

March 5, 2019

How Is Everybody Today? Let's Start The Meeting. This Is The Meeting Of The Lee County Board Of Commissioners. It Is March 5, 2019.

Board, You've Said In Your Word That We Are To Pray For All Those Who Are In Authority Over Us So That We Can Lead Peaceful And Quiet Lives. Boy, What An Honor It Is To Stand In This Place Today And Pray For These Commissioners. Lord, May They Serve Well, Knowing That The Ultimate Authority Always Flows From You. The Ultimate Accountability Is Always To You, But The Ultimate Privilege Is To Serve You Well. Lord, I Pray That As These Gentlemen On The Commission Take Up Matters Today, That They Would Do So Wisely, Self-Lessly, Strategically. I Have Prayed For Them As You Have Directed Me To Pray For Them Because It's An Honor To Do So, And I Pray In Jesus' Name. Amen.
[Pledge Of Allegiance]

Chairman Kiker: Thank You. Good Morning. And I Would Tell You My Best Description Of Today's Meeting Is Eclectic. If You'll Bear With Us, We've Got A Good Agenda, And Some Conversation We Need To Have Today. I'm Going To Start With County Presentations. With That, I Would Like To Invite Mack Or Karen Up Here With The Pet Of The Month. And We've Got A Biggie On Your Hand.

Karen Is Out, So I Brought Caleb. We Do Have A Special For St. Patrick's Day, Which Is \$50 For Adoption. But They Do Have A Tub In The Corner Which You Can Pull A Pet For Half Price.

Chairman Kiker: Who Do We Have Today?

This Is Tweety. She Is A Two Month Old Australian Cattle Dog. Two -- Two Months Old.

Chairman Kiker: So Is Anybody Missing A Dog? As Chairman, If I Could Ask, If It's \$50 To Adopt, What Is It Normally?

It's Normally \$75.

Chairman Kiker: This Means For \$50, Everything Is Done, The Whole Package?

Yes. Spay-Neuter, The Shot, The Chip, Everything That Goes Along With It.

Chairman Kiker: And This One, She Doesn't Eat Very Much.

No, But She Chews.

If Someone Wants To Require, How Do They Do That?

They Can Look On The Website, Or They Can Still --

Chairman Kiker: You Still Have Pictures Of The Dogs That Are Available?

On The Website, Yes.

I'll Take This Dog Home.

You Better Turn Loose Of Her. [Laughter].

Chairman Kiker: Thank You. Thank You Very Much For Being Here This Morning. Next, We'll Turn Our Attention To Commissioner Mann. Thank You Very Much.

Commissioner Mann: Thank You Very Much. Let Me Begin With The Entourage From Larc. It Was An Honor For Me To Serve This Organization As Their Spokesman In Tallahassee For 21 Years. It's My Honor To Read The Resolution Which Reads As Follows. Whereas, There Are Thousands Of Children And Adults In Lee County Who Have Intellectual And Developmental Disabilities, And Whereas Larc Has Been Serving Individuals With Intellectual And Developmental Disabilities Since 1954, And We Will Celebrate -- Were You Born?

1954? My Dad Wasn't Even More.

We'll Celebration 65 Years Of Service March 20, 2019. And Due To Improved Care, The Life Spans Often Exceed That Of Their Parents And Caregivers. And Whereas The Support Provided By Family Members, Caregivers, Friends, Professionals, And Concerned Citizens Enables Individuals With Intellectual And Developmental Disabilities To More Fully Participate In Community Living. And Whereas This Month, We Join Larc To Support Individuals With Intellectual And Developmental Disabilities And Their Right To Achieve Universally Desired Goal Of Self-Fulfillment, Purposeful Engagement And Inclusion In Their Communities So They May Reach Their Fullest Potential. Now There Ever Be It Resolved That The Board Of County Commissioners Of Lee County, Florida Does Here By Proclaim March 20, 2019 As Intellect -- And March 2019 As Intellectual And Developmental Disability Awareness Month In Lee County And Recognizes The Many Achievements Made By Its Citizens. Duly Executed This 5th Day Of March And Signed By Our Honorable Chairman Larry Kiker, And God Bless You For The Work That You Guys Do.

