

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING
COURTHOUSE ANNEX – COMMISSION MEETING ROOM
AUGUST 16, 2018
3:00 P.M.
MINUTES**

Commissioners Present: Joseph Parrish – Chairman, Noah Lockley-Vice-Chairman, Cheryl Sanders, William Massey, Ricky Jones

Others Present: Marcia M. Johnson-Clerk of Court, Michael Moron-County Coordinator, Michael Shuler – County Attorney, Lori P. Hines-Deputy Clerk to the Board.

Call to Order

Chairman Parrish called the meeting to Order.

Mr. Moron read the notice that was posted for the meeting, as follows:

**NOTICE OF SPECIAL MEETING OF THE FRANKLIN COUNTY
BOARD OF COUNTY COMMISSIONERS**

Notice is given that on Thursday, August 16, 2018, beginning at 3 p.m. (ET), at 34 Forbes Street, Apalachicola, Florida, the Franklin County Board of County Commissioners shall hold a special meeting to discuss and possibly take action on the following matters:

1. Franklin's Promise Coalition's failure to execute the ESF 15 contract and remedies available to Franklin County.
2. Possible termination of Franklin's Promise Coalition's status as the ESF 15 vendor for Franklin County.
3. Possible litigation to compel Franklin's Promise Coalition, to include, but not necessarily limited to, an action for an account and audit of the donations it has received as the ESF 15 from the Lime Rock Wildfire that occurred in Eastpoint, Florida, on June 24, 2018, and a determination that its records relating to ESF 15 functions and donations are public records, and such other and further relief as the law and equity allow.

The public is invited to attend the public meeting and provide public comment.

The proposed contract is on file with, and may be viewed at, the office of the Clerk of County at the Franklin County Courthouse, which is location 33 Market Street, Apalachicola, Florida.

The meeting room is handicap accessible; however, those persons who may require special assistance to attend the public meeting must make arrangements in advance by calling

Deputy Clerk Lori Hines at 850-653-8861 x100 at least one business day in advance of the meeting.

Any person who may desire to challenge the outcome of the meeting is responsible for recording a verbatim transcript of the meeting.

Mr. Moron explained this notice was posted on the county website, emailed to the local news media, posted at the Courthouse entry and at the entry to the Courthouse Annexes in Apalachicola and Carrabelle. Attorney Shuler commented he also directly emailed this notice to Mrs. Tamara Allen, Chairwoman of Franklin's Promise. Chairman Parrish asked Attorney Shuler to explain the new public comment policy before he asks for public comment. Attorney Shuler asked that each group or organization designate 1 person to speak for the organization or group. He explained public comment will be limited to 5 minutes for organizations and 3 minutes for individuals. He asked everyone to keep their comments professional, courteous, and respectful to all persons involved. Chairman Parrish asked for public comment. Mr. Bobby Johnson, a resident of Apalachicola, stated he sent an email of concerns on June 26th about the county using Franklin's Promise as the ESF15 organization. He explained he has tried to audit Franklin's Promise in the past including their operation of the Van Johnson City Complex and he is unable to get anything from them except the IRS documents they are required to give. Mr. Johnson reported when he contacted the Emergency Management Department and asked why they were using this organization they hung up on him and he heard nothing back from them. Mr. Johnson stated it appears the Board was thinking about terminating them and now they have resigned. He agreed the Board should take them to court and make these records public because the Board is responsible. Ms. Carla Lewis, a resident of Carrabelle, reported she donated \$2,000.00 and did not receive a receipt for the payment and would like to know how the money is being spent. She expressed concern about the relationship between Franklin's Promise and the county. She recommended an audit and also an audit from the Department of Agriculture and Consumer Protection. Mrs. Teresa Howard, a resident of Eastpoint, said her brother's property was completely destroyed in the fire. She stated they appreciate everything that was done for him as he is battling a serious illness. She discussed how her brother was treated when he went to pick up items at the donation center. She explained the process was not explained before he traveled to Carrabelle and the treatment he received at the donation center was not considerate or professional. She stated the items he selected were delivered the next day. Ms. Stacy Herrington said she was a contractor at the Franklin County School at the time of the fire and she was able to clock out and go see where they could help. She reported in the first 48 hours she saw the goodness in Franklin County. She said she also saw people that residents depend on to take care of them do things that were not in the best interest of the county. She discussed problems that occurred between her and Mrs. Pam Brownell, Emergency Management Director. She stated they should not be handling funds and she feels like there should be an investigation. Ms. Herrington said she does not think the actions she saw represented all the people with Franklin's Promise. She reported the Board relied on people and trusted them to get the information to them but she does not think they received it. Ms. Herrington suggested the Board have a hearing so the truth will come out. Ms. Robin Vroegop, a resident of Apalachicola, said she has done some research and asked if someone has brought forward evidence of financial impropriety in the spending and if that is

