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BOARD MINUTES FOR 11/01/93

NOVEMBER 1, 1993

THE BOARD OF COUNTY COMMISSIONERS, IN AND FOR WASHINGTON COUNTY, MET IN SPECIAL SESSION ON THE ABOVE DATE AT 5:00 P. M. AT THE WASHINGTON COUNTY ADMINISTRATIVE BUILDING, 201 WEST CYPRESS AVENUE, CHIPLEY, FLORIDA, WITH COMMISSIONERS BROCK, CARTER, CORBIN, MORRIS AND TAYLOR PRESENT. ATTORNEY HOWELL, CLERK EARNESTINE MILLER AND DEPUTY CLERK DIANNE CARTER WERE ALSO IN ATTENDANCE.

CHAIRMAN CORBIN CALLED THE MEETING TO ORDER ADVISING THE PURPOSE OF THE MEETING WAS FOR ATTORNEY HOWELL TO EXPLAIN WHAT THE JUDGE'S RULING WAS ON THE CONTEMPT HEARING FILED BY WEST TRACO.

ATTORNEY HOWELL ADVISED THE BOARD CHUCK DANIELS, WEST TRACO'S ATTORNEY, HAD FILED A MOTION FOR CLARIFICATION, ATTORNEY FEES AND A REHEARING ON THE RULING ISSUED BY THE JUDGE.

ATTORNEY HOWELL BRIEFED THE BOARD ON THE JUDGE'S ORDER GOING DIRECTLY TO THE ORDERED AND ADJUDGED PORTION OF THE ORDER. HE ADVISED THE BOARD THEY HAD SIXTY (60) DAYS TO ENFORCE COUNTY ORDINANCE 88-4 PLACING AN ASSESSMENT ON THE TAX ROLLS BEGINNING IN THE TAX YEAR 1995.

ATTORNEY HOWELL ADVISED THE BOARD THE JUDGE'S ORDER STATED FOR TRACO TO START SMALL CLAIMS ACTION ON DELINQUENT ACCOUNTS WITH THE COUNTY TO PAY THE COST UP FRONT TO WEST TRACO TO FILE THE SUITS ON THE DELINQUENT ACCOUNTS. ATTORNEY HOWELL SAID HE WOULD ASK THE COURT TO ALLOW THE COUNTY TO MAKE A LINE OF CREDIT AVAILABLE TO FILE THE AMOUNT OF CLAIMS NECESSARY. ALSO, HE WOULD ASK THE JUDGE TO DIRECT TRACO TO USE CERTIFIED MAIL WITH RETURN RECEIPT IN LIEU OF GOING THROUGH THE SHERIFF PROCESS ON THE SMALL CLAIMS. ATTORNEY HOWELL EXPLAINED ALL FEES ARE INCLUDED IN THE JUDGEMENT WITH THE ADJUDGEMENT AMOUNT BEING REIMBURSABLE IF THEY ARE COLLECTED.

ATTORNEY HOWELL ADVISED THE JUDGEMENT WON'T AFFECT HOMESTEAD PROPERTY AND UP TO \$1,000.00 EXEMPTION ON PERSONAL PROPERTY.

COMMISSIONER TAYLOR STATED HE FELT EVERYONE SHOULD HAVE THE CHOICE WHETHER TO PAY WEST TRACO MONTHLY OR ALL AT ONE TIME ON THE TAX ROLLS. ATTORNEY HOWELL ADVISED THE ORDER STATED THE BOARD IS GOING TO PLACE THE ASSESSMENTS ON THE TAX ROLL. HE STATED THE ORDER WAS NOT CLEAR IF THIS COVERS PAST AND PRESENT GARBAGE BILLS. ATTORNEY HOWELL ADVISED WHEN ORDINANCE 88-4 WAS ADOPTED, IT WAS INTENDED TO BE FOR THE BENEFIT OF WASHINGTON COUNTY AND IT DOESN'T PROVIDE FOR PRIVATE COLLECTION; HOWEVER, WEST TRACO'S CONTRACT RELATES TO ORDINANCE 88-4. HE STATED THE BOARD COULD APPEAL IT AND SAY IT DOESN'T APPLY.

CHAIRMAN CORBIN REFERENCED THE OPINION OF NEIGHBORS AND NICHOLSON THAT IT IS NOT LEGAL TO PUT LIENS ON PAST DEBTS AND WAS QUESTIONING IF A LETTER FROM THEM STATING THIS WOULD BE HELPFUL. ATTORNEY HOWELL STATED HE DIDN'T FEEL A LETTER FROM NEIGHBORS AND NICHOLSON WOULD INFLUENCE THE JUDGE.

