

COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

The Board of County Commissioners meets the 1st and 3rd Thursday of each month in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. The first meeting of every month is at 9:30AM while the second meeting of every month takes place at 5:30PM. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date:	4/12/2024	Meeting Date:	4/18/2024
Department:	County Attorney		
1. Nature and p	ourpose of agenda item:		
Pending	Matters – Town of Fort White		

2. Recommended Motion/Action:

- To accept the County Attorney's report findings.
 Subject to verification of the Katalox refund amount, serve demand on the Town for payment of the solid waste invoice allowing for offset of monies owed by the County to the Town.
- 3. Providing direction for disposition of the dump truck and rubber-tired backhoe.

3. Fiscal impact on current budget.

This item has no effect on the current budget.

MEMORANDUM

To: Board Agenda, April 18, 2024

From: Joel F. Foreman

Re: Pending Matters – Town of Fort White

Date: April 12, 2024

This shall constitute my report of all remaining and unresolved issues concerning the Town of Fort White and request for Board action. You will recall that the Board recently approved a raft of interlocal agreements that resolved many of the issues interrupting services between the County and Town. To my knowledge, those interlocal agreements are on track.

I had hoped to work out an agreed accounting with the Town, whereby their claims for monies owed from the County would be adjusted for monies the County is owed from the Town. Although there is no such agreement with the Town, as of today I believe the issues are these:

A. OBLIGATIONS OF THE TOWN TO THE COUNTY:

1. The County is now owed \$75,000 for residential solid waste pickup performed within the Town pursuant to the January 2023 interlocal agreement and contract modification with WastePro that made Fort White a part of the County's contract service area. The County's most recent invoice to the Town is attached.

B. OBLIGATIONS OF THE COUNTY TO THE TOWN:

- 1. The Town contends it is owed a refund in the amount of \$20,182, which was refunded to the County when a shipment of a water treatment product, Katalox, was returned to the vendor because it would not work on the Town's water system. The County Manager confirms that this refund is due because the Town did pay for the product, but the amount needs to be confirmed with finance.
- 2. The Town has not received payment in the amount of \$25,000 pursuant to the Interlocal Agreement for Fort White Utility Operations and Managementⁱ the parties entered into in 2021. In that agreement, the County and Town agreed:

Within thirty days of the first day on each of the first fiscal year under this agreement, the County shall remit to the Town a lump sum of \$25,000 to provide additional support for the Town's continuing operational functions under this agreement. The parties make this agreement with the shared expectation that the County will handle all PWS operations on or before the first day of the fourth fiscal year under this agreement.

This language requires that the County remit \$25,000 at the beginning of the first three fiscal years following June 2021. The first of these payments was due October 30, 2021, the second October 30, 2022, and the third and final on October 30, 2023. The Town has not been paid for October 30, 2023. That money is due to be paid.

3. The Town has not received payment of commercial franchise fees collected from commercial solid waste customers within the Town limits. The County does not dispute those fees are to be paid over, but the amount was in dispute for some time. At this juncture, County records reflect that as of December 31, 2023 (the most recently completed and paid quarter), the Town is owed \$4,052.02 in unpaid commercial franchise fees. Totals for the just-ended first quarter of 2024 are not yet available, but will be due to the Town as soon as they are known.

C. ACCOUNTING

Assuming the Katalox refund figure is correct, the current accounting is as follows:

CREDIT TO:	COUNTY	TOWN
SOLID WASTE	\$75,000.00	
KATALOX		\$20,182.00
ANNUAL UTILITIES		\$25,000.00
COMM. WASTE FRANCHISE		\$4,052.50
BALANCE	\$25,765.50	(\$25,765.50)

The Town currently owes the County \$25,765.50.

D. ADDITIONAL MATTERS

As previously discussed with the Board, the Board did approve donation of a dump truck to the Town, subject to it later being donated to a joint utility authority. My previous memo and analysis of the Board's action is attached. The Board took no action on a rubbertired backhoe, although the Town has agreed to accept that equipment, presumably on the same terms and conditions as the dump truck that would require subsequent donation to a joint utility authority.

Public Works currently has this equipment in its inventory but has not put it to use pending resolution of these matters. Since the Board approved donation of the dump truck, circumstances surrounding utilities have changed substantially, and it is now unlikely the Town and County will be participating in a joint utility authority. Given this, staff needs Board action to determine the disposition of these pieces of equipment.

Requested motions:

- 1. To accept the County Attorney's report findings.
- 2. Subject to verification of the Katalox refund amount, serve demand on the Town for payment of the solid waste invoice allowing for offset of monies owed by the County to the Town.
- 3. Providing direction for disposition of the dump truck and rubber-tired backhoe.

