

BOARD OF COUNTY COMMISSIONERS

OCTOBER 28, 2008

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman D'Aprile, Commissioner Duffy, Commissioner Cummings, Commissioner Moore, and Commissioner Loftus. Also in attendance were County Administrator Baltz, County Attorney Knowlton, Chief Deputy Board Services White, Executive Assistant Stoner, and Deputy Clerk Manley. The following members were absent: None. The meeting was called to order at 9:00 AM.

Invocation was given by Chairman D'Aprile, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1 - Requested by: Attorney's Office - Z-4: Board discussion and direction regarding Mosaic's complaint seeking enforcement of Public Records Act, Circuit Court Case No. 08-5069CA and proposed settlement.

Change #1 - Requested by: Purchasing - L-5: ADD BUDGETED ACTION: The financial impact summary statement is: This item is budgeted in the Health Insurance Fund.

COMMISSIONER LOFTUS MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Special Recognition

Proclamations - Commissioner D'Aprile

National Business Women's Week Proclamation the week of October 20, 2008

COMMISSIONER MOORE MOVED TO APPROVE NATIONAL BUSINESS WOMEN'S WEEK PROCLAMATION THE WEEK OF OCTOBER 20, 2008, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

No one was present to accept the Proclamation.

National Hospice Month Proclamation the month of November 2008

COMMISSIONER LOFTUS MOVED TO APPROVE NATIONAL HOSPICE MONTH PROCLAMATION THE MONTH OF NOVEMBER 2008, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

The Proclamation was accepted by Regional Director for Tidewell Hospice and Palliative Care in Charlotte County Jo Vorwald.

Andy Mandall "Mr. Diabetes" Day Proclamation October 28, 2008

COMMISSIONER MOORE MOVED TO APPROVE ANDY MANDALL "MR. DIABETES" DAY PROCLAMATION OCTOBER 28, 2008, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

The Proclamation was accepted by Andy Mandall.

El Jobean Community Pre-Veterans' Day Remembrance Proclamation Saturday, November 8, 2008

COMMISSIONER LOFTUS MOVED TO APPROVE EL JOBEAN COMMUNITY PRE-VETERANS' DAY REMEMBRANCE PROCLAMATION SATURDAY, NOVEMBER 8, 2008, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

The Proclamation was accepted by Beverly Cutler, President of the El Jobean Community League, and Randy Spence, Vice President of the El Jobean Community League, and Past Commander of VFW Post 10476 (1987-1989).

Family History Month Proclamation the month of October 2008

COMMISSIONER MOORE MOVED TO APPROVE FAMILY HISTORY MONTH PROCLAMATION THE MONTH OF OCTOBER 2008, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

The Proclamation was accepted by President of the Charlotte County Genealogy Society Larry Hurley.

National Family Literacy Day Proclamation November 1, 2008

COMMISSIONER LOFTUS MOVED TO APPROVE NATIONAL FAMILY LITERACY DAY PROCLAMATION NOVEMBER 1, 2008, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

The Proclamation was accepted by Selena Ethridge, Vice Region of the Charlotte Bay Chapter.

Veterans' Appreciation Week Proclamation the week of November 9, 2008 through November 16, 2008

COMMISSIONER MOORE MOVED TO APPROVE VETERANS' APPRECIATION WEEK PROCLAMATION THE WEEK OF NOVEMBER 9, 2008 THROUGH NOVEMBER 16, 2008, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

The Proclamation was accepted by Kelly Carr.

Gang Free Florida Month Proclamation the month of November 2008

COMMISSIONER LOFTUS MOVED TO APPROVE GANG FREE FLORIDA MONTH PROCLAMATION THE MONTH OF NOVEMBER 2008, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

No one was present to accept the Proclamation.

Employee Recognition - No items

Award Presentations - No items

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Jesse L. Royall, Jr., on behalf of Diversified Drilling Corporation (Diversified) spoke in opposition of agenda item L-2; and requested the item be deferred to allow it to be further addressed.

Mike Reilly, Sara Devos, Marvin Medintz, and Geri Waksler spoke in support of funding to the Boys and Girls Clubs in agenda item Z-2.

Percy Angelo addressed agenda item Z-4 regarding Mosaic and opined the Board of County Commissioners (BOCC) on behalf of the County should not give up this right.

II. COMMITTEE VACANCIES

Charlotte County is seeking volunteers to serve on the following Committees:

Deep Creek Non-Urban Street & Drainage Unit Advisory Committee - is seeking one member. Term is effective immediately and will expire November 25, 2011.

Suncoast Waterway maintenance MSBU - is seeking three regular members and one alternate member to serve. Must reside within the unit. Terms will be determined at the first meeting.

South Bridge Waterway MSBU - is seeking two regular members and one alternate member. Must live within the boundaries of the unit. Terms to be determined at the first regular meeting.

Charlotte County - is seeking one volunteer to be appointed to sit on the Board of Directors of Babcock Ranch, Inc. The appointment must be a resident, active in an organization concerned with the activities of the ranch and not an employee of any governmental entity. This is a four (4) year term, effective November 2008, expiring November 2012.

Construction Board of Adjustments and Appeals - is seeking one member to serve as an alternate. Must be a member of the construction industry and hold a current license. Meetings are held as needed on the 1st and 3rd Monday of each month at 8:30 a.m. in Murdock.

Environmentally Sensitive Lands Oversight Committee - is seeking volunteers who are residents and electors of the County to serve representing the following categories: environmental expertise, business/land development and community representative. Length of terms vary.

Housing Finance Authority - is seeking one citizen to serve. Must be a resident of Charlotte County and have knowledge in labor, finance or commerce. This committee meets quarterly and term is four years.

Lemon Bay Street and Drainage Advisory Committee - is seeking two regular members and one alternate member. Must be land owners and reside within the boundaries of the unit.

Manasota Key Street and Drainage Unit Advisory Committee - is seeking one volunteer to serve as the alternate for a two year term. Must be a land owner and reside within the boundaries of the unit.

Pirate Harbor Waterway Unit - is seeking five regular members and one alternate to serve on this newly formed committee. Must be residents of the unit. Terms will be determined at the first meeting.

Placida Street and Drainage Unit Advisory Committee - is seeking one volunteer to serve as the alternate member for a two year term. Must be a land owner and reside within the boundaries of the unit.

