

**September 30, 2008**

Chairman Judah: Good Morning.

We'll Get Started With The Board Of County Commission Meeting Of September 30, 2008.

Nice To Have Everybody In Attendance And Those Listening And Viewing.

We'll Start With The Invocation From Pastor Williams.

Good Morning.

Great God Of All Creation, We Stand Here In Praise And Thanksgiving.

Yes, In Awe And Honor To Your Name As The First Priority Of This Day's Agenda.

Our Commissioners Have Called Us To Invoke Your Blessings, To Give Wisdom From The Almighty In The Deliberations And Decisions Facing Them This Day.

We Also Stand Together With Anxiety And Fear As Our Nation Faces An Unprecedented Economic Crisis This Very Day.

We Pray For Those Both Local, Worldwide Who Live In Their Financial Insecurity, Who Face Unchosen Consequences Of Greed And Selfishness, Corruption Whether From Individuals Or Government Leaders Or Corporate Management.

We Join In Spirit With Our Jewish Believers Who Today Are Traditionally Going To Join Together In Holy Days To Infuse Their Prayers With Repentance.

We Join In That Spirit With The Prayers For Forgiveness.

We Confess The Sins Of Our Nation As Shared In The Words Of Paul Harvey's Radio Spread Throughout The Neighborhood.

These Words, Some Of Us Pray From Our Hearts.

Heavenly Father, We Come Before You Today To Ask Your Forgiveness, To Seek Your Direction And Guidance.

We Know Your Word Says Woe To Those Who Call Evil Good, But That Is Exactly What We Have Done Sometimes.

We Have Lost Our Spiritual Equilibrium And Reduced Our Values.

We Have Exploited The Poor And Called It The Lottery.

We Have Rewarded Laziness And Called It Welfare.

We Have Killed Our Unborn And Called It Choice.

We Shot Abortionists And Call It Justifiable.

We Have Neglected This On Our Children And Call It Building Self-Esteem.

We Have Abused Power, Called It Politics.

We Have Coveted Possessions And Called It Ambitious.

We Have Called Pornography Freedom Of Expression.

We Have Ridiculed The Time Honored Values Of Our Forefathers, Called It Enlightenment.

Our Pray, Search Us, O God, Know Our Hearts Today.

Cleanse Us From Sin And Set Us Free.

And For All Of Us Who Pray, In The Words Of John Greenfield Whitaker, Dear Lord And Father Of Man Kind, Forgive Our Foolish Ways.

Reclothe Us In Our Rightful Mind And Pure Lives That Service Finds In Deeper Reference Prays.

So God Of Love, Grace And Mercy, In God We Trust, God Bless America This Day, Amen.

Chairman Judah: Thank You, Pastor.

Please Remain Standing.

I Pledge Allegiance To The Flag Of The United States Of America.

To The Republic For Which It Stands, One Nation Under God, Indivisible With Liberty And Justice For All.

Chairman Judah: Thank You, Pastor.

We Have A Number Of Ceremonial Resolutions But On Item 15-B The Request Of The County Attorneys We'll Ask That Be Deferred To October 14.

The Chair Will Entertain A Motion.

Comm. Hall: So Moved.

Chairman Judah: Seconded By -- Commissioner Janes.

Discussion, Objection? Hearing No Objections, The Motion Passes. We Do Have A Walk-On Item Number One And Two.

Thank You.

Now We Go To The Ceremonial Presentations.

The First One Is Recognizing White Cane Day And I'm Going To Ask That Larry Newman And Joyce Thornton, If They Could Please Step Forward.

Holly Or Pete, If You Could Assist, That Would Be Wonderful.

Good Morning, Folks.

Nice To Have You Here Today.

I'm Privileged To Read This Resolution.

Whereas More Than 3500 Citizens Of Lee County Are Blind, Whereas The White Cane By Allowing Every Blind Person To Move Freely And Safely Place To Place Makes It Possible For Him Or Her To Participate Fully And Contribute To Our Society, Whereas Florida Is A Highly Urban State With Steadily Increasing Traffic And Widening Roads And Many Residents And Visitors Find Crossing A Public Street Or Highway On Foot Challenging.

Whereas Approximately 74,000 Sight Impaired Pedestrians In Florida Face Additional Challenges In Completing Trips Including Crossing Intersections, Whereas Motorists Should Be Aware That Yielding To Blind Pedestrians Attempting To Cross The Street Carrying A White Cane Or Using A Guide Dog Is Florida Law And Whereas The Council For The Blind, The Veterans Association, Southeastern Guide Dogs, Angel Flight, The Visually Impaired Persons Center, The Guide Dog Foundation, Lee County Radio Reading Service And The Lions Club Of Fort Myers Beach And Cape Coral Are Organizing The Fifth Annual White Cane Walk-A-Thon To Raise Awareness And Funds For The Blind Community In Lee County On October 11, 2008.

Be It Resolved By Lee County Florida That We Proclaim October 11, 2008 As White Cane Day, A Day Of Special Importance And Worthy Of The Recognition Of The Citizens Of Lee County.

Executed This 30th Day Of September, 2008 And As Chair Of The Board I Was Proud To Sign It.

I Will Bring This Resolution Down To You And Walk You Just In Front Of The Dais So We Can Take A Couple Of Photographs Which We Would Appreciate.

Then We'd Like To Hear From You.

Hold On One Second, Please.

On Behalf Of The Eight Agencies That Work Daily All Year Long To Promote The Welfare And Opportunities For Visually Impaired Persons In Lee County, I Thank You Very Much For This Proclamation The First Time Of Lee County White Cane Day In Accordance With The National White Cane Day Which Is October 15th.

We Thank You Very Much For Acknowledging Our Walk-A-Thon And If Any Of You Want To Come On Down On The 11th, Enjoy Barbecue, Enjoy Fellowship And The One Day Of The Year That We All Work Together For The Promotion Of Our Handicapped Citizens, Thank You.

Chairman Judah: Thank You So Much.

Larry, Would You Like To Comment? We're Usually Appearing Before The Commission To Ask You To Reconsider Public Transportation Cuts, So This Is Much Less Stressful For Us.

You Have Always Given Us A Warm Welcome.

You Have Always Listened To Our Concerns, We Very Much Appreciate The Consideration You Always Give Us And This Ceremonial Resolution Today Which Recognizes The Special Challenges And Hopefully Will Remind The Drivers In Lee County That There Are People Out There Who Need Them To Pay A Little Bit Of Extra Attention To Make Roads Safe For Everybody.

Thank You Very Much.

Chairman Judah: Thank You, Larry.

[Applause] Chairman Judah: It Was The Privilege Of The Board To Restore Full Funding For The Public Transportation System.

Thank You.

The Next Resolution Concerns National Estuaries Day.

Earnesto, Good Morning, Sir.

Good Morning.

Chairman Judah: Commissioner Hall, I Apologize.

We'll Take You Up In A Moment.

Good Morning.

Whereas Charlotte Harbour Was Designated As An Estuary Of National Significance In 1995 And Accepted Into The National Estuary System, One Of Four In The State Of Florida And One Of Only 28 In The United States, Whereas The Charlotte Harbor National Estuary

Program A Partnership Of Citizens, Elected Officials, Resource Managers And Resource Users Who Are Working To Improve The Ecological Integrity Of The Greater Charlotte Harbour Paur Shed Approve Ed And Developed A Conservation Management Plan For The Water Shed In February Of 2000 That Was Updated In 2008.

Whereas Where Rivers Meet The Sea Are Vital Components To The World's Eco-System.

Serve As Nursery Grounds For Fish And Shell Fish Consumed By Mesh Qualities And Improve Water Quality, Act As Buffers To Protect Shorelines From Erosion And Flooding And Protect Area For Wild Life.

Whereas Charlotte Harbour National Estuary Program Will Celebrate The Day With Its Program Partners Offering Investigated Walks, Boat Tours, Marine Exhibits And More From September To November 2008 With Event Details Posted On The Internet At Chnep.Org.

We Hereby Proclaim September 27, 2008 As National Estuaries Day And Urge The General Public To Recognize This Importance Natural Resource.

Executed September 30, Signed By Myself As Chairman Of The Board.

[Applause] Chairman Judah: We'd Love To Hear From You.

Just A Very Short Word.

Thank You Very Much For The Support That The Commissioners Gave To The Charlotte Harbour Estuary Program.

It's A Joint Group Of Many Agencies And Citizens All Working Together For The Beauty Of This Area, The National Estuary And Our Estuary Which Is Not Just In Lee County.

It Goes All The Way From Venice, Even Winter Haven.

It's All The Rivers That Come And Join Waters Down To Charlotte Harbor.

So That Is A Very Important Resource.

We Are Celebrating With All Kinds Of Activities, As You Mentioned.

We Have Wading Trips, Canoeing Trips And Clean-Up.

All The Activities Are Taking Place And I Encourage Citizens To Attend And Look At The Schedules And All The Things We Are Doing.

It's A Day Of Celebration And We Definitely Like To Enjoy This Area.

Thank You So Much Again And Appreciate It.

Chairman Judah: Thank You, Ernesto.

[Applause] Chairman Judah: Commissioner Hall, I Appreciate Your Patience.

You Are Next Up For Family History Day.

Comm. Hall: Thank You.

I Appreciate It.

Is Carol Rooksby Here? If You Have Other Guests, You Can Bring Them Up Also.

If They Would Like To Join You At The Podium, That Would Be Lovely.

Family Is Our Most Valued Asset.

Knowing Our History Is So Important.

It's My Honor Today To Read The Resolution On Behalf Of The Board.

Whereas October Is Nationally Recognized As Family History Month And Whereas The Board Of County Commissioners Demonstrated Support For The Collection And Preservation Of Jean Logical And Historical Materials And Resources In Lee County And Whereas The Study Of Family History Is One Of The Most Popular Avocations For People Nationwide And In Lee County.

And The Fort Myers Lee County Library Provides Access Through Its Jean Logical Collection To Important Research Materials On Family History.

Whereas The Library Was Honored This Year By A National Publication, Family Tree Magazine, As One Of The 50 Libraries Across The Country To Be Awarded For Contributions To Success.

Whereas The Fort Myers Library Will Hold A Series Of Five Research Workshops Of Family History Starting The Last Saturday In September And Continuing Every Saturday Through October.

Whereas Lee County Society Will Announce On September 23 Ed Venture Page Of The News Press That A Family History Essay Contest For Middle School Youth Will Be Held In October And Whereas Interest In Our Personal Family History Transcends All Cultural And Religious Affiliations And Gives Us A Sense Of Heritage And Responsibility In Carrying Out The Legacy Of Our Ancestors.

Be It Resolved By The Board Of County Commissioners Of Lee County, Florida That We Hereby Proclaim The Month Of October 2008 As Family History Month In Lee County And We Urge Residents To Recognize The Importance By Celebrating Family Heritage.

Signed This September 30, 2008 By Chairman Raymond Judah.

[Applause] Chairman Judah: Thank You, Kim.

We'd Love To Hear From You.

Commissioners, My Name Is Carol Rooksby Widelick And That's Difficult At Times.

I'm Proud To Be Here On Behalf Of 271 People Who Are Members Of Our Society.

Also To Tell You That The Society Will Be Celebrating This November Our 33rd Year In Existence.

We Are Happy To Accept This Proclamation Declaring October As Family History Month.

As You Heard In The Proclamation It's Very Important To Us And We're Doing A Lot To Make Sure The Residents Of Lee County As Well As Those Outside Of Lee County Can Get Help From Us To Find Ancestors.

We Have Been Pleased To Work With The Fort Myers, Lee County Library.

We Are Thrilled That They Won Their First Libby Award From The Magazine And We Are Hoping For Many Awards In The Future.

I Would Like To Thank You All Personally.

You Have Continued Your Support Over The Years And Supported Our Endeavors To Preserve The Past And Enrich Our Future.

So For Everyone From The Society And In Lee County, Thank You Very Much.

Chairman Judah: Thank You.

[Applause] Chairman Judah: Thank You, Commissioner Hall.

The Fourth Ceremonial Presentation Recognizing Change The World With Energy Star Campaign And The Challenge Will Be Read By Commissioner Bigelow.

Comm. Bigelow: Thank You.

It Is My Honor To Present To The Green Team -- Is Marta Avilia Here? And The Green Team.

Marta, Would You Introduce The Green Team To Us? Just Take The Mic There.

Chairman Judah: Good Morning.

Good Morning.

Well, Thank You So Much, Commissioners -- Comm. Bigelow: I Just Wanted To Be Sure We Recognize The Green Team Members By Name First.

The Green Team Has Nancy, Cindy, Erica, And Karen.

Well, Actually John Is Not Here And Felipe Hernandez Is At College, But We Have Nine Members.

Comm. Bigelow: So The Green Team Is Larger Than Represented Here And Probably Growing.

Good.

It's Good When Green Things Grow.

Comm. Janes: Not Weeds.

Comm. Bigelow: Whereas Lee County Is Challenging Its Residents And Employees To Change The World And Drive Smarter As Part Of The National Association Of Counties, National Competitions Change The World, Start With Energy Star Campaign And The Drive Smarter Challenge.

And Whereas The Change The World Campaign Formerly The Change A Light Campaign Is An Energy Efficiency Campaign In Which Counties Collect Pledges From Employees And Residents To Not Only Change A Light In Their Home To An Energy Efficient One But To Take Other Actions To Save Nshlg.

Energy-Saving Actions Include Power Managing Computers, Choosing Energy Star Appliances Or Properly Programming Home Thermostats And Whereas The Drive Smarter Challenge -- Just A Note Here, Smarter Is With A Dollar Sign -- The Drive Smarter Challenge Is A Fuel Efficiency Campaign Launched May 20 By The Wal-Mart Foundation, Naco And 16 Additional Diverse Public And Private Sector Partners To Help U.S. Consumers Lower Gasoline Costs By Using Less.

The Campaign Offers Effective Money And Gas Saving Tips In English And Spanish And Extensive Resources Aimed At Keeping More Money In Driver Pockets And Reducing The Number Of Costly Trips To The Pump.

Therefore Be It Resolved By The Board Of Lee County Commissioners Of Lee County, Florida That We Hereby Accept Both Of Naco's Challenges And Encourage Residents And Employees To Take The Pledge Helping Each Other Save Money And Be More Environmentally Friendly At A Time When The Economy, Rising Fuel Prices And The Environment Are On Everyone's Minds.

How True.

This Has Been Executed This 20th Day Of September, 2008 And Signed On Behalf Of The Board Of County Commissioners By The Honorable Chairman, Commissioner Ray Judah.

Marta, If You Would Come Forward With The Green Team, We'd Like To Present This To You.

[Applause] Good Morning Again, Mr. Chairman And Distinguished Members Of The Lee

County Board Of County Commissioners.

Commissioner Bigelow Who Has Been Instrumental For This Resolution.

Lee County Has Been A Leader In The Whole State Of Florida In Many Areas Of Development.

We Are Convinced That With Education Across All Levels Of Society Incorporating All Ages, Gender And Ethnic Groups Our Position Can Only Be Elevated.

The Future Of Power Is Completely Aligned With The Future Of The Citizens, Especially Our Children.

It Is Our Aim To Continue Working To Propose With A Purpose Positive Changes That We Create The Right Environment.

The Future Is In Our Hands And The Hand Is Reaching Out To The World.

I Really Appreciate The Efforts Of The Board Of County Commissioners And We Really Appreciate Your Support At The Extension Service Especially In Sustainable Lee Program And Especially With Our Great Green Team.

So I Really Appreciate Your Efforts, Thank You.

Chairman Judah: Thank You, Martha.

[Applause] Chairman Judah: And Thank You, Commissioner Bigelow.

I Just Want To Compliment Martha And Quite A Number Of The Members Of The Green Team.

I Had A Recent Opportunity To Accompany Them To The Labelle Grows In Hendry County To See A 25-Acre Plot Of Land That Had Been Planted In Trees.

They Are Doing Quite Well, All For The Purpose Of Ultimately Expressing Biodiesel By Using The Seed Oil As The Seed Stock.

So I Really Want To Commend The Green Team.

They Are Making Great Strides In Helping To Build The Economy And Increase Awareness With Regards To Environmental Concerns.

We Appreciate The Efforts.

Ernesto, I Appreciate Charlotte Harbor National Estuaries' Volunteers.

A Couple Weeks Ago We Had An Occasion Where 150 Volunteers Including Florida Gulf Coast University And South Florida Water Management District And Department Of Environmental Protection Put Together An Oyster Reef In Estero Bay.

I'm Thankful To You For Being Involved.

People Can Make A Difference Volunteering For Those Programs And Certainly The Information You Have Put Together To Substantiate The Board's Decision To Take On The Phosphate Industry Which Is So Devastated The Entire Watershed That You Spoke Of North Of Us That Affects Charlotte Harbor.

We Thank You For Your Good Work.

Again To The Green Team.

Appreciate You Very Much.

Thank You, Commissioner Bigelow.

We Want To Go Ahead Then To The Public Comment On The Consent And Administrative Agenda And I Have A Few Cards Here.

If There Is Anyone Else Who Wishes To Speak, They Are More Than Welcome To Turn In A Card.

Kevin Shaye.

Would You Like To Speak? Kevin Shaye, For The Record.

On Your Appeals Agenda Today, Will The General Public Be Allowed To Comment On That Proceeding At The Time Of The Appeals? Chairman Judah: Yes.

At The Time Of The Appeals Hearing? No, Now.

General Public Now.

Participants When It's Called Up.

That's What I Wanted To Clarify.

Chairman Judah: Believe Me, I Will Listen To The Attorney's Office On Protocol.

Kevin, If You Would Like To Speak On That, Right Now.

Again For The Record, Kevin Shaye, Lehigh Acres.

On The Appeals Hearing That You Have Coming Up Here, I Note Having Also Reviewed One Of Your Prior Bid Protest Hearings, I Speak From Some Experience As A Retired United States Federal Administrative Hearing Officer And I Believe That There Is A Fundamental Violation Of Constitutional Due Process Of Law As Provided In Article V Of The Constitution And 14 Of The Procedures Of The Florida State Constitution.

When You Have A Person Making -- Or A Board Making An Initial Determination -- And It Doesn't Matter What The Subject Matter -- Be It A Disability Decision As I Was On A Disability Board Or These People On A Contract Board Or A Bid Board And Then To Have One Or More Of These Members Sit On The Appellate Review Board Is A Violation Of The Fundamental Principles Of Appellate Review.

It Is Strictly Prohibited.

You Cannot Both Be Involved In The Initial Decision And Then Also Sit On The Appellate Body That Reviews The Initial Decision.

Whether You Have Done It Like This In The Past Does Not Make It Right.

I Bring This Matter To You As Fundamental Law.

May I Proceed To Regular Comment? Chairman Judah: Sure.

O.K.

You Also Have Before You Today An Issue Of Grave Concern For The Citizens And Voters Of This Community Concerning Your County Manager.

Again, I Speak From Some Experience And Expertise On This Matter.

A Commissioner Should Not Have To Be A Skilled Attorney, Competent In Asking Inquiry And Interrogation, But Is Due From High Level Officials Candor In The Response To Inquiries.

When You Are A Member Of The Public Government And You Are A Public Servant, You Are Held To Very High Standards.

And When I Was A Public Servant, I Was Admonished Though There Was Nothing Legally Written, It Was Understood As A Matter Of Professionalism That You Did Not Wheel And Deal In The Private Sector.

If You Wanted To Be A Part Of The Private Sector, You Joined The Private Sector, Which I Had Previously Been In.

You Were Admonished To Stay Out Of Real Estate, Insurance And Any Other Matter That Might Come To General Attention.

The Admonishment Was "We Don't Want To Hear From You In The Newspaper Except For An Award And Commendation".

I Also Bring You To The Great Comments Of Warren Buffet When He Said That If You Have To Ask The Question, It's Probably Wrong.

And Also To The Comments Of Bill Gates, This Line Of Conduct Should Be So Far Above Reproach That You Cannot Even See It In The Horizon.

Your Conduct When You Are A High Level Government Official Must Be Above Reproach.

You Must Do Nothing Which Engenders A Situation That Impairs The Trust, Faith And Confidence Of The People In Their Government.

Chairman Judah: Thank You, Kevin.

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Thank You Very Much.

Chairman Judah: Certainly.

George Wheaton Followed By Neil Montgomery.

Good Morning, George.

Good Morning.

Mr. Chairman, Commissioners, For The Record My Name Is George Wheaton.

I Don't Know What Role I'm Here For Today Other Than I'm A Citizen, But I Am Privileged To Be On The Conservation 2020 Committee.

I'm Hear On Administrative Item 6-B.

I'm Here To Support The Staff To Reject The Owner's Offer To Sell.

Let Me State Plainly That I Never Fought For Any Property Owner To Try To Get His Asking Price For Property.

I'm Not Faulting Any Property Owners.

I'm Just Saying That They Are Asking More Than What Apparently County Land Says It's Worth.

We, As Members Of The Committee -- And I'm Not Representing The Members Of The Committee.

I'm Representing Myself Personally.

But As Members Of The Committee, We Are Instructed Constantly Not To Ever Take In Consideration Asking Prices For Property.

Well, I Have A Little Trouble With That Because Of My Profession Is Real Estate.

So I Do Look At The Asking Price, But I Still Look At It As To The Merits Of The Property Always.

In This Case, I Don't Want To Set A Precedent.

We Start Going Above What The Asking Prices Are.

As An Example, This Company Is Off The Six Mile Cyprus Slew.

It Will Be Separated By An Apparent Road At Some Point In Time And It's Not Really -- It Will Be Not Connected Once The Road Is Done.

We're Looking Presently At Almost 900 Acres Of Land To Connect To The Slew North Of State Road 82 To Purchase.

Hopefully We'll Have The Money To Do It.

We're In Very Trying Times Now.

Money Is Tight.

Conservation 2020 Didn't Get A Budget Cut.

We Got A Lot Of Money, But We Need To Be Diligent On How We Spend That Money.

We Should Be Buying It For 50 Cents Or 25 Cents On The Dollar Right Now.

That's Not Good For The Economy, But It Is Good For The Conservation 2020 Program.

My Only Purpose Is To Say I Would Prefer Not To Set A Precedence By Going Over And Above What County Land Says Diligently Studied The Value Of The Property To Be Worth.

So Thank You For The -- Chairman Judah: Thank You, George.

Neil Montgomery Followed By Thomas Messina.

Good Morning.

I'm Here On Behalf Of Item 6-A.

This Is On Your Agenda To Be Acquired.

I Would Note That I'm Glad Mr. Wheaton Is Here.

He Went Out On Behalf Of Class Act And Looked At The Property Along With Bill Burdett On Behalf Of The Buckingham Conservancy.

There Is A Diversity Of Habitat And Wild Life On The Property.

The Property Is In The Middle Of Buckingham And Would Benefit From Not Being Subdivided Into One-Acre Tracts.

The Seller Had An Appraisal -- Well, Has An Appraisal At A Higher Price But Have Reached Accord With The Staff.

I Would Encourage You To Support Item 6-A.

If There Are Questions, Let Me Know.

Chairman Judah: Thank You.

I Think We Have A Question Already.

Comm. Bigelow: Are You Representing The Property Owner? Yes, Sir.

Chairman Judah: O.K.

Thomas Messina? Good Morning.

Good Morning.

I Anticipated That My Comments Would Be After The Comments Of The Investigation.

Chairman Judah: No.

We Receive The Public Comments Now.

I'm Not Sure With The Comments That I Have Before I Hear What The Investigation Concluded -- Chairman Judah: The Public Comments Regarding This Issue Is To Be Heard Now.

Then We'll Hear From The Third Party Investigator.

Well, I Will Listen To The Investigation And Then Comment.

Chairman Judah: You Won't Be Able To.

All Right.

Thank You.

Anyone Else Wish To Comment Where I Don't Have A Card? Hi, Steve.

I Thought You Had Turned In A Card.

If Not, We Can Get One Filled Out. Good Morning.

Good Morning, Commissioners.

My Name Is Steve Maxwell, For The Record.

