we can do it".

Chairman Lamb "OK, that's good."

Mr. Collins "I need the \$50,000.00 for that and I need to carry the two capital outlay projects over to next year; I'll never get them done by the time we close out our budget."

Commissioner Croley "What two other capital --"

Mr. Collins "I've got one to finish out the air handlers which is like \$30,000.00 and then my lock down was \$175,000.00."

Commissioner Croley "Have we got that in here?"

Ms. Chess "No, if you carry it over you're going to have to fund it from fund balance."

Commissioner Morgan "See, that's the thing, we can't have projects that we don't have--"

Chairman Lamb "But we can carry it over can't we?"

Commissioner Croley "You can't carry over."

Ms. Chess "You really don't carry over projects. Everything stops and it would be like new funds that you're budgeting for these two projects, \$175,000.00 and \$30,000.00. Then the new roof he wants funded for the first year is \$143,000.00, so that's over \$300,000.00." The \$175,000.00 was budgeted this year in Fund 301 and Mr. Presnell had asked that to go to Fund 313 for Frank Smith Road and then the \$30,000.00 is still in 301 this year."

Chairman Lamb "Well, we'll just do what we need to do and we'll use it and if we've got it we will do everything we can to accommodate those items."

Commissioner Taylor "Can we, in going forward just put down this \$300+,000.00 as a negative on a sheet of paper and as we go through and find a little here and a little there, we'll make note of it towards that \$300,000.00 for the capital projects as discussed here to make a concerted effort towards making this happen."

Mr. Collins "Sure, and we may not need all of it. I don't know how many court cases we have, but if we have a bunch of court cases and get a bunch of money, we can do a roof."

Chairman Lamb "Don't ever think it can't happen because it can and Clyde, ya'll need to give us some kind of ideas of where you think it could come from as you go through and look at your budget."

Clerk Thomas "Let me make sure I understand what's essentially going on. Money in capital projects fund (the source involving the indigent sales tax) and Robert requesting for the Public Works Department to use some of that money this fiscal year in the budget to do that. So that's what is going on here?"

Commissioners responded affirmatively.

Chairman Lamb called for the next item.

COUNTY ADMINISTRATOR:

Mr. Williams said there are no essential changes in his budget over last year. There are no new priorities. There is an increase from \$1,043,283 to \$1,086,380.00 and he asked Ms. Chess where she increased his budget.

Ms. Chess explained the Administrator's budget had a 2% increase and Mr. Williams said as he sees it, they are miscellaneous increases which surely are based on their experience.

Commissioner Morgan said it looks like there is about a \$43,000.00 increase; with a \$ 37,000.00 increase in OMB.

Mr. Williams said there are things in here that he didn't have the first year such as travel.

Commissioner Morgan also said the Administrator's operating costs went from \$27,000.00 to \$39,000.00.

Commissioner Croley asked about the indigent hospital service and then Welfare and Medicaid. He said he didn't know if the Welfare and Medicaid would be reduced or a positive impact from the Hospital and then the indigent hospital service - "what are we doing there if you've got an indigent healthcare tax? How does that work?"

Clerk Thomas "I think what has happened is that this is where people go to hospitals in Tallahassee and they can't afford to pay and we get billed back for some of that expense, but hopefully, with the new arrangement you are already giving Capital Regional money now for indigent care with dividends from the Trust and part of the half-cent tax and that about offsets the indigent care they provide. That was the purpose of that and this particular budget for indigent is money that we're billed back from the Tallahassee hospitals and that should go down significantly".

Commissioner Croley inquired if that was on the \$500,000.00 or the \$100,000.00 and Clerk Thomas said the \$100,000.00.

Clerk Thomas explained that had gone up; in the past the County budgeted \$25,000.00 for that and then increased it after the

hospital closed. The Medicare and Welfare bill (\$500,000.00) is pretty much out of the County's control and the County gets billed from the State as a part of the National Medicare level. The Federal government makes each state pay part of the Medicare Medicaid and the local governments have to pay a portion of that money. He also responded to Commissioner Croley that this comes straight out of the general fund and it's billed on a formula by the State.

Commissioner Morgan asked if Clerk Thomas felt it would be a fair number in indigent care services to cut that in half and Clerk Thomas said he would think so.

Mr. Williams said that would be a considerable amount of savings, and Clerk Thomas said that is one place where you should theoretically have savings, big time.

Commissioner Morgan asked if cutting that from \$100,000.00 down to \$50,000.00 would be a good scenario and Clerk Thomas responded affirmatively. Commissioner Morgan said he was in agreement with the Clerk.

Commissioner Taylor asked for the expenditures year to date on that line item so they could see what has to be paid out of it Ms. Shuler said \$65,000.00 has been spent but she would need to see the detail to be sure how many months were included. She will get that information for the Board.

Commissioner Croley raised questions on the Welfare-Medicaid line item - fund summary revenues/expenditures as of July 2010 - showing \$500,000.00 - spent \$233,683 (said he didn't know how far behind claims being submitted are) with \$266,000 still there at this time, and Clerk Thomas explained this fiscal year's claims will continue coming in on this item; maybe as late as November because it depends on when the hospitals get their indigent billings out to the County so that \$266,000 will probably all be needed.

Commissioner Taylor asked why the OMB department budget increased by \$33-\$34,000.00 and Ms. Chess explained they had only budgeted \$60,000 for salaries but the salaries are at \$70,000.00 and also because of unemployment benefits being paid for two previous employees. The unemployment benefits paid this year (\$20,000.00) had been budgeted at \$10,000.00 so that was an additional \$10,000.00 for the unemployment benefits and an additional \$20,000.00 to cover the difference in salaries.

Commissioner Morgan asked if the \$70,000.00 would be the salary for the new budget director and Mr. Williams responded it would be less than \$70,000.00. He said he didn't know how much less but it would be less than the \$70,000.00 and Mr. Lawson said it is \$1,000.00 less.

After additional discussion, Commissioner Morgan stated the Administrator's operating expenses request had increased (\$27,000 to \$39,000) significantly and asked if there was anything specific that would cause that and Mr. Williams said he didn't see any one thing specifically; thought it was just an accumulation of a lot of small things.

Commissioner Croley asked about the communication services portion of the Administrator's budget (\$8,000.00) what all is included in that, how cell phones are handled, etc. and Mr. Williams said that charge would cover not just the cell phones, but the fax machines, etc., and that cell phone charges are pro-rated out by departments.

Mr. Lawson responded to Commissioner Croley's questions and explained the County does receive discounted rates and their County package covers 30,000 minutes so they don't get billed for minutes, it's basically just the basic monthly phone charges.

There being no further questions on the Administrator's budget, Chairman Lamb called for the next item.

COUNTY ATTORNEY:

There was discussion concerning the proposed budget of \$234,000 for the attorney's fees and the fact that their average annual cost was only \$144,000 which would allow a \$90,000 cushion for large court litigations and unexpected law suits, etc. and Ms. Minnis said based on everything involved in the legal parameter, this is not an unusual request.

After additional discussion the consensus of the Board was to reduce the County Attorney's budget to \$200,000.00 which would be a reduction of \$34,000.00 in the requested budget.

COUNTY AUDIT:

Commissioner Croley suggested that in the future, a significant portion of the Independent Auditor's fee be held back by the County until the Audit is completed and received.

COUNTY COMMISSION:

Mr. Williams explained the Commission has requested \$30,000.00 less than they did last year.

Chairman Lamb asked how the Board's request was less and Mr. Lawson explained the video costs are not in there this year, and that he wasn't sure if the lobbying service was included in the Board's request.

Commissioner Morgan said he didn't see why their travel budget would be increased, especially with this being a lean year; and maybe there are some things that fewer people could go to or some things that could be omitted.

Chairman Lamb said no increase, but no decrease and to leave it at the \$11,600.00 and if they don't use it then it's still there.

Chairman Lamb called for the next item.

EMS:

Captain Crum explained EMS is not having fewer runs and their fuel costs were actually a little higher the month of June after the hospital opened, but he also said the shorter distance runs are not reflected in his proposed budget because there has not been a cost savings. He said he has not seen a deficit in what they've been doing just because the hospital opened. In response to questions from the Board, Captain Crum said they are still getting as many calls for service, but their transports out of county have dropped significantly.

Chairman Lamb said with what the Board is looking at, "there has to be a savings somewhere because you aren't taking someone with a sprained or broken finger to Tallahassee" and Captain Crum responded that essentially, even if it's a sprained finger and they want to go to Tallahassee EMS has to take them to Tallahassee. He did say EMS is billing those patients for that and the Board will even see some decrease in revenues that EMS is bringing in because they are not being able to charge for the mileage that they had been able to do in the past.

Commissioner Croley asked how much EMS charges to take someone from in the county to the new hospital and Captain Crum said "It is \$10.00/mile and we are losing \$250.00 a transport for

everybody that goes to the Gadsden hospital that we would have got had everybody went to Tallahassee" (25 miles to either hospital in Tallahassee from the Gadsden facility). He said the \$10.00 is the amount the County had agreed EMS could charge per mile and he doesn't know how long it has been since that cost was looked at. Commissioner Croley said that certainly needs to be looked at and Captain Crum said they could do that.

Commissioner Taylor "There are too many other variables included in that - there could have been more calls that month that would have had his costs to level out and not decrease. If they are simply going to the edge of town rather than to Tallahassee then there obviously should be a savings, but at the same time the number of calls probably increased so you aren't comparing apples to apples when looking at it just month to month". Captain Crum responded that June was a bad month because EMS had more calls comparatively in June than for the same month the prior two years and July was the same.

Commissioner Taylor said at this time the hospital hasn't been open long enough to get accurate figures but it is a reduction and that she sees where the County could save a significant amount of money by having EMS located at Urgent Care because EMS is currently paying \$24,000/year in utilities, over \$100,000.00 in materials and supplies.

Captain Crum said 86% of the EMS budget this year has already been used in line item 55200 - operating supplies, and Commissioner Taylor explained that, just like with everyone else, it's time for them to start tightening their belts and looking for vendors where things are a little less expensive. Captain Crum said the \$186,000 total for operating supplies represents a 25% decrease in fuel from last year. He said last year he had \$110,000.00 on his fuel line item and this year he has \$84,000.

Commissioner Taylor explained EMS will have a significant decrease in their fuel, especially if they are located at the hospital because once they drop off a patient, they will already be at their location. She recommended Mr. Collins rough in an office space for EMS at the hospital (urgent care area) and save the County \$50-60,000.00 by putting EMS there at the hospital.

Chairman Lamb agreed and said he didn't think it would cost that much for Mr. Collins to get that office set up for EMS (wherever Mr. Collins thinks is the best place, Urgent Care

area or wherever) to be located there; and if they have to use prison labor to do it, fine.

Commissioner Croley suggested GHI and Mr. Collins come up with the best location and then make a recommendation to the Commission, and Commissioner Taylor said she feels that is an item -- something that can be done in this fiscal year.

It was the consensus of the Commission that the \$10.00 per mile EMS fee be reviewed by Captain Crum, how it was developed, where it came from, how other counties are doing it, what other counties are charging as a comparison.

EXTENSION SERVICE:

No questions or changes regarding Extension Service.

LIBRARIES:

Commissioner Taylor asked Dr. Poole if there was some way she could find additional dollars to add to the line item - promotional activities because that is such a small annual amount to cover three libraries (down from \$7,000.00 to \$4,000.00) to provide services or programs for children to encourage/promote reading, stimulate academic development, etc. Dr. Poole said she had the same summer programs as they had the previous year and that she had not anticipated anything further unless the Board wanted to fund for other things throughout the year - some additional entertainment activities.

Commissioner Taylor said she understood the State did not cut the library's funding this year and suggested Dr. Poole may be able to look at her budget and find where some funds could be cut to assist in the additional children's activities as well as establishing some adult activities, and Dr. Poole agreed saying she thought it could be covered.

Chairman Lamb briefly addressed his desire that hopefully staff can identify some funding (grants, etc.) and come up with a proposal to construct a library in Midway - hopefully find land, funding, etc. by the time they are ready to begin budget work next fiscal year.

Commissioner Taylor said some land had previously been donated to the School Board in Midway to build a school - they aren't looking to build a school any time in the near future - a

library would be just as comfortable and Chairman Lamb said he would mention that to the Superintendent.

Dr. Poole said she knows there is stimulus money available through the USDA and that they are particularly interested in libraries this year so that would also be a possibility. She said USDA would only fund the construction of the building - no materials, employees, etc., but it would be up to the County to fund it beyond that.

Commissioner Croley said he would like his colleagues to join with him to help Dr. Poole try to have a true genealogical library (similar to what is available in Thomas County, Ga.) in the downtown Quincy area, separate from the regular library so that adults coming in to visit can use that facility for historical and genealogical data collection, and he asked them to take advantage and look at that program when they have the opportunity. He also suggested Dr. Poole discuss this with the Friends of the Library for their possible interest in the program.

There was discussion on janitorial services at the libraries and Dr. Poole said the main library is serviced by the County and cleaned by the inmates and the two branches are covered by a contract with an outside cleaning company. She said originally there was a custodian dedicated to servicing just the three libraries but that person left more than a year ago and has not been replaced and that is where the gap is and we're trying to make do. Commissioner Croley asked Mr. Collins if there was something that needed to be addressed in his budget, in the library budget or if it is a case of accountability? What is the issue? He asked Mr. Williams if there was something they needed to do to at least consider addressing this problem and Mr. Williams said he would like to get that position back - would like to get a lot of positions back but if you add something, you've got to take away something else.

After additional discussion Chairman Lamb said staff and the County Administrator needs to get together, come up with a recommendation for the Board and the Board will support them. He said the Board should not have to be dealing with this. He said staff should address this type of problem;-- get together make a recommendation and bring it back to the Board.

Commissioner Morgan asked for an explanation of the \$40,000.00 shown for software purchases and Dr. Poole said they had

created a new line item for library technology as it was previously paid for under professional services and they didn't feel it was an accurate description. She also responded in reference to the book mobile that the budget for the fuel/oil is low.

Mr. Lawson pointed out the line item 56600, books/publications, library materials for each of the libraries had been increased by \$10,000 and Dr. Poole said she had requested \$50,000.00 but that had been scratched and it will affect the state aid funding the next couple of years because that all goes into a formula that shows how much the County is contributing to the local libraries.

Commissioner Croley said he saw that the acquisition of books is rather weak compared to the whole cost of running the libraries and he asked what type of communication Dr. Poole was having with the Friends of the Library concerning the need and possibility of their help in the purchase of the library materials, and if they have been involved in this budget process. In response Dr. Poole said the Friends of the Library are very supportive of the Library and their needs but that they have not seen this budget printout - they have seen the last year's budget and there was no funding in it. She also explained at every meeting she has with the Friends of the Library they discuss the need for books and the fact that there is no funding available.

Commissioner Croley said some of the things he is hearing in the community is that there is a need to be engaged with them directly about some of this so that they know what is needed and can possibly assist. He asked Mr. Williams and Mr. Lawson make sure this is followed up on.

Commissioner Taylor said she would like the Commissioners to consider in going back to the promotional items line item that \$10,000.00 be shown there rather than the \$4,000.00 (\$6,000.00 increase) and that would take care of the adults and children's programs in and around the three libraries; that would be a good start and would let the citizens see an effort on the part of the County.

Dr. Poole suggested the possibility of getting rid of the Library's 1991 van and Chairman Lamb said that could be considered and a recommendation brought back to the Board.

MANAGEMENT SERVICES:

Mr. Lawson asked for funding in the amount of \$5,000.00 to restore the Employee's Assistance Program because when a current employee tests positive for drugs or alcohol the County needs an avenue for having somewhere to send them, prior to terminating them. He also responded to Commissioner Taylor that the \$2,000.00 increase shown in other current charges and obligations is strictly to cover advertising - job openings, bids, legal ads, etc.

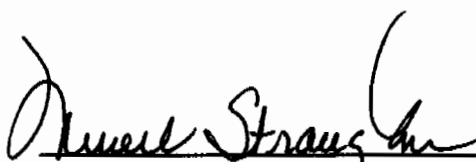
VETERAN'S SERVICES:

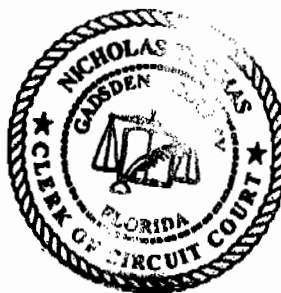
Commissioner Taylor asked that the Commission consider putting \$1,500.00 into Veteran's Services Budget for an activity on Veteran's Day. She said the activity proved to be so important because information was made available to our local veterans on benefits that are available to them but many of the veterans weren't even aware of some of these benefits; it's more than just a luncheon, it's needed and it's more of a benefit for them. Mr. Lawson said they would certainly look it and see if they can find something.

The next Budget Workshop is scheduled for Thursday, 4:00 PM, September 29, 2010.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD AT THIS TIME, AND UPON A MOTION BY COMMISSIONER CROLEY AND A SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4-0, IN FAVOR OF THE MOTION TO ADJOURN.


CHAIRMAN EUGENE LAMB


Muriel Straughn, Deputy Clerk



As transcribed by Jean Chessser, Deputy Clerk

**AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA, ON JULY 29, 2010,
THE FOLLOWING PROCEEDINGS WERE HAD,
VIZ**

PRESENT: Commissioner Eugene Lamb, Chairman
Commissioner Doug Croley, Vice-Chair
Commissioner Gene Morgan
Commissioner Sherri Taylor
Johnny Williams, County Administrator
Arthur Lawson, Assistant County Administrator
Ms. Helene Shuler, Assistant Finance Director – Clerk's Office
Jean Chesser, Deputy Clerk

Call to Order:

Chairman Lamb called the meeting to order with a quorum present at 4:00 PM.

Administrative Coordinator's Department: Charles Chapman

Mr. Chapman made a presentation on his proposed Departmental budget for 2010-2011 which included Garbage/Solid Waste, IT, Animal Control, Parks/Recreation, Recycling, Debt Service and Capital Projects.

Commissioner Taylor asked Mr. Chapman if the Board directed him to find \$10,000.00 that could be cut from his proposed budget where he would get it from without compromising services the County now offers.

Mr. Chapman said he would have to go back through his budget by line item and see if he could find \$10,000.00 and would bring that information back to the Board at their next budget workshop. He also responded to Commissioner Taylor that the \$82,000.00 shown in debt service is not a specific project (capital project). He explained this as the Bond that was taken out three years ago for major IT equipment purchased for the conversion of the servers, etc., that it is debt service only and IT is not requesting any additional equipment.

Commissioner Morgan asked if there was any of the IT equipment or services purchased in 2007 (approx \$800,000) that is not being used at this time and Mr. Chapman responded IT is using every bit of equipment they possibly can and if they are talking about 100% of the investment, he would say they are at 85%; that work is currently underway on the data transfer for the fiber optic network with the infrastructure already in place. He said by the end of the year they hopefully will be at full 100% capacity and using everything (equipment) they have.

Commissioner Morgan asked Mr. Chapman if there are any better ways of using the equipment now than there was when it was purchased three years go, especially with the county trying to find ways to save and Mr. Chapman responded there are several ideas coming up on possible cost savings over the next 6 to 9 months that will be of great interest to the Board.

In response to Commissioner Taylor's questions on the approximate \$30,000 increase for animal control, Mr. Chapman said there are several things they are trying to do to make it a more humane environment at the shelter. They have had two veterinarians of shelter medicine visit the shelter as they have been having a problem controlling disease in the county's shelter. Even though the county's animal shelter is not a long-term care shelter, and by definition is just a euthanization shelter, most of the animals coming into the shelter are basically somewhat pets and if they contract a disease while in the shelter, the county is inevitably liable. There are things that were built into the shelter that did not prevent the spread of disease and some areas need to be addressed – drainage, ventilation and equipment replacement. The \$30,000 is needed just to bring the shelter up to the minimum required standards.

Other Governmental & Community Organizations:

County Administrator Williams explained there are four organizations not included in this proposed budget that were included in last year's budget; those being CRPTA, Opportunity Florida, Christian B. Doolin, Governance, Inc. There was a brief discussion among the Board concerning the need for possibly continuing some of these services, and it was the consensus of the Board to continue on at this time with other areas of the budget and bring these back up for further discussion at a later time.

Commissioner Morgan requested the budget office list all of the items/programs that have been cut from last year's budget so the Board will be able to better see what is and is not being funded.

Commissioner Taylor said there is \$84,000 which they feel could be saved by cutting some of the line items --cut \$50,000 from indigent hospital care, \$34,000 from attorney fees as well as a possible additional \$80,000 savings from utility services.

Planning & Community Development: Anthony Matheny

Commissioner Taylor noted Tourist Development has increased \$31,000.

Commissioner Croley noted overall budget for Planning & Zoning is down significantly.

Mr. Matheny explained that even though they don't have as much new activity coming in, they have tons of old activity that has been basically lost during transition of the previous two directors. He explained his department is basically working at a skeletal level and they are able to get by at this time. However, when the economy does pick back up, he will need to hire additional staff.

Commissioner Morgan asked if the level of customer service is staying high even though the activity is at a lower level and Mr. Matheny said he is pleased with what he has seen in the past couple of months from his staff and their customer service relationship with the public. He said his focus on customer service is dead serious and everyone in the department is exhibiting very good customer service relations and everyone is treated very professionally, whether via phone conversation or visits to the office.

Probation: Ms. Martha Chancey

Chairman Lamb asked if there were any questions on Probation's requested budget and there were none stated by any of the Commissioners.

CHP INSURANCE PROPOSAL: Mr. Terry Steaple, CHP Account Executive

Assistant County Administrator Lawson asked that Mr. Steaple be allowed to make his presentation prior to the Board getting into the Public Works portion of the budget workshop. Mr. Lawson said there will be an 8% increase in costs at the current level of healthcare coverage with CHP. He then turned the presentation over to Mr. Steaple.

Mr. Steaple explained there will be an 8% cost increase for the save level of coverage. He replied to Commissioner Croley's question as to whether or not there is any type of negotiations that can be done to improve the County's financial position regarding the 8%. He said CHP always has at least one additional option for their partners and this year that option for Gadsden County is at 4%.

In response to Commissioner Croley, Mr. Lawson said the alternative option which Mr. Steaple has addressed was reviewed by the county's insurance committee and it is the recommendation of that committee and management that the Board approve the proposed 8% increase in order to maintain the same level of coverage.

Mr. Steaple explained two co-pays have been added -- \$150 for outpatient in-hospital procedures and \$100 for non-hospital ambulatory procedures. Basic proposed difference is specialist co-pay going up to \$40; hospital admittance remains the same, \$250 regardless of length of stay and an 8% increase in their proposal to continue coverage at the same level, if approved by the Board.

Commissioner Croley said he would like to see as many options as possible for Board consideration as an 8% across the board increase is significant He also inquired if CHP is partnering with the Gadsden Hospital on any of the services and Mr. Steaple said if someone (having CHP insurance) goes to the Gadsden Hospital emergency room it will be covered by

CHP and as far as CHP covering costs for the out-patient testing services provided at the Gadsden Hospital as well as blood testing, he said he needs to check to be certain exactly what CHP's relationship with CRMC is on those services at the Gadsden Hospital Campus before answering that question. Commissioner Croley asked that Mr. Steaple provide that information to Mr. Lawson.

Commissioner Morgan said he has spoken with the CRMC Gadsden campus facility and they will honor what CHP has with CRMC.

PUBLIC WORKS: Robert Presnell, Director

Mr. Presnell reviewed his proposed budget and requested:

Fund 112 (0112-55100) -- Increase Office Supplies from \$1,200 to \$4,000.00. He said the Budget Director had zeroed out office supplies in all other departments and combined all under Fund 112 and it would need to be increased by \$2,800. There are no other increases requested for Fund 112.

Fund 112 (Department 0126) – Paved Road Maintenance -- Basically no increases, mostly decreases. Mr. Presnell asked that the Commission disregard the Capital item figures of \$231,990 shown in Department 0126 as he will have an over-all total capital outlay explanation at the end of his presentation.

Commissioner Croley asked that an explanation be given on where the one cent revenue funds were previously placed in the Public Works budget, and Mr. Presnell said historically it went into Fund 133 and was then budgeted out of 133 for capital projects. The one cent revenue was used strictly for capital projects – none of it was ever used for general operating expenses.

Mr. Presnell explained most of the figures are decreases – no increases in Dept 126. He said this is a bare minimal, “**get by budget**” and most of the new project funding he anticipates receiving from DOT is for resurfacing.

Commissioner Taylor said she would prefer to have the salaries/wages shown as a separate line item rather than being shown as part of the \$2.6 million, and she then raised questions on paved road maintenance as to what the \$2,613,625 requested by Mr. Presnell includes and Mr. Presnell explained that figure includes everything from salaries, projects, expenses, materials, uniforms, fuel, etc. that would be used in road paving maintenance. Commissioner Taylor asked if approximately only \$300,000.00 of the \$2.6 million would actually go towards the roads and Mr. Presnell explained the salary portion is \$1.1 million, leaving \$1.5 million for road maintenance. \$240,000 is budgeted in supplies for gravel, rock, etc. – materials that would be used on the roads but are not considered capital projects as they are not new projects but just the cost of maintaining

400 miles of roadway. \$231,000 is for capital outlay that the budget director used, but in reality to purchase the list of equipment Public Works requested, it would cost approximately \$ 530,000.

In response to further questions from Commissioner Taylor as to what the County can do in terms of going forward with what Mr. Presnell presented and if any plans had been made for roads that are now dirt – any plans for paving those roads, Mr. Presnell explained he had submitted with his budget proposal a “pavement management plan” --list of roads that have met the age or condition of resurfacing; a list for resurfacing, a list of a few dirt roads, a list of equipment replacement. He said these are submitted with his budget annually, but they don’t always make it through the process; for example, this year the one cent portion for Public Works was only \$2.1 million and that is where you have to begin. He said his recommendation to the Commission is that the County does the best they can with the funds available; that historically some of the line items are half of what they were three years ago. He also explained Public Works gets every penny they can; they have basically been living off grants and that this year he expects to receive approximately \$3 million from DOT in new grant projects. Most of the funding will be for resurfacing and does not deal with bridges or paving of dirt roads. Mr. Presnell said there is absolutely nothing in this budget for dirt road paving.

Chairman Lamb said a lot of people have a misconception and asked that Mr. Presnell explain that the roads being resurfaced in the outlying area of the County are not coming from County funds but rather from State funding; and Mr. Presnell explained no County funds have been used for resurfacing projects since approximately 2005 and all of the resurfacing funding has been through DOT grants.

Commissioner Taylor responded to the hair and to Mr. Presnell that there are dirt roads in her district that are within the city limits; roads that should not be dirt in 2010, and that there are some exceptions to that rule because Joe Adams Road was done through the County’s budgeting process rather than through grant funding and Mr. Presnell said that was correct.

Commissioner Croley requested that the County Administrator provide the Commission with the road list submitted by Mr. Presnell (3 pages/3 lists) with his proposed budget as it will be very helpful in seeing what would be considered a need in the county’s operations in the budget process. He also inquired about a citizen’s expressed concerns regarding mitered culverts and concreting the ends under the new Code that took effect January 1st and whether or not Public Works had to follow the same requirements for county work. Mr. Presnell said Public Works doesn’t have to. He said there may be a growth management reason about the Code and January 1st – but that Ordinance has been on the County’s books for years – it isn’t a new Ordinance and it may be that Growth Management just started enforcing it for homeowners on January 1st.

After additional discussion, Mr. Presnell said he has recommended to the County Administrator that the best way to alleviate this problem, rather than the County having this type of expense, is

to stop requiring that residents put in a mitered culvert. He said it would cost the County approximately \$80,000-100,000/year plus two employees for the mitered culverts, based on having approximately 250 damaged culverts/year. He also explained if a culvert is damaged from work being done by the County, the culvert (whether mitered, concreted or brick headwall) is repaired/replaced back to its condition prior to any damage at no expense to any resident, and all of this type of repair work is covered in his budget. However, if the damage is not the fault of the County, then the repair expense is the responsibility of the resident. Commissioner Morgan asked if the Board were to consider looking at some of the services provided by Public Works and actually contracting some of those services out, would some of the current Public Works employees be able to tackle some of these areas (i.e. mitered culverts) where Mr. Presnell is short employees and Mr. Presnell responded affirmatively.

In response to Commissioner Taylor, Mr. Presnell said the one cent sales tax historically generated as high as \$2.4 million. This year's budgeted revenues is based on \$2.1 million being generated with \$1.3 million of that being designated for Public Works and approximately \$800,000.00 Fire Services, leaving a surplus of zero.

Mr. Presnell explained for Public Works to get to where they are today with this budget, he has brought forward \$350,000 from fund balance for revenues for this proposed budget and yet there are still 7 positions gone; that's how tight it is. He responded to Commissioner Taylor that the Public Works proposed budget is based on \$350,000 that was not used last year and is being carried forward.

Commissioner Taylor asked if he was balancing his budget based on uncertain revenues and he responded No, they balanced it by carrying forward \$350,000 above and beyond what the revenues are going to generate next year and that he knew they were luckily going to have that cash available to carry forward from their fund balance. He also explained that of the seven positions that have been cut, they were done through attrition with some retirements, resignations, cutting back, etc., but no one has lost their job. He said then the budget director cut two critical positions which he said Public Works must have back.

Commissioner Morgan asked Mr. Presnell if the \$350,000 is not used, would it be considered Public Works reserve that could be used in the event of a catastrophic disaster and he also suggested possibility of moving the \$350,000 forward at this time to beef up the Transportation

Fund One in the event of a catastrophic event, rather than moving it forward in the Public Works proposed budget. Mr. Presnell agreed with Commissioner Morgan but said they would have to

find \$350,000 to cut from the proposed budget. Mr. Presnell also agreed beefing up the Transportation Fund One is one of the greatest priorities they have; being able to respond in the event of a major disaster.

Ms. Helen Shuler, Assistant Finance Director from the Clerk's Office explained all of the gas tax revenues go into Fund 112. Mr. Presnell said just a few years back the balance was considerably higher than it is now and Commissioner Croley said according to the Clerk's Office the balance in Transportation One was \$1.3 million as of July 10th and that figure is behind, not current. Then, if the \$350,000 is taken from that, the balance will be well below \$1 million and Commissioner Morgan said that certainly is not enhancing and building reserves.

There was discussion on out-sourcing some of the services of Public Works and the possibility of re-bidding for the mowing in each district -- Last year the Board discussed appropriating \$120,000 for this with \$40,000 for each of three districts and the County would be responsible for only maintaining the other two districts. If this is re-bid, Mr. Presnell will have to come up with the guidelines, requirements, etc for the mowing contracts.

Commissioner Croley suggested Mr. Presnell review the Public Works current charges for services to determine whether or not those charges should be increased to generate more revenue.

Chairman Lamb suggested Mr. Presnell put together information (requirements, costs, projected possible revenue, etc.) for out-sourcing on some of the services currently provided by Public Works.

Commissioner Morgan agreed with the Chair, but recommended the County Administrator oversee that process, with Mr. Presnell submitting his costs for the services and the Administrator overseeing the responses received/brought forward so the Board can get a good comparison of what is going on.

Commissioner Morgan re-addressed the \$350,000 and asked how they were leaving this -- was it to move the \$350,000 to Transportation Fund One at this time, or to let Mr. Presnell carry it forward to balance his budget.

Commissioner Taylor said she felt Mr. Presnell needs that to balance his budget, and while understanding the need to be conservative, now may not be the appropriate time as there are other areas the Commission may have to look to that money for. She said the County has a jail that is in very poor condition and that building belongs to the County and it is their responsibility. Commissioner Morgan asked Mr. Presnell how he would have put together his budget had the \$350,000.00 not been there and Mr. Presnell said he would either have to take the funds allocated for capital outlay and would request it be used for operating, or cut services by \$350,000.

Commissioner Morgan explained he feels a budget should be put together for Public Works that would not include the \$350,000 because the Board could possibly be faced with that next year and the Board is not making a good move here by not reserving that money. He said the Board needs revised information to be able to make decisions concerning the budget – not enough information in this material tonight. There was additional discussion on the need to build up funds for a catastrophic event, as well as funding needed for roads, bridges, and ultimately funding needed for the jail.

Commissioner Taylor said money will be needed for roads, bridges, etc. and the Commission needs to get ready to spend some money and that in the event of a catastrophic event, this \$350,000 would not get the County through it and Commissioner Morgan responded that it may be the difference.

Mr. Presnell discussed the two positions that had been cut and must be replaced in the Public Works budget -- Sign Tech position (\$40-45,000) has to be reinstated and the County Administrator will make recommendation to Board to restore the position. Second position – in Public Works Shop (\$40-45,000/yr) also needs to be placed back in Public Works budget.

Chairman Lamb agreed with the comments of both Commissioner Morgan and Commissioner Taylor concerning the need to build a strong county and the need to be prepared for a catastrophic event; to use wisely what is available and to build a strong, solid foundation for the County. He added there are certain things the Board has to do; one of them is to take care of the jail and they are going to do that.

Commissioner Croley addressed paved road maintenance unit (Fund 112 – Department 126) and said the County would not be building any new paved roads unless they have the money. He said what he is trying to understand is that the paved road maintenance had basically been geared up in the past to pave dirt roads.

Mr. Presnell responded that was Fund 130 which was abolished two years ago, and the only thing he is recommending this year for road maintenance is one resurfacing project.

Commissioner Croley inquired if Mr. Presnell used the road maintenance crew to build up a dirt road (i.e. River Road) for the paving of that road and Mr. Presnell responded he used a work order and the County's maintenance crew for that; there is no longer a road construction crew or a budget for it.

Commissioner Croley asked if in getting a road ready for paving, the Public Works maintenance crew is used for the dirt work(building a road bed up)which meant the County's maintenance may not be getting done which is not a good situation, and Mr. Presnell responded, Absolutely – but he explained while it does take away from some of the enhancements for the County the

maintenance crews would be doing on a regular basis, it doesn't shut them down and if there is an emergency situation that arises, he pulls the maintenance crews off the road project to attend to the situation at hand.

Chairman Lamb said if Public Works didn't do the road build up work, they would have to pay someone else to do it and Mr. Presnell responded that was correct, that the County would never want to bid out that type of work as it would be far too costly.

On vehicle maintenance/equipment repair costs for fleet maintenance line item going up – Public Works is way over budget this fiscal year. Mr. Presnell explained the Board would continue to see these costs which will continue to rise as a result of the fleet equipment being older and it costing more to make necessary repairs. He said the 5 year buy-back program on equipment has been an excellent program for the County but that he didn't address it in this year's proposed budget because it would have been useless to do so because of the figures presented for him to work with. He explained the saving possibilities for the County from this buy-back program and the importance of the program and said he will come back with a plan on this for the Board in March to address the next 5 year buy-back, and he stressed to the Board the importance of them taking advantage of this program. Mr. Presnell said this is very important as the time on the first machines is coming up next summer and the guaranteed trade-in of \$1.7 million from Ring Power or CAT is coming up and if the equipment is kept one day past the guaranteed date or if they exceed the hours of operation on the equipment (which they have never done) then it becomes null and void. He explained Ring Power or CAT will issue the County a Check or give credit towards the purchase of new equipment. Mr. Presnell said the plan he will be coming back with in March is something the Board can certainly do, one which he believes the Board should take advantage of as they will have the \$1.7 million to begin a new plan. He said the plan will be somewhat different than the current five-year buy back plan as this buy-back will probably cost around \$500,000 for all new equipment, unless the Board wants to take it out of general revenue funds or possibly look at some type of revenue enhancement of the Transportation Fund or Fire Services.

Commissioner Croley said one thing that may also help is the possibility of refinancing at a lower interest rate the original \$10,000,000 road paving bond the County took out several years ago and recapitalize somewhat. He said he understands they can't make a decision tonight, but hopes the Board will be receptive to the idea that the Co. Administrator and the Clerk entertain the idea on refinancing the bond as it could possibly help on the capital needs. He said he believes the current interest rate is 5.3% and he believes they could get it down to within the 3% range.

Mr. Presnell reviewed funding he had requested for total capital projects of \$1.1 million. However, the amount allocated by the budget office was only \$231,990 for Department 126/Paved Road Maintenance, and \$141,320 for Department 129/Right of Way Maintenance, or a total of \$373,310 which has been dedicated for this budget.

Mr. Presnell then requested approval from the Board as follows:

(1) Basically forget the four dump trucks at this time and allow him to:

(2) Purchase a backhoe (\$84,000)

Replace the flatbed truck (\$74,516)

Replace three work crew pick-ups (\$79,938) --

(3) Use \$100,000 for resurfacing work on Fortune Blvd, (Fortune into the "t" and only a small portion of Commerce, just enough to go in front of the Motel) in Midway at the Hwy 90 Park. He said this particular situation is an embarrassment to the County as it is basically the gateway into the County with many businesses going into the Hwy 90 Park to conduct business, as well as the corporate office of the Motel that is complaining about the condition of the road. Mr. Presnell said he is requesting the use of the capital project funds for this purpose; as the situation is that important.

(4) Take the remaining \$34,794 and place it in a "capital guard rails line item". He explained this money will be used for repairs only to guard rails throughout the County.

Mr. Presnell further explained all of these funds (\$238,454 for equipment, \$100,000 for resurfacing road work, \$34,794 capital guard rails repairs) would come from the \$373,000 the County has allotted as capital money from the one cent tax. He also gave a brief recap of the County's need for services as well as addressing the cuts shown in the proposed Public Works budget. Again, he stressed the importance of the equipment plan which he will bring back in March. Reminded everyone this is a very minimal budget and it was the consensus of the Board that the County had to have striping funds and Mr. Presnell will go back and look again for an area of his budget that could be used to cover funding for striping of roads – a bare minimum of \$50,000 would be needed each year.

Chairman Lamb addressed the funds previously appropriated for the jail cell doors for capital outlay that has been spent for other items and said there had been discussions on replacing those funds from the one-cent sales tax, but it would have to be amended before the Board could do that.

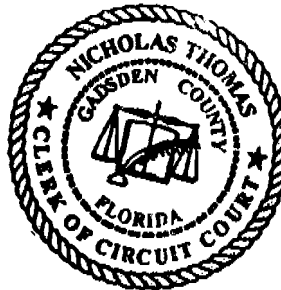
Mr. Lawson said based on the current interpretation of the County's Attorney, the funds from the one-cent sales tax can be used only for Public Works and Fire Services. He explained there is not \$175,000 in Fire Services that can be used to replace the \$175,000 slated for cell doors at the jail. He explained the current Ordinance would have to be amended in order to use funds from the one cent sales tax. He said the Board has already spent that penny tonight with Public Works getting \$1.3 million and Fire Services getting \$800,000 so there is nothing left in the current scenario unless they can find \$175,000 in another fund.

Chairman Lamb said they need to try to find somewhere to come up with the \$175,000 to put it back in the jail for next year's budget. The Commissioners agreed this needs to be identified, if possible, by the Aug 12th public meeting.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD AT THIS TIME, THE MEETING WAS ADJOURNED AT 6:05 PM.


CHAIRMAN EUGENE LAMB


Jean Chesser, Deputy Clerk



AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND FOR
GADSDEN, COUNTY FLORIDA, ON AUGUST 3,
2010, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ

PRESENT:

Commissioner Eugene Lamb, Chair, District 1
Commissioner Doug Croley, Vice-Chair, District 2
Commissioner Gene Morgan, District 3
District 4 - Vacant
Commissioner Sherrie Taylor, District 5
Johnny Williams, County Administrator
Jeff Price, OMB
Muriel Straughn, Deputy Clerk

CALL TO ORDER:

Chairman Lamb called the meeting to order with a quorum present at 6:00 PM. He asked everyone to stand for a moment of silent prayer and he then led in the Pledge to the US Flag.

Chair Lamb called for amendment approval to the agenda and Mr. Williams had two items, one to add to the consent agenda and one to delete from public hearings.

AMENDMENTS TO THE AGENDA:

Add To-- Consent Agenda Item #4a, Acceptance of the Brownfield's Assistance Agreement Award from the U.S. Environmental Protection Agency, Region 4, and the Authorization for Chairman to Sign/Execute.

Remove From -- Public Hearings Item # 5, ~~Approval of Resolution # 2010-038 & Execution of Budget Amendment for Frank Smith Road Repair.~~

Mr. Williams said this item has been taken care of; staff met with the Sheriff last week and agreed to look for other ways to do it. He requested an amendment "To Not Touch Any of the Money That Has Been Appropriated to the Jail, and Then In Turn, To Take It out Of Public Works Reserve Fund".

Commissioner Croley explained the Board became aware last Thursday that Public Works had adequate funding for replacement of culverts on Frank Smith Road, as well as for the emergency repairs to Dodger Ball Park Road and the remaining safety paving on Talquin Avenue. He said he had discussed this with Clerk Thomas last Friday, they had reconfirmed the Clerk's findings on Monday and he asked the Clerk to explain to the Board what the findings were.

Clerk Thomas said he believes there are adequate funds in Public Works capital projects fund; \$477,000.00 that hasn't been spent and less than two months remaining in this fiscal year. He also said if that isn't sufficient then there is fund balance in the transportation fund; but hopes they don't have to do that.

Commissioner Croley said it was quite obvious the funds were there and had been all along - doesn't know why the Board was not made aware of this and based on all of that, and that he didn't see anything inappropriate with removing the item from the agenda. County Attorney Minnis said if the Board no longer needs to act on an item there is no reason to keep it on the agenda.

~~**Removed-** General Business Item # 7, Approval to Donate a Surplus Ambulance to the City of Quincy Fire Department to Become a Mobile Urban Search and Rescue (USAR) Unit for Countywide Deployment---~~

Removed at Request of Commissioner Morgan. He said he had discussions with some of the Greensboro residents and thinks there is more information they would like to consider before the Board moves forward with it.

Chairman Lamb called for a motion.

UPON A MOTION BY COMMISSIONER CROLEY AND A SECOND BY COMMISSIONER MORGAN TO APPROVE THE AMENDMENTS TO THE AGENDA, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Chairman Lamb said there are citizens present that wished to speak on Item 5 which has been pulled from the agenda, and if they still wish to speak they will be allowed to do so for 3 minutes at the citizens requesting to be heard portion of the meeting.

UPON A MOTION BY COMMISSIONER CROLEY AND A SECOND BY COMMISSIONER MORGAN TO APPROVE THE AGENDA AS AMENDED, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Chairman Lamb called for the next item.

Awards, Presentations & Appearances:

Mr. Charles Chapman said the Board would like to recognize their community leaders, volunteers and County staff for all of their hard work over the last five years in the Gadsden Hospital project. He then read into the record Resolution # 2010-025 honoring the GHI Board of Directors, Inc. Mr. Chapman recognized each of the individuals by name only. The GHI Board members were then recognized and the Resolution recognized as of the date the hospital license was officially awarded, June 8, 2010.

GADSDEN HOSPITAL INC. BOARD OF DIRECTORS:

Craig McMillan, Chairman
Herb Sheheane, Vice Chair
Jimmy Suber, Sec-Treasurer
Ms. Shelia Atkins - Board Member
Senator Fred Dudley - Board Member
Dr. Charles Kent - Board Member
Scott Whitehead - Board Member
Darryl Marshall (past GHI Board Member)
Dr. Carla Holloman (past GHI Board Member)
Mike Glazer, GHI Attorney

Also recognized:

Honorable Nicholas Thomas, Clerk of the Courts
Maximo Martinez, Exec Dir. Gads. Health Council
Honorable Curtis Richardson, State Legis. Rep.
Arthur Lawson, Assistant County Manager
Clyde Collins, County Building Official

Commissioner Croley said the certificates were inadequate in expressing the full extent of appreciation to the GHI Board, County Staff, Health Council and the Hospital Corporation of America (Capital Regional Medical Center). He said the County profoundly appreciates all of their hard work, diligence and dedication, with a special thanks to Craig McMillan, Chairman of the GHI Board.

Commissioner Taylor echoed Commissioner Croley's comments and added this was a long deserved project for Gadsden County, that they were able to bring quality healthcare back to the citizens of this County so the County can continue to grow in a positive manner; businesses will not come to Gadsden County unless certain areas are elevated and quality healthcare is one of those areas. She said the hospital is a top-notch facility that will continue to grow and she expressed sincere, heartfelt gratitude to everyone instrumental in this process.

Commissioner Morgan and Chairman Lamb agreed with comments made by Commissioners Croley and Taylor and added it was a job well done. Chairman Lamb also expressed thanks to the County Commissioners for standing together and staying firm in getting the hospital open.

At this time Chairman Lamb called GHI Chairman McMillan forward.

Chair McMillan expressed thanks on behalf of the GHI Board for all of the kind comments and he said it would not have been possible without the support that was given by the County Commission. He said he feels they have a great partner in HCA (CRMC) and looks forward to a good future and expanding on healthcare in Gadsden County; the citizens will receive top quality medical care at the facility. He explained they have a plaque that will be mounted on the hospital and then briefly addressed a proposal for a heliport which is needed at the hospital. He said quotes have been received by Mr. Collins ranging from \$108,000-\$140,000 depending on the size of the heliport. He said funds are available/set aside for this, some of which were funds from Senator Nelson's Office; the need for an irrigation system for the lawn at the hospital also needs to be installed. Chair McMillan asked that both the heliport and the irrigation system be agendaed for a future BOCC meeting. He said the heliport is really needed at the hospital and Mr. Bud Wethington (CRMC) agreed the heliport is absolutely something that is needed.

Chair McMillan urged the citizens of the County to use the facility and said if their doctor orders a CT scan, x-rays, blood work, all of that can be done at this facility and the citizens need to use this facility. They are talking to other doctors and looking at possible rentals for the facility and feels very confident the facility will build. The hospital is currently seeing 50-60 patients per day and many of the local physicians are sending patients to the hospital for their diagnostic testing.

Chairman Lamb called for action on the Consent Agenda.

CONSENT AGENDA:

2. Ratification of Approval to pay County Bills
3. Approval and Execution of Resolution Number 2010-037 and Budget Amendment # 10092
4. Award of the Local Agency Program Project - Florida Department of Transportation - Hardaway Highway (C.R. # 268)
- 4a. ADDED Acceptance of the Brownfield's Assistance Agreement Award From the U.S. Environmental Protection Agency (EPA) Region 4 and Authorization for Chairman to Sign/Execute

UPON A MOTION BY COMMISSIONER TAYLOR AND A SECOND BY COMMISSIONER MORGAN THAT THE CONSENT AGENDA BE APPROVED, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

PUBLIC HEARINGS:

~~Removed -- Public Hearings Item # 5, Approval of Resolution # 2010-038 & Execution of Budget Amendment for Frank Smith Road Repair.~~

Chairman Lamb explained Item 5 had been pulled from the Public Hearing Portion of the Agenda because it has been taken care of. He said if there were citizens still wishing to speak on Item 5 to come forward when their name is called and they will be allowed 3 minutes to speak. He then called forward:

Citizens Requesting to be Heard on Non-Agenda Items:

Ms. Arrie Battles - She said she would yield her time to Mr. Sam Palmer.

Ms. Brenda Holt - Made public records request for copy of the Sheriff's report on the EMS investigation, and stated she would like to receive it within the allotted time as required by State law. She said there was no award given to the citizens' committee on the hospital (appointed by the County Commission) and those individuals worked hard on a plan for the hospital but they have been ignored by the County Commission.

Chairman Lamb said he didn't think the citizens committee had been ignored by the County Commission; that staff came up with this recognition. He said he will let Charles Chapman know about this and he can work on it.

Ms. Holt responded by saying the citizens committee worked on the campaign for the half-cent tax, they got the half-cent and there would be no hospital if it wasn't for them - there wouldn't be a hospital because there wouldn't be a half-cent. She said it was totally disrespectful and they had been complaining about it so she is bringing it to the County Commission to be taken care of.

Chairman Lamb apologized on behalf of the County Commission for this oversight by staff and that he will ask staff to put together something for those members of the citizens committee.

Dr. Sterling Watson "How is it we didn't know about the Public Works Reserve Fund before now?"

Commissioner Lamb "I don't know. You will have to ask --".

Dr. Watson "No, I'm asking ya'll. I'm asking ya'll"

Chairman Lamb "I'm telling you -"

Dr. Watson "I'm asking you - I'm asking the Board because ya'll are the one that had the budget amendment."

Chairman Lamb "OK, let me talk now. The manager -"

Dr. Watson "I thought it was my three minutes"

Chairman Lamb "It's mine, too. The manager is the one that came up with this - the money's been there all the time. Mr. Manager, has the money been there all the time?"

Mr. Williams "It's been there all the time. On the advice of our Clerk we decided not to dip into reserves. We have several reserve funds, General Fund reserves, Public Works reserves, and we made that effort not to dip into those funds but to try and build them up because they were at a low level so we kind of, you know, we tried --."

Dr. Watson "So it was the Clerk's advice not to do it?"

Mr. Williams "Yes, Sir."

Clerk Thomas "No, Sir. In terms of building reserves, there's only one fund that I've talked about building reserves in and that's the General Fund because it funds everything else and that's the one fund that money can be used for any governmental purpose, so it's important to have reserves in the General Fund. The money we're talking about spending is in the capital projects fund. Capital Projects Fund is for doing major projects; that's what its there for and I have no problem with spending on capital projects or taking the cash forward, but if the projects are not finished then the capital projects fund should be spent for the next fiscal year so we can make a distinction here. General Fund is what I've stressed for many, many years about building reserves in; General Fund, not capital projects fund and some of the other special revenue funds and the transportation fund that is there to accomplish projects."

Dr. Watson "Do you still get out financial statements at the end of each month?"

Clerk Thomas "I try to; we try to post it on the internet."

Dr. Watson "But that information is on the financial forecast this Board gets?"

Clerk Thomas "Sure."

Dr. Watson "So, the information was there. Ya'll just ignored it or - I would just like to hear an explanation as to why."

Chairman Lamb "I have no idea sir."

Dr. Watson "The other thing - are we're sure no one in Public Works is going to be laid off to get these projects done?"

Chairman Lamb "No, no. That's up to staff, that's up to the administrator. His recommendation comes to us. "

Dr. Watson "So you're saying its possible - I'm talking about to fund these projects."

Mr. Williams "At the present time no lay-offs are planned. What happens at the end of the budget cycle; you know last year we had to lay off 36 people just to balance the budget, but right now it is balanced."

Dr. Watson "The other thing is has any of this work been completed that was advertised -- Dodger Ball Park, Frank Smith and Talquin Avenue -- has any of that work been completed?"

Mr. Williams "Yeah, All but Talquin Avenue."

Dr. Watson "So the work was done before the money was appropriated?"

Commissioner Croley "The money was there."

Chairman Lamb "All the money was there."

Dr. Watson "But the work was done before the money was approved-- before you knew where the money was coming from? "

Commissioner Croley "No, the money was there."

Commissioner Morgan "I believe his three minutes are up, Mr. Chair."

Dr. Watson "Dodger Ball Park has been done, correct?"

Dr. Watson "Are my three minutes up?"

Chairman Lamb "Yes, sir."

Chairman Lamb "I'll get; the Manager will get the information for you."

Dr. Watson "Just one other thing. Is there work being done on a park in Havana that was --"

Chairman Lamb "No, it's not being done."

Dr. Watson "Has any work been done on it? When was it authorized? When was it authorized by this Board?"

Chairman Lamb "It was done -- Your three minutes are up Mr. Watson -- your three minutes are up. Thank you sir."

Dr. Watson "You afraid to answer the question?"

Chairman Lamb "Bye."

Commissioner Croley "Just for public interest it should be pointed out this commission never took any action to request any

budget amendment. That action was taken by the County Administrator on his own initiative. He took that during the interim, if memory serves me right, week before last when Mr. Collins said that he might not be able to get all of the facilities work done. Ms. Sherrilynn Chess was leaving her role as the budget official and we were in between getting a new budget official so in good faith I am assuming the administrator placed that on the agenda. However, as Clerk Thomas has pointed out, had the budget in Public Works been looked at and had Public Works brought our attention that this money was in capital improvements, we probably would not have ever seen that item on the agenda but it was an unnecessary item and I think you will recall that being the case and as the clerk has confirmed. But, just one last thing for the public record, Mr. Clerk what is the fund balance now on the county that you -- as some have referred to as the General Fund reserve? How does it stand as compared to years past? Is it better, worse, or what?"

Clerk Thomas "The General Fund balance is about \$2.3 million dollars which is actually down from a couple of years ago when it was at \$3.8 million. At the end of this current fiscal year we expect it to go back up significantly, but I can't give you an exact figure."

Commissioner Croley "Would you say then that the County's financial direction is moving in a positive direction or a negative direction?"

Clerk Thomas "The General Fund balance will improve at the end of this fiscal year."

Commissioner Croley "Thank you."

Commissioner Morgan "Mr. Chair, just one quick comment if I may. Mr. Clerk we certainly appreciate your being here. We thank you for your communications and willingness to attend our meetings. You and I spoke last week. We had a couple of points in our conversation; one was about just a short two years ago when this County government was having to consider borrowing money just to meet payroll at a certain point in time during that year because of a low fund balance. Is that correct? That was in the latter part of 2008."

Clerk Thomas "I've talked several times about fund balances declining; the need to improve and we had that conversation."

Commissioner Morgan "Right, and that was the state of affairs at that time, correct?"

Clerk Thomas "Let me point out though that we've never gotten to the point that we had to borrow money from another institution to do that - we've been able to transfer money from one fund to another and that was replaced."

Commissioner Morgan "And that was because fund balance was desperately low, is that right?"

Clerk Thomas "Right."

Commissioner Morgan "And at this point again it's over \$2.3 million. I don't want to put words in your mouth, but I think you agreed with Commissioner Croley that we have acted in a fiscally responsible manner in the last year or so to insure that our fund balances have grown"

Clerk Thomas "All I'm saying is the budget you passed that you currently have has a significant amount of reserve, budgeted Reserve and if that money isn't spent, it will go into your General Fund balance and at the end of this fiscal year your General Fund balance will show an improvement."

Commissioner Morgan "So we have set a good budget and adhered to it and if we continue to adhere to it we should see those fund balances increase?"

Clerk Thomas "Yes, significantly."

Mr. Larry Ganus Said he had a presentation prepared for tonight's meeting if Item 5 had remained on the agenda. He then asked the County Attorney if it is legal and proper to advertise a public hearing and then pull the item from the agenda at the scheduled meeting. He said it seems like a 'bait and switch' if you publicize something and then don't follow through with it.

Ms. Minnis explained there is no prohibition in removing an item from the agenda if the Board determines action is not needed on it, or if it is scheduled to a later date. She said it is important that if the Board is going to take action on an item that it be noticed so that any one wishing to can have input on the item prior to the Board taking action.

Mr. Ganus said to follow up on an item that Dr. Watson had brought up concerning Item 5, as to whether or not any of those

projects had been completed prior to any budget approval. He said he understands Dodger Ball Park Road is complete, that he doesn't know about Talquin Avenue but that he does know Frank Smith Road has not even been started so that project is still in the works. He asked if they were ready to begin with the Frank Smith Road project, or would they have to have another meeting to decide what they are going to do.

Mr. Williams responded there will be one action required; that will be a change order.

Mr. Ganus "Will that be after the project is completed?"

Mr. Williams "It will be after the contract is awarded."

Mr. Ganus "I understand the contract has been awarded."

Mr. Williams "That's the last thing left to be done."

Mr. Ganus "So we can expect to see some digging of dirt soon, within the next week or two?"

Mr. Williams "Absolutely, absolutely you should be seeing some."

Commissioner Croley "You know, to try to keep the public informed as much as possible, I think -- Mr. Forehand and Mr. Presnell are present in the room. Mr. Forehand you're the chief engineer on this project and I think it would be a good idea if you came and spoke and answered that question about the timeframe

Mr. Chris Forehand, Engineer with Preble Rish "Just to give you an update on the project, We still need to receive two permits. One is the DEP permit and we met with them today and they promised they would issue that next week. The other permit is the Core permit and we should receive it by the end of this week. As soon as we can do that and get the contract finalized then we can issue the contract and notice to proceed. I suspect within about two weeks they should see some activity out there."

Commissioner Croley "What about the change order reference, what is that referring to?"

Mr. Forehand "Well, originally you had only budgeted about \$100,000.00 so we have to change that based on the bid price that we negotiated with them."

Commissioner Croley "Which is what the Clerk addressed about having the public works funds to do this. It's just a matter of

adding whatever the final signed contract difference is out of that capital improvements fund. Is that right Mr. Clerk?"

Clerk Thomas "It will essentially be just a line item change within that fund."

Commissioner Croley "Will that require a public hearing?"

Clerk Thomas "No."

Commissioner Croley "Will that require any action by the County Commission?"

Clerk Thomas "I would think you would want to do that. This is the thing, you have a policy that allows your administrator to do departmental budget changes within a department and I just think it's wise to have the Board approve this backed out since we've talked about it (inaudible) but I think this certainly is something of the nature that this Board should approved."

Commissioner Croley "Bottom line is citizens of Frank Smith Road area can expect their culvert work to begin within the next two weeks?"

Mr. Forehand "Hopefully if we receive the permits."

Mr. Leonard Robinson "I'm glad to hear that you finally did due diligence. The Clerk has indicated that he really doesn't understand why you didn't already know about the money and where the money was. There would have been no question and a lot of people would not have been here tonight had it not been that there was talk about the money coming out of the Sheriff's Department budget, and even if you didn't have the money why would you go to the Sheriff's Department to take money out of public safety? Surely, these roads that you are talking about repairing are not a greater hazard to the community than the Sheriff's inability to arrest people that need to be arrested; to house them, feed them, clothe them and give them medical attention when they need it. Surely there aren't road here in this town that are more important than that and I'm glad you finally did your due diligence and that common sense prevailed." He asked that the Clerk speak loud enough for the citizens to hear him. He said he knew it wasn't the Clerk's intention and that he certainly doesn't want anyone else to think the Clerk wants to have a private conversation with the commissioners when they ask him a question.

Mr. Robinson also said the Chairman seems to get very upset when people come up to speak if they are not saying what he wants to hear; he said it shows in what the Chairman says, as well as through his body language. Mr. Robinson said he would like to remind the Chairman and all of the other commissioners that (said if the shoe doesn't fit you don't have to wear it) it is a privilege for them to serve the public, not a right so when they wake up in the morning not to think that they have the right to serve the citizens. The citizens have privileged them with an opportunity to serve the community; nobody asked them to run and if they ran they were seeking the privilege. They have been given that privilege and they have an obligation to treat all of the citizens that come before them with respect.

Chairman Lamb "No clapping please; and Mr. Robinson thank you for the comments and I will try to be more careful when addressing citizens. I thought I was doing OK except for one maybe that I kind of got off line, but I will definitely watch that and thank you very much."

Commissioner Croley "One more thing just for public interest, and I'm going to ask Clerk Thomas as the Chief Financial Officer to explain that even the proposed budget amendment submitted by the County Administrator was not - would you clarify where that money was rather than me put words in your mouth as opposed to the Sheriff's Department budget vs. the facilities maintenance budget. Would you explain that for the public?"

Clerk Thomas "The money that was proposed was not coming directly out of the Sheriff's operating budget. It was a capital projects fund for repairs at the jail that absolutely should be done, and as Mr. Collins said he may not have time to get them completed in this fiscal year, but the money can be carried forward and those projects completed in the next fiscal year, so it's a capital projects fund, separate from the public works capital projects fund and there is no problem carrying this money forward if he doesn't get the project done in the two months remaining in this fiscal year."

Commissioner Croley "But Mr. Clerk, the point is those monies are not within the Sheriff's Department Budget, they are in Board of County Commissioners under facilities management so there was no money ever being taken from any of the Sheriff's operations. It was improvements to the building and those have been an on-going effort and will continue to be as you've indicated."

Clerk Thomas "That's correct. I thought I said that - it's not directly in the Sheriff's budget, but in capital projects -- but I thought I said all of that."

Chairman Lamb "OK so it's under Mr. Clyde Collins budget for capital outlay. It's never been in the Sheriff's budget; it's always been in Mr. Collins budget. Mr. Collins controls those funds and he's under the County Commission."

Commissioner Taylor said at the Board's budget workshop last Thursday, "On that night we discussed dollars were to go back or to make sure that the jail was taken care of. I had a phone call with him earlier that day and he was a little concerned so that night when we discussed it we realized that the jail belonged to this Board and it is our responsibility to make sure it is adequate and that it does the job it was built to do. We discussed that night the \$175,000.00 and there was unison among this Board to get those dollars and to make sure they will be available. So, I don't know what happened between Thursday and now, but I'm glad you're here so that you can see we are moving forward in a positive direction. There is information as we sit on this Board we will continue to learn. Mistakes might be made and that's why they have erasers on pencils, but it is the integrity around this Board to say 'OK, let's get it fixed and let's move forward' and that's what we want to see done today. I spoke with the Sheriff exactly one and one-half hours before coming here tonight and he was concerned about the dollars and I could only base my conversation with him on what happened Thursday because that was the information I had and that was that we were working to identify the funds and to insure that the jail would be fixed. I heard one of my fellow commissioners say 'that building is our responsibility and it is our responsibility. You know, we have the same group that came back with the hospital, but now the hospital is there and those locks and that boiler will be fixed and it will be done in a timely manner. I appreciate your coming to get the truth and to go forward with the truth, but time is the only thing we are going to have to show that this commission - this commissioner is here about this County and wants to move forward positively, and I can say that about some of my other colleagues that are on this dais. I'm glad that you came so you can get the facts for yourselves, rather than being told things in the community. I want to applaud my Chairman for just a minute ago having the integrity to say I apologize for the restlessness; that is the demeanor of this Board. We don't want to divide our County. I know you are tired of people talking about all that is going on over here. I'm hoping and praying for the one day when we have one thing

that we are unified on and we can move forward and build this county. So, it is going to happen - that jail will be fixed. It is our responsibility, and I appreciate the Sheriff. I know what he is going through. I told him today I will do everything I can to support a positive growth for our County and I will continue to do that from this seat. Now it was a little perplexing when I heard one commissioner say he didn't know the money was there or that it wasn't identified, but if you were to see the line items that we have to be mindful of; it's large in numbers and we can't possibly know about every line item dollar that is being spent but I am thankful to this Clerk who is able to identify the dollars and say let's move forward. Let's just move forward and get it done. That's where I am at."

Commissioner Taylor said there are some items of grave importance at the jail; the locks, boiler, the doors, etc., and she asked Mr. Collins to give the Board a timeline of when those items will be finished, based on the money being identified.

Mr. Collins said on the doors and locks it would be tough to give a timeline at this point because they are currently working on the indoor air quality of the jail. He said they have been working on the air conditioners, chillers, the exhaust fans on the roof and as soon as they have all of that completed they will do an indoor study on the air flow to make certain the air quality in the jail is good and then his next project will be the locks.

Commissioner Taylor "Now, understanding that this is one of your sizeable projects and given the county's policy, will this item have to be bid?"

Mr. Collins "Yes"

Commissioner Taylor "Hold on. Before you answer me let me ask the county attorney and the administrator - given the fact that this may be considered an emergency, will we still have to go through the same process because those locks need to be repaired in an expeditious way?"

Ms. Minnis "I would have to have more information to determine if it fits the technical definition of emergency."

Mr. Williams "And the Board would have to declare it an emergency."

Ms. Minnis "Yes, and I would have to have a lot more information about public safety and welfare."

Commissioner Taylor asked if an observation or study could be done to determine if this is something that needed to be done yesterday so the Board can act accordingly and the citizens can be at rest with this issue, and so can the Sheriff. If we can look at it and see if it fits the emergency criteria and if not, then the bidding process needs to start.

Mr. Collins said a lot of work has been done over the past year and they do have hot water at the jail, and they have air conditioning at the jail.

Commissioner Taylor expressed appreciation to Mr. Collins for all of his work, but said the items being discussed today are the ones they to get under way.

Commissioner Morgan "Clyde, the jail was completed in 1988. Has that facility in all the years we have had it has it always had on-going improvements that we have to make to that building?"

Mr. Collins "I would say that it was lacking for a while and that is what we're doing now is playing a lot of catch up.

Commissioner Morgan "So we are always going to have on-going projects -"

Mr. Collins "Yeah, you will always have something. There will always be something and as soon as we get everything fixed the chiller will go down and we'll have to replace it, or something."

Commissioner Croley "One other question Mr. Collins. Security, is there a security issue due to the present lock situation right now that is placing the public's safety in jeopardy or is this something that is more of a maintenance issue that you are mainly addressing under your work schedule?"

Mr. Collins "To my knowledge there are a few locks out there that some times they work and some times they don't. That's my knowledge and yes they need to be fixed, but I don't think anybody could get out of the jail."

Chairman Lamb recommended Mr. Collins meet with Major Morgan and see what the Major thinks Mr. Collins priorities should be. If he thinks it's the locks, then go to the locks.

Mr. Collins responded he has a meeting with the Major tomorrow morning, and that it doesn't matter to him.

Chairman Lamb recognized a good friend of his as a fellow commissioner from Leon County - Commissioner Brian DeLoach.

Commissioner DeLoach said it was a pleasure being here.

CITIZENS REQUESTING TO BE HEARD:

Ms. Jonnie Ganus - passed

Mr. Michael James - passed, requested to yield his time to
Mr. Michael Dorian

Chairman Lamb explained he couldn't do that.

Mr. Michael Dorian "We have heard a whole lot about the jail, but not very much about the situation on Frank Smith Road. The newspapers reported it was a dam you were fixing, but it is not a dam, it's just a culvert. The dam hasn't been there in more than ten years. Larry Ganus came tonight with a presentation that I wish he would present so that people would understand the situation we are in about Frank Smith Road. It's our only way in and out. Our story has not been told. The newspapers went out and they saw the Sheriff, but nobody called us up and asked our point of view and I would just like to say right now that this Board is one of the best Boards we've ever had. I remember back when people talked about 'lets take the gloves off and go after each other', and Mr. Chairman I think that you treat people in a very fair way and I think that you put up with a lot that you don't have to put with and I certainly appreciate all of you and appreciate the help you've done with Frank Smith Road.

Mr. Wayne Hawthorne - passed

Mr. Bob Prather - Not present at this time

Mr. James Maloy "One of the reasons I'm here is because of what I've noticed since Thursday, and I do agree with you Commissioner Taylor that there are certain things we need to accomplish in this County - health, welfare and safety of our citizens. The things that troubled me most about the events from Thursday to today is there seems to be a concerted effort to discredit our Sheriff. There's an article that was published on the front page of the Tallahassee Democrat which tried to alleviate to the fact that the Sheriff is unable to manage his own money. I'm also

under the impression that this Board of County Commission has earmarked sever hundred thousand dollars for the Sheriff that has not been given to the Sheriff, so therefore that money that should have been in his budget is not in his budget so that's why it couldn't have been moved. My point in speaking to you tonight, and I do believe there is a safety issue due to the Sheriff's budget and that's the fact - does anybody know how many outstanding warrants we have in Gadsden County?"

Response from audience - "it's significant."

Commissioner Morgan "Just under 9,000."

Mr. Maloy "Correct, and does anyone know the percentage of violent offenders out of this 9,000 warrants; it's also pretty significant; it's about 65-70%. So I believe we do have a safety issue in this County and it needs to be fixed and the next time I see the Sheriff's budget being discussed, I want to discuss increasing that budget. That's what I would like to see in this County and I would also like to ask this Commission, just for the record, does anybody have any knowledge how this got to the front page? I would like an individual answer from each commissioner please and also the county administrator for the record."

Mr. Williams "I have no knowledge of that."

Commissioner Taylor "I will be more than happy to answer. I had no idea and I have no idea of such an article, so No, Sir."

Chairman Lamb "I have no answer on that sir. I have no comments on that. I have no idea and I know nothing about it."

Commissioner Croley "I saw it when I got it out of my mail box on Saturday morning, the same as everybody else."

Commissioner Morgan "No, sir, I called the administrator and asked the same question."

Mr. Maloy "That's good to know and I appreciate that. Thank you for the time."

Commissioner Taylor "May I make this one little quick statement. I was sworn into Office in November of 2008 and by, I want to say March or April of 2009, I along with my colleagues around this dieses - there were five (5) of us identified \$250,000 additional dollars to give to the Sheriff in the middle of the fiscal year. We gave him that \$250,000 additional and the following year the

Sheriff submitted his budget and worked it out with the Chairman and no one questioned it and gave him exactly what he had requested. I don't know anything about him being restricted to spend his money, but I want to state for the record that I've been very supportive, and you are right Mr. Maloy, public safety is important and I've known about those 9,000 open warrants for years because this is not new. It's been going on for quite some time and it's disturbing that there are that many people still out there, but as far as history will have it, the dollars have been given to the best of this Board's ability and that is documentation. Thank you."

Ms. Barbara law "This is also a public records request for the EMS Investigation. I'm kind of curious as to why it was not placed on the agenda tonight. I had a dog poisoned and he died and a co-worker of mine had her dog poisoned and he also died as a result of things brought out in this investigation. It's very important to me so I would like a copy of that."

Mr. Williams "Mr. Chairman may I clarify something?"

Chairman Lamb "Go ahead."

Mr. Williams "There's a procedure; you have to go to the Personnel Department and fill out the required forms from Mr. Arthur Lawson. This is not something that (inaudible) by the Board."

Ms. Law "It worked for her."

Mr. Williams "No, she will have to do the same thing. She will come to the Personnel Director -"

Ms. Law "Why was it not placed on the agenda?"

Mr. Williams "Nobody has even seen it."

Ms. Law "You have."

Mr. Williams "No, I have not, nobody has seen it that I know of."

Chairman Lamb "He hasn't seen it yet."

Mr. Williams "I'm not going to put something on the agenda that nobody has ever seen."

Chairman Lamb "Ok, Ok, let's move on."

Dr. Olga Connolly - "I was here in June to speak to you about the children's programs in the Gadsden County Libraries. I'm here for two reasons. One, I would like to give you a short update on that, and as you may remember we were circulating a petition back in late May and early June, and to date we have 538 signatures on that petition in support of the children's programs at the Gadsden County Libraries so we have a very committed group of citizens and also parents. Just as a reminder to you that those programs serve hundreds of children and are vital to the children who cannot get outside of the county for similar programs. I would like to ask you where we are with the budget; the line item request that we made back in June. We have not been contacted and I remember Commissioner Morgan saying that one of our main problems back in June was that there appeared to be a break down in communications and I believe that is true. There was no communication between us and Dr. Poole at the Library although we had been trying for several months and we would like in the interest of communication to find out what we can do to have input on that budget and to find out when those decisions are going to be made so that we can be present and accounted for. Can any of you answer that question for us?"

Chairman Lamb "I think Commissioner Taylor has been working on that - Commissioner Taylor?"

Commissioner Taylor "Your voices were well heard that night and working with children myself I can concur, and this Board in unison requested that a line item of \$10,000.00 be put in for both children and adult activities. That request was made two weeks ago and this past Thursday we did an update to make sure those dollars were identified and that line item established. I am very proud to tell you today that it was, and as opposed to your original \$4,000.00, you now have \$10,000.00 and your request has been met. I'm hopeful that is one area that has been taken care of and now we begin to work on the communication portion of it. that has to come through the county administrator and that you all get together and begin that much, much needed dialogue as confirmed by Commissioner Morgan. So, one hurdle is over and I think that is a sufficient amount of money; it will have to go between the three libraries, but like you said, it's now time for communication."

Commissioner Croley "One thing Dr. Connolly you need to be aware of. That preliminary budget draft is public record and you can easily obtain a copy of it from the administrator if you would like to see it. I think the county administrator and the library

director heard very clear that this Commission is looking for better communication with those of you who are interested in the library so you just need to get a copy of the draft budget and then there will be a public hearing on the budget and that's one hearing that will be held."

Dr. Connolly "Can you tell me when that will be, sir?"

Commissioner Croley "I think that schedule will probably be after the draft budget has gone through the proposed budgets and then they put them all together once we have some preliminary consensus of agreement. Then it will be properly advertised and you can certainly come in but I would encourage you get a copy of the draft, certainly on the library since you are interested in it that and you can be prepared to give additional input."

Commissioner Morgan "Just for public information and for you, Dr. Connolly, we have a budget workshop that is scheduled for 4:00 PM, August 12th, and our first public hearing will be on the 7th of September at 6:00 PM and the final public hearing will be at 6:00 PM, September 21st."

Dr. Connolly "Are all of those open meetings?"

Commissioner Croley "All of those will be open."

Dr. Connolly "Thank you, we will certainly be there. In fact there are several of us here tonight."

