

WASHINGTON COUNTY BOARD OF COUNTY COMMISSIONERS

October 9, 2023, 9:00 a.m., Commission Board Room
1331 South Blvd., Chipley, FL 32428

DISTRICT 1	DISTRICT 2	DISTRICT 3	DISTRICT 4	DISTRICT
Alan T Bush	David Pettis, Jr.	Tray Hawkins	Wesley Griffin	David Corbin

1. PROCLAMATION

- 1.1 Call to Order – Chairman Hawkins
- 1.2 Invocation – Byron Western
- 1.3 Pledge

Present – Commissioners Bush, Pettis, Hawkins, Griffin, and Corbin. Also attending – Clerk Bell, Deputy Clerk Brantley, County Administrator Massey, and County Attorney Milton via phone.

2. ADOPT THE AGENDA – Commissioner Bush offered a motion, seconded by Commissioner Corbin, and unanimously carried to adopt the agenda.3. NON-AGENDA AUDIENCE/PUBLIC PARTICIPATION - Effective October 1, 2013, Florida Statute 286.0114 mandates that “members of the public shall be given a reasonable opportunity to be heard on a proposition before a Board or Commission.”

- The Washington County Board of County Commissioners has expanded this provision to allow members of the community to speak on a topic which is not currently before the Board/Agenda. To do so the community members should, prior to the start of the meeting, sign the public participation form provided at the door of commission room, and shall state their name and the topic on which they wish to speak. During the Non-Agenda Audience portion of the meeting, the individual shall be given up to three (3) minutes to speak.
- Each individual shall have three (3) minutes to speak about a proposition before the Board. Prior to the time a meeting has been called to order, should an individual or group wish to address an item which is on the agenda for consideration, the individual or group shall obtain, from the Commission Secretary or Clerk, a public comment form and may write on the form their name and the agenda matter which they wish to address. The completed form(s) shall be returned to the Commission Secretary/Clerk, who shall provide the form(s) to the Chairperson. Should a particular group wish to address an item, they shall nominate a spokesperson to voice their ideas, comments, and concerns. In the event an individual wishes to speak on an item and has not signed up in advance, those who have signed shall be given priority.
- Any public comment before the board shall be directed to the Chairperson of the Board. It is not a question-and-answer period. Public comments concerning individual employees (other than those hired directly by the Board (County Administrator/County Attorney) shall not be entertained. Any comment, pro or con, regarding a county employee who does not report directly to the Board shall be addressed to the Human Relations Department or the County Administrator.

- Troy Cunningham, Country Oaks Fire Chief of three months told the board the testing, budget, and truck problems are not isolated issues. They are occurring throughout the county. After becoming chief, they had hose testing done, which was done incorrectly according to NFPA standards. It took over three months to get everything corrected. It took him standing in front of the county, testing company, and another chief to prove his case when he had the standards in front of him. Once it was proven, he took off work to be in front of the testing company to make sure it was done correctly. The same hose that was tested the first time had 23 major discrepancies. They had two hoses that blew, which are safety violations that could fall back on the county. With that, they have an apparatus that is not following the testing standards of NFPA. They currently

have an apparatus that is a loaner vehicle through the county that was given to them by forestry. That piece of equipment does not work. Country Oaks does not have an engine pumper. They have another piece of apparatus that was loaned to another department that was returned broken which they have not been able to fix. Country Oaks has spent its money to get the apparatus fixed and back in service because the department is short on equipment. The board is expected to get these things corrected. County Administrator Massey has not responded to any of the multiple emails that he has sent in response to these concerns. The support of the county is needed to get volunteers. The fire department will hold a meeting on Wednesday and attendance from someone on the board is requested.

4. AGENDA ITEMS

4.1 FEMA Time Extension Discussion – Wheeler Emergency Management

Jason Gilmore, Wheeler Emergency Management addressed the board. The work deadline is October 10 or 11. There is a risk associated with work being done after the deadline. The extension was requested in March. FEMA is still deciding on hundreds of extensions. There is no timeline for when the extension will be approved.

Chairman Hawkins said that it is his understanding that it is in FEMA's legal review. If they continue to work and do not put the retroactive clause into it, they will be working outside the period of performance with the chance of having money de-obligated by doing so. It is too large of a risk for the county to take. Board action is needed to stop the work.

Commissioner Corbin asked if they were faced with the same thing last year.

Chairman Hawkins responded yes, and that is the reason for beginning the process in March this year.

Jason Gilmore said there is typically not a break in the window of performance. The request will extend the deadline from October 10/11, 2023, to October 10/11, 2024.

Chairman Hawkins said there were no RFRs or RFAs at that time. The time extensions used to be issued for 2 years, however, it has been lowered to 1 year.

Jason Gilmore said they are making the board aware of the risk of working outside the period of performance. Wheeler Emergency Management is not making a recommendation.

Commissioner Bush said that he is aware that working beyond what they have approved, but because they know the county is right on top of this they may react. Would it behoove them to allow work to continue until the regular meeting, which will be an added 10 days? That would give them another couple of weeks.

Chairman Hawkins suggested letting the contractors work until the 11th to get what they can done.

Commissioner Bush mentioned using the line of credit.

Chairman Hawkins said the issue with that is there are no RFRs (Request for Reimbursement) or RFAs coming in during that time.

