

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
FRANKLIN COUNTY COURTHOUSE ANNEX
JUNE 15, 2010
9:00 AM**

MINUTES

Commissioners Present: Joseph Parrish – Chairman, Noah Lockley – Vice Chairman, Cheryl Sanders, Pinki Jackel, Bevin Putnal

Staff Present: Marcia Johnson Clerk of Court, Alan Pierce – Director of Administrative Services
Michael Shuler – County Attorney, Michael Morón – Board Secretary

Call to Order (9:04 AM)

Chairman Parrish called the meeting to order.

Prayer and Pledge (9:05 AM)

A prayer was followed by the Pledge of Allegiance.

Approval of Minutes

No Minutes were submitted.

Payment of County Bills (9:07 AM)

Motion by Sanders, seconded by Lockley, to approve payment of the County's Bills as presented; Motion carried 5-0.

Kevin Newell- Coach and Toni Eddy- League President - Dixie Youth League "Debs" Girls Softball to State Tournament (9:07 AM)

Kevin Newell and Toni Eddy addressed the Board and stated that they have qualified for the State finals in Belleview, Florida on July 8th through July 12th, 2010.

Chairman Parrish wanted to be sure that the team knows that the Board and the community are proud of them and support them in their endeavors.

Motion by Sanders, seconded by Lockley, to allocate \$2,500 from Parks and Recreation to assist any of the Dixie Youth Teams with their trip to the State Tournament; Motion carried 5-0.

Department Supervisors Report

Hubert Chipman – Superintendent of Public Works (9:09 AM)

Mr. Chipman had no items for Board action.

Mr. Chipman discussed improvements to Indian Creek Park. He said the ramp needs some attention and Mr. Pierce commented on this item, saying they were waiting for an estimate to begin working on this project.

The Board, Mr. Pierce and Mr. Chipman discussed this matter further.

Van Johnson – Solid Waste Director

Fonda Davis, representing Solid Waste, had no action items for Board action.

Mr. Fonda, Mrs. Toni Eddy, and the Board discussed the need for each team to receive the \$2,500 going to the State finals. Commissioner Sanders said her motion was for each team going to the State finals to receive \$2,500.

Mr. Davis said picnic tables were replaced at the Carrabelle Beach Park.

Commissioner Jackel requested that the weeds along the boulders at the Eastpoint Boat Ramp be cleared out and keep the area cleaned up.

Dan Rothwell – County Engineer (9:15 AM)

Mr. Rothwell had no items for Board action and/or approval.

*1. Franklin County / Apalachicola Regional Airport Stormwater Project:
Staff has approved payment of invoice #1 for \$98,710.02 with a balance to finish of \$311,908.14.*

*2. Franklin County / Apalachicola Regional Airport Utility Project:
Staff has approved payment of invoice #1 for \$66,215.39 with a balance to finish of \$48,865.41.*

*3. Franklin County / Apalachicola Regional Airport Hangar Project:
Staff has approved payment of invoice #4 for \$219,207.15 with a balance to finish of \$598,734.25.*

4. Northwest Florida Techniques for Living Shorelines:

Staff attended and made a presentation on behalf of the Apalachicola River Keeper and Franklin County on the Indian Creek Park Breakwater Project. Staff assisted the Apalachicola National Estuary Research Reserve with a demonstration of marsh grass planting on the Sawyer St Breakwater project.

5. Ochlockonee Bay Boat Ramp:

The concrete retaining wall should be completed except for the surface coating. The contractor believes that the project will be completed by June 30, 2010.

6. Alligator Drive:

Center line lane shift markings between George Vause Rd and Tom Roberts Rd should be removed and new sign posts should have started to be installed for the lane shift.

7. Franklin County / Apalachicola Regional Airport Water and Sewer Extension:

The water system extension is complete, and the new force main for sanitary sewer is 90% complete.

Both projects are funded by FDOT grants.

8. Franklin County / Apalachicola Regional Airport Hangar Project:

The hangar foundation and slab should be poured within two weeks and the project is funded by a FDOT grant.

9. Franklin County / Apalachicola Regional Airport Stormwater Project:

The stormwater project is expected to begin within two weeks and the project is funded by a FDOT grant.

Commissioner Sanders asked Mr. Rothwell to look into parking at the boardwalks on Alligator Point, especially for the residents who need to get to their property.

Commissioner Sanders stated more needs to be done about the speed problem in the neighborhood where an Autistic child lives on Alligator Point.

Pam Brownell – Emergency Management (9:17 AM)

Mrs. Brownell had no items for Board action and/or approval.

Mrs. Brownell discussed the EOC Workshop and said it was a success.

Mrs. Brownell said she had extended the State of Emergency for another seven days.

