

**AT A SPECIAL MEETING OF THE BOARD OF COUNTY
COMMISSIONERS IN AND FOR GADSDEN COUNTY,
FLORIDA HELD ON APRIL 2, 2019 AT 4:30 P.M., THE
FOLLOWING PROCEEDING WAS HAD, VIZ:**

Present: **Dr. Anthony “Dr. V” Viegbesie, Chair, District 2**
 Sherrie Taylor, Vice Chair, District 5
 Eric Hinson, District 2
 Gene Morgan, District 3
 Brenda Holt, District 4
 Dee Jackson, County Administrator
 Nicholas Thomas, Clerk of Court
 David Weiss, County Attorney
 Marcella Blocker, Deputy Clerk

1. Welcome

Chair Viegbesie called the meeting to order at 4:35 p.m. and stated this was to discuss the actions of overtime during Hurricane Michael. He asked if anyone wished to speak to please fill out a Speaker Request Form and hand to the Deputy Clerk.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

GENERAL BUSINESS

2. Discussion and Action on Overtime During Hurricane Michael

Mrs. Jackson introduced the item and gave an overview of the Agenda Item and stated it was for discussion and action on the overtime that was paid to the Interim County Administrator for services rendered during and immediately after Hurricane Michael.

She stated due to misinformation being disseminated publicly, she began attempts to repay the overtime payment and said the Clerk of Court refused to discuss options but stated a follow up with the BOCC should occur.

Commissioner Hinson appeared at 4:41 p.m.

She stated she sent an email to the Clerk and included all the Commissioners that stated in part “...it is my desire to have my wages garnished until the overtime has been paid...”. There was no resolve. In the end, she decided that she was no longer willing to voluntarily reimburse the wages. She also stated that there would be no fiscal impact as all overtime would be reimbursed by FEMA.

Commissioner Morgan asked the Administrator who put the information together and she said she did. He said he was here for one reason and hoped to go through this process in a positive manner and was here to see if the decision that the County Administrator made regarding this policy was still where she wanted to be moving forward. He said the information as presented here in his opinion did not accurately reflect the details of where they were at this point and specifically did not accurately reflect all conversations. He said the information that was presented to them minutes before the meeting that they approved for the compensation; they had not reviewed the documents beforehand and had to go on what she told them. She never indicated to them

specifically that she would be receiving part of the overtime pay. He said the reason that was critically important was because unlike the other salaried employees who report to her, she was hired by this Board as a salaried employee. He said that was critical information they should have been made aware of. He said with her being a salaried employee, if the Board had chosen to bonus her for her efforts, he would have had no problem with having that discussion and was not saying it would not have been perfectly appropriate due to the hours she put in down there. But the way the item was presented to them was not accurate and was not indicated in the information she just read. He stated he wanted to know where she was in her decision at this point.

Commissioner Hinson said he would like to hear from the Clerk.

The Clerk said he disagreed with a lot of what was said about him, it was inaccurate. He said he answered all questions in January and has sent numerous emails going back to October regarding this matter. His understanding that State of Emergency was for the Emergency Management Director to have the power and authority to make life saving decisions. He has not seen where it gave blanket authority to the County Administrator. The Clerk has no authority to approve, increase or change the County Administrator's salary or any other employees' salary. He did say hourly employees should be taken care of and anything related to salaried employees was different and directed her to talk to the Finance Director. He felt a lot of this was taking advantage of the State of Emergency for personal gain and then trying to blame someone else for it. He said the Clerk's Office paid overtime under the federal law, Fair Labor Standards Act (FLSA). The Board then decided to vote 3-0 to pay additional compensation as was stated by the item that was presented to the Board just before the meeting that contained a lot of misleading information. He said most of them may not have known what they were voting for (that the County Administrator was included in that). He said his name keeps being thrown up in this matter. The Clerk's Office did their job the way they were supposed to do, did not pay it when it should not have been paid and after the Board authorized it, they paid it. He stated (again) this issue was between the County Administrator and the Board, it was not a Clerk issue. He said he was just a "lowly Clerk trying to keep the County in compliance with all the laws, all the rules and all the regulations".

