

**September 6, 2011**

Checking the e.

Chairman Mann: Welcome to our September 6, 2011 Board of County Commissioners meeting.

As is our custom we begin each of our meetings with an invocation.

Today that is brought to us by pastor Devin Marlowe of the Judah Christian center.

Father God, we come to you this morning humbled by your mercy and grace and we thank you that your word declares that if anyone lacks wisdom you give liberally without reproach.

We thank you that you are still recognized in the Board of County Commissioners meetings.

We ask you right now to have your hand upon them, give them wisdom, discernment and lead them, stir them by faith and let them desire to please you and it's impossible to please you without faith.

Give them faith to trust you, God.

So no matter what you say is true and God you will lead us in righteousness.

Strep then them to make the right decisions to see all aspects that play into their decisions.

I ask you to bless them and this meeting in the name of Jesus, amen.

I pledge allegiance to the flag of the of the United States of America and to the Republic for which it stands, one nation, under God indivisible, liberty and justice for all.

Thank you.

Be seated.

Pastor, thank you again.

We have a couple of items here that we need to tend to on our recap.

Item c-7 b an indefinite deferral to give it further review.

Could I have a motion to that.

Motion by Commissioner Hall, second by Commissioner Manning.

Discussion on that?

Hearing none, is there objection?

Show it adopted without objection.

Item c-7 a is recommended be moved to the administrative agenda the multimillion-dollar ethic contract.

Motion by Commissioner Manning, second Commissioner Hall, discussion, objection, show that objected.

No walk-ons or carryovers.

We have a county manager and county attorney items and last week I announced when we had some folks here who wished to be recognized at the end of the meeting for a public hearing that was wrong week, they should come next week. Technically this week is not the right week but we didn't realize we were in a five Tuesday week last month last week.

So since the chair made that announcement I would invite anybody who has issues of general concern not on our administrative consent agenda, feel free to stay to the end of our meeting today at which time you will be heard.

So, with that, I think we can begin.

I have no cards before me.

Looks like a small crowd out there today.

Is anyone here that came for the purpose of speaking on one of our agenda items?

Yours will be at the end of the meeting since yours is not on the agenda.

Welcome back and we'll take care of you.

It may be a little while but we'll get back to you.

Oh.

Are you hear for the public hearing on the challenge, the appeal?

You are welcome to speak now if you would like to on that issue and later if there is specific questions when we take up --

Yes, if they are one of the parties.

Chairman Mann: If they are one of the party they can speak now and later.

That was my reading of the note.

Yes.

Chairman Mann: If you would like to make comments and take up three minutes at this point to kind of spell out who you are and your general points you are welcome to be heard at this time. So, just approach right there, identify yourself and have at it.

Good morning.

My name is Jerry Wolf with the Florida spectrum environmental services Inc.

The committee that weighed the evidence and recommended Florida environmental services as second choice for water testing was attentive, thorough and very professional.

Test America had an opportunity to appear at or at least to submit something in

writing for the committee to consider.

It did neither.

It the not attend the committee meeting.

Nor did it put something in writing.

Even if it had, it is unlikely that the outcome would be any different.

As test America through their letter has now admitted that they failed to submit the required information which was the basis for the committee's recommendation for demotion.

For all these reasons the commission should now adopt the committee's recommendations.

I appreciate your time. Thank you for your consideration.

Chairman Mann: Thank you, Mr. Wolf. You may have issues later you might like to clarify.

Thank you for being with us this morning. Any other member of the public would like to be heard on either the appeal issue that we'll take up in a few minutes or any other Consent item?

You'll get your opportunity but your item I understand is not on today's agenda. It's just something from your heart you would like to address. It's on today's agenda?

Chairman Mann: Let the lady help you right there before we do something wrong. OK.

I will hear from the gentleman later. Items to be pulled on the consent agenda Mr. Bigelow.

None.

Chairman Mann: Mr. Judah?

7-e.

Chairman Mann: Commissioner Hall

Commissioner Hall: None.

Chairman Mann: Motion? Motion by commissioner Manning second by Commissioner Hall to move the pal of the consent agenda? Show it adopted without objection.

Commissioner Judah: I would like to move the item.

Chairman Mann: Second by commissioner Manning.

Commissioner Judah: For those viewing listening in we often times receive from a number of people in the community support for regional library system. I would like to at least commend those who were involved in this most recent contribution.

One is a specific donation, \$2,096 from Rosemann and in memory of Daniel Dory and Diana Griffin.

Lonnie and bob Walker for the purchase of books dealing with crafts, knitting for the county regional library and friends of the library for one additional employee to attend the user group conference. From our friends I thank you very much.

Chairman Mann: Thank you, Commissioner Judah and for all the wonderful folks he pointed out.

He speaks on behalf of the entire commission. We thank you for the continued support.

Is there objection to it?

Show it passing unanimously.

That will take us to the administrative agenda.

We'll take up 7-c the consent item first.

Commissioners this is the rebid of the employee health plan.

We saved about \$2.5 million through this rebid in administrative costs Chris Brady is here to answer questions and Jim pal with Willis our benefits consultant if you have any questions.

Chairman Mann: I'll start with a general question. Maybe there are others we'll see. In this time when during a recession when all the costs seem to be going down in America health care seems to be going up.

This is quite an exception to a trend where we through our administrator this year looked to about to receive a reduction of \$2.5 million would you hit the high points on that? We won't try to talk you out of anything.

For the word Christine Brady human resources.

At the direction of this board this time last year we were asked to take our health contracts out for bid which was early, the health plan being one of them with the intention of hopefully coming back with some cost savings to the county through the health plan, more specifically the medical and dental plan.

