

**January 31, 2012**

Chairman Manning: Good morning.

This is the regular meeting of the Board of County Commissioners and our first duty is our invocation by pastor George Savito and followed by the pledge of allegiance.

Let us pray.

Lord, thank you for the goodness of this day, in your goodness placing news this Lee County paradise.

We are grateful for the beauty of your creation, the beauty of our community but also mindful, God, of those in our community hurting today, the poor, marginalized, Aged, those struggling with addictions.

We pray in the decisions we make today we will keep in mind all of your people in this county and our decisions will be just and honorable and filled with compassion for the good of all.

We ask for your guidance.

We pray in Christ's name.

Amen.

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

Chairman Manning: Thank you, pastor.

We have two ceremonial presentations this morning.

I'll turn the microphone over to Commissioner Mann recognizing the 125th anniversary of Lee County.

Commissioner Mann: Thank you, Mr. Chairman.

It is my honor and a little embarrassed to do this.

Commissioner Judah you did so much work to put this resolution together and planning for the entire year of celebration because of the excitement of this being the 125th birthday of Lee County, but it is my honor to read this resolution.

Contrary to rumors going around, I was not here 125 years ago when we were formed.

I thought perhaps that's why I was given the honor here.  
But it's a mistake.

We want to recognize some people here who have done so much to record the history of Lee County from different views and perspectives and I invite them to come forward.

Molly, if you could get them up here.

Pete and Genevieve from southwest Florida historical society.

Christine pierce recognizing black history, Nathan Shaw, the northwest cultural center of southwest Florida and Steven and Elizabeth with Estero historical.

OK.

Matt Johnson, southwest Florida museum.

Good to have you here this morning.

This is probably going to set a record for the length of resolution we passed around here.

We don't do 125 year recognition every day.

Thank you for the recording of our historical events here in Lee County.

Whereas the year 2012 marks Lee County's 125th anniversary as an independent county from Monroe county and whereas it is appropriate to note this special date and Lee County's colorful history and whereas historians remind us that a week's travel time or more was required to conduct business with government officials in the previous Monroe county seat and long away key west and whereas residents here were frustrated that taxes sent to Monroe county rarely were returned to the legitimate needs in this area and that situation was particularly obvious when our only public school house burned down in 1886 with no help coming from Monroe county and the citizens of the area generally known as Fort Myers petitioned the state government to create their own county and on may 13th, 1887, the legislature established and created Lee County named for Robert E. Lee. Plans were made for a fine brick and concrete courthouse three stories tall and voters approved a \$20,000 bond to finance the structure and wraps the collapse of the railroad industry caused fractures and a financial downturn known as the panic of 1893 which rendered the needed construction bonds unsalable and the citizens of Lee County instead built a modest wood frame courthouse in 1894 for the low bid price we built our first courthouse for take a guess, folks, \$3640.

Whereas 20 years later the majority of the county commission agreed it was time for a new courthouse and approved a contract for construction, a plan that faced opposition from a group questioning this expenditure of taxpayer dollars.

Nothing ever changes, does it?

Whereas as the opposition group was headed to arcadia seeking an injunction to stop construction chairman of the board William tolls ordered demolition of the wood courthouse and whereas 150 men sprang into action and totally demolished the building before the opposition group returned with an injunction in hand.

And whereas a new courthouse was elected in 1915 and that yellow brick building is still in use by the county commission here today.

Whereas by the character and strength of its citizens Lee County has survived hurricanes, freezes, diseases, war, political divisiveness, racial segregation, economic booms and economic busts and whereas Lee County is blessed with official and unofficial history keepers safe guarding the stories, records and photographs of those who came before, and making those records available for future generations and whereas while we take time to honor our 125th anniversary with a year's worth of events we also take time to honor those historians among us, you guys, who remind us of the tough battles through which we have come so we may more courageously choose the best course moving forward.

Be it resolved by the Board of County Commissioners of Lee County, Florida, on behalf of the citizens of Lee County we do hereby pause and recognize the entire year of 2012 as Lee County's 125th anniversary celebration and challenge the people and encourage them of southwest Florida to learn more about Lee County by visiting our outstanding facilities, attending our wonderful events and especially by enjoying the magnificent natural assets of our beloved county.

Signed this very day by our chairman, John Manning.

Thank you for all you guys do.

[Applause]

It's picture time.

Whoever is the spokesperson for the various groups, Genevieve you and Peter are one of them, I know.

How are you?

How are you?

Great to see you.

Y'all get one of 'em.

Each group has one of those.

Center yourself and let's put this down for the people of 125 years to see.

Molly, you have to be a part of this picture.

Molly.

You are the one that made it happen.

Commissioner Mann: Thank you.

Molly, say a few words.

I want to thank everybody from the various historical and cultural societies and history museums who have made it here today.

Would any of you like to say a word before you take off?

Everybody is being shy.

These are the people in the community who keep the records for all of us so we'll know where we have come from.

I want to thank all of them for giving me access to the information.

We have a logo we'll use this year for our 125th year and I want to thank the B.C.B. for allowing us access to their marketing people.

We have a web page that will be connected to the Lee County web page that will go live today or tomorrow with as a resource of what's going on this year and the B.C.B. is almost ready.

They're going to have an online coupon book that merchants can go to going live in a few days and that's another opportunity for people to get out and explore the community. Really appreciate the commissioners' support.

Chairman Manning: Thank you, Molly.

[Applause]

Mr. Chair, I want to thank Commissioner Mann.

I think it was appropriate that you read the resolution.

Chairman Manning: He was a mere child back then.

Commissioner Judah: You have a strong perspective of what's going on in this community.

I also want to thank Molly.

With relatively no budget she's mobilized the people of this community to celebrate our 125th anniversary.

Thank you.

Chairman Manning: Thank you.

[Applause]

Chairman Manning: Next the length of service awards.

I would invite my colleagues to stand down and shake a few hands.

I am Christine Brady, director of human resources accompanied by Elaine Schultz from employees relations.

We are here to present length of service awards for all eligible employees for the fourth quarter of 2011. They awards represent 815 years of service to Lee County government.

For those employees present as I call out your name, step forward to receive your pin, greet the county commissioners and remain off to the side to take a group photo at the end of the presentation.

As I call each group by years of service I ask for everyone to congregate in the back.

If we could start with our five-year recipients.  
Millard barr, five years, facility management.

[Applause]

Michael Karairi, facilities management.

[Applause]

Otto dimooth, facilities management.

Jennifer fenski, internal services.

[Applause]

Brian Gilman, utilities.

[Applause]

Erik Gutierrez, solid waste.

[Applause]

Michael Holland, utilities.

[Applause]

Michael Jacob, county attorney.

[Applause]

Sheldon Kay, library.

