

**BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
September 21, 2010**

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

Chairman Rackleff called the meeting to order.

The Invocation was provided by Commissioner Proctor, who then led the Pledge of Allegiance.

**Awards and Presentations**

- Ms. Karen Ellis introduced herself as the new Executive Director for Springtime Tallahassee and informed the Board that Springtime is scheduled for April 2, 2011. In addition, she thanked the Board for their continued support.

**Consent:**

***Commissioner Sauls moved, duly seconded by Commissioner Desloge to approve the Consent Agenda. The motion carried 7-0.***

- 1. Adoption of Revision to Leon County Personnel Policies and Procedures Manual Section VII - Attendance and Leave to Further Accommodate Alternative Work Schedules**

*The Board approved Option 1: Adopt revisions to Leon County Personnel Policies and Procedures Manual Section VII - Attendance and Leave to further accommodate alternative work arrangements, effective October 1, 2010, unless otherwise noted.*

- 2. Approval of the Conveyance of a Conservation Easement to the City of Tallahassee for the Department of Health Roberts and Stevens Clinic - Tobacco Education Addition**

*The Board approved Option 1: Approve the conveyance of a Conservation Easement from Leon County to the City of Tallahassee for the Department of Health Robert and Stevens Clinic - Tobacco Education Addition*

- 3. Approval of the Financial Contract for Local Funds Between Leon County and the Florida Healthy Kids Corporation**

*The Board approved Option 1: Approve the Financial Contract for Local Funds between Leon County and the Florida Healthy Kids Corporation, and authorize the County Administrator to execute*

- 4. Acceptance of the FY2009/10 Annual Choose Life Specialty License Plate Report and Approval of the FY2010/11 Agreements for the Choose Life Specialty License Plate Program**

The Board approved Options 1 & 2: 1) Accept the FY2009/10 Annual Choose Life Specialty License Plate Report, and authorize the County Administrator to sign, and 2) Approve the FY2010/11 Choose Life License Plate Program Agreements with A Women's Pregnancy Center, Brehon Institute for Family Services, Inc., Florida Baptist Children's Homes, and Pregnancy Help and Information Center, Inc., and authorize the County Administrator to execute.

**5. Approval of Payment of Bills and Vouchers Submitted for September 21, 2010, and Pre-Approval of Payment of Bills and Vouchers for the Period of September 22 through October 11, 2010: \$1,744,683**

The Board approved Option 1: Approve payment of bills and vouchers submitted for September 21, 2010 and pre-approve payment of bills and vouchers for the period of September 22 through October 11, 2010: \$1,744,683

**6. Approval of the Plat of Greystone Phase I Subdivision for Recording in the Public Records**

The Board approved Option 1: Approve the plat of Greystone Phase I Subdivision for recording in the Public Records

**7. Acceptance of Status Report on the Project SEARCH Program**

The Board approved Options 1 & 2: 1) Accept the status report on the Leon County Project SEARCH Program, and 2) Direct staff to provide an update on the Project SEARCH Program and submit a budget request during the FY 11/12 budget process to continue funding for the program.

**8. Acceptance of Status Report on Fiduciary Responsibility of 457 Deferred Compensation Plan Sponsors and Approval of the Clerk of the Courts Initiative for a Collaborative Review and Consideration of Board and Constitutional Office Retirement Plans and Selection of a Single Provider**

The Board approved Options 1, 2, & 3: 1) Accept status report on fiduciary responsibility of plan sponsors for 457-Deferred Compensation retirement plans; 2) Direct staff to participate with Clerk Inzer and Constitutional Officers in the collaborative review and consolidation of retirement plans for selection of a single provider. Acknowledge Leon County Sheriff Office initial funding for consulting in an amount not to exceed \$60,000, and 3) Direct staff to include a future budget request in an amount not to exceed \$40,000 for on-going consultant monitoring and review services for the 457(b) and 401(a) Defined Contribution Programs.

**Citizens to be Heard on Non-Agendaed Items** (3-minute limit per speaker; there will not be any discussion by the Commission)

- Chairman Rackleff confirmed that there were no speakers on Non-Agendaed Items.

**General Business**

**9. Authorization to Award Insurance Renewals for FY 10/11**

County Administrator Alam summarized the agenda item and referred the Board to the additional information provided on this issue. He informed the Board that the Florida

League of Cities (Florida Municipal Trust) had withdrawn its quote for property insurance for next year, thus leaving the County with only one quote (Preferred Governmental Insurance Trust (FGIT), through Brown and Brown, for consideration. Due to these circumstances, Mr. Alam recommended that the Board reject all bids for all areas of insurance and, due to time constraints (October 1 is the start of a new fiscal year), authorize the County Administrator to negotiate quotes with potential insurance providers "in the best interest of the County".