South Gulf Cove Street and Drainage Unit Advisory Committee - is seeking one member to serve as the alternate member. Must be a land owner and reside in the unit.

West Charlotte Stormwater Utility - is seeking one regular member to serve a three year term. Must be a land owner and reside within the unit.

III. REPORTS RECEIVED AND FILED

Minutes for the October 10, 2008 Murdock Village Community Redevelopment Agency Advisory Committee.

IV. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE CONSENT AGENDA EXCEPT AGENDA ITEM L-2, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve Clerk's Finance Memoranda.
BUDGETED ACTION: None

Memorandum #1 - Status of Contingency Reserves - FY07/08

Memorandum #2 - Status of Contingency Reserves - FY08/09

Memorandum #3 - Total Disbursements for the period October 7, 2008 through October 20, 2008 in the amount of \$16,273,686.74.

B. Minutes Division

(1) RECOMMENDED ACTION: BUDGETED ACTION: None

9:00 AM	06/24/08	BCC Regular
1:30 PM	07/01/08	Strategic Financial Review
9:00 AM	07/08/08	BCC Regular
1:30 PM	07/10/08	Meeting to Set Tentative Millage Rates
9:00 AM	07/15/08	Land Use Public Hearings

C. Commission Office

(1) RECOMMENDED ACTION: Approve the appointment of Stephanie (Sam) McCartney King to fill the unexpired term as the alternate member on the Greater Port Charlotte Street & Drainage Advisory Committee. This term expires in April 2009. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve the appointment of Scott D. Schermerhorn as the alternate member on the Rotonda West Street and Drainage Advisory Committee for a two year term. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Appoint Rebecca Norton to the vacated seat on the Deep Creek Non-Urban Street & Drainage Unit Advisory

Committee. This term is effective immediately and will expire Jan. 31, 2011. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Appoint Michael DeWitt to the South Bridge Waterway MSBU. This is a newly created unit that is seeking volunteers to fill the Board. Terms to be determined at first meeting. BUDGETED ACTION: None RECOMMENDED ACTION: Approve to appoint Edgar L. Hunt to the Suncoast Waterway MSBU. This is a newly formed committee seeking volunteers. Terms to be determined at first meeting. BUDGETED ACTION: None

D. Administration

(1) RECOMMENDED ACTION: Approve moving Tuesday, November 11, 2008 Board of County Commissioners Regular Meeting to Wednesday, November 12, 2008 due to Veteran's Day holiday; all County buildings are closed. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve cancellation of the November 18, 2008 Land Use Meeting. BUDGETED ACTION: None

E. County Attorney

(1) RECOMMENDED ACTION: Approve placing at the end of the Regular BCC meeting, on November 12, 2008, selection of a Chair Pro Tem and Vice-Chair Pro Tem, of the Board of County Commissioners to serve until the regular election occurs on November 25, 2008. BUDGETED ACTION: None

F. Budget Office - No items.

G. Growth Management

(1) RECOMMENDED ACTION: Set a 10:00 a.m. public hearing on November 12, 2008, to adopt the Charlotte County Comprehensive Plan Capital Improvements Element update, with related changes to the Future Land Use, Infrastructure and Transportation Elements of the Comprehensive Plan. BUDGETED ACTION: None

H. Economic Development

(1) RECOMMENDED ACTION: Approve and execute Economic Incentive Development Code Program Agreement between Charlotte County and

Blue Bell Creameries, L.P. BUDGETED ACTION: None. Funds in the amount of \$22,000 will be paid through Economic Development Incentive Fund. By adding 11 new employees, the direct and indirect economic impact is \$1.9 million.

Agreement 2008-050

(2) RECOMMENDED ACTION: Approve Budget Amendment #09-A02 for \$4,000 for donations received, for the sole purpose of payroll expenses for interns working with the Economic Development Office. BUDGETED ACTION: Approve Budget Amendment #09-A02 for \$4,000. Donations to payroll accounts in the Economic Development Office.

J. Environmental Services

(1) RECOMMENDED ACTION: Set a Public Hearing for November 12, 2008, at 10:00 AM, or as soon thereafter as may be heard, to consider an ordinance amending Chapter 4-4 of the County Code to include agricultural lands with residential dwelling units in the Charlotte County Sanitation Unit. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: a) Accept a grant from Florida Fish & Wildlife Conservation Commission for the development of the biological element as part of a county-wide Scrub-jay Habitat Conservation Plan (HCP) in the amount of \$226,390.00 and; b) Authorize the Chairman to sign the grant. BUDGETED ACTION: This item is already budgeted in the Natural Resources Budget in the Professional Services account line. The budget will now reflect grant funding for FY08/09, thus reducing their reliance on ad valorem revenues.

Grant 2008-033

(3) RECOMMENDED ACTION: Approve the request to accept an agreement between Florida Communities Trust [FCT] and Charlotte County for the Buck Creek property reimbursement of 40% of purchase price in the amount of 3,400,000; 1) identifying Andy Stevens, Natural Resources Manager, as the authorized agent to oversee the grant; 2) the signature of the Board Chairman. BUDGETED ACTION: None

Grant 2008-034

K. Facilities Construction and Maintenance - No items.

L. General Services

(1) RECOMMENDED ACTION: Approve the award of Bid #08-400, Northwest Port Charlotte Maintenance Dredging, to Millmac Corporation, of Coral Springs, FL, for the Base Bid plus the Options for Dredging of Cheshire & Apollo Waterways, for a total project cost of \$256,540. BUDGETED ACTION: The FY09 budget has \$260,000 available for this project in the Northwest Port Charlotte Waterway MSBU fund. CIP project c390403, NW Port Charlotte Waterway Dredging. Project total is \$600,000. Funding is supplied from the Northwest Port Charlotte Waterway MSBU.

(2) RECOMMENDED ACTION: Approve Award of Bid #08-380, Burnt Store Well Field Expansion, to Hausinger & Associates, Inc., for the base bid cost of \$1,005,810.75 and approve the Optional Bid Item in the amount of \$577,080 for a total cost of \$1,582,890.75. This project is to construct production well RO-15, Optional Bid Item production well RO-16, and nine (9) monitoring wells. BUDGETED ACTION: FY2009 Budget \$1,675,000. Funding for this capital improvement comes from borrowings in CIP c330404 Burnt Store RO Water Plant to be paid back through CCU's Debt Sinking Fund.

