

THROUGH THESE DOORS WALK ONLY THE FINEST PEOPLE – THE CITIZENS OF ESCAMBIA COUNTY. DECISIONS ARE MADE IN THIS ROOM AFFECTING THE DAILY LIVES OF OUR PEOPLE. DIGNIFIED CONDUCT IS APPRECIATED.

CHAMBER RULES

1. IF YOU WISH TO SPEAK, YOU WILL BE HEARD.
2. YOU MUST SIGN UP TO SPEAK. SIGN-UP SHEETS ARE AVAILABLE AT THE BACK OF THE ROOM.
3. YOU ARE REQUESTED TO KEEP YOUR REMARKS BRIEF AND FACTUAL.
4. BOTH SIDES ON AN ISSUE WILL BE GRANTED UNIFORM/MAXIMUM TIME TO SPEAK.
5. DURING QUASI-JUDICIAL HEARINGS (I.E., REZONINGS), CONDUCT IS VERY FORMAL AND REGULATED BY SUPREME COURT DECISIONS. VERBAL REACTION OR APPLAUSE IS NOT APPROPRIATE.

**PLEASE NOTE THAT ALL BCC MEETINGS ARE RECORDED AND TELEVISED**

AGENDA

Board of County Commissioners

Regular Meeting – September 3, 2009 – 5:30 p.m.

Governmental Complex – First Floor

1. Call to Order.

**(PLEASE TURN YOUR CELL PHONE TO THE VIBRATE, SILENCE, OR OFF SETTING)**

2. Invocation – Commissioner White.
3. Pledge of Allegiance to the Flag.
4. Are there any items to be added to the agenda?

Recommendation: That the Board adopt the agenda as prepared **(or duly amended)**.

5. Commissioners' Forum.

6. Proclamations/Special Recognition.

Recommendation: That the Board take the following action concerning Proclamations/Special Recognition:

- A. Adopt the Proclamation proclaiming the fourth Monday in September as "Family Day – A Day to Eat Dinner With Your Children" in Escambia County; and
- B. Recognize, with pins and certificates, the following employees for their dedication and years of service to Escambia County:
  - (1) Carl Few, Roads Division, Public Works Bureau, 35 years;
  - (2) Francis Powell, Roads Division, Public Works Bureau, 35 years; and
  - (3) Ronnie Rigby, Roads Division, Public Works Bureau, 25 years.

7. Did the Clerk's Office receive the proofs of publication for the Public Hearing(s) on the agenda and the Board's Weekly Meeting Schedule?

Recommendation: That the Board waive the reading of the legal advertisement(s) and accept, for filing with the Board's Minutes, the certified affidavit(s) establishing proof of publication for the Public Hearing(s) on the agenda, and the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule*.

8. **5:31 p.m. Public Hearing for consideration of the Petition to Vacate alleyways and an unnamed right-of-way in Wilder Subdivision, as petitioned by Glen and Claire Dunaway.**

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, take the following action regarding the Petition to Vacate alleyways and an unnamed right-of-way in Wilder Subdivision (approximately 36,620 square feet, or 0.84 acre), as petitioned by Glen and Claire Dunaway:

- A. Approve the Petition to Vacate;
- B. Accept the Hold/Harmless Agreement;
- C. Adopt the Resolution to Vacate; and
- D. Authorize the Chairman or Vice Chairman to accept the documents as of the day of delivery of the documents to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to execute them at that time.

9. **5:32 p.m. Public Hearing for consideration of adopting an Ordinance amending the Purchasing Ordinance.**

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, adopt an Ordinance amending Chapter 46, Article 2, Division 3, Section 46-86, of the Escambia County Code of Ordinances, setting forth the procedures for amendments/changes after award to restore language removed by scrivener's error; providing for inclusion in the Code; providing for an effective date.

