The Board of County Commissioners met in a regular scheduled meeting at the School Board Administration Office at 7:00 p.m.

Commissioners Present:

Ronald Williams
George Skinner
Elizabeth Porter
Dewey Weaver

Clerk’s Note: There has been no appointment by the Governor's Office to fill the vacancy in District 4.

Others Present:

County Manager Dale Williams
Deputy Clerk Sandy Markham
County Attorney Marlin Feagle
BCC Secretary Carolyn Baker

The Chair called the meeting to order. Invocation was offered by Commissioner Weaver after the Pledge of Allegiance to the Flag of the United States of America.

FLORIDA DEPARTMENT OF TRANSPORTATION
PRESENTATION OF 5-YEAR WORK PROGRAM

Mr. Jordan Greene, P.E. of the Florida Department of Transportation reminded the commissioners the Department needs the County's comments pertaining to the 5-Year Work Program prior to July 01, 2006.

Increased costs have changed some of the priorities for road projects in the county. The Board heard a presentation regarding the latest version of the Five-Year Plan. Several projects have been delayed (or eliminated) in the plan due to significant cost increase. “Those increases range from 25 - 40 percent. The rising cost for fuel, concrete and asphalt are affecting these project costs, and steel prices have gone well above expectations,” said Mr. Greene.

The U.S. Hwy. 90 Project (from Lake City Avenue to Brown Road) is no longer a part of the 5-year list of projects, but is remains on the list of projects to be considered.

Commissioners Questions/Comments:

Until Branford Highway is able to be four-laned it was suggested that a short-term “fix” would be to build a right turning lane to Bascom Norris. [R. Williams]

What is the status on correcting the bottleneck on I-75 (headed West) at the Interchange at I-75 and Hwy. 90? Response: It’s still on the books, but it’s pretty far out since that is a really big ticket item. [R. Williams]

The lighting project in Five Points is greatly appreciated and just in time. With the jail moving, Commissioner Williams is hopeful the lighting will keep crime to a minimum. [R. Williams]
The status of four lanes/widening on Hwy. 90 out to Brown Road is that the project has increased significantly in cost. The widening from Brown Road to Lake City Avenue is now outside of the 5-Year Program. It has moved to approximately 2012. [D. Weaver]

Brown and Nogel Road will not extend to Lake Jeffery. Nogel Road will begin at Hwy. 90, but will not go all the way through. Mr. Green said that FDOT only has $600,000 set aside for the Brown Road Project. County Manager Williams offered that the county has already budgeted an additional $750,000 for the project.

The County Manager asked the status of enhancements for the following sidewalks: West Lake City Avenue, CR 100A sidewalk completion, and sidewalks on Old Country Club from Baya Avenue to Hwy. 252. Mr. Greene replied each of the projects are on the Enhancement Spreadsheet, but they are not actually programmed into the 5-Year Work Program. We will send the spreadsheet to the county for prioritization. County Manager Williams noted last year West Lake City was inadvertently omitted from and later returned to the spreadsheet.

County Manager expressed thanks to FDOT for all of their assistance in helping Columbia County obtain SCOP, SCRAP, and CIGP monies. “We appreciate the Department's hard work, always going above and beyond to assist Columbia County in preparing very competitive applications.”

SENIOR SERVICES BUILDING
LIFE ENRICHMENT CENTER

First Federal Bank representative Mr. Keith Leibfried advised the bank has been working with Columbia County Senior Services and its Board in an effort to build a new Senior Services Building on land donated by Carl and Joan Allison. The $2,000,000 facility will be built in three phases. The first phase will include a library, computer center, physical fitness room, multipurpose dining room, etc. Phase II will include a daycare center for senior citizens with dementia.

Mr. Leibfried explained, “We are still $500,000 short. We believe we can raise $110,000. We are here to ask the County to donate $225,000 toward this project, and have asked the same of the City. First Federal is willing to contribute $30,000 contingent upon the County and the City’s commitment to contribute $225,000 each.

Mr. Leibfried also offered that administration expenses will be self-contained, and the center should be self-sufficient without having to request additional funds from the county. It is urgent that the project be underway by September 2006 to avoid loss of grant funds. He said, “The bottom line is we are here offering the County a 13,000 square foot facility for its seniors for $225,000.”

