

From: Ken Bell [mailto:kenbell@cphlaw.com]

Sent: Wednesday, January 13, 2010 10:39 AM

To: Alison A. Perdue

Cc: Dianne C. Simpson; billrosseccsc@live.com; cjlewis0202; Charles L. Scott, Sr.; Clarry Ellis; dharris; Dr. John Veasley; Dr. Rick Harper; Ed Fleming; Enoch Leatherwood; Gary Montee; Gerald McKenzie; Janet Lander, Esq.; Jeremy Brown; Jimmy Cunningham; John Gormley; John Peacock; Judy Burns; Michael Hardin; Norm Ross; Rev. LuTimothy May; Richard Stone; Rick Finch; Rusty Tanner; Sharon Barnett; Stephen Moorehead; Tim Common

Subject: RE: Consolidation Commission Records

Thanks for the update. Here is my reply:

1. The ECCSC intends to adjourn sine die this Thursday when we have our final meeting and complete our task of drafting a plan of consolidation. The Commission will have no more deliberations (unless the legislative delegation requests us to reconvene). We do not anticipate this event. Any modifications in the plan will probably be made by the delegation itself.
2. Thursday evening or Friday morning, I will submit a copy of the plan of consolidation to the local governing bodies.
3. After submission to these local bodies, I will submit a copy of the plan to the legislative delegation on Friday.
4. All 25 Commissioners have been instructed to bring their digital and hard copies of public records to our final meeting Thursday evening. This records will be given to Bill Ross.
5. I will give Bill Ross all of my public records on Friday after I have submitted the plan to the local bodies and legislative delegation.
6. Bill will put his public records with all of the individual Commissioners' records.
7. By Friday, the Commissions will be considered "officially dissolved" and the property (which is these public records) automatically becomes the property of the county by operation of law. Section 8 of CS/HB 1431 mandates that upon dissolution "all property of the commission shall **thereupon** become the property of the county." We will comply with this mandate and deliver the County its property.
8. As the County is well aware, from the outset of our work as a public commission, **we asked for clerical help (which would include Public Records), Sunshine Law compliance assistance and legal guidance.** The BOCC refused to provide this assistance. With no public funding, this Commission has had to operate on an entirely voluntary basis. Unfortunately, any difficulty caused by the transfer of property on Friday is a direct result of the BOCC's decision not to provide the assistance requested. As I have stated before, I sincerely regret this fact. The ECCSC has done everything we can to overcome this BOCC's decisions not to assist.

9. Nonetheless, if the County wishes to provide the resources to the Commission so that it can do the indexing and other matters before the end of the day Friday (including providing public access to the records), we will fully cooperate to make an easier transition. But, absent that assistance, we have no choice but to simply collect the records we have and turn them over to the County.

10. Prior to turning the property over, the Commissioners and Bill Ross will notify any person's whose public records requests have not been fulfilled to contact the County.

11. As for the UWF website, that property is not the Commission's. It is UWF's property. So, you will need to coordinate with them if you need a copy of that property.

12. Finally, I expect the individual Commissioner's data to be received in a pdf format. This should resolve any IT concerns.

Please contact me if you have any questions.

Kenneth B. Bell