

Barfield: Scott Ellis. Good morning.

Ellis: Greetings. Two weeks ago, you had discussion on Project ...

Barfield: Name and address please, sir.

Ellis: Scott Ellis, 2811 Breeze Ridge Road, Eau Gallie, Florida 32935. Two weeks ago you had a discussion on Project Zeus, more than 30 minutes after discussion, Project Zeus had still not been discussed, but numerous others things were discussed, primarily when you brought up a representative of the EDC, Mr. Weiner. I think we should discuss some of the things he had discussed. First being, let's see, failure of BlueWare is not a financial failure. That's correct, they got \$7 million dollars and they did not have to do anything. That is probably not a financial failure. Any of you could have a very successful company if I gave you \$7 million dollars and you had to do nothing. He claims there was no failure to vet, that is absolutely untrue we've given you the report. The EDC worked with BlueWare after they had failed there test of finances in Tallahassee and redid the entire balance sheet so they would pass. That's what created the incentives which this Commission did vote for. The comment about the contract, I thought was unusual. Have you all looked into this? I'm asking you a question, have you looked into it, into it before I take a beating from the EDC about the Commission could oversee the contracts? What's the Commission done about overseeing the contracts? Let me, let me give you the answer, zero. The answer is zero, you have done nothing. Mr. Knox, have you even issued an opinion if the Board can oversee the contracts?

Knox: You talking about the BlueWare contracts?

Ellis: No, any, any contract by a constitutional officer, have you issued an opinion?

...

Knox: No sir. Nobody has asked me that opinion, but I can tell you right now the constitutional officers are separate and independent and you know that as well as I do. So they...

Ellis: I wasn't here two weeks ago Scott, all the mice were here. I was not invited to the meeting.

Knox: All I can tell you Scott is that you know that the Clerk... You're the Clerk, you know that...

Ellis: Yeah I do know that...

Knox: You can say...

Ellis: My point...

Knox: You can sign your own contracts

Ellis: ...is that you allow the EDC to come in and run open loop over top of other people that are not here and didn't know that the meeting was going on. If you knew that Scott, you could have said so, at that meeting two weeks.

Knox: All

Ellis: Any of you could have said that at the meeting two weeks ago.

Knox: The point is the Clerk cannot, can sign his own contracts and he oversees his own contracts. You know that as well as I did.

Ellis: Why was that not brought up two weeks ago?

Knox: I didn't know it was an issue.

Ellis: It, I, do I need to read from the minutes? Should I read from the minutes? I did send you all the minutes. "After four years back and forth the Clerk, Scott Ellis has yet to come to the Commission to plug what appears to be a problem, a contract awarded without the oversight of this group." That's his words. That's the minutes. I didn't see it addressed, at all. Nothing. Nothing. I will go on to say however the BlueWare contract was an illegal contract. It doesn't matter who had oversight, the contract was illegal, that's why we have people awaiting felony charges. They got \$7 million dollars to do nothing, that's why we have people awaiting felony charges. The EDC goes on, which really is pretty good, 30 minutes, over 30 minutes you let this guy come up and rant. Did not say one word about the project, and is pretty good ... BlueWare made promises so today... didn't fulfill it...BlueWare had 80 employees, just to be clear they had 80 employees, when the war broke out, now they have none. So is it ok to commit felonies and hire people as long as it brings jobs, because if it, if you could commit felonies and bring jobs, well hell we can bring people here from all over the Country to commit felonies and bring jobs. That's the exact words, we, they had 80 employees now they had none. They had none because they got busted. Is that not severe enough to maybe shut somebody down? But in this case, she had \$7 million dollars, didn't do any work, didn't pay the employees. So you got \$7 million dollars, didn't do the work, and didn't pay the employees. Now this is exact, Mr. Weiner: BlueWare had 80 employees, now they have none. Not one of you said one thing about that. I know Ms. Infantini, I appreciate your points and they were good, but on a specific points here, not one of you had one word about what was being said by the EDC at this meeting. In fact, Commissioner Barfield brought him up here to speak, even though there was nothing on that issue.