**Commissioner Thael moved, duly seconded by Commissioner Desloge, to reject all bids and authorize the County Administrator to place the insurance renewals in the best interest of the County.**

Commissioner Desloge stated that he was very comfortable delegating this responsibility to the County Administrator and viewed this action as most prudent.

Commissioner Dailey expressed a concern that there was not sufficient time to secure another provider and suggested that the County maintain its current coverages so as not to place the County at risk of not having a provider. He also noted that this process should begin earlier next year to ensure that the County is not placed in this position again.

Mr. Alam opined that the County could secure insurance by October 1, and also recommended that insurance coverages be sought for 15 months, rather than 12 months.

**Speaker:**

- Tony Grippa, Brown and Brown of Florida, Inc., provided clarification on the Brown and Brown process in providing the quotes and recommended that the Board move forward with the renewal of insurance coverages.

Commissioner Proctor and Mr. Grippa engaged in considerable dialogue on numerous issues such as, the quote process and the decision by Lexington to not allow the Florida League of Cities to provide Leon County's property insurance. Commissioner Proctor was provided further explanation on the "rebate" to renewing members by League of Cities and staff's recommendation to reject all bids. He established with County Attorney Thiele that the Board could accept the bid from Brown and Brown or reject the current bids on the table.

Commissioner Akinyemi also indicated his concern over the possibility of not being able to secure insurance coverages within the defined time period and thought it prudent to approve insurance coverage bids that could be accepted.

**Commissioner Akinyemi offered a substitute motion to approve Option 1 as amended.**

**1. Authorize the award for the following insurance coverages for fiscal year FY 2010/2011:**

- **Excess workers' Compensation (\$139,493): Florida League of Cities Municipal Insurance Trust**
- **General Liability (including Public Official, Employee Practices Liability, Auto \$287,122): Brown and Brown**

- ***As the provider for General Liability, authorize Brown and Brown to place pollution, accidental death and dismemberment and aviation liability coverages.***

**The substitute motion died for lack of a second.**

Commissioner Thaelle initiated further dialogue with staff on the rationale for Lexington's decision to not honor the Florida League of Cities writing of Leon County's property insurance, even though circumstances had not changed from last year.

Commissioner Dailey stated for the record that the County expends over \$500,000 on property insurance coverage and opined that the Board, as elected officials, should not abdicate this responsibility to staff. He voiced apprehension over delegating staff the responsibility to negotiate the insurance contracts out of the Sunshine, as the public has a right to know how their tax dollars are being spent.

**Commissioner Dailey offered a substitute motion to maintain County's insurance coverage in the three areas and begin the insurance renewal process over in the Sunshine. The substitute motion died for died of a second.**

County Administrator Alam clarified that there was not time to engage in a bid process, he would attempt to obtain a quote with one broker for a period of 15-months.

***At the request of the County Administrator, Commissioner Thaelle amended his motion to include scheduling of a Special Meeting on Wednesday, September 29, 2010 at 1:00 p.m. to review the County Administrator's recommendations for insurance renewals.***

**Speaker:**

- Sam Bell, 1298 Millstream Rd, Director of Brown and Brown, emphasized that the quote process was followed by Brown and Brown on behalf of FGIT and urged reconsideration of the substitute motion made by Commissioner Dailey or accept the bid that was submitted in response to the process established by the County.

Commissioner Proctor questioned why the County could not procure insurance on its own without being required to go through a broker. Mr. Rosenzweig responded that the County cannot access those markets directly and are obligated to go through a broker to place coverage.

***Commissioner Desloge moved to Call the Question. The motion carried 6-1 (Commissioner Proctor in opposition).***

**The original motion as amended carried 5-2 (Commissioners Dailey and Proctor in opposition).**

Commissioner Proctor expressed great concern that the County's WMBE policy does not apply to procurement of insurance policies for the County.

10. **Approval of the FY 2010/2011 Community Human Service Partnership Funding for Social Service Agencies and Authorize a One-Time Basic Needs/Emergency Services Small Grant Process**

County Administrator Alam explained that the agenda item requests Board approval of the recommendations made by the Leon County Human Services Grant Review Committee (HSGRC) concerning the 2010/2011 allocation of Community Human Service Partnership (CHSP) funds in the amount of \$725,000.