I Just Want To Support What Mr. Wheaton Has Brought To Your Attention.

I Think It's Important That You Look At That In Terms Of, One, The 2020 Issue Of Going Over The Asking Price.

We Know What Six Mile Cyprus Is About And What The Initiative Is.

At The Sake Of Not Overriding Your Own Staff And What County Lands Have Found And If We Are Paying More Than The Actual Dollar Amount Yields In Market And Especially With The Derivative In Terms Of Current Prices Of Land, I Would Caution At This Point And Really Look At It.

I Used To Serve On The Six Mile Cyprus Development Review Board.

I Believe You Appointed Me, Commissioner Janes.

I Continue To Watch This Assemblage Taking Place And I Think It's Good.

But I Don't Think In The Name Of, Quote/Unquote, The Environment We Should Be Forsaking The Public In Terms Of Economic Efficiency As To Actual Cost In Relationship To The Variety Of Habitat That Was Just Pointed Out By Attorney Montgomery.

You Look At The Habitat And Can't Really Justify The Cost.

Then To Say We Can Come Back With One-Acre Subdivided Lots.

You Look At The Plan And The Issue In Question Is What Spear Headed This Particular Initiative.

We Need To Save It To Do Something With I That Aids And Abets The Water System.

Especially In That Area Where There Is Intense Development Taking Place.

There Will Be Continued Development In Terms Of The Market Time.

And That's What's Important.

So I Think If We Have A County Lands Staff, We Need To Support Them.

Obviously They Have The Training And Experience To Come Up With The Numbers.

So That's Where I Would Leave It In Terms Of A Suggestion And A Recommendation.

You Can Justify And Rationalize It By Saying, Look, This Is The Market.

This Is Where We're At.

We've Looking Out For The Public Interest.

I Believe You Are All Interested In The Public Over What The Private Interest Is Trying To Say, Hey, How About It? Thank You.

Chairman Judah: Thank You, Steve.

If You Could Fill Out A Card.

Anyone Else From The Public Wish To Comment? Seeing None, We'll Go Back To The Board.

Items To Be Pulled On The Consent Agenda, Commissioner Bigelow? Comm. Bigelow: I'm Tangled Up Here.

Mr. Chairman, May I Suggest That We Take The Headline Act First? Chairman Judah: What Is That? Comm. Bigelow: Well, The Investigation Of The -- That's An Issue On The Administrative Agenda.

That Will Be Last.

Comm. Bigelow: Can I Just Get My Thought -- Chairman Judah: Of Course.

Comm. Bigelow: We Have A Lot Of County Staff Present.

Chairman Judah: We Do.

Comm. Bigelow: To Back Up The County Manager And That's A Testament To His Tenure Here.

I Think Maybe In Recognition Of The Large Number Of Staff Members Here And The Media And Folks Who Are Paying Attention To This Particular Issue, Specifically That If We Were To Take This Matter Up First Then It Would Allow The County Staff Especially To Get Back To Work.

Chairman Judah: Actually, Staff Is Here For A Lot Of Issues On The Consent And Administrative Agenda.

We'll Take Care Of The People's Business Including That Regarding County Manager Stillwell.

I Would Go Ahead With The Way The Agenda Is Set Up.

Do You Have Items To Be Pulled? Comm. Bigelow: I Have Six.

8-B, 11-B, 11-F And E.

I Can Take Those Together If You Like.

And 14-F And G.

I Can Also Take Those Together.

Chairman Judah: And That Will Do It? Comm. Bigelow: That's It.

Chairman Judah: Commissioner Mann? Comm. Mann: 14-H, 17-B.

That's All.

Chairman Judah: Commissioner Janes? Comm. Janes: Yes, 3-B.

Chairman Judah: D As In Dog? Comm. Janes: B As In Boy.

Chairman Judah: 3-B, O.K.

And -- Commissioner Hall? Comm. Hall: I Have None.

Chairman Judah: I'm Sorry.

Did You Have Another One, Commissioner Mann? Comm. Bigelow: No.

He Was Sharing With Me.

Chairman Judah: The Chair Will Entertain A Motion On The Balance.

Comm. Hall: So Moved.

Comm. Janes: Second.

Chairman Judah: Discussion? Objection? Hearing No Objections, The Motion Passes. Comm. Janes: You Have None To Pull? Chairman Judah: I Had One I Wanted To Make Sure We Got The Report Regarding The Flooding Situation And That's Been Pulled.

Commissioner Bigelow, 8-B.

Comm. Bigelow: Thank You, Mr.

Chairman.

This Is Another One Of Our Selection Committees, The Make-Up Of Which I Can't Support.

We Can Move To The Adoption And I Will Vote Against.

Chairman Judah: Motion By Commissioner Janes.

Seconded By Commissioner Hall.

Motion Passes, Commissioner Bigelow Descents.

Comm. Bigelow: This Is On The Consent Which Is Interesting, But This Is The Update From

County Management With Respect To Tropical Storm Fay Flooding.

Chairman Judah: Good Morning, John.

Good Morning.

For The Record, John Wilson, Division Of Public Safety.

As Part Of This Review I Would Like To Have Two Other Staff Come Up And Give Their Respective Reports.

One Will Be Bobby Stuart From Building Official On The Situation With Those Units That Are Unsafe To Enter And Then Anne Arnold From Human Services To Give You An Overview Of The Long-Term Recovery Efforts That Are Currently Being Done.

I Will Focus On The Shelter And Emergency Road Operations.

Both Continue, But We Think We'll Be Able To Get People Back Into Salvador And Those Units That Are Habitable Either Today Or Tomorrow.

The Well Situation Or The Water Situation Seems To Be In The Last Stages Of Getting Repaired.

It Just Requires An O.K. From The Department Of Health As Far As The Well System Is Concerned.

We're Having A Meeting This Afternoon With The Various Agencies To Determine An Appropriate Procedure For Returning Those People That Can Return In Manta Christian And Those In The Salvador Camp Would Be Pretty Much Everyone That Had A Unit There.

Our Road Operations Continue.

We Continue To Get Requests From Citizens Regarding The Access On The Roads.

Certainly These Rains That We Continue To Get On A Weekly Basis Is Not Helping That Any.

We Evaluate Each One On A Case-By-Case Basis For Emergency Vehicle Access And Then Provide Rock Where Access Is Unavailable.

That Effort Continues As We Speak.

I Think One Of The Walk-Ons Today -- I Believe It's One Or Two -- We Were Requesting Extension To State Of Local Emergency To Continue The Operations Until They Come To Completion.

With That, Any Questions Regarding Anything That I Have Covered So Far? Chairman Judah: I Do.

Do Any Of The Other Commissioners? Comm. Bigelow: I Will Follow You.

Chairman Judah: John, First Of All, I Understand That October 10 Is Going To Be The Dead Line Wherein Which The Estero Community Center Will No Longer Serve As A Shelter.

That's Right.

October 10 Is The Deadline For Getting Everyone -- Case Managers Getting Folks Back Into Habitable Units Or Other Affordable Alternative Housing.

Chairman Judah: I Felt That Information Needed To Be Out There And Evidently Those At The Shelter Have Been Notified Of The October 10th -- That's My Understanding.

Chairman Judah: You Will Want To Confirm That.

Yes, Sir.

Chairman Judah: I Appreciate The Effort, John, That's Gone Into This.

One Last Question -- Appreciate The Water Testing.

It Looks Like You're Real Close With The Health Department Authorizing Reentry.

What I Want To Ask Is Since The Roads Are Primarily Use -- The Residents Primarily Use Bottled Water For Drinking, Is It Possible That For The Sake Of The Relief Of Those At The Estero Community Center To Be Able To Reoccupy Homes So Those Homes That Are Habitable With An Understanding That Until Further Notice With Regards To The Health Department Clearance Of The Water That They Could At Least Continue To Use Bottled Water But At Least They Are Back In Their Homes? They Will Be Allowed To Go Back.

I Believe There Will Be A Boil Water Notice Issued On Both Camps Until The System Is Finally Flushed Out.

If I Understand You Correctly, Are We To Provide Some Sort Of Bottled Water? Chairman Judah: No, No.

Could You Allow The Residents To Go Back To The Units That Are Habitable With An Understanding That Until Further Notice They Need To Continue To Boil Water Or They Could Use Bottled.

In Other Words, They Could Return Today.

Once We Get The O.K. From The Department Of Health, Yes.

Chairman Judah: That's The Point I'm Trying To Make.

Before You Get That Notice From The Department Of Health, If The People Are Put On Notice Because The Units Are Habitable And They Are Going To Use Drinking Water From Bottles Can't They Return With An Understanding They Won't Use The Water In The Piping System Until Further Notice? System We Are Looking At That Issue And Reentry For Law

Enforcement Security Issues.

That's One Of The Things We'll Talk About This Afternoon.

Chairman Judah: Very Good.

Commissioner Bigelow? Comm. Bigelow: Thank You, Mr.

Chairman.

The Manta Christian Is On Central Sewer, Right? Chairman Judah: Yes.

Comm. Bigelow: But Individual Units Are On Wells? Both Camps Are On Sewer, But They Have -- They Share A Private Well.

Comm. Bigelow: "Both Camps" Meaning Christian And Salvador? Yes.

Comm. Bigelow: How Was The October 10 Deadline Determined? In Our Conversations With The Red Cross And The Casing Managers It Was Felt That Was An Appropriate Date To Shoot For And To Close Down The Shelter Operations.

Comm. Bigelow: So It Was A Decision In Cooperation With The Red Cross? And The Case Managers Working With The Various Relief Organizations Assisting Us In The Long-Term Recovery Committee.

It Was Felt We Needed To Set A Deadline In Order To Get Everyone Motivated Into Finding Alternative Housing? Comm. Bigelow: O.K.

How Many Of The -- I Think It's Roughly 900 -- No.

How Many Units Of The Total Do You Expect To Be Habitable? Right Now, 30 Units In Manta Christian Out Of The 194 Are Considered Habitable.

Comm. Bigelow: I Think That's Roughly 900 Folks Total? At One Point It Was.

That's The Estimate As To How Many People Are Living In Manta Christian.

Comm. Bigelow: So How Many People Do We Have Displaced That Are Now Looking Because They Will Have October 10 Leveled On Them And They May Not Have Any Place To Go And What Are We Doing? Is That Something That Anne Maybe Would Address? I Think Anne Can Address That Better Than I Can, Sir.

Comm. Bigelow: O.K.

One Other Point On The Access To The Roads, To Be Honest That's The First I Have Heard Of Us Having To Take Rock To Fill In To Stabilize Or Elevate, I Don't Know Which -- Basically We're Providing Rock In Order To Allow Emergency Vehicle Access To The Areas That Have Been Considered, You Know, Been Flooded Because Of The Sheet Flow.

Comm. Bigelow: This Is Just On Manta Christian? No, Sir.

County-Wide.

Comm. Janes: All Unpaved.

Comm. Bigelow: I See.

In This Particular Instance Of Manta -- No, Sir.

Not In Manta Christian.

The Emergency Clearance Is County-Wide.

Comm. Bigelow: But On Manta Christian, Access To The 307 Units Is Good To Go? Correct.

Comm. Bigelow: Thank You, Mr.

Chairman.

Comm. Hall: John, I Want To Thank You And Your Team For The Efforts In North Fort Myers.

We Have Had A Lot Of Issues And The Continues Rains Are Exasperating.

I Want To Thank The Teams Working With You.

These People Are Extremely Appreciative.

Just The Rains Are Still Getting Flooded Out.

Thank You And The Team For Continuing To Coordinate Even After Fay.

Thank You Very Much.

Chairman Judah: John -- Maybe Bob Stuart Can Update You On The Code Violation Issues, Followed By Anne.

Chairman Judah: Good Morning, Bob.

Bob Stewart With Community Development.

We Are Continuing With Enforcement Efforts.

Our Notices Of Violation Have Been Prepared.

A Couple Of Them Have Been Served With Regard To The Unpermitted Additions And Some Of The Junk And Trash In Manta.

We're Continuing To Work On Unsafe Building Notice Hopefully That Will Be Completed And Served.

It's A Little Bit Bigger -- Taking A Little Bit Of Time.

[Please Stand By] Where Demolition Is The Only Viable Option And Have Him Get That Release From The Owner And Deal With The Problem And Not Have Individual Unit Owners Have To Deal With That.

But That's What We're Working Through Now.

At The Same Time We're Looking At Handful In Addition To The 30 That May Be Able To Make Repairs And Have Those Habitable, Mostly Electrical Kinds Of Repairs.

Chairman Judah: Questions Of Bobby? Comm. Hall: How Are We Dealing With The Fact That This Is Not A Year-Round Facility In Your Meetings? You Have People Coming Back With The Expectation That They Will Be Able To Stay There Year-Round.

I Know We Have Long And Short-Term.

Are You Asking To -- How Are You Dealing With That Violation? We're Not.

Comm. Hall: O.K.

At Some Point, We Need To Address This.

Chairman Judah: We Do.

Comm. Hall: When These Facilities Come In There Needs To Be A Mechanism By Code That We Can Follow Up So They Don't Morph Into Annual And On And On And To Years Later We're -- 20 Years Later We're Dealing With The Property Owner Taking Advantage Of People Who Don't Understand What They Are Getting Into.

It's A Sad Commentary On Our Part That This Has Waited So Long To Be Dealt With.

I'm Sure The Property Owner Is Now Trying To Deal With Making Up For All Of The Things Over The Years That Have Occurred.

It's A Bad Situation All The Way Around.

Chairman Judah: Bobby? The Very Direct Answer Is Because We Have That Scenario In The Rv Parks Across The County, Regardless Of Transient Or Non-Transient Park, The Rule Is The Same.

Comm. Hall: I Understand.

We Would Propose To Address That As A Collective Rv Park Problem Not A Particular Problem.

Comm. Hall: That's Exactly What I Meant.

Thank You For The Proper Context.

You're Right.

We Need To Address It.

Bobby, Thank You.

Anne? Good Morning.

Anne Arnold For The Record.

The Long-Term Recovery Committee Has Been Meeting Since People Were Sheltered.

We Have Done Assessments On Most Of The Households Either At The Shelter Or Appeared At The Disaster Recovery Center Which Was Open Until Saturday, It Closed.

That's Where People Apply For Federal Benefits They May Be Entitled To From Fema And So On.

We Have A Disaster Database On The County Website That Can Be Shared By Case Management Organizations.

So That's A Huge Plus Since Prior Disasters That We Can Receive That Information Electronically And Share Benefit Information.

This Is Like Putting Together A Puzzle.

People May Get Funds From Red Cross, They May Get Fema But Our Hopes Are Limited On What People Will Qualify For From Fema.

They May Get Locally Donate Money That's Gone To The Southwest Florida Community Foundation To Help Them Relocate.

It Is Important That We Know The Pieces And Can Share The Information Quickly.

Case Management Is Being Done.

Red Cross Is The First Line And They Deal With Individuals In The Shelter.

The Way We Have Structured Case Management Is Some Of The Non-Profits Work With Individuals In Those Communities On A Regular Basis.

Catholic Charities, Bonita Springs Assistance Office, Amigo Center, Salvation Army.

They Have Volunteered Staff To Be Case Management Staff And Have Looked At The Names Of The Households And Divided Them Up To People They Are Already

Knowledgeable Of.

They Have A Working Relationship Already With Those Households, So They Are Not Starting From Square One Developing Trust And Whatnot.

They Have Divided Out The Case Load.

They Will Work With Residents That We Know Are Returning And More Importantly They Are Working With Individuals That Have To Relocate.

Part Of The Problem Has Been That People In Those 164 Units Want To Go Back To That Park And We're Having To Continually Reinforce That You Cannot Go Back There.

A Lot Of Them Are In Denial And Are Insisting That Part Of The Park Will Open.

That's The Tricky Part Is How Do You Keep Them From Slipping In During The Night.

That's Where They Want To Be.

Part Of The Strategy With Setting The Closure Date Is To Make It A Reality To People To Say If You're Not In The Wave Going Back To Salvador And We Hope As They Go Back In The Next Day Or Two, Some Of The People Are Leaving.

There Are Vacant Units That Are Deemed Uninhabitable That People Can Go To, But That's Only Six Or Several.

Those Group Will Go.

Then It's The Manta Folks Going Back To Their 30 Units And There Are Five Or Six Vacancies That People In Uninhabited Trailers Can Go To.

The Case Managers Have Been Working And Some People Have Chosen To Relocate Already.

Some People Are Moving On, Have Found Other Housing But Some Are Holding Out That Need To Continue To Be Encouraged That You Cannot Go Back To That Structure In Manta.

That's Part Of The Target Date.

By This Date You Have To Get Moving And You Can No Longer Be Here.

We'll Help You Find A Place.

We Have Put Out Press Releases For Landlords Or Property Owners That Have Affordable Rental Property Under The Fair Market Value.

We Have A Spreadsheet On The County Website Being Updated Daily As Information Comes In.

So They're Not Just Pulling Out Paper And Apartment Hunting.

As Of Yesterday There Were Over A Hundred Properties There And Some Have Multiple Vacancies.

You All Know There Is Rental Property Available.

It's Semi Affordable.

There Is Not A Lot In The Bonita Area.

That's The Difficulty Depending On People's Transportation Options, Employment Options, Where Do They Need To Stay And There Is A Lot In Lehigh And North, A Lot In City Of Fort Myers, But Not A Lot In Bonita Springs.

There Is An Apartment Complex In North Naples Nearby With A Lot Of Availability But A Couple Of Families Are Going There.

It May Not Be Affordable To Everybody.

Rent Assistance To Help Is Limited.

Depending On What They Are Going To Get From Fema, But The Documentation Problem Is A Problem.

People's Identity Not Being Documented Depending On Their Household Make-Up And Secondly, If They Are Supposed To Be A Homeowner On That Mobile Unit, There Is Difficulty Matching -- Finding A Vin Number, Matching Up A Vin Number With A Title.

You Know, Their Vehicle Registration -- Like A Car Would Be.

Because It May Be Gone From The Unit.

It May Not Match The Paperwork If The People Even Have It.

A Lot Of Behind The Scenes Work Is Having To Happen To Have That Coming Together.

We're Not Expecting A Lot Of Assistance From Fema.

Until Yesterday We Were Not Able To Get Information Directly From Fema.

They Were Not Willing To Share The Information.

It's Something We Have Been Pursuing And Yesterday We Got A Note That We Could Do Some Kind Of Blanket Request For Release Of Information From Them.

The Money That Was Raised In The Community Was Roughly \$60,000.

Went To Southwest Florida Community Funds I Believe The Salvation Army Raised

\$10,000.

When You Divide It To The Households It's Not A Lot Of Money To Help Them Relocate.

But Most Of The Families Have Limited Income And Are Look For Other Places.

Chairman Judah: Anne, Thank You.

Any Questions? It's A Sensitive Situation.

We Appreciate Your Good Work.

Commissioner Bigelow? Comm. Bigelow: Anne, Wow.

Just Listening To You, I'm Overwhelmed.

But Thank God You're Doing What You're Doing And That You're On It.

I Will Say Again, You're Stepping In Karen Hawes's Temporary Vacancy Because She's On Medical Leave.

I Appreciate Everything You're Doing On Both Accounts -- Stepping In, Leading And Taking Charge Of This.

How Many Folks Are We Talking About Being On Our Plate, If You Will? That Have To Leave The Park? Average Household Size Is A Little Over Four.

So It's 164 Units Not Inhabitable And About A Dozen Of Those Can Go Back To Either The Vacancy In Salvador Or Manta.

So 150 Times Five.

So 600 To 700 People Need To Relocate.

Some Have Said They Will Leave The Area Once They Can Get Into The Trail Around Get Out Valuables.

Some Have Plans And It's Just Waiting For Things Coming Down The Pike To Allow Them To Mobilize.

Some Are Willing And Able To Leave.

They Just Need Access To Their Possessions They Want To Take With Them.

That's Going To Start As We Start Opening Up Some Things.

That's Going To Really Start Happening Especially As The Date Was Published And Draws Near, They Will Get Moving.

Comm. Bigelow: What Do You Need From Us? Rent Money, The Thing I Have Thought About Is If We End The Fiscal Year With Dollars In Human Services We May Want To Look At Potentially Carrying That Forward Into A Designated Fund For Bonita.

We Know Local Resources Won't Be There.

I Can't Give You A Firm Number Until Early Next Week When We Process The Cases.

We Have Been, Of Course, Due To The Economy Had An Influx Of People Not Affected By Flooding Coming In For Rent, Mortgage, Utility And So On.

We Have Had A High Demand But We Think There May Be Funds Left Over At The End Of The Year.

I Will Come Back With That As An Option To You.

We Have Been Meeting With -- We Are Looking At Long-Term Affordable Housing Options In That Area Because We Know Affordable Housing In Bonita Continues To Be Squashed As Development Happens.

This Is Not Going To Be An Answer For People That Need To Move Quickly.

We've Met With Ship Staff Looking At Disaster Funding.

This Foreclosure Money That's Coming Down.

There May Be Options To Buy Foreclosed Units In Bonita That We're Working On That I Updated You On Last Week.

That Rule Just Came Out Yesterday.

That's Very New Development.

We Have Asked City Of Bonita Springs To Consider Their Cdbgl Allocation And Look For Land Available.

We Have Non-Profits Looking For Land.

Catholic Charities Talked To Us And We Were Going To Talk To Partnership In Housing As Partners To Do Something Long-Term.

Depending On What Happens To Manta Long Term We're Hearing Another Similar Park, Glade Haven Will Be Closed Sometime Next Year Or Is Being Sold And People Will Have To Move Out Over A Period Of Time.

So That's A Similar Housing Situation That Those People Will Have To Deal With.

Chairman Judah: Any Questions? Comm. Bigelow: One Other Point.

I Just Want To Throw This Question Out And You Can Come Back Later For This.

We Have 600 People That Are Displaced.

We Had A Tropical Storm Come Through Here.

Fema Is There For This Purpose, I Thought.

It Happened North Of Here And We Saw Trailers Erected.

Why Don't We See The Same Solution From The Federal Government Coming To Bear On This Problem Locally? Fema Wasn't Willing To Bring In Trailers.

There Are A Variety Of Issues But A Lot Of Them Were Taken Off Line After Hurricane Katrina Because Of Formaldehyde Issues.

They Were New Trailers Deemed Uninhabitable Because Of Chemicals Used In Constructing The Trailers.

A Lot Of Them Are In Use In Areas With Larger Scale Disasters.

We Have Approached Them Several Times And Trailers.

Sometimes People Say, Yes, You Can Get Them And Other Times, No, You Won't Get Them.

They Don't Have Trailers To Bring In.

Comm. Bigelow: O.K.

Thank You, Anne.

Chairman Judah: Thank You For The Update.

Commissioner Bigelow, Item 11-E? Comm. Bigelow: Before We Close That -- Chairman Judah: Of Course.

Comm. Bigelow: A Word Of Concern To The Board.

This Land Is In A Place That Is Lower Than Other Land North Of It And It Will Forever Be A Place Where Water Will Seek Its Own Level.

That Says Dominant In My Mind Here.

I'm Looking For The Day When We Come To A Solution For The Problem When We Have Folks Living In An Area That's Just Too Low For Human Habitation.

From The First Day We Discussed This, For Many Years We Tried To Buy This, I Think It's As Difficult As It Is To Wrestle With This In The State Of Financial Affairs We Find Ourselves In Having To Look At That.

You're The District Commissioner, So We Look To Your Leadership And Point Here.

Where Is This Headed? Chairman Judah: Having The Land Appraised.

The Upper Sale Price Will Be Presented To The Board For Consideration.

If We Can Do Without Federal Funding There Will Be No Relocation Cost.

If It's Doable In The Eyes Of This Board We Can Hopefully Move Forward And Purchase The Land And Take People Out Of Harm's Way And Restore It To The Natural Flood Plane.

Comm. Bigelow: I See Ms. Forsyth Over There.

Maybe She Can Share With Us When The Appraisal May Come Forward.

When Might We See This Issue With That Kind Of Information Presented So We Look At Hard Numbers.

Karen, Good Morning.