Barfield: He had a comment card in, the public has a right to speak, and that's what he did.

Ellis: He didn't come speak on the issue.

Barfield: He had a comment card, said it was on relation to that, and that's why he came up.

Ellis: But he didn't speak on that, did he? I sent you the minutes. He didn't speak, there's not a word in...

Barfield: Yeah I can see forward...

Ellis: ...here that he spoke on Project Zeus.

Barfield: If I can look forward is one thing, but I can't when somebody puts a com... you know that, put a comment card in, come speak.

Ellis: You all kept him going. 30 minutes.

Barfield: 30 minutes? But yeah.

Ellis: 30 minutes, yeah watch the tape. I watched the tape.

Barfield: Not when he was speaking.

Ellis: 30 minutes. Little tool Netterstrom came up here for about three and read his speech, then proceeded to be 30 minutes with Greg Weiner, representing EDC, and you the Board members. That's what happened at the meeting. Do you say that that's not happens? I'm just curious, to say that's not what happened because that's exactly what happened. Anyone in this County can watch that meeting, it goes on from 1:00 to a shade after 1:30, and you will not hear Project Zeus discussed during that entire time. You will hear how Scott Ellis came in and wiped out these 80 jobs, you know, I guess I never should've talked to FDLE about criminal activity. Then what was more bazaar is we have \$7 million dollars gets looted by certain individuals, allegedly, and it's my fault. That was fascinating as well. I guess it was my fault we had a Sarno Landfill rip-off because I didn't stay on the Commission forever. Alright, not one word from this Board and you let the man just keep on going.

Infantini: Excuse me. Alright, I've had enough. Frankly we didn't let this man just keep going. Continually I brought up point, and point, and point again and I'm tired of you addressing and going on the blog saying "not one of you", yes one of us has continually stood their ground, stood their position, and if I didn't take each individual point that you wanted to address that's the same thing that was brought up to us at one of our debates. I'm not going to take him on every single little miniscule point. I brought up the relevant criteria, the fact that the company was not financially vetted, and continually, and you're doing the same thing he did. You're ranting. Okay? So continually, and you know better than anybody sitting in this office, that in 2002, you went to the Auditor General, the Attorney General, and the State of Florida to establish that in fact every constitutional officer had sovereign powers and this Board, not one of us has any oversight over any one of you, and that's the way it is set up. It's set up that way in the Constitution in the State of Florida. We have the AG

Report on that, and so that's why we can't question your contracts. I can't question Sheriff Ivey's contracts, Dana Blickley, Lori Scott, Lisa Cullen, you name it, y'all are on your own to be good citizens and good stewards of our money. Okay, so please stop saying "not one of us". I've continually stood my ground and stood up against and fought questions on the EDC. If I didn't ask every single little question, it doesn't matter. (unclear) who do I sound like there? Um, but it really is not relevant. I'm sorry.

Ellis: I'm sorry too, because some questions do matter. I did not pursue an AG opinion for the benefit of the Clerk's Office in 2002.

Barfield: Mr. Knox.

Ellis: And you should bring it forward and I'll...and you did not say anything about Weiner's comments about the activity about the jobs, about anything that he said. You have a good discussion on the issue of incentives, and that was a good discussion. You had a good discussion on the issue of getting the money back. Actually you were correct because when Ad Valorem abatement, as Stockton knows, those are turned down every year. They go a certain number, and some of them get turned down every year. Do we do a claw back on that Mr. Whitten? Do we do a claw back on those Ad Valorem abatements?

Whitten: (unclear)

Ellis: The ones, the ones that start off, then get turned down later.

Knox: There's no claw back because there's nothing to claw back. They never get any benefit from it.

Ellis: That's not correct, Scott, because some have been granted and some have actually made it and then gone backwards.

