

JEFFREY K. BARTON
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS
OF FEBRUARY 16, 2010

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JEFFREY K. BARTON

Clerk to the Board



February 16, 2010

**REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS**

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1801 27th Street, Vero Beach, Florida, on Tuesday, February 16, 2010. Present were Chairman Peter D. O'Bryan, Vice Chairman Bob Solari, Commissioners Wesley S. Davis, Joseph E. Flescher, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Leona Adair Allen.

1. CALL TO ORDER

Chairman O'Bryan called the meeting to order at 9:00 a.m.

2. INVOCATION

Dr. Charles C. Lever, Sr., First United Methodist Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Chairman O'Bryan led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman O'Bryan requested the following changes to the Agenda:

ADDITION: ITEM 8.B. INCLUDE GARY T. PARRIS AS A NOMINEE FOR APPOINTMENT OF MEMBER AT LARGE REPRESENTATIVE FOR THE ENTERPRISE ZONE DEVELOPMENT AGENCY

MOVED: ITEM 11.A. INDIAN RIVER LAND TRUST LAGOON GREENWAY PROJECT TO FOLLOW ITEM 5.C.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Solari, the Board unanimously approved the Agenda as amended.

Chairman O'Bryan recognized and welcomed the *Vero Beach High School Achievers in Action*, who in observance of African-American Pioneer Day, attended the Board of County Commission Meeting as part of their classwork.

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION DESIGNATING FEBRUARY 15 – 20, 2010, AS THE HEALTHY FLORIDIANS INITIATIVE WEEK

Commissioner Flescher read and presented the Proclamation to Tina Zayas, from the Indian River County Health Department; and Mike Redstone, Assistant Director of Recreation for Indian River County. Director Redstone provided updates and details on future events scheduled for the Healthy Floridians Initiative Week, and extended a welcome to all.

**5.B. PRESENTATION BY MR. CRAIG CALLAN, MINOR LEAGUE BASEBALL,
FIRST PITCH OF THE RUSS MATT BASEBALL INVITATIONAL AT
DODGERTOWN**

Craig Callan updated the Board on the chronologic events that led to the current status of Dodgertown. He spoke about the hiring of personnel, upgrades to the facility, and the events that will be held at Dodgertown. He shared his optimism over the RussMatt Invitational (60 college and high school teams) coming to Dodgertown, the vision of Dodgertown becoming diversified with a multi-sports complex, and how the events would bring visibility to Dodgertown and generate revenue for the community. He conveyed that he would be sending weekly schedules to the media.

After a brief discussion, Administrator Baird relayed that umpire training and evaluations would also be held at Dodgertown.

In response to Commissioner Davis's inquiry, **Mr. Callan** stated that negotiations were still in progress with the McCourt Los Angeles Dodgers, and until notified differently, the name "Historic Dodgertown" will be used.

**5.C. PRESENTATION BY KEN GRUDENS, INDIAN RIVER LAND TRUST, ON THE
LAGOON GREENWAY PROJECT**

Ken Grudens provided the Board with an update on the Lagoon Greenway partnership project through a PowerPoint presentation (on file). His presentation included chronological background, the purpose, goals, and construction costs of the greenway project. He also spoke about the roles of the Indian River Land Trust and the County, the proposed timeline, and funding.

(Clerk's Note: Item 11.A.1. was heard following Item 5.C., at the request of the Chairman.)

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF JANUARY 5, 2010

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of January 5, 2010. There were none.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Solari, the Board unanimously approved the Minutes of the Regular Meeting of January 5, 2010, as written.

7. INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION - NONE

8. CONSENT AGENDA

Commissioner Wheeler requested to pull Item 8.B. for discussion.
Commissioner Flescher requested to pull Item 8.C. for discussion.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Consent Agenda, as amended.

8.A. APPROVAL OF WARRANTS AND WIRES, JANUARY 29, 2010 TO FEBRUARY 4, 2010

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of January 29, 2010 to February 4, 2010, as requested in the memorandum of February 4, 2010.

8.B. APPOINTMENT OF MEMBER(S) AT LARGE REPRESENTATIVE FOR THE ENTERPRISE ZONE DEVELOPMENT AGENCY

MOTION WAS MADE by Commissioner Wheeler to appoint Gary Parris as the Member at Large representative for the Enterprise Zone Development Agency. There was no SECOND, Motion DIED.

