

**AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON SEPTEMBER
16, 2014, AT 6:00 P.M., THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ:**

Present: Eric Hinson, Chair, District 1 (Telephoned in)
Brenda Holt, Vice-Chair, District 4
Doug Croley, 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 AND ROLL CALL

Vice Chair Holt called the meeting to order at 6:00 p.m., asked for a moment of silence and led in the Pledge of Allegiance. Vice-Chair Holt then asked that all cell phones be placed on vibrate or turned off. A silent roll call was taken by Marcella Blocker, Deputy Clerk.

AMENDMENTS AND APPROVAL OF AGENDA

Vice Chair Holt asked if there were any amendments to the Agenda and there were none.

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

AWARDS, PRESENTATIONS AND APPEARANCES

1. Gadsden Re-Entry Center Introduction and Update

(Warden Walt Summers)

Mr. Presnell introduced the above item and said Warden Walt Summers was present to give the Board a presentation regarding the Gadsden Re-entry Center and invited everyone to a Community Partnership event they were hosting on October 14th at 9:00 a.m. He said they were located on the campus of Tallahassee Community College and they were the first correctional facility to have been built on a college campus.

CLERK OF COURTS

Mr. Thomas said the Board had done a great job with the Budget the past few years, but when he sees potential problems that could impact the County, he felt the need to go on record and inform them of things and then it was up to them on how they would like to handle it. He said in looking through the tentative adopted budget, first was the \$591,000 of Fund Balance. He said they had said all of that may not be spent, but from his standpoint, if it was appropriated, they have to assume, at least on paper, that it will be spent. He said at the last meeting, he pointed out that the \$5 Million was the absolute minimum and once they go below that, they were technically, in the Finance Department's opinion, in "poor financial condition".

The second thing he wanted to point out to them was an accounting issue regarding the new Sheriff's

Administration Building and asked how they planned on paying for it and said they would need to account for funds and where the funds would come from. He used for an example, if they were to buy a house, they would close and start making mortgage payments, but if they were to build a house, they could have to have capital upfront to pay contractors. He added that was why he asked them at the last meeting if they had confirmed whether or not they could pay for it with a general fund transfer. He said whether it was a regular bank loan or a bond, they would have to account for the capital, account for the revenue and the expenditures to get the building built. He then suggested they have a consultant come in and do an independent report.

Commissioner Morgan thanked Mr. Thomas for sharing his thoughts with them.

Commissioner Holt agreed they did not need to build the administration building before a pod was added and they needed to look at what they could fund now.

Mr. Presnell thanked the Clerk for bringing the matter to the Board's attention and said they agreed with his assessment and Staff was aware and said there would be no contracts until financing was in place.

CONSENT

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

- 2. Approval of Minutes**
- 3. Agreement with The Management Experts, LLC to Provide Emergency Management Training**
- 4. Approval and Signatures on the Fall 2014 E911 Rural County Grant Application for E911 CPE Maintenance and Evergreen Software Upgrade Maintenance**
- 5. Approval for Fire Brush Truck to be Declared as Surplus and Submitted for Auction**
- 6. Approval and Execution of State Aid Agreement**

ITEMS PULLED FOR DISCUSSION

There were no items pulled for discussion.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

There were no citizens that requested to speak.

PUBLIC HEARINGS

- 7. PUBLIC HEARING-Board Approval of Ordinance 2014-004 and the Request of Public Safety Academy Housing, Inc. to Refinance the County's \$9,000,000 Revenue Bonds (Public Safety Academy Housing, Inc.), Series 2004 (the "2004 Bonds") and to Issue Additional Indebtedness for Dormitory Improvements**

Mr. Presnell introduced the above item and said Public Safety Academy Housing, Inc. had requested that the Board of County Commissioners consider refunding certain 2004 bonds issued by the County for the benefit of the Company and issue additional indebtedness of \$500,000 to

finance improvements at the dormitory facilities at the Pat Thomas Law Enforcement Academy.

