

BOARD MINUTES FOR 07/10/02

JULY 10, 2002

THE BOARD OF COUNTY COMMISSIONERS, IN AND FOR WASHINGTON COUNTY, MET ON THE ABOVE DATE AT 9:00 A. M. AT THE WASHINGTON COUNTY ANNEX, BOARD MEETING ROOM, 1331 SOUTH BOULEVARD, CHIPLEY, FLORIDA WITH COMMISSIONERS BROCK, COPE, ENFINGER, FINCH AND HALL PRESENT. ATTORNEY GERALD HOLLEY, CLERK LINDA COOK, DEPUTY CLERK DIANNE CARTER AND SUSAN LAWSON, FILLING IN FOR COUNTY ADMINISTRATOR PETER HERBERT, WERE ALSO IN ATTENDANCE.

CHAIRMAN FINCH CALLED THE MEETING TO ORDER, OFFERED PRAYER AND LED IN THE PLEDGE OF ALLEGIANCE TO THE FLAG.

ATTORNEY HOLLEY ADVISED THE BOARD NEEDED TO APPROVE OF THE SETTLEMENT OF THE SHIRLEY HIGHTOWER CASE. HE PROVIDED THE BOARD WITH A COPY OF A JOINT STATEMENT WHICH HAD BEEN APPROVED BY THE LAWYERS FOR BOTH SIDES IN THE CASE. AS PART OF THE SETTLEMENT, IT WAS STIPULATED AND AGREED BY BOTH PARTIES, THIS STATEMENT WOULD BE RELEASED AND THIS WOULD BE THE ONLY DISCUSSION OF THE CASE. HE THEN READ THE STATEMENT FOR THE RECORD:

JOINT STATEMENT REGARDING

SHIRLEY HIGHTOWER v. WASHINGTON COUNTY SETTLEMENT THIS FEDERAL LAWSUIT HAD BEEN SETTLED IN ITS ENTIRETY FOLLOWING VIGOROUS DISCOVERY AND MOTION PRACTICE. U.S. DISTRICT JUDGE STEPHEN MICKLE ORDERED THIS CASE TO NON-BINDING MEDIATION TWICE-ONCE BEFORE THE FEDERAL PRETRIAL CONFERENCE AND ONCE THEREAFTER, OVER THE COUNTY'S OBJECTION. WHILE THE CASE DID NOT SETTLE AT EITHER MEDIATION, THE INTERVENTION OF TWO DIFFERENT MEDIATORS, AND THE PARTIES' GOOD FAITH PARTICIPATION IN MEDIATION AND IN POST-MEDIATION NEGOTIATIONS, RESULTED IN A COMPROMISE SETTLEMENT. PLAINTIFF AND HER ATTORNEYS WILL SHARE IN A TOTAL RECOVERY OF \$35,000- THAT FIGURE INCLUDES HER ATTORNEY'S FEES AND COSTS. THE COUNTY'S SELF-INSURANCE PROGRAM, FACT, WILL FUND \$25,000 OF THE SETTLEMENT WITH THE COUNTY FUNDING THE REMAINING \$10,000. FACT WILL PAY ALL MEDIATOR FEES. ADDITIONALLY, MR. HARCUS WILL RECEIVE SUPERVISOR GENDER/DIVERSITY SENSITIVITY TRAINING AS PER THE COUNTY ADMINISTRATOR'S DIRECTIVE. THE SETTLEMENT IS NOT TO BE CONSTRUED AS AN ADMISSION OF LIABILITY OR FAULT BY DEFENDANTS NOR OF ACQUIESCENCE BY PLAINTIFF. INSTEAD, THE SETTLEMENT ACKNOWLEDGES THE COURT'S DESIRE THAT THIS MATTER BE SETTLED AND WAS ALSO ENTERED FOR SOUND ECONOMIC REASONS. THE SETTLEMENT ACKNOWLEDGES AND ELIMINATES THE RISKS TO ALL PARTIES INHERENT IN ANY JURY TRIAL. FURTHER, IT ELIMINATES THE ATTORNEY'S FEES AND COSTS THE COUNTY AND THE COUNTY'S SELF-INSURANCE WOULD HAVE INCURRED AT TRIAL EVEN IF VICTORY WAS ACHIEVED. FINALLY, ANY TRIAL DISTRACTS THE COUNTY AND ITS PERSONNEL FROM THEIR PRIMARY TASK OF SERVING THE PUBLIC-THAT DISTRACTION HAS BEEN AVOIDED.