Going through the process we had a number of providers that gave us proposals, but Aetna was diligent in sharpening their pencils and as Pete said it was approximately \$2.5 million savings of our current health plan with no significant changes to the plan as we currently have it set up today which is why we're making the recommendation.

Chairman Mann: Aetna previously handled the admission here.

That is correct.

Chairman Mann: Tell me how we administrator this program as opposed to buying insurance.

That's correct. We are a self-insured health plan. Services that we're looking for is for a third party administrator to come in and provide the administrative services. But we collect the revenue and we pay the claims out of our health care fund. As opposed to a fully insured insurance policy which is basically similar to purchasing like a car policy where you would go in and buy an insurance policy and then you are paying based off the utilization of that policy whether you had a claim or not. We pay our claims on a daily basis.

Chairman Mann: I'm still curious about the components of \$2.5 million savings in this health care inflationary climate.

As far as how Aetna got to it?

Chairman Mann: Why didn't they do it the last three years?

Well, I can say moving forward right now as far as this plan was concerned, I think this board was very articulate with our department, human resource, when they sent us out to bid that they wanted something to be competitive. We have a very large health plan. We are a valued client to Aetna and I believe Aetna did what they needed to do in order to be able to hold on to the contract.

Chairman Mann: Could the gentleman perhaps respond more directly? Are you Mr. Aetna?

Jim Powell I'm the consultant. I get to arm wrestle with Aetna.

You beat them out of \$2.5 million.

And we did it last year too. To shed light on the process, there's nothing like doing an R. F. P. To get a current vendor to ante up. \$230,000 was in administrative fees. They actually bid lower than the current amount, a nice pickup for the county. The bigger part of the savings is in prescription. We simultaneously ran a prescription R. F. P. And looked at breaking out the coverage from Aetna and go to one of the specialty companies. We ran that bid and held Aetna accountable to those pricing items as well. What we have seen in our industry is dramatic improvement in prescription pricing.

About \$2.2 million is in the prescription proposal. That means the county will spend \$2.2 million in total prescription claims which are a big part of the expense through

the bid process.

Chairman Mann: How about that we have shortened the employee list by 500 points.

It does. It's based on a unit cost. As you shrink, the unit cost is the same but the total absolute cost goes down.

If you added employees it would go upper head.

Chairman Mann: To a percentage of that \$2.5 million, what could you credit the reduction in the number of employees?

Can you do that off the top of your head? 10%? 20%? Probably 5%.

Chairman Mann: I don't want to drag this out but it's a huge item and we're pleased it's reduced.

What I wanted to point out, even though the BOCC were not the only participants on the health plan we picked up two new entities where the Bach might have had some attrition in work force, we did offer, we allow two new entities come in.

Chairman Mann: Constitutional.

That came on board, the medical examiner's office and Fort Myers beach fire department are the two I can think of off the top of my head.

Chairman Mann: Relatively small.

Commissioner Manning: Move the item.

Commissioner Judah: You asked for questions and got a motion.

Commissioner Judah: Second the motion and get it on the table.

Chairman Mann: Technically it's back to the board once we have a question.

Commissioner Bigelow: Thank you, Mr. Chairman. Sorry. There are five proposals total Aetna being one of them.

Can we conclude from this review of the consultants and this evaluation committee that this is the greatest cost savings of the five that we could obtain?

If you look in the back-up material there is a presentation from Willis that will basically has a spread sheet matrix that will show you what each of the five firms were proposing and yes, Aetna was I believe the most aggressive.

If you look at the medical, prescription and research combined, they were the lowest.

Chairman Mann: Motion by commissioner Manning seconded by Commissioner Judah.

Discussion?

Objection?

Commissioner Bigelow: Yes.

Chairman Mann: 4-1.

Commissioner Bigelow dissenting.

Next administrative item 12-a.

Commissioner Manning: Move the item.

Commissioner Judah: Second.

Chairman Mann: I'll take a motion on that to move 12-a.

Save your speech unless there is discussion. Is there discussion on it? Any questions?

Objection to that motion? Show it passing without objection.

12-a.

13-a.

Uncollectibles.

Next item.

Commissioner Hall: I don't see 13-a.

Chairman Mann: I have a 13-a hid behind --

Commissioner Hall: That was consent agenda.

Chairman Mann: Excuse me.

Commissioner Hall: We have appeals agenda now.

Chairman Mann: Anybody interpret that noise as meaning anything that we need to worry about?

Let's take up the appeals agenda. Councilor, welcome. Give us our essential rules here.

Your essential rules. Assistant county attorney.

This is appeals agenda item number 1 under R. F. P. 11-03, the annual contract for analytical laboratory services.

The bid protest is a formal hearing but it's not a very formal hearing. It's not a trial. It's not an evidentiary hearing.

The order of the proceedings will basically be a presentation by the parties that are

affected.

I think Florida spectrum you have heard from, southern analytical and test America would be the three would you hear from.

I don't know that test America is here.

The issue you would need to determine is whether or not test America's failure to substantially respond to the two questions or criteria as required by the request for proposal rendered the proposal nonresponsive.

That's the issue that is before you based upon the protest that was filed by Florida special.

I don't know if you have any questions about the process.

Chairman Mann: I think you are OK for now.

Stand by. We may have others later.

We can at this time hear from either Florida spectrum again or southern analytical.

Is southern analytical?

They are not here represented today.

And test America?

Is not here today.

Would Florida spectrum like to put anything else on the record?

Or stay with what you have submitted?

The R. F. P. Was issued by the county and there was a requirement in the R. F. P. That a proposal was as to when the laboratory could begin testing if hired. We did respond to that. We said we could hire as soon as the county released the purchase order.

Test America did not respond to that. That was one of the requirements in the R. F. P.

