

**November 24, 2009**

Chairman Hall: Good Morning.

I Would Like To Welcome You To The Board Of County Commissioners Meeting, It's Tuesday November 24th, 2009 And As All We'll Start With An Invocation With Pastor Walter Still Fold By The Pledge Of Allegiance.

If You Can Please Rise, And Pastor If We Could Keep In Our Thoughts The Wheeler Family Has Lost Another Member Of Their Family In This Week, Brother Wheeler, They Lost Their Father A Week And A Half Ago.

I Hope Our Thoughts And Prayers Will Be With Their Family Today.

Can I Also Mention Virginia Split As You Know As A Former City Council Woman If The Past Week Too.

She Was The Widow Of Our First County Hearing Examiner Bob Splits.

Thank You.

Let Us Pray.

Almighty God We Gather To Offer Our Thanksgiving For All That We Celebrate.

This Beautiful Morning And The Evening Sunsets, The Residents And Tourists Who Love To Be In This Area.

Workers Who Helped To Administer Our Community With The Sense Of The Common Good.

The Doctors, Nurses, Staff And Volunteers That Offer Healing In Our Hospitals.

Teacher Staff And Students In Our Schools, Colleges And Universities Learning About Themselves With Dreams For Their Lives.

Leaders Of Our Business, Industrial Communities We Give That Can For All People.

Let Us Remember Those Who Are Struggling Between Life And Death, Those Who Mourn The Loss Of A Loved One Especially The Wheeler And Split Families.

We Remember Those Who Have Lost Their Homes Or Job, Who Struggle Withed A

Connection Or Burdens.

Bless Those People Who Are Sharing Their Gratitude With Those In Need In Our Community This Season.

Especially This Thanksgiving.

Bless Those That Serve In Our Military, Especially Those In Iraq And Afghanistan And Their Families Who Miss Them.

Guide The Leaders Of This Board Of County Commissioners And Their Meeting This Morning And Bless The People Of This County And Nation.

Our Hears Are Grateful.

Amen.

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

I Do Not Have A Recap, So I Guess There's Nothing On The Recap.

Thank You Commissioner Janes.

Therefore We Will Go To The Public Comment On The Consent And The Administration Agenda.

Is There Anyone In The Public Who Would Like To Speak To The Board On The Consent Or Administration Agenda? Seeing None, We Will Close Public Comment And We'll Go On To The Board, Anything To Be Pulled From The Consent Agenda, Commissioner Mann.

I'm Sorry, One Of Them.

Yes, We Have One Ceremonial Presentation.

Commissioner Bigelow You're Going To Give Us The Privilege Of Reading That Resolution.

Comm. Bigelow: Thank You, Madam Chair.

If I Could Ask That Bill And Sue Bidwell And Audra Bidwell, Did I Do That Correctly? Audra Is The Executive Director Of Grace Works Unlimited And Bill And Sue Are Owners Of Home Senior Care.

If You Would Hang Out There At The Podium And Let Me Read This.

I First Want To Say As The Son To Two Parents Who Live Alone, I Appreciate What You're Doing This Time Of Year To Recognize A Lot Of Folks Are Alone This Time Of Year, The Worst Time Of The Year To Be Alone, And Worst Than Being Alone Is Being Forgotten.

I Want To Thank You From The Bottom Of The Heart, Fortunately My Parents While They Live Alone, Aren't Alone.

Some As Other Agencies And Businesses That Provide Services To Senior Adults Combined Efforts Each Year For Community Service Project Known Be A Santa To A Senior And Whereas Volunteers Of The Be A Santa To A Senior Program Intend To The Positively Back The Community By Providing Gift Giving To Senior Adults Who Are Least Likely To Receive A Present To The Holiday Season And Are Lonely And Or Financially Challenged And Whereas Be A Santa To A Senior And Its Veers Seek To Eliminate The Crush Of Holiday Isolation, Felt By Senior Adult.

Of The 127, 133 Persons Over The Age Of 65 Living In Lee County Nearly 23% Live Alone.

Whereas Senior Care And Be A Santa To Senior Partners Have A Shared Belief That Our Senior Adults Should Not Be Alone Or Forgotten In The Holidays, And Whereas Be A Santa To A Senior Intend To Recognize Our Senior Adults And The Invaluable Contributions They Continue To Make To Our County And Whereas Students Of Lee County Florida Recognize Our Diverse Population Is Committed To Improving The Peace And Well Being Of Our Community.

And Where To Focus On Our Seniors Through The Be A Santa To A Senior Program, Therefore Be It Resolved We Do Hereby Proclaim November 30th, 2009 As Be A Santa To A Senior Day And Ask The Citizens Of Lee County To Join In Its Observance.

This Has Been Duly Executed This 24th Day Of November 2009 Signed By The Honorable Chairwoman Of The Board Of Lee County Commissioners Tammy Hall.

If You Would Come Forward And Take This.

[Applause] You've Got To Walk The Gauntlet.

Shake Our Hand.

And We Would Like To Hear From Sue Or Bill Or Audra.

Would You Share Some Comments With Us? Congratulations.

Appreciate Your Help.

We're Going To Take A Photograph.

Thank You.

One, Two, Three.

And One More.

One, Two, Three.

Ok, Thanks.

Sue, Bill Or Audra.

Thanks.

We Want To Thank You All And Thank The Citizens Of Lee County.

Well Over 2,000 People Give Gifts Anonymously When They See An On.

On A Tree That Says Viola Or Gerard Are Looking For Some Simple Christmas Gift.

It's Amazing The Generosity In Our Citizenry.

What We Get To Do Is Collect Those Gifts At Trees All Over Town, And Distribute Them To People Who Might Not Get A Christmas Present.

So We're Just The Reindeer.

But Thank You All For Helping Us In This Effort.

Over 2,000 Seniors Will Get A Gift This Year.

Chairman Hall: Thank You.

[Applause] Our Non-Profit, We Will Like To Thank Everyone For Such A Great You Want The For Us.

And I Would Like To Invite Each Of You To Go To Be A Santa, Grab An Ornament And Help Us Out With Our Cause.

Comm. Bigelow: Thank You So Much.

[Applause] Comm. Bigelow: Madam Chair, I Intend To Offer A Free Lunch To A Senior, And I Would Be Glad To Accompany Them Or Not, Their Choosing, If They Would Rather Not.

But That Will Be My Contribution And I Look Forward To It.

Chairman Hall: Thank You Very Much.

Comm. Bigelow: For Which Part? My Presence Or The Gift? Thank You, Madam Chair.

Chairman Hall: We're Very Blessed In This Community That Year-Round Our Citizenry Stepping Up To The Plate Certainly At This Time Of The Year.

We Appreciate You Being Here This Morning.

Now We'll Go Back To The Consent Agenda And Items To Be Pulled, Commissioner Mann.

Comm. Mann: I Have Three, 8-A And 12-A, And I've Lost Track Of The One That Has To Do With The Weed And Seed Program.

Whatever That One Is.

Chairman Hall: That Would Be -- That Is 16-A.

Commissioner Janes.

Comm. Janes: None.

Comm. Judah: None, Madam Chair.

Comm. Bigelow: None.

Chairman Hall: I'll Take A Motion I Have I Have A Motion By Commissioner Janes And A Second By Commissioner Judah.

All Those In Favor.

Opposed? The Motion Carries Unanimously.

Commissioner Mann, 8-A.

Comm. Mann: Just Explain To Me How This Works, Somebody.

This Is Disaster Debris Monitoring Services, Now That Are You Going To Be The Man? Now That The Hurricane Season Is Over, We're Committing A Quarter Of A Million Dollars To What? How Does This Work? What Would We Do With It If Activated? Walk Me Through It.

Good Morning, Madam Chair, Commissioners.

For The Record My Name Is Lindsey Samson.

Commissioner, We Have Maintained A Contract With A Company Since 2004 And We When Out For Request For Competitive Proposals.

Comm. Mann: Stop Right There.

What Do They Do? I'm Sorry.