My Name Is Kevin, And I'm The Director Of Larc. First Off, We Want To Say Thank You For The County Support. Commissioner Kiker, I've Got To Say Something To You. Commissioner Hammond, Once In His Past Life, Purchased Materials From Larc's Wood Shop, And We Discussed That A Moment Ago. Commissioner Manning Was A Former Chair In The Larc Board Of Directors Sometime In The Last Century. We Can't Wait For You To Come With Us. We Want To Thank The County For Their Help For Families With Intellectual Disabilities. In 1954, A Handful Of Parents Said Hey, Our Kids Can Learn. Lee County, In Various Ways, Churches, Civic Groups, Supported The Creation Of Larc. That's 65 Years Ago. When You Consider That The Four A.R.C. Was Created In Minneapolis -- That Four Years Before, A.R.C. Was Created In Minneapolis, It Just Took Four Years To Get To Lee County. We Have Individuals That Have Been Employed In The Community 20 Years. You May Run Into Them In Stores, Things Like That. They're Loyal, Faithful Employees. As We Go Forward To The Next Year, We're Developing Programming For That Young Person Out Of School, That Needs That Support In Our Community To Be A Taxpayer, A Voter, And To Contribute To The Community. With Your Help, We Can Continue To Do That, And We Want To Say Thank You Very Much. [Applause]

Chairman Kiker: Like I Said, We've Got An Ecletic Agenda, And I'm Going To Ask The Administrator If He Wanted C-14 To Go To An Administrative Item?

Mr. Chair, I Think C-14 Is Still An Administrative Item For Discussion.

So Moved.

Second.

Chairman Kiker: So We Have A Motion By Commissioner Manning, Seconded By Commissioner Mann. Is There Any Input? Any Public Discussion? Any Objection? Motion Passes. Now, We're Going To Go To Our Consent Agenda.

Mr. Chairman, I Think Staff's Going To Recommend A Change On The Walk-On.

Chairman Kiker: There Is No Walk-On Today.

I'm Showing A Walk-On.

Chairman Kiker: Am I Correct, There's Not Going To Be A Walk-On?

We'd Like To Hear That On The March 19 Meeting.

So Moved.

I'm Curious, Why Are We Moving It?

Commissioner, We Need To Do Some Additional Briefings With Board Members.

Chairman Kiker: Okay. So You Okay With That?

Yeah.

Chairman Kiker: Okay. Any Objection To The Motion? Motion Passes. Is There Anything You'd Like To Pull?

No.

Chairman Kiker: Mr. Manning?

I'd Like To Pull C-12.

Move The Balance.

Second.

Chairman Kiker: So We've Got A Motion For The Balance, Second By Mr. Manning. Is There Any Public Comment? Is There Any Objection To The Motion? Motion Passes. Okay. We'll Go To C-12.

Yeah, Mr. Chairman, This Is Really Brief. I Talked To The County Attorney, They Had A Recommendation For A Brief Revision. The Motion On This Item -- This Is The Water Ways Property That We Discussed At Our Last Meeting. [Agenda Item Read].

I Want To Add At The End Of That, Based On Current Entitlements, I Want To Make It Very Clear In The Motion, Like We Discussed In The Workshop, We're Going To Put This Out Based On What The Property Currently Is Titled And Permitted To Be. You Know, This Kind Of Leaves It Open The Way The Motion Was Worded On The Blue Sheet.

That Was Certainly The Spirit Of Our Meeting, The Workshop.

Chairman Kiker: So You Like To --

I'll Make That Motion With The Revision Based On Current Entitlement.

Chairman Kiker: Okay. So We Have A Motion By Commissioner Hammond, Seconded By Commissioner Manning. Is There Any Public Input On This Item? Seeing None, Is There Any Further Discussion? Any Objection? Motion Passes. Thank You Very Much. Okay. We're Going To Move To Administrative Item Number One. At This Time, We're Going To Convene Was The Lee County Government Leasing Commission, And That'll Be Item Number 1.

So Moved.

Second.

Chairman Kiker: So We Have A Motion By Commissioner Manning And A Second By Commissioner Hammond. Seeing None, Is There Any Further Input? Is There Any Further Discussion? You Have Anything You Would Like To Explain On That?

Certainly, Mr. Chairman. Items One And Two On Your Administrative Agenda Both Deal With The Board Sitting As The Government Leasing Corporation. Item Number One Deals With A Past Item. Item Number Two Deals With Florida Law Requiring Not For Profit Corporations. Item 2 Is The Annual Meeting. If The Board Were So Inclined, You're Legally Entitled To Conduct Items Number One And Two As One. If You'd Like To Amend The Motion We Can Deal With Those Items At One Time.

I'll Amend My Motion.

I'll Amend My Second.

