MINUTES OF THE REGULAR MEETING OF
THE ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS

OCTOBER 20, 2022

Present: Commissioner Jeffrey W. Bergosh, Chairman, District 1
Commissioner, Douglas B. Underhill, Vice Chairman, District 2
Commissioner Steven L. Barry, District 5
Commissioner Robert D. Bender, District 4
Commissioner, Lumon J. May, District 3
Codey Leigh, General Counsel, Clerk and Comptroller's Office
Wesley J. Moreno, County Administrator
Alison Rogers, County Attorney
DeLana Allen-Busbee, Administrative Specialist, Clerk and Comptroller's Office
Jose Gochez, Program Coordinator, County Administrator's Office
Heather Mahoney, Official Records Manager, Clerk and Comptroller's Office

Location: Ernie Lee Magaha Government Building, Board Chambers, First Floor
221 Palafox Place, Pensacola, Florida

Minutes prepared by: Heather Mahoney and DeLana Allen-Busbee

REGULAR BCC AGENDA

1. Call to Order

   Chairman Bergosh called the Regular Meeting of the Board of County Commissioners to order at 10:00 a.m.

2. Invocation

   The Board observed a moment of silence in memory of Terry Thrash and Master Deputy Kevin Ray.

3. Pledge of Allegiance to the Flag

   Commissioner Bergosh led the Pledge of Allegiance to the Flag.

REGULAR BCC AGENDA – Continued

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

Motion: Move for the adoption of the agenda
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

5. Commissioners' Forum:

   A. District 4 – Commissioner Bender provided comments;

   B. District 5 – Commissioner Barry provided comments;

   C. District 3 – Commissioner May provided comments;

   D. District 1 – Commissioner Bergosh provided comments; and

   E. County Administrator Moreno also provided comments.

6. Proclamations.

   I. Recommendation: That the Board take the following actions:

      A. Adopt the Proclamation declaring October 2022 as "Florida Native Plant Month" in Escambia County, Florida, and calling upon all residents to celebrate the natural diversity of our beautiful landscape;

      B. Ratify the Proclamation congratulating Andrea J. Boyd on her retirement, and expressing appreciation for 27 years of faithful and dedicated service to the citizens of Escambia County, Florida; and

      C. Ratify the Proclamation commending Elizabeth Eckford for her remarkable contributions to the Civil Rights Movement and playing a pivotal role in building a more unified nation.

      D. Ratify the Proclamation honoring and congratulating Zion Hope Primitive Baptist Church on its longevity of worship, and Elder Brandon L. Mason on his selection to serve as its 18th pastor.

Motion: So moved
Made by: Commissioner May **Seconded by:** Commissioner Barry
Disposition: Carried unanimously
Speaker(s): Kimberly Bremner

REGULAR BCC AGENDA – Continued

7. 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:

   The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule October 17, 2022 through October 21, 2022,* as published in the *Escambia Sun Press* on October 13, 2022.

Motion: Move that we waive the reading of the proofs
Made by: Commissioner Underhill **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

CLERK & COMPTROLLER'S REPORT – Honorable Pam Childers, Clerk of the Circuit Court and Comptroller

I. CONSENT AGENDA

1. Recommendation: That the Board accept, for filing with the Board's Minutes, the Tourist Development Tax (TDT) Collections Data for the August 2022 returns received in the month of September 2022, as prepared by the Treasury Department of the Clerk and Comptroller's Office.

   - Total collections received in September 2022 were $1,936,141 compared to $2,107,614 in September 2021. A comparison of September 2022 to September 2021 is an 8% decrease.
   - Year-to-date collections for FY2022 are $21,825,936 compared to $17,658,986 for FY2021.

Motion: Move the Clerk's Report
Made by: Commissioner Barry **Seconded by:** Commissioner Underhill
Disposition: Carried unanimously

CLERK & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

   A. The Fiscal Year 2022-23 Adopted Budget for the Northwest Florida Water Management District, as provided by Jack Furney, Director, Division of Administration, Northwest Florida Water Management District; and

   B. The Escambia County Sheriff's Office Annual Investment Report FYE 9/30/22, as provided by Honorable Chip W. Simmons, Sheriff.

Motion: Move the Clerk's Report
Made by: Commissioner Barry **Seconded by:** Commissioner Underhill
Disposition: Carried unanimously

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

   A. Accept, for filing with the Board's Minutes, the Report of the Gary Sansing Public Forum held October 6, 2022; and

   B. Approve the Minutes of the Regular BCC Meeting held October 6, 2022.

Motion: Move the Clerk's Report
Made by: Commissioner Barry **Seconded by:** Commissioner Underhill
Disposition: Carried unanimously

GROWTH MANAGEMENT REPORT – Horace Jones, Director, Development Services Department

I. FOR ACTION

1. Recommendation: That the Board take the following action concerning recording of Mills Lakes Estates (a 48 lot private residential subdivision) located in the Beulah Community, lying north of West Nine Mile Road (U.S. Alternate 90), west of Beulah Road (County Road 99), and south of Frank Reeder Road, owned and developed by Olde City Developers, LLC, and Howard J. Reddy as Trustee under The Joint Revocable Trust Agreement of Howard J. Reddy and Hanna J. Tarabay. This final plat is located in District 1. Prior to recording, the County Surveyor and the Clerk of the Circuit Court must sign the final plat as set forth in Section 2-5.7, of the Escambia 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 "Mills Lake Boulevard," and "Millee Loop";

Motion: Move the Item A and B
Made by: Commissioner Barry **Seconded by:** Commissioner May
Disposition: Carried unanimously

GROWTH MANAGEMENT REPORT – Continued

I. FOR ACTION – Continued

2. Recommendation: That the Board take the following action concerning recording of Allison Acres (an 85 lot public residential subdivision) located in the Ensley Community, lying north of West Ten Mile Road, west of South Highway 29 (U.S. Highway 29), and south of West Roberts Road, owned and developed by Ten Mile Road, LLC. This final plat is located in District 5. Prior to recording, the County Surveyor and the Clerk of the Circuit Court must sign the final plat as set forth in Section 2-5.7, of the Escambia 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;

   B. Approve the street names "Bliss Lane," and "Leigh Loop";

   C. Accept all public easements, ponds, and drainage improvements within public easements as depicted upon the final plat for permanent County maintenance; the cost of maintenance is to be funded through the establishment of a storm water management Municipal Services Benefit Unit (MSBU); and

   D. Authorize the Chairman or Vice Chairman to execute a Two-Year Warranty Agreement without Surety for Streets and Drainage improvements.

