

MINUTES – MEETING APRIL 12TH

BROOKS COUNTY DEVELOPMENT AUTHORITY

Jack Harrell called the meeting to order at 6:09 pm. Board members Erin McKenzie, Marie Horne, Derren Yearby and Jack Harrell attended, along with Director Stephanie Mata.

Minutes and Financials

Copies of the minutes of the (special called) monthly meeting held February 16th were reviewed. Erin McKenzie motioned to approve the minutes of the meeting as presented; seconded by Marie Horne; unanimously accepted. Copies of February Financials were reviewed. Director Mata presented the financials to-date; Marie Horne made a motion to accept the February financials as presented; seconded by Erin McKenzie; unanimously accepted.

Appearances

Peg Howard addressed the Board regarding Quitman Solar I and II and presented a timeline.

Old Business

Jack Harrell moved to Old Business. Director Mata an update regarding Philanthro Films and the unforeseen expense of the deteriorating roof which has fallen through and must be replaced before it can be insured, and a construction company can acquired for renovation. Mata presented their possible need for a small bond in the amount of approximately \$300,000 to repair the roof as well as a \$15,000 grant to renovate the small building in front of the Swanee Swifty building to create a drive-thru coffee shop.

Director Mata also presented an update for Project M, stating that the project is moving forward and that travel to an existing site would be forthcoming.

New Business

Chairman Jack Harrell moved to New Business and the need for legal counsel. Director Mata read the previous month's minutes as follows:

"Jack Harrell moved to New Business where Director Mata explained that after a conversation with Attorney Luke Mitchell regarding Quitman Solar, their obligations to Brooks County and the position of the current Development Authority Board, he resigned. Director Mata also explained that after she and Chairman Jack Harrell repeatedly requested a copy of all legal documents which pertained to the Brooks County Development Authority, in writing, via phone and in person, they were given the run-around. At first, Mata and Harrell were questioned as to what exactly they were looking for. Mata requested anything and everything pertaining to Quitman Solar and Nextera. Luke Mitchell stated at first that all he had was a bond, but that the Development Authority should have the original copies in the office. Mata reminded the Board that she walked into a clean office with not much more than empty file jackets in most cases, and that she could not locate the original paper copies of the Quitman Solar documents. Then, Mata explained that Mitchell had told her that Van Parrot was going to come from Florida to go through boxes of documents, but then he didn't come. Mata was then told again that we should have the originals, and Mata requested their copies once again. After a few days, Mata was told that a jump drive was coming that would come with the requested information, but that it was being mailed. After more than a week, it finally arrived, and when Mata picked it up from Luke Mitchell's office, she was surprised to see that it was not from Van Parrot. Instead, the jump drive is from Alston & Bird, Nextera's legal

council. In fact, some of the documents listed on the drive had recently (days prior) had been altered. Director Mata discussed the need to find legal council to represent the Development Authority.” [excerpted from Meeting Minutes March 8, 2021]

Chairman Jack Harrell then asked the Director to inform the audience about their prospective legal counsel, Lt. Col. David Rose. Mata expounded on Mr. Rose’s impressive list of credentials, which includes more than 20 years’ service in the Armed Forces, three Masters of Law- including Environmental Law. He is also a sitting judge for the U.S. Army Reserves and is currently under retainer with several solar and energy companies, thereby making him more than familiar with the solar industry. John LaHood inquired to whether or not the contract with Rose Law had been specified to the scope of work to be specified to Quitman Solar- Mata confirmed that she had been in communication with the Rose’s Law Firm to include the necessary language.

Chairman Harrell then welcomed Vann Parrot and Luke Mitchell to reply to Mata’s statements by which Parrot explained that his files were not in hard copy but rather only in digital format. He also explained the process by which the bonds are carried out, and that the previous Board was happy with the decisions as they had occurred. He also reassured the Board that Nextera had been completely transparent and forthcoming. Chairman Harrell expressed the Board’s concern that the company had not been honoring the terms of the agreement, such as job creation and the vegetative buffer. Mata explained further the confusion around the buffer, that conversations had taken place at the County Commission meetings where it was stated in an open meeting that it was their understanding that the company is not responsible for maintaining the buffer- only what is inside the fence- and that the Development Authority was responsible for the buffer. Mata further explained that upon her conversation with the Project Manager, Mr. Leone, that he seemed surprised that the buffer was not maintained and that he had to check on it. Mata continued that Mr. Leone then argued about the requirements and guidelines for the buffer and that she had to point out that within their Application for Special Exception, it states that the buffer must be six-feet in height within three years, which would be 2022. Mata stated that Nextera told the County that they would pay the breach (\$680,000) and then two weeks later calls Director Mata to state the same, while on the same day Fed-Exing an Appeal to the Board of Equalization.

Director Mata inquired that for a company that is said to be transparent and forthcoming, the Development Authority can’t help but wonder why there seems to be “so much shadiness.” Mata explained the 200-300 local jobs that are stated within the bond are only two full-time positions, workers that were relocated to Brooks County. The other local jobs are in fact “local union” jobs, as in “Local Union 232,” for example. In fact, only a very small percentage have ever been local Brooks County residents, and those were temporary. Mata explained that only about 30% of their current workforce for Quitman Solar II is only about 30%, and most are not from Brooks County, and the wordage of the paperwork is questionable. Mata reiterated that the Board cannot and will not merely copy what was done in the past without a full understanding of what was done, and that the reason for the inquiries for documents. Furthermore, if an open records request were to be made for particular documents, the Development Authority has very little in office. Additionally, Brooks County code requires two sets of plans to be submitted to the Permitting Office, yet to date, none have been properly submitted, and the request from the Development Authority has also gone largely unanswered. Luke Mitchell also replied to the minutes as they were read and expressed his frustration in the verbiage. He explained that the reason he resigned was family and his desire to avoid and to and from between the people of County and Nextera. The Board discussed the need to hire a specialized attorney with the knowledge and expertise to represent the Development Authority in these matters regarding Quitman Solar LLC. Chairman Harrell mentioned that the Director had repeatedly requested from the solar company two full-size sets of plans, but those plans had not been forthcoming. He also mentioned that two full size sets of plans are also supposed to be submitted to the Permitting Office, and despite that they had not been submitted, they were still issued permits. LaHood expressed his concern on expense and his preference to hire general counsel first. No motions were made at that time. Erin McKenzie made a motion to go into Executive Session; seconded by Derren Yearby; unanimously approved.

Reports

No reports were given.

Motion to adjourn carried by Marie Horne; seconded by Erin McKenzie; unanimously approved.

Respectfully Submitted:

Secretary