Purchasing Director Kim Corbett provided an explanation of the bidding process; stated that the bids were reviewed by the Purchasing Department, Charlotte County Utilities (CCU), the engineer of record for the utility department, and the County Attorney's Office; and advised that staff recommended Hausinger & Associates, Inc. as lowest responsive, responsible bidder. **Commissioner Loftus** clarified that the County Attorney's Office reviewed the bid and asked if there are any problems with it. Attorney Knowlton explained that there is not a bid protest process in Charlotte County for Diversified Drilling's procedure of remedy and that the remedy would be a legal action. Assistant County Attorney Kira Honse commented on issues regarding Diversified Drilling's bid; stated that bid procedures allow for the County to go back and request clarification from bidders to obtain more information on their qualifications, which the County did; and that Hausinger & Associates, Inc. was found to be the most responsible, responsive, lowest bidder.

COMMISSIONER LOFTUS MOVED TO APPROVE AGENDA ITEM L-2, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

RECESS: 9:50 AM - 10:00 AM

(3) RECOMMENDED ACTION: a) Award Bid #08-364, Supply Asphalt Concrete - Annual Contract to Ajax Paving Industries of Florida, LLC of Nokomis, Florida for Asphalt Base Course Type 3, Type S-1, Type S-111, Type III, Sand Mix, Friction Course Type 2 without rubber and Friction Course Type 3; and Asphalt Developers Inc. of Punta Gorda, Florida for Type S-1, Type S-111, Type III, and Sand Mix; and b) Authorize the County Administrator to approve renewal options up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent. This is an annual contract to supply asphalt concrete products to the Maintenance & Operations Division of the Public Works Department on an "as required" basis. BUDGETED ACTION: FY08 purchases were approximately \$209,000. Items will be placed into inventory and charged to the appropriate MSBU or Transportation Trust as used.

(4) RECOMMENDED ACTION: a) Approve Amendment #7 to Contract #07-008 Charlotte Sports Park Renovation & Expansion with Hunt/Mathews/Taylor for 1) interior changes to the Clubhouse and addition of a Clubhouse Pavilion in the amount of \$323,410.27 and 2) improvements to the grass parking area at a not-to-exceed of \$120,000; and b) Authorize the Chairman to sign the Amendment; and c) Approve Budget Transfer #09-A03 of \$263,000 from interest earnings on debt proceeds (capital reserve) to fund the purchase of Parks maintenance equipment - \$143,000, grading, and improvements to the stadium grass parking area - \$120,000; and d) Approve CIP amendment 09-C01 in the amount of \$263,000. BUDGETED ACTION: Approve Budget Transfer #09-A03 and CIP Amendment #09-C01.

(5) RECOMMENDED ACTION: a) Award Request for Proposal #08-359, Fully Insured/Self Insured Medical, Fully Insured Dental, Fully Insured Vision, Life, Short-Term and Long-Term Disability Insurance, to CIGNA for all segments, with the exception of Vision, commencing January 1, 2009 for the terms as listed below; and b) Award the Vision portion to Humana/Compbenefits for the period January 1, 2009 up to and including December 31, 2010.

BUDGETED ACTION: The financial impact summary statement is: This item is budgeted in the Health Insurance Fund.

M. Human Resources

(1) RECOMMENDED ACTION: a) Approve the three (3) year Collective Bargaining Agreement (CBA) with Affiliate Local 1010, District Council 78, of the International Union of Painters and Allied Trades (IUPAT), AFL-CIO, including a Memorandum of Agreement for Year One of the contract. The CBA provides no wage increases, but allows a "re-opener" of the Pay article in Fiscal Year 2009; and b) approve to provide for parity among work groups, approval to extend the same negotiated provisions to all non-bargaining employees under the jurisdiction of the Board of County Commissioners. BUDGETED ACTION: Any costs associated with implementation of the terms and conditions of the new Bargaining Agreement are budgeted within respective departments' operating budgets.

Agreement 2008-051

N. Human Services

(1) RECOMMENDED ACTION: Adopt a resolution approving a Lease Agreement for the Center for Abuse and Rape Emergencies, Inc., (CARE) to occupy space at the Family Services Center; and approve a three-year lease agreement between Charlotte County and the Center for Abuse and Rape Emergencies for office space at the Family Services Center. Approval of CARE as a tenant agency will create revenue for one of our vacant offices. BUDGETED ACTION: This item is budgeted in revenue account 0001.610209.347.503.0000 Rentals - Facilities. The terms of the lease are for 123.75 square feet at \$8 per square foot for a total of \$990.00 per year. Revenue will be collected in the General Fund - Family Services Center.

Agreement 2008-052 and Resolution 2008-132

P. Information Technology - No items.

Q. Parks, Recreation and Cultural Resources

(1) *RECOMMENDED ACTION*: Approve and authorize the Chairman to sign the amendment to Contract No. 13562 dated May 13, 2008, to provide assistance to staff in the restoration of our pine flatwoods through timber thinning practices. The Agreement allows the County to utilize the Division of Forestry's expertise and resources and also ensures that the DOF will locate appropriate timber companies that will purchase timber from the County as opposed to the County paying a contractor to cut and remove trees. *BUDGETED ACTION*: None

Agreement 2007-072

(2) *RECOMMENDED ACTION*: Adopt a resolution approving an Agreement between the City of Punta Gorda and Charlotte County for the County to maintain improvements which lie within the un-traveled right-of-way of Taylor Street and Retta Esplanade. *BUDGETED ACTION*: Budgeted within the Charlotte Harbor Event and Conference Center operating budget.

