

Hardee County Economic Development Council/Industrial Development Authority
Special Meeting Minutes
April 28, 2015
Hardee County BOCC

Vanessa Hernandez- Chair-P
Gene Davis- Vice Chair-P
Dottie Conerly-P

Donald Samuels-P
John O'Neal-P
Lory Durrance-P

Doug Jensen-A
Monica Reas-P
Diana Youmans-A

The meeting was called to order at 8:30am by Chair Hernandez.

Visiting: Robert Puterbaugh, Frank Kirkland, Henry Kuhlman, Wendall Smith, Sherriff Lanier, Kristin Giuliani, Robert Cole, Rhonda Cole, Autumn Blum, Vanessa Thomas, Sharon Moye, Stan Pelham and Bert Harris.

County Attorney: Ken Evers

County Commissioners: Mike Thompson, Colon Lambert, Russ Melendy and Sue Birge

Press: Michael Kelly

Staff: Bill Lambert, Sarah Pelham and Kristi Schierling

Agenda: Gene Davis made a motion and was seconded by Dottie Conerly to approve the agenda as printed. Motion passed unanimously.

Discussion/Approval of the DRAFT Fill Line Management contract with Debut Development

The discussion from our last meeting has been incorporated into the contract. The budgeted amount has been changed to \$260,465.00. The previous amount had included the Incubator portion as well instead of just the fill line portion. Clause 5 was pointed out to show that either party can terminate instead of having a 3 year contract. Director Lambert let everyone know that the license has been issued. Discussion was had to include the using of CareerSource Heartland in the contract.

Monica Reas made a motion and was seconded by Dottie Conerly to approve the contract with the addition of including the use of CareerSource Heartland. Motion passed unanimously.

Discussion/Approval of the DRAFT RFP for Marketing/Communication services for the EDC/IDA

The draft RFP was included in the agenda packet. We are looking to utilize outside experts to assist us in the marketing and messaging of our community. We will advertise for 60 days and look at advertising in the American Marketing Association of Tampa Bay, Public Relations Society of America and LinkedIn as well as Demand Star. Mr. Samuels did not agree with the statement that the EDC reserves the right to accept a proposal even if it does not contain all of the information requested in the RFP. Chair Hernandez explained that the language was there to give us the right to consider all of the respondents and determine who is the best qualified.

Lory Durrance made a motion and was seconded by Gene Davis to approve the DRAFT RFP. Donald Samuels voted no. Motion passed.

Discussion of public records requests as advertised

Attorney Evers started the discussion. Kristi Schierling had received public records requests from Henry Kuhlman and Donald Samuels requesting records related to the examination of Continuum Labs. Kristi

was unsure of what to do with the request so she passed it on to Attorney Evers for further research and response. Attorney Evers contacted Mike Carter (CliftonLarsonAllen, CLA) about the requests since the IDA is not in possession of the records. Mr. Carter was adamant that their work papers were the private property of CLA and are not public record. Attorney Evers researched case law and came to his conclusion that the records were not public records and he responded to Mr. Kuhlman's request. Mr. Samuels request was the same as Mr. Kuhlman's and Kristi Schierling sent Attorney Evers response to Mr. Samuels. Attorney Evers opinion is that the records are not public records and that we are not the custodian of those records. Attorney Evers and Director Lambert both received letters from the State Attorney saying that those records that were requested are public records since the State Attorney says that CLA is our internal auditor. We respectively disagree with that statement and that CLA is not an internal auditor of the IDA. Continuum Labs attorney, Mr. Puterbaugh, sent a demand letter stating that the records are not public records and that they are protected under many laws such as the Trade Secret law, HIPPA laws and Confidential of Records Statute 288.075. If those records were to be released, the IDA would be exposed to liability to Continuum Labs. Attorney Evers recommends filing a declaratory relief which allows the court to give direction. The IDA has sought outside counsel to handle this, Bert Harris. We are here today to ask the Board for permission to file the declaratory relief naming CLA, Continuum Labs, Henry Kuhlman, and Donald Samuels as defendants. The two individuals are named since they are the ones that made the public records request. The judge will determine if the records are public or not, who the custodian of the records is and whose responsibility to redact will be.

Dottie Conerly made a motion and was seconded by Monica Reas to proceed with the filing of declaratory relief. Donald Samuels abstained. Motion passed. A conflict of interest form is on file at the office.

Announcements/Other Business

We will resume the discussion of other legal counsel and job descriptions at our next meeting.

Meeting was adjourned at 10:25am by Chair Hernandez.