

**December 14, 2010**

Chairman Mann:

Good Morning, Ladies And Gentlemen. This Is Our December 14th Meeting Of The Lee County Commission. We Have A Heavy Agenda This Morning, So If There Was Ever A Time We Probably Should Begin With Prayer. This Will Be A Good Day For It. I'm Look For Pastor A.J. Neugebauer? Come Join Us, And We Will Remain Standing For The Pledge Of Allegiance. Thank You. Pastor?

Let Us Pray. We Make Our Beginning In The Name Of Father And Of The Son, And Of The Holy Spirit. Amen. Dear Heavenly Father, We Come Before You During This Season Of Celebration For The Sake Of The Birth Of Our Lord And Savior Jesus Christ.

A Gift So Marvelous And Majestic It Is Too Great Even To Put Into Words. Still We Come Before You Today, For Still Lord In The This World That Awaits A Return Of Its Redeemer, We Look Around And See That Needs Are Still Great, And Yet We Thank You For The Gifts You Give Us To Us Lord, We Thank You For Every Gift Of Food And Financial Resource. Though The Beating Of Our Hearts And The Breath Within Our Lungs Is Sustained Through Your Intervention And Our Creation. For We Ourselves Are Broken Creatures, And Yes, We Are Called By You To Serve. So We Ask That Your Holy Spirit Will Be With All Of Us And Every Task You Set Before Us. Specifically Today Oh, Lord, I Ask You To Be With The People Gathered Here. Give Them The Readiness To Share The Burdens In Our Community. The Willingness To Attempt Solutions For Social Problems And The Zeal To Join In Efforts For The Common Good. We Ask You To Help Them Be Pure And Honest. To Create In Them The Desire To Serve Faithfully. Give Them The Strength And Courage To Think Of The Benefits Of Others Above Themselves, The Ability To Work Out Every Disagreement And Peace. Give Them The Wisdom You Know. Completed For A Grateful People. It Is A Good Task You Have Given Them To Do. Thank You For Their Service And Help Them To Complete It. We Pray All These Things In The Name Of Jesus Christ. Amen.

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

Chairman Mann: Thank You And Be Seated. We Have Three Pleasurable Ceremonial Presentations. Oh My Goodness. We Have A Recess. Counselor, Are You Fine? Just Wanted Us To Know You Were Back In Lee County? One Of Our Former Outstanding County Attorneys. We Appreciate That Introduction, But We'll Get To You A Little Bit Later. Speaking Of Attorneys, It Is My True Pleasure To Read A Ceremonial Proclamation Here Announcing The Retirement Of Our County Attorney, David Owen. David, If You Would Bring Your Family And Those Assembled That You Would Like To Have With You, This Another One Of These Mixed Emotion Things Like We Did Last Week. Time Marches On. David, And On Behalf Of Everyone Here, Let Me Begin With Saying A Are Profound Thank

You On Behalf Of This Entire County Organization. And Now, Your Resolution -- May I Bring My Family Forward?

Chairman Mann: I Thought You Wanted To Save Them For The Picture. What I Would Like To Do Mr. Chairman, I Would Like To Introduce To The Board And The Audience My Bride Of 20 Years. Sharon, If You Would Come Forward Please And Join Me. Also This Morning, The Son I Love Best. My Only Son Michael. If You Would Come Up Here Also, And His Lovely Wife Audrey, And Our Soon To Join Us In March Granddaughter Who Will Join Us This Morning.

Chairman Mann: We're Thrilled To Have All Five Of You Here This Morning. Me Too, They're My Backup. The Board Of County Commissioners Of Lee County, The Following Resolution Whereas The County Attorney Has The Legal A Adviser To The Board Of County Commissioners Is Charged With Providing Timely And Accurate Legal Advice To The Board Of County Commissioners On All Aspects Of Government-Related Laws To Ensure Lee County's Compliance With All Federal, State And Local Laws, Rules And Regulations, And Whereas, The Position Of County Attorney Is One Of The Most Important Positions In Lee County Government. And, Whereas, After Working As A Criminal Prosecutor In The State Attorney's Office For The 20th Judicial Circuit, David M. Owen Began His Career On July 31st, 196. Seems Like A Long Time, Doesn't It, And Was Appointed As The County Attorney On January 25th, 2005. And Whereas, David Owen Has Well And Faithfully Served The Board Of County Commissioners And The Citizens Of Lee County Continuously For Over 24 Years. And That Distinction Of Being Only The Third Full-Time County Attorney For Lee County. And, Whereas David M. Owen Has Provided Legal Advice And Representation For Issues Brought Before The County Commission As Well As Many Important And Complex Projects, Such As Development Of The County Legal Documents For The Creation Of Lee County Court Authority. The Justice Center. The Fort Meyers City, County Complex Building. The Sun Trust Building Purchase, The Fort Myers Beach Sewer System Expansion. Each Lee County Sewer System. The Midpoint Bridge -- Boy, Do I Remember That One. Waste To Energy Facility And Its Expansion. In Lee County Landfill. Purchase Of The City Of Palm's Park. The Transition Of Two New Municipalities, Town Of Fort Meyers Beach And The City Of Bonita Springs. Adoption Of The Lee County Charter And Amendments. Conservation 20/20 Land Decision Program, Comprehensive Plan Issues. Decision Of The Babcock Ranch Lands. Decision Of The City Utility And Golf Utility Systems. School Impact Fee Implementation. Density Reduction And Ground Water Resource Matters. Legal Issues Concerning The Discharges From Lake Okeechobee. The First Hurricane To Make Landfall In Lee County Since Hurricane Donna In 1960, Closure Of The Lee County Landfill, The New County Park Garage And Provide Legal Opinions As The County's Council For \$492 Million Of Revenue Bonds From May 2004 To December 2010, And We Would Have Put More, But We Ran Out Of Space For A One-Page Document Here, And Whereas David Owen Has Performed His Duties With The Highest Level Of Professionalism, And Competency, And Is A Well-Known And Well-Respected Member Of The Legal Profession, And Whereas David Owen Is Now Electing To Retire From His Position As Lee County Attorney. The At The Conclusion Of The Business Day On January 3rd, 2011. Now Therefore It Be It Resolved That The Board Of County Commissioners Of Lee County Florida Desire To Recognize And Thank David Owen For His 24 Years Of Service To Lee County While Employed With The Lee County Attorney's Office And As The Lee County Attorney Duly Executed This 14th Day Of December 2010, Signed Frank Mann, Chairman. Congratulations. [Applause]

Chairman Mann: Let's Do A Quick Photo With David And Bring The Other Four In. Family, Please. And Then All You Good Lawyers, Get Ready.

Chairman Mann: Truly, Everybody All The Assistant County Attorneys At A Are Here. Let's Have You Guys Come Up. A Wide Angle Lens Might Help.

Chairman Mann: David, Why Don't We Have The Entire Team. Parallels, Staff, All You Guys That Have Worked This Guy And Made Him Look Good. Double Up And Make Certain You Can See The Camera. Ok, One, Two, Three. Perfect.

Chairman Mann: Mr. Owen, Before You Say A Few Words Which We Will Insist Upon, I Want To Advise Each One Of The Commissioners To Say A Word Or Two If That Doesn't Put You On The Spot.

Commissioner Hall. Well, David. The First Thing I Had To Do When I Was Elected In 2004 Was Interview The County Attorney. And Not Realizing How Few Attorneys Had Become County Attorneys, I Didn't Realize How What A Big Deal That Was. As I Was Coming As A New Commissioner And Not Served And I Thought A Lot Of Other Attorneys With Bigger Priorities. And I Quickly Realized How Important The County Attorney Positions Was. And It's One Of The Things The Board Does Hire. And You And I Had A Lot Of Candid Conversation. You Have Never Once Let Me Down As Your Commissioner. But You Certainly Never Let This Community Done. You've Always Conducted Yourself With The Highest Of.

Comm. Hall: And Certainly Been My Honor And Privilege To Serve With You, You Leave A Wonderful Legacy Of Which You've Instilled In Your Staff. I Hope You Enjoy Your Family A Little Bit More, And A Little Less Stressful. Thank You So Much. David You, Came Here In 1986 And I Came To You Later, So, I Knew You When You Were On The Bottom Of The Wrung In The Ladder, And I've Seen Tremendous Growth Both Professionally And Personally, And You In Your Dedication To Lee County. I Left In 2000, But Like A Bad Penny Came Back Again Under Circumstance. I Feel A Little Badly Now. You're Retiring And Lavender Retired. Is It Something I Said? I Want To Let You Know You've Been A Consummate Professional. I've Enjoyed My Discussions And My Work With You And My Best To You And Your Family And Your Retirement.

Comm. Judah: As Was The Situation Last Week, And Jim Lavender's Retirement Request, It Is Just As Difficult To Accept Yours. You Have Shown Responsibility Protecting Each And Every Member Of This Board. Have Been Extremely Gracious With Your Own Team. The County Attorney's Office. In Respecting And Empowering Your Staff. You've Dealt With So Many Complicated And Meaningful Projects, To Allow This County To Grow In Such A Productive Way. And Frankly As Talented And As Productive As You Have Been, What I Really Appreciated Most Is No Reluctance To Let Each One Of Us Know Certainly In My Own Personal Discussions With You, As To Where We Might Need To Rethink Our Position On Issues. Above All Else, The Integrity That You Have Brought To The Office, Beyond Reproach, And Constantly At The Forefront Of Protecting Our Community. David You're Really Going To Be Missed, And As With Jim Lavender, It's Going To Be Extremely Difficult To Fill Up Yours And Jim's Shoes. We Have People Coming From Behind You, And You've Helped To Prepare Them, But You Set A Tremendous Standard. And, We Wish You Well. You Have A Full Soul And Soul Meat In Sharon. An Accomplished Professional In Her Own

Right Work In The Engineering Field. Great To See Michael Develop In Into An Outstanding Young Man. His Wife And Child To Be. And We'll Miss You. Good Luck. Thank You, Sir.

Comm. Bigelow: Ray Is Always A Hard Act To Follow, And I Won't Try To Do That. I Would Echo Everything That's Been Said Before, And Will Be Said, Because There's More To Be Said If That's Your Legacy Here. And I Appreciate That While We've Had Significant Differences Of Opinion, And You Know Some Of Them Rather Public, That Actually Hasn't Stopped Us From Working Well Together On The Next Issue. It's As If We Just Turn A Page And Keep Going. And I Have Respected That And Appreciated That And It's Been Very Helpful Working Through Sticky Issues, And You're Going To Be Missed. It's Interesting I Didn't Know That You Arrived In 1986. I Guess My Father Arrived In November Of That Year, So You Kind Of Started With A Big Low And Ended With A Big Low For Whatever That Might Mean. So, Good Luck To You, And Last Friday I Appreciate You Sharing With Me What's The Driving Motivation Currently, And That Is That You're Going To Trade Your Lawyering Hat For Grandfathering Hat, And I Mean You Can't Ask For A Better Reason. And That's Certainly Something To Be Very, Very Proud Of. And I Think It's Impressive That You're Going To Step Forward And Help Out Where The Help Is Needed. And Sharon I'm Sure We'll See You Around Still, Right? And We'll See More Of David Because He Knows So Much And We'll Probably Have To Call Him. Hope We Can Do That If We Need To, David. Thank You Very Much, Sir.

Chairman Mann: I Would Simply Say That There Are Few People In Lee County That Real Understand The As The That Can You've Shouldered So Well Over These Many Years That Lee County Has Been Privileged To Receive Your Services. The Shoes That You Leave To Be Filled Are Truly Enormous. And It Might Almost Certainly Be A Little Terrifying For The Person That Jumps Into This, Because They Will Have To Hit The Ground Running And There Are Heavy Duty Issues Going On Right Now. You Have Fulfilled Your Duties With Splendor. And We Can Only Say We're Going To Miss Your Services, We're Going To Miss You Personally Around Here. But We Wish You Godspeed And A Lot Of The Pleasantness As You Undertake A Much Less Stressful Life Ahead Of You. Now We Would Be Pleased To Hear A Word From You.

Thank You, Mr. Chairman. Good Morning Commissioners, Mr. Chairman. Thank You For The Kind Words. Thank You For The Resolution. I Appreciate Them Both Greatly. Hearing Your Comments Is Moving Today. For Me And My Family. This Is My Last Meeting With You. That's Not Insignificant To Me. There Are Things In My Life That Are Starting To Unfold That Are Moving Me To Move On And Moving More Into Private Life. It's Been A Long Time Coming. 24 Engineers Pretty Big Slice In My Life. The Time I've Spent With You Has Been Interesting, Challenging, And For The Most Part Gratifying. I Had Spent Time With State Attorneys At The Time And Got Infatuated With The Difference Between Working At One Level, Practicing Law To Another. The Resolution Is A Culmination Of A Lot Of Work Between Us, And By Us, I Mean You Commissioners, Me, My Office, County Administration. This Is The Fabric That Makes Lee County And Defines This County. I Have Been Blessed For These Past 24 Years To Have An Understanding Family, An Excellent Office To Help Me Do What I Do For You. Excellent Administrative Partners, As We Continue To Do Your Work Holistically. I've Had The Privilege Of Work Outside Counsel. Address Issues, Consulting Professionals. Other Elected Officials, Leaders Of The Community And Citizens. Again, This Is What Makes All Of Us To Have Been A Part Of That, And Have Been Able To Provide Legal Services To You, Is Very Humbling. It's Very Humbling Moment For Me This Morning.

You Have Been Very Kind To Me In Your Words, And I Do Appreciate Them. So With That, Commissioners, Let Me Offer You This. I Wish You The Best Of Good Luck, As You, My Colleagues Go Forward To Lead, Guide And Shape This The Community For The Next Decade. You Have An Important Job To Do. We Know Where We're Trying To Go. These Are Difficult Times Right Now, But We Will Be Out Of Them Before Too Long. Those Of You Who Have Been Here, That We Have Ups And Downs, But This Is A Down Right Now And We Will Be Moving Again. This Is An Important Area Of The State. This County Is Becoming A Hallmark With Regard To Certain Issues. We've Been Labeled As Stalwart Guardians Of The Environment, Which We Are. But By The Same To Ken This County And This Board Has Always Been Receptive To The Right Types And Kinds Of Industry And Development, In Order To Generate The Revenues To Become Stall Port Defenders Of Our Environment. I Wish You Good Luck Commissioners. I Wish You Good Luck In Your Deliberations. Not Only Today But As We Go Forward I Will Miss You. I Will Miss This Practice, But The It Is Time To Move On. I Wish You Good Health, Good Fortune. May God Bless All Of You. Thank You. [Applause]

All Right, Yes The Other Four Members Of The Family May Leave, But David You're Still On The Payroll, And We Have A Lot Of Work To Do Here Today.

We Have A Presentation Of An Award Here Regarding The Pine Ridge Government Complex. Would You Come Forward And Introduce Yourself Officially And Bring Your Friends With You?

I'm Dan, And We Were Proud To Serve As Your Design Team Leader For The Pine Ridge Government Complex. With Me Today Is Fabian Who Was The Design Architect And Bob Sherman, Our Field Representative Throughout The Construction Process. Earlier This Fall, We Were Proud To Receive The Merit Award For Design Excellence For The Lee County Government Complex. We Received That From The Lee County Building Industry Association In Their Annual Summit Awards Program, And We Were Especially Proud To Be Represented By A Cross Section Of Our Peers In The Construction Industry. The B.I.A. Stressed This Year A New Twist, And Really Brought Out The Importance Of All The Members Of The Team That Go Into Developing A Project Of Any Sort, And Of Course With The Public Need And Interest Being Served By This Project, Especially Important, They Made A Point To Recognize All Of The Contractors, Subcontractors, Suppliers. As Well As The Design Teams. Engineers, And Some Consultants. In Our Case We Were Proud To Be Joined By Aim Engineering. Supporting Us In The Development Of The Civil Engineering Plan And Site Development Permitting. H.S.A. Engineering Provided The Plumbing And Fire Protection Design. Today We Wanted To Follow In The B.I.A.'S Example And Recognize The Other Most Important Team Members. And That Is The Owners And The User Groups. And That's You. They Shape The Project With Their Individual Programmatic Needs And They Allow The Design Team To Achieve Excellence. Obviously The County Development Group With Director Jim Lavender, Proud To Be One Of His Last Projects. And Happy To Have This Award To Help See Him On His Retirement. And Obviously Working With Him Was Project Matter, Who Is Always A Pleasure To Work With Throughout The Project. Obviously He Has Got Your Best Interest At Heart. We Were Pleased To Work With The Fire And Rescue District, Which Assistant Chief, And Their Board Of Directors As Well As E.M.S. Coordinator Chief Charles Clark. The County Sheriff's Department Was A Member Of The Team, In Their Development Of West Station. Sheriff Scott Was Involved. Station Captain Matt Powell. And Project Manager Kathy Murray. And Last But Certainly Not Least, We Were Proud To Have

Served The County Tax Collector's Office. Creating A Substation For Them To Serve The Needs Of The County Citizens. Larry Heart, Project Coordinator. We're Pleased To Have For Each Of Those Four Team Members. And Would Like To Maybe Ask The County Manager To Pass Them Out To The Other People That May Not Be Here Represented Today. And With That Again I Wanted To Thank You All For The Opportunity That You Presented For Us To Serve Your Needs In The Community.