Commissioner Lockley said he would like to designate Mrs. Brownell to be able to make the decision to extend the State of Emergency as needed.

Motion by Lockley, seconded by Sanders, to authorize Mrs. Brownell to extend the State of Emergency as needed; Motion carried 5-0.

Bill Mahan – Extension Office Director (9:19 AM)

Mr. Mahan discussed the following items from his report.

4-H Camp Registration Underway – We have begun registration for this year’s County 4-H Camp at Camp Timpoochee. We have already had 10 youth report that they will be attending this year. The dates for the camp are July 5 – 9. The cost of the camp is \$185.00.

*Exercise Caution when Making Legal Decisions
Related to Damages from the Deepwater Horizon Oil Spill*

*An Advisory Compiled by Thomas Ruppert, Esq.
Coastal Planning Specialist, Florida Sea Grant College Program
(Gainesville, Fla.) – Since the explosion on the Deepwater Horizon oil rig, Gulf Coast residents have been the targets of aggressive advertising campaigns by law firms seeking clients for litigation related to the oil spill.*

Although Gulf Coast residents are entitled to compensation from BP and other responsible parties for certain losses, claimants should exercise caution to ensure initial actions do not affect future legal rights. You do not need to be in a hurry, because by law you have at least three years to file a claim. Taking time to weigh options carefully before acting will not result in lost legal rights. Acting hastily could limit your ability to secure temporary financial assistance.

Things every Florida resident should know

1) Anyone who has suffered damages to property or business due to the oil spill may seek compensation directly from BP.

You may do this without the assistance of a lawyer by calling BP’s claims line at 1-800-440-0858, or by visiting a local BP claims office in your area, if available. Florida residents may apply at the online claims submission page from BP’s Florida Gulf Response Web site at www.floridaqulfresponse.com.

2) Participating in any lawsuit against BP, such as a class-action suit, will likely prevent you from receiving immediate or short-term compensation.

Some claimants are already receiving short-term compensation from BP, but BP is unlikely to consider your claim if you are a part of a lawsuit against them. It should also be noted that accepting payment now does not prevent you from receiving temporary or short-term compensation from BP in the future.

3) There is a federal backup to the BP claims process.

BP has 90 days to respond to your claim, but if it fails to process your claim in that time or denies it, you have a right to seek payment from the Oil Spill Liability Trust Fund. Claims must be submitted to the Coast Guard’s National Pollution Funds Center (NPFC) (<http://www.uscg.mil/npfc/Claims/default.asp>).

You have three years from the date of the incident to file a claim with the federal Trust Fund. If you accept money, you cannot later file a lawsuit against any party to recover costs or

damages which were the subject of the compensated claim. If payment is received from another source, such as insurance, you must reimburse the Fund. Currently there is a \$1-billion cap on expenditures from the trust fund per incident. The Funds Center processes claims in the order they are received.

4) If you choose to sue BP instead of using BP's claims process, Florida law gives you four years, not just three, from the date of the harm to file suit.

Use this time to compile your records, document losses, and learn more about your situation and your legal rights. Be certain to preserve all possible evidence of your damages, including photos, financial records, cancellations, or any other evidence of loss of work or income as well as activities you take to minimize your losses.

5) There are rules that govern how lawyers may solicit you for your business.

Generally, a lawyer, or lawyer's representative, may not contact you to solicit employment in person or by telephone, unless you have previously contacted the law firm.

The rules vary, however, for written communication. Attorneys may send you an unsolicited email or letter if two conditions are met. First, the material must disclose one or more actual office locations of the lawyer who will perform the services advertised. Second, it must clearly be marked as an advertisement. For an email, this means the subject line must begin "legal advertisement." Printed material must bear the word "advertisement" in red ink.

Attorneys may advertise on television and radio, but only attorneys licensed in Florida may file lawsuits in Florida.

If you believe you have been improperly solicited by a lawyer, you should report it immediately by contacting the Attorney/Consumer Assistance Program (ACAP) at 1-866-352-0707.

6) Once you retain a lawyer, BP is not permitted to contact you directly.

BP is required to only communicate with your attorney unless your attorney, in writing, authorizes BP to communicate directly with you.

7) Carefully read all accompanying documents before you accept payment from BP for a damage claim.

If you have applied for immediate damages from BP, you need not turn down any offer of money, but if the forms you sign when you receive the money contain language releasing BP from any further liability, this may prevent you from seeking future compensation.

If you are asked to sign anything you do not fully and clearly understand you should consult your own attorney. Your attorney should review all documents prior to signing to ensure you are not giving up future rights in return for what you view as only partial payment for all the claims you may eventually have.

Some attorneys advise writing "with reservations" just above where you countersign the check, especially if you accept a check without signing any other papers and you do not view the payment as full payment for all your damages. It could help in your claim should BP assert that you accepted the check as complete payment. You should also keep a copy of both sides of the signed check for your records.

