

June 16, 2009

Good Morning.

We Will Get Started With Our Board Of County Commission Meeting Of June 16th.

We Welcome All Of Those In Attendance And Those Viewing And Listening In.

We Will Start With The Invocation With Pastor Ryan Deaton.

Good Morning.

Lord, We Thank You For This Beautiful Day And Thank You That We Have The Privilege Of Living In The Land Of The Free And Home Of The Brave.

We Ask For Your Blessing Over The County Commissioners And Thank You That You're Taking Care Of Every Need And Concern That You Have In Regard Of Their Families And I Pray You Give Them Wisdom And Understanding As They Make Decisions.

Let Your Kingdom Come And Will Be Done.

Amen.

Chairman Judah: Please Remain Standing.

[Pledge Of Allegiance] Chairman Judah: Thank You, Pastor.

The First Item On The Agenda, The Ceremonial Presentation And Actually We Have Two.

The First Has To Do With Recognizing The Fort Myers Beach Fire Control District 60th Anniversary And We're Pleased To Have All Of You Here Today.

The Chief Is Assistant Chief Is Here.

We Welcome You Up The Podium And Like To Read The Resolution.

Good To See All Of You.

And The Resolution Reads As Follows, Whereas Fort Myers Beach In Lee County Is Known As One Of The World's Celebrated Vacation Destinations Where Visitors Enjoy Swimming On The Seven Mile Beach Or Swimming And Boating In The Beautiful Gulf Of Mexico And Whereas The Fort Myers Beach Control District Is Dedicated To Preserving Lives And

Protect Property And Is Ready When Emergency Occur.

They Are Committed To Fulfilling Their Commission To Combat Fires And Provide Multiple Levels Of Rescue For Decades To Come.

They Routinely Provide Live Saving Services To The Residents And Visitors And June 16, 2009, The Fort Myers Beach District Celebrates Its 60th Year.

We Do Hereby Recognize The Many Contributions Of The For The Meyers Beach Fire Control District.

We Dedicate The 16th Day Of June And As Chair Of The Board Of County Commissioners, I Am Proud To Sign The Resolution.

[Applause] If You Could Come Forward, Please.

I Would Like To -- It's Not Often I Get A Chance To Shake Your Hand.

Thank You For Being Here This Morning.

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

At The Podium Right There Would Be Great.

County Commissioners, We're Truly Grateful To Be Recognized From Lee County.

As You Know Half Of Our District Is Now Into Part Of The Town And The Other Half Is Lee County.

We're A Proud Organization Honoring Our Conditions And Challenged By Our Future And It's Moments Like This That Recognizes Those Challenges That Await Us.

With Our Partners Throughout The County As Well As The County Itself We Look Forward To Continuing Our Partnership In Meeting The Demands Of The Mission Being Successfully Helping Other People Is Truly What It Comes Down To.

Thank You.

Chairman Judah: We Thank You, Chief, And The Fire Commission.

Thank You All For Being Here In Attendance This Morning.

I Appreciate It.

The Next Ceremonial Presentation Recognizing Vivian Moreland As Grandparent Of The Year.

Comm. Mann: Vivian Moreland.

Are You Going To Accept It For Her? If You Could Help Her Grab A Mic.

Introduce Yourself And Say Something About Vivian.

I Guess She Couldn't Be With Us This Morning.

Chairman Judah: Thank You, David.

Comm. Mann: Introduce Yourself And Tell Us A Little About The Organization, Please.

Okay.

Good Morning.

My Name Is Yolanda Beckworth With The Grandparenting.

Vivian Was To Win The Grandparent Of The Year For 2009.

We've Been In Business For Going On Eight Years And Commissioner Judah Was The One That Started Us.

Any Way, I Want To Say Thank You.

Comm. Mann: I Wanted You To Get The Thing About Commissioner Judah Helping You Get Started On The Record.

So Let Me Read This Nice Resolution For Ms. Moreland But Pass Her Love On From All Of Us, Would You Please.

Whereas Vivian Moreland Has Been Selected As Grandparent Of The Year By The Beckworth Foundation, An Organization That Is To Help Grandparents That Find Themselves In The Unexpected Situation Of Returning To Parenting.

And Whereas Vivian Moreland A Social Worker For Lee County Early Childhood Center And Grandmother And Now Guardian Of Her 5-Year-Old Granddaughter That Attends School At The Center And Where As She Worked With The Teachers, Specialists And Social Workers To Help Her Granddaughter As Well As Other Children At The Center Working Through The Difficulties And Challenges Of Parent Separation And Whereas Return To Go The Role Of Parent She Has Worked Under Tremendous Pressure, Under Much Financial Hardship And Emotional Turmoil, But With Great Determination And Unconditioned Love.

And Whereas Vivian Is Commended For Her Courage That She Took On The Role Of Parent To Her Granddaughter Knowing How Important Family Is And To Avoid Foster Care At All Costs.

There By Be It Resolved That The Lee County Commissioners Would Like To Honor Vivian That Earned The 2009 Grandparent Award, Signed June 16, 2009, By Ray Judah.

[Applause] Comm. Mann: Now, You Can Say One Last Little Thing.

Chairman Judah: David, Do You Have The Mic There? Thank You.

I Would Like To Say Thank You To Every One Of You And You Always, Commissioner Mann, You Spoke Well At The Last Pageant We Had.

I Want To Thank You, Thank You, Thank You.

Comm. Mann: You're Welcome.

[Applause] Chairman Judah: Thank You, Yolanda.

You Continue To Help Bring Families Together And The Community Together.

We Will Go On To The Recap And It Appears -- 14-B, Need To Have Change In The Language Here.

Motion By Commissioner Hall? Do We Have A Second? Seconded By Commissioner Mann.

Any Discussion? Any Objection? Hearing No Objections, Motion Passes. And We Will Have Two Walk-On Items.

We Will Take Public Comment At This Time And I Had One Card.

Deborah? Hi, Deborah.

Hi.

Good Morning.

Good Morning.

Thank You Very Much.

Good Morning.

For The Record, I Am The Executive Director With The Art Of The Olympians.

It Was Requested I Come To Speak Regarding Item 1-B That Is The Extension Of The Agreement For Our Funds.

To Explain What We Need The Extension Is We Found Out Our Building Is Being Changed To Be Designated In A Flood Zone.

That Has An Enormous Impact On Our Design.

We Go From \$2 Million To Renovations To Half The Value Of The Structure.

Half The Replacement Value Which Would Need To Be Determined, But From What I've

Heard It's A Little Over \$1 Million.

We Had To Put A Screening Halt On Our Architectural Design And A Lot Of The Items Allocations Through The Funds Were Very Much Design Specific, So It Put Us In A Bind Where In Order To Do Due Diligence We Shouldn't Have Spent The Funds.

So What We Have Requested Is An Extension Of Funds To Items Not Designed Specific, So More Technology Based.

Now, What's Going On With The Building Right Now Is The City Has -- The City Manager Gave Approval For His Staff To Request A Redetermination From Fema.

That's About A Four To Six Month Process To Get It Done.

We Have Heard Through Other Outlets Punta Gorda Was Reconsidered And Taken Out Of A Flood Zone.

Regardless, We Are Committed.

We Are Committed To The City Pier Building.

Once It Is Determined, We Will Figure Out If We Are Doing A Total Redesign Closer To The \$600,000 Mark Or Go Full Out With The \$2 Million Renovation.

On Another Note, I Want To Let You Know My Board Of Directors Had A Private Meeting With Governor Crist Along With The Ceo Of The Olympic Committee Who Came Out To Meet With Governor Crist To Talk About The Support Of The Art Of The Olympians Which Is Just Unprecedented.

There Are Three Cities In The United States That Can Hang An Olympic Flag.

Colorado Springs, True La Vista And Lake Placid.

Fort Myers As A Result Of My Father's Reputation And Our Nation's Creed Is Number Four.

He Did An Economic Analysis And He Said For The City To Go After An Organization Like Us, To Go After Acquiring The Rights To Hang An Olympic Flag Cost Between \$25 Million And \$35 Million.

And I Have A Letter.

I Don't Know If It's Appropriate To Give It Out At This Time.

This Is A Letter From Norm Bellingham To Governor Crist That I Would Like To Give To You That Highlights The Support And How Important It Is And What We're Bringing To Southwest Florida.

There's Nothing Like It In The World.

The Reason For The Request Was More Of The Flood Zone Issue.

Chairman Judah: Thank You.

Thank You.

Do You Have Any Questions For Me? Chairman Judah: I Think We're All Set.

Your Dad Would Be Proud.

Thank You Very Much.

Chairman Judah: B. J.

Hi.

Every Week We Get To See Each Other.

My Name Is B. J. Gerald And I Am Here In Behalf Of Lee County Animal Services And I Have Been A Member Of The Animal Care Trust Fund Oversight Committee Since Its Inception.

Those Of You That Know Me I Am Passionate About Two Things In My Life, Besides My Husband, Animal And Environment.

I Am At The Shelter All The Time, Five To Six Days A Week.

Sometimes I Feel Like It's Such An Important Part Of My Life And I Know Every Single Person That Works There And Respects Them.

It's Like A Family.

They Work Very Hard.

They Have One Of The Most Difficult Jobs I Think Of Any Of The Services In Lee County And We Are Probably One Of The Luckiest Shelters In The State To Have Such A Fantastic Director And I Totally Support Her.

If I Didn't Support Her You Would Hear It From Me.

Because Of This Animal Care Trust Fund Committee It Has Been In The Very Beginning We Were Rubber Stamped And Then We Became A Little More Active And Started To Do -- Started To Try To Do Some Fundraising And Off-Sided Options And Everything We Did Became -- Everything Was In Turmoil All The Time And We Have These Long Meetings That Don't Seem To Head Anywhere And The Last Few Years The Oversight Committee That Is Supposed To Be Fundraising For The Shelter, For The Animals Of The Community, They've Just About -- Well, They Really Have Stopped That And They're Trying To Micro Manage The Shelter.

As I Said, I Will Tell You If I Thought That Something Was Going On There That Was Not Appropriate That Was Not Right For The Animals Or Citizens Of Lee County, And I Would Like You To Really Consider Abolishing This Oversight Committee.

It Is Serving No Purpose.

Fundraising Can Be Done Through The Shelter With Rita And Donna Ward.

We've Had Very Few People Come To The Meeting.

They May Come Once, But They Never Come Back.

I Walked Out Of The Last Meeting.

I Would Ask For All Of Your Support.

Thank You.

Chairman Judah: I Do Not Have Any Other Cards.

Anyone Else Wish To Speak On The Consent Of Administrative Agenda? Seeing None.

We Will Go Back To The Board.

Before We Go To Items Being Pulled, I Have Asked And Hopefully The Board Will Allow A Brief Presentation To Give Us An Update On Water Resource Issues.

It's Really Timely, John.

I Appreciate You Being Here This Morning.

Please Come Forward.

The Management Board Is Meeting July 8th And There's A Number Of Issues We Need To Support.

Good Morning, John.

Good Morning.

For The Record, John Fer Mere Row.

The Staff Really Wanted To Supply For The Commission Before You Go On The Summer Break, Because A Lot Of These Will Play Out In The Next Months.

I Will Talk About Four Items.

One Is The C-43 Project.

As Many Of You Know Money Is Tight Both With The Water Management District And The Core And We've Been Fighting To Maintain The C-43 Reservoir Project As A Priority.

It Has Gotten Stuck And The Office Of Management And Budget Is Sitting On That Project.

We Have A Document That Allows That Project To Go To Congress For An Appropriation.

At This Point It's An Issue Having To Do With Land Crediting.

The Implication Involves About \$12 Million.

We Have Been Negotiating With The District And The Core To Try To Get It Through.

I Know Some Of You And Commissioner Judah And Commissioner Hall Has Actually Gone Up There And Met With Members To Dislodge This.

We've Met With Our Congressional Delegation To Try To Move This Forward.

Over \$100 Million Has Been Invested Thus Far.

It Is Designed, It Is Permitted.

It's Ready To Go.

We Want To Get It Part Of The Federal Stimulus Package But The Key To Resolve This Federal State Dispute Over Land Crediting To Move Forward, Get A Congressional Appropriation And We Can Build This Project In The Caloosahatchee Watershed.

