

MINUTES OF THE ATTORNEY-CLIENT SESSION OF THE BOARD OF COUNTY  
COMMISSIONERS  
HELD DECEMBER 8, 2016  
BOARD CHAMBERS, FIRST FLOOR, ERNIE LEE MAGAHA GOVERNMENT BUILDING  
221 PALAFOX PLACE, PENSACOLA, FLORIDA  
(2:46 p.m. – 3:58 p.m.)

Present: Commissioner Douglas B. Underhill, Chairman, District 2  
Commissioner Jeffrey W. Bergosh, Vice Chairman, District 1  
Commissioner Steven L. Barry, District 5  
Commissioner Lumon J. May, District 3  
Commissioner Grover C. Robinson IV, District 4  
Jack R. Brown, County Administrator  
Alison Rogers, County Attorney  
Lizabeth Carew, Administrative Specialist, Clerk and Comptroller's Office  
Judy H. Witterstaeter, Program Coordinator, County Administrator's Office

AGENDA NUMBER

1. Call to Order ■

Vice Chairman Bergosh called the Attorney-Client Session to order at 2:46 p.m.

2. Publication ■

Motion made by Commissioner Robinson, seconded by Commissioner Barry, and carried 3-0, with Commissioner Underhill and Commissioner May absent, taking the following action:

- A. Ratifying the scheduling of a private meeting with the Board's attorneys;
- B. Approving the Public Notice that was advertised in the *Pensacola News Journal* on Saturday, November 26, 2016; and

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MINUTES OF THE ATTORNEY-CLIENT SESSION – Continued

AGENDA NUMBER – Continued

2. Continued...

- C. Approving the advertising of the Amended Public Notice, printed below, in the *Pensacola News Journal* on Saturday, December 3, 2016, to discuss pending litigation, in accordance with Section 286.011(8), Florida Statutes, for December 8, 2016, at 2:45 p.m.

AMENDED PUBLIC NOTICE

IT IS THE INTENTION of the Board of County Commissioners of Escambia County, Florida, to hold a private meeting with its attorneys to discuss pending litigation in the cases of Allen, Clarke, et al. v. A.E. New, Jr., Inc., Caldwell and Associates, Inc. and Escambia County, Florida, Case No.: 2015 CA 000722, Escambia County Circuit Court; Bitco National Insurance Co., et al. v. A.E. New, Jr., Inc., Escambia County, Florida, et al. (all plaintiffs in above case), Case No.: 3:15-cv-00444-MCR/CJK, U.S. District Court, Northern District of Florida, in accordance with Section 286.011(8), Florida Statutes. Such attorney-client session will be held at 2:45 p.m., on Thursday, December 8, 2016, in the Ernie Lee Magaha Government Building, Board Chambers, 221 Palafox Place, Pensacola, Florida. Commissioners Douglas B. Underhill, Jeff Bergosh, Lumon J. May, Grover C. Robinson, IV, Steven L. Barry, County Administrator Jack Brown, County Attorney Alison P. Rogers, Attorney representing Escambia County in Case No.: 2015 CA 000722, Lawson Hester, Charles V. Pepler, Deputy County Attorney, and a certified court reporter will attend the attorney-client session.

3. Session

The Board retired to the BCC Conference Room for the Attorney/Client Session regarding the Cases of Allen, Clarke, et al. v. A.E. New, Jr., Inc., Caldwell and Associates, Inc. and Escambia County, Florida, Case No.: 2015 CA 000722; Escambia County Circuit Court and Bitco National Insurance Co., et al. v. A.E. New, Jr., Inc., Escambia, County Fla., et al. (all plaintiffs in above case), Case No.: 3:15-cv-00444-MCR/CJK, U.S. District Court, Northern District of Florida.

RECESS: 2:49 P.M.

RECONVENE: 3:58 P.M.

MINUTES OF THE ATTORNEY-CLIENT SESSION – Continued

ADJOURNMENT

There being no further business to come before the Board, Chairman Underhill declared the Attorney-Client Session of the Board of County Commissioners adjourned at 3:58 p.m.

BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

ATTEST: 

Pam Childers  
Clerk of the Circuit Court & Comptroller

By: \_\_\_\_\_  
D. B. Underhill, Chairman

\_\_\_\_\_  
Deputy Clerk

Approved: January 5, 2017