8) If you need immediate legal advice, seek attorney referrals from trusted individuals.

Optionally, the Florida Bar Lawyer Referral Service offers referral for a slight charge. That number is 1-800-342-8011. You can also check the Florida Bar Association's attorney online

directory, <http://www.floridabar.org>. Select "Public Information" on the left tool bar and then choose "Find a Lawyer".

9) Don't be influenced by stories you hear about the Exxon Valdez oil spill.

You may hear a lot about the \$2.5 billion in damages a jury awarded to injured parties following the Exxon Valdez spill. That verdict, however, did not stand, for reasons that extend beyond the scope of this advisory, and was reduced to \$507.5 million. While this may sound large, Exxon did not begin writing compensation checks until November 2009, some 20 years after the original spill. Some of the plaintiffs received less than \$100 in punitive damages.

The key point is that any award you might receive from a lawsuit would likely not come for many years, could be very small, and would almost certainly prevent you from receiving short-term compensation for your actual damages.

*Florida Sea Grant provides this non-advocacy legal research
as a public service to Florida citizens.*

Rick Marcum – Discussion of Broadband project and Opportunity Florida (9:20 AM)

Rick Marcum, Executive Director of Opportunity Florida, addressed the Board and discussed the Broadband Stimulus Application. He said he would like for Franklin County to join in the Florida Rural Broadband Alliance LLC and asked the Board to appoint one member along with an alternate to this project.

Commissioner Lockley and Mr. Marcum discussed the length of time Franklin County has been part of Opportunity Florida and the benefits the County has received while being a member since 2000.

Commissioner Putnal and Mr. Marcum discussed the benefits of the County joining this application for Broadband. Mr. Marcum said it provides wireless internet service for remote areas within the County.

Commissioner Lockley stated the need for Opportunity Florida to provide jobs in the County and Mr. Marcum discussed this matter further, including some possible employment opportunities for the County.

Commissioner Sanders reminded the Board that they had made a motion to not pass the Opportunity Florida Resolution due to their ineffectiveness in providing for Franklin County. She asked Mr. Marcum about all of the jobs and funds reported in the region as to how this had been beneficial to Franklin County. Mr. Marcum explained that they deal with consultants, who turn over interest in businesses to EFI, and he gets notified on the "leads" or economic zones at the same time that each county does. He believed that the County's return investment is beyond what it has cost the County to be a member of Opportunity Florida.

Commissioner Lockley and Mr. Marcum discussed the benefits of staying with Opportunity Florida if, after all these years, there has been no benefit to Franklin County. Mr. Marcum said

there had been benefits to Franklin County and mentioned \$55,000 in funding received by the school.

Commissioner Sanders stated that Franklin County could benefit from economic zones without the help of Opportunity Florida, saying the County had always taken care of itself. She reiterated that the previous motion to not renew the application with Opportunity Florida still stands.

The Board and Mr. Marcum discussed this matter further.

Commissioner Jackel thanked Mr. Marcum for attending the meeting and explained that the County has other priorities at the moment. Commissioner Jackel recommended that Opportunity Florida look for more jobs and economic benefits for the County and bring before the Board at a future date.

Commissioner Putnal thought this could be a good thing if there was better representation for Franklin County. He said the County's participation in Opportunity Florida was only to help the larger counties receive the benefits.

Mr. Marcum asked who would follow "leads" on economic development if Opportunity Florida didn't represent the County.

Mr. Pierce commented on the type of leads that the County received from Opportunity Florida but Franklin County cannot take advantage of these leads.

Mr. Marcum explained what opportunities Opportunity Florida can provide to the County.

Commissioner Jackel and Mr. Marcum discussed a matter that involved Commissioner Jackel requesting a scholarship to attend and participate in the University of Florida Economic Counsel group but was denied by Opportunity Florida.

There was further discussion on this matter.

Marcia M. Johnson – Clerk of Courts – Report (9:47 AM)

Mrs. Johnson presented her report to the Board.

1-) For information, the balance in the hospital's operating account for the month ending May 2010 is \$231,312.19. This is less than last year's balance of \$363,404.64 at the same time, and Mr. Chuck Colvert's remarks from an earlier meeting explaining the reasons for the decreases should be remembered.

2-) For action, I have a resolution for your approval on unanticipated revenues. This involves

\$252,350 received from the State of Florida, Division of Emergency Management, through funds issued by BP, that will be put into account 130.33.552.4801, Promotional Activities - BP Deepwater Horizon Grant in the Tourist Development Fund. The resolution is needed to appropriate the funds into your current budget.