This Company Would In The Event Of A Storm Or Other Event Where The County Would Be Able To Collect Money From Fema, This Company Would Provide The Services Required To Document Monitor And Document The Activities That The Copy Performs, So That The County Could Get Reimburse.

From Fema.

Comm. Mann: At A Quarter Of A Million Dollars A Week? This Was A Two-Step Process.

First Was Qualifications.

The Second Was Pricing.

The Pricing Was Based On A Certain Scenario That We Laid Out.

Which Was A Large Disaster Scenario.

If Such A Large Disaster Which Was Very Similar To Charlie, Occurred, Then That Would Be The Cost For Those Monitoring Services.

Given That Hypothetical.

Comm. Mann: But It's Negotiable? This Is A Hard Bid Job.

Comm. Mann: Only Half As Bad As Charlie Was.

It Was Only A Fraction Here.

Would It Only Be \$100,000 A Month Or A Week? If I Used Somebody For, As I Recall The Numbers Are Approximately \$35 For The Monitor Service An Hour.

Additional Higher Price For Certain Manage Levels.

If I Used 100 Hours Of Monitoring Service It Would Be \$3,500.

Under This Contract.

So Unit Price Basis.

Comm. Mann: Ok, But Maximum That This Blue Sheet Authorizes It Looks Like \$245,000 A Week.

We Have \$2,000 I Don't Know That Those Numbers, But It Would Be Whatever The Number Of Folks And Their Disciplines Would Require.

Comm. Mann: If This Required 20 Weeks, Is That What I'm Voting For Here To Authorize Whatever It Takes In Monitoring? Yes, On A Unit Price Basis.

Comm. Mann: On A Unit Price Basis Sunset High Has A Quarter Of A Million Dollars A Week, \$245,000.

It Just Seems Awful Loose To Me.

Well, No.

The Contract Is Very Specific.

It's Not Loose At All.

You Pay By The Hour As To The Services That We Require, And We Establish What Services We Require.

Comm. Mann: Two Last Questions.

This Is These Are Services That Your Shopped And John Wilson Shopped.

Don't Have Folks That Would Normally Do This Sort Of Thing Anyway.

We Would Not Have The Amount Of People To Do This.

We Have The People To Do It On A Very Small Scale Basis.

But, During Charlie, We Have In The Neighborhood Of 65 People Doing This Work At Any One Particular Time.

Would This Cost The Reimbursable From Fema? Yes It Would Be.

Comm. Mann: That Gives Me Some Comfort.

Ok, When A Hurricane Comes, Give Me A Little More Detail Now That The Season Is Over.

Not A Problem.

Comm. Mann: I'll Move The Item.

Comm. Judah: Second.

Chairman Hall: Under Discussion.

Lindsey, Yes We Recognize By Not Having This Done Ahead Of Time Is Challenging To Do It After The Fact.

So I Appreciate You Guys Coming Forward.

What Would Probably Be Helpful Is To Have That Broken Down, Just A Little Bit Misleading In The Blue Sheet.

As Commissioner Mann Has Gone Through It So That Would Be Helpful.

But I Want To Ask About The Contract, Well This Is For The Monitoring.

We Had Contracts To Actually Remove Debris.

Are We Presetting Those Contracts Also So We Have Those People On Line Ahead Of Time? So We Know Who Our Haulers Are? Because When The Disaster Is Its We're Inundated With A Lot Of Things, So Are We Putting Out The R.Q.S That Would Be A Negotiated Price

For Our Actually Haulers As Well? Yes, Ma'am.

And The Current Contract That We Have For That Service I Believe Runs Through About This Time Next Year So, If I'm Not Mistaken It Will Be Going Up Next Year.

I Want To Make Sure We Have That Contract In Place Also.

Is There Further Discussion.

Comm. Judah: Lee County Has A Tremendous Reputation In Term Of Preparation For Hurricane Events About One Of The Major Concerns Is This, Before Us.

Lindsey Or Karen I Wanted To Confirm In 2004, We Expended About \$40 Million On Cleanup Costs, On The Bulk Was Reimbursed By Fema.

Do You Have An Idea Was It Around 33 To 35 Million That Was Reimbursed? I Think It Would Be Important For Us To Have That Number.

Because It All Came Into Play With Regards To The Reserves.

And The Importance Of The Reserves Because We Have To Spend That Money First To Clean Up Our Community And Get Us Back To Normal.

Before We Get Reimbursed And So That's The Importance Of The Reserves But Nonetheless With This Item That We Have Before Us, It Assures Us That We Can Pretty Much Be Reimbursed Or Significant Sums Of Money, So I Would Like To Know What We Receive From Fema From The 2004 Hurricanes.

Maybe Commissioner.

The Board Is Willing.

As We Come Into The Next Year, On The Planning, But It Wouldn't Be Bad Now That We're Not In Hurricane Season And Getting Ready For Budget, Maybe To Have An Update On What Our Past Has Been And Where We're Going And What Past Is Doing In The First Quarter And They Can Have A Little Bit More Bits And Pieces Give Us A Bigger Picture, As These Contracts Come Forward, Good To Educate Those Who Have Not Been Through That Type Of Disaster With A Commissioner.

What It Is We Do And How We Do It, We're Kind Of All Prepared.

Comm. Judah: It Would Be Helpful.

Comm. Bigelow: Madam Chair.

Lindsey, Is Neil Shaeffer Are They A Local Firm? No They Are Not.

Comm. Bigelow: Where Are They Based? They're Based In Texas.

Ok.

And They Have Done A Lot Of The Work In Galveston During The Past Year.

Comm. Bigelow: And I See We Have A Proposal Committee Which Consisted Of Public Works, Solid Waste, Deputy Director And Project Manager Each One.

Solid Waste Deputy Director And The Project Manager Serve Under Jim Lavender In Some Former Fashion.

Can You Tell Me Were There Criteria By Which You Qualify The Five Firms But Excluded With The Of The Seven? There Was Criteria To Qualify The Firms As The First Step Of The Process.

And Again, It Was Very Clear.

And Then It Went To The Second Step Where We Reviewed The Pricing.

As I Understand It, You Qualified Five Of The Seven, Then You Only Opened Up Five.

Correct.

So Two Of Them Remain Sealed.

If They Were Unqualified, Yes.

What Became Of Them.

They Would Be Sent Back.

Sorry, I Didn't Realize We Did That.

So We Don't Know If The Two Other Firms Might Have Come In Lower.

Ok, Well, This Criteria, I'm Interested In Knowing A Little Bit More About It.

I'm Going To Go Ahead And Support This Because Based Upon Your Representation This Morning That It Was A Re-Established Criteria Which Is Refreshing For Me To Hear, But I'm A Little Concerned About The Make Of This Committee And Would Like To Know A Little Bit More About The Predetermined Qualifications That You Used To Review These Seven Firms.

Ok.

Comm. Bigelow: Thank You.

Chairman Hall: And I Think You Had Two Bids, The Hard Bids Of 245, 636 And An Ecological Firm Of 266, So They Didn't Make The Percentage.

It Was Very Close.

Chairman Hall: It Was Very, Very Close, I Want To Put That On The Record So Folks Know That.

Any Further Discussion? All Those In Favor? Opposed? The Motion Carries.

Commissioner Mann 12-A.

Comm. Mann: This Has To Do Madam Chairman With The Refinancing Of Sanibel Bridge Expenses.

Apparently The Original Commitments To Obtain The Money To Do All The Renovations And Repair And Rebuilding Out There Was Done In Year 2004.

And Was Utilizing Commercial Paper As A Fund Source, But Now We're Out Of The Fund We're Out Of The Commercial Paper Because Of The Mark But This Is A 20 Million Dollar Refinance And As I Said Many Times, I'm Uncomfortable On A Consent Item Blindly Approving A \$20 Million Dollar Refinance.

Where One Thing That Caught My Attention Since '04 When The First Paper Was Issued, No Principle Has Been Repaid.

