

**LEON COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
MAY 26, 2009**

The Board of County Commissioners of Leon County, Florida met in regular session at 3:00 p.m. with Chairman Desloge presiding. Present were Commissioners Akinyemi, Thael, Proctor, Rackleff, Dailey and Sauls. Also present were County Administrator Parwez Alam, County Attorney Herb Thiele, Finance Director David Reid and Board Secretary Rebecca Vause.

Chairman Desloge called the meeting to order at 3:00 pm.

Invocation was provided by Commissioner John Dailey, followed by the Pledge of Allegiance

AWARDS AND PRESENTATIONS

- Commissioner Proctor presented a Resolution recognizing the outstanding efforts of Lincoln High School students in winning the State's "Black History & Cultural Brain Bowl" on April 17, 2009. Accepting the Resolution were members of the Brain Bowl Team and Coach: Njeri Tunsil (Captain), Crystal Harvey (Co-captain), Zollie White III, Aseye Ablordeppey, Kaysha Upshaw, Student Coach Darrius Hands, and Team Coach Michael Zatoris. Victoria McNeil, a member of the Team, and Team Coach Audrey Smith were absent. Each member of the team will receive a full academic scholarship to a Florida university of his or her choice.
- Commissioner Bill Proctor presented a Resolution recognizing the 8th annual Comcast community service efforts to the Boys and Girls Club on Tallahassee Comcast Cares Day. He stated that 160 volunteers participated. Ms. Stephanie Albert, Comcast representative, accepted the Resolution.
- Chairman Bryan Desloge and Clerk Bob Inzer presented a Resolution to the family of Christine Francis, former Assistant Finance Director for the County. Chairman Desloge and Clerk Inzer commented on the numerous accomplishments and contributions Mrs. Francis made to Leon County's Finance operations. Clerk Inzer announced that the Clerk's Finance Department Conference Room will be named in honor of Christine Francis, and a plaque will be displayed at the entrance to the room as a lasting memorial.
- Judy Alexander, President of the Gulf Winds Track Club, Inc., and Brian Corbin, presented a donation of \$10,000 from the Track Club for the development of a cross-country track course at Apalachee Regional Park. She acknowledged the cooperation and efforts of Chairman Desloge, Tony Park (Public Works Director), Pat Plocek (Parks & Recreation Director, and Leigh Davis (Assistant to the Public Works Director). Chairman Desloge, on behalf of the Board, accepted the donation and stated that the County looks forward to the completion and opening of the track course.
- Ken Armstrong, President, United Way of the Big Bend (UWBB), representing members of the UWBB staff, presented an "Excellence Award" plaque to the County Commission. Mr. Armstrong commented on the fact that the UWBB fundraising campaign is independent and local; receiving contributions from local participants and spending the funds supporting local non-profit service organizations. He stated that the UWBB has added 10 new agencies to receive United Way funding.

- Chairman Desloge introduced Dr. Kenneth Brummel-Smith to make a presentation on a proposed Health Care Resolution, supporting the “single payer” model, to be forwarded to President Obama.
 - Commissioner Thael stated that the Healthcare Advisory Board (HAB) would draft the Resolution and bring back to the Board for approval.
 - **Commissioner Thael moved, duly seconded by Commissioner Rackleff, to support the proposed Resolution. The motion carried 7-0.**