Motion by Commissioner Weaver to pledge the $225,000 in the 06-07 budget. Second by Commissioner Porter $225,000. The motion carried unanimously (4-0).

Commissioner Porter expressed she is hopeful other businesses will do as First Federal has. Commissioner Weaver expressed, “I appreciate the fact that First Federal is truly a community partner. They help with and make many things possible in the community such as the Olustee Festival. We truly appreciate your community minded spirit.”

ROAD CLOSINGS:
There was a request to set public hearings for the purpose of considering three separate road closings:

- A portion of Lord Street a/ka Lord Court in Eastside Village.
- A portion of SW Havana Way
- Close 20 foot alley in Block 7, Town of Lulu

Motion by Commissioner Weaver to set a public hearing for June 01, 2006, and advertise accordingly. Second by Commissioner Skinner. The motion carried unanimously (4-0).

BUILDING and ZONING DEPARTMENT

Subdivision – Approval of Preliminary Plats

SD 0200 North Woodland Estates  – District 1 (Commissioner Williams)
The developer is BKL Investments Company. The six (6) lots range in size from 5.4 acres to 7.79 acres, and are located approximately 3.5 miles North of Interstate 10 on the West side of U.S. 41 North, between NW Bond Road and Suwannee Acres Subdivision.

Motion by Commissioner Weaver to approve the preliminary. Second by Commissioner Porter. The motion carried unanimously (4-0).

SD 0201 Crawford Pointe – District 4 (No Commissioner)
The developer is BKL Investments Company. The eight (8) lots range in size from 5 acres to 6.41 acres, and are located on the West end of SW Jim Witt Road, approximately 1.5 miles West of US 41/441. The County Engineer has directed that the subdivision's entrance must line up with SW Jim Witt Road.

Motion by Commissioner Porter to approve the preliminary plat contingent upon the entrance being relocated to line up with SW Jim Witt Road. Second by Commissioner Weaver. The motion carried unanimously (4-0).

SD0208 Enterprise Park (Commercial Subdivision) - District 5 (Commissioner Porter) The developer is Charlie Sparks. The eleven (11) lots ranging in size from 3/4 of an acre to 1 acre. These lots are located on West side of Branford Highway, just south of SW Bascom Norris Intersection. Per 911 Addressing, the Road needs to be changed from SW Adventure Glen to SW Adventure Place, and that per the Fire Department's request, a sixty (60) foot radius is need for the cul-de-sac.

Motion by Commissioner Porter to approve contingent upon 911 Addressing and Fire Departments' request being met. Second by Commissioner Weaver. The motion carried unanimously (4-0).

Subdivision – Approval of Final Plats

SD 0191 Hidden Lake  - District III (Commissioner Skinner)
The developer is Earl Strickland. There are six (6) lots 0.51 acres in size. The entrance to the subdivision is located on the South side of NW Battle Hill Lane, f/k/a Oak Road. The County Engineer has expressed that there is work the developer needs to do concerning a culvert that will go beneath the existing road. The Planning and Zoning Board recommended approval of the final plat with the release of the plat for recording once the work is completed. The developer has scheduled the corrective work to be done.
Motion by Commissioner Skinner to approve subject to the county engineer's concerns being satisfied, and with the understanding that the plat will not be released for recording until the culvert work is complete. Second by Commissioner Porter. The motion carried unanimously (4-0).

