

AN ORDINANCE OF THE COUNTY OF FRANKLIN, STATE OF FLORIDA, PROVIDING FOR THE PAYMENT OF ATTORNEYS FEES AND ALL COSTS OF DEFENDING A CERTAIN CIVIL ACTION BROUGHT IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA, TALLAHASSEE DIVISION, FILE NO. TCA 76-139, ENTITLED JOHN STOCKS AND GENE D. BROWN, INDIVIDUALLY, d/b/a AND ON BEHALF OF LEISURE PROPERTIES, LTD., A FLORIDA LIMITED PARTNERSHIP, VS. CECIL VARNES, I.D. WADE AND WILLIAM HENDERSON, INDIVIDUALLY, DEFENDANTS.

ORDINANCE # 76-8

FRANKLIN COUNTY, FLORIDA

Whereas, John R. Stocks and Gene D. Brown, individually d/b/a and on behalf of Leisure Properties, LTD., a Florida limited partnership, as plaintiff, instituted and filed Tallahassee Civil Action 76-139, the same being filed in the United States District Court for the Northern District of Florida, Tallahassee Division, against Cecil Varnes, I.D. Wade, and William Henderson, individually defendants, and

Whereas Cecil Varnes, I.D. Wade and William Henderson are three of the five members of the Board of County Commissioners of Franklin County, Florida and

Whereas the law suit falsely accuses the named Commissioners of entering into an agreement with plaintiffs for the development of St. George Island, including a development of regional impact, and of conspiring to bankrupt the plaintiffs, and

Whereas, the plaintiffs, in the aforesaid action falsely accuse these Commissioners of violating the Civil rights of Stocks and Brown, and of discrimination against others who are not residents or voters of Franklin County, and falsely accuse these Commissioners of malicious interference with plaintiffs' business, and falsely charge these Commissioners with holding illegal secret meetings, and

Whereas, further, Stocks and Brown sued these Commissioners for damages of three million dollars each, based upon the various false charges and accusations made by Stocks and Brown in the above action; and

Whereas, further, these Commissioners are innocent of the charges, and

Whereas the aforesaid action was filed against these Commissioners maliciously and without probable cause to believe

the charges could be sustained, and with the intention of injuring these Commissioners, and to coerce these Commissioners and the Board of County Commissioners of Franklin County, Florida, and

Whereas, further, the action was used and intended to coerce the defendants and prevent or hinder the Board of County Commissioners of Franklin County, Florida from carrying out its official duties relating to St. George Island and particularly to the proposed developments of the plaintiff's, and

Whereas, the action was intended to prevent or hinder these Commissioners and the Board of County Commissioners of Franklin County from regulating the development of Stocks and Brown on St. George Island and cause the Board of County Commissioners of Franklin County, Florida to permit dense unregulated development of St. George Island, and to prevent the Board of County Commissioners from regulating such development to prevent the pollution of the Apalachicola Bay, and

Whereas, these Commissioners and the Board of County Commissioners of Franklin County, Florida have acted properly and in good faith in the discharge of their duties as County Commissioners, in the matters complained of by Stocks and Brown, and otherwise, and

Whereas, the Board of County Commissioners, and Franklin County, has an interest in seeing that its officials are able to discharge their duties without being coerced in this manner, and it would be unfair and an insupportable burden for these Commissioners individually to bear the expenses of defending this suit, to which they would not have been subjected except for their good faith efforts to perform their official duties, and

Whereas, the Board of County Commissioners, the County, and the public has a vital interest in maintaining the independence of its public officials, and if the Board of County Commissioners fail to stand up to the pressures of powerful private interests by defending these Commissioners, this will expose them to pressure and coercion, and inhibit them in the performance of their duties.

It is therefore necessary and proper, in order to promote the public interest and for the health, safety and welfare of the

people of Franklin County, Florida that the Board of County Commissioners of Franklin County, Florida pay attorney's fees and other costs for the legal defense of Cecil Varnes, I.D. Wade, and William Henderson in Tallahassee Civil Action 76-139 in the United States District Court for the Northern District of Florida, Tallahassee Division. This ordinance is accordingly enacted.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, that the Board of County Commissioners of Franklin County pay attorney's fees and such other costs as the Board of County Commissioners may from time to time deem proper for the defense of Commissioners Cecil Varnes, I.D. Wade and William Henderson, in Tallahassee Civil Action 76-139, in the United States District Court for the Northern District of Florida, Tallahassee Division.

The Board of County Commissioners of Franklin County, Florida is authorized to pay such fees and expenses in the same manner as all other expenses of the said Board, and may take such other and further action as it may deem proper for the defense of Tallahassee Civil Action 76-139 by a majority vote of said Board.

This Ordinance adopted in open session this 18th day of January , 1977 , after notice of intent to consider such an ordinance has been made and kept in the Ordinance Book of the Clerk of this Board for at 15 days exclusive of Sundays and legal holidays, and the title and substance hereof published according to law in the Apalachicola Times, a newspaper of general circulation within the County.

THE BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY.

By: Cecil Varnes
Its Chairman

ATTEST:

Robert L. Howell
Clerk

(SEAL)