- Dr. Bill Landing, Chairman of the Science Advisory Committee (SAC) presented the SAC annual report. He stated that SAC is a Joint City/County committee and provided a month-by-month summary of the issues either addressed or performed by SAC, through October 2008:
 - “Going Green”
 - Lake Munson Restoration
 - TMDL
 - Extensive discussion and review regarding septic tank systems; drafted a memo on the proposed EAR language on performance-based septic systems
- Dr. Landing announced that in 2009, SAC would address:
 - EMA text revisions
 - Review of proposed Fertilizer Use Control Ordinance
 - Report on air quality issues
 - Stormwater Volume Control and Rate Control Ordinance amendments
 - Workshop regarding Lake Munson
- Dr. Landing added that the SAC asked that the Commission consider additional issues of science and environmental quality to direct to the SAC for review and recommendation.
 - Commissioner Thael asked if SAC is addressing nitrogen loading into the groundwater of the Primary Springs Protection Zone. *Response:* Dr. Landing explained that growth impacts nitrogen loading. Commissioner Thael stated that, with the “Going Green” initiative, there should be additional members with expertise in the initiative appointed to the SAC. *Response:* Dr. Landing stated that SAC supports establishing a separate committee, with several members with different expertise (i.e. building officials, energy management experts, utilities, etc.)
 - Commissioner Akinyemi asked what the purpose of SAC is. *Response:* SAC was established to study lake water quality. Commissioner Akinyemi added that there should be meetings to discuss environmental issues that concern the County.
 - Commissioner Proctor asked about stimulus money being used for solar energy. Dr. Landing stated solar for homes is good but not prorated. The Board could direct SAC to investigate solar power.
 - **Commissioner Proctor moved, seconded by Commissioner Akinyemi, to direct the Science Advisory Committee, to pursue the potential for residential solar energy and to involve and coordinate with Florida State and Florida A&M Universities, as appropriate. Note: No formal vote taken on this motion.**
 - Dr. Landing stated that FSU has a department to look and provide advice on energy options and offered that the SAC would be willing to assemble a panel of experts and conduct a workshop that would discuss and identify options.
 - County Administrator Alam informed the Board that Florida has not been given any incentive for looking at alternative energy options. He added that most of the Federal stimulus money is for investment tax credits.

- Commissioner Proctor expressed concern over the targeting of Southern Leon County as being a problem in the generation of pollution and noted the need for a central sewer system for the area.
- Commissioner Sauls stated that statistics indicate that septic tanks from all over the County contribute to the pollutants in Wakulla Springs.
- There was additional Board discussion.
- Dr. Landing, in response to Commissioner's comments, offered that the SAC would look into local expertise within FSU, FAMU and state government regarding solar and other alternative energies.
- He remarked that the SAC is working to make recommendations and act as appropriate to assist in the removal of contaminated sediments from Lake Munson, similar to their successful efforts at Lake Jackson.
- The SAC will be working with John Kraynak, Environmental Services Director, to help draft language to do something about inadequate septic systems throughout the County, not just the southern portion.
- Chairman Desloge thanked Mr. Landing for his continued service and stated that the Board would continue to rely on the Committee's expertise

CONSENT

Commissioner Sauls moved, duly seconded by Commissioner Akinyemi, to approve the following Consent Agenda with the exception of items 4 & 11, which was pulled for discussion. The motion carried 6-0 (Commissioner Proctor out of Chambers).

1. Approval of Minutes: April 9, 209 Workshop on Cycle 2009-2 Comprehensive Plan Amendments; April 21, 2009 Economic Development Council Workshop; and, April 21, 2009 Regular Meeting

The Board approved Option 1: Approve the minutes of the April 9, 2009 Workshop on Cycle 2009-2 Comprehensive Plan Amendments; April 21, 2009 Economic Development Council Workshop; and, April 21, 2009 Regular Meeting

2. Approval of Payment of Bills and Vouchers Submitted for May 26, 2009, and Pre-Approval of Payment of bills and Vouchers for the Period of May 27 through June 8, 2009: \$2,370,160

The Board approved Option 1: Approve payment of bills and vouchers submitted for May 26, 2009 and pre-approve payment of bills and vouchers for the period of May 27 through June 8, 2009: \$2,370,160

3. Approval of the Installation of a Regional Selective Routing System to Augment the Existing 9-1-1 System with Grant Funds Awarded to Leon County by the State of Florida.

The Board approved Option 1: Approve the installation of a Regional Selective Routing System

4. Approval of an Amendment to the Agreement Between the Florida Department of Community Affairs and Leon County Concerning the Community Development Block Grant (CDBG) Development for Capital Circle Commerce Park

Chairman Desloge pulled the item to allow individuals to speak on the issue.

Speakers:

- Bud Clark, 1400 Metropolitan Blvd., Ste 211, representing Capital Circle Commerce Park, stated that the CDBG Grant began in 2005 by Terry Fregley. He added that all the goals were achieved: 54 jobs created, employees receive a living wage, and insured that the project closed out in time to reapply for the next cycle.
- Joan Fregley, 1801 N. Meridian Rd., thanked the Board for its support of Capital Circle Commerce Park and announced that solar would be installed on several warehouse buildings.

Commissioner Thaeil moved, seconded by Commissioner Dailey, to approve Option #1: Approve the Amendment to the Grant Agreement between the Florida Department of Community Affairs and Leon County for the Community Development Block Grant for Capital Circle Commerce Park, and authorize the Chairman to execute. The motion carried 6-0 (Commissioner Proctor out of Chambers).