Chairman Mann: Well, Thank You Very Much. [Applause] Thank You, Great Job. Mechanic You May Happened It To Him There. We've Got To Preserve This. Good Morning, Congratulations.

Chairman Mann: Now We're Concluded There. Outstanding Job. This One Came In Under Budget, Right? And Now We Have An A.I.A. Award Regarding The Northwest Library. Who Is Handling That? I Don't Have That In My Records. Well That Would Be Me, He Says. Well Announce Yourself And Let's Have An Award. My Name Is Kevin Williams, I'm The Principle Architect. I'm Proud To Be Here Today. Every Year Each Chapter Of The American Institute Of Architects Survey Work Within Their Districts Or Their Regions And Determine Work That Is Merit Of Award. And We're Very Proud To Say This Year, The A.I.A. Chapter For Southwest Florida Recognized The Northwest Regional Library As A Merit Award Of Excellence And Architecture For A Commercial, The Only Award Given In That Category. So We're Very Proud, Very Proud To Receive That. But, No Accomplishment, Somebody Much Wiser Worth Obtaining Is The Result Of The Efforts Of Few, But Collaboration Of Many. So I Believe That Couldn't Be More The Case With The Northwest Library, But, Our Team Was Lucky Handcuff To Receive This Award, I Think It Belongs To A Whole Lot Of Other People I Will Like To Recognize. That's Starting With My Office, Kim Lamers, Angie Lamers And We Had An Outstanding Team Of Consultant. David Douglas And David Jones And Associates Contradicted Greatly To The Project. As Well As Being Built, His Team Of Folks Did A Great Job Of Bringing That Project Together. I Tell My Team And Our Clients, Every Time We Start A Project That It's Not Our Role To Make Our Vision Reality, But To Make Our Client's Vision. And, In This Project, If It's Successful, It's Successful Because The Library Division Was Kind Enough To Share Their Vision With Us. That Project Was Led By Terry Crawford, Assistant Director. She Was The Spirit The Point On The Project. Marlin Graham, And Of Course Their Director And Leader Sheldon K., So If I Could. What I Will Like To Do Is Present A Copy Of This Award With Some Photographs. By The Way There Are Photographs Of This Project Up On Your Screen Too As We Go Through This. I Would Like To Present This Award To Sheldon.

Chairman Mann: Well Sheldon, Come On Forward Here. We'll Even Get Your Picture Taken Later. [Applause] You All Have A Fantastic Public Works Department. Doing Projects Of This Nature Is A Lot Like Navigating Difficult Seas And You Have Some Of The Best Skinners Around, I Can Tell You. And Starting Off With The Tireless Efforts Of The Project Manager On This Project, Daniel Cruz, He Is Supported By The Great Team And I'm Sure I'm Going To Leave A Lot Of People Out, But David Pinero, Bev Dearborn And The Man Who Has Had His Hand On The Rudder, So Aptly, Jim Lavender. So Jim. And Finally Without The Commitment Wisdom And Support Of The Community That You All Provide Us Who Nothing Would Be Possible, So Mr. Chairman. I Would Like To Present You With One As Well. I Thank You Very Much. I Will Like To Stay Here And Get A Picture Taken. Old That Picture For Now. Jim And Sheldon, Overcome Your Shyness For A Moment, And Sit Back Up Here. Surround This Good Man. Kevin, Thank You So Very Much.

Chairman Mann: Thank You, Dan. Comm. Bigelow: Mr. Chairman, Can I Take A Minute Here.

Chairman Mann: Sure, Commissioner Big Lowe. As I Said When I Am Seated, It's Not Only A Public Works Projects. It's A Public Art Project. Wonderful Testament To His Talents Because He's Handing Out Awards To Everybody But I Think And We're Looking Forward To That. It's What's Happening Inside, And Kevin Has Done A Stellar Job On The Inside Of This Facility As I Hope We Will Also In The New Library.

Chairman Mann: Well Said. Reviewing Our Recap On Agenda Item A-38, We Have Two New Sections. Can I Have A Motion That Would Reflect That.

Chairman Mann: Commissioner Hall, Second By Commissioner Manning. Is There Objection? Adopted Without Objection. And We Have One Item To Move From The Consent Agenda To Administrative 14-B Can I Have A Motion. Moved By Commissioner Manning, Second By Commissioner Judah. Is There Discussion? Objection? Adopt It Without Objection. And Now We Will Have Two Walk-Ons Later.

Comm. Bigelow: Mr. Chairman, Can I Interrupt For A Minute. Jim Moore Said We Were Deferred.

Chairman Mann: We're Going To Handle That Item As A Continuation When We Quit To It And Under Administrative Agenda, I Think I Know Which One You're Referring To. 14-A. Public Comment On The Consent And Administrative Agenda. I Have A Number Of Cards. Each Person Will Be Allowed To Share Three Minutes With Us. Let's Start With Both Charles And Virginia. Where Are You? Can't Do That.

Comm. Judah: Mr. Chairman, This Is A Very As You Well Know, Convoluted And Involved Issue. And I Would Request That While Typically Those That Are Ready To Speak On The Consent Agenda Only Have Three Minutes, That We May Want To Consider Making The Adjustment To Provided A Kuwait Time For Mr. Huether To Present His Position On The Matter. I Say That Out Of Fairness. I Say That Also Out Of Being A I Believe To Assure We Have All The Necessary Information To Make The Informed Decision That We Need To Make.

Chairman Mann: Commissioner Judah That Is Certainly In Fairness A Proper Request. Here's The Way The Chair Would Like To Hear. I Would Like To Give Everybody Three Minutes, But As We Get On With The Item The County Attorney Is Probably Going To Speak At Length On It, And I've Discussed This With Him, And I Said In Fairness At That Time, Not Unlike The Way We Handle Zoning Matters We Might Go Back To Applicant And Let Them Are Have A Fair Shot At Responding. But For Now, Mr. Huether We Will Allow You The Three Minutes And Let You Or Your Designee Respond Later If You Feel It's Needed Once The County Attorney Has Spoken. Thank You. That's Charles Huether. Property Owner, Tex Development. It's The First Time I've Been Before The Board. Has No Experience Of Speaking Publicly. I'm Going To Try To Speak As Candid, Straight Forward And As Respectful As I Can. It Will Probably Be A Little Sloppy, But It's Going To Be Straight. Lee County Attorney's Office Has Made Numerous Mistakes Over The Last Five Years. They've Only Come Forward This Year In Early 2010, And Advise You That They May Have Made

Some Mistakes. Those Mistakes Back In 2006 When They First Realized Their Mistakes Didn't Come Forward, Would Have Cost The County Nothing. According To Their Own Admission Today, It's Going To Cost A Million, Possibly Millions Because They Didn't Come Forward. Accordingly, We Would Have Had No Damage To Our Property If They Would Have Come Forward. You're Going To Hear Today From My Attorneys And They Will Be Able To Put It In Perspective, But They've Taken Us On A Three And A Half Year Safari And Trying To Work With Them On This Matter. They're Showing Us That If We Work With Them, Things Are Going To Work Out. That Started With The Lee County Department Of Transportation, And Later Not Until 2009, At The County Attorney's Office. The Only Thing I Can The Tell You That Is In 2008, In January, There Was An E-Mail That We Discovered During Our Public Records Request That Says It All. Who Screwed Up? The Lee County Attorney's Office? Or The Lee D.O.T.? And That Was Between The Lee County Attorney's Office And The Lee D.O.T. That Was Two Years After They First Discovered They Didn't Have The Right To Be In Our Property. That Was Afterwards They Knowingly Let Your Contractor Trespass On Our Property. And That Was After The Asbestos Was Discovered In 2009 On Our Property. There's A Series Of Events That These People -- I'm Sorry For Using These People, Your County Attorneys Have Led You To Believe That Has Transpired In Different Sequences. We're Here Today With A Box Of Correspondence, And Didn't Start Until Mid 2009. Until That Time We Tried To Work With Your Departments To Work This Out. Feeling Betrayed In The Beginning Of 2009, We Sought Public Records Request. That's When We Discovered Hundreds Of E-Mails Between Your Departments Concealing, Misrepresenting You And Having You Approve Four To Five Board Resolutions To Sue Syntex And To Sue Marie Me. If You Look At The Blue Sheets It's Not What They Told You, It's What They Didn't Tell You.

Chairman Mann: Now -- Am I Done With My Three Minutes? Chairman Mann: If You Have A Couple More Comments To Wind Up This Portion, I Would Like To Allow You To Do That. Don't Listen To One Statement If I Said Today If I Can't Support It With An E-Mail Or Some Correspondence, Not From Me But Between Your Attorney's Office And Between Your Lee County D.O.T.

Chairman Mann: Thank You Very Much, Mrs. Huether. And You Will Be If You Would Come Forward Now, Please. Followed By Pete. Again We're Holding These Comments To Three Minutes, And When We Get On The Item We'll Try To Make Certain If Fairness Prevails.

Good Morning, Commissioners. Virginia Huether. Charles And I Didn't Compare What We Were Going To Say Today. He Said A Lot Of Things That I Was Going To Say. We're Here, We've Been Trying To Work This Issue Out With Lee County. I Think We've Made Every Effort To Work It Out Without Going To Litigation. We Have Been Through A Safari. It's Been A Nightmare. It's Taken A Lot Of Time. I Spent Hours And Hours And Days Looking Through Public Records In The Office. At One Point Someone Thought I Worked At The County And Introduced Himself To Me. I Didn't Go On The Witch-Hunt At All, Because When I Started The Request, I Was Just Trying To Find Out What Happened To The Property Because Nobody Told Us. But There Is A Story Here. I Think You Know, What Charlie Said, I Know Everything Is Accurate, But Nothing That We Have Said In Telling Our Story Is Untrue Or Can't Be Based Or Substantiated With Some Kind Of A Fact Or Record. Our Goal Here Is To Work This Out. We Don't Want To Litigate. It's Not Productive For Anybody. We Don't Want To Do It, If We Have To, We Will. But We're Pleading To Try Work This Out. I Think Tried The Last Three Years To Do So. So, I Appreciate All Your Time. We Tried To

Meet With Every Commissioner As Many Times As We Could And Explain The Situation Because The Story Is So Complex. We Met With Some Commissioners More Than Others, And The Chairman Mann We Met With You The Least Amount Of Times, I Apologize For That. But Try To Give All The Commissioners Equal Time. And We Thank You For That. And Hopefully We Can Get This Resolved. So. Thank You. Chairman Mann: Thank You Mrs. Huether.

Chairman Mann: Mr. Gravina Will Be Followed By Steve Weisberg.

Good Morning. My Name Is Pete Gravina. I'm An Attorney. I Practice In Fort Myers And I Represented Tex Development When They Acquired This Property. So I Have A Good Working Knowledge Even After All These Years Of Issues Involving That Transaction, As Well As Title To The Property. So I Stand Here As A Resource, Should There Be Any Questions On Those Matters. I Can Tell You That When The Huethers Acquired This Property, They Had No Knowledge Of Any Arrangement Between Syntex And The County For Drainage On This Property. Syntex Gave A Warranty Date That Didn't Have An Exception For Those Matters. They Gave The Sellers Affidavit As Is Customary That Said There Was No One Recorded Easements Affecting The Property. I Also Formed Tex Development With The Secretary Of State Office. So, In Terms Of Addresses, Where Notices Would Go, Legal Notices, Other Important Notices, Parties Would Typically Either Correspond With The Huethers At Their Home Address Because That's Shown On The Warranty Date And Shown On The Property Appraisers Record As The Address For Contact, Or They Would Contact The Registered Agent As A Representative Of The Corporation. I Can Tell You That I Have Not Received Any Correspondence As Registered Agent Relevant To This Matter. From The County Attorney's Office Or Otherwise From County Staff Over The Relevant Time Period. Beyond That, Again, I'm A Resource. Call On Me If There's Something You Think I Can Help With Rising Out Of Documents From The Primary Transaction. Thank You Very Much.

Chairman Mann: Thank You. Steve Weisberg? Thank You. Jackson Bowman? Good Morning Mr. Chairman, Commissioners. My Name Is Jackson Bowman. I'm A Lawyer For Tex Development And The Huethers. I'm Going To Urge Upon You Today Is To Do The Right Thing. You All Have An Appraisal Done By Your Appraiser That Shows The Value Of The Property In March Of 2009 At Eight Million, The Huethers Are Willing To Accept That, And You All Get The Property. And That Payment Would Include Fees And Costs. One Of The Actions Indicated In The Blue Sheet Suggests As An Option That You Can Reject The Options In The Blue Sheet And The Parties May Proceed Accordingly. And I Want To Tell You A Minute About Proceed Accordingly And What That Means. Now, I Never, I Rarely, I Don't Like Talking About What Happens If You Don't Do Something. That's Not My Tactic Ever 73 But In This Case, The Huethers Are Left With No Option. What Is Going To Happen Is This Is Going To Result In A Lawsuit In Federal Court Under 42 Usc, That's A Civil Rights Violation, And It Will Be A Jury Trial. And The Fact That You Have Seen Superficially, But We Have In Depth Will Be In Front Of A Jury, And Those Facts Will Include Omissions And Misstatements, And Lies. And That Includes The Recent Review For Audit That Was Presented To You All. Because We Think That's A Gross Misstatement Of The Facts In This Case. The Other Thing That Will Happen Is You'll Probably Wind Up Getting Outside Counsel, Because Many Of The Lawyers In The County Attorney's Office Were Instrumental In What Occurred Here, And They Will Be In The Underlying Case. It Also Means That You Will Be Paying Damages In Not Getting Anything In Return For It.

You Will Get No Property. Also Means You Will Be Paying Interest On Those Damages And Paying Fees And Costs. The Damages Will Be In Excess Of \$15 Million. I Want To Put It As Clear As I Can. In May Of 2006 You All Knew You Had No Right To Go On The Huether's Property, But You Did It Anyway. And Since That Time, There's Been A Cover-Up This Why It Occurred, And Who Is Responsible For It. Tough Option Today To Do The Right Thing. And We Would Appreciate You've Taken The Cost That The Huethers Have Borne For Four Years And Letting Them Move On. I Appreciate It Very Much. I Likewise Will Be Available For Any Specific Responses To Factual Inquiry, I Have Hopefully Answers To Those Questions. Chairman Mann: Thank You, Mr. Bowman. If You Stand By When We Get To That Item, We Will Welcome You Back. Thank You For Your Presentation This Morning. Charles Whitehead. Good Morning. I'm Here Like These Other Folks Today To Speak On Behalf Of Tex Development.

