

**Special Meeting**  
*Documents 2020*  
**Dixie County Courthouse**  
**Commission Board Room**  
**214 NE Hwy 351, Cross City, FL 32628**  
**October 07, 2021 – 9:00 AM**

*While adhering to the CDC Guidelines and following State of Florida Executive Orders: 20-51 Establishing Response Protocol, 20-52 declaring a Public Health Emergency, 20-69 regarding Local Government Public Meetings and the Dixie County Emergency Declaration 2020-27. The Board will meet and limit access by staff and the public to the meeting room. The Board meetings are audio recorded. The public can hear and participate in the meeting via conference call by dialing 1(917)900-1022 and enter code 32628.*

**COMMISSIONERS**

Jody Stephenson, District 1  
W. C. Mills, District 2, Vice Chairman  
Mark Hatch, District 3  
Jamie Storey, District 4, Chairman  
James Valentine, District 5

**STAFF**

Duane Cannon, County Manager  
Martha McCaskill, Administrative Asst/Grant Coordinator  
Michael Osteen, County Attorney  
Barbie Higginbotham, Clerk of Court  
Verna Wilson, Chief Deputy Clerk  
Della Rhymes, Asst. Chief Deputy Clerk  
Jacki Johnson, Chief Financial Officer

**CALL TO ORDER**

The Board meeting was called to order at 9:00 AM by Commissioner Storey.

**INVOCATION AND PLEDGE TO THE AMERICAN FLAG**

The Invocation was led by Commissioner Valentine and the Pledge to the American Flag was led by Commissioner Mills.

**BARBIE HIGGINBOTHAM, CLERK OF COURT**

Clerk Higginbotham appeared before the Board to discuss missing or incomplete documents from some Board Meeting in 2020. She said her staff has cross referenced audio recordings, drafted minutes, agendas, county manager reports, Resolution and Ordinance Registers and the local newspaper articles and legal advertisements looking for information. She informed the Board there are at least four meeting dates that were scheduled in 2020 and there is no audio, notes or drafted minutes for these dates. She said there is missing information in the drafted Board meeting minutes regarding specific items discussed by the Board and motions and seconds needed to pass those items.

She said the Board meeting minutes from November 19, 2020, December 03, 2020 and December 17, 2020 were drafted and Approved by the Board in 2021, however they were never signed by the Chairman or the Interim Clerk. She informed the Board that legal counsel had advised that all the Board Minutes from June through December of 2020 be Accepted by the Board. She informed the Board that many of the State of Emergency Resolutions and the Building and Zoning Resolution and Ordinances were never completed. She said that some of the Resolutions have been issued the same number. She said that some of the motions and seconds needed to pass these Resolutions and Ordinances were not captured in the Minutes. She informed the Board that legal counsel has advised all these Resolutions and Ordinances from June through December of 2020 be reaffirmed by the Board.

County Attorney Michael Osteen questioned that there is no audio or records for some of these items.

Asst. Chief Deputy Clerk Della Rhymes replied yes. She then requested they look at the handout provided. She said this itemized list has been broken down per meeting. She said if the item has been circled on the list, then the Clerk's office does have that item. She went over the list of Resolutions and Ordinances as well.

Attorney Osteen asked if all of this was during the time of the Interim Clerk. He then asked how do we fix this. He asked if the Clerk has spoken to the Clerk' Association Attorney.

Clerk Higginbotham replied we have spoken with them numerous times.

Attorney Osteen said he thought that there was an audio recording of everything.

Ms. Rhymes clarified that the audio was not good quality.

Attorney Osteen said he thought someone was going through the audio recordings and creating a written format of the minutes.

Clerk Higginbotham said that a court reporter was hired to go through the audio, and she compiled what she could in a written format. She said Clerk staff went through this and from their research, discussion was found where the Board scheduled meetings, but there is no record of these meetings. She said we don't know if these were held or cancelled.

Ms. Rhymes said that the court reporter could not pick up all the information from the audio recordings that they do have. She said that based on the information they do have, these are the items that the Board discussed or possibly voted on, but the information and or the process was not completed.

Attorney Osteen said that he saves all his information from every meeting and that his staff will assist the Clerk with anything that is needed.

Ms. Rhymes said they have been through his archives searching for information.

Clerk Higginbotham thanked Building Official Leon Wright, Ms. Christy from Attorney Osteen's office, County Manager Duane Cannon, Ms. Martha McCaskill, and Director of Emergency Services Darian Brown for assisting Ms. Rhymes with research.

Attorney Osteen said that basically during the term of the Interim Clerk that none of this was done.