**RESOLUTION
FRANKLIN COUNTY
BOARD OF COUNTY COMMISSIONERS**

WHEREAS, Franklin County is a political subdivision of the State of Florida and subject to Florida Statutes Chapter 129 regarding preparation of budgets, and

WHEREAS, FS 129.06 provides for budget amendments for unanticipated revenues, and

WHEREAS, Franklin County has received unanticipated revenues in the amount of \$252,350 from the STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT through funds issued by BP, and

WHEREAS, said revenue is needed to pay certain expenditures incurred in Fiscal Year 2009-2010, and

WHEREAS, FS 129.06(2) (d) provides for budget amendments in relation to receipts and expenditures of the nature that is received, and

WHEREAS, this section requires the Board of County Commission to spread on its minutes the expenditures for the purpose of:

130.33.552.4801 Promotional Activities - BP Deepwater Horizon Grant \$252,350

NOW THEREFORE, BE IT RESOLVED, Franklin County Board of County Commissioners appropriates these unanticipated revenues in the amount of \$252,350 in the TOURIST DEVELOPMENT FUND in order to comply with FS129(2)(d).

THIS RESOLUTION ADOPTED by the Franklin County Board of County Commissioners this 15th day of JUNE 2010.

Motion by Lockley, seconded by Sanders, to approve the resolution on unanticipated revenues in the amount of \$252,350 received from the State of Florida, Division of Emergency Management, through funds issued by BP, that will be put into account 130.33.552.4801, Promotional Activities - BP Deepwater Horizon Grant in the Tourist Development Fund to appropriate funds into the current budget; Motion carried 5-0.

3-) My finance office is getting ready to prepare the budget books. We are waiting on the final

certification of taxable value from the Property Appraiser which is due July 1st before we can determine millage figures. I am requesting you go ahead and schedule two dates for budget workshops. Working around our finance schedules and court dates, I suggest we meet twice, on July 21, 22, or 23rd. One other thing regarding the budget. We've had budget requests turned in from the St. George Island and Alligator Point Volunteer Fire Departments. Since the Board has never entertained requests from them in the past, are those to be included in the budget now?

Commissioner Sanders stated that she would like for the Board to hold a workshop to determine how much each department and constitution officer will need to cut in their budget. She said she had recently been on a conference call with Senate President Atwater and one of the issues that came up was how the oil spill would affect taxable value on property so this would affect the tax roll.

Mrs. Johnson said there wouldn't be a certified value of the tax roll until July 1st, and then the Finance Office would need 15 days to put the books together so she recommended the meeting be after July 15th.

The Board and Mr. Pierce discussed this matter and suggested that the Board meet on the afternoon of July 20th to look things over and then schedule the main workshops on July 22nd and 23rd.

Commissioner Jackel asked if there had been any cuts in the budget information she had received so far and Mrs. Johnson said there were some cuts but they were minimal and she said some were even turned in with budget increases.

Motion by Sanders, seconded by Jackel, to schedule a pre budget workshop on the afternoon of July 20th and the regular budget workshops on July 22nd and 23rd; Motion carried 5-0.

Commissioner Lockley stated that the Board needed to meet with the Hospital Board before the budget workshop.

Motion by Lockley, seconded by Jackel, to schedule a meeting with the Hospital Board; Motion carried 5-0.

Alan Pierce – Director of Administrative Services – Report 9:58 AM

1- Inform the Board that Ms. Gail Robbins, FarmShare, has submitted her financials electronically to the Board. There is a problem with Adobe Acrobat in getting the documents printed but I am in receipt of the financials.

2- Inform the Board that Leon County has sent a letter offering to assist the county regarding the oil spill.

The Board directed Mr. Pierce to send letter of thanks to Leon County.

3- Board action on several issues requested by Preble-Rish:

A) Request Board action to approve the change order discussed by the Board in February to add \$200,000 to the paving contract and add a contract time extension until Sept 30, but the Change Order was never voted on by the Board. The Finance Office has reminded me that this will deplete the road paving funds. At this time the only funds that will come into road paving will be the county's local option gas tax which is approximately \$300,000, assuming revenues remain constant. Clay Kennedy has discussed the individual roads with each commissioner. Board action.

Motion by Putnal, seconded by Lockley, to approve a \$200,000 change order to the paving contract; Motion carried 5-0.

B) Preble-Rish requests the Board award the paving contract to C.W. Roberts for the completion of airport road subject to negotiations to bring the project within the grant funds remaining. C.W. Roberts was the low bid but even their price was above the funds available. Board action.

Motion by Lockley, seconded by Sanders, to award the paving contract to C. W. Roberts for the completion of airport road subject to negotiations to bring the project within grant funds remaining; Motion carried 5-0.

