

MINUTES OF THE ATTORNEY-CLIENT SESSION OF THE BOARD OF COUNTY
COMMISSIONERS
HELD MAY 11, 2017
BOARD CHAMBERS, FIRST FLOOR, ERNIE LEE MAGAHA GOVERNMENT BUILDING
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(8:34 a.m. – 9:09 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
Angela Crawley, Assistant to the County Administrator

AGENDA NUMBER

1. Call to Order.

Chairman Underhill called the attorney Client Session to order at 8:34 a.m.

MINUTES OF THE ATTORNEY-CLIENT SESSION – Continued

AGENDA NUMBER

2. Chairman Underhill advised that the County Attorney requests 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, May 6, 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, May 11, 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. Peppler, 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: 8:35 A.M.

RECONVENE: 9:08 A.M.

2. Continued...

Motion made by Commissioner Robinson, seconded by Commissioner Bergosh, and carried unanimously, approving the class action settlement as outlined, per the provided documents, and:

1. Authorizing acceptance of the Class Action Settlement Agreement and all exhibits thereto, and spreading that document across it's minutes after County (through the Board's designee or signatory) executes the Settlement Agreement, with the errata and the changes made to Paragraphs 2.8 and 2.9;
2. Authorizing that Board approval is conditioned upon all other defendants and their insurers, and all plaintiffs and their and their counsel, continuing participating, as outlined in the Agreement, to the point of Final Settlement, as defined in the Agreement;

(Continued on Page 3)

MINUTES OF THE ATTORNEY-CLIENT SESSION – Continued

AGENDA NUMBER – Continued

2. Continued...
3. Authorizing defense counsel to take such steps as are reasonably necessary to implement the Class Action Settlement Agreement and to continue in defense of the same and other Claims resulting from the Explosion, as defined in the Agreement, and to execute related settlement and court documents consistent with the Agreement; and
4. Authorizing counsel to take actions consistent with 1-3 (*above*), in order to further the potential for class action settlement, and to proceed and take action in accordance with the agreement, and authorizing the Carrier Settlement Agreement.

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 9:09 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: May 25, 2017