

Hardee County Economic Development Council/Industrial Development Authority
Special Meeting Minutes
May 27, 2014
Hardee County BOCC Commission Chambers

Vanessa Hernandez- Chair-P
Gene Davis- Vice Chair-P
Dottie Conerly-P
Jim See -A

Donald Samuels-P
John O'Neal-P
Michael Prescott-P
Diana Youmans-P

Doug Jensen-A
Monica Reas-P
Lory Durrance-P

The meeting was called to order at 1:30m by Chair Hernandez.

Visiting: Robert Cole, Rhonda Cole, Randy Dey, Melissa Hayes, Henry Kuhlman, Steven Southwell, Lex Albritton, Ernie Izniga, Brian Samuels and Casey Dickson.

County Attorney: Ken Evers

County Commissioners: Mike Thompson, Grady Johnson and Colon Lambert

Press: Michael Kelly and Jim Kelly

Staff: Bill Lambert, Sarah Pelham, Kristi Schierling and Krystin Chapman

Agenda: Director Lambert asked that the Board add a discussion related to Energy Florida to the agenda.

Gene Davis made a motion and was seconded by Monica Reas to accept the agenda with the addition. Motion passed unanimously.

Energy Florida

Director Lambert will be meeting with them tomorrow. They can help vet projects. They are formally known as Space Coast Energy Consortium. No action was taken on this item today.

Bionitrogen Inducement Resolution

Before any discussion took place, Donald Samuels announced that he had a conflict with this topic due to his son being an employee of Bionitrogen. A conflict of interest form was filled out and is on file and the EDO office.

Attorney Evers had outside bond counsel review the resolution. A draft copy was provided to the Board with the changes/additions noted. This resolution is not an obligation by the Board nor is the Board responsible to pay any money back. Attorney Evers pointed out the section in the resolution regarding attorney fees. We should have some sort of retainer provision. Attorney Evers suggested that we should have a deposit of \$10,000 as a retainer to cover anticipated attorney fees that would be incurred by the Authority. It also states that "in the event the retainer is insufficient to cover all fees incurred prior to the closing, Borrower shall replenish the retainer deposit upon written demand by the Authority in an amount set forth in such demand". The Board should receive the deposit before any time is spent on this.

Steven Southwell, Bionitrogen's attorney, reviewed his suggestions for the resolution. His suggestion was to not have an amount listed in the attorney's retainer fee and to also leave the retainer with the attorney and not with the Board.

An application and guidelines will need to be developed for the bond process.
The word "secretary" will be removed from Section 9 as well.

A motion was made by Gene Davis and seconded by Mike Prescott to adopt the resolution with the language proffered by Steven Southwell with respect to the attorney's fees discussed in the meeting today. Lory Durrance voted no and Donald Samuels abstained. Motion passed.

A motion was made by Mike Prescott and seconded by John O'Neal to adjourn the meeting.

Meeting was adjourned at 2:59pm.