

# Administration

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**TO:** Flagler County Board of County Commissioners  
**FROM:** Craig Coffey, County Administrator *CMC*  
**SUBJECT:** Sheriffs Operation Center Overview - Memorandum for Record  
**DATE:** 20 December 2019

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I am writing this memo to you to clarify a number of issues that continue to be raised which I believe need clarification, as they are inaccurate and/or are misleading. Commissioners, you likely understand these issues, but unfortunately the general public is not privy to the same information. I understand that this information is in some ways contrary to what those with different objectives have publically stated. I know they will want to attack me as the messenger for providing you factual and evidentiary information as part of my position responsibilities. I have included other data, documents and backup that support my statements. I will be happy to go over any of these items individually and answer any questions you may have.

**\$9 million allegedly is sitting in the bank for Construction of the New Southern County Library** – There is no library reserve for the construction of a new library facility. Anyone is welcome to go online and review the posted budget document. Commissioners, you have reviewed the budget in detail and understand that such dollars do not exist. I believe the premise behind this statement is that a reserve exists which could be partially or wholly shifted to building a new sheriff's operations center. Actually, with no such dollars appropriated in some budgetary reserve, we will have to borrow the funds for the library construction. The anticipated budget for the construction is roughly \$4 million for a 16,000-20,000 s.f. expandable facility.

**Some believe the library should go in Town Center** – As always, there are lots of opinions on these issues. The Board of County Commissioners heard the issues, received input from the public, and various alternatives were considered at a workshop on June 5, 2017. The Board was presented locations in Town Center, at the airport and a site in Bunnell for consideration. I had recommended either the airport site or potentially land in town center. The Library Director recommended a site near the GSB in Bunnell. The Board subsequently supported the Bunnell site. The Board of County Commissioners in concert with the Library Board of Trustees and Friends of the Library, subsequently directed staff to move forward on acquiring the

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Charles Ericksen, Jr.  
District 1

Greg Hansen  
District 2

David Sullivan  
District 3

Joe Mullins  
District 4

Donald O'Brien Jr.  
District 5

property (acquisition occurred in December 2017). In recent months, the Board further authorized the design and permitting for a new southern County library facility. It is my job to carry out the will of the Board to the best of my ability (even with split votes) until I am given a different direction.

**There is no plan for a new Sheriff Operations Center** The County has a strategic plan, comprehensive plan, equipment replacement plan, IT Plan, financial plans, drainage plans, and many other plans. It is true that a plan for a new Sheriffs Operations has not been developed, as the BOCC has not asked County staff to prepare one. Because of the future impact on taxpayers, the preparation of a plan for a new Sheriff's facility may be premature for three main reasons:

- There has not been any evidence confirming there is anything wrong with the current building, much less any issue that would warrant abandoning the building.
- The Workman's Compensation Judge's building preservation order is close to being lifted. The final two activities recommended by the CDC that are the County's responsibility (as opposed to the Sheriff's responsibility of the Sheriff for two other items the CDC prescribed in its interim plan) are expected to be complete by the end of January, thereby hopefully completing any testing.
- Even if something is found at this stage, it is likely to be easily fixed, something that would not warrant throwing away almost an \$6.5 million taxpayer investment that will still be paid for over the next 17 years.

**The CDC allegedly found water intrusion in the building** - The CDC did not find any water intrusion into the building. While doing medical interviews and observations/inspections at the facility, the CDC noticed some standing water in some of the landscape areas outside the building. The CDC asked the County to take steps to move any standing water away from the building and to check the building to see if any water intrusion is occurring. No air quality problems were detected in the workspace of the facility, nor were there reports of any water intrusion from the wall or floor during the more than two years the building was occupied. However, we have had almost two years of extremely wet weather and should some water intrusion be found, it likely can be easily fixed. The locations identified by the Sheriff's Office (around windows) would likely be good locations to explore if any leaks were occurring.

