

JEFFREY K. BARTON
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS
OF SEPTEMBER 21, 2010

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JEFFREY K. BARTON

Clerk to the Board



September 21, 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, September 21, 2010. Present were Chairman Peter D. O'Bryan, Vice Chairman Bob Solari, and Commissioners Wesley S. Davis, Joseph E. Flescher, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorney Alan S. Polackwich, Sr., 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

Planning Director Stan Boling 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

- NONE

5. PROCLAMATIONS AND PRESENTATIONS - NONE

6. APPROVAL OF MINUTES - NONE

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

8. CONSENT AGENDA

**8.A. APPROVAL OF WARRANTS AND WIRES, SEPTEMBER 3, 2010 TO
SEPTEMBER 9, 2010**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of September 3, 2010 to September 9, 2010, as requested in the memorandum of September 9, 2010.

**8.B. AGREEMENT WITH THE STATE ATTORNEY'S OFFICE FOR PAYMENT FOR
LEGAL SERVICES PROSECUTING COUNTY CODE MISDEMEANOR
VIOLATIONS**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute the Agreement with the State Attorney for the 19th Judicial Circuit In and For Indian River County for Payment of Legal Services in Prosecuting County Code Misdemeanor Violations, as recommended in the memorandum of September 13, 2010.

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

8.C. AUTHORIZATION FOR OUT OF COUNTY TRAVEL

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized the County Administrator to attend the Florida Association of Counties (FAC) Legislative Conference on November 17-19, 2010, in Amelia Island, Florida, as requested in the memorandum of September 14, 2010.

**8.D. 2010/2011 STATE OF FLORIDA DEPARTMENT OF HEALTH CONTRACT,
2010/2011 HEALTH DEPARTMENT FEE SCHEDULE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-088**, to adopt a 2010/2011 fee schedule for the Indian River County Health Department; and approved the 2010/2011 contract with the State of Florida Department of Health; as recommended in the memorandum of September 14, 2010.

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

8.E. MISCELLANEOUS BUDGET AMENDMENT 021

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-089**, amending the fiscal year 2009-2010 budget.

**8.F. M.A.C.E. (MULTI-AGENCY CRIMINAL ENFORCEMENT UNIT) GRANT,
PROJECT GENERATED INCOME (PGI), MISCELLANEOUS BUDGET
AMENDMENT 022**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved **Resolution 2010-090**, amending the fiscal year 2009-2010 budget; and (2) approved the utilization of Project Generated income totaling \$5,034.69, as recommended in the memorandum of September 13, 2010.

**8.G. APPROVAL OF BID AWARD FOR IRC BID No. 2011004, ANNUAL BID FOR
SECURITY AND FIRE ALARM SERVICES**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously: (1) awarded the annual contract to SVI Systems, Inc., Stuart, FL, as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Purchasing Division to issue blanket purchase orders for the various departments for the period of October 1, 2010 through September 30, 2011 with the recommended bidder; and (3) authorized the Purchasing Manager to renew this bid for three (3) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of

Indian River County, all as recommended in the memorandum of September 13, 2010.

8.H. APPROVAL OF BID AWARD FOR IRC BID #2011005, ANNUAL BID FOR CALCIUM HYPOCHLORITE, UTILITIES DEPARTMENT

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously: (1) awarded the Bid to Chemrite, Inc., as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Purchasing Division to issue blanket purchase orders for the period of October 1, 2010 through September 30, 2011 with the recommended vendor; and (3) authorized the Purchasing Manager to renew this Bid for two (2) additional one (1) year periods subject to satisfactory performance, zero cost increase, vendor acceptance and the determination that renewal of this annual contract is in the best interest of Indian River County, all as recommended in the memorandum of September 14, 2010.

