

**BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA  
OFFICE OF THE COUNTY ATTORNEY**



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**November 4, 2011**

**Honorable Pamela Jo Bondi  
Attorney General  
Department of Legal Affairs  
The Capitol, PL01  
Tallahassee, FL 32399-1050**

**Re: Request for Attorney General's Opinion: Powers of County Commissioners –  
Duties of County Administrator to select and fill vacancies in positions for  
employment under the jurisdiction of the Board – Extent of participation by  
County Commissioner in selection and hiring process**

**Dear Ms. Bondi:**

I write you as counsel for the Escambia County Board of County Commissioners. The Board of County Commissioners at its meeting held on October 20, 2011, directed that I respectfully request your opinion as well as your review on questions of law related to a county commissioner's involvement in the selection process for a county employee. Please be aware the Board of County Commissioners also requested other agencies review the matter in question to determine whether the commissioner violated any law or exceeded his power and authority.

Escambia County is a non-charter county with five single-member districts and a contracted county administrator. Pursuant to §125.01, Fla. Stat., a board of county commissioners has broad powers to carry on county government, as enumerated in the statute. In particular, §125.01(3)(a), Fla. Stat., provides that this enumeration of powers is not exclusive nor restrictive, but is deemed to incorporate all implied powers necessary to carry out the specified powers including the authority to employ personnel. Part III of Chapter 125 is entitled "County Administration Law of 1974," the purpose of which is to place "...in the hands of a county administrator the multitude of details which must necessarily arise from the operation of a county...[and] enables the board of county commissioners to perform freely, without unnecessary interruption, its fundamental intended purpose of making policies within the framework of law applicable to county government in this state." Pursuant to §125.71, Fla. Stat., the county administrator is also given enumerated powers, which are not limited, but which include

the power to select, employ and supervise all personnel, fill all vacancies, positions or employment under the jurisdiction of the board and to suspend, discharge or remove any such employee. See § 125.74(1)(k) and (l), Fla. Stat.

For purposes of this inquiry, the following summary of facts is relevant:

The Board of County Commissioners of Escambia County has adopted certain policies through its Division of Human Resources for the selection of unclassified employees, who are at-will employees. In summary, Human Resources prepares a public notice advertising the position and salary range of an unclassified position and invites interested applicants to submit an online application. Once applications are received, a selection committee is usually convened to review the applications and make recommendations to the County Administrator or his designee as to those candidates it deems worthy of further consideration. A grouping of candidates is then usually interviewed and ranked according to their qualifications and abilities to perform. A recommendation is then made to the County Administrator or his designee for selection.

Approximately ten years ago, Escambia County built a public facility known as the Equestrian Center. It is maintained and operated by the County and is offered as a venue for equestrian events, dog trials, dog shows and other outdoor events. The Equestrian Center has never produced sufficient income to cover its operational costs.

In November 2008, Wilson Robertson was elected as the County Commissioner to represent District 1 for Escambia County. Mr. Robertson, according to information given to this office, met with interested persons about turning the Equestrian Center into an income-producing public facility that would meet its original purpose. One of the recommendations he received was that the Equestrian Center needed a full-time manager with ties to the equestrian community to be able to bring in income-producing events. In April, 2011, the Board of County Commissioners approved creating the position of an Equestrian Center Manager and established an \$80,000 budget for the position, to include an estimated starting salary of \$60,000 plus any benefits. A copy of those minutes is attached.

Using its normal policies and procedures, the Division of Human Resources advertised for an Equestrian Center Marketing and Promotions Coordinator using only the first quartile of the budgeted amount. Accordingly, the position was advertised at an annual salary range of \$44,803.20 to \$51,521.60. A copy of the position listing is enclosed. Sixty-four applicants submitted on-line applications. The selection committee was named by County Administrator Randy Oliver and consisted of Barbara Keyser, Human Resources Supervisor, Michael Rhodes, Manager of the Parks & Recreation Division, and Larry Newsom, Assistant County Administrator.

One of the applicants was Forrest Gibbs who listed Commissioner Robertson as a reference. Two other Commissioners were listed as references for other applicants.

Forrest Gibbs is a member of a long-time, well-connected family in Escambia County. Commissioner Robertson was friendly with Mr. Gibbs' family, particularly his father. After media reports were published concerning the hiring of Mr. Gibbs, Commissioner Robertson learned that Mr. Gibbs has a business interest with Commissioner Robertson's partner, Lamar Brazwell, subsequently involved in an arm's length transaction irrelevant for this inquiry. Commissioner Robertson has told this office and the media that he did not know of this business connection until it was published in the media.

Commissioner Robertson has told this office that prior to knowing that Mr. Newsom had been named to the selection committee, he spoke to Mr. Newsom and told him that Mr. Gibbs would be a good candidate for the Equestrian Center Manager position. Human Resources and then the selection committee narrowed the field of applicants to eight finalists, with Mr. Gibbs being one of the eight finalists. Interviews were conducted of all finalists, but the selection committee did not rank the finalists. Mr. Newsom, head of the selection committee, recommended to Mr. Oliver that Forrest Gibbs be hired for the position of Equestrian Center Manager.

