

March 2, 2010

Good Morning.

It Is March The 2nd.

Thank You So Much For Being Here And The Wonderful Work You Do For Our Community.

Good Morning, Commissioners.

First, We Have To Believe That God Is God, And Then We Need To Diligently Seek.

Thank You For Your Faith, Which Here In Our Commissioners This Morning As They Trust In You To Make The Decisions That Will Glorify Your Name And Bring Peace And Abundance Into This Community.

We Thank You, Lord, That You Meet The Needs Today Of Everyone That's Here And That Your Purpose Will Be Accomplished.

When It's All Said And Done, We Can Say Truly We Were In The Presence Of The Lord.

We Thank You So Much, Lord, For Keeping Our Lives And Protecting Us, And, Father, For Bringing Us The Holy Spirit To Help Us Make Wise Choices And Decisions.

Thank You For The Faith Today, Lord, That Will Glorify Your Name.

We Thank You In Your Precious Name, Amen.

Chairwoman Hall: Amen.

I Pledge Allegiance To The Flag Of The United States Of America,
And To The Republic For Which It
Stands, One Nation, Under God, Indivisible With Liberty And Justice For All.

Chairwoman Hall: All Those In
Favor?
Opposed?
The Motion Carries Unanimously.

We Have One Walk-On And Three Carryovers Which We'll Deal With

A Little Later.

Next, We'll Go On To Public Comments On The Consent And The Administrative Agenda.

Carl, Since You're Right There, Why Don't I Start With You.

Carl.

We're Going To Start With You Since You're Already Up Here.

If That's Ok.

Great.

We'll Start With Carl Rowe.

Good Morning, Carl.

Zoom For The Record My Name Is Carl
Rowe.

I'm Thankful For The Reigns So We Can Keep The Fires Away Hopefully This Spring.

I Am Here To Speak Against Settlement On The Babcock Water Permit For The Florida --
South Florida Water Management District.

I Believe That Do You Have Done Something For The People, The Development Down
There.

You Let Those People You're Going To Help Those People.

Help Jim English.

Jim English Has Been Here For Years And Years And Years.

We Know He Has Been Here For Ions, And His Daddy Was Even Superintendent Of Schools,
The First One.

I Think If You Can Do It For The
Homeowners Down By Me, You Should Be Able To Sit At The Table And Help Represent Mr.
Jim
English At The Table When We Have The Hearing, Which Is In May.

It Was June.

Why Should We Have This Hearing?

Because One Of Your Own Lawyers Said No One Knows Who Is Responsible For That
Permit.

There Are Three Different Entities That Could Be, And It Could Be A Partner.

This Is What Your Lawyer Said.

If You Read The Deposition.

Another Thing Is The Water Quality.

We Don't Know What The Water Quality Will Be -- Whether That Water Quality Will Pass Or Not.

That This Would Change Things.

Drastically On This Hearing.

Please, I Ask You For Bob James.

I Know He Is Nott Here Today, But He Is A Person Who Wants To Keep All The Babcock Ranch Just As I Do.

Thank You.

Chairwoman Hall: Thank You, Carl.

Next Will Be Ellen Peterson Who Will Be Followed By Jeanne.

Bob Is Here.

Good Morning.

Ellen Peterson From Estero.

I'm Going To Read All These Papers.

No, Seriously.

I Think This Is A Pretty Convoluted System, And I Think You've Gotten Caught In The Midst Of Something You Didn't Want To Be Trapped In, But I Do Think That Bay Shore Should Be Somewhat In Control Of What Happens There, And If We Were Going To Have A New Road That Services Babcock Development And Charlotte County, It Needs To Go In Charlotte County.

Lee County Does Not Need To Absorb All Of The Monetary Ramifications That Are Going To Come With This Road, And It Absolutely Will Help To Deter The Destruction Of One Of Our Agricultural Communities.

One Thing That I Want To Point Out That's Very Important Is That No Natural Condition For The Water Flow Has Been Done.

Now, Way Back In 2007 Babcock Babcock Promised They Would Do This.

It Was Practically Their Idea, They Would Do A Natural Conditions Study.

Well, It Hasn't Been Done.

So Now Lee County Is Proposing To Say, Oh, Well, You Can Do That Later.

Well, If They Haven't Done It Since 2-07, Why Would They Think They're Going To Do It Later?

I Don't Happen To Be That Trusting, And I Hope That You Will Not Be Either And That You Will Delay Your Settlement Until They Come Forward With That Kind Of A Study.

Thank You, Ellen.

Jeanne, Good Morning.

Who Will Be Followed By Mel Brinson.

Good Morning.

Good Morning.

I'm Here To Oppose.

The Amendment Views As A Priority A New Four-Lane East-West Connector Road From State Road 31 To I-75 And U.S. 41.

It Allows For It To Be Built Through Bay Shore.

Bay Shore Should Not Bear The Burden Of New Roads.

Not To Accommodate Charlotte County's Development.

If A Road Needs To Be Built In Charlotte County, It Should Not Be In The Lead Plan.

We Don't Want This Community To Be Overrun By Urban Sprawl.

A New Four-Lane Road Would Entail That.

Chairwoman Hall: Am Brinson Followed By Perry.

Good Morning, Members Of The Commission.

I Am Here Representing The English Family, And I'm Speaking With Regards To Carry-Over Item Number 1 Which Is The Proposed Settlement With The Babcock Group With Regards To The Administrative Hearing Filed By The County.

I Spoke Before You Two Weeks Ago, And At That Time On Behalf Of Mr. English We Objected To The Settlement.

Among Other Things, The Settlement Essentially Is That The Group Would Do A Historic Study And Go Forward With Their Project And Then After The Fact Go Back And Fix Anything That This Study Revealed Needs To Be Fixed.

We Objected To That Because, Among Many Other Concerns, The Proposal Didn't Set Any Deadline For Completing This Historic Conditions Study And Didn't Appear To Me To Mandate Any Change In The Water Management Plan If The Study Was At Variance With What They Say The Conditions Are Out There Now.

My Fundamental Concern With This, Though, Is The History Of This Matter.

As Previously Alluded To, I Was In The Room Three Years Ago With -- Attending A Meeting Of The Regional Planning Council.

I'm Not Sure Who Was There For The County.

I Believe It Was Commissioner Bigelow Was The Representative.

At That Meeting Three Years Ago The Representative Of Kitson And Partners Got Before The Committee And Said That If The Committee Would Approve What They Were Requesting In Terms Of Permission There, That They Would Go Forward With A Historic Conditions Study.

If It Revealed Any Problems, They Would Go Back And Readdress The Permit They Were Seeking From The Regional Planning Council.

That Was Three Years Ago.

Early Last Year In The Lawsuit Lee County Filed Before The Circuit Court, The Settlement That Was Agreed To At That Time Was That The County Would Settle The Lawsuit.

It Would Be Dismissed, And Kitson And Partners Would Do A Historic Conditions Study, And If It Revealed Any Problems, They Would Go Back And Readdress What They Were Proposing To Do.

Now We're In Front Of The Administrative Hearing Officer And What They're Asking You As A Commission To Do Is To Agree That They Can Go Forward With Their Water Management District Permit, Potentially Go Forward With Construction, Do A Historic Conditions Study, And If It Reveals Any Problems, Go Back And Fix It After The Fact.

What I'm Suggesting Is A Better Way To Do Business Is Go Ahead And Do The Study First

And Get It Right The First Time Rather Than Trying To Go Back And Fix It After The Fact With All The Potential Problems That Causes.

If This Delays The Project, The Supporters Of The Project Really Have No Reason To Complain.

The Study Could Have Been Done Three Years Ago.

It Could Have Been Done Last Year.

It Still Hasn't Been Done.

I Haven't Seen Any Evidence That It's Even Started, And I'm Concerned That It Never Will Be Done.

I Would Urge The Commission To Not Approve The Settlement, Get To The Engineering Right Before They Go Forward With Digging Dirt And Permit Issuance.

Thank You.

Chairwoman Hall: Thank You.

Tommy Perry, Who Will Be Followed By Jim English.

Thank You, Karen.

I'm Tommy Perry.

I Represent Jim English In The Babcock Matter Today.

I Brought With Me A Graph And What It Shows Is The Allowable Discharge Rate In Blue In Lee County For Trout Creek, Out Creek, And Telegraph Creek, And In The Red It Shows The Ebb Liable Discharge Rate That's Being Proposed For Babcock Ramp For Those Same Creeks.

This Is The Amount Of Water A Developer Can Discharge At Their Peak.

Can You See The Difference Between Being In Charlotte County And Lee County Per His Proposed Application And Proposed Permit.

We Feel Like The Numbers Are Excessive In Charlotte County With The Babcock Project.

We Do Have Someone Looking At The Model.

They See Flaws In The Model That Was Done By The Babcock Group, And We're Asking You To Continue

To Hold The Line And Let's Get The Model Fix And Get The Discharges Correct Before We Proceed Rather Than Have A Development Started Using The Information And Limit Our Ability To Correct It In The Future.

The Settlement That You're Going Through Is Very Vague As To What's Going To Happen.

It's Not Very Specific In What -- It Is Specific As To Which Model Would Be Used.

It's Not Very Specific About How The Model Would Be Set Up, What's Actually Being Modelled, And There Is No Specificity At All As To What Will Happen With The Results After The Model Is Run.

There's No Requirement That They Go Back And Retro Fit.

There's No Requirement That They Go Back And Redo Future Work.

It Just Says We'll Look At It When The Data Comes In.

It's Not A Specific Condition.

It's Just A Paragraph In A Staff Report, And I Would Suggest That That Gives The County Very Little Protection.

My Client Is Impacted By High Waters Today.

His Development Is Not -- This Development Is Going To Put That Into The Future, And It's Going To Cause High Waters For Other Residents In Lee County.

I Think Now Is The Time To Get It Straight So That We Don't Have Those Problems Forever.

Thank You For Your Time Today.

Chairwoman Hall: Thank You.

Jim English.

He Will Be Followed By Steven Broadkin.

Thank You, Madam Chairman.

Ladies And Gentlemen.

My Name Is Jim English.

I Would Like To Make In Addition
To The Chart That Mr. Perry Gave
You, If You Notice, There Are Other Creek That Is Flow Out Of The Land That Lee County All
Up There And Flows Down Across Other Private Land, Including Ours.

There's Cypress Creek, Hall Creek, Victor Creek, And Spanish
Creek, Amongst Others.

These Aren't Included Here
Because, According To The Staff Report And The Application, There's Not Going To Be Any
Water From This Development Flow
To Those Creeks, And That's Not Correct.

If There's Any Doubt In Your Mind About That, We Can Provide You Something About That
In Writing From Mr. Perry.

We've Been In The Agricultural Operation Up There For About 130
Years.

If This Development Goes Through The Way It's Proposed, We're Not
Going To Be Able To Continue Our Operation Any Longer, So It's Been Indicated By The
Folks Up There And I Think By The County Comprehensive Plan You Would Like To Continue
Some Agriculture Up There, But If Agriculture Is Going To Continue, You're Going To Have
To Make Provision For Us To Survive, And We Can't Survive If This Permit Is Being Issued
The Way It's Proposed, And I Respectfully Request That You Not Go Forward With This
Settlement At This Time And Let's Get This Matter Straightened Out And The Provisions Of
The Permit In Compliance With District Permit And Criteria Before We Go Any Further.

Thank You Very Much.

Chairwoman Hall: Thank You, Jim.

Steve Broadkin, Who Will Be Followed By Ruby Daniels.

Hello.

My Name Is Steve Broadkin.

I'm President Of Concerned Citizens Bay Shore Community.

I'm Here Representing Concerned Citizens Bay Shore Community.

I've Already E-Mailed You Most Of Our Concerns And Comments And
You've Some Of Them From Some Of
The People, Including Jim English And The People He Has With Him.

Just To Go How The Natural Conditions Study Hasn't Been Done By More Than Two Years,
Now

They're Going To Be Permitted To Start Before The Studies Are Done.

If They Start Construction Before The Studies Are Done, It Puts Not Just The Developer At Risk Of Having To Change Things, But It Puts Lee County At Risk.

The Property Owners And The Environment.

It Always Seems To Be Very Costly After The Fact For The Taxpayers When Things Have To Be Fixed Later On.

We've Had A Lot Of Examples Of That Over The Years.

Yesterday Some Of Us Met With Some People With The Babcock Group And Also South Data Water Management, And We Appreciate All Of Their Time And Coming To Talk To Us, But Some Of The People There Were Mr. Nelson, Mr. Donnahee, Mr. Broderick, And I Asked A Question.

I Said Does Anyone Here Think Putting A City Out In The Middle Of This Rural Area Is A Good Idea, And They All Had My Attention, But All I Heard Was Silence.

It Was Like They Couldn't Even Defend Their Own Project.

It Just Seems Like A Few Years Ago Up In Charlotte County One Vote Was Made By One County Commission For A Master Development Order, And So Five People Made A Decision, And Since Then This Entire Process Just Seems To Lead Us Down A Road To Where The -- Most Of The People I Talk To We Don't Want To Go Down That Road And End Up With That Result, And, Yet, Somehow This Process Just Takes Us Down This Road To Where Most People Don't Seem To Want To Go.

I Think That That's Why There Has Been So Much Frustration In Government From A Lot Of Different -- From The Left And From The Right And Everybody In Between, And I Also Think That It's One Reason For The Impetus Behind This Hometown Democracy Movement And People Can Argue That It's Not A Good Way To Run Government And Maybe It Will Backfire On Those -- On The Supporters, Even If It's Passed, But It's Just A Demonstration Of The Frustration That People Have In Government And Taking Us Down Roads Where The Majority Of The People Don't Seem To Want To Go, And It Just Doesn't Seem To Be Anything In The Process To Address That.

I Realize Some Of These Comments Are Directly About What Your Decision Is Today, But As We Go Forward, I Hope That You Will Consider That, And I Ask That You Please Vote No In Approving This Settlement And Send It Back

For Revision.

This Is A Huge Project Of Major Regional Impact, And We All Have An Obligation To Insure The Best Possible Result For The Future Of Our Area.

Thank You.

Chairwoman Hall: Thank You, Steve.

Ruby Daniels, Who Will Be Followed By Jane Mcnew.

Good Morning, Ruby.

I'm President Of Merrill Inc.

We Concur With The Analysis Of The Settlement Of The Babcock Ranch Development That Was Given To You All Yesterday, I Believe.

We Also Don't Understand How A Plan That Will Have A Huge Impact On The Bay Shore And Alba Areas As Well As The Telegraph Creek Area With All Its Wildlife Can Be Allowed To Begin Implementation Without Collecting All Of The Data And Constructing A Historic Flow Model.

I'm Very Familiar With Water Projects That Have Gone Astray.

My Once Lush Cattle Pastures Are Now Suffering From Severe Water Deprivation Because Of A Water Project That Has -- Was Put In About 40 Years Ago, Close To My Property.

In Order To Correct It, It Will Cost Millions Of Dollars, And A Lot Of Effort On A Lot Of People.

I'm Sure That You Can Think Of Other Water Management Projects That Didn't Turn Out As Planned And Ended Up Being Very Costly To Fix.

I Urge You To Continue To Work On The Settlement Agreement To Assure The Best Deal For The Public.

I Would Ask The Developer To Commit To Completion Of The Historic Flow Model Before Beginning The Project And Encourage The South Florida Water Management District To Require Natural Condition Studies And Hydrologic Models For Regional Impact.

This Is A Huge Project.

It Will Affect A Lot Of People.

We Need To Do It Right.

Chairwoman Hall: Thank You.

Jane Mcnew Will Be Followed By Don.

Good Morning, Commissioners.

I Am Representing The Rgmc Today, And Would I Like To Make Some General Comments.

I've Always Appreciated Everything That The Board Of Commissioners Has Done To Make Lee County A Better Place, And That's Been Very Involved.

The Water Studies Done In The Digr And Around Are Impressive.

We All Know That Hydrology Has Moved Forward Scientifically A Great Deal More.

Than It Has Been In The Last 20 Years.

I'm Rather New To All The Issues Of Babcock And Bay Shore, Alva, And Alga, But I Am Aware That They Want To Retain Their Characteristic Communities, Their Villages.

It Means A Great Deal To Them.

They're Concerned That They're Going To Be Engulfed By Traffic, By Unwanted Water, And That The Environment Will Suffer A Tremendous Amount, And I Appeal To All Of You Who I Know Will Do Everything Possible To Assure That The Water District Do Studies Before Babcock Starts Out.

I Hope, Also, That The Highway Directly To Babcock Will Be Of Limited Access, Very Limited, So That We Don't Have Urban Sprawl And See These Communities Disappear.

I Think It's So Charming When You Go Into Heavily Populated Areas Of New Jersey And New England And You See That The Villages Up There Have Survived, And I'm Sure They've Been Through The Fights Many Years Ago, Too, And I Think They Probably Had Wonderful Leadership In Their Areas, And I Know We Have Good Leadership Here, And I Appeal To You Today.

Thank You So Much.

Chairwoman Hall: Thank You.

Don Ehat, Who Will Be Followed By Karen Cameron.

Karen Will Put Her Card Back.

Karen Is Not Here Yet, Is She?

I Don't See Her Yet.

Ok.

I'm Representing Rgmc And Sierra Club.

Kind Of A Senior Citizen Trying To Stay Out Of Trouble.

I'm In The Wrong Spot.

I'm In Bad Company, Obviously.

The Hydrology Models That Are Talked About As One Of The Tools For Making An Appropriate Decision Are Late And Being Proposed To Be Executed By Johnson Engineering Company Asking Johnson Engineering Company To Create These Hydrology Reports Is Like Asking The Fox To Guard The Hen House.

The Data Source That They Will Be Using Is Almost 20 Years Old And Reflects That Era's Science And Protocols, And Putting A Decision Based On That Data At Risk Of Being Dangerous To The Ground Water Flow It's Supposed To Protect.

It's Interesting, Too, To Note That The County Has Already Paid Over \$1 Million For The Study From One Of The Most Critical Water Sources, Drought Creek, Was Inextricably Removed.

In A Letter From Jeb Shenk, Dated January 13th, It States That The Applicants For The Prc Permit Have Applied To Modify The Existing Water Management System That Encompasses Over 91,000 Acres.

This Is An Error.

These Initiative Advisory No Apparent Authority To Accomplish Everything They're Required To Do In Settlement Having Permit -- In Settlement Erring Permit.

As A Result, There Are No Existing Entity, Owner, Or Operator That Holds The Appropriate Permitting Rights And Obligations For The District Permit At This Time.

This Was From The Assistant Attorney, Jeb Arshank.

Chairwoman Hall: Thank You.

Debbie Jakow Will Be Followed By Robert And Bonnie Mitchell.

I'm Representing Concerned Citizens Of Bay Shore.

There Are Numerous Issues That Are Of Concern To Us.

We Did Meet Yesterday With Kitson And Partners And South Water Management.

The Issues That Are Of Concern To Us Is There Are These Three Integrated Surface And Ground Water Modelled, And We Feel These Models Need To Be Done Prior To Development And Not Have Development Start First And Then Work Around It With These Models.

They Also Need To Be Reviewed By An Independent Party With No Connections To The Ranch.

They Have Had Since 2007 When They Said They Were Going To Do This Historical Flow Model And This Has Not Yet Been Done, And We Feel This Needs To Be Done Prior To Any Development.

This Property, You Realize, Is In The Northern Everglades And In A Flood Plain, And So This Has To Be Addressed Differently Than Any Other Development That You Have Probably Come Before You.

I Was Concerned About The Paragraph That Has Been Inserted Into This Erp Permit.

It Does Not Address All Of The Concerns Previously Listed.

In This Petition For The Administrative Hearing From Lee County There Were Pages And Pages Of Concerns, And I Don't Feel That This Paragraph Fully Represents All Of Those Concerns That Were In This Administrative Hearing Request.

I'm Concerned That The Plan To Control The Floodwaters For The Ranch Is A Big Concern.

They Are Basing This Floodwater Analysis On A 25-Year Event.

