

BOARD MINUTES FOR 02/12/10

FEBRUARY 12, 2010

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, HOLMAN, HOWELL, PATE AND STRICKLAND PRESENT. ATTORNEY HOLLEY, CLERK COOK AND DEPUTY CLERK GLASGOW WERE ALSO IN ATTENDANCE.

CHAIRMAN HOLMAN ANNOUNCED THERE WOULD BE A DELAY IN STARTING THE SPECIAL CALLED MEETING TO DISCUSS A PERSONNEL ISSUE. AT 10:18 A.M., CHAIRMAN HOLMAN CALLED THE MEETING TO ORDER. COMMISSIONER HOWELL OFFERED PRAYER AND LED IN THE PLEDGE OF ALLEGIANCE.

CHAIRMAN HOLMAN THANKED EVERYONE FOR BEING PATIENT WITH THE DELAY OF THE MEETING. HE ANNOUNCED THAT MR. HERBERT HAD DECIDED TO RESIGN FROM HIS EMPLOYMENT AS COUNTY MANAGER EFFECTIVE TODAY, FEBRUARY 12, 2010. MR. HERBERT HAS AGREED TO THE TERMS OF THE SEPARATION AGREEMENT WHICH INCLUDES A GENERAL RELEASE. THIS AGREEMENT CALLS FOR 90 DAYS OF PAY IN LIEU OF NOTICE AS SPECIFIED IN HIS EMPLOYMENT CONTRACT. IT ALSO CALLS FOR THE COUNTY TO PAY TO MR. HERBERT HIS ACCRUED, BUT UNUSED LEAVE, AND TO REIMBURSE HIM FOR HIS INSURANCE COVERAGE COST FOR 90 DAYS. THIS AGREEMENT HAS BEEN PREPARED BY OUTSIDE COUNSEL FOR THE COUNTY WITH ATTORNEY HOLLEY'S REVIEW AND APPROVAL AND MR. HERBERT'S ATTORNEYS HAVE ALSO REVIEWED AND APPROVED THE AGREEMENT.

CHAIRMAN HOLMAN RECOMMENDED THE BOARD APPROVE THIS AGREEMENT AND THAT HE BE AUTHORIZED TO SIGN THE AGREEMENT ON BEHALF OF THE BOARD. HE ASKED THE BOARD IF THEY HAD ANY COMMENTS AND ASKED COMMISSIONER STRICKLAND TO BEGIN IF HE HAD ANY COMMENTS OR QUESTIONS PERTAINING TO THE AGREEMENT.

COMMISSIONER STRICKLAND STATED HE DIDN'T HAVE A PROBLEM WITH THE AGREEMENT.

ATTORNEY HOLLEY STATED THE ONLY CHANGE THAT WAS DONE RECENTLY WAS ON PAGE 2 ON THE CHILDREN'S COBRA COVERAGE.

COMMISSIONER HOWELL SAID HE HAD A PROBLEM WITH PARAGRAPH I OF THE AGREEMENT WHERE IT SAYS THE COUNTY AGREES THAT IN ENTERING INTO THIS AGREEMENT, HERBERT IS NOT ADMITTING ANY LIABILITY OR WRONGDOING.

CHAIRMAN HOLMAN WANTED THE BOARD TO UNDERSTAND THE SEPARATION AND RELEASE AGREEMENT IS THE RECOMMENDATION FROM ATTORNEY JOHN DICKENSON AND ATTORNEY HOLLEY. ATTORNEY HOLLEY STATED JOHN DICKENSON DRAFTED THE SEPARATION AND RELEASE AGREEMENT.

COMMISSIONER PATE ADDRESSED HIM NOT HAVING A CHANCE TO READ THE SEPARATION AND RELEASE AGREEMENT; BUT, IF THE ONLY CHANGE IS THE COBRA COVERAGE FOR MR. HERBERT'S CHILDREN, HE DOESN'T HAVE A PROBLEM WITH IT. HE STATED HE HAD A PROBLEM WITH IT; BUT, HE WOULDN'T GOING TO BUCK IT.

COMMISSIONER BROCK STATED THIS IS THE FIRST TIME HE HAS SEEN THE SEPARATION AND RELEASE AGREEMENT. HE REFERRED TO COMMISSIONER HOWELL HAVING SAID HE GOT TO READ ONE YESTERDAY. RIGHT NOW HE IS TAKING CHAIRMAN HOLMAN'S WORD THAT MR. HERBERT AGREES TO THE SEPARATION AND RELEASE AGREEMENT.