**Speakers:**

- Kim Galban, 317 E. Call St., Executive Director of United Partners for Human Services, voiced her support for the process as it is inclusive, competitive and depoliticized and urged Board approval of the item.
- Marta Harrington, 6745 Crooked Creek Rd., Director, ECHO Ministries, thanked staff and the Board for its support of the "mini grant" process and appreciated the \$25,000 allocated to agencies that provide basic needs.

Commissioner Desloge thanked Vince Long, Deputy County Administrator and Don Lanham, Grants Program Coordinator, for their efforts in managing this process. He also confirmed with Mr. Lanham that the monies are allocated per program, not per agency.

***Commissioner Desloge moved, duly seconded by Commissioner Akinyemi, to approve Options 1, 2 & 3: 1) Approve the Human Services Grant Review Committee funding recommendation for FY 2010/2011 in the amount of \$725,000; 2) Authorize the County Administrator to modify the Agreements with the funded agencies, as necessary, and to execute the Agreements with the funded agencies, and 3) Authorize the distribution of residual Community Human Service Partnership funds and additional funding, as made available by the Board of County Commissioners, through a one-time Basic Needs/Emergency Services small grant process.***

Mr. Lanham shared that an additional \$138,000 in combined City and County funds has been identified to fund basic needs programs utilizing a mini grant process. He reported that staff recommends that the mini-grants be limited to a maximum of \$25,000 per program.

There was considerable dialogue between the Board and Mr. Lanham on the manner in which the mini grant process would proceed; with strong encouragement from the Board that some of these funds be used to support ECHO Ministries, who was "shut out" of CHSP monies as their CHSP application was submitted after the deadline.

Commissioner Akinyemi discussed his interest in funding services to the homeless.

***The motion carried 7-0.***

**11. Acceptance of the Status Report Regarding the County's Regulation of Mobile Food Service Operations**

County Administrator Alam stated that the agenda item provides the Board requested information on the regulation of mobile food service operations.

David McDevitt, Growth and Environmental Management Director, provided a summary of information obtained from similar sized jurisdictions related to the regulation of mobile food service operations. He noted that staff identified several common components throughout the reviewed regulations, such as, 1) the definition of what was temporary; 2) limited to those areas zoned commercial or industrial; 3) prohibited on

vacant property, 4) must have access to adequate public restroom facilities, 5) were not allowed to operate on right-of-way, and 6) business or occupational license were issued to help regulate their use. He recommended that staff draft an ordinance to specifically address mobile food vending operations, to include those common threads that are appropriate for Leon County.

**Speaker:**

- Chuck Stensland, 2811 Nepal Dr., representing Chubo's, presented his interpretation of "temporary" use and the State's and City's regulations that a mobile food operation be moved once a week. He stated that the property is leased and is kept clean and maintained in a professional manner for their customers and asked that the Board review the situation and change the County's regulations to coincide with state regulations.

Commissioner Dailey thanked the Board for its patience on this issue. He offered the County's criteria may be "too burdensome on the business man" and suggested that County policy mirror the state requirement. He referenced County criteria #5 and commented on the need for better definition of "self sufficient". He also mentioned criteria #7 as too cumbersome.

***Commissioner Dailey moved, duly seconded by Commissioner Desloge, to accept staff's report and bring back language clarifying "self sufficient" mobile food service operations; in addition, either mirror the State's requirements that the mobile food vendor move only once a week to a commissary or delete criteria #7 (The vehicle or trailer is not located on the same site for more than twelve (12) consecutive hours at a time.)***

There was further discussion between Mr. McDevitt and the Board, which included the County's land use code. Mr. McDevitt emphasized that staff continued to view the issue and its implications countywide.

Commissioner Dailey stated that he wanted to focus on how long a mobile food service operation could remain on-site and did not want those discussions to be slowed down with a land development regulation discussion.

County Attorney Thiele suggested that the Board accept staff's recommendation and in the interim withhold enforcement action against Chubos. Commissioner Dailey accepted Mr. Thiele's recommendation.

Commissioner Akinyemi suggested that the motion be amended to address the issues of Land Development Code regulations and the definition of "self-sufficient" and "temporary separately. He also suggested that a workshop be scheduled to address a countywide ordinance regulating these operations.

***Commissioner Dailey amended his motion to strike the County's language and allow the Florida Administrative Code language to serve as the regulatory language and schedule a workshop to address land development code aspects of this issue.***

There was additional discussion regarding the difference between land use regulation requirements and health and food safety regulations.

Commissioner Dailey pointed out that this was a licensed business that has passed all health certifications and noted that the City of Tallahassee has had in the past five years two complaints on mobile food vendors.