We Still Have Not Gotten Any Clear Indication Of What Will Happen And What They Will Do With It, But We've Received Assurances That We Will Move The Project Forward Including If They Have To Eat The \$12 Million Differential That Is Implicated With This Issue, They're Willing To Do That.

We're Lucky That We Have A Good Friend In D. C. With Rock Salt That Is A Deputy Assistant Secretary Of The Army And He's Very Familiar With Southwest Florida And Been An Advocate For Us And Hopefully We Will Move That Project And Expect To Get Some Indication One Way Or The Other Within The Next Three Weeks.

Some Indication.

Chairman Judah: You Put That \$12 Million In Perspective With The Cost Of The Overall Project? This Is A Project That Is A Little Shy Of \$1 Billion.

It's -- In The Scheme Of Things It's Not A Lot.

In Broward County They Have A Project That Involves Thousands Of Acres Of Land.

The Implication On The Land Crediting Issue On That Project Is Over \$120 Million.

So We're Saying Basically For \$12 Million, Somebody Has To Move This Ball Forward.

We've Invested So Much In This Project It's Time To Move It Forward And We've Gotten A Lot Of Support From The Governing Board Of The Water Management District Both In D. C. And The Commissioners, I Know You Have Been Reaching Out And Working With Our Contacts To Move It Again.

Timing Is Everything With These Projects.

And Then The So-Called Project Where This Commission Invested \$10 Million In Moving This -- The Land Acquisition Of This Project Forward.

It's Approximately A \$200 Million Water Quality Treatment Project And Again, Everybody Is Experiencing Problems With Tax Revenue Cans, The War Management District Is No Difference.

You Are Struggling With Setting Priorities, So It Will Be Critical That We Keep It On The Front Burner.

We Need Water Quality Projects In The Caloosahatchee Watershed.

That's Another Priority We Will Work On.

Item Number Two, Lake Okeechobee Releases.

We Were -- It's Hard To Believe We Were In A Significant Drought And Literally Dealing With The Army Core Of Engineers And Water Management District On An Almost Daily Basis Advocating For Releases Of Lake Okeechobee.

When The Saline Levels Rise It Impacts Sea Grasses And The Habitat For Several New Species.

The Manatee, The Small Tooth Saw Fish And During The Drought You Have A Lot Of Straws In The Lake.

You Have A Lot Saying We Need The Water, Hold On To It.

You Have Well Fields That Rely On Lake Water.

Our Argument Has Been We Require Very Little And For Very Little It Has A Dramatic Beneficial Impact On The Estuary.

Thankfully The Army Core Of Engineers Stepped Up To The Plate And Were Able To Accommodate Our Requests And Allow The Flows To Go Through.

We Do Not Want To Go Through These Literally Weekly, If Not Daily Battles Next Year, So We Have Been Meeting With Board Members On A Number Of County Water Resource Priorities And We Have Gotten Agreement That They Will Open Up A Document Called The Adaptive Protocol.

It Dictates On Releases Made When They're In The Lower Levels.

A Document That Is Frankly Outdated.

You Might Recall In 2008 The County Lobbied For A New Regulation Schedule.

Now We Need A New Regulation Schedule When You Open And Close The Structures.

That's What We Will Work On In The Coming Months.

And We Argued It Needs To Be Science-Driven.

Several Letters Were Sent Asking The Governing Board Members Receive A Briefing Of All Of The Various Trade Offs Involved Of Making Releases And Get An Idea Of All The Science Involved.

Our Concern Was At Times The Science Was Not Being Presented To The Board When They Were Asked To Make Recommendations To Open Up The Structures Of The Lake And Allow Releases To Benefit The Estuary.

We're Hoping We're On A Path To Avoid What We Went Through In The Past Couple Of Months And Put Into Play A More Formal Regime Of Protocol To When These Releases Are To Be Made.

Item Three, We Have Established Minimum Flows And Levels For The Caloosahatchee.

Under Florida Water Law, If A Entity, Whether It Be A Utility Or Agriculture Operation Wants To Obtain And Legally Protect Its Water Rights, It Must Obtain A Permit From The Water Management District.

If You Are An Environmental Or Natural Resource, You Don't Really Apply For A Permit.

The Legal Mechanism To Both Quantify And Then Legally Protect Water For The Environment Is Called A Water Reservation.

And We Believe With Everything That Is Going On Now With The Northern Everglades And Estuary Protection Act, With The Development Of The Caloosahatchee River Protection Plan It Is Time To Establish A Water Reservation For The Caloosahatchee To Quantify The Water And Protect It For Years To Come.

And At The Same Time All Of The Water Use Permits For The Lake Okeechobee Service Area Are Up For Renewal And The Water Management District Will Look At Each Of These Water Use Permits And Determine Whether The Allocation That Has Been Made Are Still Appropriate And There May Be Additional Water Available That We Can -- Through A Water Reservation, Quantify And Legally Protect For The Benefit Of The Caloosahatchee.

That Will Be Another Critical Priority For Us.

And Then Item Number Four Is Probably The Most Timely Issue, And That Has To Do With The Establishment Of A Watershed Based Or Basin Rule For The Caloosahatchee.

This Issue Was Raised At The Governing Board Meeting That Took Place In Naples And It Was A Bit Controversial.

I Think The Environmental Community In Southwest Florida As Well As This County Has For Years Advocated For The Need To Establish A Regulatory Program Within A Defined Geographic Area, Within The Caloosahatchee River Watershed.

This Program Has Two Distinct Components.

One Is A Water Quality Base Program Which Is Called A Works Of The District Program.

Today That Model Exists.

There Is A Works Of The District That Is A Bmp Based Program For The Eea, South Of The Lake.

And There Is A Similar Works Bmp-Based Program For The Watershed North Of Lake Okeechobee.

Now We Believe It's Time To Have The Program For The Caloosahatchee Watershed.

This Program Is Primarily Target Today Dealing With Water Quality Issues And What's Noteworthy Is It Would Apply To Both Existing And New Development.

And Many Of Us Know That In The Caloosahatchee Watershed We Have A Lot Of Older, Large Scale Agriculture Operations That Do Not Have Modern Water Management Systems With On-Sight Detention And Retention.

A Bmp-Based Rule Would Affect Both Existing And New Developments.

The Model Has Been Set.

And Interestingly Enough, In The Caloosahatchee River Plan That Was Adopted This Year And Adopted By This Commission, This Commission Supported And Recommended The Adoption Of This Document, This Document Calls For This Rule Making Effort To Be Undertaken.

The Board Meeting In Naples, The -- Some Individuals For The State Department Of Environmental Protection Suggested The District Should Wait And Not Set A Basin Rule Because D. E. P. Is Trying To Establish A State-Wide Rule.

It May Take Years And May Be Challenged, I Think Many Of The Advocates Are Arguing For A More Focussed Rule That Deal With The Unique Issues We're Dealing With.

The Programs North And South Of The Lake Are Dealing With Phosphorus.

Nitrogen Is The Issue We're Trying To Deal With.

The Second Component Of This Rule Making Or Regulatory Program Is Basically An Amendment To The Environmental Resource Permit Criteria That Would Require A Greater Level Of On-Sight Storage.

We Hear That Word.

Storage, Storage, Storage.

The Reality Is There's Not Enough Public Land To Meet All Of The Storage Requirements We Would Need In The Watershed.

Storage Also Needs To Be Addressed On A Project By Project Basis.

The Water Management District Has Been Toying With A Proposed Rule Along The Lines For Almost Four Years Now.

It's Our Belief That It Is Time To Bring That Forward And Commissioner Judah, You Participated With The Chairman Of The Water Management Board That He Was Very Supportive Of Kicking Off That Effort.

It's Here In The District's Documents.

Now, This Would Be For Only New Development.

This Amendment To The Environmental Resource Criteria Would Only Affect New Development, But It Would Be Beneficial In That There Would Be More Storage.

And When You Have More Storage There's A Water Quality Benefit Along With That.

There Was A Lot Of Debate, Very Good Debate At The Board Meeting In Naples, But The Bottom Line Is The Board Decided To Defer The Item Until The July 8th Meeting That I Believe Is Taking Place In West Palm Beach.

It Will Be A Critical Date.

I Know That Several Representatives Of The Conservancy And Conservation Foundation Are Getting Organized And Plan On Being There On July 8th And I Know That's Been A Priority For This Commission So We Will Advocate For The Immediate Initiation Of This Role Making.

I Know Commissioner Hall Will Remember When We Were Developing The Northern Everglades And Estuary Protection Act, We Actually Drafted Provisions In The Proposed Law To Mandate That The Rule Making Gets Started Immediately.

And At The Time We Were Told It's Not Necessary.

Remove That Provision From The Legislation.

We Will Take Care Of It.

It Was Over Two Years Ago.

So We're Still Waiting And I Think The Good News Is Based Upon The Briefings That We've Had With Each Of The Board Members, We Have Been Meeting With Each And Every Governing Board Member Briefing Them On The County's Resource Priorities And We Have Received Tremendous Positive Feedback From Almost Every Board Member That We Have Met With.

And So I'm Very Confident That If We Appear And Let Our Position Be Known That We Will Get A Lot Of Support From The Governing Board.

The Effort That Commissioner Hall Directed Us To Undertake In Terms Of Reaching Out To Each Of The Board Members, Educating Them, Which Kurt And I Have Been Doing For The Last Month And-A-Half, Is Paying Off.

Next Month Will Be A Critical Board Meeting.

Before You Went On Your Summer Recess, We Wanted To Make Sure That You Were Aware Of These Issues, Because They Will Be Playing Out In The Next Couple Of Months.

Chairman Judah: John, I Can't Thank You Enough.

Very Informative And Timely Briefing.

I Appreciate The Patience From The Board.

Any Questions? None At This Time.

Keep Up The Good Work.

Thank You Very Much.

Okay, We Will Now Go Then To The Consent Agenda.

Items To Be Pulled.

Commissioner Bigelow? Comm. Bigelow: I Have Five.

4-A, 9-A, 13-B, 13-D, And 14-C.

Chairman Judah: Commissioner Hall? Comm. Hall: 7-A And 8-A.

Commissioner Mann? Comm. Mann: I Have None.

Chairman Judah: Okay, I Have A Few Here.

8-B, 15-B And 15-C.

Moved By Commissioner Hall.

Second By Commissioner Mann.

Any Discussion? Any Objection? Hearing No Objections, Motion Passes. Commissioner Bigelow, Item 4-A? Comm. Bigelow: This Is A Request To Approve An Addendum For The Construction Manager Agreement For Renovation East Phase 3 With Stultz.

This Is A \$1 Million With A 7.25% Cm Fee.

I Asked To Get A Summary Of What This Building Would Cost Today.

I'm Not Necessarily Interested Of Standing In The Way Of The Building Renovation, But In Light Of The Fact That We're Facing Some Difficult Financial Storms Ahead As If We're Not Already In One, I Guess The Question Is Begged To Be Asked Here.

You Know, How Much Are We Spending And Where Is It Going And What Is The Need For This Space? Let Me If You Would Explain What This Building Has Cost Us To Date.

In September 2006 We Bought It For \$2.5 Million.

By The Way, That Was Cash.

\$4 Million Was Spent On The Parking, Roof, Building, Safety Upgrades.

Another \$4.5 Million Was Spent As General Fund Dollars On First, Fifth, Sixth And Seventh Floor.

\$8.5 Million Of Property Taxes Has Been Spent On Top Of The \$2.5 Million To Buy It.

That's A Tidy Sum To Begin With.

Today We're Asked To Approve Another \$1.5 Million On A Building That Currently Only Houses The Clerk's Traffic Division And Clerk's Mediation Division.

Perhaps, Jim, You Can Tell Us Looking Out Toward The Horizon, When Is This Building Going To Be Occupied And Can You Justify The Need To Be Moving Forward With This Kind Of Office Space Accommodations Since We Seem To Be Holding Our Own With Staff Levels And, You Know, Making Due With What We Got Currently Seems To Be The Motive Operandi.

One Correction, We Haven't Renovated The 1st, 5th, 6th, 7th Floor, But That Hasn't Been Accomplished Yet.

You Said \$4.5 Million In Renovation.

Is That Not Correct? You Asked For Future Expenditures, Too.