Knox: Well when that happens, if its a claw back provision in the contract, they get the claw back.

Ellis: But is there a claw back in the Ad Valorem abatement?

Knox: Yes, sometimes there are.

Ellis: When have we done it?

Knox: Well we haven't done, had to use it yet.

Ellis: Well so we've had it happen, but we've never done it? I'm just being, just pointing out the obvious. We've clearly had Ad Valorem abatements that have been turned off after they've been turned on. And we've not gone after them.

Knox: And there may be contracts out there that don't have that in there in which

case they wouldn't have come back.

Ellis: Would you, would you ever do an Ad Valorem abatement that would not have a clause that if they fail to meet the standard you would turn them off?

Knox: Not currently, no.

Ellis: I, I just can't imagine that you would do that and they would be allowed to run forever after they failed and keep the money.

Knox: I agree with ya.

Barfield: Okay let's move on.

Ellis: It just seems to me it'd be a mute-point on that.

Barfield: Mr. Ellis let's move on. Are you done yet because we, your time is up and we have other business to do?

Ellis: Oh, you know I'll just fill out another comment card because you've not addressed the issue why you brought them up here for 30 minute harangue.

Barfield: There was questions, there was also a comment card.

Ellis: There were, there were not questions on that issue.

Fisher: I have, I have a question though, if you don't... Mr Whitten I hate to put you on the spot, but I got a, I've got to get this for the public to understand something. What's the difference between when a \$7 million contract, \$7 million dollar contract come before this Board versus the Constitutional Officers, I don't think people quite understand what part... I'd like to go through the process the County Commission goes through, for that.

Whitten: Yeah, and I think Commissioner Infantini hit it. I mean, basically their procurement process is theirs, and so you know they may have a competitive solicitations in place and they may not but that's the prerogative of the a, the a constitutional officer. You know, obviously, as you, as you all are aware, ours is a competitive procurement proposal environment and so a \$7 million dollar contract would have to be put into the market place to be competitively procured and obviously brought back to this Board for your approval. But the differences are, are, are, are really that the constitution doesn't give you any authority to have any say so with regards to their procurement process.

Fisher: I know, but our though, it, it, there's several meetings it goes through. There's a, there's a request for proposal or a... What's those steps?

Whitten: Yeah, and so, and so if you were, if you were soliciting for a service in the value of \$7 million dollars, it's probably put on the street, out to the

marketplace for a proposals, well over a month. Those are received, those are evaluated by a committee that's appointed by this Board, over a probably the course of several meetings. They make a recommendation to the Board of County Commissioners after a sort of cooling off period, i.e. there's a period where they can protest the recommended award. And so once we get through that protest period then the Board of County Commissioners can either take the recommendation of the a selection committee, or determine what's in the best interest of the public. And so a series of meetings in the marketplace, the series of meetings by a selection committee, coming to the Board for a final selection and then actually going back to a probably a separate committee to negotiate that contract, then ultimately the contract coming back to the Board.

Fisher: So Mr. Ellis, my question to you is why wouldn't you be in Tallahassee or somewhere fighting to get your process similar to ours so they can be vetted in public?

Ellis: You know, I've had one large project since I've been Clerk.

Fisher: Understand, but you know what can happen with one large project.

Ellis (unclear)...process, we went through your process. We built the Record Center here in Titusville...

Fisher: Mr. Needelman went through that process?

Ellis: We went through your process, Scott Ellis went through...

Fisher: Did Mr., did Mr. Needelman go through that process?

Ellis:you asked what I have done...

Fisher: No, no, no, no. I'm asking...

Ellis: You've asked what I've done...

Fisher: This is my question, sir let me, let me ask a question, no I (unclear)...

Ellis: You finished your question and I'll finish my answer.

Fisher: Okay so my question is this, you are Clerk?

Ellis: That is correct.

Fisher: And you, and that the last Clerk was able to sign a \$7 million dollar contract without going through any public input, any meetings, not a series of stuff. My question to you is this: Since you know that can happen, how come you're not in Tallahassee fighting to make sure nothing like that happens again?