Another requirement in the R. F. P. Was that each bidder had to state whether it had been involved in any litigation in the past seven years. Florida spectrum responded it had not been involved in any litigation in the past seven years.

Test America did not respond at all. These two items are the basis for our reason for being here today and the reason for being at the committee. Again, I wanted to say that the committee that weighed the evidence and recommended us as the county's second choice to do water quality testing were very attentive, very professional. And they were very thorough.

Chairman Mann: Mr. Wolf, commissioner Manning has a question.

Commissioner Manning: I don't have a question.

Could we cut to the chase on this.

You are in agreement with staff and attorney's recommendation?

Yes we are.

Chairman Mann: And test America did not show up.

They did not.

Commissioner Manning: I move.

Commissioner Judah: Test America didn't submit the protest.

No. We submitted the protest.

Chairman Mann: In the briefing sheet I have I'm going to read the options available to us.

I think commissioner Manning you're talking about second a.

Test America's proposal non- responsive and award contracts to southern analytical and Florida spectrum.

Let me understand though that would receive the award?

Commissioner Manning: Yes.

Yes, sir.

Natural resources would like to have two people available.

Chairman Mann: OK.

Got you.

We are clear on the motion made by commissioner Manning, seconded by Commissioner Hall.

Further discussion?

Objection to it?

Show it adopted without objection.

Thank you very much.

Sorry about the trees that fell.

We are on -- oh.

A late arrival here.

Yes.

Chairman Mann: I'm sorry.

Commissioner Hall: We already did that.

Chairman Mann: Within item. I thought we were through these?

Commissioner Hall: We're going to allow public speaking at the end.

You're taking public comments?

Commissioner Hall: Yes, at the end.

Commissioner Manning: That's fine.  
Let him come up. It's fine.

Chairman Mann: This is a late arrival.  
I think without objection. Mr. Pure, where are you?

Commissioner Manning: He could speak at the end when we conclude the agenda.

Chairman Mann: I know it but it will come out the same way.

Commissioner Hall: As long as we do it for everyone I'm fine with that.

Commissioner Manning: You are deviating from protocol, Mr. Chair.

Commissioner Judah: Let him go.

Chairman Mann: There seems to be nervous folks here. We'll stick to the script.  
We're not far from you.

It's wait for the end.

Chairman Mann: Stay close.

Thank you.

Chairman Mann: Do we have any commissioner items?  
Commissioner Hall?

Commissioner Hall: Yes. I think some of us saw a meeting with the Naples Fort  
Myers kennel club.

There is some concern about especially from the city of Bonita springs about some  
of the clubs that are open, the businesses that are opened and the ruling on I guess  
the slots that they play and other programs going on in the county.

I would like to see if the county could ask the county attorney to look into our  
ordinances and see how we are moving with that.

I know there is legislation before the state but I was not clear about the oh forms of  
gambling outside of the paramutuals like dog tracks.

If we could instruct the county attorney to look at our ordinance and come back and  
address this issue.

The kennel club and the city of Bonita springs are looking for the county to try to

look into this issue because they are nervous about these offices opening up or retail outlets opening in this area.

I would like them to look at the ordinary naps we currently have on how nonparamutual gambling facilities are opened.

They have reached out for to us look at it and I would like to ask the county attorney to look into this and allow the Naples Fort Myers kennel club to meet with him and tell them what their concerns are.

Looking for direction from the board.

Commissioner Judah: Second.

Commissioner Hall: The board to ask the county attorney to look into this issue. I'm not foam with it. I don't feel it should be an individual commissioner issue. I think the need to review the ordinance. Reach out to Bonita springs and talk to their city attorney and see what their issue is and come back to us. Not just five individual commissioners to send out five individual instructions.

I'm just asking if the board will allow the county attorney to review this with the kennel club and the city of Bonita springs.

Chairman Mann: Mr. Hunt, are you clear?

I believe so.

I have had some conversation last week with representatives of the kennel club I believe from Bonita springs.

We are looking at the process right now. I indicated to them we would get back and do it also with the board sometime in the middle of October.

Chairman Mann: Back to us by the middle of October?

We expect to.

Yes, sir.

Chairman Mann: I think there's a consensus on that go for it.

Jim: Ask a question now? Mr. Hunt?

Any recent state legislative law, amendments or changes that might mean our ordinance has to come into compliance with theirs?

I'm not sure.

What's nope as internet cafes and amusement arcades and therefore in the broad scheme of things look at this.

Some counties in the state have already addressed this, some communities have addressed it.

I have been in contact with a couple of counties recently, St. Johns and others to

get information as well as well as other information from other places and trying to look at this in a holistic facing.

Chairman Mann: I'm not certain what we're asking you to do what we are asking you to research.

If I understand correctly to look at currently law in the county with respect to paramutuals with what cannot be done and the broader sense deal with internet cafes and amusement arcades which may or may not be permissible under Florida statute.

Chairman Mann: We will be looking forward to your response.  
Commissioner Hall, further?

Commissioner Hall: Yes.

As you know 9/11 it's around the corner and I want to send out to the families of this country, this community.

All of us were impacted.

Every one of us can tell exactly where we were on the day the twin towers were hit. I would like to send our prayers and thoughts as people go to New York and look at and reflect back on 10 years of that tragedy and what it meant to our country and individually.

I would like a moment of thought and prayer in our minds through this week and recognize the privileges we have as Americans and the people who have sacrificed in order to keep those privileges alive.

Thank you.

Chairman Mann: Commissioner Manning?

Commissioner Manning: I think I have my answer from Scott in a brief conversation we had.

I wanted to reiterate my question regarding the 23 mobile home communities that have received letters.

We're not collecting any of those funds, correct?

Scott Kerber, assistant county attorney. I don't know exactly where we are at in the collection.

