

BOARD OF COUNTY COMMISSIONERS

September 13, 2011

Members present were: Chairman Starr, Commissioner Constance, Commissioner Deutsch, Commissioner Duffy, Commissioner Skidmore, County Administrator Sandrock, County Attorney Knowlton, Chief Deputy Board Services White, and Deputy Clerk Carleton. The following members were absent: None

The meeting was called to order at **9:00 A.M.**

Invocation was given by **Chairman Starr**, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Requested by: Commission Office - Proclamation - Day of Remembrance for Murder Victims

Deletion #1: Requested by: Administration - F-2 - Move to September 27, 2011

Deletion #2: Requested by: Administration - F-5 - Move to September 27, 2011

COMMISSIONER CONSTANCE MOVED TO APPROVE THE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Proclamations - Commissioner Robert Skidmore

American Business Women's Day Proclamation, September 22, 2011

COMMISSIONER CONSTANCE MOVED TO PROCLAIM SEPTEMBER 22, 2011 AS AMERICAN BUSINESS WOMEN'S DAY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

No one was present to accept the Proclamation.

Constitution Week Proclamation, the week of September 17, 2011 through September 23, 2011

COMMISSIONER DEUTSCH MOVED TO PROCLAIM THE WEEK OF SEPTEMBER 17, 2011 THROUGH SEPTEMBER 23, 2011 AS CONSTITUTION WEEK, SECONDED BY COMMISSIONER CONSTANCE

Commissioner Deutsch noted a public presentation on the Constitution and the Declaration of Independence on September 27th and encouraged the public to attend.

MOTION CARRIED 5:0.

Debbie Harrington, Charlotte Bay Chapter of the Daughters of the American Revolution (DAR), accepted the Proclamation with thanks.

Arts and Humanities Council Artist of the Month - James Beech Proclamation, the month of September, 2011

COMMISSIONER CONSTANCE MOVED TO PROCLAIM JAMES BEECH AS THE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH OF SEPTEMBER, 2011, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

James Beech accepted the Proclamation with thanks.

Day of Remembrance for Murder Victims Proclamation, September 25, 2011

COMMISSIONER DEUTSCH MOVED TO PROCLAIM SEPTEMBER 25TH, 2011 AS THE DAY OF REMEMBRANCE FOR MURDER VICTIMS, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

No one was present to accept the Proclamation.

Paul Ingegnere Day Proclamation, September 13, 2011

COMMISSIONER CONSTANCE MOVED TO PROCLAIM SEPTEMBER 13, 2011 AS PAUL INGEGNERE DAY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Chief Didio accepted the Proclamation on behalf of Lt. Ingegnere.

Employee Recognition - County Administrator Raymond J. Sandrock

Five Years: John Hilliard, Public Works; Robin Hudzina, Community Services; David Menges, Fleet Management; **Ten Years:** Vandy Facey, Community Services; Tanya Foley, Facilities Construction & Maintenance; Roger Lescrynski, Public Works; Robert Pettit, Utilities; Nancy Vigliano, Community Development; **Fifteen Years:** Maggie Horton, Community Development; Christopher Kendrick, Public Safety; **Twenty Years:** Christopher Casa, Public Safety; Roger Livingston, Public Works; Brett Woodward, Public Safety; **Twenty-Five Years:** Mary Isaacs, Public Safety; Stephen MacDonald, Public Works

I. CITIZEN'S INPUT - AGENDA ITEMS ONLY

Michael Grant spoke in opposition to Agenda Item F-7 and requested the Ameditrans bid be rejected.

Charles Moreno spoke on behalf of Ameditrans in support of Agenda Item F-7.

K'Shona Haynie spoke in support of Agenda Item F-7 and distributed a handout to the Board.

II. COMMITTEE VACANCIES

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

Greater Port Charlotte Street and Drainage Advisory Committee is seeking two volunteers; one regular member for a three year term; and one alternate member for a two year term. Volunteers must reside within the boundary of the MSBU. Submit resume to Charlotte County Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950 or call (941-743-1300); fax: (941-637-9265) or email msbu@charlottefl.com

Historical Advisory Committee is seeking three members to serve on the committee. One representative from the Lemon Bay Historical Society and Punta Gorda Historical Society. Also, one member-at-large. These terms are for three years.

