## CALHOUN COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING MINUTES NOVEMBER 28, 2017

**PRESENT AND ACTING:** 

DANNY RAY WISE, CHAIRMAN GENE BAILEY, VICE-CHAIRMAN DARRELL MCDOUGALD DENNIS JONES

## MATT FUQUA, ATTORNEY CARLA A. HAND, CLERK OF COURT AND COUNTY COMPTROLLER SARAH WILLIAMS, CLERK ADMINISTRATIVE ASSISTANT

Chairman Wise called the meeting held in the Regular Meeting room to order at 6:00 P.M.; CT. Commissioner Bailey led the Prayer and Pledge of Allegiance to the Flag.

#### **APPROVAL OF MINUTES AND VOUCHERS**

A motion to approve the minutes and vouchers as published on the agenda (the November 14, 2017 Planning Commission Meeting Minutes, the November 14, 2017 Regular Meeting Minutes, and the November 20, 2017 Supplemental Budget Hearing Minutes; vouchers for warrants: accounts payable warrants – 1711-2GP, 1711-2EP, 1711-2SP, 1711-2SC, 1711-2LC, 1711-2EC, 1711-2GC, 1711-2RC, 1711-2GS and payroll warrants - PR17-B33B, PR17-B34, PR111617) was made by Commissioner Bailey and seconded by Commissioner Jones. The motion passed unanimously 4-0.

#### PLANNING COMMISSION RECOMMENDATIONS

#### CORAL TOWERS CONDITIONAL USE PERMIT

Attorney Fuqua stated there is a recommendation from the Planning Commission to approve a Conditional Use Permit for the construction of a cell tower from Coral Towers.

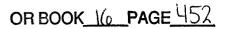
Chairman Wise asked for public comment. There was no public comment.

 Commissioner McDougald made a motion to approve the Conditional Use Permit for the construction of a cell tower from Coral Towers. Commissioner Jones seconded the motion. The motion passed unanimously 4-0.

#### **EXCELL COMMUNICATIONS CONDITIONAL USE PERMIT**

Attorney Fuqua stated there is a recommendation from the Planning Commission to approve a Conditional Use Permit for the construction of a cell tower from Excell Communications, subject to the conditions set forth in the Planning Commission Meeting. The conditions of the Conditional Use Permit are for the County to have antenna space at the top of the tower, antenna space between 350 feet and 375 feet, and space at the bottom of the tower for equipment, all at no charge to the County.

Chairman Wise asked for public comment. There was no public comment.



 Commissioner Bailey made a motion to approve the Conditional Use Permit, subject to the conditions set forth, for the construction of a cell tower by Excell Communications.
Commissioner McDougald seconded the motion. The motion passed unanimously 4-0.

Attorney Fuqua stated two (2) Conditional Use Permit applications were approved for Capital Telecom Holdings LLC last month, and presented the Conditional Use Permits to Chairman Wise for execution.

## **APPOINTMENT OF CHAIRMAN/VICE-CHAIRMAN**

- Commissioner Bailey made a motion to appoint Danny Ray Wise as Chairman. Commissioner Jones seconded the motion. The motion passed unanimously 4-0.
- Chairman Wise made a motion to appoint Gene Bailey as Vice Chairman. Commissioner Jones seconded the motion. The motion passed unanimously 4-0.