Living In Bay Shore For 34 Years, We Have 100-Year Event Every Five Years, And, Yet, This Is Only Being Set Up For A 25-Year Event, Which You Can Figure, Do The Math, That If You Get 100-Year Event Every Five Years, How Often You're Going To Be Having This 25-Year Event.

This Is A Major, Major Issue.

You Have The Establishment Here Of The Ownership Of Three Different Permittees Involved In This Water Permit, And, Yet, Who Is Going To Be Responsible If There's A Problem? You Have Three Different Ownerships Here.

This Needs To Be Addressed.

There's A Culvert Going Under Route 31, And If Route 31 Goes Under Water With These

100-Year Events In My Version, A Five-Year Event, And This Water Is Supposed To Go Under 31 When They Raise It Into A Conveyance.

The Conveyance Also Goes Into Lakes For Clean And Everything Else, But Have You To Realize The Volume Of Water Going Into This, And I Brought This Up Yesterday.

They Have Things To Hold Back Water, But If They Have A Water Event, These We Irs Will Be Opened To Get The Water Out, And When The Water Goes Out The At Such A Pace, How Clean Is This Water Going To Be Before It Goes To The Creeks And The River? That Could Not Be Addressed.

So There's Numerous Issues Here That, In My Opinion For Such A Massive Grand Project That Needs To Be Addressed Properly Before Any Of These Permits Go Forward, And I Think This Needs To Be Sent Back For Additional Review.

Thank You Very Much.

Chairwoman Hall: Thank You.

Robert And Bonnie Mitchell.

Are You Speaking Together Or Separately?
Doesn't Matter.

Ok.

Bonnie.

Chairwoman Hall: However You Would Like To Do It.

Would I Really Like To Defer My Time To Some Other People That Are More Aware Of What's Been Going On For A Lot Longer Time.

We Were Very Fortunate To Build A House In This Area Back In 2007.

Beautiful Home.

We Moved In In 2007, And Soon We Began Losing Tvs, Computers, And Air Conditioning Coils.

I Don't Want To Waste All The Time Going On About That.

It's Just Like A Lee County Assessor Has The Numbers Right.

We Have Probably Between Acres Sent Of All The Consumer Product Safety Division Has On File In Lee County.

You Know, Do We Need Fema Funds In This Area?

We Need Something.

We Need A Stay Of Execution.

We're Losing Our Insurance.

We're Non-Renewed.

I'm Going To Run Out In 30 Days.

You Know, What Happens After That? Do The Banks Take Back Our Properties? Probably.

We Don't Have The Florida 600,000 It's Going To Take To Remediate Our Homes.

We Don't Have The Florida 600,000 It's Going To Take To Remediate Our Homes.

We Need Some Help.

Maybe We Need A Gift.

I Don't Know.

Chairwoman Hall: Thank You, Bonnie.

Just For The Board's Information, It's A Carry-Over From Last Week Regarding The Resolution For The Drywall, Chinese Drywall.

It's On Our Carry-Over.

Brenda Brinke? I'm Sorry.

Followed By Richard Campe Or Camper.

Ok.

Good Morning.

I Have Been -- I've Lived Here All My Life.

Born And Raised Here.

My Name Is Brenda Brinke.

My Husband, George, And My Son, Harrison.

We Built Our Home In Alba In 2004, And We Have American Defective Drywall.

Not Chinese.

We Are Here To Ask You To Pass The Resolution To The Petition To Governor Crist And Have Him Ask The President Of The United States To Declare A State Of Emergency For Drywall.

My Son Is Here To Ask You To Pass The Resolution For Children Who Are Living In These Toxic Homes.

They Need A Safe Place To Live Until This Problem Can Be Resolved With The Proper Protocol And These Homes Can Be Redone.

We Chose Last March To Move Out Of Our Home Because Massachusetts Institution Of Technology, Thomas Seger, Said It's Like Acid Rain In Our Home.

We Have Been Through Seven Air Condition Coils In Four Years, And We Are Having Health Effects.

Our Insurance Company Told Us That We Need To Shut Down The Electricity In Our Home Because They Were Worried That Our Home Could Catch On Fire.

My Children's Bathrooms Are -- The Wiring In It Is So Bad That It's Scaling, And Then We Have Wires In Our Walls That Are Arcing.

We Decided That We No Longer Were Going To Put Our Family At Risk, So We Moved Out Of Our Home.

We Couldn't Afford To Pay Rent And A Mortgage, So Now We Are Being Penalized, And We Are Now Facing Foreclosure.

We Are Putting Our -- We Put Our Life Savings Into It, And We Were One Of A Few That Weren't Upside Down.

We Had A Lot Of Equity In Our Home, And Now That's All Going To Be Gone.

We Have Dealt With This Issue For Almost 15 Months.

The Camps Have Dealt With This For -- This Problem For Almost Two And A Half Years.

The Only Help That We Have Received Was The Victims Have Received From Ken Wilkerson, And He Has Rushed To Our Aid To Give Us A Break On Our Property Tax.

There Are Almost 1,300 Homes In Lee County That We Know Of That Have This Problem, And We Don't Even Know If Foreclosures Are On The Books.

Many Victims Are Tired Of Waiting And Are Ready To Walk From These Toxic Homes If Something Is Not Done Fast.

Four Our Family, Our Time Is Out, And We Are Fighting For All
The Victims That Need Help And We Don't Want Them To Go Through
The Same Nightmare That We Are.

My Husband Has Customers And Million Dollar Homes That Have This Problem.

This Problem Is Destroying Our Lives, Our Business, And Our Homes.

We Have Been Consumed With It, And We've Been Fighting, And We've Spent Every Last
Dime.

We've Been To Washington D.C.

We Met With Congressmen, Senators.

We Have Had A Toxic Drywall Rally.

We Met With Consumer Product Safety Commission, And, You Know, Everybody Points The
Finger To Somebody Else.

We Know This Is A Problem That Will Affect All Of Us.

It Is Affecting Our Neighborhoods And Our Property Values.

It's Like A Ticking Time Bomb Ready To Go Off.

You May Think Right Now Your Newer Home May Not Have The Problem, And Tomorrow It's
Done.

We Call It The Silent Hurricane, And All Our Families And Victims
Of Chinese Drywall Need Your Help Because Tomorrow Could Be Too Late For The Families.

We Invite You To See Our Home On Youtube, Brinke House And See For Yourself The
Nightmare In Which All Of Us Have Been Dealing With.

Thank You.

Chairwoman Hall: Thank You.

Richard Camp.

Will Be Followed By Karen Cannider.

Good Morning.

For The Record, My Name Is Richard Camp.

I Live In Cape Coral, Florida.

I Want To Thank You All For The Opportunity To Come And Address You Today About Contaminated Drywall.

You Heard From Mrs. Brinke About The Fact That This Is Just Not Chinese Drywall.

It's American Drywall As Well.

People Are Suffering In Their Homes.

I Represent About 350 Residents Or Families In Lee County Who Have Been Victimized By Having This Problem Put In Their House Through Their Own Innocence.

Many Of The Builders Claim That They're Innocent As Well And The Insurance Companies Are Doing The Same.

All The While, People Like Us Are Suffering Waiting For Something To Occur.

Last Friday I, Along With A Group Of Other Folks, Had The Opportunity To Meet With Governor Crist, And We Asked Him Why He Hadn't Declared A State Of Emergency, Which Is What Our Resolution -- Or The Resolution You Have Before You Today Is Asking Him To Do.

That Resolution, If You Ask Him To Do It, He Is The Only Person In Florida Who Has The Authority To Request The President Of The United States To Give A Declaration Of What We Would Consider A Silent Hurricane, Or A Major Flood, Or Any Other Catastrophe That Would Allow Funding To Come By Way Of The Federal Government, Primarily Fema, To Help Us , First, Relocate And To Alternative Housing While The House Is Remediated, But The Key Part Of This Work Would Be That It Would Bring Jobs To This Community Much-Needed Jobs In The Trade Profession.

Somebody Will Have To Do This Work.

It's Not Going To Be The Home.

It's Going To Have To Be The Contractors.

We Think It's A Win-Win By Putting This Resolution Forward.

The One Thing I Would Like To Address With You Is What Is Not Known Yet Is Standard Protocol For Remediation.

That's A Key Piece Of Information That As Leaders In Government You Need To Know.

Many People Are Remediating These Homes, And They're Being Recontaminated Once Again After They're Remediated, And There's Reasons For That, And That Is You Just Can't Remove Old Drywall.

Have You To Remove The Electrical Wiring And The Insulation And The Air Conditioning

Equipment And Plumbing Fixtures.

Basically Back To The Studs.

At A Cost Depending On Who You Talk To, Upwards Of \$150,000 To \$200,000 Per Home.

Without A Standard Remediation Protocol By The Federal Government, We Are Going To Have This Problem Reoccur And Reoccur Once Again And Again.

I Can Only Ask That You Go To Whoever It Is In Your Building And Construction Department And Make Sure When The Time Comes That People Start To Remediate These Homes That They Do It The Right Way So It Doesn't Come Back And Haunt Us Once Again.

Thank You Very Much For Your Time Today.

Chairwoman Hall: Thank You.

Karen Caminor.

Karen Is Not Here Yet.

Ok.

That Is All The Cards I Have.

Is There Anyone Else Who Would Like To Address The Board On Anything That's On The Consent, Administration, Walk-On, Or Carry-Over On Our Agenda? Seeing No One, I'll Close -- Yes.

Come Forward.

If Could You Fill Out A Blue Card Before, We Would Appreciate It.

Bring It Right On Up.

You Haven't Filled It Out Yet.

Ok.

Ok.

That's Fine.

No, That's All Right.

I'm A Resident Of Lee County.

I'm Very Concerned About The Babcock Ranch.

We Just -- My Group And I Would Like To Make Sure That The Babcock Ranch Does The Research That They Were Supposed To Do Before Instead Of Just Having It Approved Without Any -- Any Study Being Done.

That's All Today.

Chairwoman Hall: Thank You.

Again, Is There Anyone Else Who Would Like To Address The Board?
Anything On Consent, Administrative, Carry-Over, Or Walk-On Items?
Yeah.

Please State Your Name And If You Would Fill Out A Blue Card Before You Leave.

Thank You.

I'm Carolyn Morton From -- Chairwoman Hall: Hold That Mike Roadway Phone Down.

I'm From The Bay Shore Community, And I Just Want To Say This Morning That I Want To Back Up All Of Our Members Much Our Community And Stand With Them For What They've Already Requested From Each One Of You.

We Thank You For Taking Time To Hear Us.

Appreciate It.

Chairwoman Hall: All Right.

I'll Get A Card.

Chairwoman Hall: That's Great.

Thank You.

Is There Anyone Else Who Would Like To Address The Board?
Seeing No One, We'll Close Public Comment And Go Back To The Board And Start With The Consent Agenda.

Commissioner Bigelow, Anything To Be Pulled?
Comm. Bigelow: I Have None.

Chairwoman Hall: Commissioner
Judah. Comm. Judah: B.

Chairwoman Hall: Commissioner
Janes, Are You With Us?
Ok.

Commissioner -- Ok.

Is There -- Nothing.

Thank You.

Chairwoman Hall: Commissioner
Mann?

Comm. Mann: Nothing.

Chairwoman Hall: Can I Have A
Motion.

I Have A Motion By Commissioner Judah.

A Second By Commissioner Mann.

Further Discussion?

All Those In Favor?

Opposed?

The Motion Carries Unanimously.

Commissioner Judah, 7-B.

I Have A Motion By Commissioner Judah.

A Second By Commissioner Mann.

Other Discussion?

Comm. Bigelow: And To Thank The Library For Donating Up To \$1,500 For Material To
Assist The Library Staff At Lakes Library.

Thank You Very Much.

Chairwoman Hall: Thank You.

Further Discussion?

All Those In Favor?

Opposed?

The Motion Carries Unanimously.

And I Do Want To See The Folks Leaving On The Drywall, And I Want To Thank Them Tore
Taking Time To Come Down This Morning.

We Certainly Recognize Their Challenge That They Have.

Next We'll Move On To The Administrative Agenda.

And Number 1-A Is -- Pete, Do You Want To Go Over That With Us?
Is That Your Memo?

Pete Wenton.

Commissioners, This Is An Agenda Item.

We Briefly Discuss That At The Goal Session A Couple Of Weeks Ago About Potentially Up To Five Fur Furlough Days This Year To Cia On Personnel Costs And Building Costs Because Of Our Budget Constraints.

This Is For Two Days In This Fiscal Year, And Then We Would Re-Evaluate Once We Got Into The Summer Budget Process.

These Two Days Were Selected Because They Already Coincide With Either Holidays For The School District And/Or The Court System.

That's What This Agenda Item Is.

This Would Basically Be The County Except For Essential Services Shutting Down For Those Two Days.

Comm. Judah: Madam Chair?

Chairwoman Hall: Yes, Commissioner Judah.

Comm. Judah: A -- I Applaud The Effort And Am Happy To Reduce Costs.

There Seems To Be Inconsistencies In A Time When We All Need To Be In Concert In Resolving The Budget Shortfall And Reduction Of Suspensions, And I Just Wanted To Ask If This

Board Would Be In Agreement To Defer A Week And Give Administration A Chance To Talk To The Clerk Of Courts, Because I Understand The Clerk Of Courts Is Handling This Issue Differently In Terms Of Allowing For Employees To Have Vacation Leave On Those Days.

And To Apply The Vacation Compensation For Those Days.

I'm Not Saying It's Not Appropriate.

Maybe Charlie Can Clarify.

He Is Right Here.

Before He Does, I Still Have The Floor.

I'm Just Saying -- I'm Not Saying It's -- In Fact, I Rather Side On That Position, But I Just Want To Make Sure That We're All Consistent As We Go Forward Together With The Officers.

Chairwoman Hall: Are We Talking All Constitutional Officers?
Comm. Judah: Yeah, I Believe So.

Sure.

Chairwoman Hall: Just Before We Bring You On, Charlie, Because It's A Little Out Of Protocol, Let Me Have The Board Address, And Then I'll Come Back To You.

Karen, Are All The Constitutional Officers Involved With This Furlough?
Because I Don't Think We Have Everyone Unanimous In This, Do We?
I'm Not Sure What The Other Constitutional Officers -- Chairwoman Hall: This Is Really -- The Clerk Of Courts Is Considerate Enough To Alert Us As To What He Was Doing Because He Is Involved In Those Courts, Justice Center, And In The Court Administration -- Or In The County Administration Building.

Chairwoman Hall: But This Is Not The Constitutional Officers.

This Is A Bocc Issue.

We Certainly Would Ask That The Constitutionals, Again, To Look At Ways To Cut Budget Because They Are Part Of Our Overall Budget, But We're -- We Don't Have Consistency Even With The Supervisor, The Sheriff's Office, All The Others, Do We?
We Don't Know.

No, We Don't Know.

This Is Under The Board Of County Commissioners.

Chairwoman Hall: Right.

The Clerk Is Involved Because He Has Operation In Both The County Administration Building And Across The Street.

We're Trying To Close Down Both For The Salary Saving And The Operational Saving.

So The Rest Of The Constitutional Officers We Do Not Know What They Will Do For Those Two Days.

Comm. Judah: If I May Mention.

All I'm Trying To Point Out Is We've Had Cordial Discussions With The Constitutional Officers That We're All In This Together.

It's All Public Taxpayers' Dollars.

We're Trying To Find Ways To Address The Decline In Revenue And Still Provide Essential Services For Our Community.

We've Talked About Disproportionate Amount Of General Fund That Goes To One Or Two Constitutional Offices, And We All Recognize We're Trying To In Our Own Way Address The Shortfall And In An Equitable Fashion.

Yeah, This Is A Bocc Item, But It Also Has To Do With, I Think, The Discussion We've Had That We're All In This Together, And So I Wasn't Pointing Any Fingers.

I Was Just Trying To Suggest We Have Continuity, Some Consistency, And That If They're Going To Go Ahead And Have These Furlough Days, It Ought To Be Consistent With Some Of The Constitutional Officers, If Not All Of Them That Are Also Willing To Set Aside Two Furlough Days, But Perhaps In This Case To Allow Vacation Time With The Employees.

That's Why I Think A Week For Deferral.

Chairwoman Hall: I Want To Point Out That We Have Quite A Long List Here Of Those Who May Not Even Within The Bocc, Including Public Safety Transit Utilities, Parks And Rec, Dot Traffic, D.O.T., Libraries, Solid Waste.

That May Or May Not Be Able To Participate In The Furlough Days, So When You Look At Supervisors, Clerk Of Court, Appraiser, Tax Collector, They -- And The Sheriff's Office, You Know, Obviously There's Some That Are Probably More Obviously -- They're In Our Building, But I Don't Know On Their Day To Day Operation Ifs They Can Actually Physically Shut Down.

Pete, Do You Want To Maybe Comment On That?
Yeah.

Essential Services We Will Still Have To Provide Essential Services, And The Savings Are, Like Karen Said, Both Closing Some Buildings Where It's Mostly Administrative Folks, But The Savings Are Also That These Are -- They're Two Unpaid Work Days.

If You Are Essential Service And You Are An Employee And You Are To Work That Day, You Will Have To Take Two Other Work Days Off.

It Is A Pay Cut, But, However, It Is Softened With The Fact That You Are Getting The Day Off.

Chairwoman Hall: All Buildings Will Be Shut Down.

Some Will.

Some Won't.

All Employees Will Have To Take The Two Days Off.

At Some Time They Will Be Taking Two Full Work Days Off.

Yes.

Chairwoman Hall: Since The Clerk Of Court Is Here, Charlie,
If You Would Like To Address What You Are Doing, And Thank You For Letting Us Know
What You Are Doing.

I Think You're The Only One Who Has.

Well, We're Going To Close The Two Days.

We Are Not Going To Furlough Anybody.

I Think You Understand That We're Going To Use That As A Vacation Day, And We're Also --
We Have Held Back And Tried To Cut As Much As We Can, And I Think We've Done A Very
Good Job With That.

I Think You've Got Some Officers, Constitutional Officers, That Have To Be Open On The
2nd.

I Think Furloughing Employees Is A Short-Term Solution To A Long-Term Problem.

It's Not The Sharp Way To Go.

If You Need To Get Rid Of More People, You Got To Get Rid Of More People.

I Mean, We've Been Doing That For The Last Three Years, And I Know Karen Has Got 400
Empty Spots.

It's A Band-Aid On A Big, Big Problem.

The Key Problem In Lee County Today Is Employment And Having Employees That Have
Money To Spend.

Every Time We Can Track The Employee Base, We Take Money Away From Other People.

A Dollar Is Multiplied Five To Six Times, Maybe Seven Times In A Community.

I Think We Need To Look A Little Deeper.

I Think It's A Nice Gesture That You're Doing, But I Think It's Kind Of -- It's -- You Know,
We Spend Millions Of Dollars On A Lot Of Things, And The Key Ingredient We Have In Our
Community Is The Employee, And That's In Our Office Or Your Office Or Any Other.

I Know A Lot Of Private Businesses Have Had To Furlough.

I Know Lots Of Governments Furlough.

I Think It's A Nice Buzz Word, But It's A Very, Very Short-Term Solution.

That's -- We're Going To Be Closed.

The Courts Are Closed Anyway, So It's An Easy One For Us.

It's Very Difficult For Some Of The Other Constitutionals.

Chairwoman Hall: Thank You, Charlie.

Comm. Judah: Charlie, Can I Ask You A Question?
Sure.

Comm. Judah: Thank You, Madam
Chair.

You Are Actually Offering Your Employees The Vacation Day Or Day Without Pay? Right.

It's A Vacation Day.

Chairwoman Hall: They're Taking It As A Vacation Day.

It's Not Without Pay Or Vacation Day.

Comm. Judah: Where Did I Read -- I Don't Care What You Read About The Clerk's Office.

That's What We're Doing.

Comm. Judah: So It Is A Nonpaid Vacation Day For Your Employees?
It's A Vacation Day They Don't Get.

Let's Say You Have Been Here For 10 Years And You Get Three Weeks.