Now That Worries Me, When Were We Going To Start Paying The Debt Off? Give Me A Little History Of This If You Will, And Why We're At This Juncture And When Are We Paying It Off.

Scott Dixon For The Record.

D.O.T.

The Financing Or The Sanibel Bridge Involved A Number Of Different Revenue Sources.

The Primary Source Of Course Was A Bond Issue.

And That Paid For Much Of It Around \$95 Million Or So.

Then There Were A Couple Of Commercial Paper Loans As Junior Debt, Not Part Of The Pledge.

And They One Expired Last Year, Became Due.

And It Was Somewhere Around \$16 Million.

We Paid That Off, With Accumulated Gas Tax, And Then Repaying Ourselves With The Surplus Toll, Since Last Year.

The Second Commercial Paper Is -- Comm. Mann: Say That Again.

Your Said Surplus Total And Gas Tax Which Is Paying Which Off? Surplus Total Is Paying Off The Gas Tax.

The Gas Tack Was Used To Retire The Commercial Paper Loan.

Comm. Mann: That's \$16 Million.

That's Correct.

Comm. Mann: So The Revenues Are Now Paying? Paying Back To Transportation Trust Fund For The Gas Taxes That Were Used To Pay Off The Commercial.

Comm. Mann: At About How Much A Year? I Think It's Around.

How Long Is It Going To Take? The Current One, The Total Fining Was Paid To 2016.

I Don't Remember All In There But It Was Going To Go Through 2016.

At The Time We Took Out Commercial Paper, We Knew We Had A Five-Year Life On It.

That Option Didn't Materialize.

We Had To Take Other Options To Pay Off The Existing Commercial Paper Loans.

Comm. Mann: Can You Explain To Me Why There Was No Principle Reduction During The First Four To Five Years? Most Of It Is Going Toward The Primary Debt, In Bond Financing The Maximum Manual Debt Service Occurs Early Up.

And In Order To Keep The Coverage In The Maximum Debt Service And The Toll Wrapping Up, You Realize More Revenues Later On, And That's Where We're At Now With The Commercial Paper Was Anticipated To Pay Interest-Only On The Commercial Paper The First Few Years.

Comm. Mann: Madam Chairman I'm Not Going To Belabor This, But Mr. Gilbertson, Let Me Ask That You Schedule A Visit With Me.

Because I Need To Understand This History And Where We're Going.

But One Last Question.

The East-West Corridor Fund, Is That Colonial? That's Veterans Parkway In Cape Coral.

Comm. Mann: So That's A Toll, We're Depending On That Toll To Pay Back This Commercial Paper? That Was Part Of The Overall Midpoint Corridor.

We Had Gas Tax Bonds That Assisted In That East-West Corridor Veterans Parkway.

This Is A Debt Service Reserve For Those Bonds.

Comm. Mann: And The City Of Sanibel Is Committed To A Portion Of This Payback? Once All The Junior Debt Is Paid In 2016, According To The Schedule, Then Sanibel Will Resume

Getting 21% Of The Surplus Totals.

Until That Time That 21% Is Being Used To Help Retire The Debt.

Comm. Mann: Madam Chair I Don't Have Any Further Questions On It, But I Would Be Lying If I Said I Understood \$20 Here.

Comm. Judah: Move The Item.

Chairman Hall: Second By Commissioner Jane.

Under Discussion, Scott.

What Was The Interest Rate That We Got From For Association Of Counties On This Revolving Loan On That.

On The Commercial Paper On This One.

Chairman Hall: Yeah.

I Think It Was Around 1.5% But Not Entirely Sure On A That.

Chairman Hall: What Are We Charging.

A Variable Rate Based On The S.B.A. Account.

Chairman Hall: Which Is.

Whatever The Interest Rate The County Is Vesting Funds, Whatever Return.

Chairman Hall: The Reason I'm Asking That, I Guess, Because This Was A Conversation We Had A While Back And When We Look At All These Funds And Trying To Get Capitol Projects Out, We're Trying To Do Other Things.

We Were Concerned About Retiring This Loan Internally And Not Going Out To Local Area To See What We Could Do, And Help Stimulate Also Local Banks Business And Things Like That In A Whole Bond To Our \$20 Million As We're Going Through To See What Would Happen And Look At A Short Term And If Things Were To Improve That We Would Look At Retiring.

I'm A Little Uncomfortable Not Having Been Briefed On This One.

And I Was Going To Pull This One Also.

So I Appreciate You Pulling It Because When You Look At Our Financial Picture And Look At Transportation, We Just Went Through The C.I.P., This Kind Of Stuff We're Starting To Pull Internally And Bring In Reserves And Put It Here And Then You're Tying This Up For The Next Six Years, That Bothers Me A Little Bit That We Didn't Have A Better, Bigger Conversation About This Because I'm Not Comfortable -- And I Realize Moves December

1st, We're Getting It With Very Little Time To Get An Understanding Of How This Affects What We're Doing.

And Commissioner Judah Do You Have Any Thoughts On This Because This Was A Big Conversation Issue For Us, And I Guess My Question Before I Get To You Commissioner, The Question Would Be Maybe To Dina Or To You Scott, Retiring December 1st, I Really This Is A Big Deal For Us And What We're Doing Here.

And I Don't Like That The Board Is Being Slipping Through On A Consent Agenda Item, Because This Backs How We Look Forward, And It's \$20 Million That's Being Tied Up For This Period Of Time.

And I Don't Know What The Time Frame Is That We Have To Make A Decision.

I Feel Kind Of Pressured A Little Bit Not To Say I Wouldn't Make The Same One That You're Asking Me To Make.

But Feel Like I'm Making It In A Vacuum.

Commissioner Judah.

Comm. Judah: This Is The Way To Proceed And I Would Like To Ask Dina Lewis To Step Forward Because She Can Clearly Delineate The Challenges We Have With The Phasing Out Of The Appropriate Approach We're Taking Today Like The Sanibel Toll Funds To Help Retire The Debt.

Chairman Hall: What I'm Concerned About Is Doing It This Way Using Our Reserves To Retire This Debt.

So, Go Ahead, Dina.

Good Morning, Dina Lewis, Budget Services.

The Commercial Paper Program That We Had Been Participating In Is One That For The Association Of Counties Is Very Involved In.

And Have Been Trying For Now Over A Year To Find A Replacement Lender To Provide These Funds To Various Counties And Cities Throughout The State.

They Were Very Helpful But Would Have A Replacement Lender, But Things Have Remained Uncertain In The Banking Market.

This Current Loan, To Wachovia Is Due December 1st, So We Need To Do Something To Retire That Debt As Of That Date.

You Might Remember Board, That During Our Budget Preparation And Our Budget Discussions We Had Identified This As An Issue That We Needed To Retire This Debt At This Date, And The Board Agreed That We Would Temporarily Hold Any Gas Tax Projects, Pending The Resolution Of This Loan.

And This Resolution Allows All The Projects To Go Forward.

Commissioner Hall, By Doing It This Way We Have Not Foreclosed The Tin To Go Back Out Into The Commercial Paper Market Should That Firm Up, And We Hope It Will.

Essentially This Creates A Bridge Loan Through Internal Financing Until That Market Firms Up And We Can Go Back Out, So That If The Board Were Uncomfortable Of Having This Loan Be In Place For The Full, Remaining Time, Through 2016, We Can Certainly Replace This With Outside Financing.

I Would Suggest Because I'm Approached And I'm Sure The Other Commissioners Are Approached, We've Seen Some Of Our Local Banks Hit Hard Times, We Have Some Of Our Local Banks That Are Looking For These Kind Of Loans Ask We Condition Invest Our Big Reserves Base They Don't Have The Capability Of Taking Those On.

But There Are Pretty Interesting Interest Rates And I Hope That On A Regular Basis, We're Communicating With These Local Financial Institutions And These Kinds Of Things To See Where We Can Help Again.

We're In A Position To Help Stabilize Our Economy.

The Reason We're Pushing Out As Many Capitol Project, But This Also Helps Stabilize Too.