Motion: So moved
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried 4-0, with Commissioner Barry abstaining and filing Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers

COUNTY ADMINISTRATOR'S REPORT – Wesley J. Moreno, County Administrator

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1. Recommendation: That the Board authorize the scheduling of a Public Hearing on December 8, 2022, at 5:31 p.m., to consider adopting a Resolution establishing the Board's intent to use the Uniform Method of Collecting Non-Ad Valorem Special Assessments, as provided in Florida Statutes 197.3632.

Motion: Move the Technical/Public Service Consent [Items 1 through 3]
Made by: Commissioner Barry **Seconded by:** Commissioner Underhill
Disposition: Carried unanimously

2. Recommendation: That the Board take the following actions concerning the Contract for the Florida Department of Health in Escambia County, Florida:

   A. Approve the Florida Department of Health in Escambia County Contract, providing for an effective date for the contract year of October 1, 2022, through September 30, 2023; and

   B. Authorize the Chairman to sign the Contract.

Motion: Move the Technical/Public Service Consent [Items 1 through 3]
Made by: Commissioner Barry **Seconded by:** Commissioner Underhill
Disposition: Carried unanimously

3. Recommendation: That the Board approve and authorize Out-of-County travel for any member of the Board, the County Administrator, and/or the County Attorney wishing to attend the conferences or meetings listed on the 2022-2023 Annual Travel/Conference Schedule.

   Funding: Fund 001, General Fund, Cost Centers 110101, 110302, and 110601, Object Codes 54001, 55401, and 55501.

Motion: Move the Technical/Public Service Consent [Items 1 through 3]
Made by: Commissioner Barry **Seconded by:** Commissioner Underhill
Disposition: Carried unanimously

II. BUDGET/FINANCE CONSENT AGENDA

1. Recommendation: That the Board, for the Fiscal Year 2022-2023, approve and authorize the County Administrator to issue and sign blanket or individual Purchase Orders, in excess of $25,000, based on awarded Contracts and Agreements for Temporary Employment Labor Services.

	Vendor	**Funding**	**Amount**	**Contract Number**
A.	Blue Arbor, Inc. Vendor Number 023818 Temporary Labor Services	Fund 353 Cost Center 370107 Object Code 53401 Project Code 19NH0389 (Community Centers Workers)	$90,000	PD 21-22.007
B.	Blue Arbor, Inc. Vendor Number 023818 Temporary Labor Services	Fund 353 Cost Center 110277 Object Code 53401 Project Code 19ED0399 (Summer Youth Interns)	$225,000	PD 21-22.007

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

2. Recommendation: That the Board approve and authorize the County Administrator to issue and sign Change Order #6 to Volkert Inc., in the amount of $45,684.66, on Contract PD 17-18.027 for the Pensacola Living Shoreline Project.

Department:	Natural Resources Management
Division:	RESTORE
Type:	Addition
Amount:	$45,684.66
Vendor:	Volkert, Inc.
Project Name:	Pensacola Living Shoreline
Contract:	PD 17-18.027
Purchas Order #:	191138
Change Order #:	6
Change Order #1:	$375,532.21
Change Order #2:	$41,001.70
Change Order #3:	$0.00
Change Order #4:	$0.00
Change Order #5:	$0.00
Change Order #6:	$45,684.66
Original Contract Amount:	$217,480
Cumulative Amount of Change Orders Through this Change Order:	$462,218.57
New Total Contract Amount:	$679,698.57
Funding for this Change Order:	Fund 353, LOST IV Cost Center 220104, NRM Capital Projects Object Code 56301 Project Number 20NR0969

(Continued on Page 10)

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

2. Continued...

This project is located in Commission District 2.

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

3. Recommendation: That the Board take the following actions concerning the Contract Award for the Archaeological Survey Phase I for Outlying Field 8 (OLF-8):

A. Approve and authorize the County Administrator to sign the Agreement between Escambia County, Florida, and SEARCH, Inc., per the terms and conditions of PD 21-22.100, Archaeological Survey - Phase I for OLF-8;

B. Approve and authorize the County Administrator to issue and sign a Purchase Order in the amount of $82,249.38 to SEARCH, Inc.; and

C. Authorize the County Administrator or his designee to sign, subject to legal review and sign-off, any subsequent program-related documents for this project that do not alter the finite terms of the funding amounts or budgets.

Vendor	Funding	Amount	Project Number
SEARCH, Inc.	Fund 110, Other Grants and Projects Cost Center 220342, EPA-Brownfield Redevelopment Object Code 53101, Professional Services	$82,249.38	PD 21-22.100 Archaeological Survey - Phase I for OLF-8

(Continued on Page 11)

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

3. Continued...

A Request of Letters of Interest (RLI) for PD 21-22.100 Archaeological Survey - Phase I for OLF8 was publicly noticed to 536 firm emails via Vendor Registry and 420 firm emails via GovernmentForms on July 6, 2022. Project documents were viewed by 22 firms and downloaded by 7 firms. No pre-bid meeting was held. The RLI due date was August 5, 2022. Five submittals were received. SEARCH, Inc., was determined to be the most qualified respondent and is recommended for award.