10. Reports:

Clerk of the Circuit Court & Comptroller  
Growth Management  
County Administrator  
County Attorney

11. Items added to the agenda.

12. Announcements.

13. Adjournment.

**BACKUP NOT INCLUDED WITH THE CLERK'S REPORT IS AVAILABLE FOR REVIEW IN  
THE OFFICE OF THE CLERK TO THE BOARD  
ESCAMBIA COUNTY GOVERNMENTAL COMPLEX, SUITE 130**

CLERK OF THE COURTS & COMPTROLLER'S REPORT  
SEPTEMBER 3, 2009

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

Recommendation: That the Board accept, for filing with the Board's Minutes, the following three Reports prepared by the Clerk and Comptroller's Finance Department:

A. Payroll Expenditures as of Payday August 21, 2009, in the amount of \$2,129,362.55; and

B. The following two Disbursement of Funds:

(1) August 13, 2009, to August 19, 2009, in the amount of \$7,067,760.28; and

(2) August 20, 2009, to August 26, 2009, in the amount of \$6,207,037.20.

2. Recommendation: That the Board accept, for filing with the Board's Minutes, the monthly *Budget to Actual Summary Report* for the Fiscal Year through August 25, 2009.

3. Recommendation Concerning Disposition of Property and/or Reinstatement of Fixed Assets

Recommendation: That the Board take the following action concerning disposition of property and/or reinstatement of fixed assets:

A. Approve equipment dispositions, per four forms, *Requests for Disposition of Property*, indicating 21 items of equipment to be sold as surplus and/or appropriately disposed of, and one form for reinstatement of property; the Requests were prepared by various County Bureaus and state the reasons for disposition/reinstatement; and

B. Approve the write-off of the historical cost of ice rink components that are currently undergoing renovations; it is necessary to write off the historical cost of those ice rink components so as not to overstate the book value of the building asset; the historical cost of the components is calculated to be \$173,153.26

I. CONSENT AGENDA – Continued

4. Recommendation Concerning Write-off of Accounts Receivable

Recommendation: That the Board adopt the Resolution authorizing the write-off of \$1,179,540.91 in receivables that have been recorded in the Emergency Medical Services (EMS) Fund of the County and have been determined to be uncollectible bad debts.

5. Recommendation Concerning Acceptance of Documents

Recommendation: That the Board accept, for filing with the Board's Minutes, the following documents provided to the Clerk & Comptroller's Office:

- A. Closing documents relating to the sale of property, located at 1120 Barth Lane, to James Whaley and Asami Eckhardt, based on the Board's January 10, 2008, action declaring the property surplus and authorizing its sale to the highest bidder, as executed by the Chairman on August 13, 2009, and received in the Clerk to the Board's Office on August 21, 2009;
- B. Closing documents relating to the sale of property, located on Rudder Lane, to James Whaley and Asami Eckhardt, based on the Board's November 2, 2006, action declaring the property surplus and authorizing its sale to the highest bidder, as executed by the Chairman on August 13, 2009, and received in the Clerk to the Board's Office on August 21, 2009; and
- C. Closing documents relating to the sale of property, located on Interstate Circle, to Ralph Meacham, based on the Board's May 7, 2009, action declaring the property surplus and authorizing its sale to the highest bidder, as executed by the Chairman on August 25, 2009, and received in the Clerk to the Board's Office on August 25, 2009.

I. CONSENT AGENDA – Continued

6. Recommendation Concerning Minutes and Reports

Recommendation: That the Board take the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:

- A. Approve the Minutes of the Public Forum Work Session and Regular Board Meeting held August 20, 2009;
- B. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held August 20, 2009; and
- C. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held August 13, 2009.

**(TO BE DISTRIBUTED UNDER SEPARATE COVER)**

## **GROWTH MANAGEMENT REPORT**

**September 3, 2009**

### **I. PUBLIC HEARINGS**

#### **1. Sunshine Hill Estates Final Plat**

##### **RECOMMENDATION:**

That the Board take the following actions concerning recording of the Final Plat of Sunshine Hill Estates, (a 22 lot single family private residential subdivision), located in the Sunny Hill Community on Sunshine Hill Road and lying west of Atmore Highway (Florida State Road 97). Owned and developed by BCK Properties, LLC. Prior to recording, the County Engineer, County Surveyor, Development Services Bureau Chief and the Clerk of the Circuit Court must sign the Final Plat, as set forth in Section 4.02.07.E, of the Escambia County Land Development Code. Also, prior to recording the County Surveyor must sign the Final Plat as set forth in Chapter 177.081 (1) Florida Statutes;

- A. Approve the final plat for recording; and
- B. Approve the street names "Sunny Brook Court, and Sunshine Ridge Court"; and
- C. Authorize the Chairman or Vice-Chairman to execute a Conservation Easement.