So I'm Hoping That You Guys Are On A Regular Basis Chatting With Folks And Letting People Know What's Going On To See Where There's Bits And Pieces.

Because At Some Point Our Investment Will Come Back Up And If You're Watching The Interest Rates And We're Talking To These Folks So I'll Go Ahead And Support This But That I Really Like After The First Of The Year, For Us To Get A Bigger Picture On A Transportation Where Our Money Is, And Really Understand Where We're Going.

And, Because I Do Realize, And Internal Loans Stop And Start At Our Will.

And Commissioners, One Discussion That We Had Internally Was Because The Term Of These Things Because Of The Financial Market, The Terms Are Still Indeterminate And So Short Term, If You're Going Out You're Doing This, You're Going Through This Drill Every Few Months With Interest Rate Terms That You Have No Idea What They Are.

So, And Like Commissioner Mann Said There's Not A Predetermined Pay Down Schedule.

It's Not Like A Bond.

It's A Question Of Is It Better To Have Control Over It Yourself, As Opposed To Constantly Having This Turn Throughout The Year, A Very Short-Term Loans With No Determined Pay Down Schedule At Indeterminate Interest Rates.

So It's Really An Opportunity To Just Threat Marks You Know, Stabilize A Little Bit.

Chairman Hall: I Understand.

Further Discussion.

Comm. Mann: One Last Comment.

I Appreciate Madam Chairman, Your Comments On It Because Apparently You Share My Nervousness About What This Means In The Broader Peculiar.

We Just Can't Take \$20 Million Or \$15 Million Out Of Our Dwindling Resources For Transportation Improvements, And Not Have Some Ripple Effect Pretty Severe At Some Point.

I Don't Know Where All This Is Going, So, I Think We Need To Yes, Return To This Discussion.

We've Got This December 1st Date Which Is A Gun To Our Head That We've Got To Do Something On, So, I Feel Compelled To Is Up This Now.

But This Originally With No Payback Arrangement.

That Done Make Sense To Keep Paying Interest For A County That Has Hundreds Of Millions Of Dollars In Various Reserves, Why Are We Paying Interest And No Principle Repayment, However It Was Arranged On Commercial Paper That May Not Be Available Today.

But There Are So Many Questions But Because Of The Gun To Our Head We Have To Choice To Accept This Refinancing Arrangement Today, But We Need To Be Back On This Madam Manager.

Thank You.

Comm. Judah: Madam Chair? Chairman Hall: Yes, Commissioner Bigelow.

Comm. Bigelow: We Have No Other Choice? We Have To Meet This December 1st Deadline? Because What If We Said No Today.

Commissioner Bigelow With Loan With Wachovia Is Due On December 1st.

Comm. Bigelow: The Balloon Payment.

It Was A Balloon Payment.

It Was Designed That Way The It Was An Interest-Only.

Comm. Bigelow: So The Fall In The Market Is What's Caught Us.

The Fall In The Market Has Made Wachovia Unwilling To Continue This Kind Of Lending Under This Program.

They Have Through The.

F.A.C. Advised That They Will Extend This Particular Loan For Six Months.

However Already Loan Origination Fees That Go On With This Plus Variable Interest Rate.

The Loan Origination Fees Are In The Arrangement, That's Going To Get Paid If We Extend That Loan For Six Months, Plus The Variable Interest Rate.

The Internal Loan Is Currently At About Three-Quarter Of A Percent.

Comm. Bigelow: Just To Be Sure That I Understand Myself Here, Understand What I'm Learning Here, We Have To Meet This December 1st Deadline Because It Was Contemplated When We Borrowed This Money That We Would Be Going Back Out To Figure Out A Long-Term Financing Mechanism, Right? At The Time These Five-Year Loans Were Renewable In Five-Year Increments.

So That Was Certainly An Option That We Anticipated Would Be Available.

Comm. Bigelow: That Went Away.

Ok, Thank You, Appreciate It.

Ok, Madam Chair.

Chairman Hall: Any Further Discussion.

All Those In Favor.

The Motion Carries.

And Lastly 16-A, Commissioner Mann.

Comm. Mann: This Has To Do With The Weed And Seed Program.

That's Dan Nelson From The Sheriffs Office Coming Forward.

I Have No Questions To Ask You But I Wanted To Thank You In Particular.

He Has Been The Point Person From Sheriffs Office That Has Pulled Together The Whole Weed And Seed Program Out There.

We Have George Semanski Who Is The Godfather Of Code Enforcement, In Lehigh Acres And The Roll Model For The Rest Of The World For What He Can Do In Community Support.

I Just Wanted Everybody To Know How Much I Appreciate As A District Commissioner.

The Support Of Commission And The Support Of Sheriffs Office For Bringing This Program Potential To Us To Begin, There's Million Dollar Potentially To Allow Us To Pay Us Overtime

To Police Officers, Sheriff's Department Folk Out There.

We've Identified The So-Called High Crime Area, In The Lehigh Area And Indications Already, Are That Our Crime Statistics Have Come Down, Even In The Period Of Time That The Weed And Seed Program Has Been Just Coming Together.

Lord Knows What Can Happen Once We Get The Grant And We Can Bring Some More Live Bodies And Personnel Out There, But There's At Least 20 People That Work Every Month, Very Hard.

There's Eight Or Nine Different Subcommittees That Meet All The Time.

That Have Been Supportive Of This Program.

Lehigh The Community Has Said Said, We Are Mad And We're Not Going To Take It And We're Going To Do It Ourselves, So This Is My Chan To Say Thank You To All You Wonderful People That Work So Hard.

And I Will Move The Item.

Chairman Hall: I Have A Motion By Commissioner Mann And A Second By Commissioner Judah.

All Those In Favor? An Passes Unanimously.

We Have Nothing On The Administration Agenda.

We Can Do To Public Hearing In.

One.

Good Morning, Assistant County Attorney.

I Have Your One Item Today.

This Is A Public Hearing To Adopt A Resolution Position To Vacate.

I've Reviewed As Legally Sufficient.

I Enter That Into The Record Now.

And This Is A Petition To Vacate A Portion Of Needle Road, Browning Drive, And Richardson Boulevard.

Adjacent To The Southbound Ramp On To From Palm Beach Boulevard.

Chairman Hall: This Is A Public Hearing.

Anyone From The Public Who Would Like To Be Heard? Yes.

Anyone From The Public That Would Like To Be Heard On This Issue? Seeing No One, I Will Come Back To The Board.

Comm. Judah: Move The Item.

Chairman Hall: A Motion By Commissioner Judah, A Second By Commissioner Janes.

All Those In Favor? Opposed? The Motion Carries.

Next We Go On To Our 10:00 Public Hearing.

Good Morning.

Good Morning.

For The Record Gregory Hagan, Assistant Public Attorney.

This Is An Ordinance Amending Lee County Ordinance 94-09 To Increase The Traffic Infraction Surcharge From \$15 To \$30.

I've Reviewed It, I Find It Legally Sufficient In Form And Content And Will Enter It Into The Record.

If You Will Thrall Ordinance Was Before You Once Before And At Your Request We've Added A Two-Year Sunset Provision Giving You The Opportunity To Review The Surcharge In Two Years, If No Action Is Taken, It Will Revert Back To \$15.

The Purpose Of The Surcharge Is To Fund Court Facilities, And Mr. Richard Callahan Is Here From The Trial Court Administration To Address You On This Matter And Speak To The Need For The Increase If No Action Is Taken It Reverts Back To \$15.

I Would Submit If No Action Is Taken It Stays At \$30.

Well The Way That It Was Last Phrased Was That It Would Come Back In Two Years For A Review.

Comm. Judah: When Was It Last Phrased? It's Time To Rephrase It.

If No Action Is Taken, It Stays At \$30.

We Can Certainly Do That, But This Is The Third Time.

Comm. Judah: I'll Well Aware Of That.

Seeing This Ordinance And That Was The Last Direction We Had.