I know we were in the process of going forward as directed under the ordinance. We have some issues.

I believe it's going to an M.M.P. next Monday. The actual status of what's going on, I can't come up with that.

Commissioner Manning: Somebody let me know today? That's it. Thank you.

Chairman Mann: Commissioner Judah.

Commissioner Judah: I just found out last week as you know, the airport is involved with the i-75 interchange between Daniel and Alico provided direct access to the airport. Initially the will it facing for that impact was going to be restoring cop servation 2020 lands. Unfortunately, that is no longer acceptable to the agencies and it looks like the Florida department of transportation has taken over have the mitigation for that interchange. Unfortunately, they were looking to mitigate in Collier county.

Nothing against our wonderful neighbors to the south but this is an impact in the watershed of Lee County and the mitigation should occur in Lee County.

I wanted to ask this board two things, give direction or make a request to Florida department of public transportation to recognize if we're going to mitigate for the i-75 interchange airport that should occur in Lee County in a watershed where there is restoration or impact in that area and secondly, a notice to the airport director, Mr. Bob ball, the Edison property is one of 24 being considered to be Kurd and this money could be redirected toward that acquisition, thereby assisting Lee County protect water supplies and provide mitigation for the airport. Having said that I'm hoping the board would support both those actions.

Chairman Mann: Any comments on that or a second to the motion I think that Commissioner Judah has in mind to do what he has just said?

Commissioner Judah: We'll hear from Estero residents.

Commissioner Manning: I'm a little up clear what the request is.

Commissioner Judah: The question is there mitigation required. Instead of Collier county let's send a note to the Florida department of transportation that it occur in Lee County and secondly a letter or e-mail to bob ball that the mitigation costs be perhaps directed to Edison farms. F-dot will have to look for, as an exceptional.

Chairman Mann: That would be ours.

Commissioner Judah: It would be but it's not on the table right now. I would like to make it an option.

Chairman Mann: You just put it on the table and well-placed. I'm going to take your motion.

Commissioner Manning: Second.

Commissioner Hall: I have a question.

Chairman Mann: Second by commissioner Manning.

Commissioner Hall: Why would we mitigate on Edison farms when we don't own it?

Commissioner Judah: The money would be used toward purchase. As an option to consider.

Chairman Mann: So the motion involves the mitigation being done in Lee County as opposed to some other county.

Commissioner Manning: No specifically the Estero bay watershed.

Commissioner Judah: That's true.

Chairman Mann: Is that the spirit of the motion?

Commissioner Judah: Yes, it is. That's where the impact is occurring.

Commissioner Manning: Can I --

Commissioner Bigelow: I like the first half, I'm leery about the Edison farms part. Could we review it and bring it back?

Commissioner Judah: Yes. It's just an option.

Chairman Mann: I think that will follow naturally but the spirit of the motion proffered captures from Commissioner Judah is suggesting and I don't see any reason not to support that.

Further discussion?

Objection to the motion?

You got it.

Commissioner Judah: Thank you.

A couple other quick ones.

See if this is quick or not.

I'm still really perplexed with what the legislature did to all the counties and municipalities here in the state of Florida last session with regard to stripping out of the state growth management act the requirement for transportation concurrency. If counties and municipalities will not be required to provide trappings concurrency the burden to handle traffic will be placed on the shoulders of existing taxpayers.

I would ask while the legislature gave counties the option to impose concurrency the formula we are abiding by doesn't allow for those that make an impact pay for except say thing those impacts.

It will end up being shifted to the taxpayers.

I believe that is a basis within which Lee County should consider challenging the legislation that eliminates transportation concurrency and provides an option to retain it based on restricted state formula that does not require those creating the impact to compensate for the impact. We need to fight this.

We can't let the legislature steam roll the communities of the state of Florida and take away a tool that is ensured that the development community that creates the impact with development in areas and creates traffic that causes load congestion is off the hook. In fact it will be the residents who will pay for providing capacity on roads.

This is a snapshot in time. We're dealing with a difficult economy but I would not like to see the burden placed on the taxpayers of this county or any other county in the state of Florida. It should be on those who create the impact.

At least investigate the feasibility of filing a lawsuit challenging what the state legislature did on transportation concurrency?

Chairman Mann: Commissioner Manning?

Commissioner Manning: My preference would be, we have had discussions in the last few weeks about this, would be to have whatever county attorney has this in their bailiwick to bring back what options we on the local level can and can't do. I see a lawsuit going nowhere unless 66 counties get involved.

Commissioner Judah: It's an unfunded mandate.

Commissioner Manning: I understand.

Commissioner Hall: I thought there was an M.M.P. that was going to present what this means to us. When is that scheduled?

Next Monday.

Commissioner Hall: Honestly I don't know what the latitudes are and I'm certainly not in favor of expending dollars right now for a lawsuit that I don't even know what it means to sue at this point. So I would like to understand what the changes actually mean.

Commissioner Judah: Good suggestion.

Chairman Mann: The idea is the county attorney's office will probably be participating in an M.M.P. item coming up Monday?

This Monday.

We will have that information for you.

Chairman Mann: Give you an opportunity to expand your thinking on that and whatever suggestion you might have as options available to the county.

Commissioner Judah: Yes, sir.

Chairman Mann: Just a thought.

The legislature, I agree with everything you said, Commissioner Judah but the legislature created the concurrency.

Seems to me they have the authority to uncreate it.

Commissioner Judah: Not if it's an unfunded mandate.

Chairman Mann: There's plenty of precedent for it is all I can say.

I will be interested to hear your additional thoughts on the subject.

Quite appropriate.

Commissioner Judah: One other item to do with the lasco mines, there will be hearing in Collier county.

We have directed staff to be present at the hearing and provide orally and in written form our concerns.