There was a brief discussion regarding the two candidates.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Solari, the Board by a 4-1 vote (Commissioner Wheeler opposed) approved the appointment of Todd Westover, as the Member at Large representative for the Enterprise Zone Development Agency. This position was advertised and has been vacant since July 14, 2009, as recommended in the memorandum of September 11, 2009.

**8.C. M.A.C.E. (MULTI-AGENCY CRIMINAL ENFORCEMENT UNIT) PROJECT
GENERATED INCOME, MISCELLANEOUS BUDGET AMENDMENT 008 006**

Commissioner Flescher drew attention to the Sheriff's Office creativeness in using generated income from the Multi-Agency Criminal Enforcement (M.A.C.E.) Unit to support the Drug Abuse Resistance Education (D.A.R.E.) Programs.

Sheriff Deryl Loar explained how the money goes directly to the D.A.R.E. Program at each school, and requested the funds be disbursed equally between the Sheriff's Office, Vero Beach Police Department and the Sebastian Police Department

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved: (1) the utilization of Project Generated Income totaling \$14,257.00 to be for D.A.R.E. Programs, and (2) Budget Amendment 006, **Resolution 2010-011** amending the Fiscal Year 2009-2010 Budget.

8.D. NEW CONTRACT SERVICE ARRANGEMENT AGREEMENTS WITH AT&T

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the execution of the three contracts for telephone services (telecommunications) offered by AT&T, to take advantage of the immediate savings, \$7,925.88 per month or \$95,110.56 annually, as recommended in the memorandum of February 2, 2010.

CONTRACT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.E. REFURBISH TWO SEWER VACUUM TRUCKS, #345 & #440

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously authorized the Purchasing Department to issue a Purchase Order to Southern Sewer Equipment of Fort Pierce, Florida, for the refurbishment of sewer equipment, in the amount of \$129,200.00, as recommended in the memorandum of February 8, 2010.

8.F. MISCELLANEOUS BUDGET AMENDMENT 007

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2010-012** amending the Fiscal Year 2009-2010 Budget.

8.G. AMENDMENT NO. 1 TO WORK ORDER NO. 5 (ENGINEERING) WITH ARDAMAN & ASSOCIATES, INC. 12TH STREET SIDEWALK PROJECT, FROM 16TH AVENUE TO 11TH PLACE – IRC PROJECT #02016 AND FINAL PAYMENT

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously: (1) approved Amendment No. 1 to Work Order No. 5 with Ardaman & Associates, Inc.; (2) authorized the Chairman to execute Amendment 1; and (3) approved payment of

Invoice No. SL-008250, dated January 22, 2010, in the amount of \$314.00, as recommended in the memorandum of February 8, 2010.

AMENDMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.H. REQUEST FOR FLOODPLAIN CUT AND FILL BALANCE WAIVER FOR THE PRESERVE AT OAK LAKE

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved Alternative No. 1 – the cut and fill balance waiver request of 3.15 acre feet, located on the easterly side of Indian River Boulevard north of 37th Street, as recommended in the memorandum of February 3, 2010.

8.I. 64TH AVENUE SIDEWALK IMPROVEMENTS – IRC PROJECT No. 0452, BID No. 7084 RELEASE OF RETAINAGE

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved payment of Timothy Rose Contracting, Inc. Payment Application No. 2, dated February 2, 2010, in the amount of \$3,535.70 for Release of Retainage, as recommended in the memorandum of February 5, 2010.

**8.J. CONSIDERATION OF AGREEMENT BETWEEN INDIAN RIVER COUNTY AND
THE INDIAN RIVER COUNTY SENIOR RESOURCE ASSOCIATION, INC. FOR
PROVISION OF MASS TRANSIT SERVICE**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Agreement with the Indian River County Senior Resource Association, Inc. (formerly known as the Council on Aging), for Mass Transit Service Provision, and authorized the Chairman to execute same, as recommended in the memorandum of February 10, 2010.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.K. GEOTECHNICAL SERVICES WORK ORDER #2 – RELEASE OF RETAINAGE,
DUNKELBERGER ENGINEERING & TESTING, INC., CR512, PHASE IV –
PROJECT #9611**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved payment to Dunkelberger Engineering & Testing, Inc., in the amount of \$4,674.64, for Release of Retainage of Work Order No. 2, as recommended in the memorandum of January 24, 2010.