Agreement 2008-053 and Resolution 2008-133

R. Public Safety

(1) *RECOMMENDED ACTION*: Approve resolution adopting the Debris Management Plan for Charlotte County. *BUDGETED ACTION*: None

Resolution 2008-134

S. Public Works - No items.

T. Real Estate Services

(1) *RECOMMENDED ACTION*: Approve the attached Resolution approving the release of portions of two (2) ten-foot (10') wide utility and drainage easements located in Port Charlotte Subdivision, Section Seventeen, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said portions of said easements. (Owners: Charles E. and Jennifer Hackbarth) *BUDGETED ACTION*: None

Resolution 2008-135

(2) *RECOMMENDED ACTION*: Approve grant of a drainage easement to the City of Punta Gorda to be located on the Charlotte County Justice Center Tract. *BUDGETED ACTION*: None

Resolution 2008-136

(3) *RECOMMENDED ACTION*: Approve the attached Resolution approving the release of the six-foot (6') wide public utility easement, located in Lot 1, Block 56, Port Charlotte Subdivision, Section Five, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said easement. *BUDGETED ACTION*: None

Resolution 2008-137

(4) *RECOMMENDED ACTION*: Approve the attached Resolution approving the release of the six-foot (6') wide public utility easements, located in Lots 3 through 7 and Lot 26, Block 56, Port Charlotte Subdivision, Section Five; and, the release of the six-foot (6') wide public utility easements located in Lots 27 through 34, Replat of Tract AF, Block 56, Port Charlotte Subdivision, Section Five, and further authorizing the Director of Real Estate Services to execute the County Deed releasing said easements. *BUDGETED ACTION*: None

Resolution 2008-138

(5) *RECOMMENDED ACTION*: Approve a Resolution of Necessity authorizing the acquisition of real property and easement interests by any legal means in the Burnt Store Road Corridor Project Phase 1. *BUDGETED ACTION*: The FY09 Road Improvements budget contains \$12,500,000 for ROW acquisition. CIP project c419901, Burnt Store Rd Safety and Widening from US 41 to Zemel Rd Phases 1 & 2. Project total is \$40,208,000.

Resolution 2008-139

(6) *RECOMMENDED ACTION*: Approve a Resolution of Necessity authorizing the acquisition of real property and easement interests by any legal means for the Midway Boulevard Corridor Project Phase 1. *BUDGETED ACTION*: The FY09 Road Improvements budget contains \$2,095,000 for ROW purchases. CIP project

c419005, Midway Blvd-Elkcam to Kings Hwy. Project total is \$51,554,000.

Resolution 2008-140

(7) *RECOMMENDED ACTION:* Approve the attached Resolution of necessity authorizing the acquisition of real property and easement interests by any legal means for the Piper Road Project. *BUDGETED ACTION:* FY09 Road Improvements budget has \$2,689,000 available for ROW acquisition and \$700,000 for mitigation land. CIP project c410202, Piper Rd/Enterprise Charlotte Airport Park. Project total \$45,253,000. Funding is supplied from the 2002 Sales Tax Extension Fund, Gas Taxes, Road Impact Fees, and an FDOT grant.

Resolution 2008-141

V. Tourism Development - No items.

W. Utilities

(1) *RECOMMENDED ACTION:* Approve the request for the Chairman to sign the Florida Department of Environmental Protection (FDEP) Consent Order approving a settlement for a violation of Rule 62-550.350(6), FAC, to maintain a minimum disinfectant level of 0.6 mg/L Total Chlorine at all times. *BUDGETED ACTION:* Capital improvements to waterways and watermains are budgeted in various CIP projects. Penalty will be paid from Other Current Charges and Obligations. Funding for the capital improvements comes from Connection Fees and Renewal and Replacement Fund. The Penalty funding comes from Operation and Maintenance Fund.

X. Building & Construction Services

(1) *RECOMMENDED ACTION:* Approve Amended Developer's Agreement from Villa Milano, LLC to extend the existing Developer's Agreement from February 14, 2008 to October 12, 2009 and accept Letter of Credit 200705 in the amount of \$48,994 drawn on LandMark Bank as surety for Final Plat for FP 04-02-02. *BUDGETED ACTION:* None

Agreement 2006-003

(2) *RECOMMENDED ACTION: Approve Final Plat for South Gulf Cove Manor - FP 06-10-06. BUDGETED ACTION: None*

Y. Other Agencies - No items.

V. REGULAR AGENDA

Z. Regular Agenda

(1) *Purchasing - RECOMMENDED ACTION: Discuss and a) approve award of Request for Proposal #08-273, On-Site Medical Services, to CareHere; and b) Authorize Chairman to sign the contract.*

Purchasing Director Kim Corbett advised that this item is for discussion and presentation of Request for Proposal (RFP) #08-273, the on-site Medical Services, recommending proceeding with CareHere, and authorizing the Chairman to sign the contract.

Risk Management Manager Bob Pryor said this concept would provide a more strategic way to approach the health insurance problems that plague our county and counties nationwide; and stated Risk Management is looking for approval to move forward with this.

Kurt Gehring of the Gehring Group gave a slide presentation on the employee Health Center, which is related to the health insurance item and re-directs dollars to the care center; indicated 6 vendors quoted; and commented on why CareHere was selected.

Mr. Gehring opined the idea behind the clinic is to get claims before they become catastrophic claims; reviewed scope of clinic services, prevention programs, and additional services included, coordinated through the clinic; and indicated some of the costs we are trying to shift include Worker's Compensation and Occupational Health costs.

Mr. Gehring commented on funding for the clinic and projected savings; indicated this is not a one-year approach, but an approach over hopefully a long period of time; stated if utilization is where we want to get it, we would get the results and come back to the Board after evaluations; and introduced Ray Tomlinson, President of Crown Consulting Group, who represents CareHere in Florida is available for questions.

Ray Tomlinson, President of Crown Consulting Group, who represents CareHere in Florida, stated that Mr. Gehring did a good job of explaining the benefits of the program and advised that he is available for questions. **Chairman D'Aprile** opined this is a great program and could be very beneficial to the County.

COMMISSIONER LOFTUS MOVED TO APPROVE A) AWARD OF REQUEST FOR PROPOSAL (RFP) #08-273, ON-SITE MEDICAL SERVICES, TO CAREHERE; AND B) AUTHORIZE CHAIRMAN TO SIGN THE CONTRACT, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

(2) Commission Office - **RECOMMENDED ACTION:** a) Consider allocation of \$40,000 to the Boys and Girls Club of Charlotte County to pay for operations; and b) Approve budget transfer # 09-001 for \$40,000 to cover operations cost.