**The Union/Employees allegedly were finally allowed to do testing in the building** - The County has always been open to allow testing in the building. The only thing the County requested was an agreed upon protocol for any testing. Many opportunities were given over many months (at least since June 2018). The testing the union just completed was voluntarily agreed to by the Sheriff and the County and was not just ordered by the judge as a press

release indicated. Also, this is the first time the County was approached to do any outside testing by the parties, and the County has not refused any testing by these other parties, to include the CDC.

**Allegedly Hiding behind the Court Order** - This statement is not accurate whatsoever.

Although technically the Workman's Compensation judge's order does not apply to the County, the County wants to do nothing to disrespect the authority of the judge. The order of course does apply to the Sheriff. Any court sanctions taken against the Sheriff for non-compliance of that order may financially hurt taxpayers and the County, as we are the primary funding agency of the Sheriff's Operations. The Sheriff's counsel furnished us the order immediately upon its issuance to put us on notice and we have since respected it. As always, the County wants to ensure it is a good actor in this process. Because of the multiple legal activities some deputies have taken against the Sheriff and the County, much of how the parties act is driven by legal issues and the advice of legal counsel. Notwithstanding, without violating the court order, the County has completed two of the four tasks recommended by the CDC that were considered non-invasive. The County is now preparing for the final two invasive CDC tasks to occur after the lifting of the building preservation order. These final tests should be completed by near the end of January or early February.

Below is an email from the Sheriff's staff who met with the County staff on this issue, from October 10<sup>th</sup> following the meeting. The email demonstrates the County is not hiding behind the Court building preservation order:

*Mr. Coffey,*

*Just to follow up regarding our meeting today. Until such time we have resolution with the court regarding the preservation order, we are not requesting the implementation of the CDC Interim recommendations with the exception of planning and vetting of experts. We are moving forward with preparation of recommended locations to open the interior walls. We will keep you updated on the status of the preservation order. I request our collective participation in the vetting of the experts.*

*Thank you,*

*Mark*

***Mark Strobridge***

***Chief***

**Cleaning the facility and allegedly destroying evidence** - Every building needs to be cleaned on a regular basis to maintain the health of the building and prevent the buildup of naturally occurring materials (pet dander, mold, dirt, bacteria, pollen, dust, etc.). The County had completed its third set of testing on June 15, and the building then laid vacant for a month before the results were back and the report was presented to the County Commission. The County's professional consultant in turn had made a series of recommendations for County action, one of which was to clean the building. This made sense as the building was vacated about the time of the County's testing and it did not appear to have been cleaned since that time. Plants had died, garbage had not been emptied, pest spraying had not continued and normal human activity which keeps material stirred up, was limited. The Sheriff still had some training going on in the building, as well as armory issues, files issues and evidence issues which involved human activity within the building (and use of bathrooms for example).

Still, after the July 16<sup>th</sup> workshop, presenting the County's results, the County postponed cleaning the building in order to provide an opportunity for anyone that wanted to do testing. After that period had lapsed the County cleaned the building as recommended by the County's consultant and to restore the building to a normal level of cleanliness. After that cleaning, the County began routine once a week cleaning (every Wednesday) through its custodial contractor. The normal Wednesday cleaning took place as scheduled before the most recent testing by the employees this past Thursday. The thorough cleaning and routine cleaning was never to cover anything up or destroy evidence as has been insinuated. Instead it is as simple as being a responsible custodian of a publically owned building and following the recommendations of the experts the County has hired to advise them in these matters.

It should also be pointed out that when the findings of the County's study were reviewed in a conference call with the CDC's chief medical officer, he concurred with resuming cleaning of the building. The Sheriff and Union representatives were present during that call.