8.I. BID AWARD: BID # 2011008 ANNUAL BID FOR ANTISCALANT, UTILITIES
DEPARTMENT/WATER PRODUCTION DIVISION

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously:

- (1) awarded the Bid Award to Harcros Chemicals, Inc., as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid;
- (2) authorized the Purchasing Division to issue blanket purchase orders for the period of October 1, 2010 through September 30, 2011 with the recommended vendor; and
- (3) authorized the Purchasing Manager to renew this Bid for two (2) additional one (1) year periods subject to satisfactory performance, zero cost increase, vendor acceptance and the determination that renewal of this annual bid is in the best interest of Indian River County, all as recommended in the memorandum of September 14, 2010

8.J. CHILDREN'S SERVICES ADVISORY COMMITTEE'S RECOMMENDATION
AGENCY FUNDING FOR 2010-2011 AND SAMPLE AGENCY CONTRACT TO
BE USED

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously accepted the funding levels (total of \$691,290.00) and contract as submitted, and authorized the Chairman to execute the individual contracts, as recommended in the memorandum of September 13, 2010.

8.K. APPROVAL OF CHANGE ORDER No. 2 TO SJRWMD CONTRACT No.
25245 FOR EGRET MARSH REGIONAL STORMWATER PARK

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Change Order No. 2 to St. Johns River Water Management District (SJRWMD) Contract No. 25245, and authorized the Chairman to execute it on behalf of the County, as recommended in the memorandum of September 15, 2010.

CHANGE ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.L. APPROVAL OF RENEWAL FOR A CLASS “A” CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR INDIAN RIVER COUNTY
DEPARTMENT OF EMERGENCY SERVICES**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved renewal of the Class “A” Certificate of Public Convenience and Necessity for the Indian River County Department of Emergency Services, to be effective for a period of two (2) years from October 15, 2010, to October 15, 2012, as recommended in the memorandum of September 2, 2010.

**8.M. AMENDMENT NO. 1 TO WORK ORDER NO. 1 – G.K. ENVIRONMENTAL,
INC., OSLO ROAD BOAT RAMP, IRC PROJECT NO. 0381**

Dr. Richard Baker, President of the Pelican Island Audubon Society (PIAS) voiced concerns over the amount of money spent on this project, and the effects that channel dredging will have on the conservation area, its large concentration of manatees, shellfish, seagrass, and mangroves. He asked the Board to consider another solution.

Chairman O’Bryan clarified and addressed Dr. Baker’s concerns.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Amendment No. 1 to Work Order No. 1 in the not-to-exceed sum of \$18,850.00; authorized the services as outlined in the Scope of Services; and authorized the Chairman to execute same; as recommended in the memorandum of September 10, 2010.

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

8.N. AMENDMENT NO. 1 TO WORK ORDER NO. 1 (ENGINEERING) WITH UNIVERSAL ENGINEERING SCIENCES, INC., PROVIDING PROFESSIONAL GEOTECHNICAL SERVICES IN ACCORDANCE WITH THE ANNUAL GEOTECHNICAL SERVICES CONTRACT RFQ No. 2010021, 66TH AVENUE FROM 16TH STREET TO SOUTH OF S.R. 60 – IRC PROJECT # 9810-A, 16TH STREET FROM 74TH AVENUE TO 66TH AVENUE – IRC PROJECT # 9920, 66TH AVENUE FROM SOUTH OF S.R. 60 TO NORTH OF S.R. 60 – IRC PROJECT # 0545

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Amendment No. 1 to Work Order No. 1 (Engineering) to Universal Engineering Sciences, Inc.; authorized the tasks as outlined in the Scope of Services; and authorized the Chairman to execute same for a not-to-exceed amount of \$15,023.00, as recommended in the memorandum of September 10, 2010.

8.O. CONSULTING SERVICES WORK ORDER NO. 5 FINAL PAY WITH POST, BUCKLEY, SCHUH AND JERNIGAN, INC. (PBS&J) FOR PERMITTING, DESIGN AND CONSTRUCTION SERVICES FOR THE WEST REGIONAL WASTEWATER TREATMENT FACILITY EXPANSION UCP-2621

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved final payment to Post, Buckley, Schuh and Jernigan, Inc., in the amount of \$39,155.60 for work associated with the West Regional Wastewater Treatment Plant expansion, as recommended in the memorandum of September 9, 2010.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS - NONE

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM ARDRA RIGBY AND GEORGE RIGBY REGARDING WASTE MANAGEMENT CONTRACTS

(Clerk's Note: Messrs. Rigby arrived at approximately 9:45 a.m.; therefore, this item was heard at 9:59 a.m. following the Emergency Services District Meeting.)