That's \$4.5 Million In The Next Several Years To Renovate Those Floors.

No, I Didn't -- Okay.

So We Will Take The \$4.35 Million Off The 22.5, But We're -- Yea, The Building -- Where We Were Headed Was To Ultimately Relocate The Economic Development From The Highest Lease That The County Has Down At University Park That Is Some \$550,000 A Year.

It Was Hoped We Could Move The Economic Development On To The 5th And 6th Floor.

Cancel That Lease And Save That \$550,000 A Year.

The Building Is A 30-Year-Old Building.

We Put On A New Roof.

We Added A Generator.

This Will Update The Restrooms To Current Codes.

We've Been In A Number Of Phases Just Upgrading The Building.

We Brought It In '06 Because It's Located Across From The Campus.

It's A Board Policy And Your Call Is Whether We Continue To Do This.

You Can Continue To Pay The Rent At University Square, If You'd Like, The Other Thing That Will Happen Is The Clerk's Traffic Group And Mediation Would Move Back Into The Justice Center.

If The Justice Center Funds Continued To Be Allocated, Otherwise Everything Stops, Everybody Sits Where They Are And It's Perfectly Fine.

It's Your Call.

No, It Wouldn't Be Fine To Continue To Pay The \$550,000 In Rent.

That's Your Decision.

That's Where We Were Headed Ultimately.

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

You're Saying We're Moving Ahead With The Renovations And It's The Hope You Will House Two Divisions There Bcb And Economic Development.

You Current Will I Have The Clerks In There.

The Clerks Traffic And Mediation, When Is The Building Expected To Be Fully Occupied So We're Maximizing -- That Depends On Your Capital Allocations.

The Justice Renovations Need To Be Funded So People Can Move Off To The First Floor There So The Traffic Can Move Over To The First Floor In The Old Justice Building.

Two Things Have To Happen To Free Up Space.

When That Happens, It Could Happen In 18 Months If The Funds That Are Being Requested Continue To Be Approved, If Not, It Will Slow Down Somewhat.

It's Based On How The Money Is Allocated And How Fast We Can Get The Work Done
Comm. Bigelow: It's Looking Like A Money Pit That We May Need To Look At How We Might Be Able To Save In The Short Run Since The Need Doesn't Seem To Be Staring Us In The Face Immediately.

I Guess I Have Trouble That We Would Keep Pouring Money At This And It Seems Like The Need Keeps Moving Further Away.

Okay.

That's All I Have.

Chairman Judah: Motion By Commissioner Hall? Second? Second By Commissioner Mann?
Comm. Bigelow: Perhaps This Will Come Up Later When We're Looking As The Project Of Our Budget Look To Flush This Out A Little More And See If There Isn't Some Way To Get A Handle On The Immediate Need For This.

Thank You Mr. Chairman.

I Will Support It, But I Want To Get A Better Sense That This Thing Is Getting Us Somewhere.

Chairman Judah: Any Discussion? Any Objection? Hearing No Objections, Motion Passes.
Commissioner Bigelow, Item 9-A.

Comm. Bigelow: To Award And Authorize Staff To Enter Into The Construction Manager Agreement Storage Building At The Waste To An Energy Facility.

It's In Light Of The Fact To -- Comm. Hall: Move The Item.

Comm. Bigelow: The Failure Of County Management To Come Up With Any Criteria That These Selection Committees Then Review These Applicants.

Chairman Judah: Motion By Commissioner Hall To Move The Item 9-A.

Do We Have A Second? Motion By Commissioner Mann.

Discussion In Commissioner Mann? Comm. Mann: Help Me With The Cm Fee.

This Is 6.5 For \$1.5 Million Project.

The Other One We Did Was \$1.5 Million And That Was 7.25.

I Am -- The Point I Am Making Is Now We're In A Recession Time And Everybody Is Coming In With Good Sharp Pencil Figures And I'm Looking To Get A Little Tighter On The Cm Fee.

Chairman Judah: Lindsey, Please Feel Free To Come Forward.

Comm. Mann: I'm Looking To Get A Comparison Between The Two And He's Only Responsible For One.

The Fee Was Set Prior And We Stayed With The Same 7% Fee.

I Suspect Lindsey's Fee Is A Little Lower Because There's One Subcontractor Providing The Building.

There May Be -- Is It Something Along The Lines That We Are In Fact Reviewing Cm Fees In Today's Economy Compared To Where They Were A Year Ago, Two Years Ago? We Absolutely Are, But From Job To Job -- As Long As We're Doing It.

That's All I Needed To Know.

Chairman Judah: Any Further Discussion? Any Objection? Hearing None, Motion Passes.

3 To 1, Commissioner Bigelow Low Dissenting.

Chairman Judah: Any Discussion? Any Objection? Hearing No Objections, Motion Passes. Commissioner Bigelow Low Dissenting.

13-D.

This Is Addendum To A Construction Manner Agreement For County Wide Contract For The Project Known As Miscellaneous Roadway Landscape Projects And The Scope Of This Particular Amendment Is To Resolve Existing Irrigation Problems And Revitalize, Remove And Or Replace A Majority Of The Plant Material Throughout The Corridor.

Chairman Judah: Who Will Be Represented Here? Clay Simmons.

Can You Tell Me What It Is We're Doing With This? We've Got A Couple Of Different Project Locations That Are Wrapped Into This Contract.

The First Is Over At Colonial At Mcgregor Boulevard, The Overpass There.

We've Had An Maintenance Issue Due To Rats Getting Into The Irrigation That We Use Throughout The County That Has Not Really Allowed Us To Maintain The Plants In A Good Condition.

Where Is That Again? Colonial At McGregor, The Flyover.

I Thought That Was The City Of Fort Myers? It's Been Transferred Back And Forth A Number Of Times Throughout The Years.

Actually Right Now It's Ours.

Okay.

So Rats -- Rats Are Eating Into The Irrigation Lines To The Point They Disabled The Entire Irrigation System.

It's Become Cost Prohibitive To Keep Doing Repairs, So We Elected To Retrofit The Irrigation To Get It To A Rat-Proof System Essentially.

And Then You're -- Go Ahead.

>>The Other Portion Of The Project Is To Go Through And Replace Magnolias Throughout Several Roadways.

We've Had Extensive Maintenance Issues.

They're Susceptible To A Type Of Scale Disease That Is Causing Us Problems So We Found It To Be A Cost Benefit To Replace Them With A Different Species Not As Susceptible To That.

Is This Landscaping That Is A Policy To Landscape The Medians Throughout The County? Is That The Magnolias You're Talking About? Yes, These Plants Would Have Been Put This As Part Of The Program.

So Over The Past Couple Of Years We've Installed Magnolias And We Have To Pay To Replace Them? We Paid To Put Them In The First Place, But Yes, It's A Maintenance Operation We're Doing.

So We Have To Pay Again.

Yes, Sir.

In A Short Period Of Time.

Okay.

And Then So We're Going To Spend \$570,000 To Basically For The Most Part, Because I Can't Imagine Most Of That Will Be Spent On The Irrigation Rat Problem, But We Will Spend A Lot Of The Money To Fix These Recent Contracts -- Actually I Believe The Bulk Of The Money Is Spent At Colonial To Do The Retrofit As Well As Bring The Landscaping Back Up.

You're Replacing All The Landscaping There? Not All Of It.

A Lot Of The Understory Planting That Would Have Been Affected By The Low Drip Irrigation That Was Having The Land Problems, The Landscaping Itself Was Effected.

The Majority Of The Overhead, Large Trees, Are Okay.

And This Is Coming Out Of The Transportation Trust Fund? Where Does That Money Come From? Karen, Do You Know? I Believe It's A Transfer Primarily From The Unincorporated Mstu Each Year.

It's A Combination Of Property Taxes And Gas Taxes, I Believe.

Property Taxes And Gas Taxes.

Okay.

I Believe It's Just Property Taxes.

And Then U.S. 41 You Described Retrofits, The Roadway Medians Were Landscaped Between 2006 And 2008 Due To Resurfacing And Realigning Project A Number Of Medians Were Left Unplanted.

Had We Not Planted In There? We Planted A Majority Of The Roadway.

At The Time The Contract Was Ready To Go, The State Was Also Ready To Go With The Resurfacing.

There Were Several Locations We Had A Conflict With The State's Project So We Held Off On The Construction Of The Medians Until Such Time We Were Out Of Each Other's Way.

We Also Had A Couple Of Instances Where They Realigned A Couple Of Medians That Were Not Anticipated During Our Construction That Caused Landscaping Material And Irrigation Do Be Impacted.

We're Now Going Back To Fix The Locations And Plant The Remainder Of The Medians.

So I Think You Said Yes, We Planted And Then We Removed Or -- There Were Some Small Areas Impacted Where We Did Some Removals, Yes.

Okay.

Unless The Board Is Interested In Deferring This, I Can't Support This Right Now.

I Think It Falls In The Category Of Perhaps Not Urgent Enough To Merit Roughly \$600,000, The Gas Tax Dollars And What Not To Be Spent On This Given That We're In Such A Difficult Financial Straits.

I Won't Support It Today.

Chairman Judah: Do We Have A Motion? Moved By Commissioner Hall.

Do We Have A Second.

Second By Commissioner Mann.

I Have A Question.

You're Saying Because Of The Rat Problem We Will Have To Go Another Way? Yes, Sir.

Any Other Alternative? Overhead Is Not The Desired Approach.

Agreed And We Investigated It Heavily And This Was The Best Solution To Come Up With As A Last Alternative.

Chairman Judah: I Like Getting Rid Of The Understory Plants.

I Think We Are Going To Find Over The Long Haul We're Better Off Financially If We Concentrate On Canopy.

It's Nice To Have The Fluffy Understory Appearance, But It's All Very Costly.

And Being Able To Manage These Areas, I Hope We Will Concentrate On Trees.

Magnolias, Do Better In Colder Climates.

So That Was A Mistake.

I Know You Are Going To Replace Them.

You Indicate They Will Be Native Trees.

I Hope You Will Not Go With Day Palms, But Go With Native Trees To Reduce The Maintenance.

Yes, Sir.

The Majority Of The Trees Will Be Native.

We're Looking At Button Wood, Pitch Apple And I Believe Wing Mountain.

It Won't Be 100%, But A Large Majority Will Be.

Chairman Judah: Good Enough.

Commissioner Bigelow? Comm. Bigelow: Are The Landscapings That We Planted The Last Two Years Are Those Irrigated With The Problematic -- Yes, We Do Use The Low Flow, Low Drip Irrigation.

We Have Not Run Into This Anywhere Else In The County.

There's Only Rats There At Colonial? It Would Appear.

Chairman Judah: We Have A Motion And Second.

We Had Discussion With Item 13-D.

Comm. Mann: One Comment.

In Defense Of Rats, Squirrels Are Often The Culprits In This Type Of Damage That We're Experiences.

So Don't Blame It All On The Poor Little Mice Out There.

I Support The Motion.

Chairman Judah: Any Discussion? Any Objection? Hearing No Objections, Motion Passes. I Guess We Do Have An Objection.

4-1 Commissioner Bigelow Dissenting.

14-C.

This Is Another Ranking By The Competitive Negotiations Committee And I Object To The Make Up And Criteria.

Chairman Judah: Motion By Commissioner Hall? Second By Commissioner Janes.

4-1, Commissioner Bigelow Dissenting.

Commissioner Hall? Comm. Hall: Good Morning.

7-A.

This Is An Approval Of The Mandated Mental Health Services For I Think It's A \$557,000.

The Reason I Pulled This Is That We Seem To Go Through Some Of These Items And This Is A State-Mandated Program And I Wanted To Share What The Board And Those In The Audience Who Is Eligible For The Services That We're Continue To Go Fund.

Good Morning.

Ann Arnold For The Record.

Under State-Mandated Health And Substance Abuse.

Lee Mental Health And Florida Addiction Services.

There's Certain Pots Of Money They Get From The State That Require A Local Match And If They Don't Generate The Local Match It Defers Back To The County To Pick Up The Balance.

In This Instance Lee Mental Health Does Raise Enough Local Match So This Is Discretionary Money That Is Going To Them For Their Operating To Expand The Services They Provide In Addition To Who The State Will Fund.