Ellis: The last Clerk has felony charges.

Fisher: I don't care.

Ellis: Going to Tallahassee is not going to stop felony charges ...

Fisher: Well there's a State, there's a State Law...

Ellis: I, I'm all for...It's my time to answer..

Fisher: Yeah.

Ellis: ...you got your question, I get my answer.

Fisher: So, so, so I'm asking you to answer my question. I'm sorry

Ellis (unclear)... see it in...(unclear) talk over me...

Fisher: Why aren't you in Tallahassee? Why aren't you in Tallahassee?

Ellis: I am trying to answer the question.

Fisher: Why aren't you in Tallahassee, answer that question?

Ellis: Please finish your question.

Infantini: You need to stop...

Fisher: Okay.

Infantini: ...interrupting him...

Fisher: Okay (unclear).

Infantini: Allow him to answer his question. You make a question, allow him to respond

Fisher: Well answer my question.

Infantini: He will if ...

Ellis: I can't get to it...

Infantini: ...you quit saying "answer my question".

Ellis: You will not be quiet.

Fisher: Okay

Infantini: That's disrespectful.

Fisher: Oh, okay. Y'all, y'all are so respectful to each other.

Ellis: Yes and you included Commissioner...

Fisher: Yeah, yeah.

Ellis: ...Fisher. So that's correct I don't go to Tallahassee, I don't care if the Board has oversight of the contracts. I discussed that with Mr. Mannigan when I was on the Board 20 years ago. I've had one large contract since I've been Clerk. It went through the Board. It was a building of the Record Center, we went through the County, the County procurement process. Stockton should remember that. That was done via the County, Stotler Stagg was selected, the County oversaw the project. The County oversaw the project Moore Justice Center expansion, we contributed well over a million dollars for that. We didn't bid it on our own. When we've had large contracts we generally have gone to the Board, on some of the smaller ones, we have bid them ourselves. No, I've not gone to Tallahassee about prosecuting corrupt felonious, allegedly felonious, people. That is correct. But if you wish to oversight, I have no problem with that. I believe that you can. Alright, and when I say that I believe that you can, you control the money, and you still control the expenditures. If you chose to be involved, you could be. You're not, and that's okay, I'm saying you could be if you wanted to. Had you wanted to be involved in the BlueWare issue you could have been also. Alright. So I'm just not sure what your point is.

Fisher: My point is this, there's Constitution Officers can sign millions of million dollar contracts without no public input, and we can't, and I think that you, all Constitution Officers should have to go through the same process...

Ellis: ...thing is, then I have a solution for that

Fisher: ...the County Commissioner goes and, and to do that though, you got to have changes in Tallahassee.

Ellis: No actually you don't.

Fisher: Okay

Ellis: May I answer now?

Fisher: Sure.

Ellis: I fully supported Ms. LaSalle's concept, Inspector General empowered with those types of powers. I've supported elect a comptroller every single charter Commissioner, elected Comptroller would also have those powers. Right. You didn't vote for the Inspector General, is that correct?

Fisher: Yeah, you a...(unclear)

Ellis: Okay.

Fisher: Yeah I didn't.

Ellis: You didn't, that's right.

Fisher: But guess what, but you don't, you don't have to do it that way, you can just make them do the same process we go through without putting more bureaucracy out there. Just say that you got a, you got a, you're procurement process got to be similar to the County's.

Ellis: Then why don't you just do that now?

Fisher: Well because we can't, we don't have the power to do that over you.

Ellis: And you can't do that now, then don't say we can, we can, when you can't, you can't. You need an Inspector General...

Fisher: The question is why don't you?

Ellis: ...or an elected Comptroller. I have supported elect a Comptroller every single charter commission. I've supported the Inspector General. I'm not the one that killed it. If you wanted oversight, you too should have supported the Inspector General to get that oversight.