Charles Whitehead Is My Name. I Was Asked To Review Certain Documentation. Not Much Different Than What I Did In My Previous Professional Life. My Goal Is The Same Which Is Determine The Situation, And Accurately And Relate What Happened. I Began On August 10th, 2008, And That's The Date This Article Appeared. I Wrote It. Was Accurate, But Not Complete, Unfortunately. At That Time I Didn't Know Charlie And Virginia Huether And Who I Now Know As Owners Of Tex. I'm A Little Disappointed On What I Was Told And What I Was Not Told. It's Obvious To Me Looking Back And Knowing What I Know After Reviewing The Hundreds Of County Documents And E-Mails That Were Received Through The Public Records Request, That I Wasn't Told Everything. The Story Is Readily Available By The Way. I Printed It Out After A 30-Second Search, It's Not Hard To Find. To What Degree It's Incomplete Because I Didn't Ask The Right Questions And To What Degree It's Incomplete Because Those Interviewed Did Not Fully Discuss The Issues I'll Leave To You To Judge. I Did Talk To People Who Knew More Than They Shared. And That I Fine Myself In Good Company, Because You Only Learned The Real Story Weeks Ago. He Said To Me And I Quote, "We Have No Legal Right To Be There." I'm Not Picking On Don, Because There Were Attorneys And Engineers And Others Who Knew What Was Going On And Did Nothing To Stop It. I Spoke To The Attorney's Office And To D.O.T. No One Told Me The Full Story. Some Of The E-Mails That I've Seen Regarding Posen And The Three Oaks Project Are Appalling. County Officials Knew From The Beginning That Your Contractor Was Trespassing On And Doing Damage To Land For Which The County Had No Legal Claim. E-Mails I Have Since Seen Written And Sent Between County Employees Before Construction Began Indicate It Was Known As Early As 2006. I Won't Bother Reading Them Because You've Seen Them And You Know That's True. In The Four Years Since Construction Began There's Been Numerous Opportunities For The County To Do The Right Thing. So Far That Hasn't Happened. It's Beyond Argument That It Was Through No Action Of The Huethers That They're Here. It Seems To Me Reading This Blue Sheet They're Willing To Let You Off Easy. How A Judge Would View The Repeated County Efforts To Cover Up Its Role In This Fiasco I Think You Or I Could Easily Predict. There Are A Few Points Raised In The Report Mr. Green's Guys Did That I Would Like To Address. The Alignment Agreement You Approved In 2005 Was Between Lee County And Syntex. Tex Had No Knowledge Of It. The A Agreement Excluded The Tex Land. Tex Did Not Own To It Give.

Chairman Mann: We're Going To Have To. I'll Wrap Up, I'm Sorry. I'll Jump To The End, If You Will. I'm Not Used To This, And I'm At Four Or Five Minutes Instead Of Three, I'm Afraid. There's A Statement In The Review That Says There May Have Been A Lack Of Due

Diligence On The Part Of The County. That Seemed Self-Evident. The Agreement Specifically Excluded The Tex Property, But That Didn't Keep The Contractor Off Of It. And I'll Jump To The End Not To Repeat Myself But I Consider Myself A Pretty Good Fact Finder, And Looks Like The Huethers Are Willing To Let You Guys Off Easy.

Chairman Mann: Thank You, Mr. Whitehead. Sam Marshall? Good Morning.

My Name Is Sam Marshall With Banks Engineering. I Have Reviewed Various Water Management Permits With Respect To The Property And I'm Here To Answer Any Questions That The Board May Have. And I Don't Have Any Other Comments At This Time. Thank You, Sam. We'll Give You Extra Time To Mr. Whitehead Who Used It All. The Honorable Ben Nelson Mayor Of Bonita Springs. Welcome Mr. Mayor. Hello Thank You. I'm Often Reminded By A Lot Of My Friends That As Public Service We Don't Get Paid To Make The Easy Decisions. We Get Paid To Make The Hard Ones. You Will Earn Your Keep Today. I Want To Say To David Owen. Thank You, He's Been A Great Person To Work With From The City Of Bonita Springs. Your City Attorney For Your Counsel Or For Your Commission. It's A Special Relationship You Have With Him, And They Can Be Friend, Mentor, Combatant. They Do Your Bidding And Protect Your County. As Best They Can. I Think It's Just Great, And David It's Been A Pleasure Working With You Here For The Last 11 Years Or So. Suns We Became A City In 2000 And Up To This Time, I Served As City Council Person And Now As Mayor. It's Been A Pleasure To Work With All Of You. And I Think We've Made Great Strides Through Our Interlocal Agreements. I'm Proud Of That Relationship We Have Together. I Would Not Rye To Tell You What To Do In This Situation Right Now, Because I Don't Know. So Far As 14-C Here, But What We're Doing Here Today Is To Ask You We Have An Agreement Considering Some Trip Funs, And The Split Is Roughly \$3 Million And \$7 Million. Whatever Decision You Make Today. That's Your Business Be But Please Set The Trip Funs Shares Aside And Once You've Made That Decision, We Want To Sit Down With You And Talk To You, And Be Sure That We're All On The Same Page As To Whether The Funds Can Be Use God That Are Purpose And That's It, And Thank You Very Much For Having Us Today.

Chairman Mann: Thank You, Mr. Mayor. Would You Like To Make Another Grand Entrance. Yes, But I'll Be A Little More Careful. Actually Mr. Chairman If I May Interject Here, Audrey I Would Be Happy To Be A Witness In The Brutal Attack That I Witnessed By Charlie Whitehead. I'm Going Skiing Soon So, I Plan To Use That Part Of My Body More Often. If You Can Go Back And Try To Keep My Humble Demeanor Here. Good Morning, Ford Audrey Advance, Mayor Nelson And I Are Here On Administrative Item 14-C On Behalf Of Bonita Spring Security Council Who Asked Us To Attend And Speak On Behalf Of The City Of Bonita Are Springs. I Want To Say Good-Bye To David Because He Was A Wonderful Mentor, A Wonderful Working Relationship Both Inside And Outside Of The City Of Bonita Springs, And I Enjoyed The Resolution That You Read, Chairman Mann Kissing, And When It Comes To Roads The City's Relationship With Lee County Has Been An Excellent One. Through A Series Of Supplemental Agreements To Its Master Transportation Planning Agreements. Including The Supplemental Agreement For Imperial Parkway. It's Not Identified In The Blue Sheet, One Of The Supplemental Agreements Does Address What's Called Trip Funds That Were Available. Where The City Gets Its Share Once The Account Is Finalized. The City's Portion Of The Reimbursement Is Somewhere Around \$3 Million. So To The City Of Bonita Springs This Is Not A Minor Matter. We Do Not Take A Position In The Lawsuit That We Not A Party To. We Only Ask That Should The Board Of County

Commissioners Decide Today To Accept The Settlement Offer, To Not Use The City Of Bonita Spring Portion Of The Trip Under The. We Expect A Request That The Board Of County Commissioners Direct Staff Not To Use The Trip Finds Until The City Of Bonita Springs And Lee County Concur That The Expenditure Was Appropriate And With The Supplemental Agreement For Imperial Parkway. If You Have Any Questions Today Both Mayor Nelson And I Will Be Able To Answer Later On As To The City's Position. Thank You For Your Time.

Chairman Mann: Thank You Miss Vance Very Much. Thank You Mr. Chairman. And Commissioners. First Of All, Let Me Wish You All A Merry Christmas And A Happy New Year. When I, The Two Things That Scared Me Was One, Settlements, And Two, Change Orders. I Just Hope You Do The Right Thing I Have A Lot Of Confidence In Your Decision. I Know You're Between A Rock And A Hare Place. I Only Know What I Read In The Newspaper. What I Read The Other Can Day That Property Owners Settle For A Published Number, And What They're Asking From The County, It's Just Left Me Bewilders And That's Why I'm Here This Morning. So With That, I Will Cease, Thank You. For The Record, My Name Is Kirk Beck. I'm A Resident Of Lee County, Florida. Have Been For A While. Let Me Start By Saying E-Mail Is A Wonderful Thing. It Allows Us The Public To See What Goes On Inside Government When Staff, Government Attorneys And Administrative In The Administration Speak Freely Among Themselves. Inside Government There Is The Thing Called The Freedom Of Information Act That Allows The Public To See What's Going On. Government Has Money And Power, That Makes It Dangerous. What We Are Here To Talk About Today Is A Prime Example Of What Happens When That Power Remains Unchecked. Five Years Ago, Some People Some Members Of Your Staff Made A Series Of Mistakes, When Those Mistakes Were Discovered, Certain Other Members Of Staff Tried To Rectify Those Mistakes Only To Be Told To Look The Other Way. The Net Result Was That Instead Of Admitting The Mistakes And Correcting Them, Senior Staff Chose To Cover Them Up, And Can Aspire With Task Force Hide Them From You, The Elected Officials. These Mistakes Resulted In An Innocent Party's Property Being Contaminated With Asbestos. This Contamination Resulted In A Destruction Of Their Property Value And Stigma That Can Never Be Roofed. Their Property Will Never Be Suitable For The Residential Use At Zone Four. What Could Have Easily Been Corrected In The Beginning Now Brings Us To Today And Millions Of Dollars In Potential Liability. In Similar Circumstances, When The County Has Been On The Other Side Of An Issue Like This, It Has Demanded Satisfaction. Two Examples Come To Mine. One, When The Contractor Involved In This Very Issue Used Asbestos Contaminated Fill For The Construction Of The Summerland College Overpass, You Stopped The Job. And Forced Them To Remove It. An Overpass, Mind You. Buried Under Tons Of Dirt And Asphalt And You Thought It Dangerous Enough To Have It Removed. I Think That Says All That Needs To Be Said About The Seriousness Of Asbestos Contamination. Two, When Another Contractor Working For The City Of Fort Meyers Clearing We Want Through Some Property, He Demand City Of Fort Meyers Make It Right. Saying That Was Their Responsibility, Not Their Contractors. This Is Contrary To What You Are Saying Now, By Trying Say That The Asbestos Contamination Isn't Your Problem, It's The Contractors. Interesting How Liability Changes When The Situation Is Reversed. It Comes Down To This. Some Member Of County Staff Have Abused Their Power By Trying To Cover This Issue Up. As A Free Society We Cannot Stand By And Allow This To Happen. If Government Can Do This To The Huethers, They Can Do It To Anyone. Now Is A Time For You, As A People's Elected Representatives To Make This Right By Paying Them For Their Property Before This Gets Any Worse. If This Goes Any Further It Won't Be Just About Property Value, It's Going To

Be About The Violation Of Their Civil Rights And The Damages Could Be Much Higher. Do You Really Want This To Go There? It's Time To End This Now.

Chairman Mann: Thank You, Mr. Owen. Are There Others Who Are Here To Speak On This Particular Issue? If You Would Bring Your Card Forward. Mr. Dennis Gilke. Thank You, Commissioners. Good Morning, I'm With Gilke Organization As Well As Gilke Realty, Speaking On Behalf Of The Huethers With The Tex Development Issue On 14-C. I Served As Real Estate Adviser For The Huethers, And I Just Want To Say, Charlie And Ginger Are People Of High Integrity And Honest In Their Business Dealings. And I Don't Know The Person That I've Met In This County Or Any County That Would Think Differently Of The Huethers. I've Reviewed The Backup Material Of This Case. I've Reviewed The Audit That Was Recently Done, Which I Take Exception To, And I Think Certainly, That Audit Reflects A Defensive Approach. It's Not An Objective Approach. It's Clear That The Series Of Errors Were Made In Through '06-'07 Particularly. Made By Certainly The Contractor, Made By Syntex And Particularly Lee County. It's Unfortunate That Those Things Happen, But The Result Was That The Huethers Were Damaged By It. And If They Were Kept In The Loop At A Critical Time, This Could Have Been Resolved Very Early. They Had To Work For The Last Year And A Half To Dig Out The Facts And To Create What Really Happened. And The Property Itself As You Well Know, Is Well Located. It's Appraised In '06 At \$21 Million. You Her Other Numbers Today. So, The Value That's Being Requested Today Is Very Much In Line, Very Reasonable With The Value Of That Property. It's Hard To Put A Value On The Reduction Of Value Placed On The Contamination Issues. They Had An Opportunity To Pay Off, To Not Pay Off. I Think That's A Serious Issue For Daniels For Them. But, I Would Just Ask That The County Do The Right Thing. You've Heard That Statement Before. Make The Huethers Whole In This Issue As Best You Can. And I Want To Clarify That Our Company, Even Though We Have The Property Listed Would Not Be Receiving Any Commission From Any Settlement Between The County And The Huethers On This Issue. Thank You Very Much.

Chairman Mann: Thank You Mr. Gilke. Any Others Who Would Like To Speak On This Issue? 14-C, Also Known As The Huether Property. Thank You If You Would Announce Yourself, Sir. I Will. My Name Is Ted Trip. I Am Here To Speak On Behalf Of Tex Development. I Will Try Very Hard Not To Repeat What Has Been Said. I Would Simply Ask As You Deliberate To Reflect On The Fact That There Are Certain Basic Issues That Are Not In Dispute. It Is Not In Dispute That In March Of 2005 Tex Development Bought A Piece Of Property. That Piece Of Property Was Used By The County For Permitting Purposes. That Piece Of Property Was Used By The County For A Storage Area, Staging Area For Construction Of A County Road. That Property Was Used As A Dumping Ground Of Asbestos By Your Contractor. All Of This Occurred At A Time When The County Was In Charge Of The Construction, Which Without The Huethers Knowledge Or Consent, Utilized Dodge And Retrained Their Ability To Deal With Their Property. It Is The Conclusion Of The Public Works Department In July Of Tigh In Mr. Deberry's E-Mail To John Renner And John Perdima That The County Is Better Off Condemning The Huether Property And Taking And Paying For That Which It Had Used Without Any Lawful Right At That Point For A Number Of Years. We're Asking You To Follow That Staff Recommendation. We're Asking You To Compensate The Land Owner To Do The Best Thing For The Taxpayers And Receive Something In Return For That Compensation, Which The Piece Of Property That You Have Used For Benefit Of The Tax Fires A Them Of Years. Thank You.

Chairman Mann: Thank You, Mr. Trip. Win Last Opportunity On Item 14-C. The Huether Property. We Will Be Returning To That Issue I Hope Soon. Ed Ruff. You're Back Once Again? Yes. It's Your Opportunity To Speak On Items We Have On Our Agenda. No. No. No, This Is Just A Public Comment, But No That's At The End. No.

Chairman Mann: We'll Have You Later. I Thought Ewe Enjoyed Your Visit This Morning. We'll Get With Back To You. Ok. Are There Any Other Comments On Our Public Agenda? Then We Will Return To The Board And Request For Items On The Pulled On The Consent Agenda,

Commissioner Hall.

Comm. Hall: 10-B.

Chairman Mann: Mr. Manning.

Comm. Manning: None.

Comm. Judah: 13-A.

Chairman Mann: Commissioner Bigelow.

Comm. Bigelow: 7-A, 12-A And 16-B.

Chairman Mann: I Have 3-A, Can I Have A Motion To Approve The Balance. I Have By Commissioner Judah, Second By Commissioner Hall. Discuss? Objection? Show It Adopted Without Objection. Miss Hall?

Comm. Hall: County Manager Or Whom Ever, I See Staff Is Recommending Approval Of The Agreement And I Don't Have A Problem With That, But I Do Still Have And Haven't Seen On How We're Looking At A Whole If We Start. So, Staff Didn't Brief Me, There Was Concern There At One Time So I Don't Know Where You're At, I'm Happy To Go Along With That But I Need A Better Understanding Of Where We're Going With The Temperature, And Understand What's Happening With Our Operation As A Whole. And If You Will Address That At A Later Date, I'm Owl Ears. John Wilson Director Of Public Safety For The Record. Commissioner, Are You Referring To Our Current Discussions On The Bonita A.L.S. Transport?

Comm. Hall: Ok, Nontransfer. Gotcha. So That's Where We're At With This One. I'm Ok. I'll Move The Item.

Chairman Mann: Second By Commissioner Manning. Show It Adopted Without Objection. Commissioner Judah. 13-A.