ATTORNEY HOLLEY STATED MR. HERBERT AND MR. HERBERT'S LAWYER ARE BOTH IN AGREEMENT WITH THE SEPARATION AND RELEASE AGREEMENT. COMMISSIONER

BROCK STATED HE NEEDED AMPLE TIME TO READ IT; BUT, HE IS GOING ON THE CONSUMPTION OF ATTORNEY HOLLEY AND THAT IS HIS RECOMMENDATION.

ATTORNEY HOLLEY STATED MR. HERBERT HAD JUST GOTTEN OFF THE PHONE AND HE HAD LOOKED AT IT AND HIS ATTORNEY HAD LOOKED AT IT EARLIER TODAY AND BOTH OF THEM AGREE WITH IT. THE AGREEMENT WOULD HAVE BEEN DONE EARLIER; BUT, THEY ATTEMPTED TO SEND THE AGREEMENT TO MR. HERBERT'S HOUSE AND HE DIDN'T HAVE A FAX OR EMAIL. ATTORNEY HOLLEY SAID HE THOUGHT MR. HERBERT WENT TO THE SCHOOL TO GET A COPY OF THE AGREEMENT.

COMMISSIONER HOWELL ASKED IF THE COUNTY IS GOING TO PAY MR. HERBERT'S ENTIRE FAMILY'S INSURANCE FOR THREE MONTHS OR HIS AND HIS CHILDREN'S INSURANCE FOR THREE MONTHS. HEATHER STATED MR. HERBERT CURRENTLY HAS EMPLOYEE/CHILDREN COVERAGE. THE AGREEMENT STATES THE EMPLOYEE/CHILDREN COVERAGE WILL CONTINUE FOR 90 DAYS.

COMMISSIONER HOWELL OFFERED A MOTION TO ACCEPT THE SEPARATION AND RELEASE AGREEMENT, MOVE FORWARD WITH AN INTERIM ADMINISTRATOR, AND MOVE FORWARD WITH ROGER HAGAN AS INTERIM ADMINISTRATOR, MOVE LYNN JORDON TO THE EMERGENCY MANAGEMENT POSITION, TAKE THE VACANT POSITION THE ADMINISTRATOR WILL CREATE AND HIRE A PUBLIC WORKS DIRECTOR.

COMMISSIONER STRICKLAND ASKED IF THE BOARD COULD TAKE THIS MOTION IN TWO DIFFERENT ORDERS. CHAIRMAN HOLMAN AGREED THAT IS WHAT THEY NEED TO DO.

COMMISSIONER STRICKLAND THOUGHT THEY NEEDED TO TAKE ACTION ON THE SEPARATION AND RELEASE AGREEMENT FIRST AND AGREED IF COMMISSIONER HOWELL WOULD REFRAIN THE SECOND PART OF HIS MOTION, HE WOULD GO ALONG WITH IT.

COMMISSIONER HOWELL AMENDED HIS MOTION AND STATED HIS MOTION IS TO APPROVE THE SEPARATION AND RELEASE AGREEMENT. COMMISSIONER STRICKLAND SECONDED THE MOTION. ON A ROLL CALL VOTE, THE MOTION CARRIED UNANIMOUSLY. COMMISSIONER BROCK STATED HE VOTED IN FAVOR OF THE MOTION ON THE ATTORNEY'S RECOMMENDATION.

CHAIRMAN HOLMAN STATED THE MOTION CARRIED TO ACCEPT THE AGREEMENT AND MR. HERBERT'S RESIGNATION.

CHAIRMAN HOLMAN STATED THE BOARD WOULD NOW DISCUSS AN INTERIM TO FILL MR. HERBERT'S POSITION UNTIL THEY COULD DISCUSS HIRING SOMEONE FOR THIS POSITION.

COMMISSIONER STRICKLAND STATED SINCE HE HAS BEEN WITH THE COUNTY, IN THE PAST, THE CHAIRMAN ALWAYS TOOK THE JOB OVER. COMMISSIONER STRICKLAND OFFERED A MOTION FOR THE CHAIRMAN TO FILL THE COUNTY MANAGER POSITION UNTIL THE BOARD CAN HIRE SOMEBODY. COMMISSIONER BROCK SECONDED THE MOTION.

COMMISSIONER PATE ADDRESSED, ACCORDING TO THE TRAINING THE COUNTY COMMISSIONERS HAVE HAD, THEY ARE NOT SUPPOSE TO BE INVOLVED WITH THE DAY TO DAY OPERATIONS OF ANYTHING.

