

HARDEE COUNTY
ECONOMIC DEVELOPMENT AUTHORITY (EDA)
(INDEPENDENT BOARD)
COUNTY COMMISSION CHAMBERS
412 WEST ORANGE STREET, ROOM 102
WAUCHULA, FLORIDA 33873
January 15, 2013 8:30 A.M.

MINUTES

Members:

David Royal, Chairman, P
Perry Knight, P
Kenny Miller, P
Stanley Pelham, P

Roger Hood, P
Casey Dickson, Excused
Sue Birge, Vice-Chairman, P

County Attorney Ken Evers, P
Office Manager Sandra Meeks, P

County Manager Lexton H. Albritton, Jr., P

Chairman Royal called the meeting to order at 8:30 a.m.

MOTION by Birge, second by Pelham to approve the agenda. Motion carried unanimously.

MOTION by Birge, second by Knight to approve the minutes for the regular meeting on Wednesday, November 21, 2012, at 8:30 a.m. Motion carried unanimously.

- I. Acknowledge receipt of Clerk's Financial Reports for periods ending 10/31/12, 11/30/12, and 12/31/12.

MOTION by Pelham, second by Knight to acknowledge receipt of Clerk's Financial Reports for periods ending 10/31/12, 11/30/12, and 12/31/12. Motion carried unanimously.

- II. Acknowledge receipt of letter dated 11/16/12 from the Florida Department of Economic Opportunity reappointing Roger Hood for a three year term.

MOTION by Birge, second by Knight to acknowledge receipt of letter dated 11/16/12 from the Florida Department of Economic Opportunity reappointing Roger Hood for a three year term. Motion carried unanimously. (Hood abstained).

- III. Request approval and authorization for Chairman to sign Modification No. 1 with the Town of Zolfo Springs extending their Agreement for another one year period.

Chairman Royal explained that the Town of Zolfo Springs was waiting on the Florida Department of Transportation to complete the highway. County Manager Albritton also advised the planned date of completion was 12/31/12, but looks like they will be completed in another thirty to sixty days.

MOTION by Knight, second by Hood to approve and authorize Chairman to sign Modification No. 1 with the Town of Zolfo Springs extending their Agreement for another one year period. Motion carried unanimously.

IV. Discussion related to local bill.

Bill Lambert, Hardee County Economic Development Director came before the Board and he asked Miller when he thought they would have their permitting for CF Industries. Miller explained that it could be the end of the second quarter of even possibly the end of the year. Mr. Lambert explained he wanted the Board to proffer having some workshops to take up modifications to the local bill. He further explained his reasoning behind this was the bill was very complex and if the Board had three or four meetings on the issue everyone would have a better understanding of what their objective was. He touched on they could break the bill up into parts so they could work on it, but stressed whatever changes came forth needed to come forth as a result from dialogue and debate from the Board. Chairman Royal asked how they should divide the bill up. Mr. Lambert said probably three or four parts and how they and the public needed to come to an understanding how the education and recreation piece would interface with the economic development/infrastructure piece and they could do t his simultaneous with their rulemaking. Miller stated so it would not go before the legislature. Mr. Lambert touched on how they had time and how important the process was. Chairman Royal advised he would get with the secretary to send out some dates for February. Chairman Royal asked Mr. Lambert if he could break the bill up into segments. Mr. Lambert advised he could help and so could County Manager Albritton and County Attorney Evers. He explained how it was more important to him for the Board and the public to gain a greater understanding of the language in the bill. Hood asked about the timeline to complete process. Chairman Royal stated about one a month.

V. Discuss Auditor Generals Report.

County Manager Albritton explained how Finding No. 11 on the Broadband and Hangar Project was the only one applicable to the EDA. He further explained how each board member should have a copy of the draft response.