Mr. Sam Hawkins "Mr. Chairman, I want to make a suggestion to the Chairman and the Board. You really need to take a good look at the Roberts Rules of Law - of Order because you denied a passing of the three minutes and under Roberts Rules of Order, you can yield your time. Now you adopted Roberts Rules of Order; this Commission did as a tool to conduct meetings and if you're not going to follow a tool that you adopted, then we need to adopt a new one. The next thing is there is no form for a public record. Mr. Williams received, and your attorney received a public records request from me almost two years ago, and another one a year ago which have not been responded to as of yet according to State Statute. What I need to do, take legal action? Mr. Attorney would you please advise -- Ms. Attorney would you please advise the Board what the State Statute is if they do not reply to a public records request that is turned in to their attorney and the county manager? I want to know what the Statute, maybe the Board doesn't know, but would you enlighten us all, please."

Ms. Minnis "Do I have the Board's permission to do that because I have to take my instructions from the Board and the county administrator."

Chairman Lamb "Yes."

Ms. Minnis "Basically, there are provisions in the Statute for litigation and there are penalties and criminal penalties that can follow from failure to comply with a public records request."

Mr. Hawkins "OK, so now that we understand my position, I'm really in favor of replying to my position Mr. Williams because, Mr. Lawson -- is Mr. Lawson here? Mr. Lawson, do you remember when I turned them in and you turned them in to the county manager because they have not been complied with yet. My next thing is Mr. Chairman - my understanding is everything must be directed to the Chairman. I would like to answer Mr. Croley's question that he asked me back in February and I would like to repeat the question as he asked me if that's Ok with you."

Chairman Lamb "Do you want him to do that?"

Commissioner Croley "If he can do it in his three minutes he can talk all he wants to."

Mr. Hawkins "Mr. Croley asked me in February at the debates as he asked it - 'Mr. Hawkins your black --- ain't in jail yet?' Now Mr. Croley I'm going to reply to your question No, because Mr. Hawkins has done nothing wrong. So I answered your question. As you have refused to answer the questions of the people in this building on many occasions, I never ask a question that I don't know the answer to. Now Mr. Chairman you do treat people differently that come to this mic. When you interrupt my time under the Roberts Rule of Law, that time is supposed to be held for me. When you interrupt me that remaining time is supposed to be left for me but you never stop that timer, it keeps running under your own provisions."

Mr. Sam Palmer "Mr. Chairman before I get started, you have about six requests there to speak. I would like to continue to speak and they will yield their time to me."

Chairman Lamb "No, Sir, I'm not going to allow that."

Mr. Palmer "You have to allow them to talk."

Chairman Lamb "No, Sir."

Mr. Palmer "Is that a provision --"

Chairman Lamb "The law says I don't have to allow anyone to speak. That's the law so go ahead and do your three minutes, please."

Mr. Palmer "It does?"

Chairman Lamb "Yes, sir that is the law that passed."

Mr. Palmer "Ok, but then we will deal with this later. My name is Sam Palmer President of the Gadsden County NAACP and my obligation is to protect the NAACP Organization and to avoid any violation to its order. Mr. Chairman are we together? "

Chairman Lamb "Yes, go ahead."

Mr. Palmer "On television you made a comment and said the NAACP endorsed a candidate and I would like to know who that candidate was that you said the NAACP endorsed, what evidence you had so that we can deal with that."

Chairman Lamb "Who made that statement?"

Mr. Palmer "You did."

Chairman Lamb "When?"

Mr. Palmer "I saw it on television yesterday."

Chairman Lamb "No, Sir I never made a statement."

Mr. Palmer "I saw it on television yesterday."

Chairman Lamb "Endorse a candidate?"

Mr. Palmer "You said the NAACP endorsed a candidate."

Chairman Lamb "I'm saying I didn't make that statement. I don't know who you saw, but it wasn't me."

Mr. Palmer "But I saw you on television."

Chairman Lamb "No, Sir, No, Sir. I didn't make that statement Mr. Palmer."

Mr. Palmer "OK, well I guess we have a different news station because that's what I saw".

Chairman Lamb "No, sir Mr. Palmer I didn't make that statement, I have no idea."

Mr. Palmer "Well if you didn't make a statement then I'll go to the next thing. There was a mention about Dodger Park Road and someone said the contract has been let. Am I right? The contract was let before this meeting to repair the road?"

Chairman Lamb "I don't know what you're talking about."

Mr. Palmer "Did you give the contract to somebody to repair the Dodger Park Road that was completed?"

Chairman Lamb "Before this meeting here? Mr. Administrator?"

Mr. Williams "That's correct. It should be completed."

Mr. Palmer "Ok, what about completing a road before the meeting? That's a violation."

Chairman Lamb "That was on the agenda some time ago."

Commissioner Croley "I think what Mr. Palmer is referring to is the repair work at the bridge on Dodger Ball Park Road. There was safety repair work done, Mr. Palmer, at the bridge when damage to the roadway was caused by large truck traffic and it is a section, a small section of the road that was repaired. Mr. Palmer "I went down Dodger Park Road today and the repair has been done."

Commissioner Croley "Then you saw that it has been done."

Mr. Williams "Yes, sir we have money in the budget and we repair roads every day."

Mr. Palmer "Before the contract is let?"

Mr. Williams "Some is by contract and some is by Public Works crews. That's what Public Works does - we repair roads every day."

Commissioner Croley "I think what Mr. Palmer is referring to Mr. Administrator is that the Public Works Director came forward and

did the repair work as an extension of a bid done by Peavy Construction Company on another road and they were able to use the pricing to repair that road."

Mr. Williams "It was a change order to an existing contract."

Commissioner Croley "Yes, and I think that came before the Commission without a problem, if I'm not mistaken, Mr. Administrator and I see the Clerk's Assistant nodding her head in agreement so all is legal."

Mr. Palmer "Mr. Chairman the jail there is under the County Commission, right?"

Chairman Lamb "But the Sheriff operates it, right?"

Chairman Lamb "Yes, sir."

Mr. Palmer "So if there is a jail break who do they call, you all or the Sheriff?"

Chairman Lamb "That's their job."

Mr. Palmer "It's the Sheriff's job so the money is for him to make sure that doesn't happen. The money for the jail repairs is to make sure there's no jail break, no violation or problems, right?"

Chairman Lamb "It's to keep the jail safe."

Commissioner Croley "The money is in the budget to repair the jail the same way it is to repair the courthouse."

Chairman Lamb "Same way, same thing. Thank you Mr. Palmer."

Ms. Lizzie Thomas - Deferred

Ms. Paula Palmer - Deferred

Mr. James Palmer - Passed

Mr. Gary Loudon - Mr. Loudon moved to Gadsden County in 2005 after purchasing the John Shepard/Billy T. Shepard property on Bristol Highway. Mr. Loudon explained he intends to be here until he dies and his goal is to improve his property. He had a barn on his property that was not very safe and did not serve his purposes so he had it torn down and had plans drawn up to do the

barn with wind structures and everything on it and took it to the Building Department and the cost for a building permit was \$2,400.00. He said he spoke with Roger in Building Inspection, the county administrator and now the Commission. He asked why the permit would be so much.

Commissioner Croley "Do agricultural buildings require building permits?"

Mr. Collins "Yes they do unless you have an agricultural exemption from Clay VanLandingham in the Property Appraiser's Office."

Mr. Loudon "He just said I did."

Mr. Collins "I don't, Well you didn't tell me that."

Mr. Loudon "No, I just found out that I do have that. The point is I had an existing structure and I'm trying to put up another structure and it's going to be a bigger structure and a nicer structure. That's a 100 year old barn, I had electric in that structure and I just want to put up a structure that is going to fit my needs."

Commissioner Croley "I think the man just said if you have an agricultural exemption from the Property Appraiser that's all you have to file with his office."

Mr. Collins "Well you know, talking about the permit, the building is like 40'x 96' and like I tried to tell him; but now he doesn't need the permit and all of this is new, but he had a 40'x96' and we are required by the Commission to do a square footage valuation and will issue the permit on the valuation and I don't have the power to change it, so."

Mr. Loudon "I'm building a bigger barn and a nicer barn, but the thing is I was told by Roger the building inspector that even if I put up a pole barn it would cost the same thing and I just don't see the --."

Commissioner Croley "I think you got your problem resolved just that quickly just by the man back there on the back; if he gives you the agricultural exemption if you're running an agricultural operation."

Mr. VanLandingham "I do believe Mr. Loudon has an agricultural classification on his property but I would like to be able to check and be sure before ya'll carry on without me checking."

Chairman Lamb called for the next item on the agenda.

GENERAL BUSINESS:

Item # 6: Approval of Millage Rate for TRIM Notification and Set the Date, Time and Place for the First Public Hearing to Adopt the Fiscal Year 2010/11 Gadsden County Budget - Property Appraiser Clay VanLandingham -

Mr. VanLandingham gave a power point presentation "2007-2010 Ad Valorem Taxes, Notable Comparisons and Other Several Differences" with a brief year-by-year summary of taxes, millage rates, median sale prices, number of sales, assessed values of single family homesteads and taxes based on that median assessed value.

In 2007 the median single family sales price was \$150,000. with 598 single family residential sales. The County had 10,840 homestead parcels and the median assessed value of those homestead parcels was \$54,606.00 which was after 'Save our Homes' went into effect. The median taxable value was \$28,974.00. That disparity was a direct result of the 'Save Our Homes'. The annual taxes on the median taxable value was \$254.00, "But, do not think that is the average value or the average tax bill of everybody in Gadsden County, this applies to homestead properties only." The gross county taxable value was a little more than \$1.4 billion and the millage rate at that time was \$8.75 per thousand. The gross possible tax collections was \$12.5 million and there was 27,090 parcels on the tax roll in 2007.

In 2008 there was a \$10,000.00 increase in the median single family residential sales price which went to \$160,000.00 and 447 single residence sales. The homestead parcel count was increased to a little over 11,000 with a median assessed value up to a little over \$58,000. The median in taxable value was \$25,000 and the taxes went down to \$223.00. Almost \$1.4 billion in gross taxable value and a millage rate of \$8.91 per thousand. Gross possible tax collections was \$12.4 million with 27,289 parcels on the tax roll.

In 2009 there was a significant drop in the median selling price of the single family residential sales, down to \$151,700.00 and only 251 sales which is evidence of the market crash showing up in Gadsden County. Homestead parcels had a slight increase up to

11,135 and the median assessed value increased even though the median sales price of a home decreased and this is a direct result of "Save Our Homes". The median assessed value increased to \$34,188.00 for an annual tax on that value of \$304.00. Gross taxable value was \$1.397 billion with a millage rate of \$8.79 per thousand. Gross possible tax collections were \$12.4 million with 27,478 parcels on the tax roll.

This year the median sales price is down to what it was in 2007, \$150,000.00 and only 157 single family home sales. There are 11,157 homesteads with the assessed value continually increasing and the CPI is 2.7%. All single family homesteads in the County that have the qualifying value will increase in value by 2.7% which is per the State of Florida and not the Gadsden County Property Appraiser. Median taxable value is a little over \$36,000 and based on that amount and the current millage rate the taxes will be \$321.00; they're going up a little bit. The County taxable value came down this year to \$1.37 billion, and with a millage rate based on last year's \$8.90 per thousand that will bring in \$12.2 million in Ad Valorem taxes and the tax roll parcels continue to increase, currently at 27,510.

Mr. VanLandingham said in dealing with the current (2010) year the preliminary taxable value is \$1.372 billion. If there is no change in the millage rate; if it stays the same, the County should collect \$12,220,000.00 which is a difference from last year of \$226,847.00. The roll back rate figured at \$9.22 per thousand gives the County \$12.65 million in taxes which is a \$204,000.00 increase in taxable value over last year. There is a provision for a majority vote by the County Commission to raise the millage rate and if they raise that rate it then goes to \$9.43 per thousand which would bring in \$12,945,000.00 in collectible taxes which is almost a one-half million dollar increase. Maximum rate allowed for Gadsden County is 10 mills and should the County do that they will have \$13.7 million collected in taxes for a \$1.2 million difference from last year. In summary of the power point presentation Mr. VanLandingham said the values are decreasing as far a median sales price and the assessed value is increasing over the last couple of years because of the CPI which is at 2.7% this year, and last year it was .01%. He said that was a big jump and he doesn't know what it will be next year. Next year in 2011, based on the market data right now the median single family sales price for a house in Gadsden County is \$128,000.00, down from \$150,000.00 this year for a 15% drop in value. There have only been 75 qualified sales of single family residences so far this year. Qualified sales, according to the guidelines of the Department of Revenue, the Property Appraiser

cannot include foreclosure sales or short sales in the determination of fair market value for residential or any other properties in the preparation of tax rolls. He also said there seems to be a fire sale by lenders for homes they have foreclosed on because they are not in the business of owning property; they don't want to hold a house because they would have to pay County taxes, etc. He stressed the need that the Commission, as the governing body that sets the millage rate and works with the budget, to be aware of this 15% drop in single family residential properties; there will also be a similar drop in raw acreage prices and single family lot prices, and a smaller drop in commercial prices for the coming year.

When asked what Mr. VanLandingham's recommendation to the Board would be, he said "spend little, save a lot", and Commissioner Croley responded that sounded like a good policy to follow and he felt sure Clerk Thomas would agree with that.

In response to questions from Commissioner Croley as to the last year (time wise) the County would have had the same or equivalent revenue projection, assuming the millage rate was \$8.91 per thousand, Mr. VanLandingham said based on this year's gross taxable value and the current millage rate, the possible gross taxes collected this year were \$12,220,000.00 and it has not been that low since just prior to 2007. In 2007 it was \$12.5 million, so about three years ago.

Commissioner Morgan thanked Mr. VanLandingham for the presentation as well as information he brought to the Board several months back as a 'heads up' for them as to what was coming; the down turn in revenue force this year. The Board not only heard that, but also knew how important it was going to be in investing and spending taxpayer's money wisely. He said the County is moving forward in the right financial direction by being fiscally responsible and that it is important the citizens understand they have increased fund balance and lived within their means this past budget year, and this Board has not raised taxes based on the millage rate. He said "I want the citizens to understand this has been done without this Board raising taxes; I understand property tax changes, but the fact of the matter is our budget was adhered to and funds are growing without raising taxes, and unless I am misunderstanding what the Property Appraiser has said, the Board better be 'tight with the pennies' and prepared for what is coming in at least the next year."

Mr. VanLandingham said that would be his recommendation. He also said the TRIM notices his office send out each August will be

going out in a couple of weeks. This is a new form and consists of four pages as opposed to one page in the past and may be difficult to understand so he encouraged the citizens to call his office or come by and his staff will assist them with any questions they have. He briefly defined the roll back rate column shown on the form which has traditionally been a lower millage rate every year to generate the same amount of money for the taxing authorities to spend. However, in this reverse real estate market where values are falling, it is really known as a roll up rate because they will have to increase the millage rate based on current values to generate the same amount of money that they raised last year. A roll up rate is, by definition, an increase in taxes that not only applies to the County Commission, but also the School Board and The Water Management District and any other city, town or other taxing authority that you may be subject to taxation by.

Chairman called for action on the proposed millage rate.

Commissioner Croley said his only concern is that "we are in a downward economy" and everyone is hurting; he hears it constantly. He said "I appreciate the fact we may not have had this same projected revenue at the present millage rate of \$8.91 per thousand, but I can't believe the public will us to raise their tax millage rates in the face of the present economy because everyone else is having to get by on less and I would think County government should be no exception."

Chairman Lamb "I just can't agree with you more."

Commissioner Croley made a motion to approve the tentative millage rate at the current millage rate of 8.9064 and Commissioner Taylor seconded the motion.

Chairman Lamb called for questions.

Commissioner Morgan asked weren't they also approving the date and time for the public hearing and Mr. Williams responded that was correct.

Commission Morgan recommended the motion reflect that.

After a brief discussion Commissioner Croley amended his Motion, and Commissioner Taylor amended her second as follows:

UPON A MOTION BY COMMISSIONER CROLEY TO APPROVE OPTION ONE FOR APPROVAL OF TENTATIVE COUNTYWIDE MILLAGE RATE OF 8.9064 MILLS TO BE INCLUDED ON TRUTH-IN-MILLAGE (TRIM) NOTIFICATIONS AND AUTHORIZE

STAFF TO SCHEDULE THE FIRST PUBLIC HEARING FOR ADOPTION OF THE TENTATIVE MILLAGE LEVY AND BUDGET FOR FISCAL YEAR 2010/11 ON SEPTEMBER 8, 2010, AT 6:00 PM. AND UPON A SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

UPON A MOTION BY COMMISSIONER TAYLOR TO APPROVE THE SECOND PUBLIC HEARING FOR ADOPTION OF THE TENTATIVE MILLAGE LEVY AND BUDGET FOR FISCAL YEAR 2010/11 ON SEPTEMBER 21, 2010, AT 6:00 PM. AND UPON A SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4-0, BY VOICE VOTE IN FAVOR OF THE MOTION.

~~Item # 7 Removed- General Business Item # 7, Approval to Donate a Surplus Ambulance to the City of Quincy Fire Department to Become a Mobile Urban Search and Rescue (USAR) Unit for Countywide Deployment---~~

Item # 8 Approval of Health Insurance Rates/Options increase of 8% over current premium - Mr. Arthur Lawson, Assistant County Administrator

Mr. Lawson reviewed the information that had been reviewed by the County's insurance committee both their current plan "Premier Plus Selection Co-Pay and the alternative plan "Capital Selection Co-Pay". The Premier Plus option would increase the monthly premiums by approximately 8% and the prescription endorsement would remain at \$15/30/50. The Capital Selection option would increase the monthly premiums by approximately 4% and the prescription endorsement would also remain at \$15/30/50. He explained there are significant differences between the two plans as it relates to covered services and co-pays for some services. Mr. Lawson said one thing the insurance committee paid special attention to in making their recommendation to the Board was the fact that out-of-pocket expenses for the employees would be much greater if the County chooses to go with the Capital Premium plan.

Based on all of the information as shown in the attached agenda packet, the insurance committee unanimously recommended the Board remain with the Premier Plus Selection Plan.

Commissioner Croley asked what the deadline is for making a decision on this renewal proposal - what the effective date or renewal date is and Mr. Lawson said they have August 9, 10, 11, 2010, set up for open enrollment and would need the Board's decision prior to that time. He explained they must have their renewal rates in place one month prior to, because the County's

employee deductions are done one month prior to. He said there is a lot of work in preparing for open enrollment and any delays will hamper them being able to have open enrollment in an expeditious time. He said the Board has had the information and hopefully had time to review it and digest it, and they would like to have the Board's decision tonight either way they decide to go.

Commissioner Croley asked when the proposed rates were received as this is the first time the Board has seen this. He said he had inquired last year as to why the County was paying 70% of the dependent coverage and that Mr. Lawson had told him it was so the employees could afford family coverage. He said he also had emailed Mr. Lawson as to whether or not these rates could be broken out for employees such as rates for a single mother with one child or a family with no children possibly having a lower rate as opposed to a family with children; if these rates were requested from CHP so employees could look at it and some possibly enjoy a savings or if they were all blended.

Mr. Lawson said the rates were received in July and this is the earliest date they could get it on the agenda. The effective date of coverage will begin October 1, and rate information requested from CHP was based on the same level of tiers the County now has. Mr. Lawson also referred to an email from Commissioner Croley that he received today. He presented information that his staff had been able to obtain in reference to comparisons from surrounding counties on health coverage and the percentage the different counties pay. Mr. Lawson said surrounding counties may have a different financial status than Gadsden and gave the following comparisons -

Gadsden County pays 90% of single rate, 70% family coverage and has a 2-tier rate

Jackson County pays 100% of single rate, 72% family coverage and they have a 2-tier rate just as Gadsden County has.

Leon County pays 90% across the board - single or family

Jefferson County pays 100% of single rate and they have a 4-tier section - 52% for employee and spouse, 61% for employee and children and 40% for family. He also noted Jefferson County is a smaller county.

Commissioner Croley said he understands the hardship on employees and he wants to give the employees as much benefit as the County

can reasonably afford. On the other hand that additional 4% has an impact on the County's budget the Board wasn't expecting. He then asked for Clerk Thomas' opinion as the Chief Financial Officer on this matter; if the 8% increase something that he feels the County is in a position to absorb?

Clerk Thomas said he would first ask the County Administrator if he had included 4% or 8% of the increase in his budget and Mr. Williams said 4% was included in the first draft. Clerk Thomas said the Board has adopted the millage which will bring in less money but he believes that was taken into account. So it actually comes down to whether the Board wants to pay the additional \$68,000.00 for their employees to have basically the same plan that they now have (Premier Plus Selection Co-Pay) with the same co-pay and meds, or to go with the Capital Selection Co-Pay plan where the employees will have to pay additional for some of the specialty care services. He said it really becomes a matter of what the Board wants to do for their employees taking into account that the County isn't giving any raises; so maybe consider possibly giving them a little more on their insurance.

Mr. Lawson said every Constitutional Officer has the same insurance plan as the Board.

Commissioner Morgan said he appreciated Commissioner Croley's points on this item because it is such a tight budget year. He said he had also spoken with some of the insurance committee members, spoke with Mr. Lawson today and it sounds like the County is in line, if not underneath the benefits being provided with some larger counties and some of the rural counties as well. He said health insurance is going up everywhere for everybody and that is a trend he thinks will continue. Commissioner Morgan said the fact that no raises are being given, even though times are tight, that he would still like to see the Board go ahead with the recommendation of the insurance committee which is also the recommendation of the County Administrator. He said at the appropriate time he would move forward to approve the County Administrator's Option 1 which is to approve the insurance committee's recommendation.

Commissioner Croley said he would like to clarify that Mr. Lawson had done a good job and there was no criticism on his part towards Mr. Lawson or CHP; the main thing was for a clear understanding of how this was going to work and the timeframe. He said for the record he has no problem under the circumstances with the County employees supporting this but asked that the

Board be given as much of a timeframe as possible next year for consideration.

UPON A MOTION BY COMMISSIONER MORGAN TO APPROVE THE COUNTY ADMINISTRATOR'S OPTION 1, WHICH IS TO APPROVE THE INSURANCE COMMITTEE'S RECOMMENDATION, AND UPON A SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

County Administrator - No items to discuss

County Attorney gave a brief update that counsel is moving forward with the nuisance abatement changes. She apologized for it not being on this agenda but said she ran a little late in meeting the advertising deadline; however, the notice has been sent to staff for publishing as a public hearing and it will be on the agenda for the first meeting in September.

Commissioner Morgan Confirmed time for 2nd public hearing on budget as being 6:00 PM, September 21st. He also asked that the Commission consider establishing a committee that would consist of some qualified Gadsden County citizens to discuss, analyze the current jail situation and make suggestions or recommendations to the Board on how the Board may want to proceed with necessary improvements and have a plan in place to move forward. He asked that if everyone is in agreement that this be added to an agenda very quickly so they can see who those citizens may be and the Board be able to move forward.

Commissioner Taylor Reiterated the need of an investigative report to determine if the jail doors need to be placed on an emergency bid; make sure the Board doesn't go longer than they need to because it has been publicly said there are some locks that do not work effectively, so they don't need to wait on the normal bid process for something like that.

Mr. Williams said he would get with the County Attorney and see exactly what the criteria is and if they meet the criteria or not.

Commissioner Taylor referred to the EMS investigation by the Sheriff's Office and said if no one has it in hand, that a status report be given as to where it is, when it will be available and what the Board's plans are with the report so that information can be given to the public - that's transparency. She asked the status be given at the next Board meeting. She addressed the lengthy discussion on insurance and said she pities the Board

sitting and debating giving \$68,000.00 to a group of people that provide services day in and day out, and that she just wants to be certain the funding source for the \$68,000 has been identified.

Commissioner Croley Explained he may have belabored the insurance issue, but felt questions needed to be asked about where the money is coming from, especially with their tight budget situation. He asked that Mr. Presnell come forward to clarify an operational responsibility which has been brought to his attention concerning the exceedingly rough railroad crossing at Jamison Road and that Public Works has no jurisdiction as far as the crossing is concerned. Mr. Presnell said that is correct, Public Works can't touch it; they have written the Jacksonville CSX Office requesting maintenance be done on the crossing. He said CSX does maintenance at their discretion and when it is done, they bill the County for the work and yet the County has no input whatsoever. Mr. Presnell further explained that the County budgets for signal maintenance every year and yet they are billed by CSX for that as well. He said the County was double billed for every crossing in the county.

Commissioner Croley asked if the County Engineer could assist by communicating with CSX about improvements needed at that crossing and Mr. Presnell said they could do that, but explained he has been told the County can request special 'off schedule' maintenance. He said CSX likes to do this type of maintenance as they come through on the rail, but if the county pushes hard or demands exceptional maintenance then they will be billed for the total amount which could be up to \$25,000.00. He said the County can request special maintenance and get it but then you get a bill for the services above your annual maintenance. Mr. Presnell said he will check with CSX again because the County is about due their two year CSX scheduled routine maintenance date.

Commissioner Croley said he brought this up because it does have a financial impact on the County for any of the crossings and he felt like the Board should know how it works.

Chairman Lamb Said he would yield to the County Attorney as she would like to go over some issues with the Roberts Rules of Order.

Ms. Minnis said it is important to note that the County does have specific policies and procedures in its Ordinances dealing with Board Meetings and presentations at Board meetings. One thing that needs to be noted is that in the section Citizens To Be

Heard, there is normally by policy and generally for the most part no debate is supposed to be allowed during that period of time. That is for citizens to bring forth requests for information. That request is then to be given to the County Administrator or through him to the County Attorney and they come back later with the information for the citizens. The other thing to remember is the Roberts Rules of Order comes into effect only if the Commission does not otherwise have a policy or procedure to cover that particular situation and there is a specific and detailed policy and procedure in the Ordinance for citizen input and it goes through how that is to occur and it does give the Chair the authority to limit the time and duration of comments from the public. It does limit the comments from the public on non-agendaed items to three minutes and it does not allow for time sharing in that procedure, so under those circumstances Roberts Rules of Order would not be applicable because there is a set procedure in the Ordinances of the County dealing with those sorts of issues.

Chairman Lamb asked that everyone on the Board be mindful of what the County Attorney has told them and as Board members to not let themselves get into heated debates on items with the public. He again thanked the Board for the manner in which they conducted business tonight.

RECEIPT & FILE

For the record - Letter to FDLE regarding the Sheriff's Area Drug Taskforce

For the record - Letter to the U.S. Department of Education regarding Support of the Boys and Girls Club of the Big Bend - Grant Application

For the record - Budget Amendments - Approved by the County Administrator

For the record - DOT Consultant Procedure

For the record - Letter from the Clerk of the County Court Regarding cash report

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD AT THIS TIME, THE MEETING WAS ADJOURNED AT 8:20 PM.

CHAIRMAN EUGENE LAMB

Muriel Straughn, Deputy Clerk

As transcribed by Deputy Clerk Jean Chesser

**AT A BUDGET WORKSHOP OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON AUGUST 12, 2010 AT 4:00 P.M.,
THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

Present: Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Johnny Williams, County Administrator

Absent: Eugene Lamb, Chair, District 1

CALL TO ORDER

Vice-Chair Croley called the meeting to order at 4:08 p.m.

Supervisor of Elections

1.

Ms. Shirley Knight, Supervisor of Elections, addressed the Board and answered questions regarding her budget requests. No action was taken

2. Clerk of Circuit Court

Trudei Porter, Clerk's Finance Director, addressed the board regarding the Clerk's budget requests. No action was taken.

3. Judicial Services

Dennis Pelliter, Second Circuit Court Administration, addressed the board regarding the court's budget requests. No action was taken.

Commissioner Taylor made a request for an additional judge to assist the county in getting the jail population down. Mr. Pelliter directed the commission to speak with Judge Francis regarding another judge.

Commissioner Croley's concurred that an additional judge was needed rather than a hearing officer for the civil cases. While he appreciated having the hearing officer assigned to Gadsden County, it was pointed out that a hearing officer cannot assist with processing the criminal cases through the system which could lend itself to getting the jail overcrowding issue resolved. On the other hand, a judge could hear the criminal cases as well as the civil cases. He reasoned that a judge would benefit the county far more than a hearing officer.

Clerk's Thomas reported that he had talked with Judge Sheffield regarding the need for an additional judge. Judge Sheffield indicated that he agreed that another judge was warranted and

he promised to speak to Chief Judge Francis about it soon. He felt that it was a positive thing that Judge Sheffield had agreed to that on behalf of the county.

Mr. Pellitier stated that he was aware that Judge Francis had discussions with Gadsden about another judge and it is not off the radar. He stated that he would take the board's request back to him after this meeting.

Clerk Thomas pointed out that there are some questions about who will replace Judge Dekker upon her retirement. In addition, a rotation will take effect in January due to the election of new judges.

No action was taken.

4. Property Appraiser

Clay VanLandingham, Property Appraiser, addressed the board saying that he submitted his budget to the board in June, then submitted it to the Department of Revenue (DOR) DOR made reductions then forwarded it to the county.

He emphasized the following:

- He has nine fulltime employees.
- Purchase of the building is not a consideration in his budget. A field inspection has been done on the building, but not received.
- His employees have had no increase in salary in three years yet the cost of their insurance has increased and the cost of living continues to climb. He asked that if the board could realize savings in the coming year, that they take employees into consideration.

There was some discussion about the proposed terms for the purchase of the building. The owner has offered to finance the purchase; keep the payments similar to what the lease payments are now, but with the additional payment of \$50,000 each November until payment has been made in full.

No action was taken.

5. John Tomocino, Asst. Public Defender , Nina Moody, Chief of Gadsden Office

Mr. Tomocino stated, "It might look as if there was an increase to our budget. Just to clear that up – right now, it appears that some type of error occurred last year where while we thought we were getting the same amount as the prior year, we are guessing that it was a clerical error, we are not sure, but it went from \$42,000 down to \$20,000. At our meeting with Mr. Williams, it was discussed that we were trying to keep it the same. I believe in front of ya'll, it shows \$53,000. I just didn't want you all to think that we are coming in and asking to double our budget. We made assurances that we would do everything to try to absorb it until October 1 and just wait until then to make some of the expenses that we have.

The other issue that I want to bring up and it is not in our budget, but since I have your ear, is our office space. We recently had an addition put on which is fantastic, but the actual main space that

we have been in, well, I was an intern out here in 1995 and it was the same space. We think it is bordering on unhealthy at this point. I know Grant Slayden is putting together an agenda item. The roof is leaking and we believe it needs to be repaired. But, since we have your ear, we just need to make sure that we bring it up that we have what looks like "brown goo" coming out of the ceiling and onto the walls. Besides how it looks professionally to our clients, we are very concerned about health with as many leaks as we are having in there as well. "

Williams:

That will be coming out of our county budget.

Croley:

That is a county facility.

Taylor:

Where?

Tomocino:

We are above the felony courthouse annex. We are on the second floor.

Taylor:

Where is the felony courthouse?

Tomocino:

I am sorry. We are on the corner of Washington and Adams. It is the old bank building. Right on the corner down here.

Taylor:

You are at the top?

Tomocino:

Yes.

Taylor:

O.K. That is where your offices are.

Moody:

We are directly above the felony Clerk's Office.

Tomocino:

We are trying to do what we can to keep any water coming down onto Mr. Thomas. Law books come in good for something.

Croley:

Again, the facilities management people should be looking at that item as quickly as possible.

Any questions, Commissioner Taylor?

Taylor:

He kind of headed me off because I did look at the \$20,000 in 09 and the 2010 budget requested \$53,000. So I kind of understood your numbers as you were going through, so I am o.k.

Morgan:

If you doubled that, what was it supposed to be? Was it supposed to be \$42,000?

Tomocino:

\$43,000.

Morgan:

So there is a pretty significant jump in there somewhere.

Tomocino:

The prior year was \$42,861. That was 07/08. Then in 08/09, due to an error (and we didn't even realize it until we should up at the budget meeting) our approved budget for 08/09 was \$20,747.00. Everybody in the room knew that wasn't supposed to be.

Morgan:

Right, but what I am saying is it should have been what – What were ya'll thinking that it was supposed to be?

Tomocino:

The request was for \$43,000.

Morgan:

That is what I am saying, if that would have been correct and you were awarded \$43,000, you would have been jumping another \$12,000 to \$15,000.

Tomocino:

I just saw that a few minutes ago. Our request as I understood was \$43,000. Now, it might be that some additional was put in when we met with Mr. Williams because of a phone system that has been there forever. I am not sure, I haven't been provided the numbers.

Morgan:

Maybe we had better take this sheet and relook at this altogether. That might be a better way to get an accurate figure.

Croley:

That is our purpose is for you to point out these errors here and discrepancies. They may or may not be errors, that is not a good term to use. But, that is our whole purpose here. We want to make sure that everybody gets an opportunity to emphasize their points so that staff can go back and look at this. Then we will get back with you where everybody knows what is going on.

Tomocino:

We requested \$43,000. We did everything in our power to keep it exactly where we thought it was

, so where the extra \$10,000 came from in there –

Morgan:

It looks like other current charges have jumped up from \$2,500 to \$14,5000.

Tomocino:

Yeah, that is news to us. Not that we don't want it and couldn't use it, but our request was \$43,000.

Croley:

Mr. Administrator, this is one that you may want to get with these folks and go back over and make sure it is correct.

If there are no more questions, Thank you, sir.

6. Sheriff – Fine and Forfeiture

Major Shawn Wood and Major Morgan appeared before the board on behalf of the Sheriff's budget request.

He made the following points of interest:

- In the 2009 audit, there was a finding that \$69,000 that was taken in from inmates at the jail for their meal money had to be returned to the general fund. They have traditionally collected the money and rolled it over to the next year. However, the sheriff did return to Clerk. He then requested that it be distributed back to the Sheriff's budget. It was merely a procedural problem, not a misuse.

Upon being questioned by the commissioners, the following facts were made:

- The Sheriff does his own payroll as all other constitutional officers except the Supervisor of Elections.
- The Sheriff's budget request was slightly higher than last year.

Commissioner Taylor asked County Administrator Williams, "Are we presenting (what is being requested by the constitutional officers ? (when I say being presented, I mean what is in the black book)

Mr. Williams replied, "I sent out a memo not too long ago indicating to all constitutional officers that our revenues would not support any kind of increase. Actually, our revenues are trending downward and we pretty much took the budget and trim it back to where it was the year before. You will find that the Sheriff submitted a much larger figures than what you find in here."

Taylor:

But in our book here, that column is identified as "Request Amount," which is what should have gone in whether it was what we wanted to budget or not, but at least we would have an opportunity to see where and what it was that he was asking for – additional."

Clerk Thomas interjected, "Commissioner Taylor, you do have a legitimate issue in that the budget has a requested column. There should be a recommended column. I am not sure why there is not, but there should be a requested column and then a recommended column. I think that Sherrilyn said at one of the other meetings when I was not present that the system doesn't allow that, but it does. Of course you can download into Excel and create your separate columns. I understand exactly what you are saying. There is a slight flaw in there in that there should be a requested column where you can see exactly what everybody asked for, then your recommended column. What you've got there is requested which is sometimes the requested amount, but sometimes it is the recommended amounts due to cuts. You don't get to see that. You do have a legitimate issue."

Commissioner Croley agreed that the requested amount should be included in the budget document as well as the recommended amounts.

Commissioner Morgan agreed with Commissioner Croley and Commissioner Taylor. He also added that he would like to see a three year trend line as well.

No action was taken.

7. Tax Collector Dale Summerford

Tax Collector Dale Summerford addressed the board. He pointed out that the Department of Revenue has to approve his budget. It was submitted to the State prior to August 1 and he is awaiting approval.

Health Insurance, Life Insurance for Employees.

Repair and Maintenance for office copier

Other current charges is \$10,000 less than last year. That is a commission that the board pays the tax collector for collecting the property taxes. He explained that it is the commission that the board pays him for collecting their ad valorem taxes and it makes up 60% of his total revenue.

He reported that he expected to return approximately \$70,000 to the county out of the fees that he collects. He said that his fees have been impacted by the decline in the automobile sales and the closing of a couple of productive car dealerships in the county.

He reminded the board that he expects to have to assume issuing drivers' licenses in order to keep a drivers' license office open in the county. While he would not speculate as to what kind of revenues or expenses that might be associated with that service, he expected that it would result in a loss. He went on to say that the fees that he would ordinarily give back to the county would be impacted by the additional services he will be rendering.

There was some discussion about mobile home registrations.

Mr. Summerford said that some years ago the Legislature changed the way that mobile homes are taxed. If a person owns the mobile home and the property on which it sits, it must be on the tax roll. The property appraiser assesses it and the board receives taxes on it. Most mobile homes in

the county fall into that category.

The other mobile homes are required to purchase an annual sticker. It is based on the length of the mobile home. Those fees are distributed back to the local governments depending on where the mobile home is located. It is split 50/50 between the school board and the local government.

He went on to say that other than the property appraiser's efforts, there has been no county enforcement of the requirement for mobile homes to have registration stickers. Only about half of them are purchasing them. The last time there was any enforcement was in 2002 when Sheriff Woodham assigned a deputy to make inspections. The registration revenues went from \$60,000 to \$120,000 in just one year. Even though there is a need to enforce the sticker requirement, it must be weighed against the cost for the employee and vehicle expenses to make it successful.

Mr. Summerford then told the board that the county's code enforcement people could be deputized by the State to write warning notices or the Uniform Traffic Citation (UTC) notices. However, he explained that if they get into writing UTC for unpaid mobile home registration fees – if it is seen to completion when they refuse to pay, it is treated as if it were an unpaid traffic ticket and would be forwarded to the Clerk's office. It could have the end effect of suspension of their driver's license. If that should happen, it would have a domino effect that would be unintended.

It was suggested that the administrator meet with the Clerk and the Tax Collector and Property Appraiser to discuss a plan of action to address the unpaid registrations.

Commissioner Taylor suggested that septic tank permits might be a good point of beginning to check on this matter. As well, information could be given to the citizens at that point to let them know that it must be done.

Mr. Summerford said that he would get in touch with the State DMV and request data on Gadsden County to see what may be out there in terms of what is delinquent. That would give them some idea of the revenue that might be generated from it.

Mr. Summerford pointed out that the county pays the fees for collecting the taxes, but the School Board pays nothing.

Commissioner Croley asked if the School Board should be paying for their collections, but the Tax Collector declined to answer. It was suggested that some dialogue should be pursued with the School Board. However, it was pointed out that the school system is already underfunded and it would not be appropriate to approach them at this time.

No action was taken.

8. Pat Owens, Fiscal Director for State Attorney's Office

Ms. Pat Owens appeared before the board. She said that there are no changes as they are asking for basically the same thing last year. However, they were not funded last year for their capital outlay, which was strictly to replace 1/3 of the computers that are in the Gadsden State Attorney's

office. She said it was discussed with the county administrator, but it was not included in last year's budget. She pointed out that this year they are requesting just a bit less than they requested last year.

There were no questions from the Board. No action was taken

9. **Sylvia Brooks – Allan Ranch Lane**

Ms. Brooks spoke to the board about the possibility of getting Allen Ranch Lane, a private road in Havana, paved. She said she had an estimate from the Public Works Department for \$52,000 to pave the road. (County participation would be \$18,000; citizen participation would be \$36,000.) She asked for directions from the board about how to go about getting it paved based on the county ordinance allowing for the county to share in the cost for paving. She stated that they have a petition and all the legal matters have been accomplished.

County Administrator Williams stated that the attorney has been looking at the ordinance and the State Law. She is of the opinion that, "It has been done incorrectly in the past years, past administrations. The sharing program of 1/3 and 2/3 – the State Law does not permit that. It actually has to be assessed equally to all property owners that will benefit by it. And, the property owners must pay the entire cost....so, the 1/3; 2/3 would be contrary to the State Statutes."

Mr. Williams was directed to request Ms. Minnis to render her written opinion on this matter so that the public and the board can see how it should be done correctly. State Law requires full reimbursement from those receiving the benefits.

Commissioner Taylor posed the possibility that the county may be able to consider adopting 1 mile of private road in each district to pave. It would benefit the county by having egress and ingress to safely deliver county services to those homes on private roads such as fire service, EMS service, school buses, etc.

No action was taken other than requesting an opinion from the county attorney. After that has been received, then they can begin looking at how best to deal with private road paving requests.

Commissioner Taylor asked that the IT department put a microphone on the clerk's jacket so that he can be clearly heard.

THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, VICE-CHAIR CROLEY DECLARED THE MEETING ADJOURNED AT 5:25 P.M.

Doug Croley, Vice-Chairman

ATTEST:

Muriel Straughn, Deputy Clerk

**AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS HELD IN
AND FOR GADSDEN COUNTY, FLORIDA,
ON AUGUST 17, 2010, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ**

PRESENT:

Commissioner Eugene Lamb, Chair Dist. 1
Commissioner Doug Croley, Vice-Chair Dist. 2
Commissioner Gene Morgan, Dist. 3
Dist 4 - Vacant
Commissioner Sherrie Taylor, Dist. 5
Nicholas Thomas, Clerk of the Courts
Johnny Williams, County Administrator
Deborah Minnis, County Attorney
Muriel Straughn, Deputy Clerk

CALL TO ORDER:

Chairman Lamb called the meeting to order at 9:00 AM with a quorum present. He asked that everyone stand for a moment of silence and then led in the pledge of allegiance to the U.S. Flag.

AMENDMENTS & APPROVAL OF AGENDA:

Chair Lamb called for any amendments to the Agenda and Mr. Williams said he had two.

Add to Awards & Presentations: Request by Mr. Jack McLean, Quincy City Manager, to make a short presentation on jobs.

Add as 7-a, General Business: Request by Commissioner Morgan for approval of a Budget Amendment to pay the Town of Greensboro Volunteer Fire Department \$12,164.50 for 2009-2010 for funds that were not paid.

UPON A MOTION TO APPROVE THE AMENDMENTS BY COMMISSIONER MORGAN AND A SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

UPON A MOTION BY COMMISSIONER CROLEY TO APPROVE THE AGENDA AS AMENDED, AND A SECOND BY COMMISSIONER TAYLOR THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

AWARDS, PRESENTATIONS AND APPEARANCES:

Chair Lamb stated Mr. McLean was not present at this time and the Board will come back to this item when Mr. McLean arrives.

CONSENT AGENDA:

1. Approval of Minutes - June 1, 2010, Regular Meeting
June 15, 2010, Regular Meeting
2. Ratification of Approval to Pay County Bills
3. Pulled at Request of Commissioner Morgan
4. Approval of the Victims of Crime Act (VOCA) Grant -
Morris Young, Sheriff
5. Approval of COPS and Kids Summer Camp Program (CKSCP) -
Morris Young, Sheriff
6. Pulled at Request of Commissioner Taylor

**UPON A MOTION BY COMMISSIONER CROLEY AND A SECOND BY
COMMISSIONER TAYLOR TO APPROVE THE REMAINING ITEMS 1,2,4,5 ON
THE CONSENT AGENDA -THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR
OF THE MOTION.**

Items Pulled for Discussion:

3. Approval of the Increase to the 2009-10 Law Enforcement
Appropriation - Morris Young, Sheriff

Commissioner Morgan said it appears this item is a \$2,500.00 increase from the already established Law Enforcement Budget and where the Board was going to get the money from.

Mr. Williams said that was correct; it's for the kids program, but wasn't sure what it stood for.

Clerk Thomas explained "It is third party money and is not coming directly from the Board. He is simply asking for authorization to spend third-party money he received from another source; and technically he is supposed to ask the Board because it does increase his budget, even though it doesn't come from the Board.

Commission Morgan "So, in fact there is no fiscal impact for us, is that correct?"

Clerk Thomas "That is correct. He is just trying to comply with the requirement that he has not always complied with in the past."

Commissioner Morgan "Ok, then I have no problem with that."

UPON A MOTION BY COMMISSIONER MORGAN AND A SECOND BY COMMISSIONER CROLEY TO APPROVE ITEM 3, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

6. Approval of the Supplemental Local Agency Program Agreement
FDOT - Robert Presnell, Public Works Director

Commissioner Taylor asked if this item is indicating the County will be getting additional dollars in the future or if these funds have already been spent and if so, does the Board have any input as to which roads will reap the benefit of these dollars coming in?

Mr. Presnell "No, this was a program where the County benefited from grant monies through the Department of Transportation and this is a clean-up item. At the end of the project we were short some funds and we asked DOT to add the additional funds, basically to pay the engineers and they approved it so this alters the agreement between the Department and yourselves to increase the total dollar amount; but it is just to close out a project."

Commissioner Taylor "So, you're saying any projects that are yet to do or yet to be completed is what these dollars are going to?"

Mr. Presnell "No, Mam. That's for a specific project. It's just to close it out; the project is completed -"

Commissioner Taylor "You needed \$500,000.00 to pay an engineer, the engineers?"

Mr. Williams "No, the grant amount increased from \$500,000.00 to \$519,000.00."

Mr. Presnell "I can tell you what happened. The grant allowed for 10% for engineering fees but we spent the entire amount of the grant on the road so there was no money to pay Preble Rish

and, of course, they didn't like that so we went back to the Department and asked for an increase of that amount to pay their fees and they agreed."

Commissioner Taylor "So we got an additional \$519,000.00 or \$19,000.00?"

Mr. Presnell "\$19,000.00."

Commissioner Taylor "Ok, alright."

Mr. Presnell "It just closes out the project which has been completed with prior approval by this Board, and this is just asking for your approval to increase the total amount of the contract."

Commissioner Taylor "Ok, thank you. I just thought I had an opportunity to get another road paved; that's all, thank you."

Chair Lamb called for a motion.

UPON A MOTION BY COMMISSIONER TAYLOR AND WITH A SECOND BY COMMISSIONER CROLEY TO APPROVE ITEM # 6, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Citizens Requesting to Be Heard on Non-Agenda Items:

There were none.

GENERAL BUSINESS:

7. Approval of Prescription Assistance Medical Services Program Funding (Howard McKinnon, Chairman, Gadsden Community Health Council, Inc., and Maximo Martinez, Executive Director, Gadsden Community Health Council, Inc.

Mr. Williams said previously this money came from a Federal Grant, and it is now being requested to come from the half-cent Sur-tax.

Mr. McKinnon addressed the Board representing the Health Council and that the Board had given charge to the Health Council two/three months ago to come up with a Comprehensive Health Plan and bring a recommendation back to the Board. He explained they are still working on ironing out several things in the Health Plan and will bring that final plan back to the Board as soon as

they have it completed. The PAMS (Prescription and Medical Services) Program is part of the Comprehensive Plan and at one time the County funded a portion of PAMS; then a Federal grant that has been funding the program for about two years; however, that grant runs out this year (September 2010).

PAMS was part of the original Comprehensive Health Care Plan when the vote on the half-cent sales tax was taken and PAMS is currently serving about 700 citizens that are now getting drugs through the Program with only two employees. These two employees handle all of the applications; they have to search the data base as well as other organizations trying to find these people the drugs. The drugs are provided at no cost, and a lot of criteria is involved in determining eligibility for this much needed program.

Mr. McKinnon requested approval for \$81,250.00 which is one year's funding for the employees in order to provide this function. He explained the employees currently have no benefits, the plan was that October 1st the Health Department would become the fiscal agent which is more a part of the Comprehensive Health Care Plan that will be coming back before the Board because the Health Council is at a point where they need help with a fiscal agent to pay the bills, etc., and that is where the Health Council would fall under the benefits of the Health Department. Mr. McKinnon said he understood the Board still has some questions or concerns and if they need additional time that is also understandable; however, without some funding the program will end next month and if the Board is not comfortable with the full year's funding, that they would appreciate at least receiving three months worth.

Mr. Martinez briefly addressed the Board, reiterating what Mr. McKinnon previously stated and added that the PAMS program services 80% of the elderly citizens. He also responded to Chairman Lamb that the PAMS Program serves not only Gadsden County, but also the surrounding counties; the Tallahassee area and the Bainbridge, Georgia area. There are 152 doctors enrolled in the Program with approximately 35 doctors actively writing prescriptions for these people and the reason for providing the service to those areas is because some of the patient's physicians are located in Tallahassee or Bainbridge and as long as the patient is a resident of Gadsden County they are eligible to participate in the PAMS program.

Commissioner Taylor said in going forward the Board needs to see a budget for items specific; what makes up the \$81,250.00? Don't just indicate two employees, but rather a breakdown of how much

is spent on salaries, benefits, etc. because that gives the Board a better picture of how the funds are being spent but that she has no problem with this program going forward and she inquired about the \$266,000.00 and Mr. Martinez explained the \$266,000.00 is the very "small balance" they receive from the half-cent sales tax to run a Comprehensive Health Care Plan.

Clerk Thomas said the Board had requested the Health Council go back and come up with a plan, but to come up with a plan they needed to know how much money they will be working with. He said this was discussed at one of the previous workshops and he provided the Health Council with a schedule from the half-cent sales tax based on the first 18 months. He said at the work shop they talked about debt service being paid first which would take about 60%, and then the Board's agreement with Capital Regional would be 50% of what's left after debt service which would be 20% of the money; those two items would equal 80% of the total collected from the half-cent sales tax going towards 'hospital related', leaving only 20% and that is what the Health Council based their budget on, beginning in April because that is when the Board would begin paying the debt service. Clerk Thomas said he thought it would be much clearer if the Board would agree to that to begin making the Health Council's disbursements as of April beginning with the 50% left after debt service and going forward. He said the Health Council would have to provide the Board with a budget but it would be much simpler from his standpoint if that is what the Board would agree to do. He said the Board hasn't technically agree to that, but it does seem to be the reasonable thing because originally this Program under the Ordinance was to get two-thirds (2/3) of the money and now they are down to 20% and the Council is willing to come up with a budget based on the 20%.

Clerk Thomas said the Council is asking for part of that today, but it would be much simpler if they come to an agreement (he wasn't sure if the attorney needs to put that in writing) 'that they get 50% of what's left after the debt service is paid. Let me restate that; the debt service is roughly in round numbers around \$800,000.00. That leaves \$250,000.00 going to Capital Regional, \$250,000.00 to the Health Council - it would be more than that, probably \$266,000.00 just using round numbers, so from April forward 100% of the half-cent sales tax is now committed - April, forward. He said there is some money left over prior to April from the beginning of collections through March, and Mr. McMillan perhaps has some plans for it at the hospital and the Health Council may make a claim on it; it's roughly about \$400,000.00.

Chairman Lamb thanked the Clerk for explaining/clarifying everything and added that it looks like the whole 100% has already been decided as to how it's going to be used.

Clerk Thomas explained that would be at the beginning of April because that is when the County begins paying the debt service and the hospital's agreement calls for them to start getting their 50% in June. He said he thinks it is reasonable the Health Council begins receiving their 50% if the Board agrees; the Council is willing to accept that and the Council's budget is based on that and they need to present that to the Board.

Chairman Lamb agreed with Commissioner Taylor that the Board really does need to have a budget from the Health Council so they can see exactly how the funds are being spent.

Commissioner Croley asked Mr. Martinez if it would present a big problem if the Board would approve funding at this time for a three-month period, allowing the Council three months to get back with the Board in presenting their budget in total for what they will fund with their share of the half-cent tax revenues.

Mr. Martinez said that would present a big problem and he added the Council did have a budget for the whole \$266,000.00 and it was given to the County Administrator with the Council's package to be presented this morning; they were asked to come back this morning and present only the PAMS portion of the budget and to then come back in September and present the whole budget, and those are the instructions they followed.

Commissioner Croley inquired as to whether or not the Clerk's Office, the Hospital Board and other parties had seen the budget Mr. Martinez explained that on August 3, they met in the County Administrator's conference room and Mr. McMillan was present, Dr. Steven West who sits on the Council's Board of Directors and represents Capital Regional was present, the Health Department's Administrator, the Chief Financial Office and the Chief of Operations for the Health Department was present, a City of Quincy representative was present; all the stakeholders were asked to attend the meeting. The budget was dispersed and discussed.

Clerk Thomas said he had met with them earlier, along with Mr. Marlon Hunter, and one of the things that gave him assurance was the fact that Mr. Hunter (Gadsden Co. Health Department Administrator) will administer this money; it will go to the

Health Department. He also explained at the end of each month, Debt Service would be paid, Capital Regional would receive their share and the remainder (\$266,000.00) would be given to the Health Department.

Commissioner Croley said he thought the whole point made by Commissioner Taylor was the Board has not seen a budget from the Health Council and won't see it until September and Mr. Martinez responded that recommendation was made by the County Manager was for them to just present the PAMS portion today, come back in September to present the entire budget because this would be a short meeting because the Board wouldn't have enough time to go over the whole budget today. Mr. Martinez said they were prepared to go over it today if the Board would like them to do so.

Commissioner Croley said his comment would have to be to Mr. McKinnon in closing. He asked Mr. McKinnon if the function, as he had initially stated would work until the Board can see the budget in its entirety.

Mr. McKinnon said they would certainly prefer the entire year but they have to keep the program going. He said they can understand the Board has not seen their budget, but he also reminded them the Health Council had met, had hammered out a budget and had made a recommendation on it, but if the Board is more comfortable with just three months at this time, then certainly the Council could live with that; they have to keep the program going.

Commissioner Morgan said the funds are available and what they are talking about is simply how to put the process in place. He stated that, personally, it appears all of the parties have been involved in looking at the budget, other than the Board of County Commissioners. He said he would have no input on how the Health Council would spend those dollars because he doesn't know anything about the program other than the basics of it; and he has complete faith and confidence in Mr. McKinnon as Chairman of the Health Council. Commissioner Morgan further stated the Health Council is asking for a specific amount (\$81,000.) and nothing further at this point. He said his personal opinion is that this Council is in place, they have come to the Board with this request, the funds are there and he would recommend the request be approved. He agreed with the concerns of Commissioner Taylor and Commissioner Croley on the need for a budget and that he too would have preferred to have seen a budget attached with the agenda request, but that "it is what it is."

After further discussion Commissioner Taylor said the Board needs to stop, and begin doing things the right way and she addressed the County Administrator "that going forward, I don't ever want to see a recommendation for money unless there is a budget attached to it - so the language should be Mr. Chairman that we get language in place, legal terms so that we can dispense this money." She said the full \$266,000 is not there, it comes in monthly from the half-cent sales tax and is then dispensed proportionately as explained by Clerk Thomas. She said she is supportive of the program and will support this request for the \$81,000.00 at this time, but her concern is simply that the Board needs the proper procedure, with legal language to dispense the funds, not just the \$81,000.00, but also the entire \$266,000.00. There needs to be an agreement in place that the Council only gets 20% or 30%, but whatever the amount, but the language needs to be clear by means of a legal document.

Commissioner Morgan agreed with Commissioner Taylor's comments and reiterated it has always been dead clear that his belief is the Board should always move forward in a proper fashion; all t's crossed and I's dotted. He then asked Clerk Thomas (1) if the \$81,000.00 is currently available and Clerk Thomas responded "yes, the money is available"; (2) If the Board has the authority to approve the \$81,000.00 without having the language in place as previously described by Commissioner Taylor.

Commissioner Croley "That's a legal question."

Attorney Minnis "It's kind of a combination question."

Clerk Thomas "I think you have that authority and it can be done by amending the budget."

Commissioner Croley "Ms. Minnis the only thing I would like to hear you say is it -- can we legally disburse this money? I understand our financial officer here says we have the funds available."

Ms. Minnis "It's one of those situations where you have the authority to disburse it. Whether you decide to disburse it after the contract is signed or before is a different question, but you do have the authority to make the disbursement and we can put together the contract for them to sign to make that happen."

Commissioner Croley said his position is he has no problems with the disbursement of the full amount of money on the budget the

Health Council recommends because he will defer to that recommendation after proper review, etc. He said the Clerk has stated the funds are available and if the County Attorney says they can legally disburse the \$81,120 then he has no problem with it because he supports the Health Council and what they are doing; this is just more procedural. He said he would have to rely on the County Attorney's legal opinion as to the correct way to handle this.

Mr. Martinez said his problem with just the 3 months funding is because he is afraid the makeup of the County Commission could change and he would rather deal with the current Board because they are aware of everything that has gone on with the half-cent sales tax and the Health Council's position. He said the Council is aware an agreement is required and the Council had drafted and presented a proposed contract to the former interim County Manager. He did agree with the comments of the Commissioners and the County Attorney that a contract must be signed and put in place.

Ms. Minnis said a contract must be signed. The Board has the authority to disburse the money and it is up to them to decide whether they will disburse it before or after the contract is signed; it is two different questions because this does fit into the parameters of the half-cent sales tax because it is going towards indigent care and based on that Ordinance for the half-cent sales tax the Board does have the authority to disburse this money for this purpose. The other part is that part of the instructions was to have an agreement in place.

Commissioner Croley said as long as the Board could legally disburse the money, he has no problem with it.

Mr. Craig McMillan briefly addressed the Board and said he is very supportive of the PAMS Program. He said he does have some questions about the use of the other money as far as the indigent healthcare is concerned. He said he believes the Board should approve the PAMS money but he would hate to see them approve a budget that has been presented to them for the rest of the money, and that in effect being an approval of an amendment to the healthcare plan but he believes the Board needs to look at how those funds are going to be used.

In response to questions from Chairman Lamb, Mr. Martinez said the Health Council is a 5013C stand alone. He said the Board had appointed and blessed the Council as an advisory health

council to the Board so the Health Council reports to the Board as to the health status of the county.

Mr. McKinnon gave some further history - the Secretary of Health for the State of Florida came to Gadsden County in the late 90's to appoint a group of citizens to look at the health disparities in the County and the idea was that you had to start with the grass roots to make changes; thus the group was formed-known as 'Healthy Gadsden 2010' with a ten year goal set. He said he was part of that initial group and from that grass roots group to educate came the health experts through the Health Council. He said this effort has been on-going since 2000.

Chairman Lamb inquired as to who pays Mr. Martinez' salary and Mr. Martinez explained his position is sort of a dual role as he is the Director of Population Base of the local Health Department and also the Executive Director of the Health Council; he is a State employee and his salary comes from the State.

Chairman Lamb "Mr. Clerk I just think the Board wants a good check and balance, they want to know, we want to know exactly what the monies are spent for."

Clerk Thomas "Absolutely, and I am just trying to help facilitate this situation as it has been drawn out for a long time and we are getting to the end of the fiscal year and some of this needs to be resolved. Decisions just need to be made about; the debt service has been settled, the matter with Capital Regional has been settled and now it's time to settle this issue."

UPON A MOTION BY COMMISSIONER MORGAN THAT THE REQUEST FOR \$81,120.00 FOR THE PAMS (PRESCRIPTION ASSISTANCE MEDICAL SERVICES PROGRAM) BE APPROVED AND WITH A SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Chairman Lamb called for the next item on the agenda.

7A (**ADDED**) Approval of Budget Amendment for the Town of Greensboro Volunteer Fire Department for the First and Fourth Quarters of 2008/2009 fiscal year.

Mr. Williams explained this as a request in the amount of \$12,164.50 to be taken from the 2009/2010 Reserves for funds the

Greensboro Fire Department did not previously receive for the second and forth quarters of the 2008-2009 budget.

Chief Crum said he doesn't know why they were not paid, but assured the Board this problem will not happen again as they are current on all payments to all fire departments this year. This is a clean-up of what was not done in the 2008-2009 budget.

Clerk Thomas said he would like to agree with Chief Crum that it will not happen again and apologized for it happening. He said he has spoken with the Finance Director and she did not recall seeing these and Finance would make an effort to- will hold their hands if they have to and call them at the end of the year to make sure they get the necessary forms in to Finance so they can get their disbursements. He also advised the Board the funds are available.

Commissioner Morgan said he has a lot of concerns and would encourage all of the fire departments (municipalities and other partners with the County) to send their reports electronically, not only to Chief Crum's Office, but also to the Clerk's Finance Department. He said by doing that there is clear communication as to who has and/or who hasn't submitted the required information. He said it is the responsibility of these fire departments partners) to submit this information and he feels certain they will make every effort to communicate and submit their reports in a timely manner. He also expressed concern that this type action has taken place twice within the past twelve months and feels that in both instances it was the fault of the County; and not a fault of the municipalities or other partners. Commissioner Morgan said he had also discovered some of the fire departments and cities are being prepaid for these services and that is a concern to him. He said he doesn't understand how it has happened, but there are three or four out of the ten where that is occurring. He said he doesn't agree with prepaying for any service before it is rendered, especially when paying with tax payer's money, nor in disbursing those funds if the reports are not accurate and complete and they are not looking at what they need to see. Commissioner Morgan explained he feels it is important for the Commission to realize this, that the Commission has a commitment to move forward and that it is done fairly for all of the partners across the County. All of these agreements come up for renewal in September, 2011, and effective communication between now and then will pay off for the County and their partners.

COMMISSION MORGAN MOVED FOR APPROVAL OF ITEM 7A IN THE AMOUNT OF \$12,164.50, AND COMMISSIONER CROLEY MADE A SECOND TO THE MOTION.

Commissioner Taylor said she just wanted to be sure if the Board could dispense funds with it being added to the beginning of the agenda because sometimes it has to be advertised when getting ready to handle funds, but she has talked with the Attorney and been assured the Board is correct in dispensing these funds according to the Board's rules and regulations. Chairman Lamb called for a vote on the motion.

THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION BY COMMISSIONER MORGAN AS STATED ABOVE.

Item Added to Awards, Presentations and Appearances

At this point, Mr. Jack McLean Quincy City Manager was recognized and he gave a report on the number of new jobs that have been created in the Quincy area since 2008. There have been 207 new jobs created, a lot of which is happening from small businesses, with some being created through new businesses and also from the hospital; hospital alone has not only created 45 jobs but has brought the much needed health care services back to the County.

Chairman Lamb thanked Mr. McLean for the information and said the Chamber has played a large role in this by their efforts in bringing in new businesses to the County.

Commissioner Morgan asked Mr. McLean to expand upon the City's relationship with the Chamber of Commerce regarding the economic development efforts and if it is a positive effort, if it was effective in the help in creation of the 207 jobs, etc., and Mr. McLean said the City of Quincy does support the Chamber economically. They are very supportive and proud of the Chamber and what they are doing in the community. Mr. McLean said the Chamber most recent effort in trying to bring a large number of jobs into the community was supported by the City of Quincy and even though it did not work (it was a community decision that this was not the right type of business) that does not demean the effort. It means they are still on the forefront of trying to find jobs for the community and are responsive to what the citizens want to see for their community.

Commissioner Croley expressed thanks to Mr. McLean for the information and for everyone to look at how the County has grown and how the municipalities are all working together for positive

growth and jobs, within the County; the economic development efforts of the Chamber and he asked for a brief update on the by-pass grant application and Mr. McLean said the preliminary grant application was filed in July and they filed it in the name of the City, but this time they are going to file it in the name of the County as the applicant, and that final application will be filed this month.

Chairman Lamb expressed his thanks to Mr. McLean for his efforts as the City Manager of Quincy for working with the other municipalities within the County in their endeavors to move forward in a positive manner for the County. He said this is what it will take from everyone, and the County is not looking back - only looking forward in these endeavors.

Mr. David Gardner of the Chamber of Commerce briefly addressed the Board and said the community may possibly be on the cusp of a "mini-boom" in economic development with small business through the Chamber's relationship with FAMU, TCC and FSU and these are exciting times. He said Gadsden County also played an important role in the endeavor of Deep Water Horizons to plug the Gulf oil spill by the use of the attapulgate clay and fuller's earth which is sold to distributors from local sources BASF or Active Minerals. He said BASF's employment numbers are up and Active Minerals is reconsidering the possibility of an expansion in this area which will also be an employment booster.

Commissioner Morgan said the Tourist Development Council will also begin marketing the County in an organized strategic fashion and the relationship with municipalities within the County is moving in the right direction and will have the wind at their backs in the coming months. He agreed there is nothing more important than securing jobs for the citizens of the County. He encouraged the Board to look at the most recent publication of "850" which has an article referencing Gadsden County.

8. County Administrator - Update on Board Requests
Nothing - Yielded to Co. Attorney
9. County Attorney - Update on Various Legal Issues
The Abatement Board Issue is scheduled
For the first meeting in September. It
Has been advertised and is on the agenda
1
10. Discussion Items by the Commissioners

Commissioner Morgan requested possible additional budget workshop and Mr. Williams said he has set one for August 26, at 4pm; this is the only one scheduled as of this time. They will meet and see how far they get, and if needed another workshop will be scheduled; the two required public hearings are scheduled for the first and second meetings in September.

Commissioner Morgan also inquired about the 2010 Third Quarter Financial Report update. He said he appreciates the report Mr. Price has prepared, it's easy to read and follow and asked when it would be available on the County's web site.

Mr. Price briefly explained the abbreviated report he put together prior to last week's budget workshop that addressed the different departments and funds and where they stand through the third quarter. He said he took the financial records from the Clerk's Office and put them into this report, trying to make it a user-friendly document and he said 75% of the budget has been spent through the third quarter. He said he would get with the IT Department and would make every effort to have it on the web site this week.

Commissioner Morgan addressed the County Jail Advisory Committee issue and asked that the Board schedule this as an agenda item and to give direction to the County Administrator to put together a format that could be given to the Committee. He said he feels if an effective committee is put together they will be able to address the concerns with things that aren't so good, as well as things that are good and come up with a game plan to be able to move forward in a positive sense. He said he would like to see this formally agendaed in the very near future, along with all of the background information so the Board can know and understand what they are reading, where they are now and what is needed.

It was agreed Commissioner Morgan and the County Administrator will get together and come up with a format as to what is needed and will then prepare it for being agendaed.

Commissioner Taylor said she has received a call and an interest has been generated throughout the community for a cannery - this program had been provided through Extension Services several years back and the general interest is to have this service return to the County. She asked the County Administrator discuss this with Dr. Grant and report back to the Board as to whether this is feasible.

Commissioner Taylor asked if the County Administrator had an update on the locks at the jail - the locks on the cells -have they been fixed.

Mr. Williams said the locks are a complicated thing; these locks are no long in production and will have to be redesigned and rebuilt - you can't just go down to the hardware store. He said it will take some time, some re-designing, some bidding, A contract, etc. He said Mr. Collins could explain further.

Commissioner Taylor said this was such a hot topic, the public brought it to the Board and she wanted to be certain they are well under way with this, and then asked where they are with the locks.

Mr. Collins said a contractor from Niceville came over and checked out all of the locks at the jail. Those specific locks have been discontinued and all locks at the jail will have to be retrofitted. "The truth is the doors work. There is only like one or two locks that will not lock unless a person actually goes and jams it shut; they don't lock automatically, but I have had a guy come out and look at the locks and he said they can be fixed. He didn't want to give me a price, per se, as a bid; he wanted to do it on an hourly rate because he didn't know what he was going to run into. I called another company from down South and they told me they didn't even want to come up here and look at them, but I'm still searching for people that do prison locks."

Commissioner Taylor "So there is also a manual way to lock all of the doors, is that right?"

Mr. Collins "Oh yeah, the doors do lock; they can lock all of them. The one door that doesn't lock, there are two others behind it that do lock."

Commissioner Taylor asked if they do have the possibility of access to get in and out that there is still concern for the safety of employees -- an employee being accosted, and Mr. Collins agreed. He added that jail over-crowding is also a concern - there will always be concern and danger for any person working there.

Commissioner Taylor "I think in terms of emergency or that it is very borderline that we act on that and to know that two weeks have come. I think it was two weeks ago we were discussing it and we had folks in here, so we might want to get someone, at

least to handle those locks. On an hourly rate, I can understand that person wanting to do that, but you know, you've got \$175,000.00."

Mr. Collins "Yeah, but I want to spend it wisely, so --."

Commissioner Taylor "Absolutely, absolutely and we want to put public safety and public health in the forefront."

Mr. Collins "And, you know, not only the locks but there's a lot of things out there that I have to do."

Commissioner Taylor "And that was well taken too that money is needed for quite a few things down there but I want to see us try to get started and try to find someone expeditiously on those locks because that is important." She said everything needs to be done by reaching out to other jails that have been recently built, law enforcement, and the county administrator -- un-stop all measures to settle the cry of the public and of this Board that we're doing all that we can to secure that jail. She said she would be asking about this at every meeting until Mr. Collins lets the Board know they are fixed. Commissioner Taylor said she would have to do that in consideration of what she was sworn in to do.

Mr. Collins "I'll get them fixed."

Commissioner Taylor said she hopes information that the Board needs to know is not being compromised in order to have a short agenda. She said she had made a note of this prior to when Mr. Martinez spoke and said he was asked to shorten his request because this would be a short agenda. She said she wants to be sure this Board is making decisions about this County and that all information that is supposed to be put before the Board is put before them. She said she wants to make sure one or two is not making a decision, but that any Board related issue is brought before the Board so they can look at it and do their very best in making decisions and direction for this County. She also briefly discussed the collaborative efforts the County is making between the municipalities within the County and would like to see a joint meeting with all of the municipalities collectively in the near future, with everyone bringing forth their suggestions/ideas in working for the betterment of this County.

Commissioner Taylor said an even hotter topic is EMS - the EMS investigation. Nothing has been said, not even a general

statement that the Board is aware of what is going on, here is a timeline and here is what they will do. She said that should have come forward from the County Administrator in her opinion. "For the last two or three, for the last month and a half to be more specific, I have asked for that EMS investigation report, I've asked for it. I did not find out the County had it by the County staff or Administrator, I found out from another source that the report was now in my administrator's hand. I still yet to have a confirmation from my administrator that the report is in hand. I requested a copy of that report and I've read a third of it and from what I've read there are facts in there that we need to have discussed, that we need to have a decision made on because you cannot continue to allow the department, based on the facts, not on opinions, to be run in the way it is being now. There are some major concerns there. We all swore to do the very best that we could as Board of County Commissioners to insure that this County is safe. Now we don't have a choice of what EMS services come to our house; we don't have a choice. We do have a choice of what medical services we want to provide services to us, what hospital we want to go; but we don't have a choice of what EMS service comes to our home. Now, the only thing I am asking for is that we get a report on what's going to be done so that the public will know that we are facing this issue. You've had two of our local newspapers to feature this article, yet here we set a meeting after those papers have hit and we have not even uttered one word about the report. That casts doubt and dispersion on us when we don't address those issues and I'm tired of being looked at as if I'm part of something being hidden or that we're not doing our job effectively. It is obvious to me from sitting here the last year and a half that reprimands, suspensions and firings is not done across the board universal. One department can spit on the ground and somebody gets suspended; another can jump in the bed with somebody and there's no problem, its horseplay. It's unreal what is going on and I'm going to say this because I've thought about this the last six or seven days. I'm going to say this and I've never thought this before. If something is not done, I will no longer support this administration. I will start calling for jobs. I cannot sit up here and allow what I know is going on and nothing being done and sit back and twiddle my thumbs as if it will work out by somebody else's effort. I am a Commissioner And there is no commissioner around this table with more power than the other. I am the County Administrator's boss and I am not pleased at this point with what I am seeing. I am very discouraged in our future under this leadership. I didn't want to get to this point, but to hide our head and bury it in the sand is not what we want to do at this point in time. We need

to stand up and say this has been wrong. Now, yes he has the right to look at the report, disseminate the facts and the direction, but I'm not being told anything. I don't know anything that is going on, I don't know the timeline or even if the report is going to be addressed, but I do know that there are issues and I'm not satisfied with the way with this county administration's direction is going. I'm not satisfied with what we've been getting in these reports, in these agenda packages, half information, whole information - I'm getting off this boat, I'm getting off this Boat and I want to see change and I want to see it immediately. We are responsible and I'm not going to sit up here and hold my hand, and do not send people to ask me to hold my hand and tie me down from speaking the truth. I'm not going to do that. We are in trouble and it's high time somebody, and I'm praying one of you around this Board sees that we are not given all the information, that we are being left in the dark and we are being made scapegoats in all of this. Somebody has to stand up and say this is not right and we need to stop it. When we first got this administrator and the attorney I said clearly we did it in the wrong way. We did not go through by process and when you do anything the wrong way you cannot get anything productive out of it. Now we have lawsuits and we've got low morale; now they're not going to tell you it's low morale because they're afraid they will lose their job. When we began the investigation down at EMS somebody went down there and said the County Administrator is 100% with you, we love you, we will support you, we like what you are doing. That made everybody else afraid to even talk. We've got problems. I told you I'm sitting on this little perch now and I'm saying what is right and we need to do it. When we started out with that hospital we did it right, we did it perfect and every obstacle that came before us we jumped it with no problems, and now we're just - Now we've done some positives but for the most part we have some problems and if we don't fix it, it continues to go this way."