### VIC WILLIAMS, WASTE PRO - CONTRACT WITH COUNTY

Mr. Williams stated he addressed the Board a month and half ago about a \$2.00 increase on garbage collection fees. Mr. Williams stated the increase would not be implemented until January 1, 2018. Chairman Wise asked when the last time an increase was requested. Mr. Williams stated the last increase was in 2015; Waste Pro requested a \$3.50 increase and the Board agreed to give them \$1.75 at that time. Mr. Williams stated the company would not be asking for the increase if it was not needed. There was further discussion about the Waste Pro Contract with the County. Chairman Wise asked when the company would be asking for another increase. Mr. Williams stated he could not promise anything, but he did not plan to come back for another increase for a while. Attorney Fuqua stated the contract states the Company should provide documentation for the requested increase based upon the consumer price index (CPI). Mr. Williams stated he is not sure the CPI is the basis for this price increase, but is based more on the overall cost of operating the business. Attorney Fugua stated this is the only method the contract shows for an increase in price. Commissioner Bailey asked if the last rate increase was based on the CPI. Clerk Hand stated the last increase of \$1.75 was just agreed upon by the Commissioners in a Board meeting. Mr. Williams stated he is coming before the Board tonight the same way they came before the Board in 2015. There was further discussion about the rate increase. Commissioner Bailey asked if Mr. Williams would be satisfied if the Board agreed on a \$1.75 price increase. Mr. Williams stated this amount would be close enough, and he would be satisfied.

Commissioner Bailey made a motion to approve a rate increase of \$1.75 contingent that the fee was not implemented until January 1, 2018, that Waste Pro send a letter to the citizens informing them of the increase before January 1, and to begin research for contract renegotiation. Commissioner Jones seconded the motion. The motion passed unanimously 4-0.

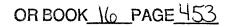
# SHIP SUBORDINATION OF LIEN REQUEST

Clerk Hand stated Don and Edith Robinson and John T. and Carol O'Bryan are trying to refinance their homes and are requesting a subordination of a lien from the SHIP program with the County. Clerk Hand stated the mortgage company requires the subordination of lien. Clerk Hand stated in the past the Board has voted approve subordination of lien requests.

Commissioner McDougald made a motion to approve the subordination of lien requests.
Commissioner Jones seconded the motion. The motion passed unanimously 4-0.

# TABLED ITEM – DIRECTOR OF OPERATIONS JOB DESCRIPTION

Commissioner McDougald read a list of job duties carried out by Mr. Wood, and stated some of these job duties are not outlined in his job description. Commissioner Bailey stated these duties fall under the "functional tasks as assigned by the Board of County Commissioners" in the job description.



Commissioner McDougald stated if all the items are covered, what is accomplished by changing the job description. There was further discussion about the job description.

Commissioner Bailey made a motion to adopt the new Director of Operations job description, striking the qualification of being proficient in Microsoft Outlook, Excel, and Word, knowledge of the County personnel policy, and knowledge of the County procurement policy. Chairman Wise seconded the motion. The motion passed 3-1, Commissioner McDougald opposed.

### WEATHERIZATION ASSET ITEMS

Clerk Hand stated June Holley informed her that she is still waiting on additional information about the Weatherization asset items. Clerk Hand stated more information should be known by the next Board meeting so the Board could decide what they would like to do regarding the Weatherization asset items. Clerk Hand stated the A/C on the Weatherization truck has been repaired by the Road Department. Commissioner McDougald asked if the value of the vehicle has been determined. Clerk Hand stated the truck value is somewhere in the \$10,000 range. Clerk Hand stated the County is waiting on the Department of Economic Opportunity (DEO) to determine what amount they would be willing to accept for the vehicle.

#### ADAM JOHNSON - INTERIM EMERGENCY MANAGEMENT DIRECTOR

Mr. Johnson informed the Board of a CERT (Community Emergency Response Team) training opportunity. Mr. Johnson stated the training educates people on disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills such as fire safety, search and rescue team organization, and disaster medical operations. Mr. Johnson stated the training opportunity is not just for first responders, but also for anyone wanting to do more for their community. Mr. Johnson stated the training would take place in Santa Rosa Beach for two (2) weeks in December on Tuesday and Thursday evenings from 6:00 to 10:00 p.m., and one Saturday from 8:00 a.m. to 5:00 p.m. Mr. Johnson stated he has contacted the point of contact from Walton County Emergency Management for this training to see if Calhoun County could host a CERT training. Mr. Johnson stated the point of contact told him he would be willing to come to Calhoun County to host the training at another time.