After the selection of Mr. Gibbs, it appears there was some confusion as to what the Board had budgeted as a salary for the manager position. Commissioner Robertson states he then met with Mr. Oliver and reminded him that \$80,000 had been allocated for the manager position. At the invitation of Mr. Newsom, Commissioner Robertson attended a meeting of the selection committee to learn what the committee was going to offer Mr. Gibbs for salary and benefits. Mr. Newsom also invited me to that meeting because one of the issues discussed was whether it was appropriate to negotiate a salary for Mr. Gibbs which was in excess of the advertised range. I stated at the meeting that negotiating a salary in excess of the advertised range was legal, but it was not a recommended practice and left the meeting before Commissioner Robertson did.

An offer letter was given to Mr. Gibbs with two performance standards which I reviewed and determined was in legal form. Enclosed is a copy of the signed offer letter. As you can see, Mr. Gibbs was required in his first year of employment to obtain additional income for the Equestrian Center in an amount not less than \$80,000, which was the budgeted amount for his position. By the second year, he was required to bring the operating deficit for the Equestrian Center to zero. Should he fail to reach either of those performance standards, then he would be terminated. Mr. Gibbs was an unclassified employee and could be terminated at will upon 30 days notice irrespective of meeting the above performance standards.

Once Mr. Gibbs was hired, adverse publicity was generated in the media and public concern was voiced that Commissioner Robertson exceeded the powers of his office and had wrongfully influenced the selection of Mr. Gibbs. Allegations were also made that he may have misused his position in violation of § 112.313(6), Fla. Stat., which provides that no public officer shall corruptly use or attempt to use his or her official position to secure a special privilege, benefit or exemption for himself or others. Section 112.312(9), Fla. Stat., defines "corruptly" as "...done with a wrongful intent and

for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties."

At the regular meeting of the Board of County Commissioners on October 20, 2011, after receiving much public comment and scrutiny from the local media, Commissioner Robertson asked that the Board authorize this office to seek an opinion from your office, as well as other agencies, as to whether Commissioner Robertson's conduct in the selection and hiring of Mr. Gibbs violated any law. Certainly this letter recites only a summary of the facts involved and only as they were provided to me or my office. An investigation may yield different or additional facts that could be considered relevant. That said, this office requests your opinion on the following questions:

1. Does the County Administration Law of 1974 limit the extent and nature of the participation of a County Commissioner in the hiring or removal of an employee under the jurisdiction of the Board?

2. Did Commissioner Robertson's recommendation to County staff to select Mr. Gibbs unduly influence the selection process by frustrating the purpose of the County Administration Law of 1974 which places in the County Administrator the power to select or remove an employee?

3. Do the broad powers with which a board of county commissioners is granted through § 125.01(3)(a), Fla. Stat., to exercise all implied powers necessary to carry out its enumerated powers, including the authority to employ personnel, provide either the board or an individual commissioner the power to make recommendations for and participate in the hiring of a particular person for a vacant position?

Please contact me if you need further information or clarification. Thank you for your kind attention to this request for your opinion on the above questions.

Respectfully submitted,



Alison P. Rogers  
County Attorney

APR/ds


Enclosures

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION

1. Single-Family Bond Issue – Resolution ▶

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried unanimously, adopting a Resolution (*R2011-67*) which approves a plan of finance for low-interest loans to first-time homebuyers and authorizes the Escambia County Housing Finance Authority (the "Authority") to issue Single-Family Mortgage Revenue Bonds from time to time, including temporary bond anticipation notes in connection therewith, in an aggregate principal amount not to exceed \$150,000,000.

 2. LOST Reallocation/Ownership Transfer of Olive Road and Airport Boulevard ▶

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried 3-1, with Commissioner Robertson abstaining (*and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*) and Commissioner Young voting "no," approving Item A, as follows, concerning the reprioritization of Local Option Sales Tax (LOST) funds and the transfer of ownership on Olive Road and Airport Boulevard:

- A. Approving to allocate \$6,000,000 in LOST funds to the (*Northwest*) Sector Plan Road Expansion project (Kingsfield, Well Line, Quintette); the Development Group acknowledges that this funding is insufficient to construct these roads and agrees to prioritize, within available funding, the roadways in a Memorandum of Understanding between the parties within six months of the approval of this recommendation; if the Development Group fails to mutually agree upon the priorities for these roadways within this timeframe, the funds shall be reallocated to Bridge Renovation projects.

Motion made by Commissioner Robertson, seconded by Commissioner Valentino, and carried 3-2, with Commissioner Robinson and Commissioner Young voting "no," approving Item B, as follows, concerning the reprioritization of LOST funds and the transfer of ownership on Olive Road and Airport Boulevard:

- B. Approving to allocate an additional \$2,000,000 in LOST funding for the Saufley Landfill project.

(Continued on Page 26)

**PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued**

**COUNTY ADMINISTRATOR'S REPORT – Continued**

**III. FOR DISCUSSION – Continued**

**2. Continued...**

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried unanimously, approving Item C, as follows, concerning the reprioritization of LOST funds and the transfer of ownership on Olive Road and Airport Boulevard:

- C. Approving further reallocation of LOST projects and funding according to the spreadsheet attached to the recommendation.