the core issue. Chairman Parrish answered no. Attorney Shuler explained under public comment the Board members may choose to respond but are not required to answer questions but he will address the questions after public comment. Ms. Vroegop said it appears Franklin's Promise has operated in the ESF15 function for 10 years. She reported the county has been through the oil spill, collapse of the bay and questioned if there is any record in the past or is there any practice of transparency requirements to Franklin's Promise financial records. She asked if there have been any requirements for them in the ESF15 function. Ms. Vroegop referenced an Acceptance of Responsibility form in the Orange County Comprehensive Emergency Management Plan (CEMP) and asked if the county has this document. She stated it would have helped if the county had that form before this happened. She begged the Board to consider that they are in the middle of hurricane season and need to have someone ready to step in this position. Ms. Vroegop stated someone new would have to be trained and asked if the Board can wait until after hurricane season to take this action. Mrs. Tamara Allen, President of Franklin's Promise, stated for 8 years she has served as the chairman of the Unmet Needs Committee serving with the Emergency Operation Center (EOC). She reported during that time they have worked on numerous emergencies. She provided an update on the expenditures and the income from the disaster. She stated Mr. Moron was provided with a copy of the comprehensive book on all fire donations and expenditures. She went on to say there is a copy of every cancelled check and every receipt for anything that was purchased. She explained there is also a one page thumbnail summary. Mr. Moron presented a copy of the summary to the Board. Mrs. Allen reported the total contributions to the fire were \$288,757.48 and of that \$78,228.00 was collected with the online paypal account and the remainder was checks or cash. She explained the expenditures to date have been approved and directed by Mrs. Brownell and was for the purchase of 30 electric poles, an electrician to install the poles, sewer impact fees and septic tank abatement. She said they did temporary housing and trailer housing setup. Mrs. Allen reported they also did back to school for the victims' children. Mrs. Allen stated the remaining balance is \$251,819.86 and they are still waiting for an invoice from the plumber who connected the temporary travel trailers to the water system. She advised the Board they are still waiting for guidance from the Department of Economic Opportunity (DEO) about using the funds to match the Community Development Block Grant (CDBG) funds. Mrs. Allen reported there were only a few expenditures but they are all well documented. She explained every two weeks they will provide a similar summary. She stated she has personally been in charge of the donation center and described what was provided in the new home move in kits. She reported the kits were placed in the travel trailers prior to them being delivered. She explained if someone needs something they need to let someone at Franklin's Promise know and they will deliver it. She stated 5 people have permanent homes and have come to the donation center and picked out furniture. Mrs. Allen reported they are working with EOC about furniture to be delivered. She said she regrets this report was not given to the Board before now but they do not have the staff to do some of the things that they are doing and they are using volunteers and it is very slow. She apologized for being out of town when this occurred and said she did not know until later. She offered to answer any questions. Ms. Susan Bassett, a resident of St. George Island, said she is a Board member with Franklin's Promise and asked if she is allowed to speak. Chairman Parrish said no;

