

JOINT TOWN OF FORT WHITE/COLUMBIA COUNTY MEETING
POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529

DUVAL PLACE - EXECUTIVE CONFERENCE ROOM
971 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055

ADDITION

November 1, 2023

6:00 PM

(1) Response to Town Attorney Memo

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 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.

330 SW 1st Ave • Trenton, FL 32693 • (352) 463-1025
llanderlaw@gmail.com

General Counsel - Gilchrist Co. School Board ~ General Counsel - Gilchrist Co. Sheriff's Office ~ Counsel - Gilchrist Co. Board of County Commissioners
General Counsel - Town of Cross City ~ Counsel - Suwannee River Water Management District ~ Board of Trustees - Florida Gateway College

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,

A handwritten signature in black ink, consisting of two large, stylized loops followed by a short horizontal stroke.

Lindsey B. Lander
Town Attorney

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