

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON DECEMBER 1, 2015 AT 6:00
P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ:**

Present: Brenda A. Holt, Chair, District 4-appeared by phone
Eric Hinson, Vice Chair, District 1-appeared by phone
Dr. Anthony "Dr. V" Viegbesie, District 2
Gene Morgan, District 3
Sherrie Taylor, District 5
Nicholas Thomas, Clerk of Court
Robert Presnell, County Administrator
David Weiss, County Attorney
Marcella Blocker, Deputy Clerk

INVOCATION, PLEDGE OF ALLEGIANCE

Chair Holt called meeting to order at 6:00 p.m. and then asked for a moment of silence and led in the Pledge of Allegiance to the U.S. Flag. A silent roll call was taken by Deputy Clerk, Marcella Blocker.

AMENDMENTS AND APPROVAL OF AGENDA

Mr. Presnell stated he would like to remove Item 9 and move Item 8 to Item 19A.

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

REORGANIZATION OF THE BOARD

1. Election of the Chairman and Vice-Chairman

Chair Holt said it was time to look at the reorganization of the Board and time for nominations for the new Chair.

COMMISSIONER MORGAN NOMINATED COMMISSIONER TAYLOR.

Commissioner Hinson said even though he was Vice Chair, he would like to keep the Board as it currently was.

COMMISSIONER HINSON NOMINATED COMMISSIONER HOLT FOR CHAIR.

Chair Holt stated there were two nominations for Chair and would like to vote on the first person nominated. Commissioner Viegbesie requested to vote by voice vote. Commissioner Holt said they would vote for Commissioner Taylor first.

Commissioner Morgan-Yes
Commissioner Hinson-No
Commissioner Viegbesie-No
Commissioner Taylor-Yes
Commissioner Holt-No

Mr. Presnell said the next nomination was for Commissioner Holt for Chair.

Commissioner Morgan-Yes
Commissioner Hinson -Yes
Commissioner Viegbesie-Yes
Commissioner Taylor-Yes
Chair Holt was re-elected as Chair.

UPON NOMINATION BY COMMISSIONER VIEGBESIE AND SECOND BY CHAIR HOLT, CHAIR HOLT STATED WITH NO OTHER NOMINATIONS, NO VOTE WAS REQUIRED. COMMISSIONER HINSON WAS RE-ELECTED AS VICE CHAIR.

AWARDS, PRESENTATIONS AND APPEARANCES

There were no awards or presentations.

CLERK OF COURTS

Mr. Thomas was present and had no report for the Board.

CONSENT

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA.

2. Ratification to Pay County Bills
3. Approval of Minutes
 - a. November 3, 2015-Regular Meeting

ITEMS PULLED FOR DISCUSSION

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

John Due speaking on agenda item

Sam Palmer speaking on agenda item

Alphonso Figgers

Mr. Figgers appeared before the board to make a presentation to some of the County Commissioners and Departments that assisted them in Shaw Quarters Day. He then presented Certificate of Appreciation to Commissioner Viegbesie, to Gadsden County EMS for bringing out an ambulance for the kids that day, to the Gadsden County Health Department and to GTI.

PUBLIC HEARINGS

4. **PUBLIC HEARING(Legislative): Consideration of Adoption of Ordinance 2015-015 for Small Scale Comprehensive Plan Map Amendment (CPA 2015-05)**

Mr. Presnell introduced above item and said it was to consider the adoption of an amendment to the Comprehensive Plan Future Land Use Map totaling approximately 3.6 acres of land east of

Concord-Bainbridge Road on two parcels from Agriculture 2 to Rural Residential.

Allara Gutcher, Planning and Community Development Director, appeared before the Board to give a description of the location.

Chair Holt announced this was a public hearing and asked if there were any comments from the audience and there were none.

Commissioner Morgan asked Ms. Gutcher questions regarding the item and she answered them.

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

5. PUBLIC HEARING: Approval of Budget Amendment 160017 and Resolution 2015-024 to Purchase Six Dump Trucks

Mr. Presnell introduced above item and stated it was for Board approval of Resolution 2015-024 and Budget Amendment 160017 to move funds from Transportation fund balance to the Public Works operation budget for the future purchase of six dump trucks.

Chair Holt asked if this was for purchase and not lease and Mr. Presnell explained they had anticipated leasing the trucks, but became apparent it was letter to own the trucks.

Chair Holt asked if there were any comments from the audience and there were none.

Commissioner Hinson said he would like to see the pros and cons on leasing vs. purchasing the trucks and asked if they had looked locally. Mr. Presnell said yes, they had received a bid from Ring Power in Midway.

Commissioner Morgan asked if all six trucks were necessary and Mr. Presnell responded yes with paving project that was currently going on, they needed all the trucks.

Chair Holt said she liked the lease better because if they were owned, they were yours and asked if they could get figures for a lease, buy-back and purchase and if it could be brought back on the next agenda. Mr. Presnell said they were in desperate need of the trucks and it would delay the road building.

Chair Holt asked about the buy-back and Mr. Presnell explained they give you a guaranteed amount of what they would give you for the truck five years from now that is in the \$50,000 range and are getting \$56,000 for the trucks and did not see why they would want to lock themselves into that number when may could do better on the open market. He further stated that they had looked at every angle and a lease was not the way to go.

Commissioner Taylor said the Manager indicated he had looked at all three scenarios and had brought back the best for the Board to consider and she was ready to call the question.

Commissioner Hinson said he had looked at the bidding process and did not see any pricing on the information. Mr. Presnell said they would see that later in the agenda when the truck purchase

came up and said this was to move the money to buy the trucks.

COMMISSIONER TAYLOR MADE THE MOTION TO APPROVE OPTION ONE AND COMMISSIONER MORGAN MADE THE SECOND. COMMISSIONER HINSON HAD A COMMENT.

Commissioner Hinson stated he could not vote on this item because he wanted to see everything before he made a decision.

CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE THIS ITEM. COMMISSIONER HINSON OPPOSED.

6. PUBLIC HEARING: Adoption of Ordinance No. 2015-018, An Ordinance of the BOCC of GC adopting procedures, criteria and requirements for the installation and removal of traffic calming devices

Mr. Weiss introduced above item and stated this was for an ordinance to adopt procedures, criteria and requirements for the installation and removal of traffic calming devices on certain County roads and explained the process to everyone.

Commissioner Hinson asked how the process worked now. Mr. Weiss said there was no real difference, that a couple of months ago they adopted the policy and was very similar but felt when they start talking special assessments, to have it adopted as an Ordinance so it was clear on the books and the public had access to it. Commissioner Hinson asked if there had been an issue and Mr. Presnell said there had been requests from time to time where people were interested in putting speed bumps on the road.

Chair Holt asked if there were any comments from the audience.

Jewel J. Dixie, 599 Rice Road, Chattahoochee, FL 32324, appeared before the Board and stated his concern was if the County put speed bumps on a public road, he did not think citizens should have to pay to have the speed bumps placed when they already pay taxes for upkeep of the road.

Charles Morris, 23201 Blue Star Highway, Quincy, FL, appeared before the Board and asked if a traffic calming device such as a street light was needed if that would have to be paid for and how other municipalities and counties handle this.

Commissioner Hinson said he was thinking same thing as Mr. Dixie and Pastor Morris had expressed.

Commissioner Morgan asked what determined the eligibility of a road and Mr. Weiss explained the criteria was that it had to be a county road that met county road standards and was used primarily for access to residential properties and the speed limit was 25 miles per hour or less. Commissioner Morgan asked where it specified in the Ordinance who would prepare the non-ad valorem assessment roll and Mr. Weiss explained that and also explained that a special consultant would be involved to insure the County was following all requirements related to non-ad valorem special assessments.

There was further discussion around the Board concerning this matter.

Chair Holt said a special taxing district had been done in the past for paving and never got the money back and was not in favor of it at this time.

