

BOARD OF COUNTY COMMISSIONERS LEON COUNTY, FLORIDA

AGENDA

REGULAR MEETING

County Commission Chambers
Leon County Courthouse
301 South Monroe Street
Tallahassee, FL

**Tuesday, March 10, 2015
3:00 P.M.**

COUNTY COMMISSIONERS

Mary Ann Lindley, Chairman
At-Large

Jane Sauls
District 2

John Dailey
District 3

Bryan Desloge
District 4



Bill Proctor, Vice Chair
District 1

Kristin Dozier
District 5

Nick Maddox
At-Large

Vincent S. Long
County Administrator

Herbert W. A. Thiele
County Attorney

The Leon County Commission meets the second and fourth Tuesday of each month. Regularly scheduled meetings are held at 3:00 p.m. The meetings are televised on Comcast Channel 16. A tentative schedule of meetings and workshops is attached to this agenda as a "Public Notice." Selected agenda items are available on the Leon County Home Page at: www.leoncountyfl.gov. Minutes of County Commission meetings are the responsibility of the Clerk of Courts and may be found on the Clerk's Home Page at www.clerk.leon.fl.us

Please be advised that if a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at this meeting or hearing, such person will need a record of these proceedings, and for this purpose, such person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. The County does not provide or prepare such record (Sec. 286.0105, F.S.).

In accordance with Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Community & Media Relations, 606-5300, or Facilities Management, 606-5000, by written or oral request at least 48 hours prior to the proceeding. 7-1-1 (TDD and Voice), via Florida Relay Service.

Board of County Commissioners
Leon County, Florida
Agenda

Regular Public Meeting
Tuesday, March 10, 2015, 3:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Kristin Dozier

AWARDS AND PRESENTATIONS

- Proclamation for PACE Leon Center for Girls Proclaiming March 2015 as "Believing in Girls Month"
(Commissioner Nick Maddox)
- Proclamation Recognizing March 8 – 14, 2015 as "Girl Scouts Week"
(Commissioner Kristin Dozier)
- Presentation on the Made in Tallahassee Initiative
(Benjamin Pingree, Economic Development Council of Tallahassee/Leon County)

CONSENT

1. Approval of Minutes: January 27, 2015 Regular Meeting and February 10, 2015 Regular Meeting
(Clerk of the Court/Finance/Board Secretary)
2. Acceptance of the 2013/2014 Annual Audit and Financial Report
(Clerk of the Court/Finance)
3. Approval of an Agreement Between Leon County and BMG Money, Inc. to Participate in its "Loans at Work" Program
(County Administrator/Human Resources)
4. Approval of a Proposed Agreement with National Life Group's Life of the South West Represented by William M. Durham and Associates, LLC to Establish a 457(b) Deferred Compensation Plan Which Includes a Roth Investment Option
(County Administrator/Human Resources)
5. Ratification of Commissioners' Appointments to the Contractors Licensing and Examination Board and the Human Services Grant Review Committee
(County Administrator/County Administration/Agenda Coordinator)
6. Approval to Rename "Woodmen of the World Road" to "Bethel-by-the-Lake Drive"
(County Administrator/Development Support & Environmental Management/Development Services)
7. Acceptance of a Conservation Easement from William and Kathryn Snyder for the Snyder Limited Partition Subdivision
(County Administrator/Development Support & Environmental Management/Environmental Services)

8. Request to Schedule a Workshop to Provide an Update from the Council on Culture & Arts on the Implementation of the Cultural Plan for Tuesday, September 29, 2015 from 1:30-3:00 p.m.
(County Administrator/Office of Economic Vitality/Cultural Arts & Heritage)
9. Approval of Payment of Bills and Vouchers Submitted for March 10, 2015, and Pre-Approval of Payment of Bills and Vouchers for the Period of March 11 through April 13, 2015
(County Administrator/Financial Stewardship/Office of Management & Budget)
10. Approval of a Perpetual Utility Easement to Talquin Electric Cooperative, Inc. Across County-owned Property
(County Administrator/Public Works/Facilities Management/Real Estate)
11. Acceptance of Deeds for a 174-Acre Property from Blueprint 2000 to Leon County, in Accordance with the Greenway Master Plan, for Connectivity to the J. R. Alford Greenway
(County Administrator/Public Works/Parks & Recreation/Facilities Management/Real Estate)
12. Adoption of Proposed Resolution Authorizing the Exchange of Properties between Leon County and Summit Holdings VIII, LLC Associated with Future Development on Bannerman Road
(County Attorney)

Status Reports: *(These items are included under Consent.)*

13. Acceptance of Leon Works Status Update and Approval to Host the Leon Works Exposition
(County Administrator/Office of Economic Vitality/Economic Development)
14. Acceptance of the 2014 Science Advisory Committee Annual Report
(County Administrator/Development Support & Environmental Management/Environmental Services)
15. Acceptance of Status Report on Minority and Women-Owned Business Enterprise Expenditures
(County Administrator/Office of Economic Vitality/Minority, Women and Small Business Enterprise)
16. Acceptance of Supervised Pretrial Release Division's Annual Report
(County Administrator/Intervention and Detention Alternatives/Supervised Pretrial Release)
17. Acceptance of Status Report on the Lake Iamonia Management Plan
(County Administrator/Public Works/Engineering Services)
18. Acceptance of a Status Update on the County Sustainability Program
(County Administrator/ Resource Stewardship/Sustainability)
19. Acceptance of the Final Status Report on the 2015 Sustainable Communities Summit
(County Administrator/County Administration/Resource Stewardship/Sustainability)

CONSENT ITEMS PULLED FOR DISCUSSION

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

3-minute limit per speaker; there will not be any discussion by the Commission

GENERAL BUSINESS

20. Acceptance of the Final Status Report Regarding the Implementation of the Gum Road Target Area Planning Committee's Recommendations
(County Administrator/Public Works/Engineering)
21. Preliminary Analysis of Fire Fee Rate Study and Alternative Funding Option
(County Administrator/County Administration)
22. Establishment of the FY 2016 Maximum Discretionary Funding Levels and Initial Budget Policy Guidance
(County Administrator/Financial Stewardship/Office of Management and Budget)
23. Consideration of the Funding Request in the Amount of \$2,500 to Support the 25th Anniversary Celebration of the Americans With Disabilities Act
(County Administrator/County Administration)
24. Consideration of a Report on Proposed Legislation Providing a Statewide Ban on Hydraulic Fracturing and an Analysis of Other Communities Approved Resolutions
(County Administrator/County Administration)
25. Approval of the Agenda for the Joint County-City Meeting on Southside Issues
(County Administrator/County Administration)
26. Acceptance of Staff Report on Legislation Regarding Plastic Retail Bags
(County Administrator/County Administration/Resource Stewardship)
27. Consideration of Full Board Appointments to the CareerSource Capital Region and Council on Culture & Arts
(County Administrator/County Administration/Agenda Coordinator)

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

28. First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change The Zoning Classification from the Light Industrial (M-1) Zoning District to the Tallahassee Math and Science Planned Unit Development (PUD) Zoning District
(County Administrator/PLACE/Planning/Land Use)

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

3-minute limit per speaker; Commission may discuss issues that are brought forth by speakers.

COMMENTS/DISCUSSION ITEMS

Items from the County Attorney

Items from the County Administrator

Discussion Items by Commissioners

RECEIPT AND FILE

- Leon County Research and Development Authority's Audited Financial Statements for FY 2013/14
- Capital Region Community Development District Record of Proceedings January 8, 2015

ADJOURN

*The next Regular Board of County Commissioners Meeting is scheduled for
Tuesday, April 14, 2015 at 3:00 p.m.*

All lobbyists appearing before the Board must pay a \$25 annual registration fee. For registration forms and/or additional information, please see the Board Secretary or visit the County website at www.leoncountyfl.gov

2015

JANUARY

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FEBRUARY

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NOVEMBER

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DECEMBER

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PUBLIC NOTICE
2015 Tentative Schedule

All Workshops, Meetings, and Public Hearings are subject to change

All sessions are held in the Commission Chambers, 5th Floor, Leon County Courthouse unless otherwise indicated. Workshops are scheduled as needed on Tuesdays from 12:00 to 3:00 p.m.

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
March 2015	Monday 9	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
		3:00 – 5:00 p.m.	Intergovernmental Agency (IA) City Commission Chambers
	<u>Tuesday 10</u>	1:00 – 3:00 p.m.	Joint City/County Workshop on the Comprehensive Plan Amendments' 2015-1 Cycle
		3:00 p.m.	Regular Meeting
		<u>6:00 p.m.</u>	<u>First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change The Zoning Classification from the Light Industrial (M-1) Zoning District to the Tallahassee Math and Science Planned Unit Development (PUD) Zoning District</u>
	Tuesday 24	9:30 – 11:30 a.m.	CRA Meeting; City Commission Chambers
	Tuesday 24	No Meeting	NO MEETING
	Wednesday 25	5:30 – 7:00 p.m.	FAC Legislative Day Reception; County Courthouse
	<i>Wednesday 25– Friday 27</i>	<i>FAC Commissioner Certification Workshops</i>	<i>FSU Turnbull Conference Center Tallahassee</i>
	<i>Thursday 26</i>	<i>FAC Legislative Day</i>	<i>FSU Turnbull Conference Center Tallahassee</i>
	Tuesday 31	6:00 - 800 p.m.	Joint City/County Meeting on Southside Issues Bethel AME Church; 501 West Orange Avenue
April 2015			
	Thursday 2	7:30 a.m.	Community Legislative Dialogue County Commission Chambers
	Tuesday 14	3:00 p.m.	Regular Meeting
		6:00 p.m.	Joint City/County Transmittal Hearing on Cycle 2015-1 Comprehensive Plan Amendments
	Monday 20	1:00 p.m.	CRTPA Meeting; City Commission Chambers
	Tuesday 21	9:30 – 11:30 a.m.	CRA Meeting; City Commission Chambers
	<i>Thursday 23 – Friday 24</i>	<i>FAC Advanced County Commissioner Workshop</i>	<i>Seminar 3 of 3: Gainesville; Alachua County</i>
	Tuesday 28	9:00 a.m. – 3:00 p.m.	FY 15/16 Budget Policy Workshop
		3:00 p.m.	Regular Meeting

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
May 2015	<u><i>Sunday 3 – Tuesday 5</i></u>	<u><i>Greater Tallahassee Chamber Community Trip</i></u>	<u><i>Boulder, Colorado</i></u>
	Tuesday 12	7:30 a.m.	Community Legislative Dialogue County Commission Chambers
		1:30 – 3:00 p.m.	Workshop on the Future Needs of the Red Hills Horse Trials
		3:00 p.m.	Regular Meeting
	Monday 18	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Monday 25	Offices Closed	MEMORIAL DAY
	Tuesday 26	9:00 a.m. – 3:00 p.m.	FY 2015/2016 Budget Workshop, if necessary
		3:00 p.m.	Regular Meeting
		6:00 p.m.	Joint City/County Adoption Hearing on Cycle 2005-1 Comprehensive Plan Amendments
	Thursday 28	9:30 – 11:30 a.m.	Community Redevelopment Agency City Commission Chambers
June 2015	Tuesday 9	3:00 p.m.	Regular Meeting
	<i>Tuesday 16- Friday 19</i>	<i>FAC Annual Conference & Educational Exposition</i>	<i>St. Johns County</i>
	Tuesday 23	9:00 a.m. – 3:00 p.m.	FY 2015/2016 Budget Workshop
		3:00 p.m.	Regular Meeting
	Thursday 25	9:30 – 11:30 a.m.	CRA Meeting; City Commission Chambers
	Monday 29	1:00 p.m.	CRTPA Meeting; City Commission Chambers
		3:00 – 5:00 p.m.	Intergovernmental Agency (IA) City Commission Chambers
July 2015	Friday 3	Offices Closed	JULY 4TH HOLIDAY OBSERVED
	Tuesday 7	9:00 a.m. – 3:00 p.m.	FY 2015/2016 Budget Workshop, if necessary
		3:00 p.m.	Regular Meeting
	Thursday 9	9:30 – 11:30 a.m.	CRA Meeting; City Commission Chambers
	<i>Friday 10– Monday 13</i>	<i>NACo Annual Conference</i>	<i>Mecklenburg County/Charlotte, North Carolina</i>
	Tuesday 21	No Meeting	BOARD RECESS
	<i>Wednesday 29</i>	<i>National Urban League Annual Conference</i>	<i>Fort Lauderdale Broward County</i>

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
August 2015	<i>Friday 14 – Sunday 16</i>	<i>Chamber of Commerce Annual Conference</i>	<i>Sandestin</i>
	Tuesday 11	No Meeting	BOARD RECESS
	Tuesday 25	No Meeting	BOARD RECESS
	Monday 31	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
		5:00 – 8:00 p.m.	Intergovernmental Agency (IA) City Commission Chambers
September 2015	Monday 7	Offices Closed	LABOR DAY HOLIDAY
	Tuesday 15	3:00 p.m.	Regular Meeting
		6:00 p.m.	First Public Hearing Regarding Tentative Millage Rates and Tentative Budgets for FY 2016*
	<i>Wednesday 16 – Saturday 19</i>	<i>Congressional Black Caucus Annual Legislative Conference</i>	<i>Washington, D.C.</i>
	Monday 21	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	<i>Wednesday 23 – Friday 25</i>	<i>FAC Policy Committee Conference and County Commissioner Workshops</i>	<i>St. Petersburg Pinellas County</i>
	Thursday 24	4:00 p.m.	Community Redevelopment Agency City Commission Chambers
	<i>Sunday 27 – Wednesday 30</i>	<i>ICMA Annual Conference</i>	<i>Seattle/King County Washington</i>
	<u>Tuesday 29</u>	<u>1:30 – 3:00 p.m.</u>	<u>Workshop on Update from the Council on Culture & Arts on the Implementation of the Cultural Plan</u>
		3:00 p.m.	Regular Meeting
		6:00 p.m.	Second Public Hearing on Adoption of Millage Rates and Budgets for FY 2016*
October 2015	<i>TBD</i>	<i>FAC Advanced County Commissioner Program</i>	<i>Part 1 of 3 Gainesville; Alachua County</i>
	Tuesday 13	3:00 p.m.	Regular Meeting
	Monday 19	9:00 a.m. – 1:00 p.m.	Capital Region Transportation Planning Agency Retreat; <i>Location TBD</i>
	Tuesday 27	3:00 p.m.	Regular Meeting
	Thursday 29	9:30 – 11:30 a.m.	Community Redevelopment Agency City Commission Chambers

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
November 2015	Wednesday 11	Offices Closed	VETERAN'S DAY OBSERVED
	Monday 16	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Tuesday 17	3:00 p.m.	Reorganization of the Board Regular Meeting
	<i>Wednesday 18- Friday 20</i>	<i>FAC Legislative Conference and Commissioner Workshops</i>	<i>Nassau County</i>
	Thursday 19	9:30 – 11:30 a.m.	Community Redevelopment Agency City Commission Chambers
	Thursday 26	Offices Closed	THANKSGIVING DAY
	Friday 27	Offices Closed	FRIDAY AFTER THANKSGIVING DAY
December 2015			
	Monday 7	9:00 a.m. – 4:00 p.m.	Board Retreat
	Tuesday 8	3:00 p.m.	Regular Meeting
	Thursday 10	9:30 – 11:30 a.m.	Community Redevelopment Agency City Commission Chambers
	Tuesday 22	No Meeting	BOARD RECESS
	Friday 25	Offices Closed	CHRISTMAS DAY
January 2016			
	Friday 1	Offices Closed	NEW YEAR'S DAY

Citizen Committees, Boards, and Authorities 2015 Expirations and Vacancies

www.leoncountyfl.gov/committees/expire.asp

VACANCIES

Affordable Housing Advisory Committee

Board of County Commissioners (2 appointments)

A member who represents employers within the jurisdiction.

A member who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.