### **II. CONSENT AGENDA**

#### **1. Scheduling of Public Hearings(s):**

- A. **5:45 p.m. – Thursday, September 17, 2009** – The first of two (1 of 2) public hearings to review an ordinance of Escambia County, Florida, amending Part III of the Escambia County Code of Ordinances (1999), the Land Development Code of Escambia County, Florida (Ordinance 96-3, as amended); adding "Temporary Structures" as a definition to Article 3 and amending applicable zoning districts in Article 6 and 13 pertaining to Temporary Structures.

- B. 5:45 p.m. – Thursday, October 1, 2009** – The second of two (2 of 2) public hearings to review and adopt an ordinance of Escambia County, Florida, amending Part III of the Escambia County Code of Ordinances (1999), the Land Development Code of Escambia County, Florida (Ordinance 96-3, as amended); adding “Temporary Structures” as a definition to Article 3 and amending applicable zoning districts in Article 6 and 13 pertaining to Temporary Structures.

**COUNTY ADMINISTRATOR'S REPORT  
SEPTEMBER 3, 2009**

**I. Technical/Public Service Consent Agenda**

**1. Recommendation Concerning Reappointments to BID Inspections Fund Advisory Board – Thomas Lloyd Kerr, Development Services Bureau Chief**

**RECOMMENDATION:** That the Board take the following action concerning reappointments to the BID (Building Inspections Division) Inspections Fund Advisory Board (IFAB):

**A. Waive Board Policy B.1 Appointment Policy and Procedures; and**

**B. Reappoint the following two members, for a three-year term, effective October 1, 2009, through September 30, 2012:**

- 1. John Harold, J. M. Harold Construction, Inc. (Construction Industry Trades); and**
- 2. Christopher Moorhead, Coastal Bank and Trust (Licensed Architect, Professional Engineer or Construction Industry Lending and Finance).**

**2. Recommendation Concerning the Scheduling of a Public Hearing to Amend the State Court Facilities Surcharge Ordinance – Amy Lovoy, Management and Budget Services Bureau Chief**

**RECOMMENDATION:** That the Board authorize the scheduling of a Public Hearing on September 17, 2009, at 5:31 p.m., to consider the adoption of a County Ordinance amending the “State Court Facilities Surcharge Ordinance”, increasing the surcharge assessed on non-criminal traffic infractions from \$15 to \$30.

**3. Recommendation Concerning Amendment to Tobacco-Free Hiring Policy – Amy Lovoy, Management and Budget Services Bureau Chief**

**RECOMMENDATION:** That the Board approve the Amendment to the Tobacco-Free Hiring Policy, decreasing the amount of time an applicant for employment must be tobacco-free, from 12 months to 30 days prior to the application date or employment date.

4. Recommendation Concerning the Scheduling of a Public Hearing for Li Fair Subdivision Street Lighting MSBU – Amy Lovoy, Management and Budget Services Bureau Chief

**RECOMMENDATION:** That the Board authorize the scheduling of a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) for September 17, 2009, at 5:32 p.m., to consider adoption of an Ordinance creating the Li Fair Subdivision Street Lighting MSBU.

5. Recommendation Concerning Scheduling a Public Hearing – Exchange of Property in Dovefield Estates – Joy D. Blackmon, P.E., Public Works Bureau Chief

**RECOMMENDATION:** That the Board authorize the scheduling of a Public Hearing for October 1, 2009, at 5:31 p.m., to consider the exchange of property in Dovefield Estates between Escambia County and Barry Tweedie, to correct encroachment issues concerning the County retention pond.

6. Recommendation Concerning the Urban and Community Forestry Grant – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

**RECOMMENDATION:** That the Board take the following action concerning the Urban and Community Forestry Grant Resolution from the Florida Department of Agriculture and Consumer Services:

- A. Adopt the Resolution supporting entering into a Memorandum of Agreement, to enable the County to be eligible for the Urban and Community Forestry Grant; and
- B. Authorize the Chairman to sign the Resolution.

7. Recommendation Concerning the Workforce Escarosa, Inc., Local Workforce Services Plan Modification Fiscal Year 2009-2010 – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

**RECOMMENDATION:** That the Board take the following action concerning the Workforce Escarosa, Inc., Local Workforce Services Plan Modification Fiscal Year 2009-2010, for the two-County area (Escambia and Santa Rosa), which comprises Region One:

- A. Approve the Workforce Escarosa, Inc., Local Workforce Services Plan Modification Fiscal Year 2009-2010; and
- B. Authorize the Chairman to execute the Plan Modification.

