

THROUGH THESE DOORS WALK ONLY THE FINEST PEOPLE – THE CITIZENS OF ESCAMBIA COUNTY. DECISIONS ARE MADE IN THIS ROOM AFFECTING THE DAILY LIVES OF OUR PEOPLE. DIGNIFIED CONDUCT IS APPRECIATED.

CHAMBER RULES

1. IF YOU WISH TO SPEAK, YOU WILL BE HEARD.
2. YOU MUST SIGN UP TO SPEAK. SIGN-UP SHEETS ARE AVAILABLE AT THE BACK OF THE ROOM.
3. YOU ARE REQUESTED TO KEEP YOUR REMARKS BRIEF AND FACTUAL.
4. BOTH SIDES ON AN ISSUE WILL BE GRANTED UNIFORM/MAXIMUM TIME TO SPEAK.
5. DURING QUASI-JUDICIAL HEARINGS (I.E., REZONINGS), CONDUCT IS VERY FORMAL AND REGULATED BY SUPREME COURT DECISIONS. VERBAL REACTION OR APPLAUSE IS NOT APPROPRIATE.

PLEASE NOTE THAT ALL BCC MEETINGS ARE RECORDED

AGENDA

Board of County Commissioners

Regular Meeting – February 5, 2009 – 5:30 p.m.

Governmental Complex – First Floor

1. Call to Order.

(PLEASE TURN YOUR CELL PHONE TO THE VIBRATE, SILENCE, OR OFF SETTING)

2. Invocation – Commissioner Robertson.
3. Pledge of Allegiance to the Flag.
4. Are there any items to be added to the agenda?

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

5. Commissioners' Forum.
6. Proclamations – None.
7. Employee of the Month Proclamations – None.

8. Written Communication:

- A. January 5, 2009 – Communication from Charles P. Hoskin, Emmanuel, Sheppard & Condon, on behalf of Marc and Darlene Robert, requesting that the Board release a Code Enforcement Lien (*recorded in Official Records Book 6001, Page 814*), against property located at 41 Sugar Bowl Lane;
- B. January 5, 2009 – Communication from Keri Mendoza and David Kaeser requesting that the Board forgive a Code Enforcement Lien (*recorded in Official Records Book 5977, Page 787, amended Lien recorded in Official Records Book 6388, Page 1284*), against property located at 2262 Bob White Lane;
- C. January 6, 2009 – Communication from Stephen R. Moorhead, McDonald, Fleming, Moorhead, Attorneys at Law, on behalf of First American Title Insurance Company, Inc., requesting that the Board release a Code Enforcement Lien (*recorded in Official Records Book 4786, Page 1303*), against property previously known as Dolphin Pass; and
- D. Undated communication from Mildred Sidener requesting that the Board forgive a Code Enforcement Lien (*recorded in Official Records Book 6287, Page 33*), against property located at 1220 North "U" Street.

9. Did the Clerk's Office receive the proofs of publication for the Public Hearing(s) on the agenda and the Board's Weekly Meeting Schedule?

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*.

10. **5:31 p.m. Public Hearing for consideration of adopting an Ordinance creating the Indian Lake Subdivision Street Lighting MSBU.**

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, adopt, and authorize the Chairman to sign, the Ordinance creating the Indian Lake Subdivision Street Lighting Municipal Services Benefit Unit (MSBU), and all related documents, and make the following findings of fact:

- A. Lots in the District are specially benefited since street lighting not only increases the market value of an individual lot in the District, but also increases safety in the District surrounding individual lots and the ability of lot owners to use their individual lots after dark;
- B. The benefit from improved street lighting varies according to the relative size of the affected lots; residential lots benefit from improved street lighting uniformly because of the small variation in size throughout the District;
- C. The non-ad valorem special assessments levied represent a fair and reasonable apportionment of the cost of the special benefit received by each lot and do not represent a fair share of the cost of general governmental service provided to residents in the unincorporated areas of Escambia County; and
- D. Lots which do not receive a special benefit have been and shall be excluded from the non-ad valorem special assessment for street lighting.