¹ The Interlocal for operation of the Fort White water utility originally called for the Town to continue to bill and collect payments. That function was turned over to the County, but the terms of the agreement were not changed. The County now bills and collects all water utility payments. It was originally anticipated that this function would migrate to the County by the fourth fiscal year, but it was accomplished ahead of schedule. The County has never received the deposits paid by Fort White water utility customers to the Town. Those deposits should be handed over to the County as the County is now the billing agency, but those monies are not subject to accounting since they must be held apart from general funds.



Columbia County BCC Winfield Solid Waste Facility

386-752-6050



Invoice #: 432

Statement of Account For Dates 2/1/2024 to 2/29/2024

Send To: Town of Fort White

P.O. Box 129

Fort White, FL 32039

Remit To: 1347 NW Oosterhoudt Lane

Lake City, Florida 32055

	Stateme	ent Date: Mar 6,2024	Account: 144]			
Date	Ticket/ Check#	Description		Truck	Trailer	Amount	Balance
Previous Ba	lance						\$62,500.00
2/5/2024	78250	418 - Town of Fort White And EA]	nual Tipp Fee [63	TFW		\$12,500.00	\$75,000.00
				Current Ba	lance		\$75,000.00

Current	1 - 30	31 - 60	61 - 90	> 90	Total
\$12,500.00	\$0.00	\$0.00	\$0.00	\$62,500.00	\$75,000.00

PLEASE PAY FROM THIS STATEMENT: \$75,000.00

Make check payable to Columbia County BCC. Please include customer number 144 on check.

Winfield Solid Waste Facility

1347 NW Oosterhoudt Lane Lake City, FL 32055

Scale Ticket

Ticket #:78250

	DATE	TIME	WMID
IN:	02/05/24	12:22 PM	RF
OUT:	02/05/24	12:22 PM	RF
Custome:	r: 144 - T	own of Fort	White

Hauler: 190 - Columbia County BCC-Waste

ro

Vehicle: TFW Container:

Group: Rear Loader

Origin: Town of Fort White

Materials

997 - Fort White Annual Tip \$0.00 0 @ \$200.00/EA

Destination: 10 - Class I

Special Fees

418 - Town of Fort White An \$12500.0 (63 EA @ \$200,00/EA)

Gross: 10000 lb 5.00 tn
Tare: 10000 lb 5.00 tn
Net: 0 lb 0.00 tn

Total:\$12500.0

Payment Method(s): Charge

e \$12500.0

Change: \$0.00

Driver Signature

Remarks: JANUARY, FEBRUARY, MARCH 2024 We will be OPEN Saturday, March 2nd Thank you for your Business!



Columbia County BCC Winfield Solid Waste Facility

386-752-6050



Invoice #:

Statement of Account For Dates 3/1/2024 to 3/31/2024

Send To: Town of Fort White

P.O. Box 129

Fort White, FL 32039

Remit To: 1347 NW Oosterhoudt Lane

Lake City, Florida 32055

Statement Date: Apr 4,2024

Account: 144

Due Date: 3/31/2024

Ticket/
Date Check

Check # Description

Truck

Trailer

Amount

Balance

Previous Balance

\$75,000.00

No activity this period

Current Balance

\$75,000.00

PAST DUE

Current	1 - 30	31 - 60	61 - 90	> 90	Total
\$12,500.00	\$0.00	\$0.00	\$0.00	\$62,500.00	\$75,000.00

PLEASE PAY FROM THIS STATEMENT: \$75,000.00

Make check payable to Columbia County BCC. Please include customer number 144 on check.

Fort White Franchise Fees January 1, 2023 through June 30-2023

29227	29226	29225	23	29223	29222	29221	29220	CC	CC	CC	CC	CC	29215	29214	CC	29212	29211	29210 / 29403	23	33	CC	29206	29205		29205	Č	33	CC	22	29201		CC	29199	29198	CC	CC	CC	CC		Acct #		
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* Commercial Carts- are collected with residential trucks and are NOT billed the franchise fee.

\$ 4,052.02

MEMORANDUM

To: Joint County / Town of Fort White Meeting Agenda, November 1, 2023

From: Joel F. Foreman

Re: For Discussion and Possible Action: Clarification of Board action

Donation of equipment to the Town of Fort White for Utility Maintenance

Date: October 26, 2023

Attached is a letter from Fort White Town Attorney Lindsey Lander that was been referred to me for review and comment. The first issue raised by Mr. Lander is not the subject of this memo. The second issue raised relates back to a possible significant misunderstanding between what the Board of County Commissioners previously voted to do and what the Town of Fort White expects from the Board's action.

On May 19, 2022, the Board considered Agenda Item No. 12. The Agenda Item Request Form, as completed by the County Manager and attached to Item No. 12 read:

"At the May 4, 2022 meeting, the Fort White Columbia County Utility Advisory Committee recommended that the Town of Fort White donate \$300,000 in ARPA funds for the operations of the Water system and Ellisville/Fort White connection project. In addition, the Committee recommended the County purchase equipment for the maintenance of utility lines. This action requires approval by both Boards."