Mr. Johnson updated the Board about the HLMP (Hurricane Loss Mitigation Program), and stated several more applications have been received, and the application period would close Thursday afternoon. Mr. Johnson stated once the application period is closed he and Mr. Parrish would be going out to do inspections on the homes and completing property information write-ups on each home so the State can determine which homes would qualify.

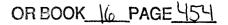
Mr. Johnson stated there would be a FEMA recovery-scoping meeting this week to move forward with recovering costs from Hurricane Irma.

Commissioner Bailey requested that Mr. Johnson inform homeowners who have submitted applications for the HLMP program that the State determines what homes are funded, not the County.

#### **BOB FLECK – IDA BOARD**

Mr. Fleck stated the north taxiway drawings are close to completion, and due to the upcoming holidays, the bid for the project would not be advertised until January.

Mr. Fleck stated the next meeting of the IDA Board is on Christmas Day and the County Commissioners the day after, and it was decided the IDA Board would follow the lead of the County Commissioners to either reschedule the meeting to another date or bypass the December meeting.



Clerk Hand stated on July 25, 2017 an incorrect amount was voted on for the AVCON Task Order #4, and a new motion is needed to approve the correct amount. Clerk Hand stated the previous amount voted on was \$168,000.00, and the correct Task Order amount is \$168,920.00.

Commissioner Bailey made a motion to approve Task Order #4 in the amount of \$168,920.00.
Chairman Wise seconded the motion. The motion passed unanimously 4-0.

## CHELSEA SNOWDEN – PROJECTS AND GRANTS COORDINATOR

Ms. Snowden stated she had planned to present the CEI ranking results for SCOP CR 392, but she would be unable to do so since Commissioner Hall was unable to attend the meeting tonight and turn in his ranking sheets. Ms. Snowden stated when she has received Commissioner Hall's ranking sheets she would sent the results to the consultants so they are aware of the results, and would present the results to the Board at the December 12 meeting for the official award of the project.

Ms. Snowden stated she was unable to attend the last Board meeting due to a CDBG training, and there was an issue brought before the Board about Safety First Fire Equipment Inspection and Testing Services, who were awarded the bid for the ambulance retrofit and repair project. Ms. Snowden stated a letter from the company has been received stating the company is unable to provide the services at this time and they rescind their bid. Ms. Snowden asked the Board how they would like to proceed with re-advertising the project.

Commissioner Bailey made a motion for Ms. Snowden to meet with Mr. Keith Maddox and bring a draft advertisement before the Board at the next meeting. Commissioner Jones seconded the motion. Commissioner Bailey requested when the bid is awarded this time that there be a signed contract with the company. The motion passed unanimously 4-0.

Ms. Snowden presented the Board with the SCOP (Small County Outreach Program) agreement for the Silas Green Road paving project. Ms. Snowden stated the agreement is for the design of the project in the amount of \$56,463.00.

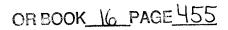
 Commissioner McDougald made a motion to approve the SCOP agreement for design of the Silas Green Road paving project. Commissioner Jones seconded the motion. The motion passed unanimously 4-0.

Ms. Snowden presented the Board with Resolution 2017-32, which allows the Chairman to enter into and execute the agreement for the SCOP Silas Green Road project.

## RESOLUTION OF CALHOUN COUNTY, FLORIDA RESOLUTION NO. 2017-32

# A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE AND ENTER INTO THE "SMALL COUNTY OUTREACH PROGRAM AGREEMENT".

WHEREAS, Calhoun County, Florida, has requested the State of Florida, Department of Transportation, for financial assistance for costs directly related to the survey, design, permitting and preparation of construction plans and bid documents for the Silas Green Road Paving Project; and,



WHEREAS, the State of Florida, Department of Transportation, has agreed to participate in the survey, design, permitting and preparation of construction plans and bid documents to the amount of Fifty-Six Thousand Four Hundred Sixty-Three Dollars (\$56,463); and,

WHEREAS, the "State of Florida, Department of Transportation, Small County Outreach Program Agreement" requires that a Resolution be passed by the Board of County Commissioners of Calhoun County, Florida authorizing the Chairman of the Board of County Commissioners of Calhoun County, Florida, to execute and enter into the "State of Florida, Department of Transportation, Small County Outreach Program Agreement attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Calhoun County, Florida, as follows:

1. The Chairman of the Board of County Commissioners of Calhoun County, Florida, is authorized to enter into and execute the "State of Florida, Department of Transportation, Small County Outreach Program Agreement" attached hereto as EXHIBIT "A".

