

**REPORT OF THE COMMITTEE OF THE WHOLE WORKSHOP OF
THE ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS**

MARCH 12, 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

Report prepared by: DeLana Allen-Busbee and Krykyt Fisher

AGENDA ITEMS

1. Call to Order

Chairman Barry called the Committee of the Whole (C/W) Workshop to order at 9:03 a.m.

2. Was the Meeting Properly Advertised?

The C/W was advised by DeLana Allen-Busbee, Administrative Specialist, Clerk and Comptroller's Office, that the meeting was advertised in the *Pensacola News Journal* on March 7, 2020, in the Board's weekly meeting schedule.

AGENDA ITEMS – Continued

3. Florida Department of Health in Escambia County COVID-19 Update

A. Board Discussion – The C/W:

(1) Heard an update on COVID-19 from Dr. John Lanza, director of the Florida Department of Health (FDOH) in Escambia County, which provided the following information:

- Most of Florida's cases of COVID-19 are travel related and about 476 people are currently being monitored
- An incident management team was set up around November of 2018 to address Hepatitis, and the team transitioned to address COVID-19
- The FDOH phone system has an option to call in and be routed to someone who can provide information and give advice, and a 24 hour hotline has been activated to triage and assess callers when they are sick or believe they have been exposed
- Universities and colleges in Florida will have students attending classes remotely, clinics are implementing protocols for identifying and isolating COVID-19 cases, first responders are inventorying and using personal protective equipment, and Community Health Northwest Florida is ready to handle these issues as they arise
- Healthcare facilities have also been advised to review their plans and processes, as well as have an accurate inventory of supplies and list of staff
- FDOH has been coordinating with local emergency management, local businesses, and the local Chamber of Commerce, to get information out for recommended protocols; coordination is also happening with the school district and higher education facilities
- While there have been no cases of COVID-19 in Escambia County so far, FDOH recommends avoiding large crowds and other social distancing measures, but these actions are strictly voluntary
- The epidemiological staff is proceeding with investigation of local persons who have traveled to and from level 3 countries and will implement appropriate containment strategies with local healthcare providers
- If a person has traveled outside the United States, returns, and is not sick, they should self-monitor for 14 days and self-isolate if they are sick and contact their health care provider and FDOH
- Currently, there is only supportive care for the virus with the worst age group affected being over 50-60 years of age; most children and pregnant women are not badly affected

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AGENDA ITEMS – Continued

3. Continued...

A. Continued...

- (2) In response to questions from Commissioner Bergosh, was advised by Dr. Lanza that the method of testing for COVID-19 is through a throat swab/culture; currently there are enough supplies, but they will do the best they can with what they have; and there is not enough evidence yet to make blanket statements on the ability of the virus to survive in the air/on surface, or the mortality rates;
- (3) Heard comments from Commissioner Underhill regarding the event Dr. Lanza held, which included how impressed he was with the level of infection control that is already built into many practices, the plan from medical professionals to escalate through existing processes, the need for awareness that healthy people can carry the virus to more vulnerable people, and that he thinks the professionals are doing a great job in this situation;
- (4) Upon inquiry from Commissioner Barry concerning communication and best practices, was advised by Dr. Lanza that communications are being put out multiple times a day as soon as FDOH knows something, all information from FDOH is directed from the State, and that it is best to have a unified message;
- (5) Heard comments from Commissioner Bender concerning his support of allowing the professionals send out the correct message; how the jail has been and continues to deal with infection control every day, and while this is a new disease it is not a new process; the possibility that panic can cause more issues than the illness itself; and information regarding voting in Escambia County;
- (6) Was advised by Dr. Lanza, in response to inquiry from Commissioner May, that to a great extent, the same screening material is used for COVID-19 as other viral illnesses; soap, water, and commercial cleansers work great to fight the virus; and FDOH has not made any recommendations on large gatherings as of the time of the meeting; and
- (7) Was advised by County Administrator Gilley that the Emergency Operations Center has not been activated, which is why daily consolidated updates have not gone out; the Public Information Offices have been working to get information out to citizens; and the community partners are coordinating to get unified daily updates out; and

B. Board Direction – None.

FOR INFORMATION: The Board recessed at 9:46 a.m. for a press conference regarding COVID-19 and reconvened at 10:14 a.m.

