

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
May 24, 2011**

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chairman John Dailey presiding. Present were Vice-Chairman Akin Akinyemi and Commissioners Jane Sauls, Nick Maddox, Bill Proctor and Kristin Dozier. Commissioner Desloge was not in attendance. Also present were County Administrator Parwez Alam, County Attorney Herb Thiele, Finance Director David Reid and Board Secretary Rebecca Vause.

The Invocation was provided by Vice-Chairman Akin Akinyemi, who then led the Pledge of Allegiance.

Chairman Dailey announced that Commissioner Proctor was in route and expected to arrive shortly and Commissioner Desloge was out of town and would not be in attendance.

Awards and Presentations

- Maggie Theriot, Office of Sustainability Coordinator, made a presentation on the Status of the Rain Water Cistern Project and recognized and thanked the in-kind contributions of the County Facilities Management and Public Works staff, who have collectively contributed 1,555 man-hours to the project. She shared that the cisterns have been installed and are fully filled with 40,000 gallons of rain water and the next phase of the project is education and public information. Ms. Theriot announced that the project had been nominated as a finalist for the Sustainable Florida Leadership Award which will be awarded on June 2, 2011.

County Administrator Alam mentioned that Tom Bradley has a patent pending on a design for a new hydraulic system for the project.

Commissioner Dozier acknowledged the efforts of Ms. Theriot.

- Commissioner Akin Akinyemi read into the record a resolution congratulating the Rickards' Boys Basketball Team on their Accomplishment of Repeating as State Champions. Coach Eli Bryant accepted the Resolution on behalf of the team and expressed his appreciation for the honor.

Commissioner Maddox commended Coach Bryant on being a positive role model for young men.

- Commissioner Akin Akinyemi read into the record a Resolution congratulating Rickards' Girls Basketball Team for their appearance in the State Championships.

Head coach Chariya Davis voiced her appreciation and accepted the Resolution on behalf of the team and Rickards High School.

- Commissioner Nick Maddox read into the record a Resolution to Delaitre Hollinger acknowledging his outstanding leadership and dedication to community service and for his outstanding efforts in the naming of the baseball field at Capital Park the "Nickie Beasley-Nick Nims Field".

Mr. Hollinger thanked the Board for the honor and for its unanimous vote to rename the field. He recognized former County Commissioner Anita Davis and Brent Hartsfield who were present in the Chamber to observe the honor. In addition, as a token of his

appreciation; Mr. Hollinger presented Commissioner Maddox with a copy of his book "And This Too Shall Pass: The Story of Aquilina C. Howell".

- Vice-Chairman Akin Akinyemi read into the record a Resolution recognizing the accomplishments of Deerlake Middle School's Black History and Cultural Brain Bowl Team on their participation in the district competition. Commissioner Akinyemi noted that the team dominated the competition by missing only two questions in total. Maria Copeland, the team's head coach, accepted the Resolution on behalf of the team.

Consent:

Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to approve the Consent Agenda with the exception of Items 12, 14, 15 and 20, which were pulled for further discussion. The motion carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Desloge absent).

1. **Approval to Appropriate \$47,715 in Unreserved Fund Balance to Provide Funding for the Leon County Adult Drug Court through September 30, 2011**

The Board approved Option 1: Approve the Resolution and associated Budget Amendment Request to appropriate 447,715 in Unreserved Fund Balance for the Leon County Adult Drug Court.

2. **Approval of Minutes: March 17, 2011 FY 2011/2012 Budget Workshop; April 12, 2011 Infrastructure Sales Tax Extension and Consideration of the City's Water and Sewer Master Plans Workshop; and, April 12, 2011 Regular Meeting**

The Board approved Option 1: Approve the Minutes of: March 17, 2011 FY 2011/2012 Budget Workshop; April 12, 2011 Infrastructure Sales Tax Extension and Consideration of the City's Water and Sewer Master Plans Workshop; and, April 12, 2011 Regular Meeting

3. **Request to Schedule the First and Only Public Hearing to Adopt a Proposed Ordinance Amending Leon County Code of Laws at Chapter 11, Article III, Section 11-48, "Tourist Development Council Code" to Allow the Board Chairman to Appoint Himself/Herself, or Another Commissioner for Tuesday, June 14, 2011 at 6:00 p.m.**

The Board approved Option 1: Schedule the first and only public hearing regarding a proposed Ordinance amending Leon County Code of Laws at Chapter 11, Article III, Section 11-48 (the "TDC Code"), to allow the Board Chairman to serve or to appoint another Commissioner to serve on the Tourist Development Council for Tuesday, June 14, 2011 at 6:00 p.m.

4. **Request to Schedule a Workshop on Economic Development for Tuesday, September 13, 2011 from 12:00 - 3:00 p.m.**

The Board approved Option 1: Schedule a Workshop on Economic Development for Tuesday, September 13, 2011 from 12:00 - 3:00 p.m.

5. **Approval of the Purchase of a Emergency Medical Services Replacement Ambulance in the Amount of \$193,803**

The Board approved Option 1: Approve the purchase of an Emergency Medical Services replacement ambulance in the amount of \$193,803, and approve the Resolution and associated Budget Amendment Request to fund the purchase.

6. Acceptance of the Florida Clean Energy Grant in the Amount of \$481,517

The Board approved Options 1 & 2: 1) Accept the Florida Clean Energy Grant in the amount of \$481,517, and authorize the County Administrator to negotiate an agreement with the Florida Energy and Climate Commission, and execute same, in a form approved by the County Attorney, and 2) Approve the Resolution and associated Budget Amendment Request.