County Manager Albritton then asked for the County Attorney to address the concern of having receipt of the money before the Board had promulgated their

rules. County Attorney Evers advised he did not think there would be any issues. County Manager Albritton then touched on the findings in the Auditor General's Report. He explained the Broadband finding was due to \$7,800 being reimbursed to the Industrial Development Authority for grant writing and consulting charges that did not appear to be related to the grant. He further explained how the Board would need to either amend the contract to allow that as an expenditure or request the IDA return the \$7,800. Miller asked why their previous audits did not pick these items up. County Manager Albritton explained they did not look at everything each time. County Attorney Evers also explained he believed the Auditor General's audit was an operational audit looking at the provisions of the contract and making sure reimbursements were within the scope of the contract. He also stated that the County's auditor had stated that \$7,800 was not material to them in the overall scheme of things. Mr. Lambert explained that when he sat down with the Auditor General's Office they asked him if he felt there were any areas that needed to be looked at. He went on to explain he told them about the Hangar and Broadband Projects. He further explained that in addition to the issue at hand regarding Broadband, he also asked them to look at the inclusion of video cameras at the Sheriff's Department, but they chose not to look at that issue. He also stated that the basis of Broadband sat on a Data Center and they needed to gain a better knowledge of Data Centers and that was what the basis of the study that was reimbursed in the Rapid Systems grant was for. Commissioner Birge stated that she attends sessions around the state and wanted to say that the Board has made some right decisions. She went on to explain that they have wall to wall broadband and they are a rural county and that was a big accomplishment from the Board. County Manager Albritton explained that some action would need to be taken regarding the issue. Pelham stated that he felt the study was an integral part of the grant. **MOTION by Pelham, second by Knight to direct staff to come up with wording to amend the contract to include the \$7,800 study that was done and bring it back for the Board's approval. Motion carried unanimously. County Manager then asked for the Board to comment in some respect on transmitting the responses to the Auditor General. MOTION by Hood, second by Pelham to transmit responses to the Auditor General's Office. Motion carried unanimously. Knight touched on how usually auditors never say everything was perfect and felt the items they discussed today was procedural and did not see any problems and was satisfied with the responses.**

VI. Discuss advertising for next cycle.

Chairman Royal stated that each member was provided with a timeline for their cycle and advertising would be in March. **MOTION by Knight, second by Pelham to approve timeline for advertising for new cycle. Motion carried unanimously.**

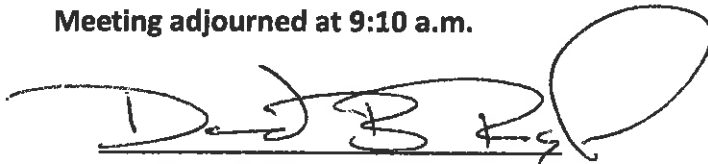
VII. Elect new Officers.

Chairman Royal asked if he needed to turn the meeting over to him. County Attorney explained that the Board had a Chair and Vice Chair and how historically they had taken nominations as a slate, so he opened up the floor for nominations. **MOTION by Hood, second by Miller** for Royal to remain Chairman and Birge to remain Vice Chair. County Attorney asked if there were any other nominations. **MOTION by Knight, second by Miller** to cease nominations. **Motions carried unanimously.**

VIII. Public Comment.

Hood explained that each member had been provided a document that he had drafted regarding CF Industries Funds. He just wanted everyone to have the document and read it. County Manager Albritton touched on he thought it was a very good proposal for their consideration when they begin to promulgate the rules for the money.

Meeting adjourned at 9:10 a.m.

A handwritten signature in black ink, appearing to read 'D. J. B. R.', with a large, stylized flourish extending from the end of the signature.

David Royal, Chairman

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Hood Roger	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Hardee County Economic Development Authority
MAILING ADDRESS 5901 US Highway 27 South, Suite 1	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY Sebring Highlands	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED January 15, 2013	NAME OF POLITICAL SUBDIVISION: Hardee County
	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Roger Hood, hereby disclose that on January 15, 2013:

(a) A measure came or will come before my agency which (check one)

- inured to my ~~special~~ private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Motion to approve appointing me to the Board for another three year term.

Jan 15, 2013

Date Filed

Roger Hood

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.