If You Have No Legal Questions, Then I Would Like To Give Mr. Callahan A Chance To Speak To You.

Chairman Hall: Commissioner Bigelow.

Comm. Bigelow: Greg, I Guess Since You're Presenting, I Would Like To Ask You About Designating This To The Justice Center Maintenance -- I'm Sorry, If I Didn't Write The Words Down That You Used.

Could You Restate Them? It's Set Aside For Court Facilities, That's The Statute.

There's A Provision That It Can Be A Portion Of It Can Be Dedicated To The Law Library, But It Starts Out Facilities In General, And It's To Use Maybe Mr. Callahan Might Be A Better Person To Address That.

Ok, But, Well, I Think It's Actually A Legal Issue Here If I Understand It Correctly.

It Is It Can Only Be Used For The Designated Purpose Of Court Facilities.

Right.

Correct.

Ok.

It Can Be Used Or The Personnel Or Something Like That.

It Could Not Be Used For Personnel Costs, Let's Say.

Ok, And If That Was The Intent Of The Legislation Initially, I'm Sorry I Missed That Point.

Originally.

I Would Also Like To Touch On The Comment Or Point The Commissioner Judah Made And It's My Recollection That It Was To Be Reviewed In Order To Continue It, So The Onus Would Be On Us To Actually Reapprove It.

And I Think That Was Commissioner Hall's Suggestion, Of A Compromise Or In The Spirit Offer Compromise.

I Think That Was A Good Idea.

Madam Chair? I Didn't Want To Interrupt.

Chairman Hall: Commissioner Judah.

Comm. Judah: It Was A Suggestion And I Can Support That, But The Direction, At Least In The Direction It Took Place In This Word Wasn't That In Two Years' Time If We Do Nothing, It Goes Back To 15.

I Think We As A Board Can Certainly Make A Determination On How Best To Hear The

Sunset.

That's All I Was Pointing Out, But Yeah I'm Ok With The Sunset Provision, Just If We Do Nothing, It Should Remain At \$20 Tops.

The Capitol Cost We Have To Pay For The General Revenue.

Chairman Hall: My Intention Was That We Would Be Forced To Look At It, And If It Was At Budget, We Did Need The \$30 We Could Reduce It.

I Think It Was Commissioner Mann That Raised The Concern That We Have These Fees And Keep Taking Moneys That We Don't Need.

And This Would Trigger An Opportunity To Say Ok, What Has Occurred, And Do We Still Need This Or Can It Go Back To \$10 So We Would Have A Two-Year Cycle.

It Was Never If You Do Not, It Goes Automatic Back.

I Think We're All Able To Review That Process So That Probably Needs To Be Changed.

What I Would Like To Do Unless There's Other Questions For Greg Is Have A Very Brief Comment From Someone Who Wants To Make A Presentation, I Would Like To Go To Public Comment And Come Back To The Board Or The Questions.

Comm. Mann: Just One While We're On This Subject.

I've Been Uncomfortable With This Increase Anyway But That's Beside The Point Right Here.

What The Legislature Has Done While Not Funding Local Obligations Is Give Us This Tool To Assist In That Funding.

We Have To Increase The Fines And Use Them As A Revenue Source.

And With The Recession Doing What It Has To Our Own Revenues, Our Ability To Otherwise Supplement These Court Costs Is Severely Restricted.

So, Why I Like The Two 4 Year Sunset Is Because Two Years From Now, Hopefully, We're Going To See Our Way Out Of This And We'll Return To Some Of The Revenues We Used To Have, And We Won Have To Depend On This One And I Think Commissioner Judah Two Years Is Appropriate To Review Just Where We Stand.

So, That's My Thoughts On This.

I Would Hope That We Can Keep It.

Chairman Hall: Right, And So If We Wanted To Make That Very Brief Presentation Because I Think Everyone Does, We Saw The E-Mails That Came In.

I Think Everyone Saw Them, We Understand There Are Key Points We Want To Get On The Record.

Let's Have That Presentation.

And Then We'll Go To Public And Then We'll Come Back To The Board For A Vote.

Good Morning, Madam Chair, Commissioners.

Ford My Name Is Richard Callahan, I'm The Court A Minute Strait For The 20th Circuit Here In Lee County And I Will Keep My Remarks Very Briefing Because I've Already Given You Fact Sheets.

Just For The Record, Our Intent Is Not To Lobby For This Fee But To Give You The Background And History From Our Point Of View In The Courts.

To Make Sure You Have All The Facts To Make A Dan Balanced Decision On This.

The Original Intent Was To Provide User Fees For Court Facilities To Offset Some Of The Taxpayer Burden.

Frankly In The County For Maintaining Court Facilities.

What This Fee Increase Would Do Is Increase Surcharges From \$15 To Charges, But Non-Criminal Traffic Infractions Are Things Like Speeding, Seat Belts, And So Forth.

But This Also Covers Criminal Traffic.

D.U.I., Leaving The Scene Of An Accident, Reckless Driving.

And There's Been 93,000 Of Those Traffic Us As Last Year.

And This Is Generated About A Million Dollars.

The Effective Increasing This Fee From \$15 To \$30 Would Be To Increase The Amount Of Money Corrected From A Million To Two Million.

It's A Significant Decision In This Economy To Increase Any Fee.

We Support This For One Reason, That The Lee County Justice Center Is In The Midst Of A Five-Year Renovation Process.

It's A 25-Year-Old Facility.

It's A Difficult Facility For The Public To Navigate Quite Frankly.

We've Made A Lot Of Improvements, We Built A Court Tower That's Magnificent.

It Consolidates All The Criminal Towers In One Building.

And It Consolidates The Family And Civil Courts In The Lee County Justice Center.

Problem Is, From The Public's Point Of View, We Still Have Five Different Case Management Intake Operations Spread Throughout Three Buildings.

So, The County Has Done A Huge Job Of Day Staying Ahead Of The Curve On This, But In The Last Three Or Four Years With The Budget Problem, We've Had To Scale Back Where We're Headed.

Our Recommendation Is That This Fee Increase Makes Some Sense As A Way To Keep These Capitol Projects On-Line And Moving Ahead.

Delaying Them Doesn't Really Save Us Money, You Know, It Kind Of Costs Us More Money In The Long Haul.

I Know Jim Had To Move Money From Other Priorities To Get This Done.

Realistically It's About A \$10 Million Project, And You Know It's Not An Unreasonable From Our Point Of View To Have Some Offset From Court User Fees, Those Convicted Of These Offices.

To Offset Some Portion Of Taxpayers Cost To Making These Improvements.

So We Would Support The Amendment And Urge Your Vote I Would Be Glad To Answer Any Questions.

Chairman Hall: We'll Find Out If We Have Any In A Minute.

I Just Want To Go To Public And Come Back.

If You Take A Seat In The Front If We Need You We Can Get You Back Here Quickly.

Anyone From The Public Like To Comment On This Item.

Seeing No One, I Will Come Back To The Board, Commissioner Bigelow.

Comm. Bigelow: I Wanted To Say Thank You To Rick.

If You Put Together The Fact Sheet, I Very Much Appreciate It.

It Justifies What We're Doing Before When We Got This, It Came Out Of Nowhere Didn't Seem Like A Good Idea.

When You Put Facts To Figures, It's A Good Idea.

Comm. Judah: Move The Item.

Chairman Hall: I Have A Motion By Commissioner Judah, A Second By Commissioner Janes,

Further Discussion.

Comm. Judah: , Yes, Madam Chair, Thank You Mr. Callahan, Thank You For Being Here Today.

It Clearly Alleviates The Burden From The Taxpayers And Puts It On Those That A Need For A Court System To Begin With.

To Me It Was Something We Should Have Done Initially.

I'm Glad You Provide The Fact Sheet.

We Can Move Forward.

Two Years From Now Though, What I Would Like To Make Sure Madam Chair, If No Action Is Taken, It Remains At \$30.