11. Reports:

Clerk of the Circuit Court & Comptroller
Growth Management
County Administrator
County Attorney

12. Items added to the agenda.

13. Announcements.

14. Adjournment.

**BACKUP NOT INCLUDED WITH THE CLERK'S REPORT IS AVAILABLE FOR REVIEW IN
THE OFFICE OF THE CLERK TO THE BOARD
ESCAMBIA COUNTY GOVERNMENTAL COMPLEX, SUITE 130**

CLERK OF THE COURTS & COMPTROLLER'S REPORT
FEBRUARY 5, 2009

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

Recommendation: That the Board accept, for filing with the Board's Minutes, the following three Reports prepared by the Clerk and Comptroller's Finance Department:

- A. Payroll Expenditures as of Payday January 23, 2009, in the amount of \$2,414,124.61; and
- B. The following two Disbursement of Funds:
 - (1) January 15, 2009, to January 21, 2009, in the amount of \$753,758.33; and
 - (2) January 22, 2009, to January 28, 2009, in the amount of \$10,196,194.81.

2. Recommendation Concerning Budget Analyses

Recommendation: That the Board accept, for filing with the Board's Minutes, Budget Analyses for the first quarter of Fiscal Year 2008-2009, as follows:

- A. Expenditure Budget Analysis (Budget to Actual) as of December 31, 2008;
- B. Revenue Budget Analysis (Budget to Actual) as of December 31, 2008; and
- C. Profit and Loss Statements for the following Enterprise Funds:
 - (1) *Solid Waste Fund*
 - (2) *Inspections Fund*
 - (3) *Emergency Medical Service Fund*
 - (4) *Civic Center Fund*
 - (5) *Internal Service Fund*

3. Recommendation Concerning Acceptance of Documents

Recommendation: That the Board accept, for filing with the Board's Minutes, the following documents received in the Clerk to the Board's Office:

- A. The Closing documents relating to the exchange of property located on Hanks Road, a/k/a Bratt Property (Account Number 123027000, Property Reference 14-5N-32-2301-000-000), owned by the County, for property located on West Highway 4 (Account Number 122980000, Property Reference 11-5N-32-3201-000-000), owned by Kale and Donna Schneider, as approved by the Board on April 3, 2008, and received in the Clerk to the Board's Office on January 16, 2009;
- B. A copy of Internal Revenue Service Form 8328, *Carryforward Election of Unused Private Activity Bond Volume Cap*, in the amount of \$134,000,000, executed by the Chairman on January 9, 2009, relative to the Board's September 18, 2008, action approving the issuance of not exceeding \$200,000,000 in Industrial Development Revenue Bonds, Series 2008, for Gulf Power Company; and
- C. The *Continuation Certificate* executed by Evergreen National Indemnity Company, in the amount of \$500,000, as Surety on Bond Number 551298, on behalf of Allied Waste Services of North America, LLC, in favor of the Escambia County, Florida, Department of Solid Waste, effective January 1, 2009, through January 1, 2010, as provided by Denee M. Rudd, Accounting Supervisor, Neighborhoods and Community Services Bureau.

4. Recommendation Concerning Minutes and Reports

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

- A. Approve the Minutes of the Attorney-Client Session held January 22, 2009;
- B. Approve the Minutes of the Public Forum Work Session and Regular Board Meeting held January 22, 2009;
- C. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held January 22, 2009; and
- D. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held January 15, 2009.

GROWTH MANAGEMENT REPORT

February 05, 2009

I. PUBLIC HEARING(S)

1. Review of the rezoning(s) heard at the Rezoning Hearing Examiner on December 15, 2008.

RECOMMENDATION: That the Board take the following actions:

- A. Review and either adopt, modify, or overturn the Rezoning Hearing Examiner's recommendation for Rezoning Case Z-2008-19: and
- B. Authorize the Chairman to sign the Orders of the Escambia County Board of County Commissioners for the rezoning case(s) that were reviewed.