**Waiting to place holes in the wall for 13 months.** - This statement is just not accurate. In November of 2017, the County began dealing with issues that were brought to us by the Sheriff's Office concerning up to four employees in a specific area. The County took immediate action to address the issues, not once, but several times, while working with the Sheriff. The Sheriff and Union went to the media on Memorial Day weekend in May 2018. It is believed the "hole in the wall" issues came up months after based on dissatisfaction with the County response to a private citizen's claims of a rotted soffit, as other issues were tested and eliminated as potential problems. The County staff believed that such an invasive step was not supported by factual evidence as the extensive testing of the workspace air quality determined conditions were normal, making anything sealed in a wall cavity moot. However, for the sake of removing another issue raised, all the parties have agreed to a diagram of wall opening

locations. The building preservation order was issued in August and has remained in effect ever since. The building preservation order specifically prohibited invasive processes. The County and Sheriff together have been waiting for the August building preservation order to be lifted, but nowhere near 13 months. Again, these tests are scheduled to occur in January after the anticipated lifting of the building preservation order this month.

**Shoddy construction or new construction** - The building was gutted and replaced almost in its entirety. This included flooring, structural bracing, roofing membrane, sheetrock/walls, insulation, ceiling, outside sheeting, electrical, plumbing, HVAC (heating ventilation, and air conditioning), etc. The only things left were the concrete slab, structural steel framing, masonry walls, and the roof system. No expense was spared and for all practical purposes, it was essentially a new building. The building construction was handled by professional engineers and architects, constructed to specification by licensed contractors and inspected by the building officials and the architect. As-built drawings were certified by engineers. Performance bonds were issued. To say or indicate shoddy construction occurred is not supported by any evidence and unnecessarily and unfairly smears the reputation of every professional and business who worked on the building.

**Cost of Construction of a New Sheriffs Operations Center** - The existing Sheriff Operations Center is a 35,000 s.f. main building. The sheriff was also utilizing some of the 4,500 s.f. building in the rear and has 3,600 s.f. of rented hangar space at the airport. In total, you might expect a new facility at a new site to be around 45,000s.f. in total +/- . At a cost of \$200 a square foot on average this could cost \$9 million dollars for construction alone. Adding any design and permitting, property acquisition, site costs (drainage/parking), furnishings/soft costs, contingency, and construction inspection costs, this could easily create a total project budget between \$11 and \$14 million dollars.

For the record, I do not oppose the construction of a new facility, nor tearing down the current facility, if so directed to do so by the Board. However, my position does require me to properly advise the Board based on facts. The County does not have these additional funds or the capability to borrow these funds in a fiscally responsible manner. To borrow these funds, the County would have to do a referendum to pledge property tax dollars. Alternative methods that could be used as a work around, without pledging tax dollars, and without voter approval, are lease-purchase or rental projects. These alternative methods are still subject to a budget evaluation (ability-to-pay-analysis), and generally these alternative methods will cost the county taxpayers more, with less design control. You would essentially have another party in the middle that you will pay a profit to, and new constraints would be added into the project, especially if you were to rent space. **All of these proposals involve raising more revenue and increasing taxes.** I understand that many of you have run campaigns of not increasing taxes.

Many employees would still like to see raises rather than to build a new Sheriffs Operation Center.

On top of all of that, the County taxpayers would still be paying for the current Sheriff Operations Center for another 17 years. Moreover, to date nothing has been found to condemn the building, and if something eventually is found wrong it could likely be fixed much more affordably. Someone would have to justify these expenditures to the taxpayers of Flagler County, which I feel that at this time we could not in good conscience do.

**Existing County Facilities** - The County manages over 1.1 million square feet (s.f.) of public buildings of which approximately 750,000 s.f. are climate controlled. The Sheriff's main office is approximately 35,000s.f. As part of normal process of managing multiple facilities, County staff attempts to keep them in a high state of repair, but leaks and other problems do occur from time to time. For example leaks have occurred in almost every building we own at one time or another. Sometimes we readily fix the problems, and other times we cannot. Depending on the seriousness of any issue, we may replace tile, fix sheetrock, replace or patch a roof, dry-out an area, pretreat for mold, call for special cleaning, and/or do air quality testing. The County takes these issues seriously and does not want anyone to be impacted, at any of our buildings, whether it be the public or any County employee, to include deputies. Through all of these repairs, at various facilities, we have not heard of anyone talk about tearing down the new Courthouse or the GSB or a multitude of other buildings and immediately replacing that new space with other new space. Additionally, both the County's consultant and the Sheriffs consultant (although we disagreed with many of his recommendations) laid out paths to reoccupy the building after some limited remediation. The CDC recommended in its interim report some additional activities to double check for different problems but did not indicate any prohibition on reoccupying the building. In fact, CDC representatives encouraged re-occupying the building in earlier conversations on which the Sheriff, Union and County all participated in.