Council on Culture & Arts

Board of County Commissioners (1 appointment)

Human Services Grant Review Committee

Commissioner - District V: Dozier, Kristin (1 appointment)

EXPIRATIONS

MARCH 31, 2015

Contractors Licensing and Examination Board

Commissioner - At-large I: Lindley, Mary Ann (1 appointment)

Commissioner - District I: Proctor, Bill (1 appointment)

Commissioner - District III: Dailey, John (1 appointment)

Science Advisory Committee

Commissioner - At-large I: Lindley, Mary Ann (1 appointment)

Commissioner - District I: Proctor, Bill (1 appointment)

Commissioner - District II: Sauls, Jane (1 appointment)

Commissioner - District V: Dozier, Kristin (1 appointment)

APRIL 30, 2015

Commission on the Status of Women and Girls

Board of County Commissioners (3 appointments)

Commissioner - At-Large I: Lindley, Mary Ann (1 appointment)

Commissioner - At-Large II: Maddox, Nick (1 appointment)

Commissioner - District II: Sauls, Jane (1 appointment)

Commissioner - District IV: Desloge, Bryan (1 appointment)

Tallahassee City Commission (4 appointments)

Tallahassee Sports Council

Board of County Commissioners (2 appointments)

MAY 31, 2015

Minority, Women & Small Business Enterprise (M/WSBE) Committee

Commissioner - At-Large I: Lindley, Mary Ann (1 appointment)

Commissioner - At-Large II: Maddox, Nick (1 appointment)

Commissioner - District II: Sauls, Jane (1 appointment)

JUNE 30, 2015

Adjustment and Appeals Board

Board of County Commissioners (1 appointment)
Tallahassee City Commission (1 appointment)

Architectural Review Board

Board of County Commissioners (3 appointments)

Planning Commission

Board of County Commissioners (1 appointment)
Tallahassee City Commission (2 appointments)

JULY 31, 2015

Educational Facilities Authority

Board of County Commissioners (3 appointments)

Enterprise Zone Agency Development (EZDA) Board of Commissioners

Board of County Commissioners (2 appointments)

Water Resources Committee

Commissioner – At-Large I: Lindley, Mary Ann (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District II: Sauls, Jane (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)

AUGUST 31, 2015

Code Enforcement Board

Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)
Commissioner – District V: Dozier, Kristin (1 appointment)

SEPTEMBER 30, 2015

Council on Culture & Arts

Board of County Commissioners (4 appointments)

Housing Finance Authority (and CDBG Citizens Task Force)

Commissioner - District II: Sauls, Jane G. (1 appointment)

Palmer Munroe Teen Center Board of Trustees

Board of County Commissioners (1 appointment)

OCTOBER 31, 2015

Canopy Roads Citizens Committee

Board of County Commissioners (2 appointment)

Tourist Development Council

Board of County Commissioners (1 appointment)

DECEMBER 31, 2015

Human Services Grants Review Committee

Commissioner - At-large I: Lindley, Mary Ann (1 appointment)

Commissioner - At-large II: Maddox, Nick (1 appointment)

Commissioner - District I: Proctor, Bill (1 appointment)

Commissioner - District II: Sauls, Jane G. (1 appointment)

Commissioner - District III: Dailey, John (1 appointment)

Commissioner - District IV: Desloge, Bryan (1 appointment)

Commissioner - District V: Dozier, Kristin (1 appointment)

Joint City/County Bicycle Working Group

Board of County Commissioners (4 appointments)

Tallahassee City Commission (2 appointments)

Library Advisory Board

Commissioner - At-large I: Lindley, Mary Ann (1 appointment)

Commissioner - District II: Sauls, Jane (1 appointment)

Commissioner - District III: Dailey, John (1 appointment)

Commissioner - District IV: Desloge, Bryan (1 appointment)



*An Initiative of the Economic Development
Council of Tallahassee/Leon County*



MADE IN TALLAHASSEE

Overview

- EDC Program
- Showcases diverse products made in our Capital Community
- Focusing on Key Targeted Sectors: Research, IT, Manufacturing
- Places Spotlight upon our:
 - Diverse talent pool and workforce
 - Diverse manufacturing network
 - Robust Public & Private Support



MADE IN TALLAHASSEE

Timeline

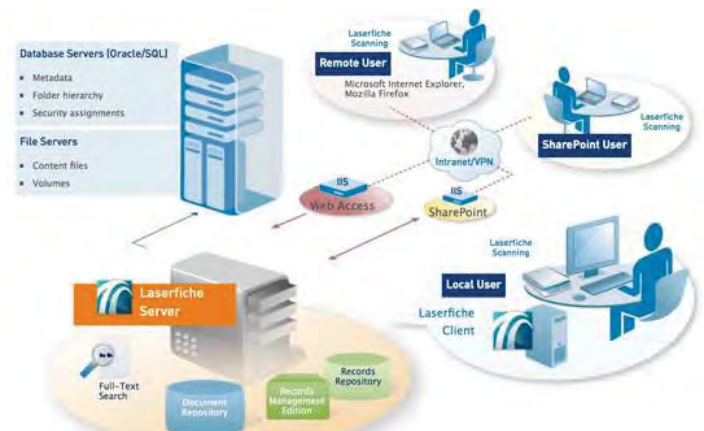
- Launched in February 2015
- Features one business per month
- Expected to exceed 18 months
- Diverse marketing campaign:
 - Web & Video,
 - Social Media,
 - TV,
 - Print Media Platforms



MADE IN TALLAHASSEE



- #1 Laserfiche reseller in the world with over 700 Clients nationwide
- Relocated Headquarters to 11,000sq.ft. to accommodate growth
- Plans to increase workforce by 25%





MADE IN TALLAHASSEE



- Award Winning:
 - 2015 AHR Expo 'Product of the Year'
- Top High-Tech Manufacturing
- Proven Global Industry Leader
- Diverse Supplier Network/Ecosystem





MADE IN TALLAHASSEE

Get Involved

- www.madeintlh.com (webpage)
- #MadeinTLH (Twitter)
- Come to Events, Send us Leads
Generate support & Get Involved
- EDC Thanks You for Your Continued
Support of Economic Development

**Leon County
Board of County Commissioners**


Notes for Agenda Item #1

Leon County Board of County Commissioners

Cover Sheet for Agenda #1

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval of Minutes: January 27, 2015 Regular Meeting and February 10, 2015 Regular Meeting

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Betsy Coxen, Finance Director, Clerk of the Court & Comptroller
Lead Staff/ Project Team:	Rebecca Vause, Board Secretary

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the minutes of the January 27, 2015 and February 10, 2015 Regular Meeting.

Attachments:

1. January 27, 2015 Regular Meeting Minutes
2. February 10, 2015 Regular Meeting Minutes

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
January 27, 2015**

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chairman Mary Ann Lindley presiding. Present were Vice Chairman Bill Proctor, and Commissioners Nick Maddox, Kristin Dozier, John Dailey, Bryan Desloge, and Jane Sauls. Also present were County Administrator Vincent Long, County Attorney Herb Thiele, Finance Director Betsy Coxen and Board Secretary Rebecca Vause.

Chairman Lindley called the meeting to order.

The Invocation was provided by Commissioner Jane Sauls, who then led the Pledge of Allegiance.

Awards and Presentations

- Commissioner Bryan Desloge presented a Proclamation recognizing the 100th Birthday of Kiwanis International and to honor the dedicated volunteer members of Kiwanis Clubs in Leon County. Members of the Leon County Kiwanis Clubs were represented and accepted the Proclamation.
- Chairman Mary Ann Lindley presented a Proclamation designating January 31, 2015 as “Arbor Day”. Eduardo Robles, Chairman of the Canopy Roads Citizens Committee, accepted the Proclamation. Chairman Lindley mentioned that the County might want to consider establishing a “community orchard” to compliment the County’s Community gardens projects.
- Claudia Blackburn, Health Officer of the Florida Department of Health in Leon, provided the update on the status of influenza.
- Commissioner Maddox recognized the members of Leadership Tallahassee Class 32 in the audience.

Consent:

Commissioner Desloge moved, duly seconded by Commissioner Dozier to approve the Consent Agenda with the exception of Item 8, which was pulled for further discussion. Item 20 was removed from the agenda. The motion carried 7-0.

1. Approval of Minutes: November 18, 2014 and December 9, 2014 Regular Meetings

The Board approved Option 1: Approve the minutes of the November 18, 2014 and December 9, 2014 Regular Meetings.

2. Acceptance of the Annual Investment Report for Fiscal Year 2013-2014

The Board approved Option 1: Accept the Annual Investment Report for Fiscal Year 2013-2014.

3. Adoption of Proposed Revised Policy No. 11-6, “County Administrator Evaluation and Annual Report Process”

The Board approved Option 1: Adopt the proposed revised Policy No. 11-6, “County Administrator Evaluation and Annual Reporting Process”.

4. Adoption of Revisions to Leon County Personnel Policies and Procedures

The Board approved Option 1: Adopt revisions to Personnel Policies and Procedures, Section VII – Attendance and Leave, to add provisions for a new Annual Leave Sell Back Program.

5. Ratification of Chairman and Vice-Chairman Appointments to the Enterprise Zone Development Agency

The Board approved Options 1 & 2: 1) Ratify Chairman Lindley's appointment of Commissioner Kristin Dozier to the Enterprise Zone Development Agency for a term of four years, expiring December 31, 2018 and 2) Ratify Vice-Chairman Proctor's appointment to serve as the vice-chairman designee to the Enterprise Zone Development Agency to fill the remaining two years of an unexpired term, expiring December 31, 2016.

6. Approval of Proposed 2015 Board Calendar Modification

The Board approved Options 1 & 2: 1) Approve the proposed revision to the Board's February 2015 calendar to reflect the cancellation of the February 17, 2015 regular meeting, and 2) Reschedule the Joint City/County Workshop on the Comprehensive Plan Amendments' 2015-1 Cycle for Tuesday, March 10, 2015 at 1:00 – 3:00 p.m.

7. Request to Schedule Board Workshop on the Future Needs of the Red Hills Horse Trials for Tuesday, May 12, 2015 from 1:30 – 3:00 p.m.

The Board approved Option 1: Schedule a Board Workshop on the Future Needs of the Red Hills Horse Trials for Tuesday, May 12, 2015 from 1:30 – 3:00 p.m.

8. Approval of the Request to the Tallahassee-Leon County Community Redevelopment Agency for One-time Match Funding of \$25,000 to the Springtime Tallahassee Music Festival from the Culture, Heritage and Performing Arts Fund

Commissioner Dozier requested the item be pulled for further discussion.

County Administrator Long introduced the item.

Commissioner Dozier stated that she was not opposed to the funding for Springtime Tallahassee Music Festival; however, her concern is that the County is moving forward without there being a CRA policy on criteria for the distribution of the Culture, Heritage and Performing Arts fund (previously the \$5 million dedicated to the Performing Arts Center). She opined that it was not appropriate for the Board to approve the funding request prior to the CRA having these standards in place. She added that the funding request is on the CRA agenda for Thursday.

Commissioner Dozier moved Option 2: Do not approve the request to the Tallahassee-Leon County Community Redevelopment Agency to provide one-time match funding of \$25,000 to the Springtime Tallahassee Music Festival from the Culture, Heritage and Performing Arts funds (previously the \$5 million dedicated to the Performing Arts Center). The motion died for lack of a second.

Commissioner Maddox suggested that the Board not be specific in which funding source the CRA chooses to fund the request.

Commissioner Maddox moved, duly seconded by Commissioner Proctor, approval of Option 1, as amended: Approve the request to the Tallahassee-Leon County Community Redevelopment Agency to provide one-time match funding of \$25,000 to the Springtime Tallahassee Music Festival. ~~from the Culture, Heritage and Performing Arts fund (previously the \$4 million dedicated to the Performing Arts Center)~~

Commissioner Desloge mentioned the funding request may be time sensitized and suggested that the Board convey its support to the CRA and then let them determine how to fund the request.

Commissioner Proctor stated that while he supports Commissioner Dozier's position regarding the need for protocols for the distribution of the Culture, Heritage and Performing Arts funds, he would not hold up the request. He voiced his support for Springtime activities and was pleased that the Springtime events are offered free of charge to the public.

Commissioner Dozier discussed the manner in which various funding requests are made to the TDC and recalled that the TDC had recommended approval of a substantial funding request made by the Red Hills Horse Trials; which had significantly decreased the TDC fund balance so early in the fiscal year. She submitted that while the Board had increased the funding level funding organization were eligible to apply for through the TDC, maybe that amount should be higher. She articulated that the CRA needed more policies, better discussions and to hear a stronger voice from the County. Commissioner Dozier stated that, if approved, the \$25,000 funding request would come out of capital dollars which would impact the CRA's ability to do other things, i.e., redevelopment of other business opportunities.

Commissioner Maddox viewed the agenda item merely as a request for approval to ask the CRA to consider the funding request and as such was comfortable moving the issue forward.

Commissioner Dailey stated he would support the motion. He conveyed that Springtime Tallahassee is the largest festival celebrating the community and brings visitors from around the Country. He pointed out that per the Agreement between the CRA, County and City, use of the proposed funding source would require approval from all three entities. Thus, the Board's approval of the funding request is not a mandate to the CRA, but a fulfillment of a condition of the Agreement.

Commissioner Proctor indicated that he would support Commissioner Dozier's position regarding the establishment of protocol for the distribution of the \$5 million as it would be negligent to draw down the funds without appropriate guidelines.

The motion as amended, carried 6-1 (Commissioner Dozier in opposition).

9. Approval of Payment of Bills and Vouchers Submitted for January 27, 2015, and Pre-Approval of Payment of Bills and Vouchers for the Period of January 28, 2015 through February 9, 2015

The Board approved Option 1: Approve the payment of bills and vouchers submitted for January 27, 2015, and Pre-Approval of Payment of Bills and Vouchers for the Period of January 28 through February 9, 2015.

10. Approval of the Fiscal Year 2015/2016 Budget Calendar

The Board approved Option 1: Approve the Fiscal Year 2015/2016 Budget Calendar.

11. Adoption of Proposed Revisions to County Policies Related to the Florida Department of Economic Opportunity's Community Development Block Grant Subgrant Agreement

The Board approved Option 1: Adopt the proposed revisions to County policies related to the Florida Department of Economic Opportunity's Community Development Block Grant Subgrant Agreement.

12. Adoption of a Proposed Resolution Amending the Florida Department of Health in Leon County Fee Schedule

The Board approved Option 1: Adopt a proposed Resolution amending the Florida Department of Health in Leon County Fee Schedule.

13. Approval of 2014 Transfers of Leon County Surplus Computing Equipment to Goodwill Industries

The Board approved Option 1: Approve the 2014 transfers of Leon County surplus computing equipment to Goodwill Industries.

14. Approval of a Letter of Support to Florida Department of Transportation for the Addition of US 319 from Capital Circle to US 98 to the National Highway System

The Board approved Option 1: Approve a Letter of Support to Florida Department of Transportation for the addition of US 319 from Capital Circle to US 98 to the National Highway System, and authorize the Chairman to execute.

15. Approval of the Proposed Local Agency Program Agreement with the Florida Department of Transportation for the Construction of Magnolia Drive Phase 1 Multi-use Trail from South Meridian to Pontiac Drive and a Joint Project Agreement with the City of Tallahassee for Utility Upgrades Within the Phase 1 Limits

The Board approved Options 1, 2 & 3: 1) Approve the proposed Local Agency Program Agreement with the Florida Department of Transportation for the construction on Magnolia Drive Phase 1 Multi-use trail from South Meridian to Pontiac Drive, and authorize the County Administrator to execute; 2) Approve the draft Joint Project Agreement with the City of Tallahassee for Utility Relocation and Replacements on Magnolia Drive Phase 1 project area, and authorize the County Administrator to execute in a final form as approved by the County Attorney, and 3) Approve the Resolution and associated Budget Amendment Request realizing the \$861,802 from the Florida Department of Transportation into the County budget and the \$1.1 million from the City of Tallahassee.

16. Acceptance of the Donation of 0.9 acres of Real Property from American Campus Communities behind the Dr. B.L. Perry Jr. Library

The Board approved Option 1: Accept the donation and conveyance of 0.9-acre of land received from American Campus Communities and accept the Warranty Deed.

17. Approval of a Proposed Agreement Accepting the Energy Efficient Retrofits for Public Facilities Grant in the Amount of \$68,374 to Upgrade the HVAC System at the Dr. B.L. Perry, Jr. Branch Library

The Board approved Options 1 & 2: 1) Approve the Proposed Agreement accepting the Florida Energy Efficient Retrofits for Public Facilities Grant in the amount of 468,374 to upgrade the HVAC System at the Dr. B.L. Perry, Jr. Branch Library, and authorize the County Administrator to execute the Agreement, and 2) Approve the Resolution and associated Budget Amendment Request.

18. Approval of Agreement Awarding Bid to ThyssenKrupp Elevator Company in the amount of \$47,328 Annually for the Elevator Maintenance Services with a Continuing Supply of Equipment Upgrades, Repairs and New Installations

The Board approved Option 1: Approve the Agreement awarding bid to ThyssenKrupp Elevator Company in the amount of \$47,328 annually for elevator maintenance services with a continuing supply of equipment upgrades, repairs and new installations, and authorize the County Administrator to execute.

19. Adoption of a Resolution Unifying the Parks and Recreation Fee Schedule

The Board approved Option 1: Adopt the Resolution Unifying the Parks and Recreation fee schedule.

~~**20. Approval of the First Addendum to Tri-party Infrastructure and Conveyance Agreement Between Leon County, Florida and Orchard Pond Greenway, LLC, et al**~~

REMOVED FROM THE AGENDA.