Commissioner Loftus stated that the first thing he recognized when he came here 30 years ago is there was a problem with the young not being properly taken care of; that he cares deeply for the youth of the community and has been involved with them ever since; and indicated it is important to protect and take care of the youth. **Commissioner Loftus** explained that the BOCC gave United Way the task of reviewing the non-profit organizations; that United Way did the evaluations and did not fund to the Boys and Girls Club; that economic conditions are critical for the community and the taxpayers can provide only so much; expressed concern with a non-profit coming forward with such a request at this time; that he believes strongly in the Boys and Girls Club; but he cannot support the funding at this time.

Chairman D'Aprile agreed that these are critical times; opined that our future lies with the youth; and knows the importance of having after school activities to keep youth busy in positive, rather than negative, things. **Chairman D'Aprile** stated he would not want to create a situation for everyone to jump on the bandwagon; that he is committed to the Boys and Girls Club; expressed concern that the program will close if funding is not found; and advised that he supports the funding requested.

Commissioner Moore said he appreciates the passion and hates being in this spot; indicated that the Boys and Girls Club had problems and did not meet the standards to get money elsewhere; and stated he cannot support funding at this time.

Commissioner Duffy explained the BOCC developed a procedure to improve the process; that this was done by 64 members who gave many hours and the process must be respected; pointed out that many organizations have critical needs and have come to the BOCC requesting additional funding, including the Homeless Coalition and Council of Aging; that we do not have the funds; and she cannot support funding on this item.

Commissioner Cummings said the process is for the people and if the process is not working you change the process, address problems proactively, and catch them early while they can be fixed inexpensively; that we can pay \$40,000 now for the Boys and Girls Program or pay more for deputies when people go down the wrong path; indicated that the Boys and Girls Club have had problems in the past but believes they are on the right path to having those problems resolved; that it would cost more to close it down and start it up again; opined it is best to make a modest investment now; and advised he supports the action.

Chairman D'Aprile opined millions of dollars are spent in the community, but not so much for the kids; that something needs to be done so the children are occupied and have positive things to do; and believes strongly in this support.

Commissioner Loftus disagreed we are not doing anything for the youth; commented on programs at Parks, Recreation and Cultural Resources for all ages; pointed out 3 regional parks were developed so people of all ages can enjoy the athletic facilities; stated he wants to see as many programs available for the children as possible; but opined they need to reach out to the private sector.

Chairman D'Aprile clarified it is not that we do nothing for the youth, just not enough. **Commissioner Duffy** disagreed and commented on activities available for the youth.

COMMISSIONER LOFTUS MOVED TO DENY THE REQUEST TO ALLOCATE \$40,000 TO THE BOYS AND GIRLS CLUB OF CHARLOTTE COUNTY, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 3:2. Chairman D'Aprile, and Commissioner Cummings opposing.

(3) Public Works - RECOMMENDED ACTION: 2009 Sales Tax Extension project status update presentation will provide an overview of the 2009 Sales Tax projects and schedules: Edgewater Boulevard - Phase II; Midway Boulevard - Phases I, II, III; Burnt Store Road - Phase III; Placida Road; and, Sidewalks.

Mr. Baltz explained the voters of the community approved an extension of the sales tax; and that he has been asked what the action plan is, which lead to this presentation of sales tax projects and sales tax related issues.

Public Works Interim Director Dan Quick provided background information as reflected in the handout material; and indicated the estimated revenue to Charlotte County is \$108 Million. Budget Director Ray Sandrock continued review of the handout material; commented on forecast projections; reviewed the 2002 sales tax extension; indicated that the original projection for that six year sales tax was \$96 Million; and that as we come to the close of the sales tax extension it appears we have significantly outperformed the original projection; and, that while not certain because it has not yet been completely closed out, it will be close to \$118/\$119 Million. Mr. Sandrock gave a year-by-year collection breakdown; opined revenue projections is still at \$108 Million over the 6 year period; commented on bonding and short term financing; indicated the "pay as you go strategy" traditionally works well with road projects; and pointed out if there is a short term cash flow need we would look to internal and external borrowing as a first option. **Commissioner Moore** pointed out that bonding is not free; that he supports the "pay as you go" strategy; and applauded staff.

Mr. Quick advised projects approved by the BOCC were improvements to Edgewater Drive, Midway Boulevard, Placida Road, Burnt Store Road, and countywide sidewalks. Mr. Quick provided a slide presentation over viewing the 2009 sales tax projects and schedules, beginning with the Edgewater Drive - Phase II project; indicated that the scope of the project is to widen Edgewater

Drive from the existing two lane section to a four lane divided roadway from Harbor Boulevard west to Midway Boulevard; that the project includes replacing the existing bridges at the Sunrise Waterway, East Spring Lake Waterway, and West Spring Lake Waterway; and intersection improvements at Harbor Boulevard and Midway Boulevard; and indicated we expect to construct sidewalks on both sides of the roadway, which would provide pedestrian access to Sunrise Park and Spring Lake Park.

Commissioner Duffy inquired why the bridges needed replacing. Mr. Quick stated that four lane bridges are needed; that the existing bridges are not wide enough; and that it is cheaper to remove the old bridges and replace them. **Commissioner Loftus** asked if the road level would be raised. Mr. Quick explained that the existing clearance must be maintained and the bridge may have to be raised somewhat, but would minimize it as much as possible. **Commissioner Loftus** stated that we want to keep the boaters in mind for whatever is done. Mr. Quick acknowledged that would be kept in mind.

Mr. Quick reviewed an overview of the Edgewater Drive-Phase II project as referenced on page 8 of the handout material; indicated the permitting, design, and land acquisition would take up to 3 years; and he does not foresee a problem completing the project within the 6 year period. Mr. Quick explained they are looking to put forth an RFP soliciting engineering design work as early as possible in January 2009. **Chairman D'Aprile** asked if the prices would change if we go to FY 2012. Mr. Quick stated it is a conservative estimate and he is comfortable with that based on the time frame we are working with.

Commissioner Duffy requested clarification of project completion. Mr. Quick advised completion would be in 2014. **Commissioner Duffy** questioned the length of time for completion. Mr. Quick said this is just a projected schedule and he would like to have it done sooner; but that based on past experience the projection is correct.