COMMISSIONER HINSON MADE A MOTION TO DISAPPROVE AND REJECT THE ORDINANCE AND COMMISSIONER MORGAN MADE THE SECOND. COMMISSIONER VIEGBESIE HAD QUESTIONS.

Commissioner Viegbesie asked Commissioner Hinson if he would amend his motion to tabling this item and Commissioner Hinson stated no.

CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 5-0.

GENERAL BUSINESS

7. Approval of Contractual Agreement between CenturyLink and GCBOCC

Mr. Presnell introduced the above item and said it was for Board approval for the contractual agreement between CenturyLink and GCBOCC and for authorization for the Chair to sign.

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

8. Agreement with the Management Experts, LLC to Review and Update the Gadsden County Local Mitigation Strategy

Item moved to 19a

9. Request from Jones Community Health Center to Lease the Chattahoochee Health Department

Item removed

10. Discussion and Consideration of Video Recording Services for the County Commission Meetings

Mr. Presnell introduced the above item and said it was for discussion and consideration of initiating video recording services for the commission meetings.

Commissioner Viegbesie asked if this was an action item or was discussion only. It was pointed out it was for Board direction.

COMMISSIONER VIEGBESIE MADE A MOTION FOR THIS ITEM TO BE APPROVED AND FOR THE VIDEO SERVICES TO BE BID OUT.

Commissioner Morgan said he appreciated that the Board had this item placed on the agenda and pointed out there was a local videographer who did this previously and asked if they were required to bid this out?

Commissioner Hinson asked if it should be an RFP or a bid and Mr. Weiss explained the difference in the Request For Proposals and invitations to bid.

Mr. Presnell explained in the past when this item was bid out, he was certain there was a reason and he would explore that if the Board wished to look at it from a professional services standpoint.

Mr. Lawson appeared before the Board to address their questions and added that with an RFP,

they could put their in the criteria they want to bid on.

Commissioner Morgan asked if they made the motion to put an RFP up, when that could come to light. Mr. Lawson said the latter part of January would be doable.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 5-0 BY VOICE VOTE TO HAVE STAFF ISSUE AN RFP FOR VIDEO RECORDING SERVICES.

11. Amend County Employment Application-Ban the Box

Mr. Presnell introduced above item and explained that “ban the box” legislation had been passed in several states to give individuals with criminal records an opportunity to receive fair consideration in employment opportunities.

COMMISSIONER HINSON MADE A MOTION TO APPROVE AND COMMISSIONER VIEGBESIE MADE THE SECOND WITH A QUESTION.

Commissioner Viegbesie asked about the option “No Board Option Required” and Mr. Lawson appeared before Board and said Board did not have to vote to change the process because the applicant process came before the Administrator.

Commissioner Hinson withdrew his motion and Commissioner Viegbesie withdrew his second.

Commissioner Morgan stepped out at this juncture of the meeting.

John Due appeared before the Board and said in his experience, it was very bad when any person was asked if they had ever been arrested and a lot of them believed if they had their record expunged, they would not have to tell the truth.

Commissioner Morgan returned at this juncture of the meeting.

Sam Palmer, 1235 Berry Street, Quincy, FL, appeared before Board and said he felt once a person had been incarcerated and paid their dues, they should be able to get a job.

Pastor Charles Morris, 23201 Blue Star Highway, Quincy, FL, appeared before the Board and said because this was a progressive movement that was sweeping the Country, he felt it would be good if the local Commission endorsed this.

Commissioner Viegbesie said Pastor Morris just stated what he was going to contribute and he also felt it was a progressive movement and the President of the Country supported and hoped they could suggest that the Administrator ban the box.

UPON MOTION BY COMMISSIONER HINSON AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 5-0 BY VOICE VOTE TO MAKE THIS AN ENDORSEMENT TO BAN THE BOX.

12. Approval of Additional Line Item Funds for Microsoft Licensing Agreement

Mr. Presnell introduced above item and said \$55,000 had been budgeted for software purchases for Microsoft Licensing that were used for the County’s day to day functions and the licensing

ended up costing \$65,000 and this was a request for approval of additional line item expenditure of items purchased off of state contract.

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

13. Appointment/Reappointments to the Small County Coalition Board of Directors

Mr. Presnell introduced the above item and said it was to appoint or re-appoint two representatives from GCB OCC to the Small County Coalition Board of Directors and identify a county staff person to serve as the County liaison.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE RETENTION CHAIR HOLT AND COMMISSIONER HINSON.

14. Approval of Non-Profit/Human Services Funding Agreements and Interlocal Agreements for Human Senior Service FY 2015/2016

Mr. Presnell introduced above item and said it was for approval of the Non Profit/Human Services Funding Agreements and Interlocal Agreements for Human Senior Services for FY 2015/2016 and for authorization for the Chair to execute the agreements. He further stated there were six non-profits receiving between \$5,000 and \$6,500 and three organizations providing services to area seniors receiving \$10,000.

Chair Holt

"OK, Commissioners, on this item I have several comments and strike-outs, but I would like to hear from commissioners first."

Commissioner Morgan

"Thank you Madam Chair. So, this item, the actual agreement is for one year, is that correct for the term of the agreement?"

Mr. Presnell

"Yes sir."

Commissioner Morgan

"...for each of these different organizations?"

Mr. Presnell

"For each organization it's one year."

Commissioner Morgan

"So some of these organizations that are currently receiving funding have an agreement beyond twelve months, in other words, for example, there's some that were originally three years, maybe two left..."

Mr. Presnell

"Only the Boys and Girls Club."

Commissioner Morgan

"OK, so there's one example. Ah, is there something that we need, from the attorney's point of view, is there something that needs to be put in here that specifies as to the dollars being appropriately budgeted by the Board? In other words, what if these funds aren't approved in the budget for whatever reason, obviously they can't be paid out. So, there should be something in there, in my opinion, that says subject to board approval of funding and it may be there..."

Mr. Presnell

"Well, these agreements only pertain to organizations that you have already approved for this year; they are already in your budget."

Commissioner Morgan

"So that was my original question..."

Mr. Presnell

"Yeah, we don't have one for, one of these will not be done for the Boys and Girls Club."

Commissioner Morgan

"OK, so let's just take Chattahoochee Main Street organization for example. That was originally a three year agreement, \$5,000 a year for three years..."

Mr. Presnell

"There was discussion but it was not passed in that form. Each individual year you had to budget just like we did this year, budgeted, if you look at the budget..."

Commissioner Morgan

"That was not a three year agreement that we passed?"

Mr. Presnell

"There was a lot of discussion about two different organizations, I think it was Main Street and the Senior Citizens."

Commissioner Morgan

"My understanding was it was a three year agreement, but, if it's not, it's not. It's OK. But, I guess what I'm trying to say is, so it doesn't matter then, David, if it has it here whether or not the dollars have been appropriately budgeted?"

Mr. Weiss

"Yes, and if it's only an annual contract, and that's the reason it's not in here because I do put it in every contract that we have that is in excess of a year."

Commissioner Morgan

"I know."

Mr. Weiss

"I make sure that it always has that contingency so that funding, because this was going to be a annual, each one of these were, as I stated, an annual contract based on an annual appropriation that has already occurred prior to executing the contract. I didn't put it in here, ah, just solely for

that reason, it wasn't necessary, but..."

Commissioner Morgan

"If you, if your opinion it's not necessary, I'm good."

Mr. Weiss

"As long as, again, with a caveat, as long as we are only using these for one year terms and it's already been, the funds have already been appropriated, then it's not necessary."

Commissioner Morgan

"OK, help me understand the pay-out of the sums. Did I understand it such that some of these would be paid out in lump sums? And so, that lump sum payment is only after appropriate documentation have been received, if that correct?"

Mr. Presnell

"Ah, yeah, they submit that to the Finance Department, ah..."

Commissioner Morgan

"Here's my concern. Are we going to be paying out any taxpayer dollars without appropriate documentation prior to..."