Mark Mustian, Esquire and Randy Sims, Capital City Bank, appeared before the Board. Mr. Mustian explained there was no liability to the County regarding the bond. Mr. Sims said Capital City Bank was the current holder of the outstanding bond and would be the sole purchaser of the new bond.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, BEFORE THE VOTE WAS TAKEN, COMMISSIONER HOLT HAD QUESTIONS.

Commissioner Holt asked what was meant the County was not on the hook for the liability.

Mr. Mustian explained there was no way the bond-holder (Capital City Bank) would come to the County for payment and the only thing pledged to secure the debt were the revenues of the facility.

Commissioner Hinson asked if there were any legal concerns.

Mr. Weiss responded there was not.

VICE CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

GENERAL BUSINESS

8. Approval of the City of Quincy Fire Department Interlocal Fire and Rescue Service Agreement

Mr. Presnell introduced the above item and said this was for approval of the Interlocal Fire and Rescue Service Agreement between Gadsden County and the City of Quincy Fire Department.

Commissioner Morgan thanked everyone for working together and said it was beneficial for Gadsden County and fire services to work together to provide the services and fund them. He added that one problem he saw was the volunteer firemen were aging and younger people were not stepping up. He added that the City of Quincy was not the same agreement as with the other municipalities; Quincy had a four year term and the others were a two year term.

Commissioner Croley had questions for the Fire Chief.

Chief Scott Haire, Fire Chief for the City of Quincy, appeared before the Board.

Commissioner Croley asked the area of service the agreement covered because the agreement showed automatic aid to Gretna, St. John/Robertsville, Wetumpka, Midway and Interstate 10 from Mile Marker 173 (Greensboro Exit) to Mile Marker 193 (East County Line) and how it would impact the eastern side of the County because there was no reference to Havana and Concord.

Chief Haire stated that Havana and Concord took care of their own, but Quincy would assist if needed.

Commissioner Croley asked who determined the automatic areas and the aid areas.

Chief Haire said nothing had changed from the previous contract.

Commissioner Croley requested that the agreement be reviewed and brought back to address the needs and areas that were not listed in automatic aid areas. He stated he wanted to make sure the entire county was properly covered.

Commissioner Holt said she had no problem in this matter being approved and then bring it back because things could always be added in.

Commissioner Croley moved that the agreement be reviewed and brought back at the next regular meeting.

Commissioner Morgan had a comment and said that he had expressed his concerns because he felt it unfair to other municipalities for this agreement to be put in place and the others were drawn up completely different and said he could not support the agreement as it was, but would like to see it brought back and be a two year agreement so they would all expire at the same time and remove the CPI (consumer price index).

Mr. Presnell said he was concerned about the expiration date of the current contract and had asked the attorney if they could continue the current contract because the agreement expired on September 30th.

Mr. Weiss said he was not certain what the existing agreement said about extension termination because he had redone this and did not have the current contract before him to review.

Commissioner Morgan said he would like to see a one year agreement, and then they all would expire at the same time.

Commissioner Taylor said she had no problem with a four year agreement, but she had a problem with the CPI language in the agreement.

Commissioner Croley said he was in favor of the contract as long as it covered the county in its entirety and he could withdraw his motion on deferring the contract until the next meeting, but would only want to vote to approve this agreement provided that the automatic aid section would be properly reviewed and a report provided back to this Commission so that if there needed to be an adjustment, the Board had the opportunity to evaluate that matter.

IPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE THE CONTRACT WITH THE AMENDMENT OF ADJUSTMENT OF COVERAGE. COMMISSIONER MORGAN OPPOSED.

9. Approval of the City of Midway Volunteer Fire Department Interlocal Fire and Rescue Service Agreement

Mr. Presnell introduced the above item and stated this was for approval of the Interlocal Fire and

Rescue Service Agreement between the County and the City of Midway Volunteer Fire Department.