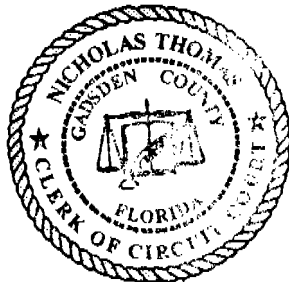
Commissioner Croley "On a more positive note, Mr. Chair, I would like to say how much I appreciate and recognize the fact that Clerk Thomas as the Chief Financial Officer is coming on a regular basis and taking part in giving good input into the financial wellbeing of this County. That's something that most of the time since I've been here on this Board that we did not get. I very well understand and appreciate why we were not getting that type of cooperation, given the environment at the time, but Mr. Clerk I want to thank you personally for the good job that you are doing and I know that your staff is certainly communicating much better with this Board's budget process than

ever since I've been here. And, you notice that we frequently rely on your input more and more and we appreciate your contribution in that regard; at least I certainly do. Mr. Administrator, despite the fact that we're not all perfect I do want you to know that I do think that you have made significant improvements here in this county government. Yes there are always going to be problems and yes these problems that may previously have been deemed inherited are now ours and we must claim ownership of them and resolve the issues that come before us in a very positive and constructive manner, but as the Roman Emperor Hagrin said 'Rome was not built in a day, it's brick by brick now citizens, brick by brick' and that's something that everyone on this Board needs to bear in mind. All of these things that they hear about often times are nothing more than somebody trying to make an issue out of something that happened before the people here today got in place. The administrator who was at that EMS Office is no longer there and a new one is there. Is he perfect, I don't know; time will tell. It's been very clear that those problems better be resolved. They better be resolved in other departments in this County. The Library better communicate better with the Library board or citizens committees. The Jail, as Major Morgan has pointed out earlier, we are taking proper steps to move this place forward and we're going to continue to do that. We may not always agree in how best to do that, but we are going to make progress. Ms. Minnis, you do a great job as the county attorney and you certainly have handled things much more positive than what we have seen in past years. You have been much more economical, you have been much more thorough and we appreciate that, or at least I do. Mr. Chair, this Commission is much better as a whole than what I came into approximately four years ago. It's light night and day difference. I'm looking at people who have come to these meetings and you ought to get citizenship awards for their participation, and guess what. I bet they can say it's a lot better than it was. Now, Mr. Chair you've done a great job in helping lead this Commission. There's going to be some decisions made next week as to whether or not we go forward or we go backwards. I believe the citizens will make the decision to keep going forward. Now, Mr. Chair that's all I have to say but I appreciate your leadership and your service."

Chairman Lamb "Thank you. You all have said a lot, and I appreciate all that you have said. In my six years of being here, this County is light years ahead from where they started in 2004. There have been a lot of changes that have taken place for the betterment of all the citizens of Gadsden County. A lot of the things that may have happened, the present administrator

and county attorney have kind of inherited some of these things and it's going to take some time to straighten them all out and I believe they will. Now if there's a problem down at EMS, and from indication there might be one; there might be some problem with that report coming in. I don't know what the report says. I haven't read it, I haven't seen it. I don't want to read it and I don't want to see it. That's personnel; I've got enough on my plate than dealing with personnel and that's why I don't get paid to deal with personnel; but I'm expecting personnel, though, to do their job and I think they are doing their job. They're looking into that report. When they get through with that report, the County Manager and Personnel - Mr. Lawson will act accordingly to that report. Nobody in this county, nobody will force me or entice me to interfere with somebody doing their job. I don't care who they are and I don't care what their problem is, or how much they may dislike somebody else, that ain't got nothing to do with letting people do their job and as Chairman of this Board and that particular item, and as the presider of this Board ain't coming before this Board until that manager and that administrator, that manager and the director of personnel complete their findings on that report. If it calls for the suspension or the firing of somebody that's their job - that's their job. Now if I have a concern about the report I'm going to go directly to the Manager and talk with him about it. That's what I would do if I feel that justice has not been served but as I said before, I'm going to wait until the manager does his job and the personnel director does his job on that report. I know there are people out there running their mouths and they would do that even if there wasn't a report so you can't just go by and let people put pressure on you. You got to stand up to pressure and that's easy to do if you want to do the right thing. So, I'm giving them time to do their jobs. It may take another two or three weeks, it may take a month or a year. It doesn't matter to me how long it might take, as long as the right thing is done. As I said before, I appreciate everything that has been said and we don't want to rebut anybody because everybody has had their opportunity to speak. I think the Board is on the right track and we are together. Everybody has their right to their opinion so always remember that." He asked that the commissioners, should they have a problem with something and it's coming from staff, to please communicate with the County administrator concerning their own concerns. He also stated the commissioners should not deal with personnel; it should be dealt with by the administrator and the commissioner individually.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD AT THIS TIME, THE MEETING WAS ADJOURNED AT 10:45 AM.




CHAIRMAN EUGENE LAMB


Muriel Straught, Deputy Clerk

As transcribed by Deputy Clerk Jean Chesser

**AT A SPECIAL MEETING OF THE BOARD
OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN, COUNTY
FLORIDA, ON SEPTEMBER 2, 1010, THE
FOLLOWING PROCEEDINGS WERE
HAD, VIZ**

PRESENT:

Commissioner Eugene Lamb, Chair Dist. 1
Commissioner Doug Croley, Vice-Chair Dist. 2
Commissioner Gene Morgan, Dist. 3
District 4 - Vacant
Commissioner Sherrie Taylor, Dist. 5
Johnny Williams, Co. Administrator
Jeff Price, OMB
Jean Chesser, Deputy Clerk

Call To Order:

Chairman Lamb called the Budget Workshop Meeting to order at 4:00 PM, with a quorum present and he then turned the meeting over to the County Administrator.

Mr. Williams called the Board's attention to a memo dated August 30, 2010, that he and Mr. Price had put together on some of the remaining items that need to be addressed. He explained the first two items -

1. Additional Health Insurance Cost - Approximate cost for FY 10/11 - \$33,400 is already included in the budget -- put in the budget from General Fund Reserves.

2. Two Additional Public Works Staff - (sign tech and fleet tech) approximate cost for FY 10/11 - \$73,400 is included in the budget and funded by General Fund Reserves.

Mr. Williams said the Board is aware of the County's General Fund Reserves and that Clerk Thomas had requested last year that the Board not use any of those reserves because they were so low. Mr. Williams said the County is in a little better situation now, and expects to end this year with at least \$4 million in reserves - said he isn't quite as nervous about it as

he was this time last year but cautioned the Board they still need to be judicious with it.

Chairman Lamb called for questions/discussion on Items 1 & 2 and none were stated.

Item 3. Prison Work Crew - FY 10/11 cost approximately \$58,000 per crew. The BOCC discussed having two crews for a total cost of approximately \$116,000. Staff recommends that this item be funded by the termination of 3 to 5 Public Works employees; thereby having no additional cost added to the budget.

Mr. Williams said at the last budget meeting the Board had talked about hiring two crews at \$116,000 and there was some discussion on off-setting it by the lay-off of 3-5 public works employees. He said it was kind of left at that; lay-offs are usually a sort of last resort, but if that's the way the Board wants to handle it, then it can be done and would be done on a seniority basis - from the bottom up, last hired, first fired.

Commissioner Morgan said they had discussed several different scenarios in trying to justify which made more sense from a business standpoint regarding spending the public's money. He said they had come up with the two crews which would give 20 workers, a supervisor for each crew and transportation would be provided; all of which seemed to make sense as opposed to how it's being done now where the County is providing the transportation with as little as four to five in the crews.

Mr. Williams explained the County has several crews - a couple of them they provide and some of them the County provides -

Commissioner Morgan "My question is -- OK, I think and I don't want to put words in your mouth, but I believe there was a -- I know we talked about potentially looking at it as a business case 'saying OK, here's what we're doing now and here's what we're talking about doing' and then be able to make a decision there."

Mr. Williams "Yeah"

Commissioner Morgan "So, I haven't seen that. I don't - am I hearing that you're saying that we're going to have to lay off five people in order to justify this?"

Mr. Williams "No I'm saying that that's what - you asked for our recommendation and that's our recommendation, but - You could do

that with a public works reserve fund or general fund reserves as well. It would actually be public works reserve funds, there."

Commissioner Morgan "And, those reserves are pretty thin right now, aren't they?"

Mr. Williams "About \$400,000.00, I think - last I looked at it"

Commissioner Morgan "Ok, that's all I have. Thank you."

Commissioner Taylor "Obviously I'm not in support of anyone having to lose their job to fund this. If you all will recall this past year we entered into something very similar. We hired fifteen guys with weed eaters to go and do right-of-ways and obviously that was a trial and error because it hasn't panned out. I think we only received about four months of services because of the amount of money that was funded. When we look at the number of days the inmates can work; keeping in mind we are in Florida so two-thirds of the time we are looking at some kind of in-climate weather and we've been told that they cannot do anything in the event of in-climate weather. We've been told they cannot operate any kind of equipment other than a weed eater. We've been told, again, that there are going to be limited things that they can do. Some of our arguments have been the culverts not having been cleaned out and I don't think they can be responsible for that. Obviously when it rains you have severe road damages that crews have to go out and use machinery to repair - they can't do that. We put in tons and tons of money, Mr. Chairman, training these people that we're getting ready to lay off for people who are going to be able to provide limited services. I had hoped the Clerk would be here this afternoon because I did speak with him about this issue. He did indicate that there were funds available for it, other than laying people off. He also indicated that the \$2 million that we're thinking is going to go into a reserve is not a real number so I'm hoping at some point in time he does come over so that he can clarify this. The idea of buying two crews is a new program -it's a new concept. We don't want to terminate anybody, Mr. Chairman, all for doing something new. We can fund this, if this is what you all want to do. I prefer just really doing one crew with ten (10) members. I don't see where two (2) is necessary, but keep in mind this government is run off taxes and when you lay people off you are cutting into our revenue and into people's livelihood, so the \$400,000 is there -- \$116,000 off of it - I know we don't want to bother with reserves but we're doing well and we certainly don't want to lay off anybody.

If you want to do two I wouldn't vote for it. If you want to do one, I would. I would vote for one but please commissioners, let's don't go after people's jobs when we've got other alternatives that can fund this and the Clerk is in total support of other opportunities that we can look at and he promised he would be here today. So, that's my only stance on that one. I'm willing to work with you, but not at the risk of putting people in the unemployment line where that's going to have an effect on us as well as for different homes. Thank you."

Commissioner Croley "Item 3 is not written up correctly. I don't believe there was just discussion about laying people off. What was said based upon the information that was provided that there were four inmate supervisors and that the State of Florida had made a decision based upon the decision to open and to privatize the prison (inaudible) that we couldn't get inmates as had been obtained in the past. Therefore, you have inmate supervisors with a county van and the port-a-let trailer hooked to it supervising three inmates. Now, on Monday I personally passed a county van with three inmates picking up trash and that happens regularly. Now, if you can find other positions for inmate supervisors, fine; but it does not take a rocket scientist to - as we said before, to figure out that if I can get 20 men, two State supervisors and two State vehicles for \$116,000.00 that that is a good business move on the part of Gadsden County and for the citizens and the tax payers. Now, that doesn't mean that you've got to eliminate those employees. There may be some that's near retirement. I don't know. I don't know anything about the details; I just know that-- Mr. Administrator you should - and I agree on this basis. I don't want anybody out here to be losing their jobs but I think you can go in and look closely at this and I agree with Mr. Morgan. I think this would have been better presented if you had done a cost benefit analysis on it and looked at who and how you would have made this work. Just going out there and saying we're starting at the very bottom with a maintenance person and eliminate them; that's not right. I think, how much did it cost for the weed eating crews this year"?

Mr. Williams "About \$120,000.00"

Commissioner Croley "Well that takes care of your weed eating crews right there. It covers the whole thing and you don't have to spend \$120,000 next year - you're going to do it for less and that gives you a resource. That's why I'm trying to encourage people to think how you do this. You don't have to go fire

people. You should be able to make this work out, so the way it is written up; and Jeff I don't know if you did this or not from the budget, but please, it would be most helpful to us if it wasn't stated in this manner because that wasn't what we said."

Chairman Lamb "Let me make my comment here. This \$116,000.00 I have no problem with the two crews if we can get two crews, but let's do everything we can to keep those employees. We don't need to lay off these employees - we don't need to do that. There's money in other places that you can get that \$116,000 from - the weed eating crew or wherever you get it from, but we need to keep the employees working. We don't need them out there drawing unemployment - that would be three or five more employees that we would have in this County unemployed and we just don't need that. I'm sure you can go back and find that \$116,000 where ever."

Mr. Williams "Sure, we can take it out of reserves - that's always one possibility."

Chairman Lamb "Well, that would be up to you all where you want to get it from, but we need to keep those employees working. Let's keep these employees working."

Commissioner Morgan "That's what I was talking about before; take a look at here's what we have presently and here's what is proposed. I hear the concerns Commissioner Taylor is saying and I have to agree again with what Mr. Croley said. We want to see an analysis because that money may already be being spent and I am not for taking money out of our reserve fund if we don't have to, and I want to state that right now. But, I think our Public Works Director even commented that this is a heck of a deal."

Mr. Williams "Oh, it is a deal, there's no doubt about that."

Commissioner Morgan "We would have 15 to 20 individuals out there and two supervisors - you can't beat that deal; it's almost a no brainer and we just need to know where or how we can be most effective with those existing three to five employees in Public Works, putting them to doing something else. Now, just one more thing I want to mention and then I will be done. We talked about last time the concern for abandoned and neglected cemeteries throughout the County and this is where -- and Mr. Fletcher mentioned this at our last meeting, how they are doing it in Liberty County. In the winter months we can use these crews for these types of County concerns, and if we do this, I want to be sure that these are the types of things we are

looking at doing and thinking about doing in taking advantage of this."

Sheriff Young addressed the Board - "I can offer you, give you a better business deal on this. Commissioners you own the jail and if you want to look at inmate crews, we sentence folks to that jail and we are looking for work. We are looking at putting these folks to work so you can save that \$116,000 and get your own inmates to get out there. Now, I'm not for laying folk off to do this but at the same time I've got the inmates that you can utilize to get out there on these inmate crews. We've got a van, we have a trailer - I mean if you want to purchase another van - I can get you the inmates---"

Chairman Lamb "I didn't know they were allowed to come from the jail."

Sheriff Young "Yes, Sir. As a matter of fact our judges are looking to sentence folk - just to keep down jail population -to sentence to just an inmate work crew so you may want to look at this."

Commissioner Taylor "If the Chair can offset this cost and stop anybody from being laid off - and I want us to say this here and let it happen and we relax here and not something else happen tomorrow, so I'm hoping we can kind of put this to bed. We're all in unison that no one loses their job."

Chairman Lamb "OK so you and the budget director and the Sheriff can all get together and see if we can work this all out for us, and it would be great.-"

Commissioner Taylor "Did you hear my question Mr. Chair, are we all in unison here that no one loses their job?"

Chairman Lamb "Yeah, yes, yes, yeah."

Commissioner Croley "No, I'm not in unison, I'm on the basis of looking at it from a business standpoint with the offer that Sheriff Young has brought to your attention, then do a proper analysis and then we will make that decision."

Chairman Lamb "Yeah, and then we will make that decision. We have to wait until we get their analysis."

Commissioner Taylor "I understand, but if he is telling us free labor then all we have to do is make sure we have someone that is trained to oversee them, and he already has that, so -"

Chairman Lamb "I'm in favor definitely of trying to keep the people working, but we will wait till we get there -"

After additional discussion, it was the consensus of the Board that Item # 3 (\$116,000.00) remain in the budget at this time, and have the County Administrator and the budget staff get with Sheriff Young and let Sheriff Young and the Administrator look at the inmate crews and then come back to the Board with the best business arrangement.

Chairman Lamb called for the next item on the agenda.

Ms. Brenda Holt briefly addressed the Board about a letter she has been working on and the possibility of sending it to the paper. She said she is very concerned about people being laid off and the fact that it decreases the County's tax base. She said she is just trying to look at saving jobs but if the Board can try to work this out, then she will hold the letter and see what happens - how it comes out the next time.

Chairman Lamb responded that is what the Board is trying to do - save these peoples jobs if they can.

Item 4. Road in Midway - cost approximately \$100,000. This item is currently budgeted in Public Works Capital Project Reserve Fund, along with a backhoe, flatbed truck and three to four pickup trucks that have been approved. Staff recommends funds be transferred from Discretionary Sales Surtax Fund to cover all the approved costs (approximately \$350,000.)

Mr. Williams said Item 4 has already been taken care of and has been put in the budget out of Public Work's capital reserves.

Commissioner Morgan inquired as to the pickup trucks in Item 4 and Mr. Williams said that was part of the Public Works request under the capital outlay, and it was all lumped together in there.

Commissioner Morgan brought up the buy-back program on large equipment that the County previously participated in and as discussed by the Public Works Director at the last meeting. He asked the County Administrator if staff is all back on the same page so the county can take advantage of the program. He said

they 'missed the boat' the last time and the Board was not aware of it. Mr. Williams responded he was not made aware of missing it either, but explained staff is on top of it and the County will be able to take advantage of that type of program in the future.

There was no further discussion or questions from the Commission on Item 4.

Item 5. Senior Planner - approximate cost for FY 10/11 - \$68,000 (salary and benefits) - No fiscal action needed. Deferred at last budget workshop.

Mr. Williams said Item 5 for a Senior Planner was deferred to some later date by the Board at their last meeting and staff has decided there is currently no need for the position due to the state of economy and the fact that no one is building houses, or subdivisions. He did state that if the economy ever busts loose they may have to look at that position again.

There were no questions and no discussion on Item 5 by the Board.

Item 6. Emergency Housing Repair - requested amount of \$40,000. Staff recommends this item not be budgeted in this year's (FY 10/11) budget. Should an emergency occur, then the Commission can fund this project from General Fund Reserve.

Mr. Williams said last year there was \$40,000. For Emergency Housing Repair and at the last meeting the Board had wanted to keep the \$40,000 this year. He said, here again that would be from general fund reserve if the Board decides to keep the \$40,000 in this year. He said he and Commissioner Morgan had discussed this and their belief was that maybe they should not budget it until they have an emergency. Have it as a line item but not funded until and unless they do have an emergency.

Chairman Lamb "And then you would use general funds?"

Chairman Lamb "And would that depend on what type of emergency you've got and would it be coming under the program (SHIP) the County currently has?"

Mr. Williams "Yes, and see how much would be needed and then drop it into that line item. It's just something we discussed." He said it meets the requirements of the SHIP Program - income limits and elderly and handicapped, first and so forth."

Commissioner Taylor "Mr. Chair, This is one that I kind of pushed because we run across this often with folks with limited income who have an emergency because of the type of in climate weather we often get in the State of Florida that we could help, and that's why we're here; to provide services to the best of our ability and these are dollars that were budgeted last year. Now we have not increased anywhere so why are these dollars not there and available this year? They've already been in there and we discussed this at our last work shop and with the exception of Commissioner Morgan, it seemed like everyone else was in favor of making these services available in the event of an emergency. Obviously no one wants to go into reserves, but we still have to take care of and be responsible for our citizens. Now, at the last meeting -- this question is for Mr. Williams - at the last meeting we were all under the impression that you all were to go back and take a look at some cuts that we had made that would have brought the revenue up and made it available to offset some of these items the Board had looked at. For example, \$34,000 we had taken out of the attorney's budget; I'm trying to figure out what happened to those dollars. There was \$60,000 that we had cut from the \$120,000.00 from the Urgent Care, so that should have brought us to \$94,000 and then there was the additional dollars that we also cut with the hospital so those should have brought you some extra dollars that would have offset some of these costs because I know trying to get some of the commissioners around here to go into reserves would have been just about impossible. But, then looking at the fact that these dollars we did cut could very well fund this and no one going into reserves and then we would have a line item that could be available for citizens. Now, those funds were spent this year. Why? Because there was a need. Each one of those citizens who used this service did go through the proper format, did make the criteria list and receive services. The people that are getting these services are from all over the County and we have the cuts where we can fund this so I am hoping we can go ahead and move on this particular item."

Mr. Williams "You are absolutely right and with the Board's permission we will go ahead and look at those before we look at reserves. We will just do that automatically, if it's OK with you."

Commissioner Morgan "My objection for having a specific budgeted item here is not that if there is a need or an emergency where we need to respond. It is the fact that we are in an environment where our revenues are going down, our expenses are going up. We don't know what the State Legislature is going to

propose as far as any funding for us and we need to be very careful in how we budget funds. You know, we need to put every possible penny we can into fund balance and that is why we have been so successful in the last twelve to fifteen months in building up these fund reserves and they will continue to build up and we will be in a position so that if we have an event such as we had this past year and there are some needs out there then hopefully we will have those dollars available and we can make that decision at that time. It doesn't mean that I don't feel there is a need if something occurs. But, just because we are Cutting dollars from other areas to put back into fund balance doesn't mean that we need to automatically go and look for places to budget different items. It's just not - we are not in the right type of climate right now, economically, to do these things. That's just my personal opinion on that."

Chairman Lamb "I did speak to the Administrator concerning that certain item. Now the question here is do you want to make that a line item for \$40,000, or when something happens, the administration can give the SHIP Program the opportunity to look into this to make certain the person is qualified - to go out and fix their roof or whatever needs to be done. That's what we're talking about here. I don't see where we have to put the \$40,000 in a line item as long as they can get it from the general fund if it's an emergency and has to be used, if the money is still there."

Commissioner Taylor "Mr. Chair, just one comment to what you just said. The only problem is that if it's an emergency then the money needs to be accessible in an expeditious way or expeditious manner if it's an emergency. Now, we saved money last year. We saved money with this item in the budget. We were very fiscally conservative last year, with this item in the budget. This isn't an add-to. Now, I can appreciate you saying as we go forward let's cut, and when we cut let's keep them cut and hold it right there, but this was a funded item, and that's all that I am saying. We have to be able to provide service. I hear what you're saying - let it be a line item but don't put money, but I'm just afraid of the times. You can't just let a person sit out there two or three weeks while we go through our bureaucracy trying to get the money moved to the right place while these people are living in a poor condition and obviously will get worse if it is not taken care of immediately in an emergency situation. So, what you're saying is its doable, but the only thing that I could see that would hurt us is that they won't be accessible to the money as quickly if we don't budget something in this line item. That's all that I'm saying and I'm

hoping that you all will consider this. It's just \$40,000 and if you want to cut it by \$30,000 - whatever, I just don't want to see us lose the whole gamut."

Commissioner Croley "Well, I really don't see the need to set a line item now that I've reflected on it, and the simple reason is cash - there is no such thing as a reserve fund. There's not anything in the budget - it's the cash balance - cash balance is what is for your emergencies. That's the cash you have on hand to tide you over and if - quote an emergency, if whatever a lawful defined emergency does occur, it could be in law enforcement, it could be in public works, it could be in housing or whatever due to a natural or man-made disaster, we can go to cash balances but without a public policy on that, I think it's better that you leave it in cash balance so we can deal with it as we go along, so I'm going to agree with you on this one Mr. Chair and say I would rather not see a line item."

Chairman Lamb "OK, we need to go ahead and let management know exactly what we're going to do on this one."

Commissioner Taylor, "OK is it see a line item or not see a line item funded? Which one are you saying?"

Commissioner Croley "I'll see a line item on it because if it's in cash reserves it's the same thing."

Commissioner Taylor "If you do this then you are going to make it difficult to be accessible; that's the word. If you don't have a line item what will someone do who needs an emergency roof and they come in here, wait for a public hearing is that what happens? Tell me what, how these people would get the services."

Commissioner Croley "The event has to be determined to be the emergency, not the individual need. It's the event that has to be determined as an emergency."

"Commissioner Taylor "OK, then once the event is determined to be an emergency, then what do they do?"

Commissioner Croley "Then we'll deal with the appropriate money for the emergency."

Chairman Lamb "The administrator can, it can be done administratively."

Commissioner Taylor "Gentlemen, just let me say this. Anything that is spent over his limit has to come before us and especially any time you are spending an item that is not a budgeted item, it has to come before us. Listen, you don't want to not continue to provide services. If you don't want to put any money in it, fine. Let's at least leave the line item in there. Let's at least compromise on this somewhere."

Chairman Lamb "And to comment on what she's saying. I don't think it would be feasible for us to have a commission meeting to act on that item under an emergency situation."

Commissioner Croley "I appreciate that point, and actually Commissioner Taylor you make a good argument and I am going to come back to you and say that as far as having a line item for bonafide, declared natural or man-made emergencies -"

Commissioner Taylor "Not man-made, you don't want man-made"

Commissioner Croley "Well if a train jumps the track, that's man-made. What I'm trying to say is if you have a gas release or a fire or something, I mean that's man-made as opposed to a hurricane or a storm and that's what I'm talking about. What I'm getting at is we need a policy on that but I would compromise and say we could put some amount of money in an emergency fund like that, but then we need to have the attorney draw up the proper, legal provisions for it."

Commissioner Taylor "Ok, that's fine, that's fair."

Commissioner Morgan "Thank you Mr. Chair. I'm still a little confused. I don't know if you're saying have a line item in there with no funds. I don't know what you're suggesting - but even if there's a line item with no dollars allotted to it, it still has to come back before this Board for us to amend the budget to put money in, so what I'm saying is you are limiting how you're able if you have line items with money in it, you are limiting the ability to use that fund balance in other ways, if there becomes a need to do so. If we have an emergency we can still go to fund balance and address that just like we would anything else. You know, what you're doing is tying your hands by doing that."

Chairman Lamb "If there's money in that line item, then we don't have to come back to it."

Commissioner Morgan "Yeah, but you can't use those dollars somewhere else if there is something that comes up."

Commissioner Taylor "It's called a budget amendment. Yes you can."

Commissioner Morgan "I know, but you're not accomplishing anything is what I'm trying to say. Fund it or don't fund it, but what I am saying is there is nothing positive that comes out of there other than you are limiting - you are putting a limit on your fund balance, you are restricting your fund balance."

Commissioner Croley "Commissioner Morgan what this boils down to is that it's not the fact that we might not fund an emergency, it's what is defined as an emergency and what we really don't have is any rules in place about when and where these emergencies are declared, except through Emergency Management and there may be situations that could be a micro-sheer off a thunderstorm like we were talking about that put a tree limb through an elderly person's house that has no insurance and -"

Commissioner Morgan "Write a check out of fund balance."

Commissioner Croley "Well, we could but by law we still have to have a budget for that and I think if we had an amount of money in there, as Commissioner Taylor is suggesting, that that would probably work. Now I agree with you on a bigger item. If you don't have it in cash reserve it doesn't make any sense, but having some money so that he could act --"

Commissioner Morgan "If you fund that with \$40,000, at the end of next year \$40,000 will be gone. You fund it at \$400,000 and at the end of next year; \$400,000 is going to be gone. That's just what I'm trying to tell you."

Commissioner Taylor "What he (referring to Commissioner Croley) is saying now is that it has got to be a little bit more defined as to who may get that money; that the attorney needs to come up with a more defined policy. I just want to make sure we get something in there; if it's no more than \$5,000 in this line item, just so we can move it off the table."

Commissioner Croley "Commissioner Taylor if we put \$10,000 in line item for emergency and ask the attorney to draft up an emergency program and get with Emergency Management for a lawful disaster so the administrator can act in conjunction with

Emergency Management - that ought to accomplish what needs to be done, and Commissioner Morgan if we don't have events that meet that, we should be able to move that money back into cash fund balance."

Chairman Lamb "We will be looking very closely at those emergencies, too - exactly what the emergency is."

Commissioner Croley asked if a motion was needed and Chairman Lamb said yes, for the administrator to bring it back to the Board for public hearing.

UPON A MOTION BY COMMISSIONER CROLEY TO PLACE \$10,000.00 IN A LINE ITEM FOR EMERGENCY HOUSING REPAIR AND THAT DISBURSEMENTS BE BY SOME TYPE OF GUIDELINES AS DRAFTED UP BY THE COUNTY ATTORNEY AND THAT THE BOARD APPROVE OR CONSIDER THOSE GUIDELINES AND THAT THE ADMINISTRATOR AND THE ATTORNEY GET WITH EMERGENCY MANAGEMENT FOR WHATEVER THE STATE REQUIREMENTS WOULD BE, AND UPON A SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3-1, BY VOICE VOTE IN FAVOR OF THE MOTION.

Vote Recorded As:

In Favor of: Commissioners Taylor, Croley and Lamb.

Against: Commissioner Morgan

Item 7. Jail Locks - Cost approximately \$175,000 and Jail renovation (female unit) cost approximately \$30,000. Staff recommends these items continue to be budgeted in General Capital Project Reserve Fund. These items were budgeted in FY 09/10 but were not started. The budgeted money will roll over to the FY 10/11 fund balance.

Mr. Williams said the Board has already agreed to roll it over and re-fund it in the next year.

Commissioner Croley "Since our Sheriff is sitting here, Sheriff, the money to fix the jail is committed for and it's just a matter of Clyde Collins and Facilities Management doing the work."

Sheriff Young asked to address Item 7 - "You know, about two years ago I stood before the Board and we had about \$800,000 allotted to the jail to do some repairs. Now that's kind of dwindled down a little bit and I've never got the clear understanding of what - I know we got cameras, and thank you. They're really working. I'll give you an example. When we have

any kind of incident in the jail we can go back and record what happened and we address that by arresting the inmate or whatever we need to do and it's really helping us there. Now you're saying the jail locks are only \$75,000 and I think the cameras come out to be \$82,000, I believe \$175,000 for the locks and another \$30,000 that we discussed the other day for a male pod. But, what happened to the rest; the other \$500,000? I've never got a clear understanding of that, but we did have \$800,000 allotted for it."

Commissioner Croley "You know what Sheriff, I don't know and I've asked the same question - what happened to the \$800,000. that was committed to those jail improvements because I supported that when I first got up here."

Chairman Lamb "What we need to do on that and I think we can find out exactly what happened. I don't know either Morris, but the Clerk ought to know."

Sheriff "Do I need to get with the Clerk?"

Chairman Lamb "No, we'll get with him - the administrator will. The budget director and administrator needs to get with the Clerk and get an answer for you."

Commissioner Croley "But in response, what happened though as the Clerk has pointed out was in the past if the money was not utilized in the year then it goes right back into the cash balance, and what's happened here is the money wasn't used in this current budget because Mr. Collins couldn't get the work done - the hospital and the jail all at the same time, so the money that is in the jail facilities fund for Clyde Collins is going to be carried over for work to be done after October 1st. Now basically, that was apparently never done with the \$800,000 and it went back into the reserves of the County. If we had a better jail maintenance plan of exactly what you recommended and what Mr. Collins recommended, I think everybody would be on the same page about long-term funding. It would certainly make it easy on everybody to know what needs to be done and we do it out over a period of time as the cash flow allows."

Commissioner Morgan "Sheriff, what you're coming up with here is about \$480,000 or so of the \$800,000 that hasn't been used yet, and if you remember last year we funded your law enforcement budget with an additional \$200,000. I agreed to support that because you and I talked about that in your office one day because you explained to me that you were using law enforcement

dollars to maintain that jail because it hadn't been properly done. So, I think in effect of that \$800,000, you're down to \$490,000 - you take another \$200 off, so we're really talking about just less than \$300,000 that we're looking for, if ya'll can follow my math there. But, there's still \$300,000 and we need to find out where that money is."

Chairman Lamb "Well, we'll get with the Clerk and the budget director as well as Mr. Williams and see can we get the Clerk to trace where that money is and how it went back into cash flow or whatever and we'll need to consider putting that money back to the Sheriff's Department."

Commissioner Croley "It doesn't go to the Sheriff. It goes to jail facilities."

There was no further discussion on Item 7.

Item 8. CRTPA (Capital Region Transportation Planning Agency) \$5,000.00 requested and staff recommends this item be budgeted in County Commissioners Dues account for \$5,000.

Mr. Williams explained Item 8 - CRTPA - was inadvertently left out of the budget and needs to be in there. He explained the Board had discussed it at their last meeting and had agreed that it is something they just have to do because they won't have access to transportation funds without it. He said staff recommends putting it back in.

Chairman Lamb said everyone on the Board is in agreement with putting Item 8 back in the budget.

Item 9. Opportunity FL - \$4,000 requested - staff recommends this item be budgeted in County Commissioners Dues account for \$4,000.

Mr. Williams said Opportunity Florida is responsible for the broadband \$23 million project that was awarded this year for all of the counties combined and Gadsden County will get their share of the \$23 million. He also said this will be a real money-maker for the County in years (probably three to four) to come.

Mr. Williams explained the correct proposed budget amount is \$4,500.00 - Not \$4,000.00 - typo error.

Chairman Lamb called for questions on Item 9 and there was none.

Item 10. \$25,000 requested to be budgeted for lobbying services - staff recommends this item be budgeted in County Commissioners Professional Services account for \$25,000. (Small County Coalition is currently budgeted in County Commissioners Dues account for \$5,000.

Mr. Williams explained Item 10 as lobbying services for the County and said the name of the Lobbyist was left out of this request because this item will probably go out for RFP - said that was the discussion at the last meeting.

Commissioner Taylor "I have been to several meetings with the Florida Association of Counties and have talked to numerous other commissioners and we are about the only one paying this kind of money for lobbying services. The fee that we pay to be part of that coalition (Small County Coalition) buys lobbying services for us; that is \$5,000.00. That is all the other counties pay, the \$5,000.00 and gets the same level of services for their counties that we are paying an additional \$25,000.00 for and I thought about this. I know the sensitivities and the need for having a lobbyist. We have already paid them once. This was a deal that was done before us. We don't know why or where it was struck up; the reasons for it and I'm understanding the two commissioners that were seated at that time didn't have any buy-in or rationale for it, but if we pay the same as all of the other counties the \$5,000.00, then why are we having to pay another \$25,000.00 and they are not, but they are getting the same services for \$5,000.00 that we are getting but we. We are paying a total of \$30,000.00 but there are not very many other counties doing the same. We are the only one doing this. It was a \$50,000.00 deal - Why? What were the reasons for this? We don't know, and the only thing is we continue to pony up and I've got a problem with that. If everybody else is getting the same service for \$5,000.00 then we should ask and get the same services. It shouldn't (inaudible) because we don't want to continue to foot this bill. If everyone else is getting it then why are we paying this additional money? Maybe the veterans - maybe ya'll can explain it to me - are we getting more, or what is it that we're getting for the extra \$25,000.00 that the other counties are not getting for just their \$5,000.00. That's just my question."

Chairman Lamb "Commissioner Taylor what you have asked has been asked around this table before, and by me time and time again and it was stated before around this table that we belong to the

Small Counties Coalition, and why is it that we have a lobbyist on the side, and then that's when the feeling came into it like you were saying it's a sensitive thing cause when the friendship and all of that stuff come in and people said we're showing more of a friendship thing than really something -- facts 'what are you getting for that extra money that you are paying the tax payer's \$25,000.00 for. I don't know; I really can't tell you Commissioner Taylor."

Commissioner Morgan "Let me clarify that Mr. Chair and I appreciate you bringing this up. First of all, when I got on Board here, we were paying \$150,000.00 in lobbying fees; \$100,000.00 to a federal lobbyist and \$50,000.00 to - actually the particular lobbyist that we have now, that's how much was funded but we have trimmed that down to \$25,000.00. There are also other small rural counties that are represented by a private lobbying firm. Lobbying is not a dirty word. If it is a good investment, it is something that we want to consider. It has been a great investment for Gadsden County last year. I know, I can tell you. There are other small counties that contract with the very lobbyist that we have here. We do very well over at the capitol and the reason that we do is because we have very good representation over there. I understand needs vs. wants - this is a need on some level when you're talking about defending your largest employer in this County. We are getting services that we would not get simply by being a member of the Small County Coalition or the Florida Association of Counties. We are paying for additional services and I have seen those, myself, on more than one occasion. Would I approve spending \$50,000.00? No, but \$25,000.00, absolutely; Every time."

Chairman Lamb "And, Commissioner Taylor to follow up on what he is saying, I did go over to the capitol and talked with the delegation because it came around this table saying that the delegation is responsible for us there at the capitol which is true, but the delegation a lot of times be too busy. They just can't be on top of things like we want them to, but if you've got a person looking out for you - like a lobbyist looking out for you - that person will communicate with the delegation for you as well as communicate with us. I think that's where - I think that's how this came about. I think that's how all of this came about, and there was time, and I have to say it just like here, there was times when I got phone calls from our lobbyist who really brought me up to date on some things that I really needed to be brought up on and you could find that person when you walk into that State Capitol - you can always find that

person. I went a little bit further than there, though. I went to my delegation and I asked them 'what is your feeling on a lobbyist - I asked each one, and they said you should consider having one because we cannot be on top of things for you all like we want to. If your lobbyist would give it to us, information to us - he would pinpoint information to us so we could really get on it. He'll come to our office, he'll call us, but he said you are spending your money pretty wisely when you get someone'; and when we cut this thing down to \$25,000.00, we really spending it wisely, I feel. I feel."

Commissioner Taylor "Let me make this one comment. The last time we spoke about this you gave me some advice and I took it. You said 'I'll tell you what Commissioner Taylor, call and talk to some of the other representatives over at the Legislature and get an understanding of these people and how valuable a lobbyist is'. I did exactly that and what I found out is exactly what you said in these meetings. The person we hired last year; excellent. He comes highly qualified and he does his job extremely well. I followed up on what you told me to do, but what I'm saying to you is this. Of the \$5,000.00, he is supposed to be doing that for us. He is supposed to be contacting you and letting you know what is going on. He is supposed to keep us abreast; we're supposed to continue getting the little e-mails, updated news for the \$5, 000, and 00. That is what he is supposed to be doing. He is supposed to be doing these very same services and we are supposed to call on him and ask him things that we need to ask for this \$5,000.00. That is what he is supposed to be doing for those dollars, and you didn't lead me wrong and you didn't tell me anything wrong the last time we talked, and I followed up on it because I'm still learning. But, what I

found out is we are already paying for what he is supposed to be doing, and again, Commissioner Morgan, I've got just as many constituents working at that hospital, that's Florida State, but when they get ready to prioritize it, I don't think a lobbyist is going to be able to stop it. He can give us some sounding bells and we can go over there with our signs and with our crowd warriors, but I don't think a lobbyist can stop it when they get ready to do it. I don't think they're going to be able to do it anyway because it's too big to prioritize, and the prioritizing is bound to be a bitter taste in their mouth now because the Governor who liked prioritizing is no longer there. But, the only thing I am saying is the \$5,000.00 that we are paying is what he is supposed to be doing, making phone calls, giving us alerts, seeing us when we walk through that door, and putting us in the right direction."

Commissioner Croley "Let's go back to the last time we had this conversation. You're doing the budget workshop for \$25,000.00. It doesn't mean that you're spending the \$25,000.00. It doesn't mean that we've made any decision about whether we're going to have the lobbyist continue or not, you're just holding \$25,000.00. out of the pot. Now at the appropriate time Commissioner Morgan could make his case as to why we need to continue with the present lobbyist or go out with an RFP, or like Commissioner Taylor is suggesting and not have one at all beyond the basic \$5,000.00. So, to save a lot of time I think the decision should be are we going to set \$25,000.00 in the budget right now and if we don't use it, then it will go back into cash balance."

Chairman Lamb "I don't think there is a problem setting \$25,000.00 aside right now. Not that we're going to use it Commissioner Taylor, but we'll make that decision when the time comes."

Commissioner Taylor "Yes, sir."

Chairman Lamb "Anybody have a problem with that?"

Board responded unanimously "No, sir."

Chairman Lamb called for the next item on the agenda.

Item 11. Governance -- \$-0- No action because there are currently no stimulus funds available.

Mr. Williams explained Item # 11 is simply a footnote and he said staff has not heard from Governance.

Commissioner Croley "I don't think we should do Governance right now because the regional effort, we took our (inaudible) and we got our money back and then some out of that, but then there is again nothing; it doesn't look like anything coming on a regional basis that is not covered elsewhere. So, I don't think we need to fund Governance at this time."

Commissioner Morgan "Mr. Chair I have one other item that we are forced to consider as well. Putting in a line item for the CRA dollars for Havana and Quincy so the CRA funds can be distributed directly from the County as opposed to how it is

being done now through the Tax Collector; come through the County and the Clerk to be disbursed."

Chairman Lamb "Johnny, you need to put that in there."

Mr. Williams "Ok, I will make a note of that."

Commissioner Taylor "Is that a cost item?"

Commissioner Croley "It's a pass-through but isn't in the budget."

Commissioner Taylor "Why would we want to handle the transition rather than it going from -"

Commissioner Morgan "Because we're putting in significant county dollars there and we have better control on how those - on that program if those dollars are being spent in the proper manner and the disbursement of it coming through the County."

Commissioner Croley "Control or accountability?"

Commissioner Morgan "Accountability."

Chairman Lamb called for the next item and Mr. Williams said he had nothing further.

Commissioner Croley "I have two items I want to get cleared up on. First of all I raised the issue about Emergency Management and the 911 addressing. I had sent an email confirming a conversation the Sheriff and I had about these items and I would like to see these researched along the lines of what the email said, Mr. Administrator, but I want to let's hold until we get back the additional information and I'm assuming you're sharing it with all the other Commissioners. I think there is more research being done and we'll find out and then before any decision is made about those functions and how they are done that we hear direct from the Sheriff's Office and have their input. The second thing is that while it would be a discussion about it, I believe even a public hearing about up-dating the Ordinance on the Drug Gang and Prostitution Abatement Board. I think we need to be prepared to fund that Board. I think it's a law enforcement tool. I think that we're going to have to look at adding -- calling on the Sheriff's Office to be the - to provide administrative support for that if they should be willing to do so from a law enforcement standpoint. There's going to have to be some investment on the part of this Board to

help Sheriff Young with his drug enforcement efforts. There's going to have to be some legal support because when you get into that Ordinance it can be a revenue source for law enforcement and that's what this is about; not to compete with the Sheriff's Office, but to give additional tools for their drug strike force and other things. I think we need to be prepared to put some money up for that and - hopefully Sheriff Young you will be present next week so that when the attorney goes over that portion so that - whatever action the Board decides Mr. Chair that we can amend the financial aspects of it."

Chairman Lamb "OK, if that's ok with the Board I will support placing that on there, bringing that before us then."

Commissioner Taylor "You've talked about a couple of things. Are you talking specifically about the 911 and Emergency Management?"

Commissioner Croley "That is one of the four sections of the Sheriff's budget. They are separate and we see in the background information how this came about - this happened before Sheriff Young. It has nothing to do with him, but how the Sheriff's Department got that - it was a budgetary action. There is no agreement in place as to how that is to be handled and if we are going to go that way with what the research shows and get feedback that there can be a contract set up and everything be done in proper order form, but I'm saying to you right now that we don't have enough information to make that decision. I think we need to hold on that. Sheriff Young maybe you would like to come up and make a comment about let's doing the research."

Sheriff Young "Yeah, it's like I spoke to you about. I think we need to research it and get with some other counties on what they're doing; how the E-911 and Emergency Management is working under the Sheriff Office. We can go back and do a study and show you the number of counties that have this up under the Sheriff Office and then you can make your judgment from that."

Commissioner Croley "And, I think that's what we need to do."

Chairman Lamb "I ain't got a problem with that."

Commissioner Taylor "I don't either, but here again; I think someone used a cliché 'if the wheel is broken, why are we trying to amend it?"

Sheriff Young "Well it's not broken."

Commissioner Taylor "I'm just trying to - I know you brought it up in our last work shop and I'm just a little confused that we aren't going to save any, but we are going to make sure that the quality of services is continued. Obviously, I don't think we have the expertise under these rules to operate or oversee E-911 or the Emergency Management and I don't even know why we are entertaining it, but I guess we will go through the motion."

Commissioner Lamb "Yeah, because you have a commissioner, or some commissioners who want to see it done. I'm willing to show that respect by at least letting them research it and bring it back to us."

Sheriff Young "This idea is tossed up, you know, throughout the State of Florida; I mean some counties want it, some don't, some have tried it. Just like our jail, you know, some counties try to run them and they find out that the Sheriff actually do a better job."

Commissioner Croley "And that's what we're talking about and we're trying to say leave the budget alone until we -- and if we find we need to do something different, we'll discuss that further. That's what I'm saying - Leave it right where it is. We need to leave everything right where it is with the Sheriff's Office now, and then on the functionality and other things we can deal with that. If this thing, according to the County Attorney with this little memo here is not adequate and we can make a contract or something and have some standards; I'm sure the Sheriff will consider that and we will have plenty of time to come to what's in the best interest of the citizens of Gadsden County and that's the number one thing. But, I also don't want ya'll to not - fail to appreciate if we're going to have a drug gang and abatement board implemented, it's going to have to be administered by somebody and his office is the best one to do that. It's going to have to have some legal support and it will be a possible new source of revenue for the drug law enforcement because if you don't do something, one day this place is going to be like Mexico with all these gangs and drugs and this is a chance for us to do something."

Sheriff Young "It is an opportunity. Like I say I don't know the advantages and the disadvantages; I don't know how many counties actually have a drug abatement board, but I can tell you this. When we do go out there, there are some properties that are pretty much paid for that the drug dealers have and it is an

opportunity for us to move forward with it and maybe get some funding, but we just need to research this also.

Commissioner Taylor "Mr. Croley you are asking to put a line item in the budget for the drug abatement board?"

Commissioner Croley "No, Mama. I said let's -that would be the only area here that I am saying, just like he had mentioned about the CRA money. I'm saying that we just need to make staff aware that it may be necessary if the Commission, after hearing the Ordinance, decides to go forward with the drug abatement board that we be willing to put some money in there. We can't ask Sheriff Young's Office to take on a responsibility without putting some money on it because they did that with him over here with the courtroom, and if we're going to involve - if this is a law enforcement function or a tool for law enforcement we need to be willing to put some money to help you with it. Not dump it in there and add an un-funded mandate on you."

Commissioner Taylor "So, you're just talking about arrangements at this point. You aren't talking about dollars."

Commissioner Croley "No, I'm just giving them heads up. I don't really need to do anything right now tonight. We just need to give them heads up that this may be something they have to deal with, if it's passed by this Board next week."

Commissioner Taylor "Be careful what you say yes to, Sheriff. Ask questions, ask questions."

Sheriff Young "I'm not saying yes. What I want to do is the research so ya'll understand what you're getting yourselves into."

Commissioner Taylor "You better understand"

Chairman Lamb called for any other action and none was stated.

Sheriff Young briefly addressed the Board saying he had discussed his budget with the County Administrator several days earlier and he would just like to get some clarification from him.

Chairman Lamb said there were no changes to his budget and Commissioner Taylor explained the Sheriff's budget request was not put in the proposed budget. What was put in was what the Sheriff got last year and his request was not moved forward in

the document the Board has before them. The amount the Sheriff requested is not in the budget document before the Board tonight.

After a brief discussion Mr. Williams asked if the Sheriff was referring to the money that had been identified in the audit.

Commissioner Morgan "How much is budgeted for the Sheriff right now?"

Mr. Williams "Well, let's see - four and two, about four for your operation and two for the jail - about six point something?"

Sheriff Young "You should have it there. I think I gave you a copy the other day."

Mr. Williams "Yeah, Sheriff you talking about that money we discussed that they identified in the audit, is that the money you're talking about? It comes from the jail? How much was it? I forgot."

Sheriff "I just sent you all a check, maybe it went to the Clerk, around \$69,000.00." We off-set the food costs and extra fees for food/inmates."

Chairman Lamb "If it went to the Clerk we need to direct the Clerk to direct it back to your budget."

Mr. Williams "The question is do you want to budget that back to the Sheriff's Department?"

Chairman Lamb "I ain't got a problem with that. I think we should."

Commissioner Morgan "Did I add incorrectly here? I'm looking at the total requested amount here from the Sheriff for law enforcement, corrections, Emergency Management, E-911 of \$7,922,900"

Mr. Williams "That's requested, not budgeted."

Commissioner Morgan "My question was how much was budgeted?"

Mr. Williams "It's more like a little over six"

Commissioner Morgan "Over a \$2 million difference?"

Mr. Williams "Oh, yeah, but they often request much more than we have money for."

Commissioner Morgan "Maybe I heard incorrectly, but I thought we heard that he was getting the amount that he requested."

Mr. Williams "Oh No."

Commissioner Taylor "What you are looking at is really what they moved over from last year; that is not his requested amount." She said what Mr. Williams said at the last meeting was that the Sheriff was funded the same as he was last year.

Chairman Lamb reminded the Board that the Sheriff is also requesting back the monies that he is sending the Clerk and Commissioner Taylor agreed with the Chairman that she had no problem with that.

Sheriff Young explained a few years ago they tried to find ways to off-set their budget because every year they were going over budget at the jail. He said he was taking law enforcement - didn't want it to look like he couldn't manage money - and he wanted to try to off set the budget so they did it by raising the food fees. He said this year they have gone \$30,000.00 over in food fees but he has sent the money back to the County and that he can't off set it if the County just kind of takes it and redirects it back in his budget and there's not an increase. He said he hopes the Board can reach a decision - that he can send the money to the County monthly with no problem, but at the same time he doesn't want the County to take it and just say "Well, we're not going to off set the cost. What we're going to do is just kind of say this is extra money and we're just going to send it to the Sheriff and money that you promised me or that I budgeted for, you subtracting that amount; I don't need that. I'm about the only Constitutional that don't bring in a whole lot of revenue. I use up revenue, but at the same time I try to find ways to cut costs and we did this in charging inmates extra. Last year I think I was cut \$60,000.00 from my jail budget because we didn't send the money back to you; we used that. We off set our costs and we came within budget. In fact I think we sent you \$17,000.00 back but at the same time we need this money. We did this and we had an agreement with the last Budget Manager Davin because we took on the Dr's contract and that's an expense to us. At one time the County was paying the Dr's contract."

Chairman Lamb "And, I think if you justify to us and the Clerk how he is going to use those funds that he sends to us, or to the Clerk then we ought to, in return send those funds back to him."

Commissioner Croley addressed Mr. Williams "Two things. You met, or at least when I talked with you, that you and Sheriff Young met so the basic budget, whether it's all that he asked for or not, whatever is there that we're not taking any difference there? So, that's what you agreed to between the two of you, so we're OK on that. The next thing is the separate money that is being taken from the inmates, that you, by law give to the Clerk, but it all comes into the general fund and now you're asking for that back to help you with the jail costs, and I don't have any problems with that either. We just need to get with the Clerk and get the system worked out procedurally and I'm sure that can be done quickly. So, I'm in the consensus and 100% behind you."

Sheriff Young "Thank you and I appreciate that. Also, the catastrophic insurance - whenever we have an inmate and we have bills that pile up and we end up paying the costs, but if we send an inmate to the hospital, and I think the catastrophic insurance is \$20,000.00, but anything over that, you know when the bill is paid; we send that back to the Board. We're getting short-changed there also so I think the Board needs to look at that. We can have you some language by the next meeting so ya'll can sort of vote on whether we could either keep this money, send it to you or ya'll pay the insurance. I think it's about \$50,000.00 a year. We're losing on that, too."

Chairman Lamb "I think Mr. Lawson needs to be in on that also to make sure that whatever the recommendation is after you communicate with him, and then he will see what he should recommend to us to do. That's a point well taken on that. "

Sheriff Young made a brief presentation of a proposed program by Ms. Annie Berry of Redeemed, Inc. - Second Change - Portal of Entry for the Post Incarcerated. He explained Ms. Berry has been working on this 'unique' program for about a year. He said it will take some funding, but the Board should look at the savings that can be brought about through this diversionary program. The County must do something to address the recidivism rate at the jail. He said the budget for this Pilot program is \$63,000 and asked that the Board review this, study it, and that he will come back at next week's meeting and make a presentation so that the Board will hopefully buy into it. He also said even

though it will cost a little money, possibly if the Sheriff's Office is able to assist with the work crews in saving the County money, then that money could possible be used to help fund this program.

Chairman Lamb said the program seems to be a good one and the Board will consider this, the Sheriff will make his presentation next week and the Board will then make a decision.

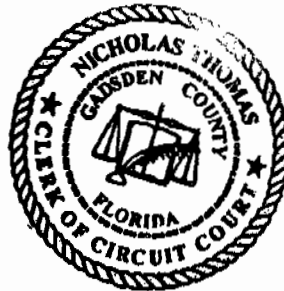
Commissioner Morgan said he has known Ms. Berry for several years, is aware of her program in Chattahoochee and that it works. He asked Sheriff Young if he had given any thought to request funding for this in his budget and Sheriff Young said No, and then explained Ms. Berry had just gotten it "hot off the press" and that is why he is bringing it to the Board at this time.

Ms. Holt again addressed the Board and her concerns for District 4 not currently being represented on the dieses and citizens of District 4 are concerned about their position within the budget to be certain they are represented. She said she has explained to those citizens that this is a bare budget year and that there may not be any funding. She said they are concerned with roads, employment, special caveats, which directly affects District 4.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD AT THIS TIME, THE MEETING WAS ADJOURNED AT 5:20 PM.

Eugene Lamb
CHAIRMAN EUGENE LAMB

Muriel Strough
Jean Chessier, Deputy Clerk



**AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON SEPTEMBER
7, 2010, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.**

PRESENT: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 2
District 4 seat – vacant due to the resignation of Brenda A. Holt
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Mike Glazer, County Attorney
Johnny Williams, County Administrator

CALL TO ORDER

Chair Lamb called the meeting to order and called for a moment of silent prayer. He then led in pledging allegiance to the U.S. flag.

AMENDMENTS TO THE AGENDA

The following changes were made to the agenda:

- Add to the General Business Agenda as Item 20A: Auburn Ford, City of Quincy CRA Economic Development Grant

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0 TO ADD THE ABOVE ITEM TO THE AGENDA.

The motion and second was withdrawn because Attorney Glazer also had a request to amend the agenda.

- Attorney Mike Glazer asked that Item 14 be removed from the agenda. (Public Hearing to consider an amendment to the Nuisance Abatement ordinance.)

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE TWO AMENDMENTS TO THE AGENDA AS STATED ABOVE.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Update on Florida Department of Transportation's Five Year Work Plan

Keith M. McCarron from the Apalachee Regional Planning Council appeared before the board to advise them of the updated Five Year Work Plan based on the communications held with the participating public works departments and county administrations in the council throughout the year. He explained how the work plan is established and he encouraged them to communicate

matters to the council that the Florida Department of Transportation needs to be aware of. He asked for their feedback over the next few weeks.

Commissioner Croley asked him to help get the Quincy By-Pass back in the five-year plan.

Commissioner Morgan asked him to help get lighting at the Chattahoochee and Greensboro interstate exchanges. He stated that he had already sent in the request to FDOT.

Mr. McCarron responded that could be considered a safety and economic issue of which the department may not be aware. He stated that he would certainly reinforce the county's request.

Commissioner Taylor stated that she hopes that the board will have input into the five-year plan.

2. Presentation of the FY 2009 Audit Report

Mr. Richard Law of Law, Redd, Crona, and Munroe stated that his firm has rendered an unqualified opinion on the financial statements, which means that they are clean opinions in accordance with generally accepted accounting principles.

He pointed out that this was the first year that they had to adopt the other post retirement health benefits liability. That involved recording \$531,000 long-term liability. That was determined by the county's actuary. The other significant change in the audit was recording of the \$9.75 million liability for the hospital, which has a significant affect on the financial condition of the county.

He also reported the following:

- No compliance issues were found with any of the grants.
- There were some internal control weaknesses in the IT section, which have been corrected.
- He reference management letter comments in the audit document, but declined to go into detail.

Chair Lamb called for questions from the board. There was none.

CONSENT AGENDA

Item 13 was pulled for discussion.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE REMAINDER OF THE CONSENT AGENDA.

3. Approval of Minutes
July 29, 2010 Budget Workshop
July 6, 2010 Regular Meeting
4. Ratification of Approval to Pay County Bills
Accounts Payables Dated: August 20, 2010

Gadsden County Board of County Commissioners
September 7, 2010 Regular Meeting

Payroll Dated:

August 27, 2010

August 26, 2010

5. Approval of Resolution 2010-040 Recognizing the Contributions of the Citizens Committee to review the Rural Emergency Hospital Concept
6. Approval and Execution of the State Housing Initiative Partnership (SHIP) Annual Report
7. Approval of Signatures for Special Assessment Lien and Rehabilitation Contract -- Emergency Repairs
Rosa Sweet
8. Approval of Signatures for Special Assessment Lien and Rehabilitation Contract -- SHIP Program
Retha Williams
9. Approval of Signatures for Special Assessment Liens -- Impact Fee Proviso (IFP) and State Housing Initiative Program (SHIP)
Tunisia Moore
Javonda Jones
10. Approval of Signatures for Signatures for Special Assessment Lien and Rehabilitation Contract -- Impact Fee Proviso (IFP) and State Housing Initiative Partnership (SHIP) Programs
Charlie and Ruther Pendleton
Rosa Donaldson
Michael and Marilyn McLendon
Aaron and Nettie Darsaw
11. Approval and Signatures for Satisfaction of Special Assessment Lien
C.L. and Annette Moore
Connie Jones
12. Approval of Mosquito Control Agreement with the Department of Agriculture and Consumer Services (DACS) -- Annual Certified Budget
13. ~~Approval of Amendment 5 -- Grant LP6721 with the Florida Department of Environmental Protection~~

This item was pulled for discussion.

ITEMS PULLED FOR DISCUSSION

13. **Approval of Amendment 5 -- Grant LP6721 with the Florida Department of Environmental Protection**

Croley:

You are talking about \$700,000 and this is an opportunity to extend the grant application for the extension of a water line from Gretna to Greensboro. That is all it is doing – just extending it?

Charles Chapman:

It is very simple amendment to give us a little more time to continue with the \$700,000 grant from DEP to get that water line closer to completion. Yes, sir.

Croley:

Are you expecting any problems?

Chapman:

None that I know of, but today is only Day Two of my analysis. Everything is looking good.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE GRANT AMENDMENT AS DESCRIBED ABOVE.

CITIZENS REQUESTING TO BE HEARD ON NON AGENDA ITEMS

Lanols Crockett EAR Stipulated Settlement Agreement

2964 Lakeview, Quincy, FL

"I want to thank you for hearing my request for some meetings that have been cancelled to be rescheduled. The evaluation and assessment (EAR) report has to do with land use in the county. It is only done every seven years. A meeting was recently cancelled – once concerning citizen input on that. Also, there was a meeting on a stipulated settlement agreement, which has not happened either. We would just be interested, especially in the area of Lake Talquin, that these meetings be rescheduled so that they have their chance for planned citizen input. "

Commissioner Taylor asked if the cancelled meetings could be rescheduled.

Chair Lamb asked them to contact the County Administrator to get the meeting rescheduled through the Growth Management Director.

Murray Seay 957 Havana Highway, Quincy, FL Zoning Request from Commercial to Rural Residential

Mr. Seay read a petition into the record regarding a request to correct a zoning error that was made in 1991 on the Comprehensive Land Use Map. He then presented the petition for the record.

David King 913 Drake Acres, Quincy FL –

Requested a Forensic Audit of Community Redevelopment Agency (CR) and the Sheriff 's Department

Sylvia Brooks Paving of Allen Ranch Lane

Brooks:

I am here to see if you have yet for me in writing saying that it is illegal for us to do the paving of road, Allen Ranch Lane in Havana."

Attorney Mike Glazer:

Let me be sure we are talking about the same thing. Is this a small subdivision, basically it is a driveway up to a house, then there are adjoining landowners on either side and you are talking about trying to pave that road. Are we talking about the same thing?

Lamb:

It is a private road off a main public road, well it is not really a main public road, but it is a public road.

Glazer:

We have looked into that and let me tell you what I have found so far. And I will tell you this that this just came to our attention recently, but the Florida Constitution generally prohibits the use of county funds to pave private roads. That is kind of the starting point. However, in early 2009, the county commission did pass an ordinance attempting to try to work around that prohibition of paving these private roads and at the same time try to address some work that had previously been done on some other private roads in the county. They passed an ordinance in 2009 and it allows for a process for trying to get private roads paved. I will tell you that we have serious concerns as to whether you can really do that. But, there is a process that you can begin under a county ordinance. Under that ordinance, if 2/3 of the owners of 2/3 of the property, and I am sorry, this sounds confusing, but I am not making it up. They can file a petition. That just starts a process. In that petition, they have to indicate how that property would be especially benefitted by the work. However, in order to construe this ordinance that was passed in early 2009 in a manner that we think that even has a chance of being legal, then I think it requires us to then have both the road and the sufficient right-of-way on either side granted back to the county. So the county then has to decide if you are willing to take that property. That would require all of the landowners to support it. Assuming that you get to that point, then under this ordinance, the commission can approve that payment of up to 1/3 of the cost of paving that road with the landowners paying the other 2/3. Again, 100% of the landowners would be assessed for that property. So, there is a multistep process. And, by the way, the county commission does get to decide whether it wants to do that. You have the discretion to approve this or not. But, I think that as part of this process, in order to try and make that ordinance work legally, I think essentially the road and the sufficient right of way on either side has to be granted to the county. Otherwise, you are funding the paving of a private road. There seems to be pretty clear authority that is not something counties can do.

Brooks:

Everything was told to us exactly like that. We have done the petition. We have purchased the road ourselves so that we could donate it to the county. We have everything that you have asked for. Then the legal aspects came up on it. I was told that all I need to do was to present this to the county commission, you would make a decision on it, and I have all the signatures that we need. We have been held up by the legal part.

Glazer:

I think that will only start the process. I do not think you can do it tonight because it is not on the agenda, obviously.

Lamb:

No, she has to give that to the county administrator. Then the administrator will look into it and he will bring his recommendation to us. So, just give it to the county administrator.

Brooks:

I will get copies for him.

14. Public Hearing—Amendment of Ordinance Number 88-009 to include Additional Areas of Nuisance Abatement

This item was removed from the agenda at the beginning of the meeting.

15. Approval of Contract with Solutia Revenue Recovery – Bad and Outstanding Debt Collection Agency

EMS Director Don Crum addressed the board recommending that the bid be awarded to Solutia Revenue Recovery.

Melissa Andrews addressed the board to introduce ARI (Accounts Receivables Incorporated) located in West Palm Beach, FL. She pointed out that they are identified as Option # 2 on the agenda report. She shared some background information about ARI.

She pointed out that Solutia is not licensed in the State of Florida even though she was certain that they could easily obtain a license.

She submitted that not all things are equal between the two top bidders.

Mr. Crum stated that part of the criteria that was in the RFP was that they must be licensed in the State of Florida. Before they could begin work, they would have to obtain a license. However, he said he did not go to the length to check to see if they were licensed in Florida. He said, "I thought that they met the RFP because they submitted.

Commissioner Morgan asked, "You are asking us to approve a contract, but where is the contract?"

Crum:

The contract is with Ms. Shelia right now. Upon approval of this, she is going to type and put in the name versus having it handwritten for ya'll. It would have to be handwritten if you all approved it tonight to sign. And it would be submitted to the chairman for signature.

Morgan:

You know that I ain't approving nothing until I read that contract.

Lamb:

Let me follow up on that. Mr. Crum, I don't think we could act on that particular business until you know that they are licensed in the State of Florida, number 1 and number 2, that we see the contract. We need a copy of that contract. What is your timeline here?

Crum:

Next meeting.

Lamb:

O.K. You think you can have everything in order by next meeting?

Crum:

Absolutely.

Croley:

Chief Crum, did you check to see if these out of state corporations are registered with the Secretary of State Division of Incorporations as foreign corporation?

Crum:

No.

Croley:

Did the purchasing office bother to check into that? Apparently, they didn't either.

Crum:

I am sorry, I didn't hear that.

Croley:

I said that the purchasing office apparently did not check into that either.

Crum:

Right.

Croley:

Well, you know, I brought that up many times in here. I am like Commissioner Morgan. I don't think ya'll did a very good job with this one. He didn't say that, but I will say it from a business standpoint.

Ma'am, you made a very good presentation and I wish you success, but they need to go back and as we say in the country, "lick the calf over."

Lamb:

O.K. We need it back at the next meeting.

16. Approval of Interlocal Agreements with Local Municipalities and the Gadsden County School Board for Road Maintenance (Chattahoochee, Midway, Gretna, Quincy and the School Board)

There was some discussion as to whether the current rates were adequate to recover the cost.

Commissioner Croley questioned why there was not an agreement with Havana. Mr. Chapman asked for time to confirm the answer to his question.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE INTERLOCAL AGREEMENTS DESCRIBED ABOVE.

17. Post Approval of Contract with Management Experts for Planning Training, Functional Exercise and Equipment in compliance with Homeland Security Grant Contract 09-DS-51-02-30-01-393

Charles Brinkley explained that the Sheriff's office applied for a federal grant, received it, brought it to the board for approval and it was approved. They then developed a contract and selected a contractor to conduct the training. Unfortunately, the contract with the contractor was never brought back to the board to approve it. The training was subsequently conducted and the contractor has been paid. That is the reason it is before the board at this time for post approval.

Commissioner Croley:

Mr. Clerk, this matter with these contracts, who has authority to issue contracts in this manner. Is this something that a constitutional officer does or should these contracts come before the board?

Clerk Thomas:

That is what he is doing tonight.

Croley:

I understand, but it is after the fact.

Clerk Thomas:

The contract should have been brought before the board earlier. The board approved the grant. That grant application. Now he is bringing the contract to you, but I think he should have brought it to you much earlier.

Croley:

Mr. Attorney, since these contracts are being post approved, and I am not being critical of anyone in the Sheriff's office, I am just trying to understand the process so that for everybody's benefit in the future, we don't have these problems. Are all contracts required to be brought before the Board of County Commissioners for approval? Now, I have the administrator nodding his head, but you are the attorney.

Williams:

That is why it is before you now.

Glazer:

That is why it is before you now. In reality, at this point, you are not being asked to approve a contract. A constitutional officer can enter into a contract. They have entered into a contract. It is a valid contract. They paid it. It is really an issue today about reimbursing. Taking funds that the county now has and taking the funds and reimbursing the sheriff's office for those amounts. So, you are correct. This has been an ongoing debate about the process of approving contracts. I didn't know of anything that prohibits a constitutional officer from entering into a contract. But, here it is a matter of reimbursement. The better process would have been – you approved the grant – the contract should have come back as a consent item. That would have been a far better way to deal with it. Now, what you are really being asked to do is not so much approve the contract because the contract is done. You are being asked to approve the release of funds that I believe the Clerk's office now has.

Clerk Thomas:

It is brought to you so that when it is audited, there won't be a problem. So, it is a matter of just cleaning things up so that they can get reimbursed.

Croley:

Now that we have a clear understanding about the future, I would move approval on this.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH MANAGEMENT EXPERTS.

18. Post Approval of Contract with Management Experts in connection with Homeland Security Grant for Planning Training, Functional Exercise and Equipment Contract no. 08-60-02-30-01-361

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE ABOVE STATED CONTRACT.

19. Approval of Continuation of Inter-local Agreement with the City of Quincy for Animal Control Services Retro Active to October 1, 2009

Charles Chapman pointed out one modification at Section 3 of the Terms of Agreement – that the county would stop disposing of animal waste in the Byrd Landfill within 18 months. This is to come into compliance with new DEP and EPA regulations for certain chemicals that are used in that waste. There is already a mechanism in place with FAMU and their extension office to make sure that there is no adverse to the current operations. The agreement with Quincy pays for ½ of the Animal Control staff.

Commissioner Croley asked the following questions:

- What about the five-year term? That seems like a long time to lock in an agreement. What if the salary on the animal control officer is increased? Answer: There is a

provision and it is an open relationship with the City of Quincy. What we have done in the past is if the county is looking at a merit increase or cost of living adjustment, we would simply send a notice to the City of Quincy as say, "We are looking at this for all of our employees, would you be willing to open up negotiations at this point?" At this time, the staff of the City of Quincy and I have a good relationship and they have always been willing to work with us.

- What are you doing with the other municipalities? We just approved interlocal agreements between them and the School Board and Public Works – What about these? Answer: Diplomatically, we have extended the offer on the table, but with little response.
- So, are we providing animal control services to them? Answer: We are on a bill for bill basis and account for account basis. Say for instance, the Town of Greensboro calls us in to pick up an aggressive dog. The Town of Greensboro will make the phone call to us, give us authority to operate in their municipal jurisdiction, we pick up the animal and we send them a bill three to ten days later.
- What do you know to charge them? You gave me a schedule a while ago. Answer: The schedule ranges from length of stay. If the animal is apparently a pet of someone (if it has some identification or microchip) then the stay can last at the shelter from seven to ten days to allow proper time to allow the owner time to claim it. At that point, we charge about \$30 per day. It can be up to \$300.

It was clarified for the record that the contract is retroactive back to October 1, 2009, including the portion that speaks to the discontinuation of using Byrd Landfill as a disposal site for the animals.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE AGREEMENT.

20. Amendments to the Senior Services, Inc. By-Laws Article III Relating to the Board of Directors

This change essentially allows them to become a self-perpetuating board and they appoint their own members rather than the board of county commissioners appointing them.

Former County Judge Stewart Parson addressed the board. He stated that they want to expand their board from 7 members to 15 members and go back to the traditional method of choosing their board members as it was in the beginning.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE AMENDMENTS OF THE SENIOR SERVICES BYLAWS.

20A. Auburn Ford, CDBG Economic Development Grant

Auburn Ford:

Good evening, Mr. Chairman, Commissioners and Clerk. We are trying to start some stimulus of our own in our county. I want to give you some history on what we are trying to do with the

previous grant that we had to send back to the State because the previous business owner could not come up with his financing. What we are asking this board to do is to give staff permission to pursue an economic development grant for which the window is about to open up in November to t apply for funding from DCA.

Mr. Harris, who is the business owner, is here with me. What he is trying to do is the same thing that Mr. Bradwell was trying to do – extend the sewer line out to his flea market, which he is trying to turn into an assisted living facility. He is going to convert it into 48 apartments. He has been working on it. (Excuse me, I have had a cold for the last week.) He was trying to wait on Mr. Bradwell's project so that he could tie into his system so he could go ahead and start his business. But, since that failed through (Mr. Bradwell's project) we are coming before you right now asking you to give staff permission to pursue this opportunity with DCA.

What Mr. Harris plan on doing, and I have analyzed the grant because I have a wealth of grant experience in this county from the City of Quincy to Midway to Gretna in writing these grants, he wants to create eleven jobs. What we are asking for – the grant is going to be \$400,000. This is enough to put the lines in and pay for a little engineering and administration. This is what we are proposing.

The eleven jobs – most of them will come from the Gadsden County area. It is going to also create an enormous economic impact on the construction that will stay local in this county. That is some of the things that goes on with creating a grant opportunity like this. It brings a little stimulus to the county, it gives some jobs and it has a long-term effect. Right now, he is on a septic tank out there, but when you are putting in 48 rooms into a building, you are going to generate a lot of water and sewage, so he has been in constant contact with the Department of Elder Affairs and they recommend that he does this. He has a great business plan and it has been well thought out. We just are trying to get the sewer line put in out going toward west Quincy.

I will be happy to answer any questions. Mr. Harris is here to answer any of your questions in reference to this request.

Lamb:

I do know that Mr. Ford is a good grant writer. He has written grants before. But, we need to ask – Anthony, will you come up and tell us what we need to expect from them up front in order for us to consider this item, please.

Matheney:

I will be happy to. We have met with Mr. Ford and Mr. Harris a number of times over the last couple of months. We are excited that they are wanting to go forward with a new economic development project. Anytime we are talking jobs, it is a great thing for the county and we want to be supportive of that.

But, as I told the county administrator and discussed with him on a couple of occasions, we feel, I feel and my department feels, I feel strongly that any applicant for an economic development grant that the county is going to apply for, they should have their financing in place. Mr. Harris has a letter from a bank saying that he can apply for financing and they did provide that letter to

us. All it said was that they can apply for financing. There is no proof of financing at this time. I would recommend, strongly recommend, that once any applicant that came in for a economic development grant that they want the county to apply for, to get their financing in place first. Show that they are going to be able to provide their part of the project and then we can go forward, otherwise, we are tying up our ability to seek grants. We are also tying up staff time and we don't want another situation like what happened to Mr. Bradwell. Again, that was a good project. I wish that it had gone forward.

As each of you know, I am very pro economic development. We look forward to this project happening. I think the financing needs to be in place. That is my professional opinion. DCA does not require it, but they encourage it strongly. The Department of Community Affairs does not require project financing, but they encourage the applicant and the county to require that.

Lamb:

Commissioners, you've got all three of them up here now, what questions do you all want to ask about the financing up front, what are the possibility of getting the financing or whatever? You need to ask them questions.

Ford:

I've got one more thing to add. Like I said, I have a wealth of experience in this area. During the process of the application, there is a document that is called a participating party agreement. It is almost like a binding contract. What it does is it binds the business owner to do what he says he is going to do in this grant. If he doesn't, he is obligated to pay it back. I understand what recommendation DCA wants and the recommendation of Mr. Matheney, but in my experience, I have never done that and I have written several of these. As a matter of fact, I have written one for Quincy Joist, but it came during this crunch and they were laying folks off. So, it didn't make any sense for them to accept the grant when they were laying folks off, yet they were supposed to be producing jobs. All we did was turn the money back in and close the grant out. It was as simple as that. Yes, there will be a little staff time involved in it, but I think that if you weigh both of them together, the up side is that we are trying to create some jobs.