7. Approval of a Perpetual Utility Easement to the City of Tallahassee to Provide Electrical Services to the Eastside Branch Library

The Board approved Option 1: Approve the perpetual Utility Easement to the City of Tallahassee for provision of electrical services to the Eastside Branch Library, and authorize the Chairman to execute.

8. Acceptance of Three Conservation Easements from Shady Grove Church #2

The Board approved Option 1: Approve and accept for recording three Conservation Easements from Shady Grove Church #2 for the Shady Grove Church Addition Type A Site Plan project.

9. Adoption of a Resolution Amending and Providing Certification of the State Housing Initiative Partnership Local Housing Assistance Plan

The Board approved Option 1: Adopt the Resolution authorizing amendments to the Leon County State Housing Initiative Partnership, and approve Certification of the State Housing Initiatives Partnership Local Housing Assistance Plan.

10. Acceptance of the FY 2010/2011 Mid-Year Financial Report

The Board approved Option 1: Accept the FY 2010/2011 Mid-Year Financial Report

11. Approval of Payment of Bills and Vouchers Submitted for May 24, 2011, and Pre-Approval of Payment of Bills and Vouchers for the Period of May 25 through June 13, 2011: \$3,521,147.00

The Board approved Option 1: Approve payment of bills and vouchers submitted for May 24, 2011, and Pre-Approval of Payment of Bills and Vouchers for the Period of May 25 through June 13, 2011: \$3,521,147.00.

12. Approval of a Letter of Agreement Between Leon County and the State of Florida Agency for Health Care Administration and Approval to Reallocate \$200,000 Designated for the Tallahassee Memorial Hospital's Regional Trauma Center to Provide Matching Funds for Tallahassee Memorial Healthcare's "Low Income Pool Enhanced Access to Primary Care" Grant

Commissioner Proctor requested the item be pulled for further discussion.

Commissioner Dozier moved, duly seconded by Commissioner Akinyemi to approve Options 1, 2 & 3: 1) Approve the reallocation of \$200,000 designated for the Tallahassee Memorial Healthcare Trauma Center to provide matching funds for Tallahassee Memorial Hospital's "Low Income Pool Enhanced Access to Primary Care" Grant; 2) Approve the Letter of Agreement Between Leon County and the State of Florida

Agency for Health Care Administration, and authorize the Chairman to execute, and 3) Nullify the current line item funding Agreement between Leon County and Tallahassee Memorial Hospital for Trauma Center funding. The motion carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Desloge absent)

13. Approval of the Assignment of the Debris Monitoring Agreement with Beck Disaster Recovery, Inc. to Science Applications International Corporation and Approval of the Extension of the Debris Monitoring Agreement and the Debris Removal Agreements to January 31, 2012

The Board approved Options 1 & 2: Approve the assignment of the Debris Monitoring Agreement with Beck Disaster Recovery, Inc. to Science Applications International Corporation; approve the extension of that Agreement to January 31, 2012; and, authorize the County Administrator to execute, and 2) Approve the extension of the Debris Removal Agreements with Crowder-Gulf; DRC Emergency Services, LLC and Omni Pinnacle, LLC to January 31, 2012, and authorize the County Administrator to execute.

14. Approval of Agreement Awarding Bid to Sandco, Inc. in the Amount of \$933,866 for the Construction of the Lawndale Road Drainage Improvements and Buck Lake Road Intersection Improvements at Nabb Road and Walden Road.

Commissioner Dailey requested the item be pulled for discussion.

Commissioner Dailey stated that he had no problem with Items 14 or 15, but, for transparency, recommended that in the future any contract over \$200,000 be placed under the General Business agenda rather than Consent agenda.

Commissioner Maddox stated that he was of the same opinion as Chairman Dailey on this issue and supported a direction to staff to implement the recommendation.

Commissioner Sauls moved, duly seconded by Commissioner Maddox, to approve Option 1: Approve Agreement awarding bid to Sandco, Inc. in the amount of \$933,866 for the Construction of the Lawndale Road Drainage Improvements and Buck Lake Road Intersection Improvements at Nabb and Walden Roads, and authorize the County Administrator to execute the Agreement. The motion carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Desloge absent).

15. Approval of Agreement Awarding bid to Sandco, Inc. in the Amount of \$970,000 for the Construction of the Lake Munson Dam Rehabilitation

Chairman Dailey requested that the item be pulled for further discussion.

Commissioner Dailey stated that he had no problem with the item, however, for transparency, recommended that in the future any contract over \$200,000 be placed under the General Business agenda rather than Consent agenda.

Speaker:

- Steve Ghazvini, 2646 Millstone Plantation Rd., requested that the County postpone the closing of the Lake Munson Dam until the next Board meeting, June 14, 2011, so Sandco could discuss with County staff and the Science Advisory Committee (SAC) the construction of a temporary dam upstream from the existing dam. He added that Sandco was willing to reduce the timeline of the project from nine to six months.

The Board requested staff's recommendation on the suggestion from Mr. Ghazvini. Theresa Heiker responded that additional information would be needed on issues such as the elevation to be maintained in the lake and how water coming through the lake would be safely managed; however, these were details that could be worked out. She also advised that she would contact the Fish & Wildlife Commission and the SAC to confirm that the proposed delay was acceptable.

At the request of Commissioner Akinyemi Theresa Heiker provided a brief description of the project.

Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to approve Option 1, as amended: Approve the Agreement awarding bid to Sandco, Inc. in the amount of \$970,000 for the construction of the Lake Munson Dam Rehabilitation, delay the closure of the dam until June 14, 2011, and authorize the County Administrator to execute the Agreement. The motion carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Desloge absent).

16. Adoption of Proposed Mosquito Control Integrated Pest Management Policy

The Board approved Option 1: Adopt the proposed Mosquito Control Integrated Pest Management Policy.

