



*Provided By Public Resources*

**April 2, 2013**

Good Morning, Thank You For Joining Us. We'll Have The Pledge Of Allegiance. Please Rise.

Good Morning. Shall We Pray? Oh, God, Who Will's Man Kind To Live In Community. Lord, Who's Will It Is That All Your People Enjoy Fullness Of Life. May We Be Builders Of Community, Caring For Those You've Entrusted Us To Protect. As Partners With Those With Little Hope, Which Is Of Course A Sign Of Your Love. May We Delight In Diversity, Choose To Embrace Unity. For You Are In Community With Us, Oh, God, Forever. May You Bless These Commissioners With Wisdom And Vision. May You Encourage Them In Challenging Times. May You Be With Those In Attendance Here Today And Bless Each With A Sense Of Your Design For Community And Wholeness. And Lord, Empower Us To Do Good Through Every Means Possible. In All The Ways We Are Gifted And Able For All People. May We Have The Strength Of Will And Of Body To Faithfully Carry Out All We Are Appointed And Called To Do. For We Pray In The Power Of Your Presence And The Holiness Of Your Name, Amen.

Please Join The Board In The Pledge Of Allegiance.

I Pledge Allegiance To The Flag Of The United States Of America. And To The Republic For Which It Stands One Nation, Under God, Individual With Liberty And Justice For All.

Thank You. Please Be Seated.

First Thing On The Agenda Is Recap. We Don't Have Any Recaps At This Time. Move On To Public Comment. At This Time, We'll Take Public Comment. You Have Three Minutes To Speak. First One Is Becky Anderson. Please Come To The Podium, You Have Three Minutes.

Thank You.

Good Morning, My Name Is Becky Anderson. I'm Responsible For Leading A Ministry That Reaches Out To Women Who Have Unplanned Pregnancies As Part Of Their Reality. Our Concern With The Issue This Morning Is That We Are Charged With Helping Our Clients Find Their Way To Clarity. We Tell Them It Is The Two Story Shopping Center Right Off Of Daniels Facing Away From It.

If You Are Coming From Either Direction, It Is Difficult To See The Two Story Building. We Would Love To See Some Trees Removed From The Front Of That Building So We Can Allow Our Clients To Be Able To See That Building More Easily. Thank You.

Thank You. Next Speaker Is Sal.

Hi, I'm Sal. I'm The Owner Of Bella Rosa Shops. I Also Used To Own The Building That We're Here For. One Of The Hardest Things That I Had To Do Was Try To Get People To Find Out Where I Was Because The Visibility Was So Bad. Anyone Who Came Out, The First Question They Would Say Was What About These Trees. I Really Didn't Get Too Far With It. I Tried And I Tried. The Leasing Was Very Difficult For The Fact That Those Trees Were In The Way. I Was One Of The First Buildings

To Build Out There. Same Thing On That Building, The Trees Are Out Front. You Get The Same Problem With The Visible. You Cannot See Driving West Because You Have The Big Block Of Trees. Traffic Coming Up, The Visibility There Is None At All Coming To The Left. So You Have To Actually Pass Before You See It. Coming Down, You Still Don't Get The Visibility. You See Part Of It But Then The Trees Are In The Way. I Found That In The Course Of So Many Years Of Being There, It's Gotta Be Now About 13 Years. Same Question Pops Up, Why Are Those Trees There. 60% Of Traffic That Travels Up On Daniels Parkway From The Airport Alone, There's No Visibility For The People To See Who Are Driving In From The Airport. The First Thing You See Is In Between Where They Have No Visibility From Back And Forth. I Also Would Like To See These Trees Removed For Better Visibility For All The Businesses That Are In Both Of These Shopping Centers. I Think It Will Help Everyone. Thank You.

Thank You.

Mr. Chairman, Let The Record Reflect That Both Of These Speakers Were On Administrative Item 12a. I Don't Know If You Have That Written Down.

Ok. Next Speaker Is Leo.

Good Morning. I'm The Owner Of Fresh Bagels And More. Just Reiterating What My Two Predecessors Say About The Visibility. Unfortunately In The Beginning When I First Started Off There, I Would Have Somebody Stand Out In The Road With Signs So They Could See They Knew My Shop Was There. But Eventually It Got Economically Prohibited For Me To Do That.

Hello, Commissioners. My Name Is Nick. I Am The Property Manager At Bella Villa Shops. I Deal Daily With The Issue With The Trees In Front Of Bella Villa Shops And Trying To Lease Out The Spaces At The Shopping Center. The Landlord Has Come Up With A Very Fair Solution. The Trees He'd Be Removing, He'd Be Replacing Them With About 80 Trees. Not Only Is He Trying To Help Out The Tenants, But Also Help Lee County Plant More Trees In The County. So I Appreciate Your Time. Thank You Very Much.

Thank You, Next Speaker Is Justin Griffin.

My Name Is Justin Griffin. And My Family And I Own Bella Villa Shops In Fort Myers. It's Currently A Struggling Retail Center. My Existing Tenants Are Experiencing Struggles. My Tenants, Their Primary Complaint Is The Traffic On Daniels Parkway Cannot See The Shopping Center Due To All The Trees On The Lee County Right Of Way. It's A Unique Circumstance When You Compare It To Other Road Ways In The County. There Is A Very Wide Median In Front Of The Center, Which Has A High Level Of Trees And Vegetation. There Are Over 150 Trees On The Lee County Right Of Way That Block Visibility From Daniels Parkway To Bella Villa Shops. I've Been Looking At Putting In A New Larger Pole On Sign. No Matter Where I Try To Place The Sign, It's Blocked By The Trees. I Do Feel It's Necessary To Remove 20 Trees. I Also Realize That Maintaining The Environment And Keeping The -- Offering To Pay 100% Of The Cost Of Planting A Total Of 80 Trees Along Daniels And Six Mile Cypress. I've Also Agreed To Water And Maintain The Trees For One Year. And I'm Also Providing A Replacement Guarantee That If Any Of The Trees Die During The Year, I'll Pay To Replace Them.

I'm Just Trying To Save Some Money, Put That Off Another Year.

You Don't Need To Explain A Thing. I Know Exactly What They Are. I Just Don't Want To Buy Them This Year.

Any Other Discussion? No Discussion. Any Objection? No Objection, Motion Carries.

13 B, Mr. Chairman Has To Do With Some Recommendations About Our Computer System, I Think. Regarding Utilities. My First Question, Along With Those Recommendations, Was There Any Money From Homeland Security?

Pam Keys, Utility Director, No There Was No Outside Funding. This Is Part Of Our Operations Budget.

Explain To Me Exactly How I'm Gonna Sleep Better Tonight Knowing That I Have Taken Homeland Security's Suggestion With No Money From Them To Accommodate These Suggestions. Why Am I More Comfortable And My Citizens More Less At Risk?

We Believe We're Less At Risk Because We're Separating Our Business Computer System With Our Water And Waste Water Control System. We Have Higher Security, So There Will Be Less Opportunity For Folks To Break In And Tamper With Our Monitoring And Our Control System.

