

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING
COURTHOUSE ANNEX – COMMISSION MEETING ROOM
NOVEMBER 19, 2018
1:30 P.M.
MINUTES**

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

Others Present: Michael Moron-County Coordinator, Alan Pierce-RESTORE Coordinator, Michael Shuler – County Attorney, Lori P. Hines-Deputy Clerk to the Board.

Chairman Parrish called the meeting to Order.

Chairman Parrish stated there are two items on the Agenda and the Board will address the first one, as follows:

1. Discuss and possibly take action on CDR Maguire's contract. CDR Maguire serves as the County's Emergency Management FEMA consultant.

Chairman Parrish reported CDR Maguire serves as the County's Emergency Management FEMA consultant. Attorney Shuler stated the Chairman has some questions on Item #1 that he would like answered concerning the possible effect of the termination of the contract as it relates to FEMA reimbursements. He reported neither he nor Mrs. Pam Brownell, Emergency Management Director, have answered the questions so Chairman Parrish has indicated he would like to table Item #1 and if the questions are answered by tomorrow morning then the Board will address this issue tomorrow morning. **Commissioner Sanders made a motion to table this matter until tomorrow morning. Commissioner Jones seconded the motion.** Commissioner Jones asked if they will know the answers tomorrow morning. Attorney Shuler said if not they will have to continue to defer or take action without the questions being answered. He reported Mrs. Brownell will speak with some private contacts and state agencies and get some input on the questions. **Motion carried; 5-0.**

Commissioner Lockley reported some of the companies are moving out and he still sees a lot of debris. Mrs. Brownell pointed out anything along the state right-of-way will be handled by the Department of Transportation (DOT). She said there are still some hot spots that have to be picked up. She went on to say the county contractors have already done the second pass and are working on the third pass for places that were missed or where additional debris was put out. Commissioner Lockley said there is still a lot of debris on the streets. Mr. Pierce commented if the debris has not been picked up then it may be on private property. Commissioner Lockley stated the debris is on the sides of the roads and avenues. Mrs.

Brownell reported she will have the city's contractor recheck the areas. She explained most of the debris was cleaned up but some people have put out more items since the second pass. Commissioner Lockley said some of the big trees were cut up but not removed. Mrs. Brownell stated one neighbor did not want the trees taken. Mrs. Brownell explained when they start the final pass they will go zone by zone from west to east. She stated this will be discussed today with Mr. Fonda Davis, Solid Waste Department Director. She reported they will go street by street and once everything is clean in that zone then they will move to the next zone. She explained after they complete a zone then they will know that anything else that is put out will not be eligible debris. Commissioner Sanders said the items on Highway 67 have been there since the storm. Mrs. Brownell reported the contractor will get there and is aware of the debris. Commissioner Lockley stated the contractors are picking up debris today but they are not going to be able to get all of it. Commissioner Jones explained there is not enough roadside for all the debris so the contractor could make three passes and not get all the debris. He explained if there is nowhere to stack the debris then they can only put out so much. Commissioner Jones reported there were a lot of trees down in this storm and people are working every day after work but still do not have all the trees out to the roadside. Chairman Parrish asked if this is coming up on Mrs. Brownell's report tomorrow. Mrs. Brownell answered yes. Chairman Parrish said he asked for this to come up Tuesday morning so each Commissioner could tell what is going on in their district before they release the contractor. He reported this item is not on the agenda today. He suggested each Commissioner review their district so they can discuss it in the morning and decide if they want to release the contractor or if they are to continue working. Chairman Parrish said in talking with some of the other counties the contractors make 3 passes. He stated the county's contractor was going to make 2 passes but there is still debris remaining. He said the Board can address this item in the morning.

Mr. Moron read the following item on the Agenda:

2. Interview and possibly select a firm for Professional Executive Administrative Services for the Franklin County Tourists Development Council and Operation of the Eastpoint Visitor Center. Interviews and a selection will be made from the responses to the Request for Competitive Solicitations that were opened and read aloud at the Franklin County Board of County Commissioners special meeting held on Monday, October 29, 2018.