Mr. Presnell

"Yeah, in some instances you may because if you give small ones like the \$5,000 and \$10,000 and you are doing it in the first quarter and they are required to turn in quarterly information, yeah, you could..."

Commissioner Morgan

"Why would we do that?"

Mr. Presnell

"Because it's such a small amount that an organization would need the \$5,000 to function or accomplish the task that they were receiving the money for. If you did it quarterly, they would get \$1,000 every three months."

Commissioner Morgan

"Well, I don't have a problem if we do it as the receipts are turned in is what I'm trying to say. It doesn't matter to me. But you are talking about how much total money here among all the different agreement. Where did I see in there, \$31,000? So it's not just \$5,000 you are talking about."

Mr. Presnell

"But, like the music theater, they probably would like to get their \$5,000..."

Commissioner Morgan

"No question, I understand that. I know they would."

Mr. Presnell

"The Senior Centers are \$10,000 each..."

Commissioner Morgan

"I understand..."

Mr. Presnell

"So if you did it quarterly, they would be getting like \$2,500 and in some instances, that's not enough to accomplish what they were doing. If they were buying meals or something quarterly along, there might be time. But if you are trying to work on a building, replace a floor or something along those lines..."

Commissioner Morgan

"Why can't we just reimburse them throughout the year as they turn in their receipts?"

Mr. Presnell

"That's up to y'all."

Chair Holt

"Yeah, I, to be very honest with you, I don't, I'm not in favor of that at all. When we set to give them \$10,000, I think that we should be able to do that and then they should be able to fix the floor and turn in their receipts simply because if it's not illegal, if it was used for the organization as we asked them to do, and then if it's illegal, then it's not going to be paid because it's right here in the documentation to pay it if it's not illegal."

Commissioner Morgan

"But it's already been paid."

Chair Holt

"No, what I'm saying is, to not pay it, OK, if they come back and say 'Well, I did this' and I did not, if we find out in the audit that's it's not, then they gonna have to pay that money back."

Commissioner Morgan

"What if they have no money?"

Chair Holt

"But, what has happened is this, if they had it, they did it and they did what they was supposed to do and they didn't get paid. Are we not liable for not doing what we said we were going to do?"

Commissioner Morgan

"No, we need to do what we said we were going to do, but we need to do it because its taxpayer dollars and it needs to have appropriate documentation..."

Chair Holt

"It was taxpayers' dollars from the ones that paid it..."

Commissioner Morgan

"No, there was not. There was some question in regard to that."

Chair Holt

“What I’m saying though is, the one group that make them not be taxpayers is because they are getting money. I’m just saying they are still taxpayers.”

Commissioner Morgan

“Well I understand that, but its taxpayer dollars. Understand please, I’m not arguing with doing that. All I’m simply saying is, it’s just common sense as they turn in their receipts, get them a check through the Clerk’s Office.”

Chair Holt

“Let me ask you this, Mr. Manager, and then we can go onto someone else. What, how do we do that with the Chamber? Do we give them money or do they give us receipts?”

Mr. Presnell

“This takes us away from receipts. This process right here is to remedy that situation...”

Chair Holt

“Nah ah, no, no, no, I’m just asking, do they produce something and then turn in receipts, that’s all I’m asking. Do they give you a product of work?”

Mr. Presnell

“They produce an invoice with numbers of what they, of how many people they met with, their work?”

Chair Holt

So they turned in a work product and then they got paid. Then they don’t need receipts, right? They can just say we are going to do this and we talked with ten people or we did ten things, then give us the money. So what I’m saying we can’t treat one organization any differently than we treat others.”

Commissioner Morgan

“So, essentially, what you are saying with this document, Mr. Attorney, is that we contract with, and I’ll just pick one out here because I’m familiar with it, Chattahoochee Main Street for whatever the sum is, \$5,000, \$10,000. We are going to cut them a check for \$10,000 and not require any documentation or anything?”

Mr. Weiss

“No, this agreement obligates them to provide all the documentation that is required under your current policy. You have a current adopted policy that requires basically three things and one is a detailed budget, the other, two is a written narrative regarding the program that is being offered and three, is quarterly financial reports. This does allow discretion in terms of how payments will be made, whether its going to be a lump sum payment or if there will be quarterly payments. But they are never relieved from the obligation to provide the documentation that they have to provide us per policy.”

Commissioner Morgan

“So, my concern here is, what if they spend money on something that is deemed inappropriate?”

Mr. Weiss

“In the agreement they are obligated to return the funds.”

Commissioner Morgan

“What if they don’t because they don’t have the ability to do that?”

Mr. Weiss

“Well, if we would like to sue them, we could.”

Chair Holt

“True.”

Mr. Weiss

“I mean, that would be remedy or try to work something out somehow short of doing that.”

Chair Holt

“OK, (looking at Commissioner Morgan) are you OK? “

Commissioner Morgan

“Yeah.”

Chair Holt

“Commissioner Viegbesie.”

Commissioner Viegbesie

“Thank you Madam Chair. I am, this is just for clarification. On the agendaed item, it says ‘Upon approval of this item, the Board is authorizing that the organizations be paid the amount listed above with a lump sum payment to each’ of them and then on Section 2 of the Agreement says, ‘...No funds shall be disbursed until Grantee has provided all required documentation’. What kind of documentation are we requiring, are we asking for just documentation that is bone fide organization or documentation of projected expenditure and services to be provided and to assure that the money they are receiving is actually going to be used for what they say it is going to be using it for. Because upon approving this today, they are going to get their money lump sum. That’s what the item says on the agenda. Then the agreement itself says ‘No funds shall be disbursed until Grantee has provided all required documentation’. I need clarification on that.

Mr. Presnell

“Madam Chair?”

Chair Holt

“Yes, go right ahead.”

Mr. Presnell

“OK, at the beginning of the year, and most of these organizations have received funding in the past so they are used to this process, most of them, the majority of them are very good. We require the budget, a detailed budget what you’re going to do with that money for the year and then a summary like a work plan, what you intend to accomplish or how many people you are going to see, or serve, or Main Street program, what advertising you are going to do or what banners you are going to buy. They present that at the beginning of the year before the money is

disbursed. That's really nothing new. You have a policy in place that's you've had for a while that requires those three things. Those are two of the three things."

Commissioner Viegbesie

"Thank you Mr. Manager."

Chair Holt

"Repeat those three things one more time."

Mr. Presnell

"What is a detailed budget; work plan as I call it, what's the proper term, David in the ordinance?"

Mr. Weiss

"Basically a program with those narratives outlined in the objective. But, yeah, a work program."

Mr. Presnell

"And the third?"

Mr. Weiss

"The third is quarterly financial reports."

Chair Holt

"Obviously you can't provide all of your financial reports prior to that. If you are receiving a lump sum fund you can't provide all of those, ah..."

Chair Holt

"So, they can turn in invoices and that would pretty much solve one of those because if they had a invoice saying that I'm going to go and let's say, this building needs some repairs. I go out and get some estimates and they give me the estimate what that's going to be. They choose say, contractor "B" and its \$6,000. That \$6,000 can be invoiced to repair that floor and that can be paid at that time. Question. That's my question following what you have. They talk to the contractor, they chose the contractor to come and fix the floor, its \$6,000, OK? So then they would turn that in to the Clerk's Office or the Manager or whomever they give it to. They can get the \$6,000 to fix the floor. That's all we need to know."

Mr. Weiss

"I don't, that would be, really that's not required at all under any of these requirements. That to me is, if you are talking about invoice, that could potentially take the place of a quarterly, I mean I wouldn't even say it should take the place of a quarterly financial report, I think that what we are trying to do with these is establish that it is an existing program with certain objectives that has a budget that is funded somehow other than only County funds and then it's actually keeping track of their financials so that we can see that the funds are being spent appropriately."

Chair Holt

"OK, but you are talking about the County funds, not their funds."

Mr. Weiss

"Correct."

