

BOARD OF COUNTY COMMISSIONERS

THE KEYSTONE COUNTY-ESTABLISHED 1827

435 W. Walnut St., Monticello, Florida 32344

**Benjamin "Benny"
Bishop
District 1**

**John Nelson, Sr.
District 2**

**Hines F. Boyd
District 3**

**Betsy Barfield
District 4**

**Stephen Walker
District 5**

**Emergency Special Session Agenda
August 12, 2013 at the Courthouse Annex
435 W. Walnut St. Monticello, FL 32344**

- 1. 6:00 P.M. – Call to Order, Invocation, Pledge of Allegiance**
- 2. County Budget Impact of Tax Collector Switching from Budget to Fee Office**
- 3. Public Official's Liability Insurance Issues/Discussion**
- 4. Citizen's Forum (3 Minute Limit, Commissioner Discussion Allowed)**
- 5. Commissioner Discussion Items**
- 6. Adjourn**

From the manual "Government in the Sunshine", page 40:

Paragraph C. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**Kirk Reams
Clerk of Courts**

**Parrish Barwick
County Coordinator**

**Bird & Sparkman, P.A.
County Attorney**

**ITEM 2: COUNTY BUDGET IMPACT OF TAX
COLLECTOR SWITCHING FROM BUDGET
TO FEE OFFICE**

**FY 2012-13 COUNTY APPROVED TAX
COLLECTOR BUDGET**

2012-2013 BUDGET WORKSHEET**Tax Collector**

REVENUES	2011-2012		2012-2013	
	Est Revenue	Actual Rev thru 4/30	Est Revenue	
TAX COLLECTOR FEES	\$ 400,000	\$ 87,175	\$ 410,000	
Total Revenues	\$ 400,000	\$ 87,175	\$ 410,000	
EXPENSES	Budget	Actual Exp thru 3/31	12/13 Budget Req.	Increase or (Decrease)
SALARIES	\$ 288,995	\$ 132,992	\$ 295,573	\$ 6,578
RETIREMENT	\$ 17,183	\$ 8,187	\$ 16,374	\$ (809)
FICA	\$ 38,436	\$ 10,174	\$ 22,611	\$ (15,825)
POSTAGE	\$ 10,000	\$ 6,000	\$ 12,250	\$ 2,250
PHONE	\$ 1,174	\$ 1,200	\$ 2,500	\$ 1,326
EDUCATION/TRAVEL	\$ 5,000	\$ 4,600	\$ 8,000	\$ 3,000
BANK CHARGES				\$ -
LEGAL SERVICES			\$ 10,000	\$ 10,000
REPAIRS & MAINTENENACE			\$ 3,000	\$ 3,000
ADVERTISEMENT		\$ 250	\$ 500	\$ 500
OFFICE SUPPLIES		\$ 8,300	\$ 10,000	\$ 10,000
DUES & MEMBERSHIP		\$ 1,700	\$ 5,000	\$ 5,000
CAPITAL EQUIPMENT				\$ -
OFFICE EQUIPMENT	\$ 8,900	\$ 9,000	\$ 21,000	\$ 12,100
COMPUTER SERVICE	\$ 32,000	\$ 22,500	\$ 45,000	\$ 13,000
	\$ 18,811			\$ (18,811)
Total Expenses	\$420,499	\$204,903	\$451,808	\$31,309
Funds Required from General Revenue	\$ (20,499)		\$ (41,808)	

**FY 2013-14 TAX COLLECTOR BUDGET
REQUEST SUBMITTED TO FLORIDA
DEPARTMENT OF REVENUE**



Lois H. Hunter, C.F.C.

Jefferson County Tax Collector
500 West Walnut Street
Monticello, Florida 32344

Phone (850) 342-0147
Fax (850) 342-0149

July 31, 2013

Ms. Cathy Galavis, Budget Supervisor
Florida Department of Revenue
Property Tax Administration Program
P.O. Box 3000
Tallahassee, Florida 32315-3000

Dear Ms. Galavis:

In compliance with Section 195.087, Florida Statutes, please find attached the proposed budget for the Jefferson County Tax Collector's Office for the period of October 1, 2013 through September 30, 2014. The information contained herein is a true and accurate presentation of our work program during this period and of our expenditures indicated during prior periods.

Sincerely,

A handwritten signature in cursive script, reading "Lois H. Hunter". The signature is written in black ink and is positioned above the printed name and title.

Lois Howell-Hunter
Jefferson County Tax Collector

cc: Board of County Commissioners

Enclosures

LHH/bgb

File: f:\budget\development 2013-2014\2013-2014 Budget Cover Letter-Jefferson.doc

1	BUDGET SUBMISSION CHECKLIST
2	POSITION CLASSIFICATION CHART
3	ORGANIZATION CHART
4	EXHIBIT A
5	SCHEDULE I
6	SCHEDULE IA
7	SCHEDULE II
8	SCHEDULE III
9	JUSTIFICATION WORKSHEET
10	EXHIBIT B

JEFFERSON COUNTY TAX COLLECTOR Lois Howell-Hunter

2013-14 BUDGET SUBMISSION CHECKLIST

ITEM	DATE COMPLETED	INITIAL REVIEW	FINAL REVIEW
Transmittal Letter	7/24/13		
Organizational Chart	N/A		
Exhibit A			
Totals Match Sched. I - III			
Schedule I			
Annual Rate for Sept. 2013 does not exceed current rate.			
All Authorized Positions have been counted and reflected			
Appropriate Salary Increase Directive Included			
New positions are documented and Justified			
Schedule IA			
Certification Worksheet is attached			
OPS, Overtime & Special Pay justified			
Documentation for Insurance & Wrk's Comp from County is included.			
Schedule II			
Contracts or Estimates for EDP service or consultants (Legal & Audit etc...) are Attached			
Travel Request is documented by Travel Wrksheet			
Postage & Education Wrksheets are attached			
Each line item increase is documented on the justification form with the exception of completed worksheets			
Schedule III			
Data Processing Purchase Justification form is included for all new purchases.			
Replacement Schedules, if applicable, are attached.			
Exhibit B			
Statement from Clerk if budget exceeds anticipated collections.			

***Note**

Prior year and current approved budget expenditure calculations are based on available information provided by BOCC and perquisition where not available. Actual commission totals listed on Exhibit B were distributed to the BOCC due to the previous dependency and partnership with the BOCC (budget office). The ratio of commissions & expenditures reflect sufficient rationalization to begin operating with improved effectiveness as a fee based office subject to DOR budget submissions and in continued compliance with Florida Statutes.