Chairman Judah: Good Morning.

For The Record Karen Forsyth, Coin Lands.

The Appraisal Is Due In Our Office October 23.

Staff Will Then Review, I Would Say, About A Week Review Would Take Us About A Week To Get Through The Review.

Then We'll Come Before The Board And Present You The Number.

It Would Not Be An Asking Or Purchase Price.

It Would Be The Appraised Value Contingent Upon The Appraisal The County Has Ordered.

Chairman Judah: Thank You, Karen.

Comm. Bigelow: Thank You.

That's Enough.

Comm. Mann: Mr. Chairman, While We're On That, When You Asked Us To Approve Obtaining An Appraisal Several Weeks Ago On This Property You Caught Me Off Guard.

I Commented At The Time That I Wasn't Certain That -- At Least At That Point I Wasn't Convinced Of The Obligation On The Part Of The County That We Should, In Fact, Buy The Property.

At This Point We Have Not Had A Public Discussion Of Whether Or Not That's The Appropriate Thing For This Board To Support.

But We Did Approve Going Ahead With The Appraisal.

I Want To State Again Clearly On The Record My Position.

Having Committed To That Appraisal Is Not A Statement On My Part That I Am Exited To Buying Property That Floods Every Year Just Because It Floods Every Year.

There Are Thousands Of Acres In Lee County That Flood Off And On Year After Year And We're Not Buying Those.

I Need To Understand Our Legal Obligation And Our Moral Obligation.

I Think It Calls For A Public Discussion At Some Point.

Chairman Judah: Oh, We'll Have It.

Comm. Mann: I Don't Want Us To Suddenly Receive In Our Hands An Appraisal And Feel There Is Some Commitment That's Been Made That We Are Moving Forward With A Purchase Here.

I Think There Is A Lot Of Discussion Needs To Take Place Before That Comes.

Chairman Judah: Absolutely.

We'll Have -- Comm. Mann: Waving A Flag Here.

Slow Down.

Chairman Judah: Absolutely.

And What Will Be In Perspective Is About 4600 Acres Of Land Right On The Vicinity Of Manta Christian Is Being Purchased By The Water District With Federal Funds, State Funds To Protect And Allow For The Capture Of Rainfall And The Proper Filtration Of Surface Water Sheet Flow Because This Is A Natural Historic Water Shed.

It Fits In With The Effort To Protect The Water Shed.

Comm. Mann: Mr. Chairman, If I May, It Was Brought Out In The Recently Adopted Federal Flood Zones This Is Not Included In That.

It Intermittently Becomes An Area That Accumulates Water.

There Is A Lot Needs To Be Said About This.

I Hear What You're Saying But There Needs To Be More Discussion.

Chairman Judah: We Will Have That.

I Can Assure You, Commissioner Mann.

Thank You.

To 11-E.

Comm. Janes: Do We Need To Vote? Chairman Judah: It's Just Informational At This Time.

Commissioner Bigelow, 11-E.

Comm. Bigelow: I Don't Know How That Goes.

When We Were Presented Charlie Green's Financial Snapshots, That's One Item Today, We Usually Have To Pass It Because It Appears On Consent.

Chairman Judah: We're Onto 11-E.

Comm. Bigelow: We're O.K. There, David? O.K.

11-E And F, Mr. Chairman, I Was Suggesting We Take Together.

These Are Two Automatic Renewals Of Contracts For Motorola -- Contracts To Service -- Service Agreements To Manage Or Oversee The 800 Megahertz Premier Cad And Mdc Systems.

John, Thanks For Being Here.

I Remember I Think A Year Ago We Discussed Whether Or Not It Might Be Financially Prudent To Hire Personnel That Could Manage These Systems For Us.

I Pulled These Because I'm Not Sure -- I Can't Recall A Year Ago What Specific Infrastructure We Were Considering An Agreement For At That Time.

But There Was Some Discussion By The Board That We Would Look At That.

We're Looking Today At A \$544,000 Annual Contract And A \$201,000 Contract.

So If We Could Do Any Of This With A Salary Much Less Than That, We May Be Better Off.

But Perhaps You Can Shed Light On That For Me.

John Wilson For The Record.

Commissioner, I Don't Recall That Discussion.

Comm. Bigelow: You Weren't Here.

Relating To These Items.

I Don't Know If It Would -- Certainly That's An Issue The Board Can Look At Is Hiring Additional Staff.

I Don't Think Current Staff Can Do This Without Support From Some Other Source.

This Historically Has Been A Cost Effective Way For The Infrastructure Of Our Emergency Radio System.

Comm. Bigelow: This Is Three-Quarters Of A Million Dollars And I'm Not Proposing We Would Pay That To A Few Employees, But If We Could Hire The Expertise To Do It For Far Less, That Was The Issue We Have Talked About Before.

I Apologize.

I Don't Remember The Gentleman Who Spoke In Your Stead On This Issue.

I Think We Are At A Point Where We Don't Have Much Choice But To Extend The Contracts.

I Will Move Them Both.

Chairman Judah: All Right.

Moved By Commissioner Bigelow.

Seconded By Commissioner Janes.

Discussion? Commissioner Hall.

Comm. Hall: How Does This Play Into The Conversation Of What Our Long-Term Needs Will Be Because Of The Deregulation And The System We'll Go Into? I Recall Briefly There Was A Lot Of Talk About The Ongoing Relationship With Motorola.

There Was A Large Contract That Said It's Exclusive.

We Know That's Breaking Down Where Other Entities Can Participate.

Are We Getting Ready To Look At This Or -- I Mean, Are We Going To Sit Down And Have A Comprehensive Standing.

These Are Technical Contracts.

I Want To Be Sure We Are Not Just Going The Easy Route, But That We Are Going The Most Effective Route For Us.

Again, These Are Extremely Expensive Contracts And There Is Proprietary Issues Here But It's Loosening Up.

I Want To Make Sure We Have Looked At Every Side Of This.

Commissioner Hall, The Item 11-E Is The One That I Think Addresses The Concern That You're Presenting Today.

Basically This Particular Agreement Provides The Service To Keep The System As It Is Today.

The Issues That You're Talking About Will Be Coming To You In The Not Too Distant Future.

We Will Have Information For The Board For Their Consideration As To Whether Or Not We Continue The Relationship That We Have Had With Motorola When We Go To The Next Generation Of Emergency Radio Assistance Which Will Basically Go To A Non-Proprietary System And Allow Other Vendors, If You Will, To Provide Equipment And Through That Hopefully Reduce Some Of The Costs Of Purchasing And Maintaining Them.

This Particular Agreement Addresses What We Have Today.

But We Will Have Information For The Board For You To Consider In The Direction We Go In The Future.

Comm. Hall: Thank You.

Chairman Judah: Any Further Discussion? Commissioner Mann? Comm. Mann: I Think I Remember This From Last Year, John, As We Renewed The Contract For Another Year.

The Thing That Troubled Me Then -- And There Wasn't Anything To Do About It -- Is That Motorola Was The Only Vendor Here.

We Have Been On This Contract With Them For Some Time.

I'm Pursuing Where Commissioner Hall Was Coming From And I'm Thinking In This World Of Technology And Communication Changes And Almost Daily Obsolescence And New Equipment Coming On At Far Less Than We Are Paying I Need To Get A Feel For -- We Just Keep Doing This Year After Year? Or When Do We Say, O.K., Let's Get Out On The Market.

We're Still Stuck On The Same Price With The Same Vendor For Many, Many Years.

I Need Some Assurance In Light Of All I Have Said -- You Will Have That Opportunity In The Not Too Distant Future To Decide Whether Or Not You Want To Continue With Motorola Or Pursue Another Option.

Comm. Mann: That Tells Me That You're Looking -- Even As We Talk About The Architectural Designs For A New Building, Surely All Of This Would Come Into That -- All The Equipment In There Now.

I Will Have An Opportunity In The Near Future? What Do You Mean? We Are In The Process Of Starting Phase One Of The Upgrade To The New System That Will Be Basically An Open Architecture Type Of System.

It's Non-Proprietary And We Have A Committee Or Group That Assembled Information Regarding The Direction That We Need To Go.

That Information Will Be, You Know, Presented To You As A Board For Considering Whether Or Not We Continue With The Current Vendor Or Go In A Different Direction.

Comm. Mann: There Is Enough Complexity And Cost That I Hope We Can See This On An M & P Soon In The Future.

Chairman Judah: Sure.

John Will See To It And Get Us A Schedule.

Comm. Janes: This Is A One-Year Contract And I Would Hope That During The One-Year Period We Will Be Able To Get Discussions Going About Looking At Alternatives And That Sort Of Thing.

But We Have To Keep It Alive For That Period Of Time.

Comm. Mann: Oh, Yes.

Chairman Judah: Further Discussion? Objection? Hearing No Objections, The Motion Passes. Thank You, John.

Commissioner Bigelow, I Think You Have Item 14-F.

Comm. Bigelow: I Suggested I Could Take 14-F And G Together.

This Is To Concur With The Ranking Of The Competitive Negotiations Committee.

Once Again, I Don't Care For The Make-Up Of The Committee.

I Will Not Be Moving It.

Comm. Hall: Move Item 14-F And G.

Chairman Judah: Motion By Commissioner Hall.

Seconded By Commissioner Janes To Move 14 E F And G.

Discussion? Objection? Motion Passes With Commissioner Bigelow Dissenting.

I Believe That Takes Care Of Your Items.

Commissioner Mann? 14-H.

Comm. Mann: Mr. Chairman, 14-H Involves A Contract With -- Comm. Hall: Boyle.

Comm. Mann: Boyle -- I'm Sorry.

I Had The Wrong Page.

Boyle Engineering To Do A Master Plan On Integrated Water Resources Master Plan.

We're Moving Half Million Dollars Out Of Other Cip Projects To Cover This.

That Seems Substantial In Itself, Half A Million Dollars That We Freed Up To Get To A Million-Five, But A Million-Five, First Off -- Or A Million-Four, I Could Hire 14 People And Pay Them \$100,000 A Year And Work Them All Year Long.

That's A Whole Firm.

I Hope We Get A Thank You Letter From The Consultant On This For Putting 14 Of Their People To Work For A Whole Year And Pay Them \$100,000 In These Times.

I Also Want To Know What Is This Big Plan Going To Do That We Don't Have Today? What Have We Been Doing Without This Plan? How Have We Survived? Tell Me About This.

Doug Muir, Utilities.

The Master Plan Will Be The First Water Master Plan That Lee County Utilities Has Done In Over Ten Years.

Business As Usual Isn't Acceptable At This Time.

The South Florida Water Management District Has Stopped Issuing Permits For Fresh Water.

We Have No Fresh Water Sources We Can Permit As We Usually Have.

We Need To Look At Brackish Water, Reused Water, Desalinization And It's Imperative That We Look At These Sources, Come Up With A Plan To Look At How To Supply Water Needs Through The Year 2030 In An Integrated Fashion Because We Have So Many Variable Water Sources That We Are Able To Build Decision Tools So As We Move Forward We Can Make The Most Efficient Decisions On Water Supply Without Stepping Back, Without Closing Another Door.

We Have A Real Complex Situation That Requires A Long-Term Plan So We Are Making The Proper Decision.

Comm. Mann: When We Are Through We Will Have An Idea Of Whether We Can Poke More Straws In The Earth That I Keep Hearing Referred To As Opposed To Reverse Osmosis And Brackish Water Extraction? We'll Know Where We Are Going For The Foreseeable Future In Fresh Water? This Will Provide The Milestones.

Is Brackish Water The Most Economical To Drill And Use And At What Point Does Surface Water Run-Off Become Economical.

When Does Diesel Become Economical? It Will Show Us The Milestones At Each Point To Look At A New Source Of Water To Bring Into The Water Resource Mix.

Comm. Mann: Just Curious, Would This Include Mined Areas? Millions Of Gallons Of Water Sitting There? Storage Is A Huge Component.

Both Surface Storage And Asr Storage And How To Implement Storage Of Large Amounts Of Water.

The Answer Is Yes.

The Mining Industry, What They Leave Behind Would Be Considered As Potential Storage For Surface Water.

Comm. Mann: I Feel Better, Mr. Chairman.

Thank You.

Comm. Hall: Second.

Chairman Judah: Motion By Commissioner Mann.

Seconded By Commissioner Hall.

Further Discussion? Question By Commissioner Bigelow.

Comm. Bigelow: You Gave An Acronym And I Missed It.

Chairman Judah: Asr? Comm. Bigelow: I Know What That Is.

Aquifer Storage And Recovery.

Comm. Bigelow: And Business As Usual Is No Longer Acceptable, So I Get Your Quote Right? Right.

Fresh Water Sources Are More Difficult To Permit If At All.

We Need To Look At Sources That Really Have Not Been The Foundation Of Lee County Utilities' Water Supply.

Comm. Bigelow: That's A Good Quote.

Chairman Judah: Hearing No Objections, The Motion Passes. Commissioner Mann, 17-B.

Comm. Mann: There's A Whole Lot Of Property We Dispose Of, Tangible Property.

And There's Some Way We Do It, But It's Pages And Pages Of Millions Of Dollars Worth.

Do We Want To Wait A Week To Deal With This? There Are Millions Of Dollars Of Property Here We Are Disposing Of.

I Want To Understand The Process A Little Bit.

Can We Wait A Week? I'd Like To Know Something.

Chairman Judah: Motion To Defer A Week On 17-B.

Second? Comm. Hall: I'll Second.

We Have Had The Book For Two Weeks, But I'm Happy To Give The Commissioner Another Week To Ask Questions Of Staff.

Chairman Judah: Objections, The Motion Passes. Comm. Mann: Thank You Very Much.

Chairman Judah: Certainly.

Commissioner Janes? Comm. Janes: 3-B And I Would Call On Paul.

Thank You, Commissioner Janes, For Pulling This Item.

Good Morning.

For The Record, Paul O'connor With The Division Of Planning.

I Need To Add Three Items To The List.

We're Looking At Comprehensive Plan Amendments For 2008-09 And Last Monday We Added Two Items To The List In Front Of The Lpa.

They Concurred With That.

Yesterday At A Special Meeting Of The Lpa, As We Were Reviewing The Commercial Industrial Land Study Amendments, They Thought The Amendments Were Good And They Made A Motion To Move It Ahead.

But They Thought We Should Take Second Look, So They Have Added That To The List.

I Have A List Of Three Additional.

Chairman Judah: Chair Will Entertain A Motion.

Comm. Janes: So Moved.

Comm. Hall: Second.

Chairman Judah: Motion By Commissioner Janes, Seconded By Commissioner Hall.

Discussion? Objection? Hearing No Objections, The Motion Passes. Thank You, Paul.

We Go To The Administrative Agenda.

First Item, Direction Regarding Park Impact Fee Update.

Hi, Mary.

Good Morning.

Mary Gibbs For The Record.

At Our Last Management And Planning Meeting You Asked Us To Blue Sheet This Item To Decide Whether Or Not You Want To Upgrade The Park Impact Fees Study And When.

We Had Updated It And Brought It To You A Year Ago, But At The Time There Was Quite A Large Increase And You Decided That Due To The Economy You Weren't Going To Increase Fees At That Time But You Told Us To Come Back Within A Year.

We're Back Today To See Now.

What I Had Recommended In This Item Was If We Stick To The Original Schedule, My Recommendation Would Be To Wait Until Next Year To Start The Update And That Would Get Us Back To The Original Schedule.

If We Begin It Next September It Will Be The Following September When It Will Be Back Before You.

We're On A Three-Year Cycle.

Comm. Mann: I Will Move That.

Chairman Judah: I'm Sorry, You're Saying Delay The Update For The 2010 Cycle.

It Would Come Back In September 2010, Correct.

But We Would Start It Next Year.

Chairman Judah: O.K.

All Right.

We Have A Motion By Commissioner Mann.

That's Staff's Recommendation? Do We Have A Second? Comm. Janes: I'll Second That, Mr. Chairman.

Chairman Judah: We Have A Second For The Purposes Of Discussion.

Further Discussion? Comm. Hall: I Don't Have A Problem With That, Mary, By Want Us To Look At The One-Year.

I Asked For That During This And It Got Disregarded.

I Thought You Would Bring It Forward And It Was Part Of The Review.

Obviously Being Here Four Years Now, Not Just One I Understand The Need To Take A Vote To Give You Direction And Then Administration Can Understand The Direction And It's Followed Through.

I Don't Mind Keeping It On The Schedule We're On But There Has To Be An M & P Meeting Where We Are Discussing The Districts And With The Economy And What We're Doing And Not Just Parks But Every One Of Them And How We Look At Them And What's Required Of Us.

Because I Believe We Need To Be More Focused And Not Have Impact Fee Districts Dictate Our Development But Have Us Dictate Development And How It Will Occur.

Where We Can Be More In Control Of That, I Think We Need To Be.

You Know, Going Back To Roads I Have Had Discussions With Dot And Other Districts.

I Think As Times Change I Think We Need To Change Also.

I Think Sometimes We Wait A Very Long Time Before We Address The Changes That Need To Be Taken.

I Don't Want To Stay Behind The 8-Ball.

I Want To Be Progressive.

So Supporting The Motion, But I Believe Throughout The Next Year And 2009 We Need To Have Serious Community Development Workshops On Where We Are Going With The Future In Lee County.

We Really Didn't Address These Things This Year.

We Had A Lot Of Things On The Plant Including The Rural Lands Issues.

I Hope We Can Set Aside Special M & Ps To Look At Changing Policy And Goals And Objectives On Addressing These Issues Financially.

Chairman Judah: Further Discussion? Comm. Bigelow: Yeah.

Mary, When Do We Need To -- Well, Does It Matter That We Have Eight Districts Versus One When You Have The Study -- Present The Study? Well, It Does Matter, Because If You Want To Combine Into One District You've Got To Look At All The Potential Ramifications -- Financial Ramifications, Budget Money That's Already Committed To Other Projects.

If You Were To Combine Into One District We Need To Look At That.

For Example, Money That's Already Collected In Different Districts When We Did This Before With The Roads We Combined A Few Districts Together, But The Money That's Collected In The Original District Cannot Be Taken And Put Into Another Area.

So You've Got To Look At All That.

In Speaking With The Impact Fee Consultant When I Talked To Clancy About This, You've Got To Make Sure You Have A Nexus So If You Do Put Everything In One District You Have To Make Sure There Is A Nexus That Shows The Dollars Are Being Spent Where The Growth Occurs.

That's The Basis Of Impact Fees.

You Have To Be Careful How You Structure It And You Have To Look At It Really Carefully.

That's Why If You Were Doing That It Makes Sense To Do It As You Update The Study So You Can Look At That.

Comm. Bigelow: It Sounds Like You're Telling Us We May Have A Problem With One County-Wide Community Park Impact -- It Just Has To Be Looked At Carefully.

Comm. Bigelow: So We'll See That As Part Of This Review -- M & P -- Comm. Hall: I Asked For A Workshop So We Can Discuss It Fully.

Chairman Judah: Mary, If You Could Schedule That Then.

Furs Discussion? Objection? Hearing No Objections, The Motion Passes. Administrative Item 6-A.

Comm. Hall: I Will Move It.

Chairman Judah: We May Need To Hear From Karen.

I Apologize.

If You Wouldn't Mind Withdrawing That.

Comm. Hall: Sure.

Good Morning.

Karen Forsyth, County Lands.

Commissioners, This Is A Parcel Of About 572.11 Acres Located In The Buckingham Area.

It Is A Parcel That's Received Very High Points In The Review Process -- The Environmental

Review Process.

We Are All Very Glad About The Way The Negotiations Have Gone And Think It Would Be A Great Parcel To Bring Into The Inventory.

I Need To Caution You On A Particular Matter.

The U.S. Army Corps Of Engineers Has Completed A Very Thorough Analysis Of The Buckingham Area Relating To The Various War-Time Activities That Took Place Back In The 40s.

The Report They Have Recently Put Out Is About 11,000 Pages Of A Study.

This Particular Parcel Is Incorporated Into That Report.

We Are Already Looking At The Environmental Conditions For Any Potential Hazardous Concerns And We Don't Have A Final Conclusion Of The Report, But While We Go Forward In Our Due Diligence Process And If You Should Approve Us Going Forward To Purchase This Property, I Just Want To Make You Aware That Until This Due Diligence Has Been Completed On The Environmental Make-Up Of The Property, We Will Not Be Closing.

The Other Matter Is That If You Should Approve This Purchase Going Forward Today, At This Very Large Acquisition Amount -- Because It Is A Large Track Of Almost -- Well, Just Over \$12.5 Million, This Will Earmark The Majority Of The Remaining Funding In Fiscal Year 2007-2008.

We Would Therefore Not Really Have A Whole Lot More Funding Available For Further Large Purchases Until The Next Revenue Stream Comes In Expected The Largest Part Of That In December.

Chairman Judah: I Just Happened To Talk To Karen About Something, I Guess, Yesterday And She Brought To My Attention About The Corps Report.

Karen, If You Could Step Up, Obviously There Is A Concern Here If The Environmental Audit Doesn't Clear The Property For Us.

There Is The Responsibility Placed On The New Owner, The County, To Have To Clean-Up The Site.

This Is Clearly A Desirable Parcel, But Should We Have The Environmental Audit First Or You're Saying Go Ahead And Make It Subject To A Clear Audit? Or A Retirement By The Seller To Clean The Site? Yes, The Contract As You Would Approve Today If You Move It Forward, Already Has Those Contingencies Contained In The Report.

So We Will Make Very Certain That Before We Were To Close That There Were No Concerns From An Environmental Standpoint.

I Just Want To Make The Board Aware, The Public Aware That, You Know, This Is A Large Purchase, An Exciting Purchase, But That Until The Due Diligence Is Completed, We May Or

May Not Be Closing On The Site.

Chairman Judah: Any Idea On The Time Frame? I Would Anticipate Within The Next 30 Days.

Chairman Judah: O.K.

Comm. Mann: Mr. Chairman? 30 Days For -- What's The Nature Of -- Is This Where They Were Doing Machine Gun Practice Out There? And Bombs.

Comm. Mann: I Have Never Seen A Study Done In 30 Days.

No, I'm Sorry.

We Have Started The Studies Already.

Because Of The Army Corps's Large And Detailed Report, The Environmental Audit Professionals Are Already Well Into This Particular Study Of This Area.

So I Would Anticipate Within The Next 30 Days Staff Would Know Whether Or Not We're Going To Be Able To Close.

Comm. Mann: Mr. Chairman, I'm Going To Go Off The Path A Little Bit.

It Applies To This Project And The Next One That We Have On The Blue Sheet As Well And Any Other 2020 Projects That Might Be Coming Forward.

I'm Nervous About Tying Up The \$12 Million And In Essence I Hear You Saying That Puts Everything Else On Hold, The Remainder Of The Calendar Year Through December -- Is That What You Said? Because We'll Be Out Of Money? If You Go Forward Today, Until We Have The Final Analysis Completed And Will Know Whether Or Not We Will Be Able To Close Which I Believe We Will Know Within 30 Days We Would Be Able To Move -- In 30 Days We'll Know If We Can Close Or Not.

If Not, The Money Will Be No Longer Encumbered -- Comm. Mann: But If We Can, That Means We're Out Of Money.

Comm. Hall: Come December.

Comm. Mann: For The Rest Of The Year.

We Will Have A Few Million Left.

Probably \$2.5 Or \$3 Million Left -- Comm. Mann: For The Next Item On Here -- That Would Take Up The Rest Of The Pot.

Comm. Mann: Mr. Chairman, Here's Where I'm Going -- Lee County Is A Cash Buyer.

We Are One Of The Few, The Not Perhaps The Only Cash Buyer Right Now Buying Large

Segments Of Property In The County.

I'm Going To Throw Out A Wild Suggestion Here That Would Be Along The Lines Of Freezing All 2020 Purchases For Six Months And See Where This Market Is Taking Us.

Because It's In A Free Fall Right Now.

I Believe That Every Appraisal That We Have In Our Possession Made With The Best Of Intentions And Honesty And Integrity, Scout's Honor And All That, Based On The Information We Have Is Dead On Arrival.

