

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING
FEBRUARY 5, 2004
11:00 A.M.**

OFFICIALS IN ATTENDANCE: Cheryl Sanders, Chairman; Bevin Putnal, Jimmy Mosconis, Clarence Williams and Eddie Creamer, Commissioners; Kendall Wade, Clerk; Connie McKinley, Deputy Clerk; Thomas M. Shuler, County Attorney.

11:00 A.M. Chairman Sanders called the meeting to order.

(Tape 1-3) Chairman Sanders said the County Attorney, Michael Shuler, had asked for this meeting to be scheduled to address the Concerned Citizens of Franklin County, Inc. versus Franklin County, Florida. She asked Mr. Shuler to address the Board this morning. Mr. Shuler said he has presented each Commissioner with a "Draft" Settlement Agreement between the Concerned Citizens of Franklin County, Florida, Inc. and Franklin County, Florida, Case 03-375-CA, and the Federal Lawsuit, Case 4:03CV323-WS, Concerned Citizens of Franklin County, Florida, Inc. versus Franklin County, Florida, Jimmy Mosconis, Clarence Williams, Eddie Creamer, Bevin Putnal, and Cheryl Sanders, in their official capacity as County Commissioners. He said he has a copy of a letter for each Commissioner from his co-counsel and previous County Attorney, Alfred O. Shuler. He said the letter encourages the Commissioners; acting on behalf of the County, offer the Concerned Citizens group a settlement amount of \$7,500.00. He stated the letter mentions the statement the Federal Court Judge Stafford has made also strongly encouraging the County and the Concerned Citizens to come to some agreement as to the settlement of these cases. He informed the Board he telephoned the Concerned Citizens attorney Robert Rivas, of Tallahassee, and they have reached, in principle, to settle both lawsuits for \$7,500.00. He said he is here this morning to recommend the Board approve the settlement of both cases for \$7,500.00. He explained this Settlement Agreement states: To amicably and economically resolve their differences, it is agreed that Franklin County, Florida shall pay \$7,500.00 to Concerned Citizens of Franklin County, Florida. It is agreed that this settlement does not constitute an admission of liability by Franklin County, Florida. Upon receipt of \$7,500.00 the Concerned Citizens of Franklin County, Inc. shall dismiss with prejudice Case No. 03-375-CA, Concerned Citizens of Franklin County, Florida, Inc. versus Franklin County, pending in Circuit Court in Franklin County, Florida and Case No. 4:03CV323-WS, Concerned Citizens of Franklin County, Inc. versus Franklin County, Florida, Jimmy Mosconis, Clarence Williams, Eddie Williams, Bevin Putnal and Cheryl Sanders, in their official capacity as County Commissioners, pending in Federal District Court, Northern District, Tallahassee, Florida. The undersigned jointly and severally hereby forever release, discharge, acquit and forgive from any and all claims, actions, suits, demands, agreements, and each of them, if more than one, liabilities, judgments and proceeding both at law and equity arising from the beginning of time to the date of these presents in those matters encompassed in the two above referenced lawsuits and as more particularly related to redistricting. He said he and his father both recommend the Board approve this Settlement Agreement this morning. Commissioner Mosconis said he had

been "fussing" about this lawsuit so he would agree to make a **motion, on the advice of the County Attorney and his co-counsel, the Settlement Agreement between the Concerned Citizens of Franklin County, Florida, Inc., versus Franklin County, Florida, pending in Circuit Court of Franklin County, Florida, Case No. 03-375-CA, and the Federal District Court, Northern District, Tallahassee, Florida, Case No. 4:03CV323-WS, Concerned Citizens of Franklin County, Florida, Inc., versus Franklin County, Florida, Jimmy Mosconis, Clarence Williams, Eddie Creamer, Bevin Putnal and Cheryl Sanders, in their official capacity as County Commissioners to amicably and economically resolve their differences, it is agreed that Franklin County, Florida shall pay \$7,500.00 to the Concerned Citizens of Franklin County, Florida and they shall dismiss the cases with prejudice.**