Commissioner Holt stepped out at 4:51 p.m.

Commissioner Hinson said when he initially voted to appoint Mrs. Jackson as the County Administrator; he said once she was approved, there would be no need to discuss this matter further. He stated he felt it was his best interest to move forward and take this as a lesson learned.

Commissioner Holt returned at 4:53 p.m.

He said there was no need to try to continue to hash this out and lose the positive momentum of the County. He said he would like to see a workshop where they correct and put in place a policy that fully spells out overtime for all County Employees or update the current policy to make sure it fully spells out who can earn overtime when appropriate. He said they also needed to work out duties of the County Commissioners and the Administrator. He further added because they did not follow the recommendation of the Clerk and their attorney, they were now in a position that has stifled the Board. He said he would like to offer a motion that the County Administrator set up a workshop...Chair Viegbesie asked that he hold his motion until the other Commissioners had a

chance to speak.

Commissioner Holt said during the Hurricane she was the Chair and spent days and nights along with Mrs. Jackson, the Sheriff, EMS, people from other Counties, FEMA people and they did not get to go home. She said when people were out doing that type of work they should be paid. They could not retroactively say who gets paid and who does not. She said the Sheriff could not sign off on contracts nor could the Emergency Management Director, it had to be the County Commissioners and the Administrator had to implement it that night. She felt this was not worth discussing and was ready to vote.

Commissioner Taylor said she had several phone calls about this meeting today and the only position she took was to present the facts and then do what was right for the County and the employees. She wanted to correct what the Clerk said in that the Commissioners may or may not have known what they were voting for. They were given a lump sum for the employees that worked overtime, but were not told who would receive the funds but would be paid to those who had put in overtime. The concern came when overtime was offered that was not at the preview of the Administrator, when she said for them to hang in here and we'll give you double overtime. She said the fiscal impact was something that should have been discussed around the Board. She said she did not agree that it was imperative the Administrator reach out to the contracted agency; the contract had been previously approved and was ready to go, it was just a matter of initiating it. She said two years before the hurricane; the County had already entered into contracts with debris management people. When a County goes into a State of Emergency the Emergency Management takes control over Public Works, the Administration, and they work as a team. She said she was glad everyone was here and they needed to know the truth. She said she would like to see the dollars paid back and it was the right thing to do and would take a lot off this government. She said she would agree to whatever term she wanted to pay it back. She said she did deserve a bonus but to do it the right way. She said this would not go away until corrected.

Chair Viegbesie asked about the "double-overpay" and wanted an explanation.

Commissioner Morgan called for point of order and stated they were only here for their employee (the Administrator) and the pay she received.

Chair Viegbesie said the double overpay that was thrown around today was not relevant to the County Administrator and the Clerk said that was wrong.

The Clerk said she made a promise to the County Employees they would get paid overtime at double the rate, normally overtime is paid at time and half and that rate also applied to her so when she made the 147 hours of overtime, which was on top of nine days of administrative leave where she got eight hours of administrative pay at regular pay, then she received 147 hours in overtime on top of that at double the rate because she made that promise to other employees and it applied to her also. He said that was what he referred to in his email as "excessive".

Commissioner Hinson asked about administrative leave. The Clerk said all County employees were given nine days of administrative leave and the employees were paid without using any of their sick or annual leave time. When they initially were paid, they were initially paid at time and half under the FLSA. Commissioner Hinson said he did not want another workshop on overtime; he wanted a workshop regarding their policy and procedures issues. He said he found out over the

years that they have people misleading the citizens and they then have to come back and clarify things. He said he told her when she was first hired; he tried to be as fair as he could with people. He said he was putting this in God's hands. He said they needed to conclude this, move forward, she has learned her lesson, and the Board understood what was going on now and move forward.

Commissioner Morgan said he was trying to limit the actions and discussions they were having today to the item on the Agenda. Commissioner Holt gave a very accurate account of what happened the night of the hurricane. No-one believes the employees should have not been compensated fairly for the excellent work they did. He said it was not about anyone else they were talking about other than the Administrator. In his opinion, they should have been specifically informed of her intentions prior to the vote they had and said a bonus may have been appropriate; but the way it was handled with her was not the correct way. He said he needed to know if she was going to remain committed to the position she is in now of not feeling she needed to repay that.

