

RESOLUTION 85-21

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY CONCERNING THE EMPLOYMENT OF ATTORNEY JACOB VARN FOR HIS LEGAL REPRESENTATION IN CONNECTION WITH THE SCALLOP PROCESSING PLANT OPERATED BY HOMER SMITH D/B/A HOMER SMITH SEAFOOD COMPANY.

WHEREAS, the Board of County Commissioners of St. Johns County believes that the operation of a scallop processing plant by HOMER SMITH d/b/a HOMER SMITH SEAFOOD COMPANY next to Trout Creek is contrary to the public interest for many reasons including the odors created by the plant and the water quality deterioration to Trout Creek and to the St. Johns River created by the discharge of the plant's processing effluent; and

WHEREAS, St. Johns County has been advised that the State of Florida, through its Governor, Cabinet, Department of Natural Resources, and Department of Environmental Regulation, is considering granting various permits and easements to HOMER SMITH d/b/a HOMER SMITH SEAFOOD COMPANY to allow the construction of a pipeline to discharge into the St. Johns River large quantities of waste material generated by the scallop processing plant; and

WHEREAS, a public purpose is served by retention of legal counsel in Tallahassee, Florida, to represent St. Johns County before the Governor, Cabinet, and various State administrative officers in connection with the Scallop processing operation; and

WHEREAS, Attorney JACOB VARN, and his associates, were previously retained by St. Johns County on November 13, 1984, for representation in connection with said scallop processing operation. However, the details of his employment were unclear and ambiguous as reflected in the minutes of the meeting of November 13, 1984, and it is appropriate to clarify the terms of said attorney's employment; and

WHEREAS, the Board of County Commissioners of St. Johns County believes it is to the advantage of the public and the inhabitants of St. Johns County generally, and not for the particular advantage of any one individual or group of individuals to employ Attorney JACOB VARN as legal counsel; and

WHEREAS, it is recognized that River Systems Preservation, Inc., a non-profit corporation, has previously hired Attorney JACOB VARN in connection with the HOMER SMITH SEAFOOD COMPANY plant. However, it is not the purpose of this Resolution to benefit said River Systems Preservation, Inc., but to benefit the public in general.

NOW THEREFORE, IT IS HEREBY RESOLVED THIS 12th DAY OF FEBRUARY, 1985, BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, that the Board of County Commissioners of St. Johns County, does hereby clarify the motion previously passed authorizing retention of JACOB VARN on November 13, 1984, as follows:

1. That Attorney JACOB VARN shall represent St. Johns County before the Governor, Cabinet, Department of Environmental Regulation, and Department of Natural Resources in connection with the Scallop processing plant operated HOMER SMITH d/b/a HOMER SMITH SEAFOOD COMPANY.

2. That the maximum compensation to be paid by the County to Attorney JACOB VARN is the sum of \$3,000.00.

3. That St. Johns County shall pay for legal services rendered by Attorney JACOB VARN for St. Johns County subject to the aforestated maximum based on time expended for representation of St. Johns County. Attorney JACOB VARN shall render periodic billings to St. Johns County for legal services performed for St. Johns County.

4. That St. Johns County shall not be responsible for, nor shall pay any portion of any legal fee incurred by River Systems Preservation, Inc., or any other person or entity, for services rendered to it by Attorney JACOB VARN, or any of his associates.

5. That the Motion passed on November 13, 1984, is rescinded. Any work performed by JACOB VARN for St. Johns County only, but not otherwise, shall be compensated as above provided.

6. A copy of this Resolution shall be mailed forthwith to JACOB VARN and River Systems Preservation, Inc.

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA.

BY: Ray Walker
Chairman

ATTEST: CARL "BUD" MARKEL

BY: Marie Hudson
Deputy Clerk