



MINUTES
WASHINGTON COUNTY BOARD OF COMMISSIONERS
BOARD WORKSHOP
Thursday, February 27, 2025, 9:00 AM, Commission Board
Room
1331 South Blvd., Chipley, FL 32428

DISTRICT 1	DISTRICT 2	DISTRICT 3	DISTRICT 4	DISTRICT 5
Ashlynn Marquez	David Pettis Jr. Chairman	Joey Brock	Wesley Griffin	David Corbin Vice-Chairman

1. PROCLAMATION

1.1 Call to Order – Chairman Pettis

1.2 Invocation

1.3 Pledge

Present – Commissioners Marquez, Pettis, Brock, Griffin, and Corbin. Non-voting members present included the Clerk of Court, Lora C. Bell, County Administrator, Jeff Massey, County Attorney, Clay Milton, and Deputy Clerk, Risha Brantley.

2. AGENDA ITEMS

2.1 Eligibility Determination Memorandum Discussion-David Pettis, Jr., Chairman said the purpose for this discussion is for questions and to seek advice/information that would help the Board with a decision regarding the eligibility determination.

Speakers along with the commissioners included the following: Mason Garrett, Wheeler Emergency Management, County Attorney, Clay Milton, Fuqua & Milton, P.A., County Administrator, Jeff Massey, Stephanie Houp (Florida Division of Emergency Management), and Zachary Bell (Florida

Division of Emergency Management). These are not listed in any specific order.

Key Points Made

- The determination memo deobligates around \$56,000,000.00 from the mitigation portion of the roads. The decision comes around 4.5 years since the roads were obligated. Close to \$87,000,000.00 has been spent, \$85,000,000.00 approved, \$82,000,000.00 physically received, and \$3,000,000.00 in payables.
- The original award amount was \$160,409,000.00 for road projects. \$80,834,000.00 was for bringing the roads back to pre-disaster conditions. \$79,575,000.00 was for mitigating the roads. The determination memo addresses the paving and aggregate surface part of the mitigation. They are still approving the sod and fabric and long as the road is paved.
- FEMA's argument for the deobligation is they claim they made an error in approving the county's hazard mitigation scope of work. Specifically, paving an unpaved roadway does not directly reduce the potential for future similar damages. Paving an unpaved road is not mitigation, but an improved project. They made an error by approving it under appendix J., which allows for up to 100% mitigation from the pre-disaster cost.
- The determination memo does not mean that Washington County must pay back \$54,000,000.00.
- There is a first level of appeal that the county can file, which is required within 60 days of receiving the determination memo, which will be April 13. The first level appeal is required to move forward with arbitration. The Board is encouraged to retain Baker Donelson, a law firm that specializes in FEMA appeals, which is willing to move the process forward. The firm will provide a cost estimate for the various stages of an appeal. Arbitration is where the most fees would be incurred. Wheeler Emergency Management's team has been working on a draft of a potential appeal if that is the route the Board takes.

- The deobligation is related to the Hurricane Michael project and not future funds. When the funds were frozen at the state level, reimbursements stopped, which caused the contractors to be directed to stop working on the projects they were actively working on, which is when the line of credit was exercised. FEMA advised to put fabric on the roads and asphalt after the concern of grading was brought up. Due to further reviews on the fabric and sod on the roads that were paved, the amount of obligation money will be decreased to around \$55,000,000.00. If arbitration is successful, the legal fees can be requested to be included.
- The appeal does not stop the process of seeking avenues to finalize the unfinished projects. There are ongoing discussions to address the unfinished projects. The appeal can be cancelled at any time.
- The Board would only keep the \$25,000,000.00 if every road that was in the project was paved and sod and fabric were put down. FEMA says they will not fund the paving because it is not mitigation, but to mitigate it, the roads must be paved. The roads that have been paved and have sod and fabric, there is a part of the \$25,000,000.00 that the county keeps.
- As part of the appeal and arbitration, the scope of work would have to be redefined due to cost changes. All the roads in the original scope would not be able to be paved.
- The Florida Division of Emergency Management will provide a letter of recommendation for the appeal as well as being available during arbitration.
- The 428 plan and paving were recommended, created, and designed by FEMA. FEMA made an error; that was mentioned five times in the deobligation memo.
- Nineteen roads between Districts 1 and 4 in the county cannot be properly maintained. They cannot be graded.
- The recommendation before the Board is to move forward with the first step.

- Concern was expressed about the drainage on the project. A road maintenance plan will be needed for the 80 miles that have been paved.
- The project allowed for the roads to be mitigated back to pre-storm. For it to be done differently, right-of-way would have been needed. Asphalt was put on what was there previously. It is different from roads that are designed to the Greenbook and AASHTO Standard.
- A request to break down the material on the unfinished roads was made to Wheeler Emergency Management.
- A decision about the appeal should be included on the next agenda.

3. ADJOURN