Commissioner Morgan asked that the agreement be same as City of Quincy.

Commissioner Holt asked how this agreement compared to the other agreements.

Mr. Presnell said they were pretty close, but did have some differences compared to Chattahoochee, Havana, Gretna, because they received a little more.

Commissioner Croley said he appreciated the terms running together, but they needed to focus on the fire services and wanted to make sure that the citizens in the unincorporated areas were getting proper fire protection.

UPON MOTION BY COMMISSIONER HINSON AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3-2 BY VOICE VOTE TO APPROVE THIS ITEM. COMMISSIONER MORGAN AND COMMISSIONER CROLEY OPPOSED.

10. Approval OF THE 2014-2015 Mutual Aid Operations Plan Between Florida Department of Agriculture and Consumer Services, Florida Forest Service and Gadsden County Fire Departments and Acceptance of the 2013-2014 Annual Forestry Report and Operating Plan

Mr. Presnell introduced above item and said it seeks Board approval of the 2014-2015 Division of Forestry Mutual Aid Operation Plan between the Florida Department of Agriculture and Consumer Services, the Florida Forest Service and the Gadsden County Fire Departments.

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

11. Approval of Mosquito Control Agreement with the Department of Agriculture and Consumer Services (DACs) & Annual Certified Budget

Mr. Presnell introduced above item and stated this was for approval of the Mosquito Control Agreement with the Department of Agriculture and Consumer Services and was for matching funds and the cost share provided to the County for mosquito control services was \$31,540.

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

12. Approval of Interlocal Agreement with Local Municipalities and the Gadsden County School Board

Mr. Presnell introduced above item and said this item seeks Board approval of the annual Interlocal Agreements with six local municipalities for road maintenance and special project activities.

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

13. Approval to Renew the Services Contract with Con-Techs Health & Safety to Provide Drug and

Alcohol Screening and Training Services

Mr. Presnell introduced above item and said this was for approval to renew the services contract with Con-Techs Health & Safety to provide drug and alcohol screening services as well as training to the County and he added it was a local company.

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

14. Updates to the Current County Investment Policy

Mr. Presnell introduced above item and said it was a document provided by the Clerk of the Court to the Board and was for updates to the current Investment Policy.

Mr. Thomas said in 1995, the Legislature required all Clerks to develop an investment policy as it related to county funds. He added there had been a few updates through the years so the policy has been updated to comply with the Florida Statutes.

Commissioner Holt asked if a workshop could be done with the Clerk regarding this matter.

Commissioner Hinson agreed on having a workshop.

Mr. Thomas said he would meet with them at any time and added that every Clerk was required to develop a policy for their county.

Commissioner Croley asked Mr. Thomas if the policy had been reviewed by auditors.

Mr. Thomas said it had.

Commissioner Morgan asked if there was a deadline regarding this issue.

Clerk Thomas said there was not, he would like to have them ratify the policy if they liked it.

Commissioner Morgan said he had no problem in going ahead and approving this policy.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, BEFORE THE VOTE WAS TAKEN, COMMISSIONER HINSON HAD COMMENTS.

Commissioner Hinson said he would like to have a workshop before voting on this matter.

Commissioner Holt asked if there was any reason to use certain banks over others.

Mr. Thomas stated that the bank had to be approved to accept county funds, the primary depositor had to be in the county and it could not be a credit union.

Commissioner Hinson said he was not against it, but wanted a workshop to ensure transparency.

Commissioner Holt asked where the interest earned went.

Mr. Thomas said the earned interest went to the Board of County Commissioners. He further

explained that some years ago the Clerk was able to receive a portion of the interest, now all the interest goes to the BOCC, but the interest rates have been low the last few years.