[Applause]

David Coppinowski, public safety.

[Applause]

Barbara leeTy, transit.

Katia love, transit.

Zac Munoz, utilities.

[Applause]

Raymond nakia, fleet management.

[Applause]

Brian ott, natural resources.

[Applause]

Oscar Perez, solid waste.

[Applause]

Deborah quindy, public safety.

[Applause]

Dominic Romangano, solid waste.

[Applause]

Elizabeth spang, utilities.

[Applause]

Dion street, public safety.

[Applause]

Mona stump, animal services.

[Applause]

Samuel velez, utilities.

[Applause]

If I could have the 10-year recipients gather in the back.  
With 10 years of service, rich beck, facilities management.

[Applause]

Ruth boonstra, public safety.

[Applause]

Joseph France, operations.

[Applause]

Reg Cantor, county management.

[Applause]

Jean ostrowski, D.O.T. tolls.

[Applause]

Jamie pringing, D.C.D. administration and support.

[Applause]

Jamie pringing, D.C.D.  
That's who we just did.

Lillian wagner D.C.D. engineering.

[Applause]

With 15 years can we have them congregate in the back please.  
Lee boothlet, public safety.

[Applause]

John bootwell, parks and recreation.

[Applause]

Richard Conrad, transit.

[Applause]

If I can have the 20-year recipients gather in the back.  
With 20 years of service, Kathy Dorothy, human resource.

[Applause]

Deborah Ferguson, library.

[Applause]

Linda Labelle, utilities.

[Applause]

Now for the 25-year recipients, with 25 years, Doreen boranski, parks and recreation.

[Applause]

Derrick Danley, D.O.T. engineering.

[Applause]

Deborah Dunn, parks and recreation.

[Applause]

Bruce westbury, internal services.

[Applause]

For our 30-year recipients, Keith kibby, natural resources.

For our 35-year recipient, Bethany lauer, natural resources.

[Applause]

Congratulations to all of our employees and thank you for your service and commitment to Lee County.

[Applause]

Congratulations on your service to Lee County.

[Applause]

If I can get everybody's attention before we leave, I have one more very special recipient that was not mentioned on the list.

I'd like to recognize right now.

That would be our own Commissioner Mann with five years of service.

[Applause]

Commissioner Mann: Y'all are excused. Thank you all very much.

Chairman Manning: While they are filing out, we'll go over the recap sheet. Rather extensive today.

We have one carryover being asked to be deferred indefinitely.

Some additional information on administrative item 2-a and 14-a.

We have two walk-on items we'll take up and a carryover item which we'll also take up.

Motion for carryover motion to be deferred.

Seconded by Commissioner Hall, seconded by Commissioner Mann.

Discussion.

Objection?

Motion carries.

We'll go next to public comment on the consent or administrative agenda.

I have Neal Montgomery if she wishes to speak.

OK.

Item 13-a carryover number one.

Good morning, commissioners.

We have only two water management issues on today's agenda, unusual, one with wastewater and the other with stormwater and I'm sure Lee County will continue to approve those and show it's pro-active leadership in cleaning up our own backyards and dealing with the water issues affecting the state.

I would do a shoutout to Keith quickie who has long served protecting the quarters of Lee County working long and hard with the Caloosahatchee citizens association with which I'm associated at the we thank him for his good work.

We need science-based data to make good decisions and Commissioner Judah. Coming was enough to have urban fertilizer removed from the agenda yesterday. We thank him for moving forward.

Hopefully we can defeat that and many of the other bad bills working through Tallahassee right now, many of which are designed to preempt good local governments from doing the right thing. Thank you for your continued service.

Chairman Manning: Next, Carl shwain. I do not have any other cards beyond his.

Thank you.

It's a pleasure to be in front of you this morning.

As you recall last week the majority of you spoke in favor of allowing residents of Lee County to vote in November of 2012 on weather to allow dog tracking in Bonita springs and instructed the attorneys office to get that moved on to the supervisor of elections office and we thank you for that.

Unfortunately, since last Tuesday our fears of a proposed amendment to the state statute to preclude a county's right to call for such an election have become reality. While not adopted yet this proposed amendment looms as yet another challenge to home rule in this state.

In order to meet the criteria set out in the amendment by January 31st, today, we respectfully request the commission adopt the proposed walk-on resolution. While we still believe this is not a legal issue we are asking for a vote. We also believe this is a home rule issue preserving Lee County's right to call for an election if you so choose.

Lastly, we want to thank the administration, we want to thank the commissioners, we want to thank the county attorney's office for working with us on this issue. We recognize the difficult challenges you face every day. On behalf of the residents of Lee County we thank you for your sacrifices and efforts.

Chairman Manning: Thanks. Izzy, you are next. I do not have any other cards.

Anyone who wishes to speak on any item?  
Go ahead.

Hi again.

To echo the two people before they, this is about protecting Lee County's right to decided. We knew or assumed today would be the deadline for Lee County to put this on the ballot to start taking steps to put this on the ballot and last week we were given direction and we have months to work out details but to today to get the ball rolling to create hundreds of new jobs and a new revenue source for Lee County.

We have until December 6th to educate the residents but today is the last day for the board to give residents the right to decide.

Commissioner Mann, it's slot machines, nothing else, everything else is prohibited by the state of Florida unless you get 60% of voters to approve it which I don't think you can it's only slot machines.

Chairman Manning: Agenda items to be pulled.  
Commissioner Bigelow.

Commissioner Bigelow: Good morning, Mr. Chairman.  
Good to be with you this morning.  
District two commissioner said rather facetiously.  
I'd like to pull 7-a and 13-b.  
Thank you.

Chairman Manning: Commissioner Judah.

Commissioner Judah: None.

Chairman Manning: Commissioner Mann.

Commissioner Mann: 1-b.  
Chairman Manning: Commissioner hall.  
Commissioner Hall: None.

Chairman Manning: Move discussion, item 7-a commissioner Bigelow.

Commissioner Bigelow: Thank you. I thank you individually because verbatim quote me on why I would oppose these two items.  
Appears to me there is no interest in seeing these selection economies discuss further our management and planning meeting.  
Our closest ally on the board seems to be a good fourth vote.  
We see eye to eye on many issues before this county, the majority of this board in particular the longest serving commissioner of this board.

Commissioner Judah: Mr. Chair I'm going to respond if we're getting into personalities.

Chairman Manning: We're not.  
Keep it to the items, please.

Commissioner Bigelow: I bring these items up yet often for a vote.

Commissioner Judah: Move the item.

Chairman Manning: Second?  
Seconded by Commissioner Mann.  
Discussion, motion hears.  
Item 13-b.

Commissioner Bigelow: Madam clerk I don't know if the record is clear, I did vote against that.  
13-b is the same.