Mr. Quick reviewed the Midway Boulevard project from Elkcam Boulevard to Kings Highway as referenced on pages 10 through 16 of the handout material; commented on the scope of work and extensive improvements; indicated this project would be in 3 phases and explained the criteria of each phase.

Commissioner Cummings inquired about anticipated mitigation offsets required by the Southwest Florida Water Management District (SWFWMD). Mr. Quick advised he does not know at this time; commented on what is presently under review; agreed there is a good possibility of requirements; and indicated they would just have to work with the agency if it comes to pass.

Mr. Quick continued his presentation with the overview shown on page 13 of the handout material; indicated this project overall will be the largest Public Works/Civil Engineer CIP project we have ever done; reviewed the project schedules; advised construction on the first phase is anticipated to begin the middle of 2009; and that the estimated construction duration is 18 months.

Mr. Quick reviewed phases II and III project schedules; indicated that Phase III cannot begin until all of the US 41 work is completed; that he does not anticipate beginning Phase III until the middle of 2010 or later; that the goal is for it all to dovetail together, but it is dependent upon permit timing.

Mr. Quick reviewed the widening of Placida Road from Rotonda West Boulevard to Cape Haze Drive from the existing two lane section to a four lane divided roadway; and commented on the overview and project schedule slides reflected on pages 17 through 20 of the handout material.

Mr. Quick advised that Burnt Store Road was divided into 3 phases; that plans are 100% complete on the first phase, which is from just north of US 41 south to Notre Dame; that right-of-way acquisition has just begun; and when the right-of-way is acquired along that road section Phase I will begin. Mr. Quick stated that Phase II is the road segment from Notre Dame south to Zemel Road; that it was anticipated Zemel Road would be built by developers, but due to the market we have not heard from them in a long time; and indicated that when they come back we will look for the developers to construct that phase of Burnt Store Road, funding it through their transportation impact fees.

Commissioner Cummings commented on making changes to improve sight lines when narrowing down from 4 lanes to 2 lanes. Mr. Quick explained they have looked at re-aligning Zemel Road and

the entrance road into Pirate Harbor and square them up with Burnt Store Road to make that one full access intersection; stated that is a function of design and right-of-way acquisition; confirmed there would be major intersection improvements at the end of address the sight line issue; and indicated that all options would be looked at. Mr. Quick reviewed the Burnt Store Phase III Overview and Project Schedule reflected on pages 22 and 23; and commented on recommendations of pushing this project out for another year. **Commissioner Cummings** said he would need to think about it because Burnt Store is at the top of the project list.

Mr. Quick advised that a priority list was compiled by the Metropolitan Planning Organization (MPO) on the sidewalk projects; that the goal is to do sidewalks in Mid, West, and South County at the same time so everyone gets a benefit of the sales tax; and stated a memorandum could be provided to the BOCC as to where the sidewalk projects stand. **Commissioner Loftus** said he would like to have a list and pointed out the importance of getting sidewalks in at Collingswood.

Mr. Quick provided an outline of the many projects scheduled for Public Works next year in addition to the projects discussed today; stated that there are no plans to hire additional staff to help manage the sales tax project or other CIP projects; that he would need to outsource some construction inspection services, but would minimize that as much as possible; explained that in the past they have been very responsive to requests for help, assistance, and information from a variety of sources; but that they may not be able to respond as quickly as they have in the past. Mr. Quick stated that all departments have experienced significant delays in the permitting process; indicated that assistance would be requested from the BOCC or Administration as need arises; and advised that he and his staff are committed to the projects and the County.

Commissioner Cummings asked if part of the inspection includes survey work. Mr. Quick replied negatively; and indicated that the survey is done at the beginning of the job as construction staking is done and at the very end of the project when the surveyor has to field verify what was built, and the engineer of record reviews that so he can certify that the project was constructed as he designed it. **Commissioner Cummings** stated

that as we proceed with these projects it would be of interest to him to determine what the cost is of doing the survey work in-house versus contracting it out.

(4) Attorney's Office - RECOMMENDED ACTION: Board discussion and direction regarding Mosaic's complaint seeking enforcement of Public Records Act, Circuit Court Case No. 08-5089CA and proposed settlement.

Attorney Knowlton summarized Mosaic's public records law suit and the judge's rulings; indicated that procedural issues were not raised; commented on what was included and provided to the judge; and opined the County would prevail on appeal. Attorney Knowlton stated that BOCC direction on September 23, 2008 was to not release the transcript, and for that reason the appeal was filed. Attorney Knowlton reported that Mosaic has offered to waive their request for fees and costs if the County gives them the entire transcript and drops its appeal; indicated that she spoke to BOCC members individually and direction she got from the majority was to continue with the appeal; however, that since that time some BOCC members requested she bring the matter forward for discussion; and stated that at this time she needs only clear direction of what the BOCC wishes done.

Attorney Knowlton explained that the Executive Session was clearly appropriate; that there is nothing to hide from the public and no smoking gun in the transcript; opined there is no legal harm in revealing the transcript; but pointed out that settlement strategy was discussed, which is not something you want to share with the other side. Attorney Knowlton stated that our legal opinion is that the judge would re-consider the matter and rule in our favor, but it is really the sanctity of the process that concerns her. **Commissioner Loftus** indicated that there was inaccurate information stated during Citizens Comments on the signing of the Compact; and opined the Compact is better than if we did not sign it. **Commissioner Loftus** opined we do not need to incur additional expense and indicated he is in favor of releasing only the redacted transcript. Attorney Knowlton clarified that his reference is to the portion on the conflict of interest, not the settlement portion. **Commissioner Loftus** replied affirmatively and stated he does not believe Attorney de la Parte has not completed his services with Charlotte County.

Commissioner Duffy requested clarification of Attorney Knowlton's comment of no "smoking gun". Attorney Knowlton stated she can only guess why Mosaic wants the transcript; believes they are looking for something in the transcript on the conflict of interest; that she would still not want the settlement strategy released; but that she does not believe there is anything legally harmful on the conflict of interest because it has already been discussed in public. **Commissioner Duffy** agreed; stated we want the work to be finished by Attorney de la Parte, which cannot be done while he conflictingly represents Lee County; and that she is in favor of releasing the portion of the transcript that deals specifically with Attorney de la Parte's conflict of interest.