21. Adoption of Proposed Resolution for Acquisition of Property by Eminent Domain for Kinhega Roundabout Project for Completion of Beech Ridge Trail Extension

The Board approved Option 1: Adopt the proposed Resolution for Acquisition of Property by Eminent Domain for Kinhega Roundabout Project for completion of Beech Ridge Trail Extension.

22. Acceptance of the 2014 Concurrency Management Annual Report

The Board approved Option 1: Accept the 2014 Concurrency Management Annual Report.

23. Approval to Convert an OPS Records Technical Position to Full-time Career Service at the Development Support and Environmental Management Department

The Board approved Option 1: Approve the proposed conversion of an OPS Records Technician position to full-time career service at the Development Support and Environmental Management Department.

24. Acceptance of a Status Report on the December 5, 2014 E-Month Closeout and Stakeholders Forum to Exchange Ideas to Improve and Promote the Entrepreneur Ecosystem

The Board approved Option 1: Accept the status report on the December 5, 2014 E-Month Closeout and Stakeholders forum to exchange ideas to improve and promote the entrepreneur ecosystem.

25. Acceptance of a Status Report on the Fairgrounds Sense of Place Initiative

The Board approved Option 1: Accept the status report on the Fairgrounds Sense of Place Initiative.

26. Acceptance of the NACo and Careington Dental and Health Discount Programs Update

The Board approved Options 1 & 2: 1) Accept the NACo and Careington Dental and Health Discount Programs update, and 2) Authorize participation in the expanded NACo Dental and Health Discount Programs administered by CVS/Caremark, and authorize the County Administrator to execute the corresponding NACo Participation Form.

Citizens to be Heard on Non-Agendaed Items (3-minute limit per speaker; there will not be any discussion by the Commission)

- Chairman Lindley confirmed that there were no speakers on Non-Agendaed Items.

General Business

27. Ratification of Board Actions Taken at the December 8, 2014 Annual Retreat and Approval of Revised Leon County Strategic Plan

County Administrator Long introduced the item.

Commissioner Dailey moved, duly seconded by Commissioner Desloge, approval of Option 1: Ratify the actions taken by the Board during its December 8, 2014 Annual Retreat, and approve the Leon County Board of County Commissioners Strategic Plan for FY 2012 through FY 2016, as amended. The motion carried 7-0.

28. Approval of a Proposed Amendment to Apalachee Center, Inc. FY 2014/15 Primary Healthcare Program Contract

County Administrator Long introduced the item. He indicated that the item does not have a fiscal impact and would allow Apalachee to bill Leon County for primary care services provided at their facility. He noted that Jay Reeve, CEO of Apalachee Center was in attendance and available to answer any questions.

Commissioner Dailey confirmed with County Attorney Thiele that, as a member of the Apalachee Center Board, he had no voting conflict.

Commissioner Dailey moved, duly seconded by Commissioner Desloge, approval of Option 1: Approve a proposed Amendment to the Apalachee Center, Inc. FY 2014/15 Primary Healthcare Program Contract, and authorize the County Administrator to execute, in a form approved by the County Attorney.

Commissioner Proctor spoke on the need for additional funding for mental health services and hoped that in the next budget cycle the Board would look critically at the continuing demand for these services. He ascertained from County Administrator Long that Apalachee's request would allow them the flexibility to provide both mental health and primary health treatment to their patients and did not correlate to Neighborhood Health Center's status as a new Federally Qualified Health Center (FQHC). Commissioner Proctor asked that staff, in the future, delineate between the funds spend on primary health and mental health services

The motion carried 7-0.

29. Approval of Agreement Awarding Bid to North Florida Asphalt, Inc. in the Amount of \$781,875 for the Construction of Autumn Woods Area Drainage Improvements

County Administrator Long introduced the item and advised that North Florida Asphalt was the low bidder. He added that the project has been budgeted through the Disaster Recovery Enhancement Fund/Community Development Block Grant Agreement; however, revised cost estimates require a budget amendment.

Commissioner Dozier moved, duly seconded by Commissioner Dailey, approval of Options 1 & 2: 1) Approve the Agreement awarding bid to North Florida Asphalt, Inc. in the amount of \$781,875 for the construction of Autumn Woods Area Drainage Improvements, and authorize the County Administrator to execute, and 2) Approve the Resolution and associated Budget Amendment Request in order to fully fund the project. The motion carried 7-0.

30. Approval of Agreement Awarding Bid to Advon Corporation in the Amount of \$312,940 for the Window Replacement at the Sheriff Administration Building Phase II

County Administrator Long introduced the item. He advised that Advon Corporation was the low bidder and the only vendor to meet the good faith requirements on MWSBE participation.

Commissioner Desloge moved, duly seconded by Commissioner Sauls, approval of Option 1: Approve the Agreement awarding bid to Advon Corporation in the amount of \$312,940 for the Window Replacement at the Sheriff Administration Building Phase II, and authorize the County Administrator to execute. The motion carried 7-0.

31. Consideration of Full Board Appointments to the Educational Facilities Authority and the Joint City/County Bicycle Workgroup

County Administrator Long introduced the item.

Commissioner Maddox moved, duly seconded by Commissioner Desloge, approval of Options 1 & 2: 1) Appoint Dennis Bailey to the Educational Facilities Authority, and 2) Reappoint Clifford Scott Dudley and Bill Edmonds to the Joint City/County Bicycle Workgroup. The motion carried 7-0.

Chairman Lindley announced that the Board had concluded its Consent Agenda and would now enter into Commissioner Discussion Items.

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

Vice Chairman Proctor called the scheduled public hearing to order. He announced that Chairman Lindley would not be able to attend the public hearings as she was ill.

32. First of Two Public Hearings to Consider Proposed Revisions to the Land Development Code and the Bradfordville Sector Plan

County Administrator Long announced the public hearing. He indicated that the agenda item responds to a strategic initiative from the 2014 Board Retreat to conduct a needs assessment of the Bradfordville Sector Plan. He shared that a Citizens Committee was established to work with staff during this process and included residents, developers and neighborhood representatives. The proposed revisions to the

Land Development Code and the Bradfordville Sector Plan came from that effort and also received unanimous recommendation of the DSEM User Group. Additionally, Planning staff found them to be consistent with the Comprehensive Plan.

County Administrator Long confirmed there were no speakers on this item.

Commissioner Desloge stated that the County has been working on this issue for at least five years and credits staff for working through multiple difficult issues with developers and neighborhoods.

Commissioner Desloge moved, duly seconded by Commissioner Dailey, approval of Option 1: Conduct the first of two required Public Hearings to consider proposed revisions to the Land Development Code and the Bradfordville Sector Plan and schedule the second and final Public Hearing for February 10, 2015 at 6:00 p.m. The motion carried 6-0 (Chairman Lindley absent).

33. First and Only Public Hearing on a Proposed Ordinance Amending Section 11-47 of the Code of Laws of Leon County, Florida, Providing for Amendments to the Leon County Tourist Development Plan, Exhibit A

County Attorney Thiele recommended that the public hearing be continued until February 10, 2015 at 6:00 p.m.

Commissioner Dailey moved, duly seconded by Commissioner Desloge, to continue agenda item #33 to the February 10, 2015 meeting at 6:00 p.m. The motion carried 6-0 (Chairman Lindley absent).

Citizens to be Heard on Non-Agendaed Items (3-minute limit per speaker; Commission may discuss issues that are brought forth by speakers.)

- Chairman Lindley confirmed that there were no speakers on Non-Agendaed Items.

Comments/Discussion Items

County Attorney Thiele:

- No items.

County Administrator Long:

- Commented on the success of the recently held Sustainability Summit and gave kudos to Robert Mills and Maggie Theriot.

Commissioner Discussion Items

Commissioner Sauls:

- Requested the County continue to have a float in the annual Springtime Parade.

Commissioner Desloge:

- Congratulated staff on an excellent Sustainability Summit.
- Shared that the first Legislative Dialogue meeting was held this morning and included attendance from the new Sheriff, the three university presidents and many others. He stated it was a great success and thanked Shington Lamy for his assistance.
- *Commissioner Desloge moved, duly seconded by Commissioner Dailey, to direct staff to bring back an agenda item which addresses inconsistencies in County and City burning ordinances. The motion carried 7-0.*
- Mentioned a recent conversation with John Hogan, Executive Director of Capital Health Plan, regarding a weight loss program that is currently being promoted in Colorado entitled "Weight and Win".
 - *Commissioner Desloge moved, duly seconded by Commissioner Maddox, to request staff contact Capital Health Plan to schedule a presentation on the Weight and Win Program (an anti-obesity program). The motion carried 7-0.*

Commissioner Maddox:

- Announced that on Saturday, January 31st at 7:30 a.m., the National Parkinson Foundation of North Florida will hold the Tulip Trot Run/Walk/Roll at Cascades to raise money and awareness for Parkinson's disease. He extended an invitation for all to attend and support the efforts.
- Mentioned that the NAACP would like to head a group of community and government organizations to plan a Martin Luther King parade and has requested the appointment of a County Commissioner to sit on the planning committee.
 - *Commissioner Desloge moved, duly seconded by Commissioner Proctor, to a designate Commissioner Maddox as the Board's representative to serve on the planning committee for a Martin Luther King parade.*

Commissioner Dozier:

- Distributed information on the Junior League of Tallahassee which detailed the projects and endeavors they are involved in.
- Mentioned a recent presentation given by Mark Mustian to the City Commission updating them on the Word of the South event.
 - *Commissioner Dozier moved, duly seconded by Commissioner Desloge, to direct staff to schedule an update/presentation on the Word of South event. The motion carried 7-0.*
- Shared that there was a large turnout for the recent training for the upcoming "Point in Time Count" and as the Board's representative and current Chair of the Continuum of Care Board she was excited to see so many individuals motivated to help those individuals who are homeless.
- Noted the success of programs such as the Seed Library and the LEGO Junior Makers Club currently being promoted within the County library system.
- Commented that there are many issues regarding the I-10 Northeast Interchange at Welaunee and asked the County Administrator if there was anything from the County's perspective that could be done to ensure the project continues moving forward.

Commissioner Dailey:

- Thanked the County staff team (Public works, Sheriff's Department, Emergency Medical Services) for their fantastic response during the severe rain event to ensure citizens remained safe.

Commissioner Proctor:

- Echoed remarks made by Commissioner Dailey which commended County staff for their efforts during the recent rain event. He also thanked County staff for enhancements made to the Southside to address flooding issues that have plagued the area for years.

Commissioner Proctor conducted the meeting in Chairman Lindley's absence, and offered the following items after the conclusion of the public hearings.

- On behalf of Vice-Chairman Proctor: *Commissioner Maddox moved, duly seconded by Commissioner Dozier, to present a Proclamation recognizing Engineers Week for February 22-28, 2015. The motion carried 6-0 (Chairman Lindley absent).*
- Vice-chairman Proctor asked for the Board's consideration to name the administrative building of the Leon County Jail Complex after the late Sheriff Larry Campbell.
 - The Board confirmed that the Campbell family supports the suggestion.
 - *Commissioner Dailey moved, duly seconded by Commissioner Proctor, to direct staff to bring back an agenda item for the February 10, 2015 Board meeting to consider naming the Administrative Offices of the Leon County Sheriff's Office after the late Sheriff Larry Campbell. The motion carried 6-0 (Chairman Lindley absent).*

Chairman Lindley:

- On behalf of Chairman Lindley: *Commissioner Desloge moved, duly seconded by Commissioner Maddox, to direct staff to bring back an agenda item to consider a \$10,000 funding request to support the North Florida Homeless Veterans. The motion carried 7-0.*
 - Commissioner Dailey commented that this is the third year that the County has provided financial support to the event and asked that staff include funding for the event as a budget discussion item.
 - County Administrator Long responded that an option for future funding would be included in the forthcoming agenda item.
- On behalf of Chairman Lindley: *Commissioner Proctor moved, duly seconded by Commissioner Dailey, approval for a Proclamation for Ernest Rains, Public Works, in honor of his retirement. To be presented at a later date. The motion carried 7-0.*
- Conveyed an interest in exploring what the County can do to discourage the use of plastic bags, such as, incentives, education. She mentioned that this issue has already been addressed in other states and cities.
 - On behalf of Chairman Lindley: *Commissioner Desloge moved, duly seconded by Commissioner Dailey, to direct staff to bring back an agenda item to address the issue of plastic bags and what the County can do to discourage their use.*
 - Commissioner Dozier asked the item include information on actions taken at the state level to address this issue.
 - The motion carried 7-0.

Receipt and File:

None.

Adjourn:

There being no further business to come before the Board, the meeting was adjourned at 6:10 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Mary Ann Lindley, Chairman
Board of County Commissioners

BY: _____
Bob Inzer, Clerk of the Circuit Court
and Comptroller

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
February 10, 2015**

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chairman Mary Ann Lindley presiding. Present were Vice Chairman Bill Proctor, and Commissioners Nick Maddox, Kristin Dozier, John Dailey, Bryan Desloge, and Jane Sauls. Also present were County Administrator Vincent Long, County Attorney Herb Thiele, Finance Director Betsy Coxen and Board Secretary Rebecca Vause.

The Invocation was provided by Commissioner John Dailey, who then led the Pledge of Allegiance.

Chairman Lindley acknowledged the presence of late Leon County Sheriff Larry Campbell's family. She also recognized newly appointed Leon County Sheriff Mike Wood.

Awards and Presentations

- Chairman Lindley introduced Skip Foster, the New Publisher of the *Tallahassee Democrat*.
- Chairman Mary Ann Lindley presented a Proclamation to Gail M. Armstead, Administrative Associate VI, in honor of her retirement after 35 years of dedicated public service to Leon County and its citizens.
- Chairman Mary Ann Lindley presented a Proclamation recognizing Engineers Week for February 22-28, 2015. Representatives from the Big Bend's Engineering Societies were in attendance to accept the honor.
- Chairman Mary Ann Lindley presented a Proclamation to Jackie Wilson and representatives of Tallahassee Chapter #72 recognizing March 1-7, 2015 as "Women in Construction" Week.
- Lee Daniel, Tourism Development Director, provided information and a presentation on the Spring Concert Series at the Capital City Amphitheater at Cascades Park. Upcoming events include: the Pink Floyd Experience (March 3rd), the Avett Brothers (April 10th), Wilco (April 26th), and the Beach Boys May 15th). He also announced a fifth show, Sublime with Rome, who will perform on April 11th and will be presented in association with Word of South Festival. He expressed appreciation to the STAGE Committee for their input and mentioned that the STAGE Report is expected to be on the Board's May 12, 2015 agenda. The report will incorporate an overview of the concerts to date, neighborhood feedback and concerns, possible venue improvements and STAGE Committee composition.
 - Commissioner Dozier expressed enthusiasm to the upcoming events. She asked that the STAGE Report include information about the future of the Committee, i.e., should different voices be considered and requested information on the impact of local events and festivals.
 - Commissioner Desloge stated that this is an endeavor that the Board and community can be proud of.
 - Commissioner Maddox confirmed with Mr. Daniel that efforts are being made to cross promote the FSU and FAMU Spring Football Games, which will be played on the same week-end as the Sublime with Rome show (April 11th).
- Mandy Stringer gave a presentation on the Word of the South Festival, a two day music event to be held on April 11-12, 2015. The lineup includes a number of nationally recognized musicians, writers, and other artists. She announced that the event will be family friendly and most events are free.

1. Presentation and Acceptance of Leon County Research & Development Authority Status Update

Ron Miller, Executive Director, Leon County Research & Development Authority (LCRDA), provided the Board a 2104 status update. He discussed the organizations accomplishments, the role of the LCRDA in Technology Commercialization and areas they will be focusing on in 2015. Following is a brief outline of his update.

- Accomplishments: 1) Completed Park Restructuring and Transition; 2) Improved Technology Commercialization Grant Program; 3) Reacquired 2.5 acres of State Leased Land, and 4) Fifth Consecutive Clean Audit.
- Areas to be focused on in 2015: 1) utilization of vacant space and land; 2) Development of "Rock Star Research" guidebook; 2) Rewrite of Covenants & Restrictions; 3) Development of mobile app to engage Park members and 4) continue to improve quality of existing programs.

Commissioner Dozier recognized two LCRDA Board Members in attendance, Dave Ramsay and Dustin Daniels. She praised the progress made at the LCRDA under the leadership of Mr. Miller.

The Board approved Option 1: Accept the Leon County Research & Development Authority status update. (Approved under the Consent Agenda.)

Consent:

Commissioner Desloge moved, duly seconded by Commissioner Dailey to approve the Consent Agenda with the exception of Items 9, 11, 14, 15, 16, 17, & 18 which were pulled for further discussion. The motion carried 7-0.

2. Approval of Minutes: December 8, 2014 FY 2014/2015 Strategic Planning Retreat

The Board approved Option 1: Approve the minutes of the December 8, 2014 FY 2014/2015 Strategic Planning Retreat.