You're Going To Get Three Weeks, Less One Day Because You're Not -- We're Going To Use That Day As A Vacation.

You Get Paid, But You Don't Get The Extra Vacation Day.

Just Like At The End Of The Year.

If You Go To Three Days, If We Close For That Week Between December -- You Know, Christmas And New Year's, We Will Use Those Three Days As Vacation Days, Which Years Ago I Tried To Get The Florida Legislature To Have A Uniform Closing Of All Businesses.

Comm. Judah: It's A Forced Vacation Day, As I Understand?

I Understand.

Well, Ok.

Yeah.

Yeah, All Right.

I'll Use That.

Comm. Judah: It's Not You Were Given The Option? The Furlough Day Or Use A Vacation Day? That's What I -- No.

We're Not Going To -- Chairwoman Hall: I Don't See That, But Ok.

Comm. Judah: Thanks.

Ok.

Chairwoman Hall: Commissioner Judah, Did You Have Something Else You Wanted To Add?
Comm. Judah: Just, I Appreciate -- Chairwoman Hall: Well, Again, This Isn't An Interaction Between The Clerk Of The Court And An Interaction Between Our County Manager.

I Appreciate Charlie Income The Room, But We Need To Have A Conversation With Our County Manager, So It's Not A Dialogue With The Clerk.

Out Of Respect For Karen, Who Is Proposing This, I Would Like Her To Have Some Comments, And Then We Can Come Back To Discussion About The Constitutionals And See Where We Want To Go And If We Want To Defer This One Week.

Karen.

This Certainly Is A Topic That The Administration Have Been Talking, And We Provided You With An Overview At Our Goal Setting Session.

As I Said, It's Not Easy.

The Last Thing That We Will Do Is Have More People On Our Unemployment Line.

We Are Trying To Do The Less Painful.

We Know That We're Going To Have Some Major Cuts Coming In.

Over This Past Two Weeks Even We Have Seen More And More Of The Legislature And Legislative Items Coming Up.

We're Paying \$1 For Every \$4 In Medicaid In This State Revenues, And We Know There's Going To Be Some Major Issues That Are Probably Going To Come Down To The Counties.

What We're Trying To Do Right Now Is Lessen The Blow.

We Are In This Together.

This Is A Board Item, And, You Know, The Constitutional Officers, We Have Not Checked With Them As To What They Are Doing.

The Clerk Was Kind Enough To Let Us Know Because He Is Involved In Closing Down Those Days, But , You're Right, We're All In It Together.

Chairwoman Hall: Yes.

Comm. Judah: I Was Thinking It Would Be Best To Give Administration A Week For Further Discussion.

I Think, Again, We're Looking For Consistency, And To Forward The Opportunity For County Employees Like Those Working For The Court While Recognizing Their Essential Positions That Clearly Will Not Shut Down, But There Is A Provision That There Is Another Day.

We Know We Cannot Stop Ambulance Services And Other Public Safety And Utilities And All Of That, But What We're Asking Is For All County Employees To Take Two Days Furlough, Whether It Be On That Holiday, Those Two Holidays Or Another Day That The Department Directors Will Identify, But We Will All Share In This So That We Can Hopefully Lessen The Blow
And Not Have Layoffs.

That's -- We're Very Concerned About What Our Revenues Are Going To Be.

Chairwoman Hall: Commissioner Bigelow, I Know You Had A Comment.

Commissioner Bigelow.

Comm. Bigelow: Charlie, Maybe He Will Come Back.

I Would Like To Know, Are You Telling Us These Two Days, These Two Vacation -- Unpaid Vacation Days, Will Save Us \$1.5 Million.

Right?
The Two Unpaid Holidays.

Comm. Bigelow: Right.

I Stand Corrected.

Have We Considered Perhaps Just Not Paying The Holidays That Are Already On Our Calendar Or Some Of Them As Opposed To Offering Them As Paid Holidays? We Did Discuss That, But It's Kind Of Almost Taking, You Know, Something Away From The Employees.

Yes, We're Going To Add -- At Least They're Getting An Additional Day, Holiday, And They're Not Being Paid For It.

We Also Have The Opportunity In These Two Days To Add The Operational Impact To It.

Not Only The Salary Impact, But We'll Also Add The Operational Impact By Physically Closing Down The Buildings.

We'll Have That Savings On Utilities.

Comm. Bigelow: Ok.

And You're Asking To Close September 8th, Is It?
9th.

September 9th, Thursday, It's A Jewish Holiday, Right?
Rosh Hashanah.

It Starts Wednesday Evening And Ends Friday Night.

Comm. Bigelow: I'm Wondering If It's Prudent To Be Open For One Day On A Friday Especially.

The Court Services Will Be Open.

Right.

Comm. Bigelow: Hmm.

I Just Wonder If It's Inefficient To Reopen On That Friday, So Maybe If We Do Continue Another Week, I'm Thinking It May Be More Prudent To -- If You're Going To Close On That Thursday, Rosh Hashanah, That You Also Include Friday And Maybe Not Add Good Friday.

I Just Don't -- I Can't Imagine Closing In The Middle Of The Week As Being Efficient, In All Honesty.

We Did Look At That, Commissioner, But The Reason Is April 2nd Everything Shuts Down Across The Street And Here, So We Have The Building Savings.

If You Switch That To That Friday, Then Across The Street Is Open.

We're Closed Down.

What We're Trying To Do Is Get The Maximum Benefit Of The Two Days.

Comm. Bigelow: Oh, So This Is

A Coordinated Effort.

It Started With The Closings And -- What We're Doing, We Reviewed Who Is Off On What Days And We're Piggy Backing On The Additional Holidays That The State Receives.

Comm. Bigelow: Well, Then I Guess, Commissioner Judah, Are You Still Wanting To Furlough This Furlough Idea A Week?

Comm. Judah: Yes, Sir, That's What I'm Asking, Giving Us An Opportunity To Further Coordinate With The Constitutional Officers.

Comm. Bigelow: It Sounds Coordinated.

Comm. Judah: It Is For The Most Part Except For One Remaining Item, And That's The Vacation Day On The Furlough Day.

Chairwoman Hall: What I Would Like To Do, If The Board Can Find Their Way Clear, Is That I Would Like To Make Sure That This Goes To All The Constitutionals And Ask Who Will Participate And Ask Them To Respond Back To Us By Tuesday So That We Can Identify Their Thoughts On This Because I Think Commissioner Judah, We Are All In This Together, And I Think That We Need To Take Responsibility For What We Can Control.

We Certainly As We Go Forward Will Be Looking At All Of The Budgets, And That's Going To Be A Tough Role.

We He Either Approve Or Disapprove, And They Have The Opportunity To Do What They're Going To Do.

I Think The Closer We Can Get To Where We Need To Be When That Approval Process Comes As We Make Cuts Throughout The Year, The Better All Of Us Are Going To -- I Think It Will Be A Much More Amenable Budget Than Not.

I Would Just Ask The Board.

I Don't Think One Week Is Going To Alter Greatly, And I Do Think That Just By The Good Process And Good Communication.

Just Ask Them To Respond Back To You In Writing What It Is That They Can Do Or Some Thoughts That They Have.

I Do Appreciate The Clerk Identifying And Sharing With Us, And I Think All Of Them Are Going To Have To Do What They Think Is Best For Their Entities And What They Have As Their Operation, And I Would Hope That We Can Move Forward In That Spirit And Deal With Them And Not -- I Don't Want To Say Right Is Wrong Or Right Is Right.

I Just Think We're Going To Move Forward, And As We Come Back To The Annual Budgets, Then We're Going To Have To Make Some Decisions.

I Don't Want To Get Into Like We're Doing Better Than You Are Or That.

I Think We Need To Make Them Aware Of What We're Trying To Do And Allow Them To Respond, As They Are Also Fiscally Responsible For Their Budgets As Elected Officials Representing Their Constituents As Well As Us.

I Think That's Fair, And Then We Can Make Our Decisions Going Forward Knowing Full Well Because Right, Wrong, Or Indifferent We Get Stuck With The Whole Budget One Way Or The Other, But We Will Have A Better Understanding Then Of What's Happening With Our Colleagues In The Constitutional Office As Well.

If Approximate The Board Will Support A One-Week Delay, And We Can I Have A Motion By Commissioner Judah And A Second By Commissioner Bigelow.

Other Discussion, Commissioner Mann?
Comm. Mann: Yes, Madam Chair.

I Don't Think We Should Conclude This.

The Week Is Bad, And We Might Learn A Little Bit In The Meantime.

There's A Perspective Here That Needs To Be Repeated, And We Have Less Than Two Weeks Away From It.

This \$1.5 Million That We're Talking About Here, It's Such A Pittance.

We Are \$60 Million In The Hole Using Reserves This Year To Make Up Budget, And It Looks Leak We're Going To Be Down \$60 Million To \$65 Million Next Year.

We're Talking About Saving \$1.5 Million Here.

That's Just Balancing The Existing Budget With No Salary Increases, Nothing Else, And Continuing To Look For Other Cuts, Such As This.

I'm Just Wanting Us To Say One More Time What's Really Going On Here.

We're Projecting At The Year 2012 That We're Going To Be Out Of Reserves Available To Continue Doing This.

If We Can't Deal With \$1,500,000 When We're Already \$60 Million Short, We Got A Big Collision Coming Here In 60 Months.

I Mean, In 24 Months.

This Is Nothing, And This Is A Time Not To Go Around Asking Permission.

With The Greatest Respect, Charles, Of All The Other Constitutional Officers, This Is The Time For Us To Lead, And If We Can't Begin Here Because The Alternatives To These Modest Little Things That We're Going To Have To Look At Are Across The Board Salary Increases.

Decreases, I Mean.

We Have The Revenues Of The Year 2005 Available To Us Right Now, But We're Still Spending At The 2009-2010 Levels.

You Can't Do That For The Next Two Years.

That's Why We're Projecting To Run Out Of Reserves.

So I'm Just Trying To Keep Us In Touch With Reality Here, Where We Really Are.

If We Can't Show Some Leadership Right Here, At Least Getting Us Going In The Right Direction And Talking About These Things, You Can Cut Those Salaries Across The Board.

You Can Cut Positions After We've Already Cut 400.

How Many More Can We Cut And Still Provide Basic Fundamental Services When Nearly Half Your Budget Is Law Enforcement?

We're Going To Put People On Hold When At The Call And Say Somebody Is Breaking In My House? That's Not Going To Be -- We're Not Going To Be Laying Off Hundreds More People.

Or We Can Raise Taxes Substantially.

Folks, That's The World We're Talking About.

I'm Saying Let's Get Tough On This 1,500,000.

Another Week Is Not Going To Make Any Difference In This, But We Got Some Real Decisions Ahead Of Us.

This Is -- This Is Elementary School Stuff.

I Hope We Can Show At Least Our Courage Enough To Deal With 1/40th Of The Challenge We Got Ahead Of Us, And I Apologise For The Sermon Tone Of This, But I'm Just Trying To Paint The Real World Picture That We're Running Right Now.

Thank You, Madam Chair.

Chairwoman Hall: Yes, Commissioner Mann, I Don't Think Anyone Disagrees With You, And I Think This Board Continues To Show Leadership In The Fact That We Are Allowing The County Manager To Go Through A Pragmatic Process To Get Us, Too, Prepared For The Difficult Decisions.

I Know That I Spend A Tremendous Amount Of Time Looking At Our Budget.

I Have Taken The Last Few Years To Spend Way More Time In The Clerk's Office To Understand All Of Our Reserves, What They Are And What They Do, And You're Absolutely Right.

This Is Nothing.

This Might Even Be -- This Is A No-Brainer For Us, But Certainly Out Of Respect For Our Colleagues, I Think The Better Communication We Can Have In A Public Setting, In An Appropriate Setting, The Better Off We Are, Because We Do Have To Work Together, And I Don't Want Them To Be Caught Off Guard.

I Don't Want Them To Not Be Fully Aware Of What We're Doing, And I Think We Need To Reach Out And Ask Them To Join Us In The Leadership That We're Taking, But You're Right.

This Is A Drop In A Very Big Bucket Of Water We Are Going To Be Dealing With, And I Appreciate Your Comments And Your Passion For Reminding Us Of Where We're At Because I Don't Think Anyone Sitting Here Does Not Recognize That, And More Importantly, The New County Manager Will Come On Board In The Midst Of All This, And I Think Recognizes That We Weigh Very Heavily Her Evaluation On How She's Going To Guide Us Through These Suggestions And How We Get There.

I Have A Motion By Commissioner Judah.

Second By Commissioner Bigelow.

Comm. Mann: It's Under Skrug's.

Chairwoman Hall: I Realize That.

I'm Getting There.

Further Discussion, Commissioner Bigelow?

Comm. Bigelow: Thanks, Madam Chair

Well, I Can't Think Of An Item That's Come Before Me Really That's More Uncomfortable.

You Really Broke The Ice, Frank,
Here, And So I Should Probably Weigh In.

I Think -- Let Me Just Say This.

I've Had Conversation With The County Manager And Just Suggested Some Pay Cuts, And, You Know, She Was Wise To Caution Me As Was My Assistant That It Would Be A Heck Of A Punch To The Stomach To The Staff's Morale, And, You Know, Some -- I'm Having To Weigh It, But The Truth Of The Matter Is We're Spending And Cutting Like Money Just Grows On Trees, And It Simply Doesn't, And So I Think This Bitter Pill Of Reality That

Commissioner Mann Has Brought Forward For Us To Swallow Or Not, I Think It Does Have To Be -- We Do Have To Consume It.

I'm -- I Did A Little Bit Of Math And Figured That If -- You Know, At This Rate, \$1.5 Million On Two Days, If You Look At Other Opportunities, How Do You Come Up To Some Real Dollars If You're Not Going To Cut Salaries?
I Was Thinking, Well, Maybe We Closed At Noon On Fridays Or Something.

That Would Over 52 Weeks At The \$1.5 Million Rate Would Get To Us \$20 Million Or Thereabouts.

Then We're Talking About Some Serious Money.

Even Then You Weigh That Against What, You Know, We Immediate To Try To Keep This Boat Afloat Without Raising Taxes, And We Just Don't Get There.

The Three Days We Spent Together Trying To Look At Cuts Was Real Telling About Our Tolerance For Cutting.

Having Us Spend At The Rates We've Been Spending Is Where Tolerance Is Low As Well.

So I Think We Have To Get In Tune.

I Think We Have To Come Up With Other Alternatives And, Karen, I Mean, I Applaud You For, You Know, Trying To Set The Staff On Notice That We've Got To Do Something.

I Think We Do Have To Kind Of Turn Up The Volume On What It Is We Really Have To Do.

Sort Of Get This -- Chairwoman Hall: Commissioner, There Is Just One Thing I Would Like To Add.

The Department Directors Administration And The County Attorney's Office Have Worked A Lot On This, And Multiple Alternatives, What Can We Do, And There Are Other Law That Is Come Into This.

There Is Various Option That Is We Came Up With, But I Got To Tell You, From Your Staff, The County Attorney, The Department Directors, And The County Employees Who Walk Up To Me And Tell Me And Express To Me What Their Opinion Is, They Get It.

They Understand What Situation We're In, And As We Are In It Together.

They Are Very -- They're Working With Us.

They're Working Together To Try To Find The Solutions Without Adding Additional People To The Unemployment Line.

I Can't Promise That.

I Don't Know What Our Revenues Are Going To Be, But At Least We're Looking At This.

We're Looking At Other Alternative That Is We're Going To Come Up Before Now In The Budget, What We Present To You.

Chairwoman Hall: What I Would Like To Do Is, Again, I Want To Thank Karen And Her Staff For Taking Us Every Week Through A Process Of Continued Cuts, And I Don't Disagree With What Charlie Is Saying.

Will You Go With This Today, And It May Be Forever, And I Think There Are Going To Have To Be A Lot Of Solutions, But Today What's On Our Agenda Is This Memorandum.

We Know We Have A Lot Of Budget Conversation That's Going To Occur Between Now And Adoption Of The Budget, And I Think We Can Spend Hours, But On Today's Agenda It's This Memo, And I Do Have A Motion By Commissioner.

We Have A Second By Commissioner Bigelow.

And I Would Like To Call For A Vote, And I Think We Can Continue A Budget Dialogue As Karen Takes Us Through, But Commissioner Bigelow, You Have One More Bite At This Apple Before I Call For The Vote.

Wrap It Up.

Comm. Bigelow: I Understand It's Tough, And It Would Be Better If We Could Move On, And I Radio Will Do It Real Quickly.

I Think We're At 2004-2005 Levels, And We Probably Need To Try To Get Back There As Best We Can.

You're Suggesting We Have To Be Leaders In This Regard, And So I Would Like To Encourage The Board To Think About Their Own Salaries And Their Own Staff Salaries.

I'm Offering To Go Back To The 2004 Salary Myself, As I Will Do With My Assistant If Necessary.

Sorry, Jeanine.

I Think We Have To Lead By Example.

I Will Offer Myself Out There As Trying To Do That As One Of Five And Suggest That That Hopefully Will Start To Help Us.

I'll Say That It's Real Serious, And It's A Serious Measure.

As Uncomfortable As They Are, They Need To Be Taken.

Chairwoman Hall: Well, Commissioner Bigelow, Thank You For That Input.

I Do Have A Motion For Commissioner Judah And A Second By Commissioner Bigelow.

Is There Any Further Discussion?
Let's Have A Vote Then.

All Those In Favor?
Opposed?
This Carries Unanimously.

We'll See This As A Carry-Over In Next Week's Agenda.

Let's See.

There We Go.

Now We Are On To The Carry-Over Agenda, And That One -- We Are Now On The Approval Of Lee County Versus Babcock.

David, Do You Want To Recap For Us And Chat With Us About That?
I'm Not Going To Go Back Through The Presentation I Made To You Two Weeks Ago, But I Will Make Some Comments With Respect To The Matter That's Before You This Morning.

I'm Going To Ask Mr. Shnick To Bring Up-To-Date With Respect To That, Because It Does Have A Baring On This Process.

Also Have Mr. Ottalini Come Back
On The Settlement.

Commissioners, Your Staff's Position Has Not Changed In Two Weeks.

We Are In Favor Of The Settlement Being Proposed This Morning.

We Are Believe It's Reasonable.

That It's Practical, And It Will
Work If You Let It.

There Are A Number Of Comments That Have Been Made.

I Will Address Some Of Them And Somewhat Of A Legal Nature.

They Do Have Legal Impolitic.

I Would Like To Talk More Generally About The Importance Of What's Being Presented To You Today As Part Of This Process, And That's What This Is All About.

This Is Process.

We Are Building Things That Have Gone Before, And We Are Building To Deal With Things That Will Come.

Just About Everybody That Got Up Here Today Said Something That Was Correct.

Just About Everybody That Got Up In Front Of You Earlier Today Said Something That Leads Me To Believe That We're All Trying To Go To The Same Place But By Different Routes.

Because Of Who We Are, Where We're Located, And What Our Interests Are, And That's Also What's In Front Of You Today.

As Your Counsel, I'm Here To Represent Your Legal Interests.

That's The Board's Interests.

There Are Other Interests Out There That Are Personal To Individuals That Are Also Important, But Those Individuals Are Required To Bring Those Forward If They Want To Make Them Known As They Go Through These Processes, Whether It's Through Our 163 Challenge Or Permitting Challenges Here In Lee County.

The Most Important Thing That Is Happening With All Of This With Respect To The Water Issues Is The Development Of The Natural Conditions Water Model.

I Can't Overstate That.

I'll Say It Again.

The Most Important Thing That We Will Do In All Of The Issues With Respect To The Water Permitting By The Babcock Ranch Development Is Going To Be The Natural Conditions Water Model.

It's Important Because It Is Not Within The District Protocols And Perimeters For Issuing Their Permits.

It's Outside Of That.

This Is Why It Was So Important For Us To Negotiate That Particular Model Into The 163 Challenge That We Settled Last August.

That Was Piece One.

Piece Two -- There Will Be More.

This Is Piece Two.