Mr. Harris already has a business out there. He already has a building out there, you know, it is there. Of course, when we get the grant approved, during the 60 day time period when the contract is coming, the (inaudible) is on the business owner at that time to produce his money. If he don't produce his money, the County is not out one red cent. You don't spend one red cent until he comes up with his financing and shows it to you that he is ready to go because both projects goes on at the same so that he can meet the work plan that is going to be developed within the plan.

Lamb:

I don't think that is the concern. I think the concern is what happened before. Staff, I believe, put in a whole lot of time in the Bradwell project and we got nothing out of it. Staff could have been doing something else instead of putting in all that time with that project. This is what Anthony is concerned about right now and I know that is what the commissioners are going to be concerned about. I can understand that you have applied and you've got your application in, which is good. Are they going to – are you going to get the loan? We don't know what is going

to happen. Anthony doesn't know what is going to happen and you all don't know what is going to happen either. But, that is going to be our concern.

Go ahead.

Ford:

When I said that the county won't spend one red cent, there is a process to do time sheets. Staff can do time sheets and that stuff could be reimbursable due to administrative fees. If there is a possibility that we could put that language in that participating party agreement, I think Mr. Harris would have no problem with paying for the staff time. It is a risk that everybody is taking. So, if staff would keep up with all their time sheets and the grant does get approved and his project does go forward all those monies could be recouped and reimbursed back to the county.

Lamb:

I am glad you mentioned that because that is what I was getting at. I am glad you mentioned it. I was going to ask you anyway. They keep a time sheet. If you don't get the loan from the bank, they have spent their time (staff) – I am not saying that this is going to pass, I am just saying that this something they can enter into like you were saying – if this board see fit to do that. But, I am going to let Anthony speak to that.

Matheny:

I don't know the legality of that – about us keeping a time sheet with our time – if it doesn't pass.

Lamb:

We've got our attorney here, he will let us know.

Commissioner Morgan?

Morgan:

Thank you, Mr. Chair. Mr. Ford, Mr. Harris, Obviously, I encourage any type of economic development here in the county. I have spoken that since I have been in this seat. There is a process and a right way or a road map, if you will, in order to get that accomplished. It is not regarding staff time, it is not that. Yes, we can keep up with the time on a project. I don't know the legalities either of getting reimbursed if the grant falls through, but it is not that they are sitting there waiting for a project to do. They've got all types of things that they are working on right now. We are on a staff that is pretty thin. I think we just heard that from Mr. Matheny not that long ago. So, it is not that we – I don't think, from what I am hearing, and I can't speak for the commission obviously, but I haven't seen a business plan. What is the total amount of the project? What is it going to cost?

Ford:

I estimate it to be around \$400,000 because basically, the way that DCA sets it up, he is going to create 11 jobs. For every job, it is \$35,000 per job. So if you do the math, you will come up with \$400,000.

Morgan:

Do you have a formal business plan that shows the \$400,000 project?

Ford:

That is dealing with infrastructure. Remember now, dealing with the Bradwell project, the engineering has already been done and the cost estimate has already been done.

Morgan:

Your business project - what is it going to take to fund it.

Ford:

Well, he has a business plan for the retrofit of the flea market into the assisted living facility.

Morgan:

That is what I am asking. What is that overall project ?

Harris:

The amount of the cost of it?

Morgan:

Yes, sir.

Harris:

\$250,000 to retrofit the building.

Morgan:

Have you presented that plan and applied for a loan already or have you just gotten a letter saying that you are welcome to apply for a loan?

Harris:

Well, the letter, I took it that they would be glad to entertain the loan. The only way that I can get approval - it would be for only six weeks out. In other words, if I go through the loan process, they would guarantee the money for only six weeks. I don't know how long it will take to get the grant through.

Morgan:

Based on what we just have had to happen with Mr. Bradwell's project, you can see how maybe we would be a little bit gun shy.

Harris:

Well, I waited five years for it also.

Morgan:

I think it is that we are standing on the first tee box and you guys are putting out on the 18th green. We haven't gone through the process here yet and we haven't caught up to you. That is my concern.

Harris:

Well, I had gone through SBA and they would guarantee the loan at 80%. I have done a business plan and I gave it to the County. I still have all that paperwork from 2005.

Lamb:

Commissioner Taylor?

Commissioner Croley?

Croley:

Ladies, first.

Taylor:

I thought chivalry was dead around this county. (laughter)

Here is my take on this. Obviously, in order for a county to grow, it has to have economic development. Otherwise, we get urban sprawl. We get everything on top of each other. Now, we did have one attempt to build out to that particular area. We cannot hold other businesses accountable for what happened to other businesses.

This gentleman, let me ask you a couple of questions, Mr. Harris, if you will come to the mic please.

Would you say that assets that you have in your possession could support (if collateral is needed) a \$400,000 loan? Would you have available – do you think you will have any problems getting such a loan?

Harris:

Getting a loan to retrofit the building?

Taylor:

Getting the loan to retrofit the building. Yes.

Harris:

No, I shouldn't. I wouldn't. I will be through paying for the property at the top of 2012, February of 2012. And, the bank

Taylor:

What did you give for the property?

Harris:

\$500,000.

Taylor:

\$500,000. And you will be through with it in less than two years?

Harris:

Yes.

Taylor:

And, you have sole title to the property?

Harris:

Yes.

Taylor:

And, it could be considered, if necessary, to be used for collateral or so if needed?

Harris:

Yes.

Taylor:

Anything else that you may have in your possession within the next 6 – 8 weeks that could also be used to support or make a lending institution confident that you have a couple hundred thousand dollars?

Harris:

I don't think that I would have a problem landing a loan for a couple hundred thousand dollars at this point from the bank. I had been approved by SBA, but that was five years ago. I would have to get that redone. I think it was good through 2008. So, I would have to go back and get that redone.

Taylor:

Up to date. Now, let me ask the Planning and Zoning Director a question.

I understand your limited knowledge of how some of DCA works. But, you said a moment ago, in your opinion and from DCA's opinion, not necessarily a mandate, that you would rather see approval at this juncture, a financial institution saying, "Yes, we will give them the money." You were saying as well that if such a letter was produced that you are willing to go ahead and recommend this particular project for approval. Are you saying that?

Matheny:

That is your decision to make, but I would be much more comfortable with the county entering into a grant application if the applicant can finance his part of the project. Yes.

Taylor:

I am understanding what you are saying, Auburn. I think you and I have talked previously about producing such a letter. I want you to explain to this board why you feel, at this particular time, that such a letter is not or should not really be a hindrance to this application moving forward. What was your explanation for why you don't really need it now?

Ford:

As I explained, I have a wealth of experience in this area. I have written several ED grants. That

Participating Party Agreement is a binding contract. Just to give you an example, we had a problem with a (inaudible) project out in the business park. They didn't produce the jobs. We brought that Participating Party Agreement back up and we forced them to create those jobs or repay the money to DCA. So, that Participating Party Agreement is a tremendous – I don't want to say it is a weapon, but it is a tremendous agreement that binds that business owner to produce those jobs and spend that money if you use that money as leverage. I don't know if the new staff doesn't understand the ramifications of that Participating Party Agreement, but it is a binding contract. I don't know if your attorney could expound on that, but it is a powerful document. Like I said, before the chairman signs the contract, the business owner and the chairman, if you authorize him to sign that participating party agreement to go along with the contract, that is when both parties start their part of the construction, but the Participating Party Agreement is the thing that DCA requires.

Now, they don't require this. (verification of loan to business owner) because nobody wants to go through the long drawn out process of signing contracts and putting monies aside, then the business can't come up with their financing. There is a lot of work for a lot of people and you are holding other communities up. That is exactly what this one did in the past. Because of the economic times that we are in, that is why they are encouraging communities right now to see if the business owners can come up with the financing up front, but they don't require it. It is not a state law and it is not a rule. It is something that they would like to see because of the situation that this country is in.

Taylor:

Well, Auburn, let me say this to you and Mr. Harris. I will support economic development because I do concur that we cannot grow unless we have it. I will also support infrastructure going out that way so that we can have growth and development on that side of town. I will also support or ask that if you two can eliminate that requirement to do your very best in securing something from a financial institution saying, "We can support whatever funding this business owner may need." I would like to see a letter of intent. I don't want to see anything hinder this. I don't want to see anything stop this. There was a hard fought thing with Bradwell. We need the development out there. So, if we can move forward – I hate to even continue to even talk about that particular project because we don't want to look at things that didn't work going forward. You want to look at things that do work going forward. That is one thing. You have my support.

Ford:

All I am asking, Commissioner and all commissioners, is that – we had some good conversations – Mr. Williams and Mr. Matheny regarding the process. I presented you a timeline. They explained to me that the business owner pays for the public hearings. Mr. Harris has no problem with that. I have already developed the public hearings, so that is something that your staff won't have to do. Basically, once the public hearing is done and CATF made, the only thing that the staff will have to do is put together an RFP for the engineering services and the administrative services. Once that RFP is done – I don't think I can do an RFP. I did the public hearing notices and I know he has to pay for them to get them in the three papers in the county, but the County has to do the RFP for the administrative services and the engineering services. Like I said, the engineering services have already been done because Mr. Bradwell paid for the

engineering services. It is already done. When I talked with Mr. Fellerman, who is the area rep from DCA for this area, he said they will not pay for that again because it has already been done. So, everything that was done in reference to the engineering, Mr. Bradwell paid for it. He reimbursed the county. The county paid for it out of the grant funds, but he reimbursed the county for those engineering services. So, the engineering services have been done. The only thing left is to secure a grant administrator or a grant writer to prepare the application, oversee the application as being administered by the county. So,

Taylor:

You did not answer my question. Could you simply secure a letter from a financial institution?

Ford:

Well, I think we explained

Taylor:

Answer yes or no.

Ford:

It is not a yes or no question because it depends on interest rate. Something could happen in the federal government tomorrow and they could just wipe out the community development block grant program. Then, you know -

Taylor:

Well, he is not obligated to a financial institution. I am trying to help get you to the point - I am trying to help get there. I will yield now.

Lamb:

Commissioner Croley?

Croley:

Thank you, Mr. Chair.

Anthony, if there is a project like this that is in the application process that does not have a financial commitment, then you had another that came along that did have it, does that preclude us from consideration from someone else because you are already working on this one?

Matheny:

I am not 100% sure on that. I think it would stop us until we got this one closed out and taken care of - whether we were going to go forward with it or close it out and not do it - it would probably stop us from securing additional ED funds.

Croley:

That was one of the issues that came up with the prior project with Mr. Bradwell.

Mr. Ford, you are shaking your head, "No." How do you know that and what are you basing your answer on?

Ford:

Well, I am basing it on my experience. Also, it will not stop the county from entertaining another ED project. O.K. It is just whoever gets the money first. If you all go ahead and approve this, then somebody comes after him saying, "I want one, too." They will go through the same process. It will be whoever gets to the money first because it is on a "first come, first served" basis.

Croley:

Now, we had - Mr. Harris?

Harris:

Yes, sir.

Croley:

Mr. Harris, I want to compliment you on anything you do to try and create jobs in the community. That is commendable and I champion you in that effort. But, I am also going to say to you the same thing that I have heard some other commissioners say. Go get your financing and bring us back a commitment and then we can move forward, or at least I will. Here is why.

Number 1 - I don't like everybody getting into your personal business. What your property is worth and all that financial stuff - that is your business and I don't like that being laundered up here and people trying to tell you how to do. I think that is not in your best financial interest.

Second, if you go out there and get that commitment, I will feel a whole lot better about backing you up. Then we don't have to deal with whether or not you are going to be able to consummate your project. You've got a great advocate in Mr. Ford. We know that. He does a great job in advocating for the grants.

Anthony is certainly another resource there and you communicate with him. But, I am going to say, "Don't put the cart before the horse." Get the horse, then we will help you get the cart.

Harris:

O.K. sir. I appreciate that. Now, if I do get approval from a bank and they are saying we will only hold it out for six weeks, will that be sufficient. I can probably get that this week or next week.

Croley:

I think that we would have to have the attorney look at that commitment and the county administrator to see how adequate that would be under the circumstances. I am not going to commit to anything other than show us the permanent financing for your side of your project. That will certainly help us advocate stronger.

Do you have a comment on that, Mr. Attorney on that point?

Givner:

I am not sure how long the process does take. But, I think you should try and get as long a

commitment as you can from the bank. I think what you are looking for is some indication that the project is fundable and certainly providing that commitment, even if it is going to expire, it would at least give you a better comfort factor that it is a project that some lending institution is willing to take a chance on.

Croley:

Yes, and that is what I am looking for, Mr. Harris. If you can do that, then it will make it easier for all of us to go forward. Is that fair enough?

Harris:

Fair enough.

Taylor:

Mr. Chair, just one more comment.

I have known Mr. Harris for years. I know the importance of trying to get that infrastructure out there. Certainly, my intent was not to open up, but just to give you some ideas for consideration in moving forward so we can expeditiously get this done. I am sure that you understand that was my only intent.

Harris:

Not a problem.

Taylor:

Thank you very much for that. That is all that I wanted to make sure of. Thank you.

Lamb:

Anthony?

Matheny:

Just let me restate that we have had good meetings with these gentlemen and we look forward to working with them as we go forward. Again, I want to echo what Commissioner Morgan said a while ago. I have a long career in economic development. Nothing pleases me more than to see jobs created. We are going to do anything we can to help that process, but I have to stand by my recommendation tonight.

Lamb:

We understand. No problem. I think what we need to do is to try and get the letter you were talking about. Try to get the financing in place and get back with them and we will try to expedite this thing as quickly as possible.

Any other question?

Ford:

I just thank you for your time.

Lamb:
O.K. Thank you.

21. County Administrator Update

Mr. Williams had nothing to report.

22. County Attorney Update

Mr. Glazer had nothing to report.

Commissioner Croley asked, "I understand and appreciate that Ms. Minnis isn't here, but, you know, we have asked for a written opinion about these private roads. You know, you provided us with an oral summary. I want to see something in writing from your office to document what you verbally told the lady. She has been up here multiple times about that road. We said that we would get a written opinion from your office. We haven't gotten that."

Glazer:

We will do it.

Lamb:

We should have that by the next meeting.

23. Discussion Items by Commissioners

Commissioner Morgan, District 3

Commissioner Morgan had nothing to report.

Commissioner Taylor, District 5

Commissioner Taylor referenced a letter from Clerk Thomas regarding the Local Option Fuel Tax Distribution. She asked for an update from the clerk. She also asked for clarification about a statement made to the board regarding revenues being moved forward from this fiscal year.

Clerk Thomas replied, "We received an email that an appeal was filed and that until the issue is resolved, the Department of Revenue will keep that particular resource, the local option fuel tax – you have six cents of local option fuel tax - they are challenging the amount of money that they have received in the past. The Department of Revenue will ultimately resolve the issue. It is not that you are not going to get the money, but the county may end up getting a little less than previous. The letter was just informational to let you know that the issue is going on. It is just going to be held in escrow until the matter is resolved. "

Taylor:

And this other matter of the "City of Quincy failed to provide."

Clerk:

They had wanted some audited financial statements on the amount of expenditures . It had not been provided by the City of Quincy and ultimately, I think the Department of Revenue will decide all of this. The County passed a local option fuel tax, it automatically means that the municipalities will get a part of it. All of the money does not go to the county. It gets roughly 60% even though you passed the tax, the municipalities get a portion of it. This data is required by the Department of Revenue to help figure out how much of that tax these municipalities are spending. So, you've got one municipality that wants a little bit more money and one that hasn't sent in all the required information. But like I said, until it is all resolved, they will probably hold the money in escrow, but ultimately, you will get your money.

Taylor:

And the City is aware that this information is required?

Clerk:

Yes.

Taylor:

Do you have any idea of when they may be able to resolve this issue so that we can move forward?

Clerk:

I am not sure about that.

Taylor:

You are not sure. Alright.

Now, the other question I had for you was – we have been told in a couple of our workshops about revenues that were not expended this year that might be moved forward or might be moved into reserves. I think the county administrator, on one occasion or twice, gave an amount that might need to be moved over into reserves to the tune of \$2 million dollars putting a total of \$4 million into our reserves. Could you address this.

Clerk:

If you are talking about general fund reserve, your general fund reserve is not going to increase

to \$4 million if that is what is in question. It will probably go up to about \$2.3 million and increase a few hundred thousand maybe in this fiscal year, but it won't go to \$4 million.

Taylor:

Well, let me clarify that with you, Mr. Administrator. Maybe I am not talking about the same fund that you were talking about when you mentioned that we had \$2. Something in the fund and there was an additional \$2 million coming out of this year's budget. Is there another fund that we maybe we could (inaudible)

Williams:

I think the \$4 million that we are talking about, if it is seen, will be at the end of the next fiscal year if we continue at the same rate we are going now.

Taylor:

So, you are saying that at the end of 2010/2011?

Williams:

That is what we are hoping for, yes. By this time next year, we are hoping to see it at around \$4 million. Clerk Thomas may have a better insight on that. But, we saw \$2.2 in the first cycle around. When I got here, I believe it was \$800,000. At the end of the fiscal year, it was \$2.2 million. At that rate of growth, we are hoping by another fiscal year, we will be at around \$4 million. That is where we came up with those figures.

By the way, you noticed that I did all that math in my head really quick, too.

Taylor:

I know that at one point in time, that was something that came off the tip of your tongue, but then you said it twice and you said it in separate meetings. You said it at one of our first budget workshops. That was – what is the term – affirmed by the new interim or the new director. Then you said at the next budget workshop, which I was under the impression that you had talked with the Clerk and had clarity on that. So, if you can respond a little bit. Are we increasing our reserves by \$ 1million or \$2 million each year?

Clerk:

No.

Taylor:

No. O.K. I didn't think so. Alright, I won't belabor that anymore. I wanted to find out from you if that was indeed -

Clerk:

To go from \$2.2 million to \$4 million would mean that you would have had to collect an awful lot more revenue – a lot more revenue – and not spent it. It is just that it is no feasible for you to do in one fiscal year.

Williams:

Yes. Well, we keep a 5% reserve. We only budget 95%. If we are able to do that, it is a considerable amount of money.

Morgan:

Mr. Chair, if I could just interject in this conversation –

Lamb:

We don't want to prolong this now.

Morgan:

No. But, I do want some clarification.

Lamb:

It is still on her time.

Clerk:

I think what Ms. Taylor is saying and you are saying - If the fund balance has increased to that amount (\$4 million), then the county could probably spend some of that money in your next year's budget, which begins October 1st. That you have extra money that you could chose to spend and appropriate it. What I am saying in answer to that is that the fund balance should increase, but it won't be that dramatic. If you are serious about increasing fund balance, then you won't appropriate any of it. I know you are in a tight spot because the ad valorem millage that you approved will bring in less money so you are probably looking for some additional money, but I still recommend that you don't appropriate general fund balance in the new fiscal year.

Taylor:

That is totally understood. Let me move.

Lamb:

Commissioner, do you have something you want to say now?

Morgan:

No, sir, but I will speak to the clerk after the meeting.

Taylor:

I also received a letter that was a little puzzling and I don't know if this is something that we need to vote on. And, again, I know you all got what I got. That is – Constitutional officers, do they have the authority to give out bonuses with their budget. Is that something that can be approved by the manager – I need a little update on the policy with that. Is that something that this board still needs to approve? Because this letter indicates that this constitutional officer can give a onetime bonus from his current budget. I just didn't know if this is something that we need to approve because it does have to do with money. I don't remember entertaining this.

Clerk:

I don't know. It is not the clerk because I have never given a bonus and I assure you that it is not

the clerk.

Lamb:

I think it is Clay VanLandingham.

Williams:

Yes, this is a letter that I wrote – acknowledgment that he was doing this. Of course, VanLandingham and maybe Dale, that once you all budget them a lump sum of money, they can do with it however they choose. The same way with the Sheriff. If you give him \$4 million, he can allocate it as he so chooses. That is their opinion. Not the lawyer's opinion or mine. It is their opinion.

Lamb:

Mr. Glazer, do you want to comment on that now or do you want to bring us back a finding?

Glazer:

I don't want to comment on it now.

Taylor:

Mr. Chair, I didn't want to bring up the department because I have the highest respect for those guys, I really do. It was just a general question. I may not have had privilege to the information.

Lamb:

You asked the question, so you brought it out, so we need

Taylor:

I didn't want to be specific. It was a general question. Are bonuses allowed without authorization of the board. That was a general question.

Lamb:

Well, he will bring that back to us.

Taylor:

I did not want specifics.

Williams:

It is being granted from funds that have already been approved by this board to that constitutional officer.

Taylor:

We have, but we didn't approve bonuses.

Williams:

We don't normally approve them by line item anyway. Most of them are by lump sum anyway.

Taylor:

Well, they are supposed to come to us with a line item budget and for each item there are dollars allocated for specifics. I am sure that you see the budget.

Williams:

Constitutionals essentially submit a lump sum one-figure budget request. They don't submit line item requests. Should they? Yes. Do they? No, they do not.

Taylor:

Well, I am under the impression that they have.

Clerk:

It was just presented in your budget document, but they do present it to your budget officer.

Taylor:

I thought so. We don't

Williams:

I don't receive any kind of line item budget for them.

Lamb:

Shall we continue, please.

Taylor:

You should have that though. We need to know how those dollars are spent.

EAR REPORT

I was going to talk about the EAR report, but I appreciate you allowing the staff to please set up a meeting so that the community can have input on it so that it values the reason for it. Get input from the citizens so that their issues and their concerns are heard through an agreement. So, I am glad that you will have that meeting rescheduled. I wanted to make sure that is something that we are going to get before the 28th, I want to make sure of that, Mr. Administrator. I think they had one cancelled recently around the 15th or the 16th – somewhere around that area. We need to get it scheduled between the 15th and 20th if possible.

Lamb:

Anthony, do you have a comment on that.

Matheny:

Yeah. Real quick. All the meetings are on schedule. We had two planning workshops earlier in the month. We have another planning commission workshop to finish going over the EAR based amendments and the area plans – that is the US 90 plan and Lake Talquin plan on September 30th. We have our regular Planning Commission meeting on the 23rd, but we won't be talking about EAR based amendments or plans, that is just a regular Planning Commission meeting.

In October we go back to the Planning Commission with a public hearing to discuss all the EAR based amendments and the area plans. Then we come to this Commission in November. We are

on track with all the required meetings.

Taylor:

If you don't mind, I would like to ask this gentleman –

So, you are saying that the time line that we need to have this report finalized and over to the State Department and so that citizens can have some input so that this board can hear it, we are still within that timeline?

Matheny:

We are.

Taylor:

We are.

Matheny:

We are.

Taylor:

You will probably be hearing from that committee of citizens that have some concerns and issues that might be different from what you are saying. So, maybe at the next meeting, we can have that cleared up to make sure.

Matheny:

Are you talking about the Lake Talquin folks?

Taylor:

Yes.

Matheny:

I am in contact with those representatives of Friends of Lake Talquin every week. WE just met with them last week to iron out some of their concerns and put into the plan. Again, we are talking with them every week. We are on track with everything. We are listening to all their concerns. There is nothing being denied that they are bringing us.

Williams:

Are you saying that we don't need this meeting before the 28th?

Matheny:

We don't need any meeting other than our regular Planning Commission meeting before the 28th. We have had two Planning Commission workshops to discuss all these issues. We will have the last one on September 30th that will deal with Lake Talquin and the US 90 plans and the last two EAR based amendments. WE have already covered all the other EAR based amendments. So, everything is on track. We will have a public hearing in October when we go back before the Planning Commission with all these items for a formal public hearing. Then we will come to this board in early November and then we will transmit all the required documents to DCA. We are

on track 100%.

Taylor:

I still want, if you don't mind, Mr. Williams, I had conversations with folks down there within the last couple of days and they are still saying that some of the things that they want to see is not being reflected in the agreement. In particular, the Future Land Use. They obviously don't want to see mining in the area because that doesn't mirror what is down there already. So, they've got some issue going forward with what language they wanted to see.

Matheny:

I just met with them last week to iron all those difference out. We are still working with them.

Taylor:

I think one of the representatives is here, so obviously he will be glad to come and meet with you.

I will move on from that. I don't want to belabor the time.

I didn't see it in their budget and it is just for tomorrow so that you can make sure that you have it, Mr. Administrator – How much is budgeted for the Chamber of Commerce? I didn't see it. So, I just want that information ready for tomorrow.

Williams:

It is \$75,000.

Taylor:

O.K. I just didn't see it anywhere.

Again, I am going to ask again for a time line when the investigation will be completed and we have a report on EMS. I am still wanting to know that information. I think that some kind of timeline could at least be brought forward.

Williams:

Timeline concerning what?

Taylor:

As to when your department completes whatever you want to do with the report and then let us know what kind of directions we will be taking for some of the issues and concerns brought out in it. Some kind of response back from it to the community.

Now, here is another question that I need to ask. I have not been privy to so you all might need to help out with it. I know that whenever the county administrator is preparing to hire a department head, that the recommendation comes to this board to be given at least some acknowledgement that there is a department head that he is getting ready to hire and the background that the administrator wants to share. Do we not get the same information when a department head is getting ready to be terminated?

Williams:

No ma'am you don't. It is all spelled out in the Florida Statutes and there is a provision there that department heads have to be ratified upon their hiring. But that is the only mention there is relative to the hiring and firing of employees.

Taylor:

That clears that up, but I would like to see the Statute.

Williams:

Section 124.

Taylor:

I would like to see a copy of it, if that is o.k. to verify.

That is it.

Commissioner Croley

Croley:

Just a few items, but I will try to move fast.

First of all, on the fund balance or cash position. What is that now, Mr. Clerk. Do you have an approximate total?

Clerk:

I think we gave you a cash report a little while back that showed \$4 million currently in the general fund. That cash report is a daily snapshot. It changes as revenue comes in and as we spend money. That is just a daily snapshot and you will see from this point up until about late November, that will continually decline. We go through that exercise every year. So, I think there is actually about \$3 million right now in general fund cash.

Croley:

But, then it declines at other times of the year.

Clerk:

Yes.

Croley:

Let me ask, Mr. Chair, we may need to be dealing with this. We need to deal with, I believe, with the Value Adjustment Board.

Lamb:

That is up under my agenda.

Croley:

O.K. If you are going to bring that up.

Second or next item – Emergency Management and 911 Addressing. Commissioners, I would like to request that we have the county administrator agenda this item for the next meeting. Since Mr. Brinkley is here, maybe he can relay that as well as formally back to the Sheriff's office so that we can receive information update and make any appropriate adjustments or continue as it based on the information that we have provided to us.

Lamb:

Do we need to get a motion?

Croley:

I so move.

Morgan:

Second.

Lamb:

It has been moved and properly seconded to have the administrator to provide that on the next agenda. You have heard that motion. Are there any questions?

(no response)

All in favor, let it be known by saying, "Aye."

Lamb: Aye.

Morgan: Aye.

Croley: Aye.

Lamb:

Opposes:

Taylor:

Aye.

Lamb:

Make that 3 – 1 that it be on the next agenda, Mr. Administrator.

Croley:

The next item. We have asked and this will give plenty of heads up for next year about looking at privatizing the mowing of the county's rights-of-way. It just recently came up again because I had some personal contact with the person that does the Florida DOT's roadside mowing. I recently saw an email that I think came out from the Florida DOT as well as Leon County about their efforts to reduce mowing expenses. We never did get a proper response to this instruction from the commission earlier this year. So, since you are entering into the winter months, there is

plenty of time for this to be dealt with. I would like to make sure that the information comes to us before the growing season starts.

County Probation

Also, we had a speaker who came and made a presentation regarding county probation services and his interest in offering a business proposal on that. To my knowledge, there was a committee appointed, I believe, consisting of Clerk Thomas and you, Mr. Administrator. We never received any type of response. He has contacted me and I assume that he has contacted other commissioners wanting to know when there would be an opportunity for him to do a follow up.

County Facilities- Open Containers in the Parking Lot

The next item pertains to county facilities. Commissioners, I think that everyone here and you only need to look at the parking lot out here to see that we are having a problem with open container drinking. We are having police complaints and responses in this parking lot. That situation needs to be dealt with.

Mr. Attorney, if we know there is open container violations, partying going on at night here in the parking lot, do we have an increase public liability if we are aware of that?

Glazer:

It certainly doesn't help.

Croley:

It certainly doesn't help. I would like the board to know that I spoke to City Manager Jack McLean about this matter. He is willing to work with the county administrator if this board will give instructions for them to meet. I think it is a pretty bad situation. I would like, Mr. Chair, if we can - do we need a motion to that effect?

Lamb:

Yes.

Croley:

I will so move.

Lamb:

Second.

Taylor:

Question.

Lamb:

We have a motion and a second to have Mr. McLean from the City of Quincy and our county

administrator meet and discuss and try to come up with some ideas about how to control this situation here in the parking lot. You have heard the motion and we are ready for questions.

Commissioner Taylor?

Taylor:

It would be wise, as well, to include some of those business owners in on this meeting so that, if they can help stop this littering. If they can help insure that the area is clean, which I thought they were doing a pretty good job, but there is no telling where some of these items have been coming from, but at least give them a chance to be in part of the discussion. If, at that point, they can't reach to a resolve, we stuck to our businesses. We want to mindful that we are a business friendly town. These people do employ and they do pay taxes. So, just want to make sure that they are involved in the discussion.

Lamb:

Another situation could be that maybe the manager and the administrator and then they can decide on how they want to meet with the business owners. I think those two need to meet first.

Taylor:

I agree they should meet then go before them with their plan or their thoughts of direction, but certainly before they come back to us. At least, entertain those business owners.

Lamb:

Any other questions?

All in favor, let it be known by saying, "Aye."

All:

Aye.

Lamb:

The "Ayes" have it. Thank you.

Coley:

My last item. We have talked about the library cleaning services. I continue to receive some complaints from folks that utilize the library and they are frequently the poor condition of the maintenance of the facilities. And, Mr. Administrator, I don't know how much more emphatic we can be with you about this, but this needs to be taken care of. These libraries cost a lot of money. A lot of people use them and they need to be kept in proper order.

Williams:

We do the best with what resources that we have that you all pay for. If you can give me more resources, we can certainly do more. I think the recommendation from Clyde was that we need another full time custodian.

Coley:

Mr. Administrator, let me be very clear as far as I am concerned. I think we are saying to you, or at least I am saying to you, I can't speak for anyone else. But what resources you need, you need to let us know. We need to make sure that whoever is over those library facilities are communicating with us because this has been going on too long. For me, I am starting to lose confidence in some people.

Williams:

May I make one comment about the EMS investigation?

Lamb:

No, what I want you to do on that and it is in my report. You need to talk with your commissioner individually about that.

Williams:

Well, the point is that there are no criminal findings in there. They are all personnel matters and as a general rule, we do not discuss personnel matters.

Lamb:

Exactly. Now, this is what I am asking you to do. I do not want to discuss that here. Talk to your individual commissioner and discuss whatever you want to discuss with that commissioner. Because it is a personnel policy, we do not want to discuss that here and we are not going to discuss it here.

Williams:

We are very conscious about discussing personnel matters with anybody.

Lamb:

Well, that will be up to you and the commissioner.

Williams:

We just don't do that.

Lamb:

Let me go on with my report. But, as I said before, you do have the opportunity to talk with the individual commissioner – those that have interest in it. I don't have an interest in it. I don't think any other commissioner has an interest in it. But, if one does, you ought to show some kind of concern to that commissioner.

Taylor:

I do. I certainly do.

Lamb:

That is up to you.

Let me go with my report, please.

✦

Commissioner Lamb, District 1

Lamb:

The fuel tax, Mr. Clerk, who will initiate this fuel tax meeting to make sure that we get on line so these monies can be dispersed?

Clerk:

The City of Midway basically challenged the distribution.

Lamb:

I am talking about who is going to initiate this meeting between all the municipalities so that they can iron out what the problem is so that they can go back and see if Midway needs more of the taxes.

Clerk:

I think it is an administrative function of the Department of Revenue at this point. They have requested information. We provide the information. They have all kinds of formulas that they use to determine how much of the money that everybody gets. So, I don't think that you can affect that anymore than by providing the information that they request.

Lamb:

Have they communicated with you?

Clerk:

They communicated with us about receiving the information. Once again, it is one of those things that we just coordinated getting the information from everybody and forwarded it to the Department of Revenue.

Lamb:

O.K. Thank you.

EMS

I have already mentioned to the administrator on the EMS situation – talk to your commissioner. As well, about the department head if you see fit to do that. You do that. You handle that, but not here in this meeting.

Value Adjustment Board Appointments

The other thing I wanted to mention is the appointment of Value Adjustment Board. I would like to recommend that we go back with the people who were on it last year if it is o.k. with this board. That would be me and Commissioner Croley as well as someone from the School Board, Mrs. Emily Rowan and Mr. Bill McMillan and Mr. Bradley Munroe as the attorney. If that is o.k. with this commission. Can I get a motion to that, please.

Croley:
So move.

Morgan:
Second.

Lamb:
It has been properly moved and seconded that we will continue the Value Adjustment Board with the members that we had last year. We will notify all of those members. You have heard the motion on it. We are ready to vote. All in favor, let it be known by saying, "Aye."

All:
Aye.

Lamb:
The "Ayes" have it.

Croley:
I have a comment. Ms. Muriel will notify everyone about the organizational meeting.

Lamb:
Thank you. I see a friend of mine here. I am glad to see him. Come again.

24. Receipt and File Agenda

- a. Letter to Law, Redd, Crona and Munroe, P.A. Regarding the Audit Transition to Purvis, Gray and Company, LLP.
- b. Letter from FDLE Regarding the Sheriff's Area Drug Taskforce 2009-JAGC-GADS-1-T7-104 Agreement # 3 increasing Expenses by \$18,404.17
- c. Budget Amendments Approved by the County Administrator OMB – BA# 100094 and OMB- BA# 100096

September Meetings:

- September 8, 2010 – 1ST Budget Hearing – 6:00 p.m
- September 21, 2010 – Regular Meeting at 9:00 a.m.
- September 21, 2010 – 2nd Budget Hearing at 6:00 p.m

ADJOURNEMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 8:00 P.M.**

Eugene Lamb, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

**AT A TENTATIVE BUDGET PUBLIC HEARING OF
THE BOARD OF COUNTY COMMISSIONERS
HELD IN AND FOR GADSDEN COUNTY, FLORIDA
ON SEPTEMBER 8, 2010 AT 6:00 P.M., THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

Present: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
District 4 – Vacant
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

Absent: Sherrie Taylor

CALL TO ORDER

Chair Lamb called the meeting to order AT 6:00 p.m. announcing that the purpose of the meeting was to set the millage rate and adopt the tentative budget for 2010/2011. He then turned it over to County Administrator Johnny Williams.

Mr. Williams referenced the newest version of the 2010/2011 budget document which had been distributed to each of the commissioners. He pointed out the following things about the budget:

- It is balanced.
- It has a 5% cushion which amounts to \$1.4 million. (This is required by the State.)
- It includes the two inmate work crews that the board directed to be added, which amounted to an additional \$116,000. It was taken from the Public Works fund balance.
- No public works employees will be laid off.
- There is \$10,000 for emergency repair for housing that was taken from general fund reserves.
- Opportunity Florida was budgeted \$4,500
- Sheriff - \$69,434 Board voted to transfer the money back to him.
- There is no money budgeted for non-profit agencies. (\$40,000 was budgeted last year.)

Commissioner Croley requested that \$5,000 of the money earmarked for economic development through the Chamber of Commerce be transferred to the Gadsden Arts Center for their economic development efforts.

A MOTION WAS MADE BY COMMISSIONER CROLEY AND SECONDED BY COMMISSIONER MORGAN TO MOVE \$5,000 FROM THE CHAMBER OF COMMERCE TO THE GADSDEN ARTS CENTER FOR THE PURPOSE OF THEIR ECONOMIC DEVELOPMENT EFFORTS AND THEY MUST MEET THE SAME ECONOMIC DEVELOPMENT GUIDELINES AS THE CHAMBER OF COMMERCE INCLUDING THE DISBURSEMENT AND REPORTING REQUIREMENTS. THE BOARD VOTED 3 – 0 IN FAVOR OF THE MOTION.

Commissioner Croley then addressed the issue of custodial care of the libraries.

Administrator Williams reported that he held discussion with the Library Director and Mr. Lawson and they had collectively concluded that they need an additional custodial to float between the three libraries. An additional position would cost approximately \$28,000.

There was some discussion about going out for bid for contracted services as opposed to hiring another fulltime person. Mr. Lawson suggested that the board give staff the option to choose whichever method would be the most feasible to bring about the desired result.

Chair Lamb was in support of hiring another custodian.

Commissioner Croley suggested that they move the \$10,000 from emergency housing into library custodial services and leave the staff with some options – hire another employee or go out for bid for contracted services. (to be at the discretion of staff.)

A MOTION WAS MADE BY COMMISSIONER CROLEY TO MOVE THE \$10,000 FROM EMERGENCY HOUSING INTO LIBRARY JANITORIAL SERVICES (FACILITIES MANAGEMENT). COMMISSIONER MORGAN SECONDED THE MOTION. THE BOARD VOTED 3 – 0 IN FAVOR OF THE MOTION.

Chair Lamb called for public comments.

Mr. Kimsley Helms inquired about the TRIM notice and the millage rate.

It was explained to Mr. Helms that the millage rate had not increased at all. If there was an increase in his tax bill, it was due to the state mandated consumer price index increase, which was 2.7%.

Grace Malloy addressed the board to thank them for the \$5,000 for the Art Center's economic development efforts.

ADOPTION OF THE MILLAGE RATE OF 8.9064 MILLS

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO SET THE MILLAGE RATE FOR FY 2010/2011 AT 8.9064 MILLS WHICH IS 3.41% LESS THAN THE ROLLBACK RATE OF 9.22 MILLS.

ADOPTION OF TENTATIVE BUDGET FOR 2010/2011

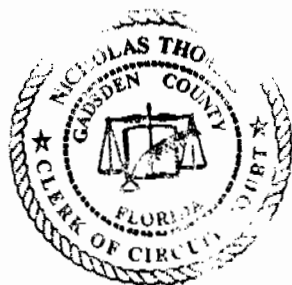
UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE ADOPTION OF THE TENTATIVE 2010/2011 BUDGET.

BUDGET ADVERTISEMENT

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO DIRECT THE STAFF TO ADVERTISE THE BUDGET IN ACCORDANCE WITH FLORIDA STATUTES WITH THE CHANGES MADE AT THIS MEETING FOR A PUBLIC HEARING ON BUDGET FOR 2010/2011 SEPTEMBER 21, 2010 AT 6:00 P.M.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 6:21 P.M.**



ATTEST:



Muriel Straughn, Deputy Clerk



Eugene Lamb, Chair

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON SEPTEMBER 21, 2010 AT 6:00
P.M, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

PRESENT: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

INVOCATION AND PLEDGE OF ALLEGIANCE

Chair Lamb called the meeting to order. He then called for a moment of silent prayer then led in pledging allegiance to the U.S. flag.

AMENDMENTS TO THE AGENDA

The agenda was amended as follows:

Added ad Item 14B: Approval of a Small County Road Assistance Program (SCRAP) Application for and Nomination of Roads to Be Named in the Application

Added as 14A: Approval of Agreement with Tony Colvin for Building Official Services

Added as 17D: Appointment of Commissioner Taylor to the Value Adjustment Board

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE ABOVE NAMED AMENDMENTS TO THE AGENDA.

AWARDS, PRESENTATIONS AND APPEARANCES

1. **Home for the American Legion Post 84, Auxiliary Unit 84 and Legion Riders Chapter 84 – Use During Natural Disasters as a Shelter**

Commander James Brennan addressed the board with a proposal to purchase the facility at 106 East 8th Ave. in Havana as their Legion Hall. (The old Post Office) It was also proposed that the facility could also be used to serve as a recovery unit (not a shelter) during natural disasters. He said they would seek a grant with which they would make the purchase and renovation.

He handed out a modification to the proposal which was in the agenda packet explaining that when he met with the Havana Town Council, they requested that the reference to “teen dances” be eliminated from the proposal until it can be researched further to determine what security would

be necessary to facilitate dances and other liabilities that might be incurred.

Commander Brennan spoke briefly about the programs they will provide for the community and the school system. (Speech competitions, scholarship opportunities, veteran history, etc.)

Discussion followed among the board.

He then asked for a letter of support from the county to submit with their grant application to the Department of Florida American Legion to demonstrate that they have the backing of the local community.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO GIVE A LETTER OF SUPPORT FOR THE GRANT DESCRIBED ABOVE.

CONSENT AGENDA

Item 4 was pulled for discussion

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT:

2. Ratification of Approval to Pay County Bills

Accounts Payables Dated:	August 27, 2010
	September 3, 2010
	September 10, 2010
Payroll Dated:	September 9, 2010

3. Approval of Travel for Commissioner Croley and Commissioner Morgan to attend the Advanced County Commissioner (ACC) Education Programs: 3 Seminars in Gainesville, FL on October 28-29, 2010; January 6-7, 2011 and April 14-15, 2011 (Approximately \$2,400 for all three seminars for both commissioners.)

4. ~~Application for the E911 Rural County Grant Program – this is a non matching grant for \$54,910.64~~

5. Approval and Execution of State Aid Grant Application and Grant Agreement for 2010-2011 for \$362,989. No further financial obligation or match is required by the County.

ITEMS PULLED FROM CONSENT AGENDA FOR DISCUSSION

4. Application for the E911 Rural County Grant Program - this is a non matching grant for \$54,910.64 which is being applied for in the name of the Board of County Commissioners.

Croley:

If grants are being applied for in the name of the board, and the board is taking on the financial obligation for the grant, and the chief financial officer is the clerk's finance department, it would appear to me that we should approve the grant, but it ought to be that the grant is administered financially through the clerk's office because they are the ones receiving the money. I would move that it be approved on that basis.

Taylor:

I have a question. A comment before we get to the motion.

Lamb:

Go ahead.

Taylor:

First of all, if this grant is written by E911 and I am almost positive that it is one that is written annually. They are responsible for the criteria of this grant so the implementation should come from them as well as them being able to use these proceeds as needed. What I have learned from working on grants is if you don't implement this according to how it is written and according to how it is approved, then the person who is implementing it now becomes responsible. I think it has just been traditional that we give a nod of support, but actually the sheriff's department or whoever implements this is responsible for these proceeds. We should not divert those funds from them because sometime in doing so, you delay the services that are required. This thing is all time sensitive as well as financially sensitive. I understand your concern, but they've been implementing these grants for years and I don't see why we should divert from the process.

Thank you.

Croley:

Mr. Chair, may I respond?

Lamb:

Yeah, go ahead.

Croley:

Look on page 5. You will very quickly see that under 8.4, for example, it says that says, "Grant fund monies must be deposited into an interest bearing account. On grant amounts of more than \$100,000 or more, any interest generated must be spent as part of the project and shall be returned to the board", meaning their board.

All I am trying to say to you in the absence of any agreements on administration of these grants, if this board has responsibility for applying for the grant, then the money simply needs to be received by the clerk and it can be distributed to the appropriate party administering the actual work. That is not an issue.

Lamb:

Mr. Administrator, do you have anyone here that - can somebody give me some information on

how exactly this is done so we can get through with this?

Major Sean Wood:

Mr. Mason is not here, but my understanding is that it doesn't really matter. Usually, with the Clerk, large amounts of money, it actually helps us to go through the Clerk so that we don't have to have a lot of money out of hand. That was my interpretation of it to begin with, Commissioner. It does go through the Clerk. I don't have the paperwork or figures right off the top of my head, but usually on large numbers like that – we don't have \$56,000 laying around. So, it is one of those things that the Clerk works really close with us and it becomes a "pay back" type thing. It is not a big deal either way.

Croley:

Major Wood, that is exactly my point. I keep trying to protect your cash flow within a constitutional officers operation. You don't need to be putting out the money. It should be coming through the cash balances of the county and let them receive that money back. Then, you are not out any money and go can go on about your business. That is just good business.

Taylor:

I am not trying to ruffle feathers with this. I am simply saying that if the grant and the criteria within the grant is not being implemented because cost is being held up or funds are not being able to flow the way they need to flow, then it hinders in that you have monies taken back if you don't implement. Yes, the money needs to be monitored. I have no problems with that, but if you don't take care of this grant within the time period, then you are going to give that money back. That is the thing that I want to make sure that we don't put anything in the way and stop it from falling to your knees. That is what I am saying.

Now, the clerk is over all the proceeds. That is not going to happen. I just don't want to put another road block in having your dollars flow to you as you need them. That is all that I want to make sure of. That is all that I am saying at this time. That is all. That is it. It is not debatable.

Croley:

I move approval.

Morgan:

Mr. Chair, my original motion was to approve the consent agenda and I never did get a second on that before he pulled number 4.

Lamb:

You offered a motion to approve the whole consent agenda?

Morgan:

Yes.

Lamb:

O.K. Can I get a second on that – besides number 4.

Taylor:
I second it.

Lamb:
O.K. It has been moved and properly seconded that we approve the consent agenda except for Item 4. You have heard the motion. Ready for questions. (No response) All in favor, let it be known by saying, "Aye."

All:
Aye.

Lamb:
Opposes? (No response)

The "Ayes" have it.

Now, Number 4 – can I get a motion on it.

Croley:
I move to approve it subject to the clerk's oversight.

Lamb:
That is all part of the motion. But, he's going to do that. They are going to give the money to the Clerk.

Croley:
That is part of my motion, Mr. Chair.

Lamb:
Do I have a second on that?

Morgan:
Second.

Lamb:
It has been moved and properly seconded that this money come through the Clerk's office before it goes down to 911. This is something they have been doing anyway. Any other questions on that motion? All in favor, let it be known by saying, "Aye."

Morgan, Lamb, Croley:
Aye.

Lamb:
Opposes?

Taylor:

Aye.

Lamb:

Alright, we've got one opposed on that.

Thank you.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, THE BOARD VOTED 4 – 0 TO APPROVE THE GRANT APPLICATION CONTINGENT UPON THE CLERK HANDLING THE FINANCIAL ADMINISTRATION OF THE GRANT.

CITIZENS REQUESTING TO BE HEARD ON NON AGENDA ITEMS

There was no response.

PUBLIC HEARINGS

6. Public Hearing – Second Public Hearing for Adoption of Final Millage Rate and Final Budget for Fiscal Year 2010/2011

County Administrator announced a public hearing on the millage rate and the final budget for FY 2010/2011.

Chair Lamb read the resolution into the record adopting the millage rate of 8.9064 mills which is 3.41% less than the rollback rate of 9.22 mills. He then called for public input. There was no response. He then called for a motion.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO ADOPT THE MILLAGE RATE OF 8.9064 MILLS.

Chair Lamb then read Resolution 2010-042 into the record adopting the countywide budget of \$42,873,427. He then called for public comments.

Brenda Holt, District 4 commissioner-elect, asked, "I would just like to see the new items that were added to the budget or increases and decreases as to any other items that were on the budget. And, if any were taken from the budget. Usually, you have a fly sheet that you put down whatever you increases and decreases were. Not your whole budget. It is just one sheet. "

Lamb:

Mr. Manager, can you get that to Ms. Brenda, please? Ms. Brenda Holt?

Williams:

Yes, I will be glad to.

Holt:

That is any new items, increases, decreases, and items that were eliminated from the budget. I would need those before I could comment. I called today, but the budget person was not in.

Straughn:

There is one attached to the resolution.

Lamb:

Are you the only one that has a copy of it?

Straughn:

It was attached to the resolution along with all of the signature items.

Lamb:

Mr. Lawson, can you copy this for us or Clyde.

Ms. Holt, we will have to call you back up later.

Holt:

O.K.

Commissioner Croley asked if the cost for a new generator for the Sheriff's office and the Emergency Management Center had been included in the budget. He then asked for a status report.

Building Official Clyde Collins made the following points:

- He is still receiving bids and considering options
- A turn key generator for the entire building would cost approximately \$196,000.
- The current generator is not reliable and will not power the entire building.
- One option that he is considering is a generator that is large enough to run the entire building, the EOC, E911 and the county IT system for 72 hours.
- He expects to bring options to the board with associated costs for discussion and direction.

A MOTION WAS MADE BY COMMISSIONER CROLEY TO MOVE \$196,000 INTO THE EMERGENCY MANAGEMENT BUDGET FOR THE PURPOSE OF PURCHASING THE GENERATOR. CHAIRMAN LAMB SECONDED THE MOTION.

Discussion followed.

The chair recognized Howard McKinnon for comments.

Mr. McKinnon stated that he was not sure how the budget was advertised, but he suggested that it might be advisable to take this measure up later as an amendment to the budget rather than jeopardize the legal process of adopting the budget. He reminded them that they had advertised a certain expenditure amount. If they took action to increase that amount by approximately \$200,000 there could be some legal ramifications.

Commissioner Croley withdrew his motion and Chair Lamb withdrew his second.

Ms. Holt addressed the board again. She requested the same information that she requested earlier in the meeting.

Commissioner Taylor stated that she would like to come back at a later time to conduct another budget workshop. However, there are time constraints to adopt the budget to meet the TRIM requirements.

Matt Thro of the Havana Merchant's Association asked questions regarding the economic development funding. He was directed to speak to the county administrator for clarification.

There was some discussion about how the CRA money was dispersed from the Tax Collector.

Chair Lamb read resolution into the record adopting the FY 2010/2011 budget.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE FINAL BUDGET AS PRESENTED AND ADVERTISED.

7. Approval of the Comprehensive Health Care Proposal

Howard McKinnon and Max Martinez submitted a budget of \$266,000 to provide for a couple of educators, PAMS Program, We Care Network . The proposed budget was included in the agenda report.

Max Martinez addressed the board to explain how the money would be used.

Craig McMillan also made statements to explain how some of the proceeds of the tax will be paid to Capital Regional to offset the cost of services for indigent care.

Discussion followed.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO APPROVE THE FIRST YEAER BUDGET FOR THE HEALTHCARE COUNCIL. (MONEY IS DERIVED FROM THE INDIGENT HEALTHCARE TAX)

8. ~~Approval of Half Cent Sales Tax Dollars Collected in 2008-2009~~

~~This item sought Board approval for the Health Council to utilize \$200,000 of previously collected half cent sales tax dollars to purchase a medical mobile unit.~~

McKinnon asked to pull this item from discussion.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, TO PULL ITEM 8 FROM THE AGENDA. IT WAS NOTED THAT IT WILL BE BROUGHT BACK AT A LATER DATE.

9. Contract Between the Gadsden County Board of County Commissioners and the Florida Department of Health for the Operations of the Gadsden County Health Department Contract Year 2010-2011

Mr. Marlon Hunter addressed the board to explain the services they provide and the accomplishments they have made over the last year. He highlighted the fact that they are providing obstetric services now in partnership with Capital Regional and Tallahassee Memorial hospitals.

He also pointed out that they are working with Health Council on developing a new Health Care Strategic Plan. They have contracted with FAMU and FSU to get needs assessment and strategic plan in the works.

Mr. Hunter spoke briefly about the possibility of new legislation regarding septic tank issues and monitoring requirements. He offered to come back to do a workshop session and talk about the septic tank legislation and how it will impact Gadsden County and its residents.

Commissioner Morgan asked the administrator to point out in the budget where the county has provided the funds for the Health Department. He pointed out that the Health Department contract makes reference to funding from the county for \$100,000, however, he could only find where the county had budgeted \$50,000 this year as well as last year.

Mr. Hunter replied that he did not realize that the contract had been reduced to only \$50,000. He indicated that would certainly create a budget impact for them.

There was a brief discussion about in-county fees and who sets those fees. It was stated that the county commission sets the fees and should review them every year.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE AGREEMENT DESCRIBED ABOVE.

10. Approval of Translator/Interpreter Contract for the Probation Division - Bridging Barriers, LLC
Cost – approximately \$3,500 per year

Martha Chancey, Probation Division Manager was present to answer questions of the board.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO APPROVE THE CONTRACT WITH BRIDGING BARRIERS, LLC.

11. Post Approval of Contract between the Gadsden County Tourist Development Council and Ron Sachs Communications, Inc.

Anthony Matheny addressed the board with the contract named above and explained the timeline leading up to it.

Commissioner Taylor and Commissioner Croley pointed out that all contracts and bid awards need to come back to the board for approval in a timely fashion. The TDC can make recommendations, but the board of county commissioners must approve all contracts that requires county funds. The TDC has no authority to award bids or sign contracts.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 3 – 1 TO APPROVE THE CONTRACT WITH RON SACHS RETROACTIVE TO AUGUST 1. COMMISSIONER TAYLOR CAST THE LONE DISSENTING VOTE.

12. Approval for Oliver Sellers, Code enforcement Officer, to seek Elected Office in Decatur County, Georgia

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER TAYLORE, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE OLIVER SELLERS TO SEEK OFFICE IN DECATUR COUNTY, GA.

13. Approval to Expend Funds for Courthouse Facility-Related Expenditures

Guy Race Roof Repair - \$	111,000.00
Indoor Air Quality Test and Duct Inspections	3,000.00
Public Defender's Office Ceiling Repair/Replace	12,000.00
Public Defender's Office Repair Completion	68,000.00
County Judge's Bathroom Installation	9,900.00
Circuit Judge's Chamber Renovations	20,000.00
Install Fire Alarm Systems	34,000.00
Gutter and Window Repairs	102,000.00
Total	359, 900.00

Mr. Clyde Collins told the board that the above list and related costs are things that have been identified as immediate needs to be addressed. The court facilities fund will be used as the money comes into the fund to make the repairs. The money is derived from a surcharge that is imposed on traffic citations. It should provide approximately \$241,626 annually and can only be used for courthouse related expenditures. The repairs should not impact the general fund. However, any cost that exceeds this amount will be the responsibility of the county. He reiterated that the work will be done only as the money comes in. He asked the board to approve the list of repairs above with the understanding that it will only be done as the money accumulates. He emphasized that the list is not in the order of priorities.

Commissioner Croley stated that he would not support it at this time. While they are needs, he feels that there may be some other needs that could be more pressing – like the main courthouse courtroom and the leaking roof onto the records at record center. He also stated that he attempted to talk to someone in the court administrators office, but his phone call was not returned. He pointed out that there are still issues that remain unresolved about the badly needed third judge. He summarized by saying, “This looks like some needs mixed in with some wants.”

Commissioner Morgan pointed out that the repairs amount to \$360,000, but the fund is expected to amount to only \$241,000. Mr. Collins explained that he would be coming back to the board for authority to spend any funds before actually embarking on each phase of repairs or renovation.

Commissioner Morgan recognized Grant Slayden from the office of the Court Administrator. He asked him to come forward and speak to the issue of the board’s request for a third judge.

Mr. Slayden apologized to Commissioner Croley for not having returned his call, but stated that he had been out of town for two weeks on military duty. He then stated that based on the caseload and population, Gadsden County’s need for judges ranges between 2.24 FTE and 2.59 FTE requirements. That is met by two full time circuit judges and a hearing officer for child support cases. Beginning on October 1, there will be a General Magistrate assigned to Gadsden with .3 FTE. Combined, the FTE count will be 2.7 FTEs. While there will not be a additional circuit judge to assign, there will be some relief coming to Gadsden. Judge Cooper will reassigned to Gadsden beginning October 1 as one of the circuit judges. He is very experienced and can carry a heavy case load with ease.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 – 1, BY VOICE VOTE, TO APPROVE THE REPAIRS LISTED ABOVE. COMMISSIONER CROLEY OPPOSED.

14. Transfer of Emergency Management and E911

This item sought Board approval for the transfer of our Emergency Management (EM) and the E911 Addressing System back to the direct control of the BOCC with day to day administration thereof by the County Administrator.

Commissioner Croley read a prepared statement into the record which is attached to this set of minutes. He pointed out three parts of the Emergency Management Program - legal, financial and operational.

He stated that during a meeting with Sheriff Young, the sheriff asked him to contact Larry Campbell, sheriff of Leon County and Richard Smith, Leon County Emergency Management Director. Upon speaking with them, he learned that the Sheriff’s office in some counties in Florida do manage the Emergency Management and E911 operations. However, it is the Board of County Commissioners that has the legal responsibility for it. It also has the financial responsibility for the operations. The grant money is the responsibility of the county

commission.

The sheriff's office has been funding the emergency management operations up front, then coming to the Clerk for reimbursement. That arrangement ties up the sheriff's budget unnecessarily.

He then pointed that there is no formal agreement in place between the board and the sheriff to carry on those functions on behalf of the board.

He pointed out that emergency management is not primarily a law enforcement function.

Chair Lamb was in support of leaving the services with the Sheriff.

Commissioner Croley made remarks supporting the transfer back to the BOCC or putting a formal agreement in place for the transfer appropriately.

Commissioner Morgan stated that he had no problem with leaving the operation with the sheriff, but he would really support putting the formal agreement in place.

Commissioner Taylor concurred with Chair Lamb to leave the services where they are.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO LEAVE THE OPERATIONS OF EMERGENCY MANAGEMENT AND E911 WITH THE SHERIFF CONTINGENT ON PUTTING AN INTERLOCAL AGREEMENT INTO PLACE THAT BOTH THE SHERIFF AND THE BOARD CAN AGREE ON.

14A Approval of Agreement with Tony Colvin to Provide Building Official Services

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE AGREEMENT WITH TONY COLVIN TO PROVIDE BUILDING OFFICIAL SERVICES.

14B Public Works – Candidate Projects for the Small County Road Assistance Program (SCRAP) – FDOT

Charles Chapman addressed the board regarding a very recent communication from the Florida Department of Transportation about the availability of SCRAP funds. The grant applications must be submitted by the end of September, making it necessary for the board to make a decision right away about the roads it would like to submit for the grants.

Preble Rish analyzed the county roads and identified those that would most likely be competitive and that met the scoring criteria. The following roads were proposed, however, only one road per year can be moved forward.

FY 2011 Lonnie Clark Road - resurfacing
Matthew Clark Road - resurfacing

Dogtown Road – resurfacing
Telogia Creek Road – resurfacing

FY 2013 Ben Bostick Road – resurfacing – from US 90 to Atwater Road
Woodward Road – resurfacing
Little Sycamore Road – resurfacing from Flat Creek Road to Sycamore Road

Chris Forehand, engineer with Preble Rish addressed the board explaining that the county can only submit one road for each year and that each road must fall within in the \$300,000 to the \$400,000 range to be the most competitive.

COMMISSIONER CROLEY MADE A MOTION TO SUBMIT DOGTOWN ROAD. THE MOTION DIED FROM LACK OF A SECOND.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTE 4 – 0, BY VOICE VOTE, TO SUBMIT LONNIE CLARK ROAD FOR SCRAP FUNDING IN THE FY 2011.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE SUBMISSION OF WOODWARD ROAD FOR SCRAP FUNDING IN 2013.

15. Update of Board Requests of the County Administrator

No items

16. Update on Various Legal Issues

- Nuisance Abatement Ordinance will be presented at the next board meeting.
- Referenced a memo regarding an overview of the paving of private roads and assessments process.
- Allen Ranch Road - Mr. Williams agreed to deed Allen Ranch Road to the county. Residents will be on the October agenda. (½ mile road)

17. DISCUSSION ITEMS BY COMMISSIONERS

17a Commissioner Morgan, District 3

No comments

17b Commissioner Taylor, District 5

Emergency Management Interlocal Agreement

She stated that she would be opposed to forcing the sheriff into an interlocal agreement if he was not in total agreement with it.

Septic Tank Workshop –

She was supportive of conducting workshop with the Health Department.

17c Commissioner Croley, Vice-Chair, District 2

Emergency Management

Commissioner Croley stated that he voted on the affirmative side on the issue of an interlocal agreement with the Sheriff for the purpose of the Emergency Management operations. He clarified that he did it because he wanted to be on the prevailing side of the motion so that he could bring it back for further discussion in the future if necessary.

CRTPA Report

He reported that he attended the CRTPA meeting in Tallahassee on Sept. 20. He added that Quincy By-Pass remains a viable project.

Economic Development and Railroads – Report from CSX representative on rail resources in the region. Gadsden County is well positioned with rail access. He encouraged the board to be mindful of the railroad sites when making zoning changes.

He filed the CRTPA Agenda Packet with the Clerk for record.

17d Commissioner Lamb, Chair, District 1

Appointment of Commissioner Taylor to serve on the Value Adjustment Board

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE APPOINTMENT OF COMMISSIONER TAYLOR TO REPLACE CHAIR LAMB ON THE VALUE ADJUSTMENT BOARD.

Gadsden Express

Gadsden Express is working on two more stops within the area. The stops have not been determined yet. CRTPA is responsible for the approved stops.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 8:15 P.M.**

Eugene Lamb, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON OCTOBER 5, 2010, THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

PRESENT: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
District 4 seat vacant
Sherrie Taylor, District 5 (Arrived at 6:13 p.m.)
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

INVOCATION & PLEDGE OF ALLEGIANCE

Chair Lamb called the meeting to order and called for a moment of silent prayer. He then led in pledging allegiance to the U.S. flag.

AMENDMENTS TO THE AGENDA

Chair Lamb called for amendments to the agenda.

Clerk Thomas requested that Item 8 to be moved to the Public Hearing Section of the Agenda as Item 6A- Advertised budget Change and 6 B –Detailed Budget Amendments as Reflected in the Advertised Budget Change and others.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE TO APPROVE THE AMENDMENTS TO THE AGENDA AS REQUESTED BY CLERK THOMAS ABOVE.

AWARDS, PRESENTATIONS AND APPEARANCES

1. **Military Training Exercise Briefing,**

Dan Runyon, EW-11 RUT Coordinator was not present.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA TO WIT:

2. Approval of Minutes – July 22, 2010 – Budget Workshop
July 29, 2010 – Budget Workshop

September 2, 2010 – Budget Workshop

3. Ratification of Approval to Pay County Bills

Accounts Payable Dated	September 17, 2010
	September 24, 2010
Payroll Dated:	September 23, 2010
4. Emergency Management Performance Grant - Federal Department of Homeland Security and Federal Emergency Management Agency – Management Agency Contract Number: (11-BG-05-02-30-01) (Charles Brinkley, Emergency Management Coordinator, GCSO)\$79,355
<X:\BCCMIN\2010 BCC MIN\20101005\Item 4.pdf>
5. Approval of the Contract for Professional Construction Engineering Inspection Services Relating to the Local Agency Program – Hardaway Highway Project (Charles Chapman, Interim Public Works Director)<X:\BCCMIN\2010 BCC MIN\20101005\Item 5.pdf>
6. Approval of a 'Local Agency Program Agreement' (LAPA) between Gadsden County and the Florida Department of Transportation for the Preparation of a 'Bicycle and Pedestrian Master Plan' (BPMP) (Anthony Matheny, Planning and Community Development Director)<X:\BCCMIN\2010 BCC MIN\20101005\Item 6 LAP Agreement Bicycle Pedestrian Master Plan 2010 thru 2011.pdf>

CITIZENS REQUESTING TO BE HEARD ON NON AGENDA ITEMS

Brenda Holt addressed the board with a complaint. She stated, "I brought an issue to you because I have had at least four occasions where county employees have stated that the manager has told county employees not patronize my business that I just opened. I brought that before this board because, first of all, it is illegal for anyone to tell any employee to tell another employee or a manager or director to do with their time off. It cannot be done. That is illegal. That is the first thing.

The other thing is that I do not criticize people's businesses. If I have a gripe with them, I take it up with them. And, I want to make sure that is understood. Employees and commissioners – all of us work for different entities. If we do that, then we deserve to have the initiation or confrontation with that person, not with that business. I want to make sure that that is not being done. If it is, for it to stop.

Alright, that is one thing. The other thing is that I had a call today about an EMS call for a child at the magnet school. I told them that I have not been sworn back in on the commission. So, I am bringing that before you. Because the grandmother called me. She said there was a problem with EMS at the Magnet School with her grandson who has asthma. I didn't bring that slip of paper with me, but I am sure that EMS knows who took the call. But, her concern was that the child was not treated. Now, it may have been treated, that is only one side of the story. I did not bring it with me, but they will know that call. At the Magnet School over on King Street. "

The above matters were referred to Mr. Arthur Lawson.

Matt Tho, 302 North Main St., Havana, FL submitted a letter requesting consideration for economic development funding. He was instructed to contact the county administrator.

PUBLIC HEARINGS

6A. Advertised Budget Change <X:\BCCMIN\2010 BCC MIN\20101005\Item 6a.pdf>

Clerk Thomas explained that during the course of the last year, the board voted to take a number of actions that were not included in the budget, but they were things that were required to be done, mostly relating to the hospital. 1) \$2 million loan from the hospital trust for equipment; 2) the agreement to give money to Capital Regional and to the Health Department, etc. He went on to say that the advertised budget change mainly enables the Clerk's office to properly account for those actions. He opened the meeting up for public comments.

The chair called for public input. There was no response.

(Commissioner Taylor arrived at this juncture.)

There were questions raised by Commissioner Morgan to which the clerk responded.

The clerk then explained that the detailed budget amendments that follow the public hearing are directly related to the advertised change to the budget.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE ADVERTISED BUDGET CHANGE .

6B. Budget Amendments OMB-BA# 10-097 thru 10-0119 <X:\BCCMIN\2010 BCC MIN\20101005\Item 6b.pdf>

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE ABOVE NAMED BUDGET AMENDMENTS.

GENERAL BUSINESS

7. Approval of the 2011 Holiday Schedule <X:\BCCMIN\2010 BCC MIN\20101005\Item 7 Holiday Schedule.pdf>

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 3 – 1, TO APPROVE THE HOLIDAY SCHEDULE. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

9. County Administrator's Agenda

Mr. Williams had nothing to discuss.

10. County Attorney's Agenda

County Attorney Deborah Minnis reported that the Nuisance Abatement Ordinance was moving through the process and should be ready for a public hearing on November 16.

11. DISCUSSION ITEMS BY THE COMMISSIONERS

11a. Commissioner Morgan

- Septic Tank Legislation Response – there is current legislation that concerns inspections of septic tanks every five years. It could lead to fees and replacement costs that could adversely affect citizens in Gadsden County. He asked that the matter be agendaed so that the board can make a formal response in the way of a resolution to call for a repeal of the legislation.

11b. District 4 – Vacant

District 5 – Commissioner Taylor

No report.

11c. Commissioner Croley

No report.

11d. District 1 – Chair Lamb

Commissioner Lamb reported that the Quincy By-Pass is still on the table for consideration by CRTPA.

12. Recess – Private Attorney-Client Session

Attorney Minnis requested a recess to have a private attorney client discussion regarding allowable information under Chapter 286.011. She asked that the meeting be recessed, have the private meeting, then reconvene the public for adjournment.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO RECESS THE PUBLIC MEETING AND HAVE A PRIVATE ATTORNEY CLIENT SESSION, THEN RECONVENE FOR ADJOURNMENT. THE MEETING WAS

RECESSED AT 6:19 P.M.

13. RECONVENEMENT & ADJOURNMENT

Chair Lamb reconvened the public meeting at 8:21 p.m. at which time he declared the meeting adjourned.

The transcript of the private session will be filed for public record upon conclusion of the case.

Eugene Lamb, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

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GENERAL BUSINESS

7. Approval of the 2011 Holiday Schedule

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 3 – 1, TO APPROVE THE HOLIDAY SCHEDULE. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

9. County Administrator's Agenda

Mr. Williams had nothing to discuss.

10. County Attorney's Agenda

County Attorney Deborah Minnis reported that the Nuisance Abatement Ordinance was moving through the process and should be ready for a public hearing on November 16.

11. DISCUSSION ITEMS BY THE COMMISSIONERS

11a. Commissioner Morgan

- Septic Tank Legislation Response – there is current legislation that concerns inspections of septic tanks every five years. It could lead to fees and replacement costs that could adversely affect citizens in Gadsden County. He asked that the matter be agendaed so that the board can make a formal response in the way of a resolution to call for a repeal of the legislation.

11b. District 4 – Vacant

District 5 – Commissioner Taylor

No report.

11c. Commissioner Croley

No report.

11d. District 1 – Chair Lamb

Commissioner Lamb reported that the Quincy By-Pass is still on the table for consideration by CRTPA.

12. Recess – Private Attorney-Client Session

Attorney Minnis requested a recess to have a private attorney client discussion regarding allowable information under Chapter 286.011. She asked that the meeting be recessed, have the private meeting, then reconvene the public for adjournment.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO RECESS THE PUBLIC MEETING AND HAVE A PRIVATE ATTORNEY CLIENT SESSION, THEN RECONVENE FOR ADJOURNMENT. THE MEETING WAS RECESSED AT 6:19 P.M.

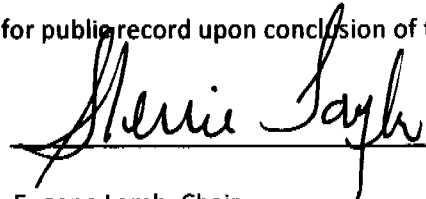
13. RECONVENEMENT & ADJOURNMENT

Chair Lamb reconvened the public meeting at 8:21 p.m. at which time he declared the meeting

Gadsden County Board of County Commissioners
October 5, 2010 Regular Meeting

adjourned.

The transcript of the private session will be filed for public record upon conclusion of the case.



Eugene Lamb, Chair



ATTEST:



Muriel Straughn, Deputy Clerk

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON OCTOBER 19, 2010, THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

PRESENT: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
District 4 seat vacant
Sherrie Taylor, District 5 (Arrived at 6:13 p.m.)
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

INVOCATION & PLEDGE OF ALLEGIANCE

Chair Lamb sadly announced the sudden death of Planning and Zoning Commission Chairman John Yerkes who died on Sunday, October 17, 2010. He made a few remarks about Mr. Yerkes faithful service to Gadsden County.

Commissioner Morgan then announced the passing of Ms. Rebecca Gregory, who was a past Executive Director of the Senior Center and also a member of the Gadsden County Library Commission.

Chair Lamb asked that everyone pause to remember the above families as he called for a moment of silent prayer. He then led in pledging allegiance to the U.S. flag.

AMENDMENTS TO THE AGENDA

Chair Lamb called for amendments to the agenda. The following amendments were made:

- Add as Item 1 : Jake Hatcher Boys and Girls Club
- Move Item 1 to 1A: Weatherization Program Update

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO APPROVE THE AMENDMENTS TO THE AGENDA.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE REMAINDER OF THE AGENDA.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Boys and Girls Club Presentation

Ms. Teresa Flury, Executive Director of Boys and Girls Club of the Big Bend, Mr. Jake Hatcher, Director of the Havana Boys and Girls Club, and Andrea Giley, Director of Operations of Boys and

Girls Club of the Big Bend appeared before the board to introduce themselves to the commissioners and the public. They invited everyone to visit at the Gadsden County sites.

1A. Weatherization Program Update - Capital Area Community Action Agency

Ms. Dorothy Inman-Johnson, Executive Director of Capital Area Community Action Agency, addressed the board to give them an update on the weatherization projects in Gadsden County.

- 172 homes have been weatherized in Gadsden County; 8 of them are currently in progress. (ARRA Stimulus Funds)
- 35 homes were denied because they had received previous service in weatherization and the federal law requires that you cannot weatherize a home that has been previously weatherized under the program within 10 years.
- 42 were denied because their household income exceeded the criteria.
- 31 homes had roof or structural issues that prevented them from meeting the criteria. Weatherization cannot be used on houses that need other major rehab work.
- 377 homes are on the waiting list.
- The initial allocation that was given to Gadsden County has been depleted twice. They requested for additional allocation. DCA took some money from other counties that were not meeting their production goals and reprogrammed it and gave Gadsden an additional \$379,652 that allowed them to continue working.
- The program is out of money again with 377 homes still on the waiting list.
- Another request has been put to DCA and they have responded favorably.
- 53 homes have been accomplished with regular weatherization funds. (not stimulus funds)
- 4 different multi-family projects have applied for services and Riverside Apartments in Havana (50 units). They are moving forward with it.
- A second Gadsden County multi-family project is under review by DCA, however, they will do one project in each county before they will go back and do a second project in the same county. The Greenwood Terrace is the second project on hold. (35 unit project)
- Five contractors in Gadsden County have been approved by the agency to work on projects in Gadsden County.
- There are 21 eligible contractors that can do multi-family units, four of which are located in Gadsden County.
- \$1.2 million has been spent on weatherization in Gadsden County thus far since the ARRA weatherization program took place.
- Job training classes have been conducted in Gadsden County with the Community Services Block Grant stimulus program. (Micro enterprise business development)

2. Gadsden County Soil Survey and USDA Natural Resource Conservation District (NRCS)

Marcus Edwards, Chairman, Gadsden Soil and Water Conservation District, introduced Harvey Sweeney, member of the Soil and Water Conservation District; Andrew Williams, soil scientist who was on the team that did the work in Gadsden County; Corine (inaudible), local DC. He briefed the board as to how the soil survey was accomplished.