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried unanimously, approving Items D through G, as follows, concerning the reprioritization of LOST funds and the transfer of ownership on Olive Road and Airport Boulevard:

- D. Approving to direct staff to prepare solicitation documents for the Perdido Key Fire Station project with the following alternatives:
- Base bid to include the fire station and infrastructure build-out
  - An additive alternative to include a visitors' information center/community center
  - An additive alternative to include a helideck and associated infrastructure
  - An alternative to include all of the above
- E. Authorizing the transfer process necessary to accept Olive Road (SR 290) between CR 95A and Scenic Highway (U. S. 90) from the State of Florida;
- F. Authorizing the process to transfer Airport Boulevard, between I-110 (SR 8A) and U. S. (*Highway*) 29, from Escambia County to the State of Florida; and
- G. Authorizing the transfer of the Pinestead-Longleaf connector, once constructed, from Escambia County to the State of Florida.

**Speaker(s):**

Ruth Gordon



**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

**IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:**

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Wilson B. Robertson, hereby disclose that on April 21 2011

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss; \_\_\_\_\_
- X inured to the special gain or loss of my business associate, Donald Moore
- inured to the special gain or loss of my relative, \_\_\_\_\_
- inured to the special gain or loss of, \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of, \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I declare a voting conflict pursuant to § 112.3143, Fla. Stat., or there is an appearance of a conflict of interest pursuant to § 286.012, Fla. Stat., with regards to item CAR III-2(A), on the April 21, 2011, Escambia County Board of County Commissioners' County Administrator's Agenda, which could inure to the special private gain or loss of the signatories to the Sector Plan Development Agreement, one of whom is a business associate of mine. Therefore, I abstain from voting on this matter.



Date Filed April 21, 2011

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.





**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**ORGANIZATION:** Management and Budget Services  
**FROM:** Amy Lovoy, Department Director *AL*  
**DATE:** April 21, 2011  
**ISSUE:** Local Option Sales Tax Reprioritization

**RECOMMENDATION:**

**Recommendation Concerning the Reprioritization of Local Option Sales Tax (LOST) Funds and the Transfer of Ownership of Olive Road and Airport Boulevard - Amy Lovoy, Management & Budget Services Department Director**

That the Board take the following actions concerning the Reprioritization of Local Option Sales Tax (LOST) funds and the transfer of ownership on Olive Road and Airport Boulevard:

- A. Approve allocating \$6,000,000 in Local Option Sales Tax funds to the Sector Plan Road Expansion project (Kingsfield, Well Line, Quintette). The Development Group acknowledges that this funding is insufficient to construct these roads and agrees to prioritize, within available funding, the roadways in a Memorandum of Understanding (MOU) between the parties within six months of the approval of this Recommendation. If the Development Group fails to mutually agree upon the priorities for these roadways within this time frame, the funds shall be reallocated to Bridge Renovations projects; and
- B. Approve allocating an additional \$2,000,000 in Local Option Sales Tax funding for the Saufley Landfill project; and
- C. Approve further reallocation of Local Option Sales Tax projects and funding according to the attached spreadsheet; and
- D. Direct staff to prepare solicitation documents for the Perdido Key Fire Station project with the following alternatives
  - Base bid to include the fire station and infrastructure build-out
  - An additive alternative to include a visitors' information center/community center
  - An additive alternative to include a helideck and associated infrastructure
  - An alternative to include all of the above; and
- E. Authorize the transfer process necessary to accept Olive Road (SR 290) between CR 95A and Scenic Highway (U.S. 90) from the State of Florida; and
- F. Authorize the process to transfer Airport Boulevard, between I-110 (SR 8A) and U.S. 29, from Escambia County to the State of Florida; and
- G. Authorize the transfer of the Pinestead-Longleaf connector, once constructed, from Escambia County to the State of Florida.

BCC: 04-21-2011  
RE: Local Option Sales Tax Reprioritization  
Date: 04-21-2011  
Page: 2 of 3

2011-000426 BCC  
Apr. 21, 2011 Page 4

(This Recommendation will reprioritize projects in LOST by adding additional projects and moving other projects to different years. Funding for the additional projects will come from the Equestrian Center, the library construction project, funds remaining after the completion of the Central Office Complex and funds that were previously unallocated over the life of the tax. There will be \$1,000,000 remaining in the library construction project and \$1,611,416 unallocated through Fiscal Year 2018 if this action is approved. This action presumes that all current LOST revenue estimates will be met. If the estimates are not met, projects will have to be deleted or delayed.)