**COUNTY ADMINISTRATOR'S REPORT**

**SEPTEMBER 3, 2009**

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8. **Recommendation Concerning the Scheduling of a Public Hearing for 5th Cent  
Bed Tax Ordinance – Ed Schroeder, Pensacola Bay Area Chamber of Commerce**

**(BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)**

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Supplemental Budget Amendment #325 – Amy Lovoy, Management and Budget Services Bureau Chief

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #325, Local Option Sales Tax II (351), in the amount of \$82,040, to recognize revenues received through the auctioning of law enforcement vehicles and to appropriate these funds back to the LOST II Fund, from which the vehicles were originally purchased.

2. Recommendation Concerning Supplemental Budget Amendment #326 – Amy Lovoy, Management and Budget Services Bureau Chief

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #326, General Fund (001), in the amount of \$16,620, to recognize reimbursements from auto insurance payments and to appropriate these funds for the Sheriff's Department vehicle activities.

3. Recommendation Concerning Foreclosure on Real Property Located at 1000 West Yonge Street – Amy Lovoy, Management and Budget Services Bureau Chief

**RECOMMENDATION:** That the Board authorize foreclosure of the Code Enforcement Lien recorded in Official Records Book 5295, page 1244, in the amount of \$7,413, of the Public Records of Escambia County, Florida, on real property located at 1000 West Yonge Street, real property Account Number 062754000, Reference Number 18-2S-30-6000-070-030. The current assessed value of the property is \$11,400.

4. Recommendation Concerning Foreclosure on Real Property Located at 3011 North Miller Street – Amy Lovoy, Management and Budget Services Bureau Chief

**RECOMMENDATION:** That the Board authorize foreclosure of the Nuisance Abatement Liens recorded in Official Records Book 4525, page 1320, in the amount of \$4,665.18, and recorded in Official Records Book 4657 at page 405, in the amount of \$1,466.72, of the Public Records of Escambia County, Florida, on real property located at 3011 North Miller Street, real property Account Number 050990000, Reference Number 04-2S-30-6001-013-013. The County's current Lien amount is \$6,131.90. The current assessed value of the property is \$5,700.

5. **Recommendation Concerning Foreclosure on Real Property Located at 3014 Berwick Street – Amy Lovoy, Management and Budget Services Bureau Chief**

**RECOMMENDATION:** That the Board authorize foreclosure of the Nuisance Abatement Lien recorded in Official Records Book 3927, page 453, in the amount of \$5,684.91, of the Public Records of Escambia County, Florida, on real property located at 3014 Berwick Street, real property Account Number 050998000, Reference Number 04-2S-30-6001-029-013. The current assessed value of the property is \$5,700.

6. **Recommendation Concerning Household Hazardous Waste, Transportation and Disposal – Amy Lovoy, Management and Budget Services Bureau Chief**

**RECOMMENDATION:** That the Board award a Contract, in the amount of \$250,000, for Household Hazardous Waste, Transportation and Disposal, PD 08-09.070, to EQ-The Environmental Quality Company, for a period of 36 months, effective date October 1, 2009.

[Funding: Solid Waste Fund 401, Cost Center 220602, Object Code 53401]

7. **Recommendation Concerning Contract for Communication Maintenance for Microwave Systems and Fixed Equipment – Amy Lovoy, Management and Budget Services Bureau Chief**

**RECOMMENDATION:** That the Board award a three-year Contract, for \$119,580 per year, for Communication Maintenance for Microwave Systems and Fixed Equipment, PD 08-09.047, to Motorola Communications and Electronics, Inc., in accordance with the terms and conditions of the solicitation and annual appropriation of funds.

[Funding: General Fund 001, Object Code 54601, Cost Center 330403]

8. **Recommendation Concerning Purchase of Horton Emergency Vehicles – Frank Edwards, Public Safety Bureau Chief**

**RECOMMENDATION:** That the Board approve issuance of a Purchase Order to Horton Emergency Vehicles, in the amount of \$573,872, on Contract PD 05-06.048, "Purchase of Ambulances", for the purchase of three ambulances for use by the Public Safety Bureau.