Move on to 13-b.

Motion to approve.  
Second?  
Second by Commissioner Mann, discussion, objection.  
Motion carries.

Commissioner Bigelow: I object.

Chairman Manning: Item 1-b Commissioner Mann.

Commissioner Mann: Who from staff can help me with this item that has to do with changing New York trust company to the U.S. bank association.  
Mr. Clerk, is there -- it says it's not in the best interest of Lee County.  
That's my back-up information, for us to continue with the bank of New York trust company and therefore is it the clerk's office is recommending we change?  
Is there anything that can be put on the record as to why that's not in -- no longer in the best interest of the county to keep the bank of New York trust company?  
Or is that something that is best left for the attorneys to talk about or prepare for a legal action? It's just I've never seen this kind of a request.

Donna hanley, county clerk's office.  
The reason we are requesting this is because we are trying very hard to keep our costs down with our investments.  
As a consequence we're not necessarily using the trust company's own investment tool.

What happened to us is last time that bank of New York had a little trouble getting the investments available to transfer them to the paying agent, which was a different bank.

As a consequence, knowing this environment, we asked the county admin if we could make it a consistent procedure to have the trustee and the paying agent the same bank so there is no issue with the transferring of money from one bank to the other causing us to be late on our debt and principle payments.

Commissioner Mann: So are you saying it's a cost factor?  
Or a potential cost?

It's a potential issue with our credit rating if we don't pay our debt timely.  
And what happened was they brought the money in to their bank at such a timeframe they almost didn't get it to our paying agent so he could make our debt payment.

Commissioner Mann: OK I'll move the item.

Chairman Manning: Is there a second?

Second by Commissioner Judah.

Objection, motion carries.

Go to our administrative agenda item 1-a.

Prior to you getting in depth on this item I want to let my colleagues know --

Commissioner Bigelow: That's 2-a.

Chairman Manning: Thank you.

I've asked staff to go to the staff at the city of Cape Coral to negotiate a new interlocal agreement.

This one is rather outdated and also to ask them to rejoin on a paying basis next year under the regional planning council.

I wanted to put that on the record before you go into it.

Commissioner Mann: Having put that on the record I'm confused.

I thought the interlocal agreement was between Lee County and the R.P.C.

Commissioner Mann: You mentioned Lee County and the city of Cape Coral.

Commissioners, let me clarify.

This is membership dues for regional planning council.

It's a little different this year because we received an invoice for Lee County and Cape Coral.

What we are asking to do because legally the attorney's office reviewed the interlocals and administrative codes, we do need to pay Cape Coral dues for this fiscal year but we have asked to go back to the planning council to renegotiate.

We will notify Cape Coral that we are doing that so no one is surprised if you agree we want to do this today.

We'll make sure everybody knows and we would like them to rejoin so that will only apply for this fiscal year. But we are legally constrained at this point and that's why we have asked to go back and renegotiate. One thing I want to add is the new regional planning council starts today, but we tried to get a hold of Liz Don Li.

She was out of up to so she called this morning and she was concerned with the date we

put in that we would need to renegotiate and be back no later than may. We do need to bring in all the cities. It could take longer than that. She wanted us to relay that to you this morning. I'm happy to answer any questions.

Commissioner Judah: Move recommended action.

Chairman Manning: Is there a second?

Commissioner Hall: Second for discussion.

Commissioner Hall: Mary, over the year there have been good things and bad things at the R.P.C. I'm glad to see another new director come on board but Mr. Chairman, I think we need to evaluate the R.P.C., the new laws that have occurred when the process of creating interlocals with our five cities to create a more Ombudsman type process.

We are in a real estate crisis thing with light at the end of the tunnel. What you hear as we have come through the worst of the worst is when are we going to work on efficiency in our regulation. It's all within our purview. I have been here seven years and I have been begging for it. Everybody has a group doing it. I'm concerned about how our relationship with the R.P.C., I'm concerned about -- I'll go back to you know if you could have Nance of the R.P.C., what's appropriate and what's not. I have seen inappropriate things happen there. I don't know who is in charge sometimes over there. They have a board made up of counties and cities and government appointments. I would like to have maybe an stand-alone meeting that brings us back up to speed what we can expect from the R.P.C. It's a lot of money. Times are changing. We are the last in the state not to have a regional economic, we're working on that. We want to stay in touch with your neighbors to the south, north, and east of us. But I think we need to be more engaged if we're going into negotiation and update our understanding I think it should be updated with the times we are in now and that we have specific expectations from them that won't let them run astray. I'll support this moving forward because I don't think now is the time to walk away, but I guess I agree with some of our state legislatures. What is the role of protecting the health and safety of our communities as it relates to what they charge and the other aspects of them. Are they just another layer of bureaucracy close down the process or is there a benefit. I'm 50/50 on the benefit part.

Chairman Manning: Commissioner Mann.

Commissioner Mann: Commissioner Judah I need to ask you in the motion you made I thought you said you moved the recommended action.

Commissioner Judah: Yes, sir.

Commissioner Mann: Including the chairman's situation of Mary to see if we can renegotiate and the second part says request direction from the board on whether or not to pay the Cape Coral dues.

They are asking us for direction.

It was not clear.

Did you mean to include that we go ahead and pay that?

Commissioner Judah: Yes.

In fact the category the cape is in with that free municipality designation, it is incumbent upon us legally that our current contract to pay that membership fee.

That's included in the motion with an understanding we are going to renegotiate that contract.

Commissioner Mann: OK.

I thought -- my thought, Mr. Chairman is I don't think the sky is going to fall if we withheld the payment of that until in fact I would kind of like to use that as a bit of a leverage in this negotiating process.

I would be happy if that were not a part of it.

But at least for clarification that is a part of the motion at this point.

Commissioner Judah: Yes, sir.

Commissioner Mann: Let me point out my concerns long term so at least one of us will give some detail.

I'm concerned about the effectiveness of R.P.C. when the largest city in Lee County and the planning council withdraws.

Every effort should be made to encourage Cape Coral to remain active here.

There's two good examples right here in Lee County.

At the risk of offending somebody the reason we have planning today is when Cape Coral was born and Lehigh acres was appropriate and golden gate was born there was no planning.

Today we have hundreds of thousands of single family lots out there with no commercial, no environmental concerns and all kinds of concerns.

If there's anybody that needs to be a part of the planning process to try to correct a lot that was done in the -- done in the past it's Cape Coral.

I would implore council to work with us to try to get them back in the fold.

They need to be a part of the process.

In fairness I'm not sure how we got to this point but where we are legally obligated if they decide to withhold their funds, if we pay their funds I presume they are entitled to continue functioning as a paid dues member.

Why do the other four cities in Lee County not just also withhold their dues and say we would like for grandpa here to pick up their dues as well.

