

MINUTES OF THE ATTORNEY-CLIENT SESSION OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD OCTOBER 15, 2009  
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX  
221 PALAFOX PLACE, PENSACOLA, FLORIDA  
(3:02 p.m. – 3:26 .m.)

Present: Commissioner Marie K. Young, Chairman, District 3  
Commissioner Wilson B. Robertson, District 1  
Commissioner Gene M. Valentino, District 2  
Commissioner Kevin W. White, District 5  
Mr. Robert R. "Bob" McLaughlin, County Administrator  
Mrs. Alison Rogers, County Attorney  
Mrs. Shirley L. Gafford, Program Coordinator, County Administrator's Office  
Mrs. Doris Harris, Deputy Clerk to the Board

Absent: Commissioner Grover C. Robinson, IV, Vice Chairman, District 4

AGENDA NUMBER

1. Call to Order

Chairman Young called the Attorney-Client Session to order at 3:02 p.m.

2. Escambia County v. Allied Waste Services of North America, LLC, et al., and Escambia County v. Emerald Coast Utilities Authority

The Board was advised by Chairman Young that County Attorney requested the Board retire to the BCC Conference Room for the Attorney-Client Session, which was advertised in the Pensacola News Journal on October 4, 2009 (*in a block ad, Legal No. 1427476, and on October 10, 2009, in the Board of County Commissioners – Escambia County, Florida, Meeting Schedule October 12, 2009 – October 16, 2009, Legal No. 1428466*) regarding the Case of Escambia County v. Allied Waste Services of North America, LLC, et al. and Escambia County v. Emerald Coast Utilities Authority.

3:03 – MEETING RECESSED

3:24 – MEETING RECONVENED

(Continued on Page 2)

MINUTES OF THE ATTORNEY-CLIENT SESSION – Continued

AGENDA NUMBER – Continued

2. Allied Waste Services of North America, LLC, et al., and Escambia County v. Emerald Coast Utilities Authority – Continued

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robinson absent, taking the following action regarding Escambia County v. Allied Waste Services of North America, LLC, Case No.: 3:08cv88/LAC/EMT; Escambia County v. Allied Waste Services of North America, LLC, et al., Case No.: 2009 CA 001983; and Escambia County v. Emerald Coast Utilities Authority, Case No.: 2009 CA 001564:

- A. Authorizing the Chairman to execute the Settlement Agreement, on the terms and conditions stated therein, to cause the settlement of the Federal litigation styled Escambia County v. Allied Waste Services of North America, LLC, Case No.: 3:08cv88/LAC/EMT, and authorizing the County Attorney's Office to join in a Motion to Dismiss, to be filed in the Federal litigation, to effectuate the settlement;
- B. Authorizing the County Administrator, or his designee, to rescind the letter notifying Allied Waste of termination of the Franchise Agreement dated October 19, 2000;
- C. Authorizing the Chairman to execute the Operating Agreement of the County Solid Waste transfer station on the terms and conditions stated therein and payment shall be from funds available in Fund 401/Solid Waste, Cost Center 220612;
- D. Authorizing the County Attorney's Office to cooperate in the withdrawal of funds from the Registry of the Court, in the sum of \$5.47 million, to be delivered to the attorneys for Allied Waste in the eminent domain proceeding styled Escambia County v. Allied Waste Services of North America, LLC, et al., Case No.: 2009 CA 001983, after being provided written evidence by Allied Waste or the Tax Collector that prorated real property and tangible taxes have been paid in full and to take other action in this proceeding as agreed upon in the Attorney-Client Session; and
- E. Authorizing the County Attorney's Office, in the proceeding styled Escambia County v. Emerald Coast Utilities Authority, Case No.: 2009 CA 001564, to take such action in this proceeding as agreed upon in the Attorney-Client Session.

MINUTES OF THE ATTORNEY-CLIENT SESSION – Continued

ADJOURNMENT

There being no further business to come before the Board, Chairman Young declared the Attorney-Client Session of the Board of County Commissioners adjourned at 3:26 p.m.

BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

ATTEST:

Ernie Lee Magaha  
Clerk of the Circuit Court & Comptroller

By: \_\_\_\_\_  
Marie Young, Chairman



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Deputy Clerk

Approved: November 5, 2009