5. Approval of an Agreement Between Leon County and the City of Tallahassee Regarding the Use of the Recovery act Justice Assistance Grant

The Board approved Option 1: Approve the Agreement Between Leon County and the City of Tallahassee regarding the use of the Recovery act Justice Assistance Grant.

6. Approval to Submit the Edward Byrne Memorial Justice Assistance Grant – American Recovery and Reinvestment Act of 2009 in the Amount of \$820,284

The Board approved Option 1: Authorize the submittal of the FY 2009 Edward Byrne Memorial Justice Assistance Grant in the amount of \$820,284 to the Florida Department of Law Enforcement.

7. Adoption of a Resolution for the Housing Finance Authority to Join the Escambia County Multiple-County Single Family Mortgage Revenue Bond Program, Series 2009

The Board approved Options 1, 2, & 3: 1) Adopt the Resolution authorizing the Escambia County Housing Finance Authority to operate within the boundaries of Leon County, and authorize the Chairman to execute; 2) Ratify the Interlocal Agreement Between the Escambia County Housing Finance Authority and the Housing Finance Authority of Leon County, and 3) Adopt the Leon County Housing Finance Authority Resolution approving a Joint Program with the Escambia County Housing Finance Authority.

8. Approval of the Time Extension for the Florida Department of Environmental Protection Water Project Funding Agreement

The Board approved Options 1, 2,& 3: 1) Approve the Florida Department of Environmental Protection (FDEP) Water Project Funding Agreement Amendment #3, and authorize the County Administrator to execute; 2) Approve the Resolution and associated Budget Amendment Request, and 3) Ratify Amendments No. 1 and No. 2 for prior time extensions.

9. Request to Schedule two Public Hearings to Consider an Ordinance Amending Chapter 10 of the Land Development Code to Correct Scrivener's Errors and Inadvertent Discrepancies for June 9 and July 14, 2009 at 6:00 p.m.

The Board approved Option 1: Schedule the first of two public hearings to consider an ordinance amending Chapter 10, the Land Development Code, to correct scrivener's errors and inadvertent discrepancies, for June 9, 2009 at 6:00 p.m. and schedule second and final public hearing for July 14, 2009 at 6:00 p.m.

10. Request to Schedule Two Public Hearings Regarding Amendments to the Flood Damage Waiver Ordinance for Tuesday, June 9 and July 14, 2009 at 6:00 p.m.

The Board approved Option 1: Schedule two public hearings to consider adoption of an ordinance amending the flood damage waiver ordinance for Tuesday, June 9 and July 14, 2009 at 6:00 p.m.

11. Acceptance of the FY 2008/09 Combined and Second Quarter Commissioner Discussion Items Status Report

Commissioner Sauls moved, seconded by Chairman Desloge, to approve Option 1: Accept the FY 2008/09 ongoing and second quarter status report on Commissioner discussion items.

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS: No speakers

GENERAL BUSINESS

12. Update from the May 19, 2009 Mayor/Chair Meeting on the Proposed Five-Cent Gas Tax

Speaker:

Glenda Thornton, 1509 Woodgate Way, Chairman, Greater Tallahassee Chamber of Commerce, thanked the County Budget Director for his presentation to the Chamber Board. She advised that although the Chamber has not yet taken a formal position on the proposed tax, the Chamber Board expressed the following questions/comments for the Board consideration: 1) need for clarification on whether the proposal would be revenue neutral; 2) ask that the Board consider using the funds for capital projects to stimulate jobs; 3) better understanding of the City's intended use for the additional funds; 4) concern over the timing of the increased tax and its affect on residents.

Commissioner Rackleff expressed concern that many residents believe that transportation projects can continue without additional revenue. He stated that a better understanding was needed by local business leaders of the stimulated affect that sufficient gas tax revenues to keep transportation programs robust and effective would have on the local economy.

Commissioner Proctor asserted that he would not support the fifth cent tax unless it was revenue neutral.

Chairman Desloge stated that collection of the tax would begin in January 2010 and noted that his intent was for the Board to look at the millage rate and offset the tax. He provided an update on his discussions with the Mayor on the revenue split and stated that the County and City would split equally 2 ½ each; however the City would dedicate ½ cent toward StarMetro within the unincorporated area. Chairman Desloge remarked that there is time to obtain information, have discussion and hear from the public on the issue. He added that his goal is not to try to general additional revenue, but to appropriate fund roads through a transportation tax.

