

August 31, 2010

Chairman Hall: Good Morning, And It's Tuesday, August The 31st. I'd Like To Start With An Invocation By Pastor Olds. Good Morning, Followed By The Pledge Of Allegiance. Please Rise. Good Morning.

Let Us Pray Together.

Almighty God, This Is The Day That You Have Made.

Help Us To Rejoice And Be Glad In It.

We Rejoice Today For Your Incredible Power.

We Thank You That You Are Always Present And Your Wisdom Is Infinity Infinite.

Lord, We Thank You That You Are A Good God And We Pray Your Goodness Would Be Known This Day.

Those In Harm's Way For Our Nation Would Know Your Goodness And Feel Your Presence.

For Those In Leadership Today, When The Wisdom They Need To Have Is Not Before Them, That You Would Bring It Out Of Your Goodness Fresh To Their Mind.

We Pray For Our Community And Your Blessing Especially On Those Hurting In These Days That They Would Know Are You A Good God And Rejoice In This Day And Be Glad In It.

We Thank You For Your Grace Most Of All.

For Your Unfailing And Unending Love For Every Person On This Planet.

We Worship You And Thank You Today That In Your Great Power You Have Not Left Us As Orphans But Made Your Love Known.

We Would Indeed Rejoice And Be Glad In It.

I Pray This In The Name Of Jesus, Amen.

Chairman Hall: Amen.

I 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.

Please Be Seated.

This Morning We Have One Ceremony Presentation Recognizing Healthy Start.

Commissioner Judah, Would You Do The Honors?

Commissioner Judah: Thank You, Madam Chair.

Kathy Cortez, Executive Director.

Looks Like David Yates Is Here.

Hi, David.

I'm Here For Healthy Start Today As President Of The Board.

Commissioner Judah: Thank You So Much.

It's Always Good To See You.

Appreciate Your Presence Here Today.

The Resolution Reads As Follows.

Whereas In 2002 In Southwest Florida More Than 155 Babies Were Stillborn Or Died Before Their First Baby.

Research Has Shown That The Majority Of Infant And Fetal Deaths Are Due To The Health Of The Mother Before She Gets Pregnant.

Healthy Coalition Not For Profit Has Served Since 1992 Helping To Ensure That Pregnant Women And Babies Have Access To Needed Medical Care And Other Community Services To Give Their Baby A Healthy Start In Life.

Today There Are 30 Healthy Start Coalitions.

Services Available In All 67 Counties In Florida Whichserve As Successful Examples For

Privatizing A Government -- Has A Variety Of Programs To Promote Health And Developmental Outcomes For Babies Including Access To Medical Care For The Uninsured.

Risk Screening To Identify Families At Risk And Outreach And Education To Empower Families To Give Their Baby A Healthy Start.

In Southwest Florida More Than 50,000 Pregnant Women And Newborns Self-Help In The Four Go On It County Area.

For Every \$1 Spent Saves \$6 On Intensive Care.

Child Abuse Neglect Investigations, Disability And Costs.

The Infant Mortality Rate Has Dropped 55% In Southwest Florida.

Be It Resolved By The Board Of County Commissioners We Hereby Declare -- Every Baby Deserves A Healthy Start.

David, I'm Proud To Present This To You.

[Applause]

How Are You?

We'll Take A Photograph.

Thank You.

A Few Words From You?

I Want To Thank You All For This.

I Have Been Involved With The Healthy Start Coalition For Almost 10 Years Now And Currently Serve As The President Of The Board Of Directors.

And Infant Mortality Awareness, You Gave The Numbers, It's A Sad Fact That Over 150 Babies Will Die This Year Before Their First Birthday In Our Area.

We're Working Hard To Do Something About That.

I'm Proud Of The Healthy Start Coalition Here In Southwest Florida Because We Truly Are A Locally Administered Program.

We Have A Fantastic Board.

We Have Had A Wonderful Program Here Where We Have A Lot Of People, Not Just In The Business But Civilians Like Myself Who Serve On The Board And Give A Lot Of Time.

I Want To Invite You Out At Noon On September 23rd At Health Park.

We'll Go A Ceremony In Remembrance Of The Babies That Have Passed Away And A Ceremony For The Ones That We Hope To Save.

And Also The Following Day On Friday Afternoon, We Will Be Launching Our Golden Baby Shoe Awards.

Woe Will Be Honoring Some Local Health Providers From Lee Memorial And The Health Department And Other Agencies We Work With.

Again I Want To Thank You For This And Hope To See You Out.

[Applause]

Chairman Hall: Next, The Recap Sheet.

I Have A Couple Items To Be Deferred Or Continued.

Both Deferred.

Administrative 5 A And Consent Item 2, Carryover Item Two.

I Have A Motion By Commissioner Manning, Seconded By Commissioner Judah. Discussion?
Commissioner Mann?

Commissioner Mann: That's The Parcel Of Land Next To The Stadium Out There?

Chairman Hall: That's Correct.

Commissioner Mann: It's My Understanding There Are Title Issues So It Will Come Back But I Need To Put On The Record My Concern About The Property.

I've Written To The County Manager To Express My Concern About It.

The Asking Price Was Around \$5 Million.

It's On Tim Wilkinson's Property Appraisal Lists Of A Value Of \$1.3 Million.

That's A Huge Swing.

I'm Also Aware That The First Steps Toward Foreclosure Have Been Initiated On This Property. So, My Sense Is That If It Could Have Been Sold In The Private Sector For Near \$5 Million It Would Have Long Since Than Sold.

One Final Thing, I Know This Is The Price They Paid For It And They Have Been Asking More Than That Before, But The Fact Is There Is Probably 100,000 Property Owners And Homeowners In Lee County Today That Would Gladly Sell Narrow Property For What They Paid For It But They Can't.

Because It's A New World And A New Market Out There.

So I Express These In Writing To The County Manager.

I Hope You'll Take This Into Consideration When It Comes Back And Be Prepared To Deal With Those Type Of Concerns.

Thank You Very Much.

Chairman Hall: Thank You For Sharing That With Us.

Any Other Discussion?

Commissioner Bigelow?

Commissioner Bigelow: Have We Made Any Insight Into What These Title Matters Are?

Chairman Hall: We'll Have Karen Come Forward And Answer That For You, Commissioner Bigelow.

Commissioner Bigelow: Thank You.

Good Morning.

Karen Mcguire With The Division Of County Lands.

As We Have Started Doing Due Diligence Early On We Did In House Title Work And We Are Finding Differences In The Size Of The Site, Discrepancies In The Overall Acreage.

That Is One Of The Issues.

Also They Have An Outstanding Mortgage We're Trying To Get Additional Information On.

The Asking Price Actually Was \$7.7.

Our Appraisal Came In At \$5.1 Million.

They Agreed To Less Than Our Appraisal.

We'll Provide Further Information So Manager Haas Can Respond To The Assessed Value Versus Have I Had Appraisal Site.

The Property Appraiser's Office Does Mass Appraising, Appraising In Mass Whereas The Independent Appraisals Look At One Site At A Time.

It's A Different Methodology.

That's Why You See Differences Sometimes Between What An Independent Appraisal And Assessed Value Coming From The Appraiser's Office Is Indicating Is Fair Market Value.

The Property Appraiser Suggested He's Probably Going To Start Using North Carolina Appraisal Methods Determine Value Of Commercial Parcels.

Which May They Had Is Your Appraiser Using?

I'm Not Sure.

Every Appraiser Considers All Three Approaches To Value And Use Those Methods Appropriate For That Type Of Property.

I Would Think In This Case That Would Have Been Considered, But I Think That The Final Reconciliation Value Is Based On Market.

Again, We Have The Appraisal With Comparable Information And We'll Provide Some Information Why There May Be These Differences.

Thank You.

Chairman Hall: Further Discussion?

All In Favor?

Opposed?

That Motion Is Carried.

Those Two Items Will Be Deferred.

The Second To September 14.

The Carryover And Walk-Ons.

One Walk-On And Three Carryovers.

Consent To Walk-On Carryover Item.

Is There Anyone From The Public That Wishes To Address The Board On Anything That Is On The Agenda?

I'll Close Public Comment And Come Back To The Board For The Cop Sent Agenda?

