



Minutes of the Board of County Commissioners Okeechobee County, Florida

Thursday, March 23, 2017

Regular Session

The Board met this date in a Regular Session in the Okeechobee County Historic Courthouse in the "Judge William L. Hendry Courtroom", Room 270, at 304 NW 2nd Street in Okeechobee, Florida at 9:00 AM.

Roll Call

Attendee Name	Title	Status	Arrived
Terry Burroughs	Chairman	Present	
Bryant Culpepper	Commissioner	Present	
Kelly Owens	Commissioner	Present	
David Hazellief	Commissioner	Present	
Bradley G. Goodbread	Commissioner	Present	
Robbie Chartier	County Administrator	Present	
Laura McCall	County Attorney	Present	
John Cassels	County Attorney	Present	11:55 AM
Jeff Shain	Deputy Clerk	Present	

I. Commencement

Chairman Terry Burroughs called the meeting to Order. Rev. Cary McKee offered the invocation, after which Commissioner Bryant Culpepper led the Pledge of Allegiance.

II. Public Comments

There were no Public Comments.

Motion: Motion to close Public Comments.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bryant Culpepper, Commissioner
SECONDER:	Kelly Owens, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

III. Revisions

County Administrator Robbie Chartier addressed the Board and asked to add a discussion regarding wireless cell towers, Item 3i.

Motion: Motion to accept addition to the Agenda.

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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelly Owens, Commissioner
SECONDER:	Bradley G. Goodbread, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

IV. Agenda

1. Consent Agenda

Items 1a through 1f were approved by the Board to include the amended warrants.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bryant Culpepper, Commissioner
SECONDER:	Bradley G. Goodbread, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

a. MINUTES: MARCH 9, 2017 REGULAR SESSION

Requested Action: Approve Minutes from March 9, 2017 Regular Session.

b. WARRANTS 2017-06

Requested Action: Approve Warrants List 2017-06.

c. RESOLUTION AND BUDGET AMENDMENT 17-08 INSURANCE RECOVERY PROCEEDS RECEIVED TO REPLACE VANDALIZED PLAYGROUND EQUIPMENT AT DOUGLAS BROWN FACILITY

Requested Action: Adopt Resolution 2017-15 for Budget Amendment 17-08 in the amount of \$3,138.00, to appropriate unanticipated reimbursements for the insurance claim relative to vandalized equipment at Douglas Brown facility, and authorize the Chairman to execute said Resolution; and providing for an effective date.

d. RESOLUTION AND BA17-09 INSURANCE RECOVERY PROCEEDS ROAD DEPARTMENT

Requested Action: Adopt Resolution 2017-16 to appropriate unanticipated revenue received from an insurance claim relative to damage to flashing signals at CR144 and U.S. 441 N and approve and Budget Amendment 17-09 in the amount of \$17,655 for same.

e. GRANT AMENDMENT APPROVAL FOR REVISIONS CONTAINED IN AMENDMENT 003 TO OLDER AMERICAN'S ACT (OAA) PROGRAM GRANT IA016-9400

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Requested Action: Approve and authorize the Chair to execute Amendment 003 to the Older American's Act (OAA) Grant Agreement IA016-9400 which contains a revised rate schedule.

f. AUDIT EXTENSION WITH CLIFTONLARSONALLEN FOR AUDITING SERVICES FOR FISCAL YEAR ENDED SEPTEMBER 30, 2016

Requested Action: Approve an audit extension with CliftonLarsonAllen for Fiscal Year Ended September 30, 2016 extending the deadline from March 31, 2017 to April 30, 2017 to allow the Florida Retirement System (FRS) sufficient time to respond to auditors inquiries in connection with the documentation received from FRS.

2. Proclamations/Public Hearings/Presentations

a. MS. LAUREN BUTLER - UPDATE/REPORT FROM 4H SHOOTING SPORTS CLUB MEMBERS

Ms. Lauren Butler, UF/Ag Extension Director addressed the Board and stated she would like to present students to speak to the Board and provide an update/report on the 4H Shooting Sports Club.

Several students addressed the Board and gave an update/report on the 4H Shooting Sports Club.

Requested Action: Receive an update/report from the 4H Shooting Sports Club members.

RESULT:	RECEIVED
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b. PROCLAMATION - SHELBY KIRTON FROM FLORIDA'S HOMETOWN USA PROGRAM

Commissioner Bryant Culpepper read while Chairman Terry Burroughs presented a Proclamation from the Florida's Hometown USA Program, Inc. To Ms. Shelby Kirton in recognition of her commitment to volunteer work and service throughout our community.