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JEFFERSON COUNTY TAX COLLECTOR
Lois Howell-Hunter
2013-14 POSITION CLASSIFICATION

CLASS CODE	CLASSIFICATION TITLE	FTE	SALARY RANGE	
110	Tax Collector	1		
210	Chief Deputy	1	23,400 -	45,000
310	Deputy Clerk	4	20,000 -	40,000
TOTAL CAREER EMPLOYEES		6		

Jefferson
COUNTY

**TAX COLLECTOR'S
SUMMARY OF THE 2013-14 BUDGET BY APPROPRIATION CATEGORY**

EXHIBIT A

APPROPRIATION CATEGORY (1)	ACTUAL EXPENDITURES 2011-2012 (2)	APPROVED BUDGET 2012-13 (3)	ACTUAL EXPENDITURES 6/30/13 (4)	REQUEST 2013-14 (5)	(INCREASE/(DECREASE))		AMOUNT APPROVED 2013 - 14 (7)	(INCREASE/(DECREASE))	
					AMOUNT (6)	% (6a)		AMOUNT (8)	% (8a)
PERSONAL SERVICES (Sch. 1-1A)	\$ 296,221	\$ 296,222	\$ 203,819	\$ 331,985	\$ 35,763	12.07%			
OPERATING EXPENSES (Sch. II)	\$ 118,034	\$ 168,034	\$ 94,629	\$ 254,185	\$ 86,151	51.27%			
OPERATING CAPITAL OUTLAY (Sch. III)	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%			
TOTAL EXPENDITURES	\$ 414,255	\$ 464,256	\$ 298,448	\$ 586,170	\$ 121,914	26.26%			
NUMBER OF POSITIONS	6	6	6	6	-	0.00%			
					COL(5) - (3)	COL (6) / (3)			

**SUMMARY OF
REDUCTION REQUEST**

APPROPRIATION CATEGORY	APPROVED BUDGET 2012-13	BUDGET REQUEST 2013-14	Reductions Requested by the COUNTY		Reductions Reflected in REQUEST	
			AMOUNT	%	AMOUNT	%
PERSONAL SERVICES (Sch. 1-1A)	296,222	331,985	N/A	N/A	0	0.0%
OPERATING EXPENSES (Sch. II)	168,034	254,185	N/A	N/A	0	0.0%
OPERATING CAPITAL OUTLAY (Sch. III)	0	0	N/A	N/A	0	0.0%
TOTAL EXPENDITURES	\$464,256	\$586,170	\$0	0.0%	\$0	0.0%
NUMBER OF POSITIONS	6	6	N/A	N/A	0	0.0%

** Please use the second tab to clarify any deviation in the reductions requested by the county and the reductions reflected in this request.*

JUSTIFICATION SHEET		
APPROPRIATION CATEGORY	AMOUNT OF VARIANCE	JUSTIFICATION
N/A	N/A	The Tax Collector, as required by law, will guarantee the Board with the balance of remaining fees earned for authorized collections once all operating and capital expenses are satisfied at the close of FY 2013-14.
GRAND TOTAL	\$0	

2

2013-14 Tax Collector		
JEFFERSON COUNTY		
FTE By Activity	FTE	Annual Transactions 2012-2013
Property Tax	6.0	48%
DMV		47%
Game & Fish		0.13%
Sales Tax		0.21%
Drivers License		4.50%
Miscellaneous (list)		0.09%
Administrative		
TOTAL	6.0	100.0%

*NOTE: The Tax Collector's staff is cross-trained to perform all collection activities
 Total number of transactions is undetermined.
 Annual transactions above represents total commissions as a percentage
 of transaction types and workload distribution by all cross trained permanent employees.*

JEFFERSON COUNTY		DETAIL OF PERSONAL SERVICES					SCHEDULE IA	
OBJECT CODE (1)	ACTUAL EXPENDITURES 2011-12 (2)	APPROVED BUDGET 2012-13 (3)	ACTUAL EXPENDITURES 6/30/2013 (4)	REQUEST 2013-14 (5)	INCREASE/(DECREASE)		AMOUNT APPROVED 2013-14 (7)	
					AMOUNT (6)	% (6a)		
PERSONAL SERVICES:								
11 OFFICIAL	91,738	91,738	68,804	91,738	-	0.00%		
12 EMPLOYEES (REGULAR)	130,969	130,969	98,227	134,898	3,929	3.00%		
13 EMPLOYEES (TEMPORARY)	37,440	37,440	24,300	37,440	-	0.00%		
14 OVERTIME	-	-	-	-	-	-		
15 SPECIAL PAY	-	-	-	7,000	7,000	100.00%		
21 FICA								
2152 REGULAR 7.65%	19,424	19,424	-	20,737	1,313	6.76%		
2153 OTHER	-	-	-	-	-	-		
22 RETIREMENT								
2251 OFFICIAL 33%	10,220	10,220	7,665	30,274	20,054	196.22%		
2252 EMPLOYEE 6.92%	6,431	6,431	4,823	9,335	2,904	45.16%		
2253 SMS/SES 18.28%	-	-	-	-	-	-		
2254 DROP 12.84%	-	-	-	-	-	-		
23 LIFE & HEALTH INSURANCE								
2355 FEDERAL COBRA	-	-	-	-	-	-		
24 WORKER'S COMPENSATION	-	-	-	563	563	100.00%		
25 UNEMPLOYMENT COMP.	-	-	-	-	-	-		
TOTAL PERSONAL SERVICES	296,221	296,222	203,819	331,985	35,763	12.07%	-	

Post this total to
Col.(2) Ex.A

Post this total to
Col.(3) Ex.A

Post this total to
Col.(4) Ex.A

Post this total to
Col.(5) Ex.A

Col. (5) - (3)

Col. (6)/(3)

EMPLOYEE CERTIFICATION WORKSHEET JEFFERSON COUNTY				
CURRENT DESIGNATIONS 2012-13				
POS. NO.	POSITION TITLE	EMPLOYEE NAME	DATE	ANNUAL AMOUNT
TOTAL CURRENT DESIGNATIONS				0.00
NEW DESIGNATIONS (2013-14)				
POS. NO.	POSITION TITLE	EMPLOYEE NAME	DATE	ANNUAL AMOUNT
TOTAL NEW DESIGNATIONS				0.00
TOTAL CURRENT AND NEW DESIGNATIONS				0.00

**JEFFERSON COUNTY TAX COLLECTOR
LOIS HOWELL-HUNTER
OPS CATEGORY SUMMARY
2013-14 Budget Request Worksheet**

(a)	(b)	(c)	(d)	(e)	(f)	(g)
TYPE	Rate per Hour	Hours per Week	Est. Monthly Cost	Number of Months	Number of OPS	Est. Annual Budget
Long Term Temp.	\$ 15.00	24	\$1,440.00	12	2	\$34,560.00
Long Term Temp.	\$15.00	4	\$240.00	12	1	\$2,880.00
TOTAL 2013-2014 BUDGET REQUEST						\$37,440.00