Chairman Kiker: We Have An Amendment To The Motion And The Second. At This Time, I'd Like To Turn To The Public. Is There Any Public Input? Seeing None, Is There Any Further Discussion? Is There Any Objection To The Motion? Motion Passes. We Would Like To Reconvene As The Lee County Board Of Commissions, And The Same Item, The Same Motion.

So Moved.

Yep.

Chairman Kiker: So We Have A Motion By Commissioner --

As Amended.

Chairman Kiker: As Recommended By Our Legal -- And Seconded. Is There Any Public Input? Any Further Discussion? Seeing None, Motion Passes. We'll Go To Public Hearing.

Mr. Chair, Could We Do Item Three On The Legislative Agenda?

You Making A Motion?

Oh, Sure. Item Number Three Is Amend To A 2019 State Legislative Priorities. And If You Don't Mind, I'd Like, If You Could, Please, Introduce That Item.

Thank You, Mr. Chair. This Is -- We Want To Just Go Through With You Very Quickly Some Selected Policy Statements For Inclusion In The 2019 Legislative -- State Legislative Priorities. Glen, Would You Please Take The Board Through Those Amendments.

Yes, Sir. Good Morning, Commissioners. You Have Eight Policy Statements Before You For Consideration. If You'll Bear With Me, I'll Go Through Them Individually Quickly. The First One Is A Simple Restoration Of The Language That You Always Include About Supporting A Water Quality Component To The C-43 Reservoir. It Was Inadvertently Deleted In The Priorities, So This Is Just A Restoration Of That. Items Two And Three Are Opposition To Specific Bill That's Have Been Filed. The First One Is Hb-3, Which Has Been Termed The Super Preemption Bill, Which Would Essentially Sunset All Of Your Business-Related Regulations. It's -- You Know, This Is A Defensive Home Rule That's Being Proposed Here. House Bill 693 Would Lower The State's Communication Sales Tax, Which Affects Our Revenue, And As You Know, That's Directed To The Unincorporated Mstu. It Would Also Affect Our Ability To Preempt With Respect To The Telecommunications Industry. The Item Number Four Is What You Asked For At Your Last Board Meeting. This Is Advocating A Statewide Consumer Protection Measure To Guard Against Consumer Fraud At Fuel Pumps. Item Number Five Is Advocating For Preservation Of The Current Copcm System So You Can Regulate Medical Transport As You Do Currently. Item Number Six, This Is Asking To Maintain The Flexibility To Be Able To Use Impact Fees As You See Fit To Construct Infrastructure Improvements Necessary For -- For Growth, Specifically Preserving Your Ability To Use Impact Fees To Service Debt That Has Been Used To Build That Infrastructure. Item Number Seven Is A Proposal By Staff That Came Out Of Discussions At Your Annual Retreat. There Was A Lot Of Discussion About What To Do About Septic Systems And Based On Some Legislative Proposals Currently Underway, This Policy Statement Would Advocate For Periodic Inspections Of Septic Systems. And Then Item Eight Is A Tourist Tax Item. Currently, Once A Community Goes Over 750,000 In Population, You Can No Longer Use Bed Tax To Improve Such Things As Fishing Piers. We're Bumping Up Against The 750,000 Threshold, And We're Looking To Bump That Up To The 950,000 Population. With That, I Have No Four Items.

Chairman Kiker: Thank You.

Mr. Chairman, On Item Number Seven, Can We -- I Would Even Make A Motion To Approve This Without Item Number Seven. I Don't Believe The Board's Had A Chance To Really Discuss The Item Number Seven Here And Weigh In On That, I Feel Like --

Which Is It?

That's The Septic Tank Inspections. I Don't Know That We've Ever Had A Full Conversation On That Or The Board Direction On That, And I Just -- Reading The Line, I'm Not Sure What We're Getting Involved In By Advocating For That, But I'm Completely Satisfied With The Rest Of It.

Chairman Kiker: Wasn't It Last Year They Were Talking About Getting Extra Funding From State For That?

Go Ahead, Glen.

Yes. Primarily, We've Been Talking About Getting Grants For Septic-To-Sewer Conversions.

Mr. Chair.

Chairman Kiker: Yes.

Perhaps I Can Help, Commissioners. This Item -- We Had This Item And Now, I'm Questioning The Wisdom In That Because It Seemed To Be An Extension Of Your Conversation On The Septic-To-Sewer. This Legislation Would Require On-Site Testing And Pumping Septic Tanks On A Five-Year Cycle. The Enforcement Of That Falls To The State Health Department. It's Not Something That You Have Specifically Discussed There. The Enforcement Mechanism, We Don't Know If The State Will Actually Have The Money For Inspecting, Enforcing. In This Case -- It Is On Its Face Inconsistent With Protecting Home Rule Which Has Been One Of Your Policies, So We'll Just Be Looking For The Will Of The Board At This Point.