Ms. Shelby Kirton addressed the Board and thanked them for the award.

Requested Action: Present a Proclamation from the Florida's Hometown USA Program, Inc. to Ms. Shelby Kirton in recognition of her commitment to volunteer work and service throughout our community.

RESULT:	PRESENTED
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Motion: Motion to Issue the Proclamation.

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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bradley G. Goodbread, Commissioner
SECONDER:	Kelly Owens, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

c. PROCLAMATION - NATIONAL LIBRARY WEEK

Commissioner Kelly Owens read while Chairman Terry Burroughs presented Ms. Kresta King, Librarian of the Okeechobee County Library, along with Ms. Raulerson, Ms. Judith Mix and Ms. McKenna a Proclamation designating April 9 - 15, 2017 as National Library Week in Okeechobee County, Florida.

Ms. Judith Mix addressed the Board and invited the Board to celebrate their 40th Anniversary.

Requested Action: Present a Proclamation for National Library Week in Okeechobee County for April 9-15, 2017.

RESULT:	PRESENTED
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Motion: Motion to Issue the Proclamation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bradley G. Goodbread, Commissioner
SECONDER:	Bryant Culpepper, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

d. CONFIRMATION OF BUDGET DIRECTOR

County Administrator Robbie Chartier addressed the Board and stated the County advertised for a Budget Director, following the resignation of Mrs. Corey Wheeler, for the past several weeks. We received three qualified applicants. After interviewing the three qualified applicants, Ms. Kelley Conrad has been selected to fill the vacancy of Budget Director.

The Board congratulated Ms. Conrad.

Requested Action: Approve the County Administrator's appointment of Ms. Kelley Conrad as the Budget Director.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelly Owens, Commissioner
SECONDER:	David Hazellief, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

e. 1:30 PM INCIDENT COMMAND SYSTEM (ICS) 402 OVERVIEW AND TRAINING

Emergency Management Director Mitch Smeykal addressed the Board and stated he has received the official Incident Command System (ICS) 402 Orientation. This

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overview and training will update the Board on current procedures and statutes in relation to all disasters within the U.S.

Mr. Smeykal gave the presentation to the Board.

Requested Action: Receive overview and training from Mitch Smeykal, Emergency Management Director, on the Incident Command System (ICS) 402 Orientation.

RESULT:

RECEIVED

3. General Business

a. REQUEST BY RESPONDENT, PAUL JACO, FOR A REDUCTION OF CODE ENFORCEMENT LIEN AND RELEASE OF LIEN IF TIMELY PAID

County Attorney Laura McCall addressed the Board and stated On September 18, 2007, an administrative fine was assessed against Respondent, Paul Jaco, for a code violation. The Order was recorded in the public records of Okeechobee County, thus creating a lien upon property owned by the violator. Subsequent to the imposition of the fine, the property was brought into compliance. The amount of the fine which accrued during the 147-day period of non-compliance was \$36,750.00.

On November 15, 2016 and February 21, 2017, Code Enforcement Special Magistrate Deborah M. Hooker heard a request from Respondent for a reduction of the fine. Special Magistrate Hooker heard testimony and argument on both dates. The Special Magistrate's Report and Recommendation recommends that the accrued fine should be reduced from \$36,750.00 down to \$20,000.00; provided that the amount is paid by 5:00 pm on April 24, 2018.

Mr. Jaco addressed the Board and discussed why the issue lasted so long. The Board asked questions of Mr. Jaco.

County Attorney Laura McCall addressed the Board and reviewed the timeline and issues of the Code Lien.

Code Enforcement Officer Beth Albert answered questions from the Board.

Commissioner Kelly Owens wanted to make sure Mr. Jaco understood what he has to do to proceed.

It was also stated that the County does not have the new addresses of former employees.

Mr. Jaco will provide a list to the County Attorney or Code Enforcement Officer with the names and addresses of people he wants to subpoena and give testimony in his behalf. Also if the people he wants to subpoena live outside the county, the Okeechobee County Sheriff's Office cannot serve the subpoena, only the local jurisdiction or a private process server.

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Requested Action: Approve to send the Code Lien back to the Special Magistrate for further proceedings.