JEFFERSON COUNTY TAX COLLECTOR LOIS HOWELL - HUNTER 2013/14 WORKERS' COMPENSATION							
Worker's Compensation							
Pos. No.	Pos. Classification	Annual Rate 9/30/13	Adj Sal	Comp Class	Class Rate	Modifier Rate	Coverage Cost
1	Tax Collector	91,738	100	8810	0.27	0.92	227.88
2	Chief Deputy	31,119	100	8810	0.27	0.92	77.30
3	Deputy Clerk	29,689	100	8810	0.27	0.92	73.75
4	Deputy Clerk	24,987	100	8810	0.27	0.92	62.07
5	Deputy Clerk	24,915	100	8810	0.27	0.92	61.89
6	Deputy Clerk	24,189	100	8810	0.27	0.92	60.08
SUB-TOTAL - Worker's Comp.							563

JEFFERSON COUNTY		DETAIL OF OPERATING EXPENSES					SCHEDULE II
OBJECT CODE (1)	ACTUAL EXPENDITURES 2011-12 (2)	APPROVED BUDGET 2012-13 (3)	ACTUAL EXPENDITURES 6/30/2013 (4)	REQUEST 2013-14 (5)	INCREASE/(DECREASE)		AMOUNT APPROVED 2013-14 (7)
					AMOUNT (6)	% (6a)	
OPERATING EXPENSES:							
31 PROFESSIONAL SERVICES							
3151 E.D.P.	-	-	-	-	-	-	
3154 LEGAL		< 50,000	50,000	100,000	50,000	100%	50.00%
3159 OTHER			-	-	-	-	
32 ACCOUNTING & AUDITING				15,000	15,000	From 0	100.00%
33 COURT REPORTER			-	-	-	-	
34 OTHER CONTRACTUAL	32,139	32,139	24,104	37,000	4,861		15.12%
40 TRAVEL	4,713	4,713	4,600	5,500	787		16.70%
41 COMMUNICATIONS	1,164	1,164	918	1,164	-		0.00%
42 TRANSPORTATION							
4251 POSTAGE	14,645	14,645	4,556	14,645	-		0.00%
4252 FREIGHT			-	-	-		
43 UTILITIES			-	-	-		
44 RENTALS & LEASES							
4451 OFFICE EQUIPMENT			-	-	-		
4452 VEHICLES			-	500	500		100.00%
4453 OFFICE SPACE			-	-	-		
4454 E.D.P.			-	-	-		
4459 OTHER RENTAL AND LEASES			-	-	-		
45 INSURANCE & SURETY							
4551 AUTO INSURANCE			-	-	-		
4559 BONDS AND NOTARIES			-	250	250		100.00%
46 REPAIR & MAINTENANCE							
4651 OFFICE EQUIPMENT			-	3,000	3,000		100.00%
4652 VEHICLES MAINT & REPAIR			-	-	-		
4653 OFFICE SPACE			-	-	-		
4654 E.D.P.			-	-	-		
47 PRINTING & BINDING	6,080	6,080	3,916	6,080	-		0.00%
48 PROMOTIONAL			-	5,000	5,000		100.00%
49 OTHER CURRENT CHARGES							
4951 LEGAL ADVERTISEMENTS	53,500	53,500	-	53,500	-		0.00%
4959 OTHER (BANKING) 4952			-	-	-		
51 OFFICE SUPPLIES	2,157	2,157	4,245	7,000	4,843		224.52%
52 OPERATING SUPPLIES							

JEFFERSON		COUNTY		DETAIL OF OPERATING EXPENSES			SCHEDULE II
OBJECT CODE	ACTUAL EXPENDITURES 2011-12	APPROVED BUDGET 2012-13	ACTUAL EXPENDITURES 6/30/2013	REQUEST 2013-14	INCREASE/(DECREASE)		AMOUNT APPROVED 2013-14
	(1)	(2)	(3)	(4)	AMOUNT (6)	% (6a)	(7)
5251 FUEL AND LUBE			-	-	-		
5255 EDP- COMPUTER SOFTWARE			-	-	-		
54 BOOKS & PUBLICATIONS							
5451 BOOKS			-	-	-		
5452 SUBSCRIPTIONS			-	-	-		
5453 EDUCATION	590	590	590	2,500	1,910	323.73%	
5454 DUES/MEMBERSHIPS	3,046	3,046	1,700	3,046	-	0.00%	
TOTAL OPERATING EXPENSES	118,034	168,034	94,629	254,185	86,151	51.27%	-
	Post this total to Col.(2) Ex.A	Post this total to Col.(3) Ex.A	Post this total to Col.(4) Ex.A	Post this total to Col.(5) Ex.A	Col. (5) - (3)	Col. (6)/(3)	

TRAVEL WORKSHEET JEFFERSON COUNTY FY 2013-14							
LOCAL TRAVEL							
FIELD TRAVEL:							
Number of Field Personnel	Office Owned Vehicles	County Owned Vehicles	Personal Vehicles	Total Miles For Per. Vehicles	Mileage Allowance	Flat Rate/ No. st Flat Rate	TOTAL
ADMINISTRATIVE TRAVEL:							
Number of Field Personnel	Office Owned Vehicles	County Owned Vehicles	Personal Vehicles	Total Miles For Per. Vehicles	Mileage Allowance	Flat Rate/ No. st Flat Rate	TOTAL
BRANCH OFFICE TRAVEL:							
Number of Field Personnel	Office Owned Vehicles	County Owned Vehicles	Personal Vehicles	Total Miles For Per. Vehicles	Mileage Allowance	Flat Rate/ No. st Flat Rate	TOTAL
TOTAL LOCAL TRAVEL							
MISCELLANEOUS TRAVEL							
SCHOOLS:							
Sponsor	City	No. Attending/ No. Days Each	Personal Vehicles	Mileage	Room Allowance	Per Diem	TOTAL
TOTAL							
CONFERENCES:							
Sponsor	City	No. Attending/ No. Days Each	Personal Vehicles	Mileage	Room Allowance	Per Diem	TOTAL
Tax Collector's Assc.	Orlando	1/4	N/A		125	100	1,000
Tax Col. Spring Conf	Palm Beach	1/4	N/A		125	100	1,000
TOTAL							2,000
OTHER							
TYPE OF TRAVEL			Number of Trips	Mileage	Room Allowance	Per Diem	TOTAL
NACCTFO Meetings			2		125	100	2,000
Coalition Meetings TBD			4		125	100	1,500
TOTAL MISCELLANEOUS TRAVEL							3,500
MOTOR POOL CHARGES							-
TOTAL TRAVEL REQUEST							5,500

POSTAGE WORKSHEET JEFFERSON COUNTY (FY 13/14 Request)			
Type of Mail	Number of Items	Postage Rate	Total
MASS MAILINGS:			
TAXES:			
Tax Notices - Real Property		0.326	-
Tax Notices - Personal Property		0.326	-
Reminder Notices - Real Property		0.326	-
Reminder Notices - Personal Property			-
Quarterly Installments		0.326	-
Informational Notice to Mortgagor			-
TAGS AND REGISTRATIONS:			
Motor Vehicles		0.280	-
Boats	-	-	-
OTHER: (Specify Type)			
Bulk dealer work to DHSMV	540	12.180	6,577
Tax Notices	6,765	0.470	3,180
TOTAL MASS MAILINGS			9,757
GENERAL CORRESPONDENCE			
Miscellaneous	10,400	0.470	4,888
TOTAL GENERAL CORRESPONDENCE			4,888
TOTAL POSTAGE REQUEST			\$ 14,645