**VICE CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 3-2 BY VOICE VOTE.
COMMISSIONER HINSON AND COMMISSIONER HOLT OPPOSED. MOTION PASSED.**

Commissioner Taylor said some very valid points were made and the Board had the authority to amend anything at any given time they have approved, but concurred with the workshop. She said there were two different topics; one was about policy, which is what was on the agenda and the other was about the actual investment, which is what they wanted to workshop.

COUNTY ADMINISTRATOR

15. Update on Various Board Requests

Mr. Presnell thanked the commissioners that attended the dedication for the Safelite ribbon cutting.

COUNTY ATTORNEY

16. Update on Various Legal Issues

Mr. Weiss stated he did not have anything to report on, but was happy to answer any questions.

Commissioner Croley said there had been a discussion, but no formal vote taken, but thought there was somewhat of a consensus that a letter would be sent to the Quincy Police Department asking for better policing of the public parking lot behind the County Office, especially for open containers and asked if that had been done.

Mr. Weiss said it had not and was not clear in directions regarding that matter.

Commissioner Croley pointed out that it remained a concern about the public liability for the parking lot and wanted to make sure they had done their due diligence to let the Police Department know that there were concerns and their policing of the property would be appreciated and in compliance with the laws.

Commissioner Holt said there may need to be a motion and vote for an official letter to go from this governmental body to another governmental body.

Commissioner Croley said he would be willing to wait until his time and introduce it as a request to be placed on the agenda for discussion.

DISCUSSION ITEMS BY COMMISSIONERS

17. Report and Discussion on Public Issues and Concerns Pertaining to Commission Districts and Gadsden County

COMMISSIONER TAYLOR, District 5

Commissioner Taylor had nothing to report.

COMMISSIONER MORGAN, District 3

Commissioner Morgan asked for clarification from the attorney regarding the redistricting issue that has been discussed in the past. He said they were obligated by the Florida Statutes to look at redistricting every ten years and the last opportunity to do that will be 2015. He asked the attorney what their obligations were regarding that issue.

Mr. Weiss said there was an obligation to look at that, but thought the obligation was more frequent, but would need to research the statute to be sure.

Commissioner Taylor stepped out at this juncture of the meeting.

Commissioner Morgan stated maybe there needed to be a workshop and that he did not recall any in-depth examination and stressed that he wanted to make sure they were in compliance with what needed to be done as a governing body and if no changes were necessary, that would be great, but if changes were needed, it should be addressed.

Commissioner Taylor returned at this juncture of the meeting.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, BEFORE THE VOTE WAS TAKEN, COMMISSIONER HOLT HAD QUESTIONS.

Commissioner Holt said if this was looked at last year did it need to be addressed again?

Mr. Weiss said he would need to review the statute, but there was an obligation to look into this matter.

Commissioner Hinson said they had looked at this matter last year and was not in favor of it.

Commissioner Taylor said she concurred with Commissioner Hinson, if the attorney needed to share information that was vital that they needed to know, something they needed to look at, then bring it back, because she also concurred with Commissioner Morgan that she wanted to make sure they were in compliance.

VICE CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 2-3 BY VOICE VOTE. COMMISSIONERS HOLT, HINSON AND TAYLOR OPPOSED. MOTION FAILED.

Commissioner Croley said they could not overlook the responsibility regarding the redistricting and they had heard from the law firm that provided the information as well as the County Attorney that they had a responsibility to look at that objectively and not being willing to look at that puts the Board at an "intentable position" because someone could bring a writ and order it done.

Commissioner Morgan said if it was the will of the Board that they had met everything that was fine, but wanted to make sure that as a governing body and the State Statues, they had done what needed to be done and wanted to hear that from the attorney and see the examination that was put forth on the subject, in case he was asked, he could respond that they had done their constitutional duty to address it.

Commissioner Holt said he had no problem with the attorney looking into this matter and bringing it back before the Board.

Commissioner Taylor asked that whatever the attorney brought back, to have it in writing.

Commissioner Morgan stepped out at this juncture of the meeting.