8.L. AMENDMENT NO. 8 TO THE PROFESSIONAL ENGINEERING/LAND SURVEYING SERVICES AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. FOR OSLO ROAD WIDENING PHASE I FROM WEST OF OLD DIXIE HIGHWAY TO 27TH AVENUE RELEASE OF RETAINAGE

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved payment of Kimley-Horn & Associates, Inc. Invoice No. 4067199, dated December 30, 2009, in the amount of \$12,168.01 for Release of Retainage, as recommended in the memorandum of February 9, 2010.

8.M. RELEASE OF RETAINAGE – AMENDMENT NO. 1 TO WORK ORDER #6 DUNKELBERGER ENGINEERING & TESTING, INC. THE ENCLAVE SUBDIVISION-PROJECT #0816 – GEOTECHNICAL SERVICES

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved payment to Dunkelberger Engineering & Testing, Inc., for Release of Retainage of Amendment No. 1 to Work Order No. 6, dated February 4, 2010, in the amount of \$100.25, as recommended in the memorandum of February 5, 2010.

8.N. APPROVAL WORK ORDER NO. 2 (ENGINEERING) WITH DUNKELBERGER ENGINEERING & TESTING, INC. LANDSCAPE IMPROVEMENTS 58TH AVENUE FROM OSLO ROAD (9TH STREET S.W.) TO 16TH STREET IRC PROJECT NO. 0916

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously: (1) approved Work Order No. 2 (Engineering) to Dunkelberger Engineering & Testing, Inc.; (2) authorized the projects as outlined in the Scope of Services; and (3) authorized the Chairman to execute the Work Order for a not-to-exceed amount of \$1,862.00, as recommended in the memorandum of January 28, 2010.

WORK ORDER IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.O. RELEASE OF RETAINAGE – WORK ORDER NO. 5, SECTOR 3 BIDDING & PRE-CONSTRUCTION SERVICES COASTAL TECHNOLOGY CORPORATION

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved payment of Coastal Technology Corporation Inc. (CTC) Invoice No. 183495, for Release of Retainage, in the amount of \$24,741.60, as recommended in the memorandum of February 10, 2010.

8.P. RELEASE OF RETAINAGE – WORK ORDER NO. 6, SECTOR 3 CULTURAL RESOURCES SURVEY COASTAL TECHNOLOGY CORPORATION

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved payment of Coastal Technology Corporation Inc. (CTC) Invoice No. 183496, for Release of Retainage, in the

amount of \$5,037.50, as recommended in the memorandum of February 10, 2010.

8.Q. RELEASE OF RETAINAGE – WORK ORDER NO. 7, SECTOR 3 REVISED
UPLAND SAND SOURCE DESIGN SERVICES COASTAL TECHNOLOGY
CORPORATION

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved payment of Coastal Technology Corporation Inc. (CTC) Invoice No. 183440, for Release of Retainage, in the amount of \$2,482.60, as recommended in the memorandum of February 10, 2010.

8.R. ESCROW AGREEMENT TO SECURE THE OBLIGATION OF IMAGINE
SCHOOLS TO PROVIDE AN EASTBOUND, LEFT TURN LANE AT ITS 4TH
STREET ENTRANCE

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously authorized the Chairman to execute the Cash Deposit and Escrow Agreement upon delivery to the Office of Management and Budget of \$350,000 and an executed original of the Agreement, as recommended in the memorandum of February 5, 2010.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.S. OUT OF COUNTY TRAVEL TO ATTEND SOUTHEAST RECYCLING
CONFERENCE**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved out of County travel for the County Administrator to attend the Southeast Recycling (SERC) Conference in Destin, Florida, from Sunday, March 7, 2010 through Wednesday, March 10, 2010, as recommended in the memorandum of February 10, 2010.

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL
AGENCIES - NONE**

10. PUBLIC ITEMS

10.A. PUBLIC HEARING(S) - NONE

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM BRIAN HEADY REGARDING UPDATE ON

LATEST DEVELOPMENTS REGARDING VERO BEACH ELECTRIC UTILITY

Citizen/Councilmember Brian Heady, addressed the Board on the latest developments regarding Vero Beach Electric Utility. He reported that on April 7, 2008, the Consultant of Orlando Utilities Commission (OUC) had transmitted a redacted copy of the document to City Hall. He voiced concern that the City of Vero Beach could not produce a copy of the un-redacted document that Councilmembers said they reviewed in early April 2008. He said that City Attorney Charles Vitunac had told him he could see the document, only under conditions

that he agreed to absolute confidentially, and execute a document to not disclose what is in the bid. Since he was not willing to sign the document, he still has not seen a copy of the original document that was placed on the table for the Councilmembers to consider.