It's Old Because Of The Free Falling Market We See In Residential And Commercial.

We Are The Big Buyer.

We Have The Dollars And We Can Command The Best Purchases Possible.

I Would Just Be Tickled To Death If We Just Froze Everything For Six Months.

I Bet We Will Extend Our Buying Power By 25, 50%.

Who Knows? With A Market Going Like This And Us Being The Only Buyer.

If I May, Commissioner Mann, None Of Us Have That Crystal Ball, Although We Have All Been Experiencing What's Been Going On In The Economy In The Last Couple Of Years With Real Estate.

I Believe -- And It Is My Opinion -- That This Is The Time For Us To Keep Moving Forward In Our Negotiations.

We Have Been Able To Get Very Good Deals For The County.

We Are Considering That We Are The Sole Or Main Buyer Out There And That's Playing Into The Negotiations.

In This Case, The Property Owner Is Not Making Much Money At All On This Deal And Their Original Asking Price, Which Was Probably Pretty Close To What Things Were A Couple Of Years Ago Is \$60,000 An Acre And We're Under \$22,000 An Acre For The Site.

I Think -- And This Is My Professional Opinion -- That We Should Keep Going Forward.

We Have Currently Over 20 Deals Going On In Our Office Right Now That Have Been Moved Forward By Your Advisory Committee To Stop And Just, You Know, I Think The Integrity Of The Program Will Be Questioned And We Have Dealt In Good Faith With.

We Have Been Open And Up Front With Every Property Owner We Are In Contact With That There Is A Limited Amount Of Funding And Whoever Gets To The Closing Table, Quote/Unquote, Is The Winner And That Has Played Favorably Into Negotiations.

Comm. Mann: I Don't See A Bunch Of People Jumping Up To Say, "Great Idea" But I Don't Think Your Integrity Is Questioned.

You Guys Have Run The Finest Shop Over There.

Everybody Trusts You And You Do Everything Above Board.

You Do The Appraisals.

We Don't Pay Appraisal, We Pay Below Appraisal.

But In The Final Analysis, The Buck Stops Here.

It's Our Integrity With The Taxpayers -- I Was Speaking To The Integrity Of The Program.

Comm. Mann: Excuse Me.

We Are The Ones Who Have Supported This Unanimously -- This Program.

I Am So Proud Of This Commission For Doing That.

We Have Held The Taxes When We Were Cutting In Other Places.

Because We View This As A Valuable Program For The Future Generations Not Just Us, It's A Great Program And You Run It Very Well.

But The Integrity Of Us With The Taxpayers Out There And In This Clearly Falling Market When You Buy A House Today For Half Of What It Was Last Year -- Half, That's Real.

Where You Can Buy A Lot In Lehigh Acres For \$7500 Where It Was \$35,000 A Year Ago.

That's Happening Everywhere.

I Don't Think Anybody's Going To Say, You're Immoral, Not Honest And Tricking Us.

If We Put A Freeze On It Just To Find Where The Market Is.

That's All I'm Saying.

That Is My Obligation As A Steward Of The Taxes People Pay Here.

I'm Not Fussing At You.

I Commend You Again For A Superb Job.

But In The Context Of Where We Are I Think There Are Things We Should Think About.

Chairman Judah: We'll Try To Get Back To The Issue Regarding The Purchase At Buckingham Road.

Commissioner Hall? Comm. Hall: I'm Just Dumbfounded.

The Inconsistency Of The Board On Issues Whether It's This Issue Or That One, It's Confusing.

Not Just To Me Sitting Here But I'm Sure It Is To The Public.

Last Week We Were Creating New Programs And Ready To Write Million Dollar Checks To Organizations On A Program We Didn't Even Have.

Number One Didn't Have Funded And Number Two Were Going To Use Reserves For.

This Is A Program That We Have Sent The Message To Our Staff That In These Times That Are Difficult, This Is The Time To Make Purchases.

Let's Negotiate.

We Went From An Asking Price Of \$34 Million To \$12.5 Million.

I Think That We Are Dealing With The Times We're In.

I Believe We Are Purchasing The Properties At The Prices For The Times That We Are In.

Nobody Knows When The Bottom Will Hit.

It Could Be Right Now.

It Could Be Next Year.

To Freeze Everything, We Just Put Out A Stimulus Less Than Six Months Ago To Get As Many Capital Projects Out The Door As Possible.

Over \$170 Million.

So I Guess, You Know, We Are Part Of That Economy.

We Are Part Of The Engine That Will Keep People Working And Bring The Private Sector Up So The County Doesn't Have To Create New Programs.

The Private Sector Can Step Up And Participate And Your Tax Dollars Don't Have To Participate.

This Is A Program That's Been Highly Coveted By The Community.

I'm Extremely Proud That We Have Made So Much Impact In The Last Ten Years On This.

So Our Greenspace, Where We Were When The Program Started And Where We Are Now.

With That I Will Make A Motion That We Go Ahead And Approve The Request Recognizing That The Information That Karen Shared With Us Putting Us On Notice And I Also Want To State There Is Nothing Different About This Contract.

I Appreciate You, Karen, Giving Us The Red Flag That There May Be An Issue For Closing That May Cause Us Not To Close.

But That's The Way Our Contracts Read.

This One's Unusual That We Have An 11,000-Page Army Corps Report.

Chairman Judah: We Have A Motion.

Do We Have A Second? Comm. Janes: Second.

Chairman Judah: Under Discussion, Let Me Make Sure -- Let's Talk About The Issue Before Us.

The Broader Issue With Regards To What You Mentioned, Commissioner Mann, If You Would Like To Have That Scheduled Before M & P, We Can Have That Discussion.

I'm Trying To Deal With The Issues Before Us As Advertised.

Comm. Mann: I Appreciate You Even Suggesting That, Mr. Chairman.

I Actually -- In Reviewing Even This Morning For This Meeting And I Had Struggles With The Next 2020 Item But As I Think About This At \$12 Million I Got To Thinking About Things That I Have Just Discussed.

I'm Not Asking For An M & P Plan But -- Actually, I'm Fairly Well Convinced Myself Of The Righteousness Of My Cause And I Think We Can Save A Heap Of Bucks Here.

I Don't Think Any Parcel We Have Before Us Will Be Suddenly Sold Out From Under Us.

I'm Confident Of That.

I Have Talked Myself Into Voting Against Both Acquisitions Today Though They Will Still Be There Three Months, Six Months, Probably A Year From Now.

Nobody's Developing Anything Along These Lines.

I'm Not Asking For An M & P.

I Wanted Us To Think About It And I Wanted Ms. Forsyth To Know At Least One Commissioner's Thoughts On This.

Chairman Judah: Further Discussion? Comm. Bigelow: Yes.

Karen, Has The 2020 Program Ever Acquired Property Knowing That A Road Built By The

County Could Be Passing Through It Such As This Case -- Bucket Road? Yes, Commissioner.

I Would Say Probably 30, 40% Of The Deals That We Have Done We Have Identified To The Board That There Is A Possibility Of Road Right Of Way Necessity Later On.

So We Have Before Bought Lands With 2020 Funds Which Then In The Final Analysis Was Purchased For The Purpose Of Right Of Way Acquisition? No, That's Not Correct.

Comm. Bigelow: I Say It That Way Because That's The Sum Total That It Becomes County Right Of Way Lands.

Well -- Comm. Bigelow: You Can't Deny Me That If You First Said We Buy 2020 Lands Knowing A Road Would Pass Through It.

Commissioner Bigelow, Especially Large Tracks That Are Purchased In This County With The Type Of Road Infrastructure Program -- Active Program We Have Had Over The Years It's Very Unusual That You Wouldn't Have A Potential Road Project That Could Affect A Parcel.

What I'm Saying, Sir, Is That -- I'm Sorry.

But I Get The Impression You Are Implying That We're Buying Properties To Front Road Right Of Way Acquisitions And That's Not The Case.

Comm. Bigelow: I Was Simply Asking A Question.

O.K.

That's The Answer.

Comm. Bigelow: I Appreciate That.

Mr. Chairman, I Would Like To Throw In Something Maybe From Out Of Right Field As Well.

We Seem To Have Acquired Land With This Program And The Final Analysis For A Different Purpose.

Not That We Don't Conserve The Land As The Program Intends But We Find Ourselves Using This Program In A Way That Is Not Altogether Black And White, Xol As The Voters Approve.

Chairman Judah: Obviously I Disagree, But Please Continue.

Comm. Bigelow: It's Evidenced By Fact Of Her Answer To The Question That In The End We Do Right Of Way.

Chairman Judah: We Don't.

I'm Not -- Comm. Bigelow: Well, Mr. Chairman, She Answers The Question "I Know It To Be True That In The End We Will Put Right Of Way Through Parcels We Buy Initially With

2020 Lands".

That's Not A Bad Thing.

I'm Not Putting It Out As A Bad Thing.

It's For The Betterment And The Public's Best Interest At Large.

The Point I'm Trying To Make Here Is That We Do This And It's O.K.

So When We Discuss Other Uses For 2020 Lands Such As Relocating Gopher Tortoises Or Other Mitigation Purposes Or Whatever, I Think We Ought To Be Cognizant Of The Fact That It's O.K. That We Do So.

I Would Like To See This Program Accept That There Is A Greater Good Here And That Is The County's Best Interest At Large Sometimes That We Need To Focus On And Let's Try To Get Over The Legal Hurdles That Seem To Indicate That We Can't Use 2020 Lands For Some Other Purpose Other Than To Let It Sit There And Try To Improve It And Allow Public Access.

One Point Here -- Another Point, I Mean.

With Respect To Lockett Road Bisecting This Parcel Because It's Pretty Much Going To Split It Into Roughly Two Halves If I Understand The Alignment That We Have Accepted, Is That Generally Your Understanding, Karen? That's My General Understanding, Yes.

Comm. Bigelow: That It Would Split Into It Two Halves.

And That's Going To, A, Help Us With Access To The Property For The Public Good, But I Wonder Though If This Acquisition Is A Bit Premature Because We Don't Know How This Property Will Be Split And What That Split Would Do To The Properties' Value At Large Environmentally At Large.

When You Split It With The Road There Is Some Likelihood That Something Different May Come To Play.

Perhaps We May Need To Think About That In This Decision As To How This Road Running Through It Will Impact It As A Large Single Unit Of Land Designed For The Purposes Of Holding For Preservation.

Your Advisory Committee And Your Land Stewardship Staff Looked At This Very Closely, That The Potential Of Wherever Lockett May End Up Going Through And Felt That Even So There Was The Environmental Integrity Of The Site That Would Exist.

It Still Would Meet Very Strongly The Parameters And The Focus Of The Conservation 2020 Program.

That Was Looked At.

Comm. Bigelow: Right.

It Is A Large Area Of Land, Mostly Upland, I Think.

Very Dry.

We Don't Have -- We Tend To Get Lowlands, I Think.

This Would Be A Good Addition To The Total Inventory.

I Guess This Would Be Then A Third Point.

This Does Not In Itself Connect With Another Environmental System As I Understand Our Eco-Systems In Lee County.

That Has Me Concerned Because You Know I Have Put In Public Complaints With The Acquisition Process That We Don't Make A Greater Priority Of Connecting Our Ecological Systems That I Think Are Going To Be Further Diminished In Their Ability To Sustain Themselves And Be Quality Eco-Systems In The Future.

So I Guess I'm Probably -- I Don't Know If I Read You, Commissioner Mann, Correctly.

It Sounds Like You May Be Voting Against This And Maybe Our Reasons Are Different, But I Might Be Able To Support It -- Denying It, But I Don't Know That That's Going To Prevail.

Chairman Judah: Further Discussion? Comm. Hall: Mr. Chairman, I Would Like To Have At A Future M & P A Discussion On The Economy Of Where We Are And Sort Of Dove Tail On Commissioner Mann's Thoughts So We Can Have The Time To Thoroughly Look At When Things Are Hot And Heavy And Prices Are Up Versus Down And When We Are In The Situation Where We Are And To Have An Idea In Policy.

I Would Like To Schedule A Dialogue Along Those Lines.

Chairman Judah: Further Discussion? Comm. Mann: One More Point.

It Tags Onto What Commissioner Bigelow Mentioned About This Not Being Attached To Anything Else.

That Concerns Me And That's A Priority.

This Is Nearly A One Square Mile Of Land.

A Lot Of It Is Very Nice And Hasn't Been Ruined Or Plowed Over And There Is No Runway On It.

When You Get This Much, We Have Created A Lot Of Adjacent Land.

I Commend You For Bringing This To Our Attention.

I'm Not Voting For This Or Any For A While.

Nothing Personal.

There's Nobody In The Entire Staff We Have That I Trust And The Public Trusts More Than You Because Of Your Splendid Record.

Chairman Judah: Any Objection? Comm. Bigelow: One More -- Chairman Judah: Excuse Me.

Any Objection? Comm. Bigelow: I Want To Take -- Chairman Judah: Motion Passes 3-2.

Comm. Bigelow: You Didn't Call For Discussion.

Chairman Judah: We Had Sample Discussion.

Comm. Bigelow: I Only Had One Opportunity.

Comm. Janes: I Didn't Have Any.

Chairman Judah: Did You Want -- Comm. Janes: No.

Chairman Judah: We're Going To Administrative Item 6-B.

Comm. Bigelow: Madame Clerk, Did You Register -- Chairman Judah: 3-2.

I Made A Request That This Be Brought To The Board Because I Would Like You To Explain The Comparables You Used In Arriving At What Staff And Conservation 2020 Were In Agreement With Offering And What The Seller Was Asking.

Because There Had Been Other Purchases In The Area And So That's What I Wanted The Board To Hear.

Yes, Commissioner.

The Majority Of The Comparables That Were Used For The Seller's Appraisal Were Actually Conservation 2020 Acquisitions At A Time Where The Market Was More Active.

The Appraisals -- Or The Appraisal Performed For The Seller Was Back In October Of 2007.

The County's Two Appraisals Were More Up To Date Done In May Of This Year And Recognized That The Marketplace Is In A Decline.

So The Two Appraisals Shared Actually Comps -- I Think There Was A Total Of Five Comparables All Together That Gave The Range Of Value Between The 275 And 290 A Square Foot.

Staff Looking At This Recognizing That We Were The Only Ones Out There Knocking On The Door Of This Property Owner Felt That Averaging The Two County Appraisals To Come Up

At 280 A Square Foot And Making An Offer At That Moment Was Fair And Just.

The Owner Stayed Firm At Their Appraised Value Of \$3 A Square Foot.

Also At The Time The Property Was Nominated, The Seller Nominated The Property For \$5 A Square Foot.

But Within A Matter Of Three Months Of Nominating The Property Got His Own Appraisal And Went From \$5 To \$3 A Square Foot In A Matter Of A Couple Months.

Also At The Time That The Property Was Nominated It Was Nominated With Access To Be Incorporated Into The Purchase.

When The Seller Came Forward With His Final Contract Which Is Presented To You Today, His Offer Amount Doesn't Include Access.

So He Is Wanting To Be Compensated For A Property That Is Essentially Land-Locked.

Chairman Judah: So Your Position Is That This Doesn't Have Access Whereas Others At \$3 Did Have Access.

That's Correct.

Chairman Judah: That's A Difference In Interpretation And A Difference In The Price.

Fellow Board Members I Want To Bring It To The Board For Purposes Of Discussion.

Comm. Bigelow: Well, Thank You, Mr. Chairman.

We Have Some Personal Experience With Lands Not Too Far From Here Where We Had It In Our Hands And Lost It And Ended Up Paying Dearly Because The Owner Did What I Would Do If I Were The Owner And That Is I Went Out And Sought A Way To Increase Its Value And Then The Market Went South On That Particular -- Market Went South And The Opportunity Wasn't As Likely To Produce The Outcome He Wanted In The Period Of Time He Wanted.

So He Brought It Back To Us.

And We Got It At A Great Cost.

I Was O.K.

I Voted For It.

I Supported It And I Was Glad To Because -- I'm Talking To You, Karen, And I Should Be Talking To The Board And The World At Large.

I Was Thrilled To Do It Because It Put Together -- You Know, A System, Chairman Judah, I Don't Need To Tell You, I'm Singing To The Choir.

That It Is Struggling At Best, The Six Mile Slew And The Need For The System To Cleanse Water And To Sustain The Local Environmental Habitat And Water Quality.

This Is Land That If I Didn't Support Today And Saw It Go Into Commercial Development Honestly I Don't Think I Would Be Able To Live With Myself.

It's That Significant To Me.

If I'm Right, Karen, We're Talking About \$170,000 Difference, Am I Right? Roughly? That's A Rounded Number, Mm-Hmm.

Comm. Bigelow: For That Kind Of Money, I Think We're Getting A Bargain.

That's \$170,000 To Help This Eco-System Function As Best As It Can In The Long Term.

So I Intend On Voting For This One.

I Mean, I Vote To Reject Staff's Opinion To Reject The Recommendation.

Chairman Judah: O.K.

Any Further Discussion From The Board Before We Actually Call For A Motion? Comm. Hall: Mr. Chairman? Chairman Judah: Yes.

Comm. Hall: You're The Commissioner Who Brought It Forward Obviously Feeling The Board Needed Further Discussion.

Usually When You Bring Something Forward There Is More To It Than, Hey, I Thought We Needed More Discussion.

The Dollar Separation Isn't Much Of A Stumbling Block Because When We Look At The Connectivity We Say There Is Value Added In That.

We Just Spent 30, 40 Minutes Discussing Value On Real Estate.

We Acknowledged That We Are In A Buyer's Market And There Isn't A Big Difference Here.

I'm Surprised They Didn't Split The Difference And Come Back With An Agreed Upon Price.

We Have Lines Drawn In The Sand And I Don't Understand It When You Have The Difference Why We Are In This Inability To Be Able To Close On What Appears To Be A Significant Adjoining Piece That Helps Maintain A System That's Important To What We Have Been Building Upon.

Again, I'm Going Back To The Consistency Of The Board.

For Me, I Don't Care Who The Property Owner.

Some People Say, We Really Want This. I Listen, But At The End Of The Day, It's About Are We Accomplishing The Goals And Objectives Of The 2020 Program.

So I'm Harder Pressed To Understand Why We Couldn't Come To Agreement On This Parcel.

I'm Not Willing To Just Buy Something Because There Is A Line In The Sand.

I'm Torn Listening To The Class Advisory Committee Say, They Are Willing To Let This Parcel Go Because We Could Not Come To Terms On A \$166,000 Difference.

Karen, I'm Looking For The Understanding Of Why You Felt That Was Such -- Because The Staff Has Said We Feel The Difference Is Worthy Of Accepting It Even Though It's Approve Appraisal.

What Do You See On This Parcel That Makes It That We Shouldn't Acquire It? Many Times We Don't Get Them Adjacent Because You Don't Think There Will Be Development Rights Given To It.

So Why Purchase It? I'm Looking For More Direction Than What I'm Hearing Right Now.

Well, The Property Owner Was Fir At \$3 A Square Foot.

This Parcel Is, Yes, A Part Of The Overall Connectivity But It Was Not -- It Did Not Rate As High As The Other Properties That We Had Acquired.

We Also, As I Had Mentioned Earlier On The Other Matter, We Have Over 20 Other Negotiations That Are Very Good Properties Going On At Very Favorable Negotiations For The County That All It Takes Is One Acquisition Like This That Can Create Issues For Other Negotiations.

I Took The Position That Our Offer Was Fair, Reasonable And Would Not Compromise Other Pursuits That We Have.

Chairman Judah: If I Could, I Remember -- Well, Actually I Wasn't Here, But I Remember Hearing Of The Incredible Effort Of The School Children Of Lee County Encouraging The Board Of County Commissioners To Go To Referendum To Allow People To Set A Millage To Acquire The Core Area.

I Was One Of Those Children.

Chairman Judah: You Should Be Amended For That, Karen.

It Was Ultimately Approved By The Voters To Acquire The Six Mile Slew.

Unfortunately It Took 14 Years To Eventually Acquire That Land That Was Supposed To Have Been Purchased For \$1.5 Million.

It Took \$7 Million.

Here We Are Looking At Acquiring Lands That Prevent Development From Affecting The Core Area Of The Slew.

I Got Nervous, Karen.

We're Really Working Hard -- You, The Staff And The Conservation 2020 Committee And This Community In Putting Together In A Puzzle Fashion -- An Important Puzzle -- The Last Remaining Parcels We Can Acquire To Protect The Six Mile Slew.

I Think It's Worthy To Be Brought Back To The Board Because Of Location.

Commissioner Hall, I Was Hoping We Could Split The Difference And Get The Owner Off Of Dead Center And Recognize That There Were Two Appraisals Done And There Is A Range There And Try To Split The Difference At \$2.90 Versus \$2.80 A Square Foot.

I Don't Know If A Counter Offer Would Be Accepted Or Not, But I Would Hate To See Losing This Opportunity And The Situation At Orca Isles Was Difficult.

With This Discussion I Hope We Can Come To Resolution To Go Out There And Make It Happen.

We Are Under Early Negotiations For Another Thousand Acres.

Mr. Wheaton Mentioned It For The Head Waters Of The Six Mile Cyprus Preserve.

So The Decision Today Probably Will Play Somewhat Into Those Activities As Well.

Chairman Judah: That's A Valid Point.

Comm. Hall: Mr. Chairman, I Appreciate The Candor.

I Think We Do Need To Recognize The Times And Place Value And Respect On Our Staff And Where They Are Going.

We See Through Paperwork The Level Of Applicants Coming Through.

While This Is An Important One, We Have Several Out There That Play A Role And Dollars Play A Role In How Many Of The Parcels We Can Acquire.

So I Lean Toward Supporting Staff's Recommendation On This One Simply Because I Do Take The Time To Read Everything You Send To Me, Karen.

I Realize You Have A Lot Of Offers In The Hopper.

Mr. Tim Jones Representing The Property Owner Has Just Relayed That Mr. Beck Would Accept \$2.90 A Square Foot.

Chairman Judah: Which Is What We Had Talked About.

That's Good News To Hear.

Comm. Hall: I Can Second Commissioner Bigelow's Motion Which Would Be So Unusual.

[Laughter] Comm. Bigelow: Thank God For The Wall.

I Was Going To Fall Off The Dais.

Chairman Judah: \$2.90 A Foot.

Commissioner Bigelow? Comm. Bigelow: I Would Be Glad To Accept That Price.

Chairman Judah: Do We Have A Second? Comm. Hall: Yes.

Chairman Judah: Well, Thank You, Tim.

Good To See You Back.

You Served Very Gracefully And With Much Distinction As Our Former Assistant County Attorney.

Didn't Know If I Would See You Here Today Nor That You Would Be Representing The Owner.

But You Come With A Way To Resolve It.

Thank You.

It Is Very Unusual.

Chairman Judah: O.K.

Thank You, Karen.

Any Further Discussion? Comm. Mann: Yes.

I'm Still Troubled By My Previous Comments.

I'm Not Going To Support This Or Any Other In The Foreseeable Future.

I'm Frankly A Little Bit Troubled About How This Process Has Evolved To Where It Is Today As Though We Were In Some Type Of An Auction.

I Mean, That's A Precedent, Frankly, I Don't Want To Set For The Future.

I Think It's A Bad Way For The Government To Do Business.

I'm Very Uncomfortable About This.

I Will Just Vote No, Thank You.

Chairman Judah: O.K.

Commissioner Janes? Comm. Janes: Thank You.

I've Got To Tell You I Originally Supported The Motion To Go Ahead And Purchase This Property.

Until The Discussion That We Had This Afternoon Or This Morning By Karen.

She Suggested Several Times That There Were Properties That Were Probably Ranked Even Higher, That The Price Is Even Better On Are Given The Market.

I Think For That Reason I Will Probably Vote Against This Project In Hopes That We Can Continue Working On Perhaps Some Of The Better Projects, Particularly The One At The Head Waters, Six Mile Cyprus Which Would Be Critical.

This Is A Good Project, But I Think We Can Get A Bigger Bang For The Buck.

I Guess To A Degree I'm A Market Player.