as they had a designated representative speak. He explained one representative is allowed to speak for 5 minutes and Mrs. Allen spoke for Franklin's Promise. Ms. Bassett reported she and Ms. Beth Brinkley, Franklin's Promise Board Member, are present if there are any questions. Mrs. Brownell reported the Board got the email from Franklin's Promise resigning as the ESF15. She stated Ms. Vroegop is correct that Franklin's Promise has acted in this capacity for 10 years since the Red Cross stepped down. She reported the alternative for the Board to consider is the Franklin County Community Emergency Response Team (CERT). She explained CERT is activated by their office when a local state of emergency exists or it is requested from another agency and they can work under EOC as the ESF15. She explained Attorney Shuler would need to complete the 501.3(c) paperwork and open an account for disasters. Mrs. Brownell reported CERT would need an account because they also do fundraisers and there is a grant. She said Mr. Moron would be a signer on the checks with her and Mrs. Jennifer Daniels, Emergency Management Department. She reported Mr. Tim Keith Lucas could be an alternate if someone from her office was not available. She explained this way the Board would have total control of the money. Chairman Parrish stated there are no allegations of misappropriated funds. He said Franklin's Promise is under the ESF15 which is under the EOC Director which puts Franklin's Promise under the umbrella of the county. Chairman Parrish pointed out if Franklin's Promise received donations not as part of the ESF15 then how they spend it is up to them. He went on to say what they do with their donations under the ESF15 is under the umbrella of the county and must be audited. He explained Franklin's Promise must conform to the audit and it must be prepared in the same way as it is done by the county. He stated where the discrepancy comes in is Franklin's Promise is a 501.3(c) organization and ordinarily does not have to make their records public. He reported when donations are made under the county's umbrella then the people making the donations expect a check and balances system to be in place because the county is responsible and will be audited. Chairman Parris said the Board had the attorney draw up a contract and that is all they asked for so there would be an audit of the funds and the Board would have some accountability and transparency. He repeated there are not allegations of money being spent wrong or someone doing something wrong. He reported that is not the purpose of the meeting or the purpose of the contract. Attorney Shuler stated the Board was given an agenda that has recommendations for the Board to consider. He said instead of Franklin's Promise signing the agreement that provides the accountability and transparency for the donations that were made for the Limerock Fire, they have tendered a resignation of that function as an ESF15 and whatever other offices they are occupying under the county's Emergency Management Plan (EMP). He said Franklin's Promise also intends to retain the monies they received under the umbrella of the county. He stated there was not a check or any mention of providing it to the county so it could be given to the replacement ESF15. Commissioner Sanders questioned if Franklin's Promise is required to hand the money over to the new ESF15 if the Board chooses to do that. Attorney Shuler answered they do not intend to, unless he misread their letter. He explained he does not see any representation on their part that they are going to turn over the funds to the county to give to the replacement ESF15 who would be working under the Emergency Management Director. Commissioner Sanders stated she is disappointed because the ESF15 is under the umbrella of the County Commission and it concerns her that because the County Commission asked for accountability

on those monies this happened. She said she does not understand because when this first came up at the first meeting in July she and Commissioner Lockley echoed that 100% of the money given as donations must be spent on the Eastpoint fire victims and she thinks the whole Board concurred. She explained the Board is being treated like this because they asked for accountability, transparency and a weekly report provided to the County Coordinator. She said every day people are asking them about the money and how it is being spent and the only way to know is to have a report. Commissioner Sanders stated she is very disappointed that the Board as a government asked for accountability and now the ESF15, which she had high regards for, feels like they have to resign. She said that is a sad situation for Franklin County. Commissioner Lockley reported he does not understand and this is not right. He explained the county had an emergency and the ESF15 and the Sheriff's Department took donations and that is why they are there. He explained they should have known 10 years ago when they signed up that this fell under the umbrella of the county. He stated there are different parts of Franklin's Promise and the Board has nothing to do with Franklin's Promise as themselves but when they signed up as the ESF15 it is different and under the county. He said the Board is responsible and will be audited. Commissioner Lockley stated he heard some things today he does not like and said everyone should be professional. He reported the county staff does not need to talk to anyone that way and the ESF15 should not either. Commissioner Lockley explained when they decided to resign that was fine but they need to turn everything back over to the county. He said a check should have been included with the letter. He questioned why Franklin's Promise does not know this after 10 years. He reported they are not accusing anyone but there are rules and regulations the county and the people they supervise must follow. He went on to say if they did not want to follow the rules then they should not have said they would. Commissioner Jones said he has been amazed at how everyone has come together, the strength they have had, the resiliency they have shown and the need people have faced. He referenced a comment made by Chairman Parrish to the crews that were cleaning up-if you get to a point where you are disagreeing or don't feel good and are about to get mad, then sit aside and think of the reason why you are doing it and do it for the right reason. He explained when people asked if the county had any way to receive funds for the Eastpoint fire, he told them yes to Franklin's Promise. He explained in his mind all the people that donated money were giving it to the county to take care of and know it would be given on behalf of the fire victims. He said no one ever told him this was wrong and he was there from day 1. He reported this is where the disconnect is coming from. Commissioner Jones said Franklin's Promise is a 501.3 (c) and he understands they collect donations on their own but when they received an earmarked donation that is where it should go and that is all the Board is asking for. He stated he thinks they can work something out but he is disheartened that the letter resigning was drawn up. Commissioner Massey commented he is just sad.