Jason Gilmore said the RFR could be sent for work done up until the 11th but the time that it would be reviewed or determined is unknown.

Commissioner Griffin said that it is a lot for contractors to mobilize and demobilize.

Chairman Hawkins said that they put that in the scope of work to FEMA.

Jason Gilmore said Calhoun County is also waiting for the approval of an extension, however, he is unsure whether they intend to stop the work.

Commissioner Griffin asked if the county must notify the contractors 2 weeks prior by letter.

Donald Stanley told the board the contractors were in attendance. The board needs to be aware that three days is not adequate time to leave a job. It would be understood that the county will maintain the projects in the contractor's absence. The time that Commissioner Bush mentioned is what he would lean toward regarding cutting off work. Some roads are paved that do not have sod, which will be at risk for erosion. Some ditches are a concern also.

Chairman Hawkins suggested the contractors address any roads that could cause environmental or safety concerns by leaving them in a safe spot.

The next board meeting is October 19.

Donald Stanley said that he believes that date is reasonable for them to put sod down and get to a place they could walk away from it. Paving would not be expected. There are places where the base has been installed and if they leave and return it will have to be refinished.

In response to Commissioner Griffin asking about the requirement for a 30-day notice, this is something that will need to be looked at in the contract and discussed with the county attorneys.

County Attorney Milton said that he would review the contract and coordinate with Mr. Massey or Wendy White if that is something that is required.

Commissioner Griffin said that he understands the liability of the county being put on the hook regarding money but he also understands what it will cost to shut down and demobilize and mobilize back.

Clerk Bell said that when they have been put in this situation in the past it has not been to this extent. The money that is being spent now is much more than before, with it being paving. The expense they are looking at is more than they would be able to take care of. Financial assistance will have to be looked at.

Chairman Hawkins asked if it is the board's pleasure to issue an order to stop work pending the review of the contracts and allow them to clean everything up until the board meeting date. With FEMA's approval by that time, it can be reissued on the 19th if needed.

Commissioner Bush offered a motion to stop work on the 19th on the FEMA projects unless the time extension has been received contingent upon the language in the contract.

Commissioner Griffin asked how they got to this point two days before and not head it off if it was seen that the extension had not been approved last month. Now things are tight if there is a 30-day stop work notice.

Commissioner Corbin seconded the motion.

Commissioner Pettis commented at no point in time up until now, there was no inclination or idea that this was coming.

Chairman Hawkins said there has been an inclination that it was coming. They have continually asked for a time extension.

Jason Gilmore said that he feels everyone has known that the work period was going to end on October 11, 2023, and that an extension had been requested.

Commissioner Bush commented/asked so the work was continued because the extension was expected.

Jason Gilmore said the board makes that decision. Wheeler Emergency Management can only present the facts of the work deadline and he is hesitant to recommend that the work be stopped

now. That is not something that he should recommend.

Commissioner Pettis said that the extension has been asked for since March and now it is nearing the deadline and the board is having to make the decision.

Commissioner Griffin asked who contacts FEMA.

Jason Gilmore said that he guesses it is a joint effort between them and the county, however, he is not sure of Mason and Lynne's schedule as to when they communicate with the state. As far as procedurally and regulatory they have done what is to be done. They submitted the request and FEMA is the only one with eligibility. They have to contact FEMA as a pass-through from the state. The state is making a plea on behalf of multiple extensions.

Commissioner Pettis expressed his concern about if there is a 30-day clause in the contract that the county may be on the hook for, why wasn't this done last month?

Jason Gilmore responded that he was not sure why they did not. The applicants have hope that FEMA is not going to decline the time extensions. It is a tough decision the board must make.

James Brooks asked if there has been any indication to the board/Mr. Massey given the ongoing investigation is the cause things have been held up.

Chairman Hawkins said not at all.

James Brooks said that FEMA has a road that was paved and part of it was private property. It was turned back over in September. It is New Jerusalem Road. The issue is now at the national FEMA level. That must create a problem for FEMA. Possibly reimbursements. Could that be holding it up?

Commissioner Bush said that he would not think that would hold it up for 99 other time extensions. Even if it was ours, it would not hold up Bay, Calhoun, and other counties. He has not heard anything like that.

Benita Crittendon said that she wanted to state the obvious from the last meeting. At the last meeting, the board approved a 3 – 2 contract for Wheeler Emergency Management. The board also approved a contract for County Administrator Jeff Massey and today less than a month later, two days before a FEMA deadline neither party can answer as to why the board is faced with the decision two days before the deadline. That is a failure on both parts. It has been said repeatedly that Wheeler and Jeff Massey have done a great job. They keep up with all the deadlines. This is a huge example of why there should not have been any additional contracts made at the last meeting on both parties. Is anybody in the county aware of any DEM or federal FEMA-level investigations in Washington County?

Commissioner Griffin said no.

Commissioner Corbin said they could ask the attorney if he is aware of any.

Benita Crittendon asked if, to everyone's knowledge, there is not a current FEMA or DEM investigation that would cause a stoppage of reimbursement.

Johnny Evans, Public Works addressed the board saying that he may be out of line, however, he would like to say that everybody wants to blame everybody else but unfortunately, they had to come before the board for the extension in March. Everybody here knew in March that they had to request an extension that had ended. The blame game goes to the people who make the decision, which is the five-member board.

The motion on the floor carried unanimously.