MPO - Charlotte County Transportation Disadvantaged Local Coordinating Board (LCB) is seeking one individual to voluntarily serve on the LCB Board. The purpose of the LCB is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordination of service to be provided to the transportation disadvantaged. The position is for one local representative for children at risk. Your letter or email stating your qualifications for this position should be sent to: Charlotte County-Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534 Email: office@ccmpo.com. Deadline for submitting application is Friday, September 23, 2011. The MPO Board will elect the above position at their Monday, October 10, 2011.

III. REPORTS RECEIVED AND FILED

IV. CONSENT AGENDA

COMMISSIONER SKIDMORE MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS F-7, F-3, F-4, F-6, AND E-5, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

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

Memorandum #2 - Total Disbursements for the period August 12, 2011 through August 31, 2011 in the amount of \$6,812,772.88.

B. Minutes Division

(1) RECOMMENDED ACTION: Approve Minutes for:

July 21, 2011, 5:01 P.M. MSBU Public Hearing

July 25, 2011, 9:00 A.M. Pre-Agenda Meeting

July 26, 2011, 9:00 A.M. Regular Meeting
August 1, 2011, 1:30 P.M. CIP Presentation
August 8, 2011, 9:00 A.M. Pre-Agenda Meeting
BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Re-appoint Suzanne Graham as the Property Owner Representative to the Murdock Village Community Redevelopment Agency Advisory Committee. This is a three year term effective September 20, 2011 and will expire September 20, 2014. BUDGETED ACTION: None

D. Administration

Administration

(1) RECOMMENDED ACTION: Set a Joint Meeting with the City of North Port for September 28, 2011 at 1:00 p.m. to be held in Room 119, Charlotte County Administration Building. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Set a Strategic Update Session for Monday, October 17, 2011, 1:00 p.m. - 5:00 p.m. to be held at the Port Charlotte Beach Complex. BUDGETED ACTION: None

Public Information Office - No Items.

E. County Attorney

(1) RECOMMENDED ACTION: The Supervisor of Elections for Charlotte County is requesting, in the second paragraph of his attached letter, that the Board approve the consolidation of voting Precinct 71 into Precinct 32. Attached is a map of the present locations for Precincts 71 and 32, and a map of the proposed Precinct 32 combining Precinct 71 and Precinct 32. BUDGETED ACTION: None at this time.

(2) RECOMMENDED ACTION: Set an Executive Session for September 13, 2011 at 1:00 p.m. in the Charlotte County Attorney's Office Large Conference Room to discuss settlement negotiations and strategy related to litigation expenditures concerning the civil lawsuit captioned Philip D. Hendrickson as Personal Representative of the Estate of Rebecca H. Hendrickson v. KB Home Florida LLC, KB Home Fort Myers, and Charlotte County; Case No. 09-4986-CA. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Set a public hearing for September 27, 2011 at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an ordinance relating to pain management clinics. BUDGETED ACTION: No action needed.

(4) RECOMMENDED ACTION: Set a public hearing for Tuesday, September 27, 2011 at 10:00 a.m. or as soon thereafter as possible to discuss proposed changes to the Charlotte County Code of Ordinances regarding firearms pursuant to §790.33, Florida Statutes. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Approve a Resolution amending Resolution No. 2011-262 "Approving a Rate Indexing Request from Waste Management of Florida, Inc., for Company Sanitation Rates, Fees and Charges" in order to correct a scrivener error. BUDGETED ACTION: None

Chairman Starr explained why he pulled the item.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2011-264, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

F. Budget and Administrative Services

Budget and Administrative Services

(1) RECOMMENDED ACTION: Approve transfer of \$150,000 from the County Law Enforcement Trust Fund to the Charlotte County Sheriff's Office. BUDGETED ACTION: Approve budget transfer #11-039 in the amount of \$150,000 within the County Law Enforcement Trust Fund from the cash carried forward account line to the interfund transfer account line to facilitate the transaction request.

Fiscal Services - No Items.

Information Technology - No Items.