Chair Holt

"So why would you need to know what their funds are? Because you are only concerned about what the County funds are. You are going to give them \$10,000, then they are going to do the \$6,000 worth of work. They should be able to go back later on after the \$4,000 if they do some more stuff. They don't do anything, the \$4,000 stays in the back, stays with the County. But, what I'm saying is the plan of work may only be to fix the floor. So you can't project some of these things out and you are looking for organizations to do detailed work with detailed budgets when people don't have staff or the accounting to do it. So, the reason I'm asking these to give all these things, we are trying to help them to get to that point. Not penalize them because they don't have anyone to help them with this. So if they are just trying to get the seniors in there like one of the things we looked at on the item was they don't have a water fountain so they bought water. OK? So they went and bought water and then they turned in an invoice for water..."

Mr. Presnell

"Moving forward we do not want the invoices."

Chair Holt

"Thank you. So what I'm saying is they don't have anyone to write up these narratives and do all these things that you want. When I look at this, containing cost categories, line item as applicable, showing the budgeted plan for use of the funds. I see the use of the funds, how you plan on using it. But some of these things I don't see. Commissioner Morgan?"

Commissioner Morgan

"Thank you Madam Chair. I think we all agree that we want to help these local organizations that provide benefits to our citizens. I don't see anybody up here that disagrees with that. Ah, what my, I guess I missing the connection, but what's wrong with, and I'm just going down the line just picking one here of the list. Let's say that Gadsden Music Theater, we are providing x number of, \$5,000 or whatever it is a year to them. They have decided to put on a show during Christmas, A Christmas Carol, and they want to go out and spend \$3,500 on the set to get it ready for the program so they go out and they do that, they spend those dollars. Why can't they just simply check with the Clerk, say 'OK, is this a legitimate expense', go out and do that, present the receipts and we pay them, or they get paid. What's wrong with that process and then, if they got \$5,000 and only used \$3,500, then they don't use the other \$1,500. What's wrong with any of these organizations following through with that? What I had the issue with prior and what I think got us into this issue previously with the other organization is, there was no communication about, they just knew 'I got \$10,000', that's all they knew and we are going out and spend it. That was where, that's how it all got started, that's where the issue got started. But, my issue is, because we have the responsibility as custodians of the taxpayer dollars, while we want to help these organizations, we want it done the right way and be done in an accountable way. It's not that difficult to do that. I've got a 19 year old and if I give him money and he goes and spends it, I want to see the receipts. Because I know he's going to do exactly what I did, nobody asks, I'm keeping the change. So, what I'm saying is, what I'm saying is, why not, it's not a difficult thing, it's very simple to do. I'm not saying it's easy, but a very simple process. Here's the amount of money you are getting for this year. If there is an adequate expense that you want to spend it on, check with the Clerk's Office and the Administrator and see if it's a legitimate expense, if they say 'you have my blessing, Child', go forward, get it done, turn the receipts in, they get a check. It ain't that difficult."

Chair Holt

"I have a comment on that but I think someone else had a comment. Does anyone else have a comment? I do. If the Clerk's Office says I'm not going to pay it and we're not following State Statute, then what do we do. We're in that, no I'm just being hypothetical about that, because what does it say and I asked the attorney. Would you please read those two paragraphs for me because this is what's confusing, not only, not only in Gretna's case, but some people in the City of Quincy asked me the same thing. So would you read that to us and let's see if we can get some clarity there, because... High yellow (pointing to a paper the Attorney is holding)"

Mr. Weiss

"Well, I think you need to look, first of all, I think this needs to be considered in context because the question that is being answered from the Attorney General or by the Attorney General, excuse me, there were two questions asked. One is 'Is the Clerk in a non-chartered County authorized to pay county bills without prior approval of each specific bill by the county commission'; and two is 'If not, may the county commission delegate the authority to pay county bills to the Clerk of Court without prior approval from the Commission for each bill'. Basically, the response to these questions are, first, the County Commission must make the determination in the first instance that the expenditures serve the County purpose so that the Clerk doesn't make that determination in terms of what constitutes a county purpose. Now, however, the, once the Commission finds that the expenditure serves a purpose, then the Clerk determines that the expenditure is authorized by law, then the Clerk can pay it without the County Commission coming back subsequently and telling the Clerk to pay it. That's basically the response so that the..."

Chair Holt

"The reason, I'm sorry if you are not finished."

Mr. Weiss

"No, go ahead, no."

Chair Holt

"You stopped, I'm sorry. The reason I'm asking that is because that's what we have now. Even if we do this, what makes it not be, because you're saying if they turn this in and from what you are saying Mr. Attorney, same thing we said the other day, the County decided it was in the public purpose. We said, 'OK, do this' and the Clerk says, I mean Finance says 'I'm not going to pay it', we're right there now so we didn't solve anything."

Commissioner Morgan

"But we're not there."

Chair Holt

"Why?"

Commissioner Morgan

"Because that can be avoided by just simply communicating prior to the expense. That's all you've got to do."

Chair Holt

"Even if it's prior, even if it's prior..."

Commissioner Morgan

"No..."

Chair Holt

"Wait, let me say this. Even if it's prior because remember, if it serves a public purpose..."

Commissioner Morgan

"Right, so if..."

Chair Holt

"That doesn't mean that you have a lot of discretion there."

Commissioner Morgan

"OK, so if an organization, let's use the example I just used, Quincy Music Theater, decides they are going to do that, spend \$3,500.00 on set prep over there, they call the Clerk's Office, they say 'Connie, this is what we want to do, is this legitimate?', She's going to say yep or she's going to say no..."

Chair Holt

"And if she says..."

Commissioner Morgan

"If she says no, can't use those funds for that..."

Chair Holt

"That doesn't mean that. That's not what the law says. It says it must serve a public purpose." That's all it says. It doesn't say..."

Commissioner Morgan

"All I'm saying is, if the Clerk says and the County working together says this is not a legitimate expenditure..."

Chair Holt

"Now you're where I am. Right, the County..."

Commissioner Morgan

"Then, then the County..."

Chair Holt

"The County, the County says it's OK."

Commissioner Morgan

"Right."

Chair Holt

"And Finance says it's not."

Commissioner Morgan

"OK, so let's say this, let's say that ah, same scenario and Quincy Music Theater wanted to go out and make some crazy expense..."

Chair Holt

"If it's crazy I..."

Commissioner Morgan

"...that had nothing to do with Quincy Music Theater and Connie says 'No, you ain't gonna do that and therefore we're not going to pay on that, it's not right' and they call the County, you know, and talk with our office and they say you can't do that. Well, if they go ahead and do it, then that's their issue, not ours. If they don't, they, and if because they had that communication, they don't get put in that spot, so every time they can take this \$10,000 of their \$100,000 budget that they have and they say this is from the County, we need to make sure we send that \$10,000, if we're going to use those County dollars, we need to communicate and make sure it's OK."

Chair Holt

"OK."

Commissioner Morgan

"It's just not that hard."

Chair Holt

"I've got, it is, if you are putting it in the other context. If the County, County agrees, Finance Office agrees, everyone agrees that it should not be done because it does not serve a public purpose or if it's illegal, then you can't do it, but..."

Commissioner Morgan

"What's the problem if they..."

Chair Holt

"Ah, OK, listen, you can now, you can go to Senior Citizens right now and they are providing meals."

Commissioner Morgan

"Ah huh."

Chair Holt

"OK, in Quincy."

Commissioner Morgan

"Uh-huh."

Chair Holt

"You can go to Chattahoochee and they may not be providing meals and you can go to Gretna and they are not, so they go and purchase their meals."

Commissioner Morgan

"Um-huh."

Chair Holt

"OK, they go and purchase their meals and then they say, and Finance says 'I'm not going to pay for it'".

Commissioner Morgan

"But did they call the Clerk's..."

Chair Holt

"No, no, no, wait, wait, wait, listen, listen..."

Commissioner Morgan

"...office and the County and say 'Hey, is this, here's what we want to do, is it..."

Chair Holt

"I...and if they..."

Commissioner Morgan

"If they say yes they can do it, if they don't..."