Commissioner An Mann?

Commissioner Mann: None.

Commissioner Bigelow?

Nor.

May I Have A Motion For All Of Them?

Motion By Commissioner Manning, Second By Commissioner Mann?

All Those In Favor.

It Carries Unanimously.

Next Item 1 A.

I'm Jim Lowe With Budget Services.

I Wanted To Introduce This Item.

This Is Asking The Chair Or Vice Chair To Sign A Delegating Resolution Which Will Authorize The Sale Of Bonds For The Stadium.

There's A Potential For Four Different Series Within A Given Set Of Parameters Laid Out In The Blue Sheet.

We Have Craig Dunlop Here And Tom Giblin.

I'll Turn It Over To Them.

Chairman Hall: Thank You.

Good Morning, Craig

Good Morning.

I'm Craig Dunlop Serving As Financial Advisor To The County On Their Debt Issues.

I Have I Would Have To Say An Upbeat Report Where We Are On This Bond Issue.

First Of All, The Ratings That The County Received Were Outstanding Ratings.

The Tourist Development Tax Pledge And Tourist Development Tax Bond Issue Was Rated Aa Minus By Fitch And Moody's.

Those Ratings Are Comparable.

Fitch Uses A Plus Or Minus Designation.

To Give You A Quick Synopsis Of Where Current Interest Rates Are, This Particular Bond Issue Authorizes Or Resolution Authorizes Not To Exceed \$89 Million.

The Last Sizing That We Did On This Bond Issue, Which Was I Think Done Yesterday, The Bond Issue Is Sides At \$80,780,000.

It's Surprised Of A Tax Exempt Series In The Amount Of \$1.5 Million.

A Build America Series Which Is The Series Subject To The 35% Subsidy From The Federal Government At About \$41.9 Million And Finally A Recovery Zone Build America Bond Series Which The County Was Allocated, The 45% Federal Subsidy Program In The Amount Of \$37.4 Million.

In Addition To That, These Sources Of Funds Will Provide For The Full \$75 Million Into Your Project Fund, Which Will Allow You To Then Repay The Mstu Any Advances You Have Made From Mstu Fully.

It Also Cash Funds A Debt Service Reserve Fund Out Of The Proceeds In The Amount Of \$5.2 Million And Pays The Cost Of Issuance And Underwriters Discount.

Based On Current Interest Rates, U.S. Treasury Rates, And I Want To Caution My Statement Here By Saying These Rates Won't Be Locked In Until Such Time As This Resolution Is Approved And We Get To Market, Which, If Approved, We Hope To Do That, I Think Around The Third Week In September.

Then We Can Close, Kelly, What Is It?

First Week In October?

First Week In October.

Based On The Current Treasury Rates, Net Of The Subsidies I Talked About The 45% On The Recovery Zones And The 35% On The Build America Bonds, The Net And True Interest Cost Is \$3.51%.

Now, That's Not Assured Yet, But I Think It's Safe To Say That Your Cost Of Money Is Going To Be Less Than 4%.

Chairman Hall: Fantastic.

If, In Fact, We're Able To Move Ahead With That, I Know In Prior Meetings That I've Attended There's Been Some Discussions, Commissioner Mann You Talked About Your Sensitivities To Making Sure Only One Penny Of This Tax Is Used.

I Think All Of The Other Commissioners Have Expressed That Issue, As Well.

Based On The Projected Tourist Development Tax Revenues, What We Did In These Projections Was To Hold The Tourist Development Taxes Constant For Five Years.

At The 2009 Collection Level.

Then Increase Those Projections 2% Per Year For Each Year Thereafter.

That Money Together With The Lease And Rental Income From The Twins And The Red Sox Will Provide Coverage Of 1.30 Times From That Source Of Revenue.

Now, If We're Able Then To Lock In These Very Attractive Rates In The Mid Threes Or So, That Would Throw Off Excess Revenues Of Anywhere From 1.1 To \$1.8 Million Out 30 Years.

Commissioner Mann: Excuse Me, A Year?

For 30 Years?

Yes.

Commissioner Mann: That 30% You Were Describing 1.30, Like A 30% Cushion?

Yes, Sir.

So, I Believe In These Prior Discussions, There Was Talk About Paying The Maintenance, Ongoing Maintenance.

If We Are Able Then To Lock In These Rates, There Will Be At A Minimum A Million Dollars Excess Revenue Being Thrown Off Over And Above The Debt Service On These Bonds From That 20% Of The Tourist Development Tax Plus Rental Plus Lease Income To Pay For Any Maintenance Which If My Recollection Serves Me That Was Estimated In The Neighborhood Of About \$1 Million A Year.

Things Are Very Positive Right Now.

But Again, I Just Want To Caution Everyone These Rates Not Locked In.

But I'm Optimistic About It.

The County Should Be Extremely Pleased With The Ratings And Positive Comments That Moody's And Fitch Give To You On These Ratings.

I Would Be Glad To Answer Any Questions That Any Of The Commissioners Have At This Point.

I Would Certainly Recommend That You Move Ahead With This Financing.

And To The Extent You Don't Have Any Questions For Me, Which, Again, I Would Be Glad To Answer.

I Think Tom Giblin Would Like To Come Up And Talk To You About The Resolution That Is Being Presented To You.

Chairman Hall: Questions For Craig Before I Bring Tom Up?

Craig, Let Me Just Tell You, It Took Us A Long Time To Get This To Point With The Bonds.

There's A Lot Of Contradiction Internally And Externally.

I Want To Thank The Clerk Of The Court Who Spent Enormous Amounts Of Time And Source Outside The Government In Financial Circles.

This Board Was Split On What We Should Do.

I Want To Thank You And Kelly And Our Team For Watching That Market Closely And Making This Recommendation.

I Want To Thank The Board For Going Out For A 100% Bond.

You Certainly Have Proven Your Weight In The Financial Advice You Gave Us And It's Turned Out Well.

I Really Hope We Can Lock In That 3.5 And It Holds For Us For The Next Three Weeks.

I Can't Thank You And Your Staff Enough For Looking Closely In Your Conservative Estimates Of Where We Would Be.

It Turned Out Better Than We Anticipated.

We Couldn't Have Done That Without The Staff As Well Of The County.

They Have Been Pleasant To Work With.

Chairman Hall: You Ran Hours And Hours Of Models How Best To Structure This To Keep Our Commitment To The Community So Thank You.

Tom?

Good Morning.

Tom Giblin.

We Have Before You This Morning A Bond Resolution.

Let Me Walk You Through This Quickly In Terms Of Highlighting What's In There.

This Is Similar To What You Do On A Number Of Different Bond Issuances.

We Have Laid Out The Parameters We Are Looking For And Delegate To The Chair The Ability To Sign The Bond Purchase Agreement If We Can Meet The Parameters That Are Laid Out.

Specifically They Are Laid Out In Section 6, Page 6 Of The Resolution In Your Agenda Packages.

As Craig Had Mentioned We Have A Not To Exceed Amount Of \$89 Million.

We Don't Expect To Hit That But That's The Number.

We Have A Not To Exceed Interest Rate For The Different Series Of Bonds.

For The Build America Bonds A Net Of The Federal Subsidy Is 15%.

We Expect Lower Interest Rates Than That But We Set Conservative Parameters When We Delegate Authority To The Chair.

We Have An Outside Maturity Of 2042.

We Laid Out The Not To Exceed Amount Is For The Underwriter's Discount.

In Addition To Approving The Parameters This Resolution Has Attached Various Documents Again To Be Approved By The Board.

Number One, The Bond Purchase Agreement.

You Previously Selected A An Underwriting Team Of Merrill Lynch, Citigroup And Morgan Keegan?

You Would Approve That If The Parameters Are Satisfied When You Price The Bonds.

The Second Document Is Your Preliminary Official Statement, Your Bond Perspective, What You Disclose In Terms Of What The Bond Issue Is All About.

The Third Document Is There Is Some Possibility Although I Think It's Quite Remote, That You Might Have Bond Insurance.

We Leave That As An Option.

We Don't Think It's Likely To Occur.