Discussion ensued between the Commissioners and Mr. Heady regarding the bulk power rate, public records, and a verbatim transcript of Mr. Heady's earlier comments.

Vice Chairman Solari read and commented on portions of the October 15, 2009 Joint Meeting Minutes between the City of Indian River Shores, City of Vero Beach, and the County regarding policy changes to sewer and water utilities.

There was a lengthy discussion regarding the City of Vero Beach electric bills, rate increases, comparison of the electric rates, using an independent party to evaluate facts and information, and the lack of debate/cooperation within the City Council.

Chairman O'Bryan, for the record, pointed out that Mr. Heady was in attendance expressing his individual views, not the views of the City of Vero Beach as a collective body. He appreciated the communication Mr. Heady brought to the Board, and reiterated that as long as he is acting Chairman, Mr. Heady, as well as any other Municipality Official, are welcome to speak at the Board of County Commission Meetings.

Mr. Heady said he would be willing to provide the Board of County Commissioners with an update every third Tuesday of the month, until the utility issue is resolved or until the update is deemed unnecessary.

Warren Winchester, former Vero Beach Mayor, felt it was inappropriate for the Commissioners to permit Mr. Heady to speak as an individual before the Board regarding Council issues, and encouraged everyone to start working together.

A lengthy discussion ensued between Mr. Winchester and the Commissioners regarding real-life situations pertaining to electric bills, using a different approach to resolving electric bill issues, and the lack of willingness from the City of Vero Beach to promote an open and transparent process.

Commissioner Flescher invited Mr. Winchester and Mr. Heady to meet in his office after the Board Meeting for an exchange of information and communication, and both agreed.

Chairman O'Bryan responded to Mr. Winchester's earlier comments, reported that the Commissioners meet with the Mayor and the City Manager monthly, and reiterated his invitation to Councilmembers and Municipality Officials.

NO BOARD ACTION REQUIRED OR TAKEN

Chairman O'Bryan called a break at 10:55 a.m. and reconvened the meeting at 11:06 a.m. with all members present.

Renee Renzi, Waverly Place, recalled that in all the years that she attended the Board of County Commission Meetings, today was the first time a City Councilmember had come before the Board to address a public matter concerning hundreds of County residents, and she thanked the Board for allowing him to express his views.

Glenn Heran, 6985 57th Street, outlined the City of Vero Beach's tax rates and bulk power rates. He felt the only choice would be to bring FP&L in as soon as possible.

There was a brief discussion regarding financial analysis by the City of Vero Beach.

Charles Wilson, 1057 6th Avenue, felt the Contract was manipulated, and void. He believed there should be a citizen initiative to put in a referendum, proposing that the City of

Vero Beach not be allowed to spend any money from any source for the transmission, generation, or supervision of an electric utility. He believed this matter needs to be taken out of the hands of the City of Vero Beach and put into the hands of the Public Service Commission. He urged the Board to move this forward, and for the record to reflect that he had not spoken to Mr. Heady regarding tonight's City Council Meeting.

Jim Gabbard, Vero Beach City Manager, commented on statements that had been made earlier in the meeting, clarified that Mr. Heady had received the Contract, and confirmed that the Contract is on file at City Hall. He offered to discuss this issue, and invited the Commissioners to attend the City Council Meetings or watch them on television. He assured the Board that City Councilmembers had been on a course over the past five years to fix this situation, and urged the Board to verify Mr. Heady's comments.

Discussion ensued between the Commissioners and Mr. Gabbard regarding the City of Vero Beach's monthly financial information, expectations and anticipations that had not come to fruition, and the frustrations of the Board not being able to defend the electric rates. At the Board's request, Mr. Gabbard agreed to provide each Commissioner with a copy of the Contract.

Joseph Paladin, President of Black Swan Consulting, did not think a closed-door meeting would resolve the situation, he encouraged all parties to meet and debate the issue.

(Clerk's Note: Mr. Wiggins addressed the Board regarding the sidewalk on 11th Street S.W. because he was unable to attend the February 10, 2010 scheduled meeting. Chairman O'Bryan explained the County's requirements in obtaining the necessary right-of-way, clear zone, and curb).