3. Ratification of Commissioners' Appointments to the Human Services Grant Review Advisory Committee and Minority, Women Small Business Enterprise Committee

The Board approved Option 1: Ratify Commissioners' appointments as follows;

- a. Commissioner Desloge appoints Corbin deNagy to the Human Services Grant Review Committee.*
- b. Commissioner Proctor appoints Lauri Hunter to the Human Services Grant Review committee.*
- c. Commissioner Maddox appoints Amber Tynan to the Human Services Grant Review Committee.*
- d. Commissioner Dailey reappoints Christie Hale to the Minority, Women Small Business Enterprise Committee.*
- e. Commissioner Desloge reappoints Joanie Trotman to the Minority, Women Small Business Enterprise Committee,*
- f. Commissioner Dozier appoints Jacina Haston to the Minority, Women Small Business Enterprise Committee.*
- g. Commissioner Proctor reappoints Paula Duncan to the Minority, Women Small Business Enterprise Committee.*

4. Approval to Reclassify Existing Part-Time Social Media Liaison Position to a Full-time Public Information Specialist Position to Enhance Communication Efforts for the Office of Resource Stewardship

The Board approved Options 1 & 2: 1) Approve the reclassification of the existing part-time Social Media Liaison position to a full-time Public Information Specialist position to Enhance Communication Efforts for the Office of Resource Stewardship, and 2) Approve the Resolution and associated Budget Amendment Request.

5. Approval of Payment of Bills and Vouchers Submitted for February 10, 2015, and Pre-Approval of Payment of Bills and Vouchers for the Period of February 11 through March 9, 2015

The Board approved Option 1: Approve the payment of bills and vouchers submitted for February 10, 2015, and Pre-Approval of Payment of Bills and Vouchers for the Period of February 11 through March 9, 2015.

6. Approval of Agreement with the City of Tallahassee to Provide Street Sweeping Services

The Board approved Option 1: Approve the Agreement with the City of Tallahassee to provide street sweeping services, and authorize the County Administrator to execute.

7. Approval of Revised Interlocal Agreement with City of Tallahassee to Provide Stormwater Management Capacity at the Broadmoor Facilities

The Board approved Options 1 & 2: 1) Approve the revised Interlocal Agreement with the City of Tallahassee to reserve stormwater management capacity at the Broadmoor Facilities, and authorize the County Administrator to execute the Agreement, and 2) Authorize County Administrator to accept conveyance of the Broadmoor Facilities from Blueprint 2000 when Capital Circle NW/SW construction is complete.

8. Adoption of Proposed Resolutions for Acquisition of Property by Eminent Domain for Autumn Woods Drainage Improvement Project

The Board approved Option 1: Adopt the proposed Resolutions for Acquisition of Property by Eminent Domain for the Autumn Woods Drainage Improvement Project.

9. Approval of the First Addendum to Tri-Party Infrastructure and Conveyance Agreement Between Leon County, Florida and Orchard Pond Greenway, LLC, et al

Commissioner Proctor requested the item be removed from the Consent Agenda for discussion.

County Attorney Thiele introduced the item. He conveyed that this was a housekeeping item that does two things: 1) substitutes Orchard Pond Parkway, LLC to "Owner" under the Agreement; and, 2) clarifies that at no time will there be any financial obligation by Leon County to pay the debt.

Commissioner Proctor reiterated, as he has at every opportunity when this item has come before the Board, the need for the County to obtain right of way for the proposed two-land road to be expanded to a four-lane road in the future.

Commissioner Desloge moved, duly seconded by Commissioner Maddox, approval of Option 1: Approve the proposed first Addendum to Tri-Party Infrastructure and Conveyance Agreement between Leon County, Florida and Orchard Pond, LLC, Orchard Pond Greenway, LLC and Orchard Pond Parkway, LLC, and authorize the Chairman to execute same. The motion carried 7-0.

10. Acceptance of the FY 2014/15 Ongoing and First Quarter Commissioner Discussion Items Status Report

The Board approved Option 1: Accept the FY 2014/15 Ongoing and First Quarter Commissioner Discussion Items Status Report

11. Acceptance of a Status Report on the Implementation of Electronic Building Permit Application Submittal through ProjectDox

Commissioner Proctor requested the item be removed from the Consent Agenda for discussion.

County Administrator Long introduced the item.

Commissioner Proctor indicated that he pulled the item to express his appreciation to staff for the information and to highlight how the new technology has improved the building permit process. He also noted the 41% increase in new housing starts during the 2014 fiscal year.

Commissioner Proctor moved, duly seconded by Commissioner Sauls, approval of Option 1: Accept the status report on the implementation of electronic building permit application submittal through ProjectDox. The motion carried 7-0.

12. Acceptance of a Status Report on the Removal of Illegal Signs in the Right-of-Way

The Board approved Option 1: Accept the status report on the removal of illegal signs in the right-of-way.

13. Acceptance of the 2014 Tallahassee-Leon County Board of Adjustment and Appeals Annual Report

The Board approved Option 1: Accept the 2014 Tallahassee-Leon County Board of Adjustment and Appeals Annual Report.

14. Acceptance of the 2014 Annual Report of the Science Advisory Committee

Commissioner Proctor requested the item be removed from the Consent Agenda for discussion.

County Administrator Long introduced the item.

Commissioner Proctor asked County Administrator Long if the report could be revisited and brought back to the Board.

Commissioner Proctor moved, duly seconded by Commissioner Maddox, to request the report be rewritten to include more comprehensive data.

Commissioner Proctor stated that the report was not comparable to other status reports he had highlighted and more was needed than minutes of the meetings.

Commissioner Dozier agreed and suggested that it would be helpful to see a summary of issues discussed by the Committee.

Commissioner Dailey stated that the Science Advisory Committee will continue to deal with some very important issues moving forward and suggested that the Board recommend that a different format be used for future reports. He did not feel a need for the report to be rewritten and resubmitted.

Commissioner Dailey offered a substitute motion for approval of Option 1: Accept the 2014 Annual Report of the Science Advisory Committee and request that, in the future, a more detailed report be provided. The substitute motion was seconded by Commissioner Desloge.

Commissioner Proctor stated that the Board deserved to see more than names of members and the minutes of meetings. He opined it was not a good report.

The substitute motion failed 2-5 (Commissioners Lindley, Dozier, Maddox, Proctor and Sauls in opposition).

Commissioner Dailey stated that Commissioners have a responsibility to ask questions during their briefing with staff so that issues such as this can be addressed at that time.

Commissioner Dozier conveyed that she did not want to give an implication that Commissioners do not take briefings seriously and reports are not read. She stated that this was the time to talk about what the Board wants to see in the future.

The original motion carried 7-0.

15. Acceptance of the 2013-2014 Annual Report of the Code Enforcement Board and the Code Compliance Program

Commissioner Proctor requested the item be removed from the Consent Agenda for discussion.

County Administrator Long introduced the item.

Commissioner Proctor complimented the outstanding presentation of information provided in the agenda item.

Commissioner Proctor moved, duly seconded by Commissioner Dailey, approval of Option 1: Accept the 2013-2014 Annual Report of the Code Enforcement Board and the Code Compliance Program. The motion carried 7-0.

16. Acceptance of the 2013-2014 Contractors' Licensing and Examination Board Annual Report

Commissioner Proctor requested the item be removed from the Consent Agenda for discussion.

County Administrator Long introduced the item.

Commissioner Proctor commented on the amount of information that was provided in the agenda item and very much appreciated the detailed reporting.

Commissioner Proctor moved, duly seconded by Commissioner Dailey, approval of Option 1: Accept the 2013-2014 Contractors' Licensing and Examination Board Annual Report. The motion carried 7-0.

17. Acceptance of the First Quarter FY 2014/2015 County Grant Program Leveraging Status Report

Commissioner Proctor requested the item be removed from the Consent Agenda for discussion.

County Administrator Long introduced the item.

Commissioner Proctor expressed his appreciation for the information provided in the report and highlighted the \$13.5 million received from Disaster Recovery Enhancement Fund grants.

Commissioner Proctor moved, duly seconded by Commissioner Dailey, approval of Option 1: Accept the First Quarter FY 2014-2015 County Grant Program Leveraging Status Report. The motion carried 7-0.

18. Acceptance of Status Update Regarding Curbside Collection Service Provided by Waste Pro, Inc.

Commissioner Proctor requested the item be removed from the Consent Agenda for discussion.

County Administrator Long introduced the item. He indicated that Robert Mills, Director of the Office of Resource Stewardship, was available to provide a presentation or answer any questions.

Commissioner Proctor requested the item be pulled so as to compliment Waste Pro for responding to the Board's concerns and customer frustrations. He cited the reduction in the number of infractions during the last six months of 2014.

Commissioner Proctor moved, duly seconded by Commissioner Dozier, approval of Option 1: Accept the status update regarding curbside collection service provided by Waste Pro, Inc.

Commissioner Dozier stated that while she was pleased with the improvements, had hoped that more progress would have been realized by now. She remarked that her office continues to receive a number of calls each month especially relating to litter on the road.

Commissioner Dailey shared that he was very pleased with the level of service being provided in District 3. He praised the excellent job being done by Mr. Mills and his staff, who he submitted have "taken customer service to the next level".

Commissioner Maddox asked what the spike in infractions in December could be attributed to. Mr. Mills responded that the infractions were mostly to due to delays in cart delivery, repair, or replacement.

Commissioner Sauls agreed that service delivery has definitely improved; however, she continues to receive calls that customers are only allowed one visit daily to the drop off site. She mentioned that residents could be working in their yard and may have more than one load.

The motion carried 7-0.

Citizens to be Heard on Non-Agendaed Items (3-minute limit per speaker; there will not be any discussion by the Commission)

- Chairman Lindley confirmed that there were no speakers on Non-Agendaed Items.

General Business

19. Approval to Name the Leon County Sheriff's Administration Building in Honor of the Late Sheriff Larry Campbell

County Administrator Long introduced the item.

Commissioner Dailey welcomed the Campbell family and thanked Commissioner Proctor for bringing this issue before the Board.

Commissioner Dailey moved, duly seconded by Commissioners Desloge, Maddox, Lindley, Dozier, Proctor and Sauls, approval of Option 1: Approve naming the Leon County Sheriff's Administration Building (2825 Municipal Way) as the "Sheriff Larry Campbell Administration Building."

Commissioner Proctor thanked the Campbell family for allowing the County to name the Administration Building in honor of the Sheriff and expressed his appreciation for the great service he rendered to the County.

The motion carried 7-0.

20. Approval of the 2015 Operation Thank You - Honoring Local Veterans of the Korean War and Consideration of Funding for the 2015 Operation Stand Down in the Amount of \$10,000

County Administrator Long introduced the item. He stated that \$25,000 in funding for Operation Thank You is included in the County's annual budget. He shared that the Veterans Foundation has requested \$10,000 for the 2015 Operation Homeless Veterans Stand Down and funding is available for the event in the General Contingency Fund. He added that the Board has supported the Stand Down event the last two years and staff has provided an option to include this as a line item in future budgets.

Speaker:

- Colonel Claude Shipley, retired Navy veteran, 2986 Giverny Circle, distributed information on the upcoming Stand Down. He stated that the Stand Down was part of a large effort to end Veteran homelessness by the end of 2015. Colonel Shipley mentioned that the three-day, two-night event provides food, medical support, clothing and a broad array of services to homeless veterans. Last year the event hosted 305 homeless veterans (253 male, 52 female and 20 children). He thanked the Board for consideration of the funding request.

Commissioner Desloge recalled his visit to last year's Stand Down and supports the funding request.

Commissioner Desloge moved, duly seconded by Commissioner Sauls. approval of Options 1, 2, 3, & 4: 1) Approve the proposed 2015 Operation Thank You – Honoring Local Veterans of the Korean War, and schedule for Saturday, May 16, 2015; 2) Direct staff to prepare a proclamation honoring the service of local Korean War Veterans to be presented at the 2015 Operation Thank You event; 3) Approve funding for the 2015 Operation Homeless Veterans Stand Down in the amount of \$10,000, and adopt the associated Budget Amendment Request, and 4) Direct staff to include \$10,000 for the Operation Homeless Veterans Stand Down as part of future annual budgets.

Commissioner Dozier stated that there are multiple efforts ongoing to address the homeless veterans' population and the Stand Down is an important event. She mentioned that Leon County is one of 70 communities nationally who are attempting to end veteran homelessness for more than 30 days by 2016. She opined that this goal is achievable and the Stand Down is a key component.

The motion carried 7-0.

21. Acceptance of the Final Status Report Regarding the Implementation of the Gum Road Target Area Planning Committee's Recommendations

ITEM #21 WAS REMOVED FROM THE AGENDA. THE ITEM WILL BE PLACED ON THE BOARD'S MARCH 10, 2015 MEETING AGENDA.

22. Approval of Agreement Awarding Bid to Advon Corporation in the Base Bid Amount of \$387,940 for Transfer Station Tipping Floor Slab Reconstruction

County Administrator introduced the item. He stated that Advon Corporation was the lowest responsive bidder and exceeded MWBE requirements by 45%.

Commissioner Desloge moved, duly seconded by Commissioner Dozier approval of Option 1: Approve the Agreement awarding bid to Advon Corporation in the base bid amount of \$387,940 and approve the unit prices submitted in addition to the base bid for the Transfer Station tipping floor slab reconstruction, and authorize the County Administrator to execute. The motion carried 7-0.

23. Acceptance of Staff Report on the Rules Governing Annexation Procedures and Authorization to Prepare Amendment to the Tallahassee-Leon County Comprehensive Plan

County Attorney Thiele provided a summary of the item. He stated that he believes the system is working in accord with the Statutes and in accord with amendments that were made a few years back to the Comprehensive Plan. It appears that the biggest difficulty is the lack of time that the Commissioners have to review and react to annexation requests; thus, he recommended a proposed amendment to the Comprehensive Plan, which provides for not less than 20 days' notice prior to the first reading of the proposed annexation ordinance so that the Commission will have more time to sufficiently review such annexation proposals.

Commissioner Dozier moved, duly seconded by Commissioner Desloge approval of Options 1 & 2: 1) Accept the staff report on the rules governing annexation procedures, and 2) Direct staff to prepare proposed amendments to the Tallahassee-Leon County

Comprehensive Plan, Intergovernmental Coordination Element, Policy 2.1.4[I], consistent with the Board's direction.

Commissioner Dozier thanked staff for the thoroughness of the agenda item. She stated that her concern for years is that the annexation process in the past (especially in Districts 1 and 4) has created a map resembling "spaghetti". She expressed a desire to streamline City/County borders and asked if there is precedent whereby the County could suggest to the City when they make an annexation request that they assume more territory so as not to create unneeded serpentine areas.

County Attorney Thiele responded there is a dispute resolution process within the Comprehensive Plan for new annexations. He suggested that staff review the existing map to determine areas that may be suitable for annexation and make a recommendation to the City they be annexed. He also cautioned against challenging the City on a serpentine annexation as the Court has ruled that serpentine means curvature.

Commissioner Dozier responded that she would not make a motion at this time, but this has been a concern since her initial review of the maps.

Commissioner Desloge relayed that his district is a "hodge-podge" of properties within the City and the County and deemed this issue worthy of further discussion at some point.

County Attorney Thiele shared that a very good working relationship has been established between the City and County and suggested that he and County Administrator Long broach this issue with their City counterparts and any outcome would be brought back to the Board.

Commissioner Proctor agreed with Commissioner Dozier's concerns and recalled that voters in his district overwhelmingly voted against annexation; however, the City annexed them anyway.

Commissioner Dozier confirmed that no action was needed by the Board to direct staff to engage City staff.

The motion carried 7-0.

24. Consideration of Full Board Appointments to the Joint City/County Bicycle Workgroup and Value Adjustment Board

County Administrator introduced the item.

Commissioner Desloge moved, duly seconded by Commissioner Dailey, to approve Option 1: Appoint Mark Wheeler to the Joint City/County Bicycle Workgroup.

Commissioner Dozier stated that she would support Mr. Wheeler; however, noted that there are not a lot of women voices represented on the Committee. She suggested that for the future there may be other individuals that may not be as well known that could be good additions to Committees.

Commissioner Desloge remarked that these are ad hoc committees and those individuals who are not appointed could attend the meeting in an unofficial member.

Commissioner Dozier offered that it might be beneficial for there to be a representative on the committee from one of the universities.

Commissioner Maddox asked if the motion could be amended to include the reappointment of Pamela-Kiser-Burch to the Value Adjustment Board (Option 2). Commissioner Desloge amended his motion to include Option 2.

The motion, as amended, carried 7-0.

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

Chairman Lindley reconvened the Board and conducted the following public hearings.

25. Second and Final Public Hearing to Adopt Proposed Ordinance Amending the Bradfordville Sector Plan and Land Development Code

County Administrator Long announced the public hearing and confirmed there were no speakers on this item.