CONSENT AGENDA

(1) Invoice – Nabors Giblin & Nickerson – Utility Study Proposal – $8,000.00
(2) Invoice – Darabi and Associates, Inc. – Closed Landfill Inspection – $963.00
(3) Invoice – Darabi and Associates, Inc. – Closed Landfill Groundwater Monitoring - $2,961.16
(4) Invoice – Darabi and Associates, Inc. – Winfield Landfill Gas Monitoring - $805.34
(5) Invoice – Darabi and Associates, Inc. – Winfield Landfill Class I and Class III Permit Renewal - $45,459.30
(6) Columbia County Emergency Medical Services – Refund Request – Medicare Part B Overpayments - $137.88
(7) Columbia County Emergency Medical Services – Refund Request – Blue Cross and Blue Shield - $400.54
(8) Columbia County Emergency Medical Services – Refund Request – Ralph Turner - $7.26
(9) Columbia County Emergency Medical Services – Refund Request – Medicare - $691.85
(10) Public Works – Ring Power Corp. – Equipment Purchase – One Multi-Terrain Loader with Grapple Rake, $34,469.03 and One Mini-Excavator, $53,062.20 –Total $90,531.23
(11) Property Appraiser – Declaration of Surplus Property – Drafting Table – County ID #10711
(12) 9-1-1 Addressing – Naming of Unnamed Roads – NW Hidden Drive, SW Traver Court
(13) Utility Permit – City of Lake City – CR 242-A
(14) Florida Department of Transportation – Reimbursement Agreement – Resurfacing of CR 246 from SR 25/US 41 to SR 47/US 441 - $768,346.00
(15) Florida Department of Transportation – Reimbursement Agreement – Resurfacing of NW Brown Road from CR 135 to SR 10/US 90 – $598,400.00
(17) Nabors Giblin & Nickerson – Proposal for Legal Services – Annual Local Improvement Assessment Programs for Roads - $8,000.00
(18) Amended Agreement - Columbia County Health Department/Columbia County Board of County Commissioners – FY 2005-06
(19) Public Works – Requesting Approval to Repair Private Driveway on NW Gar Pond Court – Water Damage Occurred February 2005
LETTER OF APOLOGY
According to Governor Bush’s directive, Commissioner George Skinner offered a public apology by reading the following letter:

Members of the Columbia County Commission and Citizens of Columbia County,
I am truly sorry for my violation of the law that gave rise to the controversy currently surrounding me. My apologies and account of what happened has been well-publicized and extensively reported. I will not rehash those issues here. I simply wish to acknowledge the seriousness of the charges I faced and thank those who supported me. To those who are unwilling or unable to forgive me, I hope I can win your trust and will do everything I can to put this controversy behind us. I hope that we, as commissioners, can move forward and take care of the business of governing Columbia County. I pray that I can fulfill my duties as county commissioner with the excellence my constituents and the citizens of Columbia County deserve.
Thank you.
Sincerely,
George Skinner
There were no comments offered by the Board or the public.

COLUMBIA YOUTH SOCCER ASSOCIATION (“CYSA”)
Approximately two years ago, the County allocated money to be primarily used for lighting one soccer field at the complex. That project has recently been completed, but due to the delay in getting the project completed, along with the exorbitant rise in material costs, the project has exceeded the original estimate cost by $21,000. CYSA has been unable to recapture the cost of the project and is asking for Board assistance in completing this project.

Commissioner Williams said, “We must put a policy in place that will require monies allocated for these projects to be spent within a certain time frame. We can’t afford not to. The electrician done the work in good faith and he should be paid.”

County Manager Williams suggested if the request is approved that it be paid from the year-end monies that were actually allocated for other projects that were not completed or ran under cost.

Motion by Commissioner Weaver to approve payment from fiscal year 05-06 excess fund balance year-end. Second by Commissioner Porter. The motion carried unanimously (4-0).

REQUEST TO PAVE ROAD
Mr. Raymond Logan has asked by way of written correspondence that the County considered his request for the County to pave Open Road from the intersection at Center Road northward to the North line of Tall Pine Acres, for a total of 1025 feet.

Tall Pine was developed prior to a mandatory paving requirement. Therefore, the road was not paved at that particular time. To grant this request would require waiver of the County's policy concerning the paving of roads. To date the county has not deviated from this policy except per court order.

Motion by Commissioner Skinner to deny per county policy. Second by Commissioner Porter. The motion carried unanimously (4-0).

REQUEST TO PURCHASE PROPERTY
Mr. Frank Burnett has requested the County allow him to purchase the old Columbia County voting house and property located in Five Points at the corner of Meeks and Audie Road. The parcel of land is approximately 80X75 feet. The Property Appraiser has the land value set at $2,124, which Mr. Burnett is willing to pay.

If the county is interested in moving in this direction, they would first be required to declare the property surplus, and then it would have to be put out to the public for bids.

Motion by Commissioner Porter to declare the property surplus, and put out for bids starting at $2,124. Second by Commissioner Weaver. The motion carried unanimously (4-0).

