

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 AND TELEVISED

AGENDA

Board of County Commissioners
Regular Meeting – September 2, 2010 – 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 Young.
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.

Recommendation: That the Board take the following action concerning the adoption/ratification of the following six Proclamations:

- A. Adopt the Proclamation extending a warm welcome to Most Worshipful Grand Master J. Dick Martinez, Grand Master of Free and Accepted Masons of the State of Florida, upon the occasion of his visit to Escambia County;
- B. Ratify the Proclamation dated August 26, 2010, offering sincere gratitude to the Members of the Florida Fish and Wildlife Conservation Commission for showing its solidarity with this region by changing the location of its September 1-3, 2010, Commissioners' Meeting from Weston, Florida, to Escambia County, Florida, to be held at the Hilton Pensacola Beach Gulf Front hotel located on Pensacola Beach;
- C. Ratify the Proclamation, dated August 18, 2010, commending and congratulating Phillip Masterson for attaining the standard of excellence to achieve the rank of Eagle Scout;
- D. Ratify the Proclamation, dated August 18, 2010, commending and congratulating Shaun Hagerott for attaining the standard of excellence to achieve the rank of Eagle Scout;
- E. Ratify the Proclamation, dated August 18, 2010, commending and congratulating Brian Hagerott for attaining the standard of excellence to achieve the rank of Eagle Scout; and
- F. Ratify the Proclamation, dated August 18, 2010, commending and congratulating Jake T. Hartnett for attaining the standard of excellence to achieve the rank of Eagle Scout.

7. 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*.

8. **5:31 p.m. Public Hearing for consideration of the Petition to Vacate a portion of the alleyway in Block 48, Hazelhurst Subdivision, as petitioned by Frank C. Whitfield.**

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, take the following action regarding the Petition to Vacate a portion of the alleyway in Block 48, Hazelhurst Subdivision (approximately 92 feet x 20 feet = 1,840 square feet, or 0.04 acre), as petitioned by Frank C. Whitfield:

- A. Approve the Petition to Vacate;
- B. Accept the Hold/Harmless Agreement;
- C. Adopt the Resolution to Vacate; and
- D. Authorize the Chairman or Vice Chairman to accept the documents as of the day of delivery of the documents to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to execute them at that time.

9. Reports:

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

10. Items added to the agenda.
11. Announcements.
12. 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
SEPTEMBER 2, 2010

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 of the Circuit Court & Comptroller's Finance Department:

- A. Payroll Expenditures for Pay Date August 20, 2010, in the amount of \$2,191,487.03;
- B. The following two Disbursement of Funds:
 - (1) August 12, 2010, to August 18, 2010, in the amount of \$2,589,172.98; and
 - (2) August 19, 2010, to August 25, 2010, in the amount of \$23,323,009.77.

2. Recommendation Concerning Disposition of Property

Recommendation: That the Board approve the disposition of Asset #54069, Dell Laptop.

3. Recommendation Concerning Acceptance of Document

Recommendation: That the Board accept, for filing with the Board's Minutes, the *Agreement for On-Site Services* between Concentra Health Services, Inc., and Escambia County (for Contract PD 09-10.005, *Re-Solicitation On-Site Employee Health Clinic*), as approved by the Board on February 4, 2010, and executed by the Chairman on August 17, 2010.

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 Regular Board Meeting held August 19, 2010;
- B. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held August 19, 2010;
- C. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held August 12, 2010; and
- D. Accept, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held August 26, 2010.

GROWTH MANAGEMENT REPORT

September 02, 2010

I. CONSENT AGENDA

1. Schedule of Public Hearing

RECOMMENDATION:

That the Board authorize the scheduling of the following Public Hearing:

5:45 p.m. – Thursday, October 7, 2010 – A Public Hearing to amend the Official Zoning Map to include the following rezoning case to be heard by the Planning Board on September 13, 2010.