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC MEETING FEBRUARY 18, 2010

A PUBLIC MEETING WILL BE HELD ON FEBRUARY 18, 2010 AT THE CITY OF SEBASTIAN COUNCIL CHAMBERS, 1225 MAIN STREET, SEBASTIAN, FLORIDA TO DISCUSS THE ECONOMIC DEVELOPMENT AND THE FUTURE OF INDIAN RIVER COUNTY'S ECONOMY. THE MEETING WILL BE HELD FROM 9:00 A.M. TO 12:00 P.M. AND FROM 1:30 P.M. TO 4:00 P.M

10.C.2. NOTICE OF SCHEDULED PUBLIC HEARING MARCH 16, 2010

COUNTY INITIATED REQUEST: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA AMENDING TITLE X, IMPACT FEES, OF THE CODE OF INDIAN RIVER COUNTY TO AMEND CODE SECTION 1000.06 "IMPOSITION" TO PROVIDE AN EXCEPTION TEMPORARILY SUSPENDING FOR ONE YEAR THE IMPOSITION OF IMPACT FEES FOR FIRE/EMERGENCY SERVICES FACILITIES, CORRECTIONAL FACILITIES, PUBLIC BUILDINGS DEVELOPMENT, LAW ENFORCEMENT, AND SOLID WASTE FACILITIES; AND, PROVIDING FOR CODIFICATION; SEVERABILITY; AND EFFECTIVE DATE (LEGISLATIVE)

County Attorney William Collins read the Notices into the record.

11. COUNTY ADMINISTRATOR MATTERS

11.A. INDIAN RIVER LAND TRUST LAGOON GREENWAY PROJECT

(Clerk's Note: This Item was heard following Item 5.C. and is placed here for continuity.)

Administrator Baird requested the County provide a \$100,000 match from the Park Impact Fee Funds, towards the Indian River Land Trust Lagoon Greenway Project.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved an appropriation of up to \$100,000 in funds, as a match for one or more Grant opportunities, with the County acting as the applicant for the Grant Application.

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. CONSIDERATION OF INDIAN RIVER COUNTY'S SCHEDULE FOR REVIEW/APPROVAL OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S UPCOMING REVISIONS/MODERNIZATION OF FLOOD INSURANCE RATE MAPS IN INDIAN RIVER COUNTY

Environmental Planning and Code Enforcement Chief Roland DeBlois used a PowerPoint Presentation (on file) to recap his Memorandum dated February 8, 2010, regarding Federal Emergency Management Agency (FEMA) updates and modernization of flood maps in Indian River County. He provided background; identified the Special Flood Hazard Areas (SFHAs) associated with the St. John's Marsh; the challenges of the current maps; the importance and implications of properties being added or removed from flood zones; the vertical datum conversion from NGVD29 to NAVD88; the tentative timeframes of the FEMA Flood Map modernization process; and March/April 2010 being the effective date of the new flood insurance rate maps.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Davis, the Board unanimously directed staff to electronically send the FEMA video presentation to each Commissioner, and to post it on the County's website.

Commissioners discussed the vertical datum conversion, and voiced concerns over flood insurance premiums, and federally subsidized loans/mortgages.

Community Development Director Bob Keating stated that the modernization would provide more accurate data compared to the old flood maps.

Chief DeBlois explained the vertical data conversion, requested the Board authorize staff to continue working with FEMA, and move ahead with scheduling the workshops once the maps become available. He also confirmed for Vice Chairman Solari that the Federal Government would be covering the expense, and sharing the maps with the County.

David Hays, County Engineer, pointed out that if the Board does not adopt the digital maps, then the County would be removed from National Flood Insurance Program (NFIP), which means the Community Rating System (CRS) would go away. He also disclosed that paper maps were no longer being made, and that the County would have to rely on the 1987 paper maps that are currently being used.

Bob Johnson, Coral Wind Subdivision, wanted to view the FEMA video presentation that was going to be sent electronically to the Commissioners.

Lou April, Citrus Springs, former President of the Homeowners' Association, contacted FEMA and found out he had a flood insurance problem. After calling FEMA, he was told that if he was willing to pay \$2,000, they would change the property from a flood zone to a non-flood

zone; therefore, he felt it would be wise for the County to have the additional technical information available.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously authorized staff to continue to coordinate with FEMA representatives on the map modernization process described in the report, and authorized staff to schedule public workshops for public review of preliminary revised maps, once available, as recommended in the memorandum of February 8, 2010.

Chairman O'Bryan called a break at 12:20 p.m. and reconvened the meeting at 12:49 p.m. with all members present.