ATTORNEY HOLLEY ADVISED ACTION WAS NEEDED BY THE BOARD TO APPROVE OF THE SETTLEMENT ON THOSE TERMS AS READ AND TO AUTHORIZE THE COUNTY TO CONTRIBUTE \$10,000 TOWARD THE \$35,000 SETTLEMENT. COMMISSIONER ENFINGER OFFERED A MOTION TO SETTLE AND PROVIDE THE COUNTY PUTTING UP \$10,000 TOWARD THE SETTLEMENT WITH THE INSURANCE COMPANY AND THE COUNTY PAYING A TOTAL OF \$35,000. COMMISSIONER HALL SECONDED THE MOTION. CHAIRMAN FINCH THEN ASKED FOR A ROLL CALL VOTE ON THE MOTION. THE MOTION PASSED FOUR TO ONE WITH COMMISSIONER FINCH OPPOSING.

STEPHEN CHRISTOPHER, PETER BROWN CONSTRUCTION, PROVIDED THE BOARD WITH INFORMATION ON THEIR GUARANTEED MAXIMUM PRICE FOR THE WASHINGTON COUNTY COURTHOUSE RENOVATION PROJECT OF \$450,000, WHICH IS IN AGREEMENT WITH THEIR CONTRACT ENTERED ON FEBRUARY 26, 2002. HE UPDATED THE BOARD ON THE BID ALTERNATE SCHEDULE AND ADVISED, IF THE COUNTY SHOULD RECEIVE MORE FUNDING FOR THIS PROJECT WITHIN THE NEXT NINETY DAYS, THE CONTRACTORS HAVE ALREADY AGREED TO THE PRICES LISTED ON THE SCHEDULE. HOWEVER, HE DIDN'T FEEL IT WOULD BE FAIR TO HOLD THE

CONTRACTORS TO THESE PRICES IF MONIES DO NOT BECOME AVAILABLE WITHIN THE NINETY DAYS.

CHRISTOPHER ADDRESSED THE PROJECT WOULD BE SCHEDULED THROUGH PHASES AS THEY WORK TO LEAST INCONVENIENCE THE STAFF AT THE COURT- HOUSE. HE REQUESTED THE BOARD DESIGNATE A CONTACT PERSON TO COORDINATE WITH THEM ON DISSEMINATING THE INFORMATION TO THE WORKERS IN THE COURTHOUSE ON THE SCHEDULING OF THE PHASES OF WORK TO BE DONE. THE BOARD'S CONSENSUS WAS FOR LINDA COOK, CLERK OF COURT, TO BE DESIGNATED THE CONTACT PERSON.

CHRISTOPHER ADVISED ALL THAT WAS NEEDED FOR THEM TO BEGIN WORK ON THE COURTHOUSE RENOVATION PROJECT WAS A NOTICE TO PROCEED. COMMISSIONER COPE OFFERED A MOTION, SECONDED BY COMMISSIONER ENFINGER AND CARRIED TO ISSUE A NOTICE TO PROCEED TO PETER BROWN CONSTRUCTION.

COMMISSIONER BROCK ADDRESSED HIS CONCERNS WITH THE GENERAL CONTRACTOR NOT BUYING FROM LOCAL SUPPLIERS AND REFERENCED THE CONCRETE SUPPLIER FOR THE LIBRARY PROJECT.

CHRISTOPHER UPDATED THE BOARD ON THE PROJECT BEING BID OUT; A BAY COUNTY CONTRACTOR WAS AWARDED THE BID AND CONTRACTED OUT THE CONCRETE FROM ANOTHER SUPPLIER THAT WAS NOT LOCAL; HE CAN NOT, IN HIS BID PACKAGE, REQUIRE THEM TO USE A CERTAIN VENDOR UNLESS HE COMES BEFORE THE BOARD AND ASK THEM TO WAIVE ANY OTHER REQUIREMENTS AND STATE THEY WANT A CERTAIN AMOUNT OF LOCAL PARTICIPATION.

COMMISSIONER BROCK REITERATED HIS CONCERNS WITH THE BOARD TRYING TO PROVIDE JOBS FOR THE COMMUNITY AND LOCALS BEING LEFT OUT DUE TO THE GENERAL CONTRACTORS SUBBING OUT WORK TO PERSONS THAT ARE NOT LOCAL.