Comm. Judah: The Reason I Asked To Pull This Item. It's Frustrating That We Can't Do Better Than Contracting Out To Have Sludge Removal From Waste Water Treatment Plants. Spreading It Out On Agricultural Plans, And They Get Washed Into Streams, Creeks. Eventually Will Make Their Way Back Down To Lee County. Not To Mention The Impact That It Has On The Surrounding Lands Where In Which The Positives Where The Sludge Is

Applied. I Need To Hear From Jim Or Doug We've Got To Do Better On This Day And Age. I Know We're Taking Waste Water Treatment Sludge, And Making Compost, Which Is Commendable. And Is Appropriate Responsible Approach To Take, But I Just Can't Believe We're Still Contracting Out To Have This Sludge Basically Applied On Agricultural Pasture Land. And Impacting Water Resource. The Other Issue I Have Is Depending On The Amount, It Just Destroys The Ability For Any Kind Of Vegetation. To Grow. So With That Doug, If You Want To Comment. Certainly, Assistant County Manager. Commissioner Judah, We Have Based On These Previous Comments, We Have Researched Every Possible Means That We Can Dispose Of Sludge From A Water Treatment Phenomenal. It's Not The Waste Water Treatment Facility But It Is A Waste Product Of The Water Treatment Process. This Is All Been Done In Conjunction With The Fdep In Order To Make Sure Everything Is Within Their Limits Within The Protocol For Disposal Of Sludge. There's A Complete Protocol On Watching This From Getting To Application To Make Sure That It's Being Handled Appropriately. We Have Also Reached Any Other Technologies That Might Be Utilized In Order To Take This Lyme Sludge And Use It In A Beneficial Manner. There Are Some Possibilities Of Utilizing The Process As An Energy Source. But That Is Not A Practical Use. So Ice The Only Available Option For Us To Be Supported By D.E.P. In Which They've Been Involved Significantly This Process. We Do Have A Protocol. We're Addressing All Of The Concerns That I Know That You've Brought Up, We Certainly Hear Them But We Cannot Find An Alternative That Is Suitable At This Time. Above And Beyond This One. One Of The Main Reasons Whether It's Waste From Waste Water Treatment Plants Or From Water Treatment Facilities, As To Why Florida We May Well Lead The Nation. It's Just That It's Horrific. And It's Because Of The Nutrient Loading And Because Of The Trace Metals That Get Into Our Precious Water Supplies That's Particularly Point Of Frustration. I Guess What I Will Say, But Goodness, We Need To Step Up And Try To Seek The Brightest Minds, Not Just In This Area But Throughout The World, As To What We Could Do To Make This Waste Product A Resource That Could Actually Be Reused In Some Way, Versus Applying On Rowland. So I Guess I Would Ask If County Manager, If Director You To Come Up With A More Responsible Creative Approach To Dealing With This Product. I Would Suggest Because I Know There Has Been A Pursuit Of Other Approaches, I Would Ask The Staff At Lee County Items To Summarize Those, Submit Them To The Board. And, Especially If We Wanted To Bring That Up At A Later Time As A Commissioners Item To Highlight Which Ever One Would Be Best To Pursue We Will Do That, But We Have A Summary Of The Technologies That We Can Provide You. I Have A Motion By Commissioner Judah.

Comm. Judah: And For Clarification, It's One Year With A Four One Year Renewable. If We Come Up With Other More Advanced Technology, We Can Always End The This Contract. Absolutely, Those Are Not Automatic Renewals.

Comm. Judah: Thank You.

Chairman Mann: Objection? Show It Adopted Without Objection. Commissioner Bigelow, 7-A.

Comm. Bigelow: Thank You, I'm Going To Eventually Move The Item But I Just Want To Give The County Manager Herself Some Accolades Here Because, And Let Me For The Benefit Of Those Watching Us And Not Reading This, This Is To Adopt Resolution To Administrative Code 6-1 For Lee County. It's An Introduction To A New Policy Which Is

Labeled Tobacco-Free Workplace. Effective January 1st, 2011, And, Of Course I Applied Miss Haas.

The First Time I Heard About The Effort Was Not Long After She Became County Manager. Lee Memorial To Make Their Campuses Tobacco-Free Which Should Be Pointed Out As Different, And Better Than Smoke-Free. Because Tobacco, Which Of Course Has The Deadly Ingredient Nicotine Comes In Various Forms Or Different Methods Of Construction. I Hope We Will As A Body Become More Aware Of Because The Tobacco Industry Is Trying To Further Its Clientele Base By Keeping Youngsters Addicted To So They Will Become Life-Long Users Of Tobacco. I've Recently Heard A Statistic That Is Actually Astonishing If You Think About It. One In Four, I Believe It Is. Adults In This Country Are Addicted To Nicotine, But That Same Statistic Same Applies To Young Folks, Adolescents. That Is Just Remarkable, And If You Then Think About That, That Means That They Will Then Become Adults That Are Addicted, And What The Tobacco Industry Is Just Doing To Keep Them Is Just Horrendous. I Do Weren't To Point Out One Problem I Have With This New Policy, And That Is Under 103: 1 General Provisions Number Three. Let Me Just Read It. They Are Prohibited From Using Tobacco Products While On Lee County Property And In Plain View, Except In Areas Restricted From The Public, Secure Facility Such As Water Treatment Plans Or Back Office Operations. Some May Designate An Area Because Employees May Not Be Able To Leave The Campus For Breaks. Or Back Office Operations Which Might Be A Restricted Area Where Tobacco Can Be Used. I Guess I Just Want To Be Sure That This Of Course Will Have To Be In Compliance With State Smoke-Free Workplace Laws Which Means You Can't Create A Back Office Area Where Smokes Is Allowed To Take Place. If We Could, Just To Be Sure That We're Clear, If This Might Read Secure Facilities Such As Water Treatment Plans, Mechanic Who Owns Staff? You Can Take Back Office Operations. What We Meant Was Secure Facilities, We're Just Trying To Use A Couple Of Examples Like A Maintenance Facility Where You're Not Inviting The Public In. And Where You Typically Have A Fence. It's Secure. The Public Is Not Coming In And Out.

Comm. Bigelow: That's An Example.

Chairman Mann: I Think Mr. Winton Said He Would Be Ok With Striking. Currently Water Treatment Plants And So That We're Not Leading. Chairman Mann: So Your Motion Would Be To Move The Item, Striking That Language. I Have A Second To That. Is There Further Discussion?

Comm. Judah: Just Again. Qualification, Administration And With Looking At The All The Ramifications And I Support This Tobacco-Free Workplace. You're Ok With The Discussion? Commissioner Bigelow. We're Just Trying To Use An Example Of A Facilities Where The Public Is Not Invited In.

Chairman Mann: No Objection, Adopt Show Nothing Objection. Chairman Mann: I Have A Motion And A Second By Judah And Manning. Ok, This Is As The Agenda Points Out In The Last Sentence Of The With What Action Accomplishes Section, The Typing Of This Project Is Critical In Relation To The New Red Sox Stadium And The Request Before Us Is To Award Better Roads Inc. My Problem Is Not So Much That We're Widening Daniel's Road For This Project, But How We're Choosing To Pay For It. It's \$1.6 Million Coming Which Is A Loan From General Fund. You Know, We've Talked A Lot Recently And In The Last Budget Hearings About Floating This Budget On The Back Of Reserve Spending In The Bigger

Problem Is Within General Fund. So This Is Robbing Those Precious Dollars For Something That I Just Haven't Supported.

Chairman Mann: Would You Like The After The To Respond To That.

Comm. Bigelow: If They Would Like To. Looks Like It's Going To Pass. I'm Just Putting Out On The Record Why I'm Not Supporting It. I Don't Necessarily Need A Response. If They Want To. I Have A Question, If I May. Let's Get An Answer To That, And Then Commissioner Manning, I'll Recognize You. No Good Morning, Commissioners. County D.O.T. The Loan Is Something That Was Set Up Some Time Ago By The Commissioners To Fund These Projects In Advance Of Us Checking The Gas Tax Or The Gas Tax Will Refund That Money Back Into That Loan Fund. Right. And, Another Way To Put It We're Using Tax Dollars To Build This Project, Because We Can't Build It Which Is The Need To Why Whose Driving The Need To Expand This Road. On This Question. Go Ahead. It's Paid Back With Gas Tax Dollars. Correct? It Would Be Paid Back With Gas Tax Dollars, That's Correct. It Allows Us To Advance The Project And That Was The Purpose Of The Loan Program To Begin With.

Chairman Mann: Commissioner Hall.

Comm. Hall: You Know, And I Appreciate Where Commissioner Bigelow Is Coming From With His Comments But Again Four Years Ago, Maybe Three And A Half Years Ago We Created Revolving Loan Program. Right Around That Same Time We Had A Lot Of Discussion About The Widening On Daniels. This Project Is Not Just For The Red Sox. I Appreciate Staff Utilizing Whatever They Want In These Blue Sheets But There's Other Property Owners Along There Who Have Petitioned This Board To Advance Daniels Road At A At A Are Sitting Waiting And Have Been Waiting For Six Years To Move Forward With Their Projects So Not Only Helps That Project, It Helps What's Going On At The Airport. It Also Helps The Two Property Owners Adjacent To The Red Sox Also Sitting There Waiting As Well. There Are A Lot Of Reasons. An This Board Long Before We Had A Discussion About The Red Sox Talked About Advancing And The Need To Advance Because Of All The Possibilities And What Was Happening More Or Less At The Airport Was Happening With Our Connection There. So, I Like How We Come Forward, But We Don't Always Come Forward With The Complete Story. And I Think Our Communication Needs To Be A Little Stronger. I Think We're Getting A Theme As We're Going Through This Meeting Today About The Full Story. I Had Like To Start Having That Dialogue Or Maybe Keeping A Bear Track Of These Conversations That We Had, Because I Know I'm Not Losing My Mind. I Have Aged A Bit Since Being Here, But These Are Very Clear Confidences, And The Red Sox Theme Was Not The Only Driving Force Behind Daniels.

Chairman Mann: Can I Have A Motion On This.

Comm. Judah: I'll Move The Item. Chairman Mann: There Was A Motion.

Comm. Judah: Just For Discussion, If I May, Commissioner Hall Was Stating, This Is A Really Critical Corridor For So Much More Than The Boston Red Sox Stadium That's Under Construction. As Commissioner Hall Indicated, We've Target Had This Particular Quarter For Some Time Now Because Of The And In Which The Developers Once The Capacity Is Provided For, To Be Able To Meet Rumors That Provide Free-Flowing Traffic. Which

Translates Into Enhanced Tax Base. It Translates To Hundreds Of Jobs. So, It Is Indeed A Job Stimulus Project. And Not To Mention That It's At The Entrance Way To A Company That We Just Recently Supported As A Board Be Our Laboratories. The Very First Anchor, Which Is Where From The Airport, You Noah Commitment The Build A Multimillion Dollar Head Quarters. Office Space. This Is The Type Of Infrastructure That Necessitates That This Board Support In Order To Reap The Huge Benefits Of Diversifying Our Economy And Advancing The Tax Base?

Commissioner Bigelow. No It's A Grab Out Of General Fund Reserves And We're Going To Need That Money For Much Bigger Issues.

Chairman Mann: All In Favor Of This Motion Say Aye. Opposed? Show Commissioner Bigelow Objecting. Motion Passes. Thank You, Commissioner Bigelow, Item 16-B, Was It.

Comm. Bigelow: Thank You, This Is To Request The Board Approve A Budget Transfer. Let Me Move The Item.

Chairman Mann: I Have A Motion And A Second. Second By Commissioner Judah.  
Comm. Bigelow: This Is A Year-End Closeout To Make The Sheriffs Budget Compliant, I Suppose. But In This Item It's Not Pointed Out For His Benefit That This Is \$2.5 Million Where The Sheriff Is Not Spending And It's Coming Back To General Fund, Right? So We're Good. Appreciate That, Chair.

Chairman Mann: Further Discussion On It? Is There Objection? Show It As Adopted Without Objection. And I Have Pulled 3-A. Just To Once Again Express My Concern About Constructing This Project At This Time. I've Long Expressed My Concern. It Wasn't Needed Now, But The Majority By Far Has Accepted This As We've Moved Along, So, I'll Take A Motion.

Comm. Judah: So Moved.

Chairman Mann: Second By Commissioner Manning. Any Further Discussions.

Comm. Judah: Finally Get Out Of The Dark Ages And Build A First-Class Emergency Center.

Chairman Mann: Thank You For Those Comments.

Comm. Bigelow: Discussion.

Chairman Mann: I'm Sorry.

Comm. Bigelow: Could We Have Mr. Wilson Come Up? And I Expected You Would Pull This Because There's A Particular Problem I'm Having Here With This. This Is Different Than When I First Saw It. This Is A Change In The Fee. It's Moving Up By Can You Explain What The Fee Is Doing. John Wilson. No, Sir, I Can't. Perhaps Amy Can. Originally We Did Have A 4.9% Fee. This Speaking With Our C.M., We Had Recognized That They Were In Their Calculations Had Added C.M.P.S To Cover The General Conditions Which We Do Not Allow. So, We Went Back And Spoke To Them, And The 4.95%, Which Is Roughly \$6,000 Over

Where We Were. Does That Mean The Total Project Has Increased In Its Total Cost? Does That Mean That The Total Project Has Increased Over The Previous Amounts That We Thought? The Total Project Cost, Higher Than Previously Approved By The Board? It's A Guaranteed Maximum Price. Now Dan Cruz Speaking. For The Record, Daniel Cruz With Construction And Design. This Is The First Time You've Seen The Guaranteed Maximum Prize, An Increase To The Price. However It's Been The Project Budget.

Comm. Bigelow: We Saw A Price Previous In April Of This Year. Those Figures When Provided To You Are Estimates Of The Project Only For The Purpose Of Calculating The Preconstruction Fee. The Actually Guaranteed Maximum Price Isn't Brought Until Later When We Have The Bids.

Comm. Bigelow: That's What We're Look At Today. But Previously The Price We An Proved In April Versus This Price. Estimate Versus Actually. Is It An Increase? I Don't Have The Estimated Figures I Guess It Would Be An Increase Over What We Stated Previously, But Again, Those Are Estimates Simply For The Purpose Of Calculating The Preconstruction Fee.

We Don't Have In Order To Get Started We Have To Pay The Construction Manager, But At That Time We Don't Have The Price Of The Project Yet. An Estimate Is Prepared Based On What We Know, And Then It's Adjusted The At The Time Of The G.M.P.

Comm. Bigelow: Well, I See It As A Prices Escalation So, I'm Not Going To Support It. Can Change Of Position From A Previous One, Where We Had I Think A Four-Body Commissioner At The Time. It Passed 3-1. But I'm Not Supporting This Habit.

Chairman Mann: Is There Further Discussion On It? Now I Will Call For A Vote On The Motion All In Favor Say Aye. Opposed Show It Passing 3-2 With Commissioners Mann And Bigelow Opposing. Now Are We Prepared For The Administrative Agenda?

Comm. Hall: I Would Think So.

Chairman Mann: Let's Jump Right On It. Thank You To Everyone For Your Patience This Morning. Are There Questions On The Status Of Our. Commissioner Judah.

Comm. Judah: I'll All In Favor Of The Potential You Brought To Our Attention Ant Bring Hug In An Artist And Creating Something That We Can Be Proud Of. But I'm Not In Favor Of Whatever Is Carved And Created At The Specific Location Where That Tree Currently Sits. It May Be That We Need To Freeway Flexibility, That To Have A Tree Providing Shade Which Is Current Tree Used To Sit All These Years, That Gets Created By The Artist To Some Other Part Of That Area. But I Don't Know If That's The Exact Location Where We Need This Pose Of Work This, Piece Of Art. I Want To Make Sure We Have Flexibility, Because I Think There's No Question This Piece Of Art Work Will Compliment The Courtyard. I Want To Make Sure We're Not Wedded To That Specific Site. Chairman Mann: Since I Worked With Miss Schwartz Ad Nauseam Trying To Bring This In For A Landing, And We've Had All Kinds Of Difficulties Doing That. Part Of I Don't Think What We're Proving If We Move This Today That Would Conclude What You're Suggesting. With You If You Look At That, The Existing The One That's Going To Have To Come Down, It Is Already Seriously Competing With The Banyan Tree, And What This Suggests, And We've Some Nice Folks Willing To Donate A Substantially Large Oak Tree That Will Be Planted, If You're Look Out The Front Door Of The Courthouse, Planted On The Right And Would Balance The Banyan

Tree In The Years Come, And Leaving The Statuary In The Center. What You Would Be Approving Would Be To Be That Second Tree, Which I'm Suggesting Is Really Would Be Well Balanced And Not Compete As They Both Continue To Grow. And That's Why The Thought Was To Use The Existing Trauma Because It Could Remain For The Construction I've Seen The Eagles, I Thought Was A Great Idea. Does That Help As Far As The Balance? Comm. Judah: If I Could As Soon As It's Understood That There's Flexibility Once We Have A Definitive Understanding Of The Space We're Work With, And The Way In Which The Shade Will Balance Out With The Piece Of Art That We Have That Flexibility To Move This Piece Of Art If That's What We Desire. I Don't Want To Again By Going Through This With This Item That Item Going To Be Right There, Because I'm Not Convinced Yet That's The Appropriate Location.