COMMISSIONER CROLEY, District 2

Commissioner Croley asked that they agenda the parking lot liability to ensure that they were adequately protected and requested that a letter be sent to police department that they check the parking lot in the manner that was appropriate.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN TO AGENDA THE PARKING LOT LIABILITY, BEFORE THE VOTE WAS TAKEN, THERE WAS DISCUSSION.

Commissioner Hinson said he thought the administration could work on that.

Mr. Presnell said they had worked on that matter on and off, but he thought Commissioner Croley was asking for an official letter from the attorney to the Quincy Police Department.

Commissioner Croley confirmed that he was asking for a letter from the attorney to the Quincy Police Department to have them better patrol the parking lot at night.

COMMISSIONER HOLT CALLED FOR THE VOTE. COMMISSIONER TAYLOR HAD A COMMENT.

Commissioner Taylor asked the attorney to check with the City of in case they would like to have someone present at that time.

COMMISSIONER HOLT CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO HAVE THIS ITEM PLACED ON THE AGENDA.

Commissioner Croley reported there was a CRTPA meeting yesterday, and wanted them aware that a was motion made to move forward with a sidewalk project within city of Tallahassee and part of it would be that committee made up of the Chair, Vice-chair and one representative from the rural counties to evaluate the movement of these projects. He said he took exception to that and stated Gadsden was the only county that had six municipalities and he was not comfortable with the projects being turned over to a committee for evaluation.

He stated his final item that had to do with public liability and he did not want to get into current issues going on with the Sheriff's office and the State Attorney, but the issue before the Court has raised lot of public attention and questions regarding the operation of the Jail. In 2003, the County handed reins to the Sheriff as Chief Jailer. He said there was a set of statutes that pertain to the County Commission, pertaining to gain time for good conduct of the County prisoners and matters that pertain to employment of the correctional officers, designation of who will be Chief Jailer and how all of this will work, etc. He requested that a review of board responsibility of jail be done by attorney and report back to the board so they understand what the where responsible for. Commissioner Croley then asked if a motion was needed for that.

Commissioner Holt said she thought they should wait until after the Show Cause hearing that has been scheduled.

Commissioner Croley said the attorney should be able to tell the Board if things are fine and if not, let them know and an appropriate decision could be made.

Commissioner Morgan said he understood what Commissioner Croley was saying and asked if the information could be provided individually to Commissioner Croley and felt this might not be the right time to discuss that matter in a public forum because he felt it could be perceived as questionable timing.

Commissioner Croley said he only wanted to look at what the Board was supposed to be doing.

COMMISSIONER HOLT, Vice-Chair, District 4

Commissioner Hinson, Chair, District 1

Commissioner Hinson said he wanted to recognize the Law Enforcement Officer of Year luncheon and awards ceremony and was very proud of Gadsden County.

***This luncheon and awards ceremony is co-sponsored every year by the Quincy Rotary Club and the Pilot Club of Quincy and this year Quincy Public Safety's officer, Kevin Brock, was chosen as Officer of the Year. ***

Commissioner Morgan returned at this juncture of the meeting.

Commissioner Hinson went on to state he thought it was their position a few years ago to be out in the local communities and be a part of the events and was not able to show a presence at the event this year, and said he would meet with Mr. Presnell and maybe next year could be a part of that.

Commissioner Hinson also asked that everyone support the local sporting programs.

RECEIPT AND FILE

UPCOMING MEETINGS

18. September 22, 2014-2nd Public Hearing (FY2015 Budget) @ 6:00 p.m.
- October 7, 2014-Regular Meeting @ 6:00 p.m.
- October 21, 2014-Regular Meeting @ 6:00 p.m.

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, VICE CHAIR HOLT DECLARED THE MEETING ADJOURNED AT 7:41 P.M.

GADSDEN COUNTY, FLORIDA

BRENDA HOLT, Vice-Chair
Board of County Commissioners

ATTEST:

NICHOLAS THOMAS, Clerk