RESULT:	APPROVED [4 TO 1]
MOVER:	Bryant Culpepper, Commissioner
SECONDER:	David Hazellief, Commissioner
AYES:	Terry Burroughs, Bryant Culpepper, David Hazellief, Bradley G. Goodbread
NAYS:	Kelly Owens

b. US DEPARTMENT OF JUSTICE "JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM" GRANT

County Administrator Robbie Chartier addressed the Board and stated the Board of County Commissioners has recognized the need for a mental health court, and has authorized \$20,833 in funding for the current fiscal year to support the establishment of such a court on February 9, 2017. The County is eligible to apply to the U. S. Department of Justice (DOJ) for a Justice and Mental Health Collaboration Program FY 2017 grant of up to \$300,000. The Justice and Mental Health Collaboration Program (JMHCP) grant seeks to increase public safety by facilitating collaboration among the criminal justice, mental health, and substance abuse treatment systems to increase access to mental health and other treatment services for individuals with mental illnesses or co-occurring mental health and substance abuse disorders. The Board discussed the grant. Once you start Mental Health Court, it must continue even after the grant has expired.

Requested Action: Approve and authorize the Chairman or the County Administrator to execute and approve documents for a U. S. DOJ Justice and Mental Health Collaboration Program grant application of up to \$300,000, and authorize a commitment of matching funds for the Mental Health grant, not to exceed \$75,000 over a 24-month period, which may include staff time and additional appropriations for a mental health court and related expenses.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelly Owens, Commissioner
SECONDER:	Bryant Culpepper, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

c. REQUEST FULL-TIME CUSTODIAL POSITION - FACILITIES MAINTENANCE

County Administrator Robbie Chartier addressed the Board and stated in order to maintain Lock 7, the Recreation Park, the Sports Complex Pavilion and the Practice Fields restroom facilities to the standard of excellence that is expected for our community; staff is requesting to take a part-time custodial position from Parks & Recreation and increase it to full-time custodial position granted to Facilities Maintenance and incorporated into the custodial staff rotation.

Requested Action: Approve a Full-time Custodial Position for Facilities Maintenance and authorize the transfer of remaining funds for one part-time custodian from Parks & Recreation salaries/benefits in the amount of \$12,183 to

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Facilities Maintenance salaries/benefits and authorize budget transfer 17-82 in the amount \$2,888 from General Fund Reserves to fund the position for the remainder for FY16/17.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Hazellief, Commissioner
SECONDER:	Bradley G. Goodbread, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

d. AUTHORIZATION FOR THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT BETWEEN THE COUNTY AND FIRE RESCUE EMPLOYEES ATTENDING PARAMEDIC SCHOOL

Public Safety Director/Fire Chief Ralph Franklin addressed the Board and stated in an effort to increase the number of Paramedics that service our community, Fire Rescue has implemented an On-Duty Paramedic School Attendance Program to encourage employees to become certified as a Paramedic. The program is a joint venture between Fire Rescue and the employee attending the course. Fire Rescue provides the time off and tuition reimbursement for attendance of some aspects of the program. The employee pays for certain other cost to attend the program and will execute a contract to reimburse the county for its expenditures should they not meet the standards of the On-Duty Paramedic School Attendance program. Public Safety Director/Fire Chief Franklin gave a presentation to the Board.

Requested Action: Approve and authorize the County Administrator to execute the Paramedic School Attendance contract between employees of Fire Rescue and the County.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bryant Culpepper, Commissioner
SECONDER:	Bradley G. Goodbread, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

e. TWO (2) INDEPENDENT CONTRACTOR AGREEMENTS FOR PURCHASE OF TIRES AND REPAIR SERVICES FOR COUNTY VEHICLES WITH ST. LUCIE BATTERY AND TIRE OF OKEECHOBEE, LLC., AND TOTAL ROADSIDE SERVICES, LLC.

Public Safety Director/Fire Chief Ralph Franklin addressed the Board and stated Okeechobee County Fleet Maintenance purchases new tires for all county vehicles as needed. In order to streamline the process and control cost associated with the purchase of various types, style, and brand of tires, an Invitation to Bid (ITB) # 2016-24 was issued. The bids for this announcement were opened on November 4, 2016. Two local companies, St. Lucie Battery and Tire of Okeechobee, LLC., and Total Roadside Services, LLC., both submitted bids. After an extensive review by staff, it was determined that in the best interest of the County and to assure that the lowest possible price is obtained, Staff determined that both bidders should receive an Independent Contractor's Agreement for the purchase of tires. The Fleet Manager will evaluate what is the appropriate tire for the vehicle class and determine which

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one of the agreements offers the lowest price for the needed tire in order to make the purchase.