Piece Two Is To Have A Transition Between What We Obtained By Way Of Settlement With The Babcock Folks And That 163 Settlement To Have An Affect And Have It Work And Placed And Put Into The Conceptual Erp.

This Will Help Govern How All Of The Future Operation And Construction Permits That Are Going To Be Issued For The Entire Project For The Next 40 Years.

By Placing The Results Of The Natural Model Into That Permit, That's Going To Give All Of Us, Charlotte County, Lee County, The Water Management District, The Babcock Development Folks, And Both Communities In Charlotte County And Lee County A Much Better Read And A Better Handle On What The Water Management Surface Flows Should Be Wants To The Development Of The Property, Beyond Just What The District Requires Now, Which Is A Pre And Post Analysis.

We Know What The Pre Is.

The Pre Is Problematic.

That's What We're Trying To Resolve Here By Going Back And Looking At What A Natural Condition Model Would Look Like And Then From A Pragmatic And Practical Series Of Steps Find What Things Can Be Changed, Adjusted, Resolved, Moved To Get A Better System With Respect To The Surface Flow Management Coming From The Project.

We Can't Give You Particular On That.

Not Yet.

We Don't Know.

This Is The Tough Part Of All Of This.

We Don't Know.

You're Right.

The Models Haven't Been Run Yet.

The Models Won't Be Run By The Time We Get To The Hearing, So That's Not Going To Help.

Not Anybody With Respect To That.

There Have Been Calls, Don't Settle Now, Wait Until The End.

It Doesn't Work Like That.

Commissioners, When You Settle A Lawsuit Or One Of These Administrative Hearings,

When The Parties Have Come To An Agreement On A Settlement, I By Florida Of Bar Rules Are Obligated Bring It To The Respective Parties For Decision.

That's What You Do.

That's What We're Here For Today.

We Can't Delay The Settlement And Wait Until A Hearing.

First, That's Not Going To Do Anything For Anybody With Respect To The Models.

Secondly, The Most Important Part For Us Here Today From My Perspective Is Legally If You Continue With The Process Of The Challenge To The Permit, It Is Highly Probable That Coming Out Of The Back Side Of That You Will Not Have A Natural Conditions Model Being Run That Will Be Included And Worked Into The Permit Conditions, Because It's Not Required.

The Administrative Law Judge Looks At The Rule Book.

County, You're Asking For A Natural Conditions Model To Be Run And Incorporated Into The Permitting For The Babcock Ranch.

It's Not In The Rule Book, County.

Sorry About That.

That's The Risk That You Run With That.

That's What's Most Important To Me.

Let Me Touch On A Couple Of The Comments.

I Want To Touch On The English Group, Mostly Because They're Represented.

I Am Very Cognizant Of What Happened In 2007 To The Standpoint Of It Happened.

That Was A Supposed Commitment By The Babcock Folks To The Rpc To Do A Natural Conditions Model And It Didn't Happen.

I Wasn't There.

I Don't Know The Terms And Conditions Of That.

I Don't Know What Was Said Or What Wasn't Said.

I Do Know That Obviously, Others Have -- Were There, And It Made That Representation.

I'm Assuming That It's True.

One Of The Differences, Though, With The Rpc Is They Are Neither A Regulatory Body, Nor -- Or A Body With The Authority To Compel Somebody To Do Something That They Hadn't Made An Offer.

I'm Assuming There Was An Offer.

There Was An Acceptance.

The Rpc Moved On With Something, And Then What Was Offered Didn't Happen.

The Question Becomes Whether Or Not The Rpc Had The Authority To Bring Babcock Folks Back To The Table To Compel Them To Do The Natural Conditions Water Model.

Apparently They Don't Because They Didn't.

If They Did, I Would Expect That They Would Go Forward With That.

They Have Worries Just Like You Do.

We're In A Little Bit Different Position.

We Have A Settlement Agreement That We Entered Into Back In August Where In That Agreement We Had That National Conditions Model As A Predicate And A Part Of That Settlement.

That Settlement Allows Us, If That Natural Conditions Model Is Not Created To Go Through A Dispute Process, Which If That Is Not Successful, Then We Go Back To Court, And The Core Has The Right To Enforce Our Settlement Agreement To Enforce The Development Of The Natural Conditions Model So, A Little Bit Different From Mr. English In That Regard.

Additionally, Mr. English Is A Party To This Particular Petition.

He Has Filed His Own Petition.

He Is Going His Own Way, And He Has The Right To Go Forward All The Way Through The Hearing To Bring His Issues That Were Made And Known To The Administrative Law Judge.

He Has His Engineer.

He Has His Lawyer.

They Are Fully Prepared.

Certainly Fully Competent To Go Forward And Go Through The Hearing Process With The Administrative Law Judge.

He Is Free To Do That.

There's Nothing That You Would Be Doing Here Today That's Going To Impair Mr. English At Least In My Opinion.

There Were A Couple Of Comments I Would Like To Address.

She Asked If We Would Have Independent Review By The County With Respect To The Natural Conditions Model Once It's Developed, And, Yes, We Will.

It's One Of The Folks That Worked With You On The Drg Water Models.

She Asked Whether The Settlement By Putting The Verbiage That We Had Developed Into The Permit Will Settle All Of The Concerns In The Petition, And The Short Answer Is No.

It Does Address Probably 95% Of The Things That We Pled In The Petition.

Also We Have Issues Outlining The Bifocation.

We're Going To Address That Separately, And I'll Let You Talk About That In A Minute.

There Were A Number Of Comments About The East-West Road.

We're Not Going To Address That Today.

We're Only Talking About The Water Issues.

We Can Talk About That Tomorrow Or Thursday When We Go Into The Comprehensive Plan Amendment Approvals.

I Think I've Said All I'm Going To Say, Commissioners, And The Long And Short Of It Is, Your Staff Is In Favor Of The Settlement.

We Think It's A Good Way To Go.

It Is More Of A Process Than A Resolution.

We Realize That.

That's What You Have To Wrestle With This Morning.

We Would Ask Your Indulgence And That You Go Ahead And Approve It When The Matter Comes Up For A Vote.

With That I'm Going To Ask Mr. Snick To Walk You Through With The Issues Are With Regard To The Water Management District And How We See A Quick Resolution To That

Probably In The Next Month Or Two.

Thank You.

Chairwoman Hall: Thank You.

We Know We're Not At The End Of The Road.

Only The Beginning.

A Very Long Road.

We Appreciate Your Comments.

Jed.

Jed Sned, Assistant County Attorney.

One Of The Issues Involved In The Administrative Hearing Case Here Is The Transfer Of The Telegraph Cypress Water Management District/Babcock Ranch Permit.

The Original Permit To The New Owners, Lee County, Kitson Group, And The State Of Florida.

Under District Rules, Entities That Will Construct, Operate, And Maintain A Surface Water Management System Must Have The Financial, Legal, And Administrative Capabilities To Insure That Those Activities Can Be Carried Out Within The Terms Of The Permit.

The Problem That Arose Between All The Agency Actions Regarding This Permit Is That There Was No Action That Clearly Identified The Current Landowners And Those Operating Entities.

What We Have Done, We Have Put Together A Proposed Stipulated Order That Would Clearly Identify The Landowners And The Operating Entities That Go Along With Those Lands.

That's What We Will Be Proposing, And That Should Be A Simple Resolution.

The Problem Isn't With The Entities Themselves.

It's That The Actions Have Not Identified Those Entities.

Chairwoman Hall: Ok.

Does Anyone Have Any Questions On That Particular Issue At This Time? We'll Go On To Roland.

Good Morning, Commissioners.

Roland, Natural Resources, For The Record.

I Don't Have A Lot To Add Today.

I Thought He Did A Good Job In Summarizing The Natural Systems Model, And That Is The Crux Of What We're Talking About.

Just A Little Detail.

On The Study, As You Know, It Studies A Much Greater Area Than Just The Project Impact.

It's A Water Shed Scale Plan.

It Covers Trout Creek, Hall Creek -- I'm Sorry Trout Creek, Telegraph Creek, That Whole Region Only To Four Corners.

It's Going To Be A Comprehensive Study And A Lot Of Monitoring Data That's Going To Go Into That.

There's Concern, Mr. Andrews, Talked About Loss Of Based.

That's What A Disintegrated Model Will Be Able To Do.

It Will Look At Flows, Seasonal,
Not Just The Storm Events, But Day To Day.

What Happens In The Dry Season?

What Happens In The Wet Season In Terms Of Flows Going Through The Creeks And Streams?

It Will Also Address Large Events?

It Will Look At -- We've Asked Them In Part Of Our Settlement Agreement For The Five-Year, 25-Year, 100-Year Storm Events.

We Talked About Allowable Discharge Rates, And We Have Concerns, And That's Part Of The Evaluation As Well As Looking At The Historical Rates Coming Off The Property.

The Key Is He Did Show Those Graphs And How High It Is In Some Of The Discharges, But The Key Is What Will Be The Net Flows When It Reaches The County Line, Because I Think Some Of The Rates That He Showed Doesn't Include Some Of The Naturalized Areas That Perhaps Are Less Than The 32 Cubic Feet Per Second Per Square Mile That Is Listed -- Or That Compare To The Bar.

The Key Is We Will Be Evaluating.

That Is Important To Us As Well.

Some Positive Notes Of Proceeding With This Agreement Too.

The Erp Allows For Construction -- Or Mitigation Of Over 6,000 Acres In State Lands.

This Is An Advance Of The Development Project.

This Permit Also Includes That Mitigation, So Also Including Water Control Structures, Which They Agree If The Study Does Show That It Needs To Be Adjusted Somewhat, They Will Take Care Of It.

This Is In Advance, And This Will Also Provide Some Valuable Information For Our Long-Term Water Issues Out In The Area.

We're Hoping That The Natural Systems Model Will Be Completed Before The Next -- The Real First Phase Of Development, And So We Will Have That Model In Advance Of When They Come In For The Full-Blown Construction Activity.

At Least For The Phase One.

Dave Mentioned This.

We Are Also -- We Are Bringing In Phil Davis, Who Is Also One Of Our Experts On The Team Here Reviewing The Permit To Look At The Model As Well As In House Staff, Dr. Sam Lee, Who Will Certainly Be Going Through It In Great Detail.

If You Have Any Other Questions, I Would Be Glad To -- Chairwoman Hall: Commissioner Bigelow.

Comm. Bigelow: Thank You Roland, Will You Talk -- Or Explain What You Are Saying About This Graph And Why It Will Hold Water Or -- Again, I'm Not Sure I Understand.

It's In The Details.

We'll Have To Look At Them.

Good Points Were Brought Up.

The Allowable Discharge Rates For The Streams And Creeks Are Some 30 Feet Per Second For Square Mile, And That's The 25-Year Storm Event.

He Pulled From I Guess A Table In The Permits And The Discharge Rates, And Specific Sub Basins Of Their Development.

Well, The Key Is At The End They Are Able To Show That There Are Less Than The Blue Bars Because They Add In Some Of The Naturalized Areas, Areas That Are Not Being

Developed, So The Net Discharge Is, I Believe, My Understanding Is Still Going To Be Less Than Those Allowable Discharge Rates At The Lee County Border Alone, So These May Be Specific Discharge Rates Right From Development, But Come Lavishly -- That's What We're Really Concerned About, Is The Net Effect Down Stream.

We Are Going To Look At This Detail, And This Is Something We Can Also Look At In The Natural Systems Model.

What Were The Historic Rates That Blew Below.

Somewhat It's A Permitted Criteria Right Now, But We Will Confirm That Those Are The Proper Flow Rates Into The Caloosahatchee.

Comm. Bigelow: It Sounds Like You're Saying That Maybe Babcock Will Only Go Across County Lines In The Low And Blue Bar Rates.

That's What The Permit Says That They Are Doing.

In Fact, Their Permit Shows, At Least The Documentation Submitted To Water Management District And The Modelling They've Done Thus Far Shows That They Are Actually Below Those Blue Bars.

What I Agree With Tom Is He Has Pulled Out Some Separate Sub Basins Within The Modelling Effort To Show That Within These Pockets They Are Higher, As Can You See, But We Want To Make Sure That, You Know, There Are Other Compensating Areas That Are Perhaps Lower.

We Are Going To Look At This.

Without The Model In Hand -- I Think The New Model Will Be The Best Available Information That May Glean Some More Information On That, And We Will Be Going Through This Very Issue.

Comm. Bigelow: I Would Like To Ask Mr. Perry To Come Up.

Chairwoman Hall: We're Not Engaging In That.

We're Going To Take The Protocol.

Comm. Bigelow: A Commissioner Can Ask.

Chairwoman Hall: David, Do I Pull Anyone From The Audience At Any Commissioner's Request? Comm. Bigelow: I Can.

Chairwoman Hall: Let Me Ask The County Attorney, If You Don't Mind.

As Chair, Let Me Clarify So That We Have A Proper Protocol In Our Chambers, Because We Need To Treat Everybody Equally.

If You Don't Mind, I Could Just Have The County Attorney Instruct Me So We Can Be Consistent Through Every Meeting.

David, Please.

Generally -- Chairwoman Hall: Then I'll Ask Concurrence From The Board To Allow Mr. Perly To Come Forward And Engage In The Debate That We're Having Here Today.

Comm. Mann: Would I Agree To A Two-Minute Exchange.

There's Not A Lot More To Be Gleaned.

Chairwoman Hall: Let Me Make Sure I Have Consensus.

Commissioner Judah.

Comm. Judah: Madam Chair, First Of All, I Don't Have A Problem With Bringing Mr. Perry Forward, But, Certainly, We Need To Afford The Opportunity To Everybody Else That Would Wish To Come Before The Board At The Request Of A Commissioner.

What I'm Asking, Though, Is In The Proper Sequence.

Right Now Roland Was In His Presentation.

I Think The Whole Board Has An Opportunity To Ask Questions Of David, And Roland, I Would Like To Bring That Through First Before We Bring Mr. Perry Forward.

Chairwoman Hall: We Have Three Commissioners Then With The Consensus.

Comm. Bigelow: I Can't Recall This Board Ever Denying A Commissioner The Right To Ask Somebody To Come Forward And Redress The Board.

Chairwoman Hall: I'm Going To Beg To Differ With You.

In The Proper Protocol Those Chambers That We Treat Every Case Equally, I Want To Get Clarification.

Do You Have Consensus That Mr. Perry Come Forward, And I'm Just Going To, Again, I Think Go In Support Commissioner Mann And Just Go Ahead And Let Mr. Perry Come At This Moment At Your Request Since You Have Consensus, And Two Minutes To Respond.

We're Not Going To Engage In A 45-Minute Dialogue, And So I Appreciate The Board's Indulgence.

Comm. Bigelow: Madam Chair, This Is A Matter Of Importance.

Chairwoman Hall: I Think I'm Still Speaking.

I'm Giving Mr. Perry An Opportunity To Respond To -- I Guess, You Know What, Let Me Just Ask You To Let Me Finish My Statement So I Can Engage You An Opportunity.

Comm. Bigelow: This Is Silly.

Chairwoman Hall: You Know, Commissioner Bigelow, I'm Trying -- Comm. Bigelow: It's Absolutely Silly.

Comm. Mann: Commissioner Bigelow, I'm Trying To Make Sure That As We Go Forward In These Chambers That We Treat Every Issue On The Agenda Equally No Matter What The Issue Is.

Whether It's Of The Debate And Sensitivity Of Babcock Or Others.

So That It's Not Improper As Chair For Me To Clarify With The County Attorney That I Have Consistent Leadership Here In These Chambers, So It Is Not Indignant To You.

It Is Not A Slight To You Nor To Mr. Perry, Nor To This Issue, Because I'm Very Sensitive That No Matter What The Issue Is Here, We Provide That Public Interaction, So With Consensus Of This Board, You Have The Floor, And Your Question To Mr. Perry.

Thank You For Your Indulgence, Mr. Perry.

Do You Call Two Minutes?

Chairwoman Hall: We'll Give Them Some Latitude.

I Think The Concern Here Is That This Is Not An Interaction Or Debate.

Please, Commissioner Bigelow, You Have The Floor.

Comm. Bigelow: Thank You, Madam Chair.

I Appreciate The Indulgence On This Important Matter Before The County.

As I Was Trying To Say, It's Not Just Important To The Folks At Alba And Not Just Important To The Folks At What Happens In The Northeast Area Of Our County, But This Is Extremely Important To The Future Of -- The Present And The Future Taxpayers Of This County.

Can You Explain To Me Or Please React To Roland's Comment That The Permit, As He Understands It, Suggests That It Falls Across County Lines And Will Be More Indicative Of The Blue Line Levels, Not The Red Line Levels That You Presented.

I Just Need Some Balance Of The View As To What It Is That He Suggests -- Or Is

Suggesting.

Yes, Sir.

The Red That You See There Is A Discharge From Their Developed Area.

There Is Undeveloped Lands That Flow Into Those Creeks, And Then Mix Before It Reaches The County Line.

At The County Line There's An Exhibit In The Exhibit 2.3 In The Staff Report, The Draft Staff Report.

The Trout Creek Would Be 72.2 Csm.

Owl Creek Would Be 83.6 Csm.

And Then Telegraph Creek Would Be 24 -- I'm Sorry.

25.1 Csm.

I Would Add That Telegraph Creek Is Roughly 50% Of The Area Model.

In Which There Is Roughly -- Which Is About 40,000 Acres.

About 20 2,000 Is In The Development.

The 25.1 Is The Largest Basin, And It Has The Least Amount Of Developed Land.

That's Why The Average Pool Is Down.

If You Average The Three Creeks Together, It Comes Out To 38.4, Which Is -- Which Is Still A Large Number.

And I Would Remind You That Trout Creek And Owl Creek Are 72 And 83 At The County Line.

Comm. Bigelow: 72 And -- I Should Say At The Property Line.

Not The County Line.

72.2.

83.6.

Comm. Bigelow: 83.6.

Can Certainly Be More Than What It Currently Is.

Yes, Sir.

Comm. Bigelow: Thank You.

The Only Thing Would I Add Is That The -- When I Read The Paragraph, It Gives No Time Frame Or Requirements For The Study Being Done.

Maybe There's Some Back-Up Information I Don't Have.

Thank You.

Comm. Bigelow: Thank You.

I Apologise For The Atmosphere In Which You Had To Come Forward.

Madam Chair, Could I Ask For Roland To Come Back Up?

Chairwoman Hall: Certainly, Commissioner Bigelow.

Comm. Bigelow: You Keep Talking About The Natural Systems Model As If It Would Actually One Day Be.

How Do We Know It Will Be? They Have A -- We Have A Settlement Agreement With Them, And If They Do Not Complete It, Then They're Out Of Compliance With That Agreement.

This Is The 163 Agreement.

I See It As Challengeable.

I Imagine We Would -- You Would Have To Ask David.

That's A Legal Question, But I -- Comm. Bigelow: What Do You Think It Might Be, As Best We Can Say, Right? Might Be.

I'm Confident It's Going To Be Completed.

Comm. Bigelow: You're Confident It Might Be.

I'm Confident It Will Be Completed.

We Are Already -- We've Already Met With Them A Couple Of Times On Products.

They've Already Been Starting To Deliver Products To Us.

So Far We've Gotten Monitoring Data.

The Next Step Is To Start Assembling The Model Itself, The Framework, The Structure On The Model.

Comm. Bigelow: It's To Be Performed By Who?

It Is Actually Being Performed By Greg Raul And His Assistant Modeller.

Comm. Bigelow: Not Johnson Engineering?
Not Johnson Engineering.

Not The Integrated Surface Ground Water Models.

It's Gs Flow Model Than Being Done By Greg Raul.

Comm. Bigelow: Greg Raul And Assistants Are Working For Kitson.

I Imagine Johnson Engineering Will Provide, You Know, Data That They Have And Their Input Because They've Done The Site Development Part, So I Imagine There Will Be Coordination.

Comm. Bigelow: It's Kitson's Paid Agents That Are Doing This.

And If It Doesn't Happen, It' Challengeable, Right?
If The Model Never Comes To Be And -- Absolutely.

Comm. Bigelow: Ok.

Right.