There's a fundamental unfairness here that concerns me.

That's why I'm reluctant to throw the \$43,000 out there without a better understanding of where we go from this point.

I don't want this to be a foot in the door that sets a precedent where we are obligated in the future. We need the cape to be a part of the regional planning council. I have heard the mayor express his concerns and we have all had concerns that it wasn't functioning well as

it was but we have restructured the regional planning council and had a new director and now we need to come altogether and work for the betterment of all of southwest Florida. So we need to be a partnership here. I apologize for the lecture but this is the only way of sending a message to the good people and council of Cape Coral.

Commissioner Hall: You could always send a letter.

Chairman Manning: I've made it clear to staff that this is a one-year appropriation and b, I would be happy to meet especially with the new council members over in the cape. They seem to be very receptive to information sharing.

I think you'll see hopefully a new attitude about this.

I agree with you that we need to get with the R.P.C. folks and restructure.

So, my view this is a one-year appropriation.

Further discussion?

Commissioner Bigelow: Yes.

Mr. Chairman, regional collaboration, cooperation, planning I think is important.

Regional planning council process, however, throughout the state, I believe, is flawed. It was a nice try. Had a long history here, enough to bring us to this place, I think for me to conclude that it's broke and needs fixing.

Cape Coral did not want to pony up this money because they felt, as I understand it, it's wasted time and if money going after bad.

-- good money going after bad process.

Or organization.

However my vote today will be to support this because I am going to defer, leaning toward the county attorney's office opinion that this is an agreement we have signed. It's in place and I think should be upheld to honor the commitment that we have.

Chairman Manning: Further discussion on the motion?

Objection?

Motion carries unanimously.

Thank you, Mary.

Next, item 14-a.

Good morning, members of the board, Andrea Fraser.

We have brought this back at the direction of the board recording the copcn for Bonita springs fire department.

I had an opportunity to speak with their council yesterday as well as the hearing officer that we have selected. Her name is Susan Sharudy.

She's agreed to limit her compensation to no more than \$20,000 and she put that in her agreement which I sent to you all as a back-up.

However in a letter that many council sends out to me they have indicated that they will not pay for any expert witnesses that we might have.

The expert that they are referring to is the auditor, the forensics audit you all wanted done on the numbers of the fire district as well as the department or the division of public safety. They have indicated they will not pay for that.

I did contact a forensic auditor and other C.P.A.s to get an amount or a rank.

The going rate is between \$300 and \$350 an hour.

Did I have the auditor attach his potential conflict and sent that to you all to review as well.

That's \$315 an hour for that auditor to go in and look at the numbers.

Also, that auditor would also need to be present at the hearing in front of the hearing officer for us to convey the information to her for, to assist her in making her recommendation back to you and if you all had any other questions of the auditor he would be here at the next public hearing that you would hold in order to determine whether or not to go forward with granting the copcn to Bonita springs.

Chairman Manning: Questions?

Commissioner Mann: When we were briefed on this individually it was your understanding at that time that we might be obligated to \$75,000 for the cost of this additional review that was going to give us the information that was not available at the last hearing and I was stunned by that number and I'm greatly relieved to find it's down to \$20,000 for the hearing officer and we would split that 10 and 10?

Correct.

Great relief there.

But the reason we're doing this is because with our experts and their experts and their proponents and our proponents last time we couldn't agree on the financial impact, whether it would be good or bad for whom.

And now if we need a forensic auditor, I mean if we're going to get the answers we need to have, I think it's critically important to include that but I think it's critically fair that Bonita share. Since we got the number down so much I don't know why in the world they would not be willing -- but they don't want to pay any part of the \$315 an hour?

That is correct.

I spoke to their representative yesterday.

Commissioner Mann: That's the information we need, commissioners, is my point.

We're wasting time and money. It will be down to another raw political vote if we don't have this exact kind of information that this would develop for us.

I'm in a quandary here. I think it's a waste of money to go forward if we don't have that additional back-up.

Commissioner Hall: Mr. Chairman this board voted notice and Bonita springs said would you reconsider and we spent an enormous amount of time rung the numbers and Bonita springs ran I don't know the time frame they used but they ran numbers and they are very far apart and they don't agree.

We were their elected officials, their fire board came the staff and chief and said we want you to reconsider this. We said no twice and we said, OK, if we can't come to an agreement would you then at least go to mediation, to a hearing and we said OK. But at the end of the day, I agree with Commissioner Mann.

I'm prepared to stand by my no. I have taken it upon myself to meet with different representatives in the community and I think unfortunate there's rhetoric out there but

overall I don't see the benefit to the citizens of Bonita springs in the fire district to slip this out. I'll stand by my no. I'm not prepared to support this.  
We left the last meeting of the process we were going through and that that would be shared.

I'm more than happy to follow the request made by the Bonita springs fire district to go to mediation to do that. But we can't do that without the right information.  
That will cost money. Right now we're desperately holding on to people's jobs.  
We have a \$30 million shortfall and I'm not prepared to throw another \$50,000 to have the same outcome. If you can't invest in the right information I don't see where we get a different answer.

I agree with Commissioner Mann, if we can't come at this as equal partners -- personally I'm trying to keep my mind open but it tells me again, maybe we made the right decision to begin with and we should end this now and move on.

Commissioner Judah: Mr. Chair, I wanted to ask Su, initially what brought this all about was there was questions of the Lee County budget, E.M.S. specifically and the Bonita springs fire budget, cost per call for E.M.S. versus Bonita springs fire the time put into training. I thought we were well on the way to rationally and responsibly approach this with a third party mediator.  
And I wanted to the confirm can be did we not receive in writing that Bonita springs fire was willing to pay 50% of the cost?

That was originally in an e-mail sent to the county manager and the board.  
Yes, sir.

Commissioner Judah: Was that before they understood what the cost might potentially be?

I can't speak to what they knew at the time. At the time we had not hired a hearing officer and now we know her going rate as well as the rate of the expert.

Commissioner Judah: I think it's important that we certainly substantially seen a reduction in the cost of the administrative hearing officer where Bonita could contribute 10 and Lee County contribute 10 but the forensic information is crucial and critical in this approach. That's something we would bear the burden to pay?

Solely. Based on the letter I received from their attorney, she put it in writing as well as reconfirming in our conversation yesterday that they would not be willing to pay for any expert witnesses.

Commissioner Judah: I recall some correspondence they would pay for their own experts?

If they had any they would pay their own.

Commissioner Judah: And then their experts say one thing and ours say another with no independent party to evaluate both sides.  
I would hope we could make one last-ditch effort to Bonita springs fire that this is a 50/50 proposition. If we truly want to get to the facts.