Someone Else Has The Enthusiasm To Move This, I Guess I Will Vote For It.

I'll Move.

Second.

Any Other Discussion? No Discussion, Any Objections? No Objections Motion Carries 5-0.

I Move 12 A, Mr. Chairman.

Any Discussion? No Discussion, Any Objection?

Me No.

One Objection, Mr. Mann. Motion Carries 4-1.

Any Discussion? No Discussion, Any Objections? No Objections, Motion Carries 5-0.

Moving Right Along.

We Have One Walk On Item.

John Turner, County Attorney's Office. Good Morning. On The Blue Sheet, The Walk On, This Is An Item That's Set For Hearing Starting Next Week. So I Had To Get This Before The Board On An Offer Settlement That The Property Owner's Attorney And The Property Owner Sent Us A Week Or So Ago. I Didn't Put A Recommendation Down On The Blue Sheet, Which I Know Is A Little Unusual. Because Of The Nature Of This Case, It's One Of The Pending Cases That We Have.

And This Is The Case That For The First Time, The Judge, A Trial Judge Changed The Date Of Value From When The Property Was Acquired To 2006. Of Course When Those Property Values Were Sky High. It's The Same Thing That Happened On The Other Case That We Have On Appeal, The Lopez Case. The Answer Brief Has Not Been Filed By The Property Owner. And Of Course A Reply Brief Has Not Been Filed. We're Looking Around A Year Before We Get A Decision On That. This Case In The Interim, The Property Owner First Wanted \$138 Thousand As Their Value. And Of Course Their Value Was Based Upon Being Able To Assemble The Property With Some Alley Ways And Easements And Make This Wonderful Commercial Setting. And Of Course We Dispute That Ability At All. And Now They've Revised Their Appraisal And It's Down To \$108 Thousand, Excluding The Properties Next Door To Assemble It. So They Think That This Property, In The Near Future, Can Be Zoned Commercial And Have A Higher Value. The Court Directed Us If We're Gonna Go Try This Case Is We Had To Have A Value From Our Appraiser For 2006, The Same As Theirs. So I Sent My Appraiser Out To Revalue The Property. And They Came Back With A Value Of \$60,000. This Is Looking Back In Time In 2006. So We Have \$108 Thousand On A Property On Their Side Now. And \$60,000 On Our Side. So The Property Owner Said, "Ok, We'll Offer To Settle For \$95,000." Which Would Be Some What Attractive If It Included All The Attorney's Fees And Court Costs, But It Doesn't. On Top Of The \$95,000, You Have To Take Into Consideration That There Are Gonna Be Attorney's Fees And Court Costs. I Can't Give You A Figure. I Can Give You A Ballpark Of Around \$50,000-60,000 For That. The Really Attractive Thing About This Offer Though Is That The Property Owner Would Agree To Request The Court To Vacate That Order That It Entered, Changing The Date Of Value. So That It Couldn't Be Used In Other Cases. So It Could Get That Order Set Aside, Overpay For The Property To Get It Settled And Then Focus On The Remaining Cases That We Have. We Have Four

Other Cases And It's Not To Say That The Other Property Owners Can't Go Back In Front Of The Same Judge And Say, Hey, We Want The Same Kind Of A Deal That You Gave The Property Owners. Who's To Say What's Gonna Happen Then, But At Least In That Case, That Order Will Be Vacated. And We Would Pay \$95,000 Plus Court Costs, Plus The Statutory Attorney's Fees. If That's The Offer They Made, I Have Not Made A Recommendation, But I Wanted To Get It In Front Of The Board. If The Board Is Interested In Some Kind Of Control Over The Case. And Some Of These Cases And How They're Going.

Thank You. Discussion From The Board? Commissioner Manning?

John, Not To Be Sarcastic, If We Agree To This Settlement And The Vacation Process Is Entered Into, Will The Court In The Other Cases Look Very Favorably Upon That Precedent In Your Opinion?

I Wouldn't Think They Would Even Be Aware Of It. We Wouldn't Be Settling Other Than We're Not Gonna Admit Anything. It's Just A Settlement, Negotiated Settlement. I Don't Think It's Gonna Have An Impact, If Any.

That Changes My Mind. Thank You.

Mr. Chairman?

Commissioner Hall?



So The \$95,000 Doesn't Include The Attorney's Fees And All That. So What's The Bottom Line?

I'm Gonna Say \$150 Ballpark.

We're Saying \$10,000 So You're Saying We're Spending An Extra \$140 Thousand.

Our Appraisal Was \$60,000. But They're Not Interested In Taking \$60,000 At All. They're Not Even Close To That, Ok? They're Up There In The Stratosphere.

And You Don't Think That We Would Prevail In Court?

By Taking It Up On The Second D.C.A., What's Gonna Happen As I Foresee It In This Disaster Is That The Second D.C.A. Is Going To Address Our Position In Lopez First. That's The Next One In Line That They Have. And They're Gonna Look At It And They're Gonna Hopefully Issue An Opinion. There's No Guarantee That They Will Issue An Opinion. They Might Just Say, We're Gonna Rubber Stamp What The Trial Judge Did. But I Think We've Raised Such An Important Issue That They Will Address It And They Will Issue An Opinion. And I Am Reasonable, And I Think We Have A Very Good Argument. We Have A Good Case, Obviously There's No Guarantees. But I Think We Have A Good Shot At Getting This Decision Reversed. Now, Other Attorneys Can Give You Other Opinions. And They'll Say, No, You Don't Have A Very Good Shot. You Don't Have A Very Good Chance. They're Just Gonna Affirm And You're Gonna Be Out. If That's The Case, Paying \$130 Thousand For Everything Is Gonna Be A Pretty Good Deal When You Look At It That Way. It's Gonna Cost Us A Lot More To Go To Trial, Appeal The Decision Again And Go Forward With It. That's Your Benefit Now. At Least You're Gonna Control Some Of

The Costs At This Point. As Much As We Don't Like It And We're Not Happy With It And We Think It's Not The Proper Interpretation Of The Law Or The Application Of The Law. But You Have To Look At It As, How Does This Fit Into The Rest Of The Cases And What Commissioner Manning Said? That's A Good Question. Are The Other Judges Gonna Look At This And Say, They're Caving In On This One. They Must Admit That They're Wrong, They Did Something Wrong. That's Not The Case At All. We're Trying To Make A Decision Here On Costs And What It's Gonna Cost Us And Our Efforts And To Proceed With The Most Reasonable, With The Most Well Considered Recommendation We Can.

Commissioner, You Had A Question?

Yes, Sir. Thank You, Mr. Chair. Now, This Is The Same Grouping That We Approved The Other Three?

Yes.

Ok. So This One's Time Sensitive Because --

Yes, We're Going To Trial In A Couple Weeks. We Have A Hearing Next Week On An Issue That I've Raised.

Why Stop At 2006 If The First Public Knowledge Of This Was 2003. We're Gonna Go Back To 2003. It's An Alternative Argument That We're Making.

How Many More Of These Do We Got?

We've Got One More.

And That's It?

We Have 30 Or So That Are Hanging Out There.