[Funding Source: Fund 352 – Location Option Sales Tax III, Project No. 08PS0028 - Ambulances, Cost Center 330435, Account 56401]

9. **Recommendation Concerning Proposed Recreation Fee Increases – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

**RECOMMENDATION:** That the Board approve the Proposed Recreation Fee Increases and Changes for Fiscal Year 2009/2010, Neighborhoods/Community Services Bureau, Parks Programs Division, resulting in an increase of approximately \$74,580 in revenue, effective October 1, 2009:

[Funding: General Fund 001/ Cost Centers 220801 (Adult Sports), 220803 (Parks - Recreation), and 220804 (Lake Stone)]

10. **Recommendation Concerning ECAT Agreement to Provide Transportation Services for Disabled Persons – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

**RECOMMENDATION:** That the Board take the following action concerning Escambia County Area Transit (ECAT) providing transportation services for disabled persons, as required by the Americans with Disabilities Act (ADA):

A. Approve the “Agreement to Provide Transportation” effective October 1, 2009 – September 30, 2010, in the estimated amount of \$1,024,189 (payable in monthly installments), between Escambia County and Pensacola Bay Transportation Company, LLC; and

B. Authorize the Chairman to execute the Agreement.

[Funding: The estimated cost of this project is \$1,024,189 and is included in the proposed Fiscal Year 2009-2010 Mass Transit Operating Budget, Fund 104. Federal funding in the amount of \$302,490 for the ADA costs and \$85,000 for the non-urbanized area service are included as revenue in the proposed Fiscal Year 2009-2010 Mass Transit Operating Budget, Fund 104]

11. **Recommendation Concerning Joint Participation Agreement Providing FDOT Funding for ECAT for the Southwest Route Service Development – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

**RECOMMENDATION:** That the Board take the following action concerning the Supplemental JPA (Joint Participation Agreement) No. 42349118401, providing Fiscal Year 2009-2010 funding for Escambia County Area Transit (ECAT), for the Southwest Route Service Development:

- A. Approve the Supplemental JPA, No. 42349118401, providing for Florida Department of Transportation participation, in the amount of \$191,500, Fiscal Year 2009-2010 funding for ECAT, for the Southwest Route Service Development;
- B. Adopt the authorizing Resolution; and
- C. Authorize the Chairman to sign the Resolution and all required JPA documents.

[Funding: No additional cost to the County]

12. **Recommendation Concerning Joint Participation Agreement Providing FDOT Funding for ECAT for the Perdido Key Route Service Development – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

**RECOMMENDATION:** That the Board take the following action concerning the Supplemental JPA (Joint Participation Agreement) No. 42349218401, providing Fiscal Year 2009-2010 funding for Escambia County Area Transit (ECAT), for the Perdido Key Route Service Development:

- A. Approve the Supplemental JPA, No. 42349218401, providing for Florida Department of Transportation participation, in the amount of \$50,000, Fiscal Year 2009-2010 funding for ECAT, for the Perdido Key Route Service Development;
- B. Adopt the authorizing Resolution; and
- C. Authorize the Chairman to sign the Resolution and all required JPA documents.

[Funding: No additional cost to the County]

13. Recommendation Concerning the Navy Federal Credit Union Economic Development Incentive Program Agreement – Robert R. McLaughlin, County Administrator

**RECOMMENDATION:** That the Board take the following action concerning the Navy Federal Credit Union Economic Development Incentive Fund Program Agreement:

- A. Approve the Agreement with the Navy Federal Credit Union for economic development incentives; and
- B. Authorize the Chairman to sign the Agreement between Escambia County and the Navy Federal Credit Union.

[Funds are available in the Economic Development Fund (102) - Cost Center: 360704, Account: 58201, Aids to Private Organizations. These funds will be available on October 1, 2009, in the new budget year (the funds are budgeted for next Fiscal Year 2009/2010)]

14. Recommendation Concerning Lease of County-Owned Space at the Old Escambia County Courthouse by the Arts Council – Joy D. Blackmon, P.E., Public Works Bureau Chief

**RECOMMENDATION:** That the Board take the following action concerning the lease of County-owned space at the Old Escambia County Courthouse, 223 South Palafox Place, Pensacola, Florida, to the Arts Council of Northwest Florida, Inc., (ACNWFL):

- A. Adopt a Resolution approving the Lease of the first floor of the Old Escambia County Courthouse, 223 South Palafox Place, with the Arts Council of Northwest Florida, Inc., at a rate of \$1 per year, for a period of three years, for the operation of a visitor's information center, exhibitions, office space, classrooms and other supporting uses to further promote local arts and culture to the public; and
- B. Authorize the Chairman to execute all documents necessary to complete this transaction.

