

**MINUTES OF THE SPECIAL MEETING OF THE BOARD OF CITY
COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD AT
2775 GARRISON AVENUE, October 30, 2023, at Noon WITH A CONTINUATION
UNTIL 5:00 P.M., OCTOBER 30, 2023.**

The following were present: Mayor Buzzett, Commissioners Hoffman, Kerigan, Langston, and Lowry. City Manager Jim Anderson, City Clerk Charlotte Pierce, Attorney Clinton McCahill, and Finance Director Mike Lacour were also present.

CONSENT AGENDA

County Grant Agreement Request Update

The purpose of the meeting was to discuss the County Grant Agreement Request that involves reimbursement of funds to the County for the purchase of the ESAD Sewer System.

Attorney McCahill reviewed the events that have taken place since the inception of this project.

Commissioner Hoffman asked if the City would be able to comply with the requirements. Attorney McCahill replied that the City could not as funds had already been expended to purchase materials, work was done by City employees, and by signing the sub-grant knowing we could not comply would be considered fraud.

Gulf County Attorney Jeremy Novak stressed his points of concern.

Amendments to the Memorandum of Understanding were presented by Attorney McCahill and Attorney Novak.

At 12:30 P.M., Mayor Buzzett asked for a continuation of the meeting until 5:00 P.M. today for everyone to review the amendments.

5:00 P.M. Mayor Buzzett resumed the meeting with the following present. Mayor Buzzett, Commissioners Hoffman, Kerigan, Langston, and Lowry. City Manager Jim Anderson, City Clerk Charlotte Pierce, Attorney Clinton McCahill, and Finance Director Mike Lacour.

Attorney McCahill shared that the City's Amendment to the Memorandum of Understanding was a stronger document for the City. He recommended that if the County would accept the City's version of the Amendment, the City would sign the Sub agreement as is.

Commissioner Lowry had questions about Item I, and stated that he had talked with County Administrator Michael Hammond concerning the statement about the City's lack of performance and clawbacks.

Attorney Novak joined the meeting at 5:05 P.M.

Mayor Buzzett brought Attorney Novak up to speed on what had been shared prior to his arrival.

Attorney Novak referenced the Amendment that he had prepared, stating the City needs to sign the subrecipient grant, that it would be a step back if the City failed to sign the agreement and meet the October 31, 2023, deadline.

Attorney Novak shared that he had stricken references to clawbacks and indemnification statements. Mr. Novak stated that the County cannot accept the MOU or 14 additional WHEREAS as presented by Attorney McCahill.

Mayor Buzzett stated that he felt the Amendment from Attorney McCahill offered more protection for the City.

Attorney Novak again shared that the 14 WHEREAS statements from Attorney McCahill had meaning, he did not feel they were necessary, and the Commission needed to look at the letter to Attorney McCahill and Mr. Anderson.

Attorney Novak stated that if there was no agreement by the City, the County would consider it a Breach of the MOU, all Easements, access to Beacon Hill Park, and Gulf County Beaches Customers would be gone, and the county would immediately issue a Cease and Desist Order prohibiting the City from having access to any of their customers along the beaches right of way.

A Motion was made by Commissioner Lowry, second by Commissioner Hoffman, to sign the sub-agreement with modifications presented, and provide the authority for Mayor Buzzett to sign the subgrant agreement. All in favor; Motion carried 5-0.

Mayor Buzzett thanked Attorney McCahill for all of his hard work on this and stated that he hoped for the best results from this.

Motion to Adjourn

There being no further business to come before the Commission, Mayor Buzzett adjourned the Meeting at 5:42 P.M.

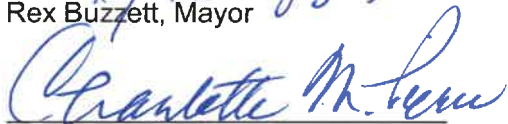
Approved this 7th day of November 2023.



Rex Buzzett, Mayor

11/7/23

Date



Charlotte M. Pierce, City Clerk

11/7/23

Date