I Like To Buy Low And Sell High.

I Realize That We Are In A Down Market Right Now In Real Estate.

If You Can Buy, Now Is The Time.

Almost Anyone With Dollars Available Knows Now Is The Time To Buy Property.

To Wait Until That Exact Moment That There Is A Turnaround Is Very Hard To Guess In The Market Game.

Generally, You Don't Win.

So For That Reason, Given The Fact That The Market Is Going Down, I Think We Have Reached About Bottom.

I Digress.

Didn't Mean To.

Chairman Judah: That's All Right.

Comm. Janes: I Will Not Support The Motion.

Chairman Judah: And This Is At The Upper Reaches Of The Six Mile Slew.

The Price Is At The Upper End Of The Appraised Value Range.

I Understand The Points That Have Been Made.

Comm. Hall: Mr. Chairman? Chairman Judah: Yes.

Comm. Hall: This Is Not Normally The Way We Handle 2020 And I Don't Want The Public To Think This Is An Auction Item.

The Commission Has An Opportunity To Bring It Forward And Give Direction And/Or Recommend A Different Price And Do That.

That's What We Have Done Today Which Is Typical Of What We Have Done Ton Very Few That Come Back To The Board That Differ With Our Advisory Board's Recommendation.

I'm Not Uncomfortable Sending Back Our Direction To The Class Act To Reconsider And Have It Come Back.

I Don't Think We Need To Do That.

It's An Unnecessary Step And That's Why I Supported Commissioner Bigelow's Motion.

I Think We Are Where The Advisory Board Needed To Be.

I Think They Have Said We Have A Price Issue, Not A Property Issue.

I'm Not Uncomfortable Moving Forward And I Don't Want The Public To Think We Bring These Forward So We Can Create An Auction Item And Negotiate Price.

It's Not The Norm For Us.

Chairman Judah: Further Discussion? Karen? Commissioners, I Just Came To Realize That Because We Are Above The Average Of The County's Two Appraisals, Florida Statute Requires An Extraordinary Vote.

Chairman Judah: That's A 4-1, Super Majority.

Well, This Will Be Interesting.

Comm. Bigelow: Why? Say It Again? Comm. Mann: Above The Appraisal.

Chairman Judah: Above The Average.

The Statute Says If The Purchase Price Is Above The Average Of The County's Two Appraisals An Extraordinary Vote Is Required.

Comm. Janes: How Much Above The Appraisal Of The Two Is It? The \$2.80 Was Just Below.

\$2.90 Is At The Top.

Chairman Judah: Thank You For The Clarification.

We All Know Going In.

Further Discussion? Objection? Comm. Janes: Yes.

Comm. Mann: Yes.

Comm. Hall: Fails.

Chairman Judah: The Motion Fails For The Lack Of Meeting The Supra Majority.

3-2.

Commissioners Mann And Janes Dissenting.

Thank You, Karen.

Commissioner Mann? Comm. Mann: Just A Thought.

I Usually Don't Try To Drag These Things Out After They Have Passed.

This Parcel Is Still Alive And Well.

It Sits Where It Is And It Is Available To Come Back To Us.

I Look Forward To That Time.

Chairman Judah: O.K.

We Have One Appeals Agenda.

I'm Going To Hold Off On That Actually And Go To The Item -- Administrative Item 15-A.

Comm. Mann: Are You Sure? Chairman Judah: Yeah.

Do You Want To Do The Appeal First? Comm. Janes: And Take A Break.

Chairman Judah: We'll Take A Break, And Then Have The Presentation By Mr. Cane.

Chairman Judah: We'll Go Ahead And Proceed With The Appeals Portion Of The Agenda As Requested By The Board.

Greg Or Jed? Jed? O.K.

Good Morning.

I'm The Assistant County Attorney.

Your Appeals Item Is A Bid Protest For Solicitation Number B-08-29.

It Is For The Palm Beach Boulevard Landscape And Irrigation Project From I-75 To Prospect Avenue.

This Bid Protest Was Initially Heard By The Dispute Committee On September 9.

That Committee Upheld Staff Recommendation To Award The Contract To Villa And Sons Landscaping.

This Bid Protest Is Similar To The Protest That You Had Last Week.

My 9/25 Memo Outlines The Procedure, Facts And Issues Involved In This Protest.

Only The Participants And Bidders Will Be Heard During This Protest Hearing: Typically We Give Ten Minutes For The Initial Presentation And Five Minutes For Rebuttal.

First, Juniper Landscaping And Then Villa.

If There Are Other Interested Bidders They May Also Speak.

Following The Party's Presentations, If You Have Questions Of Myself Or Our Staff, Feel Free To Ask Them.

The General Motions That I Have Recommended, The Board May Take Are Number One, To Uphold The Dispute Committee's Recommendation Awarding The Contract To Villa & Sons Landscaping Or, Number Two, Reject All Bids And Re-Bid The Project.

So Now I Will Hand It Over To The Chairman To Hear From The Parties.

Thank You.

Chairman Judah: Thank You, Jed.

We Have A Process In Place.

Commissioner Mann? Comm. Mann: Jed, Before You Leave, Could You Comment Or Tell Me -- I Misunderstood The Gentleman This Morning.

Comment On Mr. Shaye's Comment About How We're Violating The U.S. Constitution By Having Our Dispute Committee Made Up Of Some Of The Same People Or Staff From The Folks That They Are Overseeing.

This Particular Dispute Committee Was Not Made Up In That Manner.

There Was No Formal Selection Committee For This.

Comm. Mann: That's All I Need To Know.

Comm. Bigelow: This Was A Hard Bid.

Chairman Judah: We'll Hear From Juniper Landscaping First.

Comm. Bigelow: Mr. Chairman, This Is A Two-Part Deal.

There Is Appeal And Also The Approval To Issue Contract To Villa And Sons.

But I Have Some Issue Questions, So I Don't Know Where I Will Put That In This Mix.

Chairman Judah: You Want To Bring It Up Now Or After We Hear -- Comm. Bigelow: Joe See Jim Lavender Here, So This Might Be Complicated.

But We Initially Were To Landscape From I-75 Through Into The City Of Fort Myers.

We Had An Agreement Interlocal With City Of Fort Myers To Do It On Their Behalf And I Was Told At The Time That The Reason We Were Going To Be Doing It That Way Is So That It Was One Contract And More Cost Efficient And We Would Simply Be Overseeing It On The City Of Fort Myers Behalf.

They Would Be Reimbursing Us For Their Portion.

I Took No Exception To That Philosophy, But I Wanted To Be Sure That, You Know, Any Of These Transportation Issues That We Were Starting To Hear About With Respect To The Meeting Were Reviewed First.

We Still Have That Problem Here.

So I Guess There Are Two Points Of Dfsh Points To Be Made There.

I Thought This Would Be One Contract For The Entire Landscaping And Secondly, There Is Serious Median Configuration Issues That Still Stand To Be A Big Problem For Residents.

Is It Possible To Get Mr. Lavender Here? Paul's Here.

Comm. Bigelow: Oh, O.K., Good.

Good Morning.

I'll Try To Answer Your Questions If You Could Just -- I Wasn't Sure Exactly What You Were Looking For.

Comm. Bigelow: Am I Wrong That We Were Going To Do One Contract For The Entire Landscaping Project? The Entire Project Is Four Miles Long And Approximately Two Miles In The County And Two In The City.

We Undertook The Project Working With The City Of Fort Myers And Did All The Design At One Time So The Design Was Consistent Throughout The Four Miles Of The Project.

But The Project Was Put Together Split In Two Pieces.

We Made The Offer With The City To Move Forward And Proceed With The Construction Obviously With Them Refunding The County For The Cost Of Doing The Work.

Because Of Their Budget Constraints They Have Declined That Offer At This Point.

So We Are Moving Forward With Our Two Miles Although We Have The Design Done For The Entire Four-Mile Section.

Comm. Bigelow: Paul, You Didn't Get To The Point Of It Though.

Didn't We Have An Agreement To Do -- Wasn't It The Plan Initially To Do The Entire Landscaping Project Under One Contract? The Two And Two Miles -- Four Total? .

Yes, Sir, That's Correct.

The Contract Was Split In Half.

We Made The Distinction Between The County Portion And The City Portion.

So When It Came Time To Pay For Each Portion It Would Be Clearly Defined As To Who Would Be Responsible For What.

The City Has Asked To Cancel The Agreement And The Paperwork Is Making Its Way Through The System Currently.

Comm. Bigelow: You're Saying The City Isn't Moving Forward On Their Half Because They Have Financial Constraints But It Is Indicated Differently In An E-Mail That It's Because Of The Median Difficulties And Analysis By Dover Cole.

I Have Some Difference Of Opinion Here.

Anybody Representing The City Here? No? Not That I'm Aware Of.

This Matter Isn't What's Before The Board At This Time.

I Don't Know What The City Would Have A Representative Here.

I Do Know Initially They Brought The Issue To Us Because It Was Funding Issues.

You're Correct.

There Are Also Issues With A Possible Turn Lane Modification Although From Fdot's Comments Back To Us That Would Probably Not Impact Anything That Was Done On The Landscaping.

But That's The City's Position.

They Just Want To Be Certain That's The Case.

Comm. Bigelow: It's Fdot's Design.

Of Course They Will Stand Behind It.

O.K. What Are We Doing, If Anything, To Try To Understand The Median Design And Impact On Traffic And Unincorporated Lee County? Anything? Are We Happy With It And Just Going To Continue To Take These Complaints? At This Point In Time, I Believe We Received Few Complaints Within The County Section Of The Road.

We Don't See It Being An Issue.

Fdot Doesn't See It Being An Issue.

We Have No Intention Nor Does Fdot Have Intentions To Make Modifications Within The County Portion Of The Roadway.

Comm. Bigelow: He's Addressed It, Mr. Chairman.

Not To My Satisfaction, But O.K.

Comm. Hall: When I Was Made Aware That The City Was Considering Not Moving Forward I Spoke To The City Engineer And He Never Informed Me That Their Decision Was Because Of Modifications To The Median.

He Told Me It Was A Budget And A Timing Issue.

He Shared With Me That They Were Not Moving Forward Because They Had Other Projects They Needed To Transfer Those Dollars To Make Sure They Stayed On Time With Those.

I Was Not Told The Reason For Pulling Back On The Project, While They Had Concerns About The Median, That Was Not What Was Driving Their Pulling Back Of The Funds, Nor Did He Indicate -- He Specifically Indicated To Me It Was Due To Budget.

I Just Want To Clarify Just So You Know.

I Did Speak With The Representative From The City Of Fort Myers Engineering Department And Our Dot Staff Also To Confirm This Was Budgetary.

If You Remember, This Plan Goes Back To 2004, The Community Plan That Was Adopted By The Russell Park And The Easterly County Portions.

This Is Part Of That Community Plan.

That's The Palm Beach Plan.

More Of Roadway, Landscaping Plan.

But Mr. Chairman, The City Of Fort Myers Has Funded The Town Planning Efforts By Dover Cole And Along This Road Corridor.

Part Of That Study Includes The Study And Analysis Of The Traffic Movements, Pedestrian As Well As Vehicular.

And The Effect Of The Medians On Both Of Those.

I Don't Know How We Could Say They Are Holding Up The Landscaping Problem And Is Only Financially Based.

They Have Funded An Effort To Study The Area.

Anyway, I Guess We Can Move On And Maybe Pick This Up Later In The Discussion.

Chairman Judah: O.K.

We'll Hear From Juniper.

My Name Is Michael Duke, President Of Juniper Per Landscaping.

I Thank The Commission.

Our Grievance Really Has To Do With At The Time Of The Bid Opening, The County Bid Opening Juniper Was The Lowest Qualified Bidder.

It Wasn't Until Approximately A Month After The Bid Opening That We Were Notified Of A Pre-Qualification Requirement From Fdot That Would Potentially Disqualify Us From Being The Low Bidder.

Just To Let The Commission Understand What The Dollars Are, Juniper Had A Low Base Bid Of \$461,527.

The Contractor That The County At This Time Is Intending To Award The Project To, Villa & Son, Their Base Bid Is \$530,552.

This Means That If The County Goes Ahead With The Intended Contractor, Villa & Son, You Will Be Paying \$69,024 Above What The Low Bid Was. If The County Accepts The Alternate Bid Combined With This, Juniper's Bid Was \$537,000.

Villa's Is Higher Which Means The County And Its Partner The State Of Florida F Dot Will Be Paying \$66,000 More.

Really, Our Grievance -- And The Reason We're Here Today Has To Do With The Bid Documentations With We Bid It And As The Eight Other Contractors That Bid It From The County Was Very Incomplete.

To Make A Few Points, Nothing In The Bid Document Stated That The Contractor Must Be

Fdot Pre-Qualified And This Is Really The Reason We Were Disqualified Because It Was A Month Later That This Issue Came Up.

But In The County's Documents There Was Nothing That Said You Had To Be Pre-Qualified.

Fdot Prequalification Was Not Mentioned At The Pre-Bid Meeting Which Would Be Customary For It To Be Mentioned At The Pre-Bid Meeting Or In The County Bid Documents.

There Were Previous Bids Clearly Stated Fdot Pre-Qualified And Required.

There Were Many Times We Bid The Jobs And It's Clearly Stated In The County Documents That You Must Be Fdot Pre-Qualified.

I Also Want To Bring To Your Attention That Four Of The Eight Bidders Were Not Fdot Pre-Qualified.

Now, The Fdot Documents State -- That Is The State Of Florida Documents Themselves State That If A Project Is Under \$500,000, The Contractor May Ask For A Variance From The Rule.

But In Our Case, We Couldn't Ask For A Variance From The Rule Because There Is Nothing Stated In The Pre-Bid Meeting Or Any Documents Stating That It Is A Requirement.

Because The County Documents Didn't State The Full Requirement That An Fdot Pre-Qualification Was Necessary, There Was No Opportunity On Our Part To Request One.

Juniper Landscaping Is More Than Qualified To Do This Work.

We Have Just Completed U.S. 41 In Charlotte County, The Entrance To Port Charlotte.

We Are Currently Doing U.S.-17 For Charlotte County.

Juniper Landscaping's Management Has Tens Of Millions Of Dollars Worth Of Combined Road And Work Experience.

Just In Summary, I Would Like To Say That In The Time Of Budgetary Crisis, I Know There Is Pressure On Local Governments, State Governments, The National Government.

In A Time Of Budgetary Crisis It Seems To Me As A Taxpayer -- And I Know This Is A Bit, You Know, Self-Serving In Saying This, But As A Taxpayer Of Lee County Or As A Taxpayer Of The State Of Florida That With The Type Of Pressure You're Under That It Just Doesn't Make Sense To Pay \$69,000 More For A Project.

Now, I Understand That You Receive -- You're Going To Receive \$100,000 From The State Of Florida And If You Don't Meet Their Requirements That You Will Lose That Money.

But Even With That Said, It Seems Like One Of The Issues In The Country Today Is That We Kind Of Always Look At Our Local Interests.

In This Case I Pay Taxes In Lee County, But I Also Pay Taxes To The State Of Florida And I Would Think There Would Be A Responsibility To Look Past A Small Error In The Documents And To Award A Contract With Almost \$70,000 Above The Going Rate.

Thank You.

Chairman Judah: You Will Have An Opportunity For Rebuttal Also, Sir.

Need To Hear From Representative From Villa & Son.

Mr. Chairman, When Will We Ask Juniper Questions? Comm. Janes: After This.

Chairman Judah: Did You Want To Do It Now Or At The End.

Comm. Bigelow: I Just Wanted To Know When.

Chairman Judah: Let's Hear That During The Rebuttal.

Comm. Mann: Just The Two Of Them Here.

Chairman Judah: Right.

I'm Jeff From Villa & Son Landscape.

We Are The Lowest Responsible Bidder For The Palm Beach Boulevard Project.

We Have Just A Few Points That We Do -- We Are A Florida Dot -- Chairman Judah: Thank You.

You're Welcome.

We Are A Florida Dot Registered Company.

As You Can See, This Letter Is Dated June 24 Of This Year Showing That We Have Passed The Audit And Everything Required For This Project.

The Contract Does State That This Contract Is For Local Agency Program Construction Project Number 407978-1-58-01.

Bidders Must Comply With Florida Dot Requirements.

As You Can See, We Do Comply With Florida Dot Requirements.

And All The County Requirements For The Project Itself.

We Are Qualified, As I Said, Also In Here The County Reserves The Right To Accept Or Reject Any Bid Per The Bid Documents Themselves.

I Think They State That We Meet All The Requirements And Everything For The Best Interest Of The County.

Chairman Judah: Thank You, Sir.

We'll Bring Back Juniper For Rebuttal And Answer Any Questions That The Board Members May Have.

Thank You.

Chairman Judah: Do You Want To Go Ahead With -- Questions Now? That's Fine And Then The Rebuttal.

Where Is The Public Works Director And Why Can't He Be Here? Comm. Hall: He's On Vacation.

He's Out Of Town And His Representative Is Here, Mr. Wingar.

Comm. Bigelow: Is Anybody That Was On The Dispute Committee Present Besides Pete? I Don't Know.

Comm. Bigelow: Mr. Sampson? Chairman Judah: Lindsay's Here.

Comm. Bigelow: Lindsay's Here? O.K., Good.

When You Say You Could Have Qualified Or Sought A Waiver For The Fdot Prequalification Requirement Would There Have Been Ample Time To Do That Between The Day The Bids Were Opened And The Issuance Of It? I Mean, How Much Time Does It Take To Get That Waiver? I'm Sorry.

What I Said Was That You Can Apply For A Waiver Which Would Mean They Would Waiver The Requirement For You To Be Fdot Certified.

When This Happened, We're In The Process By The First Of The Year We Will Be Fdot Certified.

But If I Could Bring Up -- Go Ahead.

I'm Sorry.

What I Was Going To Say Has More To Do With -- Comm. Bigelow: You Have To Have That Before You Make Application -- You Would Have To Know That It Was An Issue.

Not All Road Jobs Require You To Be Fdot Certified.

We're Doing U.S.-17 In Port Charlotte, U.S.-41.

It's Not A Requirement.

Comm. Bigelow: I'm Just Trying To Put The Waiver Possibility In The Time Frame Mix Here.

Sounds Like You're Saying You Would Have To Have Applied For It After Noticing The Advertisement And Before The Bids Were -- Before The Bid Was Let, But That Would -- You Would Have The Understanding That In The Bid Documents When You Go To Read Them That There Would Be That Requirement.

It Was Nowhere In The County Documents That You Had To Be Fdot Certified.

As The Four Other Contractors Also That Have Been Disqualified Because Villa Was The Number Five Lowest Bidder.

Comm. Bigelow: We Have Been Given A Copy Of The Advertisement, I Believe, Revised January 1 Of 2008.

I Suppose That's The Same One.

Can Anybody Attest To The Fact That It Is The Same One That Was On The Street So That -- If I Could Make One Comment Concerning Fdot Requirements, When It States In The County Language That You Need To Be Fdot Qualified, What It's Talking About There Is Things Like Workers Need To Wear A Vest.

You Must Have Mot, The Plant Requirements And Plants Need To Be A Certain Size, Soil Has To Have A Certain Ph.

Those Are The Type Of Requirements The County Is Talking About.

The Fdot Certification Is A Whole Nother Issue That Would Be Spelled Out Specifically And In Any Bid We Have Done It's Always Spelled Out Specifically.

Comm. Bigelow: O.K.

I'm Just Trying To Get Confirmation From Somebody.

Maybe Judge Sneck Or The County Attorney's Office, Somebody That Can Say This Is What The Public Had When We Advertised This Contract.

The January 1, 2008 Bottom Left-Hand Corner.

Comm. Bigelow: O.K.

So This Is Absent Any Disclosure That All Contractors Must Be Florida Department Of Transportation Pre-Qualified To Perform This Work Which Is On Another One Given To Us As An Example.

O.K.

So That Confirms Your Statement, Your Position.

Chairman Judah: I'll Now Allow The Five-Minute Rebuttal.

I Don't Have Much More.

I Know You Have More Pressing Things To Get To Today.

It's Just Kind Of An Issue Of, You Know, From Juniper's Standpoint, We Followed All The Rules.

I Can Tell You Out Of All The Landscaping That We Bid In Lee, Collier And Charlotte Counties That County And State Road Work Is The Most Exacting.

You Must Cross Your T's And Dot Your I's Or You've Got A Problem And You Will Pay For It Down The Road.

With That Said, We Did Everything.

We Followed The Rules.

We Did What We Were Supposed To Do And In This Case, We're Just Kind Of Left Out In The Cold.

It's Difficult To Sit Here Being Almost \$70,000 Lower Than The Company You're Ready To Award The Contract To.

Chairman Judah: Thank You, Sir.

Back To Villa & Sons.

One Final Comment That There Was An E-Mail From The County When We Went To The Informal Hearing That It Does Say That The State Contract Management Office Says If You're Not Florida Dot Qualified You Do Not Get The \$100,000.

I Think That's Imperative That Being Qualified Is An Important Factor In It.

Chairman Judah: O.K.

Commissioner Bigelow? Comm. Bigelow: I Don't Understand.

You're Saying An E-Mail Was Sent Out To All The Bidders -- No, I'm Sorry.

It Was An E-Mail Sent Back To Some Of The Public Works Guys.

I'm Not Sure -- Chairman Judah: Paul, Do You Want To Respond On That? Comm. Bigelow: What's The \$100,000? That's The Grant That The State Is Providing Which Is The Contention -- The Requirement That You Be Fdot Certified.

Comm. Bigelow: Oh, Because It's State Money.

That Came Before Which Meeting? We Had An Informal Hearing Before This Meeting --  
Comm. Bigelow: Which Meeting? I'm Sorry, The Commissioner Meeting.

We Had A Meeting With County Officials, The County Assistant Prosecutor.

Comm. Bigelow: But This In Addition Wasn't Part Of The Bid Dispute Evidence, Was It Pete?  
Anybody? Yes, It Was.

Comm. Bigelow: It Was Part Of The Bid Dispute? Fdot's Position Is For This Project Because  
It Is A State Road Receiving \$100,000 Of Stating And Must Meet Fdot Qualifications.

One Of The Qualifications Is To Be Prequalified To Bid On Projects.

Comm. Bigelow: This Came After The Pre-Bid Conference But Before This Dispute Hearing,  
Right? I Believe It Came Before That.

Comm. Bigelow: Before The Pre-Bid Conference? I Believe It Did, Yes.

I'll Have To Confirm That, But I Believe It Did.

There Were A Number Of Correspondents From Fdot Outlining Their Position Before And  
After, I Believe.

Comm. Bigelow: That Would Be Evidence That They Were Put On Notice That The Pre-Bid  
Qualification Before -- No.

Comm. Hall: Right There.

The E-Mail In Question -- Paul Winguard For The Record, The E-Mail Was A Question Raised  
To The State Department Of Transportation After All The Bids Were Received.

So It Was The Meeting That The Gentleman Was Speaking To Was The Pre-Appeals Meeting  
With Jim Lavender And Lindsay Sampson To Make The Recommendation To You.

Comm. Bigelow: Paul, Does Juniper Do Any Other Right Of Way Landscaping Work For Us?  
Have They Before? I Don't Know If They Have Done Lee County Projects.

I'm Not Positive.

They Do A Lot Of Roadway Landscape.

The Gentleman Spelled Out Things They Do In Other Areas.

Comm. Bigelow: Villa Does Do -- They Have Done A Number Of Projects In Lee County.

Comm. Bigelow: So There Is Experience With Them And Probably A Familiar Ti With Their  
Work And This Is -- Mr. Chairman, And Members Of The Board, This Is Kind Of What I Have  
Been Trying To Suggest Is A Problem.

With The Make-Up Of The Selection Committee And In This Case The Dispute Committee.

There Can Be Some Preference In The Mind Of The Selection Committees That Might Serve To The Detriment Of Other Contractors Or Bidders And That's Why I Would Impress Upon You Again To Please Join Me To Suggest The County Manager Find Another Way To Create The Mix Of These Selection Committees.