Thank You. That Explains My Reasons For The Concern On That.

Chairman Kiker: I Would Share Your Concern With That. I'm Glad You Brought That Up. We Have A Huge Problem In Lee County. I Don't Think We've Done A True Estimate Of What Is In Front Of Us On That Issue, So I Would Encourage Another Discussion. Yes, Sir?

Let Me Understand It A Little Better. Glen, Help Me On This. Is This The Issue That Was Passed The Following Year And Then Back Before Us? That, As I Recall, Passed With A Mandate For Septic Tank Inspection Once Every Five Years Or Something Paid For At The Expense Of The Homeowner And Was Responding To Concern About Malfunctioning Septic Tanks, Water Issues, Pollution. There Was Good Purpose At The Time, But The Implementation And The Expense Of It Became Very Controversial. I'm Inclined To Go Ahead With Your Motion, But I Would Like To Do It With The Disclaimer That I Recognize That We Have Septic Tank Issues In Florida That We Keep Kicking Down

The Proverbial Road. That's Not To Say I Don't Think Discussion Is Warranted At This Time, I Just Don't Know Enough About What They're Suggesting To Support It.

No, I Think That's Exactly How I Feel, As Well.

Well, My Goodness.

So I Need A Second For My Motion If You'd Like To Offer That.

Sure.

I'm Going To Vote Against It, So --

Chairman Kiker: All Right. So We Have A Motion By Mr. Hammond, And A Second By Mr. Mann. I'd Turn To The Public. Is There Any Public Input On This Subject? Okay. Seeing None, Is There Any Further Discussion? Any Objections To The Motion? We Have One, Mr. Manning. Motion Carries. Thank You Very Much. I Believe Now That We Have Now Added C-14 To The Administrative Agenda. Would You Like To Introduce The Item?

I'll Move The Item, Mr. Chairman.

I'll Second His Motion.

Chairman Kiker: Okay. So We Have A Motion To Accept --

I'll Remove My Second On That One. I Do Have Something That I Want To Discuss On That.

Chairman Kiker: Why Don't You Go Ahead And Introduce The Item Real Quick, And Then, We'll Discuss The Item.

This Item Is To Approve An Item With Dickenson And Associates To Develop A Fertilizer Outreach Program.

Chairman Kiker: Okay. Mr. Hammond.

Could He Say A Little More With That?

It Consists Of Educating The Public On Outreach Education -- Using Fertilizers Through A Mass Media Campaign, Bill Boards, Social Media, And It Also Works Through The Best Use Management Workshop.

Before You Go, Let Me Express Why I Was -- Wanted To Understand That A Little Better. When We Adopted The Ordinance, Fertilizer Ordinance, How Long Has It Been? Four, Five Years Now?

2008.

2008.

That Long Ago? Well, A Concern That I Expressed At The Time Was This Is A Great Ordinance, And It Says, You Know, Don't Pollute By Fertilize In July And August In The Rain. But We Didn't Have Anyone To Ask In Home Depot Or Lowe's To Talk To Them About That. Are We Finally Getting Around To That? Is That What This -- Thank You, Mr. Chairman.

Good Morning, Commissioners. We Utilize Several Avenues Of Getting The Message Out. We Did Have Signage In Some Of The Stores At Times. You Also See The Large Bill Boards, And We're Trying Different Methods To Get The Message Out, To Start Generating Some Additional Materials To Put Out There, So There's Different Way Oz To Reach In The Public. This Is Something That's Pretty Much Been Utilized Throughout The State Of Florida, Yards And Neighbors Program. So We're Trying To Get The Message Out As Best We Can.

Are People Trying To Go Around To Get In Contracts With Counties To Get This P.R.?

Our Contract Has Expired As Of January 2019, So This Is An Annual Allocation To Getting T.V. Spots, Radio Spots.

We Already Are This, I Am Sorry. This Contract Already Expired. What Is This, The Contract With The Same People?

Yes. Because It Was A Three-Year Contract, We Put It Out In The C.N. Response. Dickenson Was The Sole Respondent. There Was A Selection Committee, And We Chose Them Because They've Done The Work Before, It Was Very Successful In The Past.