Commissioner Viegbesie

"Madam Chair, call the question."

Chair Holt

"But that does not, but that does not make it follow the public purpose and it does not make it illegal. So you are saying one person or two people can decide on something."

Commissioner Morgan

"I'm saying two parties..."

Commissioner Viegbesie

"Madam Chair, I call the question."

Chair Holt

"Yes Commissioner?"

Commissioner Viegbesie

"I call the question on this item, Madam Chair. Let's move on."

Commissioner Morgan

"Have at it."

Chair Holt

"Well, I am going to..."

Mr. Presnell

“Madam Chair may I...”

Chair Holt

“Go ahead.”

Mr. Presnell

“...make a couple of comments?”

Chair Holt

“Go ahead.”

Mr. Presnell

“OK, this was not done just with sleight of hand or anything like that. We had meetings with the Clerk, I met with the Clerk myself, the attorney’s been involved. He, the Clerk is here and can speak for himself, I don’t think the Clerk wants to have people send in receipts to his office, ah, I don’t think he wants the Art Center calling his Finance Officer and asking would it be OK to buy this or that table cloth or food or whatever. He has reviewed this agreement that our attorney prepared and that’s kind of his recommendation that this would be best to proceed. It requires things that are in your policy that are required of people receiving public funds, those are the three things that are required, and again he’s right here and can speak for himself. But, I think he’s comfortable with this if we follow the policies outlined in this. Now if you want to do it quarterly, if this Board wants to distribute the funds quarterly, all you have to do is put that in the motion. The lump sum thing was because some of these are \$5,000, and you know, just isn’t...again, the Clerk is fully aware of this, he thinks it will work better, he’s had input on it, but he can speak for himself.”

Chair Holt

“I am in favor of a lump sum, but we can go on to anyone that has a comment.”

Commissioner Taylor

“May I?”

Chair Holt

“Commissioner Taylor...”

Commissioner Taylor

“Thank you. I’m ready...”

Commissioner Hinson

“I thought you called the question.”

Chair Holt

“I’m sorry...”

Commissioner Hinson

“You call the question, nobody else should be talking.”

Chair Holt

"Sure did, I'm sorry."

Commissioner Hinson

"That's just Roberts Rules of Order."

Chair Holt

"Yeah, I'm sorry. That was, that was my fault."

Commissioner Taylor

"May I? "

Chair Holt

"Commissioner Viegbesie called the question."

Commissioner Taylor

"I'm going to do likewise."

Chair Holt

"OK, you were going to do the same thing?"

Commissioner Taylor

"I'm going to do likewise."

Chair Holt

"OK, alright."

Commissioner Taylor

"I would like to make the motion that we do spend the money in lump sum as agreed..."

Commissioner Hinson

"Second."

Commissioner Taylor

"...ah, thank you. But I do would like to put a tail end on it that the Clerk does provide a list of non-allowable items to these people in advance."

Commissioner Hinson

"I don't second that."

Commissioner Taylor

"You don't second that?"

Commissioner Hinson

"Because we go against what the State says, the State Statute saying."

Commissioner Taylor

"Well, I just don't want it, my statement for that is I just don't want the same situation to happen again with people getting the lump sum, go out and spend the dollars and then we pull them and

ask for these dollars back because you do have that caveat in the policy. I just don't want that. They need to know that fool is not allowable. They need to know that bingo prizes are not allowable. They need to know these things so then it doesn't become a quagmire. So that's just information purpose only."

Chair Holt

"OK, I have a motion and waiting on a second..."

Commissioner Hinson

"Well, ah..."

Chair Holt

"Commissioner Hinson, you have a comment right quick and we'll get to ask for a second?"

Commissioner Hinson

"Because of ah, I think that wherever this thing's located, can you read the part where it talking about if it's, if it's, as long as it's used for public use it's somewhere in there, or that, can we say that? For the County Commissioners."

Mr. Weiss

"Ah, sure, and I mean I think that ah, I mean if y'all want me to read this, I feel..."

Commissioner Hinson

"Just..."

Mr. Weiss

"I don't think I want to read a bit or a piece of it, I mean I'd rather read, I mean, maybe not the whole thing, but at least start at a point where you get a little bit of context in terms of what is, what the question is and that was what I was trying to say earlier."

Commissioner Hinson

"Do you work for the Clerk?"

Mr. Weiss

"I do not work for the Clerk. I..."

Commissioner Hinson

"I'm just asking a question."

Chair Holt

"OK, Commissioners, y'all come on."

Commissioner Hinson

"Can you please ah, read this information here, ah, cause we can get some clarification cause the way you go at it, that's the way the world go at it. So, I just want to be fair to the constituents."

Commissioner Taylor

"I don't think that was a fair question..."

Commissioner Hinson

"No, I just..."

Commissioner Taylor

"...to ask the attorney."

Chair Holt

"Hold, hold, Commissioners, let's do this. I was trying to get a second if we could..."

Commissioner Taylor

"There's a motion on the floor so if it dies, then it dies."

Chair Holt

"So there's no second, that's what I was trying to do is get a second for discussion but I've not received the second so the motion dies for lack of a second. OK, Commissioner Hinson, I'm sorry, hold on, hold on..."

Commissioner Hinson

"Because it's fair to, because what we doing, reason, I wasn't trying to be come after you whatever, I was just trying to be fair to the constituents because we're going different angles and it's good for them to hear the attorney first and let him give his position on this what he know and what he read and then that way we can go forward. Because we, once the people listen to this information here, they thinking that, they don't know what to think. But as long as the law, I prefer to call the law. That just, not just how I feel but we really need to follow the law."

Chair Holt

"Well, what we need to know and that he gonna narrow it down a little bit, ah, for the attorney, if he looks at it, he told us two specific things. A county purpose is decided by the Commission, that's decided by the Commission, is that not true? Is that what you're saying?"

Mr. Weiss

"That, yes, that's true."

Chair Holt

"OK, now we have that part. The County decides what the purpose is, no-one else. This Board does."

Mr. Weiss

"Yes, the County decides in a general sense with the funding that is approved, that, that funding a human service is, serves a county purpose."

Chair Holt

"Yeah, OK, then the Clerk Determines whether it's illegal or not. Is that true?"

Mr. Weiss

"Yeah, whether it's authorized by law or..."

Chair Holt

"Authorized by law..."

Mr. Weiss

"Or otherwise illegal and whether it's..."

Chair Holt

"OK, that's what I'm saying. So if it's not illegal and we decide it's a public purpose, then it should be paid. Those are the only two narratives I can see there. If you need some Benadryl for the men out on the road, whether OSHA said it's in the box or not, it serves a county purpose because if someone gets stung by a bee in Greensboro there are not going to get to a doctor, may not get to a doctor in time before their tongue swells. Now, OSHA doesn't say it has to be in that box and as I said with that incident, I don't care if you tape it to it, their lives are more important than what's required in the box. OK, now, so when you look at these items, these are the only two things we are really looking at; serves a public purpose and it's not determined to be not illegal; it is not illegal. Now, if it's illegal, Clerk says I'm not going to pay that. That makes sense. OK, now, there's a motion we had by Commissioner Taylor that failed because of lack of second; Commissioner Viegbesie had his hand up Commissioner Taylor, then you will be next. Commissioner Viegbesie?"

Commissioner Viegbesie

"Madam Chair, I'm going to move that we table this item because it's taking entirely too long."

Chair Holt

"OK, there's a motion that we table this item. Do I have a second?"

Commissioner Morgan

"Second."

Commissioner Hinson

"Well, if we table it then the folks gonna need their money, right?"

Mr. Presnell

"Right."

Commissioner Hinson

"Well, you see, OK, this is my only problem here. If we believe in this right here, right, and we think this is in line with that we believe in, ah, we just pass it and then we just move forward, move on."

Chair Holt

"Well, well it may be able to be taken up as pay them what we owe them and move forward with this agreement after it's tabled."