The OLF-8 Archaeological Survey Phase I is located in Commission District 1.

Motion: So moved
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried 4-0, with Commissioner Underhill temporarily out of Board Chambers
Speaker(s): Larry Downs, Jr.

4. Recommendation: That the Board take the following actions concerning the Fiscal Year 2022-2023 Miscellaneous Appropriations Agreements:

A. Approve the following Miscellaneous Appropriations Agreements, to be paid from Fund 001, General Fund, Cost Center 110201:

1. Gulf Coast Kid's House, Inc., to be paid by voucher, in the amount of $145,700;
2. United Way of West Florida, Inc. (211 First Call for Help), in the amount of $20,982;
3. Council on Aging of West Florida, Inc., in the amount of $45,000;
4. Gulf Coast Veterans Advocacy Council, Inc., in the amount of $11,875;
5. Pensacola Caring Hearts, in the amount of $12,350;
6. Wildlife Sanctuary of Northwest Florida, Inc., in the amount of $33,250;
7. Health and Hope Clinic, Inc., in the amount of $28,500;
8. Ecomfort, Inc., in the amount of $5,000;
9. Escambia County Human Relations Commission Inc., in the amount of $84,265;
10. Sisters of Hope Corporation, in the amount of $7,000;

(Continued on Page 12)

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

4. Continued...

   B. Approve the following Miscellaneous Appropriations Agreements for Civil Legal Aid Services with the following organizations to be paid from Fund 001, General Fund, Cost Center 110201, and Fund 115, Article V Fund, Cost Center 410802:

      1. Legal Services of North Florida, Inc., in the amount of $62,344;
      2. Northwest Florida Legal Services, Inc., in the amount of $62,344;

   C. Approve and authorize the Chairman to sign the Agreements and all other necessary documents; and

   D. Approve and authorize the County Administrator to issue and sign the necessary Purchase Orders related to the Agreements.

Motion: So moved
Made by: Commissioner Barry **Seconded by:** Commissioner May
Disposition: Carried 4-0, with Commissioner Bergosh abstaining and filing Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers
Speaker(s): Larry Downs, Jr.

5. Recommendation: That the Board take the following actions concerning the Fiscal Year 2022-2023 Miscellaneous Appropriations Agreements:

   A. Approve the following Miscellaneous Appropriations Agreements, to be paid from Fund 108, Fourth Cent Tourist Development Tax Fund, Cost Center 360105:

      1. African American Heritage Society, Inc., in the amount of $60,000;
      2. Naval Aviation Museum Foundation, Inc., in the amount of $100,000;
      3. West Florida Historic Preservation, Inc., in the amount of $200,000 (maintenance and conservation of St. Michael's Cemetery, Mt. Zion Cemetery, AME Zion Cemetery and Magnolia Cemetery included);

   B. Approve and authorize the Chairman to issue and sign the Agreement and all other necessary documents; and

(Continued on Page 13)

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

5. Continued...

C. Approve and authorize the County Administrator to sign the necessary Purchase Orders related to the Agreements.

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

6. Recommendation: That the Board take the following actions concerning the Fiscal Year 2022-2023 Miscellaneous Appropriations Agreements:

A. Approve the following Miscellaneous Appropriations Agreements, to be paid from Fund 353, Local Option Sales Tax Fund, Cost Center 110277:

1. Gulf Coast Minority Chamber of Commerce, Inc., in the amount of $75,000;
2. Center for Independent Living of Northwest Florida, Inc, in the amount of $30,000;

B. Approve and authorize the Chairman to sign the Agreements and all other necessary documents; and

C. Approve and authorize the County Administrator to issue and sign necessary Purchase Orders related to the Agreements.

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

II. BUDGET/FINANCE CONSENT AGENDA – Continued

7. Recommendation: That the Board take the following actions concerning the Fiscal Year 2022-2023 Miscellaneous Appropriations Agreement between Escambia County, Florida, and United Way of West Florida, Inc. (Community Investment):

   A. Approve the Miscellaneous Appropriations Agreement to be paid from Fund 001, General Fund, Cost Center 370102, in the amount of $77,785;

   B. Approve and authorize the Chairman to sign the Agreement and all other necessary documents;

   C. Approve and authorize the County Administrator to issue and sign the necessary Purchase Order for $77,785 for the United Way of West Florida, Inc., per the Agreement.

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

8. Recommendation: That the Board take the following actions regarding the Interlocal Agreement between Escambia County, Florida, and the City of Pensacola:

   A. Approve the Interlocal Agreement between the Escambia County Board of County Commissioners and the City of Pensacola, relating to the Fiscal Year 2022-2023 funding of the Pensacola-Escambia County Promotion and Development Commission (PEDC), in the amount of $600,000, to be paid from Fund 353, Local Option Sales Tax Fund, Cost Center 110277, for a one-year period from October 1, 2022, through September 30. 2023;

   B. Approve and authorize the Chairman to execute the Interlocal Agreement;

   C. Submit two Copies of the Agreement to the City of Pensacola for the Mayor's signature; and

(Continued on Page 15)

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

8. Continued...

D. Once the Interlocal Agreement has been fully executed, approve and authorize the County Administrator to issue and sign the necessary Purchase Order for $600,000 for the Pensacola-Escambia County Promotion and Development Commission, per the Agreement.