17. Request to Schedule First and Only Public Hearing to Adopt an Ordinance Amending Chapter 13 of the Code of Laws of Leon County Regarding Parks and Recreation

The Board approved Option 1: Schedule the first and only public hearing for June 14, 2011, to adopt an ordinance amending Chapter 13 of the Code of Laws of Leon County regarding Parks and Recreation.

18. Acceptance of the Commissioner Discussion Items Status Reports for FY 2009/10 Ongoing and FY 2010/11 Quarterly Status Report

The Board approved Options 1 & 2: 1) Accept the FY 2009/10 ongoing status report on Commissioner Discussion Items, and 2) Accept the FY 2010/11 first and second quarter Commissioner Discussion Items status report.

19. Acceptance of the FY11 Second Quarter Status Report on the County Sustainability Program

The Board approved Option 1: Accept the FY11 second quarter status report on the County Sustainability Program.

20. Acceptance of Status Report on Leon County's Participation in the National Association of Counties (NACo) Prescription Drug Program for 2010

Commissioner Sauls requested that the item be pulled for further discussion.

County Administrator Alam explained that the program was initiated by Commissioner Sauls and has been beneficial to the citizens of Leon County.

Commissioner Sauls explained that the prescription program, which was started in 2008, is sponsored by NACo and is provided at no cost to member counties or their citizens. She stated that the program allows citizens to receive discounts of up to 20% on prescriptions not covered by health insurance and is also available for pet prescriptions. Commissioner Sauls expressed a concern in the decrease in the number of individuals using the card (down from 6,000 in 2008 to 4,236 currently) and requested that the County "revamp" its efforts to publicize the program. She suggested information be provided on the "County Link" and asked that local pharmacies be supplied cards for distribution.

Commissioner Sauls moved, duly seconded by Commissioner Dozier, to approve Option 1: Accept the status report on Leon County's 2010 participation in the National Association of Counties' Prescription Drug Program, and re-establish the County's public education campaign on the program.

Commissioner Dozier thanked Commissioner Sauls for her work on this issue and suggested that any efforts to resign the County's website possibly include a citizen resource location whereby citizens can retrieve information on programs such as this.

Chairman Dailey commended Commissioner Sauls for bringing the program to the attention of the Board and pointed out that participation in this type of program was a prime reason for participation in National and State organizations.

The motion carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Desloge absent).

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

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

General Business

21. Approval of Employment Agreement for the County Administrator

Chairman Dailey recalled that the Board, at its last meeting, had unanimously extended an offer to Mr. Vince Long to become the next County Administrator of Leon County and per the Board's direction had met with Mr. Long to negotiate an employment contract. He presented the proposed contract for the Board's consideration, noting that it could be approved as presented or amended as the Board deemed appropriate. Chairman Dailey stated that the contract falls within the salary range of other county administrators throughout the State.

Commissioner Maddox commented that he was "completely comfortable" with the hiring of Mr. Long as the County's next County Administrator. He also shared a conversation with Mr. Long regarding the evaluation process of the County Administrator and County Attorney and learned that Mr. Long will bring back an evaluation template for the Board's consideration in August.

Commissioner Maddox moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Approve the employment contract for the County Administrator and authorize the Chairman to execute.

Commissioner Dozier commented that she supported the contract as written. She also pointed out that the contract contained a change in which position would be eliminated as part of the Voluntary Separation Agreement requirement. She verified that there was agreement in the elimination of the Assistant County Administrator position rather than the Deputy County Administrator position.

The motion carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Desloge absent).

22. Consideration to Discontinue the Mental Health Court

County Administrator Alam recalled that the Board had approved a budget amendment request in the amount of \$58,965 to continue the Mental Health Court until September 30, 2011. However, he shared that Court Administration has advised that it had been unable to reach an agreement with its service provider (Apalachee Center, Inc.) to extend the Memorandum of Understanding (MOU); thus staff recommends that the contract be terminated on May 31, 2011.

Speaker:

- Nancy Daniels, Public Defenders Office and member of the Mental Health Advisory Board, spoke in favor of Option 2. She stated that the Mental Health Court has provided many benefits to mentally ill defendants within the criminal justice system and referred to the May 10 letter from Judge Dawn Caloca-Johnson which relayed recommended changes, as proposed by the Mental Health Advisory Board, to the funding structure for the program.

Commissioner Akinyemi requested Ms. Daniels expound on the benefits of the mental health program to the community and continued dialogue regarding the Mental Health Advisory Board's unanimous vote to restructure the programs funding. He acknowledged the difficult budget constraints facing the County; however, was concerned that the Board was retracting its decision to provide funding through September 30, 2011.

Commissioner Akinyemi moved, duly seconded by Commissioner Dozier, to approve Option 2, as amended: Approve the proposal offered in Judge Caloca-Johnson's May 10, 2011 letter, and request Court Administration to bring back a Request for Proposals to address service provider needs by October 1, 2011, and work closely with the County's Grants Coordinator to actively pursue additional funding opportunities.

Commissioner Maddox acknowledged the virtues of the Mental Health Court Program however; was concerned about the discord between the program and its provider. He also commented on the difficult economic times and suggested that mental health services could be provided by current providers. He established with Kendra Brown, Court Mental Health Coordinator, that the population utilizing the program's services continues to increase and most likely would require more than one person to effectively manage the population and their needs.

Commissioner Dozier indicated a preference for Option 2 which would continue funding through September 30 and allow time for partners to look for other funding sources to extend the program, going forward, through an RFP process.

Commissioner Sauls established with Ms. Brown that since 2008, over 1,600 misdemeanor defendants and over 1,300 felony defenders with a mental illness have been served through the program and without further funding, limited services would be available through the Department of Children and Families (DCF) and Apalachee Center.