STORMWATER MITIGATION PROJECT
County Manager Williams gave a brief update on storm water mitigation in the Old Country Club Road (CR133) area. County Manager Williams reported the County has been able to acquire the needed lots immediately adjacent to CR 133. The County has received a Surface Water Management Permit to
excavate a retention pond from the Suwannee River Water Management District on these lots. The work is scheduled to begin next week.

 Regarding Polk Street, which is in the same vicinity, the County has obtained the Surface Water Permit and the Board has granted a Use of County Right-of-Way Permit to Bell South for the relocation of the phone pedestal. As soon as the pedestal has been relocated the County will commence excavation.

There is a mixed response from property owners as to whether they would be willing to sell their property to the county for other retention projects. Per the Board's direction, staff met with the County's engineers to determine at a minimum, which of those parcels were necessary in order to complete a working storm water system. County Manager Williams reported that there is one remaining lot that needs to be acquired, and it is a lot where no response was offered to the County's initial request. Staff requested permission to negotiate a purchase of that lot, and in the event he is unsuccessful to authorize County Attorney Feagle to file eminent domain proceedings.

Motion by Commissioner Porter to give authorization. Second by Commissioner Skinner. The motion carried unanimously.

Commissioner Weaver noted that if the county gets twenty back-to-back inches of rain again from hurricanes as we did in 2004, the County will once again experience significant flooding. "Our works will help to relieve the problem, but still will not handle that much water," said Commissioner Weaver.

Commissioner Williams stressed the need to have guidelines in place before hurricane season. County Manager Williams responded, the draft is complete and copies of the proposed policy will be distributed. This pumping policy will be added to a much larger Master Emergency Policy that will address other matters such as overtime, FEMA reimbursement, stand-down directives, stopgap measures, etc.

STORM WATER MITIGATION INTERLOCAL
As was stated in the prior meeting, the County has entered into a Storm Water Interlocal Agreement with Suwannee River Water Management District ("SRWMD") that provides Columbia County with $2,000,000 per year (for a five year period) for funding storm water mitigation projects. This is a $10,000,000 total package with fifty percent of the money being supplied by Columbia County. The interlocal Agreement has compliance dates. The County must submit a list of projects being considered to SRWMD by May 11, 2006. The County has compiled a master list. The content of the letter to SRWMD will be as follows:

Basin studies require an extensive amount of work and long range planning. This must be complete before the County is able to have a plan of action. Staff explained that the County will request anything requiring an assessment (surveying and engineering) be given first priority.

Cannon Creek basin includes Chris Lane, Beth Lane, Holly Hills, etc. The County will ask the district to complete the assessment. It is the County’s understanding that the District has began their own process of reviewing and assessing of this basin. The County will ask them for a confirmation of their work and will likely be able to do corrective work sooner than was anticipated.

Clay Hole Creek basin includes but is not limited to the Cedar Loop area, County Road 241, and County Road 133.

Alligator Lake basin. There will be maximum flood elevation studies performed. A weir study to provide flood elevations on the lake will be conducted.
Falling creek at Cheshire Road. This will be one of approximately three areas in the county where the only solution is acquisition. There are repetitive flood losses in these areas. An application has been made for repetitive flood loss monies to assist in addition to funds generated through the interlocal.

Troy Road - the "prairie" area. This is also a repetitive flood area and will require acquisition.

Calloway Subdivision and Kirby Road. There is already work in progress, and hopefully the county will be able to utilize state money to assist with this project.

Brown Road, including Emerald Lakes and Star Lake Overflow.

Mason City Area. This will be a difficult project as it is a large enclosed basin. An assessment will need to be done to determine what relief can be offered.

Edgely Estates. Highway 47 across from Michigan Street. There is an ongoing flooding problem in this area that needs attention. This has been discussed with the State as part of the widening project. The State gave assurance that their drainage would not impact or increase the problem in the area. However, they were not able to do anything to lessen the flooding problems.

Five Points and Melrose Elementary area were both a part of the original flood hazard mitigation grants. New elevations and retention areas will need to be established. The goal is to create positive drainage areas.

"Mimi" Sink property (very low priority) - It is not certain whether the SRWMD will agree this is a mitigation project, but there are some who believe it should be added to the list for consideration.

"The priority list was compiled as a result of conversations held with the commissioners and from the '04 hurricane records. There was some latent flooding that was an issue when water began to flow downstream after the hurricanes. What didn't flood during the hurricanes in some situations flooded afterwards. This includes those areas also. It's very comprehensive and laborious. Most of the bigger problems are going to require assessments," said County Manager Williams.