**DULY PASSED AND ADOPTED** by the Board of County Commissioners of Calhoun County, Florida, this **<u>28th</u>** day of **<u>November</u>**, 2017.

 Commissioner McDougald made a motion to approve Resolution 217-32. Commissioner Jones seconded the motion. The motion passed unanimously 4-0.

Ms. Snowden presented the Board with the CIGP (County Incentive Grant Program) agreement for the resurfacing of Alliance Road from CR 274 to CR 275A. Ms. Snowden stated the agreement is for the design, construction, and CEI services in the amount of \$515,832.00.

 Commissioner McDougald made a motion to approve the CIGP agreement for the design, construction, and CEI services for the CIGP Alliance Road project. Commissioner Jones seconded the motion. The motion passed unanimously 4-0.

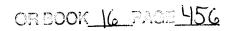
Ms. Snowden present the Board with Resolution 2017-31, which allows the Chairman to enter into and execute the agreement for the CIGP Alliance Road project.

# RESOLUTION OF CALHOUN COUNTY, FLORIDA RESOLUTION NO. 2017-31

# A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE AND ENTER INTO THE "COUNTY INCENTIVE GRANT PROGRAM AGREEMENT".

WHEREAS, Calhoun County, Florida, has requested the State of Florida, Department of Transportation, for financial assistance for costs directly related to the survey, design, permitting and construction for the resurfacing of Alliance Road from County Road 274 to County Road 275A; and,

WHEREAS, the State of Florida, Department of Transportation, has agreed to participate in the survey, design, permitting and construction to the amount of Five Hundred Fifteen Thousand Eight Hundred Thirty-Two Dollars (\$515,832); and,



WHEREAS, the "State of Florida, Department of Transportation, County Incentive Grant Program Agreement" requires that a Resolution be passed by the Board of County Commissioners of Calhoun County, Florida authorizing the Chairman of the Board of County Commissioners of Calhoun County, Florida, to execute and enter into the "State of Florida, Department of Transportation, County Incentive Grant Program Agreement attached hereto.

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 Commissioner McDougald made a motion to approve Resolution 2017-31. Commissioner Jones seconded the motion. The motion passed unanimously 4-0.

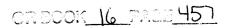
Ms. Snowden stated the Suggs Attaway Road (SCOP) pre-construction meeting would be held tomorrow, November 29, at 2:00 p.m. in the EOC if anyone would like to attend. Ms. Snowden stated there has been an issue about the utility poles on the road needing to be moved in order for construction to begin. Ms. Snowden stated Mr. Wood met with West Florida Electric Company today, and found the poles are \$488 per pole to move and there are four (4) poles, for a total of \$1,952. Ms. Snowden stated DOT would not pay for any type of utility movement, and asked the Board if there were any funds allocated to pay for the moving of the poles so construction could begin. There was further discussion about moving the power poles.

Commissioner Bailey made a motion for the Road and Bridge fund to pay the amount needed to move the power poles. Commissioner McDougald seconded the motion. Commissioner Bailey stated an alternative for these situations is a utility franchise fee for power lines on the County right of way, but the consumers are the ones who absorb the cost to the power company for the expense. Commissioner Bailey asked if there was any negotiations that could be made with the company to avoid paying the amount. Mr. Wood stated he was unable to negotiate with the company on the amount. There was further discussion about power poles on right of ways. The motion passed unanimously 4-0.