Because In This Case, We Have An Assistant County Manager.

We Have The Public Works Director And Somebody That Serves Under Him, Lindsay Sampson And Just As A Hypothetical, If Mr. Lavender Has A Performance For Villa And Son Because Of Being Familiar With Their Work And Whatnot That May Then Filter Into The Minds Of Those Who Are Sub -- Not Subservient.

Subordinate.

Excuse Me.

Getting Tongue Tied.

That Could Perhaps Influence The Subordinate's Decision On This Selection Or Dispute Committee.

I Don't Like This Kind Of Boss Over Employee Make-Up On These Committees.

In This Case, We Have An Assistant County Manager, Public Works Director.

Chairman Judah: Commissioner Hall? Comm. Hall: Yes, Thank You.

Judd, What's The Legal Requirement To Go Back Out To Bid? What's The Minimum Amount Of Time Necessary To Meet All Of The Statutory And County Ordinance Policies To Go Back Out To Bid? I Don't Think There Is A Legal Timeline To Get It Back Out To Bid.

As Soon As Our Staff Could Put Together The New Bid Package And Accepted It Out.

That's What We Would Do.

Now, Just Want To Remind The Board Here, This \$100,000 Is Only Available Until The End Of The Year.

The Substantial Completion Time For This Project Is 90 Days.

So It's Critical That This Project Be Finished By The End Of The Year For Us To Receive Those Dollars.

If Not, We May Lose That \$100,000.

Comm. Hall: Mr. Chairman? Chairman Judah: Mm-Hmm.

Commissioner Hall? Comm. Hall: I Think -- And Paul, Correct Me If I'm Wrong -- I Don't Think We Have Stated Clearly That You Needed To Be A Dot Certified, Fdot Certified.

Not To Say People Shouldn't Have Asked The Question.

We Didn't Acknowledge That That Was A Requirement Up Front To Be Able To Bid On The Application.

Is That Correct?? That's Correct.

We Didn't Clearly State That That Was A Requirement.

We Merely Stated They Must Meet All Of The Requirements Of Fdot Of Which That Would Be A Requirement.

Comm. Hall: Because We Didn't Know They Would Require It Until After The Fact.

I Guess If I Could Just Summarize Quickly, The Decision Here Is That We Have To Have Fdot-Qualified Vendor In Order To Receive The \$100,000 Grant.

I Can Certainly Understand That Low Bid Is Always Low Bid Depending On The Qualified.

I Also Understand That We Have A Deadline Of 90 Days To Get This Substantially Done.

If We Are 80% Done With The Project I Find It Hard To Believe Fdot Wouldn't Grant The Funding, But I Know The Bid Documents Are Ready Except For The One Statement And We Could Put Out A Rebid In A Short Period Of Time If Staff Focuses.

I Don't Know If Bids Would Come In Lower, But I'm Certainly Not Inclined To Give This To The Low Bid Because I Don't Want To Lose The \$100,000 Or Penalize People Who Did Bid In Good Faith.

Normally We Would Have Stated That, So We Wouldn't Have People Spinning Their Wheels On A Bid They Weren't Qualified To Do.

I'm Inclined To Take The Second Recommendation And Ask Staff To Expedite The Bid Going Out.

People Are Ready To Re-Bid And Could Do It Within Two To Three Weeks And We Could Release It.

I Will Go To The Board Because I'm Not Comfortable Losing The \$100,000 From Fdot.

Comm. Janes: Mr. Chairman? I Would Like To Ask, Was There A Pre-Bidder's Conference?  
Comm. Hall: There Was.

Comm. Janes: Was Its Mentioned In The Pre-Conference, The Need For Fdot Certification? It Was Not Brought Up.

The Question Wasn't Raised By Participants Nor By County Staff.

Comm. Janes: Were All The Participants There Or Was One Company Missing? I Believe That Juniper Was Not There, If That's The Question.

There Were Several Others There.

I Believe They Were Not.

Correct.

They Were Not There.

Mr. Chairman? Chairman Judah: Yes, Commissioner Bigelow.

Comm. Bigelow: Paul, Who Bears The Burden To State That You Have To Be Fdot Pre-Qualified? Who Bears The Burden? The County Or The Bidders? Typically The County Documents Spell Out The Requirements For What's Necessary For The Contract.

In Those Requirements That We, The County Provided To All Of The Contractors, That's Where It Said That They Had To Meet All Of Fdot's Requirements.

It Didn't Specifically Say That The Contractor Had To Be Prequalified And That's A Statement That Could Have Been Included In The Contract Documents That We Prepare But It Was Not.

But, Again, That General Statement Saying They Have Had To Meet All Fdot Requirements Was Included.

Comm. Bigelow: You're Taking Me Around The World.

Is It A Burden Upon Us To Announce That The Prequalification Is Required? Yes.

I Believe We Met That.

Comm. Bigelow: Did We Post This On The Lee County Contract Management Website? The Contract For Bid? I'm Sure It Was As All Contracts Are.

Comm. Bigelow: Was The Requirement Posted? There Is A Note -- New Requirement On The Advertisement It Says On A Box.

It Is The Sole Responsibility Of The Contractor To Check With Management Website For Any Project Addendum Issued For The Project Lee County Will Not Notify But Will Post To The Website.

Typically That's The Procedure Followed, I'm Sure That's Correct.

Comm. Bigelow: Was It Posted On The Website? I See A Woman Nodding.

I Don't Know Who She Is.

Cindy Logan From The Contracts Department.

All The Issues Were Raised At The Time We Had The Protest Hearing.

That's Correct.

Comm. Bigelow: That Was Part Of The Testimony That It Was On The Website? I Don't Know That That Specific Question Was Raised But The Process That The County Goes Through Was Brought Up.

Comm. Hall: Mr. Chairman? Chairman Judah: Yes? Comm. Hall: I Think Where There Is Getting Confusing Is We Never Notified Anywhere That You Were Required To Be Fdot Prequalified.

What They Said Is You Must Meet The Requirements Of Fdot.

The Burden Upon What The Requirements Were Is Up To The Bidder Is What I Hear Staff Saying.

Never Was There Anywhere An Amendment To The Contract That, Hey, By The Way, Part Of The F Dot Requirement Is To Be Prequalified.

So This Box Didn't Get The Statement Because Our Staff Said They Felt They Met The Requirement By Simply Making The One Statement.

You Must Meet All Fdot Requirements.

End Of Story.

There Was No Other Information Provided To The Bidders Other Than That.

What Came Up After When The Bids Were Opened Was The Fact That We Had Four Contractors That Were Not Pre-Qualified, Therefore Didn't Meet As Responsible Bidders And Their Bids Were Put Aside And They Went To The Next Qualified Bidder.

So The Question Becomes When You Ask Whose Obligation It Is To Make That Known, Staff Said, We Thought We Did By Saying You Must Meet Fdot Requirements.

You Have To Find Out What They Are.

Chairman Judah: That Pretty Well Sums It Up.

Could We Have A Board Take Action? We Have Pretty Well Thrashed This To Death.

Comm. Mann: Commissioner? Chairman Judah: Thrash Away.

Comm. Mann: I'm Sympathetic To Juniper.

They Followed The Rules They Knew About And I'm Sorry They Didn't Know About This, But Had They Known About It, They Wouldn't Have Been Pre-Qualified.

Comm. Hall: That's Correct.

Comm. Mann: If We Rebid It We Would Lose \$100,000 And It Would Be \$30,000 Out Of Money.

It Would Cost Us \$30,000 More.

As Sympathetic As I Am, I Don't Know What We Can Do Other Than Take The Recommendation Of The Committee.

Chairman Judah: Is That A Motion? Comm. Hall: I Will Second The Motion.

Chairman Judah: Moved And Seconded, Under Discussion.

Comm. Hall: I Didn't Realize They Put "You Must Meet Fdot Requirements".

Knowing They Did Have That, It Is Up To The Bidder To Know What The Requirements Are.

I Can Support And Second The Motion By The Fact That We Did Say There Is Some Requirements You Will Need By Fdot And We're Not Going Doing The Homework For You.

Chairman Judah: Further Discussion? Comm. Bigelow: Yes.

If I Understand Correctly, Had They Wanted To Become Fdot-Certified Or Seek A Waiver Since It Sounds Like They May Have Qualified, Had They Known It Was Required They Could Have Then Availled Themselves Of That Route, But They Weren't Noticed That It Was A Requirement Of The Bid.

So It Just Doesn't -- That Fact Doesn't Hold Water To Support The Motion.

I Can't Support It.

Chairman Judah: O.K.

Further Discussion? Objection? Motion Passes 4-1 Commissioner Bigelow Dissenting To Uphold The Committee's Recommendation.

We Will Go To The Issue Concerning Our County Manager And We're Going To Hear From Mr.

Crane.

Good Morning, David Owen, County Attorney.

I Have A Short Preamble And Then Mr. Crane Can Go Through The Report.

Mr. Chairman, We Are Before You This Morning As The Result Of A Series Of Events That Began In July.

The Board Recalls Back On July 3 The Chair Sent Me A Memorandum Asking That An Investigation Be Conducted By My Office At That Time Into Two Issues Brought Up In That Memorandum.

One Was The County Manager's Role In The Investment Group Which Was Daniels View L.L.C. And Then, Two, Whether Or Not Mr. Stillwell Lied To The Board Of County Commissioners Concerning His Involvement With The Property And That Was Relating To The Properties That Constitute The Daniels View L.L.C.

That Memorandum Was Adopted By The Board At A Special Meeting On July 22.

By Incorporating That, It Was Placed Into The Contract For Mr.

Crane.

On July 31, Some Nine Days After The Board Gave Me Direction, On July 22 Which Was To Retain An Outside Independent Out Of Town Investigator To Investigate This Matter, That Contract And Mr. Crane's Credentials Were Provided To You And Mr. Crane Began The Investigation.

Throughout The Course Of August And September, Mr. Crane Conducted His Investigation By Reviewing Materials, Interviewing Individuals And Compiling Those Matters And Bringing Those Before You Here Today.

What Mr. Crane Is Bringing You Today Are His Findings Of Fact.

This Is For You To Then Take Under Consideration For Decision As To Whether Or Not You Wish To Proceed With Further Actions Concerning The County Manager.

The Presentation Will Give You The Facts That I Think You Should Take Under Consideration And Give That The Weight And Importance You Feel Are Important To You.

Whatever Other Issues That Come From The Board Or The Board Has With Respect To Its Discussions Or Deliberations, Ms. Fraser, Mr. Renner And Myself Will Be Available After You Receive Mr. Crane's Report If You Have Any Further Actions That You Wish To Be Taking Today.

With That, I Will Introduce Mr. Michael Crane Of The Financial Valuation Group.

He Will Take You Through The Process And The Results Of His Investigation.

Chairman Judah: Thank You, David.

Mr. Crane? Good Morning.

Good Morning.

Chairman Judah: Nice To Put A Face With The Name.

Thank You For Your Efforts.

Thank You, Sir.

Good Morning, Mr. Chairman, Commissioners.

I'm Michael Crane, A Cpa From Fort Lauderdale Florida With The Financial Valuation Group.

I'm Here To Present My Findings Of The Investigation That I Was Hired To Do Approximately 60 Days Ago.

What I Would Like To Do Is First Give You A Summary Of My Work And My Findings And Then I Will Come Back And Get Into The Details As Presented In The Report.

The Scope Of My Investigation Was Given To Me By County Attorney David Owen After He Received Directions From This Board In July.

This Investigation Is Into Whether County Manager Donald Still Well Had A Role In The Investment Group Daniels View L.L.C. Which Is Properly Named Samir Caberra Daniels View L.L.C. And Whether He Lied To The Board At The Meetings Of February 26, 2008.

My Investigation Is Limited To This Scope Of Work.

My Role As The Investigator Is To Collect Evidence Within This Scope And Then It's Up To This Board To Weigh The Evidence.

The Types Of Evidence That I Accumulated Mostly Consisted Of Documents, But I Did Interview Others -- Individuals Who Spoke To Me On A Voluntary Basis.

They Were Not Under Oath And I Did Not Have Subpoena Power.

The Real Property That's At Issue Here Within The Scope Of Work Are Two Parcels.

If You Would -- I Think It's Important To Understand Those Two Parcels Because There Is Other Parcels And Other Entities And What I Would Like To Do Now Is Point You To An Exhibit In My Report So We Can See The Real Estate That We're Talking About That's Subject To This Investigation.

If You Would Go To Exhibit 4 In My Report Which Is Surprisingly Behind Tab Four, It's A Two-Page Document I Prepared.

The First Page Spells Out Several Parcels In The Area Of Daniels Parkway And Fiddlesticks Boulevard, The Owners And Transfer Of Ownership.

Page Two Is My Representation Of The Parcels In The Area Highlighting The Owners That

Are Related To What I Will Call The Samir Cabrerra Entities.

Page Two Is My Representation Of The Parcels In The Area Highlighting The Owners That Are Related To What I Will Call The Samir Cabrerra Entities.

If You Go To Page One Of The Exhibit, Exhibit B -- I'm Sorry, Item B Which Is On Your Second Row Are The Two Parcels That This Board Was Discussing In My View At The May 29, 2007 Meeting.

The Attributes Of These Two Parcels, Item B, Meet The Discussion Of This Board At The May 2007 Meeting.

Comm. Mann: You're Saying B As In Boy? B As In Boy.

Those Two Parcels Meet The Descriptions That This Board Was Discussing At This May 2007 Meeting Based Upon The Transcript Of That Meeting That I Received.

Now Mr. Stillwell's Statements To The Board At Two Meetings.

The First Meeting At Issue Is He Told The Board At The May 29, 2007 Board Meeting That He Was Not Involved With This Property And His Only Stake In The Property Was That He Had Made A Loan To His Son-In-Law Samir Cabrerra And Mr. Stillwell Held A Second Mortgage That Was Secured By This Property.

Mr. Stillwell Made That Statement At The May 2007 Meeting.

On The February 26, 2008 Meeting, Mr. Stillwell Told This Board That He Did Not Have Any Current Financial Interest On That Day In This Property In That He No Longer Held A Mortgage On This Property.

The Evidence That I Have Found In My Investigation Is Consistent With What Mr. Stillwell Told The Board At These Two Meetings.

I Did Not Find Any Credible Evidence That He Had Any Investment In This Property Or In The Entity That Owned This Property Other Than The Mortgage That Mr. Stillwell Disclosed To The Board On May 2007 At Their Meeting.

What I Would Like To Do Now Is Provide You A Little Bit More Detail In My Report.

I'd Like To Direct You To A Timeline That I Prepared That's In My Report And It Is The Page In Front Of Tab One.

That Is A Fold-Out Page.

Moving From Left To Right Is A Timeline.

On June 7, 2006, The Entity In Question Samir Cabrerra Daniels View Limited Liability Company, Purchases A Parcel In This Area.

It's Not One Of The Two Parcels That I Previously Discussed.

Two Days Later, Samir Cabrerra Daniels View, L.L.C., Purchases Two Parcels And Those Are The Two Parcels That We Are Discussing.

They Bought That From Str & Associates.

That Was A Related Party.

Str Is Related To Samir Cabrerra Daniels View L.L.C., The Managing Member Of Str According To Public Records Filed With The Florida Division Of Corporations Was Samir Cabrerra.

So Those Two Entities Are Related.

Str Was Discussed According To The Board Meeting Transcript In May 2007 Meeting.

It's Come To Light In My Investigation That There Was A Document That Was Unsigned With A Date On The Document Of December 2006.

This Was For Discussion Purposes, We'll Call That A Substitution Agreement And In That Agreement That Was Unsigned, It Contained Mr. Stillwell's Name And The Terms Of That Agreement Was That He Was To Transfer His Equity Interest From An Entity That He Had An Investment In Called Samir Cabrerra Evans Fowler.

He Would Transfer That Ownership Interest From That Entity Into The Entity That We're Talking About, Samir Cabrerra Daniels View L.L.C.

I Want To Highlight That That Document Was Unsigned And I Have Some Other Evidence Because A Number Of Other People Received Similar-Type Documents To That.

I Will Get Into Those Details About The Meaning Of The Substitution Agreement In A Moment.

But I Want To Keep With The Timeline That We Have On This Document.

On February 20, 2007, An Individual By The Name Of Thomas Messina Signed A Similar Substitution Agreement.

It Was Virtually Identical To The Unsigned Document That I Just Pointed Out That Had Mr. Stillwell's Name To It.

This February 2007 Document Was Signed By Mr. Messina And I Will Get To The Meaning Of This In A Moment.

A Few Days Later On February 23, 2007, Mr. Stillwell Loans Samir Cabrerra Daniels View L.L.C. Approximately \$228,000.

He Took A Mortgage Collateralized By These Two Parcels That We're Talking About Plus A

Nearby Parcel That The Daniels View Entity Also Owned.

So He's Got A Mortgage Collateralized By The Property.

As I Mentioned Earlier, Mr. Stillwell Did Disclose That At The May 2007 Meeting.

Comm. Bigelow: Mr. Chairman -- Because You Have Just Referred To A Parcel And Putting It In The Map Mix That Is The Other Parcel Included? If You Look At Exhibit 4 To My Report, The Third Parcel That I Just Referred To Is Parcel A, Which Is The First Item On Page One Of Exhibit 4.

You Can See Exhibit A On Page Two Of Exhibit 4.

It's A Nearby Parcel.

Both Of Those Had Ownership At That Time By Samir Cabrerra Daniels View L.L.C.

Comm. Bigelow: A Second Mortgage For Three Parcels -- Three Distinct And Different Parcels And One Second Mortgage.

That's Correct.

Comm. Bigelow: That's Are On Exhibit 4, Page Two Of Two As A And B? A And B And There Are Two B's On Page Two.

Comm. Bigelow: Thank You.

Let Me Just Re-Emphasize To Clarify.

There Are Three Parcels At Issue In This Discussion.

My Take On This Board's Dialogue At The May 2007 Meeting Was About Two Of Those Parcels.

I Don't Think That It Makes Any Difference In The Third Parcel, But I Believe Those Are The Two That Were Being Asked At The Board Meeting.

All Three Parcels Are Owned By The Same Legal Entity At That Time.

Comm. Bigelow: Mr. Chairman? Chairman Judah: Yeah.

Comm. Bigelow: I'm Sorry To Break Your Stride, But You're Not Identifying As You're Describing And We'll Wonder If You're Talking About This Parcel Or That One.

You're Introducing New Evidence To A Lot Of Us That There Is This Daniels View With Different Parts.

It Sounds Like You're Getting Really Narrowly Focused On The Subject Of Our Discussions.

Can You Tell Me If -- You Just Said That It Was Your Understanding Of The Discussions This Board Had That Parcel B -- Parcels B -- Because There Are Two Of Them.

Because Not The Focus Of Our Discussion? No.

What I Said Was My Understanding Of The Board's Discussion Based Upon My Reading Of The Transcript Were About Two Parcel B's, Were The Subject Of The Board's Inquiry.

Comm. Bigelow: O.K.

Could You Maybe Continue To Refer To Them As B, A And C? O.K.

Let Me Kind Of Repeat And Summarize What I Just Said Just To Clarify The Record.

I Believe That The Two Parcel B's Were The Subject Of This Board's Inquiry Based Upon My Reading Of The Transcript From The May 2007 Meeting.

I Found In The Public Records, Public Property Records Of Lee County That Mr. Stillwell Did, In Fact, Own A Mortgage Secured By The Two Parcel B's And The Parcel A And All Three Of The Parcels Were Owned By The Same Legal Entity At That Time Which Was Samir Cabrerra Daniels View L.L.C.

So I Think We're Hopefully On The Same Page.

Let Me Proceed.

Comm. Bigelow: Just To Be Clear -- Comm. Hall: Oh, Goodness.

Comm. Bigelow: All Of The Three Parcels Owned By One Entity When This Board Commenced A Recommitment To Three Oaks Parkway's Extension East Alignment As We Referred To It -- Those Three Parcels, A And The Two B's According To The Public Property Records Were Owned By Samir Cabrerra Daniels View L.L.C. When The Board Met In May 2007.

Comm. Bigelow: O.K.

Good.

Now, Going Back To The Timeline -- And I Want To Get Through The Timeline And Then I Will Get Into Further Details.

We Just Talked About The February 23, 2007 Item.

Chairman Judah: Commissioner Bigelow, We Need To Let Mr. Crane Finish.

You Can Ask All The Questions You Want.

Let Him Finish.

Comm. Bigelow: It's A Bowl Of Spaghetti -- Chairman Judah: It's Not.

You Can Get Clarification When He Finishes.

Please, Mr. Crane.

Thank You.

Continuing In The Timeline We Now Go To May 29, 2007.

That's The First Board Meeting That Was The Subject Of This Investigation In Which This Investigation About Whether Mr. Stillwell Possibly Lied At The Meeting Of May 29, 2007.

Following That Meeting And My Timeline -- And I Will Get To The Significance Of This In A Moment -- June 26, 2007 Thomas Messina Who I Mentioned Before Who Had Signed The Substitution Agreement Similar To Mr. Stillwell's Agreement In His Name Unsigned, Mr. Messina Files A Lawsuit In Lee County Circuit Court Against Samir Cabrerra Daniels View Claiming To Be An Owner And Seeking Some Sort Of Compensation In That Lawsuit.

In Response To That Lawsuit, Samir Cabrerra Daniels View, The Defendant In That Lawsuit, Denied That Mr. Messina Was An Owner Though He Had Executed The Daniels View -- I'm Sorry, Even Though He Executed The Substitution Agreement.

Now We Get To The Significance Of Mr. Stillwell's Unexecuted Agreement.

Mr. Stillwell And About 20 Other Individuals Based Upon My Investigation Received A Similar Type Of Substitution Agreement.

Most Of Those 21 People Including Mr. Stillwell Executed The Agreement.

But Samir Cabrerra Daniels View L.L.C. Does Not Consider That To Be Fully Executed Agreement Because There Were Conditions In That Agreement That Were Unmet According To My Discussions With The Attorney For The Daniels View Entity And They Are Now In Litigation Over That Sort Of Thing.

So The Significance Of This Is Even Though We Have An Unexecuted Substitution Agreement In Mr. Stillwell's Name That, Based Upon My Investigation He Never Did Sign And That's Mr. Stillwell's Representation To Me, The Meaning Of The Document Is That By Itself He Did Not Receive An Interest In This Legal Entity That Owns These Three Parcels -- A And B's.

Icon Collude That -- I Conclude That Because Of The 20 People That Signed Similar Agreements That They, According To The Lawsuit, Are Not Owners Either.

Even Though They Signed It.

That's In Litigation.

There Are Two Lawsuits That's In My Report.

And The Daniels View Legal Entity That Owns The Parcels Denies That Any Of Them Are Owners.

But I Will Mention That They Are -- That The Parties To The Two Lawsuits Are Trying To Negotiate A Settlement And There Is Complexity In The Settlement Because Of The Federal Investigation And The Title Of This Property Is Clouded.

Parcel B's Property Is Clouded.

There Is No Settlement Now, But Where The Parties Are Headed Toward The Settlement And The Settlement Agreement Is In The Public Records With The Court, Is That Once This Is Over, Then And Only Then Will The People Who Signed The Substitution Agreements Receive An Interest In The Daniels View Entity And Then Receive The Economic Benefits From The Property Ownership.

So The Significance Of All Of This Is That The Substitution Agreement Unsigned By Mr. Stillwell Is Insignificant.

If You Go To The June 29, 2007 -- Both Of Those Parcels Are B.

In Connection With That Sale, Mr. Stillwell Was Paid Off On His Second Mortgage.

Then We Get To The Second Board Meeting On February 26, 2008 And Mr. Stillwell, As I Said Earlier, Was Asked About His Involvement In The Property And He Said At That Meeting He Didn't Have Any Involvement And He Affirmed At That Meeting That He No Longer Had The Mortgage.

That Was True Based Upon The Satisfaction Of Mortgage That I Saw In The Public Records As Well As The Closing Statement That I Saw In Connection With The June 2007 Sales Transaction Of Those Two Parcels.

So That Takes You Through The Timeline That I Prepared.