**The motion carried 6-0 (Commissioner Proctor out of Chambers).**

**12. Consideration of Authorizing the Leon County Attorney's Office to Institute Litigation Against the Federal Housing and Finance Agency Regarding Fannie Mae and Freddie Mac Issues Concerning the Leon County Energy Improvement District ("PACE") Financing Program**

County Attorney Thiele recalled that the Board had adopted an ordinance creating the PACE Financing Program on April 22, 2010, as have other local governments throughout the Country. He explained that the Federal Housing Authority, who administers Fannie Mae and Freddie Mac loans have concluded that they will not participate in the PACE lien program. Mr. Thiele advised that the State of California and Sonoma County have filed suit to force a legislative fix to the issues that have been raised and he recommended the County join in this legal challenge. He indicated that he did not anticipate significant staff time or expense in pursuing this matter.

***Commissioner Thaeff moved, duly seconded by Commissioner Akinoyemi, to approve Option 1: Authorize the County Attorney's Office to file the litigation styled Leon County Energy Improvement District v. Federal Housing Finance Agency, et al.***

Commissioner Dailey inquired of any communications with the local Congressional delegation. Mr. Thiele acknowledged that only informal discussions had been held; however, he anticipated that this action by the County would provide sufficient proof of its interest in the program and further action would not be necessary. Mr. Thiele also provided that if the rule was not changed, one-half of the participants who have signed up for the pilot program would be ineligible to participate.

Commissioner Dailey stated that he would respectfully vote against the motion, as he supported more discussion with the local Congressional delegation and suggested that a Resolution expressing the Board's concerns about this issue would be more appropriate at this time. He stated that he was extremely hesitant to enter into litigation just to send a message.

Commissioner Thaeff asserted that this was an important program that provides assistance to residents in reducing energy consumption and pollutants/greenhouse gases and improves property values. He proclaimed his support for the action as other governmental entities need our support to demonstrate that this is a national movement which improves quality of life.

Commissioner Desloge voiced agreement with Commissioner Dailey's suggestion to communicate either in writing or through Resolution with the local delegation prior to any legal activity.

Commissioner Akinoyemi stated that while he was more supportive of mediation and dialogue, the proposed action would bring attention to the pending legislation.

Chairman Rackleff voiced his support for the motion as he believed this was a major initiative to provide weatherization to houses will support the motion.

**The motion carried 5-2 (Commissioners Dailey and Desloge in opposition).**

The Board concluded its General Business Agenda and moved onto Citizens to be Heard.

**Scheduled Public Hearings, 6:00 p.m.**

Chairman Rackleff reconvened the Board at 6:00 p.m. to conduct the regularly scheduled public hearings.

**13. Second and Final Public Hearing for Adoption of the Final Millage Rates and the Final Budgets for FY10/11**

Chairman Rackleff called to order the second and final public hearing on adoption of the Final Millage Rates and the Final Budgets for FY 2010/2011.

Assistant County Administrator Alan Rosenzweig read the following statements into the record.

- The proposed aggregate Millage rate is 8.35 mills which is 2.59% under the aggregate rollback Millage rate of 8.5664 mills.
- The proposed Countywide Millage rate is 7.85 mills which is 2.49% under the countywide rollback millage rate of 8:0458 mills.
- The proposed Emergency Medical Services MSTU Millage rate is .5 mills which is 2.04% under the Emergency Medical Services MSTU rollback Millage rate of 0.5102 mills.
- The proposed Primary Healthcare MSTU Millage rate is 0 mills which is 100% equal to the Primary Healthcare MSTU rollback Millage rate of 0 mills.

**Speaker:**

- Michael Rosenthal, 4045 Kilmartin Dr., advocated for the adoption of a taxpayer rollback rate that was tax neutral so that residents do not have net increases in County taxes. He also expressed concern about local stimulus spending and urged the Board to be more prudent in its spending.

The public input portion of the hearing was closed by Chairman Rackleff.

***Commissioner Desloge moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Adopt, via attached Resolution, R10-85, the final FY10/11 countywide millage rate of 7.8500 mills. The motion carried 7-0.***

***Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Option 2: Adopt, via attached Resolution, R10-86, the final FY 10/11 Countywide budget. The motion carried 7-0.***

***Commissioner Akinyemi moved, duly seconded by Commissioner Desloge, to approve Option 3: adopt via attached Resolution, R10-87, the final FY 10/11 Emergency Medical Services MSTU millage rate of 0.5000 mills. The motion carried 7-0.***

**Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Option 4: Adopt, via attached Resolution, R10-88, the final FY10/11 Emergency Medical Services MSTU budget. The motion carried 7-0.**

**Commissioner Desloge moved, duly seconded by Commissioner Akinyemi, to approve Option 5: Adopt, via attached Resolution, R10-89, the final FY 10/11 Primary Healthcare MSTU millage rate of 0.0000 mills. The motion carried 7-0.**

**Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Option 6: Adopt, via attached Resolution, R10-90, the final FY10/11 Primary Healthcare MSTU budget. The motion carried 7-0.**

Chairman Rackleff commented that he was very pleased with the manner in which staff presented the budget to the Board. He also praised the Board on its solutions to difficult fiscal issues and on its recommitment to high quality of services to the community.