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

9. Recommendation: That the Board take the following actions concerning the Fiscal Year 2022-2023 Miscellaneous Appropriations Agreement between Escambia County, Florida, and Visit Pensacola, Inc.:

A. Approve the Miscellaneous Appropriations Agreement between Escambia County, Florida, and Visit Pensacola, Inc., for the total amount of $10,400,000. The amount of $6,180,000 will be paid from Fund 108, 1-2 Cent Tourist Development Tax Fund, Cost Center 360101; the amount of $1,400,000 will be paid from Fund 108, 3 Cent Tourist Development Tax Fund, Cost Center 360104; and the amount of $2,820,000 will be paid from Fund 108, 4 Cent Tourist Development Tax Fund, Cost Center 360105;

B. Approve and authorize the Chairman to sign the Agreement and all other necessary documents; and

C. Approve and authorize the County Administrator to sign the necessary Purchase Order for $10,400,000 for Visit Pensacola, Inc., per the Agreement.

(Continued on Page 16)

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

9. Continued...

Funding:
Fund 108, 1-2 Cent Tourist Development Tax Fund, Cost Center 360101 - $6,180,000
Fund 108, 3 Cent Tourist Development Tax Fund, Cost Center 360104 - $1,400,000
Fund 108, 4 Cent Tourist Development Tax Fund, Cost Center 360105 - $2,820,000

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

10. Recommendation: That the Board approve and authorize the County Administrator to issue and sign a blanket and/or Individual Purchase Order, in excess of $25,000, based upon previously awarded Contracts, Contractual Agreements, and annual requirements. The blanket and/or individual Purchase Order is for $30,000, to Warren Averett, LLC, for preliminary audit services provided by Warren Averett, LLC to Escambia County, Florida, beginning in July 2022 in preparation for the year-end audit of Fiscal Year 2022.

Vendor	Amount	Funding	Description
Warren Averett, LLC Vendor Number 230810	$30,000	Fund 001 Cost Center 140201 Object Code 53101	Audit Services - Board Approved: 7/10/2014 PD 13-14.054

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

11. Recommendation: That the Board take the following actions concerning the issuance of a Purchase Order, in excess of $25,000, regarding the Fiscal Year 2022-2023 funding of the District 1 Medical Examiner/DOMES support for Escambia County's cost share for Medical Examiner Services:

A. Approve Escambia County's payment of its share of Medical Examiner Services;

B. Approve and authorize the County Administrator to issue and sign a Purchase Order for $2,890,897 for Fiscal Year 2023; and

C. Approve and authorize an advance of $1,445,448.50 for the first annual payment for Fiscal Year 2023 when the Purchase Order is completed.

Vendor	Amount	Funding
District 1 Medical Examiner Support Vendor Number 426544	$2,890,897	Fund 001 Cost Center 410201 Object Code 58101

Motion: Move Item 11
Made by: Commissioner Barry **Seconded by:** Commissioner May
Disposition: Carried 4-0, with Commissioner Underhill temporarily out of Board Chambers
Speaker(s): Larry Downs, Jr.

12. Recommendation: That the Board take the following actions concerning the Fiscal Year 2022-2023 Miscellaneous Appropriations Agreement:

A. Approve the Miscellaneous Appropriations Agreement for Keep Pensacola Beautiful, Inc., in the amount of $100,000, to be paid from Fund 401, Solid Waste Management Fund, Cost Center 230314, Account 53401;

B. Approve and authorize the Chairman to sign the Agreement and all other necessary documents; and

(Continued on Page 18)

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

12. Continued...

C. Approve and authorize the County Administrator to issue and sign the necessary Purchase Order in the amount of $100,000 to Keep Pensacola Beautiful, Inc., per the Agreement.

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

13. Recommendation: That the Board approve the following allocations of Law Enforcement Trust (LET) Funds per the requirements of F.S. 932.7055(5) for Outside Agency partners in Escambia County, Florida, for Fiscal Year 2022-2023:

A. Escambia County Sheriff Foundation, Inc., in the amount of $4,000; and

B. Perdido Bay Futbol Club, Inc., in the amount of $200.

Upon approval of these funding allocations, the Escambia County Sheriff's Office will process all appropriate paperwork and submit for payment from LET Funds to the Escambia Clerk of the Circuit Court and Comptroller.

Funding Source: Fund 121, Law Enforcement Trust Fund, Cost Center-540103, Aids to Private Organizations, Object Code 58201.

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

14. Recommendation: That the Board take the following actions concerning the Florida Department of Health Statement of Work for the Coordinated Opioid Recovery Effort (CORE):

A. Accept the Florida Department of Health Statement of Work for the Coordinated Opioid Recovery Effort, SOW22-345, in the amount of $663,836, to implement the CORE program;

B. Accept the State of Florida Department of Health Purchase Order Terms and Conditions; and

C. Authorize the addition of six FTE's for Escambia County Emergency Medical Services (ECEMS) to hire four CORE Program Registered Nurses and two Emergency Medical Technicians (EMT) to provide the services outlined in the Statement of Work.

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

II. BUDGET/FINANCE CONSENT AGENDA – Continued

15. Recommendation: That the Board approve and authorize the County Administrator to issue and sign a blanket Purchase Order, in the amount of $91,020, to Uniti Fiber, for the West Florida Public Library Internet Services Renewal.

Vendor	Funding	Amount	Contract Number
Uniti Fiber Vendor Number 193781 West Florida Public Library Internet Services	Fund 113 Cost Center 110503 Object Code 54101	$91,020	Account #1572230

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

16. Recommendation: That the Board, for the Fiscal Year 2022-2023, approve and authorize the County Administrator to issue and sign an individual Purchase Order, in the amount of $150,000, for the Butler Animal Health Holding Company, LLC, dba Covetrus North America, in accordance with Virginia Tech Contract #UPG-TG-025-09, for the Department of Animal Welfare.

Funding: Fund 001, General Fund, Cost Center 250202, Object Code 55201.