George (Bill) Rigby, 8465 59th Avenue, and **Ardra Rigby**, 8465 59th Avenue, Capital Sanitation, Inc., offered their comments conjointly as they presented history from 1961 to 2009, spoke about selective harassment, discriminatory practices, the violation of civil rights, the current convenience center and landfill, and the Enterprise Zone. Their primary argument was that they had been excluded improperly from obtaining a residential solid waste collection franchise. They urged the Board to cease the current franchise agreement with the current haulers (Treasure Coast Refuse and Waste Management).

The Board directed County Attorney Alan S. Polackwich, Sr. to review the franchise hauling contract issue and report back to the Board at the October 26, 2010, Board of County Commission Meeting.

10.C. PUBLIC NOTICE ITEMS

**10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING FOR OCTOBER 5, 2010 -
ORDINANCE AMENDMENT TO PROVIDE FOR SUNSETTING LOCAL
PREFERENCE IN PURCHASING OR CONTRACTING (LEGISLATIVE)**

Attorney Polackwich read the notice into the record.

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT - NONE

12.B. EMERGENCY SERVICES - NONE

12.C. GENERAL SERVICES - NONE

12.D. HUMAN RESOURCES - NONE

12.E. HUMAN SERVICES - NONE

12.F. LEISURE SERVICES

12.F.1. AWARD AND APPROVAL OF RFP #2010053 PURCHASE OF 154 GOLF CARS, 1 DRIVE RANGE CAR

The Director of Sandridge Golf Course, Bob Komarinetz, recapped his memorandum dated September 7, 2010, reporting that a selection committee had been formed to review proposals and evaluate the demo golf cars (aka golf carts) for the replacement of the current fleet of golf cars. He said their research revealed that the Yamaha cars were more beneficial for the operation and performed the best for the price. The committee's recommendation was to change the fleet to Yamaha, and to finance the fleet through the government lease/purchase program.

Commissioner Davis acknowledged the benefit of storing parts for one manufacturer for the fleet, questioned the trade-in process, and suggested that some golf cars go to non-profits and some to public auction. He felt this would provide a benchmark in determining whether the trade-in value is reasonable.

Discussion ensued regarding the total number of golf cars needed, the round count, allowing for maximum capacity, whether to offer the golf cars to non-profits, and the idea of selling the replacement golf cars at auction.

Director Komarinetz reiterated that he would like to retain 15 golf cars out of the trade-in fleet, offer two to non-profits at the trade-in price of \$1,500, and take the remaining to public auction.

It was pointed out by the Board that the golf cars are being paid for by the user fees, not taxpayer dollars, and that even though the golf cars carry a name of Yamaha, they are made in Newman, Georgia.

Assistant County Administrator Michael Zito informed the Board that the price is within 5% of what the County paid for the entire fleet six years ago, and that it includes additional features like windshields and rain covers.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the bid award to Yamaha *for the purchase of 154 golf cars, removing a quantity of 17 from the trade-in, offering two to non-profit at trade-in value, the remaining to be sold at County auction*, and directed staff to bring back a contract including a purchase price not to exceed \$318,050, along with the most efficient financing terms available.

12.G. OFFICE OF MANAGEMENT AND BUDGET

12.G.1. COUNTY FUND BALANCE AND RESERVE POLICY

County Budget Director Jason Brown reviewed his memorandum dated September 14, 2010, providing background and analysis of the revised fund balance and reserve policy for the County. He recalled that in February 2009 the Governmental Accounting Standards Board

(GASB) issued Statement No. 54 which amends the way fund balance and reserves are reported, and as a result, adjustments to the current fund balance and reserve policy are now required.

The Board sought and received clarification regarding the restricted/unrestricted fund categories, the Enterprise Funds (Utilities), and the percentage of reserves used for certain projects.

MOTION WAS MADE by Commissioner Davis,
SECONDED by Commissioner Wheeler, to approve the
Fund Balance and Reserve Policy effective September 21,
2010.

Discussion ensued regarding the importance of the reserves, challenges from the cost of hurricanes, and future limitations.