Speaker:

- Jay Reeve, 2638 Capital Circle NE, representing Apalachee Center, stated that the Center provides services to the mentally ill population in the community through contracts with DCF. He added that they will continue to pursue these contracts regardless of the existence of the Mental Health Court and it was their intent to work with the program should funding continue.

Commissioner Akinyemi commended the Mental Health Advisory Board for its creativity in coming up with an inventive way to continue the program, in light of the situation that has surfaced with its service provider. He encouraged fellow Board members to support the motion on the floor.

Chairman Dailey stated for the record that he serves as a voluntary, non-paid member of the Apalachee Center, Inc. Board and confirmed with County Attorney Thiele that he had no conflict and could engage and participate in discussion and vote on this issue.

Chairman Dailey stated that he respectfully would not support the motion and cited the County's \$13 million budget shortfall. He emphasized that mental health services provided through the County would not be affected. He noted that the program was funded through a state grant that was no longer available and would require an additional \$300,000 to continue. Additionally, he was doubtful that community partners could be found to team with the County in this initiative. He shared that the City had indicated (through verbal conversation in the latest Mayor/Chair meeting) that they were not in a position to assist the County with funding and had in fact recommended that the Mental Health Advisory Board become a 501(c)3 and seek funding through the CHSP process.

Chairman Dailey circulated a letter dated May 24, 2011 from Trial Court Administrator Grant Slayden, on behalf of Chief Judge Charles Francis, that stated their position was unchanged and the Mental Health Court was not a priority of the court. Based on these and other similar comments from the State Attorney's Office, he stated that he could not support a motion to move forward with additional funding.

Commissioner Sauls concurred with the Chairman's comments. She stated that the program was not a judicial priority and due to the County's budget deficit she too would be unable to support the motion.

In response to comments by Commissioner Dozier that the Board approved continued funding knowing the budget constraints before the County, Chairman Dailey offered that at the time of the original vote the State's position on continued funding was unclear. He noted that the State had indeed cut the programs funding and the County does not have the revenues to maintain the program.

Chairman Dailey requested Mr. Reeve speak to how the system worked before the Mental Health Court was implemented and how he envisioned the process would continue without the services provided by the program.

Mr. Matthew Birch, Ability First, was also invited to address the Board and provide information on their involvement in the process and how they "fill the gap" of service delivery that may not be offered through Apalachee or other service providers.

Commissioner Proctor arrived and joined the meeting at 4:18 p.m.

There was continued discussion regarding the administrative costs of the program, with Chairman Dailey expressing concerns that a large part of the \$58,965 to continue funding through September 30 was intended for two staff positions. Commissioner Dozier however, noted the importance and value of facilitators to help individuals navigate through the system.

Commissioner Proctor conveyed his astonishment to staff's recommendation and was provided a rationale and clarification by Deputy County Administrator Vince Long and Chairman Dailey on the recommendation. Commissioner Proctor stated that the Board should honor its commitment to continue funding through the end of the fiscal year and not "slam the door" to possibilities of retaining the program.

Commissioner Maddox articulated that he would support the motion, but encouraged Ms. Daniels to seek ways to fund the program without County funds. He requested a strategic plan be developed for discussion at the next budget workshop that addresses the direction of the program going forward.

The motion to approve Option 2, as amended carried 4-2 (Commissioners Dailey and Sauls in opposition and Commissioner Desloge absent).

23. Consideration of the Public Safety Coordinating Council Recidivism Task Force's Five-Year Strategic Plan to Reduce Recidivism

County Administrator Alam explained that the Five-Year Strategic Plan calls for immediate funding in the amount of \$100,000 from the County's 2012 budget; however it is staff's opinion that expenses to fully implement the plan would likely grow in the out-years beyond the anticipated \$100,000.

Speaker:

- Chuck Hobbs, 602 N. Adams St., stated that he serves as Chairman of the Recidivism Task Force and supports the plan. He cited the seven recommendations outlined in the Plan and opined that implementation of the suggestions would ultimately result in less recidivism and be of benefit to the citizens of the County.

Commissioner Dozier expressed her appreciation to the members of the Committee; however, had concerns about moving forward with funding this year. She stated that there are other programs that address recidivism and the proposal seemed to be more administrative, i.e., research and development of programs rather than direct services. Recognizing the work of the Task Force and the priority given to this issue by the Board, she suggested that the process be continued and that other providers and services be identified.

Commissioner Dozier moved, duly seconded by Commissioner Dailey, to approve Option 1: Accept the Public Safety Coordinating Council Recidivism Task Forces' Five-Year Strategic Plan to Reduce Recidivism and take no further action at this time. Additionally, continue to move the process forward and identify and work with other providers to further understand the issue.

Commissioner Akinyemi conveyed his gratitude to the members of the Task Force. He stated that the recommendation to create an Office of Rehabilitation and Reentry was "very profound" and would create an independent entity whose responsibility would be to assist incarcerated individuals not to no reoffend. He acknowledged the concerns over the funding and voiced his commitment, as Chairman of the Public Safety Coordinating Council (PSCC), that PSCC funding would be utilized and no additional monies would be sought. He mentioned that the PSCC was using last year's monies to fund the LIFT program and this year's PSCC funds have not been expended. Commissioner Akinyemi also stated that he was not tied to the January implementation date for the program, but wanted to embody the task force to continue its work and bring back a more refined option. He asserted that the program would have great impact on the entire community.

Commissioner Akinyemi offered a substitute motion, duly seconded by Commissioner Maddox, to approve Option 2: Direct staff to bring back recommendations for the Public Safety Coordinating Council Recidivism Task Force's Five-Year Strategic Plan to Reduce Recidivism at the County's FY 12 budget workshop.