### **BACKGROUND:**

The attached spreadsheet details a reprioritization of LOST funding and includes the following:

- Increases the Molino project budget by a total of \$1,800,000 bringing the total budget to \$4,389,156.
- Includes \$1,500,000 for a Stefani Road building expansion.
- Increases the funding for Olive Road by \$3,000,000 bringing the total budget to \$6,385,669.
- Increases the funding for bridge renovations by \$3,700,000.
- Increases the funding for resurfacing and lane widening by \$10,500,000.
- Increases the funding for the Perdido Key Fire Station by \$5,000,000 bringing the total budget to \$5,398,887.
- Increases the funding for Saufley Landfill by \$2,000,000 bringing the total budget to \$7,900,000.
- Provides \$6,000,000 for Kingsfield/Quintette/Well Line Roads.
- Provides \$350,000 for sidewalks on Burgess Road contingent on funding from the City of Pensacola.
- Includes \$2,700,000 for a PD&E study on an I-10 Interchange in Beulah.
- Increases the funding for a Hwy. 297A drainage project by \$3,000,000 bringing the total budget for projects on Hwy. 297A to \$9,431,497.
- Includes \$400,000 for improvements at Wedgewood Park.
- Includes \$600,000 for an expansion to the L Street stormwater pond.
- Includes \$400,000 for a project on E Street (Leonard to Cervantes).
- Includes funding for one additional personnel position at the Equestrian Center for two (2) years to market the facility.

### **BUDGETARY IMPACT:**

This agenda item will reprioritize projects in LOST by adding additional projects and moving other projects to different years. Funding for the additional projects will come from the Equestrian Center, the library construction project, funds remaining after the completion of the Central Office Complex and funds that were previously unallocated over the life of the tax. There will be \$1,000,000 remaining in the library construction project and \$1,611,416 unallocated through FY2018 if this action is approved. This action presumes that all current LOST revenue estimates will be met. If the estimates are not met, projects will have to be deleted or delayed.

### **LEGAL CONSIDERATIONS/SIGN-OFF:** N/A

### **PERSONNEL:**

BCC: 04-21-2011  
RE: Local Option Sales Tax Reprioritization  
Date: 04-21-2011  
Page: 3 of 3

2011-000426 BCC  
Apr. 21, 2011 Page 5

This action provides for one additional position: an Equestrian Center Manager with an estimated starting salary of \$60,000 plus benefits. If after two years the facility deficit is not reduced, the position will be eliminated.

**POLICY/REQUIREMENT FOR BOARD ACTION/DISCUSSION:**

N/A

**IMPLEMENTATION REQUIREMENTS:**

N/A

**COORDINATION WITH OTHER AGENCIES/PERSONS:**

N/A

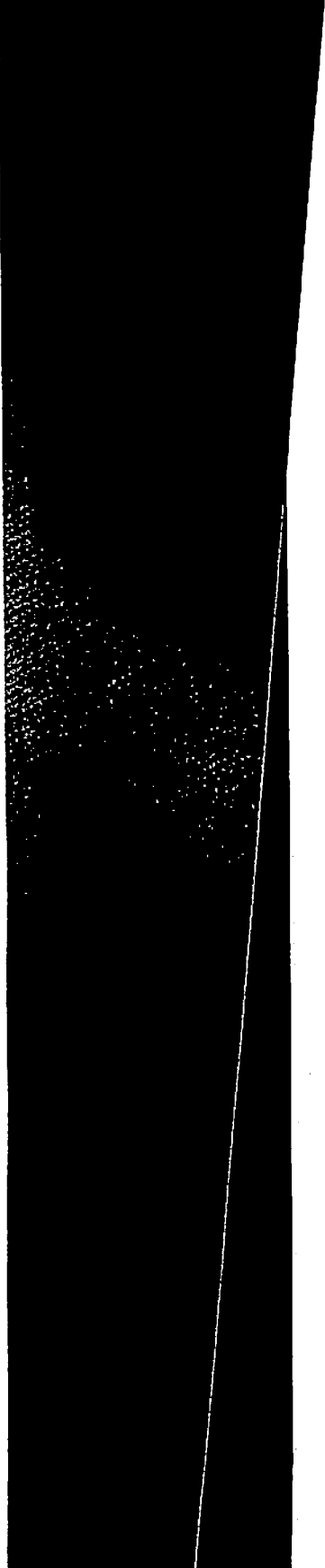
**CONCUR:** \_\_\_\_\_  
Charles R. "Randy" Oliver, County Administrator