CHAIRMAN HOLMAN ASKED ATTORNEY HOLLEY TO ANSWER THAT. ATTORNEY HOLLEY AGREED THAT IS A GENERAL POLICY THE COMMISSIONERS ARE NOT SUPPOSE TO BE INVOLVED IN DAY TO DAY OPERATIONS; YOU CAN BE SUPERVISORS AND HE TAKES IT THAT IS THE ROLE CHAIRMAN HOLMAN WOULD BE IF HE TOOK THIS POSITION IS A SUPERVISOR.

CHAIRMAN HOLMAN SAID THE SUPERVISORS WOULD HANDLE EVERYTHING; HE WOULDN'T BE INVOLVED IN ANYTHING TO DO WITH THE EMPLOYEES.

COMMISSIONER HOWELL STATED THE COUNTY HAS QUALIFIED PEOPLE ON THEIR STAFF WHO CAN FILL THE COUNTY MANAGER POSITION, MORE THAN ONE. HE STATED THIS AFFORDS THE BOARD THE OPPORTUNITY TO HAVE A PUBLIC WORKS DIRECTOR FOR A CHANGE; SOMEBODY TO RUN THE PUBLIC WORKS OFFICE.

COMMISSIONER STRICKLAND AGREED WITH COMMISSIONER HOWELL; BUT, THE NAME HOWELL CALLED HE WOULD NOT VOTE FOR THAT. COMMISSIONER HOWELL ASKED WOULD EMORY WORK WITH COMMISSIONER STRICKLAND AGREEING EMORY WOULD WORK.

COMMISSIONER HOWELL STATED HE WASN'T OPPOSED TO EMORY FILLING IN AS INTERIM; BUT, ROGER IS THE MOST QUALIFIED. HE HAS DONE IT BEFORE AND KNOWS EVERYTHING THERE IS TO KNOW ABOUT IT.

COMMISSIONER STRICKLAND SAID HE HAD BEEN WITH THE COUNTY WHEN ROGER WAS ADMINISTRATOR AND HE DOESN'T WANT TO GO THERE.

COMMISSIONER HOWELL STATED THAT WAS A PERSONAL OPINION WITH COMMISSIONER STRICKLAND STATING EVERYBODY HAS ONE.

CHAIRMAN HOLMAN ASKED ABOUT EMORY AND MR. HAGAN SHARING THE RESPONSIBILITY. COMMISSIONER HOWELL SAID SOMEBODY HAS GOT TO BE IN CHARGE; YOU CAN'T HAVE CO-PEOPLE.

COMMISSIONER PATE SAID THEY COULD MAKE ONE AS INTERIM AND ONE AS ASSISTANT. YOU DON'T HAVE TO MAKE ANYTHING CO ANYTHING.

COMMISSIONER BROCK STATED IN THE PAST, THE CHAIRMAN HAS ALWAYS TOOK THAT RESPONSIBILITY AS TEMPORARY UNTIL THE POSITION WAS HIRED.

COMMISSIONER PATE ADDRESSED THIS COULD LAST ANYWHERE FROM ONE WEEK TO SIX MONTHS; HE KNEW ONE THAT IT TOOK A YEAR TO HIRE.

COMMISSIONER HOWELL ADDRESSED THE COUNTY BEING IN A BUDGET CRISIS NOW ANYWAY AND QUESTIONED WHY NOT TAKE THE MONEY THEY HAVE IN THIS POSITION AND USE IT THE MOST EFFECTIVE WAY THEY POSSIBLY CAN. IF YOU GO OUT AND HIRE ANOTHER ADMINISTRATOR, YOU HAVE TO PAY THEM, THE SAME WAY THEY WERE PAYING MR. HERBERT. THEY WON'T HAVE ANY MONEY IN THE BUDGET TO HIRE A PUBLIC WORKS DIRECTOR IF THEY DO THAT AND THE BOARD HAS ALL SAID THAT IS WHAT THEY WANTED WAS A PUBLIC WORKS DIRECTOR.

COMMISSIONER BROCK STATED HE HAD NEVER SAID THAT. COMMISSIONER HOWELL SAID FOUR OUT OF FIVE OF THE BOARD MEMBERS HAS SAID THAT.