As you well know we spent a tremendous amount of money and resources on the analysis of the drgr and came up where mine doing occur through 2030 trying to protect critical water supplies and prevent undue excessive truck traffic on that corridor affecting residents in the area.

Lasco mines is going to impact the corridor. Staff is saying no access be allowed. Secondly, if the mining company doesn't agree with that 10% of the traffic on corkscrew road.

That's unacceptable. There shouldn't be any. Since staff will be meeting at the public hearing the only option that the county accept be no truck traffic on corkscrew road ton consistent with the analysis and study. No truck traffic remain firm and not a secondary option of allowing 10%.

Commissioner Hall: Mr. Chairman.

I can't just jump on a boat when staff hasn't presented the case.

We have natural resources in this county, existing mines, new mines and we have an obligation to review them with all the facts.

I'm not saying I would not agree with that position but staff hasn't given me a white paper or anything to look at what that means or how it relates to our drgr or roads or anything like that.

I don't know how -- I'm here to just vote no with the understanding I don't have enough information to vote yes.

I don't have enough information nor have I been briefed or been given anything.

I appreciate all the facts in 20 seconds or less but I'm not comfortable voting on something I don't understand.

I don't need to be clarify. I need staff to brief me on the overall issue. If it's coming up as a position I'm going to take in another county. I'm not comfortable doing that as a commissioner item and certainly staff has an opportunity to walk on an issue for this body to vote on. I'm sorry. I won't support it because I don't like the process and I need to have an understanding before I go up against another county and say to them, I'm sorry you traffic can't come into my county.

Commissioner Judah: If I could, staff meeting with Collier county tomorrow, not the commission but a special committee looking at the impacts on this project. They have a position paper and I've tried to explain to the board that the initial position of staff is to reject truck traffic on corkscrew road. I'm suggesting the fallback position is not acceptable to allow truck traffic on corkscrew road. It's inconsistent with everything we have done. If you don't accept it at this time I don't know what to say except staff is going forward tomorrow with this committee with a white paper that says we tonight want truck traffic on cork view road and if you don't agree with that we'll allow 10%.

Commissioner Bigelow: Commissioner I have a thought.

We have had several meetings here about the drgr, all sorts of aspects of it, mining trucks on corkscrew is extremely hazardous.

I think you, Commissioner Mann, dealt with the csra issues and truck volume and rate of speeds and everything related to them.

It is now probably inappropriate use of that road and the county attorney before told us we do have the legal authority to ban truck traffic on that road. Here's my point.

If we don't ban it, if we don't ourselves prohibit the truck traffic on that road it's hard to point a finger at another jurisdiction to say you shouldn't put the traffic on our road either. I like the idea actually of this statement of position but I hope we will recognize when we point that finger we have three pointing back at ourselves and also look at banning the mining truck traffic on corkscrew. I would say we could go forward with this and staff has to get their ducks in a row for our meeting tomorrow and take this up. We could do it on the M.M.P. agenda item when we're looking at roads competent hence NFL Lee County which is soon, right?

Commissioner Judah: The staff meeting is tomorrow.

Commissioner Bigelow: I'm saying go forward with the letter as you are requesting and hopefully we can democracy struck traffic from mines within Lee County.

A clarification, the meeting tomorrow is a Collier county public hearing they are having, a separate environmental committee that the county was going to attend on behalf of Lee County. There was a white paper and a letter sent out from the

board months ago on this issue. There wasn't any new information. Then there are two other processes that Collier county will move forward with after this meeting tomorrow. So we can bring it back to M.M.P. on the 12th if you'd like for clarification to participate in the two other hearings for Collier.

Commissioner Bigelow: I'm attaching, to Commissioner Judah's item the idea that we look at truck traffic generated, you know, to and from mines within Lee County. So move ahead with his idea, that's more immediate, but I was hoping I could tag on to it looking at truck traffic in Lee County at corkscrew at that M.M.P. meeting perhaps. Mr. Loyal was here.  
Maybe we can do it subsequent tonight first step which is tomorrow's first event.

Chairman Mann: Help me, Commissioner Judah or staff, since that white paper was presented sometime back, I'm not clear if perhaps that already stated our general opposition to truck traffic on that corridor, particularly mining truck traffic. I'm not -- maybe it's already been stated.  
And then would we not have plenty of time to address this again depending what Collier's action is?  
Are they taking action or just a hearing?

We need to make a comment on the record.  
What we need to make clear is it's more we're concerned about truck traffic on corkscrew road.  
The staff provides a fallback position of 10% we're stuck with that position.  
We can modify and accept 10% later but I think initially we need to be firm with no truck traffic on corkscrew road.

Chairman Mann: Where did the 10% come from?

A fallback position staff is considering if the mining operator is unwilling to --  
Chairman Mann: I don't think that's necessary at this point.  
Our position is clear after what we adopted after two years of agony, I don't know that we have to go in offering concessions.  
Is that what you are saying?

Yes, sir.

Commissioner Hall: Would you like us to bring back like Commissioner Hall said a walk-on blue sheet with the position so the board could vote on it for the subsequent public hearings in Collier?

Chairman Mann: What are your instructions tomorrow other than to restate we've given you a white paper.  
Read it again.

Just that. And that did not allow for additional truck traffic.

Correct.

Commissioner Judah: Unfortunately, on the white paper staff is recommending a fallback position of 10%.  
We need to strike that.

Chairman Mann: It hasn't been proffered yet.

That's why we're suggesting we bring back something to the board to vote on.

Commissioner Judah: You'll miss tomorrow's meeting.

We'll go.

Commissioner Judah: What will the staff say?

Commissioner Judah: That's what I'm stating today.

Commissioner Hall: We have already stated our position.  
Just stick with our position.