There is no mention of how much money the County would spend to "purchase equipment for the maintenance of utility lines" or any mention of what type of equipment would be purchased.

I have reviewed video of the discussion and action on Agenda Item No. 12 from May 19, 2022. The presentation included two parts.

First, the County Manager explained that the utility committee had proposed that the Town of Fort White would commit \$300,000 of its ARPA funds "toward the water projects in Fort White, both the connections between Ellisville and Fort White, and just the operations of the water system itself". There was no discussion about this proposal.

Next, the County Manager advised that the committee had discussed the possibility that the County would "fund equipment, a dump truck, something big, so that we have some equipment down there to maintain the Town's utility system... the Town could possibly use for other things as well".

Discussion immediately followed. Commissioner Ford, who was then on the committee, said this item would include the purchase of a "small single-axle dump truck" that would "actually be for the utility but the Town of Fort White would have access to it". Commissioner Hollingsworth emphasized that the Town would own the truck, but you clarified to the Board that in the short run the Town would own the truck but would be expected to later donate the truck to any utility authority the two governments subsequently created.

After I explained to the Board the status of that then-proposed new utility authority, Mr. Kirby offered that he believed the truck should be conveyed to the Town because in his experience the logistics of the County owning equipment that is held and used by another agency is untenable. Further discussion centered on how this split in ownership could complicate things for both agencies. The Board seemed satisfied that giving the dump truck to the Town, subject to later conveyance to the utility was the best solution.

In short, substantially all the discussion of Item 12 concerned the County acquiring the single-axle dump truck and conveying it to the Town, subject to later donation from the Town to the utility authority when created.

Commissioner Williams' motion after this discussion was "I approve the recommendation with the Town of Fort White for the water system authorization of the purchase of equipment to be owned by the Town of Fort White until the authorization of the combined utility between the City of Fort White – the Town of Fort White and Columbia County". It was seconded by Commissioner Ford. The motion passed unanimously.

I found no mention of the sum of \$300,000 to be appropriated to or for the Town for the purpose of purchasing the dump truck. There is no mention of cost or outlays at all.

After that motion was made and approved, you asked for a separate motion to accept the Town's \$300,000 contribution to the water utility connection project and operations. That motion was made and passed with no discussion.

In short, it appears the Board voted, in separate motions to:

- 1. Donate one single-axle dump truck to Fort White, subject to future donation to a combined utility authority to be established at a later date.
- 2. Accept \$300,000 in ARPA funds from the Town for operations of the water utility.

Unless there was other Board action concerning this matter I have not been made aware of, I believe these are the things the Board has bound itself to do.

I am asking the Board to clarify how and whether it authorized or intended to authorize any expenditure other than the cost of a single-axle dump truck to be donated to the Town subject to an agreement to later donate the dump truck to a combined utility authority.

LINDSEY B. LANDER



ATTORNEY AT LAW

October 23, 2023

Columbia County Board of County Commissioners Attn: Rocky Ford, Chairman P.O. Box 1529 Lake City, FL 32056-1529

Mr. Ford,

Hope this correspondence finds you well. I have been asked by the Town Clerk and Mayor to bring to the Board's attention certain ongoing unresolved issues between the Town of Fort White and the BOCC. The Mayor would like to address these issues prior to scheduling any further joint meetings between the Town and the BOCC as a resolution of these issues is in the best interests of the Town of Fort White and should be brought to conclusion.

The first issue is the status of installation of water line from Ellisville to Fort White. The Town has spent \$978,614.43 of the \$1M Legislative Appropriations Grant # LPA0166 from the State of Florida and the project appears to be at a standstill. We have information that prior bids received have all been cancelled and that new bids have not been solicited and the project will not be re-bid be until the Town agrees to join the Ichetucknee Water Authority. We need a completion date. The Water Authority discussion should have no bearing on completing this project.

Secondly, the Town agreed to spend \$300,000 ARP funds received on improvements to the water plant after the County and Town entered an Interlocal Agreement for operation and maintenance by the County in lieu of the County supplying the Town with a new dump truck and a rubber-tire backhoe with bucket and forks. The Town was informed some time ago that the backhoe was sitting at Columbia County Public Works Dept. but not the attachments. We have not received any further information, nor have we seen any equipment.

Finally, the Town was provided invoices showing the cost of the equipment mentioned above totaling approximately \$250,000. Therefore, we asked that the remaining \$50,000 of the \$300,000 be given to the Town to apply towards the \$60,000 shortfall to repave Jordan Street. We have not received any funds nor any sort of communication from the County regarding this matter.

Please relay these concerns to the Board and communicate with the Town as soon as possible with the information requested.

Regards,

Lindsey B. Lander Town Attorney

cc: Joel Fortum, County Attorney, 137 NW Madison St, Lake City, FL 32055