

**PUBLIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON MAY 13, 2014 AT 9:00 AM
IN THE COUNTY COMMISSIONERS' MEETING ROOM
ROOM 103, ADMINISTRATION BUILDING
ARCADIA, FLORIDA**

The Board of County Commissioners held a Public Meeting on May 13, 2014 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	Commissioner, James Selph, Dist#2
Deputy Fire Chief, Tom Moran	Social Services Director, Peggy Waters
Commissioner, Gabriel Quave, Dist#3	Purchasing Director, Cindy Talamantez
Chairman, Elton Langford, Dist#4	HR Director, Don Kesterson
Commissioner, Bob Miller, Dist#5	County Engineer, Mike Giardullo
Interim Administrator, Mandy Hines	Office Manager, Lauri Terry
County Attorney, Don Conn	Utilities Director, Eddie Miller
Facilities Director, Richard Metzger	Environmental Svcs. Director, Henry Grimes
Transcribing Secretary, Jill Thompson	Library Director, Linda Waters
Administrative Services Director, Linda Nipper	Parks Director, Tara Anderson
Road & Bridge Director, Shawn Edwards	Turner Center Director, Jody Sullivan
Planning Manager, Thomas Cookingham	Senior Accountant, Pete Danao
Building Official, Lester Hornbake	Staff Accountant, Debra Goodson
Compliance Director, Jorge Hernandez	

CALL TO ORDER 9:00 AM

PRAYER- Father Vincent Climente / St. Paul's Catholic Church

PLEDGE OF ALLEGIANCE

INTRODUCTION OF ELECTED OFFICIALS

Sheriff Will Wise, Kathy Hill, Tax Collector, Karen Whaley with Rep. Ben Albritton's Office, DeSoto County Schools Superintendent, Karen Gary, School Board Member, William Stanko, School Board Member Karen Chancey and School Board Member, Debby Snyder.

SET/AMEND- A motion was made by Commissioner Mansfield to waive the agenda policy. Seconded by Commissioner Selph. Motion carried unanimously. A motion was made by Commissioner Mansfield to add agenda items 3A and 10. Seconded by Commissioner Miller. Motion carried unanimously.

PUBLIC FORUM FOR NON-AGENDA ITEMS

Debby Snyder and Karen Gary requested a joint Workshop between the Board of County Commissioners and the DeSoto County School Board regarding money received by the County from the Water Authority. Chairman Langford stated the DeSoto County Administration Office will contact the School Board's Administration Office to schedule a time and date for the Workshop.

George Lempenau commented there has to be a better way. He currently serves on two State Boards in his industry and there is an annual review of the budget. He provided the Board with a Comparison Statement that lists the revenue and the expenses for the operation of an entity. He heard that the County lost track of several million dollars. He feels it is a sin to "lose" that amount of money. He feels the Board is competent and there is no dishonesty but there needs to be a better system. Mr.

Lempenau also commented that the community is very unhappy regarding the 1.8 million dollars.

CONSENT AGENDA

A motion was made by Commissioner Mansfield to approve the Accounts and Warrants drawn according to schedule of bills payable; Minutes of April 22, 2014 Public Meeting and Minutes of April 22, 2014 Environmental Services Workshop. Seconded by Commissioner Selph. Motion carried unanimously.

PRESENTATIONS

3. Presentation/Distinguished Citizen Award

Chairman Langford stated that the BOCC approved a Policy for the establishment of a Distinguished Citizen Award Program on November 24, 2009. The award recognizes a DeSoto County individual who demonstrated outstanding leadership, achievement and active involvement with our local community. A motion was made by Commissioner Selph to present Patsy Symons with the Distinguished Citizens Award for the 2014 second quarter. Seconded by Commissioner Mansfield. Commissioner Selph presented the award to Ms. Symons. Commissioner Selph spoke regarding Ms. Symons decorating the conference room at the Extension Office. She has also been active in various other organizations in DeSoto County. Ms. Symons thanked the Board and commented that she did this to give back to the community.

3A. Proclamation/National Military Appreciation Month

A motion was made by Commissioner Mansfield to proclaim May 2014 as National Military Appreciation Month. Seconded by Commissioner Selph. Motion carried unanimously.

Mandy Hines read the Proclamation into record.