EDP SUMMARY TAX COLLECTOR JEFFERSON COUNTY				
I. DATA PROCESSING SERVICES : (Specify vendor or indicate specifics such as in-house, shared system etc...)				
ACS - Associated Computer Systems				
Visual Gov.				
FRVIS, FIDLIS & RLIS				
II. SOFTWARE				
Quick Books - Accounting				
III. PERSONAL SERVICES:				
	Position Title	Position Number(s)	2012-13	2013-14
TOTAL EDP PERSONAL SERVICES			-	-
TOTAL EDP POSITIONS				
IV. EXPENSES:				
		2012-13	2013-14	
	EDP			
	Consultant			
	Telephone			
	Freight			
	Lease/Rentals			
	Maintenance			
	Office Supplies			
	Operating Supplies			
	Other (List): Travel			
	Education			
TOTAL EDP EXPENSES			-	-
V. OPERATING CAPITAL OUTLAY:				
		2012-13	2013-14	
	Installment Purchases	-	-	
	Other Capital Outlay			
TOTAL EDP OPERATING CAPITAL OUTLAY			-	-
VI. GRAND TOTAL			-	-
Comments:				

EDUCATION WORKSHEET JEFFERSON COUNTY					
SCHOOLS					
Sponsor	City	Tuition	Texts	Number Attending	TOTAL
Tax Collector Cont. Education	TBD	400	1	1	400
TOTAL				1	400
WORKSHOPS					
Sponsor	City	Tuition	Texts	Number Attending	TOTAL
Financial Accounting	Web Based	300		2	600
Finance Planning	Web Based	300		2	600
Office Management	Web Based	300		2	600
TOTAL					1,800
CONFERENCES AND SEMINARS					
Sponsor	City	Tuition	Texts	Number Attending	TOTAL
TOTAL					0
OTHER					
Sponsor	City	Tuition	Texts	Number Attending	TOTAL
NACCTFO	Various	150	2	1	300
TOTAL					300
OTHER EDUCATIONAL EXPENSES (SPECIFY)					
TOTAL EDUCATION EXPENSES					2,500
* Justification must be supplied, see instructions booklet for details.					

JEFFERSON		COUNTY		DETAIL OF OPERATING CAPITAL OUTLAY			SCHEDULE III
OBJECT CODE	ACTUAL EXPENDITURES 2011-12	APPROVED BUDGET 2012-13	ACTUAL EXPENDITURES 6/30/2013	REQUEST 2013-14	INCREASE/(DECREASE)		AMOUNT APPROVED 2013-2014
	(1)	(2)	(3)	(4)	AMOUNT (6)	% (6a)	(7)
CAPITAL OUTLAY:							
64 MACHINERY & EQUIPMENT							
6451 E.D.P.	-	-	-	-	-	-	-
6452 OFFICE FURNITURE	-	-	-	-	-	0.00%	-
6453 OFFICE EQUIPMENT	-	-	-	-	-	0.00%	-
6454 VEHICLES	-	-	-	-	-	0.00%	-
66 BOOKS	-	-	-	-	-	0.00%	-
TOTAL CAPITAL OUTLAY	-	-	-	-	-	0.00%	-
	Post this total to Col.(2) Ex.A	Post this total to Col.(3) Ex.A	Post this total to Col.(4) Ex.A	Post this total to Col.(5) Ex.A	Col. (5) - (3)	Col. (6)/(3)	

JEFFERSON COUNTY					
OPERATING CAPITAL OUTLAY (CONT.)					
DETAIL OF EQUIPMENT REQUESTED					
INSTALLMENT PURCHASES					SCHEDULE III
ITEM	TOTAL CONTRACT COST	MONTH AND YEAR PURCHASED	LENGTH OF CONTRACT	REQUEST 2013-14	

ITEM	UNIT PRICE	QUANTITY	REPLACE	NEW	REQUEST 2013-14

DATA PROCESSING PURCHASE JUSTIFICATION JEFFERSON COUNTY					
ITEM REQUESTED	NUMBER REQUESTED	MAKE AND MODEL NUMBER	LENGTH OF PAYMENT SCHEDULE	COST FOR FISCAL YEAR 2013-14	FULL COST
				-	-
TOTAL				-	-
Check one Below: REPLACEMENT OF EXISTING EQUIPMENT: _____ ADDITIONAL EQUIPMENT _____					
STATEMENT OF NEED: To include but not limited to age, condition, response time, etc. of existing equipment.					
HOW LONG WILL THIS PURCHASE FULFILL THOSE NEEDS?					
ADDITIONAL COMMENTS OR PERTINENT INFORMATION					
NOTE: A three year comprehensive plan should be submitted for continuation of, or updates to systems being purchased or previously purchased by your office. This includes systems co-owned with another office in your county. This plan should include initial equipment, year of acquisition and proposed schedule by year of enhancements to be reflected in future budgets.					

JEFFERSON COUNTY

JUSTIFICATION SHEET

NUMBER	OBJECT CODE NAME	SCHEDULE	AMOUNT OF INCREASE (DECREASE)	JUSTIFICATION
15	Special Pay	1A	\$7,000	Due to budget office conversion to fee office, we anticipate an <u>increase in employee work load</u> ; therefore, the special pay would be distributed to employees based on their individual contributions and considered a one time bonus pay-out. Due to the need for employee observations and analyzing the needed changes in this upcoming fiscal year, the special pay will be utilized in recognition for employees whom excel under upcoming scheduled changes.
2152	FICA - Regular	1A	\$1,313	Due to requested increase in special pay.
2251	Retirement - Official	1A	\$20,054	Due to increase in FRS employer contribution rate.
2252	Retirement - Employee	1A	\$2,904	Due to increase in FRS employer contribution rate.
24	Worker's Comp	1A	\$563	Previously provided by BOCC.
12	Personnel Serv. - Employees	1A	\$3,929	Cost of living increase., requesting to adopt "other, 4B" on Detail of Salaries.
3154	Legal	2	\$50,000	Currently in ongoing legal suit involving former employee. Anticipating further legal fees.
32	Accounting & Auditing	2	\$15,000	Associated cost involving changes in current accounting policies & procedures. <i>county already provides</i>
34	Other Contractual Services	2	\$4,861	

JEFFERSON COUNTY				
JUSTIFICATION SHEET				
NUMBER	OBJECT CODE NAME	SCHEDULE	AMOUNT OF INCREASE (DECREASE)	JUSTIFICATION
4651	Office Equipment	2	\$3,000	Currently conducting a comprehensive evaluation of current contracts and comparison to potential upgrades and/or program conversions. Acquisition of or enhancements to be included in future budgets. Upgrading office furniture and general maintenance repairs necessary.
4452	Vehicles	2	\$500	Incidental vehicle rentals.
4559	Bonds & Notaries	2	\$250	Previously provided by BOCC.
4648	Promotional	2	\$5,000	Providing citizens with wallet sized FWC hunting & fishing season dates. <i>state already provides</i> Announcement of fee office changes and how those conversions will benefit the county. ??
51	Office Supplies	2	\$4,843	Estimated supplies not provided by BOCC.
TOTAL:			\$119,217	