Fisher: Why do you need an Inspector General, why can't you just (unclear) adopt the County's procedure?

Ellis: We go through the County.

Fisher: No. But why can't, why can't Constitution Officers adopt the County procedure?

Ellis: I'm fine going through the County. We do go...

Fisher: Okay, so you don't need a Inspector General to do it.

Ellis: ...through the County. I don't know why you are talking to me about it. I'm not the one who doesn't go through the County.

Fisher: Well, I'm tired (unclear).

Barfield: (unclear)

Ellis: I don't do multi-million dollar contracts and not go through the Board.

Fisher: Well you want to know why I'm talking to you about it?

Ellis: Yes, I do.

Fisher: Because your department, your office that you have, signed a \$7 million dollar contract without any public input, and you want to make sure it doesn't happen again.

Ellis: It was a corrupt contract...

Fisher: I don't care...

Ellis: ...you're right, I would like to not see felonies happen again.

Fisher: Right. So, so put, put things in place so felonies don't happen that easy.

Ellis: Inspector General would have oversight, the contract wouldn't be valid...

Fisher: You don't need Inspector General.

Infantini: Excuse me, this is not a two person non debate here.

Fisher: So...

Barfield: Mr. Knox.

Infantini: The fact is...

Barfield: Mr. Knox

Fisher: I, I put my question out there

Infantini: ...the Constitutional Officers must all collectively agree to subrogate their powers to us. I doubt any one of the Constitutional Officers is going to vote to do so to subrogate their power to grant over to us, so it would have to come from all of them. No, it doesn't come from Tallahassee, it's in part of our Charter as well. So, it's not just Tallahassee that has to do, it's our State Charter, County Charter that we would have to change.

Knox: That's correct.

Infantini: And you would have to go back out to the voters so, if in fact you guys want this to happen, go put another amendment on the ballot like the extra half-cent sales tax, or whatever its going to be for the Lagoon, and throw it out to the voters, if you're so intent to have the voters make decisions for you. Put it out to the voters and have them vote to change your Charter so that you can now have control over all of your Constitutional Officers. Absent of that, as best I'm aware, you have no say so. Any one of them could've committed a felony, only one did. One office did. Okay, so it just happened to be the office that Mr. Ellis is now back in. But any one of your Constitutional Officers could do exactly the same thing.

Barfield: Mr. Knox.

Ellis: And if you had an Inspector General or the comptroller that would be your check and balance...

Barfield: Mr. Knox.

Ellis: And I agree with going to ballot.

Knox: Okay. Two things, number one, this can be done the, the, the type of arrangement you're talking about that Scott takes advantage of can be done through an interlocal agreement with each of the individual Constitutional Officers if they choose to do that, so the Clerk's certainly do that. He does that indirectly by just coming to the County.

Ellis: I, I support that 100 percent, Scott.

Knox: Number two, this is exactly why the Attorney General's wrong when he says the County doesn't have any oversight, by being able to call for an audit of the Constitutional Officers. There's provisions in the statutes that does provide for that, but, and he ignored that entirely. So, I mean this is why you'd have to have that kind of a provision, and that's why they do have that kind of a provision, that's why the Attorney General's dead wrong when he said what he did.

Ellis: And Scott we have always agreed with your opinion, going back all those years. We've agreed with the opinion Mr. Knox that was not generated by myself or the Clerk's office.

Barfield: Okay. Let's move on.

Ellis: Fine.

Barfield: Thank you.

Ellis: Any other surprises I have between now and November with the EDC? Just curious, if so just...

Barfield: Check the Agenda.

Ellis: ...let me know and I'll be here.

Barfield: Just check the Agenda.

Ellis: The Agenda said Project Zeus. The Agenda didn't say BlueWare...

Barfield: Okay.

Ellis: ...the Agenda didn't say it all happened because Scott Ellis and because people are going to jail we should have kept the jobs instead.

Barfield: Okay

Ellis: Thank you.