Case No.:	Z-2010-11
Location:	4923 Lillian Highway
Property Reference No.:	34-2S-30-0200-002-011
Property Size:	2.25 (+/-) acres
From:	R-2 Single-family District (cumulative), Low-medium Density (7 du/acre) & R-6 Neighborhood Commercial and Residential District, (cumulative) High Density (25 du/acre)
To:	C-1 Retail Commercial District (cumulative) (25 du/acre)
FLU Category:	MU-2 (Mixed-Use 2)
Commissioner District:	2
Requested by:	Wiley C. "Buddy" Page, Agent for Rhonda M. Riley & Alan D. Howard, Owners

**COUNTY ADMINISTRATOR'S REPORT
SEPTEMBER 2, 2010**

I. Technical/Public Service Consent Agenda

1. Recommendation Concerning Resolution Supporting Myrtle Grove Subdivision as a Crime Prevention District – Gordon Pike, Corrections Bureau Chief

RECOMMENDATION: That the Board take the following action concerning support of Myrtle Grove Subdivision as a Crime Prevention District:

- A. Adopt the Resolution in support of Myrtle Grove Subdivision as a Crime Prevention District; and**
- B. Authorize the Chairman to sign the Resolution and any other documents necessary to accomplish goals of the Crime Prevention Program.**

[Funding for Crime Prevention Districts and their related enforcement activities shall be from fines and/or fees collected and eligibility under Florida Statutes 775.083(2), as amended, for use in neighborhood projects.]

2. Recommendation Concerning Community Center License and Management Agreements for Walnut Hill Ruritan Club, Inc., and Boys & Girls Clubs of the Emerald Coast, Inc. – Sandra P. Jennings, P.E., Community & Environment Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the Community Center License and Management Agreements for Walnut Hill Ruritan Club, Inc., and Boys & Girls Clubs of the Emerald Coast, Inc.:

- A. Approve and authorize the Chairman to sign the Community Center License and Management Agreement between the County and Walnut Hill Ruritan Club, Inc., for the Walnut Hill Community Center, with an effective date of August 5, 2010; and**
- B. Approve and authorize the Chairman to sign the Community Center License and Management Agreement between the County and Boys & Girls Clubs of the Emerald Coast, Inc., for the Englewood Community Center, with an effective date of September 1, 2010.**

3. **Recommendation Concerning Appointment/Reappointments to the Workforce Escarosa, Inc., Board of Directors – Sandra P. Jennings, P.E., Community & Environment Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning an appointment/reappointments to the Workforce Escarosa, Inc., Board of Directors:

- A. Confirm the appointment of Lesa Morgan, Director of Workforce Education, Escambia County School District, as the school district representative for a three-year term, with the term of appointment to be effective September 2, 2010, through September 1, 2013;
- B. Confirm the reappointment of Reagan McDaniel, Business Manager, International Brotherhood of Electrical Workers Local Union #676, as the labor representative for a fourth three-year term, per the end date of his previous appointment, with the term of the appointment to be effective August 1, 2010, through July 31, 2013, with special dispensation requested for this additional term of service; and
- C. Confirm the reappointment of Dr. Harold White, Executive Vice President, University of West Florida, as a private sector representative for a three-year term per the end date of his previous appointment, with the term of appointment to be effective August 1, 2010, through July 31, 2013.

4. **Recommendation Concerning Requests for Disposition of Property for Public Safety Bureau – Michael D. Weaver, Public Safety Interim Bureau Chief**

RECOMMENDATION: That the Board approve three Request for Disposition of Property Forms for property which is no longer in service, has been damaged beyond repair and/or is obsolete and requires proper disposal, all of which are described and listed on the disposition forms with Bureau and reason stated.

5. **Recommendation Concerning Conveyance of Conservation Easement at Binkley Place, an Unplatted Subdivision – Joy D. Blackmon, P.E., Interim Assistant County Administrator**

RECOMMENDATION: That the Board accept and authorize the Chairman or Vice-Chairman to execute a Conservation Easement document conveying a Conservation Easement at Binkley Place, an unplatted subdivision – Development Review #07021966, pursuant to the Escambia County Land Development Code, as set forth in Section 7.13.03.F, Protection Standards.

COUNTY ADMINISTRATOR'S REPORT

SEPTEMBER 2, 2010

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6. Recommendation Concerning Scheduling a Public Hearing to Vacate a Portion of Bates Drive – Joy D. Blackmon, P.E., Interim Assistant County Administrator

RECOMMENDATION: That the Board schedule a Public Hearing for October 7, 2010, at 5:31 p.m., to consider the Petition to Vacate a portion of Bates Drive (15 feet x approximately 825 feet = 12,375 square feet or 0.28 acres), as petitioned by Shirlaura Bremer.