Lee County would provide that Bonita springs fire would freeway an independent third party mediator. That's the dilemma.

Chairman Manning: Is there a sense of the number of hours that the forensic auditor would be involved in this?

It doesn't seem to be more than x amount to me looking at both sets of numbers and digging into where they came up with the numbers.

He did not provide that. The budget that he would be looking at because of the volume of paper that we understand public safety has and the fire department has.

Commissioner Hall: I can't imagine it being less than \$10,000 adding up the hours and sit through the mediation. Probably \$10,000 to \$20,000 from him.

That's probably closer to 20 or 25.

Chairman Manning: You want to come up and put something on the record, Jeff?  
.you are taking public comment?

Chairman Manning: Taking public comment from Bonita springs fire.

Here on behalf of Bonita springs fire control and rescue district.

Thank you Mr. Chairman and commissioners. Just to set the record straight, to my knowledge and I may be ignorant of the process, we do not believe there has been a no vote on the actual petition. As the ordinance lays out it allows the request to go to administrative hearing. With regard to the initial offer to pay for half of the administrative hearing officer we maintain that's always been our position. We haven't changed that position.

The position is changed when you talk about expert witnesses.

If you provide expert witnesses and we provide expert witnesses who is going to be the third party? That's the administrative hearing officer's job.

Why would we pay for half a witness against ourselves? We would pay for our own witnesses, our own experts. We are having our material reviewed now by F. T.C.U. and we have expectations of presenting additional expert testimony other than what we presented at the initial hearing here to the hearing officer.

We maintain two things.

We have always said we would pay for half of the administrative hearing officer.

We never agreed to pay for any of your expert witnesses.

And that we do not believe there's been a vote on this issue to date.

We have also proffer that we don't think the numbers are skewed as you may believe they are.

I think the Bonita springs fire numbers talk about the delta between what the cost is presently to provide the services they are doing and what the cost would be if they added transport and your professionals provided the total cost to include everything we are doing now to include transport on top.

That's a distinct difference, that's narrow and easy had I to ascertain conclusion. I don't think this will be a big issue nor I do believe we have had a no vote.

Chairman Manning: Are you getting pro bono services from ftcu?

I don't know the answer.

Commissioner Mann: And

Chairman Manning: And you have hired outside experts?

Yes, sir.

Chairman Manning: Further questions by the board?

Commissioner Bigelow: I'm recognizing a name I have seen before.

In a back-up document here from the financial evaluation group.

Mr. Fraser, could you tell me is this the Michael crane that authored what I would call the Stilwell whitewashing?

Do you recall.

That's Michael crane, yes.

Commissioner Bigelow: I would like the county attorney to know if you didn't know, this was someone hired by the previous county attorney to investigate whether or not the former county manager lied to this board when I asked whether he was --

Chairman Manning: Commissioner Bigelow if you would stick to this issue, thank you.

Commissioner Bigelow: If this is not Germane to the issue.

Chairman Manning: It is not Germane.

Commissioner Bigelow: This is a three-page, four-page letter from the -- five-page letter from financial evaluation group kind by Michael crane.

As a member of this board at a public meeting I would like the county attorney to know if you didn't know that this was the gentleman who was hired to in my humble opinion whitewash the former county attorney.

Chairman Manning: It has nothing to do with this issue.

Commissioner Bigelow: You can step on me all you want, John.

Chairman Manning: I'm not trying to.

I'm trying to keep control and sometimes it's not easy to do that.

I appreciate you stick to the issue. Stick to the issue.

Commissioner Bigelow: Mr. Chairman, you are a commissioner.

Chairman Manning: Stick to the issue.

Commissioner Bigelow: I am a commissioner.  
I will not be managed by another commissioner.

Chairman Manning: I'm asking you to stick to this issue.

Commissioner Bigelow: I will not be managed by another commissioner.  
There is a \$20,000 expenditure to come up with a conclusion that was based solely on interviews with and only with the previous county manager and his son-in-law.  
My opinion, if you want to join in Commissioner Hall.

Commissioner Hall: I'm trying to follow you, commissioner Bigelow so I understand where you are going.

Commissioner Bigelow: If you want to know where I'm going before I get there you might have to sit there and listen until I get there.

Commissioner Hall: Are you feeling OK?

Commissioner Bigelow: I'm saying I have a right that I will today assert that even if the face of a majority of this board that wishes for me not to be heard I will be heard.

Chairman Manning: That's not the case.

Commissioner Bigelow: Whether it's at this die-a-or another public forum.

Chairman Manning: Quickly.

Commissioner Bigelow: It's my opinion that the conclusions that the previous county attorney wished for this Mr. Crane to reach were given to him and as evidence to that fact or that opinion of mine I would cite that his investigation was so narrowly focused as to be impossible for him to draw any conclusion other than the one he drew based on the previous county manager's testimony as in addition to his son-in-law.

I'm further troubled by the fact that this same firm now is being proposed by your office, Mr. County attorney, to participate in something I think we would be surely above the board.

No confidence right now in the county attorney's office to what I think I sense, smell, as predetermining or forcing an outcome that they wish to have result from this process.

So I would suggest that we start again and that we ask the Bonita springs fire district if instead of pursuing this route for their request, certificate of public conveniences and necessity, that we join that fire district with all fire districts and take up the issue of fire district consolidation.

And within that process potentially we would include this option possibility for all fire districts, not just one fire district. There are two currently that do have these certificates that would be Lehigh and Fort Myers beach. And those are grand fathered as I understand

it. So there's history and legal precedent for that.

I would say that I didn't attend the meeting where the decision was made to pursue this hearing officer approach, but I would not have supported it a for the expense, whatever it was and b, for the fact that it doesn't do anything to solve a problem this county government refuses to pick up.

That is proposing for state legislators a process by which we would consolidate 20 some fire district which are extremely expensive and have been allowed for too many years to take too much money and do things that are way beyond and above that which I think is required for fire or in some cases fire and E.M.S. services.  
I'll than voting against this today.

Chairman Manning: Thank you.  
Further discussion?

Commissioner Judah: The bottom line at this point in time is that Bonita springs fire is making the request to allow us to grant a certificate of public convenience and necessity. And it was I think my understanding to avoid the divisiveness and get the quality of the facts on the table to properly allow Bonita springs fire to hire their own witnesses and provide information with regard to their budget and justification to have advanced life support and for Lee County E.M.S. to do likewise and have the third party mediator present the findings and recommendation.

Mr. Chair, it is definitely from a responsible, economic, long-term approach incumbent upon this board to support the forensic auditor, to provide our position before a third party independent mediator and to pursue this approach professionally with Bonita springs fire and rescue.