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

17. Recommendation: That the Board approve and authorize the County Administrator to issue and sign a Purchase Order, in the amount of $26,760, to HLP, Inc., Chameleon Software Products, for the addition of Chameleon Licensing Service modules for the Department of Animal Welfare and the importation of the current Pet License database from DocuPet into the Department of Animal Welfare's Chameleon Software.

Vendor	**Funding**	**Amount**
HLP, Inc., Chameleon Software Products Vendor Number 080063 Chameleon Licensing Modules for Department of Animal Welfare	Fund 001 Cost Center 250207 Object Code 54601	$26,760

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

II. BUDGET/FINANCE CONSENT AGENDA – Continued

18. Recommendation: That the Board approve and authorize the County Administrator to issue and sign Change Order #1 to Purchase Order #220329, to Livestock Officer, Josh Weekley, for boarding fees and salary, per his contract. The Department of Animal Welfare has impounded a number of animals that were required to be held by the Livestock Officer. There has been a lack of auctions over the past year, making it difficult to move them out of County's possession.

Department:	Animal Welfare
Division:	Animal Control
Type:	Addition
Amount:	$30,000
Vendor:	Josh Weekley
Project Name:	Livestock Officer
Purchase Order #:	220329
Change Order #:	1
Original Amount:	$24,000
Change Order #1:	$30,000
Cumulative Amount:	$54,000
New Purchase Order Total:	$54,000
Funding Source	Fund 001, General Fund, Cost Center 250207

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

19. Recommendation: That the Board take the following actions concerning PD 02-03.79, Professional Consulting Services as governed by Florida Statute 287.055:

A. Approve and authorize the County Administrator to sign a Task Order-Based Continuing Contract to Hanson Professional Services, Inc., based on the "Current Averages for Audited Overhead, Expense and Facilities Capital Cost of Money (FCCM) Rates" as provided in the current Florida Department of Transportation (FDOT) Negotiation Handbook Guidelines for Professional Services Contracts; and

B. Authorize the Department(s), in conjunction with the Office of Purchasing, to negotiate Task Orders, according to Florida Statute 287.055, "Consultants Competitive Negotiation Act" (A&E Services) on a project-by-project basis.

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

20. Recommendation: That the Board take the following actions concerning the award for the Engine Lubrication Contract, PD 21-22.099, between Escambia County, Florida, and The McPherson Companies, Inc.:

A. Approve and authorize the County Administrator or his designee to sign the Agreement between Escambia County, Florida, and The McPherson Companies, Inc., per the terms and conditions of PD 21-22.099; and

B. Approve and authorize the County Administrator to issue and sign a Purchase Order, in the amount of $50,000, to The McPherson Companies, Inc.

Vendor	**Funding**	**Amount**	**Contract**
The McPherson Companies, Inc. Vendor Number 130667	Fund 175, Transportation Fund Cost Center 260102 Object Code 55201	$50,000	PD 21-22.099

(Continued on Page 24)

II. BUDGET/FINANCE CONSENT AGENDA – Continued

20. Continued...

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

21. Recommendation: That the Board take the following actions concerning the purchase of one 2023 Ford Transit Connect Cargo Van for Community and Media Relations:

A. Authorize the use of the FSA Contract FSA 20-VEL28.0; and

B. Approve and authorize the County Administrator to issue and sign a Purchase Approve and authorize the County Administrator to issue and sign a Purchase

Vendor	Funding	Amount	Contract Number
Bozard Ford, LLC Vendor Number 423826	Fund 001, General Fund Cost Center 380201 Object Code 56402	$31,688	FSA 20-VEL28.0

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

22. Recommendation: That the Board take the following actions concerning the purchase of one 2023 Ford Expedition XL 4X2 for Extension Services:

A. Authorize the use of the FSA Contract FSA 20-VEL28.0; and

(Continued on Page 25)

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

22. Continued...

B. Approve and authorize the County Administrator to issue and sign a Purchase Order, in the amount of $51,277, to Bozard Ford, LLC, for one 2023 Ford Expedition XL 4X2 for Extension Services.

Vendor	**Funding**	**Amount**	**Contract Number**
Bozard Ford, LLC Vendor Number 423826	Fund 001, General Fund Cost Center 221201 Object Code 56402	$51,277	FSA Contract FSA 20-VEL28.0

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

II. BUDGET/FINANCE CONSENT AGENDA – Continued

23. Recommendation: That the Board , for Fiscal Year 2022-2023, approve and authorize the County Administrator to issue and sign blanket and/or individual Purchase Orders, in excess of $25,000, based upon previously awarded Contracts and Contractual Agreements from the Building Services Department, as follows:

Vendor	Funding	Amount	Contract Number
South Central Planning and Development Commission Vendor Number 424032	Fund 406, Inspection Fund Cost Center 250111, Administration Object Code 54601, Repair and Maintenance - $42,199.92 Fund 001, General Fund Cost Center 270102, Information Systems Object Code 54601, Repair and Maintenance - $42,199.92	$84,399.84	Software License and Service Agreement (provided) signed 05/12/2017
Blue Arbor, Inc.	Fund 406, Inspection Fund Cost Center 250111	$127,000	PD 17-18.055

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

24. Recommendation: That the Board approve and authorize the County Administrator to issue and sign Change Order #4 to Purchase Order #221139, for Gulf Marine Construction, Inc., in the amount of $12,180, on Contract PD 21-22.022, for the Hurricane Sally Repairs at Pensacola Beach:

Department:	Facilities Management
Division:	DCAT
Type:	Addition
Amount:	$12,180
Vendor:	Gulf Marine Construction, Inc.
Project Name:	Hurricane Sally Reparis at Pensacola Beach
Contract:	PD 21-22.022
Purchase Order #:	221139
Original Contract Amount:	$230,840
Change Order #1:	$30,705
Change Order #2:	$85,453
Change Order #3:	$11,500
Change Order #4:	$12,180
Cumulative Amount of Change Orders Through this Change Order:	$139,838
New Contract Amount:	$370,678
Funding Source:	Fund 108, 3rd Cent TDT, Cost Center 360104

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

25. Recommendation: That the Board take the following actions regarding an Interlocal Agreement between Escambia County, Florida, and the Santa Rosa Island Authority relating to the reconstruction of the public infrastructure improvements on Pensacola Beach, FL:

A. Approve the Interlocal Agreement with Santa Rosa Island Authority (SRIA) relating to the Public Dune Walkover 27C infrastructure improvements on Pensacola Beach, FL; and

B. Authorize the Chairman to execute the Interlocal Agreement.

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

26. Recommendation: That the Board approve and authorize the County Administrator to issue and sign Change Order #6 to Site and Utility, LLC, in the amount of $35,858.50 for the Gatewood Ditch-Glyn Broc Gulley Project:

Department:	Engineering
Division:	Construction Management
Type:	Addition
Amount:	$35,858.50
Vendor:	Site and Utility, LLC
Project Name:	Gatewood Ditch-Glyn Broc Gulley Project
Contract:	PD 21-22.005
Purchase Order #:	220983
Change Order #:	6
Change Order #1:	$16,855

(Continued on Page 29)

II. BUDGET/FINANCE CONSENT AGENDA – Continued

26. Continued...

Change Order #2:	$100,445.50
Change Order #3:	$31,971
Change Order #4:	$10,560
Change Order #5:	$24,121
Change Order #6:	$35,858.50
Original Contract Amount:	$1,843,201.10
Cumulative Amount of Change Orders Through This Change Order:	$219,811
New Contract Amount:	$2,063,012.10
Funding Source Change Orders #1, #3 and #4 and #6	Fund 112, Disaster Recovery Fund, Cost Center 330906, Object Code 56301, Project #EWPC002 NRCS/EWP Change Order #1 - $16,855 Change Order #3 - $31,971 Change Order #4 - $10,560 Change Order #6 - $35,858.50
Funding Source Change Order #2:	Fund 352, LOST III, Cost Center 210107, Object Code 56301, PN 22EN1834 $100,445.50
Funding Source Change Order #5:	Fund 352, LOST III, Cost Center 210107, Object Code 56301, PN 22EN1834 $10,000.50 Fund 181, Master Drainage Basin VII, Cost Center 210725, Object Code 56301, $14,120.50
Original Purchase Order:	Fund 112, Disaster Recovery Fund, Cost Center 330906, Object Code 56301, Project #EWPC002 NRCS/EWP $843,201.10 Fund 119, America Rescue Plan Act, Cost Center 110192, Object Code 56301, $1,000,000

(Continued on Page 30)

II. BUDGET/FINANCE CONSENT AGENDA – Continued

26. Continued...

This project is located in Commission District 4.

Motion: So moved [the balance] **For Information:** The balance refers to Budget/Finance Consent Agenda Items 1 through 26, with the exception of Items 3, 4, and 11, which were held for separate votes, as amended to drop Item 14. Items 27 through 33 were also voted on separately.
Made by: Commissioner May **Seconded by:** Commissioner Bender
Disposition: Carried unanimously

27. Recommendation: That the Board approve the funding of $500 for Golden Elite Track and Field Club for their First Annual Breakfast with Santa Event from Commissioner Jeff Bergosh's discretionary money.

Funding: Fund 001, General Fund, Board of County Commissioners' Discretionary Money, Cost Center 110111, Object Code 58201.

Motion: So moved **For Information:** Commissioner Bergosh advised that the Chair would entertain a motion for Budget/Finance Consent Agenda Items 27 through 33. Commissioner May added $500.00 from District 3 Discretionary Funds.
Made by: Commissioner May **Seconded by:** Commissioner Barry
Disposition: Carried unanimously
Speaker(s): Larry Downs, Jr.

28. Recommendation: That the Board approve the request from R.C. Lipscomb Elementary PTA, for $500 to be funded from District 5 Discretionary Fund, and approve the payment voucher for this purpose.

Funding: Fund 001, General Fund, Board of County Commissioners' Discretionary Money, Cost Center 110115, Object Code 58201.

Motion: So moved **For Information:** Commissioner Bergosh advised that the Chair would entertain a motion for Budget/Finance Consent Agenda Items 27 through 33.
Made by: Commissioner May **Seconded by:** Commissioner Barry
Disposition: Carried unanimously
Speaker(s): Larry Downs, Jr.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

29. Recommendation: That the Board approve the request from Pine Meadow Elementary PTA, for $500 to be funded from District 5 Discretionary Fund, and approve the payment voucher for this purpose.

Funding: Fund 001, General Fund, Board of County Commissioners' Discretionary Money, Cost Center 110115, Object Code 58201.

Motion: So moved **For Information:** Commissioner Bergosh advised that the Chair would entertain a motion for Budget/Finance Consent Agenda Items 27 through 33.
Made by: Commissioner May **Seconded by:** Commissioner Barry
Disposition: Carried unanimously
Speaker(s): Larry Downs, Jr.

30. Recommendation: That the Board approve the request from First Place Partners, for $1,500, to be funded from District 5 Discretionary Fund and approve the payment voucher for this purpose.

Funding: Fund 001, General Fund, Board of County Commissioners' Discretionary Money, Cost Center 110115, Object Code 58201.