4- Mr. Ted Mosteller, Airport Manager, wants to inform the Board that FDOT has awarded Franklin County \$600,000 to complete Phase III of the stormwater repair project at the airport. This project is fully funded by the DOT grant. Board action.

Motion by Lockley, seconded by Putnal, to approve completion of the Phase III Stormwater Repair Project at the airport, which is funded by the FDOT Grant in the amount of \$600,000; Motion carried 5-0.

Commissioner Sanders asked that the sign is changed on the highway to say Franklin County/ Apalachicola Regional Airport.

5- Ms. Lori Switzer, SHIP Administrator, recommends Board action to transfer the \$60,000 of 08/09 SHIP funds that the Board had reserved for disaster funds that was not used to program funds for this current year. Ms. Switzer says that if the funds are not spent then the Florida Housing Authority may try to take the money back. The state of Florida did not fund any SHIP programs this year so Franklin County has to use other funds in order to create a housing program. This is the second year in a row the Legislature did not fund the SHIP program.

Ms. Switzer also wants to report that there is \$329,000 of Florida Homebuyer money that was not used for first time homebuyers in Franklin County and as of July 1 that money will also be converted to program money. Ms. Switzer will reserve \$60,000 of this money for disaster funds for 2010/2011 so the county will have its emergency housing disaster funds in place.

Board action to authorize Ms. Switzer to move the 08/09 funds into the current year program.

Motion by Sanders, seconded by Lockley, to authorize Lori Switzer, SHIP Administrator to move 08/09 funds into the current year program; Motion carried 5-0.

6- Board action to renew the Local State of Emergency for another 7 days.

Discussed earlier in the meeting.

7- Remind the Board that the next regular county commission meeting, which is July 6, will be in Carrabelle, at the Carrabelle City Hall Complex, starting at 5PM.

Michael Shuler- County Attorney- Report (10:03 AM)

Attorney Shuler presented his report to the Board.

1. Progress Energy Storage Lease at Apalachicola Airport

The Board has discussed leasing land at the Apalachicola Airport to Progress Energy as a storage facility during construction of the new transmission line.

The lease is for \$750.00 per month for twelve months (\$9,000.00) and they will leave the fence on site after the lease is terminated. They may renew the lease for another twelve months in they desire to at the same rent.

A copy of the lease is attached.

The Board has discussed this lease, but the Minutes do not reflect a motion formally authorizing the lease.

Board Action: I request a motion approving the lease.

Motion by Lockley, seconded by Putnal, to approve the lease; Motion carried 5-0.

2. Land Leased From The School Board.

The Board has discussed leasing the land North of the Sheriff's Department for recreational purposes, but the record does not reflect a motion formally authorizing the lease. The land is to be used for recreational purposes for a twenty year period, and the rent is \$1.00 per year.

A copy of the lease is attached.

Board Action: I request a motion approving the lease.

The Board and Attorney Shuler discussed this matter.

Motion by Putnal, seconded by Sanders, to approve the lease; Motion carried 5-0.

3. Franklin County et al vs. City of Tallahassee and Northwest Florida Water Management

District

Last week, the county commissioners of Leon, Wakulla and Liberty counties settled with the City of Tallahassee. The essential term of the settlement is that the downstream water flow after modification of the dam spillway will be comparable to the flow before that modification through the adoption of a gate operation plan and in accordance with an Operation Protocol approved by the Federal Energy Regulatory Commission (FERC).

The City offered Franklin County a settlement which had to be accepted by Friday, June 11, 2010, with each party paying their own attorney fees and costs. This is a significant benefit because the City is pursuing attorney fees against Leon County in the estimated amount of \$175,000.00.

I signed the settlement Friday before the deadline, but now need the Board to ratify that action.

A copy of the settlement is attached.

Board Action: I request Board ratification of the settlement.

Commissioner Sanders asked that Attorney Shuler send a letter to Water Management requesting some type of monitoring and notification for residents living downstream.

Motion by Lockley, seconded by Sanders, to approve acceptance of settlement ratification and to send a letter to Northwest Florida Management asking that residents receive notification of any excess water flow coming downstream; Motion carried 5-0.

Recess (10:09 AM)

Chairman Parrish called for a recess.

Reconvene (10:28 AM)

Chairman Parrish reconvened the meeting.

Marcia Johnson – Report – Continued (10:28 AM)

Mrs. Johnson asked the Board for guidance on including the fire departments' request for adding ad valorem tax money into the budget.

The Board discussed adding fire departments to the budget and Commissioner Jackel asked that this be attached as an appendix for information as part of the books.

Motion by Putnal, seconded by Lockley, to not add fire departments to upcoming budget at this time; Motion carried 5-0.

Commissioners and Public Comments (10:29 AM)

Commissioner Sanders discussed the County's ambulance services.