Mr. Moron stated he received an email on November 13, 2018 from Ms. Laura Graham, Forgotten Coast Management Services, Inc., and she has withdrawn from the process. Mr. Moron reported Ms. Ann Howard, Ann Howard Marketing & Media, is running late and asked if the Board would consider calling her if she does not get here in time for her interview. Commissioner Sanders responded no. She stated she does not like the idea as the individuals had time and knew the interviews were today. Commissioner Sanders said this is wrong and not the way to do business. Chairman Parrish asked Attorney Shuler to provide the Board with their options for interviewing the applicant over the telephone. Attorney Shuler advised the Board to put Ms. Howard at the end of the interview process to give her time to appear. He explained if they get to the point where a decision has to be made as to whether or not to allow

her to appear by telephone then he may need to review the motion to schedule the interviews. He said he does not remember it being mandatory that they be present but it was probably not addressed. Attorney Shuler reported there is not a legal prohibition against it but it will be a Board decision on whether or not to allow her to interview by phone. Commissioner Sanders stated she is not against having her at the end of the interview process but the other companies are here and it is not fitting to allow a telephone interview to be done. Attorney Shuler explained when the Board begins the process of the oral interview and question and answer session no one from the public should be present other than the applicant who is speaking or representing the entity. He reported this will be a non-public session of the special meeting. He went on to say once the interviews are complete then everyone will come back in for the Board's discussion on how they want to proceed with ranking the applicants or disqualifying any applicants. He reported once the applicants are ranked 1-4 then the Board will direct someone of their choosing to begin the negotiation process with the number one ranked firm. Attorney Shuler explained if the negotiations are unsuccessful then the Board will move to the number two applicant and proceed on until they are successful in negotiating a contract. Commissioner Lockley stated they have interviewed people since he has been on the Board but he does not like how this one was done. He said there was no fairness in the way this was done and it is not right. **Commissioner Lockley made a motion to move this position in house. Motion failed for lack of a second.** Commissioner Sanders agreed and said this process was tainted from the first day. She stated at the same time in fairness she thinks they need to go through the interview process and the Board needs to come together and decide how to approach it. She reported this is her last meeting and she wants due process to take place. Commissioner Lockley agreed he is fine with that. Attorney Shuler reported Mr. Moron handed him a stapled package and Ms. Howard was the first page so he suggests they skip her and follow the same order. Chairman Parrish discussed the process being tainted and said the Board has readvertised 3 different times and have 3 duly qualified applicants that are here and want to proceed. He said he is ready to move on as this has already gone on too long. Chairman Parrish said to put Ms. Howard at the end of the process and get started. Commissioner Sanders stated the Board wanted them to go back and make a checklist because some of the applicants did not include some items. She questioned if the Board can still consider these applicants and how it weighs out in the process. Attorney Shuler stated the first 2 applicants submitted everything, the third applicant was missing 3 mandatory items but has withdrawn from the process, the fourth applicant had optional items that were not included but that is not a reason for disqualification, and the final applicant included everything. Attorney Shuler advised the Board in his opinion the Board can move forward with the 4 applicants that are remaining. He explained the Board is referring to the tainted process and he assumes that is the information that the applicants' responses to the RFQ were made public. He reported the remedy he suggested was asking the applicants if any of them received and reviewed the applications in round 2 of the process. He explained 2 of the TDC members honored what they thought was a valid public records request. He reported none of the individuals that received the information have applied and are not included in this round of applicants. He suggested the Board ask if any of the applicants received copies of the responses from other applicants in round 2. Chairman Parrish said all of the applicants are duly

qualified so the Board does not have to review the checklist. Attorney Shuler suggested the Board use the checklist order as the order to interview the applicants by if they would like to. Chairman Parrish reported the Board can go by the list on the I-Pads and the first one is Ms. Howard and they will add her at the end. Attorney Shuler stated all members of the public other than the applicants must leave the room. He reported the statutory authorization for this process is located in Florida Statute 286.0113(2). All members of the public left the meeting. Chairman Parrish asked if the incoming Commissioner is still considered the public. Attorney Shuler answered it is the law and he must leave. The Board interviewed the following applicants:

Apalachicola Bay Chamber of Commerce

Forgotten Coast Creative

D. Davis & Associates of Franklin

At this time the public was invited back into the meeting. Chairman Parrish stated the Board will address the issue of Ms. Howard wanting to conduct her interview via telephone. He explained she knew to be here for her interview and she is not here so it is the pleasure of the Board. Commissioner Sanders said not to accept this because it is not fair to have an interview process here and Mrs. Howard wants a telephone interview. She reported if Ms. Howard was an elected official then there might be something in the statutes about that but she does not think this is right. Commissioner Jones agreed. He explained they were supposed to do interviews last week but the voting recount delayed the meeting. He stated the meeting was duly advertised for today. Commissioner Lockley asked why she could not be here. Mr. Moron said she had another engagement that was already scheduled. Attorney Shuler stated if the Board does not want to interview by telephone then they can just rank the applicants as they see fit and rank Ms. Howard where the Board sees fit to rank her. Commissioner Lockley asked if they are ranking the applicants today. Attorney Shuler answered yes, and explained the end of the process is for the Board to rank the applicants and start negotiations with the #1 ranked applicant. Chairman Parrish asked if they will write down their ranking. Attorney Shuler said the Board can do this in writing or verbally. Commissioner Lockley said he would like to know if Ms. Howard had a doctor's appointment. Mr. Moron stated Ms. Howard emailed and questioned what would happen if she could not make it on time for the interview. Attorney Shuler reported if the Board wants to interview her by telephone then the public will need to leave and the Board would conduct a telephone interview. He went on to say if they do not want to interview her by telephone then the Board would move to the next step of publicly deliberating and deciding how they want to rank the applicants. **Commissioner Sanders made a motion not to conduct a telephone interview with Ms. Ann Howard. Commissioner Jones seconded the motion.** Commissioner Jones clarified it has been an hour or close to two hours since the meeting started. Commissioner Lockley said he would still like to know if she had a doctor's appointment. **The motion passed by the following vote of the Board:**

AYE: SANDERS, JONES, PARRISH, MASSEY
NAY: LOCKLEY

The meeting recessed at 3:17 p.m.

The meeting reconvened at 3:25 p.m.

Chairman Parrish questioned if each Board member should write down their rankings and then discuss their reasons for the ranking. Attorney Shuler reported the Board has flexibility and can debate and see if there is a consensus on who is ranked #1. He went on to say if they reach a consensus on #1 then they vote and move on until all the firms are ranked. He stated the Board could also rank the firms on a sheet of paper but if it is written then it must be signed and dated so they have it for the record. Attorney Shuler said it is a Board decision on how they move forward. Commissioner Sanders questioned what will happen if they are not clear about what they want. She reported they went through the interview process. She explained she is fair and honest in everything she does and she agrees with Commissioner Lockley that the whole process had a problem from the beginning. Commissioner Lockley agreed.

Commissioner Sanders reported they would not serve the people of Franklin County fairly if they made a decision on any of the applicants that applied. She reported they have a very good opportunity to push the tax dollars over what they had in the past. Commissioner Sanders stated they have an opportunity to market Franklin County and she has realized being the Chairman of TDC that TDC is one of the important economic drivers of the county. She explained unless they open it up and look at all aspects then they will do a disservice to the county. Commissioner Sanders said they have the potential to make a lot of tourist tax dollars over the next couple of years. She stated at the last TDC meeting they discussed not creating new jobs since Hurricane Michael but just trying to sustain what they have here. She reported this Board was trying to make a decision before she leaves office but they do not have enough time. **Commissioner Sanders made a motion to direct Mr. Moron to go out and look at the other counties and how they operate in house and out of house and see what we can do and what is the best fit.** She stated right now any vote is going to be tainted. Commissioner Sanders explained it will take Mr. Moron about a month or two to conduct this research and during that time she would like to continue Mr. Blair's contract for administration of the TDC. She said if they take a vote now she is concerned it will not be a fair vote. **Commissioner Sanders amended her motion to include rejecting all bids and keeping Mr. Blair under a month to month contract until Mr. Moron can come back to the Board with the information.** She explained then the Board can make a decision about continuing with the process of ranking the applications. She asked Attorney Shuler if this is possible. Attorney Shuler answered incoming Commissioner Bert Boldt, II has not participated as a Commissioner in the interview process so he would not be able to rank the applicants so that will not work. He went on to say there are 4 Board members that did interview but you would have to exclude Commissioner Boldt from the ranking process. Commissioner Sanders reported one of the applicants knew about the applications and Attorney Shuler knew about it because he called her since she is the TDC Chairman. She stated she does not feel right about ranking the applicants. Commissioner