Case No.:	Z-2008-19
Location:	1040 East Nine Mile Road
Property Reference No.:	06-1S-30-2101-060-001
Property Size:	4.10(+/-) acres
From:	R-4, Multiple Family District, Medium High Density, (cumulative) (18du/acre)
To:	C-1, Retail Commercial District, (cumulative) (25 du/acre)
FLU Category:	C, Commercial and MU-2, Mixed Use
Commissioner District:	5
Requested by:	Ryan P. Hatler, Agent for YB North Pensacola, LLC, Owner
RHE Recommendation:	Approval
Speakers:	Stacey Ward Ryan Hatler

2. **5:45p.m. – Thursday, February 5, 2009, Public Hearing**
Amendment to the Official Zoning Map

RECOMMENDATION: That the Board adopt an ordinance to amend the Official Zoning Map to include Rezoning Case Z-2008-19

II. ACTION ITEM(S)

1. Hold Harmless Agreement for Entrance Signs Adjacent to the Right-of-Way in Chandelle Subdivision

RECOMMENDATION: That the Board review and approve the "Hold Harmless Agreement for Signs Adjacent to Right-of-Way";

III. CONSENT AGENDA

1. **RECOMMENDATION:** That the Board schedule the following public hearing(s):

5:45 p.m. – Thursday, March 05, 2009 – A public hearing to review the Interlocal Agreement to provide for Navy participation in decisions regarding land development in Escambia County.

**COUNTY ADMINISTRATOR'S REPORT
FEBRUARY 5, 2009**

I. Technical/Public Service Consent Agenda

- 1. Recommendation Concerning One-Way Traffic of Copter Road and Weed Street – Larry Newsom, Transportation Director**

(BACKUP WILL BE DISTRIBUTED UNDER SEPARATE COVER)

II. Budget/Finance Consent Agenda

1. Recommendation Concerning a Purchase Order for Proprietary Annual Software Maintenance – T. Lloyd Kerr, AICP, Development Services Bureau Chief

RECOMMENDATION: That the Board approve and authorize a Purchase Order in the amount of \$110,961, to Accela, Inc., for proprietary annual software maintenance for the County. [Funding: Fund 001, General Fund, Cost Center 140101, Information Systems - \$55,480.50 and Fund 406, Building Inspections Fund, Cost Center 250101, Permitting - \$55,480.50]

2. Recommendation Concerning State of Florida Department of Transportation Grant Application for 2009 Section 5311 Funding – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the State of Florida Department of Transportation (FDOT) Grant Application for 2009 Section 5311 funding (Federal Transit Administration non-urbanized area funding) to be used by the Community Transportation Coordinator and Escambia County, Area Transit (ECAT) in the non-urbanized areas of Escambia County including operation of the fixed route to Century:

- A. Ratify the Chairman's signature on the Grant Application; and
- B. Ratify the Chairman's signature on the Authorizing Resolution.

COUNTY ADMINISTRATOR'S REPORT

FEBRUARY 5, 2009

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3. Recommendation Concerning Change Order for the Restoration of the Old County Courthouse Third Floor – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief

RECOMMENDATION: That the Board authorize the County Administrator to execute the following Change Order:

Bureau:	Neighborhoods and Community Services	
Division:	Neighborhood Redevelopment	
Type:	Restoration and Construction	
Amount:	\$348,000.00	
Vendor:	Greenhut Construction Company, Inc.	
Project Name:	Restoration of the Old County Courthouse	
Contract:	PD 06-07.045	
PO#:	280478	
CO#:	7	
Original Award Amount:		\$59,577.00
Cumulative Amount of Change Orders through CO#7		<u>\$1,394,677.60</u>
New Contract Total:		\$1,454,254.60

[Funding Source: 2008 Community Development Block Grant (CDBG), ADA Improvements to County Facilities, Cost Center 220563, Account 56301 – \$40,000; Fund 352, Local Option Sales Tax III, Natural Resources/Community Redevelopment Program Area, Cost Center 220102 – \$308,000]

4. Recommendation Concerning Disposition and Donation of Surplus Equipment – Michael Hardin, Public Safety Bureau Chief

RECOMMENDATION: That the Board take the following action concerning disposition of surplus equipment and donation of a 1986 GMC CB 8900 Fire Truck (Property Number 32615) to Beulah Volunteer Fire Department of Boaz, Alabama:

- A. Approve a Request for Disposition of Property for the fire truck, which is obsolete and serves no useful function to the County, to be appropriately disposed of through donation to Beulah Volunteer Fire Department of Boaz, Alabama;
- B. Adopt the Resolution authorizing conveyance of the Fire Truck (Serial Number 1GDJK34J1GJ514474) to Beulah Volunteer Fire Department of Boaz, Alabama, in compliance with Section 274.06, Florida Statutes; and
- C. Authorize the Chairman to sign required documents related to the donation.