Commissioner Akinyemi advised that he had not yet made a determination of his support for the tax. He noted however, that an appropriate revenue source for transportation was needed and that it could not continue to be subsidized through general revenue dollars. He communicated his understanding of the impact the tax would have on residents and that the Board was sensitive to the economic situation of citizens.

Commissioner Thael asserted that this is a "terrible time to be contemplating raising gas taxes". He commented that this is a difficult situation as new revenues are needed just to maintain the basic quality of life services that attract new residents and businesses to the area. He noted the approximately \$18 million in less revenue for the upcoming fiscal year.

Commissioner Rackleff commented that \$2.6 million in property taxes would be directed to the transportation trust fund because the gas tax is too low. He asserted that if the tax is revenue neutral, services would be affected, jobs lost and there would be zero stimulus impact on the economy. He stated that if the gas tax is not increased, he would propose that the County stop the property tax contribution to the transportation trust fund.

Commissioner Proctor remarked that transparency on the project list was important. He confirmed with County Attorney Thiele that the County was not obligated to share the gas tax revenue with the City and stated that he was not willing for the County to "take the 100% hit" for raising gas prices and provide the City with half the revenue.

County Administrator Alam addressed the issue of revenue sharing with the City and explained that without an Interlocal Agreement (which appropriates the sharing of the revenue) the County would have to rely on the State formula which would require that we pay the City more than is being proposed.

Commissioner Akinyemi asked Chairman Desloge to discuss with the Mayor their interest in developing sources of alternative and indicated that Attachment 2 of the agenda item was an appropriate document to present to the City for consideration. Commissioner Akinyemi stated that it was important for the two entities to pursue alternate sources of energy.

Commissioner Proctor moved, duly seconded by Commissioner Akinyemi to approve Option 1: Accept the update regarding the implementation of the five-cent gas tax. The motion carried 7-0.

The Board recessed for dinner at 5:15 p.m. and reconvened at 6:00 p.m.

13. Authorization for Staff to Negotiate for the Best Terms and Conditions with Mac Tire Recyclers and Cumbaa Enterprises for Transportation and Recycling of Waste Tires from the Apalachee Solid Waste Management Facility

County Administrator Alam shared that the County issued a bid to remove and recycle waste tires from the Apalachee Solid Waste Management Facility and three bids were received, one of which was deemed unresponsive. He noted that the base bid from each of the bids was exactly the same, \$125 per ton. He explained that the issue was how to award the bid.

Commissioner Thael moved, duly seconded by Commissioner Sauls, to approve Option 1: Authorize staff to negotiate for the best terms and conditions with Mac Tire Recyclers and Cumbaa Enterprises for transportation and recycling of

waste tires from the Apalachee Solid Waste Management Facility, and authorize the County Administrator to execute the Agreement. The motion carried 6-0 (Commissioner Proctor out of Chambers)

14. Consideration of Office of Management and Budget's Management Review - Tallahassee Area Convention & Visitors Bureau (TACVB)

County Administrator Alam stated that the Board directed staff to conduct a management audit of the Tallahassee Area Convention & Visitors Bureau (CVB). Mr. Alam asked Scott Ross, Budget Manager to present staff's report.

Mr. Ross provided staff's finding and noted that the review was initiated in late December and took approximately four months to complete. It is noted that a copy of the Management Review Report and Attachments were included as an attachment to the Agenda Item. He indicated that the review included an evaluation and observation of CVB programs and activities; staff interviews and surveys; survey of current and former CVB members; CVB Board surveys, a statewide comparison of other CVB and a review of documents (policies/procedures/budgets/financial statements). Highlights of Mr. Ross's presentation included:

- 22 employees or 17 FTEs; this compares to an average of 7.9 employees for 13 other CVBs surveyed.
- Original contract amount was \$550,000, current contract is slightly over \$1 million and FY2010 budget request is \$1.5 million.
- Scope of services provided has expanded beyond the direct marketing and visitor services outlined in the Agreement.
- Conduct a study to determine the need to have three physical tourist centers within the community.
- Since 2004, the contract amount has increased by 50%; however, revenues have remained flat. In addition, visitor tourism has declined.
- County is the primary funding source (94% in 2008) the remainder comes from memberships and miscellaneous sales through its gift shop.