CHRISTOPHER ADVISED THEY WOULD CONTINUE TO REQUEST AND ENCOURAGE THE SUBCONTRACTORS TO BUY FROM LOCAL SUPPLIERS AS MUCH AS POSSIBLE; THEY ARE ALSO GOING TO USE THE DIRECT PURCHASE SYSTEM ON THE COURT- HOUSE RENOVATION PROJECT.

COMMISSIONER COPE ADDRESSED BROCK'S CONCERNS WITH THE CONCRETE SUPPLIER FOR THE LIBRARY NOT BEING LOCAL. HE INFORMED THE LIBRARY FUNDS WERE VERY LIMITED AND THEY HAD TO GO WITH THE LOWEST BID POSSIBLE; ALL THE CONCRETE WAS POURED IN ONE DAY AND THE CONTRACTOR HAD TWO CONCRETE PUMPS. HE ADDRESSED THAT MOST OF THE LOCAL CONTRACTORS DO NOT HAVE THE EQUIPMENT TO HANDLE THIS LARGE OF A PROJECT.

COMMISSIONER BROCK REQUESTED THE MOWER OPERATOR POSITION ON THE PAY GRADE CLASSIFICATION BE ADDRESSED AT BUDGET TIME AS HE FELT IT SHOULD BE AT A HIGHER PAY SCALE.

COMMISSIONER COPE ADDRESSED MAKING THE TEMPORARY MOWER POSITION A PERMANENT POSITION AND REFERENCED THE BOARD HAVING REQUESTED THE PUBLIC WORKS DIRECTOR, ED MINER, TO BRING BACK A RECOMMENDATION. MINER ADVISED HE THOUGHT THE RECOMMENDATION WAS TO BE MADE AT THE REGULAR JULY BOARD MEETING.

COMMISSIONER BROCK OFFERED A MOTION, SECONDED BY COMMISSIONER COPE AND CARRIED TO MAKE THE TEMPORARY MOWER POSITION A PERMANENT POSITION.

COMMISSIONER ENFINGER ADDRESSED A PROPOSAL FROM THE ORANGE HILL VOLUNTEER FIRE DEPARTMENT FOR THE COUNTY TO ALLOW ALL FIRE DEPARTMENTS TO PURCHASE THEIR TIRES THROUGH ROAD AND BRIDGE WITH THE DEPARTMENTS UPFRONTING THE MONIES.

DISCUSSION WAS HELD ON THE LEGALITY ISSUES. ATTORNEY HOLLEY ADVISED ANY AGREEMENTS PERTAINING TO MUNICIPALITIES SHOULD BE WITH THE MUNICIPALITY AND NOT THE FIRE DEPARTMENT.

COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER COPE AND CARRIED TO ALLOW THE COUNTY VOLUNTEER FIRE DEPARTMENTS TO PURCHASE TIRES THROUGH ROAD AND BRIDGE AND PAY UPFRONT.

COMMISSIONER COPE QUESTIONED THE COUNTY POLICY ON REQUESTS FROM CHURCHES FOR COUNTY LABOR AND EQUIPMENT. HE ADVISED OF REQUESTS HE HAD FROM THE NEW CHURCH BY THE ARMORY FOR SOME CLEARING AND THE FIRST ASSEMBLY OF GOD FOR A DITCH TO BE COVERED UP BEHIND THE CHURCH.

ATTORNEY HOLLEY ADVISED THERE WAS NO LEGAL AUTHORITY FOR A COUNTY GOVERNMENT OR ANY GOVERNMENT TO DO ANY WORK FOR A CHURCH AND THE BOARD MAY BE CHALLENGED ON THEIR POLICY IF IT ALLOWS THEM TO DO WORK FOR THE CHURCHES.

THE PUBLIC WORKS DIRECTOR, ED MINER, REQUESTED GUIDANCE AND CLARIFICATION FROM THE BOARD ON WHAT TO DO WITH REQUESTS FROM CHURCHES.

ATTORNEY HOLLEY ADVISED IF THE BOARD HAD A POLICY ON CHURCHES, IT NEEDS TO BE A FIRM WRITTEN POLICY AND THEY NEED TO STICK TO IT.

CHAIRMAN FINCH RECOMMENDED ANY REQUESTS FROM CHURCHES BE BROUGHT BEFORE THE BOARD FOR APPROVAL. MINER AGREED IT WOULD BE HELPFUL IF THE BOARD WOULD APPROVE HAVING COUNTY WORK FORCES DO THE CHURCH REQUESTS.