STATEMENT OF COMMISSIONS AND EXPENDITURES JEFFERSON COUNTY

EXHIBIT B

DESCRIPTION (1)	ACTUAL 10/1/11 - 9/30/12 (2)	ACTUAL 10/1/12 - 6/30/13 (3)	ESTIMATED 7/1/13 - 9/30/13 (3A)	TOTAL 2012-13 (3B)	PROJECTED 2013-14 (4)
Commissions:					
State:					
Motor Vehicles	330,053	257,043	73,010	330,053	330,053
Environmental Protection					
Game and Fish	912	499	413	912	912
Sales Tax	1,440	1,080	360	1,440	1,440
County <i>Deducted from tax receipts !?</i>	334,149	250,612	83,537	334,149	<u>334,149</u>
Districts	2,177	1,633	544	2,177	2,177
Interest					
Occupational License Related					
Tax Certificate & Redemption					
Tourist Development					
Driver License Fees	33,264	20,981	12,283	33,264	33,264
Miscellaneous Fees (Return Ck Fees)	648	625	23	648	648
Total Commissions	702,643	532,473	170,170	702,643	702,643
Less Operating Expenditures	414,255	298,448	165,808	464,256	586,170
Balance	288,388	234,025	4,362	238,387	116,473

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**POTENTIAL IMPACT AS PRESENTED BY
COMMISSIONER BOYD**

TAX COLLECTOR BUDGET HISTORY

	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Budgeted	FY 2013-14 DOR Budget Request
REVENUES				
FEE INCOME (to County)	\$344,433	\$376,786	\$381,684 (est.)	
FEE INCOME (retained)	\$0	\$0	\$0	\$368,494
TAX COLLECTION FEES (from County)	\$0	\$0	\$0	\$334,149
TOTAL REVENUES	\$344,433	\$376,786	\$381,684	\$702,643
EXPENDITURES				
PERSONNEL	\$297,222	\$301,590	\$334,558	\$331,985
OPERATING	\$65,426	\$88,470	\$51,250 (1)	\$254,185 (3)
CAPITAL	\$0	\$0	\$66,000	
TOTAL EXPENSES	\$362,647	\$390,060	\$451,808	\$586,170
ADD BACK COST:				
TAX COLLECTION FEES				\$334,149
NET COST	-\$18,214	-\$13,274	-\$70,124 (2)	-\$217,676
TO TAXPAYER (from GR)				
			Current Tax Collector BOCC Budget for 2013-14	\$41,808
				-\$175,868

NOTES: (1) Spent \$50,000 on legal fees as of 6/30/13 per budget submission to DOR. (Budget for Legal=\$10,000).
(2) Budgeted for \$41,808.
(3) includes \$100,000 for legal, \$15,000 for accounting, \$5,000 for "promotional" per DOR budget submission.

**ITEM 3: PUBLIC OFFICIAL'S LIABILITY
INSURANCE ISSUES/DISCUSSION**

**MARCH 14TH LETTER FROM
INSURANCE-APPOINTED COUNSEL TO
TAX COLLECTOR'S ATTORNEY**

File

Rumberger
KIRK & CALDWELL

MAR 19 2013

Linda Bond Edwards
Rumberger, Kirk & Caldwell, P.A.
Attorneys at Law
215 South Monroe Street
Suite 702 (32301)
Post Office Box 10507
Tallahassee, Florida 32302-2507
Phone: 850.222.6550
Fax: 850.222.8783
ledwards@rumberger.com
www.rumberger.com

March 14, 2013

**VIA ELECTRONIC AND
UNITED STATES MAIL**

**VIA ELECTRONIC
AND UNITED STATES MAIL**

Timothy R. Qualls, Esq.
Young van Assenderp, P.A.
215 South Monroe Street, Suite 802
Tallahassee, FL 32301

Stephen G. Webster, Esq.
610 North Duval Street
Tallahassee, FL 32301

Re: Scott v. Hunter
Case No.: 4:13-CV-00019-RH-CAS
Our File No.: S537 - 119435

Dear Mr. Qualls and Mr. Webster:

As you know, our firm was appointed counsel by Preferred Governmental Insurance Trust (PGIT) to represent the Tax Collector for Jefferson County (Tax Collector) in the above referenced matter. The appointment of Rumberger Kirk and Caldwell to the case was based upon PGIT's belief that the Tax Collector was a covered insured under Agreement # PK FL1 0331033 12-11 a copy of which was provided to you. Based on my conversation with the County Attorneys, their belief is that the Tax Collector is a covered insured under the policy and is subject to the terms provided by the policy. Upon your review of a portion of the policy, you advised Mr. Edward A. Kron via email on March 1, 2013 that "[you] do not think Ms. Hunter made any sort of tender [of a claim pursuant to the Policy] so [you] do not think there is anything to withdraw. Have reviewed the first few pages of policy and have confirmed that the insured is not the state constitution's tax collector in and for Jefferson County, but is the board of county commissioners." As such, based on your representations, the Tax Collector does not believe that she is covered by the above referenced policy and therefore not subject to the specified terms.

Both before and after March 1, 2013, you have maintained, in essence, that you and your firm are the Tax Collector's selected counsel to represent her in the above-mentioned matter and that PGIT's appointment of Rumberger Kirk and Caldwell has no impact on your firm's continued representation. You have advised that you do not intend to transfer the file to our firm. I want to make clear that as the case-handling attorney for the Board of County Commissioners (BOCC), the named insured, I am capable, available and willing to represent the Tax Collector in this matter on behalf of the BOCC as appointed by PGIT.

Although I will monitor but not participate in the litigation on behalf of the BOCC, I respect the Tax Collector's decision to retain your firm as counsel and the role and responsibility

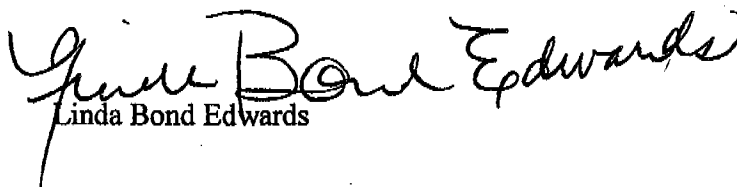
March 14, 2013

Page 2

that goes along with her selection. Please be advised the BOCC will not be responsible for any expenses that you incur on behalf of the Tax Collector in this litigation as explained by Mr Kron on February 26, 2013 because the BOCC purchased this insurance policy to cover such expenses. He advised that according to Section IX of the policy the "Covered Party shall not admit or assume liability...or incur Claims Expenses without the prior written consent of the Trust, and the Trust shall have the right to appoint counsel...." Because the Tax Collector has elected to hire her own counsel, on behalf of the Tax Collector, and pursuant to the Board's budgetary and fund expenditure responsibilities in Florida Statutes Chapters 125 and 129, would you provide information as to 1) whether the funds being expended for attorney fees in this matter are represented in the tax collector's budget and 2) what provision has the tax collector made to pay any judgments that might flow from an adverse ruling in this lawsuit?