Okay. Well, I'm Feeling A Little Better The More And More I Learn Here Because Having A Good Ordinance That Nobody Is Aware Of Is Kind Of Useless, So That's My Concern. I'm Glad You're Doing This. Thank You For Bringing Me Back To The Light, Anyhow, And I Yield.

Mr. Chairman, I'd Like To Add A Few Things.

Chairman Kiker: Yes.

This Is For A Tmdl Compain, And One Of The Big Campaigns That You May Have Noticed Is This Feed The Monster Came Pain.

Mr. Chairman, If I May?

Chairman Kiker: Yes.

Commissioner Mann, I Shared The Same Concerns You Had. I Think This Last Summer I Heard Was Why Doesn't Lee County Have A Fertilizer Ban? And I Would Say We Do. Knowing That These Folks Have Been The Marketing Company For The Last Five Years, And Seeing That There Perhaps Is An Opportunity For Much More Awareness Than Is Currently Out There Among The Public, I'm Not Going To This Today. I Would Prefer To See Our Staff Go Back To The Drawing Board Here And Let's Put Together A Scope Of Work, Maybe Even Give The Five Of Us To Put Together Something We'd

Like To See, But I Would Like To See An Act Of Awareness -- Vigorous Act Of Awareness Throughout The Community. It Was Clear This Summer People Were Outraged, And They Were Screaming, We Need A Fertilizer Ban, And The Truth Is We Had One Since 2008, So I Think We Need To Do A Better Job Of Raising Awareness.

Chairman Kiker: Yes, Sir.

You Want In Essence To Ask The Staff To Go Back To The Drawing Board, Redesign Something, Get Out On The Street Again And Just To Get A Broader Solicitation Of What We Want Done?

That Would Be My Preference, Commissioner Mann, Because I'm Not Sure That The Scope That We Outlined Here Is Going To Get The Job Done. How I Would Envision It Is Give Something We Could Show Measurable Success. Is The General Public Aware Of The General Fertilizer Ban That We Have, And If The Answer Is Yeah, About 25% Are. And Then, Find Out If We Want To Get It To, Say, 75% Of Awareness And What We Can Do To Get It To That Level Of Awareness.

Can I Ask Staff What They Would Do Differently This Time That Would Be Different From Last Time To Get To That Point?

Chairman Kiker: I Think We Might Expand It And Make It A Little More Inclusive. I Don't Think People Are Aware Of The Activities And Money We Spent On Water Quality. This Being One Of The Programs -- I They We Should Even -- Think We Should Even Expand That Conversation, But If You'd Like To Respond.

Yes, Mr. Chairman. This Is For Tmda Program. This Was Part Of That Component. Base Odd What We Went Through Last Summer, It Is Time To Take A Look At That Program And Enhance "Moment" Components. So Getting -- Enhancing Components, So Getting Into The Schools, Educating The Public, And Getting Out There.

I Would Second That Motion.

Chairman Kiker: Would You Restate Your Motion.

Sure. Commissioner Manning, Do We Need You To Remove Your Motion For Approval.

Yeah. Sure.

Chairman Kiker: Okay. So Commissioner Manning Has Removed The Motion. Yes, Sir?

My Motion Would Be To Defer This Item And Ask Staff To Take A Look At Developing A More Robust Program Centered Around Awareness And Be More Inclusive Of Other Water Quality Efforts That We're Taking And Then Bring That Back To Us By Future Review.

Chairman Kiker: Okay. We Have A Motion By Commissioner Hammond, And A Second. Yes, Sir?

I Think This Is Totally Compatible With Your Fine Statement That Was Published In The News Press This Week About Let's Do Something For Water And Quit Talking About It, So Thank You Mr. Chair.

Chairman Kiker: Thank You. I'd Like To Open It Up For The Public. Is There Anybody That Would Like To Address This Subject With The Board? Is There Any Further Discussion? Seeing None Discussion, Is There Any Objection? Motion Passes. We're Going To Go To -- Ecletic Again, I Think We're Now At The Public Hearing Portion Of It. We Have Public Hearing One. Would You Like To Introduce The Subject, Please.

Thank You, Mr. Chairman. John Fredemus. I Have Your First Public Hearing This Morning For 9:30 A.M. This Is A Proof Of Public Hearing For This Request. Going To Provide That To The Board's Clerk. This Is A Request In Case Vac 2019-00001. It's A Petition To Vacate, Asking You To Vacate The Public Interest In The 12-Foot-Wide Public Platted Utility Easement At 811 Rush Avenue In Lehigh Acres.