Sanders reported one applicant withdrew and they do not know why and one could not be here for the interview. She stated the Board was specific in saying they wanted 5 applicants and they interviewed 3. Commissioner Sanders commented it is a tainted process. She reported this is her last vote on the Board and her vote has not been tainted in 20 years and she will not have it tainted today. Attorney Shuler suggested if the Board wants to move forward as Commissioner Sanders has stated then they should reject all bids and then when they decide what they want to do move forward from there. Commissioner Sanders said she was going to include that in her motion because the process was tainted from the beginning. Commissioner Jones reported his only reservation with doing as suggested is as far as he knows whoever is hired will be the TDC Administrator. He went on to say if they make this a county position then how will the administrator be subject to the TDC when they will be subject to this Board as a county employee. Commissioner Jones said this is his real problem with the in house position. Commissioner Lockley stated the TDC is subject to the Commissioners whether it is in house or out house. He reported he said the same thing in the beginning and it was voted down. Commissioner Sanders explained she did not second Commissioner Lockley's motion because she felt like the Board owed the applicants an interview after they applied three times. She reported this is nothing to do with the applicants but with the process. She questioned if what they are doing is legal because it still said the TDC would have a say in the process. Commissioner Massey agreed with Commissioner Lockley and said the Board is still over the TDC no matter what. Chairman Parrish stated the Board discussed the in house or out house months ago and they decided not to bring it in house and now today the issue is coming back up again. He said if they do not select a TDC Administrator then what are the applicants and the public going to think because the process is still tainted and will be from now on. He reported no one on this Board did anything to taint the process. Commissioner Parrish stated if this process is delayed 6 months people will still think it is tainted so where does it end. He explained these applicants have applied 3 times and he thinks the Board needs to make a decision. He stated if this does not move forward with someone today then he will oppose it. Commissioner Sanders reported in the future the Board needs to double check things because this has been nothing but a problem. Commissioner Parrish stated it is nothing the Board has done. Commissioner Sanders agreed they were not involved but are in the middle of it. **The motion failed for lack of a second.** Commissioner Jones asked if the Board should rank the applicants. Attorney Shuler reported if the Board wants to move forward then they can rank the 4 applicants. He explained 1 of the applicants did not interview and the Board will weigh that as they failed to appear for the interview and how that will affect the applicant in the ranking. He stated the process is to rank the applicants 1-4 and then negotiate with the number 1 applicant. He reported if the Board is unsuccessful in negotiating with the number 1 applicant then they terminate the negotiations with the number 1 applicant and move to the number 2 applicant and then follow the procedure until they successfully negotiate a contract. Attorney Shuler said any contract would be brought back to the Board for their consideration. He stated if the Board cannot negotiate a contract with any of the 4 then they will start the process over. Chairman Parrish stated regardless of what the Board decides he feels like all the applicants are duly qualified and met the criteria. Attorney Shuler clarified the taint referred to mainly has to do with 2 TDC Board members during this process releasing to certain individuals