Commissioner Weaver asked if there is a possibility that consideration would be given to Tustenuggee Road at the Herlong Road area, and at the CR 18 area. The County Manager Responded, "It's on the list. I overlooked it. Newton Circle is also on the list."

Staff requested permission to compose the letter to SRWMD as soon as possible identifying the projects for storm water mitigation funding. The County and the SRWMD will eventually have to prioritize the list.

Motion by Commissioner Weaver to approve. Second by Commissioner Porter. The motion carried unanimously (4-0).

UTILITY WORKSHOP
A workshop was held yesterday and the Commission heard a presentation by Eutaw Utilities concerning an update on the Ellisville Utility Project. There was also a component of that, which would create a regional utility. This would provide the City with a possible option in their utility operations. The Board
of County Commissioners did reach a consensus that a Governmental Utilities Authority ("GUA") for a number of reasons would be the best option for all. The Board directed that the consultants prepare a proposal utilizing a GUA as an offer to the City of Lake City for a regional utility. Based on consultant comments, the County should expect the issue to be on the agenda on May 18, 2006. That option would then be presented to the City. Staff asked that the GUA be formalized.

Motion by Commissioner Porter, "So Move." Second by Commissioner Weaver. The motion carried unanimously.

**FIRE DEPARTMENT**
The Board has been working diligently on the creation of a County Fire Department. The County is at the point of expending a significant amount of money. An interim budget has been drafted. The operating portion of this budget assumes that every needed staff member will be hired by June 01, 2006. While that is not fact, added revenue is built into the budget. The capital outlay amount is $1,872,000, which includes four (4) new pumper trucks, eight (8) new service trucks, and other various fire vehicles that would be assigned. It also includes the station upgrades for modular units, personal protection, training, ISO equipment, and the radio system upgrade. It was suggested that the proposed method for funding this interim budget was with the $16,000,000 unrestricted reserves in the general fund. County Manager Williams explained that Florida law provides that other funds may be loaned money as long as the fund is paid back at the interest rate it was deriving at the time the money was borrowed. It was noted the repayment to the general fund will be found in next year's Fire Department Operating Budget. If this is approved, there will be a resolution at the next Board of County Commissioner's meeting outlining all caveats pertaining to the loan.

Motion by Commissioner Skinner to approve the County to make a loan from the general fund, to itself as the Municipal Service Benefit Unit of the County, an amount equal to $2,346,610.11 (assuming it is needed) and to be drawn down as needed. Second by Commissioner Porter. The motion carried unanimously. (4-0)

Motion by Commissioner Skinner to prepare the necessary resolution in order to borrow from the general funds of the county. Second by Commissioner Porter. The motion carried unanimously. (4-0)

The County Manager expressed regret that the County has not yet had an opportunity to introduce the new Fire Chief as he has been unavailable due to training and handling matters pertaining to the new Fire Department. He will be introduced at a future meeting.

**Request to Travel**
County Manager Williams requested permission to travel to the Florida Association of Counties Annual Conference. The Conference is schedule for June 27 - June 30, 2006. He requested approval of administrative leave, and permission to begin travel on June 26 and return on July 01, 2006. The County's cost will be the cost of the room and the registration fees. County Manager Williams’ wife and child will accompany him on this trip at no cost to the county.

Motion by Commissioner Porter to approve. Second by Commissioner Skinner. The motion carried unanimously.

**Citizen Input**
Citizen Richard Shultz commented, "Mr. Skinner who am I to judge you? You are forgiven. If I can't forgive you, then I shouldn't ask the Lord to forgive me. You have walked a very difficult road. You
have been forthright and forthcoming, and I think you deserve respect for that if for nothing else. On the political side, I think you deserve the respect for the position you hold, and I say to the Board, I did not see that tonight."

Regarding the Callaway Subdivision storm water mitigation issue. Mr. Shultz asked, "How are we doing with regard to the Butler property and the planned 12.5 acre regional retention pond?" County Manager Williams explained the County has met with the owner of the property and tendered a formal offer. Attorney Tom Brown is in the process of reviewing the offer on behalf of the Butler family. The County is optimistic the offer will be accepted.