Are We Gonna Go Through This On All Of Them, One At A Time, Time Sensitive Gotta Make A Decision?

I Don't Know.

Here's My Point To That. I Think We Should Have Learned Our Lesson By Now. The Property Values Have Been Readjusted. It Seems Like That's Our New Rule. Why Aren't We Going Back And Reevaluating All The Properties One More Time? Why Aren't We Going Back And Renegotiating Those Properties All At One Time And Let's Be Done With This Thing? This Is Not Even Being Budgeted, Is That Correct? This Is All Extra Coming Out Of Our Budget?

Commissioner, It Is Budgeted, But It's Not Budgeted At The Level Of The 2006 Value.

As Commissioner Hall Just Pointed Out We're At Another \$60,000 Times 30 Properties. Why Don't We Go Back And Renegotiate This Whole Thing One More Time, Be Done With It And Move On? I Don't See How It's Prudent On Our Part To Have You Tied Up On 30 More Properties Or 34 More Properties At This Point In Time. Why Aren't We Going Back?

We Have Been -- County Lands Has Been Doing A Great Job On Discussing With Property Owners. They Are In The Pipeline. And They've Been Doing A Great Job In Negotiating And Discussing With The Property Owners And Their Attorneys. The Problem I'm Having Are The Ones That We've Already Had In The Domain Actions. The Four Cases That We Talked About That Are Still Pending And How Do We Get Those Values Down And Negotiations Unless We Have A Decision From The Second D.C.A. That Says You Were Right And The Values Should Not Have Been Changed. That's From Our Point Of View. How We Go About It.

If I May Address The Staff, Please. I'm Assuming That This Has Project Costs That You've Already Budgeted For On This Project. And It Seems To Me That We're 40-50% Less Than What We Need To Be. How Do We Plan Around This If We're Gonna Keep Having This Happen Over And Over And Over? I'm Not Saying Anybody's Doing Anything Bad Or Wrong Here. Can't We Manage Our Way Out Of This A Little Better Than Reacting To Them One At A Time With An Attorney And Court Then Mediation? We Should Be Doing Something Different Here.

I Don't Think That The Percentage Of The Land Acquisition Relative To The Total Budget. I Don't Know What The Impact Is On This Increase. I'd Have To Have Dave Talk About That. As Far As How To Negotiate All The 30 At The Same Time, I Don't Know Legally Exactly How To Approach That.

We Haven't Had That Discussion, Obviously. I Guess My Point Is Number One, I'm Not Gonna Support This, But The Second Piece Of It Is, Is That I Would Like To See This Board Instruct These Folks To Take Another Look At This And See If There's A Better Way To Manage Out Of It Than Where We Were At.

She May Want To Follow The Point?

I Guess I Do. It's Impossible To Take 30 Properties And Negotiate All At One Time. We Put All The Property Owners On Notice. They All Know We Need Right Of Way. They're All Aware That We're Coming To Them And Trying To Negotiate. These Are The Four That We Haven't Come To An Agreement. The Other 30 Are Still Trying To Negotiate At Today's Prices The Value. And If We Can't Get To An Agreement, Then They'll End Up In John's Lap. So How Much Over The Budget We're Gonna End Up Being Versus When This Started. I Was On The Fort Myers City Council When We Started. That Was In 2000. So We've Been Moving Down The Road For Many, Many Years. I'm Not Sure How -- I Don't Know How You Can Put 30 Property Owners In The Room And Say Here's The Deal. And Then Think We're Going To Do That In That Kind Of A Forum. I Know That County Lands Have Been Negotiating All At The Same Time With As Many Of Them As Possible. I'm Concerned, As You Are, That We're Paying 63% More For Just The Land And On Top Of It \$65,000 In Legal Fees. What Point Do We Stop The Bleeding On The Legal Fees Where We're Paying More Legal Fees Than We're Paying For The Right Of Way? That's Where John Is Going On This, Where Are We Gonna Go. At The End Of The Day, We Still Gotta Pay Those Legal Fees. Even If We Prevail, We May Have \$90,000 In Legal Fees And Pay \$60,000 For The Land. If We Win On That Argument, I Think That's Where He's Going. Where Do You Want To End Up With The Total Number, Even If We're Right? That's My Concern. If I Don't Support This, I'll Have More Than The Land's Worth Value Even With Legal Fees.

You're Going Exactly Where I Want To Go. That Is, How Do We Manage Our Way Out Of This.

I Appreciate County Lands Is Doing A Great Job. We're Still Going On The Old Concept That This Property Is Worth This Much When Everybody Else Thinks It's This Much. We Should Be Renegotiating These Things Ahead Of Time. Maybe We Need To Up The Project 40-50%. And Let's Live With The Reality Of That Instead Of Upping It 40-50% Plus Another 60% On Legal Fees. We May Have A Chance To Cut Half Of This Out Of The Mix. I'm Not Saying That We Should Sit Here And Try To Decide How To Manage This.

I'm Saying That We Should Be Asking Staff To Come Back With A Different Kind Of Alternative Than The One That's Being Presented To Us Four, Five, Six Times Now. That Was It.

This Case Is Different Because It's One Of The Eminent Domain Cases, Which Sets It Apart.

There's Only Three Or Four Of Those. They're All Eminent Domain Cases. All 30. There Are 30 That We Need To Complete The Phase That We're In. Not All Of Those 30 Are In Eminent Domain At This Point. The Ones That Are In Eminent Domain And The Ones That Are Making The Legal Points That The Date Of Value Should Be Changed Back In Time Are Four Or Five Cases Pending, Including This One. There Are More Partials, We Should Say, Rather Than Cases That Need To Be Acquired If We Can't Do It Voluntarily That Need To Be Acquired Through Since There's No Risk Of Us Doing This Any Time Soon. There's No Money, Is There?

If We Had All This Property, When We Start Building?

The First Segment Is Funded For Construction In 2014-2015 Fiscal Year. That Was

The Point We Were Hoping To Start Construction.

And Of The Remaining Parcels, There Are Some In That Section?

Those 30 Actually Are All Related To Segment One.

Oh, Geez. Thank You For That. Good News Clarification. One Last Question, Please. I Feel Like We're Writing A Blank Check If We Were To Take This Action. Because I Don't Know The Attorney's Fees. When Do They Get Established? The Judge Has Got To Agree To That?

They Do, But It's A Statutory Formula. Percentage Of Benefit. You Take What The Benefit They Obtained, What The Last Written Offer Was And You Multiply Whatever Percentage It Is In The Statutory --

So That's Not Really A Shot In The Dark Or Waiting For The Judge.

There Are Some Things That Can Change That. So I Can't Say It's Written In Stone That The Attorney's Fees Is Gonna Be \$28,700.

It May Be More And It May Be Less, But That Gives You A Pretty Good Indication Of What We're Talking About.

And On Top Of That, You Have Your Real Estate Appraisers Fees. Their Expert Real Estate Appraiser Is Gonna Charge A Lot.