The meeting recessed at 3:50 p.m.

The meeting reconvened at 3:59 p.m.

Attorney Shuler presented the following recommendations for the Board:

RECOMMENDATIONS FOR BOARD CONSIDERATION

- i. Reject the resignation letter from Franklin's Promise Coalition dated August 15, 2018.
- ii. Send a demand letter to Franklin's Promise to deliver the Lime Rock fire donations that they received as the ESF 15 vendor for Franklin County.
- iii. Terminate Franklin's Promise as the ESF15 and all other roles under the county's emergency management plan for cause due to their willful refusal to provide Franklin County with the oversight and transparency required by the county in the contract provided to them. Copy attached.
- iv. Notify all relevant federal, state and local agencies of the termination for cause and that Franklin County no longer recommends making donations to Franklin's Promise Coalition.
- v. Reallocate funding from Franklin's Promise to another entity identified by Franklin County
- vi. Authorize litigation against Franklin's Promise to include, but not necessarily be limited to:
 - a. An injunction preventing Franklin's Promise from spending the Lime Rock Fire donations; and,
 - b. Ask the court to compel Franklin's Promise to deliver the ESF15 donations to the replacement ESF15 vendor identified by Franklin County; and,
 - c. Ask the court to declare that all records of Franklin's Promise related to its functions as Franklin County's ESF15 vendor are public records to allow for an audit; and,
 - d. Ask the court to compel an accounting of all the ESF15 donations received and expended by Franklin's Promise.

Attorney Shuler offered to answer any questions. Chairman Parrish asked if there are any Board members that do not agree with the recommendations of the attorney and said if there are, would they please identify which recommendation they do not agree with and why. Commissioner Sanders read Item i. and asked what the terms of the contract are with EOC and Franklin County as the ESF15. Attorney Shuler explained that consists of this document but he does not have the other elements of the EMP relating to the other functions they were performing because they were focusing on the donations to the ESF15. He explained the agreement is 7 pages long written in general terms and said basically they would receive and manage donations during declared emergencies and manage the volunteers. Commissioner Sanders stated she would like to know when the contract is up. Attorney Shuler said he does not think there is an expiration date. Chairman Parrish referenced Item i. and said if the Board accepts the resignation letter then they accept the conditions which does not allow Franklin County to retain the funds to turn over to the next ESF15 and that is why Attorney Shuler is