REGULAR BUSINESS

4. Discussion/Sales Tax

Dr. Vaidy Nathan requested that the Board approve a 0.5 cent sales tax towards the mitigation of the care of indigents at DeSoto Memorial Hospital. The emergency room treats approximately 18,000 patients per year; the lab performs 160,000 procedures per year; radiology performs 19,000 procedures per year and the hospital admits approximately 1,800 patients annually. DMH is left with 3 million dollars deficit annually. Dr. Nathan feels everyone will suffer with no hospital. The County will incur costs, employees will lose jobs and relocate and local business owners would be affected as well. DMH is striving to increase services and he feels the BOCC can be the redeemer of healthcare in the county.

Lou Ambler requested that the Board put the 0.5 cent sales tax on the ballot in November and let the residents decide.

Commissioner Miller stated the loss of the hospital would be detrimental to the county. He feels DMH is asking the residents to generate money when we are still lacking and the 0.5 cent sales tax will not sustain the hospital. He does not want the hospital to close but is not in favor of the sales tax at this point.

Commissioner Selph commented that DMH saved his life and he is not in favor of the hospital closing. This is an opportunity to help. He feels this matter should be put on the ballot and let the people make the decision.

Commissioner Quave likes DMH but doesn't feel the numbers make sense. He feels that the public impression of the hospital closing is on the Board's shoulders and is inaccurate but the "spin cycle" has already begun. He doesn't know what the answer is but at this time he does not support putting this matter on the referendum.

Commissioner Mansfield does not want DMH to close. He agrees with letting the people decide on

this matter but would also like to see the hospital close the gap.

Commissioner Miller questioned if there is a time frame to commit to the referendum. Ms. Hines stated it would be August or September. He would like to see the hospital do more.

Chairman Langford appreciates the information received from Dr. Nathan. If the hospital closes, the County will need to purchase additional ambulances. He is in agreement with placing this matter on the ballot. He feels long-term care will generate additional revenue and that the sales tax is fair.

Lou Ambler stated the need for indigent care will not go away and will only amplify.

Further discussion ensued.

Commissioner Miller would like a Workshop scheduled with the DMH Board, more information and review the numbers further.

Chairman Langford commented there will need to be an Ordinance to allow this matter on the referendum and there needs to be proper notice. It was consensus of the Board to draft an Ordinance.

George Lempenau commented that Obamacare and the Affordable Care Act were not addressed; who is paying for it?

Vince Sica stated that Obamacare was never designed to pay hospitals more money. He further explained Obamacare and the effect on the hospital and county residents.

Don Conn stated he would like to work closely with the hospital in writing the Ordinance.

Ed Johnson does not believe the hospital will close and opposes placing the sales tax on the referendum due to the following reasons: declining citrus industry, county is already paying for social programs, taxpayers are presently faced with a continuing loss of ad valorem property values and taxpayers are faced with the potential expense of a new fire station and jail complex.

Commissioner Selph confirmed that the sales tax can be used for indigent care only.

5. 2012/13 Audit

Joe Welch with Purvis Gray & Company presented the results of the 2012/13 audit. Audit finds from prior year were resolved. There was one finding for the current year. The audit includes a review of the financial figures as well as the internal controls of all six entities such as, purchasing procedures; payroll, utility billing and investments and grants. It also includes review of the County's compliance with laws and regulations that have financial impact and financial fraud; which none was found. The key controls were found to be properly designed and implemented and adequate for an organization this size. Further review ensued.

Commissioner Quave questioned the "lost" 1.8 million; where was it found?

Mr. Welch stated this was an audit entry made 9-30-2011 that was a budget deficit for 2012. The County planned in the original budget for 2012 to spend 1.8 million more than the revenue that was going to be taken in. Under accounting rules, at the end of 2011 that portion should be assigned so that it is not expropriated. It was ear-marked under accounting standards for GASB. The County did not lose 2 million dollars in 2012 that was budgeted; it was only 1.1 million dollars. Ear-marked money is not available.

Mandy Hines stated that since 2011 the DOCC, in order not to raise taxes, continued to balance the budget off of the reserve or total fund balance forward. When the decision was made to increase the revenue last fiscal year for this year, which in turn helped change the restriction requirements of those funds. Mr. Welch commented that at the exit meeting one year ago, they suggested either raising taxes or cutting expenses. He feels it was a good decision to raise taxes and it needed to be done.