Mr. Chairman, Depending On The Time That You Want To Allot, I Can Take You With Further Detail Into This Report That Would Probably Go Another Ten Minutes Without Any Questions.

Chairman Judah: That's Fine.

O.K.

Comm. Mann: Mr. Chairman, I Am Sorry, But I'm Trying To Write Notes As We Go Along.

I Don't Want You To Leave It Before I'm Clear.

You Were Making Reference To The First May 29 Meeting.

I Wrote Down You Said There Was No Evidence Of Ownership Other Than A Mortgage.

Did I Write That Correctly? That's Correct.

Comm. Mann: Now You Just Said With Regard To The Second Meeting February 26 Something That I Missed.

Can You Restate -- There Was Some Type Of Conclusion There Similar To -- O.K.

My Conclusion Based Upon My Investigation With The Second Meeting February 26, 2008 That There Is No Evidence That I Have Been Able To Find That Shows That Mr. Stillwell Had Any Interest In This Property And He Did Not Have Any Mortgage On The Property And He Still Didn't Have Ownership Interest In The Legal Entity That Owned The Property.

And That Is Consistent With Mr. Stillwell's Statement To The Board At That Meeting.

Chairman Judah: I Appreciate You Needing Clarification On That.

Let's Go To The Ten-Minute -- O.K., Good.

What I Want To Do Is Not Go Through Every Part Of My Report, But Basically Highlight This Report In Case The Commissioners Want To Go Through The Detail.

They Have Some Sort Of Orientation And I Want To Point Out Specific Things In The Report For Your Consideration.

Tab Two, Exhibit 2, Is A Copy Of The Transcript I Received Of The First Board Meeting.

That's The May 29, 2007 Meeting.

That's In -- I'm Only Highlighting This Exhibit.

I Don't Mean To Go Through This Transcript.

I'm Only Highlighting It So You Know That It's In The Report.

That's Exhibit 2.

Exhibit 3 Is The Transcript I Received From The Second Board Meeting Of February 26, 2008.

Again, I'm Not Going To Highlight Anything Here, But I Believe That I Covered The Sum And Substance Already.

We Already Talked About Exhibit 4 Which Was My Documents Of The Parcels In The Area And The Drawing In The Area.

Exhibit 5 Are The Public Property Records Of Lee County That I Reviewed In Preparing The Summary Of The Ownership In Exhibit 4.

So All The Public Property Records Are There For You To Look At If You Wish.

Tab 6, Exhibit 6 In This Report Is A Copy Of The Recorded Mortgage That I Referred To That Mr. Stillwell Had As Collateral On These Three Parcels, Parcel A And Two Parcels B.

It Shows This Was Done Through The Owners Of The Land, Samir Cabrerra Daniels View L.L.C.

This Is The Exhibit That Goes Behind My Earlier Explanations.

I Want To Jump To Exhibit 13 Which Is The Recorded Satisfaction Of Mortgage.

That's Consistent With My Earlier Statement That Mr. Stillwell Was Paid Back On His Mortgage And That Occurred About The Same Time Those Two Parcels Were Sold.

That Clears Up His Mortgage, So To Speak.

And Exhibit 14 In My Report Is A Copy Of The Closing Statement For The Sale Of Those Two Parcels And If You Look At The Very Fine Print Of This Closing Statement, You Will See It Pay Off For The Second Mortgage In An Amount Of Approximately \$251,000.

That's Mr. Stillwell's Mortgage Being Paid Off.

He's Getting Paid Back At That Time.

Now, Let's Turn To The Legal Entity That Owned These Properties.

Samir Cabrerra Daniels View L.L.C.

The Question Becomes In My Investigation Did Mr. Stillwell Have Ownership Interest? Did He Own Any Of The Equity In There? First Of All, My Investigation Showed That In 2006 This Entity Had 27 Owners -- 27 Investors In There According To The Federal Income Tax Return That I Saw For 2006.

Mr. Stillwell Was Not Listed As One Of The 27 Owners.

That's A Piece Of Evidence.

The 2007 Federal Tax Return Of This Entity Hasn't Been Filed.

I Was Told By The Attorney For This Entity That It Had Not Been Filed Because Of The Litigation That's Got The Entity Tied Up.

I Was Not Able To Review The 2007 Federal Income Tax Return.

That's Attorney Thomas Smoot.

Now To The Accounting Records Of Samir Cabrerra Daniels View.

I Contacted Mr. Cabrerra Via Telephone And We Had E-Mail Communications.

I Was Trying To Get Tax And Accounting Records To Me.

He Was Cooperative In That Respect.

For The Tax Records I Just Talked About, He Put Me In Contact With The Company's Tax Accountant And That's How I Came To Receive This 2006 Tax Return.

Now, Let's Go To The Accounting Records.

Mr. Cabrerra Referred Me To The Former Operations Manager Of That Entity By The Name Of David Ialla Who Was Apparently A Detail Person.

Mr. Cabrerra Asked Him To Give Me Whatever Accounting Records I Need.

Mr. Ialla Searched And I Talked To Him Via Phone And E-Mail.

He Searched For The Accounting Records And He Was Only Able To Come Up With A Limited Amount Of Accounting Records.

He Told Me That The Federal Investigators Related To The Investigation Surrounding Samir Cabrerra That The F.B.I. Agents Had Taken A Lot Of The Accounting Records And What Was Left Was Limited.

He Gave Me Electronic Copies Of Some Accounting Worksheets Which I Have And I Provided In My Report For This Entity.

My Review Of The Accounting Records Which Is A Summary Of The Cash Flows Into Samir Cabrerra Daniels View For 2006, The Cash In And Out, Mr. Stillwell's Name Doesn't Appear On Any Of The Money Coming In Which Suggests To Me That He Was Not An Investor In The Entity.

Let's Turn To Another Matter.

It Has Come To Light In The Federal Re-Indictment Of Samir Cabrerra That Mr. Cabrerra Wrote Two Checks To Mr. Stillwell.

That Came To Light In The Indictment And Has Been Publicized In The Media.

I Looked Into The Meaning Of The Two Checks.

They Were Written To Mr. Stillwell In May And June Of 2006.

I Did Not Find Any Relevance whatsoever Of These Two Checks Having Anything To Do With These Properties.

I Can Go Into Further Detail On That, But When You Look At The Dates That Samir Cabrerra Is Paying Mr. Stillwell Of May And June Of 2006 It Was June 2006 When The

Property Was Bought.

If Mr. Stillwell Is Getting A Return On Investment You Get It Back Later, Not When The Property Is Bought.

That's My Assessment.

Furthermore, Part Of My Assessment On The Two Checks Was That When I Interviewed Mr. Stillwell In American And His Attorney Was Present, Mr. Stillwell Did Bring Some Banking Records With Him.

He Told Me The Story To Explain These Two Checks And Brought Supporting Documents Behind That.

My Report Gives A Detailed Explanation That He Gave Me And My Notes Of What He Told Me Plus My Notes Of What The Documents Say.

But To Sum This Up Without Going Through Too Much Of The Details Of The Checks, I Don't Find Any Evidence That Those Two Checks Had Anything To Do With The Properties.

Now Finally, Exhibit 12 Of This Report Are My Notes From That Meeting In Which I Interviewed Mr. Stillwell.

I Have Given You What I Think The Relevant Portions Of The Interview Are Already In My Presentation Today.

There Are Further Information That Mr. Stillwell Told Me That I Didn't Find At The End Relevant To This Investigation And I Include The Notes For The Commissioners To Review.

So To Sum All Of This Up, The Focus Was On Two Parcels Owned By Samir Cabrerra Daniels View L.L.C., The Scope Of The Investigation Was Whether Mr. Stillwell Had Any Interest In The Property Or Any Interest In Those -- Than The Entity That Owned The Property Which Is Daniels View.

After Looking At Mostly Document Evidence, Documents Themselves And Interviewing Other People, I Did Not Find Any Evidence That Mr. Still Well Had Any Investment In The Property Or In The Entity That Owned The Property Other Than The Mortgage That He Disclosed To The Board At The First Meet Income May 2007.

Chairman Judah: Thank You, Mr. Chairman Crane.

Very Succinct And Thorough.

We'll Open It Up To The Board.

Comm. Mann: Could He Just Repeat The Last Sentence? I Did Not Find Any Evidence That Mr. Stillwell Had Any Investment In The Properties Or In The Entity That Own The Property Other Than The Mortgage He Owned That Was Collateralized By The Property And Mr. Stillwell Did Disclose That To The Board At The May 2007 Meeting.

Comm. Mann: Thank You.

Chairman Judah: Let Me Open It Up For Questions Of Mr. Crane.

Commissioner Bigelow? Comm. Bigelow: Thank You.

Mr. Crane, You Talked About Ownership And Investment.

My Question As I Recall As The Transcript Will I Think Confirm, I Was Trying To Seek An Explanation From The County Manager As To What His Involvement Was.

I Will Hang My Hat On The Word Involvement.

You Hang Your Hat On Investment And Ownership.

Therefore, That's What You Would Then Say Is Proof Of Involvement.

Can You Say Definitively Based Upon Your Investigation, All The Evidence Presented, Everybody You Have Interviewed -- We Could Talk About Who You Interviewed And Who You Didn't Probably At Length -- That The County Manager Was Not Involve In Lands Which Stood In The Way Of A County Road Project -- Road Building Project? Can You Say That The County Manager Was Not Involved? My Conclusion Would Be He Was Not Involved With Samir Cabrerra Daniels View L.L.C. And The Properties They Own Which Are Properties A And B On My Map In Exhibit 4.

Comm. Bigelow: Well, B Is Land That's In The Way On The Route Of What We Were Discussing Basically In Both Instances, But Specifically In 2007 On May 29 Meeting.

I Will Ask Again Because This May Now Become More Discussion For Further Inquiry By Us And Constituents In The Media.

I Want To Know If You Can Tell Me Based Upon Everything You Have Reviewed, Your Understanding Of Everything If The County Manager Was Not Involved In Lands Which Stood In The Way Of A County Road Building Project.

I Cannot Answer That Because I'm Not Familiar With The Road Alignment And That Sort Of Thing.

Comm. Bigelow: You're Not? No.

The Scope Of My Work Was Basically Just Tell Me What Parcels The Commissioners Were Talking About At Those Two Meetings And Once I Got The Parcels And The Owners Of That, Then I Didn't Know About Where The Roads Were.

I Was Told That Parcels B Were What The Commissioners Were Talking About.

Now, I Understand That There Is A Road Extension Going Through The Area.

But I'm A Financial Person And Not A Real Estate Guy.

So To The Extent That You're Asking Me Related To Parcels A And The Two Parcels B, I Can Answer That.

Whether It's Related To Any Of The Other Parcels, I Cannot Answer That Because I Didn't Believe That That Was The Scope Of My Investigation, That It Was Just These Two Parcels That I Discussed.

I Got That From The Meeting Transcript.

At Least That's My Reading Of It.

Comm. Bigelow: Did You Happen To See The Blue Sheet And The Back-Up For The May 29 Of 2007 Board Meeting? Do You Know What A Blue Sheet Is By Term Of Reference? No, I Did Not See That.

Comm. Bigelow: Can You Go To The Mic And Tell Us? No.

I Did Not See The Document I Was Just Given.

Comm. Bigelow: You Have Not Seen The Blue Sheet Or The Back-Up That Was Presented To The Board Which Is The Sum Total Of The Staff Of County Managers Recommendations To The Board And His Documented Evidence Request For Our Approval? You Have Not Seen That? I Don't Recall Seeing That.

It's Possible I Received Things.

I Did Receive A Lot Of Documents, But I Don't Remember, As I Said Here Today Having Seen That.

Comm. Bigelow: It's Available On Our Web Page, Leegov.Com.

Did You See The February Of This Year Blue Sheet And The Back-Up For That Action Item Brought Forward By The County Manager To The Board? Um, No, I Don't Recall Seeing That.

I Have Only Recall Seeing The Transcript Again, I May Have Received Everything But My Focus Was On The Dialogue At The Meeting Recorded In The Transcript In Which Mr. Stillwell Is Responding To Questions.

Comm. Bigelow: Mr. Crane I Have Before Me Here Your Web Page.

It Is Financial Evaluation Group, Right? Yes.

Comm. Bigelow: I Have Combed Your Bio -- And Let Me Qualify Your Line Of Questioning.

I Don't Mean To Impugn Your Reputation, Credibility Or Background.

I Just Want To Say Things About What I Find Interesting About Your Background And Bio Which Has Me Somewhat Concerned.

I Hope You Will Understand And Give Me Latitude.

Don't Get Defensive.

You Have A Lot Of Initials After Your Name.

Cpa Being One Of Them.

I Think You Have An Mba.

Yes.

Comm. Bigelow: You Have A Laudable List Of Accreditations And You Have Written A Lot.

But What Seems To Be Significantly Absent From Your Background -- And Please Don't Take This Wrong -- Is That For The Purposes Of Us Trying To Determine What The County Manager Knew And When He Knew It, It Seems To Me Your Background Doesn't Match Up With What It Is That We Needed The Investigator To Pursue.

Now You're Telling Me You Didn't See What It Is That We Considered As A Board -- What We Came Together To Deliberate And Make A Decision Upon.

I'm Coupling Your Lack Of Investigative Background Evidenced By Your Web Page And Your Credentials Here.

I'm Putting All Of This Together Now To Then Point To Our County Attorney Who Oversaw The Operation And I've Got To Wonder, What's Going On? Why Is It That We've Got Somebody Before Us Who Has Made \$20,000 Or More -- That's All I Know Is It Cost Us That Much At Some Date In The Past -- To Come Up With Something That Really Doesn't Get To The Meat Of The Matter, David.

Was The County Manager Involved Or Not? Your Investigator, The Man You Chose Didn't Even Look At The Issue Before Us In Order To Understand What That Was Before He Found Out Or Reviewed Or Made Part Of His Investigation Of The County Manager's Personal Finances And His Associations With The Documented Owners And Investors.

So This Just Really Has -- I Don't Know.

It's Taken Us Through A Long Process.

It's Cost Us A Lot Of Money.

I Think The Conclusions Mr. Crane, With All Due Respect, Just Don't -- They Don't Measure Up To What It Is I Think This Board -- In My Humble Opinion -- Thought We Were Getting When We Were Getting An Investigation.

This Does Nothing For Me Unfortunately But Confirm What I Think A Lot Of People Are Suspicious About And That Is Will This Board Simply Whitewash The County Manager's Involvement In Properties That Stood In The Way Of A Road Building Project? Those Properties And The Owners Of Which Were To Gain Substantially By Our Commitment To The Road Building Alignment.

If You Didn't Look At The Blue Sheet You Probably Didn't Look At The Testimony Presented By The County Manager Staff At These Hearings -- At These Meetings.

County Managers, Dot, Staff, Don De-Barry, I Don't Know If He's Here Presented One And Only One Alignment To Us And That Was The Alignment The County Manager's Son And Son-In-Law's Project Needed For This Project To Stand And Become More Financially Profitable.

There Was Another Alignment Possibility There That Was Not Brought To Us.

It Was Less Expensive And Yet We Weren't Presented With The Option In May Of 2007.

I Have Had A Lot Of Going Back And Forth With The County Attorney About His Unwillingness To Stand Behind The Memorandum Of Understanding We Had With The Prior Owners That Would Allow Us To Receive Donated Right Of Way At No Cost.

His Own Office Authored That Memorandum Of Understanding.

Apparently Didn't Protect Us Because Now We Can't Get That Right Of Way.

We'll Probably Have To Buy It To The Tune Of \$23 Million Which Is Something Mr. Barry Presented To Us In 2007.

There Is So Much More Here, Mr. Crane, Than I Think You Either Barred From Looking At Or Chose Not To Look At.

I'm Sorry.

Your Conclusions Are To The Advantage Of The County Manager, You Were Picked By The County Attorney.

The County Attorney Has To Keep Three Votes On The Board As Does The County Manager.

I Think I Can See Where This Is Going When It Was Decided Probably In Private Meetings, Not With Myself Included For Sure, That This Had To Go To A Certain End In Order For The Contract Employees To Keep Their Jobs.

I Am Disappointed And I Will Say That Without Saying Much More, Mr. Chairman.

I Am Brewing With Anger About This.

Chairman Judah: Well, You Have Certainly Said A Lot And With A Broad Brush You Have Managed To Impugn Everybody's Integrity Including The County Attorney And Mr. Crane.

David, I Would Like You To Weigh In Please To Respond In Terms Of Your Thought Process And The Selection Of Mr. Crane, Your Understanding Of What Was Being Requested In Terms Of The Allegations Being Made That County Manager Stillwell Lied To The Board As Well As Was Invested In The Property.

The Findings Of Mr. Crane Were Not Results Commissioner Bigelow Was Looking For But We Need Your Response For The Public Record.

Comm. Hall: Mr. Chairman? Chairman Judah: Commissioner Hall.

Comm. Hall: While David Is Weighing In, I Think It's Important Commissioner Bigelow On Repeat -- Has Repeatedly Asked The County Manager Through E-Mails To Disclose Any Personal Conversations Regarding This Matter He's Had With Individual Commissioners Behind Closed Doors.

Excuse Me, The County Attorney.

He's Specifically Told Him, I Have Had No Direction From A Commissioner In A Private Meeting And I Want David To Put It On The Record.

It's Been Asked More Than Once And Friday It Was Asked And Answered Again That There Has Been No Individual Direction Or Perceived Outcome Given By Any Member Of This Board To The Kroib Attorney As To What Our Expectation Would Be Of Outcome Nor Has A County Commissioner In A Private Meeting With The County Attorney Giving Specific Direction As To How To Move Forward With The Investigation.

I Think That Is Important For David To Put It On The Record.

While We Are Not Under Oath, I'm Happy To Put Up My Right Hand And Swear On A Bible.

Whatever It Takes.

I'm Awfully Aggravated That My Integrity Is Taken Into Account And That I Am Being Accused Of Somehow Under Mining A Process That This Board In Good Faith Went Forward With.

We Specifically Voted Unanimously On The Process And What The Question Would Be And How We Were Going To Move Forward.

I Feel All Of Us Have Maintained The Integrity In The Process.

David, Be Sure You Answer Those Questions Also, For The Record.

Comm. Mann: Please, Mr. Chairman.

Chairman Judah: Commissioner Mann? Comm. Mann: It Relates To What She Said And I Think She Was Responding To A Suggestion That There Were Maybe Private Meetings Between Commissioners And Mr. Owen.

Comm. Janes: Yes.

Comm. Mann: I Know Of None Of Those.

We Didn't Have Them.

But We Are All On Record Of Following Chairman Judah When He In Writing Sent A Memo Suggesting You Question The Details So We Could See If The County Manager Was Lying.

We Needed At Least Three Votes, We Assumed.

I Immediately Did A Follow Up Memo Asking The Same Thing.

All Of That Is Public Record, As I Believe You Two Did Also.

What I'm Pointing Out Here Is -- Comm. Hall: I Understand.

Comm. Mann: There Are Written Memos, But I'm Not Aware Of Private Conversations We Had Giving You Directions To Do So And So.

Chairman Judah: David? Let Me Turn It Over To David Owen.

I Will Get Back To You Commissioner Bigelow.

David? Let Me Touch On The First One And I Will Go Into The Selection Of Mr. Crane And His Credentials.

I Have Tried Scrupulously To Go Through The Process With You To Keep It Objective, Fair And Impartial.

All Of The Issues That Have Been Raised By Commissioner Bigelow Have Been Copied To You In As Much As When They Began He Copied The Board And Other Staff Members.

I Continued That Process So That Everybody Would See The Dialogues That We Were Having With The Issues That The Commissioner Has Brought Up.

I Have Not Had Any Substantive Conversations With Any Of You With Respect To This Process.

I Will Say It Again.

I Have Not Had Any Discussions Substantive Nature With Respect To This Process With Any Of You Individually.

There Were Some Procedural Issues Raised Up.

I Disclosed Those To The Commissioner And The Requests That He Made Back In August.

There Were Two In August And One Here Recently.

There Have Been Questions About Procedural Processes.

Those Have Nothing To Do With The Outcome Of This Other Than How Things Were To Be Handled At A Particular Meeting Or Things Of That Nature.

Those Were Disclosed.

I Copied You On Those Responses.

With Respect To Mr. Crane.

Mr. Crane, Without Question, Is Probably One Of The Finest Investigators That I Have Had The Opportunity To Do Business With In This Forum And As A State Prosecutor.

Mr. Crane Has Extensive Experience In Fraud Investigation Which Is Very Important.

He Is An Investigator Of High Caliber And He Does Have All Of The Little Initials After His Name Which Indicate -- Well, Let Me Tell You A Couple Of Them.

He's A Certified Public Accountant In The State Of Florida.

He's Fully Accredited In Business Valuation Which Is Important Here.

He Is A Certified Fraud Examiner And A Member Of The Association Of Certified Fraud Examiners.

This Is One Of The Thing That Caught My Eye, Commissioners, When I Went Through The Process Of Selecting An Individual.

He Has Been The Managing Director Of The Financial Valuation Group For The Last Five Years.

He Is Not A Man Without Experience.

He Is Not A Man Without Qualifications.

He Has Experience In Forensic Accounting, Fraud Investigations.

He Is A Qualified Court Witness.

What He Was Doing Today Is Essentially What He Would Do In A Courtroom If I Were Prosecuting A Case.

I Would Call Him And Have Him Go Through This Type Of Report With You Much The Way I Would With A Jury.

Often Times, Facts Can Be Difficult To Come To Grips With.

This May Be One Of Those Cases.

Both Mr. Crane And I Went Into This With Absolutely No Pre-Judgments, No Pre-Determinations And I Will Submit To You, Commissioners The Right Things Were Looked At.

Those Things That You Told Me And Ultimately Mr. Crane To Look At -- Those Two Things That Were Outlined And I Gave That To You This Morning.

I Repeated It Twice Because It's Important.

Those Are The Two Things That Were In The Chairman's Original Memo To Me To Look Into This Matter.

We Have Done That.

It Has Been Fully Performed.

The Rigors We Have Gone Through To Keep This Fair, Impartial And Objective So That You Could Receive It Today Without Any Tilt, Spin, Turn Or Anything Else Before It Got Here Have Been Very Difficult.

We Have Managed To Do It.

We Have Brought You Here Today A Work Product That Is Worthy Of Mr. Crane And Worthy Of This Board.

You Directed Us To Do This And We Have Done It.

There Are Always Those Who Are Disappointed With Results In A Process.

Whether It's A Process In A Courtroom, Process In These Chambers, Process In A Business Board Room, There Are Always Those Who Are Going To Be Disappointed.

I'm Sorry For That.

That's Part Of Life.

What We Have Brought You Today Is An Analysis And A Response To The Questions Asked By The Board Back On July 3.

Chairman Judah: Thank You, David.

Commissioner Bigelow? Comm. Bigelow: David, In The July 3 E-Mail, The Basis Upon Which You Define The Focus Of The Investigation -- Right? Comm. Hall: No.

Yes, Sir.

That Was Adopted By The Board On July 22.

Comm. Bigelow: July 3 E-Mail From Chairman Judah To You And Copied Other Commissioners As Well As Donald Stillwell.

In It Says Pursuant To The Article Concerning Don Stillwell's Possible Involvement With The Daniels View L.L.C. Investment Property That Lee County Was Considering For Purchase For The Extension Of Three Oaks Parkway, Kindly Investigate County Manager Stillwell's Role In The Investment Group And Whether Don Lied To The Board Of County Commissioners Concerning His Involvement With The Property.

Yes, Sir.

Comm. Bigelow: The Involvement, Again, I Will Just Say, Is What I Will Hang My Hat On.

His Report -- Mr. Crane's Own Testimony Here Is, Yeah, There Is Ample Evidence Of Involvement.

There Is Ample Evidence In Media Reports That Have Come Forward And Evidence In Indictments Handed Down By The U.S. Attorney So It's Hard For Me To Understand How We Are Going To Try To Move Forward From Here When We Don't Have An Understanding - - Or The Conclusion Isn't Focused On The County Manager's Involvement.