Requested Action: Approve and authorize the Chairman to execute an Independent Contractor Agreement, as prepared by the County Attorney, for the purchase of tires and repairs as provided in Exhibit "A" for all county vehicles up to \$46,000 annually from contract date combined purchases with St. Lucie Battery and Tire of Okeechobee, LLC. and Total Roadside Services, LLC for a one year term beginning March 27, 2017 and ending March 26, 2018 with up to two additional one year terms.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bradley G. Goodbread, Commissioner
SECONDER:	Kelly Owens, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

f. CONTRACT APPOINTING JOHN HOWLE, P. E., VICE PRESIDENT, CIVILSURV DESIGN GROUP AS COUNTY ENGINEER AND BUDGET TRANSFER FROM TRANSPORTATION TRUST FUND RESERVE

County Administrator Robbie Chartier addressed the Board and stated on November 7, 2016, official notification was made to Craig A. Smith and Associates that the County would not be renewing their Master Agreement. On February 9, 2017 interviews with four firms were held with the Board of County Commissioners - Craig A. Smith, Johnson Engineering, Culpepper and Terpening and CIVILSURV. Following the interviews, Boards members independently ranked each firm. The highest ranking firm was CIVILSURV with Mr. John Howle, P. E. The firms' Vice President serving in the capacity of County Engineer. Discussions were held with the Public Works Director concerning each activity to insure Mr. Howle fully understood how the county historically worked with the Engineer and what was to be expected.

Requested Action: Approve CivilSurv Design Group for engineering services and approve a Budget Transfer 17-81 of \$71,700 from the Transportation Trust Fund for the monthly fee for the remaining months of the Fiscal Year; and approve Chairman to sign contract as prepared by the County Attorney.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bryant Culpepper, Commissioner
SECONDER:	Bradley G. Goodbread, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

g. ACCEPT LOW BID OF \$402,005 FROM LYNCH PAVING FOR REPAIRS TO TWENTY FIVE SITES IN THE SW DRAINAGE AREA PROJECT (aka SW 3rd Terrace & Wolff Road)

County Administrator Robbie Chartier addressed the Board and stated beginning in 2010, the county undertook a drainage improvement project in the SW 3rd Terrace area and surrounding streets as part of the larger SW Drainage Project. Numerous construction delays plagued the project. To expedite the completion, the contractor

was allowed to work on Saturdays when inspectors were not present but only for work not requiring inspection. Within months after completion, several excavated areas began to subside. The subsidence has continued to this day.

In order to understand the problem and develop a solution, Andre/Anderson, materials testing engineers under contract with the county, made eight test borings in the area. Their findings revealed that the fill material in the subsiding cuts remain loose to this day. Two Options were presented with their Report. With this information, the County Engineer (Craig A. Smith) designed corrective repairs based on Option Two that Andre/Anderson felt gave the county a 95% success rate for correcting the subsidence.

Mr. Dave Andre of Andre/Anderson Consulting addressed the Board and discussed the issues of the materials under the roadways.

Mr. John Howle of CIVILSURV addressed the Board and discussed the issues he found.

Requested Action: Approve the low bid of \$402,005.00 from Lynch Paving for permanent repairs to twenty five individual sites in the SW Drainage Project; approve Budget Transfer 2017-80 from Fund 304 in the amount of \$202,005 and authorize the Chairman to execute a contract with Lynch Construction to be prepared by the County Attorney.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bryant Culpepper, Commissioner
SECONDER:	Bradley G. Goodbread, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

h. DISCUSSION: STATUS OF WORK PERFORMED IN BET-HER ACRES BY A CONTRACTOR HIRED BY OKEECHOBEE UTILITY AUTHORITY (OUA)

County Administrator Robbie Chartier addressed the Board and stated on January 12, 2017, during Commissioner comments, Commissioner Hazellief brought up concerns with the work being performed in Bet-Her Acres subdivision by a contractor hired by OUA and the condition of the county roads and right of ways (ROW) that needed to be addressed before full payment was made to the contractor by OUA.

County Administrator notified the OUA Executive Director of County Commissioner concerns immediately and OUA hired Craig A. Smith & Associates to perform inspections of the contractor's work. Attached to this agenda item are documents provided by OUA which demonstrate OUA's efforts to acknowledge restoration work, provide for inspection and walk throughs and the final sign off by the County Engineer, Craig A. Smith and Associates (CAS).

Commissioner David Hazellief discussed the issues with the repairs.

Mr. John Hayford from the OUA Board addressed the Board and stated the OUA Board will be meeting on Tuesday to discuss outstanding issues in Bet-Her Acres. The Board had questions of Mr. Hayford.