Mr. Welch stated that the number coming forward in the budget for beginning fund balance is not always accurate and does not feel it will be an issue in the future.

Commissioner Miller questioned the 8 million dollars in the Actuarial Accrued Liability. Mr. Welch

stated that in Florida all governmental employers are required to offer healthcare to retirees by statute. The retirees can be charged but can be no more than the premium that other employees are paying. A motion was made by Commissioner Mansfield for approval of the completed 2012/2013 Audit as presented. Seconded by Commissioner Miller. Motion carried unanimously.

6. Resolution/Budget Amendments

Linda Nipper requested approval of budget amendments 2014-89, 2014-96, 2014-101, 2014-102 and 2014-103. A motion was made to adopt a resolution amending the 2013-14 Budget including attachments. Seconded by Commissioner Miller. Motion carried unanimously.

7. Short Sale/HHRP Mortgage forgiveness

Peggy Waters presented a short sale request on an HHRP mortgage that DeSoto County holds at property located at 1779 NE Kelly Dr. This home was provided \$30,000.00 down payment assistance in 2009. Since then the homeowner is in the foreclosure process. There is currently a contract on the home for a short sale which will stop the foreclosure process and allow the homeowner to settle with the bank. The County is being asked to accept \$1,500.00 due to being the junior lien holder. Don Conn stated he felt it was best that the Board made the decision regarding this offer. Ms. Waters commented that if the Board does not accept this offer, the home will probably go into foreclosure and they will not receive anything. Mr. Conn stated that \$1,500.00 is what HUD will allow out of the proceeds that the bank will receive. Michelle Williamson commented that if more money is received from, it would have to go to HUD by law. A motion was made by Commissioner Quave to approve the short sale offer of \$1,500.00 as payment for the HHRP second mortgage on the home located at 1779 NE Kelly Drive. Seconded by Commissioner Selph. Motion carried unanimously.

8. Agreement-Amendment/City of Arcadia's Purchase of County Flush Water

Eddie Miller presented the request. A motion was made by Commissioner Mansfield to approve the second amendment to the Interlocal Agreement between the City of Arcadia and Desoto County to continue the current water charge for another 3 months. Seconded by Commissioner Miller. Motion carried unanimously.

Commissioner Mansfield questioned if at the end of the 3 months, will the City create enough water that this will not be necessary? Mr. Miller stated no, this will allow for additional testing.

9. Promissory Note/Florida Department of Transportation

Eddie Miller stated this request is regarding US 17 Phase III Utility Relocation Project. A motion was made by Commissioner Quave to approve the FDOT Promissory Note regarding US 17 Phase III Utilities Relocation project from just south of CR 760-A to CR 760-A. Seconded by Commissioner Mansfield. Motion carried unanimously.

10. Discussion-Interim / New County Administrator

Chairman Langford opened the floor for discussion regarding the process of selection of a new County Administrator. Commissioner Mansfield commented that he would like Ms. Hines to remain as Interim and to advertise for a new County Administrator. Commissioner Miller stated this is a very important time for the County and we need to take our time and do this properly. He feels if Ms. Hines is going to take on this responsibility, he would like her to be in the Administrator's office, drive a County vehicle and compensated accordingly. Mandy stated she will do what the Board believes is best for the organization. Commissioner Mansfield does not want to see a time set for Ms. Hines to serve as Interim, just for her to fill the position until a new Administrator is hired. Commissioner Selph agreed with Commissioner Mansfield and feels she should be compensated and provided a vehicle. Commissioner Quave feels confident that Ms. Hines will do what is in the best interest of the County. Chairman Langford stated the Board is confident in Ms. Hines and has an

abundance of knowledge. He would like to see her compensated for the difference in pay but feels she should stay in her current office since the position is temporary.

Mr. Conn suggested that each Board member review the position description. There are several ways that the position can be advertised and to discuss the matter with Don Kesterson. Mr. Conn suggested an agenda item for the next Board meeting to initiate review of the job description and how to proceed with advertising. Chairman Langford suggested notifying 3 other applicants that applied at the time Mr. Maxcy was hired that he feels were very qualified. Commissioner Miller would like two applicants contacted that applied for the City Administrator position recently. A motion was made by Commissioner Selph to provide the same package of benefits, pay, etc... to Ms. Hines as we did Mr. Maxcy and place her in the position of Interim Administrator. Seconded by Commissioner Miller. Motion carried unanimously.