Chairman Kiker: Thank You Very Much. So At This Point In Time, Is There Anybody Here That Would Like To Address The Board On This Subject?

I'll Move It.

Second.

Chairman Kiker: All Right. So We Have A Motion By Commissioner Mann, Second By Commissioner Hammond. Is There Any Further Discussion? Motion Carries. On Public Hearing Westbound Two?

Yes, Sir. Public Hearing Number Two, Mr. Chairman, We're Going To Request This Item Be Postponed Until Later In The Future. Some Information Has Come To Light That Is Worthy Of Investigation, So We'll Investigate That Evidence And If Appropriate, We'll Bring This Before The Board At A Date Certain.

Move.

Second.

Is There Anybody That Would Like To Provide Public Input? Seeing None, Is There Any Further Discussion?

Mr. Chair.

Chairman Kiker: Yes, Sir.

Help Me Understand This. The Name Of This Is The Lee County -- What I'm Trying To Understand Is Our Role. We Go Through A Whole Page Of It Getting Ready For It, And The Bottom Line Of It Says Whatever We Do Doesn't Matter. Help Me Understand.

The Federal Government In Their Infinite Wisdom, Which I Do Not Question Has Setup This Regulatory Framework Whereby If This Type Of Bond Issuance Was Passed Before The County Board Of

Commissioners, That Bond Could Then Be Issued As Tax Exempt. That Is The Sole Purpose Of The Action Ifs This Regard. The Language That You Have In Your Back-Up Material Indicates That There Is No Regulatory Liability On The Part Of The County, Nor Is There Any Financial Responsibility On The Part Of The County. The Sole Purpose, As I Said, For Review By This Board Is To Make This Bond Issue Tax Empty Under Federal Law. The Housing Authority Could Issue These Bonds On Their Own, But Without Master Being Pass Bid This Board, They Would Not Be Tax Exempt.

So The Housing Finance Authority Of Lee County Is Not Something Established By Lee County?

Yes, Sir, It Is. It's A Body Of Lee County. They Are Charged With -- They Are Actually A Subcommittee, If You Will, Of The Board Of County Commissioners. They Are The Agency Responsible For Recruiting, Starting Out --

Whatever They Do, If It Turns Sour Or Goes South And They Don't Get The Bonds Paid Back, We, The County Of Lee County Are In No Way Liable.

That Is Correct, Yes, Sir. You Are In No Way Liable.

Stage Way Of Doing -- Strange Way Of Doing Government, But You're Wanting To Defer That So We Can Learn Even More.

I'll Invite The Public, Is There Anybody Wanting To Address The Board On This Subject? I Have A Motion And A Second. Is There Any Further Discussion? Any Objection To The Motion? Motion Passes. Thank You Very Much.

Thank You, Sir. We're Getting Through This. We're Going To Go To Commissioner Items, Mr. Mann.

Commissioner Mann: I Don't Have Any.

Chairman Kiker: Mr. Manning?

Commissioner Manning: Yes. I Would Like To Discuss Naming A Trail In The Memory Of Dr. Lou Monet. There Is A Map That I Sent To Each One Of You That Shows The Proposal. If I Could Recommend Staff Bringing This Back As A Blue-Sheeted Item, Rather, I'll Make That Motion.

I'll Second.

Chairman Kiker: Okay. We Have A Motion By Commissioner Manning, A Second By Commissioner Hammond, Is There Any Public Input On This Item? Seeing None, Is There Any Further Discussion? Is There Any Objection? Seeing None, Motion Passes. Okay. I Do Have One In The Form Of A Legislative Direction To Staff. Because I Was Not Able To Attend Your Meeting -- The Work Session, And As You Said, I Wrote An Article On This In The Newspaper, But One Of The Things That Has A Concern For Me Is That With The Executive Orders That Our New Governor Is Putting Forward To All The Water Quality Issues, Which I Think We All Like What's Going On And What's Happening, But They Are In The Form Of An Executive Order. In That Light, What I Have Discovered Is That Those Are Good As Long As The

Governor's In Place, And Just Like What Happened When We Changed Governors And Things Started Changing Rather Quickly, Not Necessarily For The Worse, But They Have Changed. And So What I Would Like To See Happen Is If We Could Have Staff Take A Look At The Possible Of What Could We Do In Terms Of Turning Some Of These Executive Orders Into Law. And The Reason I Say That, You Know, Is As You Move Forward, Some Of These Things Kind Of Lose Gravity, And One Of The Things That I've Also Discovered Is That Some Of The Items That Have Gone Through Legislative Have Not Included What Needs To Happen In Lee County In Terms Of Polluting Our Waters. So In Some Way, We Need To Perhaps Try To Position Ourselves Differently So That When New Laws Are Made, If They're Made With Measurements, With Criteria, That We Can't Do It In A Ten-Year Period, That We Are At The Front Of That Discussion. I Don't Know, Mr. Desjarlais, If You'd Like To Comment On That Discussion.