Motion: So moved **For Information:** Commissioner Bergosh advised that the Chair would entertain a motion for Budget/Finance Consent Agenda Items 27 through 33.
Made by: Commissioner May **Seconded by:** Commissioner Barry
Disposition: Carried unanimously
Speaker(s): Larry Downs, Jr.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

31. Recommendation: That the Board approve a funding allocation in the amount of $8,500 from Commissioner May's discretionary account in support of the WEAR Communities Caring at Christmas.

Funding: Fund 001, General Fund, Commissioners' Discretionary Money, Cost Center 110113, Object Code 58201.

Motion: So moved **For Information:** Commissioner Bergosh advised that the Chair would entertain a motion for Budget/Finance Consent Agenda Items 27 through 33. Commissioner Barry added $3,000 from District 5 Discretionary Funds, Commissioner May added an additional $1,500 from District 3 Discretionary Funds, and Commissioner Bergosh added $1,000 from District 1 Discretionary Funds.
Made by: Commissioner May **Seconded by:** Commissioner Barry
Disposition: Carried unanimously
Speaker(s): Larry Downs, Jr.

32. Recommendation: That the Board approve a funding amount of $500 from Commissioner Lumon May's discretionary funds [for the American Legion Auxiliary Hanniton Watts Unit 193] to support the Legion's initiative to advocate for veterans, military, and their families.

Funding: Fund 001, General Fund, Commissioners' Discretionary Money, Cost Center 110113, Object Code 58201.

Motion: So moved **For Information:** Commissioner Bergosh advised that the Chair would entertain a motion for Budget/Finance Consent Agenda Items 27 through 33.
Made by: Commissioner May **Seconded by:** Commissioner Barry
Disposition: Carried unanimously
Speaker(s): Larry Downs, Jr.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

33. Recommendation: That the Board approve a funding amount of $500 from Commissioner Lumon May's discretionary funds for Pensacola Dream Center's Canopy of Hope Women's Shelter.

Funding: Fund 001, General Fund, Commissioners' Discretionary Money, Cost Center 110113, Object Code 58201.

Motion: So moved **For Information:** Commissioner Bergosh advised that the Chair would entertain a motion for Budget/Finance Consent Agenda Items 27 through 33.
Made by: Commissioner May **Seconded by:** Commissioner Barry
Disposition: Carried unanimously
Speaker(s): Larry Downs, Jr.

III. FOR DISCUSSION

1. Recommendation: That the Board appoint Liza Campbell to the West Florida Public Library Board of Governance, for a one-year and four-month term, effective October 21, 2022 through February 28, 2024.

   This request is to replace a recently appointed Board member, Amber Casart, who declined her appointment. Her term would have ended February 28, 2024.

Motion: Move to appoint Liza Campbell
Made by: Commissioner Bender **Seconded by:** Commissioner Barry
Disposition: Carried unanimously

2. Recommendation: That the Board discuss the Tourism Development Tax funding request, for an amount between $1.5 million and $1.9 million, for costs associated with the Roger Scott Tennis Courts Project made by the City of Pensacola during the Tourism Development Council Meeting of October 17, 2022.

Disposition: No action taken
Speaker(s): Larry Downs, Jr.

III. FOR DISCUSSION - Continued

3. Recommendation: That the Board discuss and provide funding direction regarding the removal of the Navy Point Living Shoreline Project for a rough estimate of $430,000.

Disposition: No action taken
Speaker(s): Glenn Conrad, Melissa Pino, Kevin Wade, and Larry Downs, Jr.

4. Recommendation: That the Board take the following action concerning the purchase of approximately 4.07 acres from the University of West Florida Board of Trustees, located at 8800 North 9th Avenue:

   A. Approve, by Super-Majority vote, the contract for $671,250 for approximately 4.07 acres of real property located at 8800 North 9th Avenue from the University of West Florida Board of Trustees;

   B. Approve and authorize the Chairman to execute the Contract for Sale and Purchase approved by the County Attorney for the acquisition of real property located at 8800 North 9th Avenue, using Fund 119, Cost Center 110192, American Rescue Plan Funds;

   C. Approve any Public Disclosure of Interest Documents; and

   D. Authorize the County Attorney's Office to prepare, and the Chairman to execute, subject to legal review and sign-off, any documents necessary to complete the acquisition of this property without further action of the Board (if the purchase is approved).

   This property is located in District 4.

Fund 119	Cost Center 110192	American Rescue Plan Funds

Motion: Move the item in the affirmative **For Information:** County Attorney Rogers clarified that the contract is between the County and the UWF Foundation.
Made by: Commissioner Bender **Seconded by:** Commissioner May
Disposition: Carried 4-0, with Commissioner Underhill temporarily out of Board Chambers

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

1. Recommendation: That the Board take the following action [concerning the Approval of a Proposed Settlement in the matter of *Lawrence Salter v. Escambia County*, Case No. 2021 CA 003120]:

   A. Approve the proposed settlement reached during negotiations between insurance counsel and Mr. Salter's counsel, in the sum of $17,500.00 (with $6,280 provided by the carrier), in exchange for the execution of a general release and stipulation for dismissal with prejudice; and

   B. Authorize the County Attorney's Office to execute a stipulation for dismissal with prejudice once the general release is executed and delivered to the County Attorney's Office and settlement payment is made.