Commissioner Maddox stated that his second of the substitute motion was in support of the "comprehensiveness and wholeness" of the plan. He stated for the record, that his support for the creation of an Office of Rehabilitation and Reentry would be contingent upon the availability of PSCC funds only. He opined that the proposed office would provide an avenue for individuals being released from jail to receive the needed guidance or helping hand to make positive changes and become a more productive citizen.

Commissioner Akinyemi provided assurance on the PSCC funding and reiterated his flexibility on the start date for the program. He indicated a willingness to work with staff to bring back a plan to create the office.

Chairman Dailey indicated that he could not support the substitute motion as he 1) was a strong supporter of the LIFT program; 2) the LIFT program is new and needs to be given an opportunity to work, and 3) was hesitant to move forward with the creation of a new office and vision if the Board moves forward with a summit whereby these types of issues will be discussed with citizen involvement.

Commissioner Sauls also expressed her support for the LIFT program and expects with more time the program would report more success.

Commissioner Akinyemi withdrew his substitute motion; however, requested the original motion be amended to include a provision to look in the future for possible funding opportunities. The friendly amendment was accepted by Commissioner Dozier.

The motion to approve Option 1, as amended carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Desloge absent).

At this time, the Board returned to "Awards and Presentations" and Commissioner Akinyemi presented the Resolution to the Deerlake Middle School's Black History and Cultural Brain Bowl Team. Upon the conclusion of the presentation, the Board recessed for its dinner break at 5:12 p.m. and will reconvene at 6:00 for the scheduled public hearings.

24. Approval of Resolution of Intent to Enter into a Capital Lease Agreement with Pensacola Care, Inc. and Related Capital Lease Agreement

County Administrator Alam stated that the item is a "windfall for the County". The proposed lease includes monthly payments in the amount of \$12,218 a month over a 25-year term and at the end of the term, PCI will take ownership of the facility.

Commissioners Sauls and Dozier encouraged staff to pursue more of these type agreements.

Commissioner Sauls moved Options 1, 2, & 3, seconded by Commissioner Dozier to approve: 1) Determine the proposed Agreement meets the Section 125.38 Florida Statutes Exemption and therefore does not require competitive bidding, by finding that:

- a. PCI is a nonprofit organization, which is organized for the purposes of promoting community interest and welfare;*
 - b. The proposed use of the Facility by Pensacola Care, Inc. is for a public or community interest and welfare;*
 - c. The Facility is required for the proposed use; and,*
 - d. The Facility is not needed for any County purpose during the proposed Term;*
- 2) Approve Resolution of Intent to Enter into a Capital Lease Agreement with Pensacola Care, Inc. for the Facility, and 3) Authorize the County Administrator to finalize the terms and to execute the Agreement.*

The motion carried 6-0 (Commissioner Desloge absent)

25. Consideration of Hosting a Summit on the Status of Black Males

County Administrator Alam explained that the item was provided at the Board's direction.

Speaker:

- Delaitre Hollinger, 501 Alpha Avenue, stated that he supports the concept of the summit and asked how he could become involved.

Commissioner Maddox expressed his enthusiasm for the initiative and informed the Board that there would be no cost to taxpayers as Chuck Hobbs, a local attorney, has committed \$1,500 for the event. He envisioned that the Summit would address issues such as prevention, rehabilitation, re-entry and reinvestment. Commissioner Maddox shared his concerns about the violent crimes that have recently occurred in our community; however stated that this problem was not just an African-American problem but one that affects the entire community. He requested residents, providers, stakeholders and anyone with an interest in this issue come together to ensure cooperation and coordination. Commissioner Maddox commended Mr. Hobbs for "stepping forward" and asked the Board's support for the summit.

Commissioner Maddox moved, duly seconded by Commissioner Akinyemi, to approve Options 1 & 2, as amended: 1) Schedule the Summit on the Status of Black Males for Thursday, June 16, 2011 from 11:30 to 5:00 p.m., and 2) Accept the proposed program for the Summit on the Status of Black Males, and approve the expenditure of \$1,500.

Commissioner Proctor voiced his support and appreciation for Commission Maddox's vision. He thanked Mr. Hobbs for his financial contribution, but hoped that a private donation would not have been needed to ensure that the event would be held.

Commissioner Sauls applauded Mr. Hobbs for his commitment and voiced her support for the summit.

Commissioner Maddox reiterated his gratitude to Mr. Hobbs and wanted to ensure that the record reflected this important gesture.

Commissioner Dozier commented that she looked forward to the outcome of the Summit and anticipates that a lot of the information obtained would benefit other populations within the community.

Chairman Dailey announced that the Summit would be held on Thursday, June 16, 2011 from 11:30 a.m. – 5:00 p.m. at the Leon County Main Public Library, and those persons who want to get involved should contact Shington Lamy.

The motion carried 6-0 (Commissioner Desloge absent).

26. Adoption of Revisions to Section VII (7.08), "Attendance and Leave" of the Leon County Personnel Policies and Procedures Manual and the Repeal of Policy No. 04-02, "Payout of Accumulated Leave Balances for Long-Term Employees"

County Administrator Alam recalled that this issue was discussed by the Board at its last meeting and additional information on the fiscal impact of repealing the current policy with an effective date of September 30, 2011 rather than June 30, 2011 was requested.

Speaker:

- Curtis Baynes, 1323 E. Tennessee, St., urged the board to adopt Options 1 & 3, so as to reduce possible costs. He added that County managers/supervisors should not withhold leave requests, resulting in employees losing the annual leave they have accumulated.