I would support that we recognize as just stated on the record that with the total cost of \$20,000 for the administrative hearing officer Bonita springs will pay 50% of that cost and we, for our position, before the administrative hearing officer with the help of the forensic audit and any other expert witnesses that Lee County needs so we have once and for all an opportunity to provide the necessary information to both parties as well as the entire community what's at stake here.

Chairman Manning: Is that a motion?

Commissioner Judah: Yes, sir.

Chairman Manning: Motion to approve 14-a with additional language by Commissioner Judah.

Is there a second?

Is there a second?

Motion dies for lack of second.

14-b.

Commissioner Judah: Before we go on to 14-b.

Let me get a clarification from the attorney's office as to what they interpret the action by the board today to mean so that at Bonita springs fire and rescue understands as they

leave the chambers today what the position of the majority of this board is at this time.

Commissioner Mann: Jack.

My understanding would be that we're not moving forward with the hearing at all. And the blue sheet would come back to the board to deny the copcn.

Commissioner Judah: Thank you, Andrea.

Commissioner Mann: I didn't understand.

I don't understand the automatic retrigger of the blue sheet.

I thought it would have just died for lack of a motion and it's like it never came up and somebody else would then have to initiate some action, either us or Bonita request something. How does it automatically show up one more time.

Since you denied going forward with the hearing, to approve the funds required for the hearing, that blue sheet sort of goes away.

And what now happens is you have to go back to the original blue sheet that triggered the action. That original blue sheet was whether or not to grant or deny the copcn.

Commissioner Mann: I see.

So it's not this.

It returns to the first issue Bruce so we can put it to sleep?

Yes, sir.

Commissioner Mann: Figure out another approach or let it die at that time once it's back before us.

Yes, sir.

Commissioner Mann: OK.

I'm comfortable with understanding that.

Chairman Manning: 14-b moved by commissioner Bigelow, second?

Second by Commissioner Hall.

Discussion, objection, motion carries.

14-c.

Good morning commissioners. Donna Marie Collins assistant county attorney.

This item comes before you every year.

Under the school impact fee ordinance we adopted in 2001 school impact fees can only be extended by the school board according to their capital improvement program approved by this board. So each year they present their proposed capital improvement program and their proposed expenditure of fees for your approval.

Commissioner Mann: And who reviews those capital improvements by the schooler board? How who on our staff?

We review it to confirm they are assigning the impact fee revenue to specific capital projects but we don't --

Commissioner Mann: Our staff has done that so it's behind us for our rubber stamp.

That's right.

Commissioner Mann: I'll move it.

Second by Commissioner Judah.

Discussion?

Objection?

Motion carries.

Thank you, Donna.

We have walk-ons and carryovers.

Walk-on number one to change the name of a street.

Commissioner Hall: Move the item.

Fingerprint he can by Commissioner Judah.

Discussion?

Objection?

Motion carries.

Walk-on item number two.

Commissioner Judah: Move the item.

Chairman Manning: Is there a second?

Second by Commissioner Hall.

Discussion?

Commissioner Mann: Yes.

Let me put once more on the record that I'm concerned about the slot issue.

And appreciate the clarification. No matter how you look at this I view this as the first domino potentially to fall in the world of gaming in Lee County.

It's not really the first but this would be a significant one that would make the others easier. At that point we have dramatically changed the whole character of Lee County. That is my concern. That is my willingness to go no on this and encourage us not to support even the referendum.

Thank you.

Chairman Manning: Further discussion?

Commissioner Bigelow: Yes.

Can the county attorney or deputy tell me, when did this item get on the recap agenda? I have 4:20 p.m. of yesterday and 8:45 a.m.

It would have been at 8:45 this morning, sir.

The reason is because the legislation will the proposed legals at the state level wasn't drafted until after last Tuesday's meeting. It wasn't put on the state's website until yesterday morning about 7:00 in the morning.

Commissioner Bigelow: OK.

Last Thursday I was advised I was graciously toured, I was graciously hosted by the Bonita springs mayor to visit the Bonita springs dog track and they advised me at that time that the resolution, this resolution would be necessary. That was I believe Thursday.

I just don't understand why something that's a 3-2 decision only being reflective of the controversy of this, that this item has to come on sometime after 4:20 yesterday and 8:45 this morning and the public unless they are awake -- I'll go back.

Senate bill 382 did not concern the language until Thursday afternoon. They added this language Thursday but it wasn't actually placed on the site until yesterday morning.

So there was no knowledge of it until yesterday morning from our office and we had been alerted Friday that there was some language but there was no language on board so we couldn't respond to it.

Commissioner Bigelow: If it could have been a place holder walk-on item to get more public attention.

Something that walks on like this that's this controversial and last week was kind of a surprise too to come as it did, it troubles me.

It's not too much unlike the way I have seen the Red Sox issues handled lately.

They come in and walk-on gotta do it.

I'm sorry, we couldn't get it before the public earlier.

It seems to dupe public notice.

And it troubles me greatly.

I'm not supporting this.

The process is too hasty on too big an issue.

Chairman Manning: Further discussion?

Commissioner Mann: I don't understand that answer at all, Mr. Hunt, Mr. Proposed legislation in Tallahassee having effect on when we take something up here.

That proposed legislation particularly one as volatile as gaming is going to change dozens of times if it's ever passed.

I'm not understanding the nexus between your point there as to why this had to be held until 8:45 this morning and brought on at the last minute.

I have to agree with commissioner Bigelow, it seems unusually this couldn't have been taken in a more orderly, normal fashion so you get more opportunity for public input.

I've already said I'm going to be opposed to this but your answer left me scratching my head.

The Tate, January 31st was added last week.

Commissioner Mann: But it is not law.

You are correct.

Commissioner Mann: Absolutely correct and may not ever be law.  
I don't understand the relationship between that logic and why it had to be rushed on this morning.

Chairman Manning: Further discussion on the motion?  
Objection? Motion carries 3-2 and we two to commissioner items, commissioner Bigelow.

Commissioner Bigelow: Mr. Chairman, let me just start by saying that to answer Commissioner Hall's question, am I feeling OK, the answer in short is, I'm feeling fine, thank you very much, but I'm kind of angry.

And I think I'm going to pull from a quote I don't know who said it. I'm angry, mad as hell, and I'm not going to take it anymore.

There's a principle of physics that every action has an equal and opposite reaction I think that not only applies to the science of physics but the science of politics. The administrative code amendments as I said when we considered them or considered how we would consider them, public citizens committees, everybody share what they think we should do.

This whole thing has been at best laughable. At worst absolutely ridiculous and inane. And I would suggest that if you want from me my thoughts on administrative code amendments first they have to be done through an ordinance process. The charter is clear in black and white.