Project	2011	2012	2013	2014	2015	2016	2017	2018	Total
<b>From</b>									
Congestion Improvements	\$150,000								\$150,000
Equestrian Center Improvements	80,334		82,744	85,226	87,783	90,416	93,128	95,922	615,553
ITS Application/Feasibility Study	1,462,936								1,462,936
JLUS Land Acquisition	250,000	250,000	500,000	500,000	250,000	500,000	500,000		2,500,000
JPA Design Box	500,000	500,000	400,000						900,000
Libraries LOST II	1,100,000								1,100,000
Libraries LOST III *			9,350,000	3,000,000			5,350,000		17,700,000
Neighborhood Enhancements	3,700,000		1,400,000						1,400,000
New Office Building	3,000,000								3,000,000
Olive Road (Existing funds)									3,000,000
Rebel Road			2,000,000						2,000,000
Sidewalks		400,000							400,000
Traffic Calming		200,000							200,000
Unallocated Funds	1,100,000	250,000	1,582,404	1,619,470	1,763,170	5,952,851	2,479,756	2,813,765	17,561,416
<b>Total</b>	<b>\$10,362,936</b>	<b>\$1,830,334</b>	<b>\$15,315,148</b>	<b>\$5,204,696</b>	<b>\$2,100,953</b>	<b>\$6,543,267</b>	<b>\$8,422,884</b>	<b>\$2,909,687</b>	<b>\$52,689,905</b>
<b>To</b>									
Bridge Renovations	100,000		1,016,566	516,666	263,170	770,162	516,666	516,670	3,700,000
Burgess Sidewalks **						350,000			350,000
Congestion Improvements				150,000					150,000
E Street (Leonard to Cervantes)						400,000			400,000
Equestrian Center Manager	80,334		82,744	85,226	87,783	90,416	93,128	95,922	615,553
Hwy 297A Drainage						3,000,000			3,000,000
I-10 Interchange/Beulah	1,462,936	1,080,000	157,064				1,462,936		2,700,000
ITS Application/Feasibility Study									1,462,936
JPA Design Box							300,154		900,000
L Street Pond Expansion				600,000					600,000
Molino Library									700,000
Neighborhood Enhancements	700,000						1,400,000		1,400,000
Olive Road									6,000,000
PA/TTC Molino Building	1,100,000	100,000	5,900,000						1,100,000
Perdido Key Fire Station	5,000,000								5,000,000
Rebel Road									2,000,000
Resurfacing/Lane Widening			1,228,674	3,452,804	1,750,000	1,732,689	2,000,000	751,211	10,500,000
Saulfey Landfill***	2,000,000						1,584,622		2,000,000
Sector Plan Road Expansion ***									2,000,000
Sidewalks	470,000	150,000	1,350,000	400,000			400,000		6,000,000
Stephani Road Building Expansion									400,000
Traffic Calming									1,500,000
Wedgewood Park Improvements						200,000			200,000
<b>Total</b>	<b>\$10,362,936</b>	<b>\$1,830,334</b>	<b>\$15,315,148</b>	<b>\$5,204,696</b>	<b>\$2,100,953</b>	<b>\$6,543,267</b>	<b>\$7,757,506</b>	<b>\$1,963,649</b>	<b>\$51,078,489</b>
<b>Remaining Available</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$665,378.00</b>	<b>\$946,038.00</b>	<b>\$1,611,416.00</b>

\* This will leave \$1,000,000 for library construction, and \$1,611,416 unallocated.  
 \*\* Funding contingent on the City  
 \*\*\* Allocated on previous agenda item. Only shown as reference

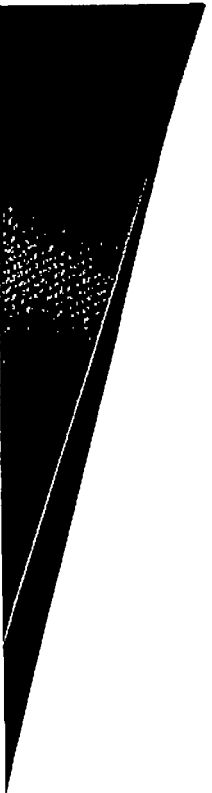
# Local Option Sales Tax

Reprioritization



# Molino Campus

- ▶ Current project budget – \$2,163,834
- ▶ Additional Funding to be Allocated –
  - \$1,800,000
  - \$700,000 for library infrastructure including furniture, fixtures and equipment
  - \$1,100,000 for a facility to house the Tax Collector and Property Appraiser.



## **Perdido Key Fire Station**

- ▶ Current Project Expenses – \$398,887
- ▶ Additional Funding to be Allocated – \$5,000,000. This amount was transferred to the southwest sports complex.
- ▶ Engineer's Estimated Costs – \$6,100,000



# Saufley Field Landfill

- ▶ Current Project Budget – \$5,900,000
- ▶ Funds Remaining at 3/31/2011 – \$3,915,454
- ▶ Additional Funding to be Allocated – \$2,000,000
- ▶ Varies in elevation from 13' to 30' based on disposal at a C&D landfill at \$3.00 per cubic yard.
  - If bids are favorable, the elevation can be reduced.
  - Disposal costs at Perdido Landfill would be \$12.8 million greater.







**THE CONDITION OF THE ORIGINAL DOCUMENT IS REFLECTED IN THE IMAGE AND IS NOT THE FAULT OF THE MICROFILMING PROCESS**

# **Kingsfield/Well Line/Quintette**

- ▶ Current Project Budget – \$0
- ▶ Additional Funding to be Allocated – \$6,000,000
- ▶ These funds will be used for right-of-way purchases and construction.
- ▶ The Development Group must decide within six (6) months to which roadway(s) this funding will be applied. If the Development Group fails to mutually agree on the priorities for these roadways, the funds shall be reallocated for bridge renovations.