Purchasing

(3) RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of September, 2011. BUDGETED ACTION: None

Commissioner Constance explained why he pulled the item and requested assurance that a policy is in place to remove hard drives from retired office equipment in order to protect information. Kim Corbett and Chief Didio responded to inquiries.

COMMISSIONER CONSTANCE MOVED TO APPROVE AGENDA ITEM F-3, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

(4) RECOMMENDED ACTION: Approve award of Bid #11-218 Stormwater Control Structures - Dorchester and Morningstar Waterways to the lowest responsive, responsible bidder, Zep Construction of Port Charlotte, Florida, in the amount of \$1,804,455.71. BUDGETED ACTION: None. Budgeted in approved CIP project c390304 GPC Stormwater Control Structures, c339702 Major water Transmission Lines, and c350602 Wastewater Force Mains.

Commissioner Constance explained why he pulled the item related to issues with Zep Construction. Attorney Knowlton gave related detail. Kim Corbett reported positive feedback from County employees related to Zep. **Commissioner Deutsch** inquired about the existence of a list or procedure that flags contractors the County should not do business with. Attorney Knowlton responded.

COMMISSIONER CONSTANCE MOVED TO APPROVE AGENDA ITEM F-4, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(6) RECOMMENDED ACTION: a) Award Bid #11-282, Painting Contractor- Annual, to the lowest responsive, responsible bidder, Olson Painting of Charlotte County, Inc., of Rotonda West, Florida, per the unit pricing on the attached tabulation. This is an annual contract for a painting contractor to provide services for new and remodeling painting projects on an "as needed" basis; 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. BUDGETED ACTION: The FY12 funding for painting is located in various departmental budgets in the Repair and Maintenance line item accounts.

Commissioner Constance explained why he pulled the item. David Milligan responded to Board inquiries.

COMMISSIONER CONSTANCE MOVED TO APPROVE AGENDA ITEM F-6, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

(7) RECOMMENDED ACTION: a) Approve award of Bid #11-289, Transit Contract Drivers and Bus Washer, to Ameditrans, Inc, of Port Charlotte, FL, at the unit prices listed below for the term October 1, 2011, through and including September 30, 2012; and b) Authorize County Administrator to approve renewal of two (2) additional one-year terms, at the same prices, terms, and conditions, by mutual consent. BUDGETED ACTION: This item is grant funded and is budgeted in the General Fund, Dial-A-Ride - \$473,668 and Sunshine - \$349,284. The required grant match will be met with Sunshine Ride General Funds. Both have been budgeted for County Fiscal Year 2011/12.

Commissioner Skidmore requested assurances related to the Procurement Code. Attorney Knowlton advised staff is comfortable with the recommendations presented to the Board. Bob Hebert, Kim Corbett, and Bob Pryor responded to Board inquiries. **Commissioner Duffy** expressed concern with receiving inaccurate information related to health insurance for bus drivers.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM F-7, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 4:1. COMMISSIONER DUFFY OPPOSING.

Real Estate Services - No Items.

H. Community Services

Parks and Natural Resources - No Items.

Recreation - No Items.

Libraries and Historical

(1) RECOMMENDED ACTION: Approve a grant agreement application with the Florida Department of State for State Aid to Libraries Program FY 2012. Authorize the Chair to sign the State Aid to Libraries Grant Agreement for FY 2012. BUDGETED ACTION: The budgeted amount for State Aid to Libraries in proposed fiscal year 2012 is \$84,640.

Grant 2011-040

J. Economic Development

(1) RECOMMENDED ACTION: Reappoint Jeff Brown and Rob Humpel to the Charlotte County Industrial Development Authority. BUDGETED ACTION: None

K. Facilities Construction and Maintenance - No Items.

L. Human Resources - No Items.

M. Human Services

(1) RECOMMENDED ACTION: Approve the State Housing Initiatives Partnership (SHIP) Program Annual Report (also includes Hurricane Housing Recovery or "HHR" Annual Report) for signature and submission to the Florida Housing Finance Corporation. BUDGETED ACTION: None required

N. Public Safety

(1) RECOMMENDED ACTION: Approve an Agreement with the Florida Division of Emergency Management for the Hazards Analysis Update Grant in the amount of \$2,367 and authorize the Chair to sign any related documents. BUDGETED ACTION: None. There is no County match required.

