

**MINUTES OF THE ATTORNEY-CLIENT SESSION OF THE ESCAMBIA COUNTY BOARD  
OF COUNTY COMMISSIONERS**

**SEPTEMBER 22, 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  
Shamara Jernigan, Agenda Program Coordinator, County Administrator's Office

Location: Ernie Lee Magaha Government Building, Board Chambers, First Floor, 221 Palafox  
Place, Pensacola, Florida

Minutes prepared by: DeLana Allen-Busbee

**AGENDA NUMBER**

1. Call to Order

Chairman Barry called the Attorney-Client Session to order at 4:48 p.m.

2. Notice of the Meeting

Chairman Barry advised that the County Attorney desires advice concerning the case of David Bear v. Escambia County Board of County Commissioners; and Douglas Underhill and requests that the Board ratify the scheduling and noticing of the meeting today, September 22, 2020 at 4:45 p.m.

<b>Motion:</b> So moved
<b>Made by:</b> Commissioner Bender
<b>Seconded by:</b> Commissioner Bergosh
<b>Disposition:</b> Carried 3-0, with Commissioner May and Commissioner Underhill not yet in attendance

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AGENDA NUMBER – Continued

3. Session

The Board:

- A. Was advised by Chairman Barry that the County Attorney requests that the Board retire to the BCC Conference Room for the Attorney/Client Session regarding the case of David Bear v. Escambia County Board of County Commissioners; and Douglas Underhill, Case No. 2019 CA 002004, which session was advertised in the Saturday, September 19, 2020 edition of the *Pensacola News Journal* as follows:

**PUBLIC NOTICE**

IT IS THE INTENTION of the Board of County Commissioners of Escambia County, Florida to hold a private meeting with its attorneys to discuss pending litigation in the case of David Bear v. Escambia County Board of County Commissioners; and Douglas Underhill, Case No. 2019 CA 002004, Escambia County Circuit Court, in accordance with Section 286.011(8), Florida Statutes. Such attorney/client session will be held at 4:45 p.m. on September 22, 2020, in the Ernie Lee Magaha Government Building, Board Chambers, S221 Palafox Place, Pensacola, Florida. Commissioners Jeff Bergosh, Douglas B. Underhill, Lumon J. May, Robert Bender, and Steven Barry, County Administrator Janice P. Gilley, County Attorney Alison P. Rogers, and Lloyd Gray, Whitehead & Monford, P.C. Attorney Gregory K. Rettig, attorneys representing Escambia County in the foregoing litigation will be in attendance. A certified court reporter will report the attorney/client session.

- B. Was advised by Chairman Barry that the Session is expected to last approximately 45 minutes and that the following are expected to attend: Commissioners Bergosh, Underhill, May, Bender, and Barry; County Administrator Janice Gilley; County Attorney Alison Rogers; and Attorney Gregory Rettig.

RECESS: 4:49 P.M. – COMMISSIONERS BARRY, BENDER, AND BERGOSH; COUNTY ATTORNEY ALISON ROGERS; AND COUNTY ADMINISTRATOR JANICE GILLEY RETIRED TO THE BCC CONFERENCE ROOM

RECONVENE: 5:26 P.M. – COMMISSIONERS MAY, BARRY, AND UNDERHILL RETURNED TO BOARD CHAMBERS

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**ADJOURNMENT**

There being no further business to come before the Board, Chairman Barry declared the Attorney-Client Session of the Board of County Commissioners adjourned at 5:26 p.m.

BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

By: \_\_\_\_\_  
Steven Barry, Chairman

ATTEST:

Pam Childers  
Clerk of the Circuit Court & Comptroller

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Deputy Clerk

Approved: October 1, 2020