

**BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA  
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October 2, 2007

Via E-mail: [pmp@esclaw.com](mailto:pmp@esclaw.com) & Regular U.S. Mail

P. Michael Patterson, Esquire  
Emmanuel, Sheppard & Condon  
Post Office Drawer 1271  
Pensacola, Florida 32591-1271

Re: George Touart  
Your File No. 00758-100643

Dear Mr. Patterson:

Your letter to Interim County Administrator Robert R. McLaughlin dated September 28, 2007 has been forwarded to me for response.

The undisputed facts relating to this matter are as follows:

1. That Escambia County and George Touart entered into a written Employment Agreement on April 22, 2002 and amended on June 6, 2002 and on October 5, 2006 ("the Agreement") which Employment Agreement sets forth the manner in which Mr. Touart's employment with the County may be terminated by either party;
2. On September 6, 2007, Mr. Touart publicly read a statement in which he stated that it had become nearly impossible for him to continue as County Administrator and that he, therefore, wished to retire when he became vested in the Florida Retirement System (FRS) Pension Plan;
3. That Mr. Touart requested the Board to immediately place him on administrative leave pending the approval of the settlement and release agreement setting forth severance terms and conditions;

4. That the Board considered Mr. Touart's request to make his retirement effective in April of 2008 by reviewing several options, which would have allowed Mr. Touart to utilize his PTO, MOB and ELB for the period of January 2008 so that he could vest in the FRS Pension System, but decided not to modify the Agreement to include any such option;
5. That Section 14 of the Agreement expressly provides that "any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing signed by each party;"
6. That no such writing was signed by the parties to the Agreement, and
7. That Mr. Touart is currently fully vested in the FRS Investment Plan that he selected.

No further action is required of the Board or Mr. Touart. Pursuant to subsection 15.2 of the Agreement, Mr. Touart will continue to receive his salary and benefits through December 31, 2007 and at the end of this period he will receive a lump sum payment of all accrued PTO, MOB and ELB and will receive information regarding the distribution of retirement funds which are held by the FRS.

Very truly yours,



Janet Lander  
County Attorney

JL:bjs

cc: Commissioner Kevin W. White, Chairman, District 5  
Commissioner Marie Young, Vice Chairman, District 3  
Commissioner D. M. "Mike" Whitehead, District 1  
Commissioner Gene M. Valentino, District 2  
Commissioner Grover C. Robinson, IV, District 4  
Robert R. McLaughlin, Interim County Administrator  
Roderick Powell, Director, Human Resources  
Sonya Daniel, Manager, Public Information Office