I'm Terribly Frustrated On This Whole Thing. You're Just Telling Us This Is One

Option Available To Us. I'm Frankly A Little Worried About The Precedent. Those Other Attorneys Who Are All Being Paid Ultimately By Us And The Taxpayers Are Certainly Paying Attention To What's Going On Down Here. And I Feel Like If We Kind Of Throw In The Towel On This One, That's Not The Signal I'd Like To Be Sending. I'd Rather Send A Signal Out There That Says We're Gonna Wait A Year On This Project Because We're Being Ripped Off And The Taxpayers Are Being Ripped Off. I'm Not Willing To Be A Part Of That Process.

Commissioner Hall, You Had A Question?

The Full Length Of It Is A Long Project, Dave. Pushing It Off Another Year Isn't Necessarily A Bad Thing Other Than That Construction Costs Are Going Up Because The Industry Is Going Up And That's Give Or Take 15-20%. We All Know That. We've Seen Them Down At The Bottom, Now We're Seeing Them Come Back Up Again. So I Guess What Would Be Helpful To Us, At Least For Me, Would Be To Get A Handle On The Budget We Have In Land Acquisition And Right Away Costs, Where We're At With That Budget. And Getting A Better Handle On Where You Think We're Gonna Come On Those Four Cases. And As You Go Forward. Because What Happened On These Cases, It's Odd That A Judge -- And Again, Just For Some Of Our New Commissioners. This Has Been A Very Long Process. We Have A Tremendous Amount Of Resident Input. Both On The County Side And On The City Side. And Commissioner Manning And I Are Very Much Aware Of That. It's Gone Through Several Different Mayors. It's Gone Through Various Commissioners. This Isn't A Road That Nobody Knows About. We've Got A Lot Of Things Going On And Commitments That We've Made To Taxpayers To Move Forward On This Very Heavy Traffic Traveled Road That Is Some What Dangerous. And It's Taken Up A Long Time To Get To This Point. But Again, Doing It In The Most Affordable Cost Effective



Way Is Really Our Goal. So For Us, I Think What I'm Hearing From My Colleagues Is We've Got A Lot Of Moving Parts. And You're Giving Us This, This And This And We Don't See How It's All Coming Together. So We Don't Have A Handle On The Budget

And What That Means To Us. So The Way You're Presenting It To Us, The More Questions We Asked. The Harder It Is For Us To Make A Decision. Because You Really Have No Real Answers For Us. You're Thinking -- Mr. Chairman, I'd Like To See If We Can't Defer This A Week And Let You And Dave Get Together To Try To Give Us An Overview, So We Can Have A Better Understanding Of Where We're At With The Right Of Way Budget And Where You Think We're Estimating -- So We Can Get Our Arms Around It. I Think That Will Still Meet The Deadline Of You Having To Make A Decision By Settlement. Will That Impede Your Ability To Settle Or Go To Court? Yes?

Well, Yeah. I Know We Had A Time In January Where We Discussed A Lot Of These Issues. There Was Discussions As To Contracting The Improvements To The Extent That We Could Still Address The Safety Issues And The Residence Issues Without Having To Spend All The Additional Money On The Capital Project. I Think That's Kind Of Where They Were Going With It. It Does Cost Money For Repermitting And Redesigning The Plans. But --

It's Difficult To Say Because You Have Been Given Here Interests That Are Other Than Just The Property Owners. And It's Unfortunate. A Lot Of Times, We Are Not At Liberty To Say We Want To Settle And We Want These Parameters. Because It's Driven Through Other Vested Interests. This Is One Of Those Cases. The Problem Is, Unless You Do It Individually, You Don't Want To Establish A Precedent That

They Always Side, They Being The Property Owner's Attorneys. You Paid So And So Much For This Case. Well, Each Case Is Different.

Each Case Rests On Some Facts And Has Issues Itself. Each Case Is Individual. This Case Is Individual In Its Interests. We Are Attacking Or Approaching It To Hopefully Reduce The Cost. It Does Make A Difference In The Future. We're Doing Everything We Can In That Direction.

Mr. Chairman, I Appreciate You Talking About The Design Of The Road. For Commissioners To Work On It For Eight Years And Sat In Those Meetings, The Long 4-5 Hour Meetings We Have Once A Month And Sitting With Our Consultants Who Had Redesigned This Road, What 18 Times To Try To Accommodate Right Of Way, Drainage, All The Things We've Done. Which You Haven't Sat In, We Have Sat In. I'm Not Gonna Sit Here Today And Rediscuss Paying More To Redesign A Road That We Have Gone Through Several Designs. I Want To Focus On The Design We Paid For, Numerous Times Already, And How We're Gonna Get This Road Built, Which Means I Want You To Focus On How We Get The Right Of Way The Most Effective And Efficient Way. Right Now, I Don't Feel If We Have Three Votes To Say Let's Settle This Case. My Question To You Is Can We Or Can't We Wait One Week? If You're Telling Me We Can't, Than We're Gonna Have To Give Thumbs Up Our Down For You To Go To Court And Settle. That Was My Question. Can We Wait A Week Or Not?

I'd Have To Ask The Other Side If They'd Be Willing To Keep Their Offer Open For Another Week. I Can't Give You That Answer.

So What We Risk In Delaying Is If We Delay, You May Tell Us We Want To Go To

Court. Or They Would Give Us Another Week. Which Would Give Us A Little Better Comfort Level For Where We Are With Right Of Way Or Budget.

That's Correct.

Mr. Manning, You Had A Question?

At The Meeting That Was Discussed, We Did Receive A Document What The Worst Case Scenario From A Financial Standpoint Would Be Based On The Values From 2006. I Think The Cleanest Way To Move On From This Particular Case. I Think The Cleanest Way To Do This Is Really To Deny The Appeal And Put It Back In The Court. If We Want To Have The Court Set A Precedent In Our Favor, I Think This Case Should Be Added To It. But That's Just My Opinion. If Somebody Wants To Make A Motion Either Way?

I'm Comfortable With That.

I'll Make A Motion To Deny This Appeal.

Second.

Commissioner Manning Makes The Motion. Any Other Discussion? No Discussion, Motion Carries. Thank You, John.

Are We Going To -- Is There Gonna Be Anything Else That Happens Next On This

Rather Than We're Gonna Wait For The Next One To Show Up In Front Of Us?

Maybe We Let County Attorney's Office Kind Of Put A Recap Together For Us. That Gives Them Time To Update Where They're At Today And The Time Frame As It Relates To The Budget Of What We Have Budgeted And What They Have Projected. Commissioner Mann Is Right. It Goes On And On Forever.

We Need A Strategy Session.

I'm All For That, Thank You.

Move On To Commissioner Items. Commissioner Manning?

None.

Commissioner?

Yes, Thank You, Mr. Chair. One Of Them Is Consideration Of The Board For A Future Meeting And Discussion Of Referendums. I Think What We've Learned Already Is You Can't Have A Crowded Ballot In Terms Of How Many Referendums And How Many Things That People Had To Vote On Last Time.