Mr. Ross offered that with dwindling revenues, now may be the time to look for another model to deliver visitor services and marketing and added that nine of the 13 CVBs surveyed perform this function in-house. He stated that staff recommends that the CVB services and functions be handled in-house for a savings of approximately \$670,000 annually.

Commissioner Thael inquired about the recommendation to bring the function in-house. Mr. Ross responded that the recommendation is that six professional positions (from marketing, sports marketing and direct marketing) be brought in under the auspices of the Tourist Development Council (TDC) Director. He offered that this would result in a reduction in the expenditures of the TDC tax.

Commissioner Rackleff acknowledged the professional job done by staff of analyzing the operation and commented that staff have offered a good solution to a problem. He opined that a stronger tourism program would emerge from the review. Commissioner Rackleff pointed out that the TDC Director has been charged with economic development and that the addition of the CVB Director would allow the TDC Director to spend more time in economic development matters.

Commissioner Rackleff moved, duly seconded by Chairman Desloge, to approve Option 1: Accept staff's management review of the Tallahassee Area convention

and Visitors Bureau, and approve recommendation to bring its direct marketing and visitor services functions in-house.

Commissioner Dailey stated for the record, that he would not support the termination of any employee without doing some type of human resource management study. He voiced concern that this issue was being considered when the TDC Retreat is scheduled for the following week and recommended that action be postponed until the TDC Retreat was held.

Chairman Desloge shared that he and the TDC Director have met and there are concerns about having the Retreat without a decision being made on this issue.

Commissioner Dailey followed up by stating that he would be unable to support any formal action on this issue tonight. He offered that more discussion and a course of direction were needed before a change of this magnitude was made. He stated that the report has not been thoroughly vetted and the Board needed to hear comments from the TVB, Sports Council, Board members, etc.

Commissioner Proctor concurred with Commissioner Dailey's comments. He remarked that the new TDC Director should be given sufficient time to "right the ship" and opined that it would be wrong for the Board to take this action at this time. He requested that the Board postpone taking this action.

Commissioner Proctor offered a substitute motion, duly seconded by Commissioner Dailey, to continue the issue until after the TDC Retreat.

Commissioner Akinyemi stated that he would like to hear from affected parties before taking any action on the motions.

Vince Long, Deputy County Administrator, stated for the record that he would like to hear any comments from the TDC and CVB Directors on the review. He provided for clarification that concerns had been expressed regarding the timing of the report and it was felt that it was important for the Board to have all information prior to discussion on the TDC structure. He submitted that the transition plan approved by the Board is in place and is being implemented, i.e., audit conducted, hiring of executive director, etc.

Lee Daniel, Tourist Development Council Executive Director, asserted that he is committed under whatever structure is ultimately determined to do the best job possible to promote tourism and economic development. He shared that the proposed structure is what he has worked under for the past 20 years and advised that there are advantages to this structure. He added that there is concern that if a decision is not reached the focus of the Retreat would change and that goals, strategies, objectives and the development of a roadmap for tourism would not be achieved. He added that if the decision is made to continue the issue, the Retreat would probably need to be continued for a second day.

Commissioner Sauls inquired on the advantages of one structure to another. Mr. Daniel commented that there are various successful models being used around the state. He noted that some of the advantages of the proposed model include: cost savings; increased confidence of the Commission and County Administration; eliminates confusion among stakeholders, promotion of the County without consideration of membership, consistency of operation policies and procedures, eliminates confusion with contracted vendors, and guarantees that speak with one

voice. He added that inclusion into the Florida Retirement System would also be a positive from an employee perspective.

Sharon Liggett, President/CEO, Tallahassee area Convention & Visitors Bureau, referenced a letter from the CVB Board Chair, Michelle Personnette which responded to the report findings. Ms. Liggett commented on areas that were not covered in the report that she felt important. She stated that she felt that the CVB was being judged on criteria and expectations that they had not been asked to meet and noted that the CVB had been very responsive to any changes or input that had been presented by the Commission and the TDC. She opined that the organization had been painted with a "broad brush stroke of a prior administration" for which they took direction. She professed that the report was disappointing to the members of the CVB Board, tourism industry, member stakeholders, and community volunteers. Ms. Liggett stated that as a separate entity they were able to respond to the needs of the industry faster than a government organization. She suggested that services currently being done by in-house staff would be contracted out and encouraged the Board to review and analyze this area to determine if there is truly a cost savings. She pointed out that maintaining the CVB as a private separate organization provides a distance from the political process and removes them from the realm of favoritism and political influence.