Motion by Sanders, seconded by Jackel, to do RFP's for ambulance service, transportation services, employee benefits package for ambulance and EMT/Paramedic workers, prior to first budget workshop on July 20th; Motion carried 5-0.

The Board discussed this matter further.

Commissioner Jackel asked that she be removed from the WILD Library Board and have Dr. John Sink as her replacement.

Motion by Sanders, seconded by Putnal, to remove Commissioner Jackel from the WILD Library Board and replace her position with Dr. John Sink; Motion carried 5-0.

Oil Spill Recovery – Discussion (10:34 AM)

Chuck Tear, CGA, updated the Board on contact numbers and the response process and also distributed and reviewed the response brief. He said they are working out of two locations because of the capacity of the EOC as well as the need to prepare for hurricane season and the need to prepare for that.

Mr. Tear said Unified had exceeded his expectations with boom and said everyone involved has worked as a team. He had demonstrations for how the boom works and said they are still working on Tier 3. He discussed logistics and communications between those involved, sending groups to gather information and also said he will need Board support when asking BP to reimburse CGA for expenses.

Mr. Tear mentioned some new people who will be assisting with recovery.

Joe Allbaugh of Allbaugh International Group introduced himself and said his company does response recovery worldwide. He commented on the recovery actions that are underway in Franklin County. He complimented the Board for taking a proactive stance on the potential problems the County is facing with the oil spill. He said he appreciates the hospitality he had received in Franklin County.

Mr. Tear stated that he was not comfortable with not having the resources needed for implementation of Tiers 1 and 2, which included skimmers and vector trucks.

Chairman Parrish explained what happened at the meeting with the State regarding skimmers and other efforts. He said he would like to see the oil skimmed before it makes it into the Bay but if there are no skimmers this won't happen. He said the County had a good tool box with supplies to use for deflecting the oil and after it was sent to Tallahassee for approval it came back missing some of the supplies. He discussed the meeting further.

Mr. Tear discussed the cost of using skimmers and other equipment. He said he would like to keep the skimmers in 3 different locations in the County. He said he has looked for skimmers in the local area but had not found any at this time.

Motion by Putnal, seconded by Lockley, to authorize payments to CGA from BP; Motion carried 5-0.

Chairman Parrish, Mr. Pierce and Mr. Tear discussed the process that all companies who are involved with the oil recovery project will have to follow in order to be paid by BP.

Motion by Jackel, seconded by Lockley, to approve submission of a funding request to BP for three skimmers which will provide assistance to the County as well as SWS to allow for skimming capabilities while waiting for the response for assistance; Motion carried 5-0.

Chairman Parrish and Mr. Tear discussed what type of oil the skimmers can remove from the water.

Commissioner Sanders, Mrs. Brownell and Mr. Tear discussed the plan to remove debris from the County shoreline.

Commissioner Lockley, Mrs. Brownell and Mr. Tear discussed what would happen in the case of a hurricane, especially if oil is in the Bay and gets on residents homes.

Commissioner Sanders stated that there are many residents that want Bob Sikes Cut and other passes closed.

Commissioner Jackel said there was a heavy feeling in the air with all that lies ahead and said the Board has a huge responsibility with the decision making for how to respond to the oil spill. She spoke about the importance of all of the decisions that will be made during this time and said she supports Commissioner Sanders' suggestion but would like this action to take place within the next 24 hours.

Commissioner Jackel spoke about how important it is to take care of this matter immediately in order to protect the unique natural resources of Franklin County and she spoke of the love that she, along with everyone else, has for Franklin County. Commissioner Jackel also made a plea to BP to help protect Franklin County's one of a kind estuaries.

There was further discussion amongst the Board concerning closing the passes.

Mr. Tear discussed the importance of working within the system that is already in place. The Board discussed this matter further.

Motion by Sanders, seconded by Putnal, to contact the Governor's Office ASAP and ask for an executive order to close Indian Pass and Bob Sikes Cut along with any other pass that can be closed and if the Governor's Office doesn't respond in a timely matter, close these locations based on the Board's authority, which will include contacting the Corps of Engineers for any necessary permits; Motion carried 5-0.

Mr. Pierce stated that he will leave the meeting to contact the Governor's Office and tell them what the motion is at this time. He also said Alex Sink would be at the afternoon meeting and could possibly help.

Mr. Tear said it is his understanding that they have been told to go directly to BP for funding for the boom.

Motion by Lockley, seconded by Sanders, to authorize the deployment of the Tier 3 booming plan as soon as Tier 1 and Tier 2 booming is completed and appropriate; Motion carried 5-0.

Chairman Parrish explained that some of the Tier 3 booming might interfere with Tier 1 and Tier 2 booming.

The Board discussed expediting Tier 1 and 2 booming deployment.