ATTORNEY HOWELL ADVISED THE BOARD TRACO'S ATTORNEY IS ASKING THE COURTS TO AWARD TRACO ATTORNEY FEES FOR THE HANDLING OF ALL THE SMALL CLAIMS HEARINGS. HE ADVISED HE WOULD ADDRESS THIS ISSUE AT THE NOVEMBER 16TH HEARING AS HE FEELS TRACO CAN REPRESENT THEMSELVES.

COMMISSIONER TAYLOR QUESTIONED IF THE BOARD PLACES THE GARBAGE ASSESSMENTS ON THE TAX ROLLS, DOES PEOPLE PRESENTLY PAYING TRACO HAVE TO HAVE IT ON THEIR TAX BILL.

TAYLOR WAS ADVISED PEOPLE WOULD NO LONGER PAY WEST TRACO BUT WOULD PAY ON THE TAX ROLL ONCE A YEAR TO MARY HODGES, TAX COLLECTOR, AND THEN SHE WOULD PUT IT THROUGH THE PROPER CHANNELS. ATTORNEY HOWELL SAID HE WAS GOING TO FILE A MOTION FOR REHEARING TO PROTECT AN APPEAL PROCESS. HE STATED IF THE CLARIFICATION ON WHETHER 88-4 IS APPLICABLE TO WEST TRACO COMES IN OKAY, THE BOARD WOULDN'T PURSUE.

ATTORNEY HOWELL ADVISED HE WOULD GET CLARIFICATION ON THE JUDGE'S RULING ON ADVANCEMENT OF FEES TO WEST TRACO ON FILING SMALL CLAIMS CASES; WITH HIM ASKING THE COURT FOR A LINE OF CREDIT FOR THESE SERVICES.

COMMISSIONER MORRIS QUESTIONED DIDN'T THE COUNTY NEED TO GO AHEAD AND FILE NOT TO RENEW THE CONTRACT WITH WEST TRACO. COMMISSIONER CORBIN SAID HE WAS NOT INTERESTED IN RENEWING THE CONTRACT UNDER THE PRESENT CONDITIONS. COMMISSIONER MORRIS OFFERED A MOTION, SECONDED BY COMMISSIONER TAYLOR TO NOTIFY WEST TRACO THE COUNTY DOES NOT WANT TO ENTER INTO A NEW CONTRACT UNDER THE SAME CONDITIONS AS THE PRESENT CONTRACT. ATTORNEY HOWELL QUESTIONED THE BOARD IF THEY WANTED HIM TO TAKE COURT ACTION TO DETERMINE IF THE BOARD CAN GO INTO ANOTHER CONTRACT. COMMISSIONER

MORRIS QUESTIONED IF THE BOARD HAD TO ASK THE JUDGE IF THEY CAN RENEW OR NOT RENEW THE CONTRACT. MORRIS SAID THE CONTRACT STATES THE OPINION OF THE BOARD AND THE BOARD IS NOT INTERESTED IN RENEWING THE CONTRACT. AUBREY DAVIS ADDRESSED THE ISSUE REFERENCING THE SURVEY THAT WAS TAKEN ON THE SOLID WASTE ISSUE, STATING 20% OF THE PEOPLE WERE DISSATISFIED AND FELT THIS WAS A HIGH ORDER OF DISSATISFACTION. DAVIS SAID THIS FIGURE PLUS THE 1500 PEOPLE WHO ARE NOT PAYING THEIR BILL GIVES THE BOARD THE OPIONION TRACO'S PERFORMANCE HAS BEEN INADEQUATE AND NOT SATISFACTORY. ATTORNEY HOWELL STATED IF THE BOARD WANTS TO BREAK THE CONTRACT, THEY NEED TO ASK THE COURT UPFRONT. HOWELL STATED IF THE COURT SAYS THE COUNTY DOESN'T HAVE TO RENEW THE CONTRACT, THEN THEY CAN'T PENALIZE YOU FOR THE NEXT FIVE YEARS, ORDINANCE 88-4 WOULD BE OUT THE DOOR AND TRACO'S RECOURSE WOULD BE TO SUE THE COUNTY FOR THE MONEY.

COMMISSIONER MORRIS AND TAYLOR WITHDREW THEIR MOTION AND SECONDED.