Commissioner Dozier moved, duly seconded by Commissioner Maddox, to conduct the second and final Public Hearing and adopt the proposed Ordinance amending the Bradfordville Sector Plan and Land Development Code. The motion carried 7-0.

26. First and Only Public Hearing to Consider a Notice of Proposed Change to Amend the Development Order for the Killlearn Lakes Development of Regional Impact

County Administrator Long announced the public hearing and confirmed there were no speakers on this item.

Commissioner Desloge moved, duly seconded by Commissioner Sauls, approval of Option 1: Conduct the first and only Public Hearing and find the Notice of Proposed Change to not be a Substantial Deviation, and adopt the amendment to the Killlearn Lakes Development of Regional Impact Development Order.

Commissioner Dozier noted that the item relates to the construction of an assisted living facility and expressed support for mixed types of residential components within neighborhoods, especially for the elderly. She stated that she would love for the County to promote more of these types of concepts.

The motion carried 7-0.

27. First and Only Public Hearing on a Proposed Ordinance Amending Section 11-47 of the Code of Laws of Leon County, Florida, Providing for Amendments to the Leon County Tourist Development Plan, Exhibit A; and on a Proposed Ordinance Amending Section 11-46(c) of the Code of Laws of Leon County

County Administrator Long introduced the item and confirmed there were no speakers on this item.

Commissioner Maddox moved, duly seconded by Commissioner Desloge, approval of Options 1, 2 & 3: 1) Conduct the first and only public hearing and adopt the proposed Ordinance amending Section 11-47 of the Code of Laws of Leon County, Florida,

providing for amendments to the Leon County Tourist Development Plan, Exhibit A; 2) Conduct the first and only public hearing and adopt the proposed Ordinance amending Section 11-46(c) of the Code of Laws of Leon County, and 3) Approve the Resolution to ensure that allocated Tourism Development Tax revenues to COCA shall be utilized in accordance with the uses authorized in Section 125.0104, Florida Statutes.

Commissioner Maddox pointed out that the sentence in the Background portion of the agenda item should read “During this five-year term, the City and County will continue to commit general revenues funds in the amount of no ~~more~~ less than \$150,000 each towards the operation of COCA”. County Administrator Long assured the Board that the Interlocal Agreement reads correctly.

Commissioner Dozier offered a friendly amendment to direct staff to schedule a workshop in September to include an update from the Council on Culture & Arts on the implementation of the Cultural Plan, the cultural capital improvements grants, and any big arts projects that might be happening with the CRA.

The friendly amendment was accepted by Commissioner Maddox.

The motion, as amended, carried 7-0.

Citizens to be Heard on Non-Agendaed Items (3-minute limit per speaker; Commission may discuss issues that are brought forth by speakers.)

- Melanie Gerrell Perez, 200 Jim French Road, brought to the Board’s attention their concerns regarding the temporary closing of Natural Bridge Road due to the work on Natural Bridge. She asserted that no on-site by-pass is planned and the proposed detour would add more than 30 miles to their travel. She was concerned about her family’s safety as the closest EMS was 37 miles in Monticello and the detour would impact other emergency vehicles ability to get to the family. She added that she would also lose her homeowners insurance. Ms. Perez asked for the Board’s assistance.
 - County Administrator Long Vince stated that staff takes the concerns seriously and asked Tony Park, Public Works Director to respond to the comments.
 - Mr. Park conveyed that this is a Department of Transportation (DOT) off system project and information on the project was provided to the Board at its February 2013 Board meeting. He conveyed that reduced environmental impacts, and construction time and costs were the reasons for the proposed detour.
 - Commissioner Dozier commented that she was amazed that there were no other options available to the DOT. She wondered if DOT had precedence for leaving someone in this position, i.e., loss of homeowners’ insurance, 30 mile detour, etc. and what recourse the County had.
 - Mr. Park reiterated DOT’s justification for the detour and noted that the area was very rural.
 - Commissioner Saul’s remarked that this is a difficult situation and the family is pleading for help from the County. She asserted that the County needs to help in some way.
 - Commissioner Maddox expressed concerns about the family’s plight and suggested a letter from the Chairman to DOT expressing the Board’s concerns. He asked staff to do as much as possible to assist the family.
 - *Commissioner Maddox moved, duly seconded by Commissioner Sauls, to authorize the Chairman to send a letter on behalf of the Board to the Department of Transportation, relaying concerns and support for the family.*

- Commissioner Proctor asked that the motion be amended to include letters to the Leon County legislative delegation and the Governor and Cabinet. Commissioner Maddox accepted the friendly amendment.
- Mack Gerrell, 208 Jim French Road, stated that family owns 400 acres in Leon County and pays Leon County taxes. He conveyed that the family has attended public hearing regarding the project and DOT has not considered the impact to their family. He also advised that the DOT has not contacted his family to address issues such as mail service, garbage pick-up, or fire and police protection. The project is slated to begin March 9th.
 - *The motion, as amended, carried 7-0.*
- Lee Cargle, 1505 Silver Saddle Drive, requested consideration for public transportation on Highway 20 as the service would improve residents' quality of life, allow for more independence and use of County services.
 - Chairman Lindley stated that Start Metro is considering expanding its Flex routes and she would bring this issue to the Transportation Disadvantaged committee.

Comments/Discussion Items

County Attorney Thiele:

- No issues.

County Administrator Long:

- Bragged on County Attorney Thiele for his professionalism and expertise as he represented the County in arguments before the Florida Supreme Court.

Commissioner Discussion Items

Commissioner Sauls:

- No issues.

Commissioner Desloge:

- Mentioned that July is the 25th Anniversary of the passage of the Americans with Disabilities Act (ADA) and suggested the County participate in some way. **He asked staff to meet with J.R. Harding and bring back an agenda item to determine the County's role in the celebration of the ADA Anniversary. Approved without Objection.**

Commissioner Maddox:

- No issues.

Commissioner Dozier:

- Regarding the Rockaway Project, she encouraged the applicant, should they wish to pursue the amendment in the future, to adhere to the Comprehensive Plan amendment process.
- Shared that she had been approached to bring a resolution to the Board in support of legislation banning natural gas fracking in Florida. While she was not prepared to propose the resolution at this time, offered the following motion.
 - *Commissioner Dozier moved, duly seconded by Commissioner Maddox, to direct staff to bring back an analysis of state legislation on the issue, so that the Board can consider its support for a resolution. The item to be included on the March 10, 2015 agenda. The motion carried 7-0.*
- Announced that the Economic Development Council and the Chamber has scheduled a trip to Boulder Colorado to look at various aspects of entrepreneurship.

- *Commissioner Dozier moved, duly seconded by Commissioner Maddox, to add the trip to the approved Board travel list. The motion carried 7-0.*

Commissioner Dailey:

- Ascertained from County Administrator Long that the fire infrastructure study would come back to the Board in early summer.
 - Commissioner Dailey shared that he had attended a Lakewood Village Homeowners Association meeting recently and asked that any information regarding the neighborhood be forwarded to him so that it can be shared with the residents.
- *Commissioner Dailey moved, duly seconded by Commissioner Maddox, approval for the Chairman to send a letter to the Department of Transportation thanking and encouraging them to continue to study the possibility of a traffic light at Talpeco and North Monroe. The motion carried 7-0.*

Vice-Chairman Proctor:

- *Commissioner Proctor moved, duly seconded by Commissioner Dailey, to present a Proclamation recognizing the success of FAMU's track relay team, to be presented at an outside event. The motion carried 7-0.*
- *Commissioner Proctor moved, duly seconded by Commissioner Dailey, to present a Proclamation honoring the career of Coach Bobby Lane, to be presented at an outside event. The motion carried 7-0.*
- Shared that he had an outstanding tour of the new Comprehensive Emergency Services Center recently and looks forward to having all the services available under one roof. He encouraged a media campaign to spread the word about the new facility.

Chairman Lindley:

- Reminded the Board that the County has a table for the Riley House Gala on February 20, 2015 at Goodwood Museum and Gardens.

Receipt and File:

- 2015-054 State Board of Administration – Local Government Surplus Funds Trust Fund – Financial Audit
- 2015-047 Florida State University – Developmental Research School – Florida Education Finance Program
- Capital Region Community Development District Record of Proceedings – December 11, 2014

Adjourn:

There being no further business to come before the Board, the meeting was adjourned at 6:25 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Mary Ann Lindley, Chairman
Board of County Commissioners

BY: _____
Bob Inzer, Clerk of the Circuit Court
and Comptroller

**Leon County
Board of County Commissioners**

Notes for Agenda Item #2

Leon County Board of County Commissioners

Cover Sheet for Agenda #2

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Bob Inzer, Clerk of Circuit Court and Comptroller

Title: Acceptance of the FY 2013/2014 Annual Audit and Financial Report

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Lead Staff/ Project Team:	Betsy Coxen, Finance Director

Fiscal Impact:

This item has no current fiscal impact; however, an annual audit is required by state law, and if it were not completed, it would jeopardize federal, state, and local revenues.

Staff Recommendation:

Option #1: Accept the FY 2013/14 Annual Audit and Financial Report (Attachment #1), and authorize the Chairman to sign letter transmitting the report to the Auditor General (Attachment #3).

Report and Discussion

Background:

Section 11.45, Florida Statutes, requires that the Board of County Commissioners to obtain an independent audit of the County's financial statements, on an annual basis. The Board contracted for an independent audit with Thomas Howell Ferguson P.A., and Law, Redd, Crona, & Munroe P.A., Certified Public Accountants. The audit is complete and the audit and financial report are provided to the Board for its review under the Clerk's transmittal memorandum.

Analysis:

The internal control compliance and Management Letter from the Board's auditors are attached (Attachment #2). There were no findings or recommendations. The letter transmitting and the Management Letter will be forwarded to the Auditor General (Attachment #3).

Options:

1. Accept the FY 2013/2014 Annual Audit and Financial Report (Attachment #1), and authorize the Chairman to sign the letter transmitting the report to the Auditor General (Attachment #3).
2. Do not accept the FY 2013/2014 Annual Audit and Financial Report.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Transmittal Memorandum from the Clerk of the Circuit Court & Comptroller and the Annual Audit and Financial Report for FY 2013/2014
2. Board's Management Letter from external auditors
3. Draft Response transmitting the report to the Auditor General



Bob Inzer

Clerk of the Circuit Court and Comptroller

Clerk of Courts ▪ Clerk of County Commission ▪ Auditor ▪ Treasurer ▪ Recorder ▪ Custodian of County Funds

To: Board of County Commissioners

From: Bob Inzer, Clerk of Circuit Court

Subject: Audit Report for Fiscal Year 2013-2014

Date: February 18, 2015

I am pleased to forward to you the County's annual audit report, financial statements and management letter for the fiscal year ended September 30, 2014. This report reflects an unqualified auditor's opinion on our financial statements. Leon County has received an unqualified audit opinion for 33 consecutive years.

The auditors' report on internal control structure and their management letter in that regard are found on pages 49 through 50 in the Board's financial report. This document basically covers areas relating to financial procedures. There were no findings related to internal controls, nor were there any management letter recommendations.

The County's external audit committee members in attendance were the Director of Financial Stewardship, the Deputy County Administrator and the Finance Director. The committee met and reviewed the report with staff and recommends acceptance of the report and response to the State Auditor General.

Your acceptance of the report and approval of the letter transmitting the report will be placed on the March 10 agenda. As mentioned, Florida law requires that a letter of response be made to the State Auditor General on the auditor's comments. There were no findings by the auditors. I believe this is reflective of the hard work of the Board's staff, the Clerk's staff, and a reflection of their team effort in this process.

Audit reports such as this one, along with the Comprehensive Annual Financial Report (CAFR), having won the Certificate of Achievement for Excellence in Financial Reporting, are providing greater accountability to you and our citizens. Should you have questions or comments on the audit, please let me know.

cc: Mr. Vince Long, County Administrator
Mr. Alan Rosenzweig, Deputy County Administrator
Mrs. Betsy Coxen, Director, Finance Department

Special-Purpose Financial Statements

Board of County Commissioners
Leon County, Florida

*Year Ended September 30, 2014
with Independent Auditors' Report*

Thomas Howell Ferguson P.A.
and
Law, Redd, Crona & Munroe, P.A.

Board of County Commissioners
Leon County, Florida
Special-Purpose Financial Statements
Year ended September 30, 2014

Board of County Commissioners

Mary Ann Lindley, Chairman.....	At-Large
Bill Proctor, Vice Chairman.....	District 1
Jane G. Sauls.....	District 2
John E. Dailey.....	District 3
Bryan Desloge.....	District 4
Kristin Dozier.....	District 5
Nick Maddox.....	At-Large

COUNTY ADMINISTRATOR

Vincent S. Long

CLERK OF THE CIRCUIT COURT

AND

COMPTROLLER

Bob Inzer

Board of County Commissioners
Leon County, Florida

Special-Purpose Financial Statements

Year Ended September 30, 2014

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Independent Auditors' Report

The Honorable Board of County Commissioners
Leon County, Florida

Report on the Financial Statements

We have audited the accompanying special-purpose financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the Board of County Commissioners of Leon County, Florida (the Board), as of and for the fiscal year ended September 30, 2014, and the related notes to the financial statements, which collectively comprise the Board's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these special-purpose financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of special-purpose financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these special-purpose financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the special-purpose financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the special-purpose financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the special-purpose financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the special-purpose financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

The Honorable Board of County Commissioners
Leon County, Florida
Page Two

Opinion

In our opinion, the special-purpose financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the Board of County Commissioners of Leon County, Florida as of September 30, 2014, the results of each of the major funds' changes in financial position, where applicable, the cash flows thereof, and the respective budgetary comparison statements of the major funds for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

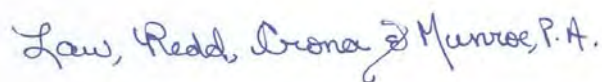
As discussed in Note 1 to the special-purpose financial statements, the accompanying special-purpose financial statements referred to above were prepared solely for the purpose of complying with the Rules of the Auditor General of the State of Florida. In conformity with the Rules, the accompanying special-purpose financial statements are intended to present the financial position and changes in financial position of the major funds, the proprietary fund and the agency funds of the Board, only that portion that is attributable to the transactions of the Board. They do not purport to, and do not, present fairly the financial position of Leon County, Florida, as of September 30, 2014, and the changes in its financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to these matters.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued a report, on our consideration of the Board's internal control over financial reporting and our tests of its compliance with certain provisions of laws, rules, regulations, contracts, grant agreements and other matters under the heading *Independent Auditors' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Special-Purpose Financial Statements Performed in Accordance with Government Auditing Standards*. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Board's internal control over financial reporting and compliance.



Thomas Howell Ferguson P.A.
Tallahassee, Florida
February 23, 2015



Law, Redd, Crona & Munroe P.A.
Tallahassee, Florida

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Board of County Commissioners
Leon County, Florida
Balance Sheet - Governmental Funds
September 30, 2014

	<u>General Fund</u>	<u>Fine & Forfeiture Fund</u>	<u>Grants Fund</u>	<u>Fire Rescue Services Fund</u>
Assets				
Cash	\$ 10,384,100	\$ 0	\$ 95,013	\$ 0
Investments	29,283,769	1,359,555	6,668,391	2,496,759
Receivables (net of allowances for uncollectibles):				
Accounts	105,778	2,303	44,399	2,438
Special assessments	0	0	0	0
Due from other governments	1,311,667	1,307	858,200	0
Due from other funds	292,186	0	0	0
Due from other county units	582,172	2,181,713	12,947	559
Inventories	236,829	0	0	0
Other assets	3,619	0	0	0
Total assets	<u>\$ 42,200,120</u>	<u>\$ 3,544,878</u>	<u>\$ 7,678,950</u>	<u>\$ 2,499,756</u>
Liabilities and fund balances				
Liabilities:				
Accounts payable	\$ 2,025,574	\$ 29,180	\$ 163,586	\$ 605
Accrued liabilities	284,437	0	3,296	0
Due to other governments	5,246	0	193	1,637,898
Due to other funds	0	0	0	0
Due to other county units	76,556	0	0	0
Deposits	44,510	332,379	0	0
Revenue received in advance	0	0	5,953,962	0
Total liabilities	<u>2,436,323</u>	<u>361,559</u>	<u>6,121,037</u>	<u>1,638,503</u>
Fund balances:				
Nonspendable	240,448	0	0	0
Restricted	0	0	1,557,913	0
Committed	5,964,570	477,498	0	861,253
Assigned	7,871,118	2,705,821	0	0
Unassigned	25,687,661	0	0	0
Total fund balances	<u>39,763,797</u>	<u>3,183,319</u>	<u>1,557,913</u>	<u>861,253</u>
Total liabilities and fund balances	<u>\$ 42,200,120</u>	<u>\$ 3,544,878</u>	<u>\$ 7,678,950</u>	<u>\$ 2,499,756</u>

The accompanying notes are an integral part of these special-purpose financial statements.