Chairman Mann: I think that would get the job done.  
Unless there's something additional stated or delivered in writing that makes reference to, I'm not understanding where the 10% offer is coming from?  
Something additional staff intends to present?

Not for tomorrow.

Commissioner Judah: I beg to differ. The white paper indicates.

What I'm getting from the board today is to stick with the first position for the public hearing tomorrow which is no truck traffic on corkscrew for tomorrow and we'll bring back something for the board to vote on.

Commissioner Judah: There you go.

Chairman Mann: I think that's helped clarify.

Commissioner Judah: Clear enough to staff? Are we all understanding? Thank you, Mr. Chair, administration.

Chairman Mann: Commissioner Bigelow,  
Commissioner Bigelow: Under 14-a today we are authorized for a public hearing

Tuesday September 27th regarding replace and repeal the ordinance which is other post inflated benefits.

I would like to know before that September 27th meeting if I could hear from county management and the county attorney's office, I'm assuming county management has their finger in this pie as well, am I correct?

I would like to know more about all this before.

Commissioner, briefly the reason we are doing that is so that we can pay the sheriff's portion of the sheriff's retirement premiums of the opeb trust and that takes pressure off the general fund.

Commissioner Bigelow: Now I really want to know more about all that. That's more -- the trust fund?

We already have a problem with the trust fund being our own long range obligations.

Commissioner Hall: We don't have a problem with the trust fund.

That's correct.

Chairman Mann: We're already going backwards and this will go backwards further.

That's correct. But it's short term survival versus long-term decisions at this point.

Chairman Mann: So we set it for public hearing.

Commissioner Bigelow: So if we could have a pow-wow at least. Thanks. And I have no appointments.

Chairman Mann: Commissioner Judah.

Yes William landing.

Chairman Mann: Show it adopted.

I have none.

Commissioner Manning.

Commissioner Hall.

None.

Chairman Mann: County manager.

Just the update from Roland

Good morning.

National resources for the record.

Previously requested to bring back the phosphate mining area wide impact statement and give you a status of that.

If you recall, that was a federal action response to four mines being permitted in the bone valley.

Basically the core is conducting that study in compliance with the national environmental policy act pal it with alternatives making a decision approving the permit or approving with modifications or denial of the permit.

History on the proceeds. It started in February 2011. They had scoping meetings in the watershed.

In march they had the public comment period which was done in the end of April which we provided comments and detailed comments and analysis.

Then they completed they recently completed the scoping report which is basically compilation of all the comments.

They received thousands and thousands of comments from the public and from the stakeholders and different agencies involved. They compile it in different categories. Originally what they were hoping to do is have the study done this October, which is really a lofty completion when they are just filing all the comments.

Commissioner Judah and Susan he should met with their project manager last Thursday and he mentioned probably not likely to February 2012 and even that is probably optimistic.

Our comments basically and they remain the same, we want them to address potential impacts to the estuary.

There is a circle around the mining area and we wanted assurances that they were going to evaluate the potential impacts to the estuary.

These four mines just alone represent 1.3 million acres of mining, 2100 square miles of watershed that's being impacted.

We want to make sure those impacts, the estuary are addressed.

The analysis should include the four mines and there's a lot more land holdings that the major mining companies own.

We want to make sure those impacts as well as past impacts are addressed in the study.

Commissioner Judah: Could I ask a question. Sorry to interrupt.

Sure.

Commissioner Judah: This is an area wide environmental impact statement. You are suggesting the area be expanded. How then does one determine the definition of area wide?

Who does?

Well, they have to respond to the specific federal action which is the permitting of the four mines by mosaic and C. F. I.

They have to look at those particular mines, but realistically because there is such a large area and they have watershed impact it makes logical sense to address the potential impacts that can to the volume, timed distribution and quality of water going into the estuary. That's our argument. There's potential major impacts.

Commissioner Judah: So you are suggesting we try to advocate the area be increased to the watershed boundaries?

Absolutely.

Commissioner Judah: Do they go by more than one name? The water sheds?

Peace river and Biaka and Charlotte.

But there's branches.

Horse creek, sub branches and tributaries in the watershed itself.

We hope they provide modeling, pre mining, current conditions, agriculture and further with mining scenarios similar to what we have done in our own drgr.

So you get an idea of what kind of performance they should be providing more protective of the estuary.

That's what we want to come out of this. It's one thing to do a study but if it doesn't derive into measures for design and monitoring, that's critical to us so we have assurance the estuary is protected. Any economic analysis included in aies has to include impacts and the value of a healthy ecosystem, tourism, Fishery and our way of life.

I open it up to any questions you may have.

Chairman Mann: Questions?

Commissioner Judah: Mr. Chair?

You have been doing a superb job of monitoring the status of this area wide environmental impact statement by the corps and what is concerning and commissioner Bigelow picked up on it's supposed to be an area wide impact on the water sheds and yet to date they still haven't expanded the boundaries in the central Florida phosphate study to include the outfall into Charlotte harbor, which is where we are experiencing damaging impacts. At what point do we need to request that this analysis by the corps with their consultant is not meaningful unless they include the entire watershed including Charlotte harbor.

Where do we say your scope is too narrow.

Maybe Susan wants to jump in here. The next step is providing the draft impact statement.

So we're hoping there may be at least another interim document to show what modifications they are going to provide.

We are hoping they would provide at least some website updates of yes, we are

going to.

We were told they were going to include estuaries but we would like to see it in writing including the estuaries and the cumulative impact. I don't know if there's another draft that has to come out.

At this point there isn't an actual trigger but I think you and I spoke after we met with the project manager, John fellows, that he gave us some verbal assurances that differed at least on the area that's going to be encompassed by the E.I.S. that differed from what we had seen in writing.

