

MINUTES OF THE ATTORNEY-CLIENT SESSION OF THE BOARD OF COUNTY
COMMISSIONERS
HELD MARCH 9, 2017
BOARD CHAMBERS, FIRST FLOOR, ERNIE LEE MAGAHA GOVERNMENT BUILDING
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(8:36 a.m. – 9:01 a.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
Kimberly McCord, Administrative Specialist, Clerk and Comptroller's Office
Judy H. Witterstaeter, Program Coordinator, County Administrator's Office

AGENDA NUMBER

1. Call to Order 

Chairman Underhill called the Attorney-Client Session to order at 8:36 a.m.

MINUTES OF THE ATTORNEY-CLIENT SESSION – Continued

AGENDA NUMBER – Continued

2. Session

Chairman Underhill advised that the County Attorney is requesting that the Board retire 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; Bitco National Insurance Co., et al. v. A.E. New, Jr., Inc., Escambia County, Florida, et al., Case No.: 3:15-cv-00444-MCR/CJK, U.S. District Court, Northern District of Florida, which session was advertised in the Saturday, March 4, 2017, edition of the *Pensacola News Journal* as follows:

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., Case No.: 3:15-cv-00444-MCR/CJK, U.S. District Court, Northern District of Florida, in accordance with Section 286.01(8), Florida Statutes. Such attorney/client session will be held at 8:30 a.m., on Thursday, March 9, 2017, 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, Charles V. Pepler, Deputy County Attorney and Lawson Hester, attorneys representing Escambia County in the foregoing litigation. A certified court reporter will attend and report the attorney/client session.

RECESS: 8:36 A.M.

RECONVENE: 9:00 A.M.

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MINUTES OF THE ATTORNEY-CLIENT SESSION – Continued

AGENDA NUMBER – Continued

2. Continued...

Motion made by Commissioner Robinson, seconded by Commissioner May, and carried unanimously, taking the following action: [REDACTED]

- A. Scheduling a private meeting with its attorneys to discuss pending litigation, in accordance with Section 286.01(8), Fla. Stat. for March 16, 2017 at 3:30 p.m.; and
- B. Approving the public notice printed below to be published in the *Pensacola News Journal* on Saturday, March 11, 2017.

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 Clarke Allen, et al., v. A.E. New, Jr., et al., Case No. 2015 CA 000722 and Bitco National Insurance Co., et al., v. A.E. New, Jr., et al., Case No. 3:15-cv-00444-MCR/CJK in accordance with Section 286.01(8), Fla. Stat. Such attorney/client session will be held on Thursday, March 16, 2016 at 3:30 p.m., in the Ernie Lee Magaha Government Building, Board Chambers, 221 Palafox Place, Pensacola, Florida. Commissioners Douglas B. Underhill, Jeffery Bergosh, Lumon J. May, Grover Robinson and Steven Barry, County Administrator Jack R. Brown, County Attorney Alison P. Rogers, Charles V. Pepler, Deputy County Attorney and Lawson Hester of the Law Firm of Pettis, Barfield & Hester, P.A., attorneys representing Escambia County in the foregoing litigation. A certified court reporter will attend and report the attorney/client session.

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 9:01 a.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: March 16, 2017