

**MINUTES OF THE ATTORNEY-CLIENT SESSION OF THE ESCAMBIA COUNTY BOARD  
OF COUNTY COMMISSIONERS**

**JANUARY 16, 2020**

Present: Commissioner Steven L. Barry, Chairman, District 5  
Commissioner Robert D. Bender, Vice Chairman, District 4  
Commissioner Jeffrey W. Bergosh, District 1  
Commissioner Lumon J. May, District 3  
Commissioner Douglas B. Underhill, District 2  
Janice Gilley, County Administrator  
Alison Rogers, County Attorney  
DeLana Allen-Busbee, Administrative Specialist, Clerk and Comptroller's Office  
Krykyt Fisher, Office Assistant III, Clerk and Comptroller's Office  
Shamara Jernigan, Agenda Program Coordinator, County Administrator's Office

Location: Ernie Lee Magaha Government Building, Board Chambers, First Floor, 221 Palafox  
Place, Pensacola, Florida

Minutes prepared by: DeLana Allen-Busbee

**AGENDA NUMBER**

1. Call to Order

Chairman Barry called the Attorney-Client Session to order at 8:17 a.m.

2. Session

The Board:

- A. Was advised by Chairman Barry that the County Attorney requests that the Board retire to the BCC Conference Room for the Attorney-Client Session regarding the cases of David Bear vs. Escambia County Board of County Commissioners and Douglas Underhill, Case No.: 3:19-cv-04424-MCR/EMT, United States District Court, Northern District of Florida; David Bear vs. Escambia County Board of County Commissioners and Douglas Underhill, Case No.: 2019 CA 002004, Escambia County Circuit Court, which session was advertised in the Saturday, January 11, 2020, edition of the *Pensacola News Journal*, as follows:

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AGENDA NUMBER – Continued

2. Continued...

**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 David Bear vs. Escambia County Board of County Commissioners and Douglas Underhill, Case No.: 3:19-cv-04424-MCR/EMT, United States District Court, Northern District of Florida; David Bear vs. Escambia County Board of County Commissioners and Douglas Underhill, Case No.: 2019 CA 002004, Escambia County Circuit Court, in accordance with Section 286.01(8), Florida Statutes. Such attorney/client session will be held at 8:15 a.m., on Thursday, January 16, 2020, in the Ernie Lee Magaha Government Building, Board Chambers, 221 Palafox Place, Pensacola, Florida. Commissioners Jeff Bergosh, Douglas B. Underhill, Lumon J. May, Robert Bender, and Steven L. Barry, County Administrator Janice P. Gilley, County Attorney Alison P. Rogers, Deputy County Attorney Charles V. Pepler, and Nabors Giblin & Nickerson Attorney Heath R. Stokley. A certified court reporter will attend and report the attorney/client session.

B. Was advised by Chairman Barry that the Session is expected to last approximately 45 minutes and that the following are expected to attend: Commissioners Bergosh, Underhill, May, Bender, and Barry; County Administrator Janice Gilley; and County Attorney Alison Rogers.

RECESS: 8:18 A.M. – COMMISSIONERS BARRY, BENDER, AND BERGOSH; COUNTY ATTORNEY ALISON ROGERS; AND JANICE GILLEY, COUNTY ADMINISTRATOR, RETIRED TO THE BCC CONFERENCE ROOM

RECONVENE: 9:03 A.M. – COMMISSIONERS MAY, BARRY, UNDERHILL, BENDER, AND BERGOSH; COUNTY ATTORNEY ALISON ROGERS; AND JANICE GILLEY, COUNTY ADMINISTRATOR, RETURNED TO BOARD CHAMBERS

<b>Motion:</b> Move that we go with option 1
<b>Made by:</b> Commissioner Bergosh
<b>Seconded by:</b> Commissioner May
<b>Disposition:</b> Carried 4-1, with Commissioner Underhill voting “no”

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**ADJOURNMENT**

There being no further business to come before the Board, Chairman Barry declared the Attorney-Client Session of the Board of County Commissioners adjourned at 9:04 a.m.

BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

By: \_\_\_\_\_  
Steven Barry, Chairman

ATTEST:

Pam Childers  
Clerk of the Circuit Court & Comptroller

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Deputy Clerk

Approved: January 23, 2020