Ms. Snowden stated a historic grant was applied for to move a historical home into Clay Mary Park, but the application was deemed ineligible because the County has been awarded a historic grant for the old courthouse. Ms. Snowden stated she would come before the Board with the project again to submit the application after the current historic grant has been closed out in June 2018.

# TREVOR BURCH, DEWBERRY ENGINEERS, INC/PREBLE-RISH

Mr. Burch discussed with the Board the CIGP John F. Bailey Road project bids. Mr. Burch stated about \$41,000 in savings was needed in order to bring the project back within the grant budget. Mr. Burch stated in order to do this; there are four (4) things that would have to be done. Commissioner McDougald stated when the project was bid the first time no alternates had to be removed. Mr. Burch stated he is unaware of how the first bid was advertised, but he could check on this and report to the Board. Commissioner McDougald stated the low bid came in \$30,000 higher this time than the first time.



Ms. Snowden stated \$11,000 worth of work would still have had to be removed from the first bid along with the deductive alternates listed in this bid to get the project within budget. There was further discussion about the CIGP John F. Bailey Road project. Commissioner McDougald stated he did not understand why Chairman Wise wanted the project to be re-bid to keep it fair, and there is now a \$30,000 increase in the lowest bidder's price. Commissioner McDougald asked Chairman Wise why he thought re-bidding the project was worth taking the chance on the price going up. Chairman Wise stated he just wanted to make it fair for all the contractors since the project was over-bid. There was further discussion about the bid. Mr. Burch stated the four (4) things that would have to be done to bring the project within budget are accepting all the deductive alternates listed in the bid, deleting a short portion of road along John F. Bailey Road, change headwalls into mitered end sections, and to narrow the shoulder from six (6) feet wide to four (4) feet wide. There was further discussion about the John F. Bailey Road project. Commissioner McDougald stated there was no justification for the project to be rebid, and it is not standard practice to re-bid projects that come in over budget. Chairman Wise stated the project was re-bid because it came in over budget, and the County should have never went back to DOT to ask for more funding for the project. Chairman Wise stated any other bid would have been rejected because it was over budget. Chairman Wise stated he did not feel it was fair to the other contractors to work with one contractor on the price, but not be willing to work with the others. Commissioner McDougald stated Mr. Ford has previously explained to the Board that projects are bid out with all the options available, which means the projects often come in over budget, and then certain items are removed in order to get the project within the grant budget. Mr. Burch stated this is standard procedure, because there are certain unknowns with any project, so a contingency fund is standard operating procedure when requesting funding. There was further discussion about the bid process.

 Commissioner Bailey made a motion to award the project to the low bidder, C.W. Roberts Contracting, Inc., accepting all the deductive alternates. (\$969,662) Chairman Wise seconded the motion. The motion passed unanimously 4-0.

Mr. Burch stated a request for additional funding has been submitted to DOT for the SCOP CR 392 project. Mr. Burch stated DOT has received the request but has not responded on whether additional funding would be provided. Ms. Snowden stated DOT is not willing to provide more funding until the CEI costs are known, so more information should be available after the CEI services have been awarded for the project.

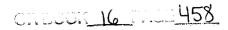
### CARLA A. HAND, CLERK OF COURT AND COUNTY COMPTROLLER

Clerk Hand stated the second Board meeting in December falls on the day after Christmas, which is a County holiday, and asked the Board if they would like to cancel the second meeting and only have one December meeting or reschedule the meeting. Commissioner Bailey asked if the Board needs to decide what they would like to do tonight or if they could wait until the first meeting in December. Clerk Hand stated the Board could wait until their next meeting to decide.

Clerk Hand stated on December 31, 2017 one of the IDA Board member's terms would expire and a member would need to be appointed. Commissioner Bailey stated he would find out which district member's term would be expiring and report to the Board.