<u>Special Assessment Paving Fund</u>	<u>Capital Improvement Fund</u>	<u>Nonmajor Governmental Funds</u>	<u>Component Unit - Housing Finance Authority of Leon County</u>	<u>Total Governmental Funds</u>
\$ 227,807	\$ 13,085,249	\$ 3,036,198	\$ 650,634	\$ 27,479,001
0	13,304,054	56,025,706	0	109,138,234
32,620	533,807	4,944,583	636	5,666,564
1,974,722	0	0	217	1,974,939
0	0	1,541,228	0	3,712,402
0	0	0	0	292,186
0	0	904,994	0	3,682,385
0	0	0	0	236,829
0	0	10,415	0	14,034
<u>\$ 2,235,149</u>	<u>\$ 26,923,110</u>	<u>\$ 66,463,124</u>	<u>\$ 651,487</u>	<u>\$ 152,196,574</u>
\$ 0	\$ 847,219	\$ 1,089,812	\$ 1,070	\$ 4,157,046
0	0	434,779	0	722,512
0	0	287,757	0	1,931,094
0	0	14,219	0	14,219
0	0	9,481	0	86,037
0	149,925	118,449	0	645,263
1,974,722	0	374,322	0	8,303,006
<u>1,974,722</u>	<u>997,144</u>	<u>2,328,819</u>	<u>1,070</u>	<u>15,859,177</u>
0	0	10,415	0	250,863
0	25,925,966	45,519,250	650,417	73,653,546
260,427	0	18,522,826	0	26,086,574
0	0	103,909	0	10,680,848
0	0	(22,095)	0	25,665,566
<u>260,427</u>	<u>25,925,966</u>	<u>64,134,305</u>	<u>650,417</u>	<u>136,337,397</u>
<u>\$ 2,235,149</u>	<u>\$ 26,923,110</u>	<u>\$ 66,463,124</u>	<u>\$ 651,487</u>	<u>\$ 152,196,574</u>

Board of County Commissioners
Leon County, Florida

Statement of Revenues, Expenditures, and Changes in Fund Balances -
Governmental Funds
Year Ended September 30, 2014

	<u>General Fund</u>	<u>Fine & Forfeiture Fund</u>	<u>Grants Fund</u>	<u>Fire Rescue Services Fund</u>	<u>Special Assessment Paving Fund</u>
Revenues					
Taxes	\$ 44,667,067	\$ 66,436,317	\$ 0	\$ 0	\$ 0
Licenses and permits	0	0	0	0	0
Intergovernmental	18,021,519	17,038	3,007,716	0	0
Charges for services	1,976,249	852,658	139,060	7,188,001	0
Fines and forfeitures	0	110,047	0	0	0
Interest	309,228	68,405	10,656	11,583	91,525
Net (decrease) increase in fair value of investments	(7,788)	1,103	314	(122)	(702)
Miscellaneous	326,991	0	141,121	0	317,490
Total revenues	<u>65,293,266</u>	<u>67,485,568</u>	<u>3,298,867</u>	<u>7,199,462</u>	<u>408,313</u>
Expenditures					
Current:					
General government	15,812,218	0	2,771	0	0
Public safety	2,007,417	0	694,455	6,889,466	0
Physical environment	2,252,075	0	1,850,042	0	0
Transportation	0	0	669,171	0	0
Economic environment	1,822,015	0	27,793	0	0
Human services	7,293,507	139,392	147,957	0	0
Culture and recreation	6,419,112	0	121,049	0	0
Judicial	1,280,235	1,345,718	38,662	0	0
Debt Service:					
Principal retirement	0	0	0	0	0
Interest and fiscal charges	0	0	0	0	0
Other debt service costs	0	0	0	0	0
Total expenditures	<u>36,886,579</u>	<u>1,485,110</u>	<u>3,551,900</u>	<u>6,889,466</u>	<u>0</u>
Excess (deficiency) of revenues over (under) expenditures	<u>28,406,687</u>	<u>66,000,458</u>	<u>(253,033)</u>	<u>309,996</u>	<u>408,313</u>
Other financing sources (uses):					
Transfers in	8,520,250	2,075,210	196,431	0	0
Refunding bonds issued	0	0	0	0	0
Payment to refunding bond escrow agent	0	0	0	0	0
Transfers out	(41,168,853)	(65,964,407)	(121,155)	(33,247)	(1,338,983)
Total other financing (uses) sources	<u>(32,648,603)</u>	<u>(63,889,197)</u>	<u>75,276</u>	<u>(33,247)</u>	<u>(1,338,983)</u>
Net change in fund balances	(4,241,916)	2,111,261	(177,757)	276,749	(930,670)
Fund balances at beginning of year	44,005,713	1,072,058	1,735,670	584,504	1,191,097
Fund balances at end of year	<u>\$ 39,763,797</u>	<u>\$ 3,183,319</u>	<u>\$ 1,557,913</u>	<u>\$ 861,253</u>	<u>\$ 260,427</u>

The accompanying notes are an integral part of these special-purpose financial statements.

<u>Capital Improvement Fund</u>	<u>Nonmajor Governmental Funds</u>	<u>Component Unit - Housing Finance Authority of Leon County</u>	<u>Total Governmental Funds</u>
\$ 0	\$ 30,897,230	\$ 0	\$ 142,000,614
0	2,464,647	0	2,464,647
0	5,572,452	0	26,618,725
0	12,068,547	44,971	22,269,486
0	274,856	0	384,903
141,833	351,810	3,819	988,859
(4,180)	(14,504)	0	(25,879)
0	2,209,096	0	2,994,698
<u>137,653</u>	<u>53,824,134</u>	<u>48,790</u>	<u>197,696,053</u>
5,024,619	2,253,361	0	23,092,969
1,784,401	19,654,157	0	31,029,896
801,372	10,944,800	0	15,848,289
1,837,852	17,409,510	0	19,916,533
240,279	3,257,008	136,892	5,483,987
51,635	1,295,750	0	8,928,241
2,846,194	4,799,395	0	14,185,750
167,843	1,401,123	0	4,233,581
0	6,654,251	0	6,654,251
0	2,299,417	0	2,299,417
0	23,776	0	23,776
<u>12,754,195</u>	<u>69,992,548</u>	<u>136,892</u>	<u>131,696,690</u>
<u>(12,616,542)</u>	<u>(16,168,414)</u>	<u>(88,102)</u>	<u>65,999,363</u>
8,982,800	21,728,694	0	41,503,385
0	16,370,000	0	16,370,000
0	(16,338,941)	0	(16,338,941)
<u>(589,752)</u>	<u>(8,972,385)</u>	<u>0</u>	<u>(118,188,782)</u>
<u>8,393,048</u>	<u>12,787,368</u>	<u>0</u>	<u>(76,654,338)</u>
(4,223,494)	(3,381,046)	(88,102)	(10,654,975)
<u>30,149,460</u>	<u>67,515,351</u>	<u>738,519</u>	<u>146,992,372</u>
<u>\$ 25,925,966</u>	<u>\$ 64,134,305</u>	<u>\$ 650,417</u>	<u>\$ 136,337,397</u>

Board of County Commissioners
Leon County, Florida
Statement of Net Position - Proprietary Funds
September 30, 2014

	Business-type Activities - Landfill Fund	Governmental Activities - Internal Service Funds
Assets		
Current assets:		
Cash	\$ 1,165	\$ 51,088
Cash with fiscal agent	0	67,006
Investments	8,420,262	4,517,732
Accounts	1,108,485	220,848
Due from other governments	83,608	17,568
Due from other county units	400	6,452
Inventories	6,510	85,115
Total current assets	9,620,430	4,965,809
Noncurrent assets:		
Restricted cash and investments	7,559,237	0
Capital assets:		
Land nondepreciable	1,809,844	0
Depreciable (net)	10,850,728	0
Total noncurrent assets	20,219,809	0
Total assets	\$ 29,840,239	\$ 4,965,809
Liabilities		
Current liabilities:		
Accounts payable	\$ 359,670	\$ 141,415
Accrued liabilities	175,830	44,589
Due to other funds	0	34,312
Other current liabilities	0	2,796,572
Revenue received in advance	295	0
Total current liabilities	535,795	3,016,888
Noncurrent liabilities:		
Liability for closure costs/maintenance	11,759,283	0
Accrued liabilities	126,919	0
Total noncurrent liabilities	11,886,202	0
Total liabilities	12,421,997	3,016,888
Net position		
Net investment in capital assets	12,660,572	0
Unrestricted	4,757,670	1,948,921
Total net position	17,418,242	1,948,921
Total liabilities and net position	\$ 29,840,239	\$ 4,965,809

The accompanying notes are an integral part of these special-purpose financial statements.

Board of County Commissioners
Leon County, Florida
Statement of Revenues, Expenses, and Changes in
Fund Net Position - Proprietary Funds
Year Ended September 30, 2014

	Business-type Activities - Landfill Fund	Governmental Activities - Internal Service Funds
Operating revenues		
Charges for services	\$ 7,288,235	\$ 6,215,477
Total operating revenues	7,288,235	6,215,477
Operating expenses		
Personnel services	2,018,376	645,753
Contractual services	5,766,809	77,391
Supplies	308,989	1,561,112
Communications services	25,118	343,106
Insurance	47,865	2,773,656
Utility services	314,816	25,142
Depreciation	1,002,267	0
Other services and charges	1,381,271	698,191
Total operating expenses	10,865,511	6,124,351
Operating (loss) gain	(3,577,276)	91,126
Nonoperating revenues:		
Taxes	1,703,344	0
Interest	127,831	25,041
Net increase (decrease) in fair value of investments	44,906	(690)
Miscellaneous	16,388	0
Total nonoperating revenues	1,892,469	24,351
Income (loss) before contributions and transfers	(1,684,807)	115,477
Transfers in	910,190	0
Transfers out	(29,020)	0
Change in net position	(803,637)	115,477
Net position at beginning of year	18,221,879	1,833,444
Net position at end of year	\$ 17,418,242	\$ 1,948,921

The accompanying notes are an integral part of these special-purpose financial statements.

Board of County Commissioners
Leon County, Florida
Statement of Cash Flows - Proprietary Funds
Year Ended September 30, 2014

	Business-type Activities - Landfill Fund	Governmental Activities - Internal Service Funds
Cash flows from operating activities		
Receipts from customers	\$ 7,757,179	\$ 211,907
Payments to suppliers	(7,592,334)	(4,534,528)
Payments to employees	(1,989,186)	(636,153)
Internal activity - payments to other funds	(47,865)	0
Internal activity - cash received from other funds	0	5,854,333
Claims paid	0	(1,036,361)
Net cash used in operating activities	<u>(1,872,206)</u>	<u>(140,802)</u>
Cash flows from noncapital financing activities		
Tax proceeds	1,703,345	0
Repayments on interfund loans	(61)	0
Transfers from other funds	910,190	0
Transfers to other funds	(29,020)	0
Net cash provided by noncapital financing activities	<u>2,584,454</u>	<u>0</u>
Cash flows from capital and related financing activities		
Sale of property	136,366	0
Acquisition and/or construction of capital assets	(383,155)	0
Net cash used in capital and related financing activities	<u>(246,789)</u>	<u>0</u>
Cash flows from investing activities		
Proceeds from sales and maturities of investments	3,981,009	2,335,737
Purchases of investments	(4,615,329)	(2,233,623)
Interest and dividends received	124,759	25,418
Increase (decrease) in fair value of investments	44,906	(690)
Net cash (used) provided by investing activities	<u>(464,655)</u>	<u>126,842</u>
Net increase (decrease) increase in cash	804	(13,960)
Cash at beginning of year	361	132,054
Cash at end of year	<u>\$ 1,165</u>	<u>\$ 118,094</u>

The accompanying notes are an integral part of these special-purpose financial statements.

Board of County Commissioners
Leon County, Florida
Statement of Cash Flows - Proprietary Funds (continued)
Year Ended September 30, 2014

	Business-type Activities - Landfill Fund	Governmental Activities - Internal Service Funds
Reconciliation of operating loss income to net cash used in operating activities		
Operating (loss) gain:	\$ (3,577,276)	\$ 91,126
Adjustment to reconcile operating (loss) gain to net cash used in operating activities:		
Depreciation expense	1,002,267	0
Change in assets and liabilities:		
Accounts and intergovernmental receivables	229,726	(149,237)
Inventories	3,480	(13,709)
Accounts payable and other liabilities	201,189	(78,582)
Accrued expenses	29,190	9,600
Revenues received in advance	295	0
Estimated liability for closure costs/maintenance	238,923	0
Net cash used in operating activities	\$ (1,872,206)	\$ (140,802)

The accompanying notes are an integral part of these special-purpose financial statements.

Board of County Commissioners
Leon County, Florida

Statement of Revenues, Expenditures, and Changes in Fund Balance
Budget and Actual - General Fund
Year Ended September 30, 2014

	Budgeted Amounts		Actual	Variance with Final Budget Positive (Negative)
	Original	Final		
Revenues				
Taxes	\$ 43,607,861	\$ 43,607,861	\$ 44,667,067	\$ 1,059,206
Intergovernmental	18,274,263	18,274,263	18,021,519	(252,744)
Charges for services	2,439,325	2,439,325	1,976,249	(463,076)
Interest	752,115	752,115	309,228	(442,887)
Net decrease in fair value of investments	0	0	(7,788)	(7,788)
Miscellaneous	144,163	144,163	326,991	182,828
Total revenues	<u>65,217,727</u>	<u>65,217,727</u>	<u>65,293,266</u>	<u>75,539</u>
Expenditures				
General government	17,723,348	20,801,700	15,812,218	4,989,482
Public safety	2,723,937	2,723,937	2,007,417	716,520
Physical environment	2,418,406	2,418,406	2,252,075	166,331
Economic environment	1,903,396	1,913,396	1,822,015	91,381
Human services	7,757,411	7,924,411	7,293,507	630,904
Culture and recreation	6,695,549	6,695,549	6,419,112	276,437
Judicial	258,550	258,550	1,280,235	(1,021,685)
Total expenditures	<u>39,480,597</u>	<u>42,735,949</u>	<u>36,886,579</u>	<u>5,849,370</u>
Excess of revenues over expenditures	25,737,130	22,481,778	28,406,687	5,924,909
Other financing sources (uses):				
Transfers in	10,610,030	19,847,857	8,520,250	(11,327,607)
Transfers out	(36,347,160)	(42,329,635)	(41,168,853)	1,160,782
Total other financing sources (uses)	<u>(25,737,130)</u>	<u>(22,481,778)</u>	<u>(32,648,603)</u>	<u>(10,166,825)</u>
Net change in fund balance	0	0	(4,241,916)	(4,241,916)
Fund balance at beginning of year	<u>44,005,713</u>	<u>44,005,713</u>	<u>44,005,713</u>	<u>0</u>
Fund balance at end of year	<u>\$ 44,005,713</u>	<u>\$ 44,005,713</u>	<u>\$ 39,763,797</u>	<u>\$ (4,241,916)</u>

The accompanying notes are an integral part of these special-purpose financial statements.

Board of County Commissioners
Leon County, Florida

Statement of Revenues, Expenditures, and Changes in Fund Balance
Budget and Actual - Fine & Forfeiture Fund

Year Ended September 30, 2014

	Budgeted Amounts		Actual	Variance with Final Budget Positive (Negative)
	Original	Final		
Revenues				
Taxes	\$ 64,887,387	\$ 64,887,387	\$ 66,436,317	\$ 1,548,930
Intergovernmental	43,890	43,890	17,038	(26,852)
Charges for services	816,050	816,050	852,658	36,608
Fines and forfeitures	95,000	95,000	110,047	15,047
Interest	253,650	253,650	68,405	(185,245)
Net increase in fair value of investments	0	0	1,103	1,103
Total revenues	<u>66,095,977</u>	<u>66,095,977</u>	<u>67,485,568</u>	<u>1,389,591</u>
Expenditures				
Human services	110,000	150,033	139,392	10,641
Judicial	<u>1,931,570</u>	<u>1,931,570</u>	<u>1,345,718</u>	<u>585,852</u>
Total expenditures	<u>2,041,570</u>	<u>2,081,603</u>	<u>1,485,110</u>	<u>596,493</u>
Excess of revenues over expenditures	<u>64,054,407</u>	<u>64,014,374</u>	<u>66,000,458</u>	<u>1,986,084</u>
Other financing sources (uses):				
Transfers in	0	2,040,033	2,075,210	35,177
Transfers out	<u>(64,054,407)</u>	<u>(66,054,407)</u>	<u>(65,964,407)</u>	<u>90,000</u>
Total other financing sources (uses)	<u>(64,054,407)</u>	<u>(64,014,374)</u>	<u>(63,889,197)</u>	<u>125,177</u>
Net change in fund balance	0	0	2,111,261	2,111,261
Fund balance at beginning of year	<u>1,072,058</u>	<u>1,072,058</u>	<u>1,072,058</u>	<u>0</u>
Fund balance at end of year	<u>\$ 1,072,058</u>	<u>\$ 1,072,058</u>	<u>\$ 3,183,319</u>	<u>\$ 2,111,261</u>

The accompanying notes are an integral part of these special-purpose financial statements.