It's Just Not Something High On The Attention Level. I'm Just Not Feeling It Or Hearing It. I'm Curious Why You Think We Need To Take That Up When The Charters Commission Would Need 15 Months Or Something Like That. It Simply Wasn't An Issue. And I'm Not Feeling Any Ground Swell Or Anything On It. I Don't Know What Benefit It's Certainly Not Gonna Effect Me. The Petty Sales Tax, Isn't That One That We Are Looking At Right Now On The Transit Issue? So If We Ended

Up Going In That Direction, There Are No Other Options Available. I'm Just Not Feeling The Need To Take These Up Commissioner Kiker Right Now. I Want It When Everybody's Here, The Largest Vote Turn Out And That Would Be 2016. No, I Don't Know What Else We Need To Say About That.

What Are You Gonna Do With It In The Meantime? Vote It Back In For Another Year?

That's Part Of The Budget Process. It's Not Chiselled In Stone.

Bear With Me For A Minute. One Of The Things That I Have Heard Is Rather Than Bringing Up Things For Discussion In This Meeting Is To Schedule Them For A Discussion. And That Would Be Your Work Session. I Would Like To Talk About These.

We're Talking About Them.

Again, I've Been Asked Not To Do It In A Meeting. You Guys Gotta Tell Me Which Way You Want To Do This.

We Can Put It Up Or Down At A Future M.M.P. I Agree With You Commissioner Mann, That's Why We Have A Charter Commission. If This Board Wants To Over Rule A Charter Commission, That's Our Prerogative Too. So I Don't Mind Having The Debate. We'll See If Three Commissioners Want To Move Forward With That Or Not. But I Agree With You, Commissioner Kiker, If That's What You Want To Talk About It.

I'm In Favor Of Talking, Too. I Don't Think We Do Enough Of It, Commissioner. I Just Want You To Know Going In, Those Are Probably My Leanings.

Again, I Don't Want To Debate It With You Today. Would Love To, Not Going To. The Second Thing I'd Like To Talk About --

Doug, Did You Get That Done?

Thank You.

The Second Thing I'd Like To Talk About Is I Think There's A Need For A Weekly Report. What Is Our Reserves On A Week To Week Basis?

Is It Possible?

We Can Give You Weekly Statistics. We'd Be More Than Happy To Do That.

Would That Satisfy Your Question, Commissioner Kiker?

Listen, I Believe As Sure As I'm Sitting Here That We're Running Out Of Money A Lot Faster Than What We're Getting From Projections. I'm Sorry. I Can't Not Feel That Way. And I Haven't Seen Any Numbers To Substantiate It Differently. I Want To Know Which One Are We Dealing With And How Many Of These \$1 Million, \$2 Million Decisions Are We Making On A Daily Basis. That's What I Want To Know. We Need To Know; We Don't Have That Much Money Left That We Can Just Sit Here And See What Happens In The Next Year Or Two. We Don't Have It. Whatever You Think Is Reasonable, And I'm Not Gonna Agree To Quarterly. Maybe Weekly Is Too

Aggressive. Whatever You're Comfortable With, Giving Us A Number That We Can Manage By. That's Our Number One Objective Is To Manage The Budget.

The 930 Number Is An Estimate. It Is A Projection. I Don't Have A Crystal Ball, So It Could Be Up, It Could Be Down. Even With \$82 Million You Still Have 23% Of Reserves Undesignated.

I Think That Commissioner Kiker's Question Of The Weekly Update -- I Know You Look At That Daily. Is It Possible That On Mondays, You Could E-Mail The Board The Current Balance?

I'd Have To Ask Dave Harris. I Think What You're Gonna Get Is A Budgeted Reserve Number On A Weekly Basis. You Can See A Cash Number Of What We've Actually Got Cash In The Bank.

Is That What You Want, Commissioner Kiker?

I Want To See What's Going On. If It's \$95 Million And We Make A \$2 Million Decision That's Not Budgeted, The Number Is Now \$93 Isn't It? I Want To Know What The Number Is. I Want Everybody To Know What The Number Is So That We Can See What We're Doing, If It's A Positive Or Negative Effect. That's What I'm Looking For. And If I Can On A Lighter Note, Former Mayor Who Has Been Hospitalized For Two And A Half Months, Two Months Is Back At Home.

Wonderful, Wonderful. Great News.

Commissioner Mann, Do You Have A Position On This?

A Couple Of Them, Mr. Chairman. I Think I've Telegraphed These Properly. Commissioner Manning, I Apologize On The Timing Of The Issue Of The County Attorney. There Were Some Intervening Factors That Kept That From Being Taken Up As Quickly As We Wanted To. Two Weeks Ago, I Said I Wanted To Take It Up Last Week, But Commissioner Kiker Wasn't Here. My Suggestion Is That We Consider Making Ms. Fraizer The Current Attorney. And I Have Provided Y'all With A Memo Here.

We've Discussed It Before. I Had Thought It Was Ready To Go. I Mentioned Two Things That Put Me In This Direction. I Observed The Predecessor, When Issues Were Pending And We Needed Quick Answers, It Was Ms. Fraiser Who Kept Providing The Answers. And It's Her Who We Continue To Look For Direction On Leadership And Suggestions On Legal Matters Pending. Once She Was Put Into This Position, She Immediately Took Hold Of The Reins, Recognizing The Fiscal Constraints Under Which The County Was Working And Took Some Actions Internally And Has Clearly Saved Well Over \$600,000 Possibly 7 Or 8. And She Showed The Leadership. And I'm Comfortable Making That Motion. We've Discussed It Briefly Before. But Two Of The Commissioners Had Not Had The Opportunity To Observe Her Directly Or Work With Her.

And I Certainly Didn't Want To Push This Until They'd Had That Opportunity. So That Would Be My Motion At This Time, Mr. Chairman

I'll Second For Discussion.

Commissioner Hall Seconds For Discussion.



Commissioner Manning?

I Will Not Support This Motion At This Time. I Will Not Discourage Anybody Internally For Applying For Any Position In The County. Certainly Andrea Is Welcome To Do That If She So Feels Necessary To Do That. We Voted, Which Seems Like Almost A Half A Year Ago 5-0 To Go Through A Process. And I Think The Integrity Of The Process Needs To Be One That Goes Forward Instead Of Back Ward. Thank You.

Thank You. Any Other Discussion?

I Just Want To Say I've Had The Last Five Month's Honor Of Working With Andrea, She Does A Great Job. I Think After Speaking With The Recruiter, I'm More Confident In The Process Of Going Outside And Trying To Bring A Fresh Look Into The Process. I Cannot Support The Motion. I Encourage Andrea To Obviously Apply For This Position. I Think The Best Thing For The County Is To Have A New Set Of Eyes.

Any Objection?

Motion Fails 3-2.

Would You Like A Motion That We Go Ahead And Engage The Recruiter To Move Forward With That?

Commissioner Manning Seconds. Any Other Discussion Of That Motion? Any

Objections? No Objection, Motion Carries 5-0. Move Forward With The Recruiter.