COMMISSIONER MORRIS OFFERED A MOTION, SECONDED BY COMMISSIONER BROCK AND CARRIED TO GO TO THE COURT AND ASK THEM TO CLARIFY AND RULE TO DETERMINE IF THE COUNTY CAN BREAK THE CONTRACT WITH WEST TRACO BASED ON PAST PERFORMANCE AND AUTHORIZE ATTORNEY HOWELL TO TAKE WHATEVER ACTION NECESSARY TO DO SO. THE MOTION CARRIED WITH COMMISSIONER CARTER OPPOSED.

ATTORNEY HOWELL ADVISED THE BOARD HE WAS CONTACTED BY THE LAW FIRM IN TALLAHASSEE WHO REPRESENTED FORMER SHERIFF FRED PEEL AND FORMER DEPUTY JOHN JENKINS IN AN ETHICS VIOLATION LAWSUIT AND THEY WERE REQUESTING THEIR MONIES. THE BOARD PREVIOUSLY ASKED THEM TO WAIT UNTIL THIS FISCAL YEAR SO THE FUNDS COULD BE BUDGETED TO PAY THE BILL. COMMISSIONER MORRIS OFFERED A MOTION, SECONDED BY COMMISSIONER TAYLOR AND CARRIED TO AUTHORIZE THE CLERK TO CUT A CHECK FOR \$7,500.00 TO PAY THIS BILL.

COMMISSIONER TAYLOR REQUESTED ATTORNEY HOWELL GET CLARIFICATION WHETHER THE JUDGE'S ORDER APPLIES FOR A LIEN TO BE PLACED ON EVERYONES PROPERTY. TAYLOR STATED SOME PEOPLE DO NOT OWE TRACO.

COMMISSIONER CORBIN ADVISED THE BOARD DAN HALEY, REPRESENTATIVE OF THE FIRST UNION BANK, WAS INTERESTED IN COMING BEFORE THE BOARD AND PRESENTING A REFINANCING PACKAGE. THE BOARD AGREED TO PUT MR. HALEY AND MR. TED MCKINNEY ON THE AGENDA FOR THE NOVEMBER 18, 1993 MEETING.

COMMISSIONER BROCK ADVISED THE BOARD VERNON WAS IN THE PROCESS OF APPLYING FOR A NATURAL RESOURCES GRANT AND WAS WANTING TO KNOW IF THE BOARD WOULD DONATE THIRTY ACRES SOUTHEAST OF THE VERNON EMERGENCY CENTER TO THEM. AS THIS PROPERTY WAS DONATED TO THE COUNTY BY STONE CONTAINER FOR A PARTICULAR PURPOSE, THE BOARD AGREED TO PUT THIS ON THE AGENDA FOR THE NOVEMBER 18TH MEETING IN ORDER FOR ADMINISTRATOR HAGAN TO CHECK THE DEED TO SEE IF THERE WERE ANY RESTRICTIONS ON THE USE OF THE PROPERTY. ADMINISTRATOR HAGAN ADVISED THE BOARD HE HAD ALREADY CHECKED THE DEED AND THERE IS NO DEED RESTRICTIONS. HAGAN IS TO RESEARCH FURTHER AND BRING HIS FINDINGS TO THE BOARD AT THEIR NOVEMBER 18, 1993 MEETING.

COMMISSIONER BROCK OFFERED A MOTION, SECONDED BY COMMISSIONER MORRIS AND CARRIED FOR ADMINISTRATOR HAGAN AND PUBLIC WORKS DIRECTOR, GEORGE ROGERS, TO TAKE THE APPLICATIONS FOR THE TWO POSITIONS ADVERTISED, INTERVIEW THE APPLICANTS, PICK THE BEST TWO MEN FOR THE POSITIONS AND HIRE THEM.

COMMISSIONER MORRIS OFFERED A MOTION, SECONDED BY COMMISSIONER CARTER AND CARRIED TO AUTHORIZE THE ADMINISTRATOR AND THE CLERK TO GO AHEAD AND TABULATE THE HEALTH INSURANCE PROPOSALS THAT ARE RECEIVED WITH DALTON SHEFFIELD AND ALLAN CLARK AND REPORT BACK TO THE BOARD AT THE NOVEMBER 18, 1993 MEETING.

COMMISSIONER MORRIS OFFERED A MOTION, SECONDED BY COMMISSIONER BROCK AND CARRIED TO ADJOURN. ATTEST:_____

CLERK
ATTEST:_____

CHAIRMAN

DEPUTY CLERK
END OF MINUTES FOR 11/01/93