What Residents Of The Community Are Eligible To Take Advantage Of The Expanded Services? People Diagnosed With Mental Illness That Qualify For Case Management Service, Residential Treatment, But Have To Have A Diagnosis Of Certain Mental Illness To Apply.

Comm. Hall: The County Did Support The County For Health And This Is Another Example Of Another Half Million We're Putting Out There To Make Sure People Aren't Falling Through The Cracks.

I Will Move The Item.

Chairman Judah: Thank You.

Motion By Commissioner Hall? Second By Commissioner Janes.

Any Discussion? Any Objection? Hearing No Objections, Motion Passes..

Comm. Hall: I Want To Point Out Again, Here Is An Agreement Of D.O.T. Authorizing The Resolution To Receive Grant Dollars For \$175,000 For Lee Tran And We Get Asked All The Time, What Kind Of Grant Moneys Are We Getting.

Are We Applying For These Moneys And I Wanted To Pull This For Acknowledgment That Lee Tran Will Receive \$175,000 In Arra Funds For The Amenities On Route 12 That Services A Popular Area Of Lehigh Acres.

So Good Work.

I Will Move The Item.

Chairman Judah: Motion By Commissioner Hall To Move Item 8-A.

Do We Have A Second? Second By Commissioner Janes.

Any Discussion? Any Objection? Hearing No Objections, Motion Passes. -- I'm Sorry, Under Discussion, Commissioner Bigelow.

Comm. Bigelow: One.

Can You Tell Me, Steve, Route 110, What Corridors Are We Talking About? Steve Meyers, This Route Pretty Much Operates On Lee Boulevard And Homestead Road In Lehigh Acres With Some Service North On Joel.

Those Will Be The Locations We Will Look At.

We Have High Boarding Locations On That Route And That Will Be Sort Of The Way We Sort Those Down.

What We Will Plan To Do Is Install Seven To 10 Bus Shelters At The Highest Boarding Locations With Bicycle Racks And Trash Receptacles At The Stops And It Will Give Cover For The Folks That Utilize That Route.

The Reason We're Putting Those On This Route Is Because These Are Funds Available Only For Rural Areas Designated By The 2000 Census Force And They Only Fit On Route 110 And A Few Other Places In The County.

Comm. Bigelow: Thank You.

I Appreciate The Explanation.

I Will Go To Lehigh In A Couple Of Months.

\$175,000 And This Is Obama Administration Stimulus Funding, Right? That's Correct.

How Many Shelters Do We Get? Probably 7-10 Shelters.

It Depends On The Location And The Cost Of Each Shelter.

We're Looking At A Cost Of \$17,000 To \$25,000 Per Shelter Location.

Is This All Inclusive Of Everything We Have To Spend To Erect Them? Yes.

The Money Is For The Hardware As Well As Installation? Correct.

Excellent.

And We've Talked Before About How We Bought Shelters And We Have Them Sitting In Storage Because We Find That Actually Getting Them Installed Seems To Be Problematic Because There's So Many Other Requirements.

This Infamous Green Book That Is Out There That Sets All The Hurdles That We Have To Jump Through, So We're Going To Purchase These And I Think What You're Saying Is We Will Be Actually Installing As Many As We Get Because We Can Do So In Rural Area And We're Not Going To Have The Hurdles That You Previously Told Me About? I'm Sure We Will Have An Equal Number Of Permitting Issues In All Of The Areas We Install Shelters In, Particularly In They're Along The State Road Because Of The Green Book Requirement, But We Think We Are Turning The Corner.

We Retained A Consultant To Help Us With The First Group, The Pilot Phase Of Shelters And Hopefully We Will Have 100% Design On Those By The End Of This Month.

So We Will Continue To Move Through The Shelter Program And Continue To Do It And

Take Our Time And Do It As It Requires.

Okay.

This Is Good Stuff Because This Is Going To Make Our Transit System More Attractive To More People.

And It's Good That These Shelters Require A Lot Of Manual Labor That It Requires More Folks To Be Working To Install Them.

I Look Forward To Seeing Them Sooner Than Later And With Respect To The Ones We Bought Previously In Storage, I Think Probably We May Need To Look At That And See How We Can Help You Get Those Up As Well.

Thank You.

Comm. Mann: Quick Follow Up.

You Made A Reference To The Lehigh Was Eligible For The Grant Money And You Used The Term Rural.

And Then You Used It Again.

There's 70,000 People Out There And I'm A Little Troubled About The Definition Of Rural.

If That Somehow Starts To Apply To Alba, There Will Be People Nervous About Adding 70,000 People Under Our Plan That Designates That As Rural.

Is That A Slip Of The Tongue Or -- The Designation Of The Funds For Rural Areas Follows A 2000 Census Numbers That Designate -- So -- And Probably When We Reach The Next Census I Don't Think We Will Have Much What Is Define -- Defined As Rural Area By That Time.

This Money Will Be Harder For Us To Use Because There Wouldn't Be A Lot Of Rural Designation In The County In The Future Where Bus Service Also Operates.

Thank You.

Chairman Judah: Steve, I Would Like To Get Some Bus Shelters Built In The Urban Areas.

We Need Them Desperately.

We've Launched An Effort Two Years Ago To Build 14 Bus Shelters And We've Been Stagnant Because Of Florida Transportation Requirements.

Can You At Least Perhaps In The Not Too Distant Future Give Us A Timeline On Where And When You Will Feel You Will Move Forward With The Bus Shelters Along The Major Routes Hopefully In The Next Several Months? I Can Give You An Update Right Now.

In Some Of Those We Have A 90% Design On Five Of The Shelters, Mostly On Us 41.

We Expect The 100% Design To Be Completed By Early Next Month That Will Allow Us To Go To Bid For The Installation.

The Next Group Of That First 15 Will Be -- Are Working On Currently, But They're Not At The 90% Design Stage At This Point.

So That Timeline I Will Have To Give You At Some Point In The Future, But Hopefully Next Month We Will Bid Installation Of Initial Shelters.

We Will Install Five, We Need Hundreds.

We're Not Moving Along Real Quickly.

I'm Not Casting Any Blame, Steve, But We Have To Come To Grips With The Importance Of Whether You Need More Resources Or What It Will Take To Actually Make Our Public Transportation System User-Friendly And That Will Include Shelters.

Comm. Mann: One More Follow-Up.

You Keep Stimulating Questions Here.

You Say We've Done Design On These.

What Is The Design? Is It Just A Little Tiki Hut Where Six People Can Get In Or Is It A Door To Walk In? The Standard Size Shelter We Use Is An 8 X 10 Foot Shelter.

We Place It On A Concrete Pad.

They Have To Meet Requirements For Connectivity To Sidewalks And Also For The Street.

So They Do Require -- I Think They Require As Much Permitting As The Red Sox Stadium With The Amount Of Work To Go Into It.

It's Just A Roof To Get Wheelchairs In And Out.

Exactly.

It's Covered On Three Sides With A Roof, Solar Lighting.

Isn't There A Standard Design? Does A Design Slow Us Down On Something This Simple? The Shelter Design Is Simple And The Pad Is Simple, What's Not Simple Is The Locations You Try To Put Them In When You Run Into Right Of Way Or Setback Requirements.

In Some Cases We're Setting Them Back Beyond The Right Of Way Available And Now -- They All Look Alike Essentially? They're Alike.

Yes.

Simple Design Shelters.

And If There's A Blowing Rain, You Will Get Wet Any Way.

That's Where The Other Three Guys Are Standing.

Okay.

Thank You.

Chairman Judah: Could We At Least Make Sure It Is Brought Back To Talk About Expediting The Installation Of The Shelters Throughout The County? August Is Fine.

I Want To Add One Thing That The Problem Is You Got To Have A Curb In Front Of The Things According To The Green Book, Right? If You Don't Have A Curb, The Setback Becomes Much Further Back Off The Road.

Right.

So I Guess We Got To Figure Out How To Install Enough Curb -- I Mean Seriously, It Seems Like I Understood It Before That's One Of The Biggest Problems Is Lack Of A Curb On The Roadside.

Pushes This Into The Area That We Can't Get Beyond.

Chairman Judah: The Issue Before Us Now.

Accept The Grant Funds And We Have A Motion.

One Last Thought.

Chairman Judah: Commissioner Mann? Comm. Mann: You Want To Talk About It Again, I Am Fine To Talk About It Again, But It's Still A Money Issue.

Can We Ask For This To Be Singled Out During Our Budget Deliberations? Chairman Judah: It Needs To Be Discussed.

We Need To Prioritize Where The Shelters Should Go, But It's More Than Just Funding.

Comm. Hall: Right, We Have Other Design Issues And Right Of Way Issues.

Chairman Judah: Any Discussion? Any Objection? Hearing No Objections, Motion Passes. I Think -- Does That Wrap It Up For You Commissioner Hall? Comm. Hall: Yes, It Does.

Chairman Judah: Let Me Move On To 8-B.

Don, I Will Ask You To Step Forward, If You Wouldn't Mind.

We Don't Have To Belabor This Matter, But I Think It's Important When This Was Set Up It Was Going To Be Services In Terms Of Fundraising To Raise The Necessary Dollars For An Animal Shelter Needs And It Kind Of Lost Its Way.

I Appreciate B. J. Gerald's Comments.

I Wanted To Make Sure On The Record That What Is Being Done Is Not Going To Undermine The Intent Of The Trust Fund Because It's Been Phenomenal In Terms Of Fundraising.

Thank You.

Donna Ward, Animal Services.

This Came About Because Several Committee Members Approached Me And Said They Thought It Would Be More Effective To Bring This Community In House And I Will Steal Analogy From Our Chair, She Said She Felt Like The Trust Fund Was A Little Island And Animal Services As A Continent And There Wasn't Any Connection.

They Thought By Bringing It In-House And Having More The Staff Involved, There Would Be A More Connected Effort That We Could Accomplish Our Goals And Hopefully Move Forward, Increase The Goals.

Right Now Currently Without Us Doing Anything At All We're Taking Up To \$50,000 A Year In Tax Deductible Donations For This Fund.

However, Based On This Year's Current Budget Models, We're Looking At Relying On The Trust Fund More Than Ever Especially For Vaccines Since We Had A Reduction From The Specific Line Item Itself.

Moving Forward We Will Count On The Community Support To Provide Enrichment And Special Care That We Need For Veterinary Care And Assistance And Out Of Our Operating Budget.

It's Critical Moving Forward That We Make More Of An Effort To Increase The Funds.

It Doesn't Change, You Still Have A Committee, But The Committee Is In House And You Have A Cooperation Staff And The Committee.

You Almost Needed An Oversight For The Oversight Committee Because There's Certain Things With The County You Have To Follow With Expenditures And Financials And We Ran Into Problems Where Those Weren't Followed.

We Need To Make Sure We're Compliant And That Will Take A Staff Member To Work Directly With The Committee To Make Sure That They're Understandable And Informed Of What They Need To Be Doing When It Comes To The Purchases.

I Do Believe It Will Be A Better Way Of Achieving The Goals For The Long Run.

Chairman Judah: Thank You.

Donna.

Motion By Commission Janes, Second By Commissioner Hall Moving 8-B.

Any Discussion? Any Objection? Hearing No Objections, Motion Passes. Thank You, Donna.

Couple Other Quick Items, 15-B, And 15-C.

Has To Do With Law Enforcement Agreements With Several Communities.

The Thing That Caught Me Was, Who Is Handling This, By The Way? I Know It's The Sheriff's Department, But What Concerned Me Is The Language Where It Says The Agreement For Norm Share Of Patrol.

I Want To Make Sure That That Is The Case.

Commissioner, We've' Had Numerous Discussion Over The Years On The Particular Issue.

They've Committed That If They're Doing Any Sort Of Special Patrols Other Than Calls For Service, They Will Charge Extra To The Community For That.

I Believe They Do That.

We Can Verify That, But We Had That Issue Before.

Chairman Judah: Just To Confirm Any Additional, Above And Beyond Patrol -- They've Told Us That's Their Policy.

Chairman Judah: Very Good.

Motion? With That Condition, The Additional Services Provided At The Homeowner's Permission.

Chairman Judah: Motion By Commissioner Mann? Second By Commissioner Hall? Any Discussion? Any Objection? Hearing No Objections, Motion Passes..