Commissioner Taylor

"We have a motion and a second."

Chair Holt

"We do. But I need, he wanted some clarity and I don't know if it can be done that way, but, it's something to look at. We have a motion and a second to table this item. All in favor?"

Commissioner Viegbesie

"Aye."

Commissioner Morgan

"Aye."

Chair Holt

"Aye."

Commissioner Taylor

"No."

Chair Holt

"OK, we have 4 to, to- 3 to 2 to table this item. OK?"

Commissioner Taylor

"Before we move, let me just say this real quick."

Chair Holt

"Sure."

Commissioner Taylor

"As lot of what we said has been subjective tonight, ah, with regards to ah, ah, what's in public interest, what's in the best public interest? I can interpret that totally different than Commissioner Morgan, what's in the best interests of the public. It could be totally interpreted differently by an individual. That's why I say give specifics. Let them know what's not an allowable expense. That's why I said do that and that way you have less grounds of people making mistakes with these public dollars. So I know we are going to move this on, but it is important that we have clarity to the public so that they will understand what they can and cannot do. It is in the best interests of the Senior Citizens that they come and do Bingo because it gives them some motivating activities, it stimulates them and gives them excitement, makes their heart rate go good. That's how it's interpreted by the Director. But those are not an allowable event. So it could be interpreted different but if you give them a list, give them specifics, it kind of closes that gap. So that's the reason why I said be specific. Thank you."

Chair Holt

"Commissioner Taylor I think that's a great idea ah, for the next time the items brought up, maybe we can bring those..."

Commissioner Taylor

"That's what I just said and you wouldn't vote for it."

Chair Holt

"...those, these ideas to the table so that way we don't have to be rude and disrespectful to each other either. But what we can do is look at putting these things together and come back once the

item comes up. If you want to have enough time to look at this item again, I really feel like it should have a check-off list. If you have a check list that, that it does serve a public purpose, if they are going to do repairs, I think they should have a checkbox. You check repairs and we can keep moving. I don't think we need all this verbiage in here for people out there that are, don't have that background in accounting or the legal background. I think that makes it simpler for them."

Commissioner Taylor

"Well, let me ask this final question. How soon can we get this item back because again, we are holding people up who need these dollars. So, what is it we are tabling it for?"

Mr. Presnell

"I'm not sure, I mean, I, unless you want me to try to work with the Finance Department to get a list of what, if y'all want a list of non-approved items or something?"

Commissioner Viegbesie

"I think that would be wonderful. I think that would clarify this and then we would not be going around and around like a dog chasing our tails saying something over and over and over and over."

Commissioner Morgan

"And let's ask the Clerk's input while we've got him here."

Commissioner Taylor

"Commissioner Viegbesie, that's what, that's what the motion earlier. Let's approve them so they can get their money, but let's put a list of items that are just not acceptable. That was the motion and we had it on the floor so these people can get this money, because like we said, these are, these are, these are businesses out there that need these dollars now. But I'm willing to wait that we can come up with a list in two weeks so we can get this matter (inaudible). So thank you."

Chair Taylor

"Ah, Commissioner Morgan, you were saying something?"

Commissioner Morgan

"I was just interested, you know, since we are all here, you know, the Clerk is here, the Finance Director for the Clerk is here, ah, I don't know if Jeff is here or not, but if he's here, if there is anybody that's got input while we're talking about the subject rather than us all parting ways and then calling and say 'Hey, I can't believe we didn't do this or we didn't say this, or y'all are going down this road'. What say you, I mean, people are here, let's talk."

Mr. Presnell

"Well, this whole effort was to present the conversation you had tonight was our staff working together..."

Commissioner Morgan

"Well I hadn't heard anything from the Clerk's office."

Chair Holt

“Mr. Clerk do you have any comment?”

Clerk Thomas

“I don’t know where to start, don’t know if I want to say anything really.”

Commissioner Morgan

“Is there a problem? I was the one that had mentioned, you know, the fact that these organizations call your office to see if it was a legitimate expenditure that you would agree to pay out and also contact the County, you know...”

Clerk Thomas

“So, ah, that’s what we call basically the reimbursable route, right, and that’s not what we have really done with the non-profits.”

Commissioner Morgan

“I understand.”

Clerk Thomas

“You know, receipts were never required before we didn’t ask for them, we were presented them in this case. Of course we couldn’t ignore them and because I actually explained at the last meeting how I thought this situation was different from the others and so, what we’ve, the one thing we insist that we thought was appropriate is having an agreement so that everybody understands and it’s public dollars as you have said and that there is some accounting, proper accounting for those dollars that was our main point. There is an agreement that you understand, that is an agreement with this entity and so, that’s the main thing. The terms of financials are great. If you want to know what would really be great I thought, and I said this last meeting, was basically, and this would be some might consider this a hardship for some entities, but the audited financials, right, an audit report. Most non-profits get audited; certainly if it’s going through a municipality we’ll get their audit. Only thing that does is you have a written document that verifies that there are at least internal controls, there are no growing concerns, there are no major, you know there is at least some structure. You might think that’s too much to ask, but that’s the only other thing that I thought would, you know, and I use the state example of course every grant you get money from, every different entity you have to send them an audit report, that’s required because they can take that and just know certain things are in place and that gives a level of security and in some of these cases the entity might be so small, but if it’s using the city as a conduit, you get the audit from the City and that’s really great for those. So, you know, let me say this, since I’ve the mike, hey, I love senior citizens too, I’ve had Grandmothers, so, just wanted to say that on record. So, but the main thing is just accountability and we want to get the money out, just want it to be accountable that’s all.”

Chair Holt

“Let me ask you something, ah, the cities are audited so your senior citizen money could go through the City of Chattahoochee, could go through the City of Gretna...”

Clerk Thomas

“Yeah, that’s one way of...”

Chair Holt

“No, no, no, could, I was going to say something else. Why couldn’t all of them just go through the Senior Citizens in Quincy and they divvy the money out and the other organizations wouldn’t have to worry about it? Just send all three through there and they send out the \$10,000?”

Commissioner Hinson

“I think it’s just being complicated.”

Chair Holt

“I’m saying that would be an easy one. Ah, but we’ve already voted...”

Clerk Thomas

“Let me say one other thing just for the record and I won’t elaborate much because you’re talking about a list and this is what, ah, I’ve tried to make this point before. The State and Counties can give money, so the county has a certain way it has to spend money. They can give money to entities that have different missions, right? So, you can give money to, the State gives money to Gadsden Senior Citizens, lots of money, lots of it goes to food, but Gadsden County itself can’t spend money directly on certain things, ah, that’s one example. The food thing, I heard the food thing come up because with Senior Citizens, one of the main things is Meals on Wheels, so most of the funding for Gadsden Senior Citizens comes from the State, there’s Interlocal Agreements that has a different mission and that was the thing about having an incorporated group with certain by-laws, certain missions, certain governmental entities can give money to like Salvation Army, the Red Cross, that have different missions for counties but government entities are allowed to contribute to those organizations and that’s all I want to say.”

Chair Holt

“I want to ask you something. I’m glad you brought that up about the food. So if we wanted to fund meals for Seniors, we could not? There is a State Statute that says that?”

Clerk Thomas

“What I’m saying to you is, you can contribute to entities that have certain missions that are different from yours.”

Chair Holt

“OK, so then, if we, say, we have ten seniors, that we are going to provide meals for ten seniors, we can do that? It’s not illegal?”

Mr. Presnell

“Their budget can say meals.”

Chair Holt

“I know, that’s what I’m saying.”

Mr. Presnell

“The budget that they submit can say meals.”

Commissioner Hinson

“I’d like to hear the Clerk say this because, you know, he’s...”

Clerk Thomas

"I'm not going to go into a bunch of, I've said this before, you can contribute, you are allowed to contribute to entities that have different missions than yours. Leave it at that, you are allowed to contribute to entities that have different missions than yours. There are certain things that you can't directly spend money on. You are allowed to contribute to entities that have missions that are different from yours. That's all I'm going to say on it, leave it at that."