12.B. EMERGENCY SERVICES - NONE

12.C. GENERAL SERVICES - NONE

12.D. HUMAN RESOURCES - NONE

12.E. HUMAN SERVICES - NONE

12.F. LEISURE SERVICES - NONE

12.G. OFFICE OF MANAGEMENT AND BUDGET - NONE

12.H. RECREATION - NONE

12.I. PUBLIC WORKS

12.I.1. STAFF UPDATE – SECTOR 3 BEACH RENOURISHMENT PROJECT

(Clerk's Note: this Item was heard after Item 12.J.3 and is placed here for continuity.)

Public Works Director Chris Mora provided the Board with a project update using a PowerPoint Presentation (on file). He acknowledged staff had received the final permits and Notice to Proceed, and on February 9th staff issued the Notice to Ranger Construction to begin the construction work. He said beach compatible sand was currently being mined primarily from the Ranch Road Lake Mine, and trucks were using Golden Sands and Wabasso Beach Parks as the two entry points. He informed the Board that the production numbers would be about 5,000 cubic yards per day, about 300 trucks per day, and running 10 hours each day, Monday through Saturday, through April 30th, 2010. He provided information pertaining to beach park closures, showed photos of the ongoing project, pointed out that Phase I is growing from 202,000 to 316,000 cubic yards of sand, and that staff was anticipating a second Change Order from Ranger Construction identifying the additional costs associated with this increase.

There was a brief discussion regarding truck traffic and monitoring the operation.

12.J. UTILITIES SERVICES

**12.J.1. APPROVAL OF BID AWARD FOR IRC BID NO. 2010029, ANNUAL BID FOR
THE OPERATION OF THE BIOSOLIDS DEWATERING FACILITY, SLUDGE
DEWATERING AND HAULING**

(Clerk's Note: Items 12.J.1., 12.J.2., and 12.J.3. were heard before Item 12.I.1. and are placed here for continuity)

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Flescher, to: (1) approve bid award to Synagro South, LLC as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorize the Utilities Department to enter into an annual agreement for a twelve (12) month period beginning March 1, 2010, through February 28, 2011. This Agreement may be extended for four (4) additional twelve (12) month periods subject to vendor acceptance, satisfactory performance, and staff's determination that a renewal will be in the best interest of the County; (3) approve the Sample Agreement; and (4) authorize the Chairman to execute said Agreement after receipt and approval of the required Payment and Performance Bonds, and Certificate of Insurance, and after the County Attorney has approved the Agreement as to form and legal sufficiency.

Utilities Director Erik Olson, in response to Chairman O'Bryan's query, explained that even though the Synagro South, LLC bid was lower than the other bids, they had performed the procedure for the last three years, were familiar with the site, and knew the exact situation.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board: (1) approved bid award to Synagro South, LLC as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Utilities Department to enter into an annual agreement for a twelve (12) month period beginning March 1, 2010, through

February 28, 2011. This Agreement may be extended for four (4) additional twelve (12) month periods subject to vendor acceptance, satisfactory performance, and staff's determination that a renewal will be in the best interest of the County; (3) approved the Sample Agreement; and (4) authorized the Chairman to execute said Agreement after receipt and approval of the required Payment and Performance Bonds, and Certificate of Insurance, and after the County Attorney has approved the Agreement as to form and legal sufficiency, all as recommended in the memorandum of February 8, 2010.

12.J.2. RELOCATION OF 12" WATER MAIN CROSSING UNDER SOUTH RELIEF CANAL AT US 1 BY SHELTRE & SONS CONSTRUCTION Co., INC. UCP No. 4048, APPROVAL OF WORK AUTHORIZATION DIRECTIVE NOS. 2009-007

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the water main relocation project with a total estimated cost of \$54,684.30, and authorized the Chairman to execute Work Authorization Directive No. 2009-007 to the Utilities Department Labor Contractor Sheltra & Son Construction Co., Inc for an amount up to \$36,094.30, as recommended in the memorandum of February 4, 2010.

DIRECTIVE IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

12.J.3. REUSE RATE STUDY

Director Olson recalled that on January 19, 2010, the Board requested staff and the Consultant review additional items in order to clarify the potential rates, the possibility of R&R (renewal and replacement) at a 10% rate, the time value of money, and the rate study as if it were a return on an investment process or utility basis which provides four rates/options in the process. He said the end goal is to establish the rates and keep them stable for five years or more.