We'll Move On To The Administrative Agenda.

Comm. Hall: I Will Move Item 7-A.

Chairman Judah: We Have Clarence With Regard To The Communication Allowing Us To Do Just That.

So Motion By Commissioner Hall.

Do We Have A Second? Second By Commissioner Mann.

Any Discussion? Any Objection? Hearing No Objections, Motion Passes. Move On To 7-B.

Ann, If You Could, The Only -- I Appreciate First Of All Those In Favor Signify By Saying Aye. The Process That Was Put In Place, The Review Of The Request.

The One Concern I Have And I Fully Support Mental Health, But It Was My Understanding With Regards To The Proposal That They Have To Be Fully Engaged In A Capital Campaign If They Were Going To Receive Some Local Dollars From The Government To Help Close The Deal And Compliment The Capital Campaign Effort.

In This Particular Instance It Appears That The Lee Mental Health Center Is Looking To Acquire Ownership, I Guess, Of The Building That Is Actually A Deal That Frank Worked Out Years Ago With Mental Health.

And The Point I Am Trying To Make Is They Haven't Gotten Into The Capital Campaign Mode So I Think It's A Little Premature.

I Don't Mind Dealing With It At A Future Date, But I Think It's A Little Premature To Process These Requests.

That's Correct.

As Of The Last Correspondence With Lee Mental Health There Has Not Been A Sales Price Negotiated Or Agreed Upon For The Property They've Made.

They've Had Discussions With The Other Shareholders Of The Building, But No Formalized Agreement.

Comm. Hall: Commissioner Judah Dad? Chairman Judah: Commissioner Hall.

Comm. Hall: I Think Commissioner Bigelow Pointed Out We're In Difficult Times Right Now And I Feel If We Are Going To Have These Programs To Be Fair To All The Applicants, The T's Need To Be Crossed.

It Took Us A Long Time For Ann And The Staff To Come Up With What's An Appropriate Criteria To Take Tax Dollars And Put It In A Capital Program For Non-Profit To Expand Their Services.

You Could See By The Motion That We Made Today We Put In An Extremely Large Amount Of Money In Property Tax And Services And Now We Get Into Providing Structures For The Services.

I Think We Have To Be Diligent On How It Is And I'm Not Comfort With The Application That We Brought Forward.

I Can't Support The Request.

I Think The Other Two Have Met -- Met The Guidelines And There's Support In The Community For The Operations To Be Expanded And That There's A Need For Them And

The Community Stepped Up To The Plate And We're The Last Bit Of Money To Put Them Over The Edge.

I Can Support The Other Two Requests, But At This Point I Wouldn't Be Able To Support The Lee Mental Health Request.

I'll Make The Motion.

Chairman Judah: Move Forward On The Funding To The Children's Advocacy Center And Mental Health Center, And No Disrespect To Lee Mental Health Center But It's Not In Sync With The Process We Put In Place.

Some Day Down The Road We Might Be Able To Help The Effort As They Get The Campaign Under Way.

Can We Have A Second? Do We Have A Second To Get This On The Board For Action? Then I Will Second For Purpose Of Discussion.

Commissioner.

I Have Not Supported These For A Couple Of Reasons.

Number One, A Service Level, This Is Not The Time To Begin New Core Services.

Core Service Levels.

I Have To Tell You That If This Were The Good Old Days, I Would Be Right There.

When The Good Old Days Come Back, I Will Be There.

This Is An Excellent Project, Probably Deserving Of Support, But Not At The Time When We're Faced With A Severe Recession And Incoming Dollars.

We Have To Expand Valuable Reserves In Order To Meet This New Service And I'm Not Prepare Today Do That.

I Would Prefer It Be Put On Hold Until Such Time As The Economy Improves At Which Point I Would Be Happy To Obtain A Motion.

Chairman Judah: Commissioner Mann? Comm. Mann: I Would Simply Echo Commissioner Janes Heartfelt Comments.

And Say That I Could Not Possibly Include On His Eloquence In Describing The Times We're In Right Now And How Badly I Feel As He Does About Not Being Able To Support These -- We're Looking At \$100 Million Reduction In Our Own Revenues This Coming Year.

And We Don't See On The Horizon That Changing Any Time Soon And We Have Terribly Difficult Decisions Ahead Of Us And As Much As Our Heart Goes Out To These Projects, And I Supported Getting These Projects To This Point And This Renewed Process To Keep Them

Alive, But Circumstances Beyond Our Control Have Intervened Since Then So For Those Reasons, So Eloquently Stated By Commissioner Janes.

Comm. Hall: I Have Probably Been The Most Outspoken Against Capital Projects And Being A Core Service, But Two Years Ago When Outside The Budget Cycle Commissioner Mann Brought Forward The \$2 Million Capital To Go For -- I Said There's No Program For Capital And I Don't Like Going Outside Of A Program Where It's Fair And Equitable For Everyone To Participate.

I Voted No.

Came Back Around To A Budget Cycle And Last Year's Budget In The Times We're In Now, There's Nothing Changed From Last Year And What Our Outlook Is, We've Known We've Been In A Recession That's Been Obvious.

The Wording Was There.

It Was Set Up That Way.

We Looked At Reserves And Held On To Money To Get Us Through The Next Three Years.

And I Think I Argued Passionately Now Is Not The Time To Create This Capital Program.

But We Went Forward And Went Out And Staff Came Back With The Requirements, Not Even That Long Ago, And Said We Have No Funding For This.

If We Go Out For This It Will Have To Come From Reserves.

And We Had An Idea Of What Was Out There.

This Board Again Said Go Ahead And Go Ahead And Issue The Rsp.

And Again, I Made -- And So Did Commissioner Janes, Very Passionate Comments, Concerned This Is Not The Time To Do That.

So We Went Out There, We Filled Out The Paperwork.

Everyone Has Gone Through The Process And Now We're Here To Say How Are We Going To Fund This? I'm Sitting Here Dumb Founded That The Person Making The Motion Because I Have Not Been Supported All The Way Through, But The Majority Of The Board Said Do This Program.

Let's Do It This Year.

I Am Just -- I Don't Disagree With Anything That Anyone Is Saying, But I Don't Appreciate As People Applied That We Put Out The Rsp That -- We Actually Had A Discussion That We Wouldn't Exceed \$1 Million.

That Was A Conversation.

That Wasn't Even Six Months Ago.

I Am Sorry.

I Am Trying To Have Accurate Recall Of Where We've Been, But This Is Sending Me For A Loop That We've Gone Through All This Knowing This Is Coming Under Much Less Than We Anticipated.

Our Staff Has Been Great Of Telling Us What Our Short Falls Are, Our Values Are, Commissioner Janes You've Been Consistent And I Appreciate That, But Boy, I'm A Little Surprised.

We Will See Where The Vote Falls Here.

Would She Yield To The Question? Chairman Judah: I Would Imagine, Certainly.

Commissioner Hall? Am I To Imagine You To Say That Whatever This Was That Commissioner Mann Brought Forth This Request? Comm. Hall: When It Was Originally Brought Forward To Us, The Request For \$2 Million To Go Into The City Of Fort Myers Building Was Initiated Outside The Budget Process As Let's Look At It.

And It's My Understanding That You Initiated It And The Board Discussed It And We Went Over To The Fort Myers City Counsel -- Let Me For The Record, The Record Itself Would Reflect It Was Brought Forth Through A Normal Commission Process And Not Brought By Myself.

I Supported The Project, But I Did Not Initiate That Request.

Thank You.

Chairman Judah: Let Me, If I Could.

I Don't Want To Get Into Ahead Said She Said.

Let Me Put Things In A Perspective.

Everyone That Has Spoken Thugs -- Thus Far, I Appreciate Your Comments.

This Is A Challenging Time, But It's Precising Because We're In A Very Difficult Time That We Are In A Position To Actually Meet That Challenge.

In Terms Of Recognizing, As We've Always Talked About, The Importance Of Prevention And Intervention That Long-Term Benefits To A Community, Particularly In The Area Of Children Advocacy.

The Children's Advocacy Center I Thought Put Together The Kind Of Partnership We're All Striving To Implement In Terms Of Being More Efficient With Tax Payer's Dollars.

They're On The Campus There With Addiction Services, There's A Lot Of Overlap Between The Two Agencies.

They Worked Out Arrangements With The City Of Fort Myers With The Land.

They Did An Incredible Capital Campaign Raising Some \$3.5 Million.

They've Come Back To Us Because They Can Use This Money In A Very Meaningful Way.

Providing For More Exam Rooms, Interview Rooms, Therapy And Group Rooms For The Very Children Of This Community That Are Being Abandoned, Abused, Neglected.

This Isn't Just A Situation Where You Perhaps Might Be Perceived As A Bleeding Heart Liberal.

This Is A Good Business Decision.

It's A Good Conservative Business Decision Because If You Don't Help Out The Children Now, You Don't Treat The Children That Are Subject To The Abuse And The Neglect And You Ultimately Allow These Children To Suffer With Life-Long Challenges, And You All Know It.

Anxiety, Depression, Anger, Hostility, Substance Abuse -- You Know It Will Cost Us A Lot More As A Community In The Long Run.

This Is A Business Decision That Will Save Us County Tax Payer Money In The Long Run And More Importantly Save Lives.

I Can't Believe This Board Will Reject Being Part Of This Partnership That Truly Says We Will Send A Message Out That We Do Care About Our Children.

We Will Not Let These Children Fall Through The Cracks, Because We Will Stand By Our Word That We Know Long Term When We Do And Support Prevention, Intervention Programs It Takings Care Of People.

It Takes Care Of A Community And Reduces Costs In The Long Run.

They Have Done Everything Possible, The Children Advocacy Center In Going Through The Process, Following The Procedures.

There Has Been A Lot Of Resistance Because Of Limited Dollars, But It's To Avoid More Dollars Having To Be Spent At The Tax Payer's Expense If We End Up Actually Recognizing That It's Appropriate At This Time To Support The Children Advocacy Center Request As Well As The Quality Of Life Center.

My God, This Is The Basic Of Government Should Be Providing In The Community, To Keep People From Falling Through The Cracks.

That's What We're Here For.

I Can't Imagine That We Would Be So Short Sided To Reject This Request After These Agencies Have Gone Through A Process We Put In Place.

So I Appeal To This Board, Please, Understand The Importance Of What You're Doing This Morning.

I'll Open It Up To Any Further Discussion.

Commissioner Bigelow? Comm. Bigelow: Thank You.

I Would Like To Ask The Chair And The Vice Chair If They Would Allow Me To After -- If I Were To Support This, If They Would Allow Me To Reconsider 4-A, Which Was The Consent Agenda Item I Pulled So I Can Change My Vote.

I Supported A \$1.5 Million Expenditure Of General Funds Upon A Building Renovation That I Can't See As A Current Need.

However, This Item I Agree With You And All Of Your Eloquent Passion, Mr. Chairman, That These Are Needs That Most Immediately Facing Us That Are Of Dire Consequences.

And I'd Even Go So Far As To Support, Mr. Chairman, If You Were Interested In The Health Request Because I Believe That Is More Pressing, More Urgent Expenditure Of General Funds And That These Non-Profits Are Literally Saving Lives.

Continued Renovation Of The Building Across The Street Can Wait.

I Don't Believe The People Who Are Depending Upon The Services Of These Good Folks Can Wait On Building Renovation.

I'm Just -- Chairman Judah: Well, I Was About To Say We Can't Because It's A Separate Issue.

Comm. Bigelow: I Can Ask For A Reconsideration.

So I Will Ask For Reconsideration Of 4-A In Light Of The Fact I Will Support This.

If You Want To Add \$1 Million For -- We Have A Point Of Order Again That We Have This Motion On The Table.

That's All -- Chairman Judah: Amendment To The Main Motion.

Comm. Hall: And Mr. Chairman, If I May.

The Question Directed To Me Was -- I Am Going To Go Back To My Original If You Read The Application, Mental Health Is Currently Occupying The Building.

They Would Like To Purchase It.

This Is In The An Acquisition That Will Impact Their Service Level Or What They're Doing.

It's Not That They're Expanding.

They Needed To Get Into Bigger Space.

It Is Not The Guidelines For Us To Make The Decision.