It Still Requires Us To Review It, But That The Fee Remains At \$30, To Those Offenders Of Our Vehicle Codes Pay For The Reason Why We Have To Provide The Court System To Administer Their Indiscretions.

Chairman Hall: Your Motion Is To Move The Item With The Changing Of The Language Under The Sunset Clause And The Seconder Agrees? Comm. Janes: Seconder Agrees.

Comm. Bigelow: That's Not A Sun Setting.

Comm. Judah: Sure It Is.

Comm. Bigelow: That's Not A Sun Setting, If It's A True Sun Setting We Have To Reauthorize It.

Chairman Hall: We Do Have To Reauthorize It.

Comm. Bigelow: Then It Cons.

Chairman Hall: If You Go To Two, Two, And We Can't Move It, One Way Or The Other, It Would Stay The Same.

Comm. Bigelow: I Thought We Struck An Agreeable Compromise And Now It's Been Withdrawn.

Chairman Hall: In The Just Of The Person Who Struck The Compromise, It Was Never Meant To Go Back To 15.

It Was Meant To.

Co Back To The Public Hearing.

So Again Doing Nothing, I Don't Want There To Be Any Misunderstanding That This Needs

To Come Back To This Board.

Because Someone Forget To Bring It Back Is Not Acceptable, Or That It Goes Into Expiration.

So I Don't Know If We Need To Word This Must Come Back To Public Hearing In Two Years Because We Have A Lot Of Little Sunset Clause That Somehow They Never Come Back To Us, And That Was Never The Intention Of The Ordinance, Is There Some Way To Word That So Just Doing Nothing, Nerd Could Someone Skipped Or Missed The Date, That Five Years From Now It May Come Back And Say Whatever Happened To That One Ordinance.

We'll Make Sure It's Covered.

Chairman Hall: Ok.

Comm. Judah: I Appreciate This Discussion Because I Want To Make It Absolutely Clear That Two Years From Now, This Will Come Back To This Board.

But It Will Be A Commission That Wants To Shift The Cost Of The Taxpayers As Opposed To Those That Require The Necessity Of Administering Their Indiscretion And Violating Vehicle Codes, To Pay For The System.

Chairman Hall: I Completely Understand What You're Saying And Yes, The People Who Trigger The Expansion Should Have A Participation In Having To Facilitate Those Expands And Not Citizens Who Seem To Be Able To Follow The Vehicle Codes And Laws.

They Should Not Have To Bear The Burden Of Paying For Those Who Don't.

So I Get That Part Of It.

Comm. Mann: Madam Chair, An Observation Here As We Move Forward.

This Commission Has Already Authorized The Installation Of The Mechanical Ticket Makers At Intersections Similar To, Although We're Not Enforcing Anything, But We've Let The Company Install Them And Get Ready To Sell Them To Us Here In Another Few Months.

These Are The Same Automatic Mechanical Ticket Takers That Are Going Or Getting Some Notoriety In Collier County.

Because He Who Does A Two-Mile-An-Hour Rolling Stop And On Turning Right On Red, Is Being Ticketed.

And They're Paying \$69 Or \$99, Whatever The Number Is.

That If This Commissions That Direction It Seems To Be Headed, We're Going To Adopt That Same Program Without My Support On I Might Quickly Add.

And At That Time We're Going To Be Adding Thousands Of Tickets For Those Slow Rolling Stops That Everybody Does.

They're Not Criminals.

They're American Citizens Who Drive Cars Carefully And Carefully But They Do Rolling Two Miles An Hour Right-Hand Turns.

And We Will Have, With This Additional \$15 Times Thousands Of Additional Tickets, A Whole Lot More Money.

So, The Two-Year Review Is Really Called For.

Whether You Call It A Continuation Of This Same Number Or A Continuation Or Revert To The First \$15 Won't Matter As Long As It Does Get Back To Us Because We Have To Make That Same Decision At That Time Anyway.

I'm Pleased That The Two-Year Trigger Is There To Be Pulled To Look At It Again In The Light Of Other Revenue Sources And The Recession Being Over By Then.

Chairman Hall: Thank You Commissioner Mann And Again, I Hope To Have The Way This Board Is Going To Move Forward, Every Time You Say I Know Where The Vote Is Going, It Doesn't Seem To Work Out That Way.

So I'm Not Going To Make Any Assumption That This Board Supports Red League Cameras In The Enforcement Mode.

I Think This Board Has Prudently And Conservatively Moved Forward To Get Information, And That To Have That Decision, To Make This Decision.

I Would Not Make The Prediction That This Board Is Ups That Program.

I Think We're All Sit Hearing With Open Mines Waiting To See What Information Will Come Back From D.O.T.

I Don't Want To Have To Somehow Segue Headlines, Commission Increases Fees So That They Can Collect More Red Light Stop People.

The Two Are Not Expected Right Now And I Really Want To Respectfully Say, Don't Count What My Vote Is At This Point.

Until I Have The Facts I Would Like To Feel Comfortable Voting My Conscience At The Time.

Commissioner Bigelow.

Comm. Bigelow: Thank You, Madam Chair.

The Votes Are Here To But If The County Manage, County Attorney Whoever Would Be Responsible For Bringing This Chooses Not To Bring It, Then Just Continue It Without Us Reauthorizing It.

That's My Problem With This Trigger Sunset And I Would Make An Appeal To The Board Here To Require That It Comes Back For Reauthorization So We Can Then Review The Facts.

And That's My Hang-Up Here.

Chairman Hall: Ok.

Comm. Bigelow: I Appreciate The Compromise That You Drafted Madam Chair, And I Support That.

I Don't Like The Way Now Is Going In This Last Hour.

Comm. Judah: Madam Chair.

I'm Sorry, The Comments Were Made About The Americans Not Creating Or That They're Not Criminals When They Do Their Rolling Stops What Is Infuriating To Me, We Have Some Of The Most Dangerous Roads In The Country, The Fatality Statistics Indicate That.

I Would Rather That Those That Are Not Paying Attention To The Rule Of The Road Are Held Accountable As Opposed To Having To Pay The Cost Of Those That Are Innocently Maimed Or Killed Where We Have To Pay Costs In The E.R. Room Because People Aren't Paying Attention To The Rule Of The Road.

This Is The Appropriate Step We're Taking.

We Are Going To End Up Two Years From Now Having To Review This And It's Not A Matter Of Whether Or Not You Want To Pay For It Through Taxpayer Support Or Through Those That The Need For The Court System.

Chairman Hall: So, With That, I Will Come Back To The Board, All Those In Favor.

Opposed? Motion Passes 3 To 2, Commissioner Bigelow And Mann Dissenting.

Now We Go To Commissioner Items.

Commissioner Mann.

Comm. Mann: None.

Comm. Judah: None, Madam Chair.

Comm. Judah: I Have One.

She May Have Copied All Of You, She's Working Hard With A Number Of Communities For Community Gardens.

But She's Working With Our Own Zoning Department And Some Of These Lots That Would Be Conducive For Community Gardens, Not Be Properly Zoned And So What Was Mentioned

To Ann Is That It Would Take Another Two Years To Provide For The Changes And The Zoning.

And So, The Commission, Making Essential Exceptions For This Community Garden.

Can We Give Direction, But I Think There's Some Places That Would Certainly Lend Itself For These Community Garden.

If We Can Facilitate Moving Those Projects Forward I Think We Should.

Give Direction To Come Back To Us.

Chairman Hall: Absolutely.

We Look Forward To Seeing That Cool Back To Us With Some Direction.

Comm. Judah: Thank You, Madam Chair.

Comm. Bigelow: I Have Two Items.

I Think One We May Disagree On But One I'm Sure We Can All Agree On.

Comm. Mann: Take The Easy One First.

Comm. Bigelow: I Want To Thank Jim Lavender And Public Facilities Department For Working With The City Of Fort Meyers.

The Streets Pier Along Monroe All The Way Around The Building For That Matter.

Looking Awesome.

Love The Brick And Like How The Walkway Has Been Rerouted So People Are Passing In Front Of The Veterans Memorial.