Thank You, Mr. Chairman. We've Had Some Conversation On This Whole Issue Of What Kind Of Seat At The Table Do We Have, And It's Really Quite Limited, All Things Considered. The Water Quality Standards For Water That Comes Out Of Lake Okeechobee Haven't Been Amended For Quite A While. It Seems It Might Be A Ten-Year Goal But It Needs To Be Embodied In Law. We Would Like To Maybe Talk About What Kind Of Process We Need To Go Through To Think About Legislation That Might Change Some Of That, Including Taking Some Of The Governors Orders And Having Them Embodied In Statute. It's Too Late This Year, But Likely For Next Year. We All Have Talked About Water Quality In Lee County, And It Does Put You In A Better Position To Advocate For A Number Of Issues That We Think Would Be Beneficial. Glen, Can You Add To Any Of That?

Sure. So Probably Both, State Level Legislative Requirements Would Be Necessary, Perhaps Water Quality Standards For The Court To Adhere To, Instead Of Flood And Runoff Quality. Best Management Practices For Ag, There's A Million Things We Could Look At.

Mr. Chairman, I Think This Is Consistent With The Things That You've Been Advocating For, Trying To Find The Right Technologies To Clean The Water In Lake Okeechobee Before It Comes Downriver. It Sure Does Seem Like That's The Right Place To Start, So That Would Be Included In This Conversation.

Because At The State And Federal Government -- State And Federal -- At The Federal, The Clean Water Act Actually Allows Moving Water From One Body Of Water To Another, And There's Not Anything We Can Do About It. And Then, Followed By The State Where They Took Responsibility For Making Any Decisions For That Kind Of Activity, And So That's No Longer Part Of A Local -- Under Local Jurisdiction, So It's Those Kinds Of Things That I Think We Need To Try And Influence A Little Bit, Mr. Chairman.

Mr. Chairman, I Like Where You're Head With This. In Fact, With The Information And Policy Recommendations That We Come Up Here As The Lee County, Not Only Would We Be Able To Advocate As The Lee County Commission For The State, But I And I Mr. Chairman Have The Pleasure Of Sitting On The Water Policy Committee. We Could Take The Materials -- I Know They'll Be Well Put

Together, Take That To The Rest Of The Committee And Have Other Commissioners Around The State Join Us On Those Efforts.

Chairman Kiker: Thank You. I Had The Opportunity To Speak To Collier County And Some Of The Other Municipalities, And They're Interested In This, As Well. I Think This Would Be A Catalyst To Get Folks Together And Maybe Get Something Going. Does Anybody Have Anything Else?

You Going To Make A Motion?

Yeah. Do We --

Chairman Kiker: This Is Just To Get Direction For Them -- For Them -- Staff, If You Would, Come Back To Us With Either A White Sheet Or Some Kind Of Conversation, A Work Session -- Yes, Sir.

Mr. Chairman, If The Board Would Not Be Opposed, If The Board Were To Codify This In The Form Of A Motion. So If You Would Make A Motion.

I Would Make A Motion As The Board Has Outlined.

Chairman Kiker: This Would Be To Give Direction To The Staff To Come Back To The Board With The Appropriate Discussion, Either A White Sheet Or A Work Session Or Whatever You Think Is Appropriate, But To Do A Little More Homework On This Because I Think This Is Going To Be More Than A Brief Discussion.

I'll Make That Motion.

Second.

Okay. So We Have A Motion By Commissioner Hammond And A Second By Commissioner Manning. Is There Anybody That Would Like To Address The Board On The Subject? Seeing None, Is There Any Further Discussion? Is There Any Objection To The Motion? Motion Passes.

Mr. Chairman?

Chairman Kiker: Yes.

While We're Still On Commission Items, The Item That Was Just Passed By Commissioner Manning Had A Procedure That I Wanted To Touch On And Commend That Had To Do With Naming A Nature Trail. And The Administrative Code Under Which We Work Requires Us To Bring It Up As A Commission Item And Ask For It To Be Brought Back To Us, And That's Exactly What He Did. Now Here's My Question, And I'm Not Trying To Step On My Cat's Tails And Cause Screaming Again, But On The Item Of The --

What?