Chairman Parrish discussed problems with residents destroying boom that has already been placed. He said the workers are spending 3 hours a day repairing boom that has been damaged the day before so they have tried, through media outlets, to get the word out to boaters to be careful not to destroy the boom that has been placed there to protect our Bay.

Commissioner Lockley suggested reporting people who are destroying the boom.

The Board discussed this matter further.

Commissioner Putnal asked why the boom isn't being monitored once it is deployed and Mr. Tear said they are getting closer to having the boom monitored full time.

Andy Smith, Apalachicola Bay and RiverKeeper, stated that ABARK has almost completed the contract to start the monitoring of the boom and implantation. He said the cost of insurance is causing an issue.

John Downes, of CGA, discussed the cost and problems with insurance for the contractors.

The Board discussed the insurance issue and also a host of other things that needed to be requested from BP.

Motion by Sanders, seconded by Lockley, to contact the Chairman of the Gulf County Board of County Commission and inform him of the Board's action of requesting the Governor to close Indian Pass; Motion carried 5-0.

Attorney Shuler explained the process that will be followed if the Board has to close the passes and cuts if the Governor's Office denies that request.

The Board discussed this matter, including BP funding the County with closing these passes and cuts.

Mr. Tear discussed BP's funding process.

Mr. Pierce discussed his conversation with Mike Sole, regarding the Governor's Office closing the passes and cuts and said he is waiting for a return call.

Dave McLain, ABARK, gave a status update relating to the monitoring of the recovery plan and explained the responsibility of knocking down the oil before it gets to the outer defense perimeter. He commended the Board on what has been done to prepare for the oil spill to this point but he said the plan is still not nailed down and he explained what needs to be done in order to complete the plan. Mr. McLain said the window of time before the oil begins to impact the shores and resources of Franklin County is closing rapidly. He discussed what the recovery team is doing in order to monitor the waters of Franklin County.

Commissioner Putnal believed if the Governor allowed the passes and cuts to be closed there wouldn't be as great a need for as much boom in the Bay.

Commissioner Sanders believed that the Board has to be sure they have done everything to the best of their ability to protect the waters. She said no one else loves this place like we do.

The Board discussed Mr. McLain's report further.

Mr. Tear said he understands the position of the Commission and stated some of the consequences of closing passes and cuts, such as effects to the habitat.

Commissioner Lockley said he wanted to be able to look at the citizens of the County and say that the Board did everything they could to protect the waters.

The Board discussed this matter further and the need to do everything possible to keep oil out of the Bay.

Recess (12:07 PM)

Chairman Parrish called for a recess.

Reconvene (12:21 PM)

Chairman Parrish reconvened the meeting.

Mr. Pierce updated the Board on his calls to the Governor's Office, the Gulf County Administrator, Senator Nelson's Office and the Corps of Engineers, which has not been contacted by anyone to help with the recovery efforts of the oil spill. Mr. Pierce also stated there was a request for Commissioner Lockley to go to Washington, DC, to speak about some things but he wasn't sure about the details at this time.

Mrs. Brownell discussed having extra law enforcement patrolling the water to try and stop the cutting of the boom and said there was a notice put out to report any incidences of people tampering with the boom. She discussed changes of the guidelines to the vessel of opportunity program.

Mrs. Brownell discussed beach clean-up efforts and a new company, Global, who is providing feeding stations for those workers.

Commissioner Jackel discussed beach clean-up and the need to stage equipment at specific areas in the County so that the top sand of the beaches could be bermed and stored to be put back once the oil is cleaned up. She wanted the Board to authorize having this equipment staged at the County beaches in the event this needed to be done.

Motion by Jackel, seconded by Sanders, to authorize staging of equipment for and to include berming and storage of beach top sand on St. George Island, Alligator Point, Carrabelle Beach and Dog Island and ask the State to do the same at Little St. George Island; Motion carried 5-0.

Mr. Pierce stated that DEP has called about a recreational vessel decontamination facility being staged in the County.

Mrs. Brownell stated that the County ordinance needed to be temporarily amended to allow ATVs on County beaches.

Chairman Parrish discussed this matter further and asked that a permit process be put in place to control how many ATVs are allowed on beaches, especially because it is nesting season for the sea turtles and shore birds.

The Board discussed putting an ordinance in place and what is involved.

Mrs. Brownell said to her understanding BP employees will be cleaning up the beaches and the ATVs will be used to provide water and oversee the beach workers.

Motion by Lockley, seconded by Jackel, to declare a state of emergency to adopt an ordinance to create an exception to allow DEP/State entities to have ATVs on the County beaches but to caution operators of ATVs to be aware that turtle nesting must be observed and protected; Motion carried 5-0.

