



SANTA ROSA COUNTY BOARD OF COMMISSIONERS

Administrative Offices | 6495 Caroline Street, Suite M | Milton, Florida 32570-4592

JAYER WILLIAMSON, District 1
ROBERT A. "BOB" COLE, District 2
W. D. "DON" SALTER, District 3
ROB WILLIAMSON, District 4
R. LANE LYNCHARD, District 5

TONY GOMILLION, County Administrator
ROY V. ANDREWS, County Attorney
JAYNE BELL, OMB Director

MEMORANDUM

TO: Board of Commissioners
FROM: Tony Gomillion, County Administrator
DATE: June 14, 2016
SUBJECT: Executive Session Meeting

DISCUSSION

Discussion of approval to advertise for an Executive Session of the Board to be held at the conclusion of the July 28th regular meeting in order to discuss the Blue Water Holdings SRC, Inc. case.

BACKGROUND

Attorney Warner has requested this session in order to be able to discuss this case openly with the Board as a whole. As noted in his letter, Florida Statutes provide the mechanism and requirement for these purposes. For your reference, attached are letters from County Attorney Mr. Andrews and Mr. Warner as well as the pertinent Florida Statute.



SANTA ROSA COUNTY BOARD OF COMMISSIONERS

Administrative Offices | 6495 Caroline Street, Suite M | Milton, Florida 32570-4592

JAYER WILLIAMSON, District 1
ROBERT A. "BOB" COLE, District 2
W. D. "DON" SALTER, District 3
ROB WILLIAMSON, District 4
R. LANE LYNCHARD, District 5

TONY GOMILLION, County Administrator
ROY V. ANDREWS, County Attorney
JAYNE BELL, OMB Director

June 14, 2016

Lane Lynchard, Chairman
Santa Rosa County Board of County Commissioners
6495 Caroline Street, Suite M
Milton, FL 32570-4592

RE: Request for Executive Session - Blue Water Holdings SRC, Inc.
v. Santa Rosa County, Florida, Case No. 13-CA-1049

Dear Chairman Lynchard:

Pursuant to the request of The Warner Law Firm, counsel for Santa Rosa County in the above-referenced case, and in accordance with Florida Statutes Section 286.011(8), I request that the Commission meet in private with William G. Warner to discuss the pending litigation.

The meeting will be noticed and conducted in accordance with the provisions of Florida Statutes Section 286.011(8). I anticipate that County Commissioner Chairman Lane Lynchard, County Commissioner Bob Cole, County Commissioner Don Salter, County Commissioner Jayer Williamson, and County Commissioner Rob Williamson will attend along with County Administrator Tony Gomillion. Due to the conflict created by my prior representation of the plaintiff, I will not attend and Mr. William G. Warner will act as attorney for The Board.

A certified court reporter will attend and prepare a verbatim transcript which will be filed and sealed until the conclusion of the litigation.

The meeting will not be open to the public pursuant to Florida Statutes Section 286.011(8). The County Administrator has suggested that the meeting be held on July 28, 2016, at the conclusion of the BOCC regular meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roy V. Andrews", with a long horizontal flourish extending to the right.

ROY V. ANDREWS
County Attorney

RVA/wcp

cc: Board of County Commissioners
Tony Gomillion, County Administrator

WARNER LAW FIRM, P.A.

519 GRACE AVENUE
POST OFFICE BOX 1820 (32402)
PANAMA CITY, FLORIDA 32401
TELEPHONE (850) 784-7772
FACSIMILE (850) 784-7756

TIMOTHY M. WARNER*
WILLIAM G. WARNER

* ALSO ADMITTED IN LOUISIANA

Toll Free Telephone (888) 927-6370
Toll Free Telecopier (888) 781-7756

E-MAIL: timwarner@warnerlaw.us
E-MAIL: billwarner@warnerlaw.us

June 20, 2016

Lane Lynchard, Chairman
Santa Rosa County Board
of County Commissioners
6495 Caroline Street, Suite M
Milton, FL 32570-4592

RE: Request for Executive Session – Blue Water Holdings SRC, Inc. v. Santa Rosa County, Florida, Case No. 13-CA-1049

Dear Chairman Lynchard:

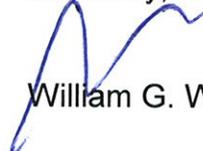
We request that the Santa Rosa County Board of County Commissioners schedule an Executive Session to discuss litigation strategy in the matter of Blue Water Holdings SRC, Inc. v. Santa Rosa County, Florida, Case No. 13-CA-1049, pending in the Circuit Court of the First Judicial Circuit, in and for Santa Rosa County.

In attendance at this meeting will be the Board of County Commissioners, County Administrator Tony Gomillion, and William G. Warner, Esq. A certified court reporter will take a verbatim record of the meeting, and the record will be sealed until the conclusion of the litigation. This meeting is not open to the public pursuant to Florida Statutes §286.011(8).

We request that the Executive Session be scheduled following one of the Board of County Commissioners' upcoming meetings at the Santa Rosa County Administrative Center Board Room, 6495 Caroline Street, Milton, Florida.

Thank you for your consideration of this matter.

Sincerely,



William G. Warner

cc: Roy V. Andrews, Esq.
Tony Gomillion

Select Year:

The 2016 Florida Statutes

[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

PUBLIC BUSINESS PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.011 Public meetings and records; public inspection; criminal and civil penalties.—

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the

court shall assess a reasonable attorney's fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.

* (8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:

(a) The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.

(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

(c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.

(d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.

(e) The transcript shall be made part of the public record upon conclusion of the litigation.

History.—s. 1, ch. 67-356; s. 159, ch. 71-136; s. 1, ch. 78-365; s. 6, ch. 85-301; s. 33, ch. 91-224; s. 1, ch. 93-232; s. 210, ch. 95-148; s. 1, ch. 95-353; s. 2, ch. 2012-25.