A Quick Aside On Bond Insurance, Many Of You Who Have Been Here When We Approved Bond Issues In The Past, Almost Every Bond Issue We Did In This County Was Insured By The Bond Insurance Company In New York City.

As I'm Sure Many Of You Read Most Of Those Insurance Companies Have Gone By The Boards.
There's Only One Viable Company Which Is A Aa Rated Company.

You Take That Into Account When You Decide Whether To Sure Your Bonds.

The Likelihood That It Is Of Any Value To Having Insurance Is Pretty Remote But We Put That
Out As A Possibility.

The Fourth Item Is Continuing Disclosure Agreement.

Whenever You Do A Bond Issue The S.E.C. Requires Updates On The Information In Your
Official Statement.

They Want To Know Where The Tourist Development Tax Is And The Revenues That Are Paying
Their Bonds Off.

There's An Agreement That On An Annual Basis You'll Provide That Information, Which You Do
On Your Other Bond Issues.

Nothing Novel In That Vein.

The One Action You Have To Take If You Want To Proceed, Again, We Have The Tourist
Development Tax Ordinance Will Be Amended To Match Up With The Financial Model.

I Think Craig Described What Went Into The Financial Model.

What We Did Was Make Various Changes To Your Tourist Development Tax Ordinance Coming
Up September 14th For Final Approval.

It Matches Up Your Ordinance With What Is In The Financial Model.

If You Want To Proceed On This Bond Issue, If You Adopt The Resolution That Throws
Everything Into Motion.

We Would Come Back On The 14th With The Final Action On The T.D.T. Ordinance.

Chairman Hall: Questions For Tom?

Commissioner Mann?

Commissioner Mann: Once Again I Need To Display My Ignorance In Front Of God And

Everybody Here.

What You Just Said About Insuring Bonds.

My Layman's Understanding In The Past Is That Every Bond Issue Carries With It An Insurance Guarantee So That If Something, If The Revenues Collapse The Bond Buyers Are Covered.

We Don't Do That Anymore?

The Insurance Companies Are Gone.

They Are Either In Bankruptcy Or They Got Downgraded To A Point Where It's Not Worth While Anymore.

Commissioner Mann: These Will Not Be Insured, The Guy Buying The Bond Is At Risk But He Knows We Have A Good High Bond Rating So He's Comfortable With Taking The Risk.

He Knows This Is A Double-A Rated Bond.

Which Is A Good Risk.

If It's Insufficient, He's Out Of Luck.

Commissioner Mann: I Didn't Know That But Thank You For Bringing That To Our Attention This Morning.

Chairman Hall: Other Questions?

Commissioner Bigelow?

Commissioner Bigelow: Can Anyone Tell Us How We Selected Merrill Lynch?

I Suppose They Will Make Money Here Somehow?

Chairman Hall: Do You Want To Answer That, Pete?

Karen?

We Did An R. F. Q.

I Them Jim Could Answer That.

He Was On The Committee.

I Believe We Had The Clerk On The Committee.

Chairman Hall: We Approved The Ranking Of The Bond People.

We Have A Bond Selection Committee.

The Financial Adviser A Request For Proposals Saying It Was Submitted And Then We Received Back Their Proposals That Were Rather Detailed, A Lot Of It Telling About Themselves And Their Capitalization And So On But The Bond Selection Committee Consisted Of The Assistant County Manager And The Financial Adviser As Well As Anyone Involved In The Project Itself And The Clerk.

All The Proposals Were Reviewed Laid Out In A Matrix Form By The Financial Advisor And Evaluated.

It Was Pretty Detailed.

We Do This For Every Bond Issue.

We Have Done It Historically And Anticipate Continue Doing That For Future Bond Issues So It's Not Just Arbitrarily Given To Somebody.

One Of The Things They Do Ask In The Proposal Is What Innovative Financing, What Things Do You Think Would Be Useful For This Particular Issue With These Characteristics, In This Case Being The Tourist Tax.

What Have You Done With Relevance To This Issue.

It Was A Detailed Process.

We Had A Blue Sheet That Came To You That Made That Recommendation Of Who To Select That Was Approved Already.

Commissioner Bigelow: Thank You, Jim.

Can You Tell Me How Much Merrill Lynch Will Probably Make In This?

There Is A Bond Issuance?

Commissioner Bigelow, The Estimated Underwriter's Discount Is \$515,000.

Commissioner Bigelow: One Time?

A One Time Fee.

But That Fee Will Probably 80% Or 90% Of That Money Is Going To Be Used To Pay What's Called Sales Credits To Salesmen To Actually Sell The Bonds.

Commissioner Bigelow: Ok.

If We Were To Reduce This Cap Or This Top Amount Of \$89 Million Would That Payment To Merrill Lynch Drop?

Yes.

The 515 That I Mentioned Is Based Upon About An \$81 Million Bond Issue Been So The Smaller The Bond Amount The Lower The Discount.

Commissioner Bigelow: Thank You.

That Will Be Distributed Not Just To Merrill Lynch But Also Citibank And Morgan Keegan Or Whoever Sells The Bonds?

Chairman Hall: Other Questions?

That Will Come Back To The Board For A Motion.

I Have A Motion By Commissioner Judah.

Second By Commissioner Manning.

Questions?

Commissioner Judah?

Commissioner Judah: I Can Already Envision Questions About Cost Of The Construction Of The Stadium Goes From \$75 Million To \$89 Million.

I'm Going Ask To You Clarify What You Talked About With Regard To Administrative Financing Costs And The Reserve That Needs To Be Established With The Issuance Of The Bonds.

The Cost Of The Construction Has Not Gone From \$75 To \$89 Million.

But We Do Have The Obligation Of The Reserve And The Financing, Administrative Costs.

If You Could Clarify For The Record.

Yes, Commissioner Judah.

The Instructions We Were Given Was To Put Size The Bond Issue To Put \$75 Million Into The Project Fund.

Now, The Reserve Fund Is About \$5.2 Million.

That Money Will Be Cash Funded From Proceeds And Held By The County And Invested Appropriately.

To The Extent That I Might Just Defer To Jim Or Public Works Regarding The Cost Of The Project, But Our Specific Instructions Were That It Was Going To Be \$75 Million.

Chairman Hall: That's Total Project Cost, Not Just The Construction Of The Stadium, That's Land, Architectural, Engineering, .

Furniture, Fixtures, Everything.

\$2 Million Includes The \$5 Million For Reserves And The Administrative Costs?

Yes, Sir.

Commissioner Judah: If You Could Give Me A Brief Comment About The Remarkable Bond Rating We Received Here In Lee County And What Allowed Us To Receive The Exemplary Bond Rating For Lee County.

I Do Have The Report Here.

In The Review Of The County If I Could Digress, Not Only Did The Rating Agencies Rate Your Tourist Development Tax But Also Affirmed Some Of Your General Obligation, If You Issue General Obligation Bonds, Your Issue Of Rating Would Be Aaa-1, Is A Half A Notch From Aa, I Might Add.

They Talked About The Strong Management Of The County, A Very Important Factor Was The Fiscally Conservative Nature Of The County And The Reserves Set Aside Over The Last Several Years.

Some Of The Other Ratings They Confirmed In The Case Of Moody's Was The Capital Refuse I

Know Bonds Would Be Aa 2 If You Secured Debt On That Course.

A 2 On Gas Tax And A 3.

These Are All Good Ratings.

The Debt Service Coverage, Which I Alluded To In My Opening Remarks From The Tourist Development Tax, Keep In Mind All Five Senses Pledged But Clearly The Intent Is To Only Use One Penny Of The Five Cents.

So The Coverage That You Have Is Extremely Strong, Three Or Four Times Coverage.

There's An Additional Bonds Covenant In Legal Documents That Nabors, Giblin Has Drafted That Provides A Minimum 1.75 Coverage Requirement If You Were To Issue Additional Debt Payable From The Tourist Development Tax In The Future.

So Their Overall Comments Were Extremely Favorable As It Relates To The Fiscal, How Conservative The County Has Been, The Long Trend Of Reserves That You Had, The Strength Of The Administration, The Coverage And Covenants In The Documents.

And Basically How Well You Are Managing Your County In Adverse Economic Circumstances.