### **ATTORNEY TIME**

Attorney Fuqua stated at the last meeting the Board discussed participating in the nationwide class action lawsuit regarding the opioid companies. Attorney Fuqua stated there is no risk to the County to be represented in the lawsuit, and the County would be able to do whatever they wanted with the



money they receive if the case is won. Attorney Fuqua stated there is a contract and resolution that would need to be approved tonight in order for the County to participate in the lawsuit.

 Commissioner Bailey made a motion to approve the contract and resolution regarding the class action lawsuit against the opioid companies. Commissioner McDougald seconded the motion. The motion passed unanimously 4-0.

Attorney Fuqua stated the Apalachicola Riverkeeper filed a lawsuit against Calhoun County seeking to enjoin the oil well exploration that was approved for Spooner Petroleum. Attorney Fuqua stated the attorney for Spooner Oil would be filing a petition to intervene on behalf of the County to defend the case. Attorney Fuqua stated the Board could expect a lawsuit to be filed for the Comprehensive Plan amendment as well, which would be handled the same way. Commissioner Bailey stated he has agreed to speak with a representative from the Apalachicola Riverkeeper on Friday morning, and asked if he should still speak with him since they have filed a lawsuit. Attorney Fuqua stated he would advise against speaking with the representative since the lawsuit has been filed, because anything said could be used in court.

Attorney Fuqua stated there are three (3) first mortgage assistance program loans where the funds were not returned to the SHIP (State Housing Initiative Partnership) program. Attorney Fuqua asked the Board if they would like him to pursue through correspondence collecting the money. Commissioner McDougald stated if the funds could be recovered from the person who borrowed the money, he would like Attorney Fuqua to attempt to recover the funds. Attorney Fuqua stated the letter would be for whoever owns the property now, because the County's lien was not honored when the property was transferred. Clerk Hand stated only one (1) of the three (3) properties is not in the original borrower's name. There was further discussion about the loans. Commissioner McDougald stated he does not want to pursue payment for the loan if the original borrower has sold the property. Clerk Hand stated only one (1) of the properties has been sold. Attorney Fuqua stated he could write a letter to each of the original borrowers who still have the properties. There was Board consensus for Attorney Fuqua to write the letters.

### **COMMISSIONER TIME**

#### COMMISSIONER MCDOUGALD

Nothing to report.

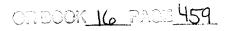
### **COMMISSIONER JONES**

Commissioner Jones stated for the audience that SHIP funds should be received soon.

Commissioner Jones thanked Mr. Joe Wood for speaking with him about his job description. Commissioner Jones stated he did not receive a phone call from anyone else to defend Mr. Wood's job description, and since there were no calls to defend Mr. Wood, he had to go with the majority of the Board and vote for the job description change. Mr. Wood stated he would rather Commissioner Jones see his value through his job performance than to have other people come to him and tell him how valuable he is. Commissioner Jones stated he wanted Mr. Wood to know that is how he based his decision.

#### **COMMISSIONER BAILEY**

Nothing to report.



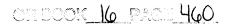
**CHAIRMAN WISE** 

Nothing to report.

There being no further business, the meeting adjourned at 7:30 p.m., CT.

Danny Ray Wise, CHAIRMAN

ATTEST: and CARLA A. HAND, CLERK



## **RESOLUTION OF CALHOUN COUNTY, FLORIDA RESOLUTION NO. 2017-31**

# A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN OF THE **BOARD OF COUNTY COMMISSIONERS TO EXECUTE AND ENTER INTO** THE "COUNTY INCENTIVE GRANT PROGRAM AGREEMENT".

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**CALHOUN COUNTY BOARD OF COMMISSIONERS** 

ATTEST:

Jonn Kag Uls Danny Ray Wise Chairman, BCC

Carla Hand, Clerk BCC

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## RESOLUTION OF CALHOUN COUNTY, FLORIDA RESOLUTION NO. 2017-32

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CALHOUN COUNTY BOARD OF COMMISSIONERS

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Danny Ray Wise Chairman, BCC

ATTEST:

Carla Hand, Clerk BCC

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