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5. Recommendation Concerning Pine Forest Road Widening (Nine Mile Road to County Road 297A) – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning Pine Forest Road Widening (Nine Mile Road to County Road 297A):

A. Approve the Selection/Negotiation Committee Ranking:

1. HDR Engineering, Inc.;
2. Fabre Engineering, Inc.; and
3. Hatch Mott MacDonald of Florida; and

B. Award a Task Order, PD 07-08.083, Professional Services for Pine Forest Road Widening (Nine Mile Road to CR 297A), per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055 to HDR Engineering, Inc., for \$59,177. [Fund 175, Transportation Trust Fund, Account 210304/56301, No Project Number, \$45,669; Fund 352, Local Option Sales Tax III, Account 210107/ 56301, Project No. 09EN0185, \$13,508]

6. Recommendation Concerning Supplemental Budget Amendment #94 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #94, General Fund (001), in the amount of (\$2,188,974), to recognize a reduction in revenue and adjust the revenue estimates for Ad-Valorem Taxes and the Sheriff MSTU accordingly, as well as appropriate the new allocation of \$20,000 for the Healthy Start Program for Fiscal Year 2008/2009.

7. Recommendation Concerning Supplemental Budget Amendment #96 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #96, General Fund (001), in the amount of \$5,400, to recognize a reimbursement from the City of Pensacola for municipal runoff election expenses, and to appropriate these funds for poll worker salaries.

8. Recommendation Concerning Budget Amendment #97 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board approve Budget Amendment #97, Other Grants and Projects Fund (110), in the amount of \$14,961, to reallocate Poll Worker Grant funds from operating accounts to personnel accounts.

9. Recommendation Concerning Supplemental Budget Amendment #98 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #98, Other Grants and Projects Fund (110), in the amount of \$18,132, to recognize proceeds from the State of Florida, Division of Emergency Management, Grant Agreement Contract Number 07HM-5@-01-27-01-021, and to appropriate these funds for installing protective shutters on the McDavid Fire Station.

10. Recommendation Concerning Supplemental Budget Amendment #99 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #99, Other Grants and Projects Fund (110), in the amount of \$16,411, to recognize proceeds from the State of Florida, Division of Emergency Management, Grant Agreement Contract Number 07HM-5@-01-27-01-023, and to appropriate these funds for installing protective shutters on the Walnut Hill Fire Station.

11. Recommendation Concerning Supplemental Budget Amendment #100 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #100, General Fund (001) and Escambia County Restricted Fund (101), in the amount of \$77,431, to recognize animal license fees collected at the animal shelter, and to appropriate these funds for shelter operating and capital needs.

12. Recommendation Concerning Supplemental Budget Amendment #101 – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #101, Transportation Trust Fund (175) and General Fund (001), in the amount of \$46,981, to transfer funds from the General Fund to the Road Prison and to appropriate these funds into the correct Cost Centers, so that the funding source matches the work location for a Corrections Officer.

13. **Recommendation Concerning Supplemental Budget Amendment #102 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #102, Transportation Trust Fund (175) and Capital Projects New Road Construction Fund (333), in the amount of \$0, to move the estimated revenue for the 9th Cent Gas Tax from Fund 333 to Fund 175, and to appropriate these personnel funds into the correct Cost Centers.

14. **Recommendation Concerning Airway Drive Sidewalk Project From SR 10 (Nine Mile Road) to Johnson Avenue – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Airway Drive Sidewalk Project from State Road 10 (Nine Mile Road) to Johnson Avenue, Escambia County, PD 08-09.009:

- A. Approve the Selection/Negotiation Committee Ranking for the Airway Drive Sidewalk Project from State Road 10 (Nine Mile Road) to Johnson Avenue, Escambia County, PD 08-09.009:
 - 1. Rebol-Battle & Associates;
 - 2. Jehle-Halstead, Inc.; and
 - 3. Thompson Engineering, Inc.; and

- B. Award a Task Order for Design Services for the Airway Drive Sidewalk Project from State Road 10 (Nine Mile Road) to Johnson Avenue, Escambia County, PD 08-09.009, to Rebol-Battle and Associates, in the amount of \$167,796.04.