It's Not A Coincidence Why We Received The Bond Ratings And I Appreciate It.

The County Should Be Extremely Proud Of These Ratings Given The Current Economic Environment.

Commissioner Judah: Absolutely.

I Was Pleasantly Surprised.

Craig, I Was Of The Opinion That We Needed A Blend Of Taking One Of The Bond Issuance, Either The Economic Recovery Zone Or The Build America And Combine That With Making Up The Difference With The Internal Loan At 1.5%. That Would Have Equated To 3% To 3.5%.

Not Thinking That You In My Wildest Imagination Would Be Able To Bring This Incredible News Of Potentially Locking In At 3.5%.

My Additional Concern Is We Had A Tremendous Vacuum Of No Funds Being Set Aside For

Major Maintenance And Repair And What You Are Telling Me With The Drop In The Interest Rate That We Will Indeed Look To Realize At Least A \$1 Million Spin-Off For Major Maintenance Repair.

That To Me Provides Tremendous Relief So We Can Maintain Our Stadiums As We Have The Reputation For Doing Over The Years.

Thank You Very Much.

Chairman Hall: Discussion?

Commissioner Mann: A Quick Question And Statement.

With The Condition Of The Bond Market Today, Is There Any Doubt In Your Mind That These Will Be Easily And Readily Sold?

Are People Buying Bonds Today?

Yes, Sir, They Are.

Commissioner Mann: No Risk We'll Come Up Short And We Will Have To Raise Taxes To Have The Building Being Built?

Not Unless There's Some Kind Of Catastrophic Event That Occurs In The Next Three Weeks.

Commissioner Mann: Thank You For That.

I Want To Join Commissioner Judah In Expressing Concern About The Public Conception Of What's Happening Out Here.

I Share Your Point That Between 73 And 89 And I Appreciate Your Bringing That Out.

I Want To Say While We Are On This Issue, This Is One Of The Last Steps Toward Building The Stadium Through The, The New Red Sox Stadium That We're Talking About Here.

There Is Great Confusion Still, This Is Not Leading Up To A Question For You Guys But Are You Welcome To Listen, But There Is Great Confusion Out There In The Public, I'm Sure You Guys Hear This At The Administration Level About Where This Money Is Coming From.

They Hear A \$70 Million Ballpark And A \$70 Million Deficit And The Question Occurs To The

Taxpayer Out There, How Can We Build This Facility When Are You \$70 Million In Debt This Year And Looks Like You Will Be Next Year Too?

I Think It's Important For Us To Say One More Time, Madam Chairman, Clarify For People Watching On Tv Or Anywhere Else, We Have Various Pots Of Money That The County Works From.

One Of Them Is Called A Tourist Development Tax.

It's Paid By Our Northern Visitors, Bless Their Hearts, Every Time They Spend A Night In A Motel Room Here In Lee County.

It's With That Tax Paid By Our Northern Visitors That We Are Building This Stadium.

Not One Penny Of Your Local Taxes Is Going To This.

Folks Have Asked Me Personally, At Church Or Whatever, Frank, I Thought You Were Against This Project.

I Initially Voted No, Yes.

I Want To Clarify, Because I Wasn't Happy With The Basic Contract We Had With The Red Sox.

I Thought We Could Have Been A Little More Aggressive And Favorable To Us.

I Voted No From Day One On That.

Then We Moved To Set The Process In Place To Move Toward The Ultimate Construction Here.

And Initially We Were Using, Borrowing Fractions Our Citizens Here.

I Was Not Happy With That.

I Felt The Commission Had Made A Commitment Based On The Use Of The Tourist Dollar Taxes, Not Local Taxes.

So The Initial Stages Of The Process When Being Funded By Local Ad Valorem Taxes I Did Not Support Either.

Once We Got To Tourist Development Taxes Where Our Northern Friends Are Paying For This And Not Our Local Taxpayers, Then And Only Then Was I Comfortable With Moving Ahead.

It Also Seemed There Were Three Locked-In Votes When Commissioner Janes Was Still Here.
Why Should I Beat Up On People On A Contract That's Already Adopted.

I Said Let Go Ahead.

Also, Without Using Local Dollars You Are Creating 400 To 500 Jobs Over The Life Of This
Construction Process.

If There's Anything This County Needs Right Now It's Those Jobs And They Are Being Paid For
By Our Northern Tourist, Not One Penny From Here.

So I See Absolutely No Strong Argument, Although I'm Sure I'll Hear From You, Mr. Bigelow,
As To Why We Should Not Proceed On This.

I Like The Way We're Doing It.

I Like The Way The Tourists Will Go To These British Columbias Are Paying For It, Not Us.

Chairman Hall: Thank You, Commissioner Mann.

Commissioner Manning?

Commissioner Manning: One Of The Reasons The Bond Issue Has Come Down From \$89 Million
Is Because The Rates Commissioner Mann Charges The People That Come Down To His House
During The Season.

I Want To Put That On The Record.

[Laughter]

Chairman Hall: Ok.

Commissioner Bigelow.

Commissioner Bigelow: Thank You.

Karen, The Red Sox Development Agreement Was Presented To Me By E-Mail Prior To Being A
County Manager.

I'm Sure You've Read, It Contemplates We Will Be Provided A Budget For This Project.

I've Not Seen It.

Have You Developed A Budget For This Project Yet?

We Have.

We Have A Working Budget Of \$75 Million And We're Still Working With That Number.

Commissioner Bigelow: If You Have Developed It I've Not Seen It.

I'll Send You The Current Budget.

Commissioner Bigelow: A Break Down?

Sure.

We Have Been Breaking Down All Our Costs As We Incur Them.

\$20 Million For The Site, Design.

Everything Approved, We Have Done A Rolling Budget And We Know Where We Are.

Commissioner Bigelow: Ballpark, How Long Ago Did You

Proffer That Budget?

Chairman Hall: We Say The When We Saw The General Contractors, The Beginning Of The Working Budget And Craft Construction's Document.

Commissioner Bigelow: So About That Time?

Yeah.

Commissioner Bigelow: Ok.

Thank You.

I Haven't Seen The Budget.

If Rights That, I'm Going To Be Back Here To Say Now I've Sign The And Yes, You're Right, It Was Proffered By The County Management When The Craft Construction Subcontractor Agreement Was Authorized By This Board.

That's All.

Thank You.

Chairman Hall: Thank You.

Again, Craig, Tom, Your Team And Karen, Your Team And Tamara, You're Right, We Have Been Fraught With Misperception.

It Was Never The Intention Of The Board And Certainly Not Me That This Project Would Use Ad Valorem Taxes.

And Recognizing The Process We Have Gone Through To Get To Bonding, We Did An Internal Loan Short Term, The Same Thing With The Hammond Stadium If You Were Around In The County At That Time.

I Appreciate The Swiftiness We Have Been Able To Work.

We Wanted To Close It Before The End Of The Fiscal Year And We're Right There.

And Again, David You And Your Team From Internal Legal As Well, Thank You All Very Much.

I Hope We Can Put To Rest Where The Stadium Is At And Get Back To The Business Of Our Third Leg Of Our Tourism Tool Is Sports Marketing.

There's Big Stories Right Now About The Met Coming To The City Of Palms To Play For Six Weeks.

That's A Product Of Jeff And His Team Utilizing Stadiums Outside Of Spring Training.

So Many Programs Go On Outside Of Spring Training But They Are Not Well-Advertised Because There Is Competition From People Outside The Area.

So With That I'll Call For The Vote.

All In Favor?

Opposed?The Motion Carries 4-1 With Commissioner Bigelow Dissenting.

Chairman Hall: Item Number 2, Accept The 2010 Management Report?

I Have A Motion By Commissioner Manning, A Second By Commissioner Mann?

Discussion?

Discussion On The Colonial Boulevard Corridor.

Good Morning, David.

Good Morning Economisters.

The Concurrency Report In Front Of You Does Identify A Number Of Failing Segments On Colonial Boulevard, Five Segments But All Within The Boundaries Of The City Of Fort Myers. So From A Concurrency Standpoint In Terms Of The Effect Of Permits It Would Be An Issue For The City Of Fort Myers To Wrestle With.

