

APRIL 15, 2011 – SPECIAL MEETING

The Board of County Commissioners, Walton County, Florida, held a Special Meeting on April 15, 2011 at 10:00 a.m., at the Walton County Courthouse in DeFuniak Springs, Florida to discuss the Tourist Development Council BP Claims and review presentations from the top three firms responding to RFP 011-014: Specialized Legal Services.

The following Board members were present: Commissioner Larry Jones, Chair; Commissioner Scott Brannon, Vice-Chair; Commissioner Kenneth Pridgen; Commissioner C. Jones; Commissioner Sara Comander. Mr. Gerry Demers, Acting County Administrator; and Attorney Lynn Hoshihara, County Attorney, were also present.

Commissioner Pridgen led the invocation followed by the Pledge of Allegiance to the American Flag. Chairman L. Jones called the meeting to order.

Chairman L. Jones announced that the firm of Matthews, Jones, Hawkins had requested to make their presentation first, citing that one of the attorneys involved would be participating via telephone conference. The Board concurred to allow Matthews, Jones, Hawkins to be the first candidates to present.

Attorney Clay Adkinson requested to allow the firm of Beasley-Allen to make their presentation last due to their power presentation. The Board concurred to allow Beasley-Allen to be the last candidates to present.

Chairman L. Jones stated that a time limit would not be set and suggested that all of the firms presenting be considerate of those waiting.

Attorney Lynn Hoshihara, County Attorney, asked that the TDC item be presented prior to the presentations of the legal firms.

Chairman L. Jones read into the record a resolution **(2011-33)** amending the budget for fiscal year 2010-11 to account for unanticipated revenue in the Tourist Development Council Fund in the amount of \$2,415,830.00. This funding was received from BP for loss of tourist development taxes as a result of the Deepwater Horizon incident.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to adopt **Resolution 2011-33** amending the budget in the amount of \$2,415,830.00 for fiscal year 2010-11 to account for unanticipated revenue in the Tourist Development Council Fund. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Dawn Moliterno, Tourist Development Council Executive Director, commented that all of the council members were unanimously in agreement to the settlement and briefly discussed the details of the settlement.

Chairman L. Jones called to order the meeting to review the top 3 firms that responded to RFP 011-014: Specialized Legal Services. The services to be provided are in response o the Deepwater Horizon oil spill.

Attorney Dana Matthews, Matthews, Jones, Hawkins; stated that Attorney Brent Coon, Brent Coon and Associates; would be appearing via telephone conference. He introduced the team of attorneys who would be providing the legal services, and briefly discussed actions he and his firm have taken since the Deepwater Horizon incident.

Attorney Coon briefly discussed the roles and responsibilities in the litigation process, and reported that his firm is focused on environmental issues and discussed his firm's litigations against BP and various other petroleum companies. He stated that his is the only firm that has litigated with BP.

Attorney Matthews stated that two members of the team will focus solely on BP claims. He presented a contingency fees percentage comparison of the three firms.

Commissioner C. Jones questioned if the contingency figures were based on the net or the gross settlement. Attorney Matthews stated that Beasley Allen is based on net and the other firms are based on gross.

Commissioner Comander voiced concern about the long term effects on the beaches and the Choctawhatchee Bay. She asked if the long term impact had been considered. Attorney Coon stated that they share the same concerns from the ecological and economical standpoints. Attorney Matthews stated that BP is not giving any consideration to the long term impacts.

Commissioner Brannon asked that the NRDA (Natural Resource Damage Assessment) process be explained. Attorney Coon briefly discussed the process and stated that there are numerous agencies tracking and monitoring the potential environmental impact.

Commissioner Comander felt that the dispersants would have more of a long term impact than the oil spill itself.

Chairman L. Jones questioned Attorney Coon's claims about his being the only firm to litigate with BP at this level. Attorney Coon stated that BP has had three major incidents over the past 20 years and his firm was hired by different agencies within the affected areas. He reported that although there were other firms involved, his firm performed 90% of the work related to those cases. Due to the magnitude of Gulf Oil Spill there are many more law firms now participating.

Chairman L. Jones asked if the oil spill clients would be represented separately or collectively. Attorney Coon stated that this was not a class action case, but rather a consolidated

proceeding. Walton County would have the opportunity to determine the compensation amount. Attorney Matthews stated that every client will have the opportunity to litigate for damages.

Commissioner C. Jones exited the meeting.

Attorney Hoshihara stated that a signature is needed on a Partial Release and Covenant Not to Sue in conjunction with **Resolution 2011-33** which was approved at the beginning of the meeting. She requested that the Board authorize Ms. Moliterno to sign on the behalf of the TDC. The partial release states that the monies have been received and the County's rights for future claims will be maintained. Attorney Hoshihara reported that the Chairman would sign on behalf of the Board.

Motion by Commissioner Comander, second by Commissioner Brannon, to authorize Ms. Dawn Moliterno to sign the Partial Release and Covenant Not to Sue on behalf of the TDC. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, Comander Aye.

Commissioner C. Jones returned to the meeting.

Attorney Drake Martin, Nix Patterson & Roach, briefly discussed the services to be provided and the history of the firm with Walton County. He introduced the attorneys that would be working with the Walton County claim. Attorney Rick Harper discussed the economic impact of the spill, and the considerations when determining the overall damages. Attorney Carl Nelson discussed the Transocean Limitations Issue.

Chairman L. Jones asked how the firm will serve Walton County. Attorney Martin stated that the goal is to reach a full settlement before the ending of the budget process.

Attorney Clay Adkinson, local counsel for Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.; introduced the attorneys that would be representing the county. He gave a brief history of the firm and their ties to Walton County. Attorney Adkinson presented copies of maps

provided by ACT (American Compliance Technologies) which show sampling and analysis areas.

Attorney David Byrne, Beasley Allen, discussed the services to be provided, the credentials of those involved, and the key issues to be addressed. He briefly discussed the NRDA process, and ACT's role in protecting Florida following the Deepwater Horizon incident.

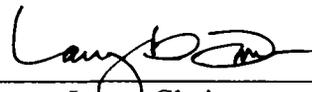
Commissioner Comander asked what the Beasley Allen firm could do for the county that the other firms could not. Attorney Byrne stated that all of the attorneys would be personally involved with the case and will be available at anytime if questions arise.

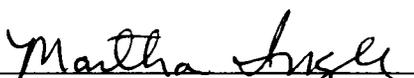
Attorney Adkinson briefly remarked on the benefits of the NRDA process.

The Board submitted their evaluations to the clerk for ranking the firms.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to award RFP 011-014: Specialized Legal Services to Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. Attorneys at Law as top ranking firm. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

There being no further items to be presented the meeting adjourned at 11:56 am.

APPROVED 
Larry Jones, Chair

ATTEST 
Martha Ingle, Clerk of Courts