**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

AI-654 County Administrator's Report Item #: 12. 2.  
BCC Regular Meeting  
Meeting Date: 04/21/2011  
From: Amy Lovoy, Department Head  
Organization: OMB  
CAO Approval: *Charles R. Oliver*

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Information

**RECOMMENDATION:**

Recommendation Concerning the Reprioritization of Local Option Sales Tax (LOST) Funds and the Transfer of Ownership of Olive Road and Airport Boulevard - Amy Lovoy, Management & Budget Services Department Director

That the Board take the following action concerning the Reprioritization of Local Option Sales Tax (LOST) funds and the Transfer of Ownership on Olive Road and Airport Boulevard:

- A. Reprioritize LOST projects, according to the spreadsheet including \$6 million in funding for developmental roads in the Northwest Sector Plan (Kingsfield, Well Line, Quintette). The Development Group acknowledges that this funding is insufficient to construct these roads and agrees to prioritize, within available funding, the roadways in a Memorandum of Understanding (MOU) between the parties within six months of the approval of this Recommendation. If the Development Group fails to mutually agree upon the priorities for these roadways within this time frame, the funds shall be reallocated to Bridge Renovations;
- B. Authorize the transfer process necessary to accept Olive Road (SR 290) between CR 95A and Scenic Highway (U.S. 90) from the State of Florida;
- C. Authorize the process to transfer Airport Boulevard, between I-110 (SR 8A) and U.S. 29, from Escambia County to the State of Florida; and
- D. Authorize the transfer of the Pinestead-Longleaf connector, once constructed, from Escambia County to the State of Florida.

(This Recommendation will reprioritize projects in LOST by adding additional projects and moving other projects to different years. Funding for the additional projects will come from the Equestrian Center, the library construction project, funds remaining after the completion of the Central Office Complex and funds that were previously unallocated over the life of the tax. There will be \$1,000,000 remaining in the library construction project and \$1,611,416 unallocated through Fiscal Year 2018 if this action is approved. This action presumes that all current LOST revenue estimates will be met. If the estimates are not met, projects will have to be deleted or delayed.)

**BACKGROUND:**

The attached spreadsheet details a reprioritization of LOST funding and includes the following:

- Increases the Molino project budget by a total of \$1,800,000 bringing the total budget to \$4,389,156.
- Includes \$1,500,000 for a Stefani Road building expansion.
- Increases the funding for Olive Road by \$3,000,000 bringing the total budget to \$6,385,669.
- Increases the funding for bridge renovations by \$3,700,000.
- Increases the funding for resurfacing and lane widening by \$10,500,000.
- Increases the funding for the Perdido Key Fire Station by \$5,000,000 bringing the total budget to \$5,398,887.
- Increases the funding for Saufley Landfill by \$2,000,000 bringing the total budget to \$7,900,000. (Based on current estimates this reduces the average cross section from 48 to 33 feet).
- Provides \$6,000,000 for Kingsfield/Quintette/Well Line Roads.
- Provides \$350,000 for sidewalks on Burgess Road contingent on funding from the City of Pensacola.
- Includes \$2,700,000 for a PD&E study on an I-10 interchange in Beulah.
- Increases the funding for a Hwy. 297A drainage project by \$3,000,000 bringing the total budget for projects on Hwy. 297A to \$9,431,497.
- Includes \$400,000 for improvements at Wedgewood Park.
- Includes \$600,000 for an expansion to the L Street stormwater pond.
- Includes \$400,000 for a project on E Street (Leonard to Cervantes).
- Includes funding for one additional personnel position at the Equestrian Center for two (2) years to market the facility.

**BUDGETARY IMPACT:**

This agenda item will reprioritize projects in LOST by adding additional projects and moving other projects to different years. Funding for the additional projects will come from the Equestrian Center, the library construction project, funds remaining after the completion of the Central Office Complex and funds that were previously unallocated over the life of the tax.

There will be \$1,000,000 remaining in the library construction project and \$1,611,416 unallocated through FY2018 if this action is approved.

This action presumes that all current LOST revenue estimates will be met. If the estimates are not met, projects will have to be deleted or delayed.

**LEGAL CONSIDERATIONS/SIGN-OFF:**

N/A

**PERSONNEL:**

This action provides for one additional position: an Equestrian Center Manager with a starting salary of \$60,000 plus benefits. If after two years the facility deficit is not reduced, the position will be eliminated.