They Haven't Met The Guidelines Of The Grant.

If We Start To Make Exceptions Then Why Have A Process.

My Motion Will Stand.

I Would Hope The Secunder Would Agree And If You Want To Make A Second Motion After That To Fund Lee Mental Health, You Certainly Have The Opportunity To Do That, But I Think The Reason That I Made The Motion Was Because Even Though I Didn't Agree With The Program, It Is What The Program Offers And It Certainly Well Under What We Anticipated In The Direction That We Gave Staff At The Time For The Funding That Is Here.

So I Truly Appreciate The Applicants Trying To Meet What The Objective Was Based On What Staff Put Together For Us.

No, I Don't Want To Amend It.

You Can Make A Motion To Amend It And See If It Will Fly.

Chairman Judah: First Of All, Let Me Say How I Appreciate That You Understand The Depth Of The Issue With Children's Advocacy.

If I Could I Would Consider What You're Requesting.

I Think The Other Issue Of The East Administration Building, I Understand Where You're Coming From, But I Have To Agree With The Fact That Long Term, If We Pull Economic Development Out Of The Higher Price Rent District And Bring Them Over To This Building We Will Be Better Off Financially Long Term.

Plus To Provide The Synergy Of Having Everybody Here On The Downtown Campus.

But You're Welcome To Approach That As A Separate Issue.

I Have To Agree With Commissioner Hall, I Am Very Frustrated That We Can't Reach Out To Lee Mental Health At This Time.

I Really Am.

But Out Of All Due Fairness, This Is The Reason We Got Into This Situation To Begin With, I Was Ready To Provide The Funding Over A Year Ago.

There's So Many Other Organizations That Likewise Would Say Wait A Minute.

We Don't Have Our Capital Campaign Going, But We Would Like To Start One And We Would Like Some Assistance From You.

It Was To Close The Deal.

I Think Lee Mental Health Funded To The Extent They Requested They Could Move Forward With Advancing Their Service Availabilities To Our Citizens.

Let Me Address The Other Point.

I Will Support This If You Will Show Me I Can Change My Position On 4-A.

I've Asked The Chair And Vice Chair -- Comm. Hall: I Can't Trade With You Both, Commissioner Bigelow.

You Have The Ability To Make A Motion, To Go Back To Item 4 And Have It Reconsidered For A Vote.

I Think We Try To Accommodate Issues As They Come Forward And I Think You Will Have To Count On The Fact That As We Have In The Past Tried To Accommodate You According To Procedure, That There's Nothing Wrong With You Coming Back Before The End Of The Meeting To Go Back To An Item To Be Reconsidered.

So I Will Not Guarantee You Anything For Your Support, But I Would Say To You That I Think This Board Has Been Very Supportive Of Requests, Especially Before The End Of A Meeting.

We've Even Supported Things To Come Back For The Next Meeting.

But I'm Not Going To Horse Trade A Vote For A Vote For You In This Procedure.

Chairman Judah: Commissioner Janes? Comm. Janes: I Need To Have Another Comment.

Before We Get Locked Into A Position, Is It Somehow Lee County's Responsibility To Provide Bricks And Mortar To The Programs, Why Is Lee County -- Why Is The State Of Florida Consistently A 49th State In Terms Of 49 Out Of 50 United States In Terms Of Mental Health Funding? Why? Because The Legislature Does Not Act On These Issues Forcing It Down To Our Level And That's All We Can Do.

We Can't Solve Anybody's Problems And We're Not Going To Solve Their Problems And I Can Assure You The \$333,000 Is But One Phase.

They Will Eventually On The Next Phase Come In For Another 300 Until They Get Up To The Million.

They Will Have To Do That.

To Succeed In Their Effort And I Am So Opposed.

We Got To Go Back To The Legislature.

Really Everybody Go Back, Private Sector, As Well As Government And Beat Down Our Legislatures Door For Relief From This Awful Situation.

Chairman Judah: I Couldn't Agree With You More, But The Legislature Has Been Inept And It Has Abandoned Our Children.

Are We Also Going To Abandon Our Children? We're Talking About An Increase Of 450 Children Last Year.

And What I Would Submit To You Is Will It Make A Difference? It Will.

It Will Provide More Exam Rooms, More Interview Rooms.

We Need To Take Care Of These Children.

The State Legislature Isn't Going To Do It.

These Are Children In Our Community.

I Value Your Rational In Terms Of Prevention And Intervention Programs.

I Am Just -- As I Said, The Process Was Put In Place.

We Can't Afford Not To Do This Because Of The Lives We Can Save.

Comm. Hall: Can I Call A Question? Chairman Judah: Yes, You Can.

And We Have A Request To Call A Question By Commissioner Hall.

Do We Have A Second? Comm. Mann: Yes.

Chairman Judah: A Second By Commissioner Mann.

I Will Stay Open To Entertaining, But Not Guarantee Any Votes.

This Is The Call To Question.

Now, Go Ahead With The Main Motion.

Any Further Discussion? Any Objection? Yes.

Chairman Judah: 3-2.

Comm. Hall: You Have To Have Question To The County Attorney If You Want To Bring It Back.

I'd Like To Ask The Board To Reconsider 4-A.

Comm. Hall: I'll Second That.

You Rejected -- You Want To Pull It Up? It Passed 5-0.

No, You Weren't Here.

Chairman Judah: I'm Talking About.

Comm. Hall: I'll Second Your Motion To Reconsider 4-A.

Okay.

Thank You.

Chairman Judah: We Have A Motion To Reconsider 4-A.

Any Further Discussion? Any Objection? All Right -- We Have One Dissenting Vote By Commissioner Janes.

Comm. Hall: I'll Move Item 4-A.

Administration Phase Three -- Chairman Judah: Motion By Commissioner Hall.

Seconded By Commissioner Mann.

Under Discussion.

Commissioner Bigelow? Comm. Bigelow: I Will Not Support This In Light Of The Fact That I Don't Believe It Is A Wise Expenditure At This Time.

Chairman Judah: Now That You've Had The Opportunity To Have It Reconsidered, Would You Then Reconsider Item 7-B? Yes.

Chairman Judah: It's Not Out Of Order.

Any Further Discussion? Any Objection? Motion Passes.

You're Going To Object For The Funding Of The Renovation Of The Building? You Just Support The It A Minute Ago.

Comm. Hall: He Wasn't Here.

Chairman Judah: Okay, I Apologize.

I Will Support The Funding But Not Support The Children's Advocacy -- Chairman Judah: I Understand That.

Motion Passes 4-1 For The Renovation Cost For The Building.

And We Will Consider 7-B.

I Will Move Your Request.

Chairman Judah: Will You Make The Motion? Motion By Commissioner Bigelow To Move 7-B The Children's Advocacy Council And Children's Center.

I Will Move The Request And Quality Of Life Of 6,254.

Chairman Judah: We Have A Motion By Commissioner Bigelow.

Do We Have A Second? [Inaudible] Chairman Judah: Thank You.

This Is For Reconsideration For 7-B.

And The Motion Is By Commissioner Bigelow For 7-B.

Do We Have A Second For Reconsideration For 7-B? I Will Second For Reconsideration For 7-B.

Any Further Discussion? Comm. Hall: Yes, This Whole Thing Has Become Crazy And I Don't Like What's Gone On Here And I Feel We Have Lost A Sense Of Our Professionalism And What We're Doing, What's Right For This Community In These Actions And I Have To Agree With Commissioner Mann.

We Just All Exchanged -- We Had Dialogue Going On Here And Someone Waited For This Vote And Offered This Vote And We're Reconsidering Things.

I Thought It Was Clear When I Made The Comment That We Have Always Accommodated Unless It's Outrageous, Commissioner's Needs.

And Then We Went To See Four And Then He Said Now That You Will Support That, I Will Reconsider This And I Will Support That.

What Happened Here? I Want To Make Sure We Have A Legal Point Of Order And None Of Us Done Anything Against The Oath Of Office.

Chairman Judah: I'd Like To Comment Also.

I Will Offer Up Right Now To David Owen.

David Owen, County Attorney's Office.

I Will Not Address Your Discussions.

The Motion To Reconsider Is Available To You Under The Rules And Own Standing Rules.

That Is What Has Been Transpiring Here Today.

What I Will Call The Discussions Between You That Was Begun With Respect To Trading Votes, No Votes Have Been Traded.

The Statement Has Been Made That No Votes Would Be Traded.

You Cannot Trade Votes.

You Cannot Promise Votes.

I Have Not Heard That This Morning, However, I Have Heard Two Motions To Reconsider.

One That You Entertained Previously Dealing With 4-B On The Consent Agenda Which Passed.

The Votes Were Taken.

There's A New Revote On That With Commissioner Bigelow Dissenting.

Chairman Judah: 4-A.

I Stand Corrected.

Comm. Hall: But You Did Hear The Request? For Reconsideration.

But You Heard The Request That If I Do This, You Will Do That.

I Want The Record To Recognize The Commissioners Did Not Comply With The Request.

I Heard The Discussions, Commissioner, The Discussion Did Not Result Of Any Action Taken By The Board Other Than By Motion That Was Heard And Voted Upon.

Chairman Judah: I Understand What You're Saying And All I Want To Stay Clear.

David, Please Stay Up Here For A Second.

The Request Was Made By Commissioner Bigelow For Reconsideration For 4-A.

We Honored The Request.

There Was No Guarantee How We Were Going To Vote Other Than Reconsidering 4-A.

With Commissioner Janes Being Absent The First Time It Was Supported By The Board.

Again It Was Supported By The Majority Of The Board.

There's No Trading Of Votes Other Than Reconsideration Of The Item That Was Approved

By The Board.

It Was Approved Previously And Approved On The Secondary Consideration.

What Commissioner Bigelow Is Not Asking Is That 7-B Be Reconsidered.

All He Wanted Was A Reconsideration Of 4-A.

And Again It Was Passed By The Board.

Commissioner Bigelow Dissenting.

Now He's Asking For Reconsideration Of Administrative Item 7-B.

If He Does That He Has To Make A Motion.

Chairman Judah: And There's No Trading Of Votes, It's Just A Reconsideration.

It Is Clear That Commissioner Bigelow Wanted A Guarantee That We Would Reconsider And Support The Reconsideration Of 4-A And Clearly It Was Acknowledged We Would Not Guarantee, But You Could Make The Motion And See How The Board Felt.

I Want To Make Sure That's Very Clear Because That's What He Was Asking For His Support Of The Administrative Item.

When He Voted No, He Was Instructed We Could Go Back And Address The Issue.

When He Made A Motion, I Did Second It Base On That And Now He's Asking For Reconsideration On The Administrative Item.

I Wanted To Make Sure We're Clear On The Recap.

Chairman Judah: Commissioner Bigelow, Please.

I Don't Recall -- I Can Not Ask For The Reconsideration Of A Vote That I Did Not Prevail On.

The Prevailing Side Was The -- It Works Both Ways.

It Can Be On The Winning Side Or The Defeating Side, That's The Prevailing Side.

You Are Eligible To Make A Motion To Reconsider 7-B On The Administrative Agenda.

I Would Like To Address The Bigger Picture Here, If I Could.

Just A Clarification.

Chairman Judah: Commissioner Mann? Comm. Mann: Was The Motion Made And Seconded To Reconsider? Yes.

It Was Seconded? Chairman Judah: By Me.

Comm. Mann: By The Chair.

We're On Discussion Of The Reconsideration Of This Administrative Item.

Chairman Judah: Yes.

Comm. Hall: Hard To Keep Track.

Thank You And Obviously There's Been Some Confusion About How We're Proceeding Here.

Let Me Explain How I See It Generally.

We Have A General Fund Pot Of Money, If You Will.

Earlier In This Meeting Under Consent Agenda 4-A We Agreed To Send \$1.5 Million To Renovate A Building.

Then Administrative Item 7-A Came Up.

-- 7-B, Sorry.

And In Light Of The Fact That I Had Earlier Supported The Expenditure Of \$1.5 Million Of The General Fund Dollars, But Wanted To Support This And Change My Vote Earlier, I Tried To Ask If Those That Are Interested In Seeing 7-B Pass If The Motion Was Put Forth, Would Allow Me To Reconsider To Change What I Was Approving Earlier.