Motion: Move the County Attorney's Report four Action Items in the affirmative
Made by: Commissioner Barry **Seconded by:** Commissioner Bender
Disposition: Carried 3-1, with Commissioner Underhill voting "no," and Commissioner May having left the meeting

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION - Continued

2. Recommendation: At the request of the County Attorney, that the Board authorize the scheduling of a private meeting with its attorneys to discuss pending litigation, in accordance with Section 286.01(8), Fla. Stat., for November 3, 2022, at 4:00 p.m. CDT. This meeting will be noticed in the *Escambia Sun Press* as follows:

PUBLIC NOTICE

IT IS THE INTENTION of the Board of County Commissioners of Escambia County, Florida to hold a private meeting with its attorneys to discuss pending litigation in the case of *Jack Vinitskul and John C. Nowell and Linda Nowell v. Escambia County and Santa Rosa Island Authority*, Case No. 2020 CA 000947, in accordance with Section 286.01(8), Florida Statutes. Such attorney/client session will be held at 4:00 p.m. on Tuesday, November 3, 2022, in the Ernie Lee Magaha Government Building, Board Chambers, 221 Palafox Place, Pensacola, Florida. Commissioners Jeff Bergosh, Douglas B. Underhill, Lumon J. May, Robert Bender, and Steven Barry, County Administrator Wes Moreno, County Attorney Alison P. Rogers, Senior Assistant County Attorney William L. Nelson, and Mary Jane Bass with Beggs & Lane, attorney representing Escambia County in the foregoing litigation, will attend. A certified court reporter will attend and report the attorney/client session.

Motion: Move the County Attorney's Report four Action Items in the affirmative
Made by: Commissioner Barry **Seconded by:** Commissioner Bender
Disposition: Carried 3-1, with Commissioner Underhill voting "no," and Commissioner May having left the meeting

3. Recommendation: That the Board take the following action:

A. Approve and accept the proposed settlement, in the sum of $7,500.00 from The Transition House, Inc.; and

B. Authorize the Chairman to execute the proposed Settlement Agreement and Release between The Transition House, Inc., and Escambia County.

Motion: Move the County Attorney's Report four Action Items in the affirmative
Made by: Commissioner Barry **Seconded by:** Commissioner Bender
Disposition: Carried 3-1, with Commissioner Underhill voting "no," and Commissioner May having left the meeting

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION - Continued

4. Recommendation: That the Board:

A. Review and adopt the Resolution [R2022-120] repealing Resolution R2019-92 and revising the fee schedule and other provisions related to opting out of the Mid-West Escambia County Optional Sector Plan; and

B. Authorize the Development Services Department to amend the Sector Plan opt-out application and corresponding fee references in accordance with this Resolution.

Motion: Move the County Attorney's Report four Action Items in the affirmative
Made by: Commissioner Barry **Seconded by:** Commissioner Bender
Disposition: Carried 3-1, with Commissioner Underhill voting "no," and Commissioner May having left the meeting

II. FOR DISCUSSION

1. Recommendation: That the Board discuss:

A. Authorizing the payment of legal fees for Katherine Kenney related to the Department of Health complaint filed against her by the County's former Medical Director, Dr. Rayme Edler; and

B. Authorizing the payment of legal fees for Katherine Kenney related to the criminal charges resulting from an FDLE investigation.

Motion: Move Item A and B in the affirmative
Made by: Commissioner Barry **Seconded by:** Commissioner Bergosh
Disposition: Failed 2-2, with Commissioner Bender and Commissioner Underhill voting "no," and Commissioner May having left the meeting
Speaker(s): Melissa Pino

Motion: Move Item B
Made by: Commissioner Bender **Seconded by:** Commissioner Bergosh
Disposition: Carried 3-1, with Commissioner Underhill voting "no," and Commissioner May having left the meeting

COUNTY ATTORNEY'S REPORT – Continued

III. FOR INFORMATION

1. Recommendation: That the Board accept the following information [concerning *Otis Lee Wilson, Jr. v. Robert Kyles, et al.*; Case No. 2019 CA 001316]:

   Co-defendants Jason and Michelle Loriz own residential property in Escambia County. In February 2018, the Lorizes contracted with Plaintiff Otis Wilson to perform construction work on their home. Wilson led the Lorizes to believe he was a licensed and insured contractor. When the Lorizes were unsatisfied with the quality of work Wilson performed, the Lorizes filed a complaint with the Escambia County Building Services Department.

   Defendant Robert Kyles, a now-retired County employee, investigated the claims involving Otis Wilson. Mr. Kyles provided his findings to the Florida Department of Agriculture, and the agency provided additional information to the Florida Department of Financial Services. Both agencies issued probable cause affidavits for various criminal violations, and two arrest warrants were issued.

   Otis Wilson was later arrested and charged with multiple counts involving contracting without proper registration or certification and failure to secure worker's compensation coverage. Wilson later pled to lesser offenses and was sentenced to probation.

   Thereafter, Wilson sued County employee Robert Kyles and the Lorizes alleging defamation, libel, slander, bribery, and civil rights violations. The County Attorney's Office filed and argued multiple motions to dismiss on Robert Kyles' behalf, which were granted with leave for Wilson to amend. Because Otis Wilson was *pro se,* the Court afforded him several opportunities to file a legally sufficient complaint.

   Wilson filed his fourth complaint in April 2022. Following a September 21, 2022, hearing on Mr. Kyles' fourth motion to dismiss, the Court granted the motion with prejudice, thereby concluding the litigation.

Disposition: No action taken

FOR INFORMATION:

District 1 State Representative Michelle Salzman announced that food distributions are done in the north end of the County every three months; the next distribution will be November 12th, at Gonzalez Methodist Church.

Commissioner Barry provided an update on the Broadband Project for the north end of the County, and is hopeful that a Memorandum of Understanding to the next Regular Board Meeting on November 3rd. The Board also heard comments from David Deliman, Market Vice President for Cox Communications.

ITEMS ADDED TO THE AGENDA – None.

ANNOUNCEMENTS – None.

ADJOURNMENT

There being no further business to come before the Board, Chairman Bergosh declared the Regular Meeting of the Board of County Commissioners adjourned at 11:49 a.m.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: ______________________
Jeff Bergosh, Chairman

ATTEST:

Pam Childers
Clerk of the Circuit Court & Comptroller

____
Deputy Clerk

SEAL

Approved: November 3, 2022