Commissioner Cummings asked if we were currently under a judge's order to release the entire transcript; and questioned if releasing a portion of the transcript addresses the question to be answered today. Attorney Knowlton explained that a stay was entered; and indicated that what she understands from at least two Commissioners is for her to attempt to reach an agreement with Mosaic to release a portion of the transcript and drop our appeal and Mosaic would drop their attorney fees. **Commissioner Loftus** replied affirmatively.

Chairman D'Aprile expressed concern at how far the matter had gotten; agreed that we do not want to release information we are litigating on, only the redacted portion, but we want to stop spending money; and opined that Attorney de la Parte did not fulfill his obligation to Charlotte County and there is a conflict with him going to Lee County until we settle the Compact.

Attorney Knowlton advised that the original public records request was for the redacted portion; that she spoke to the Commissioners and was told not to release it; that the latest request demand from Mosaic is not for the redacted version, but for the entire transcript; that based on her understanding from the Board at this discussion she will attempt to get Mosaic to accept the redacted version, which is only the conflict of interest, we will drop our appeal, and they will drop their attorney fees. **Commissioner Cummings** stated this was an Executive Session, we were clearly in the right, that the judge's decision is an honest oversight that is easily remedied, and we should not give Mosaic anything; but that if the BOCC intent is

to have assurance not to pay any legal fees and there is nothing to hide in the transcripts the most certain way of achieving that is to accept the offer on the table and give Mosaic the transcript.

Attorney Knowlton clarified the judge's review and findings; indicated there was no problem with the discussion portion; but that the judge had not seen the procedural compliance; pointed out that **Commissioner Cummings** has suggested releasing the entire transcript; and indicated she has found nothing in the transcript that would be legally harmful to the County's position if the Board wished to do that. **Commissioner Moore** questioned that this conversation was prudent and appropriate in this format; stated we are trying to prove a point but he does not know why; that we are trying to win a war that has not started; and opined it would not change anything at the end of the day.

Chairman D'Aprile said he does not want to pay any more money and is in favor of only releasing the redacted statement of conflict of interest, not the entire transcript.

Commissioner Duffy stated we do not want to set precedence but inquired about us offering the redacted portion to Mosaic but the judge says the entire transcript must be released. **Chairman D'Aprile** said we would follow the law, but that at this time we should offer only the redacted portion to Mosaic. Attorney Knowlton explained that the judge would not weigh in if it is resolved among the parties involved. **Commissioner Cummings** commented on the entire transcript being released if Mosaic would not accept the redacted portion. **Chairman D'Aprile** stated he does not want to release the entire transcript.

COMMISSIONER LOFTUS MOVED TO INSTRUCT THE COUNTY ATTORNEY TO RELEASE THE REDACTED PORTION OF THE EXECUTIVE SESSION TRANSCRIPT OF AUGUST 26, 2008, TO MOSAIC WITH THE CONDITION THEY DROP ALL LEGAL FEES, SECONDED BY COMMISSIONER DUFFY.

Commissioner Duffy pointed out that all the Commissioners agreed they had a problem with Attorney de la Parte and that he lied to the judge. **Commissioner Cummings** inquired if this is released does it become public record. Attorney Knowlton said she believes the redacted portion would become public record.

Motion Carried 4:1. Commissioner Cummings opposing.

VI. PUBLIC HEARING AGENDA - 10:00 A.M.

(1) Budget - RECOMMENDED ACTION: Consider adopting an ordinance updating the Capital Improvements Program for FY2008/2009 through FY2012/2013.

Assistant Budget Director Linda Carr explained this agenda item is to hold a public hearing to consider adoption of the five year Capital Improvement Program (CIP); stated that the first year of the CIP was approved on September 25, 2008 at the Final Budget Public Hearing; and pointed out that the CIP is just a framework for capital projects; that all projects will come back before the Board for consideration as they are implemented; and that changes can still be made. The public hearing was opened and no one appeared to speak.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Commissioner Loftus stated we must be cost effective and efficient in all remodeling; indicated that the fire burn training building should be scaled down; and opined that renovations should take place in the Emergency Operations Center (EOC) building and house the 911 equipment in that facility.

Commissioner Duffy agreed it is appropriate for the 911 equipment to be in the EOC building and asked what grant funds were available from the State and if applications had been made. Information Technology (IT) Director for the Charlotte County Sheriff's Office (CCSO) Del Sherman advised that some applications have been submitted; that some have been approved to cover the E911 equipment only; that presently the focus is on securing the E911 hardware and locating it in the new EOC building; and explained that they will continue trying for more grant funding, but right now they have secured all the funds they can get. Commissioner Duffy clarified that the 211 system was already in the EOC building. Mr. Sherman replied affirmatively and commented on concerns of moving dispatch to the EOC building.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-090, WITH THE TWO COMMENTS MADE BY COMMISSIONER LOFTUS, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 5:0.

(2) Building and Construction Services - RECOMMENDED ACTION: Consider approving an ordinance changing the method of enforcing the lot maintenance standards for more timely enforcement.

Shawn Horton, of Building Construction Service (BCS) Code Compliance advised this ordinance would allow a more timely approach than the Code Enforcement process allows; and commented on the process. Commissioner Duffy thanked BCS for doing this because of the many abandoned homes; and opined this would help speed the process. The public hearing was opened and no one appeared to speak.

COMMISSIONER MOORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

Commissioner Moore asked who would do the mowing and if there was concern of additional cost to the County. Mr. Horton explained that an outside contractor would be hired and the property liened after the abatement; and advised the County would still be doing the same abatement it would have done before, but the procedure would take less time.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-091, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

VII. PRESENTATION AGENDA - No items.

VIII. PUBLIC WORKSHOP AGENDA - Public input permitted. - No items

IX. BOARD WORKSHOP AGENDA - No public input. - No items

X. CITIZEN INPUT - ANY SUBJECT

Catherine Blanco stated she appeared before the BOCC previously on behalf of Richard Orris regarding the large water bill he

received form CCU and thought the matter would have been resolved in a shorter time; and indicated that the Governor's office is awaiting the County's reply before taking action.

Tim Mulligan of Rotonda West expressed concern that Charlotte County cannot give \$40,000 to the Boys and Girls Club, yet funds are being spent on projects he deems unnecessary, such as the Winchester Boulevard extension.