7. Recommendation Concerning Certificate of Need Application for Wise Recycling, LLC – Sandra P. Jennings, P.E., Community & Environment Bureau Chief

RECOMMENDATION: That the Board take the following action concerning a Certificate of Need Application for Wise Recycling, LLC:

- A. Approve a Certificate of Need Application, permitting Wise Recycling, LLC, to operate in Escambia County; and**
- B. Authorize the Chairman to sign the Certificate.**

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Surplus and Conveyance of Real Properties Located at 1925 North "P" Street and Located in the 1000 Block of West Yonge Street – Amy Lovoy, Management and Budget Services Bureau Chief

RECOMMENDATION: That the Board take the following action concerning the conveyance of real properties to Pensacola Habitat for Humanity, Inc., a not for profit corporation using Escambia County's Surplus Property Disposition for Affordable Housing Development Program;

- A. Declare surplus the Board's real property at 1925 North "P" Street, Account Number 06-1119-000, Reference Number 17-2S-30-1200-080-003, and real property located in the 1000 Block of West Yonge Street, Account Number 06-2754-000, Reference Number 18-2S-30-6000-070-030;
- B. Adopt the Resolutions authorizing the conveyance of these two properties to Pensacola Habitat for Humanity, Inc.;
- C. Approve the sale price of \$3,403.25, for the 1925 North "P" Street property and \$4,079.70, for the property located in the 1000 Block of West Yonge Street, for a total amount of \$7,482.95;
- D. Allow Pensacola Habitat for Humanity Inc., up to a maximum of 120 days to close, because of the U.S. Department of Housing and Urban Development approval requirements; and
- E. Authorize the Chairman to execute the Resolutions and all documents related to the sale.

2. **Recommendation Concerning the Purchase of Real Property Located at 2208 West Herman Avenue – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the purchase of real property being foreclosed by the County, in compliance with the Code Enforcement/Nuisance Abatement Lien Collection Policy, approved by the Board on July 10, 2008:

- A. Authorize purchase of real property at 2208 West Herman Avenue, Account Number 05-2830-000, Reference Number 09-2S-30-1100-000-172, for use in the Delano Area Drainage Project Study, which identified the need for a pond located in this area;
- B. Approve the bid price of \$100 up to \$6,490.16, in the Clerk of the Court's online foreclosure sale; and
- C. Authorize the Chairman to execute all documents related to the purchase.

[Purchase of this property will be paid from LOST.]

3. **Recommendation Concerning Surplus and Sale of Real Property Located at 3009 North Tarragona Street – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action regarding surplus and sale of real property located at 3009 North Tarragona Street, due to the failure of the bidder to close on the property:

- A. Rescind the Board's action of April 8, 2010, approving, due to the failure of the successful bidder to close in 2007, to grant the successful bidder (Sam Phillips) an additional 90-day extension period to close on the sale of real property located at 3009 North Tarragona Street, Account Number 05-0885-000, Reference Number 04-2S-30-6001-008-007, acquired by tax deed in 2003, and amend the minimum bid amount from \$3,000 to the Property Appraiser's reassessed value of \$1,425;
- B. Declare the bidder in default, retain the bid deposit, and authorize the property to be re-advertised;
- C. Authorize the sale of the property to the bidder with the highest offer received at or above the minimum bid of \$1,425, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and
- D. Authorize the Chairman to sign all documents related to the sale.

4. **Recommendation Concerning Surplus and Sale of Real Property Located at 8020 Mobile Highway – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the surplus and sale of real property located at 8020 Mobile Highway:

- A. Declare surplus the Board's real property, Account Number 09-0832-000, Reference Number 18-1S-31-1105-000-000;
- B. Authorize the sale of the property to the bidder with the highest offer received at or above the minimum bid of \$27,808, in accordance with Section 46.134 of the Escambia County of Ordinances, without further action of the Board. (The current assessed value is \$25,992; however, a Tax Certificate was purchased in the amount of \$1,816.);
- C. Approve the updated Sales Agreement Contract to be used for this sale and future sales; and
- D. Authorize the Chairman to sign all documents related to the sale.

5. **Recommendation Concerning Supplemental Budget Amendment #287 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #287, Other Grants & Projects Fund (110), in the amount of \$142,120, to recognize Grant funds from the Florida Department of Law Enforcement and to appropriate these funds for Pensacola Junior College (PJC), to be used for a new emergency voice system on the PJC main and West-side campuses.

6. **Recommendation Concerning Supplemental Budget Amendment #299 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #299, Tourism Promotion Fund (108) and Civic Center Fund (409), to recognize a funding transfer, in the amount of \$75,000, to the Civic Center and to appropriate these funds for concert promotions, according to the allocations made by the Tourist Development Council on the third allocation of BP Tourism funding.