**14. First and Only Public Hearing on Adoption of the Capital Improvements Schedule Comprehensive Plan Amendment**

Chairman Rackleff announced the public hearing and confirmed that there were no public speakers on this issue.

**Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Option 1: Conduct first and only public hearing and adopt the Ordinance regarding the Capital Improvements Schedule Comprehensive Plan Amendment. The motion carried 7-0.**

The Board returned to the General Business Agenda, Item #12.

**Citizens to be Heard on Non-Agendaed Items** (3-minute limit per speaker; Commissioner may discuss issues that are brought forth by speakers.)

- Mickey Britt, 4407 Millwood Lane, requested that the board reconsider its approval to place an assessment on Rainbow Acres. He cited that there was no homeowners association established for the neighborhood and nothing in writing had been submitted for residents to vote on.

**Comments/Discussion Items**

**County Administrator Alam:**

- None

**County Attorney Thiele:**

- None

**Commissioner Discussion Items**

**Commissioner Proctor:**

- Requested a Resolution for Rontel Batie, a FAMU student, who was one of seven chosen to work on Capitol Hill. His article on clean energy was featured in the 2010 September issue of EBONY Magazine. Approved without objection.

- Requested a Resolution for Rikkia Rellford, who was crowned Miss Zeta International 2010. Approved without objection.
- Requested a Resolution for Terrance and Terrell Whitehurst, rising tennis stars from Tallahassee and "A" students. Approved without objection.
- **Commissioner Proctor moved, duly seconded by Commissioner Sauls, to expend \$500 from his Commission account to purchase a table at the Bond Community Health Center Gala. The motion carried 7-0.**

**Commissioner Desloge:**

- None

**Commissioner Sauls**

- None

**Commissioner Akinyemi**

- Requested follow-up on the executive director search for Innovation Park and inquired if the Board's suggestion that local candidates be considered for the position had been conveyed to the Search Committee.
  - Shington Lamy, Special Projects Coordinator, responded that the Board's suggestion had been relayed to the Search Committee and noted that the Committee considered the position "open" at this time. He stated that a determination would be made upon conclusion of the interview process on whether to make a recommendation to the full Innovation Board for consideration. The interviews are scheduled to conclude on September 28, 2010.
  - County Attorney Thiele confirmed that the Board has no role or responsibility in the hiring of the executive director.

**Commissioner Thaell**

- **Commissioner Thaell moved, duly seconded by Commissioner Rackleff, to appropriate \$1,000 in support of the Children's Home Society from his Commission account. The motion carried 7-0.**
- **Commissioner Thaell moved, duly seconded by Commissioner Rackleff, to appropriate \$500 for the Oasis Center for Women and Girls from his Commission account. The motion carried 7-0.**
- Requested additional information regarding parental concerns about response times to two-three incidents of injuries at Apalachee Regional Park. He inquired on the possibility of stationing EMS personnel at the Park during game times.
  - Deputy County Administrator, Vince Long, explained the stationing of EMS mobile units throughout the County and remarked that deployment models are utilized so are to maximize resources. He added that charges apply when a unit is stationed at a dedicated event.

**Commissioner Dailey**

- None

**Chairman Rackleff**

- **The gavel was passed to Vice Chairman Dailey. Commissioner Rackleff moved, duly seconded by Commissioner Akinyemi to appropriate \$1,000 from his Commission account to ECHO Ministries. The motion carried 7-0.**

- Articulated that Fallschase, both commercial and residential parcels, are in bankruptcy proceeding and expressed a concern that the Development Agreement entered into when the development was allowed have not been fulfilled.
- County Attorney Thiele was requested to review both the Development Agreement and a side agreement with the City that involved \$4 million in infrastructure and improvements to ensure that the County's interests are protected. Mr. Thiele indicated that he would prepare a report for the Board on this issue.

**Receipt and File:** NONE

**Adjourn:**

There being no further business to come before the Board, the meeting was adjourned at. 6:55 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: \_\_\_\_\_  
Bob Rackleff, Chairman  
Board of County Commissioners

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