So Walk We Me Through That Data,
Roland.

How Does That Work Out?
What Happens? The Permit -- If We Settle, Ok, Here's A Scenario.

If We Settings This, As Are You Proposing Today And Move Forward
And It's This Model Never Actually Comes To Reality, We Challenge It.

They're Building.

They're Constructing.

They're Doing Their Thing Because The Permit Allows It.

We're Challenging It, And Then What?
We're Stuck With A Position Where It's Make The Best Of That
Situation At That Future Time And Place, Correct?
Let Me Finish.

I'm Done.

You Go.

You Go.

Let's Get Back To What Are You Doing Today.

What Are You Doing Today Is Having The Natural Condition Model Results Being Reviewed And Applied By The Water Management District Once That Information Becomes Available To Determine If Changes May Need To Be Made To The Conceptual Permit And To The One Operational Construction Piece That They Have In There For The Water Management System, For The Utility Site.

That's What's In Front Of You Today.

Now, If You About Back To The Issue With Respect To Our Settlement And The Development Of That Permit, I Mean, There's Room In There For Some Latitude With Respect To The Parties To Work Together To Get It Put Together, But Let's Say We Start Working And They Stop.

They Refuse.

We Have Two Steps That We Go Through.

One Well, Go Through A Dispute Resolution Process With Them.

Say Why Aren't You Doing It? We Don't Want To Do It.

You Know, To Heck With You Guys.

If We Go Through That Process And It's Not Resolved, Then We Go Back To Court And Have The Court Enforce The Settlement Agreement For The Development Of The Natural Systems Model.

We Let The Court -- What We Would Ask For Is A Mandamus.

Court, Make Them Do It, And They Get An Order From The Court.

They Tell The Court No.

The Court Can Force Them To Do It Ultimately.

I Mean, There's Other Sanctions That Can Be Applied That Would Get It Developed.

What You Are Looking At Is Not Whether It Will Be Developed.

It's If There Is Some Delays Or Otherwise That Might Slow Down The Progress Of Developing It.

It Will Get Developed.

Commissioner.

Now, With Respect To The One Small Piece That's In This Particular Erp, Which Just Deals With The Utility Site, I Mean, As I Told You Before, That's A Kitson Risk If They Go And Do A Whole Lot Between Now And When We Get The Natural Systems Results And Have Them Applied To The Permit.

Comm. Bigelow: Ok.

You Talk About A Challenge Later In Future Years As If Something Is Automatic About That.

It Won't Require An Action Of This Board, Future Boards, To Perpetrate.

If There's No Progress, Would I Come For You And Ask For You Your Permission To Go Ahead And Go Through The Dispute Resolution Process?

Comm. Bigelow: Sure.

Comm. Bigelow: It Would Then Be Up To A Future Board To Decide Whether To Fight That Site At That Time Or Not, Correct?

It Could Be, Certainly.

Comm. Bigelow: Ok.

So If We Settle Today And This Natural Systems Model Never Comes To Fruition, Then This Board Is Left With A Future Decision To Challenge Again After We Have Got -- It's To Enforce Our Settlement Agreement.

A Challenge Really September The Right Word.

I Like To Call It Enforce The Settlement Agreement.

Yes, Sir.

Comm. Bigelow: It May Be That That Future Board Would Decide Not To Challenge It, Correct? I Suppose They Could.

Comm. Bigelow: Ok.

That's Where I'm Going.

Ok.

And That's Why I Think Virtually Everything We Do With Respect To Any Development, Whether It's Out Of County Or In County, We Come To You And Ask For Permission.

This Is A Mother May I World, Commissioner.

I Respect That.

I Do That, And There's Not Been Too Many Instances When I've Not Come To You, Unless Something Was Coming Up So Quickly That I Had To React, Put Something In Place And Get Your Concurrence Afterwards.

Comm. Bigelow: Ok.

Thank You.

Madam Chair, I Was Placed On A Regional Planning Council By Commissioner Judah, Who Was Chair At The Time.

I Served For Two Years.

It Was, As Mel Gibson Described -- Mel Gibson Described, It Was A Commitment Made By Kitson's Representatives That They Would Pursue This Natural Systems Model And That It Was An Agreement Made On The Record That They Would Do So.

It Seems To Me That It's A Troubled -- It's A Problem For The Developer That The Amount Of Water Falling Into Those Lands From Points North And West Is So Great That It's A -- It's, I Believe, The Project -- I Think It Would Be In Their Best Interest To Avoid This Natural Systems Model, And I Think It's Important That If We Are Going To Prevent The Tremendous Out Fall That Is May Or May Not Come, A Risk I'm Not Willing To Take Today Or Gamble I'm Not Willing To Take Today, That We Can't Settle On This Agreement Today Until We Have Effectively Understood The Natural Systems Enough To Make An Informed Decision.

Chairwoman Hall: Are You Done?
We Can Go On To Other Questions The Board Has?
Comm. Bigelow: Yeah.

Chairwoman Hall: Commissioner Judah.

We'll Work Our Way Down To Commissioner Mann.

Comm. Judah: I'm Trying To Take A Practicing Pragmatic And Realistic Approach.

I Sympathize With The Ongoing Issues That Mr. English Has Had To Deal With All These Years, And The Residents That Have Also Expressed Their Concerns Before This Board For Some Time And Recently This Morning.

I Think David Has Done Very Well In Outlining What's Before Us.

Commissioner, Talk About A Risk.

I Would Submit If We Don't Settle, We Have A Greater Risk In Not Addressing The Natural Conditions Water System Features

That We're Trying To Accomplish Through The Incorporation.

I Think It's Clear That With The Guidelines Set Before The South Florida Water Management District And The Permit That's Already Been Issued, They Don't Have To Take Into Account The Natural Condition Water System Features.

I Really Applaud David And Roland, Susan, And All Those That Have Worked So Diligently To Finally Force Babcock's Hand In Having To Ak Acquiesce, And That Is What They're Doing, And I Understand Their Specific Concerns As To Going This Far With These Natural Condition Water System Model Efforts.

Because Of The Fact That It Is Going To Ultimately Result In Modifications To District Permits, And It Should.

I Think We Don't Want To Get In A Position Where Districts Criteria Is Pre Versus Post.

You Already Have Damaging Impacts From Agricultural Run-Off And The Conditions Of Discharge From The Babcock Property.

We Need To Go Beyond That.

I Think That's All Why We're Fighting And Struggling To Get The Natural Condition Water System Model In Place.

The Only Way We're Going To Be Able That Is To Go Forward With This Agreement Today.

If We Don't, We Do Run A Greater Risk Because We're Going To Get Tossed Out By The Administrative Law Judge.

He Has X Amount Of Criteria He Is Going To Go By.

You Know How We Are Have To Deal With The Constraints As A Hearing Board.

That's Going To Be The Same As The Administrative Law Judge.

At This Point In Time We Are Going To Be Able To Insure, And The Only Issue We Have.

Now We Can Certainly Challenge The Enforcement Of The Settlement Agreement, But I Would Like To Have Some Idea On The Time Frame In Which We Would Expect Babcock To Pursue The Natural Condition Or Water System Modelling.

Six Months?

A Year?

I Would Suspect They're Already Engaged In Pursuing This Modelling Work That -- What Would Constitute A Delay?

We Have A Scheduled Set Of Deliverables Milestones.

Granted, They're Not A Key Date Attributed To Each, But We Have -- We Have Been Setting Up Meetings Periodic Meetings, And They Have Been Given As Deliverable.

I Think We've Been Looking On The Outside About An 18-Month Time Frame.

It's Very Comprehensive Analysis, And It's Going To Require A Lot Of Compilation Of A Lot Of Data.

It's Not An Easy Task.

We've Given Them Accessibility.

We're Going To Review The Individual Work Product.

I Think There's A Bunch Of Slippage In Time Frames Or Unwillingness To Meet With Us Or Essentially The Delivery Of These Products, Because We're Not Going To Wait Until The End And Say Here It Is.

Now Review It.

We're Going To Be Part And Parcel Of This Process All Along With Them, And I Have Someone Engaged With Them Continuously, And Hopefully We're Going To Have More Open Dialogue Once This All Gets Settled.

Chairwoman Hall: I'm Going To Afford The Other Board Members Time, And Then I'll Come Back To You, Commissioner Bigelow.

Commissioner Judah Has The Floor.

Comm. Judah: I Appreciate That.

Let Me Just Ask With Regards To Babcock, To Me This Will Be Unprecedented With Regard To Going Beyond The Pre Versus Post With Regard To The Water System Modelling.

This Is The Nexus -- This Is Really What We're Doing The Drgr Is We Went To The Separate Way Of Doing The Historic Analysis, But I Think Will's Been Some Out There That Propose Doing A Historic Analysis.

That's The Only Other One I Have Known That's Done This.

To Actually Incorporate It Into The Permit Conditions Of The District.

I Don't Know Of Any In The District Permit.

Comm. Judah: And To Me This Is Really The Gist Of It, And I Would Hope That The Board Would Recognize This Gives Us That Opportunity.

I Did Want To Clarify The Digging Dirt Or Construction Start.

I Think You Already Talked About

It.

It's For The Utility.

6,000 Acres Of Mitigation On State Land, And 300 On Their Own Property.

Also, They're Going To Do This State Route 31 Improvements, Because There's Some Flooding Issues Up There.

There's A Mine Up There.

There's Restriction Flows On The West Side Of 31.

They're Going To Put That Conveyance In.

We're Going To Get Public Benefit In Advance Of Their Actually Constructed Facilities.

Comm. Judah: Each Public Benefits, And Ultimately The Magnitude Of Having The Natural Condition Water System Modelling Findings Prior To The Development Of Babcock Itself.

I Want To Thank Babcock.

They're Getting Pounded, And, Quite Frankly, I Applaud The Fact That Rather Than Race To The Administrative Law Judge, They've Actually Worked With Our Staff, With Natural Resources, Staff, Sam Lee, David, In Trying To Address This Professionally And Trying To Understand The Magnitude Of The Project Of Babcock's Size, And The Impact To The Water Shed.

It's A Difficult Process That Has Taken Us Some Time, But I Think The Settlement Agreement Is In Good Faith By Babcock.

Certainly With The County.

This Action, Quite Frankly, Commissioner Bigelow, With All Respect, Reduces If Not Eliminates The Risk Of What We Are Trying To Address With Regards To Proper Management Of The Water Shed.

Chairwoman Hall: Thank You.

Commissioner Mann.

Comm. Mann: Well, I Will Have Some Comments.

I Can Make Them Now Or Wait For A Motion, If There Is One.

Chairwoman Hall: I Have A Couple Questions.

Comm. Mann: Mine Are Not Questions.

Mine Will Be Some Comments On Where I Think We Stand.

Chairwoman Hall: Thank You.

Roland, Can You Come Back Up? Give Us -- I Think That's The Biggest Concern That You Have Heard Really From This Board Throughout This Entire Process, And Certainly From The Citizens That As We Move Forward, We Don't Want To See Development Of The Housing And Roads Done Before This Is Done.

We're Looking At Very Limited, And If We All Remember, Our Drtr Study Took Almost 18 Months As Well, So We Recognize The Time Frames Of This, So You Mentioned Briefly That The Monitoring Portion Of This Is Coming In, So The Model -- The Process Has Already Started.

Greg Has Already Been Engaged, And He Is Already Starting The Process, So It's Not When The Modelling -- It's Not When The Study Will Start.

It Has Already Started.

Is That Correct?
They Have Given Us The Data.

They Have Not Actually Constructed The Framework Of The Model.

I Don't Know Exactly What -- They Have Not A Deliverable Yet On It, But We Are Understanding That They've Also Been Responding To Some Of The Challenge Work, So The Resources Have Been Shifted Temporarily, So They Plan On Getting Back Full Speed On Completion Of This Or The Next Step, The Next Deliverables.

We Have Met With Them, And They've Given Us Their Data Set.

Chairwoman Hall: At What Point -- I Guess If We're Working On Pretty Much Following The Pattern That We Followed With The Drtr, Those Are Milestone That Is You Are Looking At So That, Again, If We See Something Outside Of That, That Would Trigger Us Notifying The County Attorney That We Don't Feel That In Good Faith We're Moving Forward In A Timely Fashion And Then We Can Contribute -- Then We Can Trigger A Dispute Or A Red Flag Can Come Up And Have That Dialogue If It Doesn't Get Resolved, Come Back And Then Push Forward?
Is That What You Guys Are Sort Of Looking At?
Yes.

The Key Will Be When They, You Know -- Their First Increment Comes In.

If They Come In With A Proposal For The First Increment, The City Or The Town Center, Before This Model Is Done, I Think That

Would Be A Big Light Under Our Beacon Here To Start Pushing For In Where They're At On That.

Chairwoman Hall: When You Talk About The Utilities, What Is That? Water And Sewer?

Is That The Solar Plant?

What Is That?

I Believe It's Their Sewer Plant At The North End Of The Property.

I Believe That's -- Chairwoman Hall: Ok.

Then We Have, Like You Said, The Mitigation Work.

Was That Started On The Property?

Then The Drainage Issues That Are -- We're Not Talking About The Widening Of 31.

We're Talking About Drainage Issues In Conveyance That's Happening Or Occurring In A Negative Fashion On 31.

I Know There's Confusion When We Talk About These Things.

We Say 31, And People Assume It's The Widening And Not The Drainage Issue.

It's The Drainage Issue.

Chairwoman Hall: My Biggest Fear, And Commissioner Judah And Rpc Did Not Support Moving Forward.

You Know, We Didn't -- We Certainly Upheld The Position That The County Had On This.

I Do Believe Strongly That If We Go To Administrative Judge Because This Is An Anomaly That We Are Not Going To Be In The Best Position And What I Fear Right Now Is Once The Court Renders An Opinion, We Have To Live By That Opinion.

I Don't Think That's In The Benefit Of Where We Need To Have The Flexibility To Continue To Have These Benchmarks So We Can Take In The Concerns That Not Only We Have As Responsibilities As Elected Officials With What's Going To Happen On Both Sides Of 31 In Alba, Alga, North Shore, And North Fort Myers.

We Have A Lot Of Issues To Deal With Babcock.

This Is Just One Of Many.

I Know That We're All Going To Be Very Concerned About The Transportation As We Move Forward As Well.

I Do Want To Thank Babcock.

I Do Feel Strongly That We Could Not Have Settled, And We Went To Court.

This Would Not Be Part Of The Permit.

There Is No Precedence That This Could Be Part Of The Permit, And We All Known Our Own Cases That We Have Not Ruled On Rezoning.

When There Is No Precedent, We Have Every Single One Of Them Come Back With A Court Order To Approve Under The Conditions The Applicants Which Gives Us No Latitude Then At That Point To Render Any Addition Modifications.

I Just Have Seen That Happen Over And Over When We Don't Have Precedence To Base Our Decision On.

It's -- This Is A Very Difficult Position For Us To Be In.

I Do Believe It Gives Us The Most Flexibility To Work Side-By-Side.

Greg Raul, And We're Working With The Gentleman Who Also Did Our Review.

Do We Have Him Engaged In Another Contract Now?
Yes.

He Has Been Looking At The Permit.

Yes.

Chairwoman Hall: Is He Working With Us Currently At This Point.

Our Independent Consultant Is As Well With Staff Already Engaged And Going Forward With What We're Doing.

Yeah.

We Will Have To Continue His Agreement If We Want To Continue On For The Reviewing The End Product.

Chairwoman Hall: Well, Depending Where This Goes, Would I Hope The County Administration Would Be Bringing That Extension Back To Us As Soon As Possible So We Could Keep Everyone Moving Forward At The Same Pace.

Commissioner Bigelow, You Had Another Comment?
Comm. Bigelow: I Ask A Question.

Thank You, Madam Chair.

Can You Tell Me, Didn't They File For A Permit For This Sewer Through The Utility Plant And Then Withdraw?
Yes, They Did.

We Wanted It To Incorporate -- It's A 60-Acre Site, I Believe.

We Wanted To Incorporate Into The Conceptual, And So Now It's In There, But It's -- They Reduced.

They Did Several Modifications To That Site Too.

It Didn't Come Back The Same Format It Officially Initially Came Out.

They Did Allow Discharge Rates.

I'm Not So Concerned About That.

The Very Headwaters Of The Water Shed From 60 Acres Overall As Compared To The 20 -- Over 20,000 Acres Is Probably Not Going To Be Debt Mental For Them To Proceed With That Project.

Comm. Bigelow: Am I Correct In Stating That There's Much More Than Just The Sewer, Utility Development That They're Looking To Get Approved By This Permit? The Conceptual For The Whole Community And Then The Construction Of That -- I Can't Recall If It's Sewer Or Water, But It's One Of The Public.

Water And Sewer.

Ok.

Then Also -- Comm. Bigelow: It's More Than Just A Utility Plant Sitting.

It's A 60-Acre -- Well, No.

It's Composed Of Conceptual For The Entire Project.

The Construction For The Utility, Mitigation Area, Which Is 6,000 Acres On State Lands And 300 Acres On Their Lands.

Three Control Structures In The Lake Traded System That Are Going To Reduce Restoration There, And Then The State Route 31 Work, The Conveyance Of State Route 31 To Adjust To Flooding Issues.

It's Conceptual Overall.

When The Model Is Done, It Shows That Things Need To Be Tweaked Or Changed Or Flows Corrected, Allowable Discharge Rates, They Can Making That -- They Will Make That

Trigger In The New Conceptual Permit.

That Will Be Available So When They Come In With Subsequent Phases Of Construction, That Will Be Available For Them To Comply With, So That's The Framework That We Want To Make Sure Is Correct.

Comm. Bigelow: I Understand.

It's Much Bigger Than Just A Site Specific Utility Plant.

You Say You Have Received Some Data Sets From Mr. Raul, Right?
And Yon Son Engineering.

Their Field Monitoring Data, And They're Continuing Collecting To This Day The Value Of Having The Mitigation Done In Front Too Is That We'll Be Able -- They'll Be Able To Monitor That And Also Monitor Performance, Because They're Also Water Management That Allows Them To Monitor It And Provide Performance Standards For The Mitigation They Do.

That Will Provide Valuable Situations Too.

Comm. Bigelow: You Have Ample Evidence That They're Collecting Data.

What Evidence Have You Seen That They're Actually Working A Model?
There's Not The Deliverable Yet.

No, I Don't.

I Mean, We Have Milestones, So They're In Between The Data Delivery And Model Set-Up.

When We Hit The Next Phase, If They Will At Least Start Giving Us The Frame World War I, The Skeleton Of The Model.

Comm. Bigelow: So As Far As We Know, There Is No Modelling Work Being Done? As Far As We Know, We Have No Evidence In Hand That It's Actually Taking Place.

I Don't Know What They've Completed To Date Beyond What They've Submitted To Us.

Comm. Bigelow: Other Than The Data Set.

Thank You So Much.

That's All I Have.

Chairwoman Hall: Apologize.

Commissioner Janes, Do You Have Any Questions For Staff?
Or Comments?

Ok.

Comm. Bigelow: Does That Mean No, Or Is He On The Lean?

Chairwoman Hall: I'm Hearing The Same Thing You Are.

There Is No One There, And I'm Assuming He Is Not On The Line.

Thank You, Commissioner Bigelow.

Let Me Come Back To The Board.

Do You Have A Comment?

Comm. Judah: Let Me Go Ahead And Make The Motion To Settle The Agreement.

Chairwoman Hall: I Have A Motion By Commissioner Judah.

Do I Have A Second.

I'll Second For Discuss.

Commissioner Mann.

Comm. Mann: Several Comments,
Madam Chairman.

I Want To Begin With Agreeing With What I Heard A Couple People Saying This Morning
When They Were Speaking To This Issue, Which Concluded In Saying There's No Reason To
Rush.

Why Do We Need This Settlement Agreement Prior To The Completion Of These Three
Models That Are Being Suggested Or That
Are Being Agreed To? I'm Glad They're Moving In That Direction.

That's Important.

To Move Right Now On This And Assume That All Is Going To Kind
Of Go Well, I Think Presupposes A Whole Lot Of Good Luck And Divine Intervention,
Perhaps.