- The first soil survey was done in 1959
- In 1999, The District realized that the old survey was no longer useful and needed to be

updated. Efforts began to get the funding at the FL Legislature. \$542,000 was appropriated, but it was vetoed by Governor Bush.

- They put forth a region wide effort which included Gadsden, Suwannee, Pinellas, Holmes and Washington Counties. It was presented again to the Legislature and it was appropriated. However, Governor Jeb Bush vetoed it again.
- The regional effort was then taken to the federal level. USDA agreed to fund the regional survey, but would only do it one county at a time with Suwannee County being first. Gadsden County was second with the funding.

Mr. Edwards reported that the soil survey has been completed and is up to date. He presented a copy on CD to each commissioner. He also presented the hard copy to the Growth Management Director. He then expressed appreciation for the funding that the county makes to the District.

He pointed out that the 1959 survey was done at 4 ft. below the surface whereas the new one was done at 8 ft. below the surface. That resulted in the identification of two new soils in Gadsden County. They named one of them Telogia and the other one Harden Heights – both around the Chattahoochee area.

Mr. Andrew Williams, soil scientist, addressed the board. He said, “The life of a soil survey, when we make these books, they have a certain shelf life and then they become outdated. For one thing, the maps are outdated. Trying to find your way around in the survey area, one thing that Marcus mentioned – the old survey looked at soils to a depth of 40”. The new survey looked at soils at a depth of 80”. That helps us make other updated soil interpretations for septic tanks, for instance, crop production, housing sites, pine trees and different things like that. So, we have new maps, we have updated interpretations. We have a lot more interpretations than the old survey did. The old survey was really strictly geared towards agriculture. As times change and more people come to us looking for soil information, we have more urban interpretations, building site interpretations. One of the things that we did was to get together with the State health department – the folks that do the septic tank permitting. We brought their laws and rules and regulations into our soil interpretations for septic systems. That is a help because we worked closely with them. Those are probably the major changes.

As well as the maps being out of date, you know the map and the survey, our soil classification system gets refined over time. So, that same piece of ground out there doesn’t change really, but the way we look at it and the way that we classify it and the interpretive information that we can get from it is always being updated and changed. That is why the new survey has a lot more information in it. Of course, it has the updated maps and we have a few of the published books. But, everything today is getting more and more digital, so we have the CDs that Marcus gave you and also the information about how to go to the web soil survey and pull down any source of information that you might want.”

Commissioner Croley remarked that it would be a good thing to link the county’s website to the on-line information. He thanked Mr. Edwards for his public service as well as all those that serve along with him.

Commissioner Morgan made two comments. 1) He reinforced the need to link the two website in view of the septic tank issues that are coming up soon. 2) He voiced his appreciation to all parties

involved in their voluntary efforts to get the soil survey completed.

Chair Lamb concurred with the remarks of other commissioners.

3. Update on the EAR Based Amendments

Growth Management Director Anthony Matheny reported the following:

- The department has been going through the process to get the EAR based amendments and do what was agreed to in the adopted plan.
- After consultation with the county administrator and the county attorney, he will take six of the eight amendments to the Planning and Zoning Commission on Thursday on October 21. (Some companies voiced disagreement about two of the proposed amendments, so staff decided to pull them until a later date.)
- The Planning Commissioners will vote on the first six amendments on the 21st. and the will move forward to the county commission on the first meeting in December.
- In the interim, the county attorney will be preparing a presentation for the Planning Commission in November to talk about the other two amendments (including the right and wrong things (language) that have been put in the EAR based amendments – things that may not be legal or proper.
- A workshop will be held in January for the BOCC to talk about the same legal issues that have to do with the two EAR based amendments that have been pulled.
- The final two amendments would come to the BOCC for a vote in February.
- The two amendments have nothing to do with the area plans. (U.S. 90 and Lake Talquin/Wetumpka.) Those area plans will come later. They tie in closely with items in the Future Land Use Element and the Conservation Element.
- The net affect will be that Gadsden will be a little behind on the deadline with DCA. (3 – 4 months)

Commissioner Croley stated that he had been contacted by an official of BASF regarding their interest in the fullers earth mine operations in the county. They voiced concern about their input into the process. He instructed them to speak with the Planning and Zoning Department regarding their interest.

Commissioner Morgan called attention to the fact that several workshops had been held with citizens so that they could have input to the process. He asked, “Are the concerns that were stated from our citizens at these different workshops being addressed and included to reflect what their issues and questions and input throughout the process?”

Matheny:

To the best of my ability and knowledge, they are. We are passing everything on to the county attorney. There are no secrets. As you eluded to, we had three workshops with the last one on September 30 to discuss all of these amendments. We were going to have workshops to discuss the area plans, but we have put those on the back burner for right now. So, everything that is coming in, we are making sure that we are hearing the “pro” and the “con”. Unfortunately, right now, we’ve got a series of letters from companies that have real concerns about what we are

doing in our Future Land Use Amendment and our Conservation Amendment. That is why the delay on those two.

Morgan:

I know and I appreciate your comments and I didn't mean to imply that there were any secrets or anything of that nature going on, but, whatever their true intent into the process, I just wanted to make sure that was relayed properly.

Taylor:

I did have a point or two. My comment is along the same line as Commissioner Morgan. A few minutes ago, there was a comment about citizens coming together and representing each of the five districts. There have been meetings where information was gathered from the citizens based on what they would like to see in their community. From my understanding, because I participated in that process, is where the EAR Report and information was suppose to derive from the citizens. Then that information from them would be brought before us and it gets our blessing or it doesn't or it comes before the Planning and Zoning and then this board.

You just said a minute ago that because of businesses and citizens that you are now having to delay two of the amendments. I am kind of confused with that because if this whole process is supposed to be citizen driven, then why is it that the businesses are at the point that they want to hold this up or to stall this? I can understand that you're being mindful of their concerns and issues, but explain to me why the true definition of this process, which is citizen driven, was not presented to the businesses. We have been at this time for quite some time, almost two years and here we are going to push this thing past the deadline. So, I guess what I am trying to find out is why is it that the businesses are holding it up and they have not yet been explained as to where they are in this process and how imperative it is that the citizens issues and concerns is what the driven cause behind this process? So, explain to me why it is that we are at a divide. Why are we not on time in listening primarily to what the citizens had to say and their input into this amendment primarily?

Matheny:

We are listening to the citizens. That is one of the main problems with some of the letters that have come in from businesses. The citizens group – to give you an example, one of them is the Wetumpka Lake Talquin folks, that group. They have some concerns. They have some things that they want to see, which I can perfectly understand, in the Future Land Use Element and their area plans. Some of those items may not be things that we can do. We are listening to their input. In fact, we have put everything they have asked us to put into those elements. We have done that. The citizens input – if there is anything that has been done right, the citizens input has been put into the documents. So, that is not a problem. But, when that came up, I wanted to make sure that I ran that through our county administrator and our county attorney to make sure that these things are proper and legal to do. There are some questions in that arena. We are not 100% sure if those things are actually legal to do. So, that is where we put on the brakes and we are giving the county attorney the chance to look at the documents a little closer and to give an opinion on those things and to advise the Planning Commission before they, in turn, recommend and advise you on what they have found. So, that is why it is taking a little bit longer. But, the citizens comments, both originally, the workshops we had, everything is very much in the plans.

Taylor:

So, these legal issues that you are mindful of that might cause this county some kind of retaliation (I use that for lack of another word) - how long have you been aware of these issues? If it has been some time, then why have they not been shared with the county attorney so that we can move expeditiously and get this thing before DCA in a timely manner?

Matheny:

Everything – well, with some of them, there is a question, again, my staff and I are not attorneys, so we are not sure sometimes what to put in there as far as what is legal and what is not. But, if I start seeing things that really starts bothering me after I have talked to other folks, including our county administrator, then our county administrator makes the call on when I can contact the county attorney. That is the rule that I am operating under.

Taylor:

You didn't answer my question -what I was trying to get to, but I will talk to the county administrator, but what I am trying to get from you is – How long back did you know that there were issues that were being presented that you could look at your plan, your policies and procedures and address in a nutshell? I can appreciate that there are no attorneys in your department. But, I know that you know the rules and you know the laws and you know the policies and you know the procedures. When there was an issue that came up that nothing in your book could address, I am trying to get a timeline as to when you saw such a thing. That it then should have gone to the administrator and from the administrator to the attorney. You know, time is everything. I have always harped on the fact that the Planning and Zoning Department is one of the most important departments in this county because it controls growth and development and that is economics. That is money. So, we don't want to hold up what goes on that department, so I am just trying to get a timeline from you when you came to the conclusion, "O.K. I can't address this, I need legal help." When did that happen? How far back was that?

Matheny:

Recently. Within the last 30 – 60 days.

Taylor:

Thank you. That is it.

Lamb:

We have someone that wants to speak on this Item, which is Item 3. Ms. Marion Lasley. Will you come up please and state your name?

Laslie:

My name is Marion Laslie and I live at 5 Dante Court, Quincy, Gadsden County.

Having read the proposed amendments, I am very pleased with the delay because I feel like the public input box is just being checked and not really addressed and I feel like we need a lot more time to change our Comp Plan.

I know the public was involved, as Ms. Taylor knows, at many, many meetings to have their input

as to how they wanted the county to develop. I don't think that those concerns and ideas are addressed in the changes that are presented in the current draft of the Comp Plan. So, I am pleased with the delay. I think there are a lot of loose ends and a lot of things that don't protect the citizens of the County. I think the businesses are probably fairly well protected in most areas. I am more concerned with the citizens being happy with the growth of the county. I think we are at a point where we need to have some pretty clear guidelines. So, I am pleased with being able to have more meetings and not to rush through things and to have everything that the Planning and Zoning Board needs to be able to vote on the document. They need to have everything in their hands. Maps and everything that is required in the EAR based amendments. So, I am looking forward to having that data before we have to go forward.

Thank you.

Croley:
Mr. Ed Allen, please.

Allen:
Good Morning, Commissioners. How are you this morning?

My name is Ed Allen and I live out at Lake Talquin. I am a member of the Planning and Zoning Commission. I believe, as Chairman Lamb mentioned, we lost a good man on the board this week, John Yerkes. John gave to this county unselfishly, but recently, you could tell that he was upset. He has been working on Planning and Zoning, working on EAR Amendments, and area plans. He left an opening statement that he was going to read this Thursday at the Planning and Zoning meeting on the 21st. I want to read this statement that John left. It is a statement that he had – it is the US 90 East Corridor Area Plan, Revised on 10/15 and it is John Yerkes' opening statement that he was to give to Planning and Zoning this coming Thursday.

It reads, "For this commission's consideration, it is critical for me to provide you with my thoughts and conclusions on this area plan. This needs to be done before any action is taken on this commission. I have been one of the two existing Planning and Zoning Commissioners involved in the US 90 studies in the past year. I know the subject and I have documents from past studies and I have recently reviewed these contents.

Up front, I want to say that I am 100% against the process by which this area plan was put together. The consultant's original area plan and it's policy dated September 8th, 2010, would be totally unacceptable to the area citizens. I assure you, the Board of County Commissioners and area citizens should be appalled. My upcoming comments will provide proof and support of this statement. "

Mr. Lamb, you were absent. This is John Yerkes last statement that he was going to give.

Lamb:
I heard it.

Allen:
I am sorry, I didn't know that you heard this.

"The original draft area plan was three pages long and was inserted at the end of 2 ½ in. collection of proposed Comp Plan amendments. It really did not stick out at all. Most of you may have paid little attention to it. It is possible for a casual overview of these three pages would not invoke much of a reaction to some people, but for those of us who have been involved in land use abuses, issues of past economic development studies of the eastern portion of the US 90 Corridor, there has been considerable negative reaction. Something was happening under the radar for concerned citizens. Something is still happening under the radar for concerned citizens.

In the early stages, the Planning and Zoning Commission worked on Comp Plan revisions. I looked ahead and noticed a reference to the area plan in the Table of Contents. Only recently did I get involved in studying the details of the document. As a result, I have had several meetings with the consultants and talked with others about the area plans proposed policies and I have researched the past history of studies and resulting recommendations going back to the year 2000, 10 years ago. I have reports from two studies which were published and formally presented to the Board of County Commissioners. I must tell you up front that the original three-page area plan you received in your packet is all wrong in what it is attempting to do. Researching conclusions have surfaced many, many issues and problems with this proposed area plan. I have documented the issues and problems. If most of what I have uncovered and concluded is factual, and I believe it is, then the area plan must be rewritten or scrapped and a new study conducted.

There is great irony when I think about comparing the consultant's original plan with the purpose of Referendum 4, which is scheduled to be voted on in the November 2nd election. You will see what I mean when I described the issues below. Referendum 4 is intended to focus attention on under the radar initiatives like we find in this consultants version of the economic area plan for US 90 from getting legs. I won't go over my first list of concerns, but I do want to point out the most egregious items uncovered. I do want to give the consultants what may be a weak defense. They seem to have no choice but to play the hand that they were dealt. They received very little help and guidance from the County due to the heavy reduction in P & Z staff. They did not know anything about the documented recommendations from earlier studies. Of course, they may be on the other side of this story.

The most alarming issues, failures and deficiencies are as follows:

- In the envisioning session held this spring in Midway, one person showed up. The efforts to put this area plan together continued to this date with no citizen input, oversight or evaluation even though the area plans goal states, "The Plan is to reflect the vision of the community." Can you imagine that?
- There is strong evidence that the Board of County Commissioners did not know about this area plan amendment, which if approved, will put policies in place that could lead to wide open industrialization of 7.5 miles of U.S. 90 Corridor. I mean heavy industrialization, not nice, neat, clean business parks. Due to the P & Z Department losing half of its staff and not having a director for much of the time, it appears that no staff personnel has been able to devote sufficient time to the U.S. 90 Area Plan project. It appears that the consultant firm was given free hand. This may not be a problem of staff 's doing, but having good sound input from the P & Z Department made it very difficult to do anything other than create their own area plan based on what they and others would like to see. The primary consultant, by her own admission, wrote all the individual policies you see in

this area plan. (By, the way, that is illegal.) This approach is unprofessional and should be unacceptable to the county. Was she under some sort of outside influence when she put together these policies? This question needs answering. Can one imagine how the public would react to this action being taken. An action that, unchecked, it could result in affecting the residential property values and the quality of life affecting the people living along the US 90 Corridor.

- Careful review of the area plan policies, uncovered a concentrated effort to direct the area plan toward the development concept that would call for a large well organized push over time to industrialization of US 90 Corridor with little or no consideration of the views or concerns to the area citizens. Unwanted businesses could slip in objections to offensive off site impacts being pushed aside supporting a major drive to this end.
- There is much said in the area plan about special economic development. Councils, public/private partnerships, the new county sponsored training programs, action teams for rapid response, streamlining of the permitting process and funding tax incentives for special developers. That will be the Board of County Commissioners view as far as buying into this commitment.
- The area plan is very weak in protecting residential and environmentally sensitive areas. In an earlier plan, citizen input resulted in watershed protection of Lake Yvette. This should and will be a major concern of all area citizens.
- Nothing is said in the area plan about dealing with offensive off site impacts that causes me to have visions of industrialization as the south side of Chicago.
- For some reason, the City of Midway lands were included in the original set of developing policy. It was later determined to be an error and was depleted.
- These are issues with various area tracts of land that were included, excluded in the economic study map that were included with the policies.
- This area map is not a map that was put together for this economic development purposes. It was a map that was used earlier in 2009 consideration for Urban Service Area Boundaries. Recently, the consultants agreed with me to change the map to delete the City of Midway and expand it to include just up to north of the Little River. Possibly ideal for development considerations.
- All the non-development lands along the US 90 Corridor North to South were viewed as candidates for the same type of industries. This logic fails to recognize the differences in current land uses along the corridor and other characteristics. Instead, the US 90 economic development area plan should separate corridor into sections, each unique in how it should serve the needs of the citizens of the county. Much work has been done on this vector concept in the last month or so.
- Very little was said in the area plan about residential development along the US 90 Corridor.
- Nothing was in the consultants original area plan addressing commercial business parks, official residential parks. Prior economic studies heavily addressed that these types of land use needs and defined the need for such.
- There are other area plan concepts which will reduce the rural character of US 90 that we love.

So, what is the bottom line? Work is being done in an attempt to turn the situation around through modifications to the consultant's original plan. If the P & Z Commission chooses to demand a more citizen friendly economic development plan, then there is reason to believe that it

is possible to end up with a fairly good plan. But, this will be done without any citizen input. This must be considered.

I have no idea as to the reaction that the Growth Management staff and consultants to my opinions and the changes I have thrust in front of the consultants. What will the fate of the heavily modified version of the area plan be? If we continue to revise this US 90 area plan, then we must remember that there has been no citizen property owner input put into the undertaking. We must find a way to make sure that interests are fully protected. We must address the environmental protection carefully and we must not end up with an area plan that creates a depository of unwanted industries and urban sprawl taking over 7 miles of the US 90 Corridor.

In closing, please understand that I have said to the consultants that it is very wrong for me to be doing what I have been doing on this area plan. As a single entity, I should not be writing policies. It is wrong to be writing a back room economic development policies that could negatively affect the citizens of this county."

This is the same problem that we are having at Lake Talquin. It is disenfranchising the citizens of this county. For some reason, you all appointed a engineering firm to run the EAR amendments. Why would you appoint an engineering firm to run the EAR amendments. They know absolutely nothing about the EAR amendments. Now, here we are disenfranchising the citizens of this county.

We had our meetings out there at Lake Talquin. We know what they were trying to do. We know what has been involved.

Ms. Taylor, to answer your question regarding the "why" these were delayed and "why" the things are coming up – this is a seven page letter from an attorney - just his comments. Things are put on hold because of his comments. Nothing but comments. Just blather and things are put on hold because an attorney walked in and gave seven pages of comments.

And here is something that I want to point out. Ms. Minnis, I hope you check into this. This is his last statement on the front page. "We would appreciate your consideration for these comments and inclusion on the record for the workshop. We also encourage the Planning Commission to be mindful and respect private property rights as they consider the effect of the proposed amendments on the property owners. See Section 701.41 Florida Statutes i.e. the Bert J Harris Private Property Rights Protection. The Bert J. Harris has won zero in a court of law. He is in here citing law that has won zero in a court of law. Not only that, it is called the "Hick Stick." These attorneys bring it into small counties to use it on Planning and Zoning Commission. It is jokingly called the Hick Stick. It is also called the "Bat" with zero wins in a court of law.

Thank you for your time.

Lamb:
Wait just a minute, Ed.

Croley:
May I ask the attorney a question?

Lamb:
What?

Croley:
May I ask the attorney a question?

Lamb:
Before you leave, Ed, Commissioner Croley has a question for the attorney.

Croley:
Ms. Minnis, you know, this commission passed a Citizens Growth Management and Planning Bill of Rights, which you drafted the ordinance. The intention being to protect the public and their right of having input into this planning process. Would you just please clarify what impact and affect that ordinance has on this process for everyone.

Minnis:
I can generally tell you that, based on the amendment, it does allow for meetings and citizen input into not only the development process, but as I recall, into the planning process as well. I don't remember the specifics of it because it has been a while since I worked with it. But, it was designed to allow more citizen input into the process overall.

Croley:
What I am trying to, I guess, establish here is that ordinance, if properly applied, raises the bar of protection for the citizens input. Is that a fair statement?

Minnis:
Yes, it does, especially for development. It does allow more input to the private citizens -more notice to the citizens, more public meetings for the citizens to be involved in the development process.

Croley:
So, we are doing the things to address some of the concerns being raised here this morning.

Lamb:
Let me say this. I think, Ed, that this will help. I believe that you have a meeting, or you have already had a meeting with the administrator and staff.

Allen:
No, that is tomorrow.

Lamb:
Tomorrow. But, Mr. Administrator, from what I can see here and what I hear here, there are a lot of differences with the citizens and this plan. From what I can hear.

Williams:
I hear the same thing.

Lamb:

What I think is that we need to stay out of it, now. But, I think what you need to do with staff and with citizens – ya'll need to meet. You need to find out where these differences are at and what is going on because citizens are saying that one thing is going on under the table and they are not bringing them to the surface. So, you need to check into that. You really need to check into this.

Williams:

Yes, sir. That was the purpose of setting up the meeting.

Lamb:

And, then you need to bring us a report. Although, this has to go through Planning and Zoning. All this stuff has to go through Planning and Zoning before it even gets to us. But, you need to deal with the citizens and staff and see where the break down is and see what is not being reported like it should be if it is not being said. It is staff's job to look into this in depth. There might be some things that has not been said or not been done or not brought to the surface.

Allen:

I agree because we have entered stuff in there and when it comes back, or doesn't come back, and things are missing – things that we put in there. There is sufficient inconsistencies within that report and it needs to be addressed and it needs to be solved.

Lamb:

The administrator and staff, then Planning and Zoning. When it gets to us, it ought to be worked out before it gets to us.

Allen:

I agree, it should be worked out before it gets to you, but it apparently, it is not getting done. That is exactly what we are saying. That it is not getting done.

Lamb:

O.K. so, Mr. Administrator, the citizens are saying that it is not getting done, so look into it and find out what needs to be done. If you find something that is not being done, then it needs to get done.

Williams:

Yes, sir, we will do that.

Lamb:

O.K.

Morgan:

Mr. Chair, if I could just make a comment, please.

Lamb:

Go ahead.

Morgan:

Mr. Administrator, the meeting for tomorrow – Mr. Allen, is this the one that I inquired about a couple of months ago or is that a different one?

Williams:

I am not sure which one you are referring to.

Allen:

I believe the one that you inquired about by email a few months ago.

Williams:

No, you inquired about the meeting concerning the status of the Roberts case.

Morgan:

One of the areas of concern. O.K. I thought that might be a separate meeting. The reason that I asked the question is, and I hope that everybody will understand. Number 1 – This is a very complicated process and complicated issues that we have here. What I want to stress here is that in my opinion, I think that Mr. Matheny and his Planning Department have, in a lot of ways, addressed this very professionally. I don't think there has been any attempt in any way, shape or form to not have this done correctly. I do understand that we may be behind on some deadlines and that sort of thing and that is o.k. I don't mind missing a deadline to ensure that this is done properly.

I have asked questions. Mr. Ed, I have talked with you and I have talked with several other people. I want to make sure that on this and every other issue that citizens do have input, that it is addressed properly, and at the end of the day to remember that we may agree to disagree on some items. Everybody is not going to have everything in this Comp Plan like they want to have it, like we want it to have. That is just the way it is. However, that is o.k. if we have been through the process in the correct manner and we have addressed it in the right way. I think we all share that concern from the comments that we have heard this morning.

But, again, I don't want the public to walk away from this particular item thinking that Mr. Matheny has not followed through, from what I can tell, in what he should be doing. I think he is – this is a very complicated and difficult issue and I think it will be addressed properly as we move through the process.

Thank you.

Lamb:

I don't think they are really pointing a finger at the staff.

Allen:

No, we are not pointing our fingers at anybody. Mr. Matheny has not even been here half the time. This has gone on since 2007.

Morgan:

Well, I just didn't want him to think that he is getting all the bullets fired at him.

Allen:

I am not pointing fingers at Mr. Matheny. However, I will point out that you hired an engineering firm to run this thing and an engineering firm doesn't need to be running this thing. That is like putting a pilot in charge of a submarine. That is exactly what this

Morgan:

The engineering firm, in reality, is not running it, as you know, but I hear your point. That is not what is going on.

Allen:

But, you have hired a consultant without any help for the consultant because they know nothing of the EAR report. So, you've got one person trying to run the whole ship.

Lamb:

O.K. so, Ed, make sure you give all your concerns to him when ya'll meet, then let him take any action that he thinks he needs to take. Thank you very much.

Allen:

Thank you.

Lamb:

O.K. Mr. Administrator, next item, please.

CONSENT AGENDA

Item 7 was pulled for discussion. Victim of Crime Act Grant Number V10227

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA AS AMENDED, TO WIT:

4. Approval of Minutes July 20, 2010 Regular Meeting
 August 3, 2010 Regular Meeting
 August 17, 2010 Regular Meeting
5. Ratification of Approval to Pay County Bills:
 Accounts Payable Dated: October 1, 2010
 October 8, 2010
 Payroll Dated: October 7, 2010
6. Approval of Justice Assistance Grant (JAG) Drug Taskforce \$ 75,160.00 Contract No. 2011-JAGC-GADS-1-B2-072
7. ~~Approval of Victim of Crime Act (VOCA) Grant Number V10227 Agreement between State of Florida Attorney General and Gadsden County Sheriff's Office~~

This item was removed for discussion.

8. Approval of the Chamber of Commerce's Appointment to the to Workforce Plus Governing Board - Linda Rumph and Trish Yahn
9. Approval to Accept the Annual Forestry Report and Operating Plan

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

7. Approval of Victim of Crime Act (VOCA) Grant Number V10227 – Agreement between the State Attorney General and Gadsden County Sheriff's Office

Commissioner Taylor noted that a cash match was required of the grant. She asked how the 20% cash match would be met.

Ms. Katherine Pondexter, Chief Financial Officer for the Sheriff, addressed the question above. She explained that 20% of the salary that is paid to the investigator who supervises the grant is used to meet the in-kind match for the grant. She further explained that the salary is documents by time sheets and earning statements.

Commissioner Taylor suggested to Ms. Pondexter that she make that clarification in the agenda report in the future – how they would meet the cash match on the grants.

Commissioner Morgan noted that the grant began on October 1. He asked, "Are we post-approving this?"

Ms. Pondexter explained that the grant has already been awarded and it was brought to the board for budgetary authority only.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE BUDGETARY AUTHORITY FOR THE VOCA GRANT DESCRIBED ABOVE.

Commissioner Taylor asked that someone come to the next board meeting and make a report on how WorkForce Development is moving in Gadsden County.

CITIZENS REQUESTING TO BE HEARD ON NON AGENDA ITEM

There were no requests.

GENERAL BUSINESS

10. Approval to Donate a Surplus Rescue Truck to the City of Quincy Fire Department to Become a Mobile Urban Search and Rescue (USAR) Unit for County Wide Deployment 2003 Ford F-350 Vin No. 1FDWF36P73EC82722

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE

BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE DONATION OF THE VEHICLE DESCRIBED ABOVE.

UPON MOTION OF COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH THE CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT SERVICES FOR FISCAL YEAR 2010-2011.

12. Approval of Continues Support of Riparian County Stakeholder Coalition (RCSC)

Mr. David McLain addressed the board on behalf of the RCSC. He recalled that the board has passed a resolution of support for their efforts. Each participating county had two members appointed to it by the respective counties. He gave an overview of how the coalition is structured and how they have been funded in the past by the Apalachicola River Keepers. However, they were not able to fund them this year. He reported that he is approaching each of the six counties which comprise their organization seeking \$5,000 from each of them to insure that they could stay abreast of the ongoing issues relating to “water war” upstream in Georgia and Alabama.

Mr. McLain directed the commissioners to their website at www.acfstakeholders.org where they can view their charter, by-laws, goals and objectives, etc. He offered to come back at a later date and come back better prepared to answer their questions.

Through discussion, it was noted that Mr. Lee Garner had been appointed to represent Gadsden County by former Commission Chairman Ed Dixon. Further discussion followed which led to many unanswered questions.

Commissioner Croley stated that he thought it would be appropriate for Mr. McLain to provide the information to the administrator and Growth Management Department as well as with the Clerk, including their financial reports.

Commissioner Morgan acknowledged the importance of the efforts to protect the water flow from upstream and the effect that it has on the local economy and the way of life in Gadsden County. However, he understood that the other board members may need more time to more carefully examine the matter more closely.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO TABLE ACTION ON THIS ITEM.

13. Approval to Award Bid Number 10-24 for Environmental Consulting Services for the Brownsfields Community-Wide Assessment Grant

Growth Management Director Anthony Matheny introduced the agenda item explaining how the committee reached its decision in ranking the bid responses.

A MOTION WAS MADE BY COMMISSIONER CROLEY AND SECONDED BY COMMISSIONER TAYLOR TO AWARD THE BID TO THE HIGHEST RANKING FIRM, CARDNO TBE.

Commissioner Morgan commented that the top three candidates were very close in the total points scored. He pointed out that one of them already has a working relationship with the county's engineer, Preble Rish. He asked if that would have any weight at all as being advantageous to the county as this goes through the process.

Mr. Matheny recalled, "It was discussed a little bit, the fact that Preble Rish is our current engineer. We did recognize that they were going to be a Sub to Aecom Technologies. The discussion did not go much beyond that. We noted that. We do have a good working relationship with Preble Rish as you and I discussed, but the committee, all four committee members felt like, while they ranked strong - and they were close as you see also is ESI Jacksonville when they got the five points. They are at 22.29 points now. We had five or six that were fairly close. Any of them could do the job. A lot of them as you can see, when I was tallying them, I put 4's and 5's on a lot of them. It was hard to make a choice. The firm we picked was because they are local in Tallahassee and the person heading the firm has Gadsden County ties and also has had a lot of direct experience in working with the Department of Environmental Quality here and helped develop the Brownsfield Program. That, in the end, was the heaviest weight we gave. That experience. As you notice on the criteria, 15 and 20 % were given to criteria such as "What is your past experience in working with Brownfields programs of Florida? Those types of things. So, we put a lot of consideration on that."

Commissioner Morgan then asked, "Are there any advantages to this firm having an existing relationship with our engineering firm? Is there any benefit that could provide to us as we go through this process?"

Mr. Matheny replied, "Always, when you already have an existing relationship that is good, there is nothing to be lost. If you were to pick that firm, I think it could be beneficial to be able to continue working with that engineering firm in that "Sub" capacity. But, it is just up to ya'll. You see that the county administrators recommendation was, "Board Discretion." You have to decide what is most important to you. We just went by the criteria and went by what we thought after a lot of discussion. We decided what we thought was the best fit. I can certainly see some advantages to what you are talking about. "

THE BOARD VOTED 3 – 1 IN FAVOR OF THE MOTION WITH COMMISSIONER MORGAN DISSENTING.

COUNTY ADMINISTRATOR'S AGENDA

Mr. Williams had nothing to report.

COUNTY ATTORNEY'S AGENDA

Nuisance Abatement Ordinance

Ms. Minnis reminded the commissioners that the next meeting had been changed to begin at 9:00 a.m. because of the General Election on November 2. In view of that, the Nuisance Abatement Ordinance would not be on the agenda until the second meeting in November because it must be a public hearing and all public hearings must be held at the 6:00 p.m. meetings.

Allen Ranch Road

Ms Minnis reported that the next step in the process of getting Allen Ranch Lane paved is for the board to decide whether it will accept the right of way.

Mr. Williams reported that the petition has not been submitted to him yet.

Croley:

What happens to all these other people and groups that have similar road requests and they have communicated. I had, at the Havana Concord Volunteer Fire Station Fish Fry this past Thursday. Another group of homeowners in Commissioner Lamb's district raised their question. So, my question to you is what process were you using and you haven't even collected the money on the last two roads that was supposed to be paid for?

Minnis:

The process – there is an ordinance that sets out the process that land owners can use to petition for it. We are basically following that process through to this point. Now, it is up to the commission. It is the commission's discretion whether they want to accept the road.

Croley:

I understand that, but what happens to people who said they had asked before this road we are referencing came forward?

Minnis:

You know, with all due respect, I can't answer to that because I wasn't asked to look into their particular issue. All I can tell you is that there is a mechanism in the ordinances where those individual petitions now. If they feel that they were told some erroneously, they can submit a petition under that same ordinance.

Croley:

Maybe you are misunderstanding my question. I am saying – is there a requirement of any sort that some orderly process be followed. In other words, if someone says that they had an application in with – say Public Works before a different group had theirs in. Is there some requirement that these be considered in order? That is what I am trying to understand.

Minnis:

I am not aware of anything in the ordinance that deals with first come first serve. All I can tell you is that there is a mechanism that they can petition to have their road considered. Now, whether that mechanism was followed in the past or not, I can't speak to.

Croley:

I am just trying to make sure that you don't do for one what you don't do for the others and that it becomes discriminatory in the way that it is being applied. Then, what happens to the money that we have not recovered from the prior two paving projects? The Quail Roost and the Ames Barineau? That has not been addressed.

Thank you.

Lamb:

O.K. That can come up under the administrator, that won't come up under you. For those who have applied before, and didn't hear from us, they need to come back through the process. That is all they can do. Come back, go through the process and we will vote them up or down. That is all we can do.

Anything else?

Minis:

No, sir.

DISCUSSION ITMES BY COMMISSIONERS

16a. Commissioner Morgan, District 3

Resolution 2010-044 – In Opposition to the Statewide Application of New Septic Tank Inspection and Replacement Requirements

Commissioner Morgan called attention to the resolution stated above. He asked that the resolution be changed a bit to actually call for a repeal of the legislation which imposes new requirements for inspection and replacement of septic tanks.

Commissioner Croley stated that he had asked for the Department of Health to come and give the board some insight and explanation of the Statute. He asked for more time to research it some more before making a decision on the resolution.

Commissioner Morgan did not want to delay action on the resolution.

Commissioner Taylor pointed out that there would be a tremendous fiscal impact on the public, but she did not see that point addressed in the resolution. She asked that point be included.

She also suggested that a less offensive word be substituted for "ill advised legislation." She supported the resolution and the call for repeal of the legislation.

Commissioner Morgan then withdrew the resolution from consideration.

Library Commission Appointment

He asked the administrator to agenda an item to address the replacement of Ms. Rebecca Gregory on the Library Commission.

Tourist Development Council (TDC) Report

He reported that the TDC is moving forward in its branding effort with Ron Sachs Communications.

He then noted the big success of the Pumpkin Festival in Havana. It was reported that as many as 15,000 people were there on Saturday. He commended the folks in Havana.

Commissioner Taylor, District 5

Parks

In response to a question from Commissioner Taylor, Mr. Williams stated that the Legislature is not funding park construction through the FRDAP grants at this time.

Health Council Funding – Indigent Care

Commissioner Taylor told the board that it was reported to her that someone went to the hospital for services, but were sent to the Department of Health for treatment instead. She asked the staff to look into the claim.

She then raised a question about funding for indigent care with the proceeds from the Indigent care surtax.

Ms. Minnis remarked that the hospital is providing indigent care services.

CRA Board

Commissioner Taylor remarked that she would like for staff to look into working with the City of Quincy to see if they would entertain the idea of having someone from the county commission to sit on the board of the Quincy CRA.

Commissioner Croley, Vice-Chair, District 2

New Soil Survey and Septic Tank Issues

Commissioner Croley asked the administrator to have Growth Management Department to look the septic tank legislation and report to the board on how it ties into Gadsden County and the new soil survey. He asked that they amend the resolution and bring it back for consideration by the board.

CRTPA Report

He reported that the **Quincy By-Pass** is the # 1 project that CRPTA has on the Five-Year Plan as funding becomes available. \$15,700,000 in construction cost. The right of way design work is in place. This will move the project forward. By it being the Number 1 project, it may enhance the possibility of TGER grant process.

He then reported that the **Quincy Shuttle** has been a success and ridership has exceeded expectations. It should be expanded to Havana with a park and ride parking facility in Havana and Midway.

Tier I Project Cost

He then filed the CRTPA Agenda Report with the Clerk.

Commissioner Lamb, Chair, District 1

Sheriff's Generator - Staff reported that they are still in the evaluation process and awaiting responses. He encouraged them to continue to press hard to get a new one in place.

Riparian County Stakeholder Coalition (RCSC) - the board expressed some concern that an appointment was made to this board without the board's knowledge. They emphasized that no appointment should be made to any board without the full knowledge and approval of the entire board.

Septic Tank Issues

He asked the administrator to schedule the Health Department and Growth Management to come to the next board meeting with information on the proposed legislation on septic tanks. (November 17)

Visitor

Chair Lamb introduced Gulf County Commissioner Warren Yeager, Jr., who was visiting for the evening.

17. RECESS

Attorney Minnis requested that the board recess the public portion of the meeting and go into a confidential attorney/client meeting to get guidance on litigation issues.

Chair Lamb declared the public meeting recessed at 11:32 a.m.

18. RECONVENEMENT

The chair reconvened the public portion of the meeting at 1:08 p.m.

19. ADJOURNMENT

20. RECEIPT AND FILE AGENDA

- a) Grant 2010-JAGC-GADS-1-4X-187 Adjustment # 3
- b) Letter to Gadsden County Health Department regarding the amount of their funding FY2011

NOVEMBER MEETINGS

- November 2, 2010 at 9:00 a.m. (Election Day)
- November 16, 2010 – 6:00 p.m.

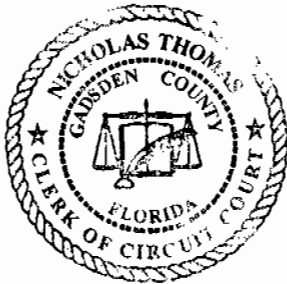
Gadsden County Board of County Commissioners
October 19, 2010 Regular Meeting

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 1:08 P.M.**


Eugene Lamb, Chair


Muriel Straughn, Deputy Clerk



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**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON NOVEMBER 2, 2010, THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

PRESENT:

Commissioner Eugene Lamb, Chairman, Dist. 1
Commissioner Doug Croley, Vice-Chair, Dist. 2
Commissioner Gene Morgan, Dist 3
District 4 Seat -- Vacant
Commissioner Sherrie Taylor, Dist. 5
Nicholas Thomas, Clerk of Courts
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

CALL TO ORDER:

Chairman Lamb called the meeting to order at 9:00 AM with a quorum present. He then asked that everyone stand in a moment of silent prayer and the pledge of allegiance to the US flag.

AMENDMENTS/APPROVAL OF THE AGENDA:

Mr. Charles Chapman requested Approval of Resolution No. 2010-045, supporting the Grant Application for the Florida Boating Improvement Funds to Renovate High Bluff Landing

Mr. Williams asked this item be added to the CONSENT Agenda as Item 10A.

UPON A MOTION BY COMMISSIONER MORGAN AND A SECOND BY COMMISSIONER TAYLOR THAT THE AGENDA BE AMENDED TO ADD 10a TO THE CONSENT AGENDA, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Commissioner Morgan requested Item # 18 - Replacement Appointment for the Library Commission (Discussion Items by Commissioners) be removed from the Agenda; to be tabled until the next Regular Meeting.

UPON A MOTION BY COMMISSIONER CROLEY AND A SECOND BY COMMISSIONER TAYLOR TO APPROVE THE REST OF THE AGENDA, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

AWARDS/PRESENTATIONS & APPEARANCES:

1. **Presentation of Plaque to Mrs. Barbara Yerkes recognizing her late husband John Yerkes' contributions to Gadsden County (Chairman Lamb)** -- Mrs. Yerkes had not yet arrived and Chairman Lamb said the Board would proceed with the rest of the agenda until Mrs. Yerkes arrives.
2. **Report on New Septic Tank Regulations (Mr. Marlon Hunter Co. Health Dept)** -- Mr. Hunter had not yet arrived and the Chairman said they will come back to this item when Mr. Hunter arrives.
3. **Hospital Update & Indigent Care --Craig McMillan, Chairman, GHI, Inc. and Michael Glazer, Deputy County Attorney).**

Mr. Glazer explained the first item would be an update by Mr. Bud Wethington Administrator of Capital Regional Medical Center and he turned the meeting over to Mr. Wethington.

Mr. Wethington said CRMC enjoys being at the hospital, enjoys what they are doing for healthcare in Gadsden County, and hopes the citizens like CRMC being there. Some points of interest -- in the first 108 days over 5,000 patients have been seen at the hospital, which was twice what they had expected to see; approximately 29% of patients that have been treated had no way of paying, but care is being provided to the citizens whether they can or cannot afford to pay. He said that is OK because they knew they would be doing this and it's all good. CRMC received 97% satisfaction by all patients seen. In terms of what they have collected, CRMC has written off \$6 million dollars during this period of time which was the original projection based upon the volume of patients coming to the hospital.

Commissioner Taylor explained she previously received a call from a citizen that said they had been told they should have gone to the Health Department and received free services rather than to the emergency center. She said after that call, she called Mr. Wethington to see if there was a process in place that needed to be put out to the public so the public would understand such a process. She said she also asked if there were indigent care dollars available to take care of those who didn't have coverage. Commissioner Taylor said that was a perplexing question which she did not have the answer to so she reached out to Mr. Wethington for the proper answer.

Mr. Wethington said CRMC sees some patients every day in the ER, whether here, in Tallahassee or at any of their facilities across the County; some of which need to be seen in the ER and some that don't. He said, by law, they screen every patient to figure out whether medically they do or do not need to be there. He explained some people come in wanting to be treated for a cold/sniffles rather than going to a doctor's office and the cheaper alternative for that type of treatment is for them to be seen at the Health Department. Mr. Wethington said he had checked into this particular situation and the Dr. that was in the ER at that time and was rude to this patient is not there any longer. He assured the Commission they check into any situation and they continue to look at the satisfaction of the patients coming through the Gadsden facility (has ability to call patient and verify whether or not the patient was pleased with care given).

Mr. McMillan said he would like to follow up on this -- and stated part of the process is trying to understand what the facility is, and the facility is an emergency room. It is for an emergency and not for "I've got a cold, etc." He told Commissioner Taylor that may be why she may have heard something on that. He also explained the facility sees just about everybody that comes in -- and they are at least screened; but all of the local physicians have stated they know what will happen -- the people that owe the physicians will go to the facility thinking they can get care/service for free; even though they still

owe the physician. He said this is a problem across the Country with care that is not an emergency; people will use the emergency room as their primary care physician when they should either be going to urgent care or a primary care physician. He said the physicians in the County were somewhat upset that there would be that kind of competition – that the facility would be treating somebody for free when the patient still owes money to the physician. Mr. McMillan said everyone needs to concentrate on the fact that this is an emergency room.

Mr. Glazer added that while it is an emergency room, they still need to get the word out that they are also doing advanced diagnostic services that are for non-emergency patients. If someone needs an x-ray, ultrasound, CT scan or lab services they can go to the Gadsden facility without being charged an ER fee, rather than having to go to Tallahassee for it.

Mr. Hunter added that in terms of indigent care residents could also go to the North Florida Medical Center because it is a federally qualified health center and they have federal dollars to provide primary care to the indigent population in the County. He said the Health Department does not provide primary care; only certain, minimal services; but the North Florida Medical Center is the place in Gadsden County where the indigent can go besides the hospital or the Health Department to receive healthcare services and to get a primary care physician so they don't have to use the emergency room as a source of primary care.

Chairman Lamb thanked everyone that has helped educate the Commission on services that are available as they now have a better understanding and in the future these requests can be directed to the County Administrator to handle.

Commissioner Morgan asked if he was correct in assuming that over a calendar year CRMC would be looking at somewhere between \$20 - \$24 million of services provided that they are not being paid for and Mr. Wethington responded affirmatively. Commissioner Morgan said it is important that the citizens understand the value of the County's partnership with HCA/ CRMC and understand that as a rural county, Gadsden County could not afford this in any other manner. He said he hopes everyone will keep that in mind and will grow in a manner that is smart so the County can continue to provide these services, as well as additional services as they move forward.

Mr. Wethington referred to a brochure that was handed out to everyone present at the ribbon-cutting and said there is a lot of technology at this hospital that is not being fully utilized on any given day and as long as the patient has a prescription from a physician they can have an x-ray, ct scan, ultrasound, lab work done at the Gadsden facility.

Commissioner Croley asked what type services are included in the \$6 million that has been written off by CRMC and Mr. Wethington explained it is either all emergency room and/or diagnostic testing; any service being delivered to any patient coming into the facility. Mr. Wethington said the same efforts are made at the Gadsden facility as HCA/CRMC uses at all of their facilities for collection of services provided. He did state they have never and hope to never have to file a lien against anyone for an unpaid bill, but they do make every possible effort to collect. Mr. Wethington said anyone with a complaint can call 875-6000 and ask to speak to the CEO and they will find him. He said he or someone in their organization will return the call and follow-up on all complaints; he said from June 14 through the end of October, there has been very, very few complaints.

Chairman Lamb said he hated to see them open that door because some people will do that and call Mr. Wethington just so they can say they have a complaint; some simply because they don't have anything better to do.

Mr. Glazer then moved forward with his request concerning an EMS Medical Director. He explained every EMS Department within the State is required to have a Medical Director and that individual must have certain qualifications and perform certain functions and Gadsden County is no exception to that. He said the County currently has a very simple EMS Director's contract and because of the difficulties at certain times of finding someone to fill those shoes in a rural county, Gadsden County's current EMS Director resides in Port St. Joe; she is a family physician; she currently spends about two hours per month here and performs the services required by law to do so. Mr. Glazer said he doesn't mean any disrespect to the current director as she is doing a good job, but she doesn't even meet the minimum qualifications she and had to get a waiver from the Department of Health to serve as an EMS Medical Director for Gadsden County. He said the county pays \$20,000.00/year for an EMS Medical Director. He then introduced Dr. Jose' Santana --a double Board Certified Emergency Room Doctor and has worked in the Gadsden Hospital so far. Mr. Glazer explained he hopes to bring a new contract to the Board at their next meeting for a new EMS Medical Director.

Mr. Glazer then asked that Dr. Santana explain his background for the Board. Dr. Santana said he had been approached about this position and gladly accepted it; he said his primary job is as an Emergency Room Physician, he does work at Capital Regional Medical Center in Tallahassee, as well as here in Gadsden (more on a part-time basis in Gadsden). He said he would be happy to take on the position here; he has established a good working relation with Captain Crum at EMS and his primary function here would be to try to improve the current EMS program they currently have. Dr. Santana said he works independently from Capital Regional Medical Center and HCA -- he is employed by Titan Emergency Physicians, a group that provides emergency services to the State of Florida.

Mr. Glazer further explained the proposed much more specific contract which he, Dr. Santana, the County Administrator, and Mr. Craig McMillan have all worked on. He said it is pretty well ironed out at this point to make sure the EMS Director will do things such as review and work on all EMS protocols, conduct and oversee continued medical education -- contract actually calls for the EMS Director to do as much medical education alone as they are getting in total from the EMS Medical Services Director at the present time. He will oversee quality management, assist in the investigation of any incidents, assist with determining equipment and supply needs and will work on disaster planning. Mr. Glazer said Dr. Santana does not work for HCA, he is an independent physician and they will be looking at a three-year contract which will, of course, have certain outs if there are issues but that it is independent of whatever happens at the hospital. He said the good part of this is that Dr. Santana is willing to do all of this for the same thing they are currently paying the EMS Director; that is \$20,000.00. He said the only add-on would be that the County pay for one continuing education course for Dr. Santana per year, but that would be subject to the County's Administrator's approval. Mr. Glazer said they are working on a termination date of the contract for the current EMS Medical Director which runs through the end of next September, but he believes it does have a termination provision. He said he has been in touch with the current EMS Medical Director's attorney, and if everything goes as hoped, the ideal thing will be to bring the contract back to the BOCC at their next meeting and then hopefully start Dr. Santana somewhere around the first of December. Mr. Glazer said Dr. Santana would be a part-time employee of the County and would report through Captain Crum to the County Administrator; the main reason for doing that being sovereign immunity purposes.

As a final point, Mr. Glazer said they have been in discussions with Specialist Dr. Joseph Webster; Gastroenterologist who is interested in leasing what was the urgent care space for a period of time each month. Mr. Glazer said he and Mr. McMillan will be meeting with Dr. Webster Friday morning to go over the draft agreement with Dr. Webster; and hopefully that will be brought back to the BOCC at their next meeting also. It will be a long-term contract and is essentially like a time-share where Dr. Webster would have blocks of time in the facility at a cost of \$150.00/day. Mr. Glazer said that will cover most of the costs incurred for that area as the County has to pay for the utilities and the cleaning of that space and basically the only additional cost of having someone in there is the addition of a phone line and computer line. He said if there is any bio-hazardous waste that will be worked out to make certain it is properly disposed of.

Chairman Lamb said he knows Dr. Webster; he is a great doctor and will be an asset for the Citizens as he already has many patients right here in Gadsden County, and Mr. Glazer agreed stating Dr. Webster definitely is interested.

At this point, Mrs. Yerkes and her daughter arrived and Chairman Lamb proceeded with the presentation of a plaque in honor of Mr. Yerkes (**Item # 1 Awards & Presentations**).

Chairman Lamb introduced Mrs. Barbara Yerkes, wife of Mr. John Yerkes as well as their daughter and grandchildren who are here from Italy. Chairman Lamb expressed gratitude and thanks for all of the hard work Mr. Yerkes has done for Gadsden County over the years as a member and former Chairman of the Planning & Zoning Commission. He said Mr. Yerkes' dedication towards the betterment of Gadsden County will be missed as he was one of the best Planning & Zoning Commissioners this County has ever had. Chair Lamb then read a plaque honoring Mr. Yerkes and presented the plaque to Mrs. Barbara Yerkes in honor of her late husband. Mrs. Yerkes thanked the Commission and the citizens of Gadsden County for all of their support during this time and said Mr. Yerkes loved Gadsden County, wanted everything to be done right, and thoroughly enjoyed serving on the Planning & Zoning Commission.

Let the record reflect there was a standing ovation in honor of Mr. John Yerkes at this time.

(Item #2 Awards & Presentations) Chairman Lamb requested Mr. Marlon Hunter, Administrator of the Gadsden County Health Department come forward with a slide presentation and report on new septic tank regulations.

Mr. Hunter explained Senate Bill 550 concerning septic tanks was passed by the Florida Legislature and is now State law. He said he is aware of the Board's concern with this law and even though the Health Department is also opposed to the legislation because of the impact it will have on Gadsden County, and issues surrounding the law, they must still comply and are getting staff ready for the implementation of the program. He said the State Health Department's Division of Environmental Health is still providing training classes in getting all of the Environmental Health Directors in all of the Counties around the State prepared for this bill. Mr. Hunter said the information being provided today is like a moving target as the information is changing; and of course if the bill is repealed, they will not have to worry about implementation. He said he did not know what/if any changes would be made to the bill, but if changes are made he will keep the County abreast of those. Mr. Hunter then turned the presentation over to Ms. Addie Brooks, Environmental Director.

Ms. Brooks asked that the Commission note that even though Senate Bill was passed into law in July, 2010, the rule language for implementation of the program has not yet been finalized. She explained

each slide (as shown in agenda packet) with highlights being the Bill will require the Department of Health to provide an evaluation program of all onsite septic systems in the State of Florida on a 5-year cycle and the evaluation program will be phased in beginning January 1, 2011. Septic systems will have to be pumped out and evaluated by certified professionals and there is an estimated 2 to 3 million onsite septic tank systems in the State, and 16,000-20,000 in Gadsden County. The septic systems will have to be pumped out and drain fields evaluated by certified professionals. Property owners will be responsible for the cost of the pump-out which will vary from an estimated \$150.00 to \$500.00. Owners will be responsible for cost of the evaluation and the cost will vary by individual evaluators, including the \$30.00 reporting fee to the Health Department. Owners will be responsible for any repairs or replacements of the septic systems drain fields with costs running an estimated \$2,000.00 to \$10,000.00. Grants will be available beginning January 1, 2012, to assist owners with costs and the grants are based on income levels. The Health Department must provide 60 days notice to owners that the evaluation is required and also proposes allowing low-income families to request a one-time, one year extension to their evaluation deadline. Notices will be sent out quarterly by the Health Department until all system owners in the County have been notified. Ms. Brooks explained this program will impact the Health Department by an estimated \$76,253.00 in start-up costs based on the first six months. She said the estimated revenue of \$25,200.00 per quarter is based on everyone being in compliance. There is no start-up funding to get the system in place.

Chairman Lamb thanked Ms. Brooks for the presentation and said hopefully this program will not go forward, but at this time no one knows for sure.

Commissioner Morgan said he hopes the Board understands the importance of his attempts to have a Resolution forwarded to the State Legislature because the current Governor (Crist) has stated he will not move on this issue; that it will in fact take place on January 1, 2011. He said it was his understanding Gadsden County has approximately 35-40% of their residents on some sort of septic systems, and Ms. Brooks responded it was a bit higher than that.

Commissioner Morgan said when this legislation first began it had been, he thought, well intended and there were some good things included because everyone is concerned about the safety of the drinking water and any way to protect the environment, but the way this legislation was passed is Not in Any Shape, Form or Fashion good for Gadsden County. He said it is his hopes the Board will reconsider the Resolution and will also include a request to Appeal it. In an effort to determine what it will cost the Health Department to do what the State is requiring, Mr. Hunter explained this is basically a State non-funded, mandated program with an impact to the Health Department of an estimated \$76,253.00 in equipment and start-up costs (\$41,000 of which will be used to purchase required scanner) but that the cost for operating this program will be very significant for the Health Department. Commissioner Morgan said all of this goes back to the importance of the Board communicating with the Legislators and explain to them that Gadsden County feels they absolutely should not support this at all.

Commissioner Croley asked what the enforcement penalty is for citizens and Ms. Brooks said that has not been finalized as of yet but there is the possibility that if they do not come into compliance that they could be fined up to \$500.00 per day for every day that they are not in compliance. Commissioner Croley said the protection of ground water is obviously a good thing, but that must also be balanced with reality as Commissioner Morgan suggested with the practical implementation of these types of regulations. Some of the regulations, such as the five year inspection and others seem to be at best challenging for a lot of people who may own multiple properties, or as in the case of citizens with limited financial needs.

He asked if Ms. Brooks sees this as a major enforcement project in Gadsden County and Ms. Brooks responded yes, mainly because some people in the County have failing septic systems now and the procedure of the Health Department is to send those people a couple letters to abate; from there it is sent to legal and legal advises them they must abate. She said right now the biggest problem is people just simply don't have the money to abate. You can send all of the people you want to out there, but if they don't have the money to come into compliance then what do you do?

Commissioner Taylor said she concurred with the Resolution the Board was prepared to send over in opposition of this Bill because there were some language issues that needed to be cleaned up, but based on the front page of the Health Department's presentation, the bill has been passed and trying to repeal it is kind of like being a little late in the game to do that. However, the Health Department (Ms. Brooks) had stated the language to implement the bill has not been finalized. In an effort to continue on the path of supporting the Resolution Commissioner Taylor inquired as to how a Resolution would offset it at this point, or if it could even do that at this point.

Commissioner Morgan suggested the Resolution that would be presented to the Legislature would contain information which has been presented, and additionally the Board's request that the Legislature repeal it. He said if the Legislature has enough votes they can certainly repeal that law, and they can re-address that so it does cover some of the concerns the County has about the environment. Right now, the way that it's going through, it's going to impose fees and negatively affect business where it simply doesn't need to happen. He said it is being done at a time; it couldn't be a worse time to have to ask for more from these folks. He said most of the other neighboring rural counties have already (several months back) done this. Commissioner Morgan added that when the Legislature reconvenes even though the Governor (will be a new Governor) may not move on this, the Board of County Commissioners still owes it to the citizens to at least raise enough cane with the Legislature to let them know Gadsden County is concerned, and he feels this would be an opportunity for the Legislature to readdress the issue.

Commissioner Taylor said she now fully understands and agrees with Commissioner Morgan that the Board should stay on course in their opposition to this law; especially with it being an unfunded mandate and also based on the possibility there may be a source (grant) for some funding in 2012.

In response to questions from Commissioner Taylor, Ms. Brooks explained that would cover the \$30.00 fees collected in 2011 and \$2.00 of that would be placed in a fund for use in 2012 by some low-income residents, but the resident would have to apply to qualify. However, should an evaluator/inspector determine a system needs to be repaired in the meantime, the resident would still be responsible for that \$150.00- \$200.00.

Mr. Hunter added to Commissioner Croley's statements concerning the protection of the environment and ground water, but at the same time the Health Department is out every day doing septic tank inspections and responding to nuisance complaints with leaky septic systems. He said from a public health perspective that while this legislation may cause an impact on the residents, the homeowners need to understand they have an obligation to make certain their property and septic system is maintained and in compliance from a public health perspective.

CONSENT AGENDA:

4. Approval of Minutes – August 12, 2010 –Special Meeting/Workshop

5. Ratification of Approval to pay County Bills
6. State of Florida, Dept of Emergency Management – Havana Middle School Retrofit Project Grant Extension, Modification Number 1 to Contract # 09-SR-18-02-30-01-286
7. Approval of Signatures for Special Assessment Liens –Impact Fee Proviso (IFP) Program – Foreclosure Prevention Assistance
8. Approval of Signatures for Special Assessment Liens & Rehab. Contracts – Emergency Repairs
9. Approval of Signatures for Special Assessment Liens & Rehab Contracts – Impact Fee Proviso (IFP) and State Housing Initiative Partnership (SHIP) Programs
10. Approval of Renewing Services Contract with Lab First, Inc., to Provide Drug Screening Services
- 10-A **ADDED:** Approval of Resolution No. 2010-045 Supporting the Grant Application for Florida Boating Improvement Funds to Renovate High Bluff Landing

UPON A MOTION BY COMMISSIONER TAYLOR TO APPROVE THE CONSENT AGENDA, AND UPON A SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

ITEMS PULLED FOR DISCUSSION –None

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS (3 Minute Limit) None

PUBLIC HEARINGS: None

GENERAL BUSINESS:

11. Approve Direct Sale of County-Owned Property

Mr. Henry W. McGill, Jr., and Ms. Gwendolyn Smith McGill of 512 Conyers Street in Havana have expressed an interest in purchasing County-owned property (Lots 21 and 22) which is adjacent to their property. The County Administrator explained if the Board approves this request, they will need to declare the property surplus in order that it can be sold. He said the assessed value of each lot is shown as \$2,000.00/lot on the Current County Tax Roll.

Clerk Thomas said occasionally citizens request to purchase County-owned property and that he only brings such requests to the Board if they meet certain Statutes (FS 125.35.2) which states the property is either valued under \$15,000.00 or is of a size and shape that not much could be done with it. The Board can then do a direct sale to the individual requesting to purchase the piece of property, after the adjacent property owners have been notified of the Board's intent. If any of the adjacent property owners have any interest in that particular piece of property the Board will have to accept bids from all of the adjacent property owners that may have an interest in it. He further explained most of these properties have been obtained by the County through the Tax Deed Process which means a certificate was issued, it went to sale, nobody bought the property at the sale, it then remains on a list of lands available for taxes for three years and after three years it then goes to the County. However, these two particular pieces of property are a little different in that they were actually donated to the County back in the 1990's. One lot was donated by Ms. Jonnie Mae Willis and the other lot was donated by Ms. Earnestine Butler. Clerk Thomas said both lots, as far as can be determined, were donated with the intent of being used for something such as Habitat for Humanity; they have never been used for that

process, both lots are located within the flood plains, and there is also a drainage easement that the City of Havana has. He said this is being brought to the Board for their direction and to see if the Board would be willing to sell the property to the McGill's after notifying the other adjacent property owners.

Chairman Lamb thanked Clerk Thomas for the explanation and said he would certainly endorse getting rid of the property, selling it to the McGill's; he knows exactly where it is located and knows of nothing the County could do with it.

COMMISSIONER TAYLOR MOVED FOR APPROVAL AND COMMISSONER MORGAN MADE A SECOND TO THE MOTION.

Chairman Lamb called for questions --

Commissioner Morgan said he is not very familiar with this process and asked if there was language included in this to address any issues such as environmental or otherwise on this property where the County would not be held liable in the future and Clerk Thomas said he would let the County Attorney address that. Commissioner Morgan also inquired if this is an item that should be placed under public hearings?

Ms. Minnis said it is her understanding that at this point Clerk Thomas is just asking permission to go forward with the process and the adjacent property owners would be notified, and if they have concerns or input it would then come back before the Board.

Clerk Thomas said if the adjacent property owners are interested then the Board will have to accept bids from them, and if they are not interested then it will have to be properly noticed with their response within ten (10) days and then the Board can move forward with the Direct Sale.

Commissioner Morgan asked if his question on environmental issues should be included in that language and Ms. Minnis said at this point with the Clerk is just asking to start the process. Of course a sale or anything like that would take care of any problems if the property is actually sold, but at this point they are in the very early stages of getting the process started.

Commissioner Croley asked the County Administrator and Facilities Management if these properties were properly identified in the list so County properties that they have compiled for consideration of disposal and the County Administrator responded affirmatively.

Clerk Thomas said he has a concern and asked if the County Administrator had plans to give the list to a realtor or someone to sell because a lot of these properties have histories, some have gone through the tax deed process and a lot of the properties on this list are County-owned properties for a specific reason. He said some had been dump site, not official landfills, but dump sites. He explained his caution would be that each of the properties be evaluated and if they are under the threshold of \$15,000.00 that the Board consider doing them through this process where adjacent property owners are notified. He said the bigger properties the County wants to unload, like the house the Commission built or the property built for the Boys and Girls Club is a different category than these smaller properties, and some of the smaller properties are actually mineral interests, etc. Clerk Thomas stressed that a lot of individual investigation needs to be done on each one before they are just offered for general purposes.

Chairman Lamb agreed with Clerk Thomas and then directed that the County Administrator makes sure that is done.

Chairman Lamb called for a vote –

THE BOARD VOTED 4,0, BY VOICE VOTE, IN FAVOR OF THE MOTION AND THAT CLERK THOMAS MOVE FORWARD WITH THE PROCESS.

12. Approval of the Comprehensive Health Care Memorandum of Agreement

Mr. Howard McKinnon, Gadsden Community Health Council, Inc. presented the Comprehensive Health Care Memorandum of Agreement for the Board's approval. This Agreement, as has been previously discussed, is for the remaining dollars of the ½ cent sales tax for indigent health care which was approved by the Citizens of Gadsden County. The term of the agreement will be for one year, expiring on September 30, 2011 and is in the amount of an estimated \$266,000.00 based on tax receipts. Payments will be made monthly to the Gadsden County Health Department upon invoice being approved by the County Administrator.

Commissioner Taylor asked if the County Attorney had reviewed the Agreement and if she was in agreement with all of the terms outlined in it and any directions that may have been given through the Board of County Commissioners on funding going towards the Council; the directions that were outlined there.

County Attorney Minnis responded she has reviewed the terms of the Agreement and has made sure it is in compliance with the half-cent surtax.

Commissioner Taylor said in Item 4 of the Agreement it does reference the \$266,000 being based on tax receipts and that the grant amount could not be modified without written authorization of the BOCC. However, there could possibly be some other situations that would have an impact besides the tax receipts; there may be a need for additional assistance at the hospital and she wants to make sure that one isolated cause (tax receipts) will not be the only cause that the Board may need to come in and modify. She wants to make certain there is appropriate language in there that will protect the Board in such an event

County Attorney Minnis also explained the Agreement expires September 30, 2011. It does have a termination clause of 30 days included so there are a lot of options to address concerns as they come up.

After additional discussion the following action was taken.

UPON A MOTION BY COMMISSIONER MORGAN AND A SECOND BY COMMISSIONER TAYLOR TO APPROVE THE MEMORANDUM OF AGREEMENT, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

County Administrator:

13. Meeting on EAR Based Amendments

Mr. Williams said he had been asked to report on the meeting held with some of the citizens; what the issues were and he provided the Commissioners with a memorandum which outlined some of the issues

that were discussed. He said he hopes all of this can be worked out through the Planning Commission and stated he would answer any questions the Board may have.

Commissioner Taylor asked if some of the concerns have been worked out with the residents in the different areas so that their opinions, rights and concerns are being addressed. She said, as everyone knows, the EAR is based on citizens' issues and concerns and if those issues and concerns are not being addressed then the Board is not following the proper procedure outlined for this process and that she wants to make certain that is happening.

Mr. Williams said they are being addressed and Ms. Pennington, Consultant, has assured him that all of them are going to be properly addressed in the process; but that there are some that may never be agreed to.

14. Update on Board Requests

Mr. Williams referred to his report in the Commissioner's agenda packet and said he would be happy to address any questions the Board may have.

– There were no questions from the Board

County Attorney:

15. Approval of the C.W. Roberts Agreement

Ms. Minnis explained the Agreement to Abate Recycled Asphalt Pavement Crushing/Production Operation and Related Activities at the C.W. Roberts property on SR 267. She said the Agreement was prepared to deal with the Land Use Violation by C.W. Roberts Contracting, Inc. that has been in the works for quite some time. She said initially Mr. Roberts (through his attorney) did not want to sign the Agreement because of a trash receptacle or one of the big dumpster sites the County has on his property, and he wanted information in the contract that the County was also in violation of the Code as well. She said she was not in agreement to indicate that the County was in violation of its Code because she doesn't know that to be true. There are exceptions in AG-3 for public purposes. She said long story short, they eventually worked out the fact that that is a separate issue. The County has a rental contract with him and if he wants the "trash thing" moved off he can use the rental contract to do that, but he has opted to use that method to deal with that issue. She said this contract was drafted and based on the notes and minutes from the various Board meetings dealing with this issue and is being presented to the Board at this time for their approval, if they so desire. She said she has reviewed the contract and it has been signed by Mr. Roberts and his attorney, and now it is in the Commission's hands.

Chairman Lamb called Mr. Barry Haber forward to speak to this Item.

Mr. Barry Haber, 900 Talquin Avenue, Quincy, Florida, addressed the Board as President of the Friends of Lake Talquin concerning this issue and said they have battled this for a long time in order that it come to conclusion. He said has reviewed the Agreement being presented; that it does not have the provisions that the Board had in their minutes and he recommends that it not be signed as he can't see where it provides any benefit to the Board at all. Mr. Haber read a statement into the record that he had prepared, dated 11/2/10 in opposition to Approval of the Agreement (Copy included). He further stated, to his knowledge, no periodic inspections have been done as had previously been directed by the Board

and that he had requested to see the inspection reports and has never heard back from anyone. Mr. Haber said when he expressed concern that the original agreement was never signed that Ms. Minnis advised it did not have to be signed, it was still in effect. He said he knows, Mr. Roberts knows and he believes the Board knows that Mr. Roberts has no intention of vacating this property or returning it to Ag-3 in July. He said "the Commission, the County, the Board have all been sitting on the fence with this issue and it's time to get off the fence and just write him a letter of violation; if the Board wants to give him until July, then give him until July --". He further stated there were conditions stated in the original minutes that have not been done and concluded by saying he saw no purpose in a signed agreement at this point.

Commissioner Croley asked the County Attorney if she had any comments from a legal standpoint as to the merits of Mr. Haber's statement of representations, concerns and his opinions regarding this Agreement.

Ms. Minnis said she didn't have his statement in advance and did not have a chance to digest it in proper but it is her understanding of the way this whole process worked is that the issue should have been a code enforcement issue but it got to the Board because of citizen concerns. She said she did recall several meetings where citizens were allowed to voice their concerns about what was going on with this particular piece of property so, "in my opinion to say that the citizens and folks surrounding the area have not had an opportunity to engage in this process, I don't believe that to be correct because I know there have been several meetings where citizens have been able to have that input. The agreement with Mr. Roberts came about as a requirement that I was asked to do by the Commission to ensure that he would remove the asphalt crushing process off his property. It was taken out of the normal code enforcement because, as I understood it because of the citizens' concerns and we were trying to get something a little more substantive than what the citizens felt were in the code enforcement process, so it did go outside the code enforcement process. With regards to the July 21st minutes, I did review those thoroughly and use them as my guidepost and there were two recommendations made to the Board. One by the County Administrator and I think one by Planning Commission and the Board chose the recommendation of the Planning Commission, I believe; and based on the items listed in the Planning Commission's recommendations I drafted the Agreement. So, in just general response this is how all of this came about, but like I said, you know, I didn't get this in advance so I haven't had a chance to thoroughly digest, but it seems they are now asking that the process go back through the regular code enforcement process which is where it started out but was then brought to the Board because of the citizens' concerns."

Commissioner Croley asked Ms. Minnis if the document before them at this meeting and as noted in the upper left-hand corner of the Agreement is the document she prepared and Ms. Minnis responded affirmatively.

Commissioner Croley asked the County Administrator what inspections, follow-up or other endeavors have been made in order to make sure the property has been brought into compliance with the Code as has been discussed in these various meetings.

Mr. Williams asked if there was actually a requirement for inspections because he doesn't really recall that. He stated "I don't know that we've made any formal; although we've monitored it. I go down there frequently and look at it and I've talked to Barry and them about it and I would say that I would have to agree with him that it's virtually the same as it was a year ago; although it's been moved around a bit and it's not so much up closer to the road as it used to be, but the same amount of material -- or maybe even

more is there but it's been moved back. But, as far as a formalized report, No. We have monitored it all along. I've ridden through the property many times and (inaudible) many times."

Commissioner Taylor referenced the Agreement (page 2, Section 1) and said she can see where there may be some concerns with the last two statements in that paragraph because it may seem less where the abatement may not occur because there is an opportunity to apply for a land use change.

Ms. Minnis explained that according to law any property owner can seek a land use change. There is nothing that can prevent Mr. Roberts from seeking a land use change, but that doesn't mean the Planning Commission or the Board of County Commissioners has to approve such a request. She said the language simply restates what the law is in Gadsden County for any property owner; they do have the right to seek a land use change, but it doesn't mean it will be granted. She explained that with the Citizens Growth Management Bill of Rights it now requires a super majority vote to allow land use code changes to take effect; it won't be just a simple 3-2 vote; it will have to be at least four (4) of the sitting commissioners for a land use change to go into effect.

Commissioner Taylor referred back to the Citizens' Bill of Rights process where the business has to go into that community at least three times and get the approval from the community or at least feedback and it then goes before Planning & Zoning and from Planning & Zoning to the Board of County Commissioners for a super majority. She said she supported that Bill of Rights but the process seems to possibly take anywhere from two to five months and the Board doesn't want to get into the "ninth hour" and that still be there and the Board then having to grant additional time. So, with abatement and an opportunity to come back and apply later because there is an agreement here that says there should be abatement –

Ms. Minnis responded they are kind of mixing two different things; a contract or abatement is a contract for abatement and according to this contract, by July 21, 2011, Mr. Roberts will have to have all of the items removed dealing with asphalt crushing, including everything in this Agreement. She said what they are also doing is putting enforcement of the contract before signing of the contract. Once the contract is signed and executed they have an enforceable document that can be used to get the material off the property. If Mr. Roberts comes back later and asks for a land use code change, that is a separate procedure that he will have to comply with.

Chairman Lamb "Mr. Administrator, this is something that we really need to do. Make sure the inspectors are doing their job by going down and making sure it is being done because it has to be done in a timely manner and we don't need to wait until it comes back before us and say it hasn't been done. Now, we can enforce it and it needs to be enforced before it comes back to us."

Mr. Williams "Yes, sir."

Commissioner Taylor said she vaguely recalls a request for period inspections and Commissioner Morgan said he can't recall all of the details of it at this point, but in looking at the agreement and from the Administrator's comment, it looks as though things have been moved around a bit, but not necessarily that an abatement has begun.

Commissioner Morgan asked if he was correct that Mr. Roberts is not violating any terms of the abatement until July 21, 2011, and Ms. Minnis said that was correct that by July 21, 2011, everything has to be done in accordance with the Agreement.

Commissioner Croley "I'm going to express this opinion. It looks like to me that from a business standpoint that approving this agreement is the right thing simply because it will empower you, by Mr. Roberts' own signature, to hold him to his original verbal commitment that he made in here. Then, as you pointed out Ms. Minnis, if there is a land use issue involved, that would be a separate matter and subject to all of the Citizens' Bill of Rights and the Growth Management processes to protect the interest of the public; including Mr. Roberts' own interests, I might add, so it's fair to all people or all parties involved." Commissioner Croley added that in the interim, if the Commission decides to approve this agreement and it be entered into that the County Administrator and staff should follow up with regular documented inspections so that they are properly recorded with all right legal purposes that the they have a good track record on what progress is being made, or not being made and that way the citizens can monitor this process. He said at this point, and based on all of the rationale that he is going to support the agreement here for those reasons.

Commissioner Taylor said she concurs and agrees with Commissioner Croley's comments but would like to publicly state "I appreciate CW Roberts and I don't have anything whatsoever, and I made it, in the very onset when we had this discussion, I made myself available for finding land here because I don't want to lose an employer. I don't want to lose a tax-payer, I don't want to give the impression that this county is not receptive to good business and of customer friendly to good businesses, so I want that statement to be officially made that I would like to be One that we can help come back, find some space, find some land that is amenable to what he provides to the County and to the surrounding counties. I want to make that official that I am not an anti-CW Roberts or Roberts & Roberts, or whatever the parent companies are. That is not my position, only that we have calm and tranquilities in our communities so I would still like to lend the possibility, somewhere down the road and if they are interested, of finding additional land for their operation."

Chairman Lamb said he would entertain a motion.