[Funding Source: ACNWFL is leasing the property at a rate of \$1 per year. ACNWFL will be billed monthly by the County for the previous month, for its proportional share of the cost of the utility, custodial and maintenance services]

III. For Discussion

1. Recommendation Concerning the West Florida Public Library Board of Trustees – Robert R. McLaughlin, County Administrator

**RECOMMENDATION:** That the Board take the following action concerning the West Florida Public Library Board of Trustees:

- A. Accept for filing with the Board's Minutes the name change of the West Florida Regional Library Board of Trustees to the West Florida Public Library Board of Trustees, effective October 1, 2006, per Section 6 of Ordinance Number 20-06, Code of Ordinances, the City of Pensacola;
- B. Accept for filing with the Board's Minutes the change in membership per Section 2-4-39 of Ordinance Number 20-06, Code of Ordinances, the City of Pensacola as follows: "The members consist of seven citizens who are appointed: three each by Escambia County, and the City of Pensacola. The Seventh is appointed by those six members";
- C. Reappoint Mr. Phillip White to serve another four-year term, effective January 1, 2010, through December 31, 2014; and
- D. Appoint one of the following nominees, effective September 9, 2009, through November 20, 2012, to fill the unexpired term of Ms. Edie Pocase, who resigned:
  - 1. Ms. Sandra S. Harwood; or
  - 2. Ms. Fay D. Walker

2. Recommendation Concerning Letter Supporting Federal Recognition of the Muscogee Nation – Commissioner Marie Young, Chairman

**RECOMMENDATION:** That the Board authorize the Chairman, as requested by Walton County, to sign letters of support for Federal Recognition of the Muscogee Nation of Florida and send the letters to the Committee Chairs, who are considering bills SB530 and HR1899 that are presently before Congress. Both bills have been referred to their respective Committees – the Senate Committee on Indian Affairs and the House Committee on Natural Resources. The job at hand is to urge these bills through the Committee process and on to the floor of the House and the Senate.

COUNTY ATTORNEY'S REPORT  
September 3, 2009

**I. FOR ACTION:**

1. Grant Request from Escambia County Board of County Commissioners

That the Board:

A. Accept the Health Facilities Authority offer of \$200,000 as a one-time grant to be used during fiscal year 2009-2010 for nonprofit health care organizations and authorize the Chairman to sign the Agreement for Charitable Grant and any other necessary documents.

**or**

B. Reject the Health Facilities Authority offer of the \$200,000.

2. Attorney-Client Session - Carl R. Gilbert, II and Sharon Gilbert vs. Harry R. McNesby, Charlie Walker, and Sotirios Thagouras; Case No. 3:08cv51/RV/MD

A. That the Board schedule a private meeting with its attorneys to discuss pending litigation, in accordance with § 286.011(8), Florida Statutes, for September 10, 2009 at 8:30 a.m.

B. That the Board approve the attached public notice to be published in the *Pensacola News Journal* on Saturday, September 5, 2009

3. Elimination of Commissioners' \$200 Per Month Fixed Travel Allowance

That the Board enact the attached Resolution in order to clarify action taken at the July 9, 2009 Board meeting to eliminate the Commissioners' \$200 per month fixed travel allowance

**II. FOR INFORMATION:**

1. Carl R. Gilbert, II and Sharon Gilbert vs. Harry R. McNesby, et al. – Case No.: 3:08-cv-51-RV/MD

That the Board accept for information the attached Order of U.S. District Judge Roger Vinson dated August 24, 2009, denying the County's Motion for Summary Judgment in the above referenced case.

2. *United States of America v. Kent W. Hovind and Jo D. Hovind*  
Case no.: 3:06cr83/MCR

That the Board accept for information the attached Order of U.S. District Judge Casey Rodgers concerning the forfeiture of properties and assets previously owned by Kent and Jo Hovind.