**Exposure to Asbestos** - The buildings themselves were originally built after the heyday of asbestos building products and asbestos was generally considered likely to not to be present in large quantities. However, as part of the County's due diligence in 2013, the County did do asbestos testing as part of a larger battery of tests the County does when it acquires a property, commonly called "due diligence". The test revealed minor amounts of asbestos in the main building and the 4,500 s.f. service building in the corner of the property. The patient wings were not tested due to the fact that their future was uncertain and the general rational that none existed there, as the buildings were completely gutted by the former owner of the property prior to the County's ownership (no walls, flooring, insulation, ceiling, electrical,

plumbing, HVAC etc.). In the patient wings, if asbestos did exist, the former owners essentially removed all the locations where asbestos would normally reside.

The main building was properly remediated when it was demo'd as part of the reconstruction. The paperwork is on the County's website. The patient wings were later demolished, and the County was fined \$600, for not doing the advance notification of the demolition required by the FDEP (not for asbestos issues). Such notification does not involve inspections by FDEP. The outbuilding had a small amount of asbestos that was not initially remediated because that building was not part of the initial project. The County did replace the roof to protect the building from leaks and with that replacement, it removed some asbestos flashing roof material. Unbeknownst to the County, the former Sheriff may have done some work using his employees (deputies), on the inside of the outbuilding without permits and County BOCC involvement. This may or may not involve a limited exposure to asbestos material. In 2018, the County working with the Sheriff's Office planned for the redevelopment of the outbuilding. As part of getting permits for the facility, the County remediated the small amount of asbestos in the building and properly handled it through the FDEP. Construction later stopped as events developed with the Sheriff's Operation Center, and the subsequent vacation of the main building occurred.

**Sheriff Office Employees** - I too would like to speak for myself on this issue. I and many of my employees have friends in the Sheriff's Office and would never wish any harm to come to any County employee to include those employed by the Sheriff's Office. I have repeatedly stated in a variety of settings including staff meetings and meetings with Sheriff's Office staff that if something is wrong with the building I want to fix it. That is why we have immediately and continually tested the building, since the issue was first brought to my attention in November of 2017.

I do feel that many of the employees at the heart of this issue are indeed sick. My heart goes out to them and some of the trying symptoms they have experienced. I personally believe that some of the employees are not sick, but are bannng together as a show of support for their fellow team members. I would say this general sentiment is widespread and something I have heard from many of the same people casting stones today. I am not a doctor and I am glad the County provides quality health insurance and our employee clinic to assist them with whatever issues they are experiencing.

I do believe that none of the claimed illnesses are related to the building. I believe this for the following reasons:

- The fact that the building was completely rebuilt new to standard to begin with.

- The fact that to date, despite all the testing we have not found any factual evidence indicating a problem with the building, much less a causal link between the building and deputies illnesses, despite substantial testing and analysis. The extensive testing that was done is available online on the County's website.
- The fact that the building was occupied for over 20 years by the hospital and over two years as a Sheriff Operations Center without issues.
- The fact that none of the employees took advantage of the qualified doctor provided by the Sheriff this past summer and the fact that today only limited medical information has been provided to the Workers Comp doctor which is the best method to establish any direct causal link to the building.
- The personal attacks on anyone presenting factual evidence that is contrary to the desired position. Beyond me, it has been County staff, the County Attorney, any of the County's experts, State Radon tester, Commissioners, etc. Anyone that has supported the position of those suing the County/Sheriff's Office has been embraced.
- Instead of through science and the analysis of facts related to the building, there has been a consistent attempt to play out the issue politically through the media and legally in court.

Again, please contact me with any questions you may have.