Chairman Mann: Commissioner Hall.

Comm. Hall: This Board Made A Motion And We Directed Staff To Do A Design Out There Of Natural Vegetation. After The Sidewalks. There Was A Motion And Something Passed, Unless We Make Another Motion To Throw Away Not Looking At That Front Area, How It Would Blend In, How We Can Use Our Front Entrance. The New Tree Ticket Old Tree, I Would Just Like A Design To See How It Works Together. I'm Not Ready To Plop A Measuring Time Down, Without Seeing How The Mole Thing Works Together. I Would Like To See It All Too, So I'm Still, I'm Sure The Tree Issues Has Probably Stopped That Process But We Asked To Have A Design Done. The Construction Has Been Over For A Year And A Half. I Don't See A Design When The Tree Came Down. So Great, All For This, But Not Planting Anything Moving Anything Until We See Whole Design. That Was Our Motion. You Can Perhaps Comment On Our Arborist Suggestion That The New Tree On The Sign There. Our Last Direction Was To Go Out With The Bid To See. One Of The Concerns We Had About Moving The Tree And It Was Just A Conversation, Was That Its A Very Heavy Tree. And We Have To Bring In A Crane. If There Was Going To Be An Art Design And Then That Needed To Be Moved. We Talked About Potential Of Bringing In The New Downtown Library. But It Was All Surround With The Cost Associated With Doing That. So This Was The Least Expensive Option, Was To Carve It In Place. And Then Balance It With Replacing A Tree. The Tree Next To It. So That Was The Offer. It Went Out To Bid. The Three That Were Received Went To The Committee. The Committee Discussed It And This Is What The Citizens Committee Had Suggested.

Chairman Mann: And Also Had The Backing Of Joe Our Arborist Sparse The Location Of The New Tree Commissioner Just. Because Of The Conflict With The Banyan Tree. They Seemed To Be On Thought On That Particular Issue, To Where The New Tree Would Be Placed.

Commissioner Hall? Comm. Hall: I Don't See Rush To Put The New Tree In. At Once New Tree Has To Be Moved, And I Don't Understand Why We Can't Look And Finish What We Started That This Board Voted To Do And Have It As Part Of The Complete Design Of What We're Doing Out Front There.

Chairman Mann: Aunt Rendering.

Comm. Hall: No, I Want The Plan. There Is A Plan, This Board Made A Motion And Passed To Do A Plan. Commissioner Bigelow You Were Very Excite About This. Commissioner Judah, Very Excited About This Because We're Inviting Native Vegetation. Where We Can

Highlight Native Vegetation And Let's Clean Up This Front Area. Let's Make It People Friendly. The Construction Happened, We Delayed. But Unless We Want To Take Back That Motion, That's What I'm Waiting On. I Don't Want To Just Start Popping A Tree Here One Are The, Let's Do This Over Here Million We See That Design. I'm Looking For The Design. I Want To See, Are We Going To Tear Up All That Concrete? Are We Going To Allow Seeding In There? With We Have Monuments Here That Can't Be Moved. They Have To Be Incorporate Into That. We Want To Make Sure There's Shade. I Think They Need To Come In Where We See How They All Fit Together And That Will Address The Piece Of Art And How It Fit Into The Whole Design That We Have. I'm Comfortable Moves Or The Ward With The Committee's Recommendation But I'm Not Comfortable Plopping An Oak Tree Down Where Someone Kind Of Eye Balls It.

Chairman Mann: I Think We Can Bring Everyone A Except For The Part One, If You Look At The Top Of This Requested Motion, We Need To Do That Part To Get The Right Artist An Opportunity To Participate Here Through Whatever We've Done. Somehow We Already Ex-Clued.

Comm. Hall: I'm Make That Motion To Move Forward With The Community Recommendation.

Chairman Mann: Item One I Know We Have A Plan That She Has Been Referring To. If We Can Make A Plan Of What That Is. We Can Bring An Update To The Plan. Our Other Concern Is The Safety Right Now Of The Canopy. I'll Make My Motion Because It's Been A Big Issue That I Think Moves Right In Here. I Don't Have A Problem With Them. The Specific 25 Feet Might Be 27 Or 28. Our Arborist Has Already Marked That. And Knows Where It Is. So The Trimming Is Part Of This. And The Part 1 Is A Part Of This. So We'll Go Back Out And We Will Also Parallel To That Update The Overall Plan, And Bring That Back To The Board All Together. Great. Chairman Mann: Sounds Good. We Were Cautious On The Dollars, That's Why We Were Doing This Step By Step. Yeah, I Commend Staff, So Far Everything Here Is Being Donated And That's Wonderful. So I Think We Understand That We're Going To Trim Tree And Reopen The Interest For Other Artists To Participate. That Is The Motion At This Point And Made By Commissioner Hall. Seconded By Commissioner Judah. Is There Objection? Show It Adopted. Now, We Are On 3-A.

Comm. Judah: Move Item 3-A.

Comm. Hall: Second.

Chairman Mann: I Have A Motion And A Second. Does Anyone Have Any Questions? Is There Any Discussion? No Further Decision.

Comm. Bigelow: I'm Going To Discuss, Quickly. This Is The Manager Agreement For The Red Sox Stadium, And You Know, I Was Hoping To See A Budget In '08, And They Agreed That No Budget Was Necessary And Why Would The Red Sox Need A Budget Because We're Paying For It. We Haven't Seen A Budget Where We Will Be Striking That From The Job Development Agreement. Now I Condition Get A Budget Because If We Developed A Budget And It Was Tag At 75. Thank You.

Chairman Mann: Can We Plug The Number In Yet On Item B? Look At The Blue Sheet. Top Third. Where We Have The Blank I Thought That Was The Number We Had Pretty Well Come In. 2.8 Million. It's On This Recap Sheet. That Was Part Of The Recap We Adopted. Commissioner Big Low. On A Specific Number.

Comm. Bigelow: What Are They Going To Do? Tell Me That We're Over Budget Some.

Chairman Mann: I Had Been Brief On It And Was Ok. For Clarification, People That Are Listening And Watching, Jim, If You Could Elaborate On The Benefit Of Lee County Being Eligible, And I Appreciate Commissioner Hall Really Champion The Opportunity That Lee County Expense Was The Economic Recovery Bonds To Receive 3.6% Which Is Just Full. Might Have Been Able To Obtain That Kind Of Rate In Today's Market. We Just Had A Narrow Window Of Opportunity. And The Overall Monetary Benefits That Gives Lee County With Regard To The Construction Costs Of The Stadium, Far Outweigh The \$8 Million. Some Of That 2.8 Million, Being Attribute To Believe The Davis Bacon Act, Will Be Required Because Of The Federal Bonds Of Paying Federal Standard Salaries. I'm Required Salaries For The Construction Workers At The Site. I Just Think For The Purpose Of Getting It Clear On The Record For Those That Will Again Watching Listening In, That That Needs To Be Explained And That Also, Jim. You All Came Up With An Estimate Of 75 Million, Seems Like Lamb A Year Ago If Not Longer. We've Done Well Even With The Jason Inquiry.

Chairman Mann: Perhaps You Mind End Your Question With Would You Believe Everything That You've Just Said, And Then He Could Answer It Very Quickly, Because I Think We Have To Pass A Motion. Just Like To Clarify One Thing And That Is That Three Years Ago The Estimated Yield Of A Proposed Tax Adjustment Totaled \$75 Million, That Became The Budget. So We've Been Working All These Last Three Years To Conform The Project To What The Bonds Would Yield. Three Years Ago We Had A Number Of Sites, 16, 17, 19 Sites That Were Proposed From An Advertising Ranging From Zero Dollars To \$338 Million. Was The \$20 Million Site. We Picked A Site That Would Keep Us On Schedule And Would And That Would Factor Into What The Stadium And Project Would Cost, And You Have A Basic Breakdown In The Backup That Shows The Soft Cost, Hard Cost And Basically A Basic Budget Right There. At The Same Time, You Also Had A Contractual Arrangement With The Red Sox That Established A Program. Worked Together To Modify That Program To Conform It To The Remaining Budget Dollars, And That's What We Have Done All But \$2 Million. Because We Simply Run The Risk Of You Know, The Program Is As Bare Bones As It Can Be With The Flexibility Of The Red Sox And Still Meet The Intent Of Our Original Contract With Them. And The Davis Bacon Requirement Is More Than Offset By The Savings And Interest By Taking That Classification Of Funding From The Federal Government. And That's It In A Nutshell. If I May, Suggest That No One Has Questioned The Economic Benefits That Are Going To Come From This Project, And Now That Vertically All Of The Cost Of This Project Is Going To Be Based By Our Tourists That Come Here. This Project Has Now Taken Certain Aerodynamics, I Would Also Add That The Red Sox Organization Has Been Helpful In Scaling Back Certain Portions Of The Design To Keep It Within The Budget That We're Trying To Bring It In For A Lanning At. So, With That I Hope We Can Move On This Item. Further Discussion Quickly? That Is On The Last Weeks Of October Of 2008.

It Was Just Before General Election, We Were Given At 4: 58 P.M. On A Monday, The Development Agreement To Be Considered An Adopted At The Next Board Meeting, The

Next Day's Board Meeting 9: 30 A.M. We've Adopted And Agreed To The Build This Thing For The Red Sox, Without A Dollar Amount Attached To It.

Comm. Hall: We Must Be Getting Different Information.

Comm. Bigelow: I Read It, And It Said By December, We Would Have A Budget, And We Didn't Have A Budget. So We Approved It Without Dollar Amount. It Was A Gaping Wound For Me For A Lot Of Reasons. The Public Was Very Unaware Of What It Is We Were Considering Or Putting On The Back Of Our Unincorporated Taxpayers Backs. And I've Not Been Happy About It From Day One. Nothing About This Has Been Making Me Any Happier. Every Time I Look At This Issue Again, It's More Salt In The Wound. And Not A Single Other Issue Discussed On The Campaign Trail Is More Unpopular Than That Single Issue. If I'm The Only One, So Be It. I'm Just Going To Pass Along And That's Fine. I Just Want To Make Sure It's Understood That This Is Over Budget And We Were Never Give An Budget And I Think It's A Point That Needs To Be Made.

Chairman Mann: Commissioner Hall.

Comm. Hall: I'm Sorry If It's Disdain To Make A Comment, But I Think Because Of The Record, We Have Media Here, We Have A Lot Of Citizens, We've Been Given A Budget Every Process The Through This. We Have A Budget And We Have An Architect And Engineering Budget. There Was Estimates In There, We Can't Have A Real Budget Until We Go Out To Bid. We've Had Estimates On This Project Every Step Of The Way. I Don't Understand What Kind Of A Budget You Were Trying To Ascertain, Because We Have Had Estimates All Along And Breakdowns Of That Estimate Through Every Aspect Of This Project. We Very Clearly Try To As Jim Said, 75 Million Have Seen The Cap As Much As Possible. Knowing That Give Or Take, Which Are Within 3%, Give Or Take When We Go Do Bid We Don't Know It Was Going To Happen In The Economy. God For Bid We Had Everyone Back And Work And Things Were Booming Again And Costs Of Construction Would Have Tripled Like They Did In The Early 2000s But They Didn't. Yes, We Have Different Numbers Come In All Along Through Estimations. But, You Know, Commissioner You're A Planner. You've Done Construction Management. I Don't Understand How You Can't Understands We Can't Have A Hard Budget Until We Actually Go Out To Bid, And They've Been Working Based On Square Footages And Costs All Through This Process And They're Been Giving Us Those Numbers. So Is Your Office Not Getting Them?

Chairman Mann: We Now Have Exceeded I Think Our Two Bites At This Amount. We Have A Motion.

Comm. Bigelow: I'll Be A Gentlemen And Let Her Have The Last Word.

Chairman Mann: Is There Further Discussion? No, There Is Not. Objection To The Motion? There Is One Objection. Show Commissioner Bigelow Objecting, Now We're On This Item 14-A. And This Is The One That Is Requested By Mr. Moore That We Continue And The Item I Need, The Way We Need To Have This Item Handled Is I Will Need A Motion To For Us To Take Up This Item At A Special Meeting To Be Held On Tuesday, December 21st This These Chambers At 9: 30 To Hear This Continued Item. Motion By Commissioner Hall. Second By Commissioner Manning. Discussion?

Comm. Manning: Is It Ok If I Call In? I Will Be 1500 Miles From Here.

Chairman Mann: You Can Call In Commissioner, But Your Vote Wouldn't Count Based On The Quorum. Typically You Have To Have Physical Infirmly. You're Welcome To Call In And Listen But I Would Suggest You Not Vote.

Comm. Manning: Ok Health Care Can We Double Check That, Next Thursday. Bill Here. There Would Be Three.

Comm. Bigelow: So Sounds Like You've Got Your Quorum. So Commissioner Manning And I Can Call In? You May If You Wish.

Comm. Bigelow: How Is It Commissioner Janes Could Call In? Because He's Under Care And Had Difficulty In Coming To And Back To The Board Meetings And That's Why We Set Up Over A Period Of Time The Ability For Him To Be Able To Call In And Participate In A Meeting. But Each One Of Those Meetings That He Participated In -- I'm Sorry, Please Go Ahead. You Have To Have Like An Acceptable Excuse To Participate By The Telephone. You Have To Have An Excuse That Is Respectable To The Law With Respect To The Public Meetings Of The County, And Right Now, That The Attorney General.

Comm. Bigelow: I Don't Want To Drag This Out.

Chairman Mann: We Have A Quorum That's Going To Be Here That's All You Need. What's Important As I Recall That Discussion Before. You Had Proud Us With The Samples Of Case Law Where We Had Used The Call-In Thing. But His Legal Opinion To Us Today Is Call-In Will Not Be Available For The Purpose Of Voting, But We Will Have A Quorum That Appears Will Be Here. And We Have A Motion In The Second To Continue This For One Week. We'll See You Next Week. Is There Objection To That? Hear Nothing Objection, Show It Adopted Unanimously. Now Moving Right Along.

Chairman Mann: Item 14-B.

Comm. Hall: C. Oh, B.

Chairman Mann: I Have A Motion And Second For A \$12 Million Bond. Is There Any Questions On It? Any Discussion On It? Is There Objection To It? Show It Adopted Without Objection. And Now, The. Mr. Chairman Before We Take Up 14-C, I Will Ask The Board If You Would Please Call Up Consent 14-B Which We Moved To The Administrative Agenda Which Is Also A Part Of The Red Sox Issues Before You, And That Is The Infrastructure Development Agreement. Mechanic Did We Not Handle That Properly. When We Took It Up On The Agenda Cap You Moved It To The Administrative Agenda. I Would Ask That You Call It Up On The Administrative Agenda And Then Vote On It. Yes, Sir.

Chairman Mann: Motion By Commissioner Hall, Seconded By Commissioner Manning.

Comm. Bigelow: This Is The One That Strikes The Budget The Requirement For A Budget I'm Not Going To Support This. Let's Go.

Comm. Judah: Just To Mike Sure. If I Could. This Is A Partnership With The Red Sox. They're Going To Pay Their Fair Of The Infrastructure. The Money Is Coming Our Way In

This Particular Agreement. What We're Doing Is We're Installing All Of The Common Infrastructure Parcel And Their Parcels And They Will Be Paying For That Labor And Those Materials To Put That In All At One Time.