And The Investigator You Picked Didn't Seem Fit To Even Look At The Public Records Available To Anybody In The World Which Is The Blue Sheets And The Back-Up Which Was The Crux Of What This Board Was Trying To Consider That Day.

So This Is -- The Comments You Feel Sensitive About Is Not So Much About Impugning Your Integrity, Because I Don't Feel That Way, It's Just The Sum Total Of This Just Doesn't Look Good.

There's Just Totally -- In Total Consideration, It Doesn't Look Good.

It Doesn't Look Credible.

If I'm Disappointed For The Conclusions, That's For Me To Deal With And Move On, But I Have A Job Sitting Here As One Of Five Members To Decide This Gentleman's Fate And That Is, You Know, To Understand What Is Before Me, To Communicate My Conclusions With My Constituents And My Colleagues.

That's What I'm Doing.

I Hope You Will Understand This Was My Sidebar Comments With You Are Not To Impugn Your Reputation Or Integrity.

I Don't Feel That Personally, But Sum Total, This Just Doesn't Do It For Me.

Chairman Judah: Other Commissioner Comments? Commissioner Hall? Comm. Hall: This Alignment Has Been Discussed For Years.

It Was Being Discussed Prior To Me Coming On This Board And Memorandums Of Understanding Were Done Prior To Me Coming On The Board In 2004.

Alignments Were Eliminated Prior To Me Coming On The Board And While I Was On The Board.

Then We Had A Change Again On The Board Two Years Ago And A Continued Dialogue On The Alignment.

There Is A Very Long History On This Alignment.

And Why We Did Not Go With The Fiddlesticks Alignment.

There Was A Lot Of Public Meeting And The Public Involved And The Residents And I Could Go On And On.

Maybe An Opportunity To Go From The Beginning Of The History To Where We Are Today Would Be Helpful Through M & P.

That Doesn't Necessarily Have A Lot To Do With Mr. Crane's Report That We Are Discussing Today.

I Feel Confident That When You Wrote The Memo On July 3 It Was Notified To You That You Could Not Ask For The Investigation On Your Own.

We Convened The Board On July 22 And Had A Discussion As To What This Board Collectively Wanted To Do And How It Was Handled.

Your Memo Of July 3 Did Not Create The Investigation.

The Vote Of The Board Of July 22 Is What Initiated The Investigation And The Methodology Of That Investigation.

This Board Gave That.

I Don't Want People To Think The Investigation Started With A Memo.

There Were Other Memos That Came After That That Brought Us To Convene On The 22nd Which Then Gave Direction To Our Staff.

We Asked If County Manager Stillwell Was Involved In Specific Parcels Of Land.

We Could Have Broadened The Scope And Gone Into Other Issues But We Didn't.

This Report Clearly Says To Us Based On The Facts, No Matter If You Like Him, Dislike Him, How You Feel Emotionally, Whatever Your Issues Are, We Asked Does He Have A Financial Involvement In These Parcels As Defined And If So, At The Time He Was Questioned On These Two Dates Were His Answers Accurate To The Board And What We Have Found Out

In This Nice Thick Document Is That No.

He Had No Involvement Other Than What He Disclosed At The Time The Questions Were Asked.

That's It.

Now If We Want To Have A Philosophical Discussion Because Of A Relationship He Has With A Family Member, If There Are Other Things Going On There, That's Different From What We Asked Our Investigator To Do.

I Have Done My Own Investigation Of Mr. Crane And You Have An Unbelievable Reputation In The State For Doing Exactly What We Asked You To Do On Many Levels.

Not Just For Government But For Corporations And Other Entities.

You Are An Investigator.

We Didn't Go For A P.I. Because This Had To Do With Financial Issues, Limited Partnerships And The Finances That Created The Partnerships, When Checks Came And When They Didn't.

So An Investigator Wouldn't Have Been Qualified, In My Opinion, To Handle This.

David's Choice Of You With Your Background I Felt Was Appropriate And Why I Supported You Coming On Board.

It Was More About The Money Than Anything Else.

When Money Was Transacted, How And If There Were Signed Documents At The Time.

I Think You Answered The Question Eloquenty And Clearly.

Thank You.

I'm Not A Cpa.

So I Appreciate The Clear Language In Which You Are Trying To Take Us Through The Process.

I Think The Board Acted In The Best Interest Of The Public.

I Think We Have Recognized There Are Policies That Want To Be Changed Not Just In The County Manager Regard But In How Our Employees Do Business In This Community.

Every Alignment We Look At Is A Public Notified Process.

Our Staff Doesn't Sit Behind Closed Doors.

We Openly Talk About Potential Alignments Hit And Miss.

What They Are Going To Do And There Shouldn't Be Unwritten Policies On How We Want Employees To Respond To Their Own Personal Investments In The Community If They Are County Employees.

That's A Separate Issue.

It Is Not What Has Been Under Investigation Today.

I Don't Want To Confuse Bigger Issues For Employee Actions, Not Just The County Manager But All Managers In What We Asked This Person To Do Today.

There Is More Dialogue That Needs To Come On How We Want To Set Up Written Policy.

This Board Has Had An Opportunity To Not Have A Lot Of Change [Please Stand By] Comm. Hall: I Feel You Have Accomplished The Objective And David I Feel You Accomplished The Objective We Asked You To Do.

Don, Thank You For Sitting On The Sidelines While This Occurred.

I Don't Feel That There Is Any Misrepresentation Of The Fact, Commissioner Judah.

As The Chairman I Think You Have Taken The Lead To Make Sure This Was Done As Openly As Possible To Give The Public The Level Of Confidence We Want Them To Have.

There Are Issues That Have Come To Light Since We Have Had The Discussion That We Need To Do Housekeeping In Policy And Procedures.

That's A Separate Conversation.

I'm Looking To You To Say We Have This Report.

What Is The, I Guess, Next Step On How You Would Like To Move Forward.

It's Not A Question You Have To Have.

But At Some Point I Want To Know What The Next Step Is.

Chairman Judah: I'd Be Happy To Answer That After We Hear From The Board Members.

Commissioner Janes? Comm. Janes: Let Me Just Say I Thought The Report As Prepared By Mr. Crane Answered The Questions That We Had Asked And That Is The Basic Question We Had Asked Mr. Crane To Look At Was Did Don Stillwell Lie To The Board.

That Was Answered.

We Didn't Go Beyond It And I Will Tell You I Was One Of The Commissioners That Didn't Want To Go Beyond That Because I Thought It Was Going To Interfere With The

Investigation That The Feds Were Doing.

You Will Run Into A Great Big Huge Stone Wall.

We Were Trying To Get A Quick Answer To A Relatively Simple Answer -- Did Mr. Stillwell Lie? Let Me Tell You Something, Had We Moved In That Area We Wouldn't Have Had An Answer For Months Or Years Because -- And That Was Not Satisfactory, But The Initial Question We Had Of Whether Or Not He Lied Was Answered.

I Think Very Thoroughly In This Area.

I Think It's Rather Clear.

Now, Is This The End Of It? Absolutely Not.

Do I Think We Have To Go Further And Do Some Things? Absolutely.

One Of The First Things I'm Going To Throw Out Because We Need To Talk About It Some More And That Is We Need To Toughen Up The County Ethics Code To Make Certain That Key Employees Do Not Own Property Or Participate In Deals -- Land And Real Estate Deals Within Lee County Or The County Which They Operate.

I Would Go So Far As To Include That With All Employees.

Think This Is Something We Need To Talk About Because I Don't Like Going Through These Things.

I Don't Like Being Accused Of Something And Blame Thrown At Me For Something I Had Nothing To Do With.

I Think That's Part Of The Problem That We Have.

I Want To Do What I Can To Try To Avoid Anything Like This Happening In The Future.

If We Can Develop A Stronger, Tougher Ethics Code We May Be Able To Prevent That.

Thank You.

Chairman Judah: Commissioner Mann? Comm. Mann: Yes, Mr. Chairman.

I'm Sitting Here Feverishly Writing Notes Because This Is One Of More Important Issues If Not The Most Important Issue I Have Ever Had To Deal With In Government In The 30 Years Off And On In The Process That I Have Been Privileged And Honored To Serve Our Fellow Man And Woman Here.

You Want To Be Careful About What You Say Because This Is Certainly A Delicate Matter, To Say The Least.

I Will Be Repeating Some Of What's Been Said.

I Will Add To It A Couple Of My Own Thoughts.

This Forum Was Convened For The Purpose Of Determining Whether Don Stillwell Lied To This Board And That's Been Said.

That Was My Understanding And That Was The Accusation.

There Seemed To Be Grounds To Question That Based On What Was Before Us At The Time.

So Rather Than Take Some Steps That I Think Would Have Been Not In The Best Interest Of The Entire County Because When -- To Do Something Immediate Such As Stand Aside And We Took Criticism For Not Suspending Mr.

Stillwell When You Do That With The Ceo Of A Corporation This Size, There Is A Huge Ripple Effect, A Morale Effect And Just The Efficiency Of The Operation.

It Goes To Hell In A Hand Basket When You Do Something That Abrupt And That Quickly Without Clear Justification.

We Didn't Have That Clear Justification.

It Was Important That We Do Something And Commissioner Judah, I Was Right Behind You In Contacting Our Own County Attorney Which For The Public Record -- And This Needs To Be Reinforced And Restated -- Mr. Owen Works For Us On A Separate Contract.

He Does Not Work For Mr. Stillwell.

He Responds Only To Us.

So We Went Directly To Him And Says, You Have Got To Look Into This.

I Think He Did The Proper Thing In Suggesting That We Go Not Only Outside Of His Office So There Is No Appearance -- No Question Of The Objectivity In His Office Or Anyone In There But Even Outside Of Lee County To Look Into These Very Serious Allegations.

Initially, Frankly, I Thought This Is Going To Drag It Out And I Wish We Could Deal With It More Quickly.

The More I Thought About It, The More I Thought It Was A Good Move.

We Have Now -- And We Haven't Had Time To Look Through These, But We Have Had A Good Review.

Mr. Crane, I Appreciate What You Have Done.

In This Brief Time We Have Had To Look At It, I Think I Understand Pretty Clearly.

I Understand One Thing And That's Why I Asked You The Two Questions To Repeat.

It Had To Do With The Two Meetings Where There Was A Possibility That Mr. Stillwell Had Been Untruthful With Us And I Wanted That Clearly On The Record.

The Answer As To Whether Mr. Stillwell, You Lied To Us, I Think Has Been Thoroughly Reviewed And Answered Within The Context We Asked It To Be Reviewed Clearly.

And To Your Credit And Thank God I Think We're All Breathing -- Most Of Us Are Breathing A Lot Easier.

The Answers Came Out The Way They Did.

Is It All Over With That? Did You Lie? No.

But I've Got To Say -- And This Is The Time To Say It.

Did You Engage In Activities That Would Bring About The Appearance Of Indiscretion? I Don't Need An Outside Consultant To Answer That For Me.

I Know That You Did.

You Were Guilty Of That -- The Appearance Of Indiscretion.

Did You Engage In Actions That Reflected Poorly On Your Credibility To Our Lee County Community? I Will Again Say, Yes, I Find You Guilty Of That.

I Will Even Say This In My Own -- We All Had People Calling Us, Talking To Us, Grabbing Us In Grocery Stores, Church Or Wherever We Were And Some Of Us Were Involved In A Campaign For Re-Election.

We Were Being Asked About This And I Began Asking When I Would Be In A Group Of People, I Would Ask Them A Dozen, Sometimes As Many As 40 People In One Case.

I Said, If You Were Me And You Could Vote Today How Would You Vote On Keeping Mr. Stillwell Or Firing Him? Overwhelmingly, The Response Was "You Need To Get Rid Of Him, All We Have Read In The Paper Looks So Bad" But They Couldn't Say Specifically Why But It Looked Bad Because It Was Written So Many Times.

Did You Engage In Actions That Reflected Poorly On Your Credibility In The Lee County Community That Had That Ripple Effect? And Yes, I Find You Guilty Of That.

Now, Commissioner Judah, You And I Are The Only Two That Were Here 15 Years Ago When We Hired You.

I Voted To Hire You.

You Were My Second Choice And We Have Laughed About That Many Times.

I Was In The Minority And I Made The Motion To Make It Unanimous So We Can Bring This Man On.

He Knows He Has The Confidence Of All Five Of Us.

You Have Served Us Very Well For 15 Years.

This Has Been The Fastest Growing County Of Most Of America During All Of That Time.

To Have Kept This Railroad Train On The Track Under Those Huge Challenges Is In No Small Measure All Credit To You And Your Leadership Here.

But We Made A Mistake As Part Of The Commission At The Time That We Did Not Have In Your Contract What Commissioner Janes Has Referred To.

We Had No Reference To Ethical Standards.

[Please Stand By] Comm. Mann: If You Want To Invest In A Home By Yourself You Can't Get In Trouble, You Did That.

But If You Want To Invest In Property, I Beg You, Make It Collier County Or Charlotte County, But No More Lee County Because There's Nothing But Bad Things Can Happen From That.

You're The Perfect Living, Breathing Example.

So In The Final Analysis, The Question Is Whether Your Contract Is Still Valid As Far As At Least Three Of Us Think.

I Have Concluded And I Hope This Is Not Being Hasty, But As Of Today And What I Have Heard And What I Have Seen, I Have Concluded That You Have Not Violated Your Contract To The Point Where It Should Be Terminated.

But I Strongly Encourage Us, And I Think I Hear This From Everybody Certainly A Majority, That We Include Those Provisions That I Talked About That The Next Portion Has To Be A Part Of It And That Your Future Decisions On Any Investments Must Be Above Reproach And You Can Do That By Not Investing In Lee County.

Mr. Chairman, Those Are My Comments.

Chairman Judah: Good Points, Commissioner.

Comm. Janes: Good Points.

Chairman Judah: Commissioner Bigelow? Comm. Bigelow: You Know -- [Please Stand By] - - Shady And I Tell You, We Have A Very Expensive Whitewash Here.

I'm Troubled.

I Think This Will Continue To Rock The Foundation Of The Government And Credibility Is Already At A Pretty Poor Level.

I Think This Doesn't Help To Rebuild It.

I Think It's A Very Sad And Pathetic Day If We Have To Amend A County Manager's Contract To Include A Requirement That He Be Ethical.

That's Just Beyond What I Can Consider Or Accept As Appropriate.

Do We Then Have To List Other Laws That He May Break And If He Does, What The Ramifications Of That Are? I Think Not.

I Think It Kind Of Goes Without Saying.

Let Me Just Try To Explain Hopefully For The Public, Not For The Board, That There Is A Much Bigger Issue At Play Here.

That Is This Is The Single Most Powerful Man In This Government.

Has His Hands On Every County Department And The Directors Of Those Departments.

Incredible Influence Over Them.

The Recommendations They Give Or Don't Give.

Here He Was Involved With -- Because The Investigator, I Think, By Not Answering Directly Answers Indirectly, Was Clearly Involved Related By Blood And Marriage To Investors In These Properties That Stood To Gain Considerably From A Road Building Project And Yet He's On This Side In A Position He Is.

It's Just -- It Reeks.

It Reeks And I Don't Think There Is Anything To Scrub The Stench Of This Unfortunately.

But We're Going To Try To Do That And Move Forward, Apparently, As I Read The Tea Leaves Here.

I Wish Us All Luck In Doing It And I Hope The Folks We Serve Will Follow Our Leadership In This Regard, But If They Don't, I Can't Blame Them.

Chairman Judah: Thank You, Commissioner Bigelow.

Let Me Just Say I'm Extremely Proud Of The Process That We Undertook To Address A Very Serious Situation In Lee County Government.

And That Was That Potentially A County Manager May Have Lied To The Board Of County Commissioners Or That He Was Involved In A Particular Piece Of Property That Was Being Considered For An Alignment Of A Particular Road Corridor And I Thought This Board

Unanimously, In Fact, Followed The Lead Of David Owen, Our Lead County Attorney To Go Outside With An Appropriate Third Party Investigator To Make Certain That There Was Everything Above Board With No Preconceived Notions As To How It Was Going To Turn Out And The Very In Depth Report And Investigation That Was Conducted Have Certainly Given Us The Board Of County Commissioners The Continued Confidence In Our County Manager By Indicating That With The Findings Don Stillwell Did Not Lie To This Board Of County Commissioners As Was Alleged.

And Don Stillwell Was Not Involved In Any Investment In Terms Of Any Potential Financial Benefit That He May Have Otherwise Received.

So Those Two Questions Have Been Answered.

I Can't Think Of Anything More Difficult Than Being In County Government And That's Why It's So Important For The Transparency For The Community At Large.

Those Wonderful Men And Women, Children Of This Community That We Work For.

[Please Stand By.

Captions Will Continue] I Think That Certainly Sends A Positive Message To The Community And I Also Realize That In Any Time There Is A Silver Lining That You Have To Look For And I Would Submit That You Would Agree With Comments That Are Made With How Best Address Ensuring That There's No Conflict Of Interest, But In Place With The County.

That's What We're Going To Have To Come To Grips With.

It's Not In Any Way Suggesting That You're Unethical Or Guilty In Any Way Other Than The Perception Out There Is Brought To Light A Need To Address In Our Ethics And Code Requirements For Those That Work For The County.

Something That We'll Ensure In The Eyes Of The Public That Something That Could Have Gone Awry Doesn't.

In Your Case It Didn't.

Again, I Commend You And I Want To Open It Up.

The City Has Been Dignified And Reserved In Recognizing That This Really Was An Outcome You Knew, But We Didn't.

I Didn't Want To Open It Up And Comment At This Time.

I Will Give A Few Seconds To Collect Your Thoughts.

I Totally Agree With You On The Perception Of Ethics.

If You Don't Have It, You Don't Have It.

I Understand The Need To Put Some Down In Writing So We Understand What That Is And I Assure You I've Got That In My Heart And Every Fiber Of My Being.

I Think We Should Adopt That Not Only For The County Manager Or All The County Employees, I Think Anyone That's Involved In County Government.

I Think That's A Standard Result To Aspire To.

I Particularly Liked Your Comment About Knowing What The Press Is Talking About Before They Start Speculating.

I Think You Said It Perfectly.

It's A Tragedy What People Can Do To People When They Run Off With Little Tiny Bit Of Something And Speculate On It And Speculation Grows On Speculation.

The Damage You Can Do To On Individual And Their Families And Their Reputation Build Up Over Many Years Is Irreparable.

I Talked To A Man That Said Something I'll Never Forget.

He Said I Know What The Lead Sentence Will Be In My Obituary And Because Someone Tainted Him And The Taint Will Be There The Day He Dies.

I Take The Challenge Very Seriously To Live Up To Your Standards And I Promise You Your Standards Are Not Any Higher Than My Standards.

I Challenge Anybody To Show You A Cleaner Record Than What I've Got.

I've Demonstrated It And I Will Take It Up In Another Notch.

There Will Be No Investments Of Any Kind In Lee County.

Period.

I Appreciate This Confidence Of The Majority Of You And I Hope To Gain The Support And Confidence Of All Of You.

Thank You.

I Would Imagine This Board Would Expect A Revision Paper With Regards On How We're Going To Craft And Structure The Code Ethics Provision.

For All Of Us.

Yes, Including This Board And Future Boards.

I Was Going To Test The Sentiment To See If We Can Conclude This By Suggesting A Motion That Would Direct A County Attorney To Bring Back Some Opposed Amendments

And A Blue Sheet To The Contract That We Have With The County Manager That We'd Be Dealing With And The Conclusion Of That Ethics Provision That I Referred To And Also To Property Ownership And In Consultation With Mr. Crane Whatever Other Suggestions You Might Have From Getting Into Such A Fix Again.

Motion By Commissioner Mann.

Commissioner Jane? I Just Want To Develop The Legal Wording.

And To Make A Couple Points.

The State Has Ethical Laws, International And City Manager's Association Has A Code Of Ethics That He's Obligated To Abide For.

We Would Be Subject To The State Laws That -- Ethical State Laws That Require Us To Walk A Straight And Narrow Path.

This Doesn't Clean It Up.

There's Still Ethical Laws That I Believe Perhaps Have Been Violated.

I Think The County Manager's Own Association Would Be Interested In This Discussion, This Investigation And All The Public Documents In The Media.

I Don't Think He Would Stand Up To Either Of Those Tests.

So As Much As I'd Like To Go Along With The Four Of You In Your Accolades, I Can't And I Won't.

But Be That As It May, Move Forward.

Objection? No Objections, Motion Passes.

Let Me Read The Key Findings Of Page 1 Of 8 Into The Record.

The Chief Findings Of My Investigation Is That I Have Not Found Any Evidence That Mr. Stilwell Had Any Interest In These Two Parcels At The Time He Made A Statement To The Board Of County Commissioners On May 29, 2007 And February 26, 2008.

In Addition, I Have Not Found That Mr. Stilwell Had Any Ownership Interest In The Entity By The Name Of Cabrera Daniel's View L.L.C. On The Same Two Dates.

Thank You.

Excuse Me, Commissioner Hall? >>Comm. Hall: Do We Need To Formally Accept This? Yes.

Motion Passes.

We're Going To Take A Two-Minute Break And We Have A Little More Work To Do.

We're Going To Need To Reconvene.

There's Still A Lot Of Work To Contend To.

Okay, We'll Go Ahead And Try To Address Item 1 To Extend The Emergency.

Seconded By Commissioner Janes, Seconded By Commissioner Hall.

Amendment Passes.

We Thank You For Your Patience And Hanging In There.

We Have A Motion By Commissioner Janes.

If There Is A No Discussion? Any Objection? No Objection? Motion Passes.

Now To Commissioner Bigelow.

Commissioner Mann.

Commissioner Hall? >>Comm. Hall: I'm Moving Mine To Next Tuesday.

Believe It Or Not.

I Do Have One.

It Will Be Quick.

I Believe You'll Understand The Importance And We Can Get Right To It.

Thank You Commissioners.

We Do Have An Issue Today.

The Core Of Engineers Have Been Meeting On A Weekly Basis.

Our Staff Along With Sanibel Representatives From The East Coast And St. Lucy Area As Well As Lake Advocates Weekly To Determine If Additional Releases Are Needed.

Originally They Started The Releases Because Of The Rapid Increase Of Lake Okeechobee.

It Went Up Four Feet In One Month.

They Did Halt The Releases Several Weeks Ago On Our Recommendation To Try And Help Us Recover.

Last Thursday We Met Again With All Of These Groups, With The Core, And The Unanimous Recommendation From That Meeting Was To Cease The Releases For At Least A Week,

Seven Days, To Provide Time For Our Estuary To Recover And Allow The Oysters And Sea Grasses To Have Some Recovery Time. Unfortunately We're Getting Heavy Flow From The Local Basin.

It's Crucial That We Get Some Cessation At This Point.

Taking The Recommendations Into Consideration, Unanimously In The Folks Interested In Lake Okeechobee, The East Coast, The West Coast, The Core Has Given Us A Release Schedule That Started This Morning At 7:00 A.M. To Continue A Two-Week Schedule Of Releases.

I Think It Would Be Appropriate At This Time That We Send A Message To Colonel Krueger That We See This Is Inappropriate.

That We Should Cease The Releases For A Period Of One Week To Allow The Estuary To Recover.

>>Comm. Hall: What's The Lake Level? It's In The Comfort Zone.

Comm. Mann: Are We Going Up Or Is It Coming Down? Actually Coming Down.

Any Further Discussion? Any Objection? No Objection, Motion Passes.

I Have One Real Quick -- I Will Contribute To \$5 To My Local Kiwanis Club If You Join Me In Singing Happy Birthday To Commissioner Hall.

\M Happy Birthday To You \M \M Happy Birthday To You \M So That's \$5.

All Right.

You Carry Yourself Very Well, Commissioner Hall.

You Started A Great Tradition, Mr. Chairman.

Let's Get Our Birthdays Out There.

Committee Appointments.

Commissioner Bigelow? None.

Commissioner Mann? None.

County Manager? No.

County Attorney? No, Sir.

Thank You.

All Right.

We Are Adjourned.