7. **Recommendation Concerning Supplemental Budget Amendment #300 – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board adopt the Resolution approving Supplemental Budget Amendment #300, Other Grants and Projects Fund (110), in the amount of \$416,801, to recognize proceeds from a Florida Department of Transportation Local Agency Program Agreement and to appropriate these funds for construction of sidewalks near Bellview Elementary School, along the north side of Bellview Avenue, from Mers Lane to Dallas Avenue and on the west side of Dallas Avenue, from Seattle Avenue to Tucson Avenue.

8. **Recommendation Concerning the Florida Department of State, Division of Library and Information Services State Aid to Libraries Grant Agreement – Sandra P. Jennings, P.E., Community & Environment Bureau Chief**

RECOMMENDATION: That the Board take the following action regarding the Florida Department of State, Division of Library and Information Services State Aid to Libraries Grant Agreement:

- A. Approve the Florida Department of State, Division of Library and Information Services, State Aid to Libraries Grant Agreement, for Fiscal Year 2010-2011; and
- B. Authorize the Chairman to sign the Grant Agreement and any related documents necessary to implement any award received, without further action of the Board.

[Funding Source: The Grant amount shall be calculated in accordance with Chapter 257, Florida Statutes and guidelines of the State Aid to Libraries Grant Program. The first payment to be made upon execution of the Agreement, and the remaining payment will be made by June 30, 2011.]

9. **Recommendation Concerning 2009-2010 State Homeland Security Grant Program Subrecipient Agreement – Michael D. Weaver, Public Safety Interim Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the 2009-2010 State Homeland Security Grant Program Subrecipient Agreement for Expenditure of Local Government Unit Funding for Florida, Grant #010-DS-39-00-16-414. (This Grant will provide for reimbursement, of up to \$34,695, for HazMat and Urban Search and Rescue (USAR) equipment sustainment and \$34,600 for HazMat and USAR team training.):

- A. Approve the Agreement between Escambia County, Florida, and the State of Florida, Department of Financial Services; and
- B. Authorize the Chairman to sign the Agreement.

COUNTY ADMINISTRATOR'S REPORT

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10. Recommendation Concerning Change Order Related to Emergency Operation Center Activation During Declared State of Local Emergency, Deepwater Horizon BP Oil Spill – Michael D. Weaver, Public Safety Interim Bureau Chief

RECOMMENDATION: That the Board approve and authorize the Interim County Administrator to execute the following Change Order, related to Emergency Operation Center activation during the declared state of local emergency, Deepwater Horizon BP Oil Spill:

Bureau:	Public Safety	
Division:	Emergency Management	
Type:	Addition	
Amount:	\$11,182	
Vendor:	Pot Belly Deli (#164765)	
Project Name:	OILSPL10	
Purchase Order Number:	101367	
Change Order Number:	02	
Original Award Amount:		\$25,000
Cumulative Amount of Change Orders thru CO#2:		<u>\$67,282</u>
New Contract Total:		\$92,282

[Funding Source: Fund 112, Disaster Recovery; Cost Center 330481, Gulf Oil Spill 2010; Project OILSPL10]

11. Recommendation Concerning Change Order for Project MEDOIL1 – Michael D. Weaver, Public Safety Interim Bureau Chief

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

Bureau:	Public Safety	
Division:	Emergency Medical Services (EMS)	
Type:	Addition	
Amount:	\$96,000	
Vendor:	Keegan Staffing (#110369)	
Project Name:	MEDOIL1	
Contract:	PD 08-09.069 – Employment Services, Temporary	
Purchase Order Number:	101503	
Change Order Number:	01	
Original Award Amount:		\$42,000
This Change Order Amount:		<u>\$96,000</u>
New Contract Total:		\$138,000

[Funding Source: Fund 408, EMS; Cost Center 330302, EMS Operations; Account Code 53401, Other Contractual Services]

12. **Recommendation Concerning Final Extension of General Paving, Drainage and Resurfacing Pricing Agreement – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the final extension of the General Paving, Drainage and Resurfacing Pricing Agreement, PD 07-08.134:

- A. Accept and approve the final 12-month extension, effective October 1, 2010, of the Indefinite Quantity, Indefinite Delivery Contract, PD 07-08.134, to each of the following list of contractors, accepting those price changes (increases/decreases) as indicated:

APAC-Mid South, Inc., and (formerly APAC-Southeast, Inc.) – no Unit Price changes requested

Gulf Atlantic Constructors, Inc. – no Unit Price changes requested

Panhandle Grading & Paving, Inc. – Unit Price changes requested, as indicated on the list

Pensacola Concrete Construction Co. – no Unit Price changes requested

Roads, Inc., of NWF – Unit Price changes requested, as indicated on the list

Starfish, Inc., of Alabama – no Unit Price changes requested

Utility Service Co., Inc. – delete as nonresponsive to extension request; and

- B. Authorize the subject Contract for use by various Bureaus, utilizing the accepted Bid Form Price Listing and Balance-of-Line items, as defined within the Special Terms and Conditions of the Solicitation, to determine the lowest bid for a project; and
- C. Authorize the issuance of Individual or Blanket Purchase Orders by all Bureaus/Divisions, in accordance with Chapter 46 of the Escambia County, Florida, Code of Ordinances, during Fiscal Year 2010-2011.