making this recommendation. Commissioner Lockley reported they cannot resign from part. He said government must follow orders and regulations and it passes down but it is different in the private sector. He reported the county must follow the regulations because they are audited and the public should see where their donations went. He explained Franklin's Promise cannot resign and then keep the money. He questioned who would be accountable and how the county will know where the money was spent. Commissioner Jones asked if the Board takes the recommendations would the first two items occur today and the others would be future actions. Attorney Shuler explained the Board can do all the recommendations today or do part and address the others at the regular meeting. Commissioner Jones clarified the timeline and asked if Attorney Shuler is only recommending the first two today and the others at a future time. Attorney Shuler stated he has it set up so the Board can act on all the recommendations today but the Board can choose to act on the first two and then address the others at the meeting next week. Chairman Parrish said this meeting was called to take action and he is not comfortable taking partial action and then dealing with it again at the Board meeting on Tuesday. He reported the litigation should be done tomorrow and the county should apply to the court to get an injunction and stop any money from being spent until it is ruled on by the courts. He explained all the Board asked for was Franklin's Promise to sign a contract so it would be public record. Chairman Parrish stated people are expecting the Board to provide oversight and to be audited. He said he would like to see all the recommendations move forward. Attorney Shuler clarified the Board feels the functions of Franklin's Promise as it relates to their activities under the county's EMP is what they view as being a public record but activities that are not related to Emergency Management are not a public record. Chairman Parris reported the Board asked for a separate account so the funds would not co-mingle and they said that cannot be done. He said all the funds from Franklin's Promise are co-mingled with the funds that were donated from the Limerock Fire. Multiple representatives from Franklin's Promise responded that is not true. Chairman Parrish said that is his understanding and asked if it is factual. Attorney Shuler commented the county does not know because they do not have their records. **On motion by Commissioner Lockley, seconded by Commissioner Sanders, and by unanimous vote of the Board present, it was agreed to take all the recommendations of Attorney Shuler and put them into action.** Attorney Shuler commented it was mentioned that the contract was given to Franklin's Promise on late notice and they were only made aware of this on July 24, 2018 when they received an email from the EOC Director but stated a representative of Franklin County met with Mr. Joe Taylor, Executive Director of Franklin's Promise, and the EOC Director in advance of the July 3, 2018 meeting where the contract was publicly discussed and voted on. He explained Franklin's Promise has known about this contract and the terms and conditions since prior to the July 3, 2018 Board meeting. Attorney Shuler reported Mr. Taylor and Mrs. Allen were both present at that Commission meeting on July 3, 2018. Commissioner Sanders pointed out at that July 3, 2018 meeting both she and Commissioner Lockley and the rest of the Board said 100% of the money goes to the people in Eastpoint. Commissioner Sanders explained if people do not understand why they are taking this action it is because when the fire happened there were 3 Commissioners that had to go to a conference in Orlando and when they got there they were asked by people from all over the state where to send money. She reported the majority of

that money was donated because people trust the Commissioners to tell them to give the money to Franklin's Promise because they knew the people would be taken care of. She said this is why it is such a disappointment because it did not happen like it was supposed to happen. She stated she didn't think anyone could surprise her but they can and her heart is sick. Attorney Shuler stated in the resignation letter tendered by Franklin's Promise yesterday they said they are not taking any administrative fees out of the wildfire donations. He said late Tuesday they were circulating a draft to their members of a written counter proposal but the county never received the official document. He reported the document contained language that they would not be taking any administrative fees out of these donations. Commissioner Sanders reported when the county has an accounting of the money then there should not have been any administrative fees taken out of the \$288,757.48. Attorney Shuler said that is his understanding. Commissioner Sanders stated they will expect it. Commissioner Lockley asked if Franklin's Promise has resigned from everything. Attorney Shuler reported the Board has not accepted the resignation. Commissioner Lockley explained they are part of the food bank and said that is a part of it. Attorney Shuler said that was not included in the letter and it just relates to their activities under the county's EMP. Commissioner Lockley said he wants it to be for the food bank too because they have moved the food bank to Eastpoint. Attorney Shuler advised Commissioner Lockley this is a special meeting of the Board and they can discuss any subject but cannot take action outside of what they scheduled the special meeting for. Commissioner Lockley reported he is hearing the food bank has been moved to Eastpoint and people are concerned because they do not have transportation to get there. He explained volunteers who go to help prepare the bags have to go there and they said it is going to be a hardship because they are on fixed incomes and have to pay for gas. He said it should stay like it was set up before with one in Apalachicola, one in Eastpoint and one in Carrabelle. Commissioner Jones reported he thinks they just moved the office not the food pantry in Apalachicola. He explained there was some problem with their lease with the City of Apalachicola so they moved the office to the school district.

Adjourn

There being no further business to come before the Board, the meeting was adjourned at 4:20 p.m.

Joseph A. Parrish - Chairman

Attest:

Marcia M. Johnson - Clerk of Courts