Thank You, Mr. Chairman, I Have One Other Item Involving Our Favorite Subject. I Got A Call Immediately The Day After We Took The Action After You Brought Back The Mediation Report Motion To Commissioner Manning. Again, A Job Well Done On That. Commissioner Kiker, I Don't Think You Were Present At The Meeting When We Adopted An Amendment To That Mediation Agreement, Which Would Kind Of Leave Us With A Legal Hammer To Wield If We Needed To Later On. The Call I Got From The Mayor, And I'm Just Paraphrasing It. Of Course, I Can't Say Exactly What I Said. I Think I'll Be Pretty Close In Describing His Feelings About That Amended Mediation Settlement. In Essence, He Felt That Was Probably Not A Show Of Good Faith. It Would Be His Instinct To Recommend To His Council That They Would Walk Away From Any Further Discussions From The County. Because Even When We Have Mediated Settlement And New Rules Where We're Gonna Talk In Terms Of Science As Opposed To Legal Challenges. Even Then, We Even Felt Good About That New Approach. The County Still Wants To Pull A Gun And Point To Their Head And Said, Now You Negotiate With Us The Way We Like It Or We're Gonna Take You Back Into Court. So What I'm Trying To Do Is -- And I Don't Know Whether He's Speaking For The Council. He Can't Talk With The Council About This Issue. But He's Had A Pretty Good Feel Or Instinct On Issues Relating To This So Far. And I Want To Just Kick It Around Here And See If There's Any Sentiment To Perhaps Removing That Amendment That We Put On That Left Us A Legal Option.

I Appreciate Commissioner Mann's Discussion About This Item, But If You Were To Go Back And Look At A Transcript, You Would Note That Both Parties Agreed That Everything Was Still On The Table, Number One. Number Two, We Made A Mistake In Terms Of Not Bringing Up The Agreement At That Meeting. It Should Have Been

Addressed By Both Parties. Ok? Very Simple Issue That Gives The City Standing, As Well As The County. And The Statute Of Limitations Within The Agreement Only Goes To March Of 2014. That's An Outside Date, Which We Can Change, And So Can The City Council. The City Council Has Yet To Take This Issue Up.

I'm Aware Of That.

What I'm Suggesting To The City Council Is Up Or Down Vote. I Disagree With The Premise That The Mayor Is Speaking For The Council. I Don't Think He Is.

I'm Sorry If I Left That Impression. I Tried To Make It Very Clear That He Could Not Speak For The Council.

Ok. Lastly, Mr. Chairman, If I May, Since I Was A Party To The Mediation I'd Hoped That Either His Representative Through The City Attorney's Office Would Have Called Our Council Or The Mayor Would Have Called Me. We Could Have Maybe Settled That On The Phone.

Commissioner Hall?

This Has Been A Difficult Process, Without A Doubt. And I Happened To Sit In The Chambers When We Had The Joint Meeting. And I Will Share With You The Mayor's Position Was Why Are We Here, Let's Go Home. The Councilman's Position Was We're Here Because We've Asked For This Joint Meeting, We Need To Work This Out. There Was A Huge Conflict Between The Council Representatives And The Mayor. The Mayor Didn't Want To Talk About It. He Basically Said, We're Done. Let's Just Go Before The Meeting Even Started. So I Feel Confident That Council

Wants To Move Forward, At Least From The Representative Who The Council Appointed To Represent The Council. And The Mayor's Position Is Different. I Feel That We Do Need To Keep Everything Because We Have Residents. While I Appreciate Some Comments From Residents, I Do Not Agree With That. And In Talking With Our Staff And Talking With Other Members Of Our Staff And Talking To People Outside Of Our Staff, I Believe This Is A Good Way To Go. I Think We Need To Get It Over Into The Marine Science Or Natural Resources And Move Forward. We've Spent A Lot Of Money So Far Getting Nothing Done.

This Board Can Fire Me At Any Time. [Laughter]

We're Not Gonna Do That, Sir.

Mr. Chairman, Just To Conclude. Commissioner Hall, I Could Not Possibly Agree With You More On My Zeal To Get This Into A Scientific Forum And Out Of The Courts. And I Think That Was A Unanimous Instinct, At Least For A Brief Moment From The Entire Commission. And That Was What Commissioner Manning After Hard Work Brought Back To Us. To Think That We Could Ultimately Have A Realistic Beneficial Conclusion By Beating Each Other Up In The Courts, The Courts Themselves I Know That They Were Gonna Ask, "Who Are Your Scientific Experts. Where Is The Science To Defend Your Position?" And Ultimately, We Need To Have This In An Environmental Scientific Discussion Mode. I Have A Phone Call From The Public Official Who Happens To Be The Mayor Of Cape Coral, The Other Side Of This Matter. And Those Were His Thoughts. It's Certainly Right For Us To Rethink It If We Wanted To. Doesn't Seem Like We Want To. But I Want To Say To The City Council And The Mayor Who I'm Sure Will Be Getting These Kind Of Messages Is That We Are Still Hopeful, I Am As One Commissioner, Hopeful That We Can

Resolve This Issue Without A Courtroom. And I Think The Mediated Settlement Was A Giant Leap In That Direction. Thanks Again Commissioner Manning For Your Efforts.

Thank You. Any Other Discussions?

Thank You, Mr. Chairman.

Any Other Items?

I Think I'm Comfortable For The Moment.

Commissioner Hall?

I Wanted To Go Back To Budget For Just A Second. We Have A Lot Of Investments Also In Restricted Accounts And Reserve Accounts. We Have Five Different Budget Items. I'm Not Sure If You Want Reserve Numbers On Just The General Funds. A Lot Of Where You're Seeing Us Take Reserves From, I Think It Would Be Helpful When We Have These That The Blue Sheet Shows Us Where The Budget Is Right Now. That Gives Us An Idea, When We're Making These Decisions, How Fast The Money Is Going We Kind Of Know. If I Have To Take -- We Have Another Item Coming Up Right Now That's Gonna Have To Go To Reserves. What Is That Balance To Reserve. What Is Percentage To Budget? If I Take That Out, What Is That Gonna Mean For Us? If That's All On Paper For Us, We're Tracking It. If I Have To Go Back A Year From Now, I Can Easily Find It. That's Kind Of Frustrating. Commissioner Kiker, I Appreciate Where You're Trying To Go. I Think It's Hard To Track These Things Weekly, But The Numbers Are There. You Can Log In Yourself And Look At

What All The Numbers Are. But It's Certainly Easy For Him To Give Them To Us, So We Don't Have To Bother With That. It Would Be Worth Your While. I Spend A Lot Of Time In The Clerk's Office Going Over Investments, Going Over Our Restricted Accounts. I'll Just Make That Suggestion, If You Have Time. They Have A Perspective On Budget. I Think They Work Very Closely With Pete As Well. I Think Give Us All The Accounts. If We're Gonna Go Ahead And Do That Weekly. Give Us All The Accounts, Not Just One.