Commissioner Maddox moved, duly seconded by Commissioner Sauls, to approve Options 1 & 2: 1) Adopt revisions to Section VII (7.08), "Attendance and Leave" of Leon County Personnel Policies and Procedures to reflect the 240-hour annual leave maximum accrual time period, from October 1 to January 1 of each year, and eliminate the carry-forward process for all employees under the Board of County Commissioners, and 2) Repeal Policy No. 04-02, "Payout of Accumulated Leave Balances for Long Term Employees," effective September 30, 2011 to allow eligible employees an opportunity to participate.

Chairman Dailey received clarification on the "use it or lose it" provision and was assured by Mr. Alam that supervisors would make every attempt to accommodate employee's use of their annual leave.

The motion carried 5-0 (Commissioner Proctor out of Chambers, and Commissioner Desloge absent).

27. Board Direction Regarding Membership Composition and Function of the Community Health Coordinating Committee

Commissioner Akinyemi moved, duly seconded by Commissioner Dozier, to approve Option 3: Direct staff to place the appointment of a community Member at-Large to the Community Health Coordinating Committee on the Board's agenda as soon as reasonably possible. The motion carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Desloge absent).

28. **Authorization to Provide Matching Funds and a Letter of Commitment of the Bond Community Health Center, Inc. Women and Children's Services FY 10/11 Contract in the Amount of \$132,180 to the Agency for Health Care Administration for the "Expanding Access to Care" Grant for the Provision of Healthcare Services at Bond Community Health Center, Inc.**

County Administrator Alam explained that the item has no fiscal impact to the County and the funds are available within the BCHC Women and Children's Services contract. He noted that if Bond is awarded the grant, \$335,640 would be available in additional federal funding for the community.

Commissioner Sauls moved, duly seconded by Commissioner Dozier, to approve Options 1 & 2: 1) Authorize the allocation of \$132,180 of the Bond Community Health Center, Inc. Women and Children's Services contract as matching funds to the Agency for Health Care Administration for the "Expanding Access to Care" Grant for the provision of health services, and 2) Authorize the County Administrator to execute an Agreement with the Agency for Health Care Administration, in a form approved by the County Attorney, if the grant is awarded; and, correspondingly, authorize the County Administrator to modify the existing Agreement with Bond's Women and Children's Services contract. The motion carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Desloge absent).

29. **Status Report on County Regulations Affected by HB 45/SB 402 Preempting Local Regulation of Firearms and Ammunition and Request to Schedule First and Only Public Hearing for Board Consideration of Proposed Ordinances for Tuesday, June 14, 2011 at 6:00 p.m.**

County Attorney Thiele explained that HB 45 has completely preempted local firearm and ammunition regulation to the State and established fines and penalties on those local governments that do not enforce the law after October 1, 2011. Mr. Thiele recommended that the County reconsider all of its current firearm regulation (e.g., noise control and restrictions on where firearms may and may not be discharged) ordinances. He stated that if Option 1 was approved, the County Attorney's Office would draft proposed ordinances, effective October 1, 2011, and schedule for public hearing June 14, 2011.

Commissioner Maddox acknowledged that the Board's hands "were tied" on this issue and expressed grave concerns about the proposed law and its ability to preempt local governing regulation.

Commissioner Maddox moved, duly seconded by Commissioner Dozier, to approve Option 1: Direct County Attorney's Office to prepare appropriate ordinances and schedule the First and Only Public Hearing on proposed ordinances for Tuesday, June 14, 2011 at 6:00 p.m.

Commissioner Proctor asserted his displeasure at the "eroding and preempting" of local rule by the State to govern effectively. He spoke of past efforts to restrict certain allurements which "prey upon young minds" from targeting particular areas and populations and concluded his comments by proclaiming that the new state law prohibits local governments from establishing strong regulation where needed within its community.

Commissioner Akinyemi stated that he would support the current motion on the floor, however, did not believe that he would support the ordinances when they are presented at the public hearing. He stated that this was an issue of local rule and local governments have the right to regulate as needed.

Mr. Thiele responded to comments by Commissioner Proctor regarding potential liability and immunity from prosecution for legislating, by stating that he believed the bill to be unconstitutional; however, the penalties for not complying are too severe for him not to recommend the repealing of local regulations affected by the state bill.

Commissioner Dozier requested information on how other counties are addressing this issue and learned that this was a topic to be discussed at the statewide Florida Association of Counties meeting in June.

The motion carried 5-1 (Commissioner Proctor in opposition and Commissioner Desloge absent).

Chairman Dailey reconvened the Board at 6:00 p.m. and conducted the following public hearings.

Scheduled Public Hearings, 6:00 p.m.

30. First and Only Public Hearing Regarding Amending the Discretionary Funding Ordinance Relating to Expenditures for Commissioners' Office Accounts

County Administrator Alam announced the public hearing and Chairman Dailey confirmed that there were no public speakers on this issue.

Commissioner Sauls stated that although she could support the proposed ordinance, wondered if the wording might be too restrictive and "tied the hands" of Commissioners for future uses of their Discretionary Funding Account.

Commissioner Dozier upon affirmation by Commissioner Sauls that she was not recommending a change in the wording noted that this was a new policy that could be amended if necessary.

Commissioner Dozier moved, duly seconded by Commissioner Maddox to approve Option I: Conduct the first and only public hearing and adopt a revised Discretionary Funding Ordinance related to expenditures for Commissioners' Office Accounts.

The motion carried 6:0 (Commissioner Desloge absent).

31. Public Hearing to Adopt a Resolution Authorizing the Special Improvements for Brushy Creek Road Stormwater Control and Drainage Improvement Project.

