

BOARD OF COUNTY COMMISSIONERS
UNION COUNTY, FLORIDA
REGULAR MEETING
NOVEMBER 19, 2018

NOTE: If any person decides to appeal any decision made with respect to any matter considered at this meeting or hearing, he or she will need a record for the proceedings and may need to insure that a verbatim record is made.

PRESIDING: Karen Cossey, Chairman

RECORDING: Kellie Hendricks Connell, Clerk of Courts

ATTENDING: Commissioner Lacey Cannon; Commissioner Willie Croft; Commissioner Channing Dobbs; Commissioner Jimmy Tallman; Dianne Hannon, Board Secretary; Russ Wade, County Attorney

1. **MEETING CALLED TO ORDER**

The meeting was called to order at 6:00 PM.

2. **INVOCATION AND PLEDGE**

Commissioner Dobbs offered the invocation and led Pledge of Allegiance.

Chair Cossey introduced newly elected Commissioner Cannon and Commissioner Dobbs, and welcomed Alachua County Commissioner Ken Cornell.

3. **PUBLIC COMMENTS**

Chris Towne, engineer for Kimley-Horne, provided the Board an update on 150th Loop and 63rd Drive. The design work is nearing completion and they will soon send both to FDOT for review. There are right of way issues on 150th Loop, and Mr. Towne requested Board approval to work with Attorney Wade to resolve any right of way problems. **Commissioner Tallman moved to allow Mr. Towne to consult with the County Attorney. Commissioner Cannon provided a second, and the motion passed unanimously.**

Alachua County Commissioner Ken Cornell announced to the Board that he was in attendance to introduce himself to the new commissioners. He reminded them that Alachua County shares a major resource with Union County, the Santa Fe River, and that Alachua County has a vested interest in its protection. Commissioner Cornell added that Alachua County has an Environmental Protection Department, a Growth Management Department and five attorneys on staff, and that they are happy to lend these resources to Union County. When the County hires a Coordinator, he would like to put him or her in touch with the Alachua County Manager so that he or she will know all of the resources available.

Jim Tatum submitted copy of a letter from attorney Randall Denker to Speaker of the House Richard Corcoran regarding the Bert J. Harris Act.

Phil Bishop, engineer for North Florida Professional Services, addressed the Board regarding the Agriculture Building. In September, they were approached to help finish the building. He delivered a

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report that showed that the County would need additional money to complete the building as designed, and provided some avenues to save on the cost. Clerk Connell told him that there had been many changes since their discussion in September, and that many of the costs had been reduced by utilizing inmate labor and utilizing City utilities. He suggested that the County seek a 240 day extension from the Department of Agriculture and Consumer Services. **Commissioner Tallman moved, and the motion was seconded by Commissioner Croft, to ask for a 240-day extension. The motion passed unanimously.** Mr. Bishop also addressed the courthouse roof, stating that he was supposed to receive information from a contractor last week, but had not received it yet. He would update the Board in December.

Commissioner Tallman moved to direct the Clerk to draft a formal letter to Alachua County's legal department. Commissioner Croft seconded the motion, and it passed without opposition. Commissioner Cornell further offered a joint meeting of the two Boards if desired.

4. APPROVAL OF THE MINUTES

Commissioner Croft moved to accept the minutes for the October 15, 2018 Public Hearing and the November 5, 2018 Special Meeting as presented. Commissioner Tallman seconded the motion, and it passed unanimously.

5. FINANCE REPORT

Commissioner Croft moved to pay the invoices presented by the Finance Department, and Commissioner Dobbs provided a second. The motion passed without opposition.

Clerk Connell presented Budget Amendment 2018-10, which was regarding the Supervisor of Elections. Two grants were received along with a small amount of fees for voter rolls and counting petitions, and authority is needed from the Board to expend these revenues. **Commissioner Tallman moved to accept Budget Amendment 2018-10, and Commissioner Cannon seconded it. The motion passed unanimously.**

6. SHERIFF BRAD WHITEHEAD & ROD SMITH, OPIOD LITIGATION

Sheriff Whitehead introduced Mr. Rod Smith, former State Attorney and Florida Senator representing Union County, and informed the Board that Mr. Smith would speak about the opioid epidemic. Mr. Smith is a partner in Avera & Smith, and the firm joined in the nationwide opioid litigation about a year ago. He stated that all cases in the country are being assigned to a federal judge in Cleveland, Ohio, regardless of their jurisdiction. Mr. Smith provided some statistics regarding deaths relating to opioids, and regarding children directly affected, both by being born with an opioid addiction resulting from the mother's use during pregnancy and by being removed from the home of opioid-addicted parents. Mr. Smith stated that opioid manufacturers overstated the benefits of the medication and misrepresented the risks of addiction, for the benefit of increasing profits.