**POLICY/REQUIREMENT FOR BOARD ACTION:**

N/A

**IMPLEMENTATION/COORDINATION:**

N/A

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**Attachments**

LOST projects

LOST Prioritization

Project	2011	2012	2013	2014	2015	2016	2017	2018	Total
<b>From</b>									
Congestion Improvements		\$150,000							\$150,000
Equestrian Center Improvements		80,334	82,744	85,226	87,783	90,416	93,128	95,922	645,553
ITS Application/Feasibility Study	1,462,936								1,462,936
JULS Land Acquisition		250,000	500,000	500,000	250,000	500,000	500,000		2,500,000
JPA Design Box		500,000	400,000						900,000
Libraries LOST II *	1,100,000								1,100,000
Libraries LOST III *			9,350,000	3,000,000					12,350,000
Neighborhood Enhancements			1,400,000				5,350,000		6,750,000
New Office Building	3,700,000								3,700,000
Olive Road (Existing funds)	3,000,000								3,000,000
Rebel Road			2,000,000						2,000,000
Sidewalks		400,000							400,000
Traffic Calming		200,000							200,000
Unallocated Funds	1,100,000	250,000	1,582,404	1,619,470	1,763,170	5,907,851	2,479,756	2,813,765	17,561,416
<b>Total</b>	<b>\$10,362,936</b>	<b>\$1,830,334</b>	<b>\$15,315,148</b>	<b>\$5,204,696</b>	<b>\$2,100,953</b>	<b>\$6,543,267</b>	<b>\$8,422,884</b>	<b>\$2,909,687</b>	<b>\$52,689,905</b>
<b>To</b>									
Bridge Renovations	100,000		1,016,666	516,666	763,170	770,162	516,666	516,670	3,700,000
Burgess Sidewalks **						350,000			350,000
Congestion Improvements				150,000					150,000
E Street (Leonard to Cervantes)						400,000			400,000
Equestrian Center Manager		80,334	82,744	85,226	87,783	90,416	93,128	95,922	615,553
Hwy 297A Drainage						3,000,000			3,000,000
I-10 Interchange/Beulah									2,700,000
ITS Application/Feasibility Study	1,462,936	1,080,000	157,064				1,462,936		4,162,936
JPA Design Box							300,154	599,846	900,000
L Street Pond Expansion				600,000					600,000
Molino Library	700,000								700,000
Neighborhood Enhancements							1,400,000		1,400,000
Olive Road									6,000,000
PA/TC Molino Building	1,100,000								1,100,000
Perdido Key Fire Station	5,000,000								5,000,000
Rebel Road							2,000,000		2,000,000
Resurfacing/Lane Widening			1,228,674	3,452,804	1,750,000	1,732,689	1,584,622	751,211	10,500,000
Saulfley Landfill	2,000,000								2,000,000
Sector Plan Road Expansion		420,000							420,000
Sidewalks		150,000	1,350,000						1,500,000
Stephani Road Building Expansion						200,000			200,000
Traffic Calming									400,000
Wedgewood Park Improvements									400,000
<b>Total</b>	<b>\$10,362,936</b>	<b>\$1,830,334</b>	<b>\$15,315,148</b>	<b>\$5,204,696</b>	<b>\$2,100,953</b>	<b>\$6,543,267</b>	<b>\$7,757,506</b>	<b>\$1,969,649</b>	<b>\$1,611,416</b>
<b>Remaining Available</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$665,378.00</b>	<b>\$946,038.00</b>	<b>\$1,611,416.00</b>

\*\* This will leave \$1,000,000 for library construction, and \$1,611,416 unallocated.

\*\* Funding contingent on the City

**Dianne C. Simpson**

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**From:** Barbara A. Keyser  
**Sent:** Wednesday, November 02, 2011 10:25 AM  
**To:** Dianne C. Simpson  
**Subject:** RE: Equestrian Job Bulletin  
**Attachments:** Equestrian Center Marketing & Promotions Coordinator (5-11).pdf

Attached is the actual document distributed on 5/27/11, when the position was posted.

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**From:** Dianne C. Simpson  
**Sent:** Wednesday, November 02, 2011 10:02 AM  
**To:** Barbara A. Keyser  
**Subject:** Equestrian Job Bulletin  
**Importance:** High

Is the attached the original posting for the Equestrian Manager position? If not, would you send me a copy?  
Thank you so much for your assistance and I look forward to hearing from you.



**ESCAMBIA COUNTY**

Department of Human Resources  
221 Palafox Place, HR Suite 200  
Pensacola, FL 32502-5835

(850) 595-3000 Out-of-Area: (866) 609-0603

<http://www.myescambia.com/Bureaus/ManagementServices/JobOpportunities.html>

**INVITES APPLICATIONS FOR THE POSITION OF:**

**Equestrian Center Marketing & Promotions Coordinator**  
**Parks and Recreation Department**

*An Equal Opportunity Employer*

**RECRUITMENT RANGE**

\$21.54 - \$24.77 Hourly    \$44,803.20 - \$51,521.60 Annually

**ISSUE DATE:** 05/27/11

**FINAL FILING DATE:** Thu. 06/30/11 11:59 PM Central Time

**THE POSITION**

Markets and promotes the County Equestrian Center; oversees the operation of the Center.

During the interview stage, candidates will be asked to identify and discuss a general approach to their business plan to market, manage, promote, and generate revenue at the Equestrian Center

The successful candidate will be required to sign an agreement describing the duties of the job and County expectations and requirements for continued employment.

**EXAMPLES OF DUTIES**

Develops marketing strategies to attract new customers to the Center

Visits potential customers to promote the center and explain all that it offers.

Visits local and regional business and public leaders to gain support and sponsorship for the Center

Prepares marketing tools such as pamphlets, handouts, etc. to advertise the Center

Attends all activities to ensure smooth operations and to ensure customer satisfaction

Maintains calendar of scheduled events

Interacts with existing customers to ensure continued support and satisfaction with services provided

Maintains contacts within community

Routinely inspects Center and grounds and assigns work to staff based on scheduled events and facility needs

Performs other duties of a similar nature or level



## **QUALIFICATIONS**

### **Training and Experience:**

High School Diploma or equivalent (G.E.D.) and and three years experience, with a proven track record, in sales, marketing, public relations, preferably dealing with rodeo, equestrian, animal exhibition or outdoor activities, or a related field; one year of which was at a supervisory or management level or, an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job such as those listed above.