Chairman Mann: Can We Vote On The Issue? Further Discussion? Objection? Show It Adopted.

One Objection, Commissioner Bigelow.

And Now, Are We On 14-C. Mr. Owen On Your Last Official Meeting With Us, Do Your Duty.

Comm. Bigelow: I Was Just Suggesting If You Like To Take That Last Administrative Item Before This, Because This Is Going To Take Some Time.

Chairman Mann: Are There People Here On That Item. On The Icon, Last Settlement.

Comm. Hall: I'll Just Move It.

Chairman Mann: I Think That's A Good Suggestion. The Item Is. Comm. Hall: 14-D.

Chairman Mann: 14-D, It's The Icon Settlement Offer. I Have A Motion By Commissioner Hall. Second By Commissioner Manning. Considered Adopted Without Objection. Is There Objection Is? None. So Now We're Back To And Thank You Commissioner Big Low For That Suggestion. We Have A Short Public Hearing Before You Get To That.

Chairman Mann: I'm Not Going To Make Mr. Ruff Sit Through, Can We Take Him Up At This Time.

Comm. Hall: Sure. I'm Not Going To Take That Long Commissioner. Chairman Mann: Let's Declare A Break In The Action And A Modification For The Purpose Of Taking A Public Hearing. Mr. Ruff.

Comm. Hall: Mr. Ruff Is Here. We Also Have A Public Hearing That Is Scheduled On Your Agenda For This Morning.

Chairman Mann: Ammending The Lee Plan For The 2010 Plan For The Improvement. That Was After Mr. Owen's Retirement. Adopt An Ordinance, To The Improvements Element.

Comm. Manning: So Moved, Mr. Chairman. Good Morning, Commissioners. Donna Marie, Assistant County Attorney. I Have Before He The Application For This Morning's Hearing. It Is An Or Minutes The Intended To Amend The Lead Plan To Update The Capital Improvement Element. This Can Incur Outside The Regular Cycle. It Has To Occur And The Capital Improvement Program. The Affidavit Of Publication Is Established And I Enter It Into The Record At This Time.

Comm. Hall: So Moved. One More Point I Would Like To Make On The Record, Pursuant To Florida Statutes, Member Of The Public In Attendance This Morning, We Wish To Receive An Advanced Notice From Pca, To Publish May Complete The Sign-In Form At The Rear Of The Change Bears. Other Members Of The Public Like To Be Heard On This Item? Back To The Board As Put Can I Hear From This Gentlemen.

Comm. Hall: You Can Just Take It.

Chairman Mann: And Any Others Who May Want To Speak. Now Mr. Ruff. Yes. We Appreciate The Party's Patience. Good Morning, Mr. Chairman. And Commissioners. I Hate To Be A Nuisance, But, My Name Is Ed Ruff And We Own Deep Blue Marina, My Goal To Try To Convince You Reduce The Impact Fees For Roads. They're Quite High. Several Years Ago 2000 Made A Decision To Triple The Impact Fees For Roads Because Of The County Growth. It Was A Good Decision. But I Think The Opposite Is True Today In The Economy Is Such That We Out Here In The Development World, In The Business World Own Property, We Need Every Bit Of Help We Can Get From The County Commission. And One Way You Can Help Is To Reduce The Impact Fees. You Made A Decision L.A. Week. We Don't Have Six Or Seven Months. We Really Need To Do Take Action Today. In Every Way We Can To Get Construction Under Way. To Get Jobs Created, And Put People Back To Work In This County. There's Thousands Of People Out There That Are Looking For Very Few Jobs. We're Going To Create With You Are Project This Coming Year With Construction, Probably 40 Or 50 Or 60 Jobs Over The Period Of The Year. Plus, 30 Or 40 Companies Will Sign Contracts And Do Work With Us. Those Companies Need That Work. And Then When We're Done And Sales And Service Center, There Will Be At Least 100 New Jobs Created In 2012 With Those Projects. And Those Are The Kinds Of Things We Need To Accomplish Out Here In The In The World That I Live In. So, The Way You Can Help Is To Taking The Back Fees Back To The Preboom Time Level. Which Was About A Third Of What They Are Now. So, Thanks Very Much Or The Listening To Me And I'll Look Forward To Maybe Hearing You Discuss This Further And Instead Of Waiting For The Study. Chairman Mann: Thank You For Your Patience This Morning. You Were Here When We Had Directed Staff To Speed This Study Up As We Hear You And We've Heard From Other Men Of The Industry. So We Hope They Can Exceed Impact Fee Structure. When A Study Gets Done, It Tells You What We Pretty Much Already Know Often, And, Many This Particular Case We Know The Road Construction Costs Are Half, At Least Of What They Used To Be Mechanic Thank You For Being Back With Us Again. I'll Be Back. I Think We've Exceeded The Time Available Here And Stretch It As Far As We Can. And Now I Don't Know How Long This Will Take, But We're Going To Do It In Fairness. Mr. Owen, And Then Your Own Comments About This Case. Good Morning Mr. Chairman, Commissioners. May I Approach?

Chairman Mann: Certainly. You Have A Job Until January 3rd.

Chairman Mann: Have You Shared This With On The Huether Party? That's Mr. Bowman's E-Mail.

Chairman Mann: Oh, Ok. Mr. Chairman, I Would Certainly Do That. Good Morning Commissioner. David Owens, County Attorney's Office. Commissioners, You Had The Opportunity To Hear From The Potential Plaintiff In This Case. A Number Of Local Bar Members. The Real Estate Industry All Of Whom I Know Personally, Or Whom I Think Are Fine Have Is And I Have Done Business With All Of Them In The Past Or In One Form Or Another. What I Put In Front Of You, Is What's In Front Of You Today For A Decision. And That Is Whether Or Not To Buy The Huether's Property For An Appraised Values Back In 2006. The Document I Gave You, Sent It Electrically, But I Wanted To Give It To You This Morning To Make Sure What We Have, Mr. Bowman Has Requested To Be In Front Of You With Respect To The Offer Of Settlement In A Potentially File A Lawsuit. If You Era It In The Box, I Mean, That's The Tex Claim. I Will Read It Into The Record And I Will Give A Copy To

The Clerk For Incorporation For The Minutes. What Mr. Bowman Asked Back On December 6th, The Board Considered The Following. Tex Will Convey The Entire Property As Identified In March 2009 Appraisal. For Evaluation Purposes, It Was To Be Utilized By The County And The Condemnation Of Tex Property. That's The Eminent Do Main We Field For Some Drainage Rights An Easements On The East Side Of The Ex's Property. Tex Will Agree To The As-1 Value And Lee County Appraisal Of \$8 Million And That's Full Ital Temperature Of All The Tex Claims. All Property I've Set Up And Appraised In The As-1 Condition. Tex Will Convey The Property, Which Tex Receive At The Closing, In March Of 2005. A Copy Which Has Been Previously Provided To The County. We Have That. Tex Will Close Within 30 Days, Additionally Will Be Responsible To Satisfy Any Financial Incumbency. That's The Offer. That's An Offer Of Settlement. That's An Formal Offer Of Settlement Made To This Board From Mr. Bowman's Client To Your Client. To Bring This To You To Consider The Whether Up To Settle In These Terms Or Conditions Or You Don't. Let Me Tell You What You Can Co. You Can Settle A Case For This Offer. Brought In Some Folks This Morning And Told You What Their Theory Of The Case Is. What Their Issues Are With Respect To The Backs Of The Property. That Their Conclusions With Respect To The Damage To The Property Rising To The Level Of Buying The Entire Property. For The Damage That Lee County Is Alleged To Have Done. I Have To Act Right Now As A Good Defense Council For You In This Matter. The Claims Have Not Been Raised In A Suit. They Have Been Brought To You. Some Of You Know More About This Case Than I Do In Your Proceedings. But As A Defense Counsel, Without Having The Benefit Of Going Through Some Of The Processes With Respect To Vetting, Claims, Allegations, Limitations Of Damages Without Raising Defenses. That You May Have Available To You, Then I Would Caution You With Respect To Going Forward With The Proposal As Its Given To You Today. In This Particular Case, You May Have The Opportunity To Over Settle The Case By Buying The Entire Property. Now At This Point We Are All Discussing Theories, Of The Case. We Are Rook At Facts That Are Being Presented To You By The Plaintiff. I'm Not Here To Try The Case. I Haven't Tried A Case In 15 Years. I'm Not Here To Bring Forth Any The Testimony And Defense, Because I Feel That This Is The Wrong Forum To Do That. Now This Is An Open Public Forum. It's A Fine Place To Bring A Settlement Agreement Typically In Private Matters. Discussions Between The Appears Are Held Discreetly. Usually In Confidence. Between Law Officers And Clients. Offers Go Back And Forth. In Our Case We Do It Differently. We Do It In An Open And Public Forum And Express Their Opinions Of The Case, Give Their Thoughts With Respect To The Case Without The Benefit Of Going Through Legal Processes. Such As Discovery, Such Is As Sessions, Such Decisions, Such As Pretrial Hearings. So You See Where Your Liabilities.

The Plaintiff Obviously Feels That We Have Wronged Them To The Degree That We Owe The Plaintiff The If Full Value Of The Property. Not The Price When He Bought It, But At The Full Value Of The 8.9 Million He's Willing To Offer To You In Order To Settling The Matter. My Issue Simply Commissioners, Is That You Be Cautious With Respect To Settling A Pretrial Matter Without Having Some Ben Get Of Having Those Issues. Now, I Know We Had E-Mails, We Have A Number Of Things Out There That Have Been Brought To My Attention, And Taking A Real Caution Approach Because I Don't Know To See This Commission Settle An Issue To More Than What Might Be The County's Actually Liable. We're Discussing Theories Are Of Cases With You, Which Quite Candidly I Don't Like To Do In An Open Public Forum Such As This. But This Is The Only Way I Can Discuss It With You. I'm Not As Comfortable With The Issues And The Arguments That Have Been Brought Forth By Tex Development, That You Out To Settle This Matter For The \$8.9 Million Here Today. It's My Last Day At Work With You In A Formal Setting It Would Be Easy For Me To Stand

Up Here And Say, It Looks Good. Wall All Go Home And Have Happy Christmas. I Can't Do That Commissioners. I Have To Be Somewhat Circumspect In What I Tell You Because Everything That I Say With Reason To This Particular Matter, Is Going To End Up On A Large Screen Television In A Courtroom Somewhere Whether It's The Federal Courthouse Or The State Courthouse Across The Street. Until We Have The Opportunity, We As Your Lawyers, To Look At What Claims Are Being Made And How They're Styled, It's Difficult For Me To Advise You As To Whether Or Not You Should Be Looking At Settling It Here Today. Mr. Bowman Mentioned In 1983 Claim, A Federal Claims. I Would Love To Have The Opportunity To Look At Those Before You Make A Decision On Settling The Case To, See What The Theories Have Behind Those Claims. What The Issues Are. The Problem With Doing This Right Now Is You Don't Have A Whole Lot, And I Don't Have A Whole Lot To Give You By Way Of Advice With Respect To How To Defend On This Case, Until Development Is Telling You Ref A Good Case. I Think That's Good Plaintiff Attorney Presentations Here Today. But For My Part, I Question It. I Question It Seriously There Are A Number Of Things That Have Been Not Be Raised Yet With This. And Probably Can't Be Until We Get A Feel For What The Lawsuit Would Be Like If Tex Development Will Continue With Doing That. If That's Their Position Now. It Sounded Firm That The Board Did Not Go Forward Today That They Would File Suit, In Having Discussions With Them, I Think That's Probably True. I'm Not An Advocate Of Entertaining Lawsuits But In This Particular Case Until We Can Get A Handle On What The County's Liability Truly Is It's Difficult For Know Give You Advice That Would Be To Go Ahead And Go Forward With The Settlement That They're Putting On The Table. Now It's That Simple, Commissioners. I'm Suggesting That Today's Action By The Board Should Be Thank You, But No Thank You. Tex Development, We Will Like To Have A Better Idea Of What Is Out There With Respect To Liability For The County. Part Of This Is Are Resting On What I Would Call Imputed Liability. From Our Contractor. There Are Things That Get Involved With That, Because In A Contractual Relationship, Particularly The One That We Have. It's Not County Employees They Have Terminated Us In That Contract. We Are A Name Insured On Their Insurance Policies. They Would Be Defending Us In That Insurance Companies Would Be The Ones That Would Be Responsible For That Damage. This Is A Very Complicated Matter, Commissioners. I'm Having A Tough Time Getting A Real Good Handle On It, Even After The Discussion I've Had Through The Summer And Up Till Now It's One Worthy Of Having More Than Just The Good Members Of The Local Bar And The Real Estate Profession To Come In And Give You Their Opinions As To What The County Did Or Did Not Do. One Of The Few Times When I Would Better Course Would Be Not To Accept This Settlement. And The First One To Bring Settlements To You. I Think Sell. S Are The Right Way To Go. Usually There Is A Lot More On The Front End By Way Of Analysis With Respect To My Lawyers, Before We Do That, There Are Processes In Place That I Think Are Important And We're Skipping A Big One In This Case, In That Goes Forward Today Without Having Some Of Those Issued Vetted. Now I've Said My Peace.

Chairman Mann: On Our Blue Sheet We Have Three Possible Actions That We Can Entertain. Someone To Consider The Prelawsuit Offer Settlement Which Has Been Explained To Us This Morning. And You Have Just Have Explained That's The \$8.9 Million Approximately, With Which We Would Receive The Land As Well. We Could Also Consider Any Counter Offer We Will Like To Make In Lieu Of That, Or The Third One, And I Think That's One That You're Suggesting To Us Mr. Owen, That We Will Simply Reject The Settlement Offer. And That We Will Have More Information With Which To Make A Decision At A Later Date. Even Though A Lawsuit Gets Filed, There Is Always Opportunities Through

Settlement, Up Until Where You Sit A Jury. A Plaintiff And Defendant Can Get Together And Settle It. I'm Sure We're Pretty Much Aware Of That. Let Me Recognize Commissioner Judah And Any Other Commissioners For Questions To Mr. Owen.

Comm. Judah: The Letter That I Had To Text The Element But Will Satisfy Any Mortgages. Does It Include Attorney's Fees? With This Settlement Offer. It Didn't Say That.

Comm. Judah: It Doesn't, But I'm Asking.

Chairman Mann: Save That, And We'll Get It Answered.

Comm. Judah: The Reason I'm Asking, Mr. Chairman, Is Over The Years And In Various Instances And Circumstances, We Have Decided As A Word To Hold A Special Session. An Executive Session Where We Can The Actually Sit Down And Ask The Important Questions That Need To Be Asked, So That We're Fully Informed As To All The Ramifications Of Whatever Decision Is Made. And I Would Send That Instead Of Trying To Discuss It Today Openly, When We May End Up In Court, That I Think It Would Be Helpful For This Board To Have An Executive Session. Having Said That, I Think It's Also Important That In An Executive Setting, We Need To Know If We Got With This Settlement Offer, What Options Do We Have With Regard Other Stake Holders In This Matter.

Opposing. Syntex No There's Four Parties In This. I Will Like To Have That Kind Of Believing My Clients, With The County Attorney's. Let Me Ask Mr. Owens To Express On The Record In Case We Were To Entertain Such A Motion To Go On An Executive Session The Nature Of That And Thousand That Works. No Typically The Attorney Calls An Executive Session And We Can Do That. What You Typically Do Is Set A Time For It At One Of Your Regular Meetings. What We've Done In The Past Is You Schedule It Before. You Come In, Convene To The East Room Or The Lee Room With A Court Reporter, And Then Sit Down And You Can Have The County Manager And Your Attorneys Pretty Much, What Its Limits Are By Law, And Discuss Settlements, Offers Of Cases. I Have Not Done One Since We Had A Session Just Prior To The Final Resolution Of The Lawsuit For The Development Of The New Sanibel Bridges Projects. And Came Up With The Last Points That The Board Was Seeking With Respect To The Settlement, And Settled Shortly After That. Once You've Finished With The Session You Come Back Into Regular Session, And Declare Everybody Just Stop At That On It. The Direction Is Given In The Executive Session. Item Not Discussed In Public, But It Is Recorded By A Court Reporter, The Reporter Typically Hangs On To That,, If The Case Is Settled Or However The Matter Is Disposed Of.