He informed the Board that the first case is set to be heard in Cleveland in September, 2019. He informed the Board of the burden placed on the Law Enforcement and Emergency Medical Services of governments due to the opioid crisis, and invited the Board to enter into an agreement with his firm to join in a lawsuit for the benefit of local law enforcement and emergency medical services impacted.

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Mr. Smith told the Board that he was frequently asked if this would be suing local pharmacies, and the answer was no, it is a national effort. He has also been asked if there is any cost to the County to enter hire his firm for litigation. He answered that there would be no cost or risk to the County, as he would take the case on a contingency basis. Mr. Smith also conveyed to the Board that he has often been asked why he is taking on these cases. He told the Board it is because he has spent a lot of time working with law enforcement, and he has seen the cost burden placed on local agencies. If the County doesn't pursue this litigation, there would be a loss of those costs not being recouped.

Mr. Smith added that he would need to meet with law enforcement and emergency medical services to find where Union County would fit in the matrix, and he left an agreement with Attorney Wade for the commissioners to review.

7. UNION COUNTY HISTORICAL SOCIETY, MARJORIE MCGILL DRIGGERS HISTORICAL MUSEUM

Mrs. Peggy Cason addressed the Board, and asked for \$5,000 in funding for the Union County Historical Society to operate the museum. She informed the Board that she and Mr. Bill McGill had been volunteering their time to keep the museum open two mornings per week, but they can't continue to do so. She informed the Board of the benefits of the museum, and that the City of Lake Butler has agreed to contribute \$5,000 in cash per year, and also gives an in-kind contribution of the building and all associated costs. The \$5,000 contribution was to help fund a paid position to keep the museum open twice per week. Commissioner Tallman inquired if the funds were available in the budget, and Clerk Connell answered that there was money in the contingencies line, and recommended the Board make it part of their motion to amend the budget by moving \$5,000 from contingencies to a line item for the Historical Society if it was their intention to fund the request. **Commissioner Dobbs moved to approve the funding, and make the budget amendment. Commissioner Tallman provided a second.** Clerk Connell asked if the contribution would be paid to the Historical Society, or to the City on their behalf. Mrs. Cason answered that it would be paid directly to the Historical Society. **Chair Cossey called for the vote, and all commissioners voted for the motion.**

Mr. Bill McGill provided the background information that the building was donated by the Green family to the City in the 1990's, and the city received a historical preservation grant to restore the building. The lower section is available to rent for a meeting space.

8. FLORIDA TOURISM TASK FORCE REPRESENTATIVE

Chair Cossey called for Board action on the proposed resolution. Clerk Connell provided background to the Board, stating that funding is requested of the County every year. It historically has not been granted, but the City of Lake Butler does fund the request; however, the County is still responsible for appointing a designee to the Task Force. The City is asking that their City Manager be appointed since they are involved and provide funding. **Commissioner Tallman moved to adopt the Resolution appointing City Manager Dale Walker to the Florida Tourism Task Force, and Commissioner Croft provided a second. The motion passed unanimously.**

9. LIST OF SPECIAL ASSESSMENTS, \$509,945

Commissioner Tallman moved to accept Property Appraiser Bruce Dukes' list of Special Assessments. Commissioner Croft seconded the motion and it passed without opposition.

10. COPCN APPLICATION FEE CHANGE

EMS Director Wayne Clemons informed the Board that the County's fees for applying for a COPCN had not been updated since established by Ordinance in 1986, and are significantly less than neighboring counties. He has discovered that an Ordinance will be necessary to update the fee schedule, and informed the Board that he will work with Attorney Wade to begin the process.

11. REPORT FROM DEPARTMENT HEADS

Kim Hayes, Solid Waste

Mrs. Hayes informed the Board that she has worked with DOC, and has secured an electrician, a carpenter and painters for the Ag Building.

Shelton Arnold, Jr., Road Department

Mr. Arnold informed the Board that crews were not working in the districts because of the short holiday week, and would resume rotation next week.

Mary Brown, Library

Mrs. Brown added her support of the Historical Society, and expressed appreciation to the Driggers family for a donation made in memory of Marjorie McGill Driggers. She informed the Board that Mrs. Tessie Cason has agreed to fund a remodel of the reading room at the library, which houses the genealogy and local history collections. She estimates a total cost of \$8,000-10,000, and Clerk Connell reminded her to follow the purchasing policy for the remodel. **Commissioner Tallman moved, followed by a second from Commissioner Croft, to accept the donation and move forward with the remodel, and the motion passed unanimously.**

Mrs. Brown further informed the Board that a staff member was ending probation and asked to instate her as a permanent employee, with a 25-cent raise in her hourly rate. **Commissioner Croft moved to accept the recommendation and Commissioner Dobbs seconded it. All commissioners voted in the affirmative.**

Tim Allen, Emergency Mangement & David Nistler, Extension Agent were both absent.