Douglas Tucker stated he is disappointed that funding was not given to the Boys and Girls Club; that exceptions have been made in the past; that the parks do not have educational material, supervision, and programs such as the Boys and Girls Club has; that he wants to be certain the County is allocating its money well; and that he would be looking at all future expenditures.

AA. County Administrator:

Mr. Baltz reported the legislative agenda would be brought forward for the BOCC to consider at the November 25, 2008 meeting; and indicated he would like to take a moment to provide an update on the stadium project.

Facilities Director Andrew Baker gave a video presentation update of the renovation construction of the Charlotte County Stadium; and indicated there is about 3 months left for completion of the project. Mr. Baltz stated that the Tampa Bay Rays would play about 16 games and the Charlotte Stonecrabs would play about 70 games in the stadium.

Mr. Baltz commented on a memo sent to the BOCC with updated backup information on a pilot project that came forward as an idea from an employee focus group as a potential revenue source for non-emergency transports; and requested direction from the BOCC. **Commissioner Loftus** reported that Fire/EMS would rather us not move forward with that project at this time. **Commissioner Moore** opined that it is a potential revenue source and we should go forward with it. **Commissioner Cummings** said it appears to be a good idea and could ease the tax burden on the public.

Chairman D'Aprile said he understands it is not economically feasible to go forward with this project at this time; and opined

it should be put on the back burner until more is known. **Commissioner Cummings** stated that the latest official information from Mr. Baltz is positive; that the memo has updated information on fuel; that there is lack of clarity for the number of transports that might be available; and there might need to be at least 4 per day to generate revenue. **Commissioner Duffy** said she does not believe there is enough business to generate that much revenue and it is too risky at this point; indicated this is Charlotte County starting a business that is currently being provided by the private sector, which we have said before we do not want to do; and said she does not think this is a good idea. **Commissioner Loftus** commented on the figures; and agreed that we should not move forward with it at this point. Mr. Baltz explained the memo is for information only; that the number of transports is still unclear; and that it would only be a pilot project for a year. **Chairman D'Aprile** reported he hears 3 Commissioners who do not want to proceed at this time.

Mr. Baltz commented on Mr. Orris' water issue with CCU; reported Mr. Orris' water has not been turned off but the matter has not been resolved; that they are looking at the historical uses and activity of the account; that it appears clearly some type of event happened; and that they are looking at whether or not there was equipment malfunction. Mr. Baltz explained that the bill was a little over \$1500; that he has confirmed it can be reduced to at least \$600; commented on how meters justify paying for the bills; advised that the issue of a faulty meter is an important factor and they are still waiting on that; and indicated that they would try to do the right thing.

Commissioner Moore stated that the County has strong respect for veterans; that we are trying to get Mr. Orris' water issue resolved; but opined that civility begs better treatment than some of the comments that were made.

Commissioner Cummings advised that he specifically did respond individually so that Mr. Baltz and the process could have due diligence and review it thoroughly; stated that almost all the information he has reviewed regarding this issue came from Ms. Blanco; and pointed out that if he were to rely just on that packet of material it would drive him to the opposite conclusion of what Ms. Blanco wanted to accomplish. **Commissioner Cummings** explained that the review by Mr. Baltz is more along giving Mr.

Orris some hope; that if relying only on the information furnished by the citizen he would be lead to the conclusion that the water flowed through the meter; indicated we are happy to work with Mr. Orris and offers that silence at this point in time is their best opportunity; and if there is any evidence to be found they will find it.

Chairman D'Aprile said he understands things happen mechanically; opined that outside distribution of 130,000 gallons of water would be very noticeable; that possibly there was a problem in the machine calculation; and there needs to be more evidence before making a decision; pointed out that Mr. Orris indicated human error had not been addressed; and agreed that should be considered.

Commissioner Loftus stated that by normal process meters slow up as they age. **Commissioner Cummings** pointed out that as meters age and get slow it means the customer is not being billed for as much water as they are actually using.

BB. County Attorney: No items

CC. Commissioner Comments:

Commissioner Duffy asked for comments from the BOCC on Clay County's request for support from the Charlotte County BOCC of a constitutional amendment that requires State Legislators to operate under the same Sunshine Laws as county officials.

Commissioner Cummings said he is willing to support Clay County's efforts and agreed the State Legislature should be held to the same standard as county officials; and commented further on releasing the entire transcript to Mosaic.

Chairman D'Aprile and **Commissioner Loftus** are in favor of supporting Clay County's request. **Commissioner Moore** opined to do so would probably annoy people in Tallahassee and doesn't think it will happen. **Commissioner Duffy** inquired if the County Attorney could draft a Resolution. (Consensus).

Commissioner Duffy requested BOCC thoughts on rotation of the Emergency Medical Services (EMS) Medical Director; indicated that the current Medical Director has been in that position for

approximately 6 years; and opined the rotation method is a fairer process. **Commissioner Moore** stated this issue would be a good topic to bring up with the new Board on November 25, 2008. **Commissioner Loftus** agreed the issue should be brought up with the new Board and suggested having a Workshop on it. Attorney Knowlton advised that procedurally if action is being requested it should be placed on the agenda. **Commissioner Cummings** explained that we changed away from the rotation method because of the constant changing of procedures while under rotation; indicated it has been good for the consistency of medical services to have one Medical Director and have selection based primarily upon merit; recalled there is a committee that works with the Medical Director; opined possibly enhancing the influence of the committee with the Medical Director so that all of the hospitals had a louder voice in procedures might be helpful without going back to the constant change every 2 years; and agreed it is a conversation that merits being brought forward.

Chairman D'Aprile stated that either way is fine with him; opined that all hospitals get an equal number of patients; commented on patients or doctors requesting certain hospitals; pointed out that it is up to the EMS attendant to determine the best facility based upon the patient's problem; and stated he does not prefer rotation.

Commissioner Loftus said he wished to clarify incorrect information that was presented at Citizens Comments by advising that the BOCC accepted what was presented for distribution to the non-profit organizations and did not make any changes.

ADJOURNED: 12:40 PM

Signature on file in Commission Minutes
Chairman

ATTEST:

BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS

By: Signature on file in Commission Minutes
Deputy Clerk

gm