AGENDA ITEMS – Continued

4. Merit System Protection Board and Unlawful Harassment Policy

A. Board Discussion – The C/W:

(1) Was advised by County Administrator Gilley that:

- Administration was asked by the Board to look at the County's Unlawful Harassment Policy
- The recommended policy update for the Board's consideration is in relation to a grievance process that would be set out within the Unlawful Harassment Policy
- Minor additional edits have also been made to the policy that are more clarifying than substantive
- The grievance process would allow for a two-step process; if an employee was unhappy with the findings and recommendations of an unlawful harassment investigation, they would be able to grieve it to a committee comprised of three members chosen by nominations from the grievant and other parties involved
- Step one of the process is for the Grievance Committee to meet, and if the grievant was unhappy with the work done through the committee, they would be able to grieve through the Merit System Protection Board (MSPB)
- Following that hearing, if the grievant is still unhappy they would be able to petition for writ of certiorari to the circuit court as allowed in the MSPB Ordinance
- The grievant would choose either the two-step process outlined or a union grievance process, not both

(2) Heard comments from former County employees who went through the County's current grievance process in regard to their own experience with the process;

(3) Heard comments from Commissioner Bergosh regarding wanting clarifying language in the policy that would trigger the process after a certain amount of time; heard comments of agreement from Commissioner Barry about the language including the ability to grieve no outcome, rather than just an outcome that the grievant does not agree with;

(4) Was advised by County Administrator Gilley that she will work with Legal to make the proper changes to the policy reflecting the Board's comments and bring the policy back to the Board;

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AGENDA ITEMS – Continued

4. Continued...

A. Continued...

- (5) Was advised by Commissioner Barry that the changes from the Workshop could be brought back with the revised policy for adoption at a regular Board meeting, without another Committee of the Whole;
- (6) Upon inquiry from Commissioner May, heard comments from County Attorney Rogers regarding the legal department's role in the grievance process;
- (7) Heard discussion from Commissioner May and Commissioner Bergosh concerning the former employees who spoke regarding their experiences; and
- (8) Heard comments from Commissioner Underhill concerning his support of the policy and the amendment and his belief that it will assist employees and maintain an appropriate chain of command; and

B. Board Direction – None.

5. P3 Proposal and Needs Analysis

A. Board Discussion – The C/W:

- (1) Was advised by County Attorney Rogers that:
 - As a reminder, the Board received what is considered an unsolicited P3 Proposal, and as of March 12, 2020, that proposal is still confidential triggered by an exemption under that particular statute
 - The Purchasing Department provided a rough draft of a solicitation, and if there is direction from the Board, it can be put out
 - Staff would like to know if the Board would like to proceed with the solicitation, does the Board generally like the concept of what is provided in the draft solicitation in the backup, and if so, what is the length of time the solicitation should be put out for, which could be for a period of 21 to 120 days
- (2) Discussed and agreed to have the solicitation put out for a period of 60 days based on prior discussion; also discussed the 5th Cent in relation to funding of the project;
- (3) Heard comments from Commissioner Bergosh in support of options for the Bay Center and against using Ad Valorem or LOST (Local Option Sales Tax) dollars to fund the project;

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AGENDA ITEMS – Continued

5. Continued...

A. Continued...

- (4) Upon inquiry from Commissioner May, heard Comments from Jay Patel, Pensacola Arena Development Partners; Chips Kirschenfeld, Natural Resources Management Director; and County Attorney Rogers on the procurement and process of applying for and acquiring Triumph funding;
- (5) Heard comments from Mr. Patel regarding his company's proposal and their intention to follow industry standards for employee salaries, as well as discussion from the Board concerning Triumph criteria for employee pay;
- (6) Was advised by Mr. Patel that his company has elected to follow, and is prepared to wait out, the solicitation process as well as his company's interest in competing with any proposals that come; also, if they are selected they would move to prepare a draft application for the Triumph Committee and would bring a full proposal to the Board with the process taking anywhere from 90 days to 6 months;
- (7) Heard comments from Commissioner Underhill regarding the current Bay Center, his concern over the current status of LOST dollars in relation to this and other county projects, and heard comments from Mr. Patel advising that his company's proposal looks at other sources of funding that do not include LOST funds and do not seek the 5th cent; and
- (8) Discussed with Mr. Patel the importance of having a study done by professionals to shape discussions that will determine the needs of the local area in regards to the new facility/facilities; and

B. Board Direction – None.

6. Adjourn

Chairman Barry declared the C/W Workshop adjourned at 11:09 a.m.