Bob Johnson, Coral Wind Subdivision, wanted to know if the change in reserves would cause an increase in utility or emergency fees, and Administrator Baird replied that it would not.

The Chairman CALLED THE QUESTION and by a 4-1 vote (Commissioner Solari opposed), the Motion carried. The Board approved the Fund Balance and Reserve Policy effective September 21, 2010.

12.H. RECREATION - NONE

12.I. PUBLIC WORKS

12.I.1. 3-YEAR RENEWAL OF LEASE FOR NORTH COUNTY OFFICES

Public Works Director Chris Mora, using a PowerPoint presentation (on file), provided the details of the Lease Renewal Agreement (with FNB Properties, Inc.) for the North County Offices located at 11602 and 11604 US1 in Sebastian, and recommended the Board approve the lease renewal rate for three years, for a total savings of \$17,250.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the lease renewal rates as proposed for the North County Offices, and authorized the Chairman to execute same, as recommended in the memorandum of September, 15, 2010.

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

12.I.2. ARCHIE SMITH FISH HOUSE - UPDATE

Director Mora, using a PowerPoint presentation (on file), provided history and update on the Archie Smith Fish House, located at 1740 N. Indian River Drive, Sebastian. He addressed the importance of stabilizing the building structures, revealed the proposed cost estimates, and highlighted staff's long and short term goals. He requested the Board authorize staff to issue purchase orders as needed for the temporary repairs required to stabilize the structures and dock until restoration funding is received.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Solari, the Board unanimously authorized the County Administrator to issue purchase orders for the repair work based on purchasing guidelines, and proceed with stabilization of the building and dock, as recommended in the memorandum of September 15, 2010.

12.J. UTILITIES SERVICES

12.J.1. APPROVAL OF FEMA HMGP DENIAL APPEAL FOR ROCKRIDGE SEWER SYSTEM

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the appeal to de-obligate the funding for the FEMA Rockridge Grants, as recommended in the memorandum of September 14, 2010.

(Clerk's Note: At 9:57 a.m. the Chairman closed the Board of County Commission (BCC) Meeting to conduct the Emergency Services District (ESD) Meeting. The Chairman reconvened the BCC Meeting at 9:59 a.m. to hear Items 10.B.1. and 13.A.)

13. COUNTY ATTORNEY MATTERS

13.A. HIRING OF OUTSIDE BANKRUPTCY ATTORNEY

(Clerk's Note: This Item was heard following Item 10.B. and is placed here for continuity.)

Attorney Polackwich, through review of his Memorandum dated September 15, 2010, presented background and analysis pertaining to the hiring of an outside bankruptcy law firm that would represent the County in the pending Panther case in Tampa, and also serve on a stand-by basis to answer questions and provide services in the future. He anticipated that his office would continue to handle the majority of bankruptcy matters, but felt the need for an ongoing relationship with one outside law firm that specializes in these matters. He asked the Board for the authority to find counsel that he could hire at a reduced government rate, and bring engagement letters back to the Board for approval.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner Flescher, to authorize the County Attorney to hire outside bankruptcy counsel as outlined and recommended in the memorandum of September 15, 2010.

Discussion ensued as the Commissioners provided comments, asked questions, and provided reasons as to why they support the County Attorney's recommendation.

The Chairman CALLED THE QUESTION and the Motion carried. The Board unanimously authorized the County Attorney to hire outside bankruptcy counsel as outlined and recommended in the memorandum of September 15, 2010.

14. COMMISSIONER ITEMS

14.A. COMMISSIONER PETER D. O'BRYAN, CHAIRMAN - NONE

14.B. COMMISSIONER BOB SOLARI, VICE CHAIRMAN - NONE

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

**15.A.1. APPROVAL TO PURCHASE (2) TYPE I MEDIUM DUTY REPLACEMENT
AMBULANCES FROM ETR**

At 9:57 a.m. the Chairman closed the Regular Board of County Commission (BCC) Meeting to conduct the Emergency Services District (ESD) Meeting. Those Minutes are being prepared separately.

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 10:33 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Peter D. O'Bryan, Chairman

Minutes Approved: _____

BCC/LA/2010Minutes