Requested Action: Conduct review of documentation regarding work performed in Bet-Her Acres by contractor hired by OUA for their Water Main Project and discuss whether or not further action is required by the Board of County Commissioners.

RESULT:	CONDUCTED
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i. Discussion on Wireless Cell Towers.

County Administrator Robbie Chartier addressed the Board and discussed a Right of Way Permit for Wireless Cell Towers was not constructed in the area where it was permitted for. A second antenna was installed near 70 and installed in a drainage ditch.

County Attorney John Cassels addressed the Board and discussed the need for new regulations for cell towers being installed using new technologies into the Counties Right of Ways.

Moratorium on new permits until we get new regulations was discussed.

Motion: Motion to adopt Resolution 2017-17 establishing a temporary cessation of the acceptance of permit applications for the placement, construction or installation of wireless communication structures and/or facilities in County Rights-of-Way pending revision of the County's Code to address the placement, construction and installation of these structures or facilities; providing for severability; providing an effective date; for a period of 6 months.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bryant Culpepper, Commissioner
SECONDER:	David Hazellief, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

Motion: Motion to adopt Resolution 2017-18, opposing both SB 546 and HB 687 as it relates to small wireless cell phone towers.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bradley G. Goodbread, Commissioner
SECONDER:	Bryant Culpepper, Commissioner
AYES:	Burroughs, Culpepper, Owens, Hazellief, Goodbread

4. Administration Report

- a. County Administrator Robbie Chartier discussed the following:
 - 1. Recap of meeting on the Music Festival.
 - 2. Meeting next week with the Hale Sisters on having Mud Fest in August and next February. Applying regulations to them as we did to Music Fest.
 - 3. Starting milling and paving Berman Road yesterday. Ms. Chartier warned the Board and Road Maintenance Director the funds may be running out.
 - 4. DOT to discuss 710 extension, consensus of Board to be in a public meeting

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- on April 3rd at 1:00 pm, in the BOCC Boardroom.
- 5. Scheduling an executive session to discuss Fire Rescue Union Negotiations.
- 6. Approached by a company to use the old Okeechobee Rehab Building, is the Board interested in a lease. Company should create 50 to 60 jobs.
Consensus of the Board to advertise RFP based on a short term lease for three (3) years, bring the facility up to code and tie salary to a calculation provided by Chairman Burroughs.
- 7. CAS Governmental Services Report. Goes through each of the Bills and the status.
- 8. Staff time spent on the Music Festival that was not compensated for.
- 9. At 5:30 pm today is the unveiling of the Leadership Okeechobee 2016 Landscaping Project in front of the 1st Baptist ROC.

5. Commissioner Reports

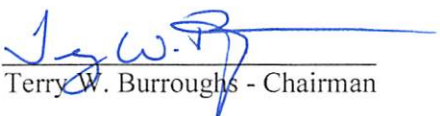
- a. Commissioner Kelly Owens discussed the following:
 - 1. Positive comments on Berman Road construction.
 - 2. Heartland Career Source Report.
- b. Commissioner Bradley G. Goodbread discussed the following:
 - 1. Positive comments on Berman Road construction.
- c. Commissioner David Hazellief discussed the following:
 - 1. Edna Lockett Pearce Estate in Highlands County.
 - 2. Fish and Game State Board is going to use the Scott Driver facility for a dinner and use KOA for their meeting during the day.
 - 3. Coquina Water Management District meeting coming up on April 7, 2017, to discuss an Inter Local Agreement, will include traffic law enforcement and traffic control jurisdiction.
 - 4. Environmental Health Director, why no funding for Okeechobee County.
- d. Commissioner Terry Burroughs discussed the following:
 - 1. Oak Park drainage issues.
 - 2. Small County Coalition Meeting in Tallahassee.

6. Additional Documents, If Any, Presented At Meeting

V. Adjournment

There being no further business to come before the Board, Chairman Terry Burroughs declared the Regular Session of the Board of County Commissioners adjourned at 3:00 p.m.


BOARD OF COUNTY COMMISSIONERS
OKEECHOBEE COUNTY, FLORIDA

By: 
Terry W. Burroughs - Chairman

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ATTEST:

Sharon Robertson
Clerk of the Circuit Court & Comptroller

By: 
Deputy Clerk

Approved: 4/13/17



<p>Sharon Robertson Clerk to the Board of County Commissioners Okeechobee County, Florida</p>	<p>12 of 12 March 23, 2017</p>	<p>Terry Burroughs, Chairman Board of County Commissioners Okeechobee County, Florida</p>
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