Chair Holt

"So, if we gave them the \$10,000 and they decided one of their missions was to provide food for the seniors, then they could do that because it's not illegal."

Clerk Thomas

"I'm not going, I've said all I'm going to say."

Chair Holt

"So Mr. Attorney, there's no, if there some type of statute that says we couldn't?"

Mr. Weiss

"I'm not aware of the statute that says anything about food in particular."

Commissioner Hinson

"Because how it's stated, it's interesting because the attorney, that why I said attorney, I wasn't trying to be funny to you, because what happened here as a Board member, somebody who respect you so much and respect the County Manager so much, I was, actually I had a couple of phone calls yesterday. I didn't know this, me and the Clerk going against each other and they say, I say 'What's the issue?', they say 'Man, you was supporting the senior citizens', they say, 'Man, I don't blame you, I would have done the same thing' so I had a few folks call me about the situation so I was curious why how come you, even though I wasn't here, or the County Manager, to jump into that and say something to justify that because the way they put it in the paper was totally something, completely different than what was said, you know, because I try to be fair to everybody, even because before he say (inaudible), he said, if I'm not mistaken, if I heard something wrong, he said first you can't put money on food. So, before, then, I'm talking about less than about three minutes ago, and then he changes whole position there, so I don't have any problems with that office over there, I never said anything (inaudible) I just want to make sure that when we talk about things, we should be respectful and give somebody the benefit of the doubt. I never treat anybody wrong, whatever, so, so, with the fool situation, he said he couldn't do it. Now he said you can do it..."

Clerk Thomas

"No, I..."

Chair Holt

"Hold on, hold on, Commissioner, Mr. Clerk, go ahead..."

Clerk Thomas

"I said that you are allowed to contribute, look, you are allowed to contribute to organizations that have missions that are different from yours. That's a simple statement. I didn't say you can spend money on everything, I said you can contribute to organizations that have different, and

you have done that with Red Cross and with Senior Citizens and stuff...”

Commissioner Hinson

“If I misquoted you, I apologize if I misquoted you.”

Clerk Thomas

“But, if you are going to, there are certain things that counties are not allowed to spend money directly on, OK? It’s just that simple.”

Chair Holt

“And we need to see that law, you’re the attorney. So we just need the attorney to bring that information back to us, that’s all.”

Commissioner Hinson

“And Mr. Clerk, I apologize. Anytime dealing with kids or dealing with Senior Citizens, that’s the only time I get emotional on the Board, like twice a year. So when you talking about Senior Citizens, students and kids, I get compassionate about those issues there and that’s the only time. But we just need to make sure that we careful about which word to use because...”

Commissioner Taylor

“Am I hearing correctly that the Clerk is not going to provide a list?”

Clerk Thomas

“We can, I can provide, we can provide you a list, but the one thing that’s not going, I’m not going to, and it’s just this one example that I’m using, and that’s food to Senior Citizens. We’re not going to say that senior citizens can’t fulfil that mission. What we’re saying is Gadsden County can’t directly pay for food unless it meets the criteria that we laid put already.”

Commissioner Morgan stepped out at this juncture of the meeting.

Clerk Thomas

“OK? That’s all I’m saying and that one example as it relates to food for senior citizens, the State of Florida contributes money to that organization, Gadsden County contributes what, \$150,000 or something to Senior Citizens, Gadsden Senior Citizens and the big part of what they do, of course, is Meals on Wheels. A lot of that is funded through the State of Florida, so Government can contribute to certain functions that organizations have, certain missions, but Gadsden County itself, we’re not going out paying for a whole bunch of food unless it meets the criteria that we laid out, it was laid out in State Statute and then you furthered that as an Ordinance that specified under what terms and conditions (inaudible) for an emergency. So that’s one example I’m using because that sounds like in some ways like a contradiction when you know that the State of Florida Contributes money specifically for that purpose.”

Commissioner Morgan returned at this juncture of the meeting.

Chair Holt

“I am glad you said that because what you, and I told the attorney he may as well start looking for that one. But, and it makes sense. If you are saying that that’s one item that cannot be purchased, then he needs to have a law that says that. He needs it.”

Clerk Thomas

"What's that?"

Chair Holt

"But what I'm saying is that, that's why, and what Commissioner Taylor, like I told earlier, it makes sense because these citizens need to know what they, what these items are. If you can get a list as she said earlier, get a list of some things to us, then we'll know. Because we don't know and they don't know, and when you said paying for food directly by the County, I did not know that and I'm sure a lot of people did not know that. If it can't be done there should be a State law to back it up somewhere."

Clerk Thomas

"There's a law, there's a Florida State Expenditure Guideline..."

Chair Holt

"OK, well..."

Clerk Thomas

"...that basically says that unless there is a state of emergency, but it is the County's right to pass laws and we had this going back to the Christmas parties some years ago when we denied that expenditure, the County passed the law, an Ordinance that gave specific conditions when the public purpose was declared in which that expenditure could be appropriate and that's what you did last Board meeting when you approved those food expenditures directly that the County paid for. OK, you used that Ordinance to do that."

Chair Holt

"Yeah, we have done some, we paved the road in a tomato field so I'm sure there are a lot of things that we've done that didn't make any sense and thank God I missed that one. I wasn't quite in the door yet. But I want the attorney to make sure that when you get that list of things or that information, be able to get to us, he can go and verify because it's his job to protect us. It's just like we don't go down there telling the Sheriff what to do, we don't come up with telling you what to do, the Property Appraiser, any of those or then we have to make sure that's what we hired him for. And if you say it's a, he has to verify and say. It's not anything against you, but it is something that we need to know. If it's something that they can't have Bingo prizes, but they can have other things, then we need to know that also, and it may not be the Bingo prize, it may be something else. Maybe they can purchase something else or whatever and how, the use of it. Mr., Commissioner Hinson, we're going to move on because we already settled to table this item."

Commissioner Hinson

"Yes, real quick, ah, if I'm not mistaken what the Clerk said, what he was saying that the County created an Ordinance that stopped that so if the County created those ordinance, we need to find what the ordinance, because that's something that we..."

Clerk Thomas

"That's not what I was saying."

Chair Holt

“He said we already had something.”

Clerk Thomas

“No I...”

Commissioner Hinson

“You said we had an ordinance in place...”

Clerk Thomas

“...an Ordinance, I think it’s 2005-006.”

Commissioner Hinson

“We had an ordinance...”

Chair Holt

“2005-006.”

Mr. Presnell

“That allowed you to declare a public purpose for expenditures such as you did at the last meeting or when we have refreshments for new commissioners being elected. You declare a public purpose statement and certain things are allowable then to a certain...”

Commissioner Hinson

“Well I didn’t want to get into that...”

Chair Holt

“OK, well, we can look at that cause you already tabled it. Let’s move on to the next item.”

15. Appointment of Commissioner and Alternate to the Canvassing Board

Mr. Presnell introduced the above item and said it was for approval to appoint a Commissioner and alternate to the County Canvassing Board.

UPON MOTION BY COMMISSIONER HINSON AND SECOND BY COMMISSISONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPOINT CHAIR HOLT AND COMMISSIONER VIEGBESIE AS ALTERNATE TO THE CANVASSING BOARD.

16. Memorandum of Agreement to Support the Continuation of the Rural Areas of Opportunity

Mr. Presnell introduced the above item and said it was a Memorandum of Agreement to support the continuation of the Rural Areas of Opportunity pursuant to Section 288.0656(7), F.S.

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

Mr. Weiss mentioned the need to designate people for specific positions. Mr. Presnell said the Growth Management Director had been the one designated to attend the meetings in the past. Commissioner Viegbesie pointed out it needed to be a County elected or appointed official and a specific person from a non-profit organization actively engaged in economic development within the County. Mr. Presnell stated Beth Kirkland had served as the other appointee.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE TO RETAIN ALLARA GUTCHER AND BETH KIRKLAND.