If you have any questions or would like to discuss further, please feel free to contact me, Mr. Kron, or the County Attorneys, Paula Sparkman and T. Buckingham Bird at Bird & Sparkman, P.L. I will not be withdrawing from the case and I trust that you have fully advised the Tax Collector of the impact of her decision to not follow the guidelines outlined in the policy.

Sincerely,


Linda Bond Edwards

LBE/ams

cc: Edward A. Kron (via electronic mail)
Paula Milam Sparkman (via electronic mail)
T. Buckingham Bird (via electronic mail)

**MARCH 22nd LETTER FROM
TAX COLLECTOR'S ATTORNEY TO
INSURANCE-APPOINTED COUNSEL**

YOUNG VAN ASSENDERP, P.A.

ATTORNEYS AND COUNSELORS AT LAW

215 South Monroe Street, Ste. 802

Post Office Box 1833

(ZIP 32302-1833)

Tallahassee, Florida 32301

Telephone (850) 222-7206

Telecopier (850) 561-6834

March 22, 2013

VIA HAND DELIVERY and US MAIL

Linda Bond Edwards, Esquire
Rumberger, Kirk, & Caldwell
215 S. Monroe St., Ste 702
Tallahassee, FL 32302

Re: Case No. 4:13-CV-00019-RH-CAS

Dear Ms. Edwards:

This letter is in response to your letter of March 14, 2013 concerning our firm's representation of the Honorable Lois Howell-Hunter in the matter set forth above and our client's desire to continue to utilize our firm as counsel of record in this matter.

After reviewing your letter with our firm's client, the Hon. Lois Howell-Hunter continues to be dismayed by the conflict of interest that has arisen in this matter concerning our client's decision to retain Young van Assenderp, P.A. as her legal counsel.

Our client is outraged that you have filed a notice of appearance without her consent and without speaking with her. Moreover, our client does not agree with, as you put it, the "belief" of Preferred Governmental Insurance Company (PGIT) and the attorneys for the Jefferson County Board of County Commissioners (BoCC) that the Tax Collector was a covered insured under policy agreement number PK.FL1 0331033 12-11 between PGIT and the BoCC (the "policy").

You are correct in that our client has not agreed—and does not now agree—to follow the insurance company's request to "transfer the file" over to your firm. This is due to: 1. the lack of any lawful authority authorizing the BoCC or PGIT to dictate the terms of engagement between the Hon. Lois Howell-Hunter and her counsel of choosing; 2. The lack of lawful authority for you to: "represent the tax collector in this matter on behalf of the BoCC;" 3. the fact that the insurance policy does not cover the Tax Collector, and 4. the

conflict of interest that has arisen between the Tax Collector and the BoCC as to our client's representation in this matter.

As you indicated in your letter, you may well be "capable" and "willing" to undertake this case, but my client feels that because you are the case handling attorney for the BoCC and take direction from the BoCC, the potential for a conflict of interest in this matter coupled with lack of privity between PGIT and the Tax Collector's office, means that you are not in fact available to represent her. These items are discussed more fully below.

Background

Our client was served with a complaint and an emergency motion for a temporary restraining order on January 18, 2013. The emergency motion was ordered to be heard within a few short days. This meant that our client had 12 days from the time she was sued to hire and retain counsel, draft a memorandum in response to the Plaintiff's motion, interview witnesses, engage an investigator, and to otherwise prepare for a full-blown evidentiary hearing in front of Judge Hinkle in U.S. Federal Court.¹

Shortly after being served with the complaint, our client contacted the very knowledgeable HR personnel within the Jefferson County, a political subdivision, and received no indication that she was covered under the PGIT policy.

When our client prevailed in the evidentiary hearing, she was informed by PGIT that the insurance policy would not cover her. Our office then reviewed the insurance policy and confirmed that policy does not cover our client. On February 20, 2013, you filed a notice of appearance. You did so without first contacting the Hon. Lois Howell-Hunter or our law firm. On February 27, 2013, despite earlier concluding correctly that the insurance policy did not in fact cover our client, the insurance company emailed undersigned counsel and requested that our firm "transfer the file" to your office.

The State Constitution's Office of Tax Collector is Not Under the Legal Jurisdiction of the Board of County Commissioners

The Honorable Lois Hunter-Howell is the state constitution's county Tax Collector in and for the Jefferson County political subdivision. Section 1(d), Article VIII, Florida Constitution. As Tax Collector, the Hon. Lois Howell-Hunter has sovereign constitutional status. *Alachua County v. Powers*, 351 So. 2d. 32, 42 (1977); *State ex rel Holloway v. Sheats*, 83 So 508, 509 (1919); *State ex rel Gibbs v. Mattens*, 193 So 835, 837-838 (1940).

¹ January 18, 2013 was the Friday before Martin Luther King Junior day, and the Hon. Lois Howell-Hunter buried her father on January 19, 2013. So in reality, the Hon. Lois Howell-Hunter had 8 days instead of 12 to accomplish these tasks.

The Tax Collector's duties are assigned by state statute, these duties include property tax and non ad valorem special assessment notice, billing, and collection pursuant to Chapter 197 of the Florida Statutes; the provision of title and registration duties pursuant to Chapter 320 of the Florida Statutes; the provision of state driver license services pursuant to Chapter 322 of the Florida Statutes, the provision of duties on behalf of the Florida Fish and Wildlife Conservation Commission. The Tax Collector is elected to provide state services to and on behalf of the citizens within Jefferson County political subdivision. The Tax Collector does not act on behalf of the BoCC when carrying out these duties.

Because counties have no inherent power to levy taxes, counties shall be authorized by law to levy taxes, but their grant of power to levy taxes does not imply the power in a county to collect or to enforce them without a specific grant of such power from the Legislature. The Legislature accordingly enacted Chapter 197, Florida Statutes to set up the procedures, to assign the specific power to use them exclusively to the Tax Collectors and to require exclusive state supervision of the administration of this state tax collection work by Tax Collectors to the Florida Department of Revenue (with its related expressed rule making power). See Section 9(a), Art. VII, Florida Constitution and related case law. Section 195.002(1), Florida Statutes.

Therefore, the duties carried about by the Tax Collector constitute state work, carried out on behalf of the citizens of Jefferson County, and not county business carried out under the direction of, or on behalf of the BoCC. Under home rule, a limitation on otherwise inherent local county home rule, no ordinance, resolution, insurance contract or budget of any local government, including the county commission, may directly or indirectly affect the sovereign power of the Tax Collector to decide how to implement and to carry out this state property tax collection duty, including hiring counsel. As a result, the insurance policy between PGIT and the BoCC is meaningless and null and void as to the Tax Collector.