George Lempenau requested that the Board give Ms. Hines some freedom and let her chose someone to sit in her chair.

ADMINISTRATOR'S REPORT

Mandy Hines requested approval from the Board to submit a Letter of Support to Workforce Florida for Okeechobee County to be re-designated into our workforce region. There was Board consensus 5-0.

There was a large amount of canines confiscated and are being housed at Animal Control. The canines had a parasite that is very contagious to other animals as well as people. The facility has been closed and all animals are being treated.

With the close of the Legislative Delegation, we have items in the budget. One being the US 17 Water Project funded at \$700,000.00 which bring the total of grant funding to approximately 2 million towards the project. Managed by the County for the Rodeo Association is \$500,000.00 for the relocation of the facility. There is 1.5 million dollars for Water Authority for the expansion of the treatment facility.

COUNTY ATTORNEY'S REPORT

Don Conn reported on the case relating to the animals that were taken into custody as a result of the condition of the animals. The Statute in which the case was filed under requires a hearing within 30 days. The County is seeking legal custody of the animals so that Animal Services can allow adoption. Mr. Conn commented regarding LDRs. The Planning Commission made three recommendations on the LDRs. He prepared a notebook for each Board member and explained what was included. Mr. Conn also discussed the section regarding RVs.

BOARD MEMBER COMMENTS

Commissioner Quave commented that he is saddened by Mr. Maxcy's passing. He requested to have Don Kesterson take his place as the alternate for the PRM Committee. This will allow Mr. Kesterson to attend the PRM Conference in Marco Island. Commissioner Quave also commented that he was very moved by the National Day of Prayer.

Commissioner Mansfield commented that Craig A. Smith did a great job for DeSoto County. He addressed an issue that needs to be resolved regarding individuals conducting business at the Brownville boat ramp. He questioned the status of the ditch cleaning program. Shawn Edwards commented that the ditch cleaning bucket had not been purchased. A ditch cleaning plan needs to be implemented. Commissioner Mansfield commented that Morgan Park road needs repairs and the equipment needs shelter. There is a specific area next to the bridge that needs repair. Shawn Edwards stated that he and Mike Giardullo met with the Army Corp of Engineers regarding the river bank at Morgan Park and there are certain criteria to be met. The area in question is by the big oak tree. Mr.

Giardullo stated that he is in hopes of receiving funding for materials and permits are required as well. He congratulated Mandy Hines on the Interim Administrator position.

Commissioner Selph expressed his sympathy for the Maxcy family. Guy was a friend and did a lot of good thing. He congratulated Mandy Hines on the Interim Administrator position. He feels that the community is misinformed and things get misrepresented; 1.8 million was never lost so it was never found. He hopes in the future that money will show up in the budget even if it is not accessible. The budget is not easy to understand is always changing.

Commissioner Miller commented that Mr. Maxcy was a friend and admired the strength of his family at such a difficult time. He questioned who is responsible for repairing the pothole on Hull right before the railroad tracks? He received a call from W.M. Marsh that he had a busted tire and rim due to the damaged road. The County is responsible for the repairs. He also commented that Ronald Neads made contact with him regarding roadside trash clean up. He congratulated Mandy Hines on the position of Interim Administrator.

Chairman Langford congratulated Ms. Hines on the position of Interim Administrator and will try to find a new Administrator as soon as possible. It was consensus of the Board to schedule the follow up meeting to the Community Conversations on June 4, 2014 6pm at the Turner Center Exhibit Hall. He commented that Mr. Maxcy was a friend and will be greatly missed. He is happy regarding the misunderstanding of the 1.8 million; it is not available to spend and is to cover deficiencies. He feels we can all learn from Mr. Maxcy's death that we need a personal relationship with Jesus Christ.

Commissioner Mansfield commented to thank a Vet and to thank the Supreme Court for allowing prayer to be administered in gathering like this

ADJOURNMENT

There being no further business, Chairman Langford adjourned the meeting at 11:42 AM.

ATTEST:

Mandy Hines

MANDY HINES
INTERIM ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA
Elton A. Langford

ELTON A. LANGFORD
CHAIRMAN