Chairman Mann: Let Me Add On That There's Two Purposes Here. One Is For The Public, And In Knowing What Goes On, And Also For The Public So That In An Executive Session, We Can Discussion The Good, The Bad, The Ugly. Our But We Don't Have To Expose Our Points To The World, But Once We Come To Some Conclusion, Then Everything That Was Stayed In That Executive Session Is Made Public. That's What I Just Said. But It Allows The Commissioner To Lee In Private Momentarily To Discuss Our Various Options Before I Send It Back To Commissioner Judah.

Comm. Judah: Even David's Comments, I Believe We All Recognize. These Are Good, Decent Honest People. And Whether Or Not It Rises To The Level Of The Compensation Being Requested, Need To Be Certain At This Time. I'm Fairly Familiar, You And I Can Have

That Dialogue Today. I Think It Would Be More Telephone Than Holding The Case Here, We'll Only Have Special Session And It's The Decision We Made.

Comm. Hall: Commissioner Manning Has Questions.

Comm. Manning: I Too Agree This Is Not Probably The Proper Venue To Ask Those Questions And Get Them Answered. I Will Be Happy To Do That If We Decide Collectively. One Of My Questions David, Would It Be Helpful On Both Parties To Have An Ex-Me Died Minding Arbitration, Whatever You Want To Call It And Set An Ultimate Settlement If One Can Be Achieved In A Very Short Period Of Time. I've Gone Through Quite A Bit Of Information And This Is Only A Third Of It. And I'm Fairly Up To Speed With The I Didn't Get Into Necessarily Who Said What To Whom. There Is E-Mails And Indicate Concern On My Part But Would. Mediation Can Be Helpful.

Comm. Manning: A Binding Rule. No Mediation Is Really Binding.

Chairman Mann: With All Due Respect, What You Conveyed To My Verbally Was That There Discussion, A Conversation That The County Proffered An Amount To Get This Case Perhaps To Make It Go Away. That's Right.

Comm. Manning: So Where Between That Figure And This Figure, If That's Where It's Going To Fall, Then That's Where It's Going To Fall. But, Unless You Can Get Back To The Party And Expedite This Process Or Whoever Your Successors Will Be, If It Would Be Helpful To Do The Binding Mediation And Put A Definitive Time Frame On It, Maybe That Would Be Helpful, But I'm Not Prepared To Get Into A Litany Of Questions That Would Give Benefits To One Side Or The Other.

Comm. Manning: I'll Before That To The Corner. I Will Be Representing You In That. Happy To Go To Those Things Are Not Off The Table To Talking About A Mediation. That's Actually A Binding Discussion, A Binding Arbitration That Perhaps As A Third Party That Would Come In And Oversee This Process. You Present Your Case, You Would Prevent And To Bring Back Some Settlement Agreement. That's Where I'm Coming From At This Point. Commissioner Hall Has Questions. I Hear What You're Saying, But, I Don't Know If That Gets Us Down The Road, Quite Honestly. I Appreciate What You're Saying About The Time Frame. I'm Leaning Towards Getting Us In A Session To Have That Dialogue, If That's What We Wanted, But Quite Honestly, You Guys Have Had A Lot Of Time To Look At This Stuff. It's Five Of Us Individually Can Go Through What We've Gone Through, I'm Not Prepared To Go Another Six Months And I'm Prepared For The Board To Set Up A Session, To What You're Talking About Commissioner Manning, A Time Certain To Come Back Here And Make A Decision Where We Want To Go. But I'm Not Prepared Today To Reject This Offer. In Order For You To Have Time To Look At Everything. Because We've Got A Litany Of Attorneys That Have Been Involved With This Through The Beginning. And, I'm Not Going To Take That Time And Say That's Where We Need To Go. I Don't Believe That Is Where Wee Need To Go. I've Been On This For A Year Asking For Someone To Look At This. Please, Someone Look At This, Because I Don't Know What To Do With It. The Information Coming To Me. Someone Please Look At This. Would You Please Look At This. Would Someone Please Look At This. It's Finally Gotten Around Where Enough Pressure Came For Everyone To Start Looking At It. And, It's Bothersome To Me, So I Would Rather, And Believe Me, I Took Time And Apologized For Being Ill, But I Did Take Time To Go Through Files And Files And Files.

My Own Time To Go And Research And Read, And I Read Everything That Was Handed To All Of Us As Well. It's Just The Tip Of The Iceberg. What I Read Last Night, Even The Big Stuff. So, I'm More Inclined Right Now That I Would Like To Have A Dialogue With My Colleagues, And Whether It's Acting County Attorney And I Will Like To Do It If The Would Free We Set Up The First Week We Get Back From Executive Session And Get This Cleaned Up Before The End Of January.

Chairman Mann: Lets Me See If Other Commissioners Have. Commissioner Big Low?

Comm. Bigelow: I Might Throw A Little Something In Here That Might Be A Monkey In The Works Or Fly In The Ointment Because The County Attorney Office Is County Management Attorney As Well As Their Own Attorney, So He Or She Has To Cover Their Own And There's Any Culpable Actions On The Body Make It Very Ugly. So If You're Attorney To All Them And Us Too, It's Like You're Everyone's Attorney And I'm Worried About That Conflict. And So, I Just Have To Put That Out There. If This Has To Be Played In The Federal Court, So Be It. I Don't Know How To Get Right With That Conflict. I've Been Telling You This For Years, I Think There's A Problem Where That Attorney To Everyone Approach.

Chairman Mann: Let Him Respond To Your Observation. I've Responded In The Past, There's No Conflict. I Represent The Five Of You. When I Work, It's To Protect Your Interests And The Community's Interest. I Do Not Represent Or Manage For The Administrative Folks, In The Scheme Of Your Viewer, Your Outline Here.

Comm. Bigelow: So Let Me Replay, If You Don't Mind.

Chairman Mann: You May.

Comm. Bigelow: I Won't Ask The Questions In This Public Forum. I Put The Questions To The County Management. Four Questions. The County Manager Basically Said Look For Them Yourself, The Answers Are All In The Backup. Kicked It To You. You Said Commissioner Let's Not Ask Those. Your Advice Was Oh, Don't Go There. Don't Ask Those Questions. Don't Have That Discussion. Don't Let That Be None Because Why? You Are Attorney. May Compromise Your Defenses In The Case. And That's Why I'm Having A Problem With You Serving As Our Attorney Or The County Attorney's Office Serving As Our Attorney, Because The Charter Is Quite Clear. We Have Separation Of Powers Here. Different Branches. And, I Just Don't Know If We Need A Special Session, How We're Getting The Benefit Of An Attorney That's There To Protect Our Interests. Mechanic Let Me Ask You To Clarify Because After January 3, Mr. Beck Not Going To Be Here As Anybody's Attorney. Are You Speaking About The Position Of Can He Return As No Matter Who Holes That.

Comm. Bigelow: I'm Not Talking About The Person, I'm Talking About The County Office.

Comm. Hall: He's Brought This Up Numerous Times With Us.

Comm. Bigelow: In Special Session. And Your Suggestion To Deal With That Would Be?

Comm. Bigelow: Well I'm Not A Lawyer, But We Need A Lawyer.

Comm. Hall: Would By The Inappropriate For A Motion To Go To, Would It Be Inappropriate For Us To Put Commissioner Judah To Put A Time Certain And See If He Can Agree With That For Us To Go Into Special Session, And For Us To Have A Dialogue And See Where Went To Come Out The Other Side, So Snow Of Having This Decision Made Us To Go Into Special Session So We Can Come Back And Have A Dialogue. That Would Be Approach Plate For A Public Forum. I'm Certain, And You Can Confirm The This, There Would Be No Limitations To What We Could Discussion Related To This Issue, In An Executive Session. There Will Be None. Come Back Into Session On January 4. Ask For And Then It Has To Be Advertised So It Will Be One Of With Two Weeks Following That. And Come Back The Following Executive Session.

Chairman Mann: I'm Not Trying To Push Towards That. I Understand.

Chairman Mann: Motion Wouldn't Be Acceptable Today. To Move Toward The Executive Session.

Comm. Manning: The Motion Could Be Sensible Today But Not The Meeting Today, Commissioner. Correct?

Comm. Manning: I'll Second The Motion.

Chairman Mann: It's Not A Motion Yet, And I Want To Thoroughly, And Also Hear Again From The Huether Family. Representatives, Just A Couple Of Points Of My Own. When You Were Briefing Me On This Matter, The Advantage Of Delaying This Would Be That At Some Point There Would Be More Information Available To Us, I'm To Go Into Executive Session. Can You Enlighten Me On Discovery And How That Would Play In And What Would Trigger It? Start Getting Into A Number Of Issues With Respect To Relevancy.

All Those Things That Come From Testing A Witness. With Respect To Other Than Just Looking At Certain E-Mails That Have Been Out There. I Mean, An E-Mail Is A Wonderful Thing, But There's Usually Something That Goes Before It, Something That Comes After It. An Explanations That Go With I. That's Where Discovery Comes In. At Least In My Opinion At This Point In Time. The E-Mail Says What It Says. That's A Piece Of Paper As A Piece Of Evidence. But What Tests That Is The Author The Intent, What Led Up To That Particular E-Mail. I'm Just Using This As One Example Mr. Chairman, And What Followed After It. That's The Kind Of Depth That Would Be That Would Be Probably Helpful. There's No Harm In The Board Sitting In Executive Session To Go Through Everything That We Have, The Good, The Bad The Ugly As You Suggested, But Also The Testing The Theory Of Casing, The Cheery Of The Plaintiffs Case, And That's Where To Me, That's Where The Real Legal Issues Lie. Facts Are Facts. Unless A Suit Filed Discoveries Is Not Available. I'm Sorry?

Chairman Mann: Unless We Reject The Offer And A Suit Is Ultimately Filed, We Don't Have Discussion Available. You Will Not Be Going Into Discovery. Let Me Offer This Because We Have Had Thoughts Toward Our General Feelings Over What This Issue Is About. I Want To Say Clearly For The Record, That I Do In Fact Believe And I Think Anybody That's Read Any Part Of This Would Believe That The Huethers Or Their Corporation Are Entitled To Some Damages. And That's What The Whole Question Is About. I Think There Were Things The Family Or Its Contractors Did Improperly. Whether It Damaged The Huether Family To The

Extent Of \$8.5 Million Is The Question. We're Struggling With Her This Morning. I Don't Know What That Magic Number Is, Commissioner Manning And Suggested There Had Been A Previous Offer Settlement That I Didn't Go Anywhere, But What We're Looking For In The Final Analysis Is A Number That We Can Both Appear Walk Away From. That Number Includes The Value Of The Property That We Might Receive Or Might Not, If It Was A Different Number. That's Part Of A Discussion Here. I'm Not Prepared To Accept The Offer Today. And I Don't Know What My Number Would Be, Because Frankly, I Don't Have The Detailed Information About What Those Damages Might Amount To. There Was For Instance, Asbestos Apparently Delivered To Their Site. And That Contractor Arrived At A Settlement With The Huethers That Said In Essence, Ok, We've Cleaned Up. We Have Paid You Accordingly And They Agreed To It. So I Don't Know Being Aware Of That Whether That Still Remains Damaged Property. And I Need To Know About That, Now What I'm Trying To Do Is Put As Much As Eck On The Record And Give Mr. Bowen To Come Back And Comment However He Will Like. If There Are Other Things Folks Would Like To Share.

Comm. Hall: I Think I Would Like To Find Out If There's An Interest In Going Into Executive Session, If There Is, If The Bowman And Tex Corporation Would Give Us Time To Do That, To Come Back An Address This Before The End Of January. And There Is All Your Questions That You're Explaining Commissioner Mann Is Available To Us. It's All Here. Whatever Our Staff Would Need To Prepare For That Executive Session. I Think We Need To Do. We Have. I Don't Think We're Prepared To Do That Today. I Don't Think Becoming An Attorney's Office Is Preparing To Answer Some Of The Questions We Would Have Based On The Documentation We Would Have. I Would Like To Know If They Would Allow Us That Extra 45 Days Starting Today.

Chairman Mann: At Any Rate, Before We Accept Any Motion, I Want To Invite The Huethers To Respond Themselves, Or Have Your Attorney Respond, And Whatever Comments You Have Based On What You've Heard Of Our Discussion Here Today, If You All Would Like To Come Forward Or Not.

Comm. Bigelow: Before We Do, Can I Ask The County Attorney A Question Really Quick. You Or Your Office From County Manage And No One From The Party That's Agreed. Right. The Purpose Of The Executive Session Is To Allow A Governmental Attorney With A Body To Sit Down With His Client In A Closed Session Is, Much The Same Way As Private Lawyers Do In With Their Clients In Their Offices.

Comm. Bigelow: Ok. Thank You.

Chairman Mann: Mr. Huether We Would Like To Hear Your Thoughts. We Don't Want To Drag This Out For A Too Long, But In Fairness, Any Additional Comments You Have, We Would Like To Hear It At This Time. Mr. Chairman, May I Have Direction, Please? Do You Want A Time On Time Limit On This, Or Just Open.

Chairman Mann: No When I Can't Stand It Anymore, I'm Going To Say You've Had Enough. I Think We've Had A Pretty Good Airing On This, And No Need To Be Repeating Thing But You Heard What The Commissioner Has Expressed And You Would Like To Give You A Chance To Say Well, This Is What I Think. You Don't Want To Know What I Think. I'm Going To Tell You The Facts Commissioner Mann. The Information You Were Given In Recent Briefings About The Asbestos Is Incorrect We've Never Settled With Posen Construction On Asbestos. There Was An E-Mail We Sent To You All Which Was In Response To The County Commission Asking Their County Attorney For An Update On The

Huether Mare And He Responded To You In Writing And Gave You Two Scenarios Regarding Posen Construction. One We Sued Them. Two We Settled. What He Didn't Tell You Is That We Sued Them Only For Rock And Trespass. That Was At The Advice Of The County D.O.T. When They Wouldn't Take The Rock Off. He Said At That Time Posen They Don't Know How It Got There. They Didn't Real Know. We Later Found Out Through Public Records Request, They Not Only Knew It, They Had Meetings Out There About It. So, The Lawsuit That You're Referring To Has To Do With Rock. And That's Always Settled. We Later Tried To Settle That Lawsuit That We Filed And We Did. That's In Your Package. He Later Found Through Mediation With The County Attorney's Office Which We Had In April Of 2009, That They Would Hold The Bonding Company Liable.

The County Was Found Liable. We Were In The Process Of Setting Aside The Settlement Agreement Because We Found The Asbestos, Which We Claim Was Fraud. Because When We Settled The Case No One Toll Us There Was Asbestos There, They Told Us It Was Just Rock The Attorney Who Testified In This Case Will Testify To That. So The Case Get Versus Complicated And Overwhelming. And If You Listen To Your Staff, Putting Two Things Together That Are Totally Different, They Will Give You A Different Meaning, And I've Heard Here Today Over And Over And Over Again, That Being Done. Over Again, And I Can't Sit Here For Three Hours And State The Facts. So You Will Understand Adequately. I Couldn't Do That. But I Can Tell You This. David, You Can Interrupt Me If I'm Wrong. Mr. Owen In My Recent Introduction To Him Has Been Very Professional And A Perfect Gentlemen In Every Discussion. He Offered To Get Involved In This Case Last June. Said He Would Look Into It. We Reviewed All The Documents That We Had And Come Do You. That Never Happened. We Were Then Directed To Meet With The County Attorney's Office. I Met With Mr. Owen On Few Occasions, And He Had Been Very Cooperative And Very Available To Any Time I Wanted To Talk To Him. But I've Always Said, Ask Me Whatever You Want, Ask Me For Whatever Information You Want, Because We Have Thousands And Thousands Of Pages Which We've Taken From Your Public Records. Which We Were Forced To Do Because We Couldn't Get It From The County Attorney's Office. All These Hales That Mr. Owen Just Talked To You About Are E-Mails Between The Staff And They Do Everything He Said You Get In Depositions. I'm Interrupting After I've Given You The Floor But I Need For You To Say What You Would Like. My Credibility Is Challenged, Sir. When Your Credibility Was Challenged A Year Ago, You Took Great Offense To That. And I Think There's Between You And The Clerk's Office Where You Have Just Vehemently To You're Credibility. My Credibility Is Being Challenged Here Today By The Staff. And Among All I'm Doing Is Responding. I Have The Facts To Support What I'm Saying. Mr. Owen Has The Law, And He Has All These Recommendations That Kick The Can Down The Road Which Is What They've Done For Three Years. I've Sat With Their Attorneys In Mediation. April Of This Year. Asked Mr. Owen What The Settlement Offer. I'll Gladly Give To It You.