Clerk Higginbotham said correct.

Ms. Rhymes requested the Board look over the list provided. She pointed out that the check marked items mean we have an original. She pointed out notes beside these items referencing if there was a complete or partial vote on that item. She said they have crossed referenced many sources to figure out the complete story behind each item and there is only partial information.

Attorney Osteen said we can only get what we can.

Clerk Higginbotham said she wants the Board to know that her staff has went above and beyond what they can do and to inform the Board that there will still be some missing information.

Attorney Osteen asked if anyone from Tallahassee needs to be notified of this problem.

Ms. Rhymes said the Ordinances were never completed so they have not been sent to Tallahassee.

Attorney Osteen said that these will need to be re drafted and re adopted once they are completed. He clarified the Ordinances passed during this time period are not in effect.

Clerk Higginbotham said correct.

Ms. Rhymes said these Ordinances will need to be re drafted, updated, numbered, signed, attested, reaffirmed, whatever the legal procedure is and then be sent to Tallahassee. She said most of the work does affect the Building and Zoning Department. For example, special exceptions, variance and Resolutions.

Commissioner Mills asked who is responsible for not having all these documents.

Attorney Osteen replied that he said that vaguely.

Commissioner Mills said basically it was the Interim Clerk.

Ms. Rhymes said we do not have the documentation. She said we want you to know what we have and what we don't have.

Commissioner Mills asked what the recourse for this is.

Clerk Higginbotham said we are worried about issues coming up where something should be in effect, but is not.

Ms. Rhymes said they have already addressed one issue with a cell phone tower and another item is coming up.

Building Official Leon Wright said yes. He said that all of these are important. He said that he will do what he needs to do to help fix this.

Attorney Osteen asked if these items will have to be re advertised. He asked if the Ordinances will have to be issued new numbers.

Ms. Rhymes said there is no record that some of these were ever numbered.

Commissioner Mills commented they never had a number issued.

Mr. Wright asked if it can be proven that this was advertised, would that be okay.

Attorney Osteen said there is a legal process to follow.

Ms. Rhymes said that the Board Minutes will need to be accepted and the Resolutions will need to be reaffirmed.

Attorney Osteen clarified that approving meeting minutes and accepting meeting minutes are two different things.

Ms. Rhymes said that is correct. She said you are accepting whatever the content is and it may not be complete.

Attorney Osteen said there should be a disclaimer in those minutes stating these are accepted.

Commissioner Mills said we won't back date anything. He said we will re do this. He said we must figure out what needs to be re done and do it all over again.

Ms. Rhymes said the Board has been given a list of items to be addressed. She said there may be some unknowns because there is incomplete documentation.

Commissioner Mills said if it has been advertised then the Board should just be able to vote on it again.

Ms. Rhymes clarified that she is not saying things need to be re advertised. She said the Board may need to re vote on it.

Clerk Higginbotham said she is good with whatever the Board wants to do.

Commissioner Stephenson said he has no problem with re doing things for the people. He said it looks like some financial and budget meetings are missing.

Ms. Rhymes said we don't have any documentation from some of these meetings.

Commissioner Hatch said you can get SHIP records from Suwannee River Economics.

Clerk Higginbotham said we are not talking about funding we are talking about missing information from meetings.

Commissioner Stephenson said he will excuse himself from voting because he was not involved in any of these meetings.

Clerk Higginbotham clarified that references were made to scheduling a meeting, but there is no documentation that can be found so we don't know if you had the meeting or not.

Ms. Rhymes said a Grant Funding Workshop, Final Budget, Ordinance and Resolution Workshop, and a Solar Farm Workshop were scheduled, but there is no documentation, so we don't know if you held the meeting or cancelled the meeting. She said we have worked with other departments to try and gather documentation. She said they have compiled everything they could find to create the list of what you have and don't have.

Clerk Higginbotham said she want the Board to be aware. She said we can contact the newspaper and check on advertisements.

Ms. Rhymes said some things will need to be presented to the Board again and be reaffirmed and signed.

Attorney Osteen make sure these were advertised.

Commissioner Mills asked if the Clerk is still looking for more information.

Ms. Rhymes said they have searched everywhere they could.

Commissioner Mills asked if some of this can be found at the Building and Zoning office.

Mr. Wright said they can look back at their records.

Commissioner Mills said the information can be gathered up and brought before the Board again to be reaffirmed.

Commissioner Stephenson asked if the advertisements show if something was voted on and passed.

Clerk Higginbotham said no. She said this is just the legal advertisement.

Ms. Rhymes said the legal advertisement is published before the item is voted on. She said you don't publish the conclusion.