If I May, I Did Have The Opportunity To Sit Down With Her. Spent A Couple Hours. There's \$985 Million Sitting Out There. I Found That Quite Interesting. It Was A Good Knowledgeable Tour. I Also Discovered Talking With Them That There's Some Percentages That They Manage Too That Are Probably Not Appropriate. Maybe We Can Take A Look At How Those Investments Are Made And What The Calculations And Characteristics Of Those Investments Are. And Secondly, I'm Gonna Be A Little Bit Frustrated In The Fact That I've Discussed This With Staff Before Of Looking At The Blue Sheets. I Think I Had Indications That You Were Gonna Look At Redoing The Blue Sheets To Include Whether Items Are Budgets Or Not, Where The Moneys Coming From And Where The Totals Are. Asked For That About 2-3 Months Ago. So I Hope That We Not Only Include That, But Maybe Better Information Or Different Kinds Of Information That We Can Look At On The Blue Sheets. I'd Like To Include That. Thank You.

I Have A Couple Items Real Quick. Come Back In The Future Based Upon Their Schedule And Have A Ceremony Presentation For The Fgcu Eagles.

Go Eagles!

They've Been A Great Neighbor. Take The Opportunity To Recognize Them. For As Many Team Members As Possible.

Shall We Wait Until There's A New Coach? [Laughter]

Nancy Hamilton Has Been Tracking The P.R. We've Got Massive Coverage. Hopefully, She Can Give Us A Number At The Same Time Of How They Actually Helped Boost Some Of Our Media Numbers As Well. I Appreciate Them Tracking That As Well.

We Have A 25 Foot Eagle Thanks To Commissioner Mann Outside. I'd Like To Ask If We Can Drape An Fgcu Flag Or Uniform Over The Eagle. Do You Have A Problem With That?

I Thought The Photo Op Was Made For The Eagles. We Knew That This Day Was Coming. [Laughter]

I Want To See You Doing That Eagle Dance.

I Thought It Would Be A Good Ceremonial To Do That.

Which One Of You Two Are Gonna Climb Up On That And Put The Uniform On Top Of It?

Ladies First. [Laughter]

Whenever It's Convenient.

They've Been A Great Partner To Lee County. We Definitely Need To Take The Time To Recognize Them.

Good Idea.

Second, I Think Commissioner Hall You Had A Question About The Crew?

Yeah, I've Worked Out That Commissioner Kiker That He Will Swap Crew Representations And I Will Take Disadvantage -- [Laughter]

From Him, Transportation. I Appreciate You Accommodating My Schedule. I Don't Want To Let Crew Down. They're Such An Important Component.

It Works Out Great, Thank You.

Thank You To My Colleagues For Their Support. Thanks To Staff For Working Together. We Have Issues Up There We Need To Make Sure We Get Protection From The State. Some Kind Of Protection. Make Sure We Get Some Funding. We'll Be Up There This Week Lobbying For The County For That. Thank You For Other Board Members For Helping Out With That.

I Have No Other Items. Commissioner Appointees. Commissioner Manning?

None.

Commissioner Kiker?



Yes, I Have Six.

Second.

Commissioner Manning Seconds. Any Objections? No Objections, Motion Carries.

Commissioner Manning Seconds, Any Discussions?

No Discussions, Any Objections?

No Objections, Motion Carries. No Discussions, Any Objections? No Objections,  
Commissioner Hall?

From 2020 Committee, My Opening Doesn't Come Up Until November. I Got Ahead  
Of Myself.

Second.

No Objections, Motion Carries.

I Have A Question. I Have A New Appointment Of Somebody Who Wants To  
Participate In Extension Services While They Worked In Lee County. They're Not A  
Resident Of Lee County. So Can I Not Appoint Them?

I Don't Think That Committee Has A Residency Requirement To It.

Ok, Then I'd Like To Appoint Lucille Murphy.

Second.

No Objection, Motion Carries. County Attorney Items?

Commissioners, Our County Attorney Item Involves Lee County Versus The Clerk Of Courts Based On The Ruling That Was Rendered. We Have Some Issues That We Have To Bring Before The Board. The Consideration Of Whether Or Not To Appeal Is One Of Those Considerations. Along With The Repayments Of Funds That Were Used For The Payment Of The Contract. Which After Speaking With The Clerk.

I Believe In May, They Will Be Bringing Back Some Discussion.

We Will Be Going Out For A Competitive Solicitation. And I Believe That The Contracts Themselves Are Not Up Until The End Of Our Fiscal Year. But We Will Bring Back The List Of Qualified Submitters To The Board. I'm Guessing After The July Break.

He Can Tell You A Little Bit More About When The Contracts Are Due.

The Schedule You're Talking About Is Actually For The State Lobbying Services Contract. That Contract Runs Through The End Of The Calendar Year. We've Got A Little More Time On Those.

The Question Is Also How We Pay For Those Contracts.

I Believe That Staff Is Going To Advise How They're Currently Paying Out Those Contracts?

Commissioners, What We Would Recommend Is That We Incorporate Any Future Contracts Into The Budget Financial Resources. And The Portion Of Natural Resources Is Paid Out Of Unincorporated.

What This Money Can Be Used For, I Think We've Taken Some Great Liberties In The Past With Beach And Shoreline. There Have Been Some Cities Who Have Had Some Grey Areas. This Will Help Us Define What We Can Use As Grants. I Don't Want To Overshadow. The Legislation We've Been Able To Write In Tallahassee, The Protection Act, In Northern Everglades, These Are Millions Of Dollars That Without His Help This County Would Not Be Receiving. Allows Us To Do Cooperative Moneys. I Think We've Been Doing Great Work. I Think There's Been A Lot Of Controversy

About The Dollar Amounts. We Constantly Renegotiate Those. Let Me Apologize To Beach And Shoreline. That If We Use The Wrong Pot Of Money. I'm Comfortable Finishing Up Where We Are And Moving Forward With Whatever Time Is Appropriate. I Don't Want To Confuse Our State Lobbyists. That's Completely Different. Thank You Mr. Chairman.

Thank You. Commissioner Manning?

This Is Gonna Take A Few Minutes. Mr. Chairman, The First Time This Board Discussed This Particular Issue Was On 12-14-2004. 11-22-2005. 2-28-2006, 3-31-2009 And Last, But Not Least, The One That's Been Reported Was

10-23-2010. There Were Three People Who Voted In Favor Of Continuing The Contract. That Would Be Commissioner Hall, Commissioner Manning And Commissioner Judith. When In Fact, I Have The Transcript Of The Meeting. Commissioner Mann Made The Motion To Move -- It Was Rare For Five Of Us To Get Together And Vote On An Issue. I Want To Appeal This, And I'm Probably The Only One That Does. In All Of The Documents That I Have Going Forward, He Never Was Described Or Defined As A Lobbyist. He Was Always A Consultant. The Federal Contract Was Connected In 2009. Unfortunately, Some Of The Stuff Happened Before I Got Here. But I Want To Make -- Linda, I'm Glad You're Here. There Was Never An Audit Done That An Issue Was Raised Under There Particular -- I'm Not Asking You To Come To The Podium, But I Think We Need To Get The Facts Out There. And The Facts Are Very Simple. This Issue Was Raised For Reasons

Probably Other Than The True Character Of The Reason. I Believe That The Judge Made A Mistake. And Linda, We Love You. Thank You, Mr. Chairman.

I'm Glad You Brought That Up, Commissioner. I Was Here That Meeting In 2010. I Remember That.