### **Licensing Requirements:**

Valid Operator's License

### **Knowledge of:**

Sales and marketing techniques  
Equestrian center and exhibition hall operations

### **Skill in:**

Strong communications skills  
Use of office equipment  
Interpersonal skills  
Facility management

## **SUPPLEMENTAL INFORMATION**

Positions in this class require: fingering, grasping, feeling, talking, hearing, seeing and repetitive motions.

Light Work: Exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or negligible amount of force constantly to move objects. If the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.

Incumbents may be subjected to extreme temperatures and travel

APPLICATIONS MAY BE OBTAINED AND FILED ONLINE AT:

<http://www.myescambia.com/Bureaus/ManagementServices/JobOpportunities.html>

OR

221 Palafox Place, HR Suite 200  
Pensacola, FL 32502-5835

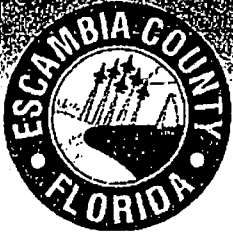
EXAM #

EQUESTRIAN CENTER MARKETING &  
PROMOTIONS COORDINATOR

JF

## Equestrian Center Marketing & Promotions Coordinator Supplemental Questionnaire

- \* 1. The Escambia County Board of County Commissioners has adopted a Tobacco Free Hiring policy effective 10/01/2008. A candidate selected for employment will be tested for tobacco use. A positive test result or refusal to be tested will prevent employment and bar the applicant for the next twelve months. Have you used any tobacco products in the past 30 days?
    - Yes, I have used tobacco products in the past 30 days.
    - No, I have not used tobacco products in the past 30 days.
  - \* 2. Do you have a high school diploma or equivalent?
    - Yes
    - No
  - \* 3. Do you have a minimum of three years experience in the sales, promotions, and marketing in the equestrian field, outdoor events, and other related fields?
    - Yes
    - No
  - \* 4. If yes, please explain.
  - \* 5. Do you have a minimum of one year supervisory experience?
    - Yes
    - No
  - \* 6. If yes, please explain.
  - \* 7. Please describe your experience in producing a marketing plan or strategy to increase sales.
  - \* 8. Please describe your experience in designing/producing brochures, pamphlets, and other marketing tools to advertise and promote an event.
  - \* 9. Please describe your experience in obtaining corporate sponsorships.
  - \* 10. Are you a current internal Escambia County BCC employee? (For recruitment purposes student assistants, temps and contract employees are considered external applicants.)
    - Yes
    - No
- \* Required Question



Board of County Commissioners • Escambia County, Florida

Barbara Keyser  
Human Resources

September 12, 2011

Forrest R Gibbs  
33746 Magnolia Farms Road  
Robertsdale, Alabama 36567

Dear Mr. Gibbs,

On behalf of Escambia County Board of County Commissioners, Department of Human Resources, I am pleased to offer you an "At Will" unclassified position as Equestrian Center Marketing & Promotions Coordinator. In this capacity your salary will be \$63,000 per year plus benefits. This position also has access to a county vehicle for Equestrian Center business only. The vehicle is not available for take-home or personal use.

This position receives the PTC level of Management Optional Benefits (MOB-fact sheet enclosed). You will receive 40 hours of MOB upon hire.

The following objectives have been established for this position and will be included in the Annual Employee Performance Evaluation for this position:

1. At the end of the first year of employment, \$80,000 in new revenue will have been generated directly by your efforts through a combination of corporate sponsorships and new events brought to the facility.

*I agree to follow all county policies and procedures and understand that failure to meet this objective at the end of my first year of employment shall result in termination.*

Initial

2. At the end of the second year of employment, the operations deficit is brought to zero (0) through a combination of corporate sponsorships, new events and expansion of existing events.

*I agree to follow all county policies and procedures and understand that failure to meet this objective at the end of my second year of employment shall result in termination.*

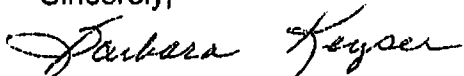
Initial

The above offer is also contingent upon successful background checks and physical examination. Upon submission of your acceptance of this offer, please contact Larry Daniel at (850) 595-5414, within two business days to schedule your pre-employment screening.

It is mandatory that all new employees have direct deposit for payroll processing. Please bring a voided check or deposit slip with you to your first pre-employment process meeting with Mr. Daniel.

We look forward to hearing from you about this offer and anticipate a tentative start date of October 4, 2011. Please indicate your acceptance/rejection of this offer by initialing where indicated above and signing below, returning one copy of the letter with your original signature by mail to the Escambia County Board of County Commissioners, Employment Division, 221 Palafox Place, Suite 200, Pensacola Florida 32502, or fax to 850-595-3020, to be received by 5:00 p.m. (Central Time) within two working days of the date of this notification.

Sincerely,



Barbara Keyser, HR Supervisor  
Employment Division

Enclosures (1)

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I, Forrest R Gibbs, ACCEPT/DECLINE (please circle one) Escambia County Board of County Commissioners' offer of employment. I understand that my employment with the Escambia County Board of County Commissioners is considered "at will", meaning that either the county or I may terminate this employment relationship at any time with or without cause or notice.

SIGNED: 

DATE: 9/14/11

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Requisition Reference: 00917 – Equestrian Center Marketing & Promotions Coordinator