Albeit I have differences of opinion with the county attorney on that question but the ordinance process calls for a much higher bar of public notice and public input. Resolutions can be done on a walk-on item after 4:20 p.m. the night before and before the meeting of the board convenes. I'm going to ask the county attorney to please formally opine on the question of whether or not administrative codes of this county, charter county, can be amended by resolution.

If so, I would hope it would cite case law. The charter I believe was quite clear, has to follow an ordinance process. Mr. Chairman, when I proffer my thoughts on what administrative code, how an administrative code should be amended it would be through the ordinance process and b, I would copy for you the county charter and say that provides me, each one of you and any other citizens that may want to serve on this diaz unbridled, unrestrained, unlimited, unchecked right to seek information of this county government, whatever it might be for whatever purpose it might be, and for whatever end may come of it.

The end does not have to first be stated. The end can be unknown by the requester, a sitting duly elected sitting commissioner. Also, I'd like to suggest that the county manager had fair warning in November of 2010, not long after I put my hand on the Bible to regain the seat I have sat in since day one and she tried this administrative code and she was given fair warning, bad idea.

She waited for a different chairman to appear who would join her in those efforts to what Commissioner Judah has told the media is targeted at me. If the other three commissioners are going to continue this and build a platform upon which Commissioner Judah can personally attack me in the media then you must know, my fellow colleagues, that you are enabling a commissioner to do so. I have some requests that are not public records requests.

They are requests for the sitting duly elected county official of this great county, Lee County Florida that concerns county lands.

I'd like to see all e-mails to and from county lands department over the last six months. This day back. I'd like those to be unredacted.

Public records request of a citizen or any person, human being in this world can ask for those e-mails and be given them at cost, whatever it costs to produce them and whatever it costs to document them.

However, I'm a sitting commissioner.

I believe that I am entitled to those e-mails unredacted.

Unless and until the county attorney will formally opine that I am not entitled to unredacted e-mails, that request of this commissioner stands.

Also, I'd like to request e-mails over the last six months of county manager Haas, district one assistant Manny Gonzalez from this date back.

Those too I would like to have unredacted.

I'm going to also suggest that as each of us, I'm sure, have been briefed by the county attorney, deputy county attorney Fraser and chief litigating attorney John Turner, in briefings regarding the matter that we have twice, twice held executive session on.

Nope as a text development condemnation case, I believe that to be in squarely in defiance of state law. Because in those briefings we were being polled individually and I would suggest that we seek as a body an attorney general opinion on whether or not that comports to state law.

Of course, the attorney general gives more deference to a request from a board than an individual commissioner. However, if the board would not seek that opinion of the attorney general or join me in seeking that, I guess I'll move forward and do so.

Mr. County attorney I've lost all faith and confidence in Mr. Turner.

I have tried to privately suggest that you need to be more careful and mindful of your deputy county attorney.

I would also suggest that Mr. Turner needs to be watched more closely.

If I were the county attorney, which I am not and because I only have this opportunity to talk to my colleagues about the management of the county attorney's office, I would just say that it would be my preference that those two assistants be terminated.

However that is not a direction by me nor is it what I'm seeking of the board.

I have to tell you, if we see another attempt at administrative code amendment that tries to limit me and as Commissioner Judah said to me, because of me, directed at me, I'm prepared to go to court to claim that resolution process is illegal, not upheld by the county charter.

I would also seek to gain a judicial opinion on whether or not my power to make public

records request is unbridled, unchecked, and cannot be limited by a majority of the board or a county manager.

That would be for not only my sake as Brian Bigelow, county commissioner district two of the Lee County but for and on behalf to those who might serve subsequent to my service to this county.

I have to tell you that if we're going to go down this road, of administrative code amendments, that everyone that would proffer any administrative code suggestions also lay on the table the public table in the public house what it is that you have as evidence that my requests for information are a problem.

Yet, if you go that route, my fellow colleagues, there are e-mails that I have correspondence that I have that will also be laid on the public table for public consumption, consideration and for them to draw their own conclusions. I would suggest that it's only a suggestion but in my humble opinion as one commissioner speaking to four others, you don't want to go there.

But if you want to go there, I'm afraid the chips will fall where they may and it's not going to be a pretty scene.  
I think some blood –

Chairman Manning: Are you wrapping up soon, commissioner?  
I'm asking you a question.

Commissioner Bigelow: I'm suggesting we don't want to go there.  
It's a bad idea, twice attempted by the county manager.  
I've lost faith and confidence in her.  
I tried to play nice.  
I looked the other way many times.

But if I'm going to be treated this way, and if you are going to try to draw in other commissioners to gang up and treat me this way, then I will have to flex the muscle of the office and show just what powers of information requests that this county commissioner can exercise.  
I've had it.

Chairman Manning: Thank you.

Commissioner Bigelow: I'm angry and I'm going to take it anymore.

Commissioner Judah: Mr. Chair, first every commissioner is entitled to their own personal opinion.

Secondly, to augment this inquisition approach I would like to ask an opinion from our county attorney's office whether or not commissioner Bigelow violated the charter in interviewing county employees that were part of an audit on a particular department within the county.

I would like that to be part of the request being made by commissioner Bigelow. Also, I would like to thank vice mayor and council woman Martha Simons who underwith me yesterday.

I appreciate the compliments but I extend my appreciation to those individuals. It's a team effort and we all had to do with trying to gain audience with the Senate natural resource committee to convince this committee to in fact they shouldn't be trying to preempt local communities and worse, to allow for a blanket exemption for professional listen fertilizer republic indicator from having to abide by local ordinances a number of municipalities in the state of Florida that prohibit the application of phosphorous and nitrogen during the wet, rainy season.

Fortunately, enough information got to members of this committee, Mr. Chair, that the chairman of the natural resources committee temporarily postponed action yesterday.

As you well know, members of this board, that pretty much indicates at that point in time since he is the author of that bill he didn't have the votes to pass that bill yesterday.

That's the good news.

The update, however, is that it has been postponed to next week so it will be heard again.

Mr. Chair, I understand there will be representatives of Lee County going up to Tallahassee to be part of the legislative conference.

Two key committee members Senator Lada Laand nature LaDieter will be crucial to whether we have home rule and whether we can retain our local fertilizer ordinances. I would ask if communications could occur with them letting them know that local communities are doing their west to protect and restore their waterways by implementing their own fertilizer ordinances and not to preempt local communities.

I have to thank the Piniella national resources department.

Touring a major storm event last week their staff was on the road and took photographs of profirst of all licensed an reply indicator during a heavy downpour.

That's precisely the problem.

You can have a Ph.D. in fertilizer application and if you provide it during a wet, rainy event all that phosphorous and nitrogen gets into our backwaters.

That's the point we are trying to make.

I applaud the county natural resources department and also Susan Labellea who communicated with sever members of that community.