Chairman Mann: I'm Asking You To Stay Clearly, You Would Like Us To Accept Your Offer That You've Made Her, Or Would You Object For Instance To Us Going Into Executive Session? To See If We Can Get Close To That Offer? This Is Not Object The Offer, Sir. This Is Not About That Offer. I Would Gladly Accept Going Into Executive Session. This Is Trying To Make Statements To Where My Correct Was Challenged Today And I Have The Facts.

Chairman Mann: I'm Sorry If I Have Said Anything That Would Question Your Credibility. You And Your Wife Both Have Been Nothing But Straight Forward And Honest And Forth Coming In Everything We've Talked About. And I'm Sorry If Anything Was On The Record.

Excuse Me Sir That's Not What His Auditor Said In His Report That Mr. Owens Office Had In Their Possession When We Were Talking And Never Gave It To Me.

Chairman Mann: Perhaps Your Attorney Will Like To Make Legal Points Based On What We Have Said Today? You Want To Talk? Ok. Comm. Hall: Mr. Chairman, While They're Switching Places -- If You Have Something To Offer That Will Bring Base And Harmony, That's What I'm Look For. I Wanted To Say That And I Understand Where Mr. Huether Is Coming From. There's Been A Lot Of Going Back And Forth And This Is The Public Forum Which At Some Point I Believe He's Trying To Say All These Things Are Accusing Us Of Certain Things. And Some Of Us Have Read It. And Publicly The Opportunity To Say None Of This Is True. I Understand Where You're Trying To Go With This And What You Are Trying To Say To Us In A Public Forum. But I Don't Know If This Is The Time To Do That Now. But You Deserve The Right To Put On The Record For The Media And All These Other People Who Have Been Accusing You And Your Corporation Of Wrongdoing Which Has Not Been Art Of Our Dialogue. You've Been Nothing But Above Board. You're Not Trying To Do Anything But The Right Thing. And I Think You Have Five Commissioners Who Can Look You In The Eye And Say, Wee Agree With You. Our Challenge Today Is To Make Sure That We're Not Only Representing You As A Citizen Building, But The Citizens As A Whole As To Where This Number Is. Amongst Ourselves We Would Like To Have Dialogue In Executive Session To Come Back And Accept This Offer That You've Given To Us, Or Give You A Counter Offer To That. What We're Asking For You And I Think We Owe You The Right And I Don't Have A Problem With That. But For Us For Today I Want To Try To Get Us To Where We're Closer And Not Delay, Yeah, I've Waited Long Enough.

Chairman Mann: Mr. Bowman. Mr. Huber Thank You For Your Time. We Will Be Happy To Hear From Them And I'll Try To Find A Motion Here. Is It All Right For Mr. Bowman To Speak On Your Behalf. Yes, I Just Want To Thank You For Your Time And I Wanted To Apologize For Having To Be Here.

Chairman Mann: No Apology Is Required. Especially On Mr. Owen's Farewell. He Deserves It. I Think He's Been A Great Attorney For This County For 24 Years. It's Unfortunate This Had To Happen.

Chairman Mann: Mr. Bowman. Thank You. You Can See Problem We Have, And I Think This Is Important From The Legal Frame Work I Set Out To You Early What Is Happening Here Is All The Burden And The Costs Are On The Huethers And Hey Have Been. So When You Hear The Sleepless Nights That Go Hours Of Time, Plotting Through, Do. S In An Effort To Defend Against Half Truths, And Missed Statements, That's The Violation, Ok? That's The Civil Rights Violation. What's On Your Table Is An Every To Settle It. That Considers It's A Disconnected Issue. The Civil Rights Violation Is Going To Be Something Far In Excess Of The Value Of The Property. So, I Want You To Consider That When You're In Executive Session. This Is A Compromise And It's A Deal For The Huethers. Comm. Judah: Quick Question While The Attorney Is The Still There. Yes, It Includes Fees And Cost. It's We're Down The Road, It's Over. Settlement Offer. Let's Bring This Back To The Commission And See If We Can Find A Next Point In Our Deliberations Here. I'm Looking For A Motion.

Comm. Hall: I Would Like To Make A Motion That We Enter Into Executive Session. I Would Like To Say The Second Week Of January. Whatever Day That, And David, The

Reason I Do That In That Regard. Because You Have A Holiday. We Want To Have This Executive Session From You Prepared So We Can Move Forward Be.

Chairman Mann: Let's See What They Say About The Best Nearest Date.

Comm. Hall: And David I Guess My Other Question Is To Do This Before A Board Meeting, I Don't Think There's Enough Time Per Se. You Can Set It Any Time You Want.

Comm. Hall: I Don't Want It To Be On A Tuesday Where We Come In At 7: 30 And Then Go Into A Board Meeting. When You Convene In Session On The Fourth, We'll Set Down That Day Like A Thursday. Typically Those Days Aren't Too Busy. As Soon As Possible So I Have Sufficient Time, Wee Pick A Date. I Will Say The Best Week Would Probably Be The Week Of The 17th. Now The 17th I Believe Is A Hole. But The Balance Of The Week Would Be Available, And I Think That Would Be A Good Time.

Comm. Hall: My Motion Is For The Week Of The 17th. Chairman Mann: The Soonest Possible Date That They Can Bring Us. Comm. Hall: No. I Will Like To Make Sure That It's Not With Before The End Of January. If I May, You Have A Management And Planning Meeting Scheduled For January 10. And You Have A Second Manage And Planning Meeting Scheduled For January 20.

Comm. Hall: So We're All Available On The 20th. It Doesn't Matter. I Just Want It To Be Done In January, David. We'll Find A Date In January, That's Not A Problem. I Understand Clearly What You Want. Mechanic For An Executive Session, That's A Motion, Is There A Second I Have A Second On That Motion, Is There Further Discussion? Comm. Bigelow: Yes, I'm Going To Be Real Quick. In The County's Blue Sheet To Us In His List A, B, C In I Guess Options. He Doesn't Even List, Doesn't Offer Us Have Executive Session. It Makes A Point, I Don't Know What An Attorney Would Advise Me In My Position, So, I'm Going To Have To Make One More Appeal That This Body To Consider An Independent Attorney In This Particular Matter Because Mechanic We Have A Motion Pending And That Will Require A Second Motion, So We Knee To Finish This One First. Comm. Bigelow: So Absent An Attorney. This Particular Commissioner Would Like To Have An Attorney If You All Don't Mechanic I Would Recognize As Soon As We Finish With This Particular Motion B.C. Well.

Chairman Mann: We'll Come Back To That Point. I'm Not Cutting You Off. I'm Saying It's Separate From This Motion And We'll Come Back To It. Do You Support On This Motion.

Comm. Bigelow: Yes, To Say I Can't Support It Unless I Know I'm Going In With An Independent Legal.

Chairman Mann: Ok Further Discussion On The Motion. Objection To The Motion? Show Adopted 4-1. Commissioner Bigelow Opposing. Commissioner Bigelow, I Recognize You For A Motion.

Comm. Bigelow: I Will Ask That The Board Consider And Hire An Independent Attorney For This Particular Matter To Advise Us On Our Legal Position Whatever It Might Be. Whatever Options There Might Be. Whatever Course We Might Take. I Don't Know That The Town Attorney's Office. Chairman Mann: Heard Your Motion. And The Points You've Made. Is There A Second To The Motion? Motion For Lack Of Second. Mr. Owen Any Further Comment. I Was Going To Make Further Comment. We Have Discussed The Possibility Of

Outside County Counsel Internally. But If The World Would Have More Comfort With Respect To This Issue, I Would Be Happy To Seek, Find And Engage Outside Counsel To Assist The Board With This Particular Case. I Understand The Sensitivity Of It. I Understand The Problematic Issues That Have Been Raised By The Plaintiff. The Potential Plaintiff In This Case With Aren't To Actions Taken By My Office. And I Would Offer That To The Board For Board's Consideration When You Come Back. May I Suggest It Would Probably Be Advisable To Discuss That In Private Before The Executive Session, So We Can Give That Some Thought And Perhaps Deal With It Before The Executive Session. Comm. Hall: We Happen To Come Back On Tuesday As Well. We'll Be Here Tuesday, Three Of Us, Four Of Us, Perhaps. So, Yes We Will Welcome Your Further Comments In That Regard. That's My Offer. Comm. Judah: Anything On This Agenda Item. No, Sir. Comm. Hall: David, I Don't Want The Point Lost That We Have Two Issues Here. The Case That The Attorneys Are Talking About Is Civil, So, Before We Even Got There, I Wanted To Make Sure That If You Don't Have On Staff And That's Something You Should Talk To Us About, Who Has Experience In Civil Cases. Because That Is What We Would Be Sued On, Is The Civil Issue. So, We Were In Connective Session. I Think We Need Tie Log About What That Means And Have An Understanding Of That As Well As Deal With This Offer That We Have. So I Do Look At Us As Having Two Issues To Discuss And Be Prepared For. Agreed, Understood And I Can Tell You Now, I Have Very Competent Federal, Civil Attorneys In The Office That Can Handle The Case. Comm. Hall: Thank You. Chairman Mann: You Earned Your Pay On Your Last Official Meetings With Us. I Have Two Walk-Ons. I'm, That's What I Was Looking Here For. Mr. Chairman, Just Ask A Question.

Chairman Mann: Sure, Commissioner Hall. Comm. Hall: Before The Huethers Leave, I Want To Make Sure Everyone Has Been On The Same Page. Seems There Has Been A Disconnect Here And They've Sat Through This Entire Meeting.

Chairman Mann: I Don't Know If We Can Assure Term Of Anything That Will Bring Comfort, But I'm Sure They Appreciate Your Comment. Walk-On Number One, Any Question, Motion And A Second Commissioner Judah, Commissioner Manning. Further Discussion? Objection.

Comm. Bigelow: I Think This Bears Some Discussion If Nothing Else To Say What It Is. And This Is To Consider The Appointment Of Andrea Fraser Deputy County Attorney To Become Interim County Attorney For Lee County. And Of Course He Is Also An Applicant. I Think That Bears Announcement, Not That It's Hidden Or Top Secret, But This Is Just An F.Y.I. Of One Commissioner's Concerns. I Want To Be Sure That The Office Doesn't Engaging In Anything That Might Advance Miss Fraser. Any Over And Above Any Other An Captains. It's Going To Be Our Final Decision, If We Don't Have To Try To.

Chairman Mann: Thank You, Further Discussion? Objection? Comm. Judah: On Our Discussion There's Been One Particular Applicant That Has Been Meeting Individually With Evidently Certain Members Of The Board That Has Been Lobbying On His Behalf. If I Find There's Any Substantive Reason Why This Individual Feels He Needs To Lobby, Any Individual Engaged This Such Activity. Chairman Mann: We'll Make That Call At The Time. Is There Further Discussion On This? Is There An Objection? Walk-On Item Number Two. I Have A Motion By Commercial Manning, Second By Commissioner Hall. Discussion? Objection To It? Hearing No Objection. That Passes. Commissioner Hamilton Items, Commissioner Hall.

Comm. Hall: Yes, Donna Ward Wanted Us To Be Aware That Mrs. Lee Bowers Has Passed Away. She Was Very Active With Animal Services. She Came To The Board And Spoke Many Times On Behalf Of The Programs That Lee County Has Been Instituted An Animal Service Program That We Can Be Proud Of And I Wanted To Wish Her And Her Family That Our Thoughts And Prayers Are With Her And We Appreciate Our Acts In Animal Services. And Then I Want To Share With All The Employees And Anyone Watching A Very Happy Merry Christmas, As We Come Into This New Year, There's A Lot Of Challenges But I Know That You Are All Up For It. I Certainly Respect And Appreciate All Your Willingness To So Hard On Behalf Of Getting Us Through The Recession And The Sacrifices And Challenges Do Not Go Unnoticed By Me. So I Wanted To Wish You And Your Families A Very Merry Christmas And I Look Forward To The New Year And Getting People Back To Work And Getting Our County Back On Track. So Thank You Very Much. Chairman Mann: Commissioner Manning.

Comm. Manning: There It Is. Their System Is Failing, There Has Been Discussion Between D.E.P. Who Is About To File Notice Of Action And John, The If You Want To Put Anything On The Record This Is To Notify Anybody, And I See In The E-Mail Arnel Had Been Issued An Update On This Because There Will Be Some Potential Human Services Incidents Coming Down The Road. Just Very Quickly. The Operating Permit For That Waste Water Treatment Facility Did Expire On Sunday. Are There Is Not An Application In House To Renew That. So, We Are Moving Through A Process To Shut That Facility Down. Comm. Manning: Thank You.

Chairman Mann: Thank You For Bringing That Point To Us. Comm. Bigelow: Whoa, Whoa! I'm Sorry. Comm. Judah: The Typically The County Has To End Up Taking Over Waste Water Treatment Plants, Package Plants. If This Is Not The Case, You Don't Just Shut Down The Operation. So Fill Me In On What I'm Perhaps Missing. What We're Filing Would Require The Park To Close. So, The Package Plant That Supports The Plant Involves Notifying Current Tenants And Providing Them An Opportunity To Relocate. And Then Mantling The Facility. Chairman Mann: So It Doesn't Fall To The County.

Comm. Judah: Ok. Thank You, John. We're Work With The Department Of Health On This One. Chairman Mann: Commissioner Judah, Further Commissioner Items? Comm. Judah: No, Sir. Chairman Mann: Commissioner Bigelow? Comm. Bigelow: Happy Holidays To You And Yours. Chairman Mann: Let Me Point Out A Little Bit In The Paper Saying The Boston Red Sox Serve The Community And All Their Local Employees Have Been In The Soup Kitchen, They Have Become Beautiful Partners In So Many Ways And I Want To Thank Them. The Or The Their Partnership And Far More Than Just Baseball. Appointments.

Comm. Hall: Yes. I'm Making A New Appointment Of Chris Hansen. Second. Chairman Mann: Discussion, Objection, It Passes. Comm. Manning: New Appointment To Jeff Roman. Health Care Second. Chairman Mann: Second By Commissioner Hall. Objection? Show It Adopted Without Objection. Mr. Judah. Comm. Judah: None, Thank You. Chairman Mann: I Have Frank Neil To The Community Action, Lorethra Jenkins, Same Committee, And I Have Kevin Williams To The Historic Advisory Committee. Comm. Hall: Motion.

Chairman Mann: Show It Adopted Without Objection. County Manager. Don't Mean To Rush You. Thank You, Commissioner. Yes, Just A Couple Of Things, Larry Rugino, His Mom Passed Away This Week So We Have Sent Our Condolences To The Family. Chairman

Mann: I Meant To Mention That In The Beginning Of The Meeting. His Mother Was 94 Years Old For Those Watching. He's One Of The Part Owners Of The Boston Red Sox And Has Been A Perfect Gentlemen To Work With. And We Citizen Our Best Wishes To The Family. Thank You. And Also Commissioner, I Want To Take This Opportunity To Thank My Two Colleagues Mr. Jim Lavender, And David For All Of The Support That They've Provided Over This Past Year To Me, In Assisting Me In This Position, And From The Bottom Of My Heart They Will Truly Be Missed. Thank You. Chairman Mann: Looks Like Your Last Opportunity, Make The Best Of It. Merry Christmas, Everyone.

Chairman Mann: Merry Christmas, How Kind. We Are Adjourned. This Has Been A Tough Meeting And You All Handled Yourself Famously.