Would I Rather Wait To Agree To What We're Being Asked To Agree Here To Today Until
Those Recent Models Are -- The Surface Water And The Ground Water Models Are
Completed.

I Think This Is An Upside Down Approach To What We're Doing.

This Is A Legal Document We're Being Asked To Entertain And Agree To.

A Settlement Agreement Over Some Litigation That The County Itself Initiated And Has
Been Involved With.

It's Been Debated Back And Forth.

With The Best Legal Minds That We've Got And The Best Legal Minds That Mr. Kitson Has, And Those From The Water Management District As Well, They May Have Disagreement.

I'm Not A Lawyer.

I'm Not The Water Management Expert.

I Have Made Law For 12 Years In Tallahassee, And For 10 Of Those Years I Was On The Natural Resources Committee, So I Have Dealt With These Kind Of Issues At Length, And I Have Some Understanding Of What We're Talking About Here, And I Also Have A Pretty Good Grasp Of The English Language, So In This Paragraph There's Only A 10 Or 12 Lines, And It's A Short Little Paragraph.

It Doesn't Take A Lot Of Time To Study Through It, And Here -- This Is The Letter I'm Referring To Here That's From The General Council, Chief Attorney For The South Florida Water Management Issue.

It's At The Center Of The Debate, And It's In The Erp Permit.

If We Agree To This.

She Herself Said And Commissioner Judah, You Made Reference To -- I Wrote It Down.

It Says It's Important For Us To Get This Settlement Into The Permit.

I'm Certain That You Are Aware Of This, But This Settlement Agreement Is Not Going To Be Part Of The Permit.

It's Going To Simply Become Part Of The Staff Report That Accompanies The Permit.

Frankly, I Think That Diminishes The Impact Of The Language Itself.

By It Not Becoming A Part Of The Actual Permit That Troubles Me, And If You Go Around The Room And Read That Little 10 To 12 Lines, Part Of It Says When These Models Are Complete.

We're Going To Head -- Ahead With The Permit And Approving It, And When We Get Around To Completing All These Models -- And I Don't Know How Long That's Going To Take.

It Won't Be Soon.

The District Will Review The Models Results.

Thereafter, The District Will Consult With The Permittee, The District, The Water

Management District, Will Consult With Mr. Kitson, The Developer Of The Babcock Project, And They Will Consult With Lee County, And The District Will At That Point Have To Consider Whether The Model Results Indicate The Modification To The Conceptual And Environmental Resource Permit And The Construction Erp, Which Are Being Issued Pursuant To This Staff Report Are Appropriate.

Any Modifications At That Time Are Appropriate, And The District, While Represented Here Today -- I Mean This With No Disrespect To Anybody, But The District Will Have To Consider.

That's All It Calls For.

They Will Have To Consider What Lee County Says.

It Doesn't Require Them To Do A Thing.

If They Disagree With What Lee County's Interpretations Of Those Models Are And The Impact Brought Upon Us, They Are Required By This Language To Consider, And Then They Can Do A 180 Degree And Walk Right Away From It And Say, Well, We Listened To You, But We Disagree.

There Is Nothing Here That Gives Us The Teeth That I Would Like To Have In Such An Agreement.

In Addition To Being Upside Down.

The Attorney Goes Clearly – And I'm Using Her Own Language.

This Is Not A Specific Condition.

This Language Is Not A Specific Condition Requiring The Permittee, Mr. Kitson, To Do Something.

Let Me Repeat That.

It Is Not A Specific Condition Requiring The Permittee To Do Something.

There Is No Follow-Up Language In Here That Ever Requires The Permittee To Do Something.

It Requires The South Florida Water Management District To Listen To Whatever Gripe We Might Have, But Requires Them To Do Nothing.

That's Putting A Whole Lot Of Hope And Faith In A Lot Of Events That Are Yet To Come, And It Is The District I Represent That Is Subject To The Possible Flooding Here, And It's The District That I Represent That Is Going To Be Subject To Tens Of Thousands Of Additional Vehicles, Traffic Up And Down The One Road That's There Today With No Specific Plans On How We're Going To Deal With It.

Commissioner Judah, With The Greatest Respect -- And I Know You Have Worked For Those People -- I Am Not Here To Applaud Babcock.

This Development Is Going To Have A Huge Impact.

I've It Said Over And Over, And I Haven't Said It Enough.

It's Going To Have A Huge Negative Impact On Lee County, And It's Going To Bring Nothing To Us.

It's Going To Give Huge Salary -- Tax Increases To Charlotte County, But We're Going To Get All The Negative Impact.

This Agreement Is Going To Have To Be A Whole Lot Better Than What I'm Looking At Today Before I'm Able To Support It.

Commissioner Judah, I Was About To Wind Down.

It's Not Necessary For You To Interrupt.

Now, Since I'm A Gracious Gentleman, I Yield The Floor.

Chairwoman Hall: Do You -- Please, Commissioner.

I'm Through Talking.

Thank You Very Much.

Chairwoman Hall: I Know The County Attorney Wants To Respond To A Couple Of Comments Made By Commissioner Mann.

Comm. Mann: I'm Not Trying To Debate.

He Spoke Here For 15 Minutes, And He Has Been Backed Up A Couple Of Times.

These Are My Responses To His Talking.

I Don't Intend To Debate With Him As To Whether -- Madam Chair -- Chairwoman Hall: I'm Going To Ask For A Little Bit Of Respect For A Process Because We're Putting A Lot Of Things On The Record Here We Think It's Important We Put Them On The Record Accurately And That We All Have An Opportunity To State Our Comments.

There's Been A Motion.

I Have Seconded For Discussion.

We're Under Discussion.

By No Means Am I Asking You To Debate The County Attorney, But You Made Some Very Specific Comments As To Our Agreement, And I Think It's Only In The Best Interests Of What We're Sitting Here Doing Today That The County Attorney Clarify Or Say Yes That's Exactly Where We Are Because I Want To Make Sure That As We Go Forward That Everyone Understands What It Is We're Going Forward With.

So I Know That Susan Or David If You Could Address The Concerns That Commissioner Mann Has Shared With Us In Regards To Our Settlement And What It Actually Means And What Position It Puts Us In.

I Think That's Important To Hear From You, Because You All Are Recommending The Settlement.

For The Record, I'm Susan Henderson, Assistant County Attorney, And I Am In Charge Of The Litigation Of This Case.

One Of The Issues That's Been Raised Is The Timing.

We're Scheduled To Go To Administrative Hearing On The First Two Weeks Of May.

That Is A Deadline.

The Water Models I Believe David Said Already, Are Not Going To Be Developed By Then.

We Have No Choice.

We Are Going Forward If We Don't Settle This Now.

That's Where The Settlement And The Timing Question Comes In.

The Second Thing Is The Language Goes Into The Staff Report, And The Staff Report Is A Part Of The Permit.

Chairwoman Hall: What You Are Saying Then, Susan, Is That The Way -- And I Can Understand, Again, Reading The Letter That Commissioner Mann Shared -- You Can Interpret That That The Staff -- That None Of This Is Actually Going As Part Of The Permit, Because I Know It's A Regional Planning Council When Commissioner Judah Had Made The Motion To Make The Settlement Agreement As Part Of -- Or The Requirement For The Modelling To Be Part Of The Permit, We Did Not Avail That Vote.

At The Rpc's Review, That Did Not Make It Into Their Recommendation As It Came Forward To Charlotte County.

Here In Our Settlement Agreement
What You Are Saying On The Record Is That The Requirement For The Model Pz And The District's Staff Report To That Model Is Part Of The Permit?
That's Right.

And The -- I Think The Language That The Letter From The South Florida Water Management District Attorney Was Cautioning Is That Because It's Not A Condition Of The Permit, It Isn't A Requirement.

As Commissioner Mann Said, A Lot Of Experts Are Going To Need To Consider The Data And The Modelling Results To See If The Conceptual Erp And Further Erps Need To Be Modified.

No One Has This Data.

We Don't Have This Data.

It's Being Collected.

Until We Have The Model, We Won't Know What, If Anything, Needs To Be Changed.

Chairwoman Hall: Did You Want To Make Any Other Comments Then? Those Were The Two I Thought Were Important.

Chairwoman Hall: I Apologise.

Commissioner Judah, You Have A Question.

Comm. Judah: I Appreciate Counsel Clarifying The Statements That Were Made By My Esteemed Colleague To The Far Left.

That, Indeed, The Agreement Constitutes Enforceable Action.

Staff Report Being Part Of The Permit.

I Think We Need To Get Out Of The Pontiff Indication And Into Substance.

The Fact That Roland Had Mentioned Before With Regards To The Signings Of The Model, That Information Is Considered The Best Available Science, And That Information Is Going To Have To Be Incorporated Into Any Modifications Of The Permit.

To Do Otherwise Would Subject A Challenge To The Permittee Or To The District Itself, And Roland, I Would Like You To Step You Up For A Second, Please, And Elaborate On That Point That With The New Data, How That Is To Be Incorporated And By The District Into The Permit Modifications.

Right.

The Model, Once It's Completed With The Data Assembled, It Will Constitute Best Available Information For The District To Consider.

Right Now It's Not There, So All They Have To Go By Issuing The Permit Is The Models That Were Completed, Which Follows The Current Rules.

Once The Natural Systems Model Is Done And We're Reviewing It Internally And Also Externally Becomes The Basis Of All Future Permit Review And Conditions.

They'll Be Much More Enforceable For Us When They Come Into This Next Phase, Subsequent Construction Erps.

This Model Will Be Available.

We Will Certainly Drive Home That It Needs To Be Incorporated.

If For Some Reason The District Ignores It, And I Don't Believe They Would Ignore It Because They're Going To Be Part Of This Process, But If They Said Choose To Do, We Will Have This New Valuable Information That We Can Push And We'll Be In A Much Better Position When They Come In For Construction.

Comm. Judah: Thank You, Roland.

Let Me Just Say The Constituents Who Would Be Impacted, The Constituents That All Commissioners Serve, It's Not The Strict Domain Of One Particular Commissioner, And I Share The Concerns That Regard The Express, And I Would Run The Risk Of Not Taking Care Of The Very Residents Who Have Expressed Concern About Setting, About An Addition Of Storm Water Run-Off If We Don't Move Forward With This Settlement Agreement.

You Are Running The Risk Of Recognizing That We Go Full Bore Into Administrative Law Judge Where We Don't Have The Ability To Incorporate The Natural Conditions Of Water Sampling Model, So, You Know, If You Want To Run That Risk, I Would Like To Address The Issue Head On.

Chairwoman Hall: Commissioner Bigelow.

Comm. Bigelow: Roland, You Said You Have Data Sets That Have Been Delivered.

Ms. Henderson Says No One Has The Data.

This Is The Data That We Have Is, Like, Field Data.

You Know, Inverts And Cull Veterans, Water Levels.

All The Type Of Program Meters That Normally Go Into A Model.

They're Going To Continue As We Speak.

It's Continuous -- Anything We Can Get We're Going Review That If There's Data Sets That We Have Combined.

It's More Than Just Data.

It's Also Settling The Data, Putting It Into The Model And Using That Data To Calibrate The

Model So That Your Model Accurately Predicts What's Actually Happening On The Ground.

I Mean, Can You Do A Model.

If You Don't Have Data, Are You Doing A Lot Of Assumptions.

The Data Is -- You're Checking And Balancing To Make Sure What You Are Predicting Is Actually Occurring.

It's The Data And The Model.

It's The Assembly Of All That That Gives You The Product.

Comm. Bigelow: Roland, You Said We've Received Data Sets.

Ms. Henderson Says We Haven't.

I Just -- I She She's Referring To The Results Of The Model.

Chairwoman Hall: She's Referring To The Model, Commissioner Bigelow.

I'm Sorry.

I Am Not A Scientist, And When I Said Data, I Didn't Mean The Same Thing That He Means.

I Meant Nobody Has Done A Natural Systems Model.

Ever.

Comm. Bigelow: Ok.

It's One Of The Problems.

Comm. Bigelow: In This Area?
For Florida.

I Don't Think -- I Think That's One Of The Problems Is That A Lot Of When We Look At Water, We See It As It Is Now With Agricultural Uses, Industrial Uses, Residential Uses, And We Can't Go Back In Time, And That's What This Natural Model Would Do.

Comm. Bigelow: Ok.

I Didn't Mean -- Comm. Bigelow: Good.

Good.

I Heard It The Way You Said It, And I Guess The Way I Received It.

To Be Clear, Just To Be Sure I Am Understanding Clearly, You Are Saying The Data That Is

The Result Of This Natural Systems Model Is Not In Hand.

You Are Saying That There Is Data As Far As What's On The Ground?
Inverts And Elevations And That Kind Of Data, But We Have Not Received Any Historical
Water Level Datas, Right? We Have Water Data Too.

Comm. Bigelow: Oh, We Do?
Yes.

Comm. Bigelow: Well, Then I Have This Question.

Do We Have Everything In Hand That We Could Then Start To Run A Model?
It's Very Costly.

We Can -- Comm. Bigelow: Cost Aside, The Question Is, Do We Have All The Data In Hand
To Run A Model? Would I Have To Go Through It.

I Assume That Database Is Available.

There Is Some Information That They Probably Have That Is Proprietary Or Data -- Water
Data On Their Property That's Private Property.

They Bring That To The Table.

I Can't Necessarily Access Private Property And Collect Data.

Comm. Bigelow: With The Data They've Delivered.

I'm Trying To Get Clarification.

All This Has To Be Calibrated.

There's A Lot Of Data That Goes Into A Model.

You Have To Run The Model.

You Have To Go Through The Fine Detail, Fine Tooth Comb, And That's What Sam Is Really
Good At.

He Will Look At That And Make Sure It's Applicable, And It's Accurate And It Properly
Calibrates The Results.

Comm. Bigelow: Can I Have Susan Come Back Up?
Would I Like To Ask Her A Question.

Ok.

You Have Given Some Reason To Feel Comfortable That The Settlement Is Something We

Should Be Pursuing, But What Is It That I Could Hang My Hat On That Would Assure Me That This Water Systems Model Data Will Be In Our Possession At Some Time In The Future? How Will I Know That That's To Happen? We Have Triggers All Along This Process Of The Development That We Could Get Our -- We Could Insert Ourselves Into.

There's The Settlement With Charlotte County, The 163.

It's An Administrative Challenge That Can Be Made As They Go Forward With Development.

This Is One Permit.

This Is The Umbrella Permit.

They Have To Get A Permit For Every Single Increment That They Do.

Every Single Permit Is Challengeable Under Chapter 120 Of The Administrative Hearing Just Like This One.

Comm. Bigelow: Ok.

So From The Litigation Standpoint, There Is Always More That We Can Do, And, You Know, You Ask If We Could Do The Mode Ourselves, If Cost Were Not A Factor -- Comm. Bigelow: Do We Have The Data? Roland Talks -- That's Something I Would Love To Be Able To Do, But, Again, I'm -- That's Just A Dream.

Comm. Bigelow: I Thank You.

Madam Chair, Since We've Got Everything On The Table And Just State That Not Only Am I Arguing With Commissioner Man Owe On This, I Am With Every Resident And Every, I Think, Taxpayer That's Going To Have To Bear The Burden Of This Very Unliveable Development Out In The Middle Of Very, Very Pristine Environmental Lands.

It Is, Quite Frankly, No Place For Humans To Be Living.

It's My Opinion.

I Don't Think We Will Probably Ever See This Water Model, Or The Results Of It.

It Appears To Me That That Is Potentially The End Game Here.

That To Promise It, To Say That It Will Come, Just Give Us Some Time, Wait A While, Ok, And Then If It Doesn't Show After It's Been Promised, That We Then Have To Take Subsequent Action To Try To Force It To Be, And Then It May Not Come.

It May Not Come.

I Just Can't Hang My Hat On This Hope And A Prayer And A Wish And A Dream.

It Just -- It's Not Substantive Enough.

Thank You.

Chairwoman Hall: Commissioner Janes, Do You Have Any Comments Or Questions? No.

I Would Like To Get An Update On The Voting Process Here To See Where We Are.

I Was Cut Off.

Chairwoman Hall: Yes.

Where We Are Is Staff Has Recommended The Settlement To Go Forward.

We Have A Motion By Commissioner Judah To Accept The Staff's Recommendation.

I Seconded It For Discussion.

We've Had One Round Of Discussion.

Staff Feels That We Should Move Forward.

If We Don't Move Forward, Then If This Motion Fails, It Will Go Into The Hearing, Which Is The First Two Weeks Of May.

We'll See What The Administrative Judge Will Come Out Of.

That's Sort Of Where We're At Right Now.

I Just Have A Couple Questions For David Or For Susan, Whom Ever.

If We Don't Support This, Right Now Let's Just Say That We Do Not Support This.

They Are Not Any Obligation By Any Law Or Statute To Do The Historic Model, And If We Go To Administrative And The Judge Does Not Rule In Our Favor To Require Them To Do It As The Settlement Is Doing, Then We Will Move Forward With Them Permitting Based On The Existing Conditions With No Historic Data And Then Tell Me Because I'm Asking Several Questions At Once, So I'll Try To Bring It To A Closing.

If We Do Not Prevail In Court And The Historic Data Is Not There And Moving Forward

Under Current Conditions, What Would Be Our Ability To Challenge Every Single Permit As It Goes Forward Because We Feel That They're Incorrect In Their Water Data? Litigation Is Always A Risk, And There Is The Opportunity To Achieve The Same Thing As The Result Of The Administrative Hearing, Which Is To Get A Water Model That's Not Required Under The District Permitting Regulations Inserted Into The Permit.

There Is That Chance.

There Is Also The Chance That We Will Lose And We Will Get Nothing, And We Will Go Forward.

They Will Go Forward, Because The Permit Has Been Issued.

They Will Get This Permit.

Putting Conditions Into The Permit As It Exists, And That's What David Referred To Early In His Discussion, Which Is That This Natural Systems Model Is Not A Requirement, And So The Administrative Law Judge Would Need To Be Convinced By The Weight Of Our Expert Testimony That The Natural Systems Model Would Be -- Should Be A Required Part Of The Permit.

That's An Uphill Battle.

I'm Sorry.

Chairwoman Hall: Well, Here's My Concern.

When We -- We Set Aside -- And We Could Challenge.

Committee Could Still Challenge.

The Increments Will Still Be Permitted, And We Can Still Challenge Every Increment Under The 120 Administrative Process.

However, We'll Be Coming In Brand New Every Time.

Chairwoman Hall: I Guess My Concern, Dade, Is Right Now We Set Aside A Quarter Of A Million Dollars To Start The Process To Prepare For The Hearing The First Two Weeks Of May.

That Was Just To Get People Started.

You Put Us On Notice That That Was The Starting Point, And That We Could Actually Exceed Over \$1 Million In Legal Fees If We Actually Went Forward With The Hearing In May.

So We've Got To Go To The Hearing In May And Find Out What

Happens.

If We Don't Prevail, We Can't Get The Historic Models And We Come Back And Say, Ok, Since We Can't Get The Historic Model And Do We Want To Go Ahead And Do Our Own Modelling, Which Is Quite Expensive And That's Another Quarter Of A Million To Half A Million Dollars Into -- We Spent \$1 Million On A Surface Water Management In North Fort Myers On The West Side Of 31, So Anywhere From A Half A Million To A Million To Do All Of That Based On As We're Doing It Now, And We Get That Data, And We Have That Data In Hand.

Does That Give Us Any Other Leverage As We're Challenging The Incremental Permits Because It's Not Part Of The District -- The District Does Not Have To Recognize It, And There Is No Settlement Or Legal Structure To Force Them To Recognize It? Does That Put Us In Any Better Position? If We Do It As Commissioner Mann Is Suggesting? Once The Information Is Available, I Mean, Certainly It Can Be Brought To The Attention Of The District.

The Big Difference Here Is Having The Vehicle, If You Will, Having The Permit, The Conceptual Permit, Have The Provision In There That Once That Stuff Is Available, Once The Information Is Available From The Natural Conditions Model That, It Will Be Run, It Will Become A Part Of That Permit.