County Administrator Alam announced the public hearing to adopt provisions to adopt special improvements for Brushy Creek Road stormwater control and drainage improvement. He reminded the Board that it had established a policy to assist areas that are impacted by flooding during major storms. He noted that the estimated cost of the project is \$120,838 (or \$4,394 per lot) of which the County would contribute 20%.

Speaker:

- James Chafin, 4808 Sweetwater Lane, appeared and had questions regarding the project. He inquired if residents would be notified when construction would begin and if the road would be closed during the construction period.

Tony Park, Public Works Director, responded that Public Works would coordinate with the neighborhood and provisions would be made to ensure that the road remained open.

Commissioner Proctor indicated that he was unfamiliar with a program whereby taxpayer dollars were used to pay for improvements to a private road and cited the recent 2/3 project for Rainbow Acres subdivision. Mr. Thiele responded that this was a drainage improvement project that required the Board's determination that the improvements would be of a public benefit. Commissioner Proctor opined that there were many construction situations that could have been deemed "public benefit" and the County had not contributed to the construction improvements and thought the process was unfair.

Commissioner Dozier noted that there have been cases where it was more costly for the County to deal with the flooding of private roads and supported a proactive approach to solve the problem.

Commissioner Dozier moved, duly seconded by Commissioner Sauls, to approve Option 1: Conduct the Public Hearing and adopt the Resolution authorizing the Special Improvements for Brushy Creek Road Control and Drainage Improvement Project.

Commissioner Akinyemi discovered from Mr. Park that the program was established in 2009 after Tropic Storm Fay as a way to deal with certain private that were not passable after a storm event.

Commissioner Proctor reiterated his concerns regarding what he deemed was a "cherry picking" of neighborhoods that would be improved. He commented on the lack of a process by which neighborhoods could be considered for improvements.

Commissioner Proctor offered a substitute motion to approve Option 2: Conduct the Public Hearing and do not adopt the resolution authorizing the Special Improvements for Brushy Creek Road Control and Drainage Improvement Project. The motion died for lack of a second.

The Board continued discussions with Mr. Park regarding the program and how it is administered. Chairman Dailey noted that the program is available to any neighborhood that makes application, meets the County Acceptance of Roads and Drainage Structures (CARDS) guidelines and is determined by the Board to qualify as providing a public benefit.

Commissioner Proctor stated that he supported 20% County contributions and recommended that the 2/3 road program be expanded to parallel this new policy.

The motion carried 5-1 (Commissioner Proctor in opposition and Commissioner Desloge absent).

32. First and Only Public Hearing on a Proposed Ordinance Related to Procedures of the Code Enforcement Board.

County Attorney Thiele announced the public hearing and Chairman Dailey confirmed that there were no speakers on this issue.

Mr. Thiele explained that the proposed ordinance is considered a "housekeeping" item. He stated that there is a section that 1) clarifies the jurisdiction of the Code Enforcement Board (CEB); 2) allows the CEB attorney to approve or disapprove requests for continuances and provides that the applicant need not attend the scheduled public hearing whereby the continuance would be ratified; and 3) adds a provision related to the priority of the liens that are imposed on a property subsequent to the County's action to abate a nuisance.

Commissioner Proctor commented that he was troubled by the placement of liens on property due to nuisance situations. He deemed this action unwarranted against the public and suggested a de-escalation of these liens. Additionally, Commissioner Proctor proposed that prior to approval of the ordinance, the Board review outstanding liens. *Commissioner Proctor moved to table the issue so the Board could consider reviewing liens in hardship cases and to look at the appeals process. The motion died for lack of a second.*

Commissioner Dozier moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Conduct the first and only public hearing and adopt the Ordinance related to the procedures of the Code Enforcement Board. The motion carried 5-1 (Commissioner Proctor in opposition and Commissioner Desloge absent).

This concluded the public hearing and the Board returned to the General Business agenda, Item #24.

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

- Curtis Baynes, 1323 Tennessee St., Followed-up on comments and suggestions he had previously made to the Board: 1) Termination of the recreation lease with the City because of the City's surcharge to all County residents; 2) Terminating Waste Management's Exclusive Agreement to open up to more competition and perhaps reduce costs; and 3) review of the cable services franchise agreement.
- Delaitre Hollinger, 501 Alpha Avenue, requested that the Board recognize in some way the 55th Anniversary of the Bus Boycott.

Comments/Discussion Items

County Administrator Alam:

- None.

County Attorney Thiele:

- Reminded the Board of its vote objecting to the annexation of a strip of land located in what is called Welaunee "toe" and that the vote triggered the provision in the Comprehensive Plan which starts with a meeting between the Mayor and Chairman. This meeting was held on May 12, 2011; and resulted in a letter from Mayor Marks which commits that: 1) the annexation will have no impact on Dove Pond as a result of the project in the annexation area; 2) there will be no access or interference regarding the Thornton Road issue; and 3) The City, when the annexation is complete, will contract a portion of the PUD project as a de-annexation so as to cure the enclave

portion. Based on this, Mr. Thiele recommended that the County withdraw its objection to the annexation.

Commissioner Dozier stated that she preferred to review the written commitments from the City prior to making a decision.

Commissioner Dozier moved, duly seconded by Commissioner Maddox, to bring back an agenda item on this issue for the Board's consideration at the June 14, 2011 meeting.

Commissioner Akinyemi voiced his concerns about contiguity and stated that he did not want the strip annexed at all and would like to see a mapping of the annexation area.

Chairman Dailey expressed confusion as he had been directed by the Board, in accordance with the Comprehensive Plan, to negotiate and attempt to find resolution to two issues of dispute: 1) traffic impact on Thornton Road and 2) the County having no formal role in the development process. He articulated that he had met with the Mayor and had reached resolution on those issues and the agreed upon commitments have been received in writing, which it seems the Board was not accepting.