There Appears Even On Projected Traffic Volume A Capacity Issue For The Volume Of Traffic? They Have A Capacity Issue Today And It's Going To Continue To Get Worse As Traffic Increases In The Future.

Obviously That Information Needs To Be Brought Forth As We Continue Our Discussion About The Overall Design For The Improvement To The Colonial Boulevard Corridor And The Ways To Have Creative Designs To Deal With The Volume Of Traffic.

Ok.

Thank You.

Chairman Hall: Further Discussion Commissioner Bigelow.

Commissioner Bigelow: Can You Tell Me What Alternatives You And Your Staff Are Pursuing To Address The Source Of This Traffic On Colonial Boulevard?

Can You Tell Me What You And Your Staff Are To Potentially Address Or Pursue Alternatives To Address The Source Of All This Traffic?

This Issue Was A Deferred To The M.P.O.

Commissioner Bigelow: That's Not The Question.

That Doesn't -- The Project Is Being Contemplated By The N.P.O. And Well See It Soon Here.

Can You Tell Me What Alternatives You And Your Staff Are Considering To Address The Source Of This Traffic, If Anything?

If The Answer Is Nothing, That's It.

We Are Waiting For The N.P.O.

They Will Be Addressing That.

Chairman Hall: We Recognize The Source Of Traffic Is Obviously I Think Where Commissioner Bigelow Is Going The Challenge We Have In Lehigh Acres And The Fact They Have To Go From Lehigh Into Opportunity To Get Jobs And The Challenge In Cape Coral, The City Of Cape Coral Is Working Diligently To Hold Their Residence In Cape Coral Without Moving Traffic.

I Will Say That All Of Us Are Certainly Aware Of The County Manager's Working With The New Sustainability And Creation Of Mary's Department And D.O.T. And All Of Them Working Together To Create As We Go Forward Models Nth Long Term Will Address These Issues But Obviously In The One Year To Two-Year Placement All These Things Take Time.

I Wanted To Put That On The Record As Well.

I Agree With Commissioner Bigelow These Plans Are Critical As We Go Forward With Our Growth How Lee County Will Look As We Look At The 2035 Plan.

That's One Issue I Support You In.

Urban Sprawl Is Not A Good Thing For Lee County.

Any More Discussion?

All In Favor?

Opposed?

The Motion Carries Unanimously.

5 A.

Deferred.

7 A.

A Motion By Commissioner Manning, Second By Commissioner Judah?

All In Favor?

Carries Unanimous.

10: A?

Further Discussion?

Commissioner Mann: Yep

Chairman Hall: Commissioner Mann.

Commissioner Mann: Maybe To Mr. Wilson.

I Have Been Asking This For Four Years And I Wouldn't Want To Miss An Opportunity.

This Is One Of Those Single Source, We Don't Have Anybody To Bid These Items.

Motorola Is The Provider And Has Been Forever For Parts And Equipment And Testing Or Checking Or Consulting We Go To The Same Contractor Every Year.

I Was Hoping Four Years Ago When I First Asked This Question There Might Come A Time When We Could Take Advantage Of A Competitive Market Out There Instead Of Going One Year At A Time Year After Year With Motorola.

I'm Not Credit Advertising Them Mr. Motorola Wherever You Are But The Competitive Market Is Not Available To Us For This Equipment.

Help Me Feel Better.

Good Morning.

John Wilson, Director Of Public Safety.

Certainly Your Point Is Well-Taken.

Motorola Has Proprietary Rights On The Software And Some Of The Hardware That We Use In The Radio System That We Use.

Back In 2008 We Did Look At An Toppings Do It In -- An Option To Do It In House To Bring In Our Own People Trained By Motorola To Do It Ourselves Rather Than Relying On Motorola. The Upfront Sustaining Costs Were Higher To Do That Than Staying With The Current Contractor.

So We're Back Here Today Requesting The Board To Continue The Contractual Arrangement We Have Had Motorola Over The Years To Maintain Our Emergency Radio System.

Our Communications Manager Who Is Looking At This Is Looking At Another Option That We Will Present To You Next Year As Part Of Our Budget Process.

That May Save Additional Dollars In Doing This, Using A Contractor Type Option.

He Is Still Working On That.

For The Moment, We Would Wish That You Continue The Current Contractual Arrange Weren't Motorola And Let Us Work On That Option For Next Year's Budget.

Commissioner Mann: Will The Construction Of A New E.O.C. Include This Equipment?

I Mean, Is There A Time In The Future When I Can Hope To Be Able To Bring The Competitive Market In Here?

Or Are We Locked Into This For The Foreseeable Future?

We Have Made A Commitment To Upgrade To The New Radio Standard Go With The Motorola System.

Unless Motorola Changes The Way They Do Business, It Will Continue To Be A Challenge To Come Up With An Alternative System That Overrides The Proprietary Arrangements That Motorola Has With The Radio Systems That They Put Out For Public Safety Agencies Like Ourselves, Police, Fire And E.M.S.

Commissioner Mann: Mr. Wilson, I Hear You And You Make A Good Presentation Every Year. But Again To This Layman In This World Of Technology And The Overnight Advances That Don't Occur, It's Very Difficult For Me To Grasp That We'll Never Be Able Again In The Future Of Lee County To Take Advantage Of A Competitive Market Out There With So Many People Available.

It Seems To Me.

I Mean Do We Even Sit Down With Mr. Motorola Or His Representative And Say Look, There's A Recession Going On Have You Heard About That?

Can We Get A Better Deal This Year?

Give Me Some Comfort Here Rather Than These Are The Only People That Do It.

No, Sir, They're Not The Only People That Do It.

There Is One Other Firm -- Two Other Firms.

They Have Similar Arrangements With Their Radio Systems.

The Technology Is Changing.

Daily.

Whether It's A System That You Want To Trust During Emergency Times Or When We Have Catastrophic Events Take Place, That's A Balancing Question That You Must Ask Yourselves.

So Your Technology Doesn't Do Well When The Weather Gets Bad.

It's Not Just That Technology Has Changed Over The Years.

It's Difficult To Sometimes Get Cellular Connections When It Rains Heavily.

So We Can Certainly Continue To Look To Ease Your Comfort, Commissioner.

I Don't Relish Coming To You Every Year With This And Not Please You In The Manner That I Would Like To, But It Is A Proven System, It Is A System That Has Worked Well For Us In The Past.

Unless Somehow Motorola Is -- Mind Has Changed In The Way They Do Business, We'll Continue To Have This Challenge When We Come To You Every Year And Negotiate.

We Do Negotiate With Them To Get The Best Price That We Can.

I'm Very Pleased Within Our Communication Engineer.

He Used To Work For Motorola And He Knows The System, He Knows The Business, And Does The Best Job He Can To Get The Best Price For Us.

But It Still Doesn't, I'm Afraid, Resolve The Issue That You Present To Me Today.

Commissioner Mann: Thank You, Mr. Wilson.

I'll See You Next Year.

Chairman Hall: Commissioner Bigelow.

Commissioner Bigelow: It's A Big, Blue Marble Out There.

Are You Telling Me There's Nobody Else In The Big World That Can Do This?

No, Sir, I'm Not Telling You That.

The Other Systems That Are Out There, You Know --

Commissioner Bigelow: With The System We Have.

If We Continue With The System We Have, We're Locked In To One And Only One Choice.

Unless Motorola Changes The Way It Does Business We Will Be Challenged By That Proprietary Nature Of The Software They Use To Run The Radio System That We Currently Use.

Commissioner Bigelow: Is That A Yes?

Yes, Sir.

Commissioner Bigelow: We're Locked In?

Yes, Sir.

Chairman Hall: All Those In Favor?

Opposed?

The Motion Carries Unanimously.

Next We Move To 14 A.

I Have A Motion By Commissioner Judah, Seconded By Commissioner Manning?

Further Discussion?

All In Favor?

The Motion Carries Unanimously.

Next, 9:30 Public Hearings.

Good Morning.

Michael Jacobs, Assistant Public Attorney.

I'll Enter That Into The Record Now.

This Is A Petition To Vacate 12 Feet Wide Public Utility Easements In Lots 1, 2, 21 And 22 In

The Lehigh Acres --

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

This Is A Public Hearing.