Mrs. Brownell stated that DEP assured her that there will be a recon team available for Franklin County.

Commissioner Putnal and Mrs. Brownell discussed FWC's role in response to the cutting of boom. Mrs. Brownell said the Sheriff's Office did not have enough resources to patrol the boom areas but she had contacted the State EOC to ask FWC to add to their work force in order to protect the boom.

Commissioner Lockley put out a plea to the public to not cut the boom and the importance of the boom being in place for our protection.

Chairman Parrish stated that Commissioner Bronson's Office had contacted him and asked if the Board is in favor of opening all oyster bars in the Bay that are safe. He did want to warn that this will deplete the resources for the future if there is no impact from the oil. Commissioner Putnal said as long as the boats are spread out on different bars there shouldn't be a depletion of resources.

Motion by Lockley, seconded by Putnal, to support Commissioner Bronson's suggestion of opening all oyster bars that are safe and authorize Mr. Pierce to send a letter to Commissioner Bronson's Office requesting that all oyster bars be open; Motion carried 5-0.

Commissioner Sanders asked that an emergency meeting be called this evening based on the Governor's Office response.

Commissioner Sanders asked Mr. Pierce to get a contractors list and other info from AJAX on the Urgent Care Center in Carrabelle and Attorney Shuler stated that he will be meeting with AJAX in the morning regarding proposed changes to the Urgent Care Center. The Board discussed this issue further.

Attorney Shuler stated that officials of the City of Apalachicola would like an update from CGA to inform them of the actions being undertaken from the County Commission.

Motion by Sanders, seconded by Putnal, to authorize CGA to update the City of Apalachicola on oil recovery efforts and ask that Chairman Parrish and Commissioner Lockley attend the meeting; Motion carried 5-0.

Public Comments (12:51 PM)

Dan Tonsmiere, Apalachicola Bay and RiverKeeper, thanked the Board for their proactive measures on the oil spill. He said he has never been more proud of Franklin County as he is today. He believed that it was a good idea to see what had been done so far to the West and to know what is or isn't working and he also agreed with the action to close the passes and the cut.

Motion by Sanders, seconded by Putnal, to authorize Chairman Parrish to ask the Corps of Engineers for assistance with oil spill recovery at this evening's meeting; Motion carried 5-0.

Commissioner Putnal thanked Chairman Parrish for all of his efforts regarding the oil spill recovery. He said the Chairman has worked beyond what is expected of him and has stood up for the people of Franklin County.

Lee McRea, of BP, updated the Board on claims, including government claims, the process of government claims that will be going directly to BP for payment. She said there will be new offices setup for personal claims and said there were 1,531 claims placed in the Apalachicola Office of which 677 claims had been paid out in the amount of \$2,704,169. Ms. McRea said individuals had gotten claims even when they were still able to work.

Commissioner Jackel and Ms. McRea discussed why BP paid out \$5,000 per individual for claims without much request for documentation. Ms. McRea said BP's plan was not perfect but she thought it was a well intentioned mistake to get money out as quickly as possible to help those who were losing income.

Ms. McRea stated that there are changes for personal claims which will require more of a burden of proof that there is a loss of income before any claims will be paid out.

Commissioner Sanders asked that the employees who are taking claims be more polite to those who are filing claims and Ms. McRea said she had taken care of this issue.

Ms. McRea discussed and explained the vessel of opportunity program and how it has been implemented. She said all of the boats who are signed up will be utilized at some point. Commissioner Putnal asked if there would be a rotation of people who are used for the program and Ms. McRea confirmed that there would be a rotation. Ms. McRea also said there will be more classes being held for the program and discussed class times.

Commissioner Putnal and Ms. McRea discussed the vessel of opportunity program and other job opportunities.

Ms. McRea said she had asked about having a list of all of the BP contractors who are authorized to be working with the oil spill and eventually acquire a list of BP subcontractors.

The Board was happy to have Ms. McRea back on board.

Karen Sanders, Franklin County seafood worker, discussed some of the problems the oystermen, who are still trying to work, are having with being signed up for the training and for the vessel of opportunity program. She asked if there was some way these oystermen could be helped because the classes are all full at this time.

Scott Shiver, Eastpoint, supported the Board for their proactive stand on this matter. He said he wanted to see Franklin County survive and made some suggestions for closing some of the passes and cuts, such as bulk-heading. He said there should be no concern with the cost of protecting the Bay because when all is said and done; if the oil comes here there will be nothing left anyway. Mr. Shiver said he can reassure the citizens that they are in good hands with the Commissioners who fill these seats.

Adjourn (1:29 PM)

There being no further business, Chairman Parrish adjourned the meeting.

Chairman Parrish – Chairman FCBCC

Attest:

Marcia M. Johnson – Clerk of Courts