-- Of The Overpass Down In Estero, You May Recall That We Brought That Item Up As A Commission Item And Passed It The Same Day. The -- Let Me Read You From The Administrative Code Which Says On 1.07, Item J, A Commissioner May, At A Regular Meeting, Request To Discuss A Commissioner Item Seeking Majority Commission Approval For Consideration Of A Matter At A Later Meeting As A Regular Agenda Item. That's Exactly What He Did. It Goes Onto Say A Commissioner Item May Not Include Addressing Prior Affirmative Votes Of The Commission. Now Commissioner Pendergrass Is Not Here, So I Have No Intention Of Saying Anything Further, But I Would Like To Ask Our County Attorney's Thoughts On This At The Next Meeting When Commissioner Pendergrass Is Back. This Seems To Be Totally Inconsistent With The Action That We Took And Someone Might Consider Our Action Null And Void Since It Violated Not One But Two Portions Of Our Administrative Code Under Which We Swear To Act. I'm Not Asking For A Response Today, But When The Commissioner Is Back.

Chairman Kiker: Mr. Weis, Would You Like To Address This?

Mr. Chairman, If The Board Would So Direct, We'd Be Happy To Take A Look At The Issue Or The Item.

Chairman Kiker: All Right. Mr. Manning?

That's Fine.

Chairman Kiker: Mr. Hammond?

Well, Could You Bring Up That Second Part?

A Commissioner Item May -- This Is Under Rule 1.07, Item J, But It Now Is Referring To Item I. A Commissioner Item May Not Include; I, Addressing Prior Affirmative Votes Of The Commission.

Isn't That What We're Doing Right Here At This Point?

I'm Asking For Some Thoughts From Our Attorney.

Okay.

Chairman Kiker: Well, He Gave His Thoughts, He's Given His Remarks.

Yeah. I Kind Of Feel Like That's What We're Doing, We're Reopening An Affirmative Vote That The Commission Is Previously Passed Here.

Not If We're Still Both Speaking English. I'm Asking For A Legal Concept Response From Our \$250,000 Legal Attorney Here, Which Appears To Me, If I'm Speaking Regular English, That We Violated The Code That We're Sworn When We Took Office, To Uphold. And What Possible Harm Could Come From A Review Of That?

Chairman Kiker: So If I May, You're Not Asking To Bring The Subject Up, You Just Want A Legal Opinion Of How That Vote Was Conducted, Is That Correct?

Yes. Yes.

Chairman Kiker: Okay.

That's Fine.

Chairman Kiker: All Right? Everybody Okay? Consensus Or -- Motion?

That's Why We Pay Him The Big Bucks.

Chairman Kiker: Excuse Me For A Second. So Do You Want A Consensus Or Do You Want A Motion?

Mr. Chairman, I Would Like A Motion, Please.

Chairman Kiker: Okay. So If You'd State The Motion, Mr. Mann.

Commissioner Mann: I Would Ask The County Attorney To Review The Administrative Code Under Which We Act At All Of Our Meetings As It Relates To Commissioner Items On Previously Adopted Motions?

Second.

Chairman Kiker: Okay. So We Have A Motion By Mr. Mann And Second By Commissioner Manning. Is There Anybody That Would Like To Address The Motion With The Board? Seeing None, Is There Any Further Discussion? Any Objections? Motion Passes. All Right.

Thank You, Mr. Chair.

Chairman Kiker: You're Welcome.

I'm Sorry I Stepped On The Cat's Tail.

Chairman Kiker: Every Meeting, We Make A Little Progress. Okay. So With That, Our Committee Appointments, Mr. Mann?

Commissioner Mann: I Have None.

Chairman Kiker: Mr. Manning?

Commissioner Manning: Yes. I Have Two. Robin Grand And Jerry Edgerton.

Second.

Chairman Kiker: Okay. We Have A Motion And A Second. Anybody Want To Address This To The Board? Any Further Discussion? Motion Passes. Okay. So With That, Mr. Desjarlais?

Thank You, Mr. Chair. I Have Nothing Today.

Mr. Rush?

I Have None.

Chairman Kiker: We Have No Workshop. This Is The Time For Public To Address The Board On Any Matters? Would The Public Like To Address The Board On Any Subject? Seeing None, With That, This Board Is Dismissed. Thank You.