In response to inquiry from Chairman Dailey regarding his concern, Mr. Thiele commented that although the Chairman is empowered through the Comprehensive Plan to resolve the matter, he anticipated that the Board's consent would be needed. He added that if the proposed resolution regarding the annexation is not accepted by the Board, the Comprehensive Plan then requires a joint City/County public meeting to be held with a mediator.

Chairman Dailey recommended that, in the future, if it is the Board's intent not to accept a negotiated resolution, but rather bring the issue back for ratification, the Chairman not be directed to negotiate a resolution on behalf of the Board, and a formal process established at the beginning to take the issue up as a Board.

Commissioners Dozier and Proctor commented that they were under the presumption that any negotiated product would come back to the Board for ratification.

The motion carried 6-0 (Commissioner Desloge absent)

Commissioner Discussion Items

Commissioner Desloge

- Requested, via Chairman Dailey, a Resolution recognizing Haley May for her efforts in bringing awareness of diabetes. Approved without objection.

Commissioner Dozier:

- Requested a Resolution to be presented at the June 14, 2011 meeting recognizing Girl Scout Troop 79 for their efforts in obtaining donations to provide the required vests and sashes for those girls in the Panhandle area, who, otherwise, would not be able to participate in Girl Scouts. Approved without objection.

Commissioner Proctor:

- Congratulated Chairman Dailey on his invitation to participate in the White House County Officials Meeting held on May 3, 2011.
- *Commissioner Proctor moved, duly seconded by Commissioner Akinyemi, to direct staff to explore the possibility of establishing an Elder Activity Center for the Southside.*

- Commissioner Akinyemi suggested that staff communicate with the School Board on the closing of Wesson Elementary School and how that might fit into Commissioner Proctor's request.
- Chairman Dailey expressed that he would support the motion at this time; however, cannot commit to future funding for the initiative.
- The motion carried 6-0 (Commissioner Desloge absent).
- Disclosed that he has attended community meetings dealing with youth violence and had requested Shington Lamy, Special Projects Coordinator, to attend also. He requested, with Commissioner Maddox's agreement, that the individuals who have participated in these community meetings be invited to the upcoming Summit on the Status of Black Males and that their recommendations be considered and merged with topics and discussions proposed for the Summit.
 - Commissioner Maddox agreed that the stakeholders should be invited and that their contributions would be welcomed.
- Commissioner Proctor requested a Resolution recognizing the 55th Anniversary of the Tallahassee Bus Boycott, to be presented on June 14, 2011. Approved without Objection.

Commissioner Sauls:

- Requested a presentation on the accomplishments of the participants of the Fort Braden Community Garden project at the Board's June 14, 2011 meeting. Approved without objection.
 - Commissioner Dozier requested a list of all community garden projects in the area.

Commissioner Maddox:

- As the Board's representative on the Economic Development Council (EDC), he has learned that the U.S. Army has plans to shut down production of all combat vehicles beginning next year. This action will impact the local General Dynamics plant as they are the producer of the Abrams tank. He requested Board support for a letter to be sent to the County's congressional delegation appealing to them to encourage the government not to shut down the only tank plant in North America and to continue the funding for the production of Abrams Main Battle tanks at the General Dynamics facility. Approved without objection.
- Requested a Resolution for Akil Dupont, a Tallahassee native and graduate of FAMU and the FSU Film School, in honor of his two student Emmys and six film festival awards for his short film "Underground" - A Story of Slavery Told Through Music. Approved without objection.

Commissioner Akinyemi:

- Announced that he and Chairman Dailey are participating in an initiative to conserve water and have agreed to not shave for 14 days. He announced that five gallons of water is used per shave; thus equating to each saving 70 gallons of water each.
- Requested a Resolution honoring Patricia Stephens Due, the heroic leader of Tallahassee's 1960 lunch counter sit-in demonstrations, to be presented at the Board's June 14, 2011 Board meeting. Approved without objection.
- Requested staff review membership of the Joint City/County/Public Schools Concurrency Planning Committee, stating that there has been a lack of a quorum for the last two Committee meetings.
- Requested County and City Attorney's office provide a legal opinion on the impact of HB7207, the Growth Management Bill.
 - Wayne Tedder, Planning Director, informed the Board that Planning staff was working on a summary spreadsheet of the provisions passed and the impact on the Comprehensive Plan. This information will be provided to both the County and City

Attorney and he recommended that at that Planning staff be provided direction by the commissions.

Chairman Dailey:

- Requested retroactive approval for his trip to attend the White House County Officials Meeting on Tuesday, May 3 in Washington, D.C. Approved without objection.
- He informed the Board that there will be another opportunity to apply for federal T.I.G.E.R. grant funds for transportation projects.
- Requested Board approval for a travel request for hotel and conference registration to the Leadership Florida Conference in Orlando. Approved without objection.
- Requested a Resolution to be presented at the Board's June 14, 2011 meeting congratulating Avery Schmidt on becoming an Eagle Scout.
- Wished Commissioner Desloge a safe return to Tallahassee from his adventure of climbing Mt. McKinley in Alaska.
- Also mentioned that June 5th is World Environment Day and via a challenge from Mayor John Marks, he and Commissioner Akinyemi will not shave until June 5; thus saving 70 gallons of water each.

Receipt and File:

- Leon County Research and Development Authority's Audited Financial Statements for FY 2010
- Dove Pond Community Development District FY 2012 Proposed Budget

Adjourn:

There being no further business to come before the Board, the meeting was adjourned at 8:00 p.m.

LEON COUNTY, FLORIDA

ATTEST:

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

BY: _____
John Dailey, Chairman
Board of County Commissioners