Mr. Shultz asked, "How will the new subdivision known as Preserve at Laurel Lake ("PLL") impact the Troy Street flooding issues?" The response was that PLL is going to be one of the largest subdivisions in the County. The County placed SRWMD on notice, upon preliminary plat approval, that the area has special flood conditions. As a result, those roads have already gone from open swells to enclosed drainage with curb and gutter, which will be an easier system to maintain from a flood control standpoint, and other precautions are being taken such as requiring the retention to be at a more extreme capacity than what the rule requires.

Regarding Rolling Meadows (across from Calloway Subdivision) being developed on the southern side of Hope Henry Road, Mr. Shultz asked if he was correct that the natural flow of the water is to the South. The response was that Rolling Meadows subdivision has met SRWMD's requirements, which is to prove that rainfall within a certain period of time will be self-contained on site. Once demonstrated, the permits are approved. Therefore, when the final plat comes before the Board for approval, the only thing the commissioners have to consider is whether SRWMD is satisfied and the developer has complied with law. He stressed that storm waters are regulated by SRWMD, and that the County has no authority over SRWMD.

County Manager Williams also reported to Mr. Shultz that SRWMD now concurs that the County does not own the retention pond located on the three lots next to Mr. Shultz. The owner of the retention pond is going to be required to apply for a permit modification. The county is withholding permits on the three lots pending compliance with that SRWMD orders. Mr. Shultz replied, "January 06, 2005 there was a request from staff to purchase those 3 lots in order to expand the retention area; public money was going to be used to purchase private land. At that time it was my understanding that all of that was county-owned or maintained property. How can you purchase three lots, dig them out, and only dig out those three lots and be responsible for those three lots, without being responsible for the retention pond?"

The County through an agreement can maintain private property. However, at times there comes a point when maintenance is not the issue, and the property needs to be altered.

Resident Stewart Lilker commented in favor of the raise County Administrator Dale Williams received. "I am always so impressed with how knowledgeable the County Manger is about everything, and I still believe you are one of the best bargains in the county and the state. Dale your professionalism is to be admired and I thank you for the way you do your job." He noted the pleasant demeanor of the Board Office staff and their willingness to assist. He credited this as being a clear reflection of the County's management. Mr. Lilker continued by saying there are other aspects of the way the County does its business that he is not as pleased. Mr. Lilker suggested that the County Manager's professionalism should be used by the Board of County Commissioners as an example.

"I would like to read a few brief sentences from Florida Statutes, Chapter 166.041.

166.041 Procedures for adoption of ordinances and resolutions.--
(1) As used in this section, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:
   (a) "Ordinance" means an official legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as a local law.
   (b) "Resolution" means an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

(2) Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title.

Mr. Lilker explained that he placed a Freedom of Information request for a copy of the rules that were to be adopted by the Board per the County's Charter (Mr. Lilker paused noticing Commissioner Porter was leaving the meeting.

Clerk's Note: Commissioner Porter stepped away from the meeting for approximately five minutes.

Chairman Williams asked Mr. Lilker if he had anything else, telling him he had about three more minutes.

Mr. Lilker replied, “I really think I should be given as much time as everybody else, sir.”

Mr. Lilker said, "When the resolution censuring George Skinner was brought before the board, there was nothing in writing. Clearly that…"

Chairman Williams interjected, “We’ve been down this road one time before, so…”

Mr. Lilker asked, “If you would just let me finish, sir. I understand it’s your meeting and I do recognize that you can interrupt me if you like, but I am just begging you let me finish.”

Mr. Lilker continued, “Clearly, that resolution was not made in writing and everybody was surprised. I don’t think it was fair that it was done, and quite frankly I believe it was illegal.”

Mr. Lilker offered that Commissioner Porter is a bright woman, "All could see the struggle she had within herself as she tried to make a decision on the last minute oral motion. That wasn't fair to Ms. Porter or any citizen of the county.”

Mr. Lilker stated, "There is case law that has clearly voided municipal ordinances or resolutions that were not passed properly and did not comply with municipal law regarding the procedures for adoption of ordinances and resolutions. This is not an optional law. It would certainly seem to me that the Florida Legislature didn’t pass this statute just because they felt like it. It would seem to me that they wanted you, this Board of County Commissioners, to abide by it. The law is clear and specific and why you, Mr. Chairman and your counsel continue to ignore it is a question I certainly can’t answer. I say that based on the above, the censure was not legal. Void abinitio, void on its face, and this board bushwhacked Governor Bush into believing that the public censure of Commissioner Skinner was legal. And quite frankly, I personally believe, that speaks more about this board, than it does about Commissioner Skinner.”