Board of County Commissioners
Leon County, Florida

Statement of Revenues, Expenditures, and Changes in Fund Balance
Budget and Actual - Grants Fund
Year Ended September 30, 2014

	Budgeted Amounts		Actual	Variance with Final Budget Positive (Negative)
	Original	Final		
Revenues				
Intergovernmental	\$ 355,083	\$ 11,845,798	\$ 3,007,716	\$ (8,838,082)
Charges for services	97,470	323,040	139,060	(183,980)
Interest	0	4,035	10,656	6,621
Net increase in fair value of investments	0	0	314	314
Miscellaneous	0	1,901,553	141,121	(1,760,432)
Total revenues	452,553	14,074,426	3,298,867	(10,775,559)
Expenditures				
General government	0	3,626	2,771	855
Public safety	561,721	2,005,234	694,455	1,310,779
Physical environment	0	4,114,788	1,850,042	2,264,746
Transportation	0	5,707,088	669,171	5,037,917
Economic environment	90,000	713,251	27,793	685,458
Human services	29,457	249,201	147,957	101,244
Culture and recreation	15,000	2,087,483	121,049	1,966,434
Judicial	2,338	39,160	38,662	498
Total expenditures	698,516	14,919,831	3,551,900	11,367,931
(Deficiency) excess of revenue (under) over expenditures	(245,963)	(845,405)	(253,033)	592,372
Other financing sources (uses):				
Transfers in	245,963	845,405	196,431	(648,974)
Transfers out	0	0	(121,155)	(121,155)
Total other financing sources (uses)	245,963	845,405	75,276	(770,129)
Net change in fund balance	0	0	(177,757)	(177,757)
Fund balance at beginning of year	1,735,670	1,735,670	1,735,670	0
Fund balance at end of year	\$ 1,735,670	\$ 1,735,670	\$ 1,557,913	\$ (177,757)

The accompanying notes are an integral part of these special-purpose financial statements.

Board of County Commissioners
Leon County, Florida

Statement of Revenues, Expenditures, and Changes in Fund Balance
Budget and Actual - Fire Rescue Services Fund

Year Ended September 30, 2014

	Budgeted Amounts		Actual	Variance with
	Original	Final		Final Budget
				Positive
				(Negative)
Revenues				
Charges for services	\$ 7,139,672	\$ 7,139,672	\$ 7,188,001	\$ 48,329
Interest	0	0	11,583	11,583
Net decrease in fair value of investments	0	0	(122)	(122)
Total revenues	<u>7,139,672</u>	<u>7,139,672</u>	<u>7,199,462</u>	<u>59,790</u>
Expenditures				
Public safety	7,104,902	7,104,902	6,889,466	215,436
Total expenditures	<u>7,104,902</u>	<u>7,104,902</u>	<u>6,889,466</u>	<u>215,436</u>
Excess of revenues over expenditures	<u>34,770</u>	<u>34,770</u>	<u>309,996</u>	<u>275,226</u>
Other financing uses:				
Transfers out	(34,770)	(34,770)	(33,247)	1,523
Total other financing uses	<u>(34,770)</u>	<u>(34,770)</u>	<u>(33,247)</u>	<u>1,523</u>
Net change in fund balance	0	0	276,749	276,749
Fund balance at beginning of year	584,504	584,504	584,504	0
Fund balance at end of year	<u>\$ 584,504</u>	<u>\$ 584,504</u>	<u>\$ 861,253</u>	<u>\$ 276,749</u>

The accompanying notes are an integral part of these special-purpose financial statements.

Board of County Commissioners
Leon County, Florida

Statement of Revenues, Expenditures, and Changes in Fund Balance
Budget and Actual - Special Assessment Paving Fund

Year Ended September 30, 2014

	Budgeted Amounts		Actual	Variance with Final Budget Positive (Negative)
	Original	Final		
Revenues				
Interest	\$ 130,466	\$ 130,466	\$ 91,525	\$ (38,941)
Net decrease in fair value of investments	0	0	(702)	(702)
Miscellaneous	208,934	208,934	317,490	108,556
Total revenues	<u>339,400</u>	<u>339,400</u>	<u>408,313</u>	<u>68,913</u>
Expenditures				
Public safety	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Excess of revenues over expenditures	<u>339,400</u>	<u>339,400</u>	<u>408,313</u>	<u>68,913</u>
Other financing uses:				
Transfers in	0	1,000,000	0	(1,000,000)
Transfers out	<u>(339,400)</u>	<u>(1,339,400)</u>	<u>(1,338,983)</u>	<u>417</u>
Total other uses	<u>(339,400)</u>	<u>(339,400)</u>	<u>(1,338,983)</u>	<u>(999,583)</u>
Net change in fund balance	0	0	(930,670)	(930,670)
Fund balance at beginning of year	<u>1,191,097</u>	<u>1,191,097</u>	<u>1,191,097</u>	<u>0</u>
Fund balance at end of year	<u>\$ 1,191,097</u>	<u>\$ 1,191,097</u>	<u>\$ 260,427</u>	<u>\$ (930,670)</u>

The accompanying notes are an integral part of these special-purpose financial statements.

Board of County Commissioners
Leon County, Florida
Statement of Fiduciary Assets and Liabilities - Agency Fund
September 30, 2014

Assets

Accounts receivable	\$ 1,508,302
Due from other county units	<u>65,532</u>
Total assets	<u><u>\$ 1,573,834</u></u>

Liabilities

Accounts payable	\$ 494,532
Accrued liabilities	835,647
Due to other funds	<u>243,655</u>
Total liabilities	<u><u>\$ 1,573,834</u></u>

The accompanying notes are an integral part of these special-purpose financial statements.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 1. Accounting Policies

Reporting Entity

Leon County is a political subdivision of the state of Florida and provides services to its residents in many areas, including public safety, transportation, recreation, and human services. It is governed by an elected Board of County Commissioners (seven members). In addition to the members of the Board of County Commissioners, there are five elected Constitutional Officers: Clerk of the Circuit Court, Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections. The Constitutional Officers maintain separate accounting records and budgets. Effective for the 2003 fiscal year, the citizens of Leon County passed a voter referendum to make Leon County a charter county. The charter is a simple charter which allows for the same powers and duties as provided in the Constitution of the State of Florida and *Florida Statutes*. However, in certain instances, the charter either alters or expands the powers of the elected officials via voter referendum. The accounting policies of Leon County, Florida conform to generally accepted accounting principles as applicable to governments. The more significant accounting policies of Leon County Board of County Commissioners (the Board) are described below.

Component Units

The component unit discussed below is included in the Board's reporting entity either because of the significance of the operational relationship or the Board is financially accountable for the component unit. The Board is financially accountable for an organization when the Board appoints a voting majority of the organization's governing body and is able to impose its will on the organization; there is a potential for the organization to provide a financial benefit or impose a financial burden on the Board; or the organization is fiscally dependent on the Board.

Specific criteria used to determine financial accountability are:

- Selection of a voting majority of the governing body.
- Imposition of Will: Ability to remove appointed members at will; ability to approve or modify rate charges affecting revenue; ability to appoint, hire or dismiss management.
- Financial Benefit or Burden Relationship: The Board is legally entitled to or can otherwise access the organization's resources; the Board is legally obligated or has otherwise assumed the obligation to finance the deficits of or provide support to the organization; or the Board is obligated in some manner for the debt of the organization.
- Fiscal Dependency: Ability to approve or modify the organization's budget or rate charges; ability to approve debt issuances and/or tax levies.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 1. Accounting Policies (continued)

Component Units (continued)

Financial statements of component units are included in the financial reporting entity either as a blended component unit or as a discretely presented component unit in accordance with governmental accounting standards. At September 30, 2014, the only component unit of the Board is The Housing Finance Authority of Leon County (the Authority) which is discretely presented in a separate column on the Board's financial statements.

The Authority was created as a Florida public corporation in accordance with the Florida Housing Finance Authority Law, Part IV of Chapter 159, *Florida Statutes* (1979), following the adoption of an approving ordinance (#80-39) by the Board of County Commissioners of Leon County, Florida. The Authority is a Dependent Special District as defined in Section 189.4041, *Florida Statutes*.

The Authority's governing board is appointed by the Board; the budget is approved by the Board; all bonds issued and contracts entered into must be approved by the Board; the Board may, at its sole discretion, and at anytime, alter or change the structure, organization, programs or activities of the Authority, including the power to terminate the Authority; and the Board maintains the books and records of the Authority. This component unit is reported in a separate column to emphasize that it is legally separate from the Board. Separate financial information for the Housing Finance Authority is available at 918 Railroad Avenue, Tallahassee, Florida 32310 (Note 12).

Excluded from the Reporting Entity:

The Leon County Health Facilities Authority, Leon County Research and Development Authority, Leon County Education Facilities Authority, and Community Redevelopment Agency have been established under *Florida Statutes*, Chapter 159, Part V, Chapter 154, Part III, Chapter 243, and Chapter 163, Part III, respectively. Operations of the above authorities are not included in this report because they do not meet the criteria for inclusion in the reporting entity as set forth in GASB Statement No. 39.

Other public entities located within Leon County and not included in the financial statements of the Board include municipalities and the following independent taxing districts authorized and established by the Laws of Florida:

Leon County School Board District
Leon County Health Department
Tallahassee - Leon County Civic Center Authority
Fallschase Special Taxing District
Northwest Florida Water Management District
Piney Z Community Development District

These potential component units have been excluded because they do not meet the criteria for inclusion in the reporting entity.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 1. Accounting Policies (continued)

Basis of Presentation

The special-purpose fund financial statements are fund financial statements that have been prepared in conformity with the accounting principles and reporting guidelines established by the Governmental Accounting Standards Board (GASB) and accounting practices prescribed by the State of Florida, Office of the Auditor General.

Description of Funds

Governmental Major Funds:

The Board reports the following major funds in the governmental fund financial statements:

General Fund – The General Fund is the general operating fund of the Board. This fund is used to account for all financial transactions not required to be accounted for in another fund.

Fine & Forfeiture Fund – This fund was established to account for revenues collected pursuant to the provisions of Section 142.01, *Florida Statutes*. It also accounts for expenditures related to the costs of criminal prosecutions and for the proceeds of certain court fines and costs as well as accounting for ad valorem tax revenues collected and used to support the Sheriff's Department.

Grants Fund – This fund is used to account for the revenues and expenses of federal, state, and local grants awarded to the county. This fund also includes the corresponding county matching funds for the various grants.

Fire Rescue Services Fund – This fund was established to fund enhanced fire protection services in the unincorporated area of Leon County. The revenue source is derived from a fire service fee levied on single-family, commercial, and governmental properties in the unincorporated area of the county. It also assists with funding for volunteer fire departments. By interlocal agreement, the fire rescue and emergency management services are functionally consolidated under the city and county.

Special Assessment Paving – This fund accounts for the repayment of special assessments associated with the county's paving program. Repayments are collected as a non-ad valorem special assessment on the annual tax bill. The revenues are repaying the county for the costs to construct the paving projects.

Capital Improvement Fund – This fund is used to account for the acquisition or construction of major non-transportation related capital facilities and/or projects other than those financed by proprietary funds.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 1. Accounting Policies (continued)

Description of Funds (continued)

Proprietary Major Fund:

Landfill Fund – The Landfill Fund accounts for the revenues, expenses, assets and liabilities associated with the County landfill and transfer station.

Other Fund Types:

Internal Service Funds – These funds account for goods or services provided by various departments to other departments of the Board on a cost-reimbursement basis.

Agency Funds – These funds account for assets held by the Board as an agent for individuals, private organizations, and/or other governmental units. These are custodial in nature (assets equal liabilities) and do not involve measurement of results of operations.

Basis of Accounting

Basis of accounting refers to when revenues and expenditures or expenses are recognized in the accounts and reported in the fund financial statements and relates to the timing of the measurements made.

The accompanying special-purpose financial statements have been prepared using the current financial resources measurement focus and the modified accrual basis of accounting for all Governmental Funds. Accordingly, revenues are recognized when measurable and available to pay liabilities of the current period and expenditures are generally recorded when the liability is incurred and/or will be paid from expendable available financial resources.

The Board considers receivables collected within 60 days after year-end to be available and susceptible to accrual as revenues of the current year. The following revenues are considered to be susceptible to accrual: taxes, charges for services, interest, state revenue sharing, federal forestry revenue, insurance agents' revenue, various other gas taxes, gas tax pourover trust, federal and state grants, planning and zoning revenue, municipal service franchise fees, and special assessments.

Expenditures are generally recorded when the related fund liability is incurred. An exception to this general rule is principal and interest on general long-term debt which is recorded when due.

The financial statements of the Proprietary Funds and Fiduciary Funds (Agency Funds) are prepared on the economic resources measurement focus and the accrual basis of accounting. Their revenues are recognized when earned and their expenses are recognized when incurred. Proprietary fund operating revenues, such as charges for services, result from exchange transactions associated with the principal activity of the fund.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 1. Accounting Policies (continued)

Basis of Accounting (continued)

Exchange transactions are those in which each party receives and gives up essentially equal values. Nonoperating revenues, such as subsidies, taxes, and investment earnings, result from nonexchange transactions or ancillary activities.

Budgets and Budgetary Accounting

Florida Statutes, Section 129.01 (2) (b), requires that "...the receipts division of the budget shall include ninety-five percent of all receipts reasonably expected to be anticipated from all sources, including taxes to be levied, and one hundred percent of the amount of the balances, both of cash and liquid securities, estimated to be brought forward at the beginning of the fiscal year." The Board has complied with the provisions of the above *Florida Statutes*.

Annual budgets for the governmental fund types and the Housing Finance Authority of Leon County are adopted on a basis consistent with accounting principles generally accepted in the United States of America. Budgets are not adopted for the fiduciary funds. The legal level of budgetary control is at the fund level; however, budgets are monitored at varying levels of detail.

All annual appropriations lapse at fiscal year end, although the Board expects to honor purchase orders and contracts in process, subject to authority provided in the subsequent year's budget.

The budget information, as amended, presented in the financial statements was prepared on the modified accrual basis of accounting. All Board authorized amendments to the applicable budget originally approved have been incorporated into the data reflected in the special-purpose financial statements. The Board made several supplemental budgetary appropriations throughout the year.

The Board uses the following procedures in establishing the budgetary data reflected in the financial statements:

1. On or before May 1 of each year, the designated budget officer submits to the Board a tentative budget for the ensuing fiscal year. The tentative budget includes proposed expenditures and funding sources.
2. The Board requires such changes to be made as it shall deem necessary, provided the budget remains in balance and subject to the notice and hearing requirements of Section 200.065, *Florida Statutes* and the budget preparation and adoption procedures, as defined in Section 129.03, *Florida Statutes*. The legal level of budgetary control is at the fund level.
3. Public hearings are held pursuant to Section 200.065, *Florida Statutes* in order for the Board to adopt the tentative and final budgets.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 1. Accounting Policies (continued)

Budgets and Budgetary Accounting (continued)

4. Prior to October 1, the budget is legally enacted through passage of a resolution.
5. All changes to the final budget must be approved by the Board in accordance with Section 129.06, *Florida Statutes*.
6. Formal budgetary integration is used as a management control device during the year for all governmental funds of the Board.
7. Budgets for the governmental fund types are adopted on a basis consistent with accounting principles generally accepted in the United States of America.

Applicable budgets of Constitutional Officers are controlled by appropriations in accordance with budgetary requirements set forth in the *Florida Statutes*.

Cash and Investments

Cash includes amounts in demand deposits. The Board's investments consist of U.S. Government obligations, money market funds, municipal bonds, and commercial paper of prime quality and are reported at fair value.

In accordance with the provisions of GASB Statement No. 31, *Accounting and Financial Reporting for Certain Investments and for External Investment Pools*, investments of the Board are reported at amortized cost, which approximates fair value.

During the 2013-2014 fiscal year, the Board invested in four different investment pools: the Special Purpose Investment Account (SPIA) within the Florida Treasury Investment Pool (the Pool) administered by the Florida Department of Financial Services, as authorized by Section 17.61(1), *Florida Statutes*; The Florida Local Government Investment Trust (FLGIT), a local government investment pool developed through the joint efforts of the Florida Association of Court Clerks (FACC) and the Florida Association of Counties (FAC); The Florida Municipal Investment Trust (FMIVT), administered by the Florida League of Cities, Inc. The FMIVT is an Authorized Investment under Section 163.01, *Florida Statutes*; and the Local Government Surplus Funds Trust Fund (LGSF), administered by the Florida State Board of Administration (SBA) as authorized by Section 218.415 (17), *Florida Statutes*.