COMMISSIONER PATE FELT THE PUBLIC WORKS DIRECTOR WAS THE BEST ROUTE FOR THE COUNTY REGARDLESS OF WHETHER MR. HERBERT WAS HERE OR GONE OR WHO TAKES OVER. THEY HAVE TO TAKE THE COMMISSIONERS OUT OF THE DAY TO DAY OPERATIONS. EVERYBODY KEEPS REFERRING TO BAY COUNTY AND JACKSON COUNTY; THAT IS WHAT THEY DO. HE THINKS THE ONLY ONES AROUND HERE THAT IS NOT DOING IT IS WASHINGTON AND HOLMES COUNTY. THE OTHER FOLKS GET ALONG A LOT BETTER THAN WE DO. HE SAID HE DIDN'T HAVE A PROBLEM WITH ROGER OR EMORY BEING NAMED A LEAD PERSON AND THE OTHER A VICE OR ASSISTANT, ETC. FOR THE TERM WHILE THE COUNTY ADVERTISES AND HIRES A NEW ADMINISTRATOR.

COMMISSIONER HOWELL STATED THEY DIDN'T HAVE MONEY TO DO IT UNTIL AFTER MAY.

COMMISSIONER BROCK STATED THIS IS A BAD TIME RIGHT NOW FOR THE COUNTY; THE MORAL IS REAL BAD IN THE COUNTY WITH ALL THE EMPLOYEES FROM HERE ALL THE WAY TO ROAD AND BRIDGE. IT IS A VERY SAD DAY FOR WASHINGTON COUNTY. HE THINKS THE BOARD NEEDS TO LOOK AT THIS REAL GOOD AND GO SLOW AND DO SOME HEAVY THINKING. IF IT TAKES 60 DAYS OR 90 DAYS, WHATEVER, THAT IS HIS OPINION. COMMISSIONER BROCK STATED WE NEED A LOT OF PRAYER IN THIS COUNTY RIGHT NOW.

CHAIRMAN HOLMAN STATED THERE WAS A MOTION AND A SECOND FOR THE CHAIRMAN TO OVERSEE THE COUNTY, THE DAILY FUNCTIONS WITH THE HELP OF THE THREE SUPERVISORS THEY HAVE. THE MOTION CARRIED WITH COMMISSIONER HOWELL AND PATE OPPOSED.

COMMISSIONER PATE ASKED CHAIRMAN HOLMAN IF HE WAS GOING TO RUN THE PUBLIC WORKS DEPARTMENT WITH CHAIRMAN HOLMAN ASKING COMMISSIONER PATE IF HE WEREN'T THE LIASON FOR PUBLIC WORKS.

COMMISSIONER PATE SAID HE WAS LIASON; BUT, HE DOESN'T HAVE ANY AUTHORITY DOWN THERE. COMMISSIONER HOWELL SAID NEITHER ONE OF THEM NEEDS TO BE RUNNING ANYTHING.

COMMISSIONER HOLMAN ASKED ATTORNEY HOLLEY. ATTORNEY HOLLEY STATED ALL CHAIRMAN HOLMAN WOULD BE IS THE SUPERVISOR; HE WOULDN'T BE RUNNING ANY DEPARTMENT. HOLLEY SAID ALL COMMISSIONER HOLMAN COULD DO IS MAKE SURE THE PEOPLE IS DOING THEIR JOB; HE CAN'T BE DOING ANYTHING AS FAR AS DAY TO DAY OPERATIONS.

COMMISSIONER PATE REQUESTED THEY GO AHEAD AND NAME THE CHAIRMAN THE LIASON TO PUBLIC WORKS; THEY HAVE ENOUGH PEOPLE MESSING WITH THINGS THE STAFF AND ALL TRIES TO PUT TOGETHER DOWN THERE. I CAN'T OUT VOTE YOU; BUT, I DON'T HAVE TO BE A PART OF IT.

COMMISSIONER BROCK QUESTIONED IF MR. PATE DIDN'T WANT TO BE LIASON TO PUBLIC WORKS, WHY SHOULD THEY HAVE A LIASON. CHAIRMAN HOLMAN STATED IT WAS RECOMMENDED FROM FACT SIX MONTHS AGO NOT TO HAVE A LIASON AT PUBLIC WORKS.

COMMISSIONER HOWELL STATED THEY NEED SOMEBODY WITH AUTHORITY AT PUBLIC WORKS; THEY DON'T HAVE ANYBODY DOWN THERE WITH AUTHORITY.

COMMISSIONER PATE ASKED CHAIRMAN HOLMAN IF HE WAS GOING TO PUBLIC WORKS ON A DAY TO DAY BASIS. CHAIRMAN HOLMAN STATED HE WAS NOT.