I Don't Think There's Anything Here As The County Manager I Will Reconsider This So I Am Lending My One Vote To The Expenditure Of General Fund Dollars On This Item Than The One Requested Earlier Which Was The Administrative Building Administration.

Comm. Hall: The County Manager Did Not Opine On Anything.

The County Manager Requested Earlier Consent Agenda Item 4-A.

Chairman Judah: I Think We Accomplished I Think What You Were Looking For Commissioner Bigelow Was To Process A Second Vote And Rejection Of The Funding For The Renovation Of The East Administration Building.

Under Discussion.

Commissioner Mann.

Comm. Mann: I've Taken A Note From Many Times From Commissioner Hall When She's Expressed A Concern For The People Watching Us On Tv Today That They Might Need Clarification On To What They Saw.

I Would Like To Suggest To The People Watching Today That Part Of What You Saw, You

Did Not See.

And Part Of What You Heard, You Did Not Hear.

So Now That That Is Clear, Prepare For The Vote.

Chairman Judah: Let Me Just Say That Everything People Saw And Heard Is Exactly What They Saw And Heard.

It Has Been Very Transparent And Very Open.

I'm Happy To Say It.

Once Again, Because This Is A Public Record And Everyone Viewing Today Can See Perfectly Well While There May Have Been A Route In Terms Of Getting To Where We Are Now, And What We Need To Focus On Now Is A Request And What The Funding Will Mean To The Children's Advocacy Center.

Mr. Chairman, I Would Like To Say That Political Posturing Is In Fact Political -- I Am Not In Favor Of That.

Chairman Judah: I Respect Your Personal Opinion.

Any Further Discussion? On The Vote To Reconsider? Any Objection? Yes.

Chairman Judah: Motion Passes 3-2 To Reconsider.

And I Will Go Back To Reconsider 7-B.

Comm. Hall: Go Ahead, Commissioner Bigelow.

You Got Us Here.

Comm. Bigelow: I Will Move Administrative Item 7-B To Approve Children's Advocacy Center Request To The Tune Of \$343,729.

Chairman Judah: We Have A Motion Then By Commissioner Bigelow.

Do We Have A Second? We Have A Motion Specifically For The Funding For The Children's Advocacy Center And Quality Of Life Center.

Do We Have A Second? I Will Second For Purpose Of Discussion.

I Think We've Discussed This Long Enough.

Any Further Discussion? Any Objection? Motion Passes 3-2, Commissioner Mann And Commissioner Janes Dissenting.

I Thank You For The Board's Patience.

We Will Now Move On To Item 9-A.

Care To Entertain A Motion? Motion By Commissioner Mann To Move Item The 9-A.

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

Chairman Judah: Second By Commissioner Hall.

Any Discussion? Any Objection? Hearing No Objections, Motion Passes..

Item 15-A.

Motion By Commissioner Bigelow.

Do We Have A Second? Seconded By Commissioner Mann.

Any Discussion? Any Objection? Hearing No Objections, Motion Passes. We Will Go On To The Walk-On And That's Walk On Item One.

(Reading Item) Chairman Judah: Motion By Commissioner Hall? I Will Second For Purpose Of Discussion.

We Have Supported A Resolution Previously.

Any Further Discussion In Any Objection? Motion Passes.

Walk-On Item Number Two.

Motion By Commissioner Hall To Move Walk-On Item Number Two.

Do We Have A Second? I Will Second For Purpose Of Discussion.

Any Discussion? Any Objection? Hearing No Objections, Motion Passes. Thank You, Jim.

We Will Move On -- I Don't Think There's Anything Public.

Comm. Hall: We Have A Follow Up.

Do You Want To Take This Follow Up? Chairman Judah: Yes.

Commissioner Mann, Commissioner Items? Comm. Mann: None.

Chairman Judah: Commissioner Janes? Comm. Janes: None.

Chairman Judah: Commissioner Hall? Comm. Hall: I Wanted To As A Follow Up For The Public When I Brought Forward The Public Service Commission I Asked The Board To Support Staff Recommendations That Is A Letter Supporting The Establishment Of The Prepaid Discount Program, But That We Will Not Be Speaking In Support Or In Opposition

Of The Proposed Rate Increase.

Chairman Judah: Thank You For Clarifying The Two Issues.

Motion By Commissioner Hall.

Do We Have A Second? In Regards To The Prepaid Discount Program.

So It's Not A County Manager Item? Chairman Judah: We're To Handle It.

Comm. Hall: I Brought It Up The Last Time Asking For Staff To Clarify.

Chairman Judah: Do We Have A Second? Second By Commissioner Bigelow.

Any Discussion? Any Objection? Hearing No Objections, Motion Passes..

Thank You Commissioner Hall.

Any Other Items? Comm. Hall: No.

Chairman Judah: Commissioner Bigelow? Comm. Bigelow: Just To Point Out Since We're Talking To Those That Are Here And Tuning In Tomorrow At 9:30 We Have An Important Budget Workshop.

I Guess Madam Vice Chair, Will We Take Public Comments? Comm. Hall: No, It's A Workshop For The Board Of County Commissioners To Help Prepare For The Public Hearing So The Public Will Have Time To Comment, But We're Reviewing Recommendations Of Staff And Giving Directions Of How We Want Them To Move Forward.

It's An Opportunity For The Board To Interact With The Staff On The Proposed Budget They're Proposing.

So Anybody Tuning In Don't Come Down To Make Comment Because We're Not Making Comments At The Workshop.

Comm. Hall: We're Not Voting.

It's A Workshop.

We Could Take Information From The Public If We Wanted.

Comm. Hall: Well, Let's Make Sure We're Not Misrepresenting What We're Doing.

It's Not To Take Input.

The Workshops Are Workshops Because We Operate In The Sunshine.

And In Order For Us To Interact With A Whole With Our Staff Regarding Budget We Need Time To Have Clarification.

There Is Going To Be More Than Ample Time Once We Get A Proposed Budget That The Board And Staff Agrees On For The Board To Comment And Continue To Make Changes, But It Would Be Preemptive To Have Input On A Budget The Board Has Not Had A Chance To Discuss With Staff.

We Are Not Precluding Public Comment.

There Will Be More Than Enough Time To Make Comments.

But This Is Our First Workshop Available To Interact With Our Staff As A Body As A Whole.

For The Record, If It's Not -- We're Going To Have Plenty Of Opportunity For Public Input During The Budget Process.

Anything Else? No, That's It.

Chairman Judah: I Have One Issue I Need To Bring Up.

And To Provide Closure.

David, If You Could Provide A Follow Up To The Member Ran Dad You Sent To -- Memo You Sent To The Board I Believe On May 4th, Affecting Two County Employees, There's No Question That The Board Will Need To Take Action Today.

And Do It In The Understanding That This Is Going To Bring Closure.

David, If You Would, Please.

Good Morning, Again Mr. Chairman, Commissioners.

David Owen, County Attorney's Office.

Mr. Chairman, Back On May 5th, The Majority Of The Board Directed Me To Investigate Certain Actions That Have Been At That Time Alleged To Have Taken Place On The Afternoon Of May 4th.

Prior To The Board Meeting When The Final Decision Was Being Made With Respect To The Employment Concerning County Manager Don Stilwell And I Have Done That.

I've Consolidated The Information That I Gathered In A Memo I Provided To You On Friday Along With Some Items That You May Want To Take Into Consideration With Respect To The Information That Was Developed.

Now, I Am Going To Make A Corrective Statement.

I Noted In One Of The Newspapers This Morning The Part Of The Headline Of The Article Was, County Attorney Finds That Commissioner Bigelow Violated The Charter.

I Want To Correct That Statement.

County Attorney Did Not Find That Commissioner Bigelow Violated The Charter.

That Is Not Within My Province.

That's Not What I Was Directed To Do And That Is Not The Case Before You.

The Case Before You Is For You To Evaluate The Information That I Have Provided You To Make A Determination As To Whether Or Not Commissioner Bigelow's Conduct When He Met With The Two Employees Was Appropriate Or Not.

And If It Rises To The Level Of Violating The County Charter With Respect To Contacting Or Interfering With Employees Of The County Other Than Contract Employees.

I Gave You Some Seven Or Eight Little Things You Could Consider.

One Of The Other Things I Would Like You To Consider This Morning, And I Think It's Important, Is The Fact That The Objective That Commissioner Bigelow Was Seeking Was Not Met.

That Is All The Employees Who The Commissioner Had A Desire Not To Attend The Board Meeting, Attended The Board Meeting On May 5th.

They Were Present.

They Were There For Duty.

They Did Their Duties And Met Their Objectives In So Far As Responding To Board Questions And Other Things And Performed As They Should Have Performed During A Regular Board Meeting.

Now, In Another Arena Of The Law This Would Be Viewed As An Attempt Rather Than A Perfected Matter Which Usually There Are Lesser Levels Of Cull P Ability And Lesser Sanctions Applied Than In A Full Objective.

The Commissioner By His Own Admission And Statements In The Letter He Provided To Me On May 15th.

Admitted He Did Go And Speak With The Two County Employees, Administrative Employees, With An Intent To Speak With A Third To Suggest Or Recommend They Not Attend The Meeting.

The Question For You Is To Whether It Rises To A Clear Violation Of The Charter.

That's For You To Decide, But I Would Suggest That The Fact That The Objective Was Not Perfected, That The Employees Did Not Listen Nor Take The Suggests Of Commissioner Bigelow And Did Show Up At The Meeting On May 5th, Should Way Heavily On That Decision.

The Realm Falls More In My Mind The Appropriateness Of The Commissioner's Conduct, Whether What He Did Was Appropriate Or Not.

That's For You To Decide.

That's Why You Have The Statements For The Three Individuals Involved, That Being The Commissioner, Mr. Hammond And Ms. Schwartz.

There Really Needs To Be A Clear And Distinct Perfection Of The Matter Before I Believe You Could Find A Clear And Distinct Violation.

I Think Where This Is Now With This Matter As I Stated Is More With Respect To The Appropriateness Of The Commissioner's Conduct What He Did, Whether For Noble Purposes To Use His Verbage Or Not, The Fact Of The Matter Is That The Commissioner Was Discussing Personnel Matters And Personal Matters With Employees That Were Not Subject To His Jurisdiction And Not Subject To His Discipline.

We Have Had Numerous Meetings Where This Issue Has Come Up.

The Four Employees Of The County That Are Subject To You, To Your Discipline, To Your Critiques, To Your Jurisdiction With Respect To Whether We Stay Or Go And Under Which Circumstances Are The County Manager, Myself, The Hearing Examiner And The Airport Executive Director.

All Other Employees Work For Us.

They Are Not Within Your Purview Of What They Should Do Or Should Not Do.

They Are Subject To Our Discipline.

Subject To Our Jurisdiction.

The Issue Before You Is Whether Or Not Commissioner Bigelow Acted Appropriately Or Not By Approaching The Senior Management Members Who Are Not Within His Discipline Range Or Within His Jurisdiction On May 4th.

That Is For You To Decide.

As A Result Of Looking At A Number Of Things And In Short Discussions With The Governor's Office, I Gave You Three Options Which I Think Are The Correct Options Before The Board Today.

If You Find That Commissioner Bigelow's Actions Were Inappropriate That Is Essentially A Written Resolution Of The County Outlining The Activities That Were Inappropriate.

A Verbal Reprimand That Is Utilized By Government Bodies.

Or Take No Further Action.

Those Are The Three Sole Actions That You Can Take Today If You Choose To Did Any With Respect To Commissioner Bigelow And His Contact With The Employees On May 4th.

And I Think With That I Will Stop.

Chairman Judah: I Appreciate It Handling Such A Sensitive Matter.

I Want To Make Sure This Board -- This Is Not A Trial.

This Is Clearly Taking Action On A Particular Conduct That Took Place.

And The Board Must Act Accordingly.

It Just Can't Be Dismissed.

That's Why The Investigative Work Was Done To Begin With To Provide The Information For The Board To Make A Decision.

Let Me Turn It Over To Commissioner Bigelow At This Time If You Have Any Comments To Make.

No, I Am Interested To See What Takes Place Now.

Chairman Judah: Okay.

Care To Entertain A Motion On Any Further Discussion Or Objection? I Want To Further Discussion , If I Could.