Good Stuff.

Good Stuff.

So Thank You.

And Happy Thanksgiving.

Comm. Judah: I Apologize.

I Just Want To Check And I'm Sure This Issue Has Already Been Addressed But There Were A Until Of Oak Trees Along The Parks Spaces Are.

Half Of It Was Cut Out To Accommodate The Reconstruction Work.

Hopefully The Arborist That Was Involved And Hopefully That Was One Involved, That There Was Proper New Place Into Soil To Make Sure That The Root System Hasn't Been Damaged Is Going To Allow To Grow And Stay Healthy.

I Made Sure The Trees Cut Down, Holly Will Make Sure They Survive Into The Future.

That's Been Addressed? Ok.

These Are The Two By The Door.

Comm. Judah: Yes.

Chairman Hall: Commissioner Bigelow, Another Item.

Comm. Bigelow: My Second Item I Would Like To Once Again Ask The Board If We Could Do One Of Two Thing And Up For The Board To Decide How We Might Review This Issue That We've Looked At In 2008 I Believe.

But I Will Like Us To Consider Whether Or Not To Move The Election Of This Body By Voters Within Our Districts Known As Single Member District Voting For Consideration.

We Might Do That Through An M.M.P. Process, Or Maybe Just Today Decide We're Going To Move Toward Public Hearing And Consider That, But I Would Just Like To Ask That The Board Give Us All A Chance To Revisit It.

Chairman Hall: I Have No Desire To Revisit It.

We Had A Charter Review Committee That Looked At That, And There Was Not Enough Consensus To Bring That Forward To Referendum.

That's What That Group Is For.

And I Don't See Any Reason To Keep Brings This Up.

We Have We Adopted Everything The Charter Review Committee Could Recommend Under The Criteria That They Work Under.

It Was Adopted And Moved Forward.

To Take Out Of That Because There Was A Disagreement There, We Made The Appointments.

We Had A Very Diverse Group Of People.

Charter Review Cops Up On A Regular Basis And They Can Readjust It Then, And I Don't Feel Any Need To Pull It Out Separate From That Process.

That's Why That Process Is There.

And The Board Has Been Very Conservative In Trying To Work Through A Protocol So We're Not Throwing Things On Referendum Willy-Nilly.

I Personally Have No Desire To Bring An Issue That Even The Charter Review Can Bring A Consensus On.

Comm. Judah: If I Could, Restructuring County Government Is A Huge Issue, That's Why We Felt The Process Played Out Where In Which The Charter Review Committee Had An You Want The To Review And Make Recommendations.

As You Said They Did Not Advance To Our Board.

I Would Agree, The Next Time The Committee Assembles Let That Be An Issue To Be Reviewed.

Chairman Hall: Any Other Comments From The Other Commissioners.

Comm. Janes: Let Me Just Say I Take A Somewhat Different View.

And That Is That I Would Support A Request To Place The Question Of Single Member Districts On The Ballot For 2010.

Because I Really Do Support The Opportunity For Letting The People Vote To Decide If They Want To Change The County Commission Districts From At Large To Member Districts.

I've Given It A Great Deal Of Thought.

Because I Was Apparently The Swing Vote That Killed It Last Time.

So I've Give It A Great Deal Of Thought.

And I Recognize That The Single Member District Election Is The Most Common And The Best Known Electoral System Currently In Use In America.

That's Used To Elect The U.S.

And House As Well As Our State Legislators.

Our Citizens Have A Right To Vote, It Seems To Me And They Can Ask Decide If They Wish To Change The Directs At Large To Single Member Districts.

And One For Support Let Our Citizens Make That Decision.

However, I Don't Support At All Convoluting The Issue At This Time.

The Issue Of Increasing The County Commissioner Districts From 5 To 7.

Chairman Hall: Commissioner Mann.

Comm. Mann: As Everyone Remembers It Was A 3-2 Vote That Where In We Decided No To Put That Item On The Ballot For The People 20 Vote On.

This Would Change The Die Nam East Coast Of That Substantially.

And The Majority Would Go The Other Way.

My Question Is To Staff Here Is How Is This Best Dealt With.

Do We Need To Have A Public Hearing, Is That Required At This Point? Chairman Hall: Yes.

Comm. Mann: To Rethink That So We Would Be In A Position To Put It On The Ballot For The Next General Election Or Even That I Don't Know When It Would.

Chairman Hall: What I Would Like To Do Then Is Sings There Seems To Be A Three Commissioners Who At This Point Would Entertain Looking At That, David What I Would Like Is That The Next Management And Planning Meeting, Whether It Be December Is To Get The Facts Of What Would Be The Process.

And Be Able To Present To This Board So, That Then We Can Blue Sheet It For An Actual Formal Vote.

Obviously There's A Cost To All This Under Commissioner Items, We Don't Vote On Those Items.

So What We Would Like To Do To Do Is Give Staff Direction, During A Management Planning Workshop, That We Can Actually Get All Of That So We Can Decide Officially Then What Direction We Want To Go In Once We Have All The Facts Because, I've Met With Florida Associations Of Counties And Several Commissioners From Large Counties Who Have Over A Million Population, That Have Changed This Form Of Government.

And Chris And Jacob Several From Broward Said This Is Probably The Worst Thing You Can Do To A Growing County.

And So I Really Would Like To Have A Very Pragmatic Conversation About This, Because We Have A Process In Place.

And To Go Outside That Pros Is A Little Disturbing To Me.

It Just Opens The Door For Us At Any Time Why Have A Charter Review Committee Then? So, I Would Suggest That We Have An M.M.P. Scheduled For December.

I Don't Know What's On That Agenda.

But I Don't Think This Would Be A Lengthy Conversation, It Would Be More Fact Finds And Then We Would Have To Blue Sheet It For A Decision.

Good Morning, Madam Chair.

David Owen, County Attorney's Office.

Madam Chair With Your Indulgence, I Think The January M.M.P. Would Be Battery Time To Do That.

Give Us A Chance To Put Some Things Together.

For You To Look At.

This Is Just One Piece Of The Means By Which The Charter Can Be Amended, And That Is By Board Direction.

And You're Correct Commissioner Mann, Ultimately That Would Be Through An Ordinance Adoption At A Public Hearing To Place That Ballot Question On The November 2010 Ballot Keeping In Mind That Would Have To Be Completed By No Later Than June Of Next Year.

So That Ordinance And That Information Could Be Provided To The Supervisor Elects For Constructing The Ballot By The Second Week Of July.

There's Time For You To Entertain It Between January And June.

I Think January Will Be The Bear Time For Not Only Myself, But Others To Get The Materials Together For You For You To Discuss It.

To Follow It Up With Any Blue Sheeting As That You May Want To Take.

And Then Starts The Scheduling Process For An Ordinance If The Court Is Desirous Of Going Toward Two Actions Being Taken.

Chairman Hall: Great Then We Look Forward To Seeing It On The January Meeting.

Comm. Bigelow: I Would Just Add That To Be Clear Here, That We'll Look At It In An M.M.P.

In January, That May Or May Not Lead To Us Considering Whether Authorize To Go To Public Hearing? So That Would Be A Second Tint For The Board.

Chairman Hall: We Would Need To Go To The Blue Sheet For An Official Vote To Go To A Public Hearing.

So That's Correct.

And Direct Staff To Start Putting Together That Process For You.

Comm. Bigelow: I'm Try To Be Sure I'm Clear On The Process And The Public Hearing Requirement Is It Just One Or Two.

It's One Public Hearing.

Comm. Bigelow: Thank You, Appreciate It.

Chairman Hall: Commissioner Mann.

Comm. Mann: I'm Just Not Certain As The Need For An M.M.P. On This.

Commissioner Janes Made It Very Clear I Thought That The Only Item He Would Support Would Be Simply The At-Large Voting Versus Single Member District Without Any Other Provisions.

That's A Simple Up And Down Issue That I Don't Know What We Couldn't Just Direct Staff To Put It On The First Available Date For Public Hearing.