[Funding: Fund 110, Other Grants and Projects, Cost Center 210511, Account Code 331404, Project Number 56301]

15. **Recommendation Concerning Ricoh Copier Leases For Escambia County Probation and Road Prison – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board, in accordance with the Escambia County Code of Ordinances, Chapter 46, Section 46-106, Multiyear Lease and Lease Purchase Agreements and Chapter 46, Section 46-44, Applications and Exemptions, approve piggybacking off the State of Florida Department of Children and Families Contract #NSC00003199, to Ricoh Americas Corporation for two, 48-month Leases for a Ricoh copier, Model Aficia MP 25550SP, as outlined in Ricoh Quote #213510 for Escambia County Road Prison, in the amount of \$281.07 per month, and for a Ricoh Aficio MP 2550SP, as outlined in Ricoh Quote #221935, for Escambia County Probation, in the amount of \$168.85 per month. Leases are contingent on approval by the County Attorney's Office.

[Fund 175, Road Prison Care and Custody, Cost Center 290202, Object Code 54401; Fund 114, Community Correction Misdemeanor Probation, Cost Center 290301, Object Code 54401]

16. **Recommendation Concerning Traffic Signal Design Olive Road (SR290) and Cody Lane – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning a Contract award for Traffic Signal Design, Olive Road (SR290) and Cody Lane:

A. Approve the Selection/Negotiation Committee Ranking:

1. American Consulting Engineers of Florida, LLC;
2. Hatch Mott MacDonald of Florida; and
3. Volkert & Associates, Inc.; and

B. Award a Task Order, PD 07-08.118, Traffic Signal Design, Olive Road (SR 290) and Cody Lane, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to American Consulting Engineers of Florida, LLC, based on a lump sum of \$44,958.37 and allowances of \$15,750, for a total of \$60,708.37.

[Funding: Cost Center 210107, Object Code 56301, Project Number 08EN0524]

17. Recommendation Concerning Professional Auditing Services – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning Professional Auditing Services:

- A. Approve the Assignment of Agreement authorizing the Contract PD 05-06.061, Professional Auditing Services, awarded originally to Felsing-Rankin, LLC, to be assigned to Carr, Riggs & Ingram, LLC, effective January 1, 2009, in accordance with the terms and conditions of the Contract; and
- B. Authorize the Chairman to sign the Assignment of Agreement.

[Funding: Fund 401, Solid Waste]

18. Recommendation Concerning Design-Build Services for Restoration to the Old County Courthouse – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning Contract Amendment #2 to PD 06-07.045, Design-Build Services for Restoration to the Old County Courthouse with Greenhut Construction Company, Inc., and Quina Grundhoefer Architects:

- A. Rescind the Board action of May 1, 2008, to approve Amendment #2 to the Contract PD 06-07.045, Design-Build Services for Restoration to the Old County Courthouse with Greenhut Construction Company, Inc., and Quina Grundhoefer Architects; and
- B. Approve retroactive to May 1, 2008, Amendment #2 to the Contract PD 06-07.045, Design-Build Services for Restoration to the Old County Courthouse with Greenhut Construction Company, Inc., and Quina Grundhoefer Architects as follows:

SECTION 3, CONTRACT AMOUNT is amended to read as follows:

In consideration of the faithful performance by Design-Build Firm of the covenants in this Agreement to the full satisfaction and acceptance of County, County agrees to pay, or cause to be paid, to Design-Build Firm in accordance with the terms of this Agreement the following Guaranteed Maximum Price (GMP) amount for the Project (herein "Contract Amount"): ~~\$700,000.00~~ 1,120,431.00.

SECTION 4, DESIGN-BUILD FIRM FEES, is amended to read as follows:

For the performance of the design services set forth herein and for profit and overhead related to these services, a total fee of ~~\$59,577.00~~ 75,677.00 shall be paid to the Design-Build Firm.