UPON A MOTION BY COMMISSIONER CROLEY AND A SECOND BY COMMISSIONER MORGAN TO APPROVE THE CONTRACT AS PRESENTED BY THE COUNTY ATTORNEY, THE BOARD VOTED, 3-1, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Let the record reflect Commissioners Morgan, Croley & Lamb voted in favor of the Motion.

Let the Record reflect Commissioner Taylor cast the lone vote against the Motion.

Chairman Lamb "Mr. Administrator, we really need to monitor this from here out very closely."

Mr. Williams "Yes, sir."

16. Settlement and Release Agreement in the Matter of Robert Presnell vs. Gadsden County Board Of County Commissioners (Ms. Minnie)

Ms. Minnis explained this item as being the settlement and release agreement resolving the case of Presnell vs. Gadsden County. She said basically this particular settlement and release agreement has been vetted through several wheels of legal representation and with the County Administrator. Ms.

Minnis said this is the settlement and release being recommended to the Board for their execution to resolve this matter and all matters related to it.

Attorney Brian Duffee of the Law Firm McConaughay, Duffy, Coonrod, Pope and Weaver (Attorney for the Insurance Company) also addressed the Board stating "The Board authorized the County Attorney, the County Administrator and I to serve as a negotiating team on your behalf. We did so. We met with Mr. Presnell and his lawyers, or maybe his lawyers, to negotiate this and the key here is that the County Administrator has the authority to hire and fire for a position and did so. This agreement was thoroughly vetted, as Ms. Minnis points out with the County Administrator. This has the approval of the County Administrator which is important, I know, to this Board because the authority of the County Administrator needs to be upheld, and this agreement is acceptable to staff, to the lawyers that work for you, both Ms. Minnis and myself. We believe that it is a practical solution to the issue and it's reasonable for you and Mr. Presnell and fair and appropriate under all the circumstances. So, I would say that it's the right thing to do under the circumstances. Mr. Presnell has already signed it so it's in effect a proposal or an offer to you as a Board to approve it. You have the right to approve it; you have the right to not approve it. We have agreed upon a stay of the case. It's a very fast moving case. We agreed on the stay until tomorrow so that we could have the opportunity to come before the Board and ask the Board to consider this, and that's why we are here; if you have any questions".

Chairman Lamb called for comments from the Board and there was none. He then called for a motion.

UPON A MOTION BY COMMISSIONER TAYLOR TO APPROVE THE SETTLEMENT AND RELEASE AGREEMENT AS PRESENTED, AND UPON A SECOND BY COMMISSISONER LAMB, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Mr. Duffee said "By the Board's authority then we will have the County Administrator sign on behalf of the Board and that will finalize the agreement and it will be resolved.

Chairman Lamb called for the next item on the agenda.

17. Update on various Legal Issues (County Attorney)

Ms. Minnis briefly brought the Board up-to-date on the Drug Abatement Ordinance which includes gang-related crimes, prostitution and stolen property. She said because the time of this meeting having to be changed due to the election, that will come up for public hearing and approval on November 16. She said she will also bring the petition for the Board to consider on starting the process of the Alan Ranch Lane issue and will be giving the Board more information; it's just starting the process and is not by any means completing it or making a decision as to the paving. She said it is simply for consideration of the petition and starting of the process.

Discussion Items by Commissioners:

- 18. Commissioner Morgan, District 3** – Commissioner Morgan had already requested this Item (Replacement Appointment for the Library Commission) be tabled until their next regular meeting.

Chairman Lamb requested the Co. Administrator re-agenda this item as requested.

District 4 – Vacant – No items

Commissioner Taylor, District 5 – No items

Commissioner Croley – District 2 - No items

Commissioner Lamb, District 1 – Appointment of Mr. David Tranchand to the Planning & Zoning Commission , replacing Mr. John Yerkes.

Chairman Lamb said Mr. Tranchand has served on the recreational board and would like to recommend Mr. Tranchand for the Planning & Zoning Commission.

Mr. Tranchand said his only regret in accepting this position is that he is replacing Mr. John Yerkes who was a close personal friend and will be very much missed by this community. He said he has lived in this area for the past 37 years, and the past 12 of those as a resident of Gadsden County. He said he looks forward to being of service to the Board and the citizens of Gadsden County, and appreciates the Board's confidence in him.

Commissioner Croley said he is certainly in support of Mr. Tranchand but asked the County Attorney if these types of appointments are required to be agendaed or if the Board can move on them now; how are they to be done procedurally and the County Administrator said the fact that it is on a published agenda that satisfies it.

UPON A MOTION BY COMMISSIONER CROLEY AND A SECOND BY COMMISSIONER TAYLOR TO APPROVE THE APPOINTMENT OF MR. DAVID TRANCHAND TO THE PLANNING & ZONING COMMISSION, THE BOARD VOTED 4-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

19. Receipt & File:

- a. For the Record: Letter from Quincy-Gadsden Airport Authority Regarding FY 2010/2011 Budget.
- b. For the Record: Letter from the Clerk's Office Regarding Cash-In-Bank Summary Report

November Meeting(s):

November 16, 2010, regular Meeting, 6:00 PM

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD AT THIS TIME, THE MEETING WAS ADJOURNED AT 10:35 AM

EUGENE LAMB, CHAIRMAN

Jean Chesser, Deputy Clerk

Commissioner Taylor, District 5 – No items

Commissioner Croley – District 2 - No items

Commissioner Lamb, District 1 – Appointment of Mr. David Tranchand to the Planning & Zoning Commission , replacing Mr. John Yerkes.

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Jean Chesser
Jean Chesser, Deputy Clerk

Eugene Lamb
EUGENE LAMB, CHAIRMAN
Sherrie Taylor

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON NOVEMBER 16, 2010 AT 6:00
P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

PRESENT: Eugene Lamb, Outgoing Chairman, District 1
Doug Croley, Outgoing Vice-Chairman, District 2
Gene Morgan, District 3
Brenda A. Holt, District 4
Sherrie Taylor, District 5
Mike Glazer, County Attorney
Johnny Williams, County Administrator
Muriel Straughn, Deputy Clerk

CALL TO ORDER

Chair Lamb called the meeting to order and called for a moment of silent prayer. He then led in pledging allegiance to the U.S. flag.

SWEARING IN OF RE-ELECTED COMMISSIONERS

The Honorable Kathy Garner, County Judge, administered the oath of office first to Commissioner Holt and then Commissioner Croley.

Commissioner Morgan congratulated Commissioner Holt and Commissioner Croley on their re-election. He then nominated Commissioner Croley as the next chairman. However, Chair Lamb declined to accept the nomination at that point.

AMENDMENTS TO AND APPROVAL OF THE AGENDA

Added to the agenda: Item A-1 – Presentation of Letter of Appreciation to Chairman Eugene Lamb from Gadsden County Staff.

Added to the agenda: Item 3-A: Sheriff's Proposal to provide Law Enforcement to the City of Midway

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED.

AWARDS, PRESENTATIONS AND APPEARANCES

A-1. Presentation of Letter of Appreciation to Chairman Eugene Lamb from Gadsden County Staff

Assistant County Administrator read into the record a letter from the county employees to Chair Lamb expressing their appreciation to him for his leadership as chairman for the last two years.

1. Election of Chairman and Vice Chairman

Lamb:

This is a position that I am glad to move over. I know that whoever we elect tonight for the chairmanship will do a good job – all four backing them and things will go well.

Now, it wasn't too easy of a decision for me to make. My mind was made up before I came here tonight. I don't wait til I get to where I am going to make up my mind. I talked to a lot of citizens, not just in my district, but other districts as well, in all the districts. I talked to all of the constitutional officers. I made up my mind on how I am going to vote because it is not on friendship, it is not on district, but it is for the betterment of Gadsden County – who I feel will do the best job in holding this commission together and representing Gadsden County as a whole. That is what I came up with.

Now, I might be wrong. It was just me making up my mind the way that I saw it. I put a lot of things together. I am very satisfied with the way my conscience is dealing with me. I am happy because I feel like I am doing the right thing for the betterment of Gadsden County.

I want to thank the staff for those beautiful words that they said, but I was just doing my job. That is all I was doing. Doing my job and keeping my nose out of their business and just doing my job as a commissioner. I think that is what it is all about. Let the county staff and the county administrator handle the business up here at the county office. Whenever I am called on, that is when I came to their rescue. I am really happy about that.

At this time, we are getting ready to elect the chairman and vice-chairman of this board for next year. For this year, here, starting tonight. At this time I will accept nominations for chairman.

Holt:

I move, Mr. Chair, I am sorry, my motion is,

Lamb:

Nomination.

Holt:

Nomination, thank you. I am sorry, I must be out of practice. I nominate Commissioner Taylor as chairman.

Lamb:

O.K. We have Commissioner Taylor as chairman. Do we have another nomination?

Morgan:

Yes, sir, Mr. Chair, I would nominate our current vice-chair, Mr. Croley.

Lamb:

O.K. Commissioner Croley has been nominated as chairman. Do we have any other nominations? Are there any other nominations?

Alright. Mr. Croley was last. So, he will be the one that I call first. All in favor of Mr. Croley, let it be

known by saying, "Aye."

Morgan:
Aye.

Croley:
Aye.

Lamb:
All in favor of Commissioner Taylor, let it be known by saying, "Aye."

Holt:
Aye.

Lamb:
Aye.

Taylor:
Aye.

Lamb:
Make that 3 – 2 for Commissioner Taylor.

Alright. Now, at this time, here, we will go with the Vice-Chair.

Well before we do that, Ms. Taylor, I am going to give you some experience. Let's change seats.

Croley:
It is time to get up and go to work now.

Williams:
Go to work now.

(The outgoing chairman passed the gavel to the incoming chairperson.)

Lamb:
Madam Chair, I had already opened up the floor for vice-chair and I nominate Commissioner Gene Morgan for Vice-Chair.

Taylor:
Is there another nominee?

(No response.)

There being no other, he stands as chair.

2. Gadsden Express Six Month Evaluation Report

Harry Reed, Executive Director of Capital Regional Transportation Planning Agency (CRTPA), addressed the board. He reported that Gadsden Express project has been very successful after only six months. It has been funded through a share of federal funds and state funds. It has averaged over 1100 trips per day. It is currently making 1800 trips per day. It costs approximately \$8,000 per month to operate. The currently funding is expected to maintain the project until 2012. However, if the ridership continues to rise, it may be necessary to add another vehicle which could cause the funding source to be depleted earlier. He said that he would begin to talk to the board about how to continue the service in light of the success it has experienced. The morning and evening trips are 90% full.

There was some discussion about adding additional stops in other parts of the County. However, it cannot be expanded without finding additional funding to maintain it long term.

Commissioner Holt commented that the project was the brain child of the former Commissioner Ed Dixon that dates back to 2006. She proposed that CRTPA could do some additional marketing through public service announcements.

3. Request from Gadsden County Health Department for Additional Funding

Gadsden County entered a contract with the Health Department in FY 2008/2009 for \$100,000. That contract was to stay in place until it was determinate by either party under the terms and condition of the agreement. \$100,000 was budgeted and paid in 2009. Due to budget constraints, the budget was reduced in the FY 2009/2010 budget cycle to \$50,000 without amending the contract or giving notice to the Health Department. However, there is a clause in the contract, which allows for a reduction upon notification when availability of funds becomes an issue.

A new contract was entered into on September on September 21, 2010 – also for \$100,000, but the budget only funded \$50,000 for FY 2010/2011. This posed a budgetary concern for the Health Department as Mr. Hunter was not aware of the reduction until October 19, 2010 when Commissioner Morgan brought it to his attention in a BCC meeting. Correspondence was exchanged between the county administrator and Mr. Hunter and it has come back to the board for discussion.

Health Department Director Marlon Hunter made an appeal to the board to reinstate the full funding as stated in the contract. He noted that they will lose some of the OB services (particularly doctor access to pregnant mothers) to Gadsden County and some dental services if the additional money is denied.

Commissioner Lamb was in support of restoring the additional \$50,000.

Commissioner Holt was in support of restoring the \$50,000.

Commissioner Morgan voiced concern given the economic environment.

Commissioner Croley made note that the Health Department was receiving \$266,000 from the Health Council. He could not support the additional \$50,000.

Mr. Hunter again respectfully requested the additional funds.

Chair Taylor was mindful of the revenue shortfall, but was in favor of directing staff to look for the additional funds.

Commissioner Morgan suggested that the board wait until mid-year and see what the budget looks like at mid-year, then if the funds are available, he could support it.

The majority consensus of the board was to move forward and look for the money in the current budget and come back with a budget amendment at the next meeting. No vote was taken, but the direction to the administration was clear.

3A. Sheriff's Proposal to Provide Law Enforcement to City of Midway

Lt. Jim Corder, representing Sheriff Morris Young, reported that the City of Midway had approached the Sheriff's Department about providing full time law enforcement coverage around the clock for the City of Midway. He presented the proposal for their information. He called attention to the fact that Midway would pay for the service. The projected cost is \$325,000. Midway has presently budgeted only \$157,000, but they did commit to pay the additional monies through other city earnings.

CONSENT AGENDA

Item 8 was pulled for discussion by Commissioner Croley.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE THE REMAINDER OF THE CONSENT AGENDA.

- 4-A.** Approval of Minutes July 13, 2010 Budget Workshop
 August 26, 2010 Budget Workshop
 September 7, 2010 Regular Meeting and 1st Budget Hearing
 September 21, 2010, Regular Meeting and 2nd Budget Hearing
- 5.** Ratification of the Approval to Pay Count Bills
 Accounts Payables Dated: November 5, 2010
 November 12, 2010
- Payroll Dated: November 4, 2010
- 6.** Approval of Commissioner Holt's Travel to the Florida Association of Counties' 2010 Legislative

Conference – Amelia Island, FL on November 17-19, 2010 – Cost Approximately \$750

- 7.** Approval and Signatures for Satisfaction of Special Assessment Liens - State Housing Initiative Partnership (SHIP) and Board of County Commissioner Emergency Repair Program (BOCC/ER)
- Gloria Thomas – BOCC/ER
 - Lue Sutton – SHIP
 - Louise Goulds - BOCC/ER
 - Barbara Kyles –BOCC/ER
 - Vera Griffin – BOCC/ER
 - Morze Jackson – BOCC/ER
 - Marquerite Miller BOCC/ER
 - Isabelle Miller – BOCC-ER

- 8.** ~~Approval of Service Agreement with Mowery Elevator Company for Elevators in County Buildings~~
- ~~———— Courthouse — \$125 per month~~
 - ~~———— Edward J. Butler Bldg — \$129.14 per month~~
 - ~~———— Woodham Justice Center — \$125.00 per month~~
 - ~~———— Guy A. Race Building — \$68.53 per month~~

This item was pulled for discussion below.

- 9.** Approval of Contract between Cardno TBE and Gadsden County Board of County Commissioners for Environmental Consulting Services

CONSENT ITEMS PULLED FOR DISCUSSION

Approval of Service Agreement with Mowery Elevator Company for Elevators in County Buildings

Courthouse - \$125 per month
Edward J. Butler Bldg - \$129.14 per month
Woodham Justice Center - \$125.00 per month
Guy A. Race Building - \$68.53 per month

Building Official Clyde Collins explained that the contracts are self renewing contracts and were previously approved. However, there was no contracts on file which included dates or the Chairman's signature on them. They had been signed by staff.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACTS WITH MOWERY ELEVATOR.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

There were no requests from the public to speak on any item.

PUBLIC HEARINGS

10. Public Hearing – Amendment of Ordinance Number 88-009 to Include Additional Areas of Nuisance Abatement

Chair Taylor announced a public hearing and invited public participation at the appropriate time.

Attorney Glazer:

The ordinance that Gadsden County has had for many years had simply omitted one of the categories that is authorized under the Statute. Currently, the ordinance, as written, covers the ability to abate nuisances for prostitution, drug, and criminal street gang activity. The Statute also provides for abatement of stolen property. So, the bulk of this amendment is to add the phrase "Stolen Property" wherever we see the phrase, "prostitution, drug, and criminal street gang activity."

The second part of the amendment is also to conform it to the Statute and that is to provide the County and its board associated with this nuisance activity to help control the nuisance activity to provide it some teeth, if you will. To give it the authority to impose fines and other sanctions. Again, all of this is laid out specifically in State Statute and Gadsden County has the option. Frankly, it already has the ordinance. This is to just make it more conforming to the State Statute.

That is the purpose of the ordinance. I would point out and ask for a motion at the appropriate time, where we added in the phrase "Stolen Property," we thought we had caught all of them. But, there were a couple of other places where we actually need to add that. So, I would ask for a motion at the appropriate time to conform the ordinance to add the phrase "Stolen Property" at all of the appropriate places. I have actually provided the board secretary with the final version for your signature assuming that is adopted. That is all of my report, but I will be happy to answer any questions.

Taylor:

At this time, you have now been given a definition of Item 10. I will appeal once more to the public if you want to come forward and make comments on this at this time. If not, I will hear from my commissioners.

Commissioners?

Commissioner Holt?

Holt:

Thank you. So, it is my understanding that this is intended to set up a board to look at these items and these items, you are saying are prostitution related, drug related, stolen property related nuisances and criminal gang activity.

Glazer:

Commissioner, you actually already have the authority for the board. It is only to add in "Stolen

Property” and also to provide some specific sanctions. Actually, you raised a very good point. Let me make it clear. These are not criminal sanctions. These are all civil sanctions that the county could impose.

Holt:

So, you are taking out this term “Criminal gang?”

Glazer:

No, no. Criminal gang activity can still be declared to be a nuisance. But, the county cannot impose criminal penalties. In other words, we can’t send somebody to jail. But, we could impose a fine and other things that are recognized by the Statute.

Holt:

Right. My concern with this is to set up a board that looks at criminal activity – I am not in favor of it because I think that puts those people as targets of the people that are committing the crimes. You are saying that we don’t have the ability to enforce any type of criminal – What did you say?

Glazer:

You cannot impose criminal penalties, but you could impose fines.

Holt:

Criminal penalties, but - if someone comes in that door and says, “I think Mr. Williams over here has prostitution going on at his house.” That is a criminal act and that should be referred to the Law Enforcement. It should not be handled by a board. Once you know about it, remember, anyone you appoint to that board is an extension of this board. If they know of any activity, it makes them liable and it make you liable. It must be reported to Law Enforcement. So, how are you going to investigate something that when people have been accused of a crime, once they have been accused of a crime, with you being elected and those boards being appointed by you, you must call Law Enforcement. You can’t just sit here and say, “I am going to investigate.” I had a problem with it when I kept reading over it. What are they going to investigate? Once there is an accusation made, you must turn it over to Law Enforcement. Now, that is one thing that I really have a problem with this. And you are making that board member a target. If you put five people on a board and someone comes in here and says, “Yeah, Yeah, I am going to get you because you said or You did.” Your car is parked out the door or you are down the street. You are putting a target on that person’s back. They are not licensed in law enforcement. I think we should let them handle that. That is my main concern here. I don’t care what Statutes say. I am not willing to put anyone in that seat.

Also, that is one thing. The other thing is what triggers an investigation? Do I call and say, “I don’t like Ms. Dupont. Ms. Dupont has this going on on her property.” Is that what the board is going to look at?

Glazer:

I can answer that directly. The rule already provides. This is not new. The ordinance currently provides that basically anyone can file a complaint. The ordinance already provides, and this will not change, that the board must conduct a hearing so that there is still a process that will have to

be undertaken before any sort of fine or other penalty could be imposed.

Holt:

Madam Chairman, I am not asking, I am not saying what the law says. The law says that you can run for president. That is not the point. The point is when something is reported as a crime – I am going to assume that you are not saying that they are doing prostitution cause they wanted to just walk down the street. So, prostitution – is it a crime? If it is, then why are we stepping up into the area of law enforcement. It is not whether we can establish this board or not. I am not questioning that. The law says you can do it. But, what I am saying is that at a certain point, you have to pick up the phone and say, “Police Chief, Sheriff, somebody – we need this investigated.” Not citizens. That puts them in jeopardy.

Taylor:

Thank you, Commissioner Holt.

Are there any other comments?

Croley:

Yes.

Taylor:

Commissioner Croley.

Croley:

I am afraid that Commissioner Holt may not fully understand the purpose of this ordinance and the State Statutes. If the tax payers are sending a deputy or deputies to the same piece of property repeatedly and it is incurring an increased cost due to gang activity or crack house or some other illegal activity that meets the specifications under the statute, then it is costing the Sheriff’s office a great deal more money and taking money away from their budget. This board is empowered to close the property down and , for instance, take away their licenses to operate. They are able to bring a civil action to the county judge to stop that type criminal behavior in that neighborhood. That is good for the citizens and adjoining property owners and good for the Law Enforcement. Then they can spend their time on other matters. Many people, in particular in certain segments of this community, older people are harassed. They have their property stolen and they have these gang activities going on in their neighborhoods. And, if this ordinance will help stop that criminal activity, it is a good thing for the citizens. And, that is the purpose of it.

Now, have I misstated that, Mr. Attorney?

Glazer:

I will let you decide the value judgment, but you have accurately described the purpose behind it.

Croley:

No, I was talking about the description of it.

Glazer:

Yes, the description is accurate.

Croley:

Did I describe it correctly? That is what I am asking.

Glazer:

Yes. Yes.

Holt:

He may have answered what I am talking about. What is the trigger? Is the trigger this report from the Sheriff's department and Law Enforcement? Are those the triggers we are looking at?

Glazer:

The trigger is the complaint. Now, there is nothing that would stop or in any way limit the Sheriff's Department from also investigating activity. I will give you an example. Let's say that you had someone who was a property owner who is allowing certain activity to occur on his property. He may not be actively involved in that and, as such, may not have committed a crime. But, if that person is allowing their property to be used for that purpose, it could be subject to complaint. It could be heard by this board. It could be declared a nuisance and civil sanctions could be imposed on that person even though that person did not actually commit a crime.

Croley:

May I? But, the purpose of it is, Mr. Glazer, and I think you have confirmed, is that if the property owner is allowing criminal activity to go on on their property and they are doing nothing about it, this is a way in which it can be stopped in an effective manner for the welfare of the neighborhood. Then you don't have to keep sending back law enforcement over and over again to the same place.

Glazer:

It is another tool for the county. You are correct.

Croley:

Another tool for the county.

Taylor:

Commissioner Morgan?

Morgan:

Thank you, Madam Chair. I do have a few questions about this particular item. Other than the establishment of the board as the amendment reads, how is this much different from a neighborhood watch program within a municipality or neighborhood?

Glazer:

Neighborhood watch – it is probably in the ability to levy fines and sanctions. The neighborhood watch does not typically have that authority. But, it could serve a similar purpose. A neighborhood watch, for instance, could make a complaint.

Morgan:

But, in a lot of ways, they are similar – would you agree as far as the purpose for having them.

Glazer:

I think this takes it to the next level, but sure.

Morgan:

O.K.

Secondly, I didn't see the county administrator's recommendation. Do you have any comments on this item?

Williams:

Well, that was probably an oversight because I have been in favor of it all along. I see it, as it was mentioned, as an additional tool to shut down these kinds of operations that continue to exist.

Morgan:

I am looking under Section 5882. It talks about the organization and the membership and appointment terms and things like that of the board. Maybe this was an oversight, but I did not see where members of that board would be representing each district in the county. Is that in there? I don't know if the board would think that is something that might be needed. It may not be, but that is a comment that I have on that.

That is all I have, Madam Chair.

Taylor:

Commissioner Lamb?

Lamb:

No comment.

Taylor:

I have a couple of people in the audience with questions.

Unidentified Audience Member:

I do have a question, but you were speaking.

Taylor:

Oh, come forward and give us your full name and your current address, then you state your question.

Sylvia Brooks:

Sylvia Brooks, 234 Allen Ranch Lane in Havana, FL.

He said civil. Will this thing turn into taking of people's property? That is a question.

Taylor:

We will let the attorney answer that question for you.

Glazer:

If the board opts to impose a fine and the fine is not paid, then that could become a lien on the property. They county could attempt to enforce the lien. Now, it cannot though, there is a provision in the statute that does not allow the taking of a homestead. So, it wouldn't affect somebody's home, but if they had, for example, commercial property, if it was fined, they didn't pay it, there was a lien placed on it, then the county could take action. So, it is "yes" for some. It is "no" for others. Does that make sense?

Brooks:

Can I make a quick statement?

I have worked in law enforcement since I was 17 years old. I am here at the jail now. A lot of things are really, really hard to prove. I mean, it takes years for law enforcement to prove these things. You are thinking about appointing civilians to look at these things to find out whether you fine or not. It sounds like a lot of law suits to me, but that is just my opinion.

Taylor:

Come forward. Please state your full name and complete address.

Battles:

Good evening, Commissioners. My name is Arrie Battles and I live at 919 Harden Street. I am sitting there thinking about a board. We have a neighborhood watch and if I call Mr. Woods and say, "There is a meth lab down the street," they are going to come. But, then if you've got this board, you've got to go through this board in order to get to Major Woods to have something done in my community? These youngsters are going to turn and shoot that board cause they are dipping into their business in the first place, but why not try to activate a neighborhood watch again. When it first happened, Major Woods came out to all the communities and everybody was gung ho about neighbors watching neighbors houses and stuff, but it looks like we are setting up our citizens to get killed. These children are not afraid of Major Woods or nobody else. You know they are not afraid of us. The picture just doesn't look right. You all need to re-think about that one a little bit more and get some more enforcement - some more deputies for Major Woods so he can have a committee of Cops to do this extra activities that we have going on in the county.

Taylor:

Commissioner Holt, your last comment?

Holt:

Thank you. As I said, I am afraid that we are stepping over into law enforcement and we should be there. Now, I could see it if you said in your ordinance that you are going to have fines after they do their investigation. If that is an option to fine, that is one thing, but when you start talking about setting up a board that may have problems calling on certain people, but they call on others. See - if you have money, a lot of times, we don't ever see you in the papers because you are

smoking pot. We see you in the paper if you are poor and you are smoking pot or you are using Meth – because you are poor. But, there are wealthy drugs just as well and no one is calling on them. So, you have to look at this. I can see you putting fines into place, but I cannot see you setting up a board that somebody is going to report to because somebody is being vindictive. People do it all the time. They do it every day. I see it in the school system and I see it in law enforcement. So, you have to be careful about that.

Also, there is in here a fine of up to \$250 per day. Now, poor people are not going to be able to afford that. You say you have been doing it for going on a year and you establish fines not to exceed \$500 per day for public nuisance. Then you come down here and it says that, "It may become a lien on real property that is subject to the order...provide for foreclosure of the property." So, this is a taking of property. This whole thing is not sound. I don't think it is sound at all. As I said, you can pick certain parts of the law and say that they apply to this, that and the other and they may. You can pick certain parts of the Bible and say, "This is what it says." But, I don't think we should do this without a lot more input from the citizens.

Thank you.

Lamb:

Madam Chair, may I ask the attorney a question, please?

Taylor:

Sure.

Lamb:

Mr. Attorney, on the board, how is that board established?

Glazer:

The board is established by the county commission.

Lamb:

Can this program function without that board?

Glazer:

Not this program, no.

Lamb:

Can it be rearranged or can the ordinance be redone without establishing that board?

Glazer:

One of the underlying premises of this law is that there would be a board so that there could be hearings and an opportunity to have some due process. So, you haven't handed the county administrator or any one person the ability to arbitrarily hand out fines. The purpose of the board is actually to, for lack of a better word, to screen these complaints to make sure that they are justified. So, under this particular Statute, I think it does contemplate some kind of a board to oversee and to levy these fines.

Lamb:
Thank you.

Taylor:
Yes, sir.

Croley:
I am not going to say anything other than that this ordinance is already in the county. It is a part of the law of the county now. I think that all Ms. Minnis did was update the ordinance to comply with the Florida Statutes as they have been strengthened in the past several years to protect the public interest against gang criminal activity, crack houses, and other matters of that nature. It is not a law enforcement function. It is a civil action. It does not rise to the level of proof that law enforcement has to deal with. It is simply a tool that code enforcement or other or this board to abate this type activities. It is set in place to simply hold property owners responsible for allowing criminal activity to be an on-going problem on their property. It is a way for the county, on behalf of the citizens, to go and say, "You need to stop renting to certain type of people. You need to control your premises and control your property." That is all. It is not any more or less. Yes, you can fine up to \$250. But, no, you can't take anybody's houses if they are homestead properties as you pointed out. It is a pretty clear cut procedure. You see it working throughout the State of Florida and other places. I don't see all these angles that people are taking on it. That is just not the case.

Taylor:
Let me ask Major Woods if you will come up. You have listened to the dialogue around this diocese. I am hearing good points on both parts. Obviously, you deal with continuous violations of the law. We all know that there are properties that are continuous. But, then you don't want to infringe either and implement a program that extends this board into an area where it doesn't have the expertise or we find ourselves possibly liable. So, again, very good points made on both sides of this issue. But, you being in law enforcement, where are you?

Major Woods:
First of all, Sean Woods, District 3, Chattahoochee. I want to get that in.

Taylor:
You need to give me your current address, Mr. Woods.

Woods:
Everybody wants that one. (Note: This address was not transcribed deliberately by the recording secretary Major Woods is a sworn officer and it is the practice of the Clerk's office not to disclose the addresses of law enforcement officials.)

No offense to the attorney, but it would help to say this in layman's term as to what this does. This is a multi faceted type program. I can tell you that all over the State of Florida, not many counties do it. Some counties do it very well. Each one of them has their own angle that they use to address this thing. Now, you have some counties like Nassau County, where it is very active.

They have a board that is appointed. Each of the commissioner appoint an individual to be on the board. They select the chairman, vice-chairman. It is very similar to what we have here. When they do that, the citizens have the right or the right not to come before them to make a complaint. That board has the opportunity at that time to say this may be an ongoing investigation that has not been solved and refer them to law enforcement.

The second part of it is that Code Enforcement has the authority to come before this same board and give complaints. It also give law enforcement the ability to come before the board to give complaints. It is multi-faceted. Some counties will deal with more with looking at businesses that sell to underage people who continually violate the law and who have drug activity. Every county has its own way of looking at how they do it. You would have that opportunity to do it a little different.

The bad part is kind of like Commissioner Holt said. Being in law enforcement, I realize that not everybody is going to like me for what I do. But, I chose to do that. So, I have a different prospective than what a lot of other people would have in doing this.

For or against it – it is statutory. Basically, from what I read, the ordinance is almost straight out of the Statute.

Glazer:
Yes, sir.

Woods:
So, it is just a matter of whether you want to do it or not. For us, as a position, what we are going to do is whatever the board would like for us to do on it. We will co-participate or do like a lot of the counties and just have the ordinance and never do it.

Taylor:
Your point is exact. It has laid dormant for years. It had no teeth. I think it is still a work in progress. I don't think we are at the point where we are ready to implement. There are some extenuations that I am hearing. One in particular is that this board does not select the board – I think you said that.

Glazer:
No, they do. This board does select the members.

Taylor:
The only problem that I have is with the assessment of fines and the levy on properties. I am just a little uncomfortable moving forward. There are some issues that I think we need to go back and redefine. I do agree that something needs to be done to stop this continuous activities in certain areas, but I don't know if we are ready to go forward on this particular ordinance. So, I will hear from my other commissioners. Where are we? Are we ready to move on it? I am listening.

Morgan:
Madam Chair, just a quick question if I may.

Taylor:
Sure.

Morgan:
Major Woods, thanks for coming here. We appreciate your comments. Straight forward question. Will this help you in your business or hurt you in your business?

Woods:
Both. That would be politically correct.

Morgan:
It is hard to give a straight answer.

Woods:
It is. The problem is that I can see some ways that if we have a business that is continually doing things that are not right – selling tobacco and different things that would fall into the drug category of this ordinance, it would help to run them out of business. That is what a lot of counties do. They face it to places that become multiple problems. Just as an example – If you go to one house and serve a search warrant – I have done houses that I have done several search warrants on in the last four years. Now, something like that would absolutely fall into the category.

On the other hand, I saw where Ms. Minnis said the fiscal impact would be none. But, there would be because I have got to have somebody to do it. I've got to take somebody from somewhere else and have them start doing this. So, there is. It is one of those things that right now, it will be hard to find somebody to do it. But, if it is what you chose, then that is what we are going to do.

Morgan:
Have you spoken directly with the Sheriff about this and what are his thoughts?

Woods:
We are on the same page. The main thing that he wanted us to do is that as we looked at this, see how it is working in other counties. Basically what we found out was that everybody does it kind of different. There is no set way as to how they enforce the Statute. It really gears toward how the board gives direction and what they want to look for. I haven't had a chance to read what they have set up in their organizations as to the direction and the foresight of what they are wanting to look for in this board. But, there are some out there that work very well.

Glazer:
May I ask him a question?

Taylor:
Sure.

Glazer:

Major Wood, when you have looked at these other counties, do any of them have law enforcement people who are appointed to that board?

Woods:

What we found is that it becomes a partnership with law enforcement. Now some code enforcement in South Florida are actually law enforcement. But, what you have in several counties, code enforcement and law enforcement work simultaneously. We have done a lot of that. When these guys go out to nuisance calls, not all these people are desirable. They don't have a gun, so we sent somebody out there with them to make sure that they come back. In saying that, yes we do.

It is much different than the Neighborhood Watch Program. I think that is where we are getting confused. We have been teaching the Watchful Neighbor, but now when the neighbor is gone, they are going in and taking what the neighbor has got, so we are trying to change that a little bit.

Holt:

I have a question and I fully agree with you. I don't really disagree with the things that Commissioner Croley is saying. I am concerned about the process. But, what I wanted to say is if it is already an ordinance, can they already fine them, Mr. Attorney?

Glazer:

The problem is that the ordinance currently doesn't adopt a fine structure. So, what we are doing is incorporate the fine. We are doing two main things. We are adding "Stolen Property" as a category and we are incorporating the fine structure that is in the Statute into the Ordinance. It is not there now.

Holt:

Right. So what we need to look at, I think, Madam Chairman, is look at this process and see if we can come up with one that works.

Mr. Attorney, you asked the question that I was about to ask also. If Law Enforcement is on the board, it may make a bit a difference, but I am not so much concerned about that as I am concerned about what triggers the process.

Woods:

I think that some of them use the word "Habitual" and that is where they get into thing – let's just say from my understanding in layman's terms, if I come to your house and I catch you selling crack cocaine, for instance, that is just not the time that you can go and put this on the individual. What this thing is geared for is "habitual." That is when I am going to that house two or three times. That is where you gear in at. Not just what the Statute says, but how you impose it and what you see as being "habitual."

Holt:

Well, see Commissioners, that is why I am saying, "the trigger." They know where they are going. They know if they have been there four or five times. So, that is what I am saying. If that is the trigger, law enforcement knows where these areas are and then we can look at referral from

them. But I would hate to think that someone could pick up the phone and say, "I don't like Mr. McMillan. Ya'll need to check his house out, or get someone else to say some things about Mr. McMillan that may not be true."

McMillan:
They have.

Holt:
They have. I was probably one of them. (laughter)

Taylor:
Just a summation of everything. Listening to Major Woods, there are several different counties that have implemented and just as many have not. But, they each vary. I think we might tailor make something for this county. Don't we have an ordinance on the books? I think maybe this is the time when the Sheriff should get with the attorney and see if we can come up with an ordinance that can move us forward – one that we can put some teeth in. But, as Commissioner Holt has said, keep this board out of reach of it. We are going to need law enforcement in on this to make it better defined. If that is amenable at this time.

Glazer:
Madam Chair, I hear what you are saying and I think those are all great goals. Here is the problem. What we are doing is – in order to get started, you have to have a process that complies with State Law. You have already done that to a large extent by incorporating the State Law into your ordinance. We are completing that process. The next step would then be to have a board define how it is going to operate in the real world. But, we are limited in the ordinance to that which is in the Statute. You can then refine it once you have it in place, but we cannot write an ordinance that is contrary to the Statute. You could decide, for example, there was a fine in here for \$250 for first time nuisance. Up to \$250. I suppose, if you wanted to, you could limit that to \$100. You could not go above it, but you could go below. So if you wanted, for lack of a better word, tweak it in those ways, you could. But, what we have done here – and again, I am not passing judgment, I am just trying to give you advice – is simply conform your ordinance to the State Statute. Then you can decide through the appointment of a board how to implement it.

Taylor:
I follow you. I follow you exactly. Thank you for the clarity. This is a State Statute and because of it, we have to implement it.

Glazer:
You don't have to implement it. But, if you chose to, you have to do it in conformance to the Statute. Then you can have discretion within the board.

Taylor:
I follow you. So, the contents of this ordinance came from the State Statute?

Glazer:
Yes, Ma'am.

Taylor:
O.K.

Holt:
May I, Madam Chairman?

Taylor:
So then, we could "x" out what the fines are. What you are saying, Mr. Attorney, is that we are going to move ahead on this then tweak it later. What I am saying is that there is a problem with the process. The State Statute is the State Statute. The Ordinance must always follow State Statute. I am not questioning that. I am questioning the fact that you have these fines in here and there is no trigger in this ordinance anywhere that says who does the reporting, how is that done. This has to be tweaked before you set up the board. As I said before, if you set the board up, who is on the board? Those people, if they are not in law enforcement and they are sitting up here placing judgment of other people, that makes this board liable even if they are sued, we could be sued because we are liable. We have enough law suits floating around right now.

Taylor:
Alright, let's go ahead and move on this item. I will ask for a commissioner to offer up a motion.

Holt:
I move that we deny the ordinance.

Taylor:
There is a motion on the floor. Is there a second.

Lamb:
Second.

Taylor:
There is a motion and a second. Are there any questions?

Croley:
I have a question. What happens to the ordinance that is on the books now?

Glazer:
Nothing.

Taylor:
There is a motion and a second, are there any other questions?

All in favor of the motion, let it be known by saying, "Aye."

Holt:
Aye.

Lamb:
Aye.

Taylor:
Aye.

All opposed?

Croley:
No.

Morgan:
No.

Taylor:
That is 3 – 2 that it does not pass.

Straughn:
The motion was to deny.

Taylor:
Yes.

Glazer:
The motion to deny passed by a vote of 3 – 2.

Taylor:
Yes, the motion that was on the floor by Commissioner Holt passed. The vote was 3 – 2 to deny this ordinance going forward in its present state.

Thank you.

You all work with me now.

Lamb:
Madam Chairman, if he gets that ordinance and goes back and works on it and look at some of the things that we talked about here tonight, then he can bring it back to us?

Taylor:
Right, I so said a few minutes ago with the assistance of the law enforcement officers -to protect this board. I said so a few minutes ago. Yes. I concur, sir.

Lamb:
O.K.

Glazer:

I am not sure that I have good direction, but I will take a stab at it.

Taylor:

Go ahead.

Glazer:

Let us work with it. I will talk to Major Wood, talk to him about what he has seen in some other places and we will come back with a discussion item, not a public hearing, but as a discussion item.

Taylor:

That is a great idea. It looks like to me that it is the fine and the process of implementing this. That is the areas that you need to concentrate on. It looks like two major areas.

Mr. Administrator, Item 11?

11. Public Hearing – Approval to formally Consider Further Processing of the Allen Ranch Road Petition

Williams:

Item 11 is your second public hearing. It concerns the Allen Ranch Road Petition which has been discussed by this board before. We are trying to follow the procedure. We have received a petition from Ms. Brooks. As I understand the process from our attorney, the next step is to have a public hearing to decide whether or not you want to further pursue this process. This is your two-thirds, one-third funding mechanism.

Taylor:

I am familiar with it. Again, ladies and gentlemen, this is a public hearing. At this time, if there is anyone who wishes to speak on this item, you may do so.

Mr. Chapman.

Chapman:

Simply, this item is asking the board to consider a public hearing to formally process the petition that has been submitted on behalf of the residents of Allen Ranch Road for the Two-thirds/One-third program. The county attorney, Ms. Deborah Minnis, and I have spoken on this. She advised and helped craft the language on this item, so I would defer any technical questions regarding this ordinance and the mechanism therein to the county attorney's office for further detail. They have already rendered a legal opinion to this matter. However, it is up to the board to make a decision tonight as to whether we further formally process this petition or not.

Taylor:

Thank you.

Commissioners, it is open for discussion.

Lamb:

Madam Chairman, this particular item has been before us before and I don't know. I know it is a public hearing and you want to hear from them if they want to say something, but I am in favor of this process going forward.

Taylor:

Thank you, sir. Are there any other comments?

Commissioner Holt?

Holt:

Where is Ranch Road?

Lamb:

Down by – on the glade.

Holt:

It has been a while since I have been here, so I just wanted to know.

Croley:

Point of order. This is a public hearing, you are supposed to hear from the public first, aren't you?

Taylor:

I have asked for public input. We have already come to that point.

Croley:

O.K. I was just asking.

Holt:

What I wanted to know is that I know that at a particular time, Ms. Minnis was rendering an opinion on whether one-third/two-thirds was legal. She was questioning that and she was supposed to bring back an opinion. That was a while ago. So, I just want to make sure that I am updated on that a little bit on that. Right quick. It doesn't take but a minute.

Glazer:

This is a multi-step process. If you opt to go forward tonight, then you would approve this petition. There are still multiple steps that have to happen. It will come back before the board. Those steps will include things like determining whether there is adequate property on either side of the road. You have to secure that property.

Holt:

I was going to say right quick, I found the one-third/two-thirds a few years ago, so I know the process. What I am saying is – her legal opinion at one time was – well, she was questioning whether it was legal to do that. I said that if we set up NPOs and MBOs, and have a special taxing district where it will only tax the people in that district, I think that is what the question was at that

time. The one-third/two-thirds was already doing that. I just missed her opinion when I retired. That is all.

Glazer:

Let me try and answer your question. If you follow this process, we believe it to be legal.

Holt:

Thank you.

Taylor:

Commissioner Croley, there are some public opinions.

You may come up at this time. Please state your entire name as well as your current address.

Jeff Rawlins:

Good evening, Commissioners. My name is Jeff Rawlins. I have a residence at 14 Allen Ranch Lane. My wife as well. I am a little disenchanted and I will tell you why. I know this is a public hearing to try and determine your intent. I am just finding out about this, personally. I have a residence and my land is right against the roadway. I am just finding out that people interested in paving it – no one called me. No one came by my house and my name is not on this list as far as interest of it. I have some concerns, quite naturally. My house sits near the road. I am not sure about the 60 ft. that I have heard about that exists. I know you are not here to determine that at this point or not. But, if the road is considered for paving, I have some concerns because I rent. I was living there at one time. If that road is paved, it is real close to the house. I have a person who is in there now that has kids. When you have a paved road, people have a tendency to drive a lot faster. I have a concern also about who is going to pay for the road? More of my property is going to be taken up. The road has been scraped. The road was scraped and no one talked to me about scrapping it and it seems like they have taken some of my property. I am trying to be a good neighbor. The people – they've got good folks there. Good neighbors there. There are some that are more friendly than others like any other neighborhood. But, I have some concerns. Will some of my property going to be taken up? Will this 60 ft. impact that? Who is going to pay for this? How much is this going to cost? I am in the blind. I don't know anything about what is going on and I would like some clarity. I don't know if you can provide that tonight or not, but who will this impact? If there is a cost, and if I am against it and don't want to pay, you know, I've got kids. I would rather pay for my kids college education than to pay for a road if I am going to be impacted. I have some real concerns about what is entailed in this process. No one has told me anything.

Taylor:

I have one person behind you and then we are going to see if we can clarify some issues. Let me hear from this other person.

Please state your current address as well as your full name.

Brooks:

Yes, ma'am. I am Sylvia Brooks. Again, 234 Allen Ranch Lane in Havana.

To clarify some things for them. They do rent that house, they don't live in that house. We did, myself and two of the other residents, we contacted everyone. Her father lives across from her. He has two plots. We talked to him and he did not want to sign. We talked to every resident on that road. We also gave them copies of the figures as to how much it would cost. We walked around and we acquired 2/3 of the signatures. We also, according to Public Works or Road and Bridge, we have already established the 20 ft. that we need. We have met those requirements. That is without taking up any of their property. But, with the 2/3, everyone would have to pay. There are three of us, I have two plots, Ms. Walker, she has two. Some of the signatures that you have - the only way we can get to our property is by that road. We were told by Mr. Williams office that we couldn't be assessed unless our property actually touched the road. But, we are willing to pay twice or whatever we have to do. We have to drive up and down that road everyday. When we got it graded, we all chipped in and we paid for it. As soon as it rains, it is a mess. We have gotten stuck in ditches. Like I say, we run up and down that road every day. People are going to drive up and down the road whether it is dirt or paving. The speed - that is up to law enforcement. Once again, we can report it if people are riding up and down the road too fast. We can do it now, too.

We have worked hard at this. Most of us have lived there more than 20 years. Most of us. We pay our taxes, we have done what we are supposed to do. The board, if you put this money forth for us, we have five years to pay you back your part. You are going to gain in that way. Plus, our property taxes will increase because our property value will increase. I think, overall, for the ones of us that live there - they are the only ones with a rental home on that street. All of the rest of us live on that road and we have to go back and forth. It is going to benefit us in the end. I am sorry that the people that did not sign the petition will still have to pay, but if you look at it, the way I figured it out - if we utilize everyone there, you are looking at having to put back roughly about \$50 per month. We are looking at about \$700 additional charge on our taxes a year at most. For that and having a paved road where we don't run into ditches and get people to come and scrape and not being able to get out sometimes when we have a really, really hard rain. Like I said, I work at the jail. I have to get to work. If I have to walk, I have to get to work. We've got someone who works at TMH. We all have jobs, critical jobs and we have to get to work. That road causes a lot of us a lot of problems.

Taylor:

Yes, ma'am. Please come and state your full name as well as your current address.

Rawlins:

My name is Jennifer Rawlins and my husband is Jeffrey Rawlins. We own property at 14 Allen Ranch Road in Havana. I have been here. I have been riding around in Quincy since 5:15. I went to the meeting over here across from the fire department. Is it Attorney Jack McLean? He sent me, he and another guy and a young lady - they are having a meeting there, and that is how we ended up here late - they sent us to Flying J across the street saying that there was some meeting over there. I had my father with me who lives right across the road from me - that she is talking about. He was going to be here, but my father is almost 70 years old. His neighbor that lives behind him - they are on a fixed income. He brought him with him also. He is on a fixed income. Both their wives are deceased. They came to the meeting, but it was so late because we were riding from here and there trying to find out where the meeting was. That is why we are here late

and that is why they are not here to speak. But, my father has been communicating with them. But, there has been another issue going on also with some of the residents and that road. My brother is in trucking and been dealing with that – parking the trucks on the road and so forth. I am not even going to get into that issue because we could be here all night dealing with it. That is why things are being said – that we wasn't agreeing. As a matter of fact, we didn't even know about this meeting tonight until my father told us about it. He got his letter certified. I have a P.O. Box. Even though we have rental property, my husband and I, I kept a P.O. Box here in Havana so that I can know about everything dealing with that property. If they had really wanted to get in contact with me – I am there. I go see my father all the time. I am there. I haven't changed my car in several years. I still drive that same car. So, if somebody really wanted to talk to me and tell me what is happening, then I was there. I was there to find out what was happening. I have pictures of the road – if it is so bad, I mean, that road is not as bad as every body says it is. I mean, I took pictures of it. There is no flooding on that road. There is no flooding there. There is water there. It's not over - I'll bet you that there are not 12 homes on that road. It is not even 12 homes. Most of them are senior citizens or unemployed. The ones that you are seeing are mostly workers and they are back there.

Like I said, I have rental property there. I am willing to participate. My daddy helped pay for scrapping that road also. He is not here because he got frustrated because we were shipped every where in Quincy, but we refuse to give up. That is why we are here.

Taylor:
Thank you, Ms. Rawlings.

O think I have one other.

Williams:
I promise I will take only 3- seconds. My name is Eugene Williams. I live at 148 Allen Ranch Lane, Havana. I have been coming here and I just want to clarify something that is not true and then I am going to be out of your way. I called this lady on the phone, notified her and she was out of town with the church. She talked to me and I told her what we were doing. When I couldn't get here or she wouldn't call me back, I went to her father. Her father told me out of his own mouth that they wouldn't get on the program, but he would be willing to pay cash. That is what he told me out of his mouth. I am the one that was having the problems with the truck. What I want to say is that everybody on that road was notified.

Mr. Williams, right there, when he came out to assess the road, her brother came up and talked very nasty to us. I just want to clarify that everybody was notified. I have been very nice about it. I have to pay the taxes on the road. I brought pictures and showed everybody. O.K. Nobody has been left out. We are not trying to cause a commotion here. But, we did notify everybody.

Taylor:
Thank you very much, sir.

Lamb:
Madam chairman, before you hear anymore, they might need to be brought up to date by the

attorney on exactly what can be done and what cannot be done. I think that could clarify in their minds about the 2/3 of the people. You know, everybody doesn't have to sign. He needs to explain all of that to us now.

Taylor:

Once we finish with the public hearing part, I was going to do exactly that. I was going to do exactly that so that we would all have a clear definition so that the Rawlins will understand what the law says. Just as soon as we finish with the public hearing.

Yes, sir. Thank you. Yes, sir.

O.k. This will be the last one, I think. Go ahead, sir. Will you please give us your full name and your current address.

Gurley:

Clinton Gurley, 204 Allen Ranch Lane. I stand just to say that I didn't come to argue, fuss or nothing like, but I stay on the latter end of 204 Allen Ranch. When it rains, when we had the road scraped and when we get a hard rain, you cannot get out of that road. Our road is bad. You don't do no slip and slide. I actually got stuck with my truck trying to get out of my yard. Like I say, we do pay taxes on that land and I am sorry that the Rawlins didn't get contacted. My wife did tell me that she called me, but during all the stuff that was going on last with me being on jury duty for four days last week, I didn't contact her back. I am sorry for that, Sister Rawlins and Brother Rawlins. But, that road does need to have something done. We pay our money and we have paid over and over and over going to Public Works, paying the \$90, or whatever it takes to scrape the road and we have tried to maintain the road so we will be able to get out.

Taylor:

Thank you.

As suggested by Commissioner Lamb, we want you to understand - the question that you asked, Mr. Rawlins about how the process works - so you will be a little bit more informed as to what we have done up to this point. So, I am going to yield to the attorney.

Glazer:

Commissioners, you have basically have three options. Option 1, of course, is to do nothing. You can reject the petition and you are done.

Option 2 is that the residents of the road can file a petition to start a process. It does not require 100% of the people on the road to start it. So, we are in that process tonight where it takes 2/3 of the owners of 2/3 of the property. So, they gathered enough signatures to start that process. If that process moves forward tonight, there are several other steps in the process. That will include that the county will have to obtain not just the 20 ft. for the road, but a total of 60 ft. for the right-of-way and that will have to come from the owners. That is another whole thing and I don't want to confuse the issue. Then, if that is done, then the county will have the option of accepting that property then moving forward with the - it essentially becomes the county's road. The county will then take care of it. Although it can assess 2/3 of the cost to the property owners. That will be

100% of the property owners. So, that , in a nutshell, is Option 2. That is what we are here on at the moment.

Option 3 - one more second – Option 3 is that essentially, the residents of the road can, for lack of a better word, they can hire the county to take care of it and pay the county 100% of the costs. Just use the county for the purpose of doing that. Now, we are not on that option this evening. We are on the second option where the 2/3 of the residents have asked about a process that will ultimately result in it becoming a county road.

I hope that helps.

Taylor:
Yes, sir?

Rawlins:

That was some of my concern. Like I say, we were not notified and we did not know anything about. Like I said, he called when my wife was in church, but that is not talking to us. Calling and explaining and giving us this information. That is my concern. Our property stretches for probably an acre plus going down that road. We are the ones – if it has to be taken – it sounds like that you are telling me the road has to be 60 ft., if I heard what you are saying correctly – our property is the one that is really impacted more because you will probably need some of our property to utilize for the right-of-way drainage and what not for the road. That is where my concern is as well. Our taxes are going to increase, you are going to take some of my property and we are impacted and we are the ones being impacted the most. So, you know, I have no problem with seeing a good road. I would love for everyone to have a good road to drive. I would not want to be inflicted like that, but that is my concern. How does – it just seems really unfair to us. I was just wondering is there a way that we would not be impacted like that. Or, will we be impacted like that if that process goes forward?

Taylor:

Let me do this. Let me say this. Obviously, you need some time to get a little bit more understanding. I think the young lady came up a minute ago and indicated that your property will not be impacted at all. But you have not seen this in writing. This is just something that someone has said in a regular meeting. So, I am going to yield to my commissioners at this time for discussion. We won't have any more public input right now.

Rawlins:

If it is not impacted, I really wouldn't have a major problem, to be honest with you, but according to this picture and according to what they have already scraped on the road, they have already impacted my property. They are scraping part of my property. I didn't say anything. I am a Christian man trying to be neighborly. It is dirt. When I die, I can't take it with me, but I don't want to keep having my property taken away from me. Parts of it is questionable. A few years ago they said there were nine planets in the solar system. Now they are saying there are eight planets. That was reported and that is in writing. I don't know. You are saying that I may not be impacted, but I don't know.

Taylor:

I appreciate that analysis. One day they say it is one thing and the next day they say another. I can appreciate that. But the law clearly states that once 2/3 of the people on that road has signed an agreement, then this county has to come to some point and entertain the request and then move forward. Now, that is the law. That means that it can move forward with or without your approval. Obviously, we would rather see all parties involved on the same page.

Mr. Attorney, given the consideration that a significant portion of Mr. Rawlins land will be impacted, the 2/3 rule still supersedes the fact that he may have more land that may be impacted from the building of this road.

Glazer:

My understanding from Mr. Chapman, and correct me if I am wrong, the county did verify that 2/3 of the owners and 2/3 of the property signed the petition.

Chapman:

Yes, that is correct. I believe it was a petition that was a petition that was submitted to the county administrator's office. The county administrator's staff did verify it.

Glazer:

Once it has been verified, then we are properly here tonight. You can decide what you want to do with it, but we are properly here.

Brooks:

I just want to say one thing, ma'am. According to Mr. Clifford Schneft at Public Works, we have all the right of way and everything that we need without any resident needing to donate anything. We have it already according to – that is where our estimate came from, his office. We have everything we need without any resident needing to donate any property. So, we will not be going onto his property for anything. That is according to his office.

Taylor:

Alright, thank you.

Are you ready to move?

Lamb:

Yeah.

Taylor:

I have two comments, then I am ready to do the same thing, sir.

Morgan:

Thank you Madam Chair. First of all, I want to say to your neighborhood that you should be commended on how you are proceeding with a very important issue where you live. I know that Ms. Brooks and Mr. Williams have been here a number of times and they have made every effort to go through this process in the correct way. I would like to commend you on that.

At the same time, I appreciate Mr. and Mrs. Rawlins' concern. If it was my property and I thought some of it was about to be taken away, I would obviously be up here and I would want to be involved in that decision. The good news here is that there has been communication and I think we may be able to resolve this with some further communication among yourselves and then approach us.

I appreciate the attorney's comments in explaining this process. This is just the first step toward moving the ball up the field while we are here tonight. Am I correct, Mr. Attorney, if we go ahead and choose to move forward with this step, if we can't come to agreement, further down the road we can stop and back up? Am I correct or is that incorrect?

Glazer:

No, you are correct.

Morgan:

That being said, I think further clarification and communication might help this process where we can reach an agreement from all angles. So, that was my only comment, Madam Chair.

Taylor:

Very good, very good.

Commissioner Holt?

Holt:

Yes. We must always say leave it up to the surveyors when it comes to footage. We can't stop the process and you are correct. I know we looked at another project once and it did not go through, but it was because they thought they had the 2/3 and they didn't have the number of signatures they wanted. But, the reason that I wanted to make a comment is because you can set up an NPO or NBO, but you can set up a process where everyone that uses that road can be taxed. So, it is not just those properties that abut the road. As the young lady was saying, they are not facing the road, they are back from the road, but they are willing to pay. That happens with a lot of property owners. They are saying, "I am not on the road, but I am willing to pay," but we couldn't get the 2/3 of the signatures from the ones that were on the road. So, that is an option to look at. When the young lady and that gentleman were saying that there may not be able to pay. Maybe they don't make that much money or they may be elderly. To them \$50 per month may be a lot of money. But, there may be property owners behind them that are willing to go in and join that MPO and they will get in there and be willing to pay their part. That alleviates a big strain on any of them. These are all options can be looked at.

I MOVE APPROVAL.

Croley:

I have a question before the motion.

Taylor:

There is a motion already put out there, sir.

There is a motion on the floor. Is there a second?

**Lamb:
Second.**

**Taylor:
There is a motion and a second.**

Your question, sir?

Croley:
I would like to ask Mr. Chapman a question, please.

Chapman:
Madam Chair.

Taylor:
Go ahead, sir.

Croley:
Mr. Chapman, good evening. I want to compliment the folks that have been advocating this effort. I recognize and appreciate the concerns expressed by those who have reservations about it.

I notice in the legal analysis that was prepared by Ms. Minnis, the county attorney, on this subject. It specifies that you have to have 60 ft. of right-of-way. Is that correct? Am I misunderstanding that?

Chapman:
In most cases that is correct and we would have to confirm. But, I do believe that is correct.

Croley:
And that the minimum of 20 ft. of pavement and that can be given a variance by the director of Public Works, but the minimum right-of-way stands?

Chapman:
Right. The purpose of the right-of-way is myriad. There are a lot of uses for that right-of-way.

Croley:
And is the assessment of the paving costs including all the preparation and grading, drainage and all of those costs go into these projects. Is that correct?

Chapman:
Right. The cost estimate that was delivered to the residents in question did include the construction costs. What is not taken into account as of yet is of the expenses incurred by hiring a

consultant to put the tax roll together, to do the formal assessments, etc. Those are unforeseen costs that we have not crossed that bridge at this time to get those quotes.

Croley:

So, what estimate have they got now?

Chapman:

They have the construction estimates, which includes the grading, the lime rock base, the paving, etc.

Croley:

How much is that?

Chapman:

I am not familiar enough with that to give you a number off the top of my head.

Williams:

I think it is \$52,000.

Brooks:

\$52,900 – right at \$53,000, sir.

Croley:

Alright. Let me go on with the other question.

Is the assessment made by linear feet of road frontage or is it by the number of parcels?

Chapman:

I would defer to the county attorney, if I am incorrect, but I believe that the assessment, once it is done to develop the tax roll is developed by linear footage of frontage upon the road.

Croley:

So, if you happened to have more than just a small lot on a road, you are going to pay a lot more money?

Chapman:

I believe so. It is per size of the lot and the linear footage on the frontage of the road.

Croley:

O.K. Then my final question. Do you have other petitions under this same program that were pending before this one came up?

Chapman:

This morning I had staff to reveal that there may be two, but they were not confirmed and that is something that I would have to research depending on your action tonight to make sure that we are dealing with the proper petition at the proper time.

Croley:
O.K. Thank you.

Taylor:
There is a motion and a second to move forward with this item. Are there any other questions. (No response.) All in favor please make it be known by saying, "Aye."

Holt:
Aye.

Morgan:
Aye.

Lamb:
Aye.

Taylor:
Aye.

Opposed?

Croley:
No.

Taylor:
Make that 4 – 1 to move forward.

GENERAL BUSINESS

12. Approval of EMS Medical Director Contract with Dr. Jose Santana (Revised Material Provided)

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH DR. SANTANA .

13. Approval of Contract with Accounts Receivable Inc., Collections Agency for Bad and Outstanding Debt for EMS Services

Don Crum addressed the board explaining that the award of this bid was brought to the board several weeks prior to this meeting. Some legal issues arose with the lowest bidder and they were ultimately disqualified because they were not licensed in the State of Florida. Accounts Receivables, Inc. was the next lowest bidder and he recommended that they be awarded the bid.

Holt:

We need to see who the other bidders are. They are not in here. If there were three bidders, we need to see what those three vendors bid. I understand what you said when you said you had to take one off. But, what I am saying, Mr. Manager is that we have to look at who the bidders are in any bid.

Taylor:

That is true. You are absolutely right, but let me share just a little history on this. They have gone through the process. I think the one we are looking at tonight is the one that was second. The first one didn't have a license to operate in the State of Florida. What we had to do was go through and make it legal so that we could move on to the second bidder. We have a very good one here. I know you have to take my word and that is pretty good in certain areas. But, if we could move on it, I can assure you that this is pretty good. I read the dossier on it. It is pretty straight forward. But, in the future, you are right. We should have all of them.

Holt:

I don't have any problem with it. There were only two bidders?

Crum:

No, there should have been a bid tabulation sheet . There was not a bid tabulation form at the very end?

Taylor:

No.

Holt:

That was my concern. The bidders – we need to see who they are. That way, we can make some decisions. I don't have any problem with voting for this since it has already been up here, but in the future, we need to know who the bidders are. That way, when we are challenged by some people that we have never seen the writing on.

Taylor:

We got it. We got it. In other words, we had a list of the bidders from the previous meeting a month or so ago. But, they are missing in this. There is supporting documentation on this.

Holt:

O.K. No problem. No problem.

Taylor:

Can I get a motion for approval?

Holt:

I move approval.

Morgan:

Second.

Taylor:

We have a motion and a second. Are there any questions?

All in favor of this motion, let it be known by saying, "Aye."

All:

Aye.

Taylor:

Opposes?

(No response.)

The motion carried at 4 – 0. (Commissioner Lamb was not present for this vote.)

UPON MOTION BY COMMISSIONER AND SECOND BY COMMISSIONER, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH ACCOUNTS RECEIVABLES INC.
(Commissioner Lamb was not present for this vote.)

14. Approval of [Library Plan of Service 2010-2011](#)

Dr. Carolyn Poole presented the Plan of Service for adoption. A brief discussion followed among the board.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE LIBRARY PLAN OF SERVICE FOR 2010-2011. (Commissioners Lamb and Holt were not present for this vote.)

15. Approval of [Change Order Number 1 with C.W. Roberts Contracting, Inc. to the Small County Road Assistance Program \(SCRAP\) for Sycamore Road - Florida Department of Transportation \(FDOT\) Contract](#)

Williams:

Item 15, Madam Chair, is a approval of Change Order 1 on Sycamore Road. This is a SCRAP project of over \$1 million, \$1.3 million. This is to capture and save \$145,641 that would otherwise have to be returned. We are actually expanding the project by that amount.

Morgan:

Madam Chair, I move approval.

Taylor:

There is a motion on the floor. Is there a second?

Croley:

I will second it.

Taylor:

There is a motion and a second. Are there any questions?

Croley:

Yep. This additional work involves – I've looked here – temporary striping, turnout construction. What do you mean by all of that?

Chapman:

Basically, the scope of work that we are looking at under Change Order # 1 is to improve on the dirt roadways with a 100 ft. paved apron on each one of the dirt roadways. This is two-fold in its methodology. One is to enhance and to preserve the current paving, the resurfacing that we have already done on Sycamore Road, Number 1. Number 2 - it is a safety precaution that we are putting in so our motor graders who currently have to back up into this arterial roadway will no longer have to do so to turn around. They can turn around in the 100 ft. apron.

Croley:

That is good enough. I move the question.

Taylor:

Move the question. All in favor, let it be known by saying, "Aye."

Morgan, Croley, Taylor:

Aye.

Taylor:

Opposed by the same sign.

(no response)

Make that 3 – 0 for Item Number 15.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE CHANGE ORDER NAMED ABOVE.

(Commissioner Holt and Commissioner Lamb were not present for this vote.)

16. Approval of Contract with [Ash Britt](#) for Emergency Debris Management Service

Williams:

Madam Chair, Item 16 involves employing a second emergency debris management service. We are required to have two. We have one already – Grubbs Emergency Services. They have been around for nine years, but we are required by our emergency response plan to have two. Charles, did you send out an RFP, you and Arthur?

Chapman:

Correct.

Williams:

This is the response to that. I hope we don't ever have to use them.

Croley:

I move approval.

Taylor:

We have a motion on the floor for approval. Is there a second?

Morgan:

Second.

Taylor:

There is a motion and second. Are there any questions?

(no response)

All in favor of this motion, let it be known by saying, "Aye."

Morgan, Croley, Taylor:

Aye.

Taylor:

Opposed – same sign.

(no response)

Motion carries 4 – 0 for Item 16.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH ASH BRITT.

17. Approval of Bid Award 10-02 to Aramark for County Employee Uniforms

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE BID AWARD TO ARAMARK FOR COUNTY EMPLOYEE UNIFORMS. (Commissioner Lamb was not present.)

18. Approval of Emergency Generator at the W.A. Woodham Building and Budget Amendment

There was a great deal of confusion during the discussion that follows that basically centered around different understandings of the terms: "reserves for contingency," "contingency funds," "fund balance" and "cash forward." There was also confusion regarding where the money would be taken from to fund this purchase as well as whether there should be a public hearing on the

budget amendment. In the end, the board voted to table this matter until it could be scheduled for a public hearing. However, subsequent to the meeting, the staff and the finance department determined that a public hearing would only be necessary if they proposed to use "unbudgeted fund balance", which some commissioners had referred to as "reserves." It was the impression of the commissioners that the staff was proposing to use the "unbudgeted fund balance." In that event, it would increase the overall budget, thus would require a public hearing. Otherwise, If they intended to use the "budgeted reserves for contingency," then a mere resolution of the board to transfer the money would be adequate just as the budget amendment on the agenda reflected.

In the meantime, Building Official Clyde Collins held a discussion with Ring Power about a lease purchase option (suggested by Commissioner Morgan) which provided another option for the board's consideration. The matter was reconsidered at the December 7th meeting when the board voted to approve a lease purchase agreement making it unnecessary to move as much money around within the budget. However, it was still necessary to move \$92,000 for the installation cost. The matter was discussed again on December 21 along with a budget amendment and resolution authorizing the transfer of \$92,000 from the budgeted "reserves for contingency" account. (The \$92,000 was part of the overall proposed generator project cost of \$170,670.00 from the beginning.) It was approved.

When the board was presented the minutes of their November 16th meeting, they voted to approve the minutes with the condition that an explanation be made a part of the minutes explaining the events that took place following November 16 that altered the actions and directions given by the board on that evening. It is for that reason that this explanation has been added by the recording secretary.

Williams:

Item Number 18, we have had a lot of discussion. This is approval of the emergency generator at the Woodham Building. We have had a great deal of discussion about this. It involves a budget amendment to bring money up out of retained earnings, which we didn't really have any where else to get it. This is a complete unit as I understand it. It involves \$170,670 and Clyde knows all about it. He has all the answers.

Collins:

I don't know if I have all the answers or not, but we will try.

As you know, we have had a lot of problems with the generator at the W.A. Woodham Building. It is just not big enough to carry the load. Anytime we have a power outage, it is subject to work or it may not work. It usually cranks, but it just does not have enough amperage to run the building. We wind up with me being called or Robby Maxwell gets called and we have to come in and try to shut breakers off so that we can keep up our 911 and Emergency Management up.

We have tried. We have had surveys and we came to the county commission not long ago. I think it was Mr. Croley that brought it up that we should get an engineer to get a power study done on the building. We did that. We came to the conclusion that there were two options. One was to make sure that the whole house generator would work or either we could come back and just do part of it. With the study, we found out that it would be better and a lot easier for everybody and

it would work if we just bought a generator that would carry the whole entire building.

In your packet you have all the bid process, the generator, and the studies that the architect and the engineer made.

Taylor:
Commissioners?

Croley:
I have a question.

Taylor:
Commissioner Croley.

Croley:
About the budget first. Mr. Administrator, doesn't this action – if I am looking at your budget amendment, doesn't it say that the money has got to come from reserves for contingency? Does that mean from the Cash Balances?

Williams:
Yes.

Croley:
I thought you had to have a public hearing when you move money from Cash Balances to a Department budget. Is that not correct, Mr. Attorney?

Williams:
I am not sure. Jeff?

Glazer:
I don't know that one right off the top of my head.

Williams:
We have done it both ways since I have been here. I can remember Sherrilynn and the Clerk. One said we did and the other one said we didn't. I am not certain.

Croley:
I know you didn't have to have a public hearing to move it interdepartmental or within a fund, but I just noticed that you've got two things sandwiched here into item. The issue of the equipment is one thing, but the moving of the money may be a separate thing?

Williams:
We may need to have a public hearing. We need to table it until the next meeting.

Taylor:
Commissioner Holt?

Holt:

I need to ask a question right quick. So, tell the urgent need for this and how are we looking at this and the process itself. What do we need to do?

Collins:

We need to figure out a way to get this generator working so that our 911 will stay up during a major event.

Holt:

So, this is a very important.

Collins:

Yes, ma'am.

Holt:

O.K. I just need to hear that urgency. So, now we need to just move the money. Where do we move it from ? There is money, you say, in the general fund for this?

Williams:

There is money in retained earnings. You have heard the Clerk say and you have heard me say many times that our balances are not what they should be. We are trying to increase them and they are increasing. We hope to get them up to about \$5 to \$6 million one day. But, this is an emergency really. Fortunately, we are out of the hurricane season, but we could have tornados coming. So, sometimes, you have to do what you just have to do.

Holt:

I wanted to say right quick that if we cannot do this tonight, I really wanted to look at it on the next meeting.

Taylor:

It is not a public hearing. That is the only problem, this is not a public hearing.

Holt:

It may not require a public hearing. We don't know that yet.

Taylor:

Let me just lend to Muriel. When you are increasing the budget, do you have to have a public hearing?

Straughn:

When you are increasing the amount of the overall budget, you must have a public hearing.

Holt:

But, we are not increasing the amount of the overall budget.

Croley:

Yeah we are.

Taylor:

Yes, you are. If you will be taking money out of reserve and putting it in your budget , you are increasing it.

Holt:

I understand that, but you were saying that there is so much in reserves. So, you are saying that we cannot use our reserves.

Morgan:

It is not budgeted.

Holt:

I understand, I understand what you are saying, but I was talking to her.

Straughn:

If you increase your budget overall, you must have a public hearing.

Holt:

O,.K. I get you now. I was thinking that when we were talking about taking it out of reserves, it was in the budget. Thank you very much.

Taylor:

Are you finished, Commissioner?

Holt:

Yes.

Taylor:

Commissioner Croley?

Croley:

We don't have reserves. We have Cash Balances. You can take it out of the unencumbered funds.

Williams:

I always call it by a different name.

Croley:

The bottom line is basically the same.

Now, I brought this item up some time ago. It is an emergency and it does need to be addressed. I don't think that what you have here is out of order or that it doesn't make sense except for the fact that if you are moving forward, you need, as big as this generator is, you are going to have to do something with the sound abatement. I believe you also had that in here. Does the \$170,670 include the sound abatement?

Collins:

Yes, sir. It is 25db decibel sound proofed enclosure. That is what you have to have because it is so close to the building and close to other properties.

Croley:

And, you have already confirmed that the Caterpillar is giving us the best deal on the generator and you've got the benefit of a state contract and it is below that?

Collins:

Yes, sir. I actually did some more research today. I called Flint, but they don't do very much with generators. The nearest other dealer was in Jacksonville.

Croley:

O.K. Well, it looks like to me that we need to have a public hearing and schedule this as required.

Taylor:

Commissioner Morgan?

Morgan:

This, definitely, I agree that this is a need, not a want. I do have a couple of questions.

Mr. Administrator, is there nowhere else, or Mr. Price, either one, in our budget that these funds may come from rather than fund balance? Have we looked at that option?

Williams:

Last year, in Clyde's budget, we had a lot of things that just didn't get done that freed up some money and things may happen that way along the road.

Morgan:

Have we explored other options other than fund balance?

Williams:

Well, there just really aren't any that anybody knows of.

Morgan:

Have we looked at the possibility of leasing this piece of equipment as opposed to owning it?

Collins:

No, we did not.

Morgan:

Would it make sense to do that? We don't want the equipment, but we want what it does. This might be a way to avoid using fund balance even though it may actually cost a bit more money if we were to own it in the long run, not a lease to own type thing, but would it make sense to consider leasing this where we don't have to drain our fund balance so drastically. Or, if leasing isn't an option, have we asked Caterpillar about paying for this piece of equipment over five years

at a no interest type situation. I am sure they want to sell whatever equipment they can right now.

Collins:

They didn't say anything about that. They just said that we had to pay for it within ten days after I receive it.

Another thing about the generator is that it is going to be a permanent mount. You might could lease one that you could move or that is on tires, but I don't know that you could this one. It is going to be permanently wired and permanently attached to the concrete slab.

Morgan:

In addition to the actual cost of buying the equipment, we are going to have upkeep and ongoing costs. This is going to be something that we are going to have for a very long time.

Collins:

Yes, sir. It cost \$245 every quarter for them to come out and do a maintenance look at it. And, it costs you \$900 and something to do a load test.