Anyone From The Public That Wishes To Address This Item On The Public Hearing?

Seeing No One I Close Public Comment.

Come Back To The Board Further Discussion.

All In Favor?

The Motion Carries Unanimously.

Second Public Hearing.

Good Morning.

Good Morning, Assistant County Attorney.

I Have The Affidavit Of Publication For Public Hearing Agenda Item Number Two On Your Agenda.

I'm Going To Enter That Into The Record With The Clerk As Legally Sufficient To Go Forward With The Hearing This Morning.

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

Anyone From The Public Who Wishes To Comment On This Item?

Seeing No One I Close Public Comment.

Back To The Board.

All In Favor?

The Motion Carries Unanimously.

Thank You.

Chairman Hall: Next The Walk-On Item [Reading Agenda]

Move The Item.

A Motion By Commissioner Manning.

Second By Commissioner Judah.

Discussion?

Commissioner Bigelow.

Commissioner Bigelow: In The Recently Adopted Administrative Code 1-3 Which Goes By A Name Of Some Sort, Providing For Rules For Procedure For Board Meetings.

Appointments Of Additional Boards And Commissions, I'm Looking At Rule 104-Agendas.

I'm Reading Through It And I Don't See Anything That Speaks To Walk-On Items.

It's Just A Point, Not A Question In There Necessarily.

I Want To Thank Mary For Providing A Reasonable Explanation Why She's Walking On With This Item But This Administrative Code Does Address Continued Items And Says Specifically That Requests For Continuance Will Be Made In Writing, Include An Explanation Why The Continuance Is Needed And Be Granted By A Majority Vote Of The Board In Open Session.

Yet, On A Previous Item On A Walk-On Or General Recap, The Deferral Of Agenda I'm A 5 A Was Only Stated As Please Defer Indefinitely Due To Title Matters.

Chairman Hall: Mr. Bigelow, I Will Allow Attitude But This Agenda Item If We're Going Beyond This Walk-On, I Would Like Under Commissioner Times Address The County Attorney How You Would Like To Direct This.

We're On A Walk-On Item.If We Could Focus On That For Now And Move On To Your Concerns On The Deferred Items.

Commissioner Bigelow: Thank You, Madam Chair.

David, I Would Submit That This Is Not A Sufficient Explanation For The Reasons Of The Continuance.

Thank You.

Chairman Hall: On The Walk-On Item Your Concern Is That Needs To Be Addressed In

Administrative Code?

Is That What You Are Stating.

Commissioner Bigelow: Let The Record Stand.

Thank You, Madam Chair.

Commissioner Judah: We Need To Hear From Counsel In Responsible.

There's A Cloud -- In Response.

Chairman Hall: Commissioner Bigelow's Cloud Is On The Deferred Items Not The Walk-On Items.

He Stated That Walk-On Items Are Not A Draft.

As For A Procedure For A Walk-On Item.

Unless I Misunderstood.

I Think His Issue With The Deferred Items.

So I Would Like To Get Through This Item And Under County Attorney Items I'll Let Him Comment On These Deferred Items We Have Already Adopted.

There Is No Cloud Over This Walk-On Item.

This Is All About Deferred Items.

So, Is There Any Questions For Mary On This Item?

Seeing None, All In Favor?

That Motion Carries Unanimously.

Next, Carryover Item Number One Deep Well Injection And Attendant Monitoring Wells To The Most Qualified Bidder.

There Is No Alternative Environmentally Compatible Way To Deal With The Landfill Leeching Ton Deep Well It Into The Boulder Zone Where There Is Unknowns In Terms Of Overall Impacts?

Good Morning.

I Would Respond That There Is No Economically Practicable Alternative To What We Are Proposing Here.

What Would Be The Cost Differential With What Is Brought Before Us Today And What You Would Deem Not Economically Compatible Or Competitive.

A Treatment Facility Could Be Built In The Neighborhood Of \$7.5 Million With Ongoing Operating Costs Significantly In Excess Of The Operating Costs For This Facility Here.

Commissioner Judah: There's No Other Way --

I Can't Guarantee That Number But It's A Ballpark Number For A Comparable 1.4 Million Gallon A Year Facility.

Commissioner Judah: You Have Been Remarkable Over The Years In Taking What Would Be Called Garbage Or Waste And Turning It Into A Valued Resource.

There's Nothing Out There From A Technological Standpoint That You Are Referring To Recycle This Leeching To Convert To It A Valued Product As Opposed To Deep Well It?

Not Without Burdening The Rate To A Degree That I Couldn't Recommend.

Commissioner Judah: This Is, I Believe, Will Be Deep Well To Around 3,000 Feet In The Boulder Zone?

Correct.

I Would Like To Make A Clarifying Statement To The Motion If I Could.

Chairman Hall: There Is No Motion Yet.

Sorry.

I Have A Motion By Commissioner Manning, A Second By Commissioner Mann.

Further Discussion, Lindsey?

Simply That The Motion Includes The One Point, Approximately \$2 Million For The Project.

The Alternates Are Administrative To The Ace Additive To The Contract.

Chairman Hall: Further Discussion.

Commissioner Bigelow And Then Commissioner Mann.

Commissioner Bigelow: I Would Be Interesting In Looking At Alternatives.

Commissioner Mann: It Was My Understanding This Was A Very Aggressive Bid.

Yes, It Was.

Commissioner Mann: Part Of My Sermon About Bidding Things Whenever We Canned In Came In Substantially Lower Than Number Two In This.

With Respect To Alternatives We Are Particularly Under Tropical Storm Faye, Our Operating Costs Is More Than A Half A Million Dollars A Year.

This Payback Is Extremely Good.

Commissioner Mann: And In A Short Period.

Yes.

Commissioner Bigelow: One Last Point.

Chairman Hall: Commissioner Judah.

Commissioner Judah: I Appreciate The Predicament Lindsey Is In.

You Have Storage On Site, You Had Been Trucking It Off, You Have To Be Concerned About Wet Rainy Season, Storms.

Unfortunate Breakage Of Berms Or Spillage Into The Surrounding Land Area.

I Hope -- I Appreciate Commissioner Bigelow Looking At Alternatives, I Too Would Hope As Technology Advances, I Know You Keep Up On It, That You Will Notify This Board If We Can Pursue Other Alternatives.

Yes, Sir.

Chairman Hall: All In Favor?

Opposed?

It Carries Unanimously.

I'm Sorry 4-1 With Commissioner Bigelow Dissenting.

Carryover Three [Reading Agenda] I Think We All Received A Memorandum From Greg Haggan And Also A Memo Of Agreement From Lavender Asking The Board To Waive The \$75,000 Imposed Limitation.

I Have A Motion By Commissioner Manning And A Second By Commissioner Mann. Further Discussion, Commissioner Bigelow.

Commissioner Bigelow: Could We Have Mr. Grant?

Chairman Hall: Who Would You Like To Speak To?

Commissioner Bigelow: Mr. Grant.

It's A Memo From Mr. Grant To Mr. Muir.

I Apologize.

Commissioner Bigelow: Do You Have A Copy?

Ok.

Thank You.

Quick Question.

Can You Tell Me Why You Decided To Change Your Mind?

Dean Grant Construction And Design Manager.

As I Stated At The Last Meeting We Always Strive To Do These Project In House.

If The Board Is Willing To Waive The County Imposed Limitations, The \$75 Million We Would Love To Do It Ourselves.

Up To This Point It Was Been Our County Policy To Have Those Competitively Bid Or Oversight Of The C.M.

Commissioner Bigelow: Why Do You Need To Ask Us To Waive The \$75,000 County Limitation?

That's Correct.

Commissioner Bigelow: Why?

Currently The Resolution States Any Subtrade Over \$75,000 Requires Competitive Bid Or

Oversight Of Construction Manager.

Commissioner Bigelow: So Why Do You Need Us To Waive It?

What About This Are You Doing Under That Resolution?

We Have Roofing At \$159,000 Which Is Over The \$75,000.

If We Waive The Resolution That Requires To Us Do Competitive Bid Or C.M. For A Subtrade Over \$75,000, If We Waive That We Can Do It Ourselves As Our Own C.M.

Commissioner Bigelow: Ok.