Grant 2011-041

P. Public Works

(1) RECOMMENDED ACTION: Approve the Fiscal Year 2012 annual certified budget and contract for Mosquito Control with the Florida Department of Agriculture and Consumer Services (FDAC). The FDAC which oversees County Mosquito Districts requires, per the Florida Administrative Code 5E-13.027, that the County submit a certified budget no later than September 15 each year. BUDGETED ACTION: None. Funds are supplied from general revenues and a state grant.

Agreement 2011-033

(2) RECOMMENDED ACTION: Approve a resolution adopting solid waste rates for Lee County residents on Gasparilla Island, as adopted by interlocal agreement with the Lee County Board of County Commissioners. This request is pursuant to Charlotte County Code Chapter 4-4, "Sanitation District" and has been reviewed by Charlotte County Public Works Solid Waste Division and the Charlotte County

Attorney's Office. BUDGETED ACTION: Revenues received due to this resolution are recorded in the Charlotte County Landfill Enterprise Fund.

Resolution 2011-265

Q. Tourism Development - No Items.

R. Utilities - No Items.

S. Other Agencies - No Items.

Commissioner Duffy requested reconsideration of the Redistricting Item Z-6 from the Meeting of August 23, 2011 and indicated she had received additional information.

COMMISSIONER DUFFY MOVED TO RECONSIDER THE VOTE RELATED TO REDISTRICTING FROM THE AUGUST 23, 2011 MEETING, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 3:0. (COMMISSIONER SKIDMORE AND COMMISSIONER CONSTANCE DID NOT VOTE.)

Commissioner Duffy explained the new information she had received, mentioned the recommendation by Paul Stamoulis, Supervisor of Elections, for redistricting, commented on her District being significantly affected by the changes, described how the changes affect Jim Herston and the Airport Authority, suggested directing the County Attorney's Office to investigate the matter, and opined the Board may have to go with Option #1. Attorney Knowlton clarified the Motion for Reconsideration and advised the Board had voted to undo the previous action. Board discussion ensued.

COMMISSIONER SKIDMORE MOVED TO RESCIND COMMISSIONER DUFFY'S MOTION TO RECONSIDER THE REDISTRICTING, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

Commissioner Skidmore and **Chairman Starr** clarified the original vote taken.

COMMISSIONER DUFFY MOVED TO RECONSIDER THE VOTE RELATED TO REDISTRICTING FROM THE AUGUST 23, 2011 MEETING, SECONDED BY COMMISSIONER DEUTSCH

Commissioner Deutsch gave historical detail on Redistricting and spoke in support of reconsideration of the Motion for Redistricting. Board discussion ensued. **Commissioner Duffy** questioned the reason her District was cut off at Edgewater. **Commissioner Constance** explained the steps he took on the Redistricting Plan. **Commissioner Duffy** expressed concerns. **Commissioner Skidmore** inquired when the District changes go into effect. Attorney Knowlton indicated the ads had appeared in the newspaper and advised legalities related to Redistricting. Board discussion continued. **Commissioner Deutsch** commented on gerrymandering and expressed appreciation for **Commissioner Constance'** efforts on the redistricting plan. **Commissioner Duffy** pointed out she had recommended an individual to serve on the Parks and Recreation Committee who is now not in her District. **Chairman Starr** spoke in opposition to the Motion. **Commissioner Duffy** mentioned speaking to Mr. Stamoulis and commented further.

MOTION FAILED 1:4.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Commission Office - Select by ballot, one member to serve At-Large on the Murdock Village Community Redevelopment Agency Advisory Committee. This is a three year term effective September 20, 2011 and shall expire September 20, 2014.

Mr. Sandrock read the following votes into the record: Marie Labrosse - 5 Votes

COMMISSIONER SKIDMORE MOVED TO APPROVE MARIE LABROSSE TO SERVE AT-LARGE ON THE MURDOCK VILLAGE COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE FOR A THREE YEAR TERM EXPIRING SEPTEMBER 20, 2014, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

(2) Economic Development - a) Discussion and direction regarding office space for the Economic Development Office; and b) If it is the Board's direction to continue lease at SunTrust building, consider approving the attached Resolution.