I Kind Of Agree That This Not Being Board Of Perfection, But It Does Indicate An Intolerable Action By Commissioner.

This Is What We Must Be Prepared To Step On And Not Allow To Continue.

We Can't Have Our Commissioners Running Around And Taking Action By Themselves.

If You Do That, Then All Are Subject To Five Bosses.

It's Very Difficult To Do.

My Feeling Is That We Have To Be Very Strong In Identifying To The Commissioner That We Do Not Tolerate That Type Of Behavior.

Any Time He Goes Beyond What Is Permitted In The Charter He Is Looking For Trouble.

He's Been Here Two And-A-Half Years Which Is Long Enough For Him To Be Able To Learn The Basic Abc's Of How We Run Things Here And There's No Excuse To Have This Type Of Behavior Continue.

I Just Simply Cannot Continue.

With That I Am Perfectly Willing To Say That It Has Not Reached Perfection, Inappropriateness Is An Issue That We Need To Remember.

Did You Say That A Letter In His File Is Appropriate? A Resolution Or A Public Admonishment Or Take No Action.

Those Are The Three Options That David Gave Us.

If You're Asking About A Letter, A Letter Is Another Method I Haven't Really Considered.

A Resolution, Letter, Verbal Reprimand Or Take No Further Action.

Before I Come Up With A Specific Recommendation, I Would Like To Open It Up For More Discussion.

Additional Discussion? Comm. Hall: I Think We're Very Passionate About The Work That Goes On At The County And As We See Today We Have Anywhere From 50 To 100 Items Every Week That We're Making Decisions On.

These Are Difficult Times And So When We Have With The Four Employees At This Board Actually Is Responsible For In Dealing With The -- Those Issues, I Don't Think As Commissioners We Need To He Can As Per Rate Those Issues.

When We Lose The Confidence This Board Make As Change And I Think We Have To Be Sensitive That We Have Over 2,000 Employees Here.

And We Take The Leadership Role, The Protocol Of The Attitude And Enforcement Of The Policies And We Expect Our Policies To Be Followed.

And That's Not Policies For Our Employees, But The Policies The Commissioners Need To Follow Also.

I Am Not Going To Say That Each Of Us Has Not Been Guilty Of Being More Involved In Items Than Not, But To Have A Difficult Situation Of Individuals Of Our Management, There's An Opportunity To Talk With A New Manager, That We Did.

We Asked For This Issue To Be Reviewed.

It's Up To In This Case Interim Manager To Make A Decision On What She Felt What's Appropriate.

And Whether I Agree With Her Or Not, I Let Her Make That Decision.

If We Don't Like How Policies Are Being Handled, We Make A Change.

And We Have To Have The Confidence That The New Person Will Follow The Intent And Policy And Procedures This Board Set Out.

I Think We Have To Be Mindful When We're Overstepping And I Believe This One Rose To Probably Greater Attention Because Of Everything That Was Going On, But I See Little Infractions Throughout Every One Of Us Are Guilty Of And This One Was Very -- And Commissioner Bigelow, I Appreciate In Your Terms Again, The Noble Duty That We Have To Have Trust And Faith In The People That We Put To Be Responsible For Those Folks.

I Can Assure You From The Statements And The Affidavits It Was A Very Difficult Conversation And Very Difficult Position You Put These Staff Members In.

I Don't Think The Action Was Appropriate, But I -- If They Would Not Have Showed Up And Would Have Resigned, I Would Have Said It Would Have Been A Charter Violation.

But Because They Came Under Whatever Reprimand Or Punishment Of The New County Manager And Was Fortright, That Was Appropriate.

And I Appreciate Them Following Procedure And Protocol.

Chairman Judah: Any Further Discussion? Commissioner Mann? Comm. Mann: This Issue Is Too Delicate For All Of Us To Remain Silent Or Any Of Us To Remain Silent.

I Hoped That We Might Have Simply Adjourned Taking No Action And Taking Comfort In The Fact That A Thorough Review Of This Matter Was Undertaken And We've Had An Opportunity To Learn From It.

My Thoughts Would Reflect, And I Appreciate Commissioner Hall Saying Perhaps We've All Been Guilty On Occasion.

And I Will Freely Admit I Have Been Guilty On Occasion When I Felt Strongly On An Issue And Deal Directly With Staff, My Voice Has Been Raised.

I've Shown My Emotion.

I've Shown My Dislike For The Direction That A Staff Person Was Making Recommendations, And I Happen To Be Keenly Aware Because As I Was Quoted This Morning Saying This Courthouse Leaks Like A Sieve, I Am Aware That Other Commissioners Have Been Guilty Of The Same Thing On Numerous Occasions.

I Would Find It Highly Hypocritical On Our Part For A Majority Of Us To Pass A Motion Criticizing One Commissioner For Doing Something That Which Perhaps We Have All Been Guilty.

I Think We Should Do What I Alluded To Earlier, Simply Learn From This Little Exercise.

It Came -- It Was Originated From One Of The Most Tense Times We've Had In This County Commission In 15 Years.

Just Learn From It And Move On.

My Advice, My Prayer To You Mr. Chairman, Is To Thank Everybody For Their Discussion And Then Move To The Next Item Of Business Which I Think Is The County Manager's Be Comments And Count Attorney's.

Comm. Hall: I Just Want To Take -- I Want To Just Show A Difference Of Passionate Disagreement With Staff Direction Has Never Led Me To Insinuate They Should Not Be Employed With The County Any More.

Any Displeasure I've Had Or Inappropriateness That I Thought Staff Had Maybe In Judgment Or Management Of Their Duties, I Had Gone To The County Manager And Shared Those Concerns.

And I Have Gone To The Interim County Manager And Shared The Concerns, But I Never Went To An Employee And Said Don't Show Up, Don't Come And Don't Do Your Job.

I Don't Agree With Them And I Think That's Part Of The Interaction With Staff.

My Comment Was I Think Sometimes We Get Involved In The Day To Day, But I Want To Make It Clear, I Have Never In Win Waited To An Employee That They Should Not Come To Work Or In Some Way I Would Appreciate Them Resigning.

I Have Shared The Commenting With The County Manager On Occasion, But I've Never Gone To An Employee In A Private Meeting One On One Or With Other People And Have Insinuated That I Want Them To Do That.

But I Do Feel Sometimes We Do Overstep Our Policy Part Of Our Job And Get A Little Involved In The Decision Making Recommendations That Come To This Board And That's Probably An Area That We Could Improve On.

Comm. Mann: I Had Truly Prayed We Would Not Have To Let This Issue Linger, But I Must Say That -- And I Think That Mr. Owen Has Made It Clear That The Issue Brought Forth By The Motion Dealt With A Question Of Whether The County Commission Or Commissioner Was Giving Specific Direction To An Employee Below The Level Of Which We Are By Charter Allowed To Give Directions.

And It's Not What The Issue Was, It's The Issue Being Did He Give Directions? And The Point I Was Making A Moment Ago Is That We Give Directions When We Meet With Employees And We Have Done That When We Let Them Know That The Direction They're Going Is Not The One We Like.

We Are Telling It Clearly That That Is Not The Right Direction.

That Is Giving Directions When You Express Dislike For The Direction Of Which They're Going.

And That Is The Point I Am Making That We Have All Been Guilty Of Giving Directions Even If We Didn't Like The Direction You're Taking.

And Let He Who Is Without Sin Cast The First Stone.

I Think We Need To Move On To The Next Item.

Chairman Judah: Let Me Just Say That In The 21 Years, And You're Welcome To Point Out As You Feel You've Indicated Mr. Mann That We Have All Been Somehow Guilty Of Threatening County Employees, I Want To You Underscore Or Document Where I Have Been Intimidating Or Threatening Employees.

Comm. Mann: I Will Not Do That, Mr. Chairman.

This Needs To Be Put To Bed.

You Don't Want Me To Do That.

I Will Quote Now, Be Careful What You Pray For.

Chairman Judah: I Pray For It, Because If People Were To Make Allegations About My Conduct, I Want Them To Prove It.

Comm. Mann: I Said We All May Have Been Guilty.

I Will Leave It At That.

Chairman Judah: Okay.

Feel Free To Highlight Any Times Where You Know I Have Been Guilty Of Intimidating Employees.

When We State An Issue Doesn't Mean We Are Giving Direction To Employees.

One Thing Is We Send A Message That You're Countable For Your Actions.

We Can Do It In A Verbal Reprimand Or Abandon The Action All Together.

I Will Leave It Up To This Board.

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

Comm. Hall: I Believe We Did The Right Thing When It Came To The Attention Of The Board.

We Asked For Investigation.

I Think We Have It Documented What Is Happened And It's Documented And I Think We Recognize There Was Probably An Overstepping Of What Had Happened.

I Believe We Have Done What We Need To Do.

We Sat In A Public Meeting For 15 Minutes And Reviewed What The County Attorney Has

Documented.

We Had The Testimony Of The Employees Involved.

A Letter From Commissioner Bigelow And I Don't Think We Have To Go Any Further Than What We've Done.

It Is Now A Public Record And If We Want To Put This -- I Don't Even Know If County Commissioners Have Files, Actually, Because I Don't Know Who Would Put Stuff In Our File.

But If There's Somewhere To Put It, I Guess That's Where We Put It And It's In The Public Record.

Right, In The Minutes Of The Meeting.

And We Can Agree What's Been Documented Is Factual And Telling The Commissioners And Sending The Message To All Five Of Us We Need To Respect The Protocol And Policies We Have In Place.

If We Don't Like Them, Let's Change The Policies That We Have.

But While They're Done Let's Honor Them To The Best Of Our Ability And When We Don't It's Incumbent Upon Any One Of Us To Bring Forward The Facts, Affidavits And Move On.

We Are In Some Realm, We Are Very Passionate.

We Wouldn't Be Sitting Here If We Didn't Believe Strongly In Our Community Or Effort To Want To Make It A Better Place.

And That Passion Sometimes Steps Over The Line.

And I Would Like To Give Commissioner Bigelow The Benefit Of The Doubt That In This Case Regardless Of What I Feel Personally, I Believe Professionally He Was Very Passionate About This Issue.

He's Been Adamant About These Issues, But You Were Wrong In The Way You Handled It.

And I Think We've Documented That And I Think You Understand And I Don't Want To Make It Personal And I Believe We've Done What We Should Do.

In That Case We Brought It All To Light.

The Employees Feel They Have A Voice And I'm Good With The Document We Have Before Us.

Chairman Judah: Okay.

Any Other Discussion? Commissioner Bigelow Comm. Bigelow: I Guess I Would Just Echo The Word Noble That We All More Or Less Have Repeated Here.

We've All Acted Within The Pas -- Parameter, Everyone.

Even The Majority That Pulled The Trigger On This Investigation.

We Are Acting According To Our Own Guiding Principles And I Would Disagree With Any Accusations That I Did Anything Wrong.

I Don't See That I Did.

But We're Entitled To Difference Of Opinion And I Think It's Expected Of Us.

We're Not Elected To Sit Here And All Agree All The Time.

We're Here To Talk About Our Differences Of Opinion And We Have One Before Us Today And I Would Just Expect To Disagree And Move On And Do It Respectfully.

I Look Forward To The Future, The Brighter Future That's Ahead For Lee County.

We've Obviously Been Through Some Recent Dark Moments And I Just Assume Those Stay In The Pass And Move On.

I Have No Ill Will Of Those That Thought Differently Of What I Tried To Do And Hopefully They Will Have No Ill Will Of Me And Hopefully We Will Move On And Work Together And As Well Will All Five Of Us.

I Think That Pretty Much Sums Up Where I Am At With It.

Chairman Judah: Thank You, Commissioner Bigelow.

Any Further Discussion By The Board? Okay.

I Think Commissioner Hall Has Summed Up With The Action Is Taken Place And We Will Leave It At That.

Carolyn -- Wait A Minute.

Committee Appointments? Commissioner Mann, Commissioner Janes, Commissioner Hall? Commissioner Bigelow? Comm. Bigelow: [Reading Appointments] Chairman Judah: Any Discussion? Any Objection? Hearing No Objections, Motion Passes. Any County Manager Items? County Attorney? No Items? Okay.

We Are Adjourned.