As Susan Said, You Know, We Can Keep Coming Back.

Chairwoman Hall: That's Not My Question.

The Issue Here Before You, Commissioner, Is To Try To Do What We Set Out To Do With The Natural Systems Model That's Get A Handle On It And The 163 Settlement, We're Trying To Put It Into This Overall Conceptual Permit.

The Board Is Not Comfortable With That Doing That, Then We'll Go Through The Process.

We'll See What Comes Out At The End.

In May.

We Could Run Our Own Model.

We Could Come Back To You And Do That, But What We're Doing At That Point In Time Is Trying To Put A Band-Aid On What We See Are The Smaller Increments Which Are The Actual Construction Increments.

By Getting Into The Overall Conceptual Permit, You Don't Have To Concern Yourself With Respect To Challenging Every Single Increment Permit That Comes In That Doesn't Have Or Has Not Considered The Natural Systems Model Information.

That's A -- It's As Simple As I Can Make It.

And The Money, Commissioner, That The -- The Money That We Ask For Is For Experts.

We're Doing This In House.

There's No Legal Cost To You On This.

The Experts Are Expensive, And That's An Expense, But It's Certainly One That's Meritorious.

There Is No Question Of What We're Trying To Do Here.

It's A Question Of How We Get There And When We Do It.

Chairwoman Hall: I Think My Largest Concern -- I Have To Share Commissioner Judah's Concerns -- We Represent The County As A Whole, And I Think The Board As A Whole Has Taken On The Environmental Issues With The Full Weight And Clout Of This County.

Not Only In Our Challenges That We've Made Across This County, But In The Efforts That We Put Into The Studies, To The Staffing That We Have.

We Have Some Of The Best Staff In The World That Come On With Us.

We Have Someone Recognized Nationally For His Hydrology Expertise, And We've Reached Out To Some Of The Best Experts In The Country.

We've Tried To Work With The District Because Right, Wrong, Or Indifferent, They Have Some Darn Good Scientists.

Kitson Has Some Qualified Folks.

Dr. Handlan.

These Are Experts That We've Used When They're On Our Side Of The Ledger.

We Recognize Their Expertise.

It Frustrates Me When I Hear Us Try To Divide This County Up Into Five And Insinuate That We Take It Any Less Or More As Commissioners Because I Don't.

I Live In This Area.

Commissioner Mann Lives In This Area.

It Affects Us Personally.

It Affects My Neighbors.

You Know, This Board Very Generously Committed \$1 Million To Do The Surface Water Management For North Fort Myers.

We Have Committed Millions Of Dollars To Beginning The Implementation Of The Outcome Of That Surface Water Management On The West Side Of 31, And, You Know, We Put This Information Out There, And People Want To Hear What They Want To Hear.

I Am Just Noting To Gamble That We're Not Going To Get This Historical Data Flow, And This Is -- You Know, This Is A Problem We Had In The Drgr.

Nobody -- This Is Why We're Getting Challenged By Property Owners In The Drgr Because Nobody Wants To.

This Is Unprecedented To Have These Historical Flows, And We're Going To Be Seeing A Lot Of Time Talking About That Tomorrow As We Look At These Maps.

We've Got To Go, I Believe, Pragmatically And Carefully, And I Do Believe That This Is A Key Component.

I Believe That This Board, As We Always Do, Very Diligently Watch The Progress Of Babcock And To Insinuate That We're Going To Sit On Our Laurels After Going Through All Of This And Not Expect Them To Meet Thresholds And Not Immediately Challenge When We're Want Seeing Data Coming At A Timely Fashion Based On Our Experts, I Find It Kind Of Like Almost As If We're Being Frivolous About This.

We're Not.

We Have A Ton Of Money Into This Issue.

I Can't See This Board Or Our Staff And When We Talked About Budget, You Know, One Of The Things Is, Well We Should Be Cutting What We're Doing.

You Know, We All Made A Pretty Big Commitment That In Natural Resources And Environmental Science, We Couldn't Afford To Cut.

We Have Too Much Invested.

We Can't Afford To Not Be On Top Of These Issues.

With No Staff, I Don't Know How.

I Guess Each Of Us Will Divide It Up And Figure It Out.

We've Held On To That Staff, And We've Held On To That Budget.

We'll Have To Cut Have Else.

We've Been A Little Slow In Cutting Based On The Investment We've Already Got Of Taxpayers' Dollars.

I Guess That Would Be My Soapbox, And I'll Keep It Short.

I Know This Is A Sensitive Issue, And I Know Emotions Rise Very High, But I Do Have To Support.

Let's Get Out Of The Rhetoric And Pounding On The Desk Top And Being Indignant And Let's Try To Get Down To Facts And Make Sure That We Are Doing Our Jobs And Our Staff Is Doing Their Jobs And Hold The Feet To The Fire, Because This Is Not Where It Stops.

This Is Only Where It Begins.

We Have A Pot Of Issues With Babcock.

Commissioner Janes, Do You Have Any Comments?
Comm. Janes: No.

Chairwoman Hall: Any Other Discussion?
Then All -- Go Ahead, Commissioner.

Comm. Janes: I Was Just Saying I'm Having A Terrible Time With This Issue.

Only Because I Think It's So Complicated.

I Tend To Lean Towards What Are You Talking About, And I Also Hate To Go All The Way The Other Way, Because I Think That -- In Other Words, We Should Be Supportive.

Chairwoman Hall: We're Having A Very Difficult Time Understanding.

The Audio Is Difficult.

I Think What Your Question Was.

Comm. Janes: Oh.

Chairwoman Hall: Yes.

I Believe Your Question Was Are We Talking About The Settlement N, Including The Historical Flows Model Into The Permit.

Is That Your Question?
The Settlement Is Requiring -- Why Don't I Have Susan Answer That.

I Think That Would Be Better.

If You Could Just Talk Loudly And Slowly.

The Settlement Incorporates Language Requiring The Natural Systems Model Into The Staff Report, Which Is A Part Of The Permit.

Chairwoman Hall: That Answer Your Question, Commissioner Janes?
Comm. Janes: I Think That's -- Chairwoman Hall: Huh.

Is There Any Further Discussion? All Those In Favor Of The Motion To Approve The Settlement Agreement With Babcock, All Those In Favor? Aye.

Chairwoman Hall: Aye.

All Those Opposed?
No.

Commissioner Janes?
Comm. Janes: I'm Supportive.

Chairwoman Hall: You're Supporting It?
Yeah.

Chairwoman Hall: Then The Motion Moves Forward 3-2.

Commissioner Bigelow And Commissioner Mann Descending.

We'll Move On To Carry-Over Item Number 2.

Yes, Which Is The Approved Budget Transfer From Reserves In The Amount Of \$399 For Cape Coral's Cops Grant Match.

I Have A Motion By Commissioner Mann.

I'll Second It For Discussion.

Further Discussion?
All Those In Favor?
Opposed?
Motion Carries Unanimously.

Secondly, We Have The Walk-On Item, Which Is A Doctor Resolution Asking Governor Crist For Assistance For Those Lee County Residents Affected By Defective Or Reactive Drywall.

I Have A Motion By Commissioner Mann.

A Second By Commissioner Judah.

All Hose In Favor?

Opposed?

Motion Carries Unanimously.

And Carry-Over Number Three Was Deferred Another Week.

That's All I Have On That.

We'll Go To Commissioner Items.

Commissioner Bigelow?

Comm. Bigelow: Yes, Madam Chair.

Thank You.

I Have A Couple Items

Actually, I'm Going To Preface This That I Would Like To Test The Waters Here On This Idea.

The United States Postal Service Is Proposing Closing The Miracle Milepost Office At The Corner Of Broadway And Winkler Avenue.

Pee Wee Miller Has Approached Me And Asked If I Would Support Or Bring Forward To The Board A Request To This Board Signed By The Chair Addressed To The Postmaster General That They Not Close That Post Office.

So I Guess I'm Bringing It Forward With Some Hesitation, As You Might Be Able To Tell, Because I Know The Postal Service Has Kind Of Been In Some Hard Times.

E-Mail Has Really Gone The Way, And There's Less Expensive Ways To Move Information These Days.

We Have A Post Office Right Down Here, Downtown.

We Have One At The Airport.

I Understand That You're Going To Have To Cut Like All Of Us.

It Is A Very Popular Post Office, Never The Less.

It's The One That Happens To Be Closest To My House.

I'm Testing The Water Here.

I Have A Letter From Congressman Mac To The Same -- Chairwoman Hall: Well, All Five Commissioners Asking Them All To Bring It Forward.

Since You Were The First On The Agenda, Any Of You -- Comm. Judah: Yeah, There Is, Because If This One Remains Open, Perhaps There Will Be Another One That May Close, Such As The One Right Downtown Here.

Before We Take Action On This, I Would Like To Know The Ramifications Of The Decision.

Chairwoman Hall: I Will Share With You That Over The Years There Has Been A Very Big Movement To Have This Downtown Post Office Relocated.

The City Has Negotiated On And On With Them Because They Would Like To Have The Property To Expand, So I Think That The Ramifications Of This Downtown Post Office Closing Goes Well Beyond The Miracle Milepost Office Being Open.

That's Been An Issue Of That One Coming To A Closure Numerous Times, So I Don't -- I'm Not Worried About That One Because I Don't Think This Miracle Mile Is Going To Affect That.

I Think There Will Be Other Issues That Will Affect That One Closing.

Comm. Bigelow: Could We Perhaps At Least Wait A Week And Find Out What The Ramifications Would Be? I Would Hate To Potentially See The Downtown Library Removed, Closed Down.

Chairwoman Hall: Post Office.

Chairwoman Hall: I Will Share With You That No One Could Actually Provide Me With What Those Ramifications Were Going To Be.

I Did Make Some Calls, And They Said They Don't Know Yet Because They Haven't Made A Final Decision Yet, And Unless Karen Has Some Other Information.

Commissioners, I Guess I'm A Little Bit New To All This.

Wouldn't This Be A Federal Issue?

Chairwoman Hall: Yeah.

I Mean, Wouldn't -- Comm. Bigelow: This Would Just Abe Letter.

Chairwoman Hall: It's Supporting That Don't Close It.

It's A Resolution.

It's Not Our Decision.

There Are People Asking Us To Support, Asking The Federal Government Not To Close It.

What You're Asking Us To Do Is To Bring Back A Resolution Supporting -- Comm. Bigelow: We Have A Draft Letter Here That The Congressman Has Said.

Chairwoman Hall: Yes.

Brian: Could I Suggest Maybe What We Do, Holly, Is Ask Our D.C. Lobbyist To Kind Of Apprise Us Or Update Us On Where They Are With The Postal Services With Their Closure Proposals And Maybe We Would Just Study It A Little Bit More Carefully? Chairwoman Hall: I Will Share With You That Our D.C. Lobbyist Isn't Under Contract To Do That.

We Would Have To Add To That Contract Or Take Away With What He Is Doing.

I Don't Even Think That -- When I Called, No One Could Give Me Any Definite Answers.

The Thing Is What They're Looking At Is We've All Seen Them In News.

The Deficits That They're Running.

No, They Couldn't Tell Me If This One Stays Open, Which One Would Close Or If Any Would Close, But This One Is Slated For Potential Closing.

Comm. Bigelow: Ok.

Chairwoman Hall: There Was No Definite Answer.

Now, If You All Want To Have Another Week To Make Your Own Phone Calls And Feel Better Or Less Better About It, But, Again, I Look At Resolutions As Being Exactly What They Are.

I Don't Think We I Want To See Any Post Offices Close.

I Wouldn't Hesitate -- I Will Say That The Downtown Post Office Probably Will Not Be With Us Long Only Because Of All The Other Issues That Are Surrounding That Particular Site And That Particular Post Office.

I'm Very Familiar With That Since Serving On The City Council For Four Years.

Having Said That, I Don't Mind Deferring It One Week And Having Staff Go Ahead And Prepare The Resolution And We Can Vote It Up Or Down At That Time.

Unless There's Not Consensus To Go To That.

Comm. Bigelow: It's Basically The Same Letter That The Congressman Sent.

I Can Give It To Holly, Whoever.

Chairwoman Hall: Commissioner Mann.

Comm. Mann: Madam Chairman, This Is \$100 Billion Issue.

It Is So Much Larger Than The Miracle Milepost Office.

Chairwoman Hall: Yes, It Is.

Comm. Mann: If There Was Ever A Letter That's Going To Be Ignored By Washington, It Will Be This Letter.

No Matter What We Say On It.

Chairwoman Hall: I Don't Disagree.

Comm. Mann: Mr. Miller Is A Friend Of Mine.

I Have Spoken To Him Too.

I Feel Sorry About That.

We're Talking About A \$60 Million Problem We've Got Here.

They Got A \$13 Trillion Problem, And They're Going To Have To Deal With Some Of These.

There's No -- Chairwoman Hall: I Agree With You.

Comm. Mann: And Saturday Service Is Probably Going To Stop, As You May Have Read This Morning.

Comm. Bigelow: I Tested The Waters And The Waters Seem A Little Hot.

Chairwoman Hall: I Look At These Resolutions As We Do Them.

It's -- I Didn't Have An Issue Doing The Resolution, And I Certainly Don't Have An Issue Doing It On Numerous Of These Things, Because We Do A Lot Of Other Resolutions That Have Pretty Much The Exact Same Impact.

Comm. Mann: I May See Mr. Miller In The Next 30 Minutes At A Rotary Club Meeting.

Let Me Just Tell Him That There Wasn't A Lot Of Ear Dynamics Under This.

I Don't Think It's Going To Fly.

We'll See If We Can Let The Congressman Send His Letter.

Chairwoman Hall: I Think The Congressman Will Have A Lot More

Influence On That.

Comm. Mann: Sure.

Chairwoman Hall: Fair Enough.

Commissioner Bigelow, Other Items? Since This Is No Resolution.

Chairwoman Hall: No Resolution.

Comm. Bigelow: We're Going To Send Our Liaison.

Comm. Mann: I'll Go Take The Hit.

Comm. Bigelow: Commissioner Janes, Are You Still With Us?
Commissioner Janes?

Chairwoman Hall: Obviously, He Is Not.

Comm. Janes: I'm Still Here.

Comm. Bigelow: Thank You.

I Would Like To Suggest -- Test The Waters Again On A Question.

We Heard From The County Attorney Last Week That He Has A
Couple Dates In Mind For Us To Consider Authorizing The Public Hearings On The Single
Member District Issue.

That First Item Would Come In May.

The Public Hearing In April.

I Would Like To Move Up That First Date If Possible.

It's The Date That We Would Be Considering Going To Public Hearing Or Not.

That's The May Date.

Chairwoman Hall: The April Date Is The Meeting.

Comm. Bigelow: I'm Sorry.

My Apologies.

I Would Like To Consider Moving That Date So We Could Consider Sooner Whether To Go
To Public Hearing.

I See No Big Deal In That.

It's Just Actually Putting It On An Agenda And Considering It Sooner Than Later.

Again, I'm Testing The Waters On That.

Comm. Janes: I'm Perfectly Fine With The Schedule.

Chairwoman Hall: I Think We Have The Public Set On That Schedule, And They're Out Doing Information Things.

I Think It's A Little Disingenuous To Keep Moving These Dates Around.

There's A Whole Schedule That's Been Put Out For Different Organizations To Have The Opportunity To Discuss This In The Community, And I Don't Want To Undermine Their Schedule That They've Already Announced To Our Vote.

So We're Affording The Public A Chance To Hold Their Own Workshops And Different Organizations, Pro And Con.

That Was Part Of The Reasoning Of Those Dates To Auto Ford The Public And The Various Organizations Who Have Collaborative Views And Opposing Views To Go Out And Do That.

I Am Really Not Comfortable Undermining Their Schedule.

Comm. Bigelow: I'm Just Suggesting That We Consider Whether To Go To Public Hearing Sooner Or Not.

Chairwoman Hall: No, I Don't Want To Undermine The Constituents' Schedule That They Have.

I'm Want Supporting That.

Comm. Bigelow: Testing The Water.

Commissioner Janes, Could You Share Your Thoughts, If You Would, Please?

Comm. Janes: Are -- Chairwoman Hall: Commissioner Mann, Do You Want To Move These Dates Up?

Comm. Mann: Frankly, I Would Have Liked To, But It Seemed To Me That With Three Votes To Set Whatever It Was That We Set It.

Unless Commissioner Janes Wants To Change His Thinking On It.

Chairwoman Hall: Commissioner Janes, You Said No?

Comm. Janes: Yeah.

Chairwoman Hall: That's Done.

Ok.

What Else You Got, Commissioner Bigelow?

Comm. Bigelow: I Know I Have Something -- Well, Maybe I Shouldn't Say That.

Hopefully We Have Something We Can All Agree On.

As You Know, Shannon Hall Park Has Moved Forward With Their Building And Redeveloping The Site, And It's Moving Fast, Moving Quickly.

Chairwoman Hall: Yep.

Comm. Bigelow: I Would Like To Suggest That In Honor Of An East Fort Myers Respondent's Exhibit Who We All Know And Love, I Think, Dearly, Reverend Israeli, That We Consider Naming The Lion's Hall Building In His Honor.

It Would -- It Could Be Suarez Hall Or Reverend Israel Hall.

We Could Come Up With The Official Name.

If We Could Decide That Today That We Would Do That And We Could Move Staff Forward With The Idea.

Hmm.

Well, I Thought We Would Get -- Chairwoman Hall: Well, Again, I Think That, You Know -- I Think We All Recognize The Gift And Contributions That Israel Suarez Has Given To Our Community.

When We Usually Name Structures, There's An Association With That Structure With The Individual.

I Guess If We're Trying To Honor The Reverend With Something, Is It Appropriate For That To Be What We Honor Him With?

I Guess That's More Of My Hesitation Of Do We Just Randomly Pick That Building Which He Is Not Done Anything Or Has Any Association With, So The Reverend -- The Significance Of That, You Know -- I Understand Where You Are Going With That, But Looking At What Is Significant And Would Rather Maybe Asking To You Work With Staff On Maybe Finding Something That's More Significant To Acknowledge Him At.

Comm. Bigelow: He Does Offer A Lot Of Services To The Community At No Charge.

They Are At The Park -- In The Building In Lion's Hall Building.

Chairwoman Hall: Would I Say Why Don't You Work With Staff And Have Them Bring Us Something Back.

I'm Not Opposed That.

That's Fine.

Why Don't You Work With Staff And Bring Back Those Facts So That Everyone Can Have It In A Memo And We Can Vote It Up Or Down.

Go Forth And Bring It Back.

Comm. Bigelow: Thank You.

Do You Think?

Comm. Mann: It's A Delicate Subject For Us To Discuss Publicly, But We're Forbidden To Do This Behind The Scenes.

Every One Of Us Shows And Has The Greatest Respect For Everything That Reverend Suarez Has Done And He Has Committed The Last 40 Years To That Section Of Our Community And The Citizen That Is Live There.

I Don't Think It Would Be Out Of Order.

I Don't Know What -- Chairwoman Hall: I Think That If Commissioner Bigelow Worked With Staff And Brings Back Those Items And Things Like That, Then We Can Go Ahead And Formally Vote On That And We'll Have More Information.

Comm. Bigelow: It Would For Longer Be The Lion's Building.

It Would Be Suarez Hall.

Chairwoman Hall: Work With Staff And Bring Those List Of Things So That Then We Can -- It Helps That The President For How We Go About These Processes.

Dave And Karen And Bring It Back To Us To Formally Vote On If You Want Next Week Or The Week After.

Comm. Bigelow: And A Resolution Form, Is That -- Chairwoman Hall: I Think With All The Attributes To Why That Building Is Appropriate, Et Cetera, Et Cetera.

Great.

What Else Do You Have?

Comm. Bigelow: That's All.

Chairwoman Hall: Great.

Comm. Judah: Nothing, Madam Chair.

Chairwoman Hall: Commissioner
Janes, Do You Have Any Commissioner Items?
Comm. Janes: No.