Tom Patton presented the item, reviewed the direction given at the previous meeting, provided an update, and recommended staying in the current office space. **Commissioner Deutsch** spoke in support of the recommendation and complimented staff on their efforts.

COMMISSIONER DEUTSCH MOVED TO APPROVE RESOLUTION 2011-266 AND THE FOURTH AMENDMENT TO AGREEMENT 2002-077, SECONDED BY COMMISSIONER CONSTANCE

Chairman Starr indicated he had been concerned with the cost of moving and spoke in support of staying in the current location.

MOTION CARRIED 5:0.

RECESS: 10:25 AM to 10:35 AM

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

Louis Macri thanked **Commissioner Duffy** for the 9/11 event, requested bringing back Agenda Item F-8 from the August 23, 2011 Meeting related to 4335 Sibley Bay Road, and expressed concerns.

Michael Grant spoke in opposition to Agenda Item F-7 and pointed out a mistake had been made.

Grace Amodeo spoke in support of Jim Herston staying on the Airport Authority Board, responded to comments made by Mr. Macri related to the property on Sibley Bay Road, and thanked the Board for voting for approval.

AA. County Administrator:

Mr. Sandrock noted the upcoming Budget Hearing, responded to inquiries from **Commissioner Skidmore**, gave an update on the Transportation and Investment Generating Economic Recovery (TIGER) Grant, indicated Dr. Asperilla requested providing an update at the September 27th Meeting related to Hepatitis C (**Board Consensus**), mentioned Kelly Shoemaker had handed out results of a survey related to State Lobbyists, and asked for Board direction. **Commissioner Skidmore** pointed out he had requested the survey, questioned the performance measures and the overall fee, discussed local County Governments using assistance at the State level through consulting and travel, mentioned gas tax allocations, direct sales tax exemptions, direct purchase exemptions, and proposed directing staff to do a Request for Proposal (RFP) for services (**Board Consensus to send out an RFP**). Mr. Sandrock announced the next Government Academy on October 5th, congratulated Pat Moran and all participants in the Ambassador Program, and gave detail related to Library programs.

BB. County Attorney:

Attorney Knowlton provided an update on the request for the Fish & Wildlife Commission (FWC) to repeal two Special Acts, indicated support for both was received, commented on the next steps in the process, noted the oral arguments on the Rotonda Appeal before the second Department of Community Affairs (DCA), and mentioned the British Petroleum (BP) mitigation advertising claim for \$30,000 was denied.

CC. Commissioner Comments:

Commissioner Skidmore gave detail on the sales tax purchase on overnight hotel rooms through major travel companies, suggested giving staff direction to add by Resolution that the County supports the remittance of taxes collected by the travel companies from the consumer to the local government that they are not currently remitting, (**Board Consensus**) and noted the upcoming Tringali Town Hall Meeting. **Commissioner Constance** commended **Commissioner Duffy** for coordinating the 9/11 events and addressed the concerns expressed by Mr. Macri. **Commissioner Duffy** commented further related to Mr. Macri's comments, indicated she would not be attending the upcoming Budget Hearing due to her attendance at a funeral, spoke in support of residents' recommendations related to Englewood Fire, expressed concern with the Transit Contract, and gave related detail. **Commissioner Deutsch** mentioned ongoing issues at Bayshore Park, indicated the Charlotte Harbor Community Redevelopment Agency (CRA) had approved a request for the County Commission to limit public alcohol consumption at all three (3) CRA's without a permit, and requested direction to the County Attorney's Office to draft an Ordinance (**Board Consensus**). **Commissioner Duffy** commented further. **Commissioner Deutsch** commended all participants in the 9/11 Remembrance Ceremony and responded to Mr. Macri's comments. **Chairman Starr** noted the Civil Air Patrol funding had been cut in this year's allocation, mentioned the valuable service the Patrol provides to the community, and requested Consensus to add the item to the next Agenda. **Commissioner Duffy** gave her understanding of the Civil Air Patrol, clarified the program was a camp for kids, and expressed concern with supporting non-profit businesses.