Mr. Lilker said he wasn’t before the commission to be contentious. He explained that the Charter directs the Board of County Commissioners to pass rules of procedure. Florida Statutes 125 says the Board has the authority to pass its own rules. "I put in a Freedom of Information request to the County Attorney, requesting the rules of procedure that the Board has passed since he (Mr. Feagle) has been County Attorney [1989]." Mr. Lilker reported Mr. Feagle nor Deputy Clerk Sandy Markham were able to find
any records indicating rules of procedure have ever been passed by the Board of County Commissioners. Mr. Lilker pleaded with the Board to pass rules and follow the law. “When you do, it works for everybody,” he said.

Commissioner Weaver asked County Attorney Feagle if he had thought they had done anything illegal in censuring Commissioner Skinner. Mr. Feagle replied, "Not in my opinion. I don't believe the Board indicated at the time of the censure that they were adopting a resolution. There was simply a motion…and action on that motion approving the motion. If there had been a resolution, Mr. Lilker would be correct, it would have been reduced to writing and signed off on by the chairman of the Board. But it's my recollection that there was no resolution adopted, it was “Motion in Action,” and some of the laws Mr. Lilker is referring to refer specifically to municipalities such as the town of Fort White and Lake City. There are some differences between procedures in adopting resolutions and ordinances of municipalities through state law (including local charters) versus county action. The procedure for adopting an ordinance by the County is specifically outlined in Chapter 125.66 of the statutes, where it provides for ordinance enactment procedure for a regular ordinance and also emergency procedures. One of the differences between us (the county) and the City (a municipality), they have to have a first reading and a second reading of an ordinance before it is adopted, and you're probably aware of that. The county procedure is different from that. We're also a little bit different by the Charter itself."

Mr. Lilker responded that he understood, but stressed the County has no regulations regarding rules of procedures within the county charter. Further, that there is nothing in Section 125 that states how counties handle resolutions. "Therefore, we defer to the next law, which would be the municipal law. I respectfully suggest that you look at that. It clearly states that a county and a city, any local division underneath the state is considered a municipality according to state law. Being there is nothing else to refer to, that is the only thing we can refer to, because there are no rules that you go by," said Mr. Lilker.

Mr. Lilker concluded by saying he discussed Commissioner Skinner being censured with legal counsel who advised that the Board of County Commissioner did not have the power or the authority to censure Commissioner Skinner. "Apparently, the Commission on Ethics, as far as I know, is the only one that censures."

Chairman Williams told Mr. Lilker, “Well, you do what you’ve got to do sir. Do what you think is best to do.”

Mr. Lilker responded that he has done what he feels is best to do, and that is come before the Board and ask that they abide by the law and pass rules of procedures. "I'm just begging you to consider that - that's all."

Chair: "Do you have anything else?"

Mr. Lilker said he reviewed the recent compensation comparison with other counties. He suggested the Board give it close consideration and asked that the recommendations of the County Manager be accepted and that the employees who truly deserve raises be given the raises they deserve.

Mr. Blaine Hudson asked, "Just one thing Mr. Williams, I didn't hear Peacock Road mentioned on the flood water mitigation list." County Manager Williams responded, "It's there. Its in one of the named basins."

Willie Montgomery addressed the Board regarding Pillsbury Road. He asked that the road be considered for paving, and that help be provided with flooding. Commissioner Williams reported some of the constituents have had a problem with the grader operator. "A grader man shouldn't tell a constituent to grade the road themselves if they don't like the way it's being
done. That's what the grader man told Mr. Montgomery." Commissioner Skinner said that he is aware of the comments. County Manager Williams said that he was not aware. Mr. Montgomery said that he was told to do it himself in 2005. According to Commissioner Williams, the road is being graded improperly and the ditches are not open for drainage.

There being no further business, the meeting adjourned at 8:50 p.m.

ATTEST

_________________________________
Board of County Commissioners

____________________________
P. DeWitt Cason
Clerk of Circuit Court