Chairwoman Hall: Commissioner
Mann?
Comm. Mann: Let Me Touch On A Couple.

Possibly Three.

The First One Is Something I Have Been Mulling Over.

We've All Probably -- I Know I Got Several Comments About The Last 2020 Purchase.

I Voted For It, But I Have Expressed Myself As Concerned About The Value, And I Have
Been Concerned About The Values Perhaps As We All Have, But We Are Pretty Well
Constrained To The Set Of Rules And Our Own Ordinance That Was Set Up And How We Go
About Choosing These.

We've Got A Committee That Does A Superb Job Of Recommending To Us.

We've Got A Department Head Who Does A Superb Job Of Following Those Rules Very
Carefully.

Yet, There Seems To Be Still A Nervousness That Particularly In
This Economic Times That The Market Might Be Dropping Faster Than Our Rules And
Regulations Are Reflecting.

What I Was Going To Success Was Not Another Where We Sit Here With The Carrot And
Review It And David Would Give His Comments.

I Wish I Would Give Some Thought To Perhaps Each One Of Us Designating Two People In
The Real Estate And Development World To Meet With All Of Us In A Roundtable, Ad Hoc,
Two-Hour Meeting Or Something, And Just Get -- We'll Get David To Explain The Rules And
Regs Under
Which We Work And What We Can And Cannot Do, And Then Get Their Reaction As To How
We Can Get A More Comfortable Public Resection To Some Of The Decisions We're Making
Because I Don't Want To Put A Program At Risk That We All Believe So Strongly In And
Have So Strongly
In.

I Think With These Very Different Economic Circumstances Under Which We're Working,
That It Behoves Us To Take A Look And See If There Are Other Things We Might Do With It.

I Mean, That's My Suggestion.

Each One Of Us Pick Two People In The Big Real Estate World And

Invite Them To Come To A Little Afternoon Session, And We Just Sit Down And Just Kick This Around For A While With Nothing Come In Mind, But Just A Chance To Rethink Where We Are In These Economic Times.

I'm Open To Your Thoughts.

Chairwoman Hall: I Think It's Very Sad That This Particular Acquisition Got So Much Controversy Because When You Look At -- You Brought Up Argo Ranch, And We Had A One Unit Per 10 Acre Possible Zoning That We Have No Vested Right.

If You Look At What We Paid For That And You Look At What We Paid For Those Units, That Was Well In Excess Of \$100,000 A Unit Is What We Paid.

It Didn't Have Any Vested Rights.

We Look At What We Paid For A Property That Has Fully Vested Rights And Away We Paid Per Unit There And Equally That Was Almost A Deal, And You Are Right.

The Real Estate Market And Appraisal Market Is Really Beyond Our Control The Way They Set Up Value And How We Do That, And We Try To Work With It.

I'm Not Opposed To Having That Discussion, But I Think It's -- I Think -- I Strongly Believe That The Accusations That Have Been Rendered And The Way It's Been Handled Really Isn't A Good Comparison To -- I Don't Think We've Done Anything Different On This Parcel Than We've Done In Any Parcel, And What's More Important Is That, You Know, This Program Has Always Had The Highest Of Integrity, And This Parcel Was Part Of An Approval Process That Happened Two Years Ago, And Anyone At Any Time Could Have Questioned This At Any Time, And They Didn't.

The Reason For It Was The Value That We Had For It In Its Environmental -- And Its Environmental Programming, And The County Commission Stay So Arm's Length From This Whole Process, And We Get Involved When It Comes To Us For Up Or Down Approval.

I Don't Know What The Value Would Be When There's So Many Things That Are Arbitrary.

You Know, You Had One Of Our Appraisers Who Was The National President Of The Appraising Association.

I Mean, Got An Award And Recognition Across This Country.

I Just -- I Find It Very Insulting To Think That Somehow This Acquisition Was Done Inappropriately When We've Got The Committee And Staff And The Right Professionals And Legal Counsel Before It Even Touches Us.

We Don't See These Things And We Don't Get Involved With Discussing Them.

At Least I Have Never Met With Staff To Discuss These -- Any Of These Projects At All.

I Can Only Speak For Myself.

I'm Not Opposed To Having -- I Am Never Opposed Having Good Conversation About The Program And I'll Defer To My Other Colleagues As To Where You Feel Benefit Or Not In Moving Forward That We Probably Would Be Able To Do It Until April Or May With The Schedule That We Have.

It Doesn't Bother Me One Way Or The Other.

Commissioner Judah?

Commissioner Bigelow?

Comm. Bigelow: Well, I Mean, You Have -- You Have Been On The Record As Supporting A Review Of The 2020 Process.

The Acquisition And Negotiation Process Has Been Supported.

Chairwoman Hall: Ok.

Commissioner Judah?

Comm. Judah: I Didn't Want To -- Um, Let Me Just Suggest That My Gracious And Esteemed Colleagues From My Far Left Needs To Develop More Of A Backbone.

Consider That As A Very Constructive -- Chairwoman Hall: I'm Going To -- Comm. Mann: That's Completely Out Of Order.

Yes, It Is.

Point Of Order.

Chairwoman Hall: I'm Going To Call A Point Of Order, And I'm Going To Ask That We Address Each Other As Best We Can In Addressing The Motion.

I Appreciate Your Comments Commissioner Mann, But Commissioner Judah -- Comm. Mann: A Point Of Order Is Allowable At Any Time.

Chairwoman Hall: Ok, Commissioner Mann.

Just Jump On In There.

Comm. Mann: I Don't Have To Apologise For Making A Point Of Order.

When You Denigrate The Comments And Personal Life Of Any Other Commissioner Which Happened Frankly Twice Today.

Once When You Referred To Her Chairing The Meeting As Silly And Secondly When You Referred To My Comments As Pontification.

That Is A Perfect Example Twice That Has Happened Now, And Now The Third Time, And Those Are Violations Of Orders.

It Prohibits Us Characterizing In Any Kind Of A Denigrating Fashion The Comments Made.
We Can Argue As Vigorously As We Want.

I Will Provide You Each With A Copy Of The Page And Rule Of That Order Number.

Now, If You Would Like To Talk About My Suggestion About 2020, We Would Be Happy To Hear Your Comments.

Comm. Mann: Is Serves To Undermine The Widest Reputation Nationwide.

Comm. Bigelow: That's The Conservation 2020 Program.

We Have Impeccable Criteria And Process In Place Where We Have Professional Staff With Numerous Years Of Experience With Regards To Dealing With The Negotiations Of Land That Had Been Appraised Not By One, But By Two Professional Land Appraisals.

In This Particular Instance, You Had Votes That Supported The Acquisition, And Now There Seems To Be Some Discussion As To Whether Or Not It Was The Appropriate Price.

We Have Two Land Appraisals Done.

One, I Believe, Was \$39 Million.

The Other For \$34 Million.

Thereabouts.

We Bought The Land At \$36 Million.

The Seller Had Actually Had The Land Appraised Sometime Last Year.

I Believe It Was At \$65 Million.

It Was Then Reduced, I Think, To \$45 Million.

No, It Was \$65 Million.

We Eventually Worked Out A Settlement To Purchase The Land For \$36 Million.

What Concerns Me Is That We Painstakingly Make Sure That This Is An Arm's Length Deal.

That We Stay Out Of The Business Of Our County Lands Department, Out Of The Class Committee That Makes The Recommendation, And As We Move Forward On Acquisition Of Land, And It's Under A Matrix

System To Improve The Privatization And The Value Of The Land That's To Be Purchased.

It Pains Me That We've Had This Program In Place, That The Community Has Widely Accepted.

In Fact, One Of The Only Two Programs Where The Issue Has Gone To Referendum, And The People Of This Community Have Voted To Support Taxing Themselves To Purchase The Very Land To Protect The Water Resources And Open Space.

Rye Sent The Fact That There Seems To Be Several People In The Real Estate Community, Perhaps A Few Folks In The Media, That Are Now Questioning The Value Of Not Only This Land, But The Process That It's Taken To Be Able To Determine The Proper Value Within Which It Was Affixed To Where We Purchased This Property.

I Would Challenge Anyone To Step Forward Today To Be Able To Show As We've Already Heard Some Allegations That This Land Should Have Been Five Times Less Than What We Paid For.

Good Gracious.

Does This Land Suggest To Be Bought At \$5 Million To \$6 Million, And It's Got Entitlements Of Over 900 Units, That It's Located At The Interchange Of I- 75 And 82? Let's Get Real.

Let's Understand How Much Development Has Already Been Approved, How Much The Development Already Exists On Both Sides Of This -- This Is One Last Opportunity To Protect A Significant Water Shed For The Greater Good Of This Community, And It's Just Frustrating As All Get Out To See That There's Still Efforts Afoot To Try To Undermine What Has Become The Greater Good Of The Community.

I'll Leave It At That.

Chairwoman Hall: Before I Go To The Point Of Order, I Think, You Know, Commissioner Mann, Your Comments And Point Of Order Are Well Taken, And We Always Try To Have A Deck Or Yum Not Only With Our Audience Who Participates In Our Public Meetings, But Amongst The Five Of Us.

I Think We Lead By Example.

All Of Us Are Guilty Of Sometimes Making The Issues Personal, Including Yourself, And I Always Appreciate The Offer Of Giving Us Each -- When I Asked You For One, You Told Me I Should Go Buy My Own.

I Did.

I Appreciate You Offering.

You Were To Take Back Your Offer.

That's Ok.

I Just Don't Think Any Of Us Live In A Brick House, And I Always Appreciate You Bringing Back The Fact That We Have Deck Or Yum, And The Public Does Expect Us To Lead By Example.

I Apologise To Our Audience And Our Staff.

We Can Always Step Back, Take A Breath, And Try Not To Make Things Personal.

Just As Our Residents Are Passionate, So Are Our Commissioners, And That's A Good Thing.

So I Appreciate You Bringing Us Back To A Good Place And Then I'll Move On To Now My Colleague To The Right, Commissioner Bigelow.

Comm. Bigelow: Thank You, Madam Chair, And To You Personally I Did Not Mean To Say You Were Being Silly.

Chairwoman Hall: I Didn't Hear It Either, So I Didn't Even -- Didn't Know You Said It.

Ok.

Thank You.

Comm. Bigelow: It Was Inappropriate.

It Was -- It Came From A Moment Of Significant Frustration.

No Offense.

Chairwoman Hall: None Taken.

Comm. Bigelow: I Would Like To Clear The Record.

I Didn't Refer To Anybody As Pontificating.

I Thought I Was Getting -- Chairwoman Hall: It's All Cleared Up Now.

Comm. Bigelow: For What I Have Been Charged With, I Will Say That I Would Rather Not Have Done It.

Chairwoman Hall: Understood.

I Want To Go Back, And Commissioner Mann, I Appreciate What You Are Trying To Accomplish, And, Again I Done Think You Have An Issue With It.

Just To Go Back To Commissioner Judah's Comment, When We Talked About The Sale, It Was -- You Had Asked Specifically Karen, Is This The Most Expensive Parcel That We've Bought Per Acre Other Than Babcock, And She Said Yes, It Is, Other Than Babcock.

Of Course, Everyone Knows The Emotional Sensitivity We Had To Babcock, And It Was A Great Purchase.

We Got A Tremendous Amount Of Preservation For A Big Pain Now On The Development Side.

When You Look At The Cost Per Unit, Argo Ranch Is Still Under \$100,000 A Unit Where You Look At The Property That We Bought On 82, Or Wherever You Want To Call It, 460, Whatever.

That Was Still Only At \$40,000 A Unit Of What Would Potentially Be Built There.

There Are Lots Of Ways To Look At These Issues, And That's Why I Said When You Look At Argo Ranch And This Parcel, They're Comparable.

Yes, The Cost Per Acre Was Less, But Not Because Of The Value, And That's Because One Didn't Have And One Didn't.

I Don't Have A Problem Debating These Things And Talking About Them More.

I Guess Commissioner Janes, Do You Have Any Thoughts On That? Do You Want To Go Forward? Do You Want To Just Let That Not Go Forward With That Kind Of A Meeting? Comm. Janes: I Don't Know.

There Will Be A Conflict One Way Or The Other.

Chairwoman Hall: Why Don't We Allow Commissioner Mann To Spend Some Time With Karen And To Bring This Back To Us And See What You Would Think Would Be A Format, And We'll Have An Opportunity Also, And Because At This Point I Don't Think Commissioner Janes Can Hear Us Clearly, And It's Pretty Much --I'm Not Sure Where We Want To Go With This.

I Think It Will Be Better If You Can Kind Of Put In Some Thought Process Into That And We'll See Where It Goes, Commissioner Mann.

Comm. Mann: Since It Was Mine, Commissioner, May I Just Close?

Chairwoman Hall: Absolutely.

Comm. Mann: It Was Certainly Not My Intention To Put Anybody On The Defence Here, And I'm Sorry If That's The Way It Came Out.

I Couched My Comments And Directed Them Towards The Economic Conditions Of Today, Which Are Different From Anything Any Of Us Have Ever Experienced In Our Life.

I Was Thinking About A Timely Review As We Move Forward In Order To Protect Our Program From Further Criticism.

I Meant No Disrespect Or No Criticism To Anybody, And I Began My Comments By Saying I Voted For The Project.

That's All I Was Exploring.

A Possibility Of Is It Untimely Or Completely Unnecessary?

I Am Going To Put You In The Doubtful Column As Far As Wanting To Pursue This, But Frankly, I'm Having A Conversation With One Of These Realtor Types.

I Was Talking To Them This Morning.

Perhaps What I'll Doing Is Just Pursue This On My Own And See If I Can Get Some Collective Sense Of Consensus From Some Other Folks And Maybe I'll Bring This Back In A Calmer, Happier, Kinder, Gentler Moment.

Chairwoman Hall: I Think We'll See What You Want To Do And Bring It Back As A Commissioner Item.

I Think I Do Agree With Commissioner Judah And Commissioner Mann.

I Did Take Your Comments As Presented, And I Look At The Criticism Coming From The Minority, Not The Majority, And I Guess That's Where My Reaction To That Minority Voice.

I Don't Find It Valid, Actually, And I'm Always Interested In Having The Efficiencies That You Are Suggesting That We Look At, So My Response To You Is Not A Reaction To The Criticism, But More Of A Reaction To Your Concern On A Bigger Picture.

We'll Wait For You To Bring That Back To Us.

Do You Have Any Other Commissioner Items?

Comm. Mann: I Don't Think So.

Chairwoman Hall: I Just Have A Quickly, Two.

You All Should Have Received A Copy Of A Letter That Carol Sent To Me Involving The Water Study, I Did Send This Off To Our Colleagues And Our Residents Down In Estero.

Just Assuring Us That Verbally Her Commitment To Make The Consultants There.

We Do Have It In Writing, And I Want To Thank Them Still For Helping Me Get This In Writing For The Board Meeting Today, And I'll Send You It To Carol And Your Team In West Palm.

Secondly, The City Of Cape Coral Has The Swim Center Update On Their Agenda For Last Night.

I Did Contact Them Because They Didn't Discuss It.

I Know All Of You And Our Tourist Development Council Has Been Asking Us To Stay Involved In That And Watch It.

I Did Speak With Carl, The City -- Carl, The City Manager Of Cape Coral.

He Has Asked Before We Instructor Staff To Go Forward And Talk To The Swim Center That We Give Them Another Week, So As

A Commissioner Item Based On A Decision That Cape Coral Makes Next Monday, I May Ask You To Support Staff Going Forward To Again Some Dialogue With The Swim, But Out Of Respect For The Case Negotiation, I'm Going To Wait One Week To Do That.

I Just Wanted To Give You An Update Publicly, And, Again, Trying To Support Their Efforts And What Their Council And Folks Are Doing.

I'll Bring That Back Next Week.

Comm. Mann: Madam Chair.

I Want To Thank You For Being Point On This, And I Think You Recognize And I Think Even The Cape Does.

We've Been Very Supportive Of The Cape And We'll Continue To Do So.

It Really Has To Come From Within If They're Going To Bring The Usa Swim To Cape Coral.

If Not, I Just Appreciate The Fact That The Ultimate Goal Here Is To Make Sure We Do Not Lose Usa Swim To Another Area Of The Region, But, In Fact, We Can Retain Them Here In The County.

Chairwoman Hall: I Have Opened The Door For Them To Staff And Talk About Their Big Picture And Some Of The Challenges They May Have And If We Can Be Of Further Assistance, We Want To Help With That.

We Opened That Door This Morning To Make Sure We Know That Karen And Our Full Weight Of Our Expertise Is Available To Them.

I'll Have Another Update Next Week.

I Also Want To Give You An Update On Our Conversations In Washington This Week.

I Was In Washington All Last Week Working On Three Different Grants That Exceed Almost \$200 Million Regarding Our Renewable Energy Program.

Because Of The Lateness Of The Meeting, I'll Hold Off And Give You All That Next Week.

I Will Just Show It To You.

It's Very, Very Productive, And I Think We Did A Great Job, And I Want To Thank Amy Davies And Wilbur Smith And Florida Gulf Coast University President Bradshaw For Attending With Me.

Commissioner Bigelow?

Commissioner Judah?

Comm. Janes: None.

Chairwoman Hall: Commissioner Mann.

Karen Mckoy Ski To The Ldc Advisory Committee.

Chairwoman Hall: I Have A Motion By Commissioner Man.

A Second.

Further Discussion?

All Those In Favor.

Opposed?

Motion Carries Unanimously.

Comm. Mann: Madam Chairman, I'm Sorry.

One Little Quick Commissioner Item.

I Have Been Talking With Holly To Do With The Oak Tree Out Front.

That Was Scheduled To Be-- They Were Going To Start The Chopping This Coming Weekend.

That's Been Postponed As We Continue To Solicit Bids From Other Folks.

There's Not Going To Be A Bunch Of Chopping Going On This Saturday.

Chairwoman Hall: Commissioner Janes, Any Committee Appointments?

Comm. Janes: I Don't Think So.

Chairwoman Hall: Thank You.

County Manager?

Nothing, Commissioner.

Thank You.

Chairwoman Hall: County Attorney?
No, Ma'am.

Chairwoman Hall: Now, This Is A Very Late Hour For Us, And It Is 12:30.

Do You -- Can We -- We Have One Management Planning Meeting.

Are You Still Prepared To Have 30 Minutes On That?
We've Had To Take -- I Don't Believe We Need That Amount Of Time.

If We Could. Chairwoman Hall: I Try To Take A Break From Her For 15 Minutes So She Can
-- This Is 60 Seconds.

Chairwoman Hall: Ok.

Then Why Don't You Bring It Under A County Manager Item Because Otherwise I Have To
Adjourn The Meeting And Go Into Mmp, So And That Does -- Minutes Have To Take That
Down.

Rather Than Do That, I'll Go Back To The County Manager As A County Manager Item.

Thank You, Commissioner.

We'll Discuss The Matt Leche Bridge And Financing.

Yes.

Commissioners, If We Could Request That We Carry This Over To Next Week And Also Your
Concurrence That We Request An Extension Of The Low Bid For This Project, Which May Or
May Not Result In Anything Depending
On How Long It Would Be Extended.

There's Two Big Ifs, And This One Is Whether The Bid Would Be Extended.

The Other If Is If You Want, If You Would Or Even Could Obtain Financing That Would Be Of
Terms And Conditions And Interest Rates That Would Be Any Cheaper Than Maintaining
The Bridge Until We Had The Money To Pay For It.

Chairwoman Hall: David, Since The Request To Extend The Bid Was Not On Our Agenda
Under County Manager, Can We Still Make A Motion To Authorize Staff To Extend The Bid?
That's What You're Asking.

I'll Ask The Board To Support That So They Can Come Back.

I Have A Motion By Commissioner Judah And A Second By Commissioner Mann To Extend.

Any Further Discussion? All Those In Favor We'll Wait To

Hear When You Want To Bring It Back To Us.

We'll Bring A Blue Sheet Back Next Week.

We'll Have A Recommendation.

Chairwoman Hall: With That We Are Now Adjourned.

I Hope Have You A Great Week, And We'll See You Next Week.