17. 2015 Paving Project-Additive Change Order #2

Mr. Presnell introduced the above item and said it was for Board approval of Change Order number 2 to the paving contract in the amount of \$40,224.25 to C.W. Roberts Contracting, Inc. to add the paving of Bell Street and Washington Avenue to the original contract in District 1.

Commissioner Viegbesie asked when the next set of roads was due for submission to be RFP'd. Mr. Presnell said they were waiting on recommendations from the districts.

Commissioner Viegbesie said with this he was leaning in the position of Commissioner Taylor with continuous change orders and there were also roads in his district he would like to have done expeditiously and asked if Commissioner Hinson could wait until the list was complete instead of adding and doing change orders for this.

Commissioner Hinson said for the record he did ask for the roads to be added and from what he gathered "they" (engineer) thought the roads were somewhere else.

Chair Holt asked if the contractor was still in the area and Mr. Presnell stated at the time this came up they were, but since that time they had moved on. He added they would be going over the county the next eighteen months.

Commissioner Morgan said the change order indicated an additional \$40,000 and asked if it would cost the County more money and Mr. Presnell explained it would come out of Commissioner Hinson's share of the paving money and was at the same rate per ton.

UPON MOTION BY COMMISSIONER HINSON AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE THIS ITEM. COMMISSIONER TAYLOR OPPOSED.

18. Amendment to the Procurement Policy to provide an exemption from the requirements of the Policy for the utilization of contracts of other public entities on the same terms and conditions if the contract was awarded pursuant to procedures similar to those required under the Procurement Policy

Mr. Presnell introduced the above item and said it was for approval of an amendment to the Gadsden County BOCC Procurement Policy to provide an exemption from the requirements of the Policy for the utilization of contracts of other public entities on the same terms and conditions of the contract was awarded pursuant to procedures similar to those required under the policy.

Commissioner Viegbesie asked about Section 2.3.3, the underlined part and Mr. Weiss explained that part was not changed and thought the underlined part was not taken off.

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

19. Approval to Purchase Six Dump Trucks

Mr. Presnell introduced the above item and said it was for approval for the purchase of six dump

trucks piggybacking on the City of Tallahassee's bid.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE OPTION ONE.

19a Agreement with the Management Experts, LLC to Review and Update the Gadsden County Local Mitigation Strategy

Mr. Presnell introduced the above item and said it was for consideration of an agreement between the Gadsden County BOCC and The Management Experts, LLC in the amount of \$6,750.00 to review and update the Gadsden County Local Mitigation Strategy and the service would be provided under the Federal Emergency Management Performance Grant program.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE FOR APPROVAL.

COUNTY ADMINISTRATOR

20. Update on Various Board Requests

Mr. Presnell said a local grower was chosen to be one of the growers for medical marijuana and will be working with them to get construction done and they were on a tight schedule.

He reminded everyone the Hospital workshop would be this Thursday at the Bill McGill Library at 6:00 p.m. and there would be a workshop before the next meeting here at 4:30 on December 19th.

He then mentioned there was an emergency with the lift station between the hospital and the Senior citizens and requested this be addressed as an emergency because it had to be pumped out daily. He added he had obtained prices because it was over \$5,000 and required a bid according to their policy and the lowest price so far was \$16,624.97 to replace the pumps and was waiting on one more quote. Mr. Weiss pointed out in their Procurement Policy there was an exception for emergency purchases as long as the monies did not come from General Revenue. Mr. Presnell stated the money would come from Building Maintenance fund and no money would need to be transferred. Mr. Weiss stated they needed to make a motion to add the item as an emergency.

UPON MOTION BY COMMISSIONER HINSON AND SECOND BY COMMISSIONER VIEGBESIE TO ADD THIS ITEM TO THE AGENDA AS ITEM 19B, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE REPLACEMENT OF THE LIFT STATION BASED ON LOW QUOTE RECEIVED.

Mr. Presnell stated his last item was the Gretna racing appeal was to be heard by the Supreme Court and was a "one-shot deal" and would exhaust the legal remedies.

Mr. Weiss said if it were the will of the Board for him to be involved, the best way to do that would be to approve the submittal of an amicus brief in support of Gretna Racing's position and felt the best way was to approve submittal of the brief and to attempt to get other counties who

had passed referendums to join in on the brief and have one voice to defend the home rule authority.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY CHAIR HOLT, THE BOARD VOTED 4-1 FOR APPROVAL OF THE FILING OF THE AMICUS BRIEF AND TO CONTACT OTHER COUNTIES THAT HAD PASSED THE REFERENDUM. COMMISSIONER TAYLOR OPPOSED.

COUNTY ATTORNEY

21. Update on Various Legal Issues

Mr. Weiss said he had nothing to report but was available for questions and there were none.

DISCUSSION ITEMS BY COMMISSIONERS

22. Report and Discussion of Public Issues

Commissioner Anthony Viegbesie

Commissioner Viegbesie said as they went into the new year with new leadership, he asked that they work as a team together and respect one another. He also thanked staff for making the Board look good.

Commissioner Gene Morgan

Commissioner Morgan said he had nothing to report.

Commissioner Sherrie Taylor

Commissioner Taylor said the reason she voted against the casino was because she had a gut feeling that when they have gone through so much, she was scared to bring gambling into her hometown. She said there was no issue with the concept but was afraid this might turn out to not be what they wanted the in long run.

Commissioner Taylor left the meeting at this juncture.

Commissioner Eric Hinson

Commissioner Hinson said he had an opportunity to spend time with the Boys and Girls Club and was touching because he was tutoring the kids in math at the Havana Magnet School.

Commissioner Viegbesie stepped out at this juncture of the meeting.

He said that he felt they needed to continue doing the great things that the Commission was doing with the great services in their community and noticed they were inside a Church and no longer in a school. He felt it would be great to come from the Board to send a letter to the Superintendent and the Chairman of the school board to ask if they could utilize their facility for the benefit of the Boys and Girls Club.

Commissioner Morgan asked if they should approach Mr. Wagner first before they sent a letter to make sure he was in the loop since he was the executive director.

Commissioner Hinson said they could make the motion if the School Board approved it and Mr.

Wagner did not want it, it was on him but they had done what they could as a county for the situation. Chair Holt said if he requested it and Mr. Wagner did not want it, he could say so. Commissioner Morgan said that might put Mr. Wagner in a bad spot if for some reason he had a legitimate reason for not wanting this. Commissioner Hinson said he had spoken with him a couple of months ago regarding the same situation.

Commissioner Viegbesie returned at this juncture of the meeting.

UPON MOTION BY COMMISSIONER HINSON AND SECOND BY CHAIR HOLT, THE BOARD VOTED 4-0 TO APPROVE TO WRITE A LETTER TO THE SUPERINTENDENT AND THE SCHOOL BOARD CHAIRMAN AND A COPY TO MR WAGNER TO ASK IF THEY COULD UTILIZE HAVANA MAGNET SCHOOL FOR THE BOYS AND GIRLS CLUB.

Commissioner Hinson said he would like to propose a motion to abolish the adopted policy that relates to the traffic calming devices and Mr. Weiss said it would have to be placed on the agenda.

Commissioner Brenda Holt

Chair Holt thanked everyone for their support for the Gretna Racing and felt they needed to make a good showing at the Supreme Court to let them know they were supporting the County.

Receipt and File

23.

- a. Truth in Millage (TRIM) Certification Letter
- b. BY2015 Administrative Budget Amendments

UPCOMING MEETINGS

- 24. December 3, 2015-BOCC/GHI Joint Workshop-6:00 p.m.
December 15, 2015-Succession Workshop-4:30 p.m.
December 15, 2015-Regular Meeting**

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR HOLT DECLARED THE MEETING ADJOURNED AT 9:09 P.M.

GADSDEN COUNTY, FLORIDA

**BRENDA A. HOLT, Chair
Board of County Commissioners**

ATTEST:

NICHOLAS THOMAS