

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

\* TIME CERTAIN 2:00 P.M. \*

Meeting Date: 12/19/07 - MAR

Division: County Attorney

Bulk Item: Yes  No

Department: County Attorney

Staff Contact Person: Bob Shillinger

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**AGENDA ITEM WORDING:**

An Attorney-Client Closed Session of the Board of County Commissioners in the matter of Salvatore Zappulla v. Monroe County.

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**ITEM BACKGROUND:**

Sal Zappulla has filed a Petition with the Monroe County Career Service Council challenging his dismissal from his position from county service. Legal staff desires direction from the Board. Per F. S. 286.011(8), the subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

Present at the meeting will be the Commissioners, County Attorney Suzanne Hutton, Chief Assistant Bob Shillinger, special litigation counsel Mike Casey and Kevin Vance of the law firm Epstein, Becker & Green, P.A. and a certified Court Reporter. BOCC approved the scheduling of this Closed Session at their regularly scheduled meeting held 11/14/07 (Item R-10).

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**PREVIOUS RELEVANT BOCC ACTION:**

11/14/07 BOCC approved Closed Session for 12/19/07 in Marathon at 2:00 p.m.

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

N/A

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**TOTAL COST:** \_\_\_\_\_

**BUDGETED:** Yes  No

**COST TO COUNTY:** \_\_\_\_\_

**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes  No

**AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Atty  OMB/Purchasing  Risk Management

**DOCUMENTATION:** Included  Not Required

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

## Mayor's Script

### For the day of Closed Session

The following should be read at the appropriate point during the day of the closed session.

**1. Prior to going into closed session.**

A closed attorney-client session pursuant to Section 286.011(8), Florida Statutes, will now be held. It is estimated that this meeting will take approximately thirty (30) minutes. The persons attending the meeting will be; the County Commissioners, County Attorney Suzanne Hutton, Chief Assistant County Attorney Robert B. Shillinger, the County's special litigation counsel Mike Casey and Kevin Vance of the law firm Epstein, Becker & Green, P.A.; and a certified court reporter.

Since the law prohibits any other person from being present at the closed session, the commissioners, the attorneys for the County and the court reporter will now remain in this meeting room, and all other persons are required to leave the room. When the closed session is over, we will re-convene and re-open the public meeting. This public meeting is now closed.

**2. At the beginning of the closed session.**

I now call this closed session to order. For the record, this meeting is being held upon the request of the County Attorney Suzanne A. Hutton, who announced at a prior public meeting held on November 14, 2007 that she needed advice concerning the pending matter, *Salvatore Zappulla v. Monroe County*. At that meeting, the Board approved holding today's closed session, and public notice was given at the November 14, 2007 BOCC Meeting and through publication of the agenda for the December 19, 2007 BOCC Regular Meeting.

For the record, and the benefit of the court reporter, each of us will state our name and position starting with the commission.

(After all have identified themselves) – Thank you.

Just as a reminder, we will only be discussing settlement negotiations and strategy relating to litigation expenditures. We cannot take any decisive action at this meeting. We can only provide information and direction to the attorneys. Any decisions this Board makes concerning this case must be done in a meeting open to the public.

Let's start our discussion with the County Attorney.

**3. At the end of the closed session, prior to going into open session.**

This closed session is now terminated and we will not reconvene in the public meeting.

**4. After the public session has been re-opened.**

The attorney-client session has been terminated, and we are now re-opening this public meeting.