COMMISSIONER BROCK OFFERED A MOTION TO ADJOURN.

COMMISSIONER PATE SAID BEFORE THEY ADJOURN, WHEN ARE THEY GOING TO ADVERTISE FOR A COUNTY MANAGER; THEY CAN ADVERTISE BUT THEY WON'T HAVE THE MONEY TO HIRE THEM FOR 90 DAYS.

CHAIRMAN HOLMAN STATED THEY COULD ADVERTISE AND START LOOKING OVER THE APPLICATIONS AND THEN WITHIN 90 DAYS. COMMISSIONER PATE SAID SINCE THE BOARD HAS DONE ALL OF THIS, IT IS IMPERATIVE THEY HIRE SOMEBODY TO RUN PUBLIC WORKS IF THEY ARE EVER GOING TO PUT IT ON A FAIR AND LEVEL PLAYING FIELD FOR THE EMPLOYEES OUT THERE; THEY ARE WORKING IN BAD CONDITIONS DOWN THERE. HE AGREES WITH COMMISSIONER BROCK THE MORAL IS LOW. THEY NEED SOMEBODY AT PUBLIC WORKS THAT WILL RUN IT AND RUN IT ON A BUSINESS LIKE MANNER.

CHAIRMAN HOLMAN SAID THEY WOULD HIRE A COUNTY MANAGER AND THEN HIRE A PUBLIC WORKS DIRECTOR; HE IS IN AGREEMENT WITH THAT AND HAS NOT SAID HE WASN'T. THEY WILL GO AHEAD AND ADVERTISE FOR A COUNTY MANAGER AFTER THEY GET THE AND THEN HE QUESTIONED WHAT DOES THE BOARD WANT REQUIRED IN THE COUNTY MANAGER.

COMMISSIONER BROCK STATED THEY COULD DISCUSS THIS LATER. COMMISSIONER PATE FELT THEY SHOULD DISCUSS IT RIGHT NOW.

COMMISSIONER BROCK STATED IT HASN'T BEEN A WEEK; THERE HAVE BEEN EMPLOYEES WORKING DURING THE WEEKEND ON THIS TRYING TO GET MR. HERBERT'S PAPER WORK, WORKING WITH ATTORNEYS ON SATURDAYS AND HE DOESN'T KNOW IF THEY MIGHT HAVE WORKED ON SUNDAYS. A RUSH, RUSH. HE IS VERY DISAPPOINTED IN THE COUNTY; THIS MAN HAS BEEN DRUG THROUGH THE MILL, BLASTED, HUMILIATED, ETC. THIS IS A HUMAN BEING; THIS MAN GAVE TWELVE YEARS OF SERVICE TO THIS COUNTY AND WHAT DOES HE GET REWARDED FOR. HERE WE ARE ALREADY IN A RUSH TRYING TO GET SOMEBODY. HE SAID THEY NEEDED TO LEVEL OFF AND DO SOME THINKING HERE AND LET THINGS DIE DOWN SOME.

COMMISSIONER PATE STATED THEY ARE NOT IN A RUSH; THE CONTRACT MR. HERBERT WAS UNDER WAS ATROCIOUS. THEY NEED TO TAKE TIME TO LOOK AT OTHER CONTRACTS AND SEE HOW OTHER COUNTIES AROUND THEM ARE DOING IT. HE IS ALWAYS HEARING JACKSON COUNTY AND BAY COUNTY IS DOING THIS AND WHY CAN'T WE DO IT. HE SAID LETS JUST GO TAKE A PAGE OUT OF JACKSON COUNTY'S CONTRACT BECAUSE THEY WERE RIGHT WHERE WE ARE AT NOW A FEW YEARS AGO AND

THEY HAVE AN OPERATING SYSTEM THAT WORKS PRETTY GOOD. HE THOUGHT THEY NEEDED TO GO TO JACKSON COUNTY TO SEE HOW THEIR COUNTY MANAGER, MR. LAKELY'S, CONTRACT IS SET UP.

CHAIRMAN HOLMAN STATED THEY HAD A WORKSHOP ON FEBRUARY 22 AND THEY WILL DISCUSS THIS MORE AT THAT TIME.

CHAIRMAN HOLMAN STATED THEY HAD A MOTION TO ADJOURN AND HE ADJOURNED THE MEETING.

ATTEST: _____
DEPUTY CLERK

CHAIRMAN

END OF MINUTES FOR 02/12/10