Mark Hughes, Volunteer Fire Department

Mr. Hughes had nothing to report.

12. REPORT FROM KELLIE HENDRICKS CONNELL, CLERK OF COURTS

Clerk Connell provided a draft of a policy regarding the maintaining of text messages. If adopted, Commissioners and employees would have to duplicate any text message relating to County business and send it to their County-maintained email so that it could be provided if requested. Attorney Wade informed the Board that if a record is generated on a personal device, the County does not have custody of that records and therefore cannot maintain it. He also added that the recent Court Order ordered the County to maintain text messages. Commissioner Tallman inquired that if he paid for a second phone to conduct county business on, would that solve the problem? Clerk Connell answered that that solution would not prevent someone from sending unsolicited messages that may still be public records

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to his private device, and thus it did not solve the problem. Significant discussion ensued, and it was discussed that some department heads were using email accounts outside of the @unioncounty-fl.gov, and that this was not a simple fix. Attorney Wade said that additional work is needed, but for now, that the commissioners and all department heads should be informed of the injunction, and should retain all text messages.

Clerk Connell also informed the Board that she needed additional information regarding hiring a County Coordinator. She provided the Board with the job description adopted in the November 5 Special Meeting, which was adapted from Hamilton County's job description, with a minor change requested by Commissioner Tallman, which concerned hiring and firing decisions made the Coordinator. She indicated that the intent from Commissioner Tallman was to allow the Coordinator to make those decisions, but not give absolute authority, and asked for Board action on the job description as presented. **Commissioner Cannon moved to accept the presented County Coordinator Job Description with the proposed change. Commissioner Croft seconded the motion, and it passed unanimously.**

Clerk Connell further asked for direction on a deadline date, and to whom resumes should be sent. **Commissioner Croft moved that a deadline be set of December 31, and that they be sent to Clerk Connell, who would disseminate resumes to all to commissioners. The motion was seconded by Commissioner Dobbs and passed unanimously.**

She asked commissioners to begin thinking of criteria to rate resumes on, and recommended that they adopt the criteria at the December meeting.

13. REPORT FROM RUSSELL A. WADE, III, COUNTY ATTORNEY

Attorney Wade addressed the Board regarding the recent Bert J Harris Act claim. He informed the Board that David Theriaque has provided the required notice to the Department of State, and that they are currently analyzing any required notice to adjacent property owners. They do not believe such notice will be necessary because of circumstances of the claim.

Attorney Wade also addressed the recent public records law suit, stating that the judge ordered that a thorough search be performed of the email accounts cosseyk@windstream.net and tallman5j@yahoo.com, which had been done, and Clerk Connell had signed an affidavit stating such, and that it had been filed with the Court. He further indicated there were still some remaining issues regarding attorney fees that had been awarded to the plaintiff, and that the County may have grounds for an appeal. He noted that the appeal deadline would lapse before the next scheduled meeting, and asked the Board for authority to file a Notice of Appeal. Attorney Wade further stated that the judge ordered mediation to settle attorney fees, and that a shade session may be in order to settle the issue. Commissioner Tallman asked how much the attorneys claimed in fees, and Attorney Wade answered that it was approximately \$105,000.

14. REPORT FROM COMMISSIONERS

Karen Cossey, District 1

Chair Cossey had nothing to report.

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Channing Dobbs, District 2

Commissioner Dobbs expressed that it was honored to serve as a commissioner.

Jimmy Tallman, District 3

Commissioner Tallman wished everyone a Happy Thanksgiving, and expressed that we all had a lot to be thankful for.

Lacey Cannon, District 4

Commissioner Cannon thanked the voters of his district for their support, and stated that he was glad to be here. He asked for prayers for the family of former Commissioner Wayne Smith, who passed away the previous week. He expressed that he was ready to get to work.

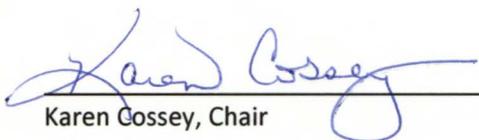
Willie Croft, District 5

Commissioner Croft had nothing to report.

Chair Cossey adjourned the meeting.

APPROVED:

ATTEST:



Karen Cossey, Chair



Kellie Hendricks Connell, Clerk of Courts