We would like to -- we asked him to update his information and to give us some confirmation that that information has changed.

I think we ought to give him a couple weeks to see if they will update their website or send us an e-mail.

They have been sending e-mails to everybody that has anything to do with this.

We don't at this point have any muscle. We're just asking. Like Colin said, until the draft comes out, we don't have anything to fight about. Right now we're just asking.

Two weeks we'll hear from you?

OK.

Commissioner Judah: One way or the other?

Sure.

I'll follow up with -- I was planning on following up informally with Mr. Fellows to see if he could, you know, give us some proof.

He talked about in our meeting that they were going to expand the study to Charlotte harbor.

The geographic area would get to Charlotte harbor.

I would like to see some evidence of that. And I would like to give him some time.

So I will be happy to come back in two weeks and tell you.

Commissioner Judah: Thank you, Mr. Chair.

Chairman Mann: You want to report in writing to Commissioner Judah?

Commissioner Judah: Back to the board.

I prefer to say here it is.

Chairman Mann: We look forward to seeing new a couple of weeks.

Commissioner Judah: Wait.

I have a question for this attorney.

Chairman Mann: County manager items is what we're on.  
See you in a couple of weeks.

Commissioner Judah: Susan Roland said there was a component before it was stabilized.

If we don't include areas of Lee County especially downstream, are we then not -- we might take it in the teeth like we do because of lake Okeechobee to the Caloosahatchee estuary, are we not being looked at for economic consequences? Should all this new mining have downstream devastating effects on our area?

That's been our consistent position, even though the mining is happening up in different counties that ultimately the water trickles down to our estuary into Charlotte harbor and onward.

And that our economic success is very much related to the strength of our estuary. At this point the scope of the aeis is the Corp.'S responsibility.  
We can only ask.

Commissioner Judah: Who have we been asking?

We are participating actively. This is the comment faces.

Every time we have an opportunity to send a comment we're sending them.

We have been in conversations both formal and informal. Commissioner Judah has some contacts within the corps as does Roland. We have had lots of conversations. It's not just us. It's Charlotte county, all the people within the two counties that --

Commissioner Judah: The same

Commissioner Bigelow: The same colonel over lake Okeechobee?

Yes, the colonel is coming next Tuesday.

Commissioner Bigelow: Oh. Good. Stick around. Maybe we'll ask him. Roland and Susan have something to ask you.

Chairman Mann: Further questions on this issue? Thank you, folks. See you in a couple of weeks.

Now, that's all for county manager county attorney. Follow up to our previous almost meeting.

Thank you, Mr. Chair. This is to schedule closed executive session waiting for text development for Monday, September 19, 2011, at 1:30 beginning in chambers and convening into the east room.

Chairman Mann: So to reschedule the meeting we did not complete last week. That would be the announced date, September 19th at 1:30 p.m. You need a

motion to that effect?

No. We just.

Chairman Mann: Just announce it for the record. You are on the record. Where is that advertised?

Newspaper.

Chairman Mann: General circulation.

OK.

Commissioner Bigelow, you had some concern about the attendees in the closed -- I feel like you felt maybe why I allow you to get those concerns stated. This is the opportunity if there was more you wanted to bring out.

Commissioner Bigelow: You're asking me if I got over that?

Chairman Mann: I wouldn't put it that way.

Commissioner Bigelow: I've been dealing with it. I talked to Mr. Stewart in pursuing other --

Chairman Mann: OK. We're on record for that.

We have one other item.

Chairman Mann: I'm sorry.

Donna Marie Collins.

I wanted to let everyone know there is the final hearing on the downtown library before the city council this afternoon starting at 4:30.

Chairman Mann: Anything we need to be alerted to?

No. Your administrative staff and our office will be present. Hopefully it will go smoothly and we'll proceed from there.

Chairman Mann: We're not anticipating any fireworks?

No, sir.

Commissioner Bigelow: We have done so much ironing I don't know how we would find any wrinkles.

Chairman Mann: Thank you very much. Now I think we are at the point I

announced earlier in the meeting where those who have comments on any item other than agenda items would be recognized at this time. We are on that agenda item. Mr. Pure, if you would like to zip up here quickly. We dealt with 7-a and b which I had that you were interested in.  
Say what you are going to say.

Ron pure taxpayers action group. My understanding you guys voted to accept the Aetna group as the administrator but you didn't accept the overall policeman that is on the table at this point with respect to health insurance?  
Just the administrator?

Chairman Mann: I thought we accepted the whole item was recommended. Staff's recommendation. Help me here.

I understood human resources director chatted for a bit in back and I thought he understood it was only the administrator being accepted by you folks today. At any rate.

Chairman Mann: Let's be clear on this what we did here.

I'm not sure what your question exactly is. The administrator of the plan.

Chairman Mann: Ms. Brady would you come here so we know what's said.

I'm glad to have her appear again here.

Chairman Mann: What did you think she told me?

I think she told me the administrator was accepted today bought commission. Not the policy, not the plan for providing health insurance to those employees.

Chairman Mann: Is that an accurate characterization?  
Is there more work to do on this?  
We chose Aetna today and that's all that did?

You accepted Aetna as third party administrator for your health plan.

Chairman Mann: And it appears, according to Mr. Pure, that further action will be required before we can pay any claims?

No.

Chairman Mann: I'm trying to understand the confusion.

I think what his question is, if we were to make any additional recommendations to

changes to our current health plan that that would be something that may be discussed at the budget hearings.

Chairman Mann: But it's not your intention to bring anything further to us for our health insurance plan?

We have additional proposals that we will be bringing forward for other pieces of the plan. They will be on blue sheet moving forward through the system the next couple of weeks.

We'll bring additional providers for your acceptance for other pieces of that.