SECTION 4, DESIGN-BUILD FIRM FEES, B, Construction Phase Fee is amended to read as follows:

- 1. The Design-Build Firm's compensation for services performed during the Construction Phase shall be a total fee of ~~\$To Be Negotiated~~ \$1,044,754.00.**
- 2. The Construction Phase Fee shall be paid in monthly payments of ~~\$To Be Negotiated~~ \$174,125.66 each and one final monthly payment of ~~\$To Be Negotiated~~ \$174,125.66 at the conclusion of the Project.**

SECTION 6 is amended to read as follows:

- 1. The Work shall be substantially completed within ~~To Be Negotiated~~ One Hundred Eighty (180) calendar days from the Commencement Date. The Work shall be fully completed and deemed ready by the County for final completion within ~~To Be Negotiated~~ Thirty (30) calendar days from the Substantial Completion Date. The Contract Time shall be the time period from the Commencement Date to the date of final completion totaling ~~To Be Negotiated~~ Two Hundred Ten (210) calendar days.**
- 2. Should Design-Build Firm fail to substantially complete the Work within the time period noted above, County shall be entitled to assess, as liquidated damages, but not as a penalty, ~~\$To Be Negotiated~~ \$500.00 for each calendar day thereafter until Substantial Completion is achieved.**

SECTION 7 is amended to read as follows:

The following documents are expressly agreed to be incorporated by reference and made a part of this Agreement.

- Exhibit A: General Terms and Conditions**
- Exhibit B: Form of Performance and Payment Bonds**
- Exhibit C: Insurance Requirements**
- Exhibit D: Form of Release and Affidavit**

COUNTY ADMINISTRATOR'S REPORT

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- Exhibit E: ~~Form of Application for Payment~~ Owner's Certificate Of Partial Payment**
- Exhibit F: Form of Change Order**
- Exhibit G: Owner Direct Purchases (if applicable)**
- Exhibit H: Contract Definitions**
- Exhibit I: Design Criteria Package**
- Exhibit J: Schedule of Project Fees**
- Exhibit K: Approved Schematic Designs/Development Documents**
- Exhibit L: Approved GMP Construction Drawings and Specifications**
- Exhibit M: Pre-Construction Fee Proposal**
- Exhibit N: Design-Build Firm Project Personnel Roster**
- Exhibit O: Project Schedule**
- Exhibit P: GMP Amount Detail**
- Exhibit Q: Information Package**

[Funding Sources: CDBG HUD Entitlement Fund, Fund 129, 2005 CDBG, Cost Center 220422/56201 – \$84,949.00; CDBG HUD Entitlement Fund, Fund 129, 2006 CDBG, Cost Center 221403/56201 – \$125,000.00; CDBG HUD Entitlement Fund, Fund 129, 2007 CDBG, Cost Center 220555/56201 – \$100,000.00; Old Courthouse Renovation, Fund 110, Other Grants & Projects, Cost Center 310103/56201 – \$368,865.50; LOST II, Fund 351, Cost Center 110224/56201 – \$369,682.46]

COUNTY ATTORNEY'S REPORT
February 5, 2009

I. FOR ACTION:

1. Request by George Touart for Reimbursement of Attorneys Fees and Costs to defend complaints brought against him in the Florida Commission on Ethics

That the Board:

- A. Find that the defense of complaints filed by Preston Solomon and Michael Coonan with the State of Florida Commission on Ethics by former County Administrator George Touart does not meet either statutory or common law criteria for reimbursement of legal fees and costs by Mr. Touart; and
 - B. Deny reimbursement of Mr. Touart's attorneys fees and costs paid to the law firm of Emmanuel, Sheppard & Condon in the sum of \$3,629.60.
2. Attorney-Client Session -- *Escambia County v. McCall & Associates, Inc.* Case No. 2008 CA 000007
 - A. That the Board schedule a private meeting with its attorneys to discuss pending litigation, in accordance with § 286.011 (8), Florida Statutes, for February 19, 2009 at 3:30 p.m.
 - B. That the Board approve the public notice printed below to be published in the *Pensacola News Journal* on Sunday, February 8, 2009.

II. FOR INFORMATION:

1. Sherri Myers v. Robert McLaughlin, Case No.: 2008 CA 003467

That the Board accept the attached information concerning Sherri Myers v. Robert McLaughlin wherein the Court granted the County's Motion to Dismiss with Prejudice.