Commissioner Williams seconded the motion. Chairman Sanders, Commissioners Creamer, Williams and Mosconis for. Commissioner Putnal against. 4-1 **MOTION CARRIED.** Commissioner Mosconis said he remembered the last time this Judge imposed fees in a similar Federal lawsuit he imposed a fee of approximately \$60,000.00. Mr. Shuler informed the Board both of these cases could potentially cost thousands of dollars. Commissioner Mosconis asked the County Attorney if he thought the Board should ask the School Board to pay part of this \$7,500.00? He said the County Commission had "carried all of the burden in this process" and then the School Board adopted the County's redistricting plan. Commissioner Mosconis said he was going to make a **motion directing the County Attorney to request, from the School Board, a portion of this settlement fee of \$7,500.00.** Commissioner Williams seconded the motion. All for. **MOTION CARRIED.** Commissioner Putnal said he wanted to go on record as saying "this is setting a precedence because if I wanted to come over here and file a lawsuit against the County, then I would come to a Board Meeting and say guys I'll drop this lawsuit if you will pay me half of what you think the Court costs are going to be". He stated this Board would "jump on this in a minute" and then the County is going to be paying every "Joe Blow that comes along a bunch of County Taxpayer's money. He said this was just not right. He said he didn't think this group had any legal grounds to sue the County, but they did and they should pay for it.

KENDALL WADE-CLERK

(Tape 1-148) Mr. Wade said Commissioner Williams had mentioned at the last Board Meeting that some of the County employees had approached him about the pay schedule. He stated he has reorganized the Clerk's Office and informed the Board Ethel Jenkins, Finance Office, no longer prepares the County Employee payroll. He informed the Board she is now responsible for the Clerk's Office payroll, but now, since he had a new person in the Finance Office, she was going to be responsible for the County Employee payroll. He explained nothing has changed and these County Employees still receive their paychecks on Pay Day. He said the Road Department gets their Pay Checks sometime on a Thursday, because they don't work on Fridays.

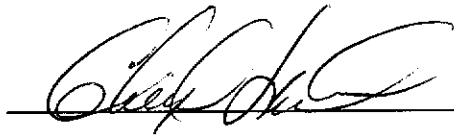
COMMISSIONER PUTNAL

(Tape 1-180) Commissioner Putnal said he wanted to mention a situation that "needs to be tended to". He stated people can't even use the public boat ramp in Eastpoint. He said the ramp needed to be fixed immediately. Alan Pierce, Director of Administrative

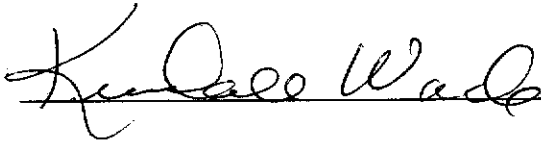
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Services, explained he was trying to find someone to dig out the Eastpoint Boat Ramp. He said the County Engineering Technician, Chris Clark, has contacted FDEP to find out if this is an exception for maintenance dredging. He said Mr. Clark has been informed by FDEP the County must have a "Silk Curtain". He stated a "Silk Curtain" is something that hangs down in the water so that when the dredging is done mud is not scattered everywhere. He said the new SGI Bridge contractors and Engineers have been asked to give the County some of the "Silk Curtain" they used on the new bridge project. He explained the SGI Bridge would soon be finished and he would continue to pursue getting them to give the County this item. He stated then the Harris Brothers would dredge the boat ramp. Commissioner Putnal said he couldn't unload his oysters at this ramp since the boat ramp "was such a mess". Chairman Sanders said she would hope this boat ramp could be fixed within the next few weeks.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD
THE MEETING WAS ADJOURNED.**



CHERYL SANDERS, CHAIRMAN



KENDALL WADE, CLERK