There continued to be significant discussion among the Commission on this topic. Commissioners Akinyemi, Proctor, Sauls, Dailey and Thael stated their support for the substitute motion and expressed concern about making a decision prior to thorough vetting issue and input from all relevant entities. Chairman Desloge and Commissioner Rackleff voiced support for the recommended change and stated that the current structure promotes duplication of effort and does not work. It was also noted that the County provides the majority (95%) of the CVB budget and should have more of a say in how it is managed.

The substitute motion carried 5-2 (Commissioners Desloge and Rackleff in opposition)

15. Approval of the Hiring of a Financial Consultant and Approval of Guidelines for Submitting an Annual Report for the Leon County Educational Facilities Authority

County Administrator Alam explained that the item seeks approval of the hiring of a financial consultant to conduct an independent review of the Leon County Educational Facilities Authority (EFA).

Chairman Desloge provided a brief history of the EFA and the Southgate Project. He voiced his concern that Leon County's name is tied to a project that is technically in default and that the Board was not made aware of the situation until recently. He opined that a critical look was needed to determine what is going on and if the original intent of the EFA was being served by the current structure.

Commissioner Thael moved, duly seconded by Commissioner Akinyemi, to approve Options 1 & 2: 1) Approve the hiring of a financial consultant to address the Leon County Educational Facilities Authority's financial problems at the Southgate Dormitory and approve the associated Budget Amendment Request, and 2) Approve the guidelines for the Annual Report and the TEFRA Hearing Requirements for the Leon County Educational Facilities.

Commissioner Rackleff articulated his concern over the EFA's inability to pay its debt and that it spent last year \$320,000 in management fees for a building that is only 55% occupied.

Commissioner Thaelle asked for a point of clarification on ownership of Southgate. County Attorney Thiele conveyed that Southgate was owned by the EFA. Commissioner Thaelle commented that he was concerned that Leon County's name was associated with the EFA, when the Commission has limited authority over its actions.

Mr. Thiele noted that the Board, as the creator of the entity, has some oversight responsibility to the organization. He noted that the rating agencies would want to know what actions the Board had taken to prevent the bonds default. Mr. Thiele advised that the Board would need to "walk a very fine line" between interfering in the Authority and getting information which would assist the Commission in looking at the current status.

Commissioner Rackleff continued that the County's name is on the EFA and he was concerned of the efforts should be made to keep that good name in financial markets. He stated that he could not understand why the dormitory has such low occupancy as it is one-half block from the core of the campus.

Commissioner Sauls established that the Authority's financial records were a matter of public record.

Commissioner Proctor questioned the Board's authority to take any action once a report is completed and questioned the expenditure of the \$40,000. Mr. Thiele responded that although the board has no authority to instruct the EFA to do anything outside the scope of their statutory set up; it may replace the entire EFA Board and then the Commission could provide the new appointees with specific direction.

Commissioner Rackleff asked for a point of information from the County Attorney and confirmed that one of the most fundamental legal responsibilities of the EFA was to repay its debt under the terms which it borrowed it.

Alan Rosenzweig, Assistant County Administrator, noted that the Scope of Services for the proposed review was prepared by the County's financial advisor (Public Financial Management (PFM)) and included as Attachment 2 of the agenda item. Mr. Rosenzweig stated that he was very comfortable recommending to the Board that PFM be contracted to conduct the review; however, he emphasized that it was not the intent of the PFM to prepare a feasibility report or market analysis. He offered that the review would help the Board better understand the ramifications of long term underperformance and the potential for default by the borrowers.

Commissioner Thaelle established that the Board adopted the enabling Resolution to establish the Authority; but the Bylaws and Articles of Incorporation were established by the Authority.

Commissioner Akinyemi expressed hesitancy in spending \$40,000 for a report when the Board's authority is limited.

Commissioner Rackleff remarked that he was looking for a "road map out of this mess" and if that was not the expected result of the review, another consultant needed to be identified and provided with different instructions. He emphasized his concern that the Board was never informed about the financial situation and could result in the entire EFA Board being replaced. Commissioner Rackleff proclaimed that it was an intolerable situation that did affect the County's bond rating and its ability to borrow money on Wall Street.