[Funding: Various Funds/Cost Centers/Object Codes and Project Numbers]

13. **Recommendation Concerning Magnolia Lake Estates Stormwater Pond Rehabilitation – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board award an Indefinite Quantity, Indefinite Delivery Contract, PD 09-10.068, Magnolia Lake Estates Stormwater Pond Rehabilitation, to J. Miller Construction, Inc., for a total amount of \$388,066. [Funding: Fund 351, LOST II, Cost Center 210105, Object Code 56301, Project No. 10EN0265, \$327,000 and Fund 352, LOST III, Cost Center 210107, Object Code 56301, Project No. 10EN0815, \$61,066]

14. **Recommendation Concerning the Low Income Pool Medical Education Grant Program – Amy Lovoy, Management and Budget Services Bureau Chief**

RECOMMENDATION: That the Board take the following action concerning the Low Income Pool Medical Education Grant Program. (There will be no net effect to the County's Budget.):

- A. Approve the Letter of Agreement between the State of Florida's Agency for Health Care Administration (AHCA) and Escambia County, allowing the County to participate in the Low Income Pool Program, which will provide matching dollars on behalf of Sacred Heart Hospital for a Medical Education Grant in the amount of \$240,013;
- B. Authorize the County to act as the pass-through agency, on behalf of Sacred Heart Hospital for the required contribution to AHCA; and
- C. Authorize the execution of any necessary Purchase Orders.

15. **Recommendation Concerning Navy Federal Credit Union, Economic Development Rebate Reimbursement (Ordinance 2007-56) – Larry M. Newsom, Interim County Administrator**

(BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)

COUNTY ADMINISTRATOR'S REPORT

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III. For Discussion

1. **Discussion Concerning the Chamber Recovery Committee for the Initiative Specifically Aimed at Coastal Recovery and Creation of Jobs, Based on the Issues Created by the Deepwater Horizon Oil Spill, and Approving Filing a Claim with BP to Attempt to Recover the Funds (REFERRED FROM AUGUST 19, 2010, BCC) – Larry M. Newsom, Interim County Administrator**

2. **Discussion Concerning Rebanding of the Communications System (REFERRED FROM THE AUGUST 19, 2010, BCC) – Michael D. Weaver, Public Safety Interim Bureau Chief**

COUNTY ATTORNEY'S REPORT
September 2, 2010

I. FOR ACTION:

1. Resolution extending the scope of Resolution R2010-128 for an additional sixty (60) days (November 5, 2010) to address the threat posed by crude oil on certain private properties.

That the Board consider adopting a resolution to extend the scope of Resolution R2010-128 to address the threat posed by crude oil on certain private properties.

2. Saufley C&DD Landfill Lien - TAT Enterprises, Inc.

That the Board ratify the release of \$300,000 as full satisfaction of a stipulated final judgment against the Saufley Landfill as the County Attorney's Office determined appropriate steps were taken to protect the County's interests without obtaining a release from Tony Green.

3. Attorney Fee Increase in Certain Workers Compensation Claims

That the Board authorize the Risk Management Division, working with the County Attorney's Office, to continue to utilize Public Entity Legal Solutions for legal representation regarding excess workers' compensation and presumption law claims and to increase the hourly rate for such representation to \$135.00 per hour for attorney's services (from \$120.00 per hour). The rate for paralegal services shall remain the same at \$75.00 per hour. Travel expenses will be limited to no more than one (1) hour of attorney time per day and actual transportation cost will be pro-rated with other clients when possible.

4. Settlement of Workers' Compensation Claim involving Raymond Merritt

That the Board approve an indemnity-only settlement payable to former employee Raymond Merritt in the sum of \$250,000.00. An excess insurance carrier shall reimburse the County for \$150,000.00 of this settlement amount. This settlement will resolve the County's liability for any and all indemnity benefits to Mr. Merritt, including, but not limited to, past and future permanent total disability benefits, attorney's fees, penalties, interest, and costs for all compensable injuries.