Eric Brodkey, Camp Dresser & McKee, Inc., provided the project's history, the four exhibits under consideration, and the proposed rates for each.

The Board discussed the reuse water system, proposed rates, reductions in use, and residents using reuse water as an alternative.

Vice Chairman Solari suggested approving the reuse rate at 60 cents per 1,000 gallons for the first year, then increasing it annually by 4 cents until it caps out at 88 cents per 1,000 gallons for five years.

Commissioner Wheeler supported Vice Chairman Solari's approach but suggested increasing the annual amount from 4 cents to 7 cents.

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Commissioner Wheeler, to set a reuse rate beginning at 60 cents per 1,000 gallons, increasing the rate annually by 7 cents per year until it caps out at 88 cents per 1,000 gallons, and at that time reevaluate the rates.

Chairman O'Bryan did not feel reuse water was a full commodity yet, but a waste product that the County needs to find a use for. He felt the rate should be set at a level to encourage people to sign up for the system, create competition for that water, then when it becomes a commodity where supply and demand takes over, the rates can be adjusted based on proven demand. He wanted to see the rate at 61 cents, a 10% R & R rate, and a five year break even period.

The Chairman CALLED THE QUESTION, and by a vote of 3-2 (Commissioners O'Bryan and Flescher opposed) the Motion carried. The Board approved the reuse rate at 60 cents per 1,000 gallons, increasing the rate annually by 7 cents per year until it caps out at 88 cents per 1,000 gallons, and at that time reevaluate the rates.

13. COUNTY ATTORNEY MATTERS

13.A. FINANCIAL ASSISTANCE TO THE MARINE RESOURCE COUNCIL TO PAY OFF OUTSTANDING TAX CERTIFICATES FOR PROPERTY OWNED BY THE MARINE RESOURCE COUNCIL FOR CONSERVATION PURPOSES

Assistant County Attorney George Glenn recapped his Memorandum of February 10, 2010, providing background and analysis pertaining to financial assistance for the Marine Resource Council (MRC) to satisfy outstanding Tax Certificates. He said the Council was requesting a contribution of \$5,686.25, representing one half of the 2006 taxes that were issued but not paid, which tax certificates were subsequently sold to the public.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously: (1) approved to assist the Marine Resource Council (MRC) in redeeming the tax certificates by allocating \$5,686.25, and with the County contribution, MRC must redeem all outstanding tax certificates on the property; and (2) authorized the necessary Budget Amendment in the amount of \$5,686.25 from General Fund contingencies, as recommended in the memorandum of February 10, 2010.

13.B. INFORMATION ON COUNTY'S INVOLVEMENT WITH THE GROVELAND UTILITIES REQUEST FOR CERTIFICATION WITH THE PUBLIC SERVICE COMMISSION

Attorney Glenn provided an update on the progress between staff and Evans Properties, Inc. (Evans), advising the Board that an agreement had not been reached but it was staff's opinion that the differences could be worked out in a settlement.

Discussion ensued regarding the requests for grants of certification, the settlement process, using caution when moving forward, water farming, and Indian River County staff not receiving an application for review.

Attorney Glenn advised he would bring this item back to the Board for direction, should the County be unable to reach a settlement within the next few weeks.

NO BOARD ACTION REQUIRED OR TAKEN

14. COMMISSIONER ITEMS

14.A. COMMISSIONER PETER D. O'BRYAN, CHAIRMAN

14.A.1. REQUEST FOR ADOPTION OF AMENDING ARTICLES OF INCORPORATION

JOINT RESOLUTION FROM THE TREASURE COAST COUNCIL OF LOCAL GOVERNMENTS

Chairman O'Bryan requested adding the School Board representation to the membership of the Treasure Coast Council of Local Governments (TCCLG), and asked the Board to approve the Amending Articles of Incorporation Joint Resolution.

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Commissioner Davis, for discussion, to withdraw from the Treasure Coast Council of Local Governments Committee.

The Commissioners shared their individual views regarding the elimination of the Committee.

Based on earlier comments from Commissioner Davis, Chairman O'Bryan asked him if he wanted to withdraw his Second to the Motion and he declined.

The Chairman CALLED THE QUESTION, and by a 1-4 vote (Commissioners Flescher, Davis, O'Bryan, and Wheeler opposed), the Motion FAILED.