County Administrator Alam opined that the Board's best course of action would be to not get involved in the situation; allow the bonds to default and the financial situation would take care of itself.

Mr. Rosenzweig established, for the record, that there was no certainty that the bonds would default. However, the debt is not being paid and the balance sheet is carrying a huge accumulated liability that keeps growing.

Commissioner Akinyemi stated that due to the uncertainty of the situation and the County's limited recourse, he ***withdrew his second of the motion.***

The motion was then seconded by Chairman Desloge.

Chairman Desloge remarked that there were many unanswered questions; and the Board did have some responsibility and needed to step up and assist in attempting to find some resolution to the situation.

Commissioner Dailey inquired of the possibility of obtaining the Clerk's Office assistance in obtaining the information.

David Reid, Finance Director, Clerk of the Court, stated that a review of all the financials had been completed and the status was known. He offered that it is unknown if the B bonds would ever be paid and there is concern that the A bond could go into default. He advised that the EFA could be asked to come and explain their direction with marketing and the future direction of the project.

There was further Board discussion.

Commissioner Thaelle remarked that based on the information from Mr. Reid it was not prudent to move forward as it seemed that the information was already available. He suggested that the EFA be invited to appear before the Board and serious discussions held on where/what their intentions are.

Commissioner Thaelle withdrew his motion.

Mr. Thiele in response to Commissioner Akinyemi's questions on County liability, confirmed that the Board had no liability for the debt, but could not completely "let it go" and that by asking questions of the EFA the Board would have demonstrated an interest in the entity that had been created.

Commissioner Akinyemi moved, duly seconded by Commissioner Thaelle, to approve Option 2 and direct staff to send a letter to the EFA requesting additional information.

Commissioner Rackleff reiterated the need for expert advice.

Commissioner Rackleff offered a substitute motion to move Options 1 & 2: Options 1 & 2: 1) Approve the hiring of a financial consultant to address the Leon County Educational Facilities Authority's financial problems at the Southgate Dormitory and approve the associated Budget Amendment Request, and 2) Approve the guidelines for the Annual Report and the TEFRA Hearing Requirements for the Leon County Educational Facilities. The motion was seconded by Chairman Desloge.

Commissioner Dailey stated that he was willing to explore with the Clerk's Office the feasibility of asking them to analyze and provide direction to the Board as this would save some money and achieve the Board's goals in a timely manner. Mr. Reid commented that he was willing to do the review, however, the information was already known and his initial recommendation was that the Board not take on this responsibility as it was the EFA's responsibility to answer Commissioner's questions and state their direction.

Commissioner Akinyemi called the question, which was seconded by Chairman Desloge. The motion carried.

The Substitute motion offered by Commissioner Rackleff and seconded by Chairman Desloge failed 2-5 (Commissioners Thael, Dailey, Akinyemi, Proctor and Sauls in opposition)

The motion offered by Commissioner Akinyemi and seconded by Commissioner Thael, carried 6-1 (Commissioner Rackleff in opposition).

16. Consideration of Veterans' Ad Valorem Taxation Exemption

County Attorney Thiele explained that due to concerns expressed by citizens (specifically the requirement that you must have been a resident of Florida when entering the service to qualify for the exemption) who appeared before the Board, his office was directed to prepare an agenda item on the veteran's ad valorem tax exemption provisions and to advise if there was any action that the Board could take to assist in providing ad valorem taxation relief to veterans. Mr. Thiele provided a history on the issue and current efforts being taken to remove the requirements from the Constitution. He recommended that the Board not institute an exemption or rebate program for Veterans ad valorem taxation, but instead support efforts by the Florida Legislature to place a Constitutional Amendment on the ballot in 2010, for purposes of changing the threshold qualification.

Commissioner Dailey moved, duly seconded by Commissioner Rackleff, to approve Option 1: Support Legislative efforts to modify the restriction on qualifying for the veteran discount to Florida residents at the time of military service. The motion carried 7-0.

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

Speaker:

- Dot Spence, 3982 Chaires Cross Rd., stated that she had provided plans for an addition to the Chaires Community Center and inquired on the status of the proposed project. She also inquired about the renaming of two ball fields. Ms. Spence asserted that Chaires was "left out of everything".