Commissioner Stephenson said that normally the newspaper will highlight what passed at the meetings.

Ms. Rhymes said the newspaper does not write up an article on every meeting. She said she has looked for these articles as well.

Clerk Higginbotham said the motions and seconds for voting would not be in the newspaper

Ms. Rhymes said the voting should have been captured in the minutes.

Commissioner Mills commented which we don't have.

Ms. Rhymes clarified you don't have completed sets of minutes. She said the audio recordings are not good quality. She said it is difficult to take minutes when several people are talking at once. She said a court reporter went through all the audio recordings and she could not hear everything. She said they went back over notes that were taken to fill in gaps of information. She said they went through newspaper articles and classifieds to piece the minutes together.

Commissioner Mills asked who will sign the documents when they are presented. He said he was the Chairman at that time. He asked if the new Clerk will be able to sign.

Ms. Rhymes said yes, these will be reaffirmed by the Board and signed by the new Chairman and Clerk Higginbotham and then it will be forwarded to whatever agency needs the documentation.

Clerk Higginbotham said Ms. Rhymes has been working on this as well as her regular job duties.

Commissioner Mills asked if everything can be made legal.

Attorney Osteen said we will look at them and make decisions case by case.

Commissioner Hatch asked who prepares the Ordinances and Resolutions.

Ms. Rhymes said it depends on what kind it is.

Attorney Osteen said for example, Building and Zoning prepare some, some are prepared in the Attorney's office, North Central Florida Planning Council prepares some of these, the County Manager prepares some, Emergency Management prepares some.

Commissioner Hatch asked if Director Brown could go back through their records.

Division Chief Scott Graner said they have already forwarded that information and emails to Ms. Rhymes.

Ms. Rhymes said the number issued to the State of Emergency Resolution had already been issued to amend a Future Land Use Map back in March. She said these are two separate issues with the same number. She said there are some other items with the same numbers issued as well.

Mr. Wright asked if all of this was going to be handled in one meeting.

Ms. Rhymes said that may not be possible.

County Manager Duane Cannon said that all of this will have to be addressed in a regular meeting.

Clerk Higginbotham said that is all we have to discuss.

Commissioner Hatch said the Board Minutes can be accepted and he then asked how many Resolution and Ordinances need to be reaffirmed.

Ms. Rhymes said several from that period of time.

Commissioner Stephenson asked if legal advice had been given on how to proceed.

Attorney Osteen said the Clerk has already spoke with someone and he agrees with the legal process.

***The Board directed Clerk staff to start with June of 2020 and move forward with fixing the issues with the Resolutions and Ordinances and Board Meeting Minutes and the Building Official agreed with this.***

***The Board agreed to address issues as they are presented by the Clerk in upcoming Regular Board Meetings and agreed it may take several meetings to get things resolved.***

Commissioner Hatch asked about former Commissioner reviewing the minutes to help fill in the missing information before it gets presented to the current Board to be Accepted.

Ms. Rhymes said this has already been done and they did give some feedback.

Commissioner Hatch asked if everything can be sent around again for review.

Ms. Rhymes said yes this can be done.

**PUBLIC COMMENTS AND CONCERNS**

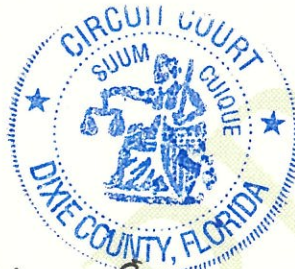
There were no questions or comments from the public at this time.

**ADJOURN**

*Commissioner Mills made the motion to adjourn the meeting at 9:33 AM. Commissioner Stephenson seconded. Board approved.*

BOARD OF COUNTY COMMISSIONERS  
DIXIE COUNTY, FLORIDA

ATTEST:



*Jamie Storey*  
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Jamie Storey, Chairman

*Barbie Higginbotham*  
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Barbie Higginbotham, Clerk-Auditor

**PLEASE BE ADVISED** that if a person decided to appeal any decision made by the Board with respect to any matter considered at such meeting or hearings, he/ she will need a record of the proceedings, and for such purpose, he/ she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

*“Persons with disabilities requesting reasonable accommodations to participate in this proceeding should contact (352) 486-4931 (Voice & TDD) or via Florida Relay Service at (800) 955-8771.”*

*The Board meets the first Thursday of each month at 10:00 AM and the third Thursday of each month at 6:00 PM. Individuals that would like to be placed on the agenda should call Barbie Higginbotham, Clerk of Court, by 4:00 PM on the Friday Preceding the Board meeting, at (352) 498-1200.*