Morgan:

Again, this is something that we obviously have to address. I don't know what makes most sense as far as how we do this. I would ask as we move forward, if the board would consider asking the questions of Caterpillar – Is there a way to do this over a period of time rather than outlay this cash all at one time. Additionally, these are the kinds of things that we need to be mindful of when we are making decisions on things like we talked about before when we talked about the Health Department. Again, that is very important as well, but we have to prioritize our needs and we are already spending \$220,000 here at the drop of a hat tonight that we did not have budgeted before. We are doing exactly what we were doing in years past. We have made so much progress and I would just ask very sincerely that this board consider what we are doing and maybe we can accomplish this without having to attack our fund balance so drastically at this point in time. That is my only concern. I do see the need. I agree with that and it is something that we should do. It is extremely important for the safety of the county citizens.

That is all I had.

Collins:

It is very important that we do this.

Taylor:

You know, going back, we never defined "emergency." If we had a definition, then it would supersede some of the rules as far as having to have a public hearing for being able to get an item that is indeed an emergency. I just may have to delay this because our next public hearing will be on the 16th of December or whatever the third Tuesday of December is. At this point in time, we will have to simply hope that nothing happens that warrants disaster. But, the rule is such as it is at this point. I have to say that the county administrator – you all dropped the ball on this one. When you know that there is going to be an increase in your budget, automatically, you know that

it is going to have to be a public hearing. It puts us at a disadvantage when we can't vote on such an important issue as this. But, rules are in place for a reason and that is for us to follow. So, this item must be agendaed for the third Tuesday in December.

As well, Clyde, Commissioner Morgan did have a point of interest - to look at options. I can understand your summation and the fact that this is going to become a permanent fixture. So leasing will be an option because if we could get the chance to pay for it over time, it would limit the impact on our present budget. That wouldn't be a bad idea.

Collins:

I can look at that. Here again, I don't know that they will do that, but I will ask the question.

Taylor:

Well, that is all you need to do. Simply ask. Right now, the third Tuesday.

Croley:

May I ask a question?

Taylor:

Sure. You have a question?

Croley:

When is the next 6:00 meeting? 6:00 p.m.

Taylor:

The third meeting in December. 21st.

Croley:

This is the 6:00 p.m.?

Taylor:

Yes.

Croley:

Alright, I was just trying to get it straight in my mind.

As far as an "emergency," the generator they have is a perfectly good generator as far as it is running. The problem is that it won't carry the load so they have to manually do a lot of shut downs, which may or may not be at a convenient time for the officials. So, we do have time to get this done in accordance to the law.

The generator you have does run, doesn't it?

Collins:

It does, yes, sir.

Taylor:
Let's motion to pull this item and table it.

Morgan:
So moved.

Croley:
Second.

Taylor:
There is a motion and a second. Are there any questions? (no response) All in favor of tabling this item for our next public hearing meeting which will be the 21st of December – all in favor of that, please let it be known by saying "Aye."

All:
Aye.

Taylor:
Opposed, same sign. (No response.)

Make that 4 – 1 to table this item .

Glazer:
That is 4 – 0.

Taylor:
4 – 0. Help me out. I am new at this, you know.

19. Confirmation of Appointment of Charles Chapman as the Public Works Director

Williams:
The next item is seeing confirmation of the employment of Charles Chapman as the new Public Works Director. As you know, he has been in that active capacity now for at least two months, maybe more. Charles has the five years of supervisory experience. He has a master's degree. His experience has been in local government. He is an outstanding young man who will do an excellent job at anything you give him to do. And, he has spent over 700 hours working with Public Works. I have had him assigned to Public Works for the entire time that I have been here. I strongly recommend him.

Taylor:
Thank you. There is an individual who wishes to be heard on this item. That is **Charles Poucher**. Please come forward, sir. If you would not mind, state your full name and your permanent address.

Poucher:

My name is Charles Poucher. 1720 Telogia Creek Road, Quincy, FL

To start off with, I am withdrawing my application for employment with the County as the Public Works Director. However, I do have some questions concerning this position that I would like to address to the board.

After firing and rehiring of Mr. Robert Presnell, it appears that Mr. Presnell was appointed to Mr. Charles Chapman's position as administrative coordinator and Mr. Chapman was appointed the interim Public Works Director position, which Mr. Presnell had held. My question to this board and to Mr. Williams is - Was there any reason to seek employment applications from others for Mr. Presnell's position? It appears to me that these positions were switched.

Taylor:
Mr. Williams.

Williams:
We always have open competition for all positions.

Poucher:
That wasn't my question. My question was - Was it predetermined that the dismissal and rehiring that Mr. Chapman would take this position?

Williams:
Pre-determined?

Poucher:
At the time that Mr. Presnell was fired and rehired.

Williams:
No, sir.

Poucher:
Second question. The county has had only one professional engineer in Public Works as the director that I know of. Since a large portion of our tax paying funds go toward Public Works and the Road and Bridge Department construction and maintenance make up the major portion of that department's expenditures, does it not stand to reason that the engineer that heads that department be an engineer or have a background in engineering?

Williams:
Sir, we were hiring a Public Works director, not a county engineer. We already have a county engineer under contract right now.

Poucher:
A professional engineer?

Williams:

Yes.

Poucher:

The third question I've got. As the board is aware, on my email of November 12th to Mr. Williams and which you were emailed copies, the board was, Mr. Williams has been evading two questions that are still unanswered. That being, of the four interviewed for the public work's director position - are any of the three professional engineer applicants interviewed? And why was I shuffled off to other county personnel when I tried to contact Mr. Williams several times by phone about the public works director position?

Williams:

Were the other civil engineers interviewed?

Poucher:

That is correct.

Williams:

Yes, sir, they were. Although as far as pushing you off, I would not say that I was pushing anybody off.

Poucher:

I didn't say pushing. I said shuffled.

Williams:

We hire and fire people almost on a daily basis. If everybody that doesn't get hired has to come see me, I would do nothing else.

Poucher:

Mr. Williams, this position has been open for 10 weeks. I called your office to see if the position had been filled during this period of time. The first time was after a month had gone by. I couldn't get an answer.

Williams:

Sir, if you will come to my office, I will be happy to answer any questions that you have. But, personnel matters are very sensitive and we normally do not discuss them at all in public.

Taylor:

Excuse me, Mr. Poucher. I can appreciate your line of questioning, however, this is a "Citizen to Be Heard" item. You really can't go back and forth with questions from the administrator. So, what we will ask at this time is that you state your opinion or your feelings or your concerns, then we will give you further directions on what should happen from there. So, just give us a statement of your issue or concern at this time.

Poucher:

My concerns are that public works department is not ran by a professional engineer. It is ran by or it is going to be ran by a person who has an education master's degree. How can a person with

a education degree run the road department without some kind of knowledge about how to build a road? For instance – here is one thing – Sycamore Road was brought up a while ago. The county went in there, put brand new thermal plastic stripping and delineators. Within a month's time, they were taking a motor grader and clipping the delineators off and grinding the asphalt and relaying the asphalt. All this money this county spent on this thermal plastic striping and delineators was gone. For nothing. You understand what I am saying? I tried to contact Mr. Williams office. Ten weeks is a long time for somebody to get an answer – whether you aren't qualified or so on and so forth. But, in the job description, it said that a Florida professional engineer is preferred.

Williams:
That is not correct.

Poucher:
I've got a copy of it right here. If you will allow me to read it.

Minimum qualifications: Require a bachelor's degree in civil engineering, architecture, business or public administration or related field and five years of direct related professional management experience, preferably in a local government setting. A master's degree in a related field may substitute for one year of the required experience. Comparable training and experience may be substituted on a year for year basis for the required degree. Must possess a valid Florida Driver's license. Prefer Florida registration as a professional engineer.

Taylor:
Mr. Poucher, I can appreciate your issues and your concern, but let me share with you that this board does not and cannot have any input on who the county administrator hires to run this county government. We can only confirm. So, if he makes a recommendation to us based on his evaluation and what he and his vision is for this county, then this board now gives it consideration. I can appreciate your concern, I really can. But, because of our limited responsibility about who gets hired and who not gets hired, there is not very much that this board can do.

Poucher:
I am not asking for who gets hired. I am asking the board to restrict or put limits on who gets a position with the experience. If you need a professional engineer, you need to put one in there. You don't need to take a right hand man from the county administrator that is under his wing and put in that department. If you do, we will never end up with a professional engineer as the director.

Taylor:
At the risk of going back and forth with you.

Poucher:
I understand and I will let you go on about your business.

Taylor:
I certainly appreciate your input here this afternoon.

Mr. Administrator, you were asking to confirm the appointment. Are there any other comments from the audience? If not, Commissioners, Item 19.

Croley:
I move approval.

Taylor:
There is a motion on the floor. Is there a second?

Morgan:
I will second it.

Taylor:
We have a motion and a second on the floor, are there any questions?

Holt:
Question.

Taylor:
Commissioner Holt.

Holt:
Mr. Manager, you have in your literature on page two, first paragraph that says, "There has been an increase in productivity from 30% - 55%." Can you list the areas where you found that evidence so that I may find them also.

Williams:
It is literally across the board.

Holt:
I need to know where you found it because if you put percentages in here, we go back to a liability issue.

Williams:
Liability.

Holt:
Don't worry, the lawyers are already calling.

Williams:
Liability for what, now?

Holt:
You are saying that there has been an increase in productivity – it has gone from 30 to 55%. So, I need to know where you got that information from.

Williams:

It is from personal observations.

Holt:

I need to know what you were looking at.

Williams:

Ma'am?

Holt:

What were you looking at? What areas?

Williams:

We looked at every single area over a period of a year and a half.

Holt:

What were some of those?

Williams:

What were those? I suspect there were probably one hundred reports on it.

Holt:

O.K. I need to get a copy of those reports.

Williams:

Done.

Holt:

And, I am probably going to need them within a week or two.

Williams:

I will refer that to the board, whether or not I should provide that information. I assume it is a public record.

Taylor:

I think you should provide that to her.

Williams:

I will certainly do that.

Holt:

Yeah, I need to get those copies. That way, it will not be a problem later on if you state that. Especially after a law suit, you are looking at concerns.

Williams:

I am not going to get into the law business. I am going to let Mr. Glazer handle that.

Holt:

He can concern himself with that and as you know, we did not win. So, what I am saying is when you make statements like that, we need to make sure that we have the evidence that backs that up. As I said, I got some calls on it. So, when you get calls, then you need to react and be able to calm people down or not. So, if you have reports on those, I need to get copies of those.

Also, Madam Chairman, I am not disagreeing or agreeing with anything that is in here other than that particular statement. As far as Mr. Chapman, I like Mr. Chapman. I think Mr. Chapman will do well no matter what his area would be because he is a hard worker. But, I do have a concern with not putting somebody that is qualified in that area and that has experience in that area. I don't know what the end results of the situation with Mr. Presnell. I wasn't here. But, if Mr. Presnell is working here, he has the experience in this area. Why not just put him in there and let him go to work?

Taylor:

Again, Commissioner, you well know because you have quite more experience than I do that the personnel is strictly up to the responsibility of the county administrator.

Holt:

Right. I am just saying that these are questions. I am not debating that. But, now there are areas where we would have to look at that even on an evaluation. But, you do look at that because no matter what he does, the manager does, the county commission is the one that is sued and not the manager. So, if the manager does something that does break the law, we are sued, the board itself, not the manager. So, we are liable where his decisions come in at. We can't micro manage, but we have to know that we are liable. As I said before, I am interested in someone who either has experience or they have the qualifications for the area. Now, I have a degree in education, too, so I can say the same thing. I don't know if I could build a road, I am sure I couldn't. Those are my only two concerns.

Taylor:

There is a motion on the floor and a second for Item 19. Are there any other questions?

There being none, all in favor of this motion, please let it be known by saying, "Aye."

Morgan: Aye.

Croley: Aye.

Holt: No.

Taylor: No.

Taylor:

That motion fails for lack of a majority. I don't know what happens next. My only issue and concern is after listening to the description of that job, going forward, it makes me a little leery about any legalities coming back against us. That is where I am at.

Because it died, here is what needs to happen. Obviously, we are going to need a full board to look at this item again. So, if I were you, I would go ahead and table this to the next meeting.

Croley:
We have already voted it down.

Taylor:
We voted it down.

Croley:
It died.

Taylor:
It died, it didn't get voted up or down. You can decide how you want to handle it going forward. Let me just leave it at that.

Williams:
What was the actual action here?

Croley:
It was a tie.

Taylor:
It was a tie vote, which means that the motion that was on the floor did not pass.

Williams:
It means that you failed to confirm.

Taylor:
The motion on the floor was to confirm. That motion did not pass.

Williams:
What I would propose is to seek confirmation again at the next meeting with a full board.

Taylor:
O.K. That is not a problem. I would rather for you to do it that way.

Williams:
I think that would be the way.

Taylor:
That will be the way to go. Thank you for your time.

COUNTY ADMINISTRATOR'S AGENDA

20. Update on Board Requests

Mr. Williams had no items for discussion.

COUNTY ATTORNEY'S AGENDA

21. Update on Various Legal Issues

Mr. Glazer had nothing to report or discuss.

DISCUSSION ITEMS BY COMMISSIONERS

1.

a. **Commissioner Morgan, District 3 –**

- **Replacement Appointment for the Library Commission –**

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO APPOINT MR. PAUL MAZOTTA TO THE LIBRARY COMMISSION TO REPRESENT DISTRICT 3.

Resolution 2010-044

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE RESOLUTION 2010-044 IN OPPOSITION TO THE STATEWIDE APPLICATION OF NEW SEPTIC TANK INSPECTION AND REPLACEMENT. IT ALSO CALLS FOR REPEAL OF THE LEGISLATION.

- He congratulated Commissioners Holt and Croley on their re-election.
- He asked the board to focus on sound fiscal decisions to continue the progress that the board has made.
- He then asked that the board set aside “politics” when it is appropriate. He spoke specifically to the confirmation of the public works department. He stated a number of ways that productivity could be measured. He stated that he was disappointed that the board failed to confirm the appointment.

b. **Commissioner Holt, District 4**

- She reported that she had met with a group out at the old Jai-Alai who is interested in purchasing the property. The prospective tenant proposes to bring 100 jobs. They have already purchased two other facilities in Florida. They inquired about any county incentives that the county could offer. She asked that the matter be brought back on the next agenda. She could not give a specific name of the group.

- She inquired as to how much money was budgeted for the courthouse improvements. Mr. Collins stated that they were attempting to allow the accumulation of the traffic fines to build until there is sufficient money there to repair the roof on the courthouse. As of 11/15, it had accumulated to \$82,000.
 - She recalled that there had been \$300,000 for courthouse renovation. She said, "I am trying to find out where those dollars are." Neither Mr. Williams nor Clyde Collins knew of such money. Her primary concern was for the safety of the judges. In particular that they would not be required to share the bathroom facilities with people whom they have rendered judgments on in the courtroom. She asked Mr. Collins to come back to her with some figures for remedying the issue.
 - She stated that she had received calls from four individuals regarding the pictures hanging on the walls of the emergency room. They felt that blacks are represented well in the photographs.
 - She inquired about staff to write grant applications. She suggested that the administrator to put some feelers out to get somebody to write grants. Perhaps someone might be interested in doing this based on administrative fees.
 - Lawsuits – She remarked that there are several lawsuits pending and more are anticipated. She asked the board to take a serious look at the administration of the county and get prepared to abate future lawsuits.
 -
- c. **Commissioner Croley, District 2 –**
- Report and Discussion on Public Issues and Concerns Pertaining to Commission District Two and Gadsden County
 - He thanked the people of District 2 that re-elected him to office. He committed to them his best efforts and his guiding principles.
 - He congratulated Commissioner Holt on her re-election and to Commissioners Taylor and Morgan upon election of Chair and Vice-Chair respectively.

Amendment to the Agenda

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0 TO AMEND THE AGENDA AT THIS JUNCTURE TO ALLOW ACTION ON THE APPOINTMENT OF COMMISSIONER CROLEY TO THE CAPITAL REGIONAL TRANSPORTATION PLANNING AGENCY. (CRTPA)

Appointment to the CRTPA

- **UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO RE-APPOINT COMMISSIONER CROLEY TO THE CRTPA.**

- Planning Commission attendance record. He asked the matter be placed on the agenda because there needs to be a policy to deal with absenteeism.

d. **Commissioner Taylor, District 5** –

Chair Taylor congratulated Commissioners Croley and Holt on their re-election. She pledged her effort to find common grounds on the commission. She asked that everyone make sure that hidden agendas are left at the door.

She thanked Judge Garner for sitting through the long three-hour meeting.

e. **Commissioner Lamb, District 1** – Not present

23. RECEIPT AND FILE

- a. For the Record: Letter from the Tax Collector Regarding Unused Fees for the Fiscal Year 2009-2010 – returned \$111,013.30
- b. For the Record: Letter from the Property Appraiser Regarding Unspent 2010 Budgeted Funds and Income from Map and Copy Sale; Return of \$36,285.46.
- c. For the Record: Letter from the Property Appraiser Regarding CRA Incremental Increase in Taxes for the City of Quincy and the Town of Havana
- d. For the Record: Letter from FDLE Regarding Receipt and Acceptance of all Financial and Programmatic Reports – Contract Number 2010-ARRC-GADS-2-W7-193
- e. For the Record: Letter from FDLE Regarding Receipt and Acceptance of all Financial and Programmatic Reports – Contract Number 2010-ARRC-GADS-6-W7-054
- f. For the Record: Letter from Florida Department of Revenue Regarding Truth in Millage (TRIM) Certification
- g. For the Record: Letter from Florida Department of Revenue Regarding Maximum Millage Levy Calculation Final Disclosure
- h. For the Record: Letter from FDLE Regarding FCIC/NCIC Audit

December Meeting(s)

- December 7, 2010, Regular Meeting, 6:00 p.m.
- December 21, 2010, Regular Meeting, 9:00 a.m.

ADJOURNMENT

UPON MOTION BY COMMISSIONER HOLT AND THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 9:15 P.M.

Sherrie Taylor, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONER HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON TUESDAY, DECEMBER 7, 2010 AT 6:00
P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

Present: Sherrie Taylor, Chair, District 5
Gene Morgan, Vice-Chair, District 3
Eugene Lamb, District 1
Doug Croley, District 2
Brenda Holt, District 4
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

Invocation, Pledge of Allegiance and Roll Call

Chair Taylor called the meeting to order at 6:00 p.m. then led in a prayer and the pledge of allegiance to the U.S. flag.

Deputy Clerk Muriel Straughn called the roll. All members were present as noted above.

Amendments and Approval of Agenda

The following changes were made to the agenda:

- Added to Item 13 - Proposal to have a "Kick-Off Retreat" for all county employees.
- Item 13 e was moved to General Business - Appointments to the Small County Coalition
- Added to Presentations and Appearances Agenda - Update on the Lake Talquin Dam Project by City of Tallahassee to the Awards,

Commissioner Holt commented that she had asked that the possible purchase of the Jai-Alia be added to this agenda, but it was not included. She stated that there is a group that is interested in purchasing that property. However, there was a consensus that it should be placed on a future agenda and the county administrator should inform Commissioner Holt of that date.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED.

AWARDS , PRESENTATIONS AND APPEARANCES

1. Public Appreciation of Rural Hospital Concept Citizens Committee Members

Chair Taylor presented plaques of appreciation to some of the citizens who served on the citizens advisory committee that led to the successful endeavor to re-open the Rural Emergency Hospital in Gadsden County.

Bert Fletcher , Anthony Thomas, Dave Trenchard, and Ron McCloud were present. Those not present were: Scott Whitehead, former Florida Senator Fred Dudley, Sherry VanLandingham, Arrie Battles, Harvey Rogers, Dr. Sterling Watson, Rev. John Battles, Sam Hawkins, Sam Palmer, Dr. Pat Woodward.

Recognition of Eugene Lamb for His Leadership as Chair for Two Years

Chair Taylor commended former Chairperson Lamb for his contribution as chair for two years during a very tumultuous time. In turn, Commissioner Lamb made a few remarks and pledged his continued best effort.

1a. Update on the Lake Talquin Dam Project by City of Tallahassee

Building Official Clyde Collins introduced Treveny Saint, Interim Production Manager for Tallahassee's Electro Department. In turn, Mr. Saint introduced Mr. Gordon King, Plant Manager for Corn Hydro; Dean Thompson, supervisor of the Corn Hydro facility; Carl Bower, person overseeing the dam upgrade at Lake Talquin.

He reported that the project is well underway and should be completed in May 2011.

Commissioner Holt recalled that residents from Liberty County had a lot of concern that the Lake Talquin overflow that might possibly affect them as being south of the project. She asked Mr. Saint how they expect to deal with those concerns.

Mr. Carl Bower responded by saying, "I am Carl Bower and I am overseeing the project down there on the dam. In addressing the objections to the Northwest Florida Water Management District Permit that we received - there were some objections, mainly from the people downstream. We did address that by modifying our operations of the dam. Outside of this project, this project - it was fully understood by us and by our engineers that there would not be any significant changes to the flooding downstream, but because of the appearance of a potential for flooding, they asked us to do some further effects to our operations of the dam. We did do that. Once this construction is completed, we are going to change the operation of our flood gates to not have any increases or decreases in the flooding and the severity of flooding and the frequency of flooding downstream. It will remain exactly as it existed prior to the construction start."

CONSENT AGENDA

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED TO APPROVE THE CONSENT AGENDA (ITEMS 2 & 3) TO WIT:

2. Approval of Minutes
September 8, 2010 Tentative Budget Hearing
October 5, 2010 Regular Meeting

October 19, 2010 Regular Meeting
November 2, 2010 Regular Meeting

3. Ratification of Approval to Pay County Bills
- | | |
|-------------------------|-------------------|
| Accounts Payable Dated: | November 19, 2010 |
| | November 24, 2010 |
| Payroll Dated: | November 18, 2010 |

CITIZENS REQUESTING TO BE HEARD ON NON AGENDA ITEMS

Terry Presnell, 914 West Magnolia, Quincy, FL addressed the board on behalf of the “Three Feet Please Program.” He explained that he is a tri-athlete and has been hit by cars on two occasions while riding his bicycle that resulted in serious injury and a lengthy recovery. After the last accident, he said that he got involved with the Three Feet Please Program which promotes public awareness of the laws governing bicycle traffic on the highways. (One of the laws he emphasized was that when a vehicle passes a bicycle, the driver should allow three feet to get around the cyclist when passing.)

He then stated that the Leon County Commissioners allowed the program to put bumper stickers on the county vehicles to remind motorists to abide by the law when approaching bicycles. He asked to be placed on a future agenda to explain the program more fully and to ask for the county’s cooperation to implement the program locally.

Chair Taylor asked Mr. Presnell to meet with the county administrator as soon as possible to arrange to be placed on a future agenda.

Chuck Roberts of C.W. Roberts, Inc. 3372 Capital Circle N.E. Tallahassee , reported that his company has a contract with the Department of Transportation to resurface SR 267 (Lake Talquin Highway) from SR 20 to Interstate 10. He said they will be adding paved shoulders to the road. He advised them that there will be activity at their property on Lake Talquin Road – they will park equipment and unload pipe while the construction lasts. He quickly added that they will not be adding material to the site. He said that he wanted to make them aware of the activity so that the county would know what is happening at his property.

The first phase of the project will be drainage work and milling. Some of the material that is stockpiled at the SR 267 site will be used on the project as base material for the widening of the shoulders. The project should be completed during the course of 2011.

He then reported that he is about 50% complete with moving the material from that site to the plants in Tallahassee and Hosford.

PUBLIC HEARINGS:

4. **Quasi- Judicial Public Hearing – New Israel Church of Jesus Christ, Inc. Special Exception**

with Site Plan (SE-2010-01) (SP-2010-01) – Tax Parcel ID 1-35-4N-4W-0000-000341-1200

Applicant: The New Israel Church of Jesus Christ, Inc.
Address: 532 Dusty House Road
Representative: Sharon Smiley Gainous
Engineer: Peter Okonkwo, Spectra Engineering & Research, Inc.

The Church requested a Special Exception Use with Site Plan Review with departures to allow a 1918 square foot church on a 1.237 acre parcel.

Planning Commission Recommendation: Approval Subject to Special Conditions a – q of the agenda report.

Planning Staff Recommendations: Denial subject to findings a – d in the agenda report.

Anthony Matheny, Growth Management Director, was administered an oath before he offered the following points in testimony:

- The church was a mobile home in a residential area located on a parcel which was subdivided subsequent to them moving to the site. There was a mobile home on each of the two parcels. They did not go through a church review when their occupancy began. It was assumed by the department that the mobile home would be used as a residence. It was later learned that it was being used as a church.
- The church is proposing to move the mobile home and install modular units and put them together to make a larger meeting space.
- There are many conditions that the church does not meet. They are accessing through a residential area to get to a non-residential use. That is not allowed in the Comp Plan and the Land Development Code.
- The Planning Commission recommended approval if the applicant would adhere to the special conditions. However, with so many special conditions, it is difficult for the staff to police the special conditions to make certain that all special conditions are met.
- The proposed use is not a use that should be allowed based on its location, its access through a residential area. Churches are allowed by right in residential areas, but with conditions and reviews as discussed in the agenda report.
- Staff then recommended that strong consideration be given to the planning commission's recommendation because if the applicants adhere to the special conditions, it could work even though it would not be an ideal situation.
- The staff received no objections from the citizens around the area.
- The church is already occupying the mobile home presently as a church. They have proposed to move the mobile home and replace it with two modular units and create a new church. The structure is not an issue for the planning department. However, there could be some building code issues that could arise, but that would be a separate issue to be addressed by the building permit office.
- The applicant has agreed to meet all the special conditions imposed by the planning commission.

Chair Taylor called for comments from the public who were in favor of the proposed church.

Peter Okonkwo, Spectra Engineering and Research, Inc. , 3058 Highland Oaks Terrace, Tallahassee, FL 32301 addressed the board and was administered an oath by Deputy Clerk Muriel Straughn. He made the following points:

- The church has been using this site for many years and there are several mobile homes on the property. They are proposing to put two units together totaling 1800 square feet with the expectation that they will meet all building requirements when completed.
- The parcel does have direct access from the frontage along the street and they will not be going through the residential homes to get to the church.
- The church is within 10 minutes from the fire station.
- The church had received 30 letters of support for the proposed project.

Chair Taylor called for public comments again.

Pastor Sharon Smiley Gainous, 162 Charlie Harris Loop, Quincy, FL 32351 addressed the board after Deputy Clerk Muriel Straughn administered an oath to her. She made the following points:

- She was aware of any law that prohibits having church in a house.
- It is the church's desire to do everything legally.
- The location of the church is in an area that has many needs and the church is attempting to help meet those needs through physical means as well as spiritual.
- The church possesses a legal deed with a driveway from Dusty House Road to their property. They do not cross any other property to get to the church.
- They have held church at that location for 16 years and have never had any complaints.
- She knows of no law which deems it unlawful to conduct church in a house.

Once again, Chair Taylor called for public comments.

Linda Barkley, 530 Dusty House Road, Quincy, FL 32351 was administered an oath by Deputy Clerk Muriel Straughn. She made the following points:

- She lives on the property where the church is actually located and has personal knowledge of the outlay of the property
- There is adequate access for emergency vehicles to access the property. School buses often use that property as a turn-around spot.

The following questions were raised by the board members:

Commissioner Croley to Rev. Gainous:

Did you do a mailout to the neighborhood within ½ mile radius as required by county ordinance?

Rev. Gainous:

Yes, sir, we did.

Croley:
And you got back nothing but positive?

Gainous:
Nothing but positive.

Croley:
And you have met with the community and no negative?

Gainous:
No negatives. People that no longer live there and are in other locations called my home and said, "We are for you."

Croley:
Madam Chair, when you are ready to entertain a motion in support of this, I will be.

Commissioner Holt to Rev. Gainous:
Rev. Gainous and the rest of you from Robertsville and that area out there, I see most of this as stuff that needs to be addressed with paperwork – changing titles, putting signatures in place and things like that. I fully think this should be approved because it does help the community out there. What I want to do though is to make sure that you realize that if we approve it, these things need to be done expeditiously. In that way, we don't hear any of the negatives. We don't want any of it and I am sure that you don't. But, the things like making sure the signs are in the correct places and things like that. That is something that can easily be done toward meeting the needs on the property. Sometimes they are a little more difficult. Then you will go through the zoning and land development code where you have to make sure that things are done through building inspection. Also, you know as in Robertsville and in other places, the drainage. We want to make sure the drainage is taken care of. Those are just little things that we need to make sure are done.

Rev. Gainous:
We are willing to do that. Our engineer has mapped out what we need to do and we are willing to do that.

Holt:
I am totally in favor of this.

Taylor:
There are a couple of other comments. Commissioner Morgan, then Commissioner Lamb.

Morgan:
Thank you, Madam Chair.

Rev. Gainous, thank you for your comments. You had mentioned something regarding the access to the property. Does the church actually own that portion or has it been deeded to you all or is there an easement to go in and out there or does someone else own it?

Rev. Gainous:

Yes, sir. There is an easement that the church owns that is a part of the church's property.

Morgan:

I am aware that you guys do a lot of really good things there, particularly feed a lot of folks out there. I have talked with one of the folks that represents our area on the Planning Commission.

I do appreciate the concerns that Mr. Matheny has and I think Commissioner Holt was right on the money when she suggested that we want to move expeditiously on the conditions that they have put forward here. I am certainly willing to support this as well, but I do have just one more question. Can you all complete all of these conditions before you actually reoccupy the church? Is that a possibility?

Rev. Gainous:

It would not be in our best interest .

Okonkwo:

Commissioner, there are certain items that were discussed at the Planning Commission that we cannot perform. There were 11 items that we agreed to at the Planning Commission meeting. For instance, putting in a 6" line to the church. We can't do it because there is no water line there. There is no water line on Dusty House Road. So, there are certain items there that we cannot perform. But the ones that the Planning Commission agreed to- we are willing to do that. The eleven items.

Morgan:

I may have misunderstood, but you are willing to meet the conditions that they put forward, is that correct?

Okonkwo:

That is correct.

Morgan:

That is all I had. Thank you.

Lamb:

Madam Chairman, thank you very much.

When it comes, and this has been with me since I have been a commissioner, when you start talking about church, I am very sensitive. I never vote against it. I always vote in favor of it, I can tell you that now. That is just the way I am. But, I want to make sure that they understand that Anthony is only doing his job.

Rev. Gainous:

Yes, sir. We understand that.

Lamb:

That is what we pay him for, to do his job. And, I want to commend him for bringing this to us in this manner and explaining it to us in the way he did. He did a good job in doing this. Definitely, I am in favor in going forward with the church, wherever we can get one. We need a lot more of them in Gadsden County.

Thank you very much, Madam Chairman.

Taylor:

Commissioner Holt, is that your district?

Holt:

Yes, it is.

Taylor:

Lead the motion.

Holt:

I move approval.

Croley:

I second it.

Taylor:

There is a motion and a second. All in favor of this motion, please let it be known by saying, "Aye."

All:

Aye.

Morgan:

Question.

Taylor:

I am sorry, there is a question.

Morgan:

I am sorry. That is Option 2 that we are approving?

Taylor:

Yes, Option 2. Thank you for that clarity.

Commissioner Holt, will you amend you motion to that?

Holt:

Yes, I will. I will amend my motion to approve Option 2.

Lamb:

Second.

Taylor:

We have a motion and a second. Are there any other concerns?

All in favor, say, "Aye."

All:

Aye.

Taylor:

Opposed, the same sign.

(There was no response.)

The motion carries unanimously.

5. Approval to Confirm the County Administrator's Appointment of Charles Chapman as Public Works Director

Mr. Williams presented Item 5 and Chair Taylor called for a motion.

A MOTION WAS MADE BY COMMISSIONER LAMB AND SECONDED BY COMMISSIONER MORGAN TO CONFIRM MR. CHAPMAN AS THE PUBLIC WORKS DIRECTOR.

Holt:

Question.

Taylor:

Yes, Commissioner Holt?

Holt:

As I said in the previous meeting, I really do like Mr. Chapman. I like the way he does things. I think he is a great person. My problem is with the position itself and the advertisement. The advertisement gave preference for an engineer. And, also for clarification on the 30 – 70%. It was not sufficient as far as I am concerned. Not Mr. Chapman. Mr. Chapman does a great job at whatever he does, but I think we should advertise correctly. We should go after those positions and try to fill them in the way that we should to make sure that we get the best thing possible.

I was not here earlier when everything happened with the previous director, but I do feel that – and I don't even know if this is even possible – I do feel that he was doing a good job in that position. I don't think that we go and get and make the position fit. We should hire a person that fits the position. That is my concern. As I said, I worked with Mr. Chapman's wife before and I like Mr. Chapman, but it has nothing to do with Mr. Chapman. It has to do with the qualifications for that position. I do not feel that we should alter from that or else we should advertise in a way that would not have given anyone a false perception of what we were hiring for. That is what we did when we had that engineering preference on there. It should be readvertised. It should be done and it should be done in a way that does not cause confusion among the public, especially with the gentleman who came up here that had an engineering degree.

Taylor:

Thank you . Are there any comments?

Will you move the question?

Straughn:

Who made the second?

Taylor:

I am sorry. I am sorry. There is a motion on the floor to accept this appointment.

Morgan:

I second it.

Taylor:

And there is a second.

Are there any other comments or questions?

Just one. I am going to have to practice what I preach and that is working with the majority and moving forward for this county. All in favor of this motion, let it be known by saying, "Aye."

Lamb: Aye.

Morgan: Aye.

Croley: Aye.

Taylor: Aye.

Opposed by the same sign.

Holt: No.

Taylor:

Make that 4 – 1 for approval of the confirmation.

6. Approval of the Contract for State Lobbying Services to Christian B. Doolin & Associates (\$25,000.00)

Taylor:

Is this an item for Mr. Lawson? Is he the person who is supposed to comment on this item?

Williams:

Arthur is certainly the one who has been handling this. I put it on the agenda at the request of, I believe, Vice-Chairman Morgan.

Lawson:

Madam Chair, I will answer any questions you might have.

Taylor:

Was this item bid?

Lawson:

No, ma'am, it was not.

Taylor:

It was not bid?

Was that not a request to have it bid?

Morgan:

Madam Chair?

Taylor:

Yes.

Morgan:

I might can clarify a little bit here.

I know that in last year's budget, we went ahead and approved the \$25,000 amount be put into the budget. The contract that we had with our lobbying firm expired September 30th. I know that they have still been representing us even though there is not a contract in place. This is just an opportunity for us to renew that contract for another year. My concern is that with the Legislature meeting very, very quickly. As you all know, I have always been concerned with some of the issues that he and our largest employer here in the county (Florida State Hospital over in Chattahoochee) and the privatization issues. That is my concern – that we have continued representation over there. So, I was the one responsible for asking that to be put on the agenda to renew that contract. I would hope that the board would support that if possible.

Lawson:

Madam Chair, if I may.

The lobbying services were bid last year and the bid was awarded to Chris Doolin and Associates. This is bringing it back for renewal.

Taylor:

I think that my question or my statement came from our budget workshop. We budgeted this item contingent upon it being bid. Again, this is an item that if the majority wishes to move forward, then I am going to have to work with you, but there was an email that I received. Again, ladies and gentlemen, we are already paying this money when we pay out \$5,000 to the Small County Coalition – to be a member of this organization which is being represented by this particular company. We pay them \$5,000 per year. Whatever we get, so does the other counties. There's no special privileges for us except that we are paying \$25,000 and the others are paying \$5,000. Yet, they are getting the very same information and treatment as well. This particular item that I got off the email was from the firm that we are looking at tonight and it says, "I am going to be forwarding this to all of the other small counties."

So, we are looking at cutting dollars. We are already paying for the service. Now, we are paying \$30,000 when everybody is paying \$5,000. That is just my comment and it has always been my comment. So, is there a motion on the floor?

Croley:

Well, Madam Chair, let me say this. In the past, I have gone along with the hiring of the lobbyist, but I am going to express to you my concern that this item, when I first sat here, was running \$50,000 a year. You are correct, we are in the Small County Coalition. We have talked here among ourselves about the need to look at privatization of certain county operations to save money. So, it seems like we "speak with forked tongue" as some say if we are willing to look at privatization for the county, but not look at privatization of some of the state programs. I am not trying to say that it is not important to Gadsden County's economy to have the hospital open and the prisons. I want to make that very clear. But, we also have this State Legislative Delegation who also has a vested interest in that. Representative Coley, Representative Williams, we have Representative Vasalinda that comes here and now we have Senator Montford, Bill Montford, who is here. All I am saying is that it seems like that we ought to hold on spending this money and let us see what comes up. We have it. It is in cash balances. It may be in the budget and I realize that, but just because it is in the budget doesn't mean we have to spend it.

I respect Commissioner Morgan advocating strongly on his concerns about this, particularly in the Chattahoochee Community. I want to make that very clear. But, we set these goals that we are going to be holding back on spending money. I would, and I don't know that it requires a second under Roberts Rules of Order, but **I WOULD MOVE THAT THIS BE TABLED FOR THE PRESENT.**

Taylor:
O.K. That is your motion?

Croley:
Yes, ma'am.

Taylor:
I will hear from Commissioner Morgan.

Morgan:
Thank you. Commissioner Croley, I sure appreciate your comments, but first of all, let me clarify and I think that everybody would agree here. I assure you that if I thought in any way that this was not a wise investment of our money, I would absolutely say so because I agree with you whole heartedly. We don't have money to invest if it does not make good sense.

One thing that I will mention to the credit of those over at Florida State Hospital, they have for the last two years privatized several sections of that hospital and it has proven to be very effective there as in some of the other area mental health facilities throughout the State. My concern still lies in the shortfall in dollars that the Legislature is going to be pressured into considering cuts wherever necessary. We also have JCI, which is a part of that facility as well. So, this was a real battle just a quick two years ago. There was a successful move within Baker County to be heard and to avoid that. I will tell you without a second hesitation – if complete privatization happened there, it would be almost not recoverable over there in that area of the county, I think.

So, that is my concern. Madam Chairperson, I know there are representatives here from our current firm and they may could answer your concerns. I asked those same questions that you have about why and what are we getting in exchange for these additional funds.

Commissioner Croley is absolutely right. We were, in fact, spending \$150,000 total for lobbying representation between the firm we had and the federal lobbying firm. Now it is \$25,000 and it centers around our largest employer.

Those are my comments, Madam Chair. Thank you.

Taylor:
Thank you.

Commissioner Holt?

Holt:
Thank you.

I am totally against privatization I have been for a long time simply because when it happened under Governor Bush, a lot of people lost their jobs. I protested it and I argued

against it and I will continue to do so. If you want government to work better, then you vote better. That is basically what you do. But, we need to make sure that we have someone out there defending those state workers. The more people, as far as I am concerned, the better. To privatize that facility or even to consider it when the economy is so poor is not something that I would consider. I would argue against it any day any time.

You are right. We have reduced the amounts of money we were spending for lobbying. We reduced it at the federal level when our issues were coming up for a vote at the federal level. That is the year that we should not have reduced it. If we were going to do it, we should have done it before the last year. The three year span was up. As we were told, on the federal level, that is when our items were coming up for the \$23,000,000 for the facility for the Sheriff's Department and the increase for the jail. That was not the time to reduce. It should have been done three years before or two years before. Now, we have an overcrowded jail and we don't have anyone to fight those issues. Then the economy went bad, so we lost our opportunity to get money on the federal level when we should not have. We should have bit the bullet and went ahead and financed those lobbyists on that federal level to go after that funding.

I think that Mr. Doolin and his staff will be able to explain what they do for us that they may not do for others, but one thing that I can say is that the issue on the courtroom. The new courtroom that we all celebrated and we had our name put on the plaque over there was largely done because Mr. Doolin's group got us into some areas that we were not into, including Judge Francis, whom I met on the 10th floor that day. They sent us to the right meeting. I don't know the name of the Senator, but Mr. Doolin can tell who it was and got us to the right location to go after that last \$500,000. So, it is just that we don't have, and you are right in that the other small counties benefited from it, but that Senator had moved that money over into his district and we had to go back and try to get funding for our district out of that money. If we had not been called by Mr. Doolin to go after that funding, we would not have gotten it and we would have lost over a half million dollars. So, that was the difference. The other counties benefitted from it but we just happened to be closer to the Capitol that day and some of them – it didn't matter to them because they were getting their funding from other areas. That is the difference if you have someone to get you into those offices. We had no idea that was going on at the Capitol that day. Those are some of the things that we benefitted from. There are other funds out there, but we have to be able to know how to go and get them. I don't know how to separate it out from the Small County, but I do know that we need to go after funding.

I would like to hear from Mr. Doolin before any other comments.

Thank you Madam Chairman.

Taylor:
Thank you.

Commissioner Lamb and then I will hear from Mr. Doolin.

Lamb:

Madam Chair, thank you.

Like in the past, as I have stated before, anytime you call on this firm, they are there to direct us at the Capitol. As I have said before, I have talked with our delegation concerning having a lobbyist there at the Capitol. They were affirmative on that we should have one if we can. I have called on Mr. Doolin in the past and he was there. He has done a good job for us in the past. For the amount of money that we are paying, I don't see a problem with that whatsoever.

Taylor:

Alright. Mr. Doolin?

Doolin:

Madam Chair, thank you. I generally start with it is a pleasure to be here and it is to see you and the members of this commission. Sarah Bleakley and I have been pleased to work with you for five years. If you choose to obtain a lobbying firm in the future, we would be pleased to represent you. That is clearly your decision.

We came over tonight because our renewal was on the agenda. I probably should have anticipated a discussion like this because it happens virtually every time we come. That is O.K. But, I want the public to know that when we first came to Gadsden County, it was at the request of your legislative delegation to help to have interlocal governmental collaboration, communication, and to help to put a legislative program together. We have done that. Your cities communicate well. You county works better than it has in the past. We are pleased to have a little part in that.

In response to that – comparing what occurred before we came to when we were here, we have talked about documenting the net gain of knowing where to go, what to ask for, what to apply for and when it comes back to you. And, again, we claim no credit whatsoever, but \$51.5 million worth of projects, non-school related, in our first three years, against \$17 million prior to us coming in a three year period. Again, we don't claim any credit for that. You've got a good legislative delegation. Al Lawson was one of the best, you know. Marty Coley, now. Bill Montford. So, were we of an asset that was value added? For \$50,000 a year for three years, we worked, collaborated, spent a lot of time here working on intergovernmental relations. We are pleased with the results. Then, we recognized the need to cut back and we came and said, "We cut our fee in half." I would challenge any local government to find a lobbying firm that comes to them and says, "We will cut it in half." And, we did. That year, we worked on the hospital license, we had to get a change in the law to allow this hospital license to be extended so they could finish the hospital. We worked very closely with your hospital board and again with Mr. McMillan and your community leaders. Again, we claim no credit for that. I hope we were part of that. I hope that we were supportive. I think maybe we maybe had something to do with that. So, that is fine.

Now, the issue of privatization. Absolutely, we need to be looking at where we can save money. That is what we owe the taxpayer. But, I dare say that you wouldn't want a private company coming into your county to totally manage the Board of County Commissioners services for the purpose of saving money. You want to look for components where you can save money in whatever area whether it is cleaning services, whether it is lawn care, whether it is road work, you privatize. You go, but you don't come in and turn a whole community over, especially when they are the most vulnerable citizens in our state - Severely handicapped, severely brain damaged. We are talking about situations where a for profit, private company is attempting to come in and manage a facility for the purpose of 1) saving the state money, which is questionable and 2) this is a for profit company. So, we managed that effort in Macclenny. We were hired to come in and work with the community and we will do that again, but I assure you to the work we have done for Gadsden is supported and collaborated with the Small County Coalition. But the Small County Coalition has had its benefits for you in millions of dollars of fiscally constrained money and revenue sharing.

Work has already begun. Committee meetings are already going on. Schedules are going and legislative hearings. We've got new leadership. We've got a new governor that has told us that he is going to privatize. We've got a \$3 billion shortfall in the state and they are going to talk about another billion dollars in corporate income tax reduction and another \$1.3 billion in reduction of school funds through a reduction in property tax. Retirement is a huge issue in this community. You've got a lot of former state workers that are receiving healthcare supplements, retirement subsidies that the legislature is going to propose to take away. \$150.00 a month from to everybody on state retirement is proposed to be taken away. So, there are issues.

We would be pleased to work for you as we always have been. We respect local government, we respect your decision. You can choose to have us work with you and we would look forward to that. We respect your judgment. We would begin immediately to identify where this county relies on state money and protect those sources from being cut. We would identify with your staff areas of importance. If retirement is an issue with you guys that you don't want to mess around with retirement or apply to new hires. Privatization - we would identify state actions that are going to be of concern to this community, working with you and your local municipalities.

We worked with you before. I hope we have had successes and it is not just a duplication. We understand you. We like you and would love to work with you some more, if you choose to have us work with you.

Taylor:

Thank you so much, I appreciate your presentation tonight.

Did you have a comment that you wanted to make?

Croley:

I wanted to say this. The motion to table that is before us does not obligate anybody to do

anything except hold. The reason that I would suggest the tabling is that Commissioner Morgan, you frequently mentioned that there six counties within the area with folks that are employed at the hospital. How many of them are contributing to "the lobbying effort," since that seems to be the crux of examining and defending Florida State Hospital and this institution against any effort by state government to privatize it? In other words, this is a shared responsibility by more than just Gadsden County. We have put a lot of money out there and I mean no disrespect to Mr. Doolin and Ms. Bleakley. I have great respect for them. In fact, if we needed to flip that light switch, it would be one of the first groups I would want to call on. But, what I a trying to say is that based upon the current situation, do we really need to spend the \$25,000 tonight without talking to those other five counties, since we are only one of the six?

Anyway, as a point of order, that motion stands.

Taylor:

Yes, that motion is still on the floor. With that motion being on the floor, now I will ask for a second.

Croley:

You don't have to have a second on it. I don't believe you need a second on a motion to table.

Taylor:

There is a motion to table.

Straughn:

You do not need a second on a motion to table.

Lamb:

Are you asking for a second.

Taylor:

I am being told by Muriel that we don't need a second, but I have never seen one that didn't need a second, but I concur with you.

We need to get with our legislators, give them a call. The governor has stated that he is hinging on privatizing. I listened attentively to Mr. Doolin for what they get and we don't get without paying additional money. I was trying to hear what additional effort we get for the additional money. I have to agree with you also, Commissioner Croley in saying that - if we need it and we have already paid for it and it should be working anyway . He will be one of the first people I call, too because he does keep in front of us, but I don't think this is privilege. I don't think this county is privileged to this information that has been going on. So, I just want to hold it until we hear from our legislators, but he is still working, or he is supposed to be because of the dues that we have already paid into his business. So, it doesn't -

Morgan:
I hear you.

Taylor:
I am not trying to stop it because you and I both have said this around this diocese, "We have people in our district that work there." We have a good number of people who work there, but I don't think one person is going to stop privatizing, they are going to come down the track. But, I do want people to be prepared for it.

Let's move this item. Let's move it. Let's move it.

Holt:
Madam Chair?

Taylor:
Hold on, Ms. Holt. Let us move this item. There is a motion to table it. I am going to call for a vote.

Holt:
Madam Chairman, I just have a question. I was looking at the procedure and I don't see where it says that we don't need a second. It says all motions need a second.

Minnis:
If you will look at "Motions," it says, "The following motions are not debatable: To adjourn, to lay on the table, to take from the table, to call the question." Those motions are not debatable.

Holt:
To take from the table?

Minnis:
To lay on the table is also one of the motions that are not debatable.

Taylor:
So, it is not a debatable motion. So, it doesn't require a second. Alright.

Lamb:
Madam Chairman, I just wanted to let you know that I understand exactly where you are coming from and I have to agree. I am going to give you that opportunity that you are asking for. I am in favor of him being our lobbyist, but I am going to give you that opportunity as chair and I am going to respect my chair.

Taylor:
Thank you very much.

We are going to table this item. Mr. Administrator, can you get our legislators in here as

soon as possible?

Williams:

I can certainly request it.

Taylor:

At least two or three of them.

Williams:

Maybe Chris can help me out with it.

Taylor:

Whoever. He's on the clock. But, it is tabled for right now. I am sorry.

Doolin:

You mean this clock?

Taylor:

No, sir. It was just hypothetical.

Doolin:

They are going to schedule a legislative hearing. Berta Kemp is working on that right now.

Taylor:

Good. So, we'll put a little fire up under that so we will know which way to go.

Morgan:

Do we not have to actually vote on that - to table it?

Croley:

You have to vote on the motion.

Lamb:

Still.

Taylor:

There is a motion on the floor, all in favor to table this item, please let it be known by saying, "Aye."

Croley: Aye.

Lamb: Aye.

Taylor: Aye.

Taylor:

Opposed?

Morgan: No.

Holt: No.

Taylor:

That makes it 3 – 2 to table this item.

O.K. We are moving on, now. Mr. Administrator, Item 7?

7. Approval of the Purchase of Emergency Generator for the W.A. Woodham Building

Williams:

This is actually old business. The original proposal was to buy it out right at \$170,620.00. Vice Chairman Gene Morgan suggested that maybe we could get a better deal by leasing it. I think that we are pretty much unanimous, now, that he was absolutely correct about that. We can lease it for 60 months at \$1702.28 per month with \$1.00 after that and we own it. We still have installation costs that will make it \$92,140, but that will make it substantially less than \$170,620. We are recommending a lease.

Taylor:

Commissioners, there is a recommendation on the floor to lease this item. I must commend Commissioner Morgan for his fortitude in that he asked us at the last meeting to go back and look at that. Are there any questions or concerns with this particular item?

Croley:

One question. I think the lease is a great idea. What do you propose that we should do with the old generator. Should that be declared surplus and sold?

Collins:

Yes, sir. I don't think we need to move it to another location. I talk with Mike at Caterpillar. He said he would be glad to put it on their "For Sale" list and try to sell it for us, he really didn't have any use for it.

Croley:

Can we have disposal of that generator as a part of the motion to lease the equipment?

Taylor:

Yes, sir.

Croley:

Well, since Mr. Morgan –

Morgan:

I did have just one question.

Clyde, just for clarification, this is brand new equipment we are talking about, isn't it?

Collins:

Yes, sir, brand new.

Morgan:

So, all the warranties are still intact and before that lease – does that include all the service of the generator as well?

Collins:

Well, we will actually have to pay for services. It is like \$247 a quarter. That was in the proposal that we had. Then we will have to do a load test once a year.

Morgan:

And that includes - if there are any issues with the generator itself, it is covered?

Collins:

It is under warranty for the whole five years that we will have it leased.

Morgan:

I just wanted to make sure. **I will move the item, Madam Chair.**

Lamb:

I second it.

Taylor:

There is a motion and a second. Are there any questions?

Holt:

One quick question.

Taylor:

Yes, Commissioner.

Holt:

Will we need a back up? Will we not need a backup generator for anything we can think of before we sell that one? Cause, it is emergency equipment. If we were in a storm and something happen, could we pull that one out and put the old one back in if we needed it?

Collins:

No. You probably couldn't put it back there. You probably could put it somewhere else or mount it on a trailer of some kind if you wanted to. But, I don't know where else we could put it unless we put it on this building.

Holt:

I was just looking for a backup just in case we needed it.

That's all. Thank you, Madam Chairman.

Taylor:

Now, the motion also needs to include disposal of the old one that we have. Will you amend you motion?

Morgan:

Yes, so moved.

Taylor:

Will you amend your second?

Lamb:

Yes.

Taylor:

Thank you. We have a motion and a second on the floor to move forward with the lease of the generator as forestated by the administrator as well, the surplus declaration and disposal of the old one which we all have agreed to sell. Motion and a second. Are there any questions or concerns?

All in favor of this motion, please let it be known by saying, "Aye."

All:

Aye.

Taylor:

Opposed, the same sign.

(No response.)

5 – 0, Ms. Muriel.

8. Approval for Installation of Helicopter Pad at Capital Regional Medical Center Gadsden County Campus

Cost \$143,942.00 to be paid from ½ cent indigent sales tax.

Clyde Collins:

Back before we opened the hospital, we talked about doing this. I went and got prices from a couple of concrete contractors that are actually local in Gadsden County. Concrete

Services was \$143,942. We let it sit on the table for a little while and then I got a letter about a week ago from Air Meds saying that they could not land there anymore because they are having too many problems with pedestrians and cars. They said that they actually had one car come around the barricades and try to get out and they could have actually landed on them. They are saying now that they won't land there. So, we are having to take them to either Pat Thomas Park or out in the street where a helicopter can land.

Taylor:
Can we move this item, Commissioners?

Croley:
So moved.

Taylor:
There is a motion on the floor.

Morgan:
Second.

Taylor:
Motion and a second. Are there any questions?

Holt:
Yes.

Taylor:
Commissioner.

Holt:
\$143,000. We are talking about lighting and cement and a fence. That seems like a lot of money.

Collins:
Well, we've got some drainage issues. We've got to build a concrete headwall all the way around the pad, then infill it with dirt. Then we will have to come back and lay the concrete pad. It has to be painted. We must have indirect lighting. There is a windsock that must be put out there. There is quite a bit of work to be done.

Holt:
O.K. That is the kind of stuff I needed to hear. When I saw cement and lights, that price just couldn't quite click with me. Alright. Thank you.

Taylor:
Clyde, how long will it be before it is up and running?

Collins:

I don't have an actual time line. If we were to get started immediately, as soon as we can come up with the money, it shouldn't take more than 2 – 3 months to get it done.

Taylor:

We have a motion and second. All in favor, please let it be known by saying, "Aye."

All:

Aye.

Taylor:

Opposed, the same sign.

(No response.)

Motion carries. Thank you.

9. Approval of Budget Amendment for Gadsden County Health Department for FY 11 OMB-BA# 1100000 Funds to be taken from the budgeted line item Reserves for Contingency leaving a balance of \$57,138 in Budgeted Contingency Funds

Williams:

Madam Chairperson, Item 9 is a budget amendment for the funds requested by the Health Department. As you know, Marlon Hunter has been before you on more than one occasions requesting an additional \$50,000.

Taylor:

I think we have had discussion about that at length. Commissioners, do I hear a motion?

Holt:

I move approval.

Croley:

I have a question.

Lamb:

Second.

Taylor:

I have a motion and a second. Now, ask your question.

Croley:

Does this money have to come out of contingency or cash reserves?

Jeff Price:

The reserve for contingency, yes.

Croley:

I am opposed to this, Madam Chair, simply because we are taking money out of cash balances. The Health Department has gotten significant increase in funding. They got by last year without this \$50,000. They just happened to hear that they didn't get the \$50,000 in one of these meetings, then they came back and decided that they wanted it. My opinion is that they did without it last year. They can continue to do without it. We need to leave the money in our cash balances. We have had too many unexpected things to come up.

Thank you.

Taylor:

Commissioner.

Morgan:

I have to ditto the remarks made by Commissioner Croley. I have talked with Mr. Hunter about it and he understood that as well. They did provide services. They do a great job over there, but the fact is that we just don't have the money. We have done so well and I think you will hear that in the very near future, because of actions that we took. We adhered to the goals of sound financial policies. We are making improvements. If you all will remember, the Property Appraiser and the Tax Collector have been before us numerous times, just recently, not long ago, with a bleak outlook for at least the next couple of years. These dollars were not budgeted in our budget. This just would not be a good business decision for the county. They will be able to maintain services through the Health Department. I have confirmed that with Mr. Hunter. And, I am all for funding them at the appropriate time. But, I just have to agree with Commissioner Croley on this one. He is absolutely right. This is not a good business move at all. I would really rather that we postpone looking at this until later on down the line.

Thank you.

Taylor:

Thank you.

You know, I had a chance to talk with him and I did make it very clear that next year, he will have to do with less because we didn't notify him of the budgeted amount and he had already budgeted the full \$100,000. I think at our last meeting, we agreed to go forward with this. But, what he said to me was that the area that he was going to spend these dollars in, Commissioner Morgan and Commissioner Croley, it has to do with dentistry. Because of the area that he is going to target those dollars for, he will be able to bring in \$300,000 more. In other words, he will be able to provide services that might otherwise go to another county or another city and spend their money elsewhere. I have asked him

to show me real numbers. I will spend \$50,000 any day in order to make \$300,000. This is what he guaranteed me of.

Again, I really wish that we could all be together on this one, but I can see otherwise. I appreciate your position on this and I will go ahead and move the question. There is a motion and a second to approve this item. All in favor of this motion, please let it be known by saying, "Aye."

Lamb: Aye.

Holt: Aye.

Taylor: Aye.

Opposed, the same sign.

Morgan: No.

Croley: No.

Taylor:

Make that 3 – 2 to approve.

10. Budget Amendments OMB-BA# 100123 thru 100139 - Resolution 2010-046 (Close out Amendments for FY 2009-2010)

Williams:

Item Number 10 is a series of year-end budget closeouts. This is a joint workup between the Clerk's office and Jeff, there at the podium. These are the year-end juggling (I hate to use that word, but – the closeout of all the budgets to make them all balance and thereby comply with State law.

Croley:

I will move approve, Madam Chair, when you are ready.

Taylor:

There is motion on the floor, is there a second?

Morgan:

Second.

Taylor:

There is a motion and a second. Are there any questions or concerns?

Commissioner Holt?

Holt:

Yes, on the moving of the funds, I have requested before. I am sorry, I didn't get your name – McLendon. On the items - I am sorry, that is Connie. On the items to be moved, I

asked then that instead of just giving us little scripts that say you are moving it from here to there, we need to know where it is coming from and where it is being moved to. Unless you have the budget right there, you can't follow the numbers. So, if you have it right there from now on, we will be able to follow it a lot better and see where that money is coming from. On one item, it said, Machinery and Equipment Operating and Supplies. It doesn't really say what that machinery and equipment is for. When the public looks at it and have questions, they do it on line anyway, they will ask you, "What did you all spend that money for?" Then you have to go back and look it up. But, if it is explained right there, we won't have that problem.

Price:

Correct. We are in the process of revising the budget amendments to give you more details.

Taylor:

I think that is a point well taken. Plus, this is late. This is the second year in a row that these amendments are late. Each time, we get an audit finding and we will get another one this year. I don't know who is watching and keeping a watchful eye over this and needs to be ready when it is time to submit these, but it is my understanding that it was supposed to be submitted by the last meeting in November. On or before.

Price:

Correct.

Taylor:

So, going forward, Mr. Administrator, we certainly need to do a little better. We don't want to continue to have these problems.

Williams:

Yes, it is a problem on both sides of the street. I think it is also a manpower problem as well. Everybody is so busy.

Taylor:

Well, we have an excellent working relationship with the Clerk. That shouldn't be a problem. (inaudible) But, there is a motion and a second on the floor, let's move it. All in favor, please let it be known by saying, "Aye."

All: Aye.

Taylor:

Opposed, same sign.

5 – 0. Thank you.

10a. Appointments to the Small County Coalition

Taylor:

I agreed to move this item on the agenda because it was requested by one of my colleagues. I tend to want to recognize the request. So, I am going to ask either you or whomever you might direct, Mr. Administrator. Who was the appointee last year?

Williams:

I don't have that here with me, but I thought it was you.

Morgan:

What, the Small County Coalition?

Williams:

Yes.

Morgan:

From this Board?

Williams:

Yes.

Morgan:

It was you and me. Ms. Taylor and me.

Williams:

That is right.

(laughter)

Lamb:

You must not have gone to any of the meetings.

(laughter)

Williams:

It was you and you. O.K.

Taylor:

I did go to that meeting.

Holt:

Don't go there. Don't go there.

Taylor:

Commissioner Croley. I am going to lead you to ask whatever questions you have with this particular item.

Croley:

Well, I think that was an appropriate response that the two of you served on that Small County Coalition. That meant that you worked with Mr. Doolin in an engaging way, therefore that creates an opportunity for both of you to advocate the special interest that Gadsden County may have and the other five counties that may be affected. And, keep us well abreast of the Legislative Delegation, if that is who you are working with, involved in these issues. We know that we do have those funds sitting there. If we need to call out the Calvary on some issue, all you need to do is blow the bugle. But, at the same time, we know that we can count on you to keep us informed. If you need some sort of formal motion, which I think is procedurally appropriate, to keep you two on the Small County Coalition, I will so make it.

Taylor:

That was going to be my question. What makes you think that we want to continue?

(Laughter)

But, since you put it that way, I certainly don't mind continuing on in that capacity. Commissioner Morgan?

Morgan:

I will be glad to. I promise that I will keep the board abreast of the issues regarding representation.

Taylor:

You put that in the form of a motion.

Croley:

I make that motion.

Lamb:

I second it.

Taylor:

There is a motion and a second.

Holt:

You also have to have a designated person on staff. That is usually the manager.

Taylor:

To also be on that.

Croley:

I will amend the motion to include the administrator if that is appropriate.

Lamb:
I will amend my second.

Taylor:
Alright. Everything done without my having to tell you to. I like this. Moving very well.
We have a motion and a second. Are there any questions or concerns? (No response.) All
in favor of this motion, please let it be known by saying, "Aye."

All:
Aye.

Taylor:
Opposed, the same sign. (No response.)

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB,
THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPOINT CHAIR TAYLOR, VICE-CHAIR
MORGAN AND COUNTY ADMINISTRATOR WILLIAMS TO THE SMALL COUNTY COALITION
TO REPRESENT GADSDEN COUNTY.**

11. County Administrator's Agenda

There were no items to discuss.

12. County Attorney's Agenda

**Interlocal Agreement with Sheriff to Administer Emergency Management Program for
County**

Attorney Minnis:
I just wanted to let you know that with regard to the Interlocal Agreement with the
Sheriff's Office with Emergency Management, we have met with the Sheriff's
representative – the County Administrator and I. We have worked up a draft contract that
I will be disseminating for everyone to look at.

Taylor:
Any idea of a time line for that?

Minnis:
The draft is already completed, it is just a matter of me getting it emailed to everyone and
how long it will take you to review it with the holidays coming up.

Taylor:
So, we should have it before us before the third Tuesday in January?

Minnis:

I would think so, yes.

Taylor:
We will go ahead and make a mental note of that.

Are there any other legal issues?

Minnis:
No, ma'am.

Croley:
May we ask questions?

Taylor:
Do you have a question for her?

Ex-Parte Communications on Quasi-Judicial Issues

Croley:
Yes. Just wanted to make the Commission aware of an email that I shared with Ms. Minnis and Mr. Williams and Mr. Matheny regarding a Florida Statute 286.0115, which deals with ex-parte communications. When we are sitting in these quasi-judicial roles, as the Board of County Commissioners and as the Planning and Zoning Members that deal with land use matters. I would appreciate Ms. Minnis explaining that to the board and why that question exist and what impact it can have for cities here.

Ms. Minnis, would you do that, then I have another question.

Minnis:
I sure will.

Basically, the statutory number is 286.0115 and it deals with the quasi-judicial roles that the commissioners act in. In the land use area, those are usually the land use issues dealing with single property owner issues because you are acting more as a judicial body at that point than a legislative body. If there are multiple tracts of land or comprehensive planning or massive rezoning. Those kinds of things are more legislative. Basically, in a nutshell, what the statute says is if the commission has not actually enacted an ordinance stating otherwise, that any ex-parte communications (meaning individual communications between commissioner, planning and zoning members or entities of that nature with a particular property owner about their particular property issue that is coming up) could have the presumption of prejudice to that particular matter.

There is a way to create an ordinance that you can develop a policy to allow for the presumption to go away provided that disclosures are made as to the communications and those kinds of things. That statute is on the books and it has been on the books for a

while. We did look to see and the commission does not have an ordinance at this time on that particular issue.

Croley:

The risk of that is that it can put ourselves and the Planning and Zoning Commissioners in a very awkward position should people come up with land use changes and there have already been prior communications with various commissioners with those applicants. And, as Ms. Minnis has pointed out, given the fact that we see some increase, should we say, some interest throughout our county government in being more open and correct in our processes. We need to be aware of that and perhaps either recognize that we can't be having those communications or either ask Ms. Minnis to look at the possibility of drafting an ordinance setting forth the proper procedures. I would prefer that she look at drafting an ordinance, which is beneficial to every one involved and for their personal interest protection as well as, most of all, for the citizens.

Minnis:

I just want to say thank you for that clarification. I tend to get into legal speak and talk prejudice without describing more fully what it is. Commissioner Croley is absolutely correct. It can give the presumption of inappropriate activity. I hate using that term because that is not what goes on, but that presumption can arise under the statute. Presumption that someone is not being fairly given the opportunity to address their issues.

Taylor:

Are there any comments from the other commissioners?

Holt:

Yes, Ms. Minnis, if a citizen has an issue and there are two sides to that issue and I am interested in doing research on both sides simple because I want to know exactly what is going on on this matter out there in those communities – What is the best procedure for that?

Minnis:

My suggestion would be because the concern about the ex-parte, of course, is if you talk to them individually, then the other party has not had an opportunity to hear what that conversation was. Until an ordinance is passed, my suggestion would be if that issue comes up, for them to get with staff and get information from staff about what they may or may not know about that particular issue. That way, you are not talking to one particular person outside of the hearing of the other person.

Holt:

Right. It has been that procedure for years here. They may call Commissioner Croley and say, "Commissioner Croley, I live out at St. Hebron and this is going on with my road and I want you to listen to what I have to say." So, if he listens to that citizen but doesn't listen to the other 15, you see, should he take the call or not take the call?

Minnis:

My suggestion would be, like I said, if I am instructed to do the ordinance, then we can deal with making sure that disclosures are made. But, my suggestion would be that if you get those calls, refer them to the appropriate staff person or to the county administrator and let him take the point of handling that particular issue. Then, as a commissioner, if you need to get information on that issue, you can contact the administrator. But, you are not having ex-parte communications with a particular land owner. Then, if it is agendaed for the Commission's consideration, then everyone has an opportunity to hear what everyone else is saying and present their issue to the Commission.

Holt:

Right. My point in bringing that up was – couldn't that be stated on any issue? Any board that we have that we appoint,

Minnis:

It is only in those areas where you are acting in those areas where you are acting in a quasi-judicial manner. There are some actions that you engage in that are more legislative, meaning that they are more global applications of creating policy. But, when you are acting more in a quasi-judicial area, that is when this particular statute comes into play.

Holt:

So, if it has not come up yet to that point.

Croley:

Ms. Minnis, may I interrupt you only because of what you said about (inaudible) Commissioner Holt is exactly correct about some of her questions. This statute only pertains to land use matters when someone is actually filed a request for a formal land use change and you are having to sit here in a quasi-judicial manner. You can't be, under this law currently, if you speak to them, as I understand it – Ms. Minnis, correct me if I am wrong on this, but if you speak to them without the other party being present, there could be some severe comeback on it. We can't deal with what went on in the past, but we can deal with what goes on in the future. But, this is only for land use. Nothing to do with anything else.

Minnis:

I guess the caution is that when you get those phone calls, I don't know how quickly they evolve into areas where they could say, "I have a problem with my drive-way," then it evolves into, "I need to get a change or something like that." So, you will have to be mindful of, I guess very cognizant if this flips into a land use area or a code area or wanting exceptions to what is going on on their property. So, that would just be my caution.

Holt:

My point in that was it has not reached that point. It has not been filed. A person just calls and say, "Ms. Holt or Commissioner Morgan, I need to talk to you about my property." You don't want them to think that they can't call us and talk about that. Now, you have to get down to the paperwork stage where there is a quasi-judicial issue. It is only that they

want information.

Normally, what I do is I say, "You need to call whomever is over that department." Some people hate that because they think you are supposed to fix it. But, you tell them to call because of the legal side. Also, I will usually say, "Well, look. I need to talk to the other person, too." Whoever is the other person – I give them the same information. Call this department. Do this. Do that.

We don't want them to think that they are not supposed to call us, but it has not reached that point yet where it becomes a legal matter.

Minnis:

And I understand your point. Of course, I always err on the side of extreme caution in any communications with commissioners and referring them back to the administrator. But, you are correct that this provision does apply to the land use matters. It applies when matters become quasi-judicial. Those cautions are out there for you. You can create an ordinance that sets out a procedure for disclosure when those types of communications occur. That can handle some of your issues.

Morgan:

Madam Chair?

Taylor:

Yes, Commissioner Morgan.

Morgan:

Just for clarification, we talked about conversations with the public or with individual citizens regarding potential issues that might come before us in the form of a quasi-judicial item. That also pertains to our individual planning and zoning members. Is that correct?

Minnis:

Well, it pertains to any local public official which means elected or appointed public official who recommends or takes quasi-judicial actions.

Morgan:

O.K. I appreciate Commissioner Croley bringing this up. I would ask that we direct the attorney to create an ordinance which specifically clarifies this. I am all about doing this the right way and that needs to be done. Yes, ma'am.

Taylor:

Will we need a motion at this juncture? I guess for your directions, yes, we would. There is a motion on the floor, is there a second?

Croley:

I will second it just so that she can develop an ordinance for consideration by the board.

Taylor:
You will bring back to us before it is approved.

Croley:
Just to get the ball rolling.

Taylor:
Commissioner Holt, did you have a question?

Holt:
Yes, I have a question. What is the cost?

Minnis:
The cost of drafting the ordinance?

Holt:
Yes, for developing the ordinance.

Minnis:
I don't know, I will have to get that instrument to the administrator.

Holt:
We need to know that and we need to know where that money is coming from.

Morgan:
What is the potential cost of not having the ordinance?

Holt:
Well.

Taylor:
Let's move on, Commissioners. We already have budgeted dollars for the attorney. So, we will move on on this one. There is a motion on the floor. It has already been seconded. All in favor of this motion, please let it be known by saying, "Aye."

All: Aye.

Taylor:
Opposed, the same sign.

(No response.)

Make that 5 – 0, Muriel, to move forward to have her start this ball to rolling.

WHISTLE BLOWER POLICY OR ORDINANCE

Croley:

Now, I've got another one. This just cost us a good bit of money. That is having to deal with FL Statute 112.3187, which is adverse action against employee for disclosing information of a specified nature, which is often known as the "Whistle Blower."

Now, we just went through that. We had a lawsuit. Insurance money paid out and county money paid out. It was because we don't have a procedure or ordinances to deal with this. The chapter sets forth a provision if enacted by ordinance. I would recommend strongly to this commission for the future that Ms. Minnis be allowed to examine this statute along with the county administrator, amend the personnel policy to deal with the matter. Ms. Minnis, you may have something that you want to say on it and if you would, I would like to hear from you as well.

Minnis:

Only to the extent that you are correct. If you don't have a specific policy or ordinance as a local government, then you basically have to follow the procedure that is set out under Florida Statutes that applies to State agencies. Creating an ordinance would give you the flexibility to indicate to whom the reports have to be made, how they have to be made and those sorts of things.

Taylor:

I think on this particular item, Commissioner Croley, that we might have the personnel director take a look at this and see what is on our books before we hand this over to our attorney. Again, as Commissioner Holt so eloquently said a minute ago, the calculator starts to moving when we direct this attorney. So, we can get backup information so that we can make an intelligent decision as to what we need to move forward on with this Whistle Blower item. I certainly don't want to stop people from coming forward with information that we need to know. I don't want to put that impression out there. But, let's give the administrator to take a look at this. I agree with you. It should be looked into to see if we can strengthen ourselves, but at the same juncture, not take away the employees rights to let us know what is going on in our county. That is where I am on that.

Alright. Will that be it for you, sir?

Croley:

That is it.

Taylor:

Thank you. Commissioner Lamb?

Lamb:

Not items.

13. DISCUSSION ITEMS BY COMMISSIONERS

13a. Commissioner Lamb, District 1

Commissioner Lamb had nothing to report.

13b. Commissioner Croley, District 2

Croley:

First of all, Commissioner Taylor, I want to compliment you on doing a good job as chair. I think you are doing an excellent job and want to express my appreciation to you for that.

Also, I want to let Commissioner Lamb know that I appreciate his service for the last 24 months and that I am glad that he is working in cooperation with you so well.

Today, since it hasn't been mentioned, I just wanted to remind the Commission and the public that it is December 7th. On this date in 1941, as you know, the Empire of Japan attacked the United States forces at Pearl Harbor causing a significant loss of life and property. We had several citizens from Gadsden County there at that date and time. I just bring that up lest we should forget their service and sacrifice to the nation.

Value Adjustment Board

Also, Madam Chair and Commissioners, I want to report to you that the Value Adjustment Board met yesterday. You received an email, Madam Chair, and approved the minutes and concluded our business for the past year, 2010. I would like to recognize the service of Ms. Emily Rowan, who is the citizen volunteer appointed by this board, and express to her our thanks. As I say, it is poor pay, but it is all cash.

I want to thank Mr. McMillan as well who was appointed by the School Board. He also served as a citizen volunteer. School Board Member Judge Helms, as well. I also want to let you know, Madam Chair, that Mr. Bradley Munroe presented his bill. The deputy clerk has it. Monies will have to be paid for our portion of his legal fees. The School Board pays another percentage.

Ms. Straughn has rendered us great service this year. She has that invoice and I believe she will handle it appropriately.