The Request Though, Not To Approve, Isn't The Request To Approve Addendum To The Construction Manager Agreement.

Chairman Hall: No, To Waive The \$75,000 Imposed Limitation And Allows Staff To Internally Approve It.

That Is Staff's Recommendation, Mr. Grant's Memo To Jim And To Doug And That's The Memorandum I Received And That's The Recommendation As The Project Manager That He Is Requesting Of This Board Dated August 31st, This Morning.

It's Just Two Pair Graphs -- Paragraphs?

Did You Get The Memo?

Commissioner Bigelow: I Have An August.

1st.

Chairman Hall: Why Don't I Read It Forked Record.

Commissioner Bigelow: Is This A Carryover Item Cover Sheet.

Date And Time Distributed 8/31/10.

Is That Correct?

Chairman Hall: I'm Going To Read The Recommendation.

This Is The Latest Amendment.

S As You May Recall Last Week's Board Meeting [Reading Memo]

It Is Our Current County Contract Manager Precludes The County Acting As It Own Contract Manager.

[Reading Memo]

Chairman Hall: Staff Would Recommend Waiving The County Posed Resolution And A Thousand The County In Lieu Of Manager.

That's Requested By Staff.

Commissioner Bigelow: Let Me Get Clarification Here If I Can.

We Have A Recap Sheet Date And Time Distributed At 4:00 P.M.

This Is Not Time-Stamped.

Date And Time 8/31/10.

As I Look At Them, They're The Same.

What's Changed?

This Was Distributed This Morning, Right?

August 31, And The Recap --

Chairman Hall: Last Night.

Yes.

Commissioner Bigelow: Seems To Say Exactly The Same Thing.

Does It?

Are You Referring To The E-Mail From The County Attorney's Office?

Commissioner Bigelow: Here, Mr. Grant.

This Is What My Office Got Today.

8/31.

The Recap Is Dated Yesterday At 4:00 P.M.

Is There Anything Different Between What You Submitted To Us Today?

That's The Same.

I Walked Around To Each Of Your Offices With My Recommendation To This Item.

If I Could Back Up For One Second, Last Week We Talked About It.

The Question Came Up With Such A Small Project Why Couldn't We Do It In-House Since We Are Only Dealing With Two Subcontractors.

Mr. Haggan Came Back With Clarity On The Issue And Stated There Is No Statutory Requirement To Use A C.M. And In Fact The Only Thing Tying Our Hands Was The County Threshold Limitation For Subtrades.

If The Commission Would Waive The Subtrade Threshold For This Project, Which By Waiving It Would Mean We Would Be Able To Do This Project Even Though There Is A Subtrade Over The \$75,000 Limit If They Would Waive That Condition Of Our Contract Manual Policy We Would Do It In-House And Save Ourselves The C.M.P. And The Dollars.

Chairman Hall: Does That Answer Your Question?

Commissioner Bigelow: Thank You.

Chairman Hall: Commissioner Judah?

Do I Have A Motion?

We Do.

Thank You.

Commissioner Judah?

Commissioner Judah: I Appreciate Damon Making The Recommendation To The Board At This Time.

By Waiving The Limit We're Not Necessarily Following The Normal Process Or Protocol.

I Understand That.

What I Wanted To Make Sure Of Is That We'll Have A Much Larger Discussion At M.M.P. About What Will Be The New Threshold Or Limit.

Will It Be Consistent With The State Recent Changes?

And All Keeping In Mind That A Number Of Years Ago We Ran Into Some Problems With Lack Of Appropriate Contract Monitoring.

I Want To Make Sure That We Don't Get Into That Situation Again.

I Understand This Is An Emergency With The Roof Leaking But It Is A Roof Restoration Work And A.C. Replacement.

I'm Confident Damon And In House Can Handle That.

But I Think The Larger Discussion Is What Type Of Threshold Limit We Need To Set To Protect The Taxpayer Dollars.

It Could Cost More In The Long Run If There Is Not Proper Oversight.

Chairman Hall: Thank You.

On That, Greg, Thank You For Your Memorandum But Obviously There Is Outdated Information Here.

That Is Going To Come Back To The September M.M.P. To Go Over This?

Ok.

Great.

Further Discussion.

Commissioner Bigelow.

Commissioner Bigelow: Mr. Grant, Can You Tell Me How Old This Roof Is?

I Can't Tell You The Specific Date.

I Believe It's The Early 90s.

Commissioner Bigelow: Can You Tell Me When You First Identified That It Was Leaking?

It's Always Been An Issue Even When I Was With Facility Services.

We Went Out There Several Times.

I Could Give You That Information Because It's Documented Through Our Aim Software But The Last Three Years For Certain.

We Have Been Putting -- The Roof Is In Such Bad Shape We Have Been Doing Sections At A Time Correcting Those Issues, But Now We Are At The Point Where The Entire Roof Is Leaking. We Are Having Different Issues In Different Places.

It's Causing More Problems In The Interior With Mold.

It's Just, The Whole Roof Needs To Be Replaced And Four Of The A.C. Units Need To Be Replaced, As Well.

To An Your Question I Think It Was Close To 20 Years Old And As Long As I Have Been With Facility Services For The Last Three Years It's Been Leak.

Commissioner Bigelow: Thank You, Mr. Lavender, How Long Have You Known This Roof Was Leaking?

I Have An Entire Roof Management Plan.

We Monitor The Warranties On The Roof.

This Goes Back 20 Years To When We Started The Roof Management Program When I Became Director.

Commissioner Bigelow: How Long Have You Been Aware This Roof Is Leaking?

For The Record Rich Beck.

Roofs Leak All The Time And We Repair Them And They Don't Leak.

However, That's The Original Membrane For That Building.

We Have A Program Called The Roof Logic Program That We Pay For.

It's In The System.

We Had Scheduled It To Be Replaced This Year.

The Membrane Has Now Been Patched Enough Times That We Feel It's Reached The End Of Its Serviceable Life And Needs A New Membrane And The Air Conditioning Units Are Reaching The End Of Their Serviceable Life And So We'll Do The Same Project, Two Things.

But We Don't Let Roofs Leak Without Repairing Them.

We Would Never Let The Customers Be Subjected To Mold And All The Other Problems.

It's Leaked On And Off Just As The Roof For This Building Has Leaked On And Off.

We Repair Them When They Leak.

Commissioner Bigelow: Karen, I'm Concerned With All This Quite Honestly, The Whole Process.

Chairman Hall: I Have A Motion To Call The Question.

A Second?

All Those In Favor?

Opposed?

Ok.

I'll Call The Question.

Motion Passes 4-1 Commissioner Bigelow Dissenting.

Commissioner Bigelow: I'm Ok To Calling The Vote.

Chairman Hall: Ok.

I'll Call The Question.

In Favor.

Opposed.

Passes Unanimously?

Commissioner Bigelow: I'm Opposed.

Chairman Hall: Motion Passes 4-1 With Commissioner Bigelow Dissenting.

Now Commissioner Items.

Commissioner Mann?

Commissioner Manning?

No.

Commissioner Judah?

Commissioner Judah: I Want To Acknowledge The Attorneys Air Force Of The Good Work Did

He On Senate Bill 360 Be A Solving New Development And Condensing Urban Land Areas And Also Come Up With A Mobility Feed That Would Have Thrust The Burden On To Taxpayers To Come Up With Ways In Which To Fund Transportation.

I Was Pleased To Read And I'm Sure All Of Did You Too, That The City Of Weston And Lee County Intervening Prevailed On The Challenge.

It Was An Unfunded Mandate By The State Legislature.

But We Had A Number Of Issues, I Think Mary Just Left, Where Mary Brought Before Us Subject To That 360 Bill Where We Extended Development Orders, Some Action Was Taken. Now The 360 Is Expunged We Need To Have This Brought Back To The Board For How We Deal With Some Of Those Actions That Were Taken.

Chairman Hall: I Think David Sent Out A Memo To Brief Us As To What The Impact Of Expunging Would Be.

Commissioner Judah: Then We Don't Need To Do It Now.

Congratulations.

Good Morning.

There's Not A Lot Of Congratulations Really Deserved Here.

We Analyzed It.