Commissioner Deutsch agreed, commented further, and suggested having a fundraiser to raise \$6,000. **Commissioner Constance** applauded **Chairman Starr** for bringing the item forward and proposed bringing the item up for discussion. **Commissioner Skidmore** opined it is problematic to refuse to fund services through non-profits that reduce expenditures in other areas, spoke in support of having the discussion, suggested looking at non-profit funding, mentioned Amity Chandler, explained United Way has reduced their allocation in the past two years, requested more information, and pointed out a correction related to communications expenditures in Tallahassee. **Commissioner Duffy** clarified detail related to non-profits in 2008 and spoke in support of reducing funding to non-profits each year. **Chairman Starr** explained why he raised the issue, **(Board Consensus to put the Civil Air Patrol on the next Agenda)**, commented on Civility at Board Meetings, mentioned an email from the County Attorney related to conversations on the dais, and commented further. **Commissioner Duffy** explained she receives emails from people watching the Meeting on television. Attorney Knowlton advised there should be no typing of emails during a Quasi-Judicial Hearing. **Chairman Starr** commented on the Legislative Priorities, suggested compiling a presentation brochure of wish list items to send to the House Speaker and the Senate President in Tallahassee, and proposed building a coalition of Counties to address certain issues **(Board Consensus)**. **Commissioner Skidmore** requested looking at options to increase the Travel Budget. **Commissioner Duffy** commented on the Annual Legislative Delegation meeting, opined the Board should have its own Delegation Meeting to discuss County issues, mentioned unfunded mandates, and suggested holding a public meeting early next year with the Federal and State delegations. **Commissioner Constance** agreed and proposed having a separate breakfast with the Delegation. **Commissioner Duffy** spoke in support of adjusting the travel budget as long as the overall Budget doesn't increase. **Chairman Starr** commented on the possibility of donations of time by professionals for the Parkside project, mentioned liability, suggested putting in place such a Board Policy for Parkside and Murdock Village, gave detail related to Don Pedro Island, and proposed directing the County Attorney's Office to complete research for a policy. **Commissioner Deutsch** suggested engaging in a graduate program and mentioned ways to protect the County. **Commissioner Constance** agreed and pointed out the benefits to companies for the donation of services. **(Board Consensus to direct the County Attorney's Office to research a Board Policy for donations of professional services)** **Commissioner Skidmore** questioned the details of the proposal and opined more discussion is needed. Board discussion ensued. Attorney Knowlton advised legalities related to liability. **Commissioner Skidmore** clarified the Board direction. Finance Director Larrivee clarified details related to donations to government. **Commissioner Deutsch** and **Commissioner Constance** commented further.

RECESS: 11:50 AM to 1:00 PM

BOARD OF COUNTY COMMISSIONERS - EXECUTIVE SESSION

September 13, 2011

An Executive Session was held this date at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following were in attendance: **Chairman Starr, Commissioner Constance, and Commissioner Duffy**. Also in Attendance were County Attorney Knowlton and Deputy Clerk Carleton. The Executive Session was called to order at **1:00 PM**.

Attorney Knowlton announced the opening of the public portion of the Executive Session, advised the attorney/client portion of the Executive Session would be held in the County Attorney's Large Conference Room, noted the purpose is to discuss settlement negotiations and strategy related to litigation expenditures concerning the civil lawsuit captioned Philip D. Hendrickson as Personal

Representative of the Estate of Rebecca H. Hendrickson v. KB Home Florida LLC, KB Home Fort Myers, and Charlotte County; Case No. 09-4986-CA and that the following would be in attendance: **Chairman Starr, Commissioner Constance, Commissioner Deutsch, Commissioner Duffy, Commissioner Skidmore**, Administrator Sandrock, Assistant County Attorney Philip Fairman, and herself.

EXECUTIVE SESSION RECESS: 1:00 PM – 1:53 PM

The Executive Session was reconvened and closed in Room 119 with **Chairman Starr, Commissioner Constance, Commissioner Deutsch**, County Attorney Knowlton, and Deputy Clerk Carleton present.

ADJOURNED: 1:54 PM

Chairman

ATTEST:

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

By: _____
Deputy Clerk

sfc