I Just Want To Say, For The Record, You Did Have A Judicial Ruling. And The Judge Looked At Those Contracts. And We're Just Trying To Pay The Money Out Of The Right Fund, As You Understand. And I Am Recommending That You Move Forward With The Reimbursement On The Account.

It Was A Very Nice History You Presented There.

Commissioner Hall?

In My Briefing By The County Attorney, The Statute Says That Beach And Shoreline Statutorily Whether It's Consultants, Whether It's Lobbyists That Those Dollars Cannot Be Used.

They Really Need To Be Used In The Relationship To The Construction Of A Project. Which Means An Architect Or Engineer As Long As Associated With The Actual Construction. It's Probably A Grey Area To Say If Greg Is Working With Construction Of The Project Because He's Working With Reimbursement. I Don't Have A Problem, Especially John, Moving Him. It Is Really Working More On Restore And Surface Water Management Issues With Us Now. Greg Is Where My Contention With The Judge Really Lies. That Really Lies Truly In Beach And Shoreline. Without Those Federal Dollars, We Would Not Have Been Able To Do The Town Of Fort Myers Beach. Because That Was 100% State And Local. There Would Have Been Not Enough Fun To Do That. But At The End Of The Day, I Think We Need To Clean Our Books, If You Will. And Then Maybe Have Andrea And John Present Us With If We Truly Want To Appeal. This Will Affect The Entire State. I Don't Think We Can, Based On The Information That I Got This Morning From Staff, I Don't Think We Can Survive An Appeal. I Really Don't Want To Spend Dollars To Do That. I'd Like Us To Move Us. I Think What We've Done Here Is, As Linda Said, Let's Just Pay It Out Of The Right Pot Of Money And What's Appropriate. Because All Of It Is Good. We're Getting Projects Done Down The Road. Isn't That The Goal To Insure That We Have Clean Water On Our Beaches And Great Eco Tourism Is The Third Leg Of Our Stool.

Commissioner, I've Asked Andrea To Fashion Language For Motions Because She Needs Direction From Us Today, One Way Or The Other. Believe Me, I'd Love To

Repeal As I Said Before. But In The Second D.C.A., You Have To Have A Very Compelling Reason To Do That. Chances Are Slim And None.

Ok, Great.

Would You -- ?

Commissioner Chairman, Before She Does Let Me Offer A Couple Comments Here. Thank You For That Reminder On How That Historic Sequence Came Together. And With My Offering The Motion. If It Was In The Year Of 2010, Which I Think Is What You Said, When I Made The Motion To Spend The Money Out Of The Tourist Development Funds, I Can Imagine I Would Have Done That. I Don't Remember Specifically About It. But That Was At The Height Of The Recession When We Had No Revenue Money. If We Were Gonna Hire Somebody, This Was A Suggestion And It Seemed To Make Sense To Me.

At Least There Was Recurring Dollars There. And They Weren't Plunging. Not Surprising I May Have Supported That Source Of Dollars At The Time. I Would Like, Though, To Say In This Discussion That We Have Had So Many Discussions On Whether He Was A Consultant Or A Lobbyist Or A Lawyer. And Here It Is One More Time. And We Still Don't Know What He Is. But I Can Tell You This, When I Was Chairman Of The T.D.C. A Couple Years Ago And He Was Giving His Annual Report To Us, He Proudly Pointed Out How He Had Lobbied For Some Of The Dollars That We Had Gotten. So I Know He Is A Lobbyist. What A Consultant Is, I Don't Know. Sometimes I'm Not Sure What A Lawyer Is. But We Have Hired Him, I Think, Or Used Him In All Three Capacities. Whichever You Want To Call Him. But What Troubles Me Mostly About His Contract, And I've Known Him Longer Than I Believe

Anybody In This Room With The Possible Exception Of The Curly Headed Fella In The Back Who Used To Work With Him At The Water District Over There. I Was On The Water District Board When He Was The Chief Attorney There. He Is A Very Competent Lobbyist, Consultant And Attorney. All Three, Pick Him For Any One You Want. What I Have Always Been Most Uncomfortable About, And I Discussed This Briefly With Staff This Morning, Is What I View As The Lack Of Clear Direction As To What In Fact He's Supposed To Be Doing. I Asked For A Copy Of His Contract Yesterday So I Could Kind Of Review And Get Ready For This Today. And The Contract I Got Was The One He Actually Has With Utilities That Some Of Y'all May Not Be Aware Of. We Pay Them Every Month Like Clock Work To Do, I'm Not Real Sure What. And I'm Letting Staff Kind Of Review That And Tell Me Why We Get A Check For \$3900 A Month. In Addition To The \$200,000 That We're Paying. That's Just Under A Quarter Million Dollars A Year. We're Paying One Attorney. And I'm Not Sure Who He Answers To And What His Specific Direction Is. But I Know A Whole Lot Of Attorneys In Lee County. And I Bet 80% Of Them Or More Don't Make A Quarter Million Dollars A Year. And We Are One Client Paying One Attorney, Consultant, Lobbyist A Quarter Million Dollars. And I Am Insisting That Staff Do A Very Thorough Job Of Reviewing What That Contract Calls For And Whether We Could Do It Ourselves And Why We Have Any Contract That Says \$3900 A Month Year After Year After Year Without A Better, Clearer Understanding Of What That Money Is Being Sent For. And Truly, My Question Is, What Is So Sophisticated That We Can't Do Internally? I Don't Want That Answer Now, But I Do

Want It Later. And I've Asked Ms. Andrea Over There To Let Me Know What Relationship Their Office Has With Him. And Why They're Not More Directly Involved In That Quarter Of A Million Dollar Annual Expenditure, Which I Worry About. It's A Bunch Of Money, No Matter When It Comes From. I Appreciate Your

Wanting To Know More About That.

Thank You.

Commissioner Manning?

Could I Ask Andrea To Fashion A Motion, So We Can Move On From The Subject?

I Just Want To Make Sure All Discussions Are Over. We Would Bring Back A Blue Sheet Directing The County Attorney's Office Not To Appeal The Court's Ruling In Lee County Versus The Clerk Of Courts. Transfer From Either The Mstu Or General Funds Reserves To The Tax Fund Beach And Shoreline.

I'll Move The Motion.

Second.

Commissioner Manning Moves, Commissioner Hall Seconds. Any Other Discussions?

Any Objection? No Discussion, Motion Carries.

And Then Lastly, We're Gonna Have A Discussion About The Contract Itself At A Future Date. Do We Have To Set That Now?

Contracts For Both Attorneys?

There's Only One -- We Could Certainly Review John's Contract And Greg's



Contract. I Don't Have A Problem With That. They're Both Coming Up For Renewal. We Can Talk About What We're Gonna Do With Them For The End Of The Year And Get More Specific. I Think That's Healthy And Good And Transparent.

Mr. Chairman, I Believe That Utility Contract Is An August Contract.

Yes, It'll Expire At The End Of This Fiscal Year.

So Between Now And Then, That Needs To Be Part Of Our Review.

Thank You, Commissioners.

Anything Else?

Meeting Is Adjourned.