Moreover, the legislature: "intends that the property tax collection authorized by this chapter under s. 9(a), Art. VII of the State Constitution be free from the influence or the appearance of influence of the local governments that levy property taxes and receive property tax revenues." Section 197.603, Florida Statutes. The legislature recognizes an inherent conflict of interest between the taxing authorities within Jefferson County that levy, impose and spend the tax revenues and the entity charged by the legislature with collecting said revenues, i.e. the state constitution's office of Tax Collector.

Given the legal framework of the BoCC and the Tax Collectors office, your contention that you may lawfully represent the Tax Collector "on behalf of the BoCC" is incorrect as no one can serve two masters.

The Insurance Policy Does Not Cover the State Constitution's Office of Tax Collector in and For the Political Subdivision of Jefferson County

There is no language within the insurance policy (attached as Exhibit "A") expansive enough to cover the state constitution's Tax Collector in and for the political subdivision of Jefferson County, Florida. The covered party is the BoCC, and not the five other state constitution officers (sheriff, tax collector, property appraiser, clerk of court, or supervisor of elections).

Even, assuming arguendo, that the attached policy was written broadly enough to cover the Tax Collector and other state constitution officers, such language would be of no legal consequence absent an agreement negotiated at arms length between all involved parties. Our client has never agreed to be covered by said insurance policy.

Of final note, in a previous legal action against our client, we are informed that the BOCC insurance policy with PGIT did not cover the office of Tax Collector so that our client hired, retained, and paid for counsel out of her own budget.

Thus, given the legal nature of the Tax Collector's office vis-a-vis the BOCC there is no legal relationship between the Tax Collector and BOCC that would grant any lawful authority for the BOCC and its insurance company to cover the state constitution's Tax Collector in and for the Jefferson County political subdivision absent the express authorization from our client and the memorialization of that understanding within the four corners of the insurance policy.

Your Unlawful Notice of Appearance

Again, our client is greatly troubled by the filing of, and subsequent refusal to withdraw, your notice of appearance in the instant case.

Our client has never requested to retain your services. In fact, our client has never spoken with you or anyone from your firm regarding said services. Due to the clear conflict of interest that has arisen and the risks associated with transferring a legal file in the middle of litigation, our client desires to continue to be represented by Young van Assenderp, P.A. and Stephen G. Webster Law, LLC.

Tax Collector's Budget

Our client informs us that her budget includes a line item for attorney fees.

One note that Section 145.022(1) of the Florida Statutes provides:

- (1) Any board of county commissioners, with the concurrence of the county official involved, shall by resolution guarantee and appropriate a salary to the county official, in an amount specified in this chapter, if all fees collected by such official are turned over to the board of county commissioners. Such a

resolution is applicable only with respect to the county official who concurred in its adoption and only for the duration of such official's tenure in his or her current term of office.

Note first that this section does not change the legal relationship between the BoCC and the state constitution's office of Tax Collector. Second, note that any resolution whereby the county guaranteed to appropriate the salary to the state constitution's Tax Collector was only applicable for the duration of the term that recently ended. Our understanding is that the Tax Collector has not concurred in any resolution for the current term. Finally, our client's status as a budget officer does not in any way alter her sovereignty as the state constitution's Tax Collector.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy R. Qualls", written over a horizontal line.

Timothy R. Qualls, Esq.

Enclosures

cc: Edward A. Kron (via electronic mail)
Paula Milam Sparkman (via electronic mail)
T. Buckingham Bird (via electronic mail)
Hon. Lois Howell-Hunter
Stephen Webster, Esquire

**APRIL 24TH LETTER FROM
INSURANCE COMPANY TO
TAX COLLECTOR**



2 Walnut Grove Drive, Suite 210
Horsham, PA 19044
(215) 443-3595
Fax: (215) 773-7725
www.summitrisk.com

April 24, 2013

Certified Mail, Return Receipt Requested
7012 1640 0002 4151 9876

Honorable Lois Howell-Hunter
500 West Walnut St.
Monticello, FL 32345

Re: *Idella Scott v Lois Howell-Hunter individually and as Tax Collector*
USDC Case No.: **4:13cv0019**
PGIT Claim No.: **GO-0877**

Dear Ms. Howell-Hunter

This will serve as a follow up on our previous communications and the receipt of the March 22, 2013 correspondence from you counsel, Mr. Timothy Qualls, Esq. This will confirm that you individually and in your official capacity as Tax Collector have declined all coverage under Preferred Coverage Agreement PK FL1 0331033 12-11 issued to the Jefferson County Board of County Commissioners. This was based upon your determination that neither you individually or you in your official capacity as Tax Collector of Jefferson County are covered parties under that coverage agreement. As your counsel expressed, "the insurance policy between Preferred and the BoCC is meaningless and null and void as to the Tax Collector."

Consistent with that determination, you have denied the efforts of Preferred to proceed with appointed counsel to defend the claim on behalf of the Defendants and have retained your own counsel to represent your personal interests and that of the Tax Collector's office in this suit. This refusal to cooperate in the defense of this suit with Preferred and the denial of Preferred's right to appoint counsel and defend the suit is a breach of the cooperation clause of the coverage agreement which voids any available coverage for defense costs and indemnity for this suit.

Please be governed accordingly.

Sincerely,

Summit Risk Services

By: 

Edward A. Kron
kron@summitrisk.com
215-443-3597

Copy: Timothy R. Qualls, Esq.
Stephen Webster, Esq.
Honorable Kirk Reams
Paula M. Sparkman, Esq.
T. Buckingham Bird, Esq.
Paul Dawson, PRIA
David Smyth, PGCS
Dena Greenwood, XL

**AUGUST 2ND LETTER FROM
TAX COLLECTOR'S ATTORNEY TO
INSURANCE COMPANY**

YOUNG VAN ASSENDERP, P.A.

ATTORNEYS AND COUNSELORS AT LAW

215 South Monroe Street, Ste. 802

Post Office Box 1833

(ZIP 32302-1833)

Tallahassee, Florida 32301

Telephone (850) 222-7206

Telecopier (850) 561-6834

August 2, 2013

Edward Kron
Summit Risk Services
2 Walnut Grove Drive, Suite 210
Horsham, PA 19044

Re: Policy Number: PK FL1 0331033 12-11

Dear Mr. Kron:

This letter is a follow-up letter to your April 24, 2013 letter to the Hon. Lois Howell Hunter, whom my firm represents in a civil lawsuit filed against her which will be discussed in further detail herein. Apparently the letter was originally lost in transit, so thank you for emailing it yesterday.

In your letter, you assert that our client: "refus[ed] to cooperate in the defense of this suit with Preferred and the denial of Preferred's right to appoint counsel and defend this suit is a breach of the cooperation clause of the coverage agreement which voids any available coverage for defense costs and indemnity for this suit."