Mrs. Jackson said there were several things that were said this afternoon that she could prove with emails and witnesses but instead asked the County Attorney, based on what happened that night was she entitled to what other employees were entitled to at that time. Mr. Weiss said he did not think there was any basis for treating her differently from other employees based on the actions taken by the Board. Mrs. Jackson said to clarify, up until recently, the reason she said she would voluntarily pay the overtime back was to stop the confusion and felt it was a distraction, but in the past five months and since all the private whispers in the community because of misinformation being given out, she no longer felt she should pay it back and was entitled to the same thing the other employees were.

Sam Carter, 1204 Tampa Drive, Tallahassee, FL 32311, appeared before the Board. He said he wanted to move forward with the fact that he heard from the start of this conversation that her pay was approved and from that point on being approved, he was now trying to figure out why there was discussion about the funds she received. He said what drove him crazy in the world of County and State government was that they expected people to work for eight hours out of the day but still be accountable for their position after work was over but when they were doing their job and need to get recouped for the extra work done, it was all of a sudden part of the job that was included with extra things they want to put on the contract. He said it was not fair to put her through this situation. If they did not understand what was being asked of them because she was a County Commissioner versus a work employee, it was clear that there was a new freshman in charge and the Board had to do a good job in overseeing the decisions she was making and what she was putting forth for the County. He then said "You better not give them a nar damn dime of this money that you earned because it has been earned at the end of the day". He said he wanted to make sure they approved for her to be paid and to stop talking about her giving any money back or anything else.

Chair Viegbesie spoke as a citizen. Said he has heard wrong information and misinformation and what disappointed him, he had received a number of calls from citizens saying a meeting had been called to discuss the money that the County Administrator had stolen from the County.

COMMISSIONER HINSON MADE A MOTION TO REQUEST A WORKSHOP AND THEY ADJOURN THE MEETING. HE THEN SAID FOR THEM TO CANCEL THE CLAIM, MOVE FORWARD AND NOT WORRY ABOUT HER PAYING ANYTHING BACK AND COUNT IT AS A BLESSING. MOTION DIED FOR LACK

OF A SECOND.

COMMISSIONER HOLT MADE A MOTION FOR OPTION 1 AND CHAIR VIEGBESIE MADE THE SECOND. CHAIR VIEGBESIE ASKED FOR A ROLL CALL VOTE.

COMMISSIONER HOLT	YES
COMMISSIONER HINSON	YES
COMMISSIONER TAYLOR	YES
COMMISSIONER MORGAN	NO
CHAIR VIEGBESIE	YES

MOTION PASSED WITH A 4-1 VOTE.

Commissioner Holt wanted to clarify that the Sheriff had said he would not sign off on County contracts for debris removal, it was not something they could do, that it was a County contract and had to be signed that night. She stated they had the debris contractors on reserve but the contract was not finalized until they signed off on that.

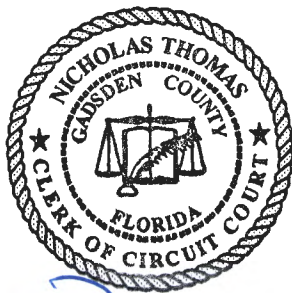
Commissioner Hinson said personally, even though he supported this, the County Attorney gave the Board misinformation.

Commissioner Taylor said the contract did not have to be signed that night; it had to be signed by someone from the County but not specifically that night because it was not implemented until days later.

Mr. Weiss said he never gave conflicting information; he was happy to clarify that he consistently said with respect to the action taken by the Board, that even if there was no basis to treat the Administrator different from any other exempt employee, the only difference between the Administrator and every other exempt employee was the fact the Administrator was the one that provided the information on the Agenda item.

MOTION TO ADJOURN

CHAIR VIEGBESIE DECLARED THE MEETING ADJOURNED AT 5:31 P.M.



ATTEST:

NICHOLAS THOMAS, Clerk

GADSDEN COUNTY, FLORIDA

ANTHONY VIEGBESIE, Chair
Board of County Commissioners