Chairman Mann: For components on the big picture.

Correct.

Chairman Mann: Which would amend the status quo in some way?

What we're looking at is other providers as far as dental and vision is concerned. We already brought forward the life insurance piece of it. We'll bring forward flexible spending accounts and administration and an R. F. P. Out for Medicare advantage plans. That will be the last one.

Chairman Mann: With that clarification, Mr. Pure, now what comment would you like to make?

Perhaps, I don't know if it's standard operating procedure but as long as the human resource lady is here I would hope you would open up more discussion today ahead of your budget hearing tomorrow to cover such issues.

Chairman Mann: I suggest you spend more time with miss Brady and make sure you understand everything.

OK.

The point here is I'm sorry Commissioner Judah: What's the question?

The question is having to do with the taxpayer at large for local government to start getting down to levels of reality that we deal with in the private sector with respect to health insurance coverage and pension plans that you folks have.

I brought to your attention the last time I appeared that the employees pay a paltry \$15 a month for their health insurance plan.

To restate what I said a month ago, that's about 2% of the overall premium cost of the health insurance policy.

That is -- I'm not suggesting the human resource department or administration hasn't worked to bring the co-pay or the minimum amount or the premium share of

the employee a little bit above where it has been and certainly is now in 2011. But I would like to have someone shed some light on that publicly so that the people who watch this show and read the newspapers have from you some input with respect to how you feel about the woefully low insurance premium costs that the employees at lee county government pay.

And also shed some light on the pension plans that you have as individuals. I don't know if commissioners have the same plan as the employees at large. Do you pay only \$15 a month toward your insurance coverage?

I think this is a discussion that should be openly discussed and brought to the attention of the taxpayers at large.

Therein lies a few questions and a few statements. I hope not a speech.

Chairman Mann: Is it tomorrow our budget hearing?

Yes.

Commissioner Hall: Yes.

Chairman Mann: These sound like points you would like to make if you would understand more detail.

I'm asking you to get with Ms. Brady this afternoon before the hearing tomorrow.

I would like to understand more of the details but I think one detail I brought to your attention today and a month ago is real pertinent and meaningful in the view of the public at large.

We are not -- many of us are not pleased with the packages both pension and health care Benies that the focus in Lee County government nor are we pleased with the cities at large within southwest Florida. But therein lies the deal.

Chairman Mann: I think we have been generous with your three minutes getting to the bottom of this.

To a little more research today and we would be looking forward to hear another three manipulates tomorrow.

If Christine has the time now perhaps we can sit down for a bit. Thank you very much.

Chairman Mann: Thank you very much.

In the yellow shirt, please, I don't have your card but I know you will provide us with one and you have been patient here for two weeks.

Good morning.

Bob Marino representing country club estates in LeHigh acres on the issue of chickens that hasn't been resolved.

I would like to know what is going on with it.

I stopped the code enforcement prior to coming here and they said they heard nothing about it and they were told to enforce it.

Chairman Mann: It may not have filtered down.

Mayor, you may want to come in here and weigh in.

But code enforcement had taken a time-out on enforcement until staff had a chance to review this in depth and come back with a recommendation to us which they did last week and their recommendation was to not take any action to change the existing ordinance as it relates to who can have a chicken at their house.

There was no alternative to that taken. So it is now back in code enforcement's lap to deal with alleged offender.

So Miss Gib might be able to give you a quick answer on that.

Just trying to be fair.

Thank you.

Thank you.

Now Austin good.

The reverend?

That would be you.

Yes, sir.

We appreciate your patience as well.

Good evening reverend Austin good.

I was attending the last meeting August 30.

When I was coming up as a youngster before concrete took over housing there was a lot of wooden houses and a lot of us own animals in the backyard for eggs and milk and food, meat products, chicken, even.

I wanted to urge more as a good reverend the environmental impact of having more animals that can't be eaten like dogs or cats for the United States of America.

Not to insinuate going to other countries.

But if we had animals that we could eat in the yard would that better the environment?

If we could contain our abilities as good voters here in the area, then I would want you to acknowledge that we could say yes to farm animals in Lee County if it's going to make us better.

And also, Bonita beach road.

They wanted to add more of the concrete and I would be against development.

But maintenance is a top of the line issue amongst every development.

If the proper maintenance was applied to the Bonita beach area would we have to add to the environment more roading that's going to need more maintenance?

So if we could take a look at the maintenance part that's happening to the Bonita beach area.

I believe was sand development area and the road also was subjects of appeal. And providing for the beach nourishment if the employees were paid as firemen and they kept their equipment up for when the hurricane or tropical storms are even heard of, not to mention earthquakes that's happened even in Washington, D.C., maybe will happen with us.

But if they kept the employees on the line of scheduling to be paid even while they are off duty if necessary.

I don't know if they do that after hours or during hours or while people are enjoying the beaches, tourists enjoying the beaches or not. But we want keep them on a schedule. That's very important. We have to have a fire department that's very necessary.

So I just wanted to say something about that 8-a action right there and corkscrew road and my thoughts is a trucking area.

More than the housing area that's over there also.

I believe they have a mutual agreement of which way the trucks should even go into the area.

And if that's the right area that's to the left of where I'm standing or to the right of where you are facing, then I would want to remember that the families that are being taken care of by this corkscrew road not be hindered for one moment.

Chairman Mann: Thank you, reverend.

If I could have one more.

Chairman Mann: If you have one quick point.

Yeah.

The public input is very important and I'm glad it's not even on the agenda that I saw and I wanted that always to be available for the people here.

Aetna is an important place, but rent, mortgage and groceries are just as important as insurance.

Chairman Mann: Amen.

Thank you, reverend.

Thank you very much.

We are adjourned.