Had Thoughts About It.

I Came Before You And Convinced To You Join The Petition To Find Whether Or Not The Bill Was Constitutional Or Unconstitutional.

Happily It Was Found Unconstitutional.

The Second Part Was This Was Heard By The Circuit Court In The Second District For The Circuit Courts In Tallahassee.

We Have To Wait 30 Days For Any Appeal Taken By The State Before We Can Do Analysis On That.

We Can Take A Look At Things But Until The Appeal Period Has Run And The Judgment Of The Circuit Court Is Deemed Final, There's Not A Lot Of Things To Do.

I Will Speak With Mary And Look At Some Things But There Won't Be Things Going On Until The 30-Day Period Is Passed Before We Find Out If It's Appealed To The Court Of Appeals Or Not.

Commissioner Judah: It Made A Huge Difference In Making Sure That Development Complies With Concurrency Requirements So That Burden Has Not Shifted To The Existing Residential Taxpayers.

Chairman Hall: Thank You.

Commissioner Bigelow.

Commissioner Bigelow: Thank You, Madam Chair.

David, Back To Administrative Code 1-3 Rules Of Procedure For Board Meetings.

You Had Proposed Striking All Of Motion To Reconsider Or That Section.

Ok.

Then You Added Motion New Language To That Section And A New Section Called Motion To Rescind.

If A Commissioner Wished To Consider Reorganizing The Board, There's A Section Rule 4.03, Reorganization Of The Board.

This Says The Rule Governing -- Let Me Just Start Since You Don't Have It With You, Right?

No.

Commissioner Bigelow: Any Commissioner May At Any Regular Or Special Called Meeting After Being Recognized By The Chair Request Reorganization Of The Board.

For This Purpose The Commissioner Upon Being Recognized Shall Request Special Privilege.

The Ruling Governing Special Privilege Does Not Require A Second And Is Not Debatable.

However The Question Of Privilege Is Decided By The Chair.

If The Chair Elect To Grant Special Privilege Of Reorganization The Procedure For Organization As Outlined Above Shall Proceed.

Will Be Considered Reorganized.

If The Chair Elects To Deny Special Privilege Unless Further Action Is Taken, The Rule Of The Chair Is Final.

If Any Commissioner Wishes To Enforce The Special Privilege Rule He Must Call For The Orders Of The Day.

This Is Where My Question Comes.

The Rule Governing This Motion Does Not Require A Second But Does Require A 2/3 Negative Vote Not To Proceed To The Orders Of The Day.

Does That Mean, A Hypothetical For Instance, If I Were To Try To Move This Body To Reorganize The Board, I Would, I Guess, First Have To Call For Special Privilege, Correct?

Without Looking At It, You Would First Have To Ask The Board To Consider Reorganizing The Board And Then Ask For Special Privilege.

It's Really Two Steps In There.

I Don't Have It In Front Of Me But I Seem To Recall.

Commissioner Bigelow: Then Sticking With My Hypothetical If The Chair Denies That That Rule Is Final Unless Further Action Is Taken.

Then I Have To Call For Orders Of The Day.

The Seconds, The Rule Governing This Motion Does Not Require A Second But 2/3 Negative Vote Not To Proceed To The Orders Of The Day.

Does That Mean I Only Need One Other Vote To Consider Reorganizing The Board?

No, It Would Require A Supermajority Of The Board Not To Proceed.

Commissioner Bigelow: That's What I Don't Understand.

This Motion Does Not Require A Second.

It Does Require A 2/3 Negative Vote Not To Proceed To The Orders Of The Day.

That's Correct.

Chairman Hall: To Override My Denial In Other Words.

That's What It's Saying.

Commissioner Bigelow: You Would Have To Have Four Votes Not To Proceed.

What If I Wanted To Proceed?

I Would Obviously Want To Proceed To Orders Of The Day.

I Don't Need A Second, Just One Other Vote Is That Correct?

I Expect That Would Take A Majority Vote Of The Board.

Not To Proceed Would Require A Supermajority Of The Board.

So I Need Three To Move To Special Orders But Four --

Three To Move To The Orders Of The Day.

Four Not To Move To The Orders Of The Day.

Again Without Looking At It, Just Links To You Read It.

-- Listening To You Read It.

Commissioner Bigelow: So No Second Is Needed To Consider Orders Of The Day.

And Then If It Passes 3-2 As A For Instance, We Move To The Orders Of The Day.

The Only Way To Do That Is For The Board To Vote 4-1.

As I Understand It.

Yes, Sir.

Thank You.

Interesting.

Commissioner Mann: Before You Conclude, I 4-1 Vote, You Decide Whether We Want To Vote On It.

Last Saturday Paul O'connor Cracked The Whip On Seven Of Our Staff In The Planning And

Zoning Folks And They Came Out To Lehigh Acres To Take The Second Step Actually In The Development Of The Land Development Code For Lehigh Under Their New Comprehensive Plan.

It Was A Two-Hour Meeting.

Those Folks Came On The Weekend.

It Was A Very Productive Meeting And I'm Profoundly Grateful For What They Did On Saturday.

We Have A Lot Of Meetings Ahead Of Us But It's Off To A Great Start Thanks To The Extra Commitment From Our Good People At Planning And Stoning.

Chairman Hall: Commissioner Judah.

Commissioner Judah: I Would Be Remiss If I Didn't Congratulate Sharon Harrington And Paul Labored Long Hours Over The Weekend On A Mandatory Machine Recount On The Judge Race. That Is A Smooth Running Machine At The Elections Office.

Thank You For Hair Good Work.

Influence For The Recount?

Commissioner Judah: Absolutely.

Chairman Hall: Thank You For Your Time.

I Know This Was Extra Hours Involved Because Of The Close Nature Of The Races This Time. Under Commissioner Items, I Serve On The Florida Association Of Counties Subcommittee I'm Co-Chairing With Theresa Jacobs Of The Sustainability Committee And We Had Our Committee Meetings Before Our Policy Meeting At The End Of September.

I Want To Share With The Board That One Of The Top Priorities Of The Senate Were The Will Be Tabor In Addition To What We Already Have What The State Of Florida Already Has In Tax Reform.

I Think Most Of Us Were Supportive Of Tax Reform.

But That Will Be Front And Center In How We Deal With That And Communicate.

What We Do At County Is Important During This Legislative Session.

I Share That With You Because I Would Like To Have Some Opportunity For This Board To Have Some Interaction Before The End Of The Year With Our Legislative Delegation To Talk About Where We Are At With The County.

It Would Be Great To Have That In Open Dialogue With Them Here.

I'll Meet With Them Have I Had, Of Course But I Think It Would Be Prudent For Us With Our Staff To Have That Meeting In The Smaller Chambers.

The Pun Is Welcome To Attend But We Need A More Comprehensive Dialogue With Them And What They Feel.

I Would Like Input From Them On That.

I Would Appreciate If You Would Try To Work That Out With All Of Our Schedules. Committee Appointments.

Commissioner Mann?

Commissioner Mann: I Have Six.

I'll Name Them.

[Reading.

Riff Forest Streetlighting District, Might Edmundson.

Peter Comiskey.

And The Same Committee Caper Mick Could Youski.

Chairman Hall: There Is Further Discussion?

All In Favor?

Opposed?

The Motion Carries Unanimously.

Commissioner Manning: Two Appointments William Winter And The Second Richard.

Chairman Hall: All In Favor?

Motion Carries Unanimously.

Commissioner Judah.

[[Reading Agenda]

Chairman Hall: I Have A Motion By Commissioner Judah.

Second By Commissioner Manning.

Carries Unanimously.

Chairman Hall: Further Discussion?

All In Favor?

Opposed.

Motion Carries Unanimously.

Commissioner Bigelow.

Two Reappointment If I Could Get A Motion For Tony Farrell To The Lee Historic Preservation Board.

[Reading Agenda] All In Favor?

Opposed?

Motion Carries Unanimously.

County Manager Items.

Thank You.

This Afternoon At 1:30 As A Reminder We'll Have Our Second Budget Workshop.

Chairman Hall: County Attorney Items?

With That Where Adjourned And We'll See You All This Afternoon.

11:00 A.M. Adjournment.