I Mean That Might Be January.

But What Are We Going To Talk About In An M.M.P. Meeting On The Issue That Every One Of Us Clearly Understands, So Why Are We Having An M.M.P.? Can't We Go Straight To A Public Hearing? Chairman Hall: Yes, Commissioner Judah.

Because There's Going To Be Issue Concerns Cost And Ramifications.

I Think It Need To Take Place And Staff Need An Opportunity To Present The Facts To The Board.

Chairman Hall: Commissioner Janes, We're At A 2-2, And I Would Ask That You Would Consider The Process That's Been Laid Out Today Which Would Go To M.M.P. And Follow Through If You Would Allow Us That Time To Do That.

Comm. Janes: I Have No Problem With That Approximately.

Chairman Hall: We Move Forward With That And We Can Certainly, There Is To Rush.

We Have Until June.

So I Think We'll Follow That Since We Have Three That Want To Do That And Commissioner Bigelow, Don Let Me Speak For You, I Would Assume Are You Ok With That.

Comm. Bigelow: However The Board Chooses To Do That Too We Have Four Commissioner That Would Like To Go Through That Process, So That's What We'll Do.

We Look Forward To Seeing You In January With Those Facts.

Thank You.

Comm. Bigelow: That's It.

Chairman Hall: I Would Like To Thank The Greater Fort Meyers Chamber Of Commercial.

Had A Phenomenal Program Saturday, I Was Considered One Of The Finalist.

It Was A Phenomenal Evening And I Want To Congratulate Sara Owen Who Was The Winner.

A Delightful Woman.

Does Amazing Work In This Community With The Soup Kitchen An All The Things They Do.

And Up To Thank Chairman Were For Taking Time To Recognize The Accomplishments Of The Business Women Of The Community.

I Was Honored To Be One Of Those Finalists And Mary And Stacy And Everyone Who Works On That Program And The Sponsors.

Just Thank You Very Much.

You Made Us Very Proud And Honored To Have The Evening To Spend With Our Community And The Other Four Finalists.

That's All I Have.

We Move On To Appointments Commissioner Mann.

None.

Comm. Janes: I Have To Resend An Appointment And That Was A Reappointment I Had Made Of Robert Cruz To The Construction Licensing Committee.

Comm. Mann: Second.

Chairman Hall: A Motion By Commissioner Janes, A Second By Commissioner Mann.

All In Favor? Opposed? The Motion Carries.

Commissioner Judah.

Comm. Judah: We Have A Wonderful Former Mayor Jim Birch From Cape Coral Here In Our Chambers And We Would Like To Thank Him Personally For Your Public Service.

It Was Really I Think A Wonderful Relationship That We Had Between Lee County And The Cape And You're The Primary Reason, Quite Frankly.

Tremendous Professionalism And I Want To Thank You For Your Years Of Service.

Thank You, Jim.

Comm. Bigelow: I Have No Appointments.

Chairman Hall: I Have A New Appointment, Councilman Chris To The T.T.C. Replacing Dolores From The City Of Cape Coral.

I Have A Motion By Commissioner Janes A Second By Commissioner Mane.

All That's In Favor.

Motion Carries Unanimously.

And I Want To As Thank Mayor Birch, Your Leadership In The Cape As A Resident Of Cape Coral, I Was Very Proud To Have You As My Mayor.

We Look Forward To Working With The New Administration And We Hope To See You Con To Be Involved.

You've Brought Great Leadership An Wisdom And A Great Dose Of Common Sense To Making Sure That Making Sure We Can All Work Together On Behalf Of Our Community And I Want To Extend The Staff, City, County Manager And All Of Our Staff A Wonderful Thanksgiving.

We Have Many, Many Things To Be Thankful For In Lee County.

We A Blessed Community.

We Have Challenges Before Us, But I Hope As We Go Into This New Year, We Can Work On That Professionally.

With Calm Candor.

And Good Debates And For Outcomes That Are Really On Behalf Of What's Best For This Community, Not Our Individual Generals So I'm Looking Forward To Working With Everyone This Year.

Now We Move On To County Manager Items.

Commissioner I Have The Public Presentation By Matters Of Citizens.

Chairman Hall: I Was Going To Get Down To That.

Sorry.

Chairman Hall: County Attorney.

Happy Thanksgiving To All Members Of The Board.

Chairman Hall: Great.

And Now We Have A Public Presentations On Matters Of Citizens.

Anything That's Not On The Agenda If You Would Like To Approach The Board, We Allow You Five Minutes To Share Was Whatever Is On Your Mind.

Comm. Janes: Let Me Ask A Question If I Could.

Is This Something That's New Because We Never Used To During The Morning Session.

Chairman Hall: We Have No Public Hearings At 5:00.

So If We Don't Have The 5:00 Hearings We're Allowing It To Compton Morning Agenda So People Still Have That Chance At Least Twice A Month To Approach The Board Without You Knowing We Want To Make Sure People Know That.

I Would Rather Not Come Back At 5:00 Just For That.

So Staff Has Been Generous With Our Time And Doing It In The Morning.

Comm. Mann: I Had On My Calendar For 5:00 Today.

Chairman Hall: No 5:00 Hearings.

Comm. Mann: Is This A New Policy.

Chairman Hall: No, Normal Which We Don't Have Very Rarely Do With We Not At Least Have One.

Recently With The Downturn In Our Business We Have Had Less Zoning Cases And Less 5:00 Public Hearings.

So We Still Want To Afford The Citizens An Opportunity To Approach This Board.

Yes, Ma'am.

And If State Your Name For Record And We Have A Blue Card We Would Like You Foil Out, And Just Bring That Forward.

I'm Here About Single Member District Which Is Why I All Come And I Would Like To Point Out A Few Facts.

We Say The Charter Review Did Not Come For Us With A 10 Vote.

They Did Come Forth With A Nine To Six Majority.

I Don't Think That Should Be Overlooked Because That Board Spent 14 Months In Reviewing Everything.

The Other Thing Is I Hate To See The Process Delayed, And I Don't Know What Your Cost Is, But If I Goes On By Petitioner, Some Other Ones Sharon Harrington Has The Same Cost That Would Be Passed On I'm Sure.

The Other Point I Will Like To Make When They Passed What They Would Get By The Board, Was The Eight-Year Interim.

Now You're Asking The Citizens Of Lee County To Wait It A Years, Evening It's A Loss Of Democracy And I Forward It To This Point And I'm Not Saying I Wont Continue The Fight, Because I Will.

But I Will Tell You That To Me The Fact That You Don't Consider The Loss Of The Right Of Our Vote To County Is Very, Very Just Very Discourages To Say The Least, But It Won't Stop The Argument From Going On Because People Do Want Their Votes To Count.

I Want My Vote To Count As Much As The Next Person's, And That's Why We Brought It Forward Again And We Hope You Will Reconsider It Again In The Same Light That We Are Only Asking For Our Right To Vote.

I Also Interviewed Six Of The County Commissioners Who Told Me It Worked Very Well.

So I Don't Challenge Your Source, But I Also Don't Challenge Mine Because I Work Closely With Broward County On Their Charter Review As It Was Going To Our Charter Review.

I Worked And Reviewed The Pros And Have It Home, How Their Commissioners Were The Ones That Instigated It To The Vote.

They Did Not Have To Go Through What I've Gone Through Because Their Commissioners Did It Voluntarily To Put It On The Ballot.

The Only Thing They Installed That We Didn't Ask For, Was They Installed Term Limits For Their Commissioners.

And I Have Not Reached In Subject Nor Would I.

I Just Want My Right To Vote.

Thank You.

Chairman Hall: Anyone Else From The Public Who Would Like To Be Her On Any Items Of Their Concern? Comm. Bigelow: That Was Joan Patterson.

Chairman Hall: Thank You, Joan.

We Will Close That Part Of The Agenda.

And Again, A Happy Thanksgiving Of Good Health, Enjoy Your Families And We're Adjourned.