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman O'Bryan, the Board by a 4-1 vote (Vice Chairman Solar opposed) approved **Joint Resolution 2010-013**, by and between the City of Fort Pierce, the City of Port St. Lucie, the City of Stuart, the City of Fellsmere, the City of Vero Beach, the City of Sebastian, the City of Okeechobee, the Town of Sewall's Point, the Town of Indian River Shores, the Town of Jupiter Island, the Town of St. Lucie Village, Florida Municipal Corporations; Indian River County, Martin County, Okeechobee County, and St. Lucie County, Political Subdivisions of the State of Florida; the School Board of Indian River County, the School Board of Martin County, the School Board of Okeechobee County and the School Board of St. Lucie County, amending Resolution 03-126; amending the Articles of Incorporation for the Treasure Coast Council of Local Governments, Inc.

14.A.2. RECONSIDERATION OF VOTE TO REPEAL RESOLUTION NO. 2003-131

After providing background, Chairman O'Bryan requested Board reconsideration of the vote taken at the February 2, 2010 Board of County Commission Meeting, to repeal Resolution 2003-131, which created the Marine Advisory Narrows Watershed Action Committee (MANWAC). He asked the Board to reconsider their earlier vote, and approve the modified Resolution which repeals the MANWAC, establishes the Marine Advisory Committee, and creates a membership of fifteen members.

There was a brief discussion regarding combining and/or restructuring certain committees, and expanding committee responsibilities.

The Chairman opened the floor to public comment.

David Cox, Periwinkle Drive, wanted the Board to reconstitute the Committee, but his primary concern was that the issues this committee had historically dealt with need to be focused on by the level of direct citizen input, and to carry issues forward in an open and transparent process. He discussed critical issues and challenges, suggested implementing a Water Quality Focus Committee that would cross-cut water quality issues and AG lands, and stressed the importance of offering citizens venues for public input .

There were no other speakers, and the Chairman closed the floor to public comment.

Vice Chairman Solari, through a PowerPoint Presentation, provided information regarding MANWAC's scheduled and actual meetings, the only action taken during a five-year period, and the estimated costs for holding a committee meeting.

Further discussion ensued regarding projects not being forwarded to MANWAC, making committee structures more efficient, the lack of public input, balancing the cost of meetings, and the possibility of eliminating committees.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Solari, the Board unanimously directed staff to evaluate committees, membership, and responsibilities, and bring it back to the Board for reconsideration and reorganization.

(Clerk's Note: The above motion was reconsidered under Item 14.B.3. and is placed here for continuity.)

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Davis, the Board unanimously directed staff to evaluate committees, membership, and responsibilities, *and as a goal, cut the number of committees in half*, and bring it back to the Board for reconsideration and reorganization.

14.B. COMMISSIONER BOB SOLARI, VICE CHAIRMAN

14.B.1. ECONOMIC DEVELOPMENT/GOAL SUMMIT II UPDATE

Vice Chairman Solari reminded the Board and public that the Economic Development portion of the meeting was scheduled for Thursday, February 18th, 2010 from 9:00 a.m. to noon, and the Goal Summit from 1:30 p.m. to 4:00 p.m., both at the City of Sebastian Council Chambers.

14.B.2. POLICY DISCUSSION

Vice Chairman Solari spoke about a recent situation he encountered with City of Vero Beach staff, pertaining to their policy on utilities. He presented this item in order to make the Commissioners aware that the City of Vero Beach was interested in eventually reducing the area of its utility to a smaller entity that would not include South County or Indian River Shores. After making inquiries, Vice Chairman Solari established that the County Commission has only one articulated policy, which is to join with the City of Vero Beach and Indian River Shores, and hire a Consultant to help the Board make the right decision. He did not think this was an example of cooperation, and he stressed the need for open and transparent discussions.

NO ACTION REQUIRED OR TAKEN

14.B.3. COMMITTEES

(Clerk's Note: Motion was reconsidered and placed under Item 14.A.2.)

Vice Chairman Solari Motioned to reconsider action taken under Item 14.A.2. by adding a Railroad Committee Resolution, so that for every new committee added, two would be eliminated. He requested this be added to Commissioner Wheeler's Motion.

14.C. COMMISSIONER WESLEY S. DAVIS - NONE

14.D. COMMISSIONER JOSEPH E. FLESCHER - NONE

14.E. COMMISSIONER GARY C. WHEELER - NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT - NONE

15.C. ENVIRONMENTAL CONTROL BOARD - NONE

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 2:42 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Peter D. O'Bryan, Chairman

Minutes Approved: _____

BCC/LA/2010 Minutes