These are the minutes and with your permission, I will pass them officially from the board to the Clerk's office. They were prepared by the deputy clerk.

I also want to let you know that I am tendering my resignation from the Value Adjustment Board. That is a responsibility that has been quite comprehensive, but I am going to turn that over to one of you folks for the next 2011. Having done it for two years, I think I have contributed my fair share of time on that. So, that is something that you will need to deal with. I would suggest that you deal with that earlier this year simply because of the fact that things are getting more complicated and it does require as you saw a lot of background training. So, my best wishes with it.

Taylor:

Is that it?

Croley:

No, ma'am.

Plea to Revisit the Issue of Updating the Nuisance Abatement Ordinance to Comply with Florida Statutes

I've got something else I want to bring up. The last item. I am going to share this with you, Commissioners because I want to express this opportunity to express to you my dismay that during the November 16th, 2010 meeting of this board that a majority of us failed to approve an effort by the county attorney to bring the existing Gadsden County Nuisance Abatement Board ordinance into full compliance with Florida Statutes. By not doing so, this board ignored it's lawful responsibility to protect personal security and well being of the citizens of our county. In failing to address the problems of stolen property and failing to set reasonable fines and penalties for violation of the existing nuisance abatement ordinance, this board publicly declared its intentions to abandon Gadsden County to those who would do harm to the young, harm to the old and harm to the honest working citizens. Because I was not within the prevailing majority, I must call on those of you who were to reconsider our position regarding the amendment to the nuisance abatement ordinance. In support of this request, I want to briefly share with each of you and the general public some factual information regarding Gadsden County.

The Florida Department of Law Enforcement's Crime in Florida Report states that in 2009, more than \$1.6 million worth of property was stolen in Gadsden County. Yet, only 401,000 of that property was recovered. The Florida Office of the Attorney General, which coordinates Florida's gang reduction strategy, reports that in 2009, some 35 documented gangs were operating in Region 2. That region includes Gadsden County, with another 51 suspected gang affiliates also operating in the region.

A partnership between the University of South Florida and the Hillsborough County Public Schools has confirmed in their 2009 publication, Youth Gangs in America, a 68% increase in gang activity in the rural counties. This gang increase is a fact that many in Florida continue to deny, says Emery Gainey, director of the Florida Attorney General's Victim Services and Criminal Justice Programs. "People who think that gangs are just a city thing – they don't get it. There are more of them here all the time."

Gadsden County Sheriff's Deputy Janice McPhaul is quoted in the Palm Beach Post article "Thug Life in a Rural Town." "Look for the number 13 spray painted in blue. It stands for Southside 13, whose members may be associated with a violent national "Sur 13". A tattoo of this 13 sign, along with a tattoo of a triangle of three dots stands for "la vida loca" – the crazy life – the national motto of Latin gangs. The Palm Beach Post reported such signs started showing up in Gadsden County back in 2007.

So, Commissioners Taylor, Holt and Lamb, is it "the crazy life" that you really wish for our citizens? I certainly not. Do the right thing now by allowing the county attorney to update

the nuisance abatement board ordinance for the protection of all of us and have it placed on the agenda next month for the 6:00 p.m. meetings. The good people of Gadsden County will thank you for it.

If you have any doubts, look at the local newspapers. Just this past week, we see warnings from the police department in Havana – calling for assistance with all the burglary problems. Here – “fleeing suspects caught”, “manhunt “ with cops grabbing this defendant here.

My point to you is that somebody is trafficking in stolen property. Somebody is hosting the drug dealers. Somebody is doing this community wrong. It is up to this board to take the action and the way to do it is to start by updating our ordinances to comply with State Laws and allow the county attorney to do the job that she had set out to do.

Thank you.

Taylor:
Thank you very much.

Commissioner Holt?

13c. Commissioner Holt, District 4

Holt:
I would be next after that, right?

Nuisance Abatement Board

Commissioner Croley, I will answer you back by saying this. I think that the law enforcement agencies in the county need to get together and they would be more than qualified to form a committee of law enforcement members in order to look at those issues. If they brought it before us, I would feel a lot better about levying fines and that type of thing. They know more about those gangs than a citizens committee would know. I don't think it would put a citizens committee members in danger by those gangs. Once you get on a committee, it is easy for them to use technology to find out where you live, what you are doing and what your schedule is. I wouldn't want to put those members in danger. That was my point then and it is still my point now. I would feel better about that.

Right now, I have a concern. I have two or three concerns. One is as I mentioned earlier, about not getting items on the agenda. I know, Madam Chairman, that you said to talk with the manager. One of my concerns is the manager. My concern is that he is costing us too much money. In the last law suit, it was \$22,500. The Florida Association of Counties (FACT) paid \$12,500 and the County paid the deduction of \$10,000.

Now, these items of, and I feel that the people who have filed these complaints and lawsuits, they are saying that it was wrongful termination. It is too expensive. It is just

expensive for the county to pay.

That is just one issue. There are four others coming up. I think, first of all, that we should be meeting on the complaints themselves before they become lawsuits. But, that is something that I seriously advise us to go in and look at. To see if we even want some of this stuff to become a lawsuit. It may not need to. It may be something that we can settle. But, the issue there with the manager as I said, I can't get the items on the agenda because he won't put them on there.

Request to Place on the Agenda an Evaluation of County Administrator

One of the items that I want to bring up is his evaluation. As I said, this is too expensive. It is just too expensive. I said that before. I know commissioner argued before that we were paying the previous manager too much money. They may have had a valid point. The previous manager was replaced. Whether I was in the majority or not, it didn't matter, he was replaced and that is fine. That is the way government works. But, this is too expensive for us. With those complaints and those lawsuits that are coming, and there are others that are coming. I feel that we should look at the replacement of the manager.

Now, I don't have a problem with and I am going to make a motion that we do that tonight. It doesn't have to be seconded. It is not on the agenda. I can't put anything on the agenda because, for some reason, I am not allowed to. I have not been allowed to in the past. That is very true. I have documentation of other commissioner putting items on the agenda. Madam Chairman, you did say that this would be rectified, but on the 16th, that is why I put items on the agenda so that way I could see if things had changed. It has not so far. But, as I said, it is too expensive to have this process even though you say you are downsizing. Some attorneys have picked that up and said that they have legal cause to file suit. So, there is something wrong with our process or there is something is going on that is causing us to have all these legal problems. I am very concerned about that. I don't have to have support for this. But, I am saying that as a commissioner and as a citizen, we are talking about saving money, but we are not in what we are doing. Our process, there is something wrong with our process. We need to go back and look at it.

But, anyway. The item is not on the agenda, but neither is – it is never done even if reorganization when we swear in commissioners. They are not on the agenda when they replace a manager or an attorney for that matter. They have never been on the agenda.

At this time, I am putting in a motion that we replace the manager. That is my motion.

Taylor:

We have a motion on the floor. Is there a second?

(No response)

Holt:

O.K. So, the motion dies for lack of a second. I will be persistent on this until we get

something going and it either works or we clear up the problems. Either we are going to clear up the lawsuits and complaints or –we are going to have to sit down and look at the legal side of it or I am going to consistently come back with it.

As I said, the \$22,500 really, really bothered me in that situation simply because, not whether that person did or didn't deserve it, that is not the point – the point of it is that we are putting ourselves in that position. Even on the ordinance – if the attorney looks at the ordinance and says how we look at the Whistle Blower Act and how we do that – when we do look at it, we have to realize that if for some reason, no matter who the manager is, if that person is part of the problem, who does that employee report to then? That has to be considered if you do the ordinance. If I am the problem, if I am threatening you, then you are not going to report to me. Where does that chain of command go? When does law enforcement really come into that? I went and sat in the courtroom on that case because I wanted to hear what went on. O.K. That was one item.

Request to Agenda Review of the County Attorney Budget

The other item is – and I don't if I need approval by the board for this or not, but by consensus, it guess it may be. I need to see the budget of the attorney. So far, when I checked a few weeks ago, there had been paid to the attorney or the law firm \$157,000. What did we get for \$157,000? That is why I asked what it would cost to develop the new ordinances and where will we get the money to pay for these things? If we are adding on to the budget, how do we adjust that? What do we need to do if we are going back to be fiscally responsible? There was also one out there for \$11,600. That was another bill for another attorney, it wasn't this attorney firm. So, those are some things that I would like to look at and the budget manager can pull those up. So, that would be approximately \$170,000 that we are looking at. So, I need to know where that is and how we are going about it and how we are going about it. Did we already budget the \$157,000? Are we going to budget some more money? How are we going to look at that? Do we need to taper what we are doing and maybe say, "Maybe we don't need all these ordinances because it is going to cost more."

The previous attorney that we had - that was a complaint that some of the commissioners had and some in the community. That it was too much money that we were paying. So, if we are getting into the same thing, maybe we do need to taper what we are doing. Let's look as see what we were paying for then and what we may be paying for now. So, if I can get that to come back on the next agenda to see what we are paying out and look at that.

Request to Agenda Televising of the Commission Meetings

And, if we could look at some cost saving measures. I am very interested in televising the commission meetings again. The citizens are very leery of this. They are beginning to wonder. I would not have thought to pull the attorney's budget if the citizens had not come to me and said, "Ms. Holt, why are ya'll paying out all that money?" They seem to be more up on what we are doing than I was because I was enjoying my little time off.

So, if we can look at that.

Parking Lot

On the parking lot back here – what is going on with that? Citizens are saying that you are going to fence us out. I said, “I don’t know anything about it.”

Williams:

We are getting estimates on a fence, which would go from the building to the existing fence around the sediment basin. The problem that we are having is that they park in our parking lot and they go back and forth across the street. We are going to try and experiment whereby if we put a fence there, they can’t climb over. We want to see how far they want to walk to get a beer and come back to their car rather than just go straight across the street. If that doesn’t work, we can always extend the fence even further.

Holt:

Madam Chairman, may I?

That is a concern to the citizens. The concern from the citizens was this. It is a public parking lot, why can’t we park in there? So, did you vote? Did you all decide to do this? I don’t know.

Williams:

I was instructed to correct the problem.

Taylor:

Were you asking me the question?

Holt:

I am just asking if this board voted.

Taylor:

It did come up, but I don’t think, well, I know it was never voted on. It was a discussion. I don’t think it was a board discussion. It was more of where a commissioner had concerns with that issue. It is a day to day action, but as Commissioner Holt has said very clearly, it is a public park. What was supposed to have happened was that the businesses over there was supposed to have gotten with the administrator

Williams:

And Jack.

Taylor:

And Jack McLean and work out issues to eliminate that fence from going up. They were supposed to get together and work out some issues. So, I haven’t heard an update on it. This is the first that I have heard that a fence was going up. I thought we would have worked it out because it is public parking. So, Mr. Administrator, did that meeting go forward?

Williams:

No. I have had trouble getting up with Jack, quite frankly, to get that meeting set up. Whatever your guidance is, I will certainly go that way. I was under the impression that I was being directed to correct the problem by whatever method we recommended.

Taylor:

The direction was to meet with the merchants on that street. That was the direction.

Williams:

That was going to be the first step.

Taylor:

You said that has not happened yet, so you jumped from that step to the fence. So, I would give the merchants the benefit of the doubt because they do pay taxes.

Williams:

If that is your direction, that is the way that I will certainly go.

Taylor:

Well, I think that was the direction that was given to you earlier, but we will hear from the board.

Commissioner Holt, continue.

Holt:

Yes. On the parking lot, if it hits the agenda, let the merchants come to the door and have their fair say. Give the citizens an opportunity. If it can be worked out with the city manager, the citizens need to know and the merchants need to know what the results were. They may agree with the fence. The merchants may agree with the fence. I haven't talked to them. They didn't come to me, but the citizens did. I am not debating whether it is a good idea or not a good idea. Just let everyone know what is going on. That way, they will have the opportunity to come in here.

Jai-Alai

Back to the issue on the Jai-Alai. I am going to get some information as soon as I can get that item agendaed. If it is on the agenda, we won't have people coming up from South Florida thinking that they are going to discuss that issue and they are not.

Taylor:

Mr. Administrator, can we agenda that item or not?

Williams:

Certainly. I would have agendaed it already, but my notes indicate that at the time, you were not even aware of who they were and I was waiting for information from you.

Taylor:

Well, let's give her a target date so she can get in touch with them. Why don't you email her or get that to her as soon as possible. I am looking at somewhere in February, Commissioner.

Holt:

What I would like is to target for the end of January. What they are looking at is to see if there is any federal or state monies for jobs – starting jobs. Everyone is looking to get jobs started out there. They were looking at 120-200 jobs.

Taylor:

Let's put it on the agenda for the third Tuesday in January. She says that she comfortable with that.

Holt:

Right. I don't have a problem with that.

Taylor:

We got that one.

Judge's Chamber & Hospital

Holt:

The manager also emailed me some information on the judge's chambers and also on how that worked out with the hospital. Those citizens, as I said, want to know. So, if we are having – I know one of them was here tonight, earlier, and they wanted to know about a couple of those items. I told them, "Be here and hopefully it will come up in discussion." When they pulled it up on the internet, they didn't see those items on the agenda. They were concerned about them.

Downtown Parking Issue

Now, that is basically it other than I went to the City Hall meeting. We were discussing the parking. I told some folks there the same thing that I said back in 2002 and 2003. We have no business up here. The commission and other government offices need to be off of the square. We really do. Merchants pay taxes. We don't. They need parking, we don't. What we need to look at and we have looked at this before – is to love at an intergovernmental move. We are paying rent where the property appraiser is and the tax collector is. We have some facilities, not just there, but at one time we looked at trying to get a facility and paying a lobbyist trying to get funding to build something for the sheriff out at the Sheriff's Department (on Pat Thomas Parkway), then move the sheriff out there and move then we could get everyone moved down to the current sheriff's department. If there is any funding – that is why I keep talking about getting a grant writer – if there is any funding out there that we can look at that we can relocate, we could open up the parking for downtown. The city is scrounging around trying to get parking. We are basically in the way. If you had businesses in this building, they would be paying taxes. If

we stay in the building, we don't pay taxes. So, we are in the way.

If we had a municipal building as we looked at with the sheriff's department down there, if we had the funding, you could pay your taxes, you could go to the property appraiser's office, you could look at the county government – everything in one building. Those are just some ideas that were on the table before. I just want to know if we can look at what we can get if anything. WE may not be able to get anything in this bad economy. But, there might be some "goodies" out there and we could look at that – grant writing capabilities.

That is it. Thank you, Madam Chairman.

Taylor:
Thank you.

Commissioner Morgan?

13d. Commissioner Morgan, Vice-Chair, District 3

Morgan:

One thing before I forget to mention it is the request from Commissioner Holt regarding the Jai-Alai on the agenda. I don't know anything about that and it is over in my district. I have not been approached by anybody and I would love to hear some background information on that with the intent so I could do some homework before that reaches here. So, again, if we can go through the administrator and get whatever we need there before it comes before this board. I would appreciate that.

Jai-Alai

My understanding is and Commissioner Holt may know, I guess they are wanting to re-open that Jai-Alai as it was before. I think that is something that we need to have some considerable input from our citizens on that.

Meeting Videos – Clerk's Website and proposed televising of the meetings

Commissioner Holt also mentioned the television for the citizens. That was costing us about \$36,000 per year – somewhere along there. That may not be exactly right. One of the things that we do have now at no cost in fact – each of these meetings is now recorded and posted on the Clerk's website under meetings. You can very easily maneuver through there and look at each of the agendaed items individually with video or you can actually look at the entire meeting. I have done it several times and it works great. The beauty of this is not only the cost savings, but also that everyone in the county has access to this. Even if they don't own a computer in their home, they can go to the library. It has wireless now. They can go to so many places and have access. So, I think we have made great strides in that area and it is absolutely there and it works great.

Parking Lot and Fence

Also, we talked about the parking lot and the fencing. I know that is a public parking lot. I was under the impression that was primarily for county business. I mean, we can't have a county office here for the entire citizenry to come to and handle issues and there not be adequate parking. I have had that to happen when I have come here before during the day. I think we need to keep that in mind. I don't know about open container laws and what liability we have in regard to that. I don't know if that is what is going on or not. Also, I am not aware of whether there is already existing parking spaces for those businesses across the street. There may not be. I just haven't paid that close attention, but I thought there was. But, there are other opportunities there, so I hope we address that accordingly.

Legal Cost

A couple of issues that I also want to mention. Commissioner Holt also talked about the legal cost. First of all, I have dealt on different issues with our current firm, not only Ms. Minnis, but we also have seen how valuable Mr. Glazer has been to us who comes from the same firm. James Harold Thompson is also involved in that and he is a Gadsden County tax payer. There are others over there. Not only have they responded promptly and quickly, many times, they have actually saved us money. I think it is important to understand - one of the reasons that I am sitting up here today is because I ran on reducing legal fees. I thought we had very good representation before, but the fact of the matter is that our legal costs are down 70% for the year beginning in 2009. I think you are going to find that to be the case again this year. Yes, we do have adequate funds budgeted there for that. So, I just want to make sure we are real clear on that. Yes, we always need legal opinions. There is always a time when it makes sense to spend a dime to protect a dollar.

Request to Bring the Lobbying Agreement Back to the Agenda

I also put that argument before you regarding our lobbying agreement. With that, I just want to say that I do appreciate the opinions here to table that issue, but I want you all to understand, because I have been involved in it on more than one occasion, when we are required to - I believe some said to "flip the switch" - there is a lot of ground work that needs to be done in preparation for that ahead of time. You don't just rally the troops by flipping the switch. These are things that you have to build the cases as we go along. The fact of the matter is - I believe it was Commissioner Lamb - someone said it and they are absolutely correct - These folks have access to places we don't. That is invaluable in many ways. Again, if we were talking about something that was of not so great importance, I wouldn't be so persistent. I know ya'll hate hearing me say it every year about this, but I just feel like it is my responsibility to move that forward. I hope we can address that very quickly if you can put it back on the agenda so that we can move it forward, I would appreciate it.

Cold Weather Shelters

The weather. We are obviously having some extremely cold weather. I was hoping that someone could clarify where our designated cold weather shelter locations are for the public. And, if we don't have any in different areas across the county, I would really recommend that we offer that up to the public because that is something we are going to see as needed. Not only this week, but we are not even into the winter season. If I could have that, I would like to have that so that I can respond to some folks.

Taylor:

Let's see if we can get Red Cross to come over. They normally identify shelters and areas where folks can go into. I know the sheriff did something last year. That is a good idea.

Morgan:

I think, too, that with the will of the board, it might be that the administrator could go ahead and post that information where necessary throughout the county to let people be aware of that. Newspapers, websites – we obviously want folks to know where those sites are if there are any.

Taylor:

We will first have to identify them.

Morgan:

If there aren't any, then obviously, we need to address it, I think. That is something that I think is very important.

Quarterly Financial Report

Then, I want to commend Mr. Price for putting before us the quarterly financial report for the county. I would appreciate the opportunity for us to discuss that at the next meeting as well and also have that put on the county website for the citizens to be aware of how we are doing. And, I would imagine that the Clerk will be at our next meeting at 9:00 a.m. and hopefully, he can give us information on the financial condition and progress that we are making in that regard as well.

I think that is it. Thank you very much.

Taylor:

Thank you.

13e.

Commissioner Taylor, Chair, District 5

Appointments to the Small County Coalition – (Moved to 10a as an amendment to the agenda.)

Proposal for a "County Employee Retreat"

Drake Acres Park Opening

Taylor:

Real quick and then we are out of here. By the way, thank you all for your patience. I want to thank everyone who came out to the Drake Acres Park Opening. It was a huge success. Lots of folks came by. We have a brand new park. I don't know if some of you saw it. It was televised. I was on there playing basketball against one of the constituents. I might not get his vote anymore because I beat him. I want to thank everyone who attended. Commissioner Morgan did come down. I encourage other commissioners to come down and join in when we have events and support one another. Thank you so much for coming. I want to thank Clyde and Charles and the administrator and so many people that were involved. It was a huge success down there. I think it is a park that the children will enjoy.

But, I want to put the Sheriff's Department on notice. We need to frequent that area a little more. When we were out passing out notices, little 8 and 9-year olds were talking about the (inaudible) that were out there that shouldn't have been out there. It is because we are not frequenting that area often enough. So, thanks again, Mr. Administrator. Job well done. And, all of your staff. I highly appreciate it. My number one constituents, thank you for being there – Ed Allen and his wife. Thank you very much.

Televising of the Meetings

Commissioner Holt mentioned the television. I guess it was just the two of us who were the lone rangers on that issue. I would like to have it agendaed, Mr. Administrator, to see if we can get some traction on it. It wasn't \$36,000. It was a little over \$20,000. At this point in time, we might even get it for less. So, I would like that item agendaed for sometime in January, Mr. Administrator.

I was going to talk about these budget amendment items not being captured or presented to us in a timely manner, but that has already been addressed. I will leave that where it is at.

I have been born and raised in this county for 53 years. That is how old I am. I did travel after college to get some more experience then brought it back to my home town. Never, ever will I abandon my home town. Never, ever will I expose the danger or harm. We give the Sheriff \$7.5 million every year to protect this county. The municipalities, I know the City of Quincy has a budget hovering around \$2-3 million. Havana - \$700,000. Chattahoochee, likewise. To protect us. I do not want to be responsible for dismantling gains, nor do I want to be responsible for recovering stolen items. We said at the meeting when we did not vote with that abatement, that we wanted the Sheriff's department to get with the attorney and come up with an item that we can approve and move forward. So, to give the citizens the impression that those who voted against this was not in support of protecting them is an unfair evaluation. Totally unfair. We gave, I think it Shawn that was here, the directions to get with the administrator and come up with an abatement ordinance that we can all agree to. We are not saying that there is not a need because crime is rampant. Whatever involvement we can do, we need to do, but only in our capacity do we need to do it. Not beyond our capacity. The Sheriff has his responsibilities

and whatever we can do, we need to do it. But, what was read by the attorney made me uncomfortable. I tend to work with everybody. I tend to work with my commissioners, but I couldn't agree with it in the state that it was written because it exposed this board to more than what we are capable of handling – I felt. I didn't want to kill this item, but bring it back and make it more palatable to this board's ability to implement it. That is one thing.

Now, the administrator mentioned earlier about an item that I wanted to discuss other than my item and that is the vision for a kick-off, Commissioners, a county kick-off. What we have done in the last week and a half, we have gone to every constitutional officer and talked with them about coming together and having 2011 made into a vision of kicking off with collaboration between constitutional officers. We are working together as one and moving forward.

The chairman has gotten us here and he has done a magnificent job. We must now take the ball and take it higher. Each chairperson must seek to go higher in their capacity. The only thing I am trying to do is bring us all together. I sat down there with one of our property appraisers and found out why they bring back \$40,000 to \$50,000 a year at the end of the year. That is something we need to be doing countywide, but we need to talk about it. The employees that come to these meetings and the employees that sit out there and hear various things about what we are doing, but if we can get them all in one room and hear it from us instead of interpretations that normally get interpreted incorrectly, then they can get it from the horse's mouth as to why we have to cut back – because there is a \$2 million shortfall. What is it that we need to do with them so that we can start saving money and not lay off people. This is why I want to have a county kick off.

Somebody told me that they thought the clerk would be adverse to this, but I spoke to that gentleman for less than 15 minutes and before I walked out that office, he was preparing his five-minute speech. I went to the clerk, to the property appraiser, to the tax collector, supervisor of elections, the sheriff and they are ready to get on board with this. It is scheduled for January 11th. Now, I don't know if we need to agenda this item. I did have a sidebar with the attorney. It is less than \$2200 to sit down and the idea is to have us understand what the vision is for this county and kick it off in the early part of January, have some refreshments and move forward with a positive attitude toward our county. So, if it is an item that needs to be agendaed, I will lean to you for your advice right now.

Minnis:

The issue would be where you are pulling the funds from. If it is not changing funds, if you are just moving money around in the same fund, then it is just a matter of bringing for the board. If you leave it up for the administrator and it is within his spending budget, then that is an item that would not have to come to the board.

Taylor:

He and I have worked hand in hand with this idea. He has been supportive of it. I appreciated it. You have already identified a fund.

Williams:

Well, we still have our contingency fund, which we talked about tonight. There is probably money left there.

Taylor:

Well, it is minimal so -

Williams:

I will have to recalculate after tonight, but.

Minnis:

There is a sum that he has been approved to spend.

Taylor:

Commissioners, will you guys let me know directions on this. This is a brain child - would you prefer to have it budgeted or would you prefer to have it agendaed, or allow the administrator to move forward within the auspices of his authority? I saw your finger first.

Morgan:

Thank you, Madam Chair. I commend you for wanting to do that. I think it is great when we can communicate and we will benefit as we did last year at our retreat.

I guess I missed a little something here. You said there would be a cost of \$2,200 to do it. Is there a reason why we couldn't just have a meeting right here with them? Why do we have to spend money on that?

Taylor:

What we were trying to do is catch them while we have a captive audience. It would be here during their work hours. We want to get the majority of them there so that they can hear the direction and the vision of this county. The hours to do it best is probably when they will be out for lunch or something along that line, Commissioner Morgan. It would not cost because of them missing time. Ordinarily, they would be out during that time anyway. That was the idea. While they are there, obviously, you want to have some kind of refreshments there. What is driving the cost is that you are hovering around 350 people. We are looking at the county with 168-170 employees, the sheriff's department with 123 or so, the clerk's office 15-20 there, county administrator and even the health department - all of us tie in - as well, the supervisor of elections and the superintendent of schools. You want to be able to get them there, then not have to run grab and then come, but just provide some refreshments.

I talked with the attorney and I even thought about the idea of having a vendor, but since the constitutional officers are there, if a vendor supports this, there could be a conflict because of dollars and elected officials being in the same place. So, didn't want to go that route. The dollars are available to us and it is a great idea. It is a concept that we need to move forward on.

What I am willing to do at this time, unless I hear objections from my colleagues, is to let

the county administrator identify the funds and then we will go forward under his authority.

Thank you.

Now, the next item, ladies and gentlemen, let me say this to you and this is so heartfelt. There are five commissioners. We must respect them. There are five of us. There is not one, two or three. There are five commissioners around this diocese. We all got here the same way. We were elected by our constituents. We must respect each other in their capacity.

Motion to adjourn?

Holt:

So moved.

14.

Receipt and File

14a

Letter from FDLE regarding close out of Grant Contract Number 2010-JAGC-GADS-1-4X-187

Letter from FDLE Regarding close out of Grant Contract Number 2010-ARRC-GADS-5-W7-203

Letter from FDLE Regarding close out of Grant Contract Number 2010-ARRC-GADS-1-W7-192

Letter from FDLE Regarding close out of Grant Contract Number 2010-ARRC-GADS-3-W7-194

Letter from FDLE Regarding close out of Grant Contract Number 2010-ARRC-GADS-4-W7-083

Next Meeting – December 21, 2010 at 9:00 a.m.

ADJOURNMENT

UPON MOTION BY COMMISSIONER HOLT AND THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING ADJOURNED AT 8:35 P.M.

Sherrie Taylor, Chair

ATTEST:

Muriel Straughn, Deputy Clerk

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON DECEMBER 21, 2010 AT 9:00 A.M. , THE
FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

PRESENT: Sherrie Taylor, Chair, District 5
Gene Morgan, Vice-Chair, District 2
Eugene Lamb, District 1
Doug Croley, District 2
Brenda Holt, District 4
Nicholas Thomas, Clerk
Debra Minnis, County Attorney
Johnny Williams, County Administrator

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Taylor called the meeting to order at 9:00 a.m. then led in a prayer and the pledge of allegiance to the U.S. flag.

Deputy Clerk Muriel Straughn conducted a roll call for the record with all members being present as noted above.

AMENDMENTS AND APPROVAL OF THE AGENDA

The following amendments were made to the agenda:

Add 1a: Proposal from Presbyterian Church for Cold Weather Shelter

Add 14a: OMB-BA#1100012; Resolution 2010-50

Add14b: Capital City Bank Resolutions 2010-051 & 2010052 Authorizing New Signature Cards for the Operating Account and the Payroll Account to Reflect Chair Taylor's Signature

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD
VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.**

AWARDS, PRESENTATIONS AND APPEARANCES

1. Presentation of County Finance and County Clerk Issues

Clerk Thomas reported that preliminary and unaudited financial report of the General Fund indicates that the Board of County Commissioners spent \$1,541,544 less than it received in revenues for FY ending September 30,2010. That amount brings the unbudgeted General Fund Balance from \$2.3 million at the end of the previous year to \$3.8 million for FY 2009/2010. He pointed out several factors that contributed to the increase and explained why that good fortune would not re-occur during the current budget.

- There was a significant impact on the General Fund of \$615,000 due to the reduction in

staff. However, those savings have now been absorbed in the current budget, and such a savings will not repeat itself in the current budget year.

- During the preparation of the 2009/2010, the county experienced multiple staff turnovers in the budget director's position. The interim budget director was very conservative in the revenue projections because the State had notified counties that revenues would be down considerably. The conservative budgeting of the revenues contributed significantly to the increase to the unbudgeted fund balance.
- The BCC very wisely chose not to appropriate any of the unbudgeted fund balance in the 2009/2010 budget as it had done in previous years. However, the BCC did appropriate \$69,000 of the unbudgeted fund balance in the current budget.
- The BCC had budgeted \$467,000 in the Contingency fund (cash reserves) in the 2009/2010 budget, which was not touched during the course of the fiscal year. It was a line item in the General Fund Budget. (FS allow for up to 10% of the budget to be placed into a contingency fund for unanticipated expenditures during the year.) In the current budget, only \$277,000 was budgeted for Contingency. That budget has already been reduced significantly. (\$92,000 for the Sheriff's Dept. generator; \$50,000 for the Health Department, etc.) It is likely to be depleted by year's end and there will be nothing to add back to the unbudgeted fund balance.
- During the years of 2008 and 2009, the county attorney's budget was not adequately funded and there were over-expenditures that had to be covered at the end of the year by utilizing other fund balances. However, the 2010 budget was adequately funded.
- Most department heads did a good job of staying within their budgets. He encouraged them to continue to be frugal with expenditures.
- The Property Appraiser and the Tax Collector returned \$151,000 back to the board at the year's end. However, new demands on the Tax Collector in the next fiscal year may not allow him to return funds. The Tax Collector will be charged with the task of issuing drivers licenses that has traditionally be done by the Highway Patrol.
- All in all, the board experienced a good year in that the unbudgeted fund balance increased so significantly.
- He voiced concern about the impact of the newly elected Governor Scott's ambition to reduce property taxes further. If that legislation is successful, it will have an impact on the Gadsden County budget beginning in 2012 and going forward.
- He recommended that anytime the board found it necessary to dip into the unbudgeted fund balance that they limit it to capital projects or one time expenditures only - never use it to fund general operating cost.

The chair called for questions from the commission.

Commissioner Holt:

The increase that you spoke about earlier that we received from cutting staff – you said it had already been absorbed. So, there is no savings there at all? It has already been used.

Thomas:

Well, my point was that it certainly contributed to this huge increase to the fund balance in 2010. But, that has happened. It is done. Then, you prepared a budget for 2011 and you didn't say, 'O.K., we are going to set aside that savings to a particular place.' So, it just gets absorbed in

other operational costs. Do you see what I mean?

Holt:

Yeah. O.K. No problem.

Morgan:

Clerk Thomas, we sure appreciate you coming to speak to us as you have been doing more so lately. That is the report I have been waiting to hear.

Thomas:

I know you have.

Morgan:

I really want to draw attention to several reasons that I think we are receiving this report today. One of those, first and foremost, and I hope the Clerk will agree, that there has been better communication between the Clerk's finance office and the Office of Management and Budget over here with the county. I think that has done nothing but help in focusing on ways to better manage cost and budgeting and forecasting. Would you agree with that?

Thomas:

I would agree.

Morgan:

I hope that we will continue to do that. I applaud Jeff and the county administrator and also Connie and those folks over there and Clerk Thomas for making sure that happens. Thank you all for doing that.

This is a result of, and I hope the public understands, because we have proactively have addressed issues that we knew would be potentially facing. We have conservatively managed these budgets funded by taxpayer dollars. I think our department heads should be recognized for their efforts in controlling costs and our administrator for looking for ways to reduce overall costs. This is not something that is a fad, it is going to be a way of life in county government and we need to understand that we have got to move forward in that way, at least in my opinion. This could be a flash in the water or it can be a really great way to move forward in how we budget from this point forward. We have already depleted the contingency fund in the 2011 budget. I think that is what I heard, Clerk Thomas.

Thomas:

I think, from what I've got here – obligations that you have made, there is about \$60,000 left in your current general fund contingency budget.

Morgan:

Right, and you stated all the reasons. But, I think that we really, as I mentioned at the last meeting, have got to go forward and continue being conservative in how we make decisions. Priorities – needs vs. wants. I know most of us up here understand that and want to move forward in that direction.

Again, this is an excellent report and it means absolutely nothing if we go back to the way things were managed in the past by spending every dime we've got. That is all I wanted to say.

Thank you, Mr. Clerk. I appreciate it.

Taylor:
Commissioner Croley?

Croley:
Thank you Clerk Thomas for a good report as was just stated. I want to get clarification on something. There was a question about the generator, but I believe that by going to the leasing of the generator should help cash balances rather than the purchase of that generator. Is that not true?

Thomas:
I just saw an amendment that was prepared by your staff that was for \$92,000. I am not sure what it is for.

Croley:
That is why I wanted to raise that question. Are you really having to take that full \$92,000 out of that contingency fund? The second thing is that I continue to question the wisdom of the action to give the additional \$50,000 to the Health Department simply because they didn't even know they were missing it. So, they must have so much money down there – until Commissioner Morgan made the mistake of reminding them, I don't think they would have been up here asking for that \$50,000. That is a side bar observation.

But, I do appreciate it. Mr. Williams, you and your departments should be applauded along with the county attorney for holding down the cost in operating the government.

Williams:
I can't hold down cost unless you hold down cost.

(laughter)

Croley:
I understand that and I was going to add that maybe this commission will bear that in mind as it moves forward.

Thank you, Chair.

Taylor:
To reiterate what was said earlier and I am glad that you now have a spot on the agenda and that you will be appearing before us on a regular basis to hopefully bring the same type news.

I did meet with the Clerk earlier and realized that this information was forthcoming – that we

would have great news with regards to being able to add to our reserves. Understanding now, what was said earlier and I concur, it is a matter of need and not want. Some of us may have different opinions about needs or wants, but at the end of the day, we come together to promote the betterment of Gadsden County. I think that is on the hearts and minds of all five of us that sit around this diocese.

So, again, thank you for great news. You were a little down key with it. Anytime you come up with \$1.5 million to be added because we did such a fantastic job, you should have had a band, cheerleaders, and somebody should have turned flips. Johnny, do you want to do the honors and turn a flip?

(laughter)

Alright, we will move on. Thank you very much.

I am sorry, you have one more issue?

Thomas:

I had one more issue that I had intended to bring up at the next meeting, but there has been some pressures from the judiciary and others about the court facility fund. A few meetings back, you talked about the court facility funds. You want to do some roofs and some other things and need to explain something. There is a problem there that I want to mention to you. I mentioned it several years ago with the former commission.

There used to be a \$15.00 surcharge on the traffic tickets, then another \$15.00 was added making it a total of \$30.00. That money is supposed to go for court facilities. However, and this goes back to Davin Suggs. He and I had this debate. In order to save the general fund, he used a lot of that money to cover costs like utilities and security and other things. For example, in your current budget – this is continued in your current budget. You have made use of about \$160,000 of that fund in your current budget with \$130,000 of it going toward operational costs. Operational costs should come from general fund revenue. If you would abide by the intention of the legislation, all the money from the tickets could accrue and you would be able to accomplish some of the projects that need to be done.

Now, this may be something that you will not change in the current fiscal year because you have your budget set, but going forward, you really need to look at funding those operational costs from the general fund. Buildings are the responsibility of the Board of County Commissioners and the upkeep and utilities and all of that. It is general fund cost. If you continue trying to save the general fund by using that court facilities money for operational cost, it will never accumulate to the amount of money you need to do building projects. So, that is one problem with it.

There is a positive problem. I think the revenue projections that Sherilynn used did not take into account the additional \$15.00 surcharge. So, the revenue in that fund could be increased in the current budget. You could have a little bit more money to work with than what she has there. So, that is a positive problem. But, the bigger problem is that you are using that money for operations when that should be a general fund expense. If you change that, you could have

some money to do the other projects.

Holt:

This is really for the board. I questioned this a few years ago, I think in 03. How do we understand that we need to do within a regular meeting? We need a workshop to work with the clerk and outline these items. What happened then, when he leaves today, he has these ideas and we don't have the opportunity to really go through them in detail. So, if we could have a workshop on this, we would be able to go back and be able to look at some of these items and take the budget section by section. That is just a comment there.

Also on the courthouse facilities fund. I was the one that brought that item up. It was because of the danger of the judge having to go to those restrooms either down in the basement or upstairs. She may make a ruling on something or he, for that matter, that someone didn't like. That becomes dangerous because that person may want to retaliate. That is the difference in having your chief judicial officers or judges going to public facilities. That is the whole purpose of having it. It is not that it is your concern, it is our concern that we need to take care of. We need to figure out a way to take care of those things. I think you may be the best avenue because you are telling us some things that we may need to do.

Thomas:

The one thing you can do – we can work with your budget person to address that revenue issue which will give you a little more money coming into this fiscal year. It will be a better reflection of what is going to come in. I think she shows it as coming in at \$160,000 when in reality, it will probably be more like \$240,000 to \$250,000. So, you can fix that easily in the current year.

The bigger question is whether or not those costs that you are charging against it. If you move them during the course of the fiscal year now, it is going to affect your general fund. So, that becomes a question of whether or not you want to address that part of it now or address it the next budget for the next fiscal year.

Holt:

We may have to address it the majority of it in the next year. I just wanted to take care of that particular problem and look at those concerns. I think it will be a lot easier to just workshop it and be through with it. We know exactly what parts of the budget we need to do.

Thank you, Madam Chairman.

Thank you, Mr. Clerk.

Croley:

The point that Commissioner Holt made has validity and I think you made mention about it. When I first came on the commission, Clerk Thomas was not given much of a welcome and I don't blame him for not being here very much. That is no criticism of him, but there is a provision in the order of business in the ordinances that he is supposed to have a position on the agenda the same as the county administrator and the county attorney. I would like to seize this moment to pick up on what Commissioner Holt just eluded to earlier.

Let's put him back on the agenda the way he is supposed to be and if he has something to say, fine. If he doesn't, that is fine, too. But, at least he should have his position there in accordance with the ordinances.

Taylor:

That is why he is on there now. It wasn't supposed to be under Awards and Presentations, it was supposed to be with a position. That is where it was supposed to have gone. I made that special request because we need to hear from him regularly. There is a universal thought that we can change this however, but to ask him to come at night as well as day was a little bit too much to ask.

Croley:

Well, he can have his deputy here, but my point is that he should have a position back on the agenda in accordance with the ordinances.

Taylor:

With that being said, Mr. Administrator, let's take from under Awards, Presentations and Appearances and give him a regular agenda spot.

Williams:

I will be happy to – it is accordance with the ordinance.

Taylor:

Mr. Thomas, would you prefer 9:00 a.m., 6:00 p.m. or both? Let me put you on the hot spot.

Morgan:

He wants to be here at 6:00 at the end of the meeting. (laughter)

Taylor:

Do you want to stay here until 11:00 p.m. with us? Listen, we won't put you on the spot for an answer, let's just get with the administrator and then we can go forward. Is that O.K.

Williams:

We will put him where the ordinance states where he should be and if he shows up, fine. If he doesn't, that will be fine, too.

Taylor:

We don't want to put him on the spot.

Morgan:

Put him with Commissioners' comments.

Taylor:

Let's move on with the agenda.

Morgan:

Just one quick question. You said that these are unaudited numbers, Clerk Thomas. When are we going to get the audited final numbers.

Thomas:

They are over there now and will be back the first of the year with a full crew. I think they are going to shoot for your March 31 deadline. That is what I am hoping for.

Taylor:

To piggy back on Commissioner Croley, you might want to get with the facilities manager on that \$92,000 purchase. It was supposed to have been a lease as opposed to a purchase.

Williams:

Actually, the \$92,000 is installation cost, not lease.

Taylor:

We didn't get that. We didn't get that information.

Williams:

It should be in the write up. Clyde is shaking his head back there. It is on the agenda.

1a. Proposal from Presbyterian Church for Cold Weather Shelter

Ben Powell - 603 West Washington St. Quincy, FL , Rev. Chris Erde – Pastor of First Presbyterian Church, 313 North Adams St. Quincy, FL addressed the board and briefed them on efforts of the church and volunteers to provide a cold weather shelter in Quincy. They have met with many parties to develop a permanent solution for a shelter. The total cost for the supplies is estimated at \$8,000. They requested \$3,500 from the county to purchase cots, etc. Their emphasis will be on the Gadsden County needy. They have requested contributions from the churches, Sheriff's Department and the City of Quincy.

Discussion followed.

Commissioner Morgan was supportive of the project as a need and a priority, but he felt the funding should come from the community and the churches.

Commissioner Holt was supportive of local government helping those people now, but also work toward getting the word out in all municipalities including information where donations can be made to this cause.

Commissioner Croley made note of the fact that whatever support this effort is getting from the Sheriff is actually coming through them from the County Commission, but it originates with the taxpayers of the county. He went on to say that the contingency fund has already been hit hard in recent weeks. While he was supportive of the effort and pledged his personal contribution, he could not support using any more of the county's money due to budgetary constraints. He felt

certain that the contributions could come from the community civic organizations.

He suggested that the county could use its governmental relationship with the Department of Defense to ascertain some of the needed items from surplus military items.

Chair Taylor remarked that one of the primary responsibilities of the board is public safety and public health. She concurred with Commissioners Lamb and Holt that this government should show that it is concerned about its citizens. She also agreed that the county should act in a fiscally conservative manner as well, but she would support the request .

A MOTION WAS MADE BY COMMISSIONER LAMB AND SECONDED BY COMMISSIONER HOLT, TO AUTHORIZE THE ADMINISTRATOR FIND THE \$3,500 AND TO WORK WITH THE FIRST PRESBYTERIAN CHURCH TO MOVE FORWARD WITH THEIR REQUEST TO HELP FUND THE PERMANENT SUPPLIES THEY NEED FOR A COLD WEATHER SHELTER.

Vice-Chair questioned whether the board could act on this matter at this meeting when it had not been advertised.

Mr. Williams stated that they could use money from the contingency fund without the need for advertisement.

THE BOARD VOTED 3 – 2 IN FAVOR OF THE MOTION WITH COMMISSIONERS MORGAN AND CROLEY VOTING “NO.”

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 2 – 3 TO AUTHORIZE THE COUNTY ADMINISTRATOR WORK WITH THE PROGRAM ONCE THERE IS A WRITTEN OUTLINE OF THE ITEMS NEEDED TO GO AFTER MILITARY SURPLUS FOR COTS AND OTHER THINGS THAT MAY BE LAWFULLY USED FOR THE PROGRAM. THE MOTION FAILED WITH HOLT, LAMB AND TAYLOR OPPOSING.

Recognition of Commissioner Croley for Two Years of Service as Vice-Chair

Chair Taylor recognized Commissioner Croley for the two years that he served as Co-Chair of the board prior to the re-organization of the board in November. She stated that he had rendered great leadership during those years through his resources, knowledge and insight. She said that she took a lot of guidance from him and she wanted to personally acknowledge that and recognize him for an outstanding job as co-chair.

CONSENT AGENDA

Items 2,4, 6, 7, 8, 9 were pulled for discussion.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE ITEM 3 AND 5 OF THE CONSENT AGENDA. ITEMS 2, 4, 6, 7, 8, 8, 9 WERE PULLED AND PLACED FOR DISCUSSION.

~~2. Approval of Minutes – November 16, 2010~~

This item was pulled from the Consent Agenda for discussion.

3. Ratification of Approval to Pay County Bills

Accounts Payable Dated:	December 3, 2010
	December 10, 2010
Payroll Dated:	December 2, 2010
	December 16, 2010

~~4. Approval of the 2011 Board of County Commissioners Meeting Calendar~~

This item was pulled for discussion. See BCC action following the consent agenda.

5. Approval to Turn Over Bad and Outstanding Debt to Accounts Receivable, Inc. for Collection and Write-Off of Bad Debt totaling \$738,022.48 – Resolution Number 2010-048

~~6. Approval to Authorize the Chairperson to sign the FY 2011 Technical Service Support Agreement #01674401 with Physio-Control as the sole source provider for the LIFEPAK defibrillator products – \$6,869.67~~

This item was pulled for discussion. See BCC action following the consent agenda.

~~7. Approval of Continuation of Contractual Services Agreement with Allcol Technologies and Authorize the Chairperson to Execute (Network and Engineering Services and other technical support for the BOCC Information Systems Staff)~~

This item was pulled for discussion. See BCC action following the consent agenda.

~~8. Budget Amendment OMB-BA# 1100002 – For the Lease/Purchase of the Emergency Generator at W.A. Woodham Building (Purchase approved at December 7, 2010 Meeting)~~

This item was pulled for discussion. See BCC action following the consent agenda.

~~9. Approval and Authorization for the Chairperson to Sign the Florida Department of Revenue Amendment Number 1 to Increase the Current Child Support enforcement Contract by \$10,000 (Increase from \$41,700 to \$51,700) Standard Contract Number CSP20 between the DOR and the BOCC~~

This item was pulled for discussion. See BCC action following the consent agenda.

ITEMS PULLED FOR DISCUSSION

2. Approval of Minutes – November 16, 2010

Commissioner Morgan referenced pages 42 and 43 dealing with the generator. The action taken was to table the action until the next public hearing date, which would not be until January 4th.

Attorney Minnis stated, "I think this is one of those issues where it doesn't require a public hearing because you are not adding or taking away from the budget. But, if the vote was to table it until a public hearing meeting or an evening meeting, and that is what the motion was for, but it is not a budget item that would require a public hearing as I understand the way the budget works. But, that was the vote of the board at that particular meeting.

It was established that there was some contradiction in the record.

Commissioner Holt pointed out page 55 which outlined her requests for items to be put on the agenda. She stated that none of them have made the agenda.

Chair Taylor noted that her items were addressed by the administrator and she suggested that she get with him so that she could hear them.

Commissioner Morgan pointed out that his only interest is to make sure that the board is moving forward in the correct manner.

Attorney Minnis stated, "The controlling factor would be - first you have to determine what the intent was – was it to table it until the third meeting in December or was the intent to have it at a 6:00 p.m. meeting for the public comment. They do conflict with each other. "

Commissioner Croley recalled, "My understanding at the time when it first came up that the money, because I was unclear about where it was coming from, that it might require a public hearing. Following that meeting, I had conversation with Ms. McLendon, the finance director under Clerk Thomas. She clarified for me that it was coming from the contingency fund, which was general revenue, therefore it did not require a public hearing. So, that is information that came up following the meeting. So, on that basis, even if we approve those minutes, I would have no problem in considering the generator issue at this meeting if that is the will of the board and we move forward."

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE MINUTES OF NOVEMBER 16TH, 2010 WITH UPDATED NOTATIONS BEING ADDED TO THE MINUTES TO EXPLAIN SUBSEQUENT DETERMINATIONS.

4. Approval of the 2011 Board of County Commissioners Meeting Calendar

This item was pulled from the Consent Agenda for discussion.

Commissioner Croley noted that the calendar does not include dates for the budget process – workshops and public hearings.

Mr. Williams stated that the budget calendar will not be prepared until the spring.

Discussion followed as to what commissioners would like to see added to the calendar. There was a consensus that it should include the budget calendar as well as workshops dealing with the Comprehensive Plan.

COMMISSIONER CROLEY MADE A MOTION TO APPROVE THE CALENDAR WITH THE UNDERSTANDING THAT IT WILL BE UPDATED TO INCLUDE THOSE CONCERNS EXPRESSED AT THIS MEETING.

Chair Taylor stated, "The Clerk needs to be able to come in and make sure that 1) We don't be late with amendments as we often do and get penalized during the audit all those amendments are supposed to be done by the last meeting in November and that has not happened two years straight now. So, there needs to be some other things done to this calendar to reflect our focus. Actually, I would like to see him bring another calendar as opposed to this one."

COMMISSIONER CROLEY AMENDED HIS MOTION TO APPROVE THE REGULAR MEETING DATES SUBJECT TO THE OTHER MEETING DATES BEING ADDED IN AND IT BE REVISED AT SOME MEETING IN THE FUTURE.

Chair Taylor stated, "Let's be more specific. If you don't mind, just tell him to bring the calendar back."

COMMISSIONER CROLEY AMENDED THE MOTION AGAIN TO STATE NOT TO APPROVE THE CALENDAR UNTIL REVISIONS ARE MADE. COMMISSIONER HOLT SECONDED THE MOTION. THE BOARD VOTED 5 – 0 IN FAVOR OF THE MOTION TO NOT APPROVE THE CALENDAR.

6. Approval to Authorize the Chairperson to sign the FY 2011 Technical Service Support Agreement #01674401 with Physio-Control as the sole source provider for the LIFEPAK defibrillator products - \$6,869.67

This item was pulled from the Consent Agenda for discussion.

Commissioner Morgan asked if the county is required to bid this contract out.

Chief Crum addressed the board and stated that it is a sole source provider and no one else can do the maintenance on the LIFEPAK defibrillator products. .

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0 TO APPROVE THE ABOVE STATED AGREEMENT WITH PHYSIO CONTROL AS THE SOLE SOURCE PROVIDER.

7. Approval of Continuation of Contractual Services Agreement with Allcol Technologies and Authorize the Chairperson to Execute (Network and Engineering Services and other technical support for the BOCC Information Systems Staff)

This item was pulled from the Consent Agenda for discussion.

Mr. Charles Chapman told the board that there is a caveat in the current agreement that allows for it to be renewed as long as both parties agree. It was bidden out in 2007. There are considerable savings to be realized by continuing the agreement with Allcol Technologies with the locked-in hourly amount. He said he had compared the rate to state contracts and Allcol offers a much better rate.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO RENEW THE CONTRACT STATED ABOVE.

8. Budget Amendment OMB-BA# 1100002 – For the Lease/Purchase of the Emergency Generator at W.A. Woodham Building (Purchase approved at December 7, 2010 Meeting)

This item was pulled from the Consent Agenda for discussion.

Commissioner Croley stated that one of the things he had learned from the certified training for county commissioners was that budget amendments should not be placed on a consent agenda. They should at least be under General Business because of the fact that the public needs to see where their dollars are going and have attention brought to it. They are not considered routine items.

He then asked the administrator to explain what the \$92,140 is for – installation or lease payments.

Building Official Clyde Collins explained, “Originally, we asked for \$170,000. Then we went back and looked for other opportunities to lease the generator instead of buying it outright – to keep the county from having to take \$170,000 out of contingency. So, we went ahead and got approval for the leasing. I thought the entire package was in the agenda item when it went before the board to approve the leasing. Apparently, all we got approval for was the leasing of the generator and not the installation. The agenda package had it all included in there, but I guess there was some language that we did not actually approve the installation of the generator. “

Commissioner Croley stated, “I would ask again that staff work on clarifying this better for all of us in the future because it is very cumbersome to see this stuff come back, especially in the manner in which this has been done. “

Commissioner Morgan asked, “I was under the impression that when you went back to Caterpillar and asked them about the leasing that it not only included the generator, but also the installation services as well. Did we ask that question?”

Mr. Collins replied, “No, sir. Caterpillar will not install it. They will bring it to the site, but they don’t install it. We have to make other arrangements. It is completely different.”

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE THE BUDGET AMENDMENT NAMED ABOVE.

9. Approval and Authorization for the Chairperson to Sign the Florida Department of Revenue Amendment Number 1 to Increase the Current Child Support enforcement Contract by \$10,000 (Increase from \$41,700 to \$51,700) Standard Contract Number CSP20 between the DOR and the BOCC

Commissioner Croley made note of the fact that a contract was not attached to the agenda report and he did not understand what the increase was for and what liability that could possibly convey to the county. He asked for clarification.

Mr. Jeff Price explained that the board approve the contract in 2008 for \$41,700 to compensate the sheriff for services he provides for the clerk's office and the Child Support Enforcement effort.

Clerk Thomas explained that the Board will actually get the money from the Department of Revenue because the board provides the money to the sheriff that he, in turn, uses to provide the delivery of the services.

Commissioner Croley asked, "By this action, are we sending \$10,000 over to the Sheriff's Office or will it all be contained within your control?"

Clerk Thomas said, "It will defray your costs where you have had to adequately provide the Sheriff with funds for him to pay for all the services that he provides. – serving papers, etc."

Clerk Thomas assured them that the money would be retained by the BOCC.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT AMENDMENT AS DESCRIBED ABOVE. (COMMISSIONER MORGAN WAS NOT PRESENT FOR THIS VOTE.)

CITIZENS REQUESTING TO BE HEARD -

Mrs. Emily C. Rowan

Mrs. Rowan wished everyone a Merry Christmas and thanked the board for the service that they render to the county. She also thanked County Administrator for the very hard decisions that he has had to make in 2010 on behalf of the county. She then pointed out others whom she thanked: Attorney Minnis, Clerk Thomas, Muriel Straughn, Tax collector Dale Summerford, Property Appraiser Clay VanLandingham, Clyde Collins, Charles Chapman, and Craig McMillan, GHI Chairman of GHI.

GENERAL BUSINESS

10. Purchase of Tax Collector/Property Appraiser Building

County Tax Collector Dale Summerford and Property Appraiser Clay VanLandingham addressed the board with a proposed agreement between the county and the Spears family to purchase the building which they occupy as well as the vacant lot that is adjacent to it.

Mr. Summerford explained that this agenda item is a continuation from October at which time the board gave directions to a committee to negotiate with the landlord to purchase the building. The committee met several times with the landlord and they agreed to propose to the county commission that it purchase the building at a cash price of \$400,000 plus closing costs of approximately \$5,000.

Mr. Summerford stated that they have occupied the building since 1973. It contains approximately 6600 square feet. With the addition of the adjacent vacant lot, it should meet any future expansion needs.

He then took the opportunity to say that the Tax Collector's office will now be responsible for issuing driver's licenses in Gadsden County. (The State came to him in September saying they wanted to close the Highway Patrol office on December 31, but he managed to get them to agree to keep it open until September 30, 2011, which will give him ample time to get up and running and keep the service open.)

Mr. Summerford reminded the board that he had returned \$111,000 to the board and the property appraiser returned \$36,000 at the end of the fiscal year. He then pointed out that there will be a savings of \$87,000 in the current budget if they move forward to purchase the building.

Mr. VanLandingham reported that the committee had several discussions with the seller's agent and they worked hard to arrive at the proposal. The Board instructed that an independent appraisal be performed and it came in at \$380,000. The seller's appraisal came in at \$430,000. The Property Appraiser's office has the property on the books appraised at \$354,000. Taking into account the first and eighth criteria established by the Department of Revenue that says that part of the fair market sale price also includes real estate commissions and closing costs, which amounts to 15%. If you add that 15% to the value as it appears on the property appraiser's books, it would result in a fair market value of \$416,000. He went on to say that the proposed agreement is a fair one for both parties especially in light of the fact that it encompasses one half of a city block and 6600 sq. ft. of space.

COMMISSIONER LAMB MADE A MOTION TO APPROVE THE PROPOSED AGREEMENT.

Several questions were raised by Commissioner Croley as follows:

Are we going to obtain a survey and is the county going to receive title insurance and all basics that one would normally do? The estimated \$5,000 in closing costs includes and owner's title insurance policy and a survey.

COMMISSIONER CROLEY SECONDED THE MOTION TO APPROVE THE PROPOSED AGREEMENT.

Commissioner Morgan posed several questions:

Are there any potential environmental concerns? We have received a letter saying that there are none to be considered, correct? Answer: Correct. You are aware that there used to be a filling and service station on that site. The tanks have been removed and there has been a clearance letter issued by the Department of Environmental Protection Agency. (That clearance letter was included in the agenda report, which the board had in front of them.)

Commissioner Morgan asked that the motion on the floor be amended to include that the lease dollars in the current budget be moved over to the contingency fund. However, Chair Taylor suggested that deal with that issue separately in another motion.

Commissioner Holt stated that she has never been in favor of purchasing the property because she believes that the county should have a municipal building where citizens could have “one-stop shopping.” She stated that she believes the price is a good deal, but she was not in favor of it. She stated that if the county has \$400,000 to spend, it should be used to move the Sheriff to a new location and move all other county facilities into the space occupied by the Sheriff currently.

Chair Taylor called for a vote.

THE BOARD VOTED 4 – 1 IN FAVOR OF THE MOTION TO APPROVE THE PROPOSED AGREEMENT TO PURCHASE THE BUILDING AND ADJACENT VACANT LOT FOR \$400,000 PLUS CLOSING COSTS. COMMISSIONER HOLT CAST THE LONE DISSENTING VOTE.

Clerk Thomas interjected that part of the proposal was to use the funds which were returned by the property appraiser (\$33,000) and tax collector (\$111,000), the \$87,000 which was budgeted for rental payments in the 2011 budget for that building and \$171,000 of the unbudgeted fund balance to make the purchase.

11. Approval to Award RFP 10-25 for Realtor Services to Town and Country Real Estate, Inc.

A MOTION WAS MADE BY COMMISSIONER LAMB AND SECONDED BY COMMISSIONER CROLEY TO AWARD BID 10-25 TO TOWN AND COUNTRY REAL ESTATE, INC., AND AUTHORIZE THE CHAIRPERSON TO EXECUTE A CONTRACT FOR SERVICES.

Clerk Thomas stated that he is not against this movement to sell the surplus county property, but he cautioned that whoever established the list of surplus property should really do their research carefully because there are a lot rights-of-ways, easements, dump sites (that may have some county liability), a lot of mineral interests.

Commissioner Holt stated that Clerk Thomas is absolutely correct. She then questioned the wisdom in selling property during this time of bad economy.

Commissioner Morgan called attention to the fact that only one realtor to respond to the RFP.

Commissioner Holt and Commissioner Croley requested a copy of the list of the properties that they propose to sell with the Parcel ID identified. He asked that the list be brought back. Chair Taylor concurred.

12. Approval to Award Bid Number 10-27 for Employee Assistance Program Services to Solutions EAP of Tallahassee, FL

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0 TO APPROVE THE AWARD OF BID 10-27 TO SOLUTIONS EAP OF TALLAHASSEE AND AUTHORIZE THE CHAIR TO EXECUTE THE AGREEMENT FOR \$4,042.50.

13. Approval to Accept the FY 2010 Fourth Quarter Preliminary Financial Report

OMB Sr. Budget Analyst Jeff Price addressed the board with the preliminary fourth quarter report which he prepared in November. He cautioned that it does not reflect the closeout amendments.

During a brief discussion, Mr. Price stated that the strengths of the budget year were due to the reduction in workforce and the healthy increase in the unbudgeted fund balance. He went on to say if the board continues to keep the costs down and keep the budget tight, that the year should be alright as it is budgeted.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO ACCEPT THE FOURTH QUARTER REPORT.

14. Approval of the Appointments to the Transportation Disadvantaged Board

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPOINT CHAIR TAYLOR TO BE THE BOARD APPOINTMENT TO SERVE ON THE TRANSPORTATION DISADVANTAGED BOARD AND THAT VICE-CHAIR MORGAN BE THE ALTERNATE APPOINTMENT.

14a. OMB –BA# 1100012; Resolution 2010-50 To fund \$2,000 for the County Kick-off

A MOTION WAS MADE BY COMMISSIONER LAMB AND A SECOND BY COMMISSIONER HOLT TO APPROVE THE RESOLUTION AND BUDGET AMENDMENT.

Commissioner Croley stated that he supported the Chair and the things that she would like to do during her service as Chair. However, he had questions regarding purpose of the meeting. He recalled the Commissioner's Retreat at which time the board adopted various goals and objectives to guide their spending of tax dollars. He asked Chair Taylor which of those goals and objectives would be met by spending the \$2,000. He then asked her to explain her objective.

Chair Taylor answered, "The goal is to bring the county together and that we move forward as one – all the constitutional officers. You all just complimented the tax collector and the property

appraiser for turning money back in at the end of the year. There are reasons why they are able to do it that we need to share with all the constitutional officers. We need to be thinking as one. A lot of times, this board sits here and makes decisions about the county, but by the time it gets out into the community and the employees of this county, sometimes the message gets distorted from what was originally said and done. We had some dismal information coming from our property appraiser about possible shortage of funds coming to us through the taxes. They need to know what is about to hit this county. They need to know what to prepare for. They, being the employees of this county because when there is a shortfall, nine times out of ten it will impact them first. They either have to take on more responsibilities as employees or possibly lose their jobs. They need to understand. We all need to have a collective vision. One vision moving forward. We need to come up with innovative ideas about how to save this county money and the employees can help us to do it. We need to give them incentives for when they can save dollars. So, the idea is to give face to face information to the employees so that they can understand where their county is going.

One final point. This is a service oriented business. We provide services . We don't build anything other than bridges and roads. That, to me, says that when the employees meet the community, they need to have positive attitudes about their jobs. They need to have a clear vision about the county and they need to be able to speak intelligently to community about what we are doing and where we are going. So, instead of having second, third and fourth hand information, let's give them first hand information about the vision of this county and work together as one. That is it.

Now, what we plan to do is we are going to meet with the constitutional officers and come up with an agenda. We will have that meeting sometime on this end of the year so that after our first meeting we will be able to give you an agenda with a little more information on paper about what is going to be done. But, that is pretty much what is going to happen.

Where did this come from? It didn't come off my brain, Commissioner Croley, it came from talking with our Supervisor of Elections, with our Clerk, with our Property Appraiser, with our Tax Collector, our Sheriff. That is where these ideas are coming from."

Further discussion with Commissioner Morgan revealed that the Chair would ask the constitutional officers to mandate that their employees attend. While he applauded the concept, he stated that he suggested that some alternate funding be explored rather than use tax payer dollars. To that suggestion, Chair Taylor said that she had explored other avenues, but upon the consultation with the attorney, she determined that it would be inappropriate to seek donations.

Commissioner Holt supported the idea entirely. She said that the employees are not presently taking positive feedback into the community because they don't feel good about their jobs. She felt it would be a good investment.

Chair Taylor called for a vote.

THE BOARD VOTED 3 – 2, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENT AND THE RESOLUTION FOR THE EMPLOYEE KICK OFF. COMMISSIONERS HOLT, LAMB AND TAYLOR

VOTED, “YES.” COMMISSIONERS CROLEY AND MORGAN VOTED, “ NO.”

14B. Capital City Bank Resolutions 2010-051 & 2010052 Authorizing New Signature Cards for the Operating Account and the Payroll Account to Reflect Chair Taylor’s Signature

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE BANK RESOLUTIONS AND SIGNATURES FOR THE PAYROLL ACCOUNT AND THE OPERATING ACCOUNT.

COUNTY ADMINISTRATOR’S AGENDA

15. Security for Board Chambers

In light of the recent experience with a shooting at the School Board meeting in Panama City, Mr. Williams suggested that the board consider taking some measure to insure the safety of the citizens and the board for county commission meetings. He asked for authority to bring a proposal for their consideration.

There was a consensus to have Mr. Williams bring a proposal for additional security for the commission chambers.

COUNTY ATTORNEY’AGENDA

16. C.W. Roberts Extension Request

Ms. Minnis reported that she has given Mr. Roberts’ attorney a draft of an agreement relating to his extension request for moving his operation from the site of SR 267. She is awaiting their feed back before bringing it back to the board. The extension would expire at the end of September, 2011. If the move has not been completed at that time, the agreement calls for imposition of fines.

Cost of Ex-Parte Communications Ordinance

The actual drafting of the ordinance would only take 1 – 2 hours and it can be accomplished by one of the associate attorneys at a much lower fee.

Allen Ranch Road

Staff is moving forward with the process, but there is no legal issue taking place at the present. However, there will be special assessments to come.

Status of Collecting Monies for Quail Roost and Ames Barineau Road

Ms. Minnis reported that she is trying to verify if the county has accepted the roads in question. The second issue to be resolved is the way the citizens were asked to pay the assessments. The

assessment have to be made against all property owners that will benefit from the improvement. It was not done that way in the beginning and that is why the special assessment process had to stop.

Commissioner Croley stated, “ It was represented by the then county attorney that everything was done in legal fashion. Have they made a mistake?”

Ms. Minnis replied, “I have not look at it from that point of view. I have been working with the consultant we hired to determine what that potential issue was. I don’t know what consultant they were working with. I don’t know what issues they were looking at when they proposed doing it the way they did. I have just been trying to move forward at this point and deal with the consultants that we hired and based on their recommendation to either re-do it or see what can be done about it.”

Commissioner Holt stated that the citizens on those roads had agreed to have those taxes assessed.

Ms. Minnis added, “It is not a matter of whether the citizens agreed to it. My understanding is that initially, there were allowing people to opt in or opt out in whether they wanted to pay the assessment. That was the piece that caused the problem because of the way that the Law has been interpreted. If you do a special assessment, everyone who benefits from that activity and in this instance, it was the paving of the road, has to pay their fair share of the special assessment. It was done under the county’s ordinance that allowed for two-thirds/one-third split. It is not a mandatory ordinance. It is a discretionary ordinance. Based on the information that our consultants gave us with regard to the special assessment, because people were allowed to opt in and out of it, that is why they recommended that we not do it that way. “

Commissioner Holt suggested that this matter be workshopped so that the process can be made clear for the board as well as staff and the public.

DISCUSSION ITEMS BY THE COMMISSIONERS

Commissioner Lamb, District 1

Commissioner Croley thanked the Clerk for being present and bringing the good report.

Commissioner Croley, District 2

Commissioner Croley wished everyone a Merry Christmas and Happy New Year. He thanked Ms. Rowan for her kind remarks.

He then directed his comments as listed below:

Mushroom Facility will Re-open

Vicious Attack on Ms. Eunice “Sunny” Lester

He asked for prayers for Ms. Lester who remains in intensive care following an attack by an intruder at her home.

Redistricting of Commission Districts

He asked for the consent of the commissioner to have the administrator add the Re-districting of the commission district lines to the agenda for the first meeting in January. He added that the districts are out of balance and it needs to be addressed under State Law.

His request was to have it on the General Business agenda to start the process so that the commission can discuss the format by which to move it forward. The staff should be prepared to explain it to the commission and the public. Once the process starts, there will be numerous opportunities for public input. It was clarified that redistricting has to be done in the uneven year following the census.

Littering in County Parking Lot

He reported that he comes to the county office every Sunday morning to get his mail and finds the lot littered with empty cans and bottles that once contained alcoholic beverages. He stated that he has had communications with the police department and the Quincy's city manager. He was told that the police have done nothing about the consumption of alcohol on county property because they have never been furnished with a copy of the county ordinance prohibiting it. He asked that the county attorney be allowed to communicate with the City of Quincy and provide them copies of the county ordinance (Section 64 – consumption in public places and reference to Article 8 of the Florida Constitution, Section 1 on Counties Subsection J) He suggested that this could be a more appropriate way to deal with the situation as opposed to building a fence. He said, "I am requesting under our sworn obligation to uphold the law that the county attorney be requested to do this."

Chair Taylor stated that direction was given to the administrator to meet with the city manager and when that meeting takes place, it would be appropriate to deliver that ordinance and request that it be enforced.

Savings that came about from re-organization of county government

He referenced the goals and objections adopted by the board which stated that the board would continue to allow the county administrator to move in the direction of re-organization as may be necessary to safeguard the county's financial status. He referenced a remark made by Clerk Thomas regarding the fact that the county will likely be facing a decline in revenues in 2011.

In response to grim revenue projections, he sent an email to the administrator asking about the status of further re-organization. The administrator responded to all commissioners by questioning whether there would be enough support of the BOCC to move forward with such a plan. Commissioner Croley stated that the administrator's question implied that there must be some board members who would not be supportive of additional improved efficiencies.

He pledged his support to the administrator and encouraged the other commissioners to do likewise knowing that the public is watching.

Receiving Gifts from Vendors

He noted that the county commissioners are approached by vendors who do business with the county or who may wish to do business with the county at this time of the year with gifts. He pointed out FL Statute 112.3148 – Florida’s gift law. He questioned whether it was appropriate to accept gifts or if financial disclosure would be required if the gifts were accepted.

He said that his practice had been to decline any gifts. But, some gifts are being given to the county commission and the employees as a whole. He asked if there would be any legal liability related to the law. He noted that the Ethics Commission has some information posted on their website about accepting gifts and he encouraged the board to review them.

Salem Road

He reported that he continues to receive email correspondence from residents of Salem Road concerning accidents and fatalities. He asked the administrator to gather information and a report back to him regarding the number of accidents, etc. on the road.

Commissioner Holt, District 3

Agenda Items

She asked again to have her items placed on the agenda when she requests them such as the following:

- Jai-Alai presentation -Mr. Williams asked for contact information and Commissioner Holt agreed to provide it.
- Community Redevelopment Agency (CRA) –to discuss what the board is interested in doing with the CRA
- Four-Day Work Week with Public Works
- Consider bringing back the televising of the commission meetings

Commissioner Morgan, Vice-Chairman, District 3

He highlighted to following:

- The kind remarks made by Ms. Emily Rowan
- Merry Christmas to all
- He encouraged the board to continue the effort to be fiscally conservative as issues arise that are not budgeted.
- Economic Development – the **mushroom factory** will reopen with a potential of

employing 500 people eventually – this is an example of the board’s commitment to economic development.

- It is imperative that matters such as the **Jai-Alai** be moved through the proper channels and in the proper fashion. The economic development arm of the Chamber of Commerce have been in conversation with those folks and it is moving through the proper channels, but it is not at the point for public discussion.
- He asked the board to begin looking at putting forth a **referendum for a tax abatement** so the county can offer incentives to potential corporations to locate in Gadsden County. Since there will be an election in 2012, he asked that conversation begin with the Supervisor of Elections about getting it put on the ballot.
- **Gifts** – he said that he has never accepted any gift that was not in compliance with State Statutes. He was not aware of any having been offered this year.
- **Televising of Commission Meetings** – he pointed out that the clerk provides video recordings of the commission meetings on his website. He stated that he accesses it quite frequently. He attested that it works great and it is offered to the entire county rather than limited to those with only cable television.
- **CRA Funds** – his only interest is to see that the money is being spent properly and that it is being audited and reported as it is required by the State Statute. He supported having a county commission member on each of those boards.
- **Privatization of the Florida State Hospital** – the transition team of the newly elected Governor Scott has recommended privatization of all three of the state facilities for the criminally insane. The largest employer in Gadsden County is the Florida State Hospital and if privatization happens, the affects will be devastating. He asked that the matter of hiring a lobbyist to represent the county’s interest before the legislature in this matter be brought back so that a strategy can be forthcoming as soon as possible.

Commissioner Taylor, Chair, District 5

1. Chair Taylor requested the following matters to be placed on the agenda with a historical narrative:
 - Appointments to the Florida Associations of Counties Trust
 - Hospital Endowment Trust Fund Investment Committee Appointments
2. She then requested a meeting with the Hospital Board to discuss how the surplus indigent surplus dollars should be spent.

Craig McMillan, GHI Chairman of the Board, asked that the meeting be held at the hospital so they could be on site while discussing alternatives. He also asked that they discuss how to dispose of the surplus equipment as well. He added that all the players need to be present, including the physicians.

There was a consensus of the board to meet with them at the hospital.

3. For the record, she stated that she was not in favor of county reorganization if it would mean laying off people at this time.
4. She asked the IT Department be allowed to update the web page to include information

on the cold weather shelter so that all municipalities can access that information more easily.

5. CRA – she concurred with other commissioners and asked that it be placed on the agenda. She was supportive of having a county commissioner sit as a representative on the CRA board. Of course, the city would have to approve of that.
6. Prioritization of saving the FSH from privatization - She suggested contacting the legislators, not necessarily through a lobbyist. She asked the administrator to come up with a strategic plan of what the BCC needed to do to put forward and make a big showing that the BCC wants the Florida State Hospital to maintain its employees.
7. Jai-Alai – she asked Commissioner Holt to give the administrator the contact information he needs so that he can move forward with it in an appropriate fashion.
8. She wished everyone Merry Christmas and Happy New Year and expressed her thanks to all.

RECEIPT AND FILE

1. For the Record – Closeout Letter from Florida Department of Community Affairs Regarding the Notice of Administrative Closeout of Contract CDBG08DB-3r-R-02-30-01-E01

ADJOURNMENT

UPON MOTION BY COMMISSIONER CROLEY , THE CHAIR DECLARED THE MEETING ADJOURNED AT 11:41 A.M..

Sherrie Taylor, Chair

ATTEST:

Muriel Straughn, Deputy Clerk