She's long been involved in an association of counties but I have to tell you, Mr. Chair, the Florida association of counties itself is not coming out strongly against professional republic indicators.

An reply indicators.

Chairman Manning: The message will get through.

Commissioner Bigelow: I need to react.

Chairman Manning: Commissioner Hall.

Commissioner Hall: I want to remind everyone today is the primary and I hope you all get out and vote. We have a lot of people over the years who have fought for the privilege for us to be in a democracy so I include you all to get out and vote. It's a short but important ballot.

Sengly -- secondly, I would I want to just say that as a county commissioner it's important we get information. It's important. I know I do a lot of my own research. We're all human beings.

Not everything everyone has a perspective and everyone has an understanding. I have to say that at different times when I have read different things that have come forward to me I don't feel all the information is there.

That's not a lack of I don't believe on purpose by staff but a perspective and their understanding of what I am looking for.

It is incumbent upon me to get additional information and the ability to do that in a timely fashion with the schedule I have is very important. I understand and applaud the need for transparency and to have readily available access to information.

Mr. Hunt and I might be wrong because I'm going by memory here but it's my understanding that all five commissioners have access to the database to pull any information off the database at will. We don't need it printed out. We can give them dates and times and pull you the calendars, e-mails, anything undacted.

That is Lee County government's database. If you are silly enough to put personal issues on that database, shame on you. I have long proposed that no e-mails should go undacted. These are the people's computers. I don't understand the whole thing about -- I'm not here to challenge anyone. I understand the sense of colleague in fighting. Commissioner Bigelow took it upon himself to write a scathing opinion in the news press and for some reason that was sent to me anonymously two weeks ago maybe as a reminder. I never commented publicly but I was offended. I didn't feel the opinion was C.E.O. but I took it on the chin and left it there. Everyone gets an opinion. I have had other colleagues call into question publicly my ethics and have had to go through embarrassing processes to defend my character and my ethics. To my colleagues at this table.

I don't want anyone in the public to think woe is me. There are those issues that come up amongst colleagues. It's embarrassing and unfortunately, troubling because each of us I believe is here for the right reasons. This is a phenomenal community and I'm very honored to serve it as I know my four colleagues are. I know last week you know we said let's try to pull together, let's try to look at things and swear we'll be better friends.

We're people and we have differences of opinion. I think that's why the people chose us so we do have a difference of opinion and can move forward.

If I have insinuated commissioner Bigelow that I somehow don't respect your office I want to publicly apologize to you. I do respect the office of each one of you.

I differ in my opinions greatly sometimes but I don't underestimate or take for granted the same people who elected me elected you. I think sometimes that's a part of a conversation that maybe individually we forget.

I certainly took a lot on the chin being reminded that I was a hold over or whatever you want to call it. We have all been guilty of not maybe doing our best here professionally. I understand where you are coming from.

I don't disagree with some of your comments on how things could be handled differently. I look at the administrative code as a process to tighten up how things need to come. We do need a process. It can't be a free for all.

There is accountability me or you sitting here or a brand new commissioner.

I don't look at the code as an especially me but as a way for us to put a structure in place so that things can run in a way that there are checks and balances.

In no way do I Juan the administrative code to hinder getting information.

I want more on our internet.

We don't have to ask staff to do these things for us.

Hoping that's where we're getting and I'd like to call and say if I want six months of county lands e-mail put them on a disk and accepted them to me.

When people ask for my public records I don't redact.

I give it all to them. Maybe somebody personally sent me a note but it's OK.

I'm a human being. I'm not offended by your request.

I'm concerned that we have to have a process in place because there's a lot of people that make county government work.

It can't be a different set of rules for administration than for county attorney for fleet management and utilities. There has to be some structure.

I look forward to working on that structure with the understanding that always a county commissioner I need information readily and available.

I also want to congratulate the shell factory for a successful gumbo fest and the Edison estates is having another banner year in 2012 and all the challenges we are facing this jewel recognized internationally was up and financially stable.

It was an entity that went from a public facility to a public/private with a private board and they are doing phenomenally. I'm honored to serve on that board.

We have upcoming the Edison festival of lights and in the city of Fort Myers, art fest was a lot of exciting and good things to bring our community together to remind us of our culture and jewels that are indicative of southwest Florida and south Fort Myers.

I hope you look on your entertainment section of whatever paper you read and participate and remember we do live in a great county and we have great people that live here and I hope we can do better.

Chairman Manning: Commissioner one other item.

Commissioner Judah: Yes.  
Real quick.

Commissioner Bigelow: I do too.

Chairman Manning: I understand.

Commissioner Judah: Commissioner Mann understands it, they have been the overseer of the Estero bay management and in order to assist in that effort they have received funding from Lee County over the years and also Florida gulf coast university. This is a critical agreement to help protect and monitor the integrity of Estero bay pursuant to permitting by the university.

It's incumbent on the county to step up and provide the minimal funding to assist the bay management. I want to make sure, this is in the pipeline now and should come back to this board soon?

Commissioner, we're working through Paul O'Connor, their chair and asked for a list of accomplishments to attach to the blue sheet and that will go to the board for approval.

Commissioner Bigelow: Mr. Chairman?

Chairman Manning: Are you through.

Commissioner Judah: Just to say Florida coast university is assured their funding and I want to be sure Lee County does also.

Commissioner Bigelow: Yes, we can rush walk ons that are extremely controversial and this is a \$25 some request from Estero's bay's management.  
We can't just get it before us for an up or down vote.

\$2500 is well within the county management spending authority but whatever.  
And to Commissioner Judah's charge that I intervened or interfered or somehow inappropriately maybe illegally interfered with an audit I would like to know the name of the audit.

Mr. County attorney if you should seek from his office what he is accusing me of doing I would like the documents or any testimony to that fact.  
I'm wholly unaware of any intervening on my part in an audit.  
More to the point, what then law did I break or ordinance or charter provision.

Chairman Manning: Committee appointments?

Commissioner Bigelow: I have two Dana pierce to sustainability advisory committee and reappointment of Darren Howard to welcome.

Chairman Manning: Motion carries.

Commissioner Judah: Palmetto point improvement district.

Chairman Manning: Motion objection discussion carries.

Commissioner Mann: Danny brawley to the wealth advisory committee.  
Carries.

Commissioner Hall: To the board of adjustments this is just for them.  
Cape Coral has put a new council person on to the development council and we have to ratify.  
Councillor nesta.

Commissioner Mann: And I have one.  
Richard Ryan.  
Motion discussion, objection, motion carries.  
County manager items.

Thank you, commissioner.  
We will have to you the first quarter highlights something new we will be providing to you that will highlight some of the projects that the departments have completed working on and provide you a status.  
Thank you.

Chairman Manning: County attorney?  
None.  
Seeping no further items, we're adjourned.