

Gallen



Re: Manatee Co v. DJJ  
Mitchell Palmer to: Michael Gallen  
Cc: Robert Eschenfelder, Ed Hunzeker, Jim Minix

07/19/2013 09:34 AM

Follow Up: Urgent Priority.

Commissioner Gallen--

Thanks for the info. We are looking into this and will be prepared by the time of the Board's next regular meeting on July 30 to discuss status and options.

Mickey

Sent from my iPad

On Jul 17, 2013, at 10:47 AM, "Michael Gallen" <michael.gallen@mymanatee.org> wrote:

> Mickey,

>

> Since I've been receiving requests of residents to pursue DJJ overcharge reimbursements I reached out to county attorneys involved in the current DJJ litigation.

>

> I learned there are 4 cases dealing with reimbursement - each case for different years: 08/09,09/10,10/11,11/12.

>

> The 08/09 case went through DOAH process and is currently in DCA. The remaining cases are "frozen."

>

> Since the rules challenge case was affirmed by the 1st DCA the 08/09 reimbursement case will be boosted in favor of counties involved.

>

> I think we have a window of opportunity to assure reimbursement through judicial order if we intervene in the remaining cases that have yet to be reopened. It may be too late to intervene in the 08/09 but we have a good shot at the remaining 09 through 12.

>

> If we wait until the 08/09 case is concluded and the others reopen it may be too late. Other counties are intervening and it was suggested we do likewise.

>

> I learned about the status of this litigation from Carl Brody of the Pinellas Co Attn Office @ 727-464-3354. He is willing to speak with our office of course.

>

> Please let me know what you think.

>

> Michael

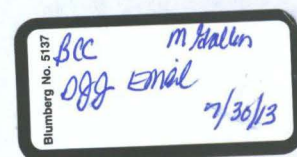
>

> Michael Gallen, Esq.

> Manatee County Commission, District 2

>

> Sent from my iPhone





Motion was made by Mr. Gallen for an audit to be done by the Clerk of Circuit Court, determining how much Manatee County has overpaid and demand for reimbursement and legal procedures if necessary. The motion was seconded by Ms. Whitmore.

Discussion: The County is responsible for payment even if the juvenile is arrested in a different city or county; parties are within a 30-day appeal window; let this situation play out on its own; audit may be premature but nothing wrong with doing it; Clerk's Office is having funding issues; the County owns the local DJJ facility; etc.

The motion carried 7 to 0.

BC20120724DOC097

#### COMMISSIONERS' COMMENTS (Continued)

##### Palmetto Ball Fields

Mr. Gallen reported that Palmetto Mayor Shirley Groover Bryant stated the current ball fields will be converted into Little League fields.

Discussion: Do not have information or costs to move the fences; flexible or adjustable fencing to shorten the fields; County Administrator is working on a report and recommendation; the Little League fields will be where the current fields are now; etc.

##### Lakewood Ranch Little League

Mrs. Hayes explained the Little League put up permanent signage that has to be removed due to code violations. She questioned what the Board could do to assist since it will be costly to remove the signs and repost them.

Discussion: Discuss at the Directors meeting; report will be given to the Board; thought this was a unique issue but other Little Leagues have complained too; etc.

BC20120724DOC098

##### Vicious Dogs

Mrs. DiSabatino suggested filling out affidavits to report dogs that attack other dogs when the owner of the attacked dog refuses to do so.

Discussion: Staff will report back; etc.

##### Mosaic Fertilizer LLC - Wingate East

Mrs. DiSabatino questioned the status of the 90-day request for public comment (see 6/24/12).

Discussion: Public comment meeting in Punta Gorda; will have staff provide update; etc.

BC20120724DOC099

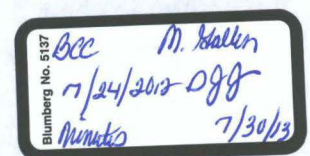
##### 44th Avenue East Extension

Mrs. DiSabatino requested an update on the timeline for the extension of 44th Avenue East. Mr. McClash noted the timeline was discussed at the Sarasota/Manatee Metropolitan Planning Organization (MPO) meeting and voted on a County Incentive Grant from 1st Street East to 15th Street East. Capital Improvements Program (CIP) projects have been delayed.

##### MPO Meetings

Mrs. DiSabatino suggested putting all MPO meetings on all Commissioners' calendars, and requested an update from the last meeting.

Discussion: Schedule of MPO meetings; June meeting cancelled due to Tropical Storm Debby; the meetings are rebroadcast; Venice Bypass issue has been resolved; U.S. 41 Multimodal Emphasis Corridor; business plan is being worked on by staff; have County Administrator address Sarasota's County Administrator regarding University Parkway and U.S. 41 being overgrown and unkempt; etc.



**CANVASSING BOARD**

Mr. Chappie stated if the Chairman is unable to serve on the Canvassing Board, the Board must select a replacement. He questioned the definition of active participation (in campaigns) and *Florida Statute*.

Motion was made by Ms. Whitmore and seconded by Mrs. Hayes to ask Chief Judge Owens to appoint a substitute as a qualified elector of Manatee County to fill the Canvassing Board position per *Florida Statute Section 102.141*. Following discussion, the motion carried 7 to 0.

**PORT AUTHORITY GENERAL COUNSEL SERVICES**

Based upon the action of the Port Authority this date, motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, for authorization and instruction to the County Attorney to prepare a proposal to provide general counsel services to the Port Authority utilizing the scope of services that were used when Lewis, Longman and Walker were initially hired.

**Recess/Reconvene.** All members present except Mrs. Hayes and Mr. McClash.

**COMMISSIONERS' COMMENTS****Warner's Bayou/59th Street Boat Ramp**

Mr. Chappie reported the survey pertaining to the Warner's Bayou entrance channel was approved on the Consent Agenda earlier in the meeting.

Mr. Bustle explained the homeowners are satisfied with the boat ramp, but boaters have concerns regarding the ramp basin, restrooms, and security. BC20120724DOC096

**Cortez Road and 47th Street West**

Mr. Chappie requested information from Florida Department of Transportation on whether this intersection warrants a traffic signal. City of Bradenton Mayor Wayne Poston has been notified.

(Enter Mrs. Hayes and Mr. McClash)

**Jewfish Key**

It was reported at a recent West Coast Inland Navigation District meeting that the Jewfish Key dredging has been delayed. When dredging begins (possibly by September) the sand will be used on Egmont Key.

Discussion: Speed limit in the intercoastal waterway; safety concerns on the east side of Jewfish Key; Mr. Chappie will look into this issue; etc.

**Restore Act - BP Oil Spill**

Mr. Chappie reported Charlie Hunsicker, Natural Resources Director, made a presentation on the Restore Act.

**Non-Profit Organizations**

Mr. Chappie discussed visiting the Manasota Solve Maternity Home and Manatee Children's Services, and noted future plans to visit Manatee ARC (now located in Palmetto).

**Manatee County's 2nd Annual United Way Team Bowling Tournament**

Mr. Chappie congratulated Mary Brown on organizing the tournament (7/21/12).

(Note: Commissioners' Comments continued later in meeting)

**DEPARTMENT OF JUVENILE JUSTICE**

Mr. Gallen read the title of a newspaper article in the *Bradenton Herald*, "State illegally shifts juvenile detention costs to counties, judge says." Department of Juvenile Justice (DJJ) is improperly requiring counties to pay for detention until a juvenile is committed (post-adjudication) and then assumes those costs. Counties are being overcharged millions and an audit is needed to know the exact figure. The County could consider seeking restitution.