Alan Rosenzweig, Assistant County Administrator, recalled that funds had originally been set-aside for the project, but were eliminated along with funds for numerous other projects during the budget process and Chairman Desloge apologized for the lack of communication on the community center addition. Commissioner Rackleff ensured Ms. Spence that his office would forward an application to request the renaming of the ball fields.

- Leonard Marshall, 1942 Barrow Street, alleged that an error by the Clerk's Office has resulted in him losing his job and has made it difficult for him to obtain employment. He stated that he has met with staff with no resolution and is requesting an apology or

compensation. County Attorney Thiele stated that under certain insurance policies there is general liability coverage for some constitutionals under the County's policy. He stated that the issue was treated as a "claims matter" and was reviewed by the Risk Management Department and himself and in consultation with the Clerk's Office, concluded that neither the Clerk nor Leon County had any liability. He recollected that letters were sent from the Clerk's Office and the matter closed.

COMMENTS/DISCUSSION ITEMS

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Sauls:

- Shared that a constituent was having difficulty in determining what was required to operate a stand alone, self contained barbeque trailer. She asked County Attorney Thiele to review the regulations and advise her of the requirements.

Commissioner Akinyemi:

- Requested a Resolution celebrating the fifth anniversary of Youth Leadership Tallahassee, to be presented at the June 9, 2009 Regular Meeting.

Commissioner Dailey:

- **Commissioner Dailey moved, duly seconded by Commissioner Sauls, to direct staff to bring back an agenda item to address the flooding issues specifically in Districts 2 & 3 (State Road 12, Fairbanks Ferry Road, Crooked Road, etc)**
- Commissioner Rackleff requested that the agenda item include a map that shows the maximum extent of flood waters throughout the County at the peak of flooding.
- Commissioner Dailey requested information on the entity responsible when a flooded road is shared by the County and State.
- **The motion carried 7-0.**

Commissioner Thaeff:

- **Commissioner Thaeff moved, duly seconded by Commissioner Rackleff, to request an agenda item to consider the establishment of a Climate Protection Advisory Board. The motion carried 7-0.**

Commissioner Rackleff:

- **Commissioner Rackleff moved, duly seconded by Commissioner Dailey, to instruct staff to prepare an agenda item on the "bundling" of County sidewalk projects that total \$20 million or more to be submitted to the Federal Department of Transportation for possible funding through the Competitive Grants Program. The motion carried 7-0.**
- Noted that the proposed five cent gas tax public hearing is scheduled for two weeks and submitted that there were not sufficient votes to approve the measure.
 - Chairman Desloge submitted that considerable staff time had been allocated to this issue and offered that the issue be carried through.
 - Commissioner Thaeff remarked that this was not the right time to levy an additional gas tax.
 - **Commissioner Thaeff moved, duly seconded by Commissioner Sauls, to cancel the public hearing on the proposed five cent gas tax increase.**
 - Commissioner Rackleff pointed out that the gas tax will have to be raised at some future date and noted that the Board could vote to raise the gas tax at any time; it is the effective date that must happen on January 1. He asserted that the transportation program cannot continue to be subsidized with property and sales tax revenue.

- Commissioner Akinyemi confirmed that the motion would "kill" the issue for this fiscal year. In response to Commissioner Akinyemi's inquiry about how this action would affect the upcoming budget, Mr. Rosenzweig indicated that the Board would still be able to balance its budget next year.
- Commissioner Akinyemi verified that the action would remove the \$500,000 that was designated for the identification of alternate energy sources. Mr. Rosenzweig stated that the Board could identify an alternate revenue source for the issue, if desired, at the Budget Workshop.
- ***The motion carried 6-1 (Chairman Desloge in opposition)***

Chairman Desloge:

- Requested a Resolution for Charles Moore, who is retiring after 10 years of service.
- The Gavel was passed to Vice-Chairman Rackleff
- ***Commissioner Desloge moved, duly seconded by Commissioner Akinyemi, to ask staff to provide information on the feasibility of continuing the Bradfordville Community Center's Advisory Board (this information to be included in information being developed on the Ft. Braden Boards). The motion carried 7-0.***

Receipt and File:

Fallschase Community Development District Proposed Annual Budget - Fiscal Year 2010

ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 9:25 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Bryan Desloge, Chairman
Board of County Commissioners

BY: _____
Bob Inzer, Clerk of the Court
Leon County, Florida