the responses to the Request for Proposals. He reported the Board addressed this at a public meeting and the cure he recommended and the Board accepted was to ask every applicant the same question about whether they or anyone in their agency received copies of those prior responses. He stated all of the applicants answered that they did not have anyone else's information and some did not know this had occurred until the Board discussed it publicly. Attorney Shuler said he is satisfied that the Board is acting lawfully. Commissioner Lockley inquired about the process for ranking the individuals. Attorney Shuler explained procedurally the Board can choose how to move forward with ranking the applicants 1-4 by either discussion or a paper vote. He reported the Board must reach a consensus on which the number 1, 2, 3 and 4 applicants are. Chairman Parrish said this is not going to be an easy decision. Commissioner Lockley discussed his feelings about the applicants. Commissioner Massey asked for paper ballots for the Board to vote. Attorney Shuler directed Mrs. Barfield to prepare ballots for the Board. He discussed the process of ranking the applicants and said the ballots will be signed by the Commissioners. The ballots were presented to each Commissioner and each Commissioner ranked the firms. Attorney Shuler stated the ballots are signed by the Commissioners and are a public record. Attorney Shuler and Mr. Moron tallied the ballots. Attorney Shuler reported there is a majority vote on number 4 and that is Ann Howard Marketing & Media Management. He stated 4 out of 5 Board members ranked Forgotten Coast Creative number 3. Attorney Shuler explained the votes are split between The Apalachicola Bay Chamber of Commerce and D. Davis & Associates of Franklin so there is not a majority vote for number 1. He explained the Board can have further debate about the 2 candidates or vote on the 2 candidates. Chairman Parrish reported the Board should just vote on the 2 candidates. Mr. Moron said the ballot has D. Davis & Associates and the Apalachicola Bay Chamber of Commerce. The ballots were presented to the Board and the Board voted. Mr. Moron and Attorney Shuler tallied the ballots. Attorney Shuler announced D. Davis & Associates of Franklin was ranked the #2 applicant and the Apalachicola Bay Chamber of Commerce was ranked the #1 applicant. Chairman Parrish asked if it is necessary to announce how each Commissioner voted. Attorney Shuler stated it is a public record so anyone can get copies. Attorney Shuler reported Commissioner Sanders and Commissioner Massey ranked D. Davis & Associates of Franklin County #1 and Commissioner Jones, Commissioner Parrish and Commissioner Lockley ranked D. Davis & Associates of Franklin #2. He stated for the Apalachicola Bay Chamber of Commerce Commissioner Massey and Commissioner Sanders ranked them as #2 and Commissioner Jones, Commissioner Parrish and Commissioner Lockley ranked them #1. Attorney Shuler said Commissioner Jones, Commissioner Lockley, Commissioner Sanders and Commissioner Massey all ranked Ann Howard Marketing & Media Management #4 and Commissioner Parrish ranked her #2. He reported Forgotten Coast Creative was ranked #1 by Commissioner Jones on the first ballot and #3 by Commissioner Lockley, Commissioner Parrish and Commissioner Sanders on the first ballot. Chairman Parrish asked what the Board needs to do next. Attorney Shuler said the Board needs to direct someone to begin negotiations with the #1 ranked firm. **Commissioner Jones made a motion to direct the committee to move forward with negotiations with the #1 ranked applicant for TDC. Commissioner Lockley seconded the motion.** Attorney Shuler asked who will negotiate for the Board. Commissioner Jones said the same ones Mr. Pierce, Mrs. Barfield and Mr. Curenton. Commissioner Lockley

asked Attorney Shuler to announce the ranking. Attorney Shuler reported the Apalachicola Bay Chamber of Commerce is ranked #1, D. Davis & Associates of Franklin is ranked #2, Forgotten Coast Creative is ranked #3 and Ann Howard Marketing & Media Management is ranked #4. Commissioner Lockley asked how long it will take for the committee to report back to the Board. Attorney Shuler said it is up to the Board but he would not make it too short of a time. Mr. Moron suggested the second meeting in December. Commissioner Jones agreed this will be good since Mr. Blair's contract goes until the end of December. **Commissioner Jones amended his motion to include the committee reporting back by the second meeting in December. Commissioner Lockley amended his second. The motion passed by the following vote of the Board:**

AYE: JONES, LOCKLEY, MASSEY, PARRISH

NAY: SANDERS

There being no further business to come before the Board, the meeting was adjourned at 4:10 p.m.

Joseph A. Parrish - Chairman

Attest:

Marcia M. Johnson - Clerk of Courts