CHAIRMAN FINCH QUESTIONED COUNTY WORK FORCES DOING WORK FOR OTHER GOVERNMENTAL ENTITIES. ATTORNEY HOLLEY ADVISED THE BOARD HAD LEGAL AUTHORITY TO DO WORK FOR OTHER GOVERNMENTAL ENTITIES BUT THERE SHOULD BE AN INTERLOCAL AGREEMENT ENTERED INTO.

LINDA WALLER, PLANNING OFFICER, ADDRESSED THE BOARD AND READ THE DIRT POLICY FOR CHURCHES.

COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER COPE AND CARRIED TO APPROVE OF COMMISSIONER COPE LOOKING AT THE TWO SITES HE ADDRESSED AND GIVE HIM AUTHORITY TO DO THE WORK IF IT IS WITHIN CERTAIN PERIMETERS. COMMISSIONER COPE REQUESTED THE PUBLIC WORKS DIRECTOR LOOK AT THE TWO SITES WITH HIM LATER ON TODAY.

CHAIRMAN FINCH, FOR INFORMATION PURPOSES, INVITED EVERYONE TO THE GRAND OPENING OF FANNING BRANCH PARK ON FRIDAY, JULY 12TH AT 11:00 A.M.; THE LOCATION OF THE PARK IS SOUTH OF VERNON ON HIGHWAY 79.

ATTORNEY HOLLEY ADDRESSED WEST FLORIDA ELECTRIC HAVING AGREED TO GIVE THE COUNTY A \$200,000 INTEREST FREE LOAN FOR EQUIPMENT FOR THE MEDICAL OFFICE COMPLEX AND DEPUTY CLERK CARTER HAD ADVISED HIM THERE WAS NO OFFICIAL ACTION TAKEN BY THE BOARD TO APPROVE OF THE LOAN. IN ORDER TO RECEIVE THE LOAN, HOLLEY ADVISED THE COUNTY IS REQUIRED TO ISSUE A LETTER OF CREDIT IN THE AMOUNT OF \$200,000 TO WEST FLORIDA ELECTRIC AS SECURITY FOR THE LOAN. COMMISSIONER ENFINGER OFFERED A MOTION, SECONDED BY COMMISSIONER BROCK AND CARRIED TO APPROVE OF THE INTEREST FREE LOAN AND SECURE A LETTER OF CREDIT FROM A BANK IN THE AMOUNT OF \$200,000 TO WEST FLORIDA ELECTRIC AS SECURITY FOR THE LOAN.

ATTORNEY HOLLEY ADVISED THE COUNTY COMMISSION NEEDED TO AUTHORIZE THE CHAIRMAN AND CLERK TO SIGN THE SAME THREE DOCUMENTS THE HOSPITAL BOARD HAD ALREADY APPROVED ON THE MEDICAL OFFICE COMPLEX DUE TO THE BOARD BEING RESPONSIBLE FOR THE BUILDING:

1. A RESOLUTION ACCEPTING THE PROJECT AS COMPLETED
2. A RESOLUTION AGREEING TO AN ANNUAL AUDIT ON THE FACILITY
3. ISSUE A STATEMENT REGARDING THE OPERATING PROCEDURES OF THE FACILITY

COMMISSIONER COPE OFFERED A MOTION, SECONDED BY COMMISSIONER ENFINGER AND CARRIED TO AUTHORIZE THE CHAIRMAN AND CLERK TO SIGN THE DOCUMENTS WHEN THEY ARE PREPARED.

COMMISSIONER BROCK ADDRESSED THE INFORMATION PROVIDED TO THEM ON THE COUNTY WIDE VOTING HEARING TO BE HELD ON JULY 26TH AT 2:00 P.M. AND QUESTIONED WHO WOULD BE ABLE TO PARTICIPATE IN THE HEARING.

ATTORNEY HOLLEY ADVISED HE THOUGHT THE DOCUMENT BROCK WAS REFERRING TO WAS TO BE SENT OUT TO EACH BLACK REGISTERED VOTER IN THE COUNTY AND THEY WOULD HAVE THE OPPORTUNITY TO BE HEARD AT THE HEARING.

COMMISSIONER BROCK OFFERED A MOTION, SECONDED BY COMMISSIONER COPE AND CARRIED TO ADJOURN. \_\_\_\_\_

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CLERK

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CHAIRMAN

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DEPUTY CLERK

\*END OF MINUTES\* FOR 07/10/02