Please be advised:

- The Jefferson County Board of County Commissioners, a state-constitution office (the "Board"), has an insurance policy with Preferred Governmental Insurance Trust ("PGIT"). Policy Number: PK FL1 0331033 12-11 (the "insurance policy").
- The Board's insurance policy through PGIT does not name Lois H. Hunter or the state-constitution's office of Tax Collector, in and for the Jefferson County political subdivision, as an insured.
- Our client has never discussed, let alone contracted, with PGIT for insurance coverage.

Mr. Edward Kron

Page #2

August 2, 2013

- On January 17, 2013 our client was sued by Idella G. Scott in a 5 count complaint alleging wrongful termination and defamation. A motion for emergency injunctive relief was also filed by the Plaintiff.
- On January 31, 2013, our client was successful in the emergency evidentiary hearing on Plaintiff's request for injunctive relief in the US District Court for the Northern District of Florida.
- To date 3 of the 5 counts have been dismissed and a motion for summary judgment has been filed as to the remaining counts.
- Notwithstanding the fact that the Board was not, and is not, a party to the suit, PGIT, on "behalf of the Board",¹ retained Linda Bond Edwards to represent the interests of the Board.
- However, on February 20, 2013, Linda Bond Edwards (without notifying our client or our law firm) filed a notice of appearance in the underlying litigation on behalf of the Tax Collector and not the Board (insured).
- On February 26, 2013, you emailed undersigned counsel demanding a "[T]ransfer of your file" from our firm to Linda Bond Edwards, contrary to our client's choice of counsel.
- On February 26, 2013, our client informed us that she did not wish to transfer the file and continued steadfast in her choice of counsel, irrespective of any interests or rights of PGIT to appoint counsel on behalf of the Board.
- Around this time, undersigned counsel contacted Linda Bond Edwards to inform Ms. Edwards that our client was not willing to sever ties with our firm and as such the firm would not transfer the file. Nonetheless, undersigned counsel informed Ms. Edwards that our client would explore the possibility of having Ms. Edwards serve as co-counsel, once the rights of the Board to intervene in the underlying lawsuit had been ascertained. However, Ms. Edwards suggested to undersigned counsel that she did not wish to serve as co-counsel.

¹ See March 14, 2013 letter from Linda Bond Edwards attached.

Mr. Edward Kron
Page #3
August 2, 2013

- On March 14, 2013, Linda Bond Edwards indicated that, notwithstanding our client's choice of counsel and lack of contractual privity between PGIT and the Tax Collector's office, she would not be withdrawing from the underlying litigation.
- On March 22, 2013, our firm sent the attached letter in response to the correspondence from Linda Bond Edwards.
- On March 26, 2013, Linda Bond Edwards filed a Motion to Withdraw as attorney in the underlying litigation (Linda Bond Edwards never spoke with, nor did our client ever give consent to, Ms. Edwards' filing of the notice of appearance or the notice to withdraw. To date, our client has never spoken to Ms. Edwards).
- On April 4, 2013, the Honorable Robert L. Hinkle granted leave of Ms. Bond Edwards to withdraw as counsel.

Our client maintains that she, as the elected state-constitution Tax Collector in and for the Jefferson county political subdivision, has the plenary sovereign power of office to contract with the counsel of her choosing.

Moreover, the Tax Collector's office is not a named party in the above-referenced PGIT insurance policy and the insurance policy between PGIT and the Board is meaningless and null and void as to the Tax Collector due to a lack of privity between PGIT and the Tax Collector's office.

Furthermore, it is well settled that no ordinance, resolution, insurance contract or budget of any local government, including the county commission, may directly or indirectly affect the sovereign power of the Tax Collector to decide how to implement and to carry out her duties, including the duty to hire counsel of her choosing to defend a claim against the Tax Collector's office.

Our sole desire is to serve effectively the best interests of our client. As to the assertions set forth in your letter and quoted above, such contractual language is moot as a contract cannot bind a non-party to that contract.

Sincerely,



Timothy R. Qualls

cc: Stephen G. Webster, Esquire
Honorable Kirk Reams
Paula M. Sparkman, Esquire
T. Buckingham Bird, Esquire
Paul Dawson, PRIA
David Smyth, PGCS
Dena Greenwood, XL

**PROPOSED LETTER FROM BOARD TO THE
TAX COLLECTOR**

FROM: Jefferson County Board of County Commissioners
TO: Ms. Lois Howell-Hunter, Jefferson County Tax Collector
RE: Lawsuit against Jefferson County Tax Collector by Idella Scott

It has come to the attention of the Jefferson County Board of Commissioners that you have denied our liability insurance carrier, "Preferred Governmental Insurance Trust", participation in the defense of Ms. Scott's lawsuit. As a result of this denial, the County and its taxpayers are exposed to potential damages should any adverse judgment/results from this litigation.

The County's insurance company is prepared to participate in the defense of this litigation and pay damages and suit costs covered under the terms of its policy.

The County recognizes that you have the right to engage additional counsel to defend yourself individually and as elected Tax Collector. However, without your cooperation in allowing the County's insurance company to participate, then the County loses the benefits of protection, defense and payment for any adverse outcome under the County's existing insurance coverage.

Should you persist to refuse to allow the insurance company to participate in the defense, then you leave the County no other choice than to consider that you, individually have assumed the responsibility for payment of any adverse monetary judgments and costs.

The Board requests you to reconsider your position and allow the insurance company to participate in defense of the suit along with your attorney.

**PROPOSED LETTER FROM BOARD &
CLERK TO THE CONSTITUTIONAL
OFFICERS**

FROM : Jefferson County Board of County Commissioners:

TO: Angela Gray, Jefferson County Property Appraiser
David Hobbs, Jefferson County Sheriff
Marty Bishop, Jefferson County Supervisor of Elections
Lois Howell-Hunter, Jefferson County Tax Collector
Kirk Reams, Jefferson County Clerk of Court

Re: Public Officials' Liability Insurance Policy

The Board of County Commissioners has in place liability insurance coverage protection for all "Elected Public Officials" except for the Sheriff and Law Enforcement. This policy is with "Preferred Governmental Insurance Trust", which provides the County and it's elected Public Officials coverage for payments of damages and cost expenses resulting from lawsuits.

The County's cost of it's present liability protection is \$71,244 for the period of October 2012 through October 2013.

If any Elected Official elects to opt out of the County's policy coverage, then they need to obtain similar coverage to protect themselves and the County against potential claims. The cost of such separate liability insurance needs to be included in their offices budget; such policy must name Jefferson County as a protected party. Also, notice of such policy needs to be provided to the County Commissioners prior to July 1 of each fiscal year.

The Board needs your written decision and response as to inclusion under the County's policy or exclusion. If you elect to be excluded, the County will need immediate confirmation of your separate liability policy and policy premium in order to prepare for the up coming fiscal year budget.

Thank you for your cooperation in this critical decision, otherwise the tax payers could be subject to potential liability risk without the benefit of insurance policy protection.