

MINUTES OF THE ATTORNEY-CLIENT SESSION  
OF THE BOARD OF COUNTY COMMISSIONERS  
HELD NOVEMBER 1, 2012

BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX  
221 PALAFOX PLACE, PENSACOLA, FLORIDA  
(4:00 p.m. – 4:15 p.m.)

Present: Commissioner Wilson B. Robertson, Chairman, District 1  
Commissioner Gene M. Valentino, Vice Chairman, District 2  
Commissioner Grover C. Robinson IV, District 4  
Commissioner Marie K. Young, District 3  
Larry M. Newsom, Acting County Administrator  
Alison Rogers, County Attorney  
Doris Harris, Deputy Clerk to the Board  
Judy H. Witterstaeter, Program Coordinator, County Administrator's Office

Absent: Commissioner Kevin W. White, District 5

AGENDA NUMBER

1. Call to Order

Chairman Robertson called the Attorney-Client Session to order at 4:00 p.m.

2. Advertisement

The Board was advised by Chairman Robertson that the County Attorney requests that the Board ratify the amended advertisement of the Attorney-Client Session, which reflects the change in the County Administrator position (*the public notice approved on October 18, 2012, indicated that County Administrator Charles R. "Randy" Oliver would attend the Attorney-Client Session; the advertisement published in the Pensacola News Journal on October 21, 2012, reflects that Acting County Administrator Larry M. Newsom will attend*), and the Board took no action.

MINUTES OF THE ATTORNEY-CLIENT SESSION – Continued

AGENDA NUMBER – Continued

3. Escambia County, Florida, v. McCall and Associates, Inc., Architects, et al.

The Board:

- A. Was advised by Chairman Robertson that the County Attorney requests that the Board retire to the BCC Conference Room for the Attorney-Client Session regarding the case of Escambia County, Florida, v. McCall and Associates, Inc., et al., which Session was advertised in the Pensacola News Journal on Sunday, October 21, 2012 (*in a block ad, Legal No. 1580115, and on Saturday, October 27, 2012, in the Board of County Commissioners – Escambia County, Florida, Meeting Schedule October 29-November 2, 2012, Legal No. 1580679*);
- B. Was advised by County Attorney Rogers that she is requesting the advice of the Board concerning Escambia County, Florida, vs. McCall and Associates, Inc., Architects, et al., Case Number 2011 CA 001127; and
- C. Was advised by Chairman Robertson that the Attorney-Client Session will be attended by Commissioner Wilson Robertson, Commissioner Gene Valentino, Commissioner Marie Young, Commissioner Grover Robinson, Commissioner Kevin White (*did not attend*), Acting County Administrator Larry Newsom, County Attorney Alison Rogers, and Attorney representing Escambia County, Charlie Pepler, Deputy County Attorney.

4:01 P.M. – MEETING RECESSED

4:14 P.M. – MEETING RECONVENED

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MINUTES OF THE ATTORNEY-CLIENT SESSION – Continued

AGENDA NUMBER – Continued

3. Continued...

Motion made by Commissioner Young, seconded by Commissioner Valentino, and carried 3-0, with Commissioner White absent and Commissioner Robinson abstaining (and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers), taking the following action:

- A. Accepting the sum of \$425,000.00 from McCall and Associates, Inc. Architects, in exchange for a general release of all claims, to be executed by the Chairman in a form approved by the County Attorney's Office;
- B. Accepting the sum of \$132,279.81 from Samuel Johnson, Inc., and Samuel F. Johnson, Jr., individually, in exchange for a general release of all claims, to be executed by the Chairman in a form approved by the County Attorney's Office;
- C. Accepting the sum of \$105,000.00 from Speegle Construction, Inc., Carolina Casualty Insurance Company, Berkley Insurance Company, and All-South Subcontractors, Inc., in exchange for a general release of all claims, to be executed by the Chairman in a form approved by the County Attorney's Office; and
- D. Approving that the County Attorney's Office, upon receipt of the settlement proceeds from the parties named above, will take the necessary steps to cooperate in the dismissal of the pending litigation as to those parties, with each party bearing its own attorney's fees and costs.

ADJOURNMENT

There being no further business to come before the Board, Chairman Robertson declared the Attorney-Client Session of the Board of County Commissioners adjourned at 4:15 p.m.

ATTEST:

Ernie Lee Magaha  
Clerk of the Circuit Court & Comptroller

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Deputy Clerk

Approved: November 15, 2012

11/1/2012

BOARD OF COUNTY COMMISSIONERS  
 ESCAMBIA COUNTY, FLORIDA

By: \_\_\_\_\_  
Wilson B. Robertson, Chairman