The Board liquidates and reallocates investments throughout the year depending on whether the external pools authorized by *Florida Statutes* or the interest bearing accounts with approved public depositories provide the most favorable interest rates.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 1. Accounting Policies (continued)

Receivables

Receivables are shown net of an allowance for uncollectibles. The emergency medical services allowance is equal to 64% of outstanding charges at September 30, 2014.

Short-Term Interfund Receivables/Payables

During the course of operations, numerous transactions occur between individual funds for services rendered or goods provided resulting in receivables and payables that are classified as “due from other funds” or “due to other funds” on the balance sheet.

Inventories

Inventories in the General Fund and Internal Service Funds consist of expendable office supplies. The office supplies are valued at the average unit cost and are accounted for under the consumption method whereby the cost is recorded as an expenditure at the time of issuance to the user department.

Restricted Assets

Investments that are held in escrow in accordance with the Florida Administrative Code requirement for landfill closure and post-closure costs are shown as restricted in the Enterprise Fund.

Capital Assets

Capital assets purchased in the governmental fund types are recorded as expenditures (capital outlay) at the time of purchase. Such assets are reported as capital assets in the Statement of Net Position as part of the county-wide basic financial statements. The Board does not record depreciation of these assets on its governmental fund financial statements, although depreciation is recorded for such assets in the county-wide financial statements. Donated assets are recorded at fair market value at the date of donation. Accounting policies for capitalization and depreciation of infrastructure assets including roads, bridges, curbs, gutters, and sidewalks are described in the county-wide financial statements. A summary of capital assets purchased by the Board’s governmental funds is provided in Note 4.

Fixed Assets

Fixed assets acquired in the Proprietary Funds are capitalized at cost. Gifts or contributions are recorded at fair market value at the time received. Depreciation on property and equipment in the Proprietary Funds is computed using the straight-line method over the estimated useful lives. The Board follows the policy of capitalizing interest as a component of the cost of proprietary fund type fixed assets constructed for its own use.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 1. Accounting Policies (continued)

Fixed Assets (continued)

The general fixed assets used in the operations of the Board, Property Appraiser, Tax Collector, Clerk of the Circuit Court, and Supervisor of Elections, and the real property used by the Sheriff are accounted for by the Board, as the Board holds legal title and is accountable for them under Florida law.

Liability for Compensated Absences

The Board accrues a liability for employees' rights to receive compensation for future absences when certain conditions are met. The Board does not, nor is it legally required to accumulate expendable available financial resources to liquidate this obligation. Accordingly, the liability for the compensated absences is not reported in the governmental funds. However, the current and long-term portion of the liability for compensated absences is reported on the county-wide Statement of Net Position for Leon County, Florida.

Other Postemployment Benefits

The Board, through Leon County, offers retiree medical and life insurance benefits for qualifying Board employees that have retired from a Florida Retirement System (FRS) pension plan.

Executive Service Plan

Executive service and senior management employees of the Board are entitled to severance pay if terminated from employment. If there is a contract or employment agreement, severance pay may not exceed an amount greater than twenty weeks of compensation. If there is no contract, severance pay is limited to six weeks.

Net Position and Fund Balances

Net Position is the difference between fund assets and liabilities on the government-wide, proprietary, and fiduciary fund statements. Fund Balance is the difference between assets and liabilities on the governmental fund statement. There are five classifications of fund balance for governmental funds.

Nonspendable Fund Balance - Balances are comprised of funds that cannot be spent because they are either not spendable form or are legally or contractually required to be maintained intact.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 1. Accounting Policies (continued)

Net Position and Fund Balances (continued)

Restricted Fund Balance - Balances are comprised of funds that have legally enforceable constraints placed on their use or those funds that have externally-imposed restrictions by resource providers or creditors, grantors, contributors, voters, or interlocal agreement, or enabling legislation.

Committed Fund Balance - Balances are comprised of unrestricted funds used for specific purposes pursuant to constraints imposed by formal action such as ordinances, resolutions, or legislation of Leon County and that remain binding unless removed by a majority vote of the Board of County Commissioners.

Assigned Fund Balance - Balances are comprised of unrestricted funds informally constrained by a majority vote of the Board of County Commissioners, or by a designated county officer, in a manner that reflects the County's use of those resources such as appropriations of fund balance at year end or at the beginning of the new fiscal year.

Unassigned Fund Balance - Balances are comprised of the residual of the unrestricted funds in the General Fund and are not nonspendable, restricted, committed, or assigned. Other fund types can only report a negative unassigned residual amount.

The County's policy is that available resources will be spent in the following order: restricted, committed, assigned, and unassigned.

Common Expenses

Certain expenses that are common to the Board and all Constitutional Officers are reported as expenditures of the Board and, therefore, are not budgeted by or allocated to the other Constitutional Officers. These are:

- Occupancy costs
- Property insurance
- Utilities (except telephone), and
- Janitorial service

Operating Transfers

The Board funds a portion or, in certain instances, all of the operating budgets of the County's Constitutional Officers. The payments by the Board to fund the operations of the Constitutional Officers are recorded as operating transfers out on the financial statements of the Board and as operating transfers in on the financial statements of the Constitutional Officers. Repayments to the Board are recorded as operating transfers out on the financial statements of the Constitutional Officers and as operating transfers in on the financial statements of the Board.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 1. Accounting Policies (continued)

Use of Estimates

The preparation of the special-purpose financial statements is in conformity with accounting practices prescribed by the State of Florida, Office of the Auditor General, and requires management to make use of estimates that affect the reported amounts in the special-purpose financial statements. Actual results could differ from estimates.

Note 2. Property Taxes

Under Florida Law, the assessment of all properties and the collection of all county, municipal, special taxing districts, and school board property taxes are consolidated in the offices of the County Property Appraiser and County Tax Collector. The laws of Florida regulating tax assessments are also designed to assure a consistent property valuation method statewide. State statutes permit counties to levy property taxes at a rate of up to 10 mills. The tax levy of Leon County is established by the Board prior to October 1 of each year. The millage rate collected by the Board during the current fiscal year was 8.314 mills. County citizens were also assessed for emergency medical services through a Municipal Services Taxing Unit at a millage rate of 0.5000 mills. For County citizens charged a special assessment, the required annual payment is included on their tax bill.

All property is reassessed according to its fair market value as of January 1 of each year. Each assessment roll is submitted to the Executive Director of the State Department of Revenue for review to determine if the rolls meet all of the appropriate requirements of *Florida Statutes*.

All taxes are due and payable on November 1 of each year, or as soon thereafter as the assessment roll is certified and delivered to the Tax Collector. All unpaid taxes become delinquent on April 1 following the year in which they are assessed. Discounts are allowed for early payment at the rate of 4% in the month of November, 3% in the month of December, 2% in the month of January, and 1% in the month of February. The taxes paid in March are without discount. No accrual for the property tax levy becoming due in September 30, 2014 is included in the accompanying financial statements, since such taxes are collected to finance expenditures of the subsequent period.

On or prior to June 1, following the tax year, tax certificates are sold for all delinquent taxes on real property in accordance with the laws of Florida. After sale, tax certificates bear interest of 18% per year or at any lower rate bid by the buyer. Application for a tax deed on any unredeemed tax certificates may be made by the certificate holder after a period of two years.

Delinquent taxes on personal property bear interest at 18% per year until the tax is satisfied either by seizure and sale of the property or by the seven-year statute of limitations. Since tax certificates were sold for substantially all current year delinquent property taxes, there were no material property taxes receivable at September 30, 2014.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 3. Cash and Investments

As of September 30, 2014, the value of the Board's deposits and investments, with their respective credit ratings, was as follows:

	<u>Fair Value</u>	<u>Credit Rating</u>	<u>Duration</u>
Deposits in Qualified Public Depositories	\$ 26,946,213	N/A	N/A
External Investment in Government Pools:			
Florida State Treasury Special Purpose Investment Account (SPIA)	8,139,693	A+f	2.57
Florida Local Government Investment Trust Government Fund (FLGIT)	10,635,363	AAAf	1.54
Florida Municipal Investment Trust (FMIvT) 1-3 Year High Quality Bond Fund	7,699,992	AAA/V2	1.42
Florida Municipal Investment Trust (FMIvT) 0-2 Year High Quality Bond Fund	49,938	AAAf/V1	0.71
Florida PRIME Investment Pool	19,820,881	AAAm	0.12
Fidelity Money Market	6,000,608	AAAm	N/A
Externally Managed Portfolio:			
Money Market	187,413	AAA	0.00
U.S. Treasuries	29,394,618	AA+	1.95
Government Sponsored Agencies:			
Fannie Mae	6,730,494	AA+	1.70
Other Government Sponsored Agencies	10,099,084	AA+	1.41
Temporary Liquidity Guarantee	470,765	AA+	0.69
Collateralized Mortgage Obligations	1,006,434	AA+	1.15
Commercial Paper	236,404	AA+	3.70
Corporate Bonds	6,134,340	AA	1.47
Corporate Bonds	12,354,121	A	1.20
Municipal Bonds	2,923,628	AAA	2.05
Municipal Bonds	1,151,507	AA	1.90
Municipal Bonds	501,070	A	1.38
Asset-backed Securities	6,244,906	AAA	0.73
Total Cash and Investments	<u>\$ 156,727,472</u>		

The amounts above exclude cash on hand and amounts held by third parties in trust for the Board, but includes accrued interest of \$145,442.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 3. Cash and Investments (continued)

Credit Risk

The County Investment Policy provides a structure for the portfolio that is designed to minimize credit risk. The majority of the securities held will be those of the highest available credit quality ratings. Staff will notify the Investment Oversight Committee (IOC) at any time holdings drop below the minimum credit ratings specified in the policy. The IOC will consider the market environment and make recommendations to hold and continue to monitor the investments or liquidate the investments. To further limit the County's risk against possible credit losses, a maximum of 3% of the total portfolio managed by the County's external manager may be held at any one time in all securities of any corporate entity, inclusive of commercial paper, medium term notes, or corporate notes and bonds. The Policy provides that 45% of the external portfolio may be invested in Federal instrumentalities, with a limit of 15% of the portfolio in any one issuer.

Section 218.415(16), *Florida Statutes*, stipulates the state-approved investment policy for all governmental entities and includes the following investments:

1. The Local Government Surplus Funds Trust Fund or any authorized intergovernmental investment pool.
2. Securities and Exchange Commission (SEC) registered money market funds with the highest credit quality rating from a nationally recognized rating agency.
3. Interest-bearing time deposits or savings accounts in qualified public depositories.
4. Direct obligations of the U.S. Treasury.
5. Federal agencies and instrumentalities.
6. Securities of, or other interests in, any management type investment company or trust registered under the Investment Company Act of 1940, where the investment portfolio is limited to United States Government Obligations.
7. Other investments authorized by law or by ordinance for a county or a municipality.

In addition, Section 17.61(1), *Florida Statutes* permits organizations created by the Florida Constitution to participate in the existing State Treasury Investment Pool "Special Purpose Investment Account (SPIA)."

The County's Investment Policy limits credit risk by restricting authorized investments to the following: Local Government Surplus Funds Trust Fund, State of Florida Special Purpose Investment Account, direct obligations of the United States or its agencies and instrumentalities, direct obligations of states and municipalities, repurchase agreements, commercial paper, bankers' acceptances, money market mutual funds, the Florida Local Government Investment Trust (FLGIT), and the Florida Municipal Investment Trust (FMIVT).

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 3. Cash and Investments (continued)

Credit Risk (continued)

The Chief Financial Officer for the State of Florida (formerly the State Treasurer) has been investing state revenues, excess revenues of state universities and community colleges and certain other public agencies in a commingled investment portfolio for several years. This program is authorized under Section 17.61(1), *Florida Statutes* and is called the Treasury Special Purpose Investment Account (SPIA).

Historically, SPIA participants have received higher earnings reflecting the higher risk associated with the longer maturities and lower credit quality. The financial details and disclosures for the Treasury Investment Pool are made in Note 2 to the State of Florida Comprehensive Annual Financial Report (CAFR). The Florida Treasury Investment Pool is rated by Standard and Poor's. The rating as of September 30, 2014 was A+f. Investments in this pool are limited to a maximum of 50% of the portfolio. A copy of SPIA's most recent financial statements can be found at http://www.fltreasury.org/fs_01.html.

The FLGIT is a local government investment pool created by the Florida Association of Court Clerks and Controllers, and the Florida Association of Counties for the purpose of providing public entities with an investment program that focuses on longer term securities with the highest credit ratings. The effective maturity of the underlying investments is five years or less. At year end, the FLGIT was invested in treasury notes, corporates, asset-backed securities, and Federal agency obligations. This investment type is subject to some market risk due to fluctuating prices and liquidity risk due to advance redemption notification requirements. However, it has a professional investment advisor and an investment advisory board, and provides diversity in the Fund's portfolio. The FLGIT maintains a credit rating of AA+ by Standard & Poor's. Investments in this pool are limited to a maximum of 15% of the portfolio. A copy of FLGIT's most recent financial statements can be found at <http://www.floridatrufonline.com/about>

The FMIVT is a similar investment pool operated by the Florida League of Cities. Its rating, investment parameters, and liquidity generally mirror those of the FLGIT. The 1 to 3 Year High Quality Bond Fund is designed to provide an investment pool alternative to those Members that have excess funds and that have an investment horizon greater than that of money market instruments. The investment objective is: 1) to preserve capital; 2) achieve a total rate of return that exceeds the return of T-Bills by 1% per year over rolling three-year periods; and 3) exceed the return of the Merrill Lynch One-to-Three-year Government Index over three-year periods. The Portfolio will generally invest in securities with greater potential returns and risk than those offered by money market type instruments. Due to the fact that the Portfolio will be investing in securities with an average maturity of approximately two years, increases in interest rates will cause declines in the net asset value of the Portfolio. Therefore, the Portfolio may be an inappropriate investment for funds required to meet short-term needs. The portfolio is managed by Atlanta Capital Management and maintains a AAA/V2 rating from Fitch. Investments in this pool are limited to a maximum of 15% of the portfolio.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 3. Cash and Investments (continued)

Credit Risk (continued)

The FMIvT 0 to 2 Year High Quality Bond Fund is also operated by the Florida League of Cities. This Fund, which was established in April 2009, invests in government and high quality securities while maintaining an average maturity of approximately one year. The performance of the portfolio is measured against the Merrill Lynch One Year Treasury Note Index. The portfolio is managed by Atlanta Capital Management and maintains a AAA/V1 rating from Fitch. Investments in this pool are limited to a maximum of 15% of the portfolio. A copy of FMIvT's most recent financial statements can be found at <http://www.floridaleagueofcities.com/Default.aspx>.

The Florida PRIME is an external investment pool that is administered by the Florida State Board of Administration (SBA). Florida PRIME is not a registrant with the SEC; however, the SBA has adopted operating procedures consistent with the requirements for the SEC Rule 2a-7 fund. Florida PRIME is governed by Chapter 19-7 of the Florida Administrative Code, which identifies the Rules of the SBA. These rules provide guidance and establish the general operating procedures for the administration of Florida PRIME. Additionally, the State of Florida, Office of the Auditor General performs the operational audit of the activities and investments of the SBA. Throughout the year and as of September 30, 2014, Florida PRIME contained certain floating rate and adjustable rate securities that were indexed based on the prime rate and/or one and three-month LIBOR rates. These floating rate and adjustable rate securities are used to hedge against interest risk and provide diversification to the portfolio. Investments in this pool are limited to a maximum of 50% of the portfolio. The current rating for the Florida PRIME is AAAM by Standard and Poors. A copy of Florida PRIME's most recent financial statements can be found at <http://www.sbafla.com/prime/Audits/tabid/582/Default.aspx>.

Custodial Credit Risk

Custodial credit risk is the risk that, in the event of a bank failure or the failure of the counterparty, the government's deposits may not be returned to it, or may not be able to recover the value of its investments that are in the possession of an outside party.

Qualified public depositories of public funds are required to provide collateral each month pursuant to Section 280.04, *Florida Statutes*. The collateral is held by the Florida Division of Treasury or other custodian with full legal rights maintained by the Florida Division of Treasury to transfer ownership. Any loss not covered by the pledged securities and deposit insurance would be assessed by the Florida Division of Treasury and paid by the other public depositories. The County's deposits are therefore considered fully insured or collateralized. Bank balances at September 30, 2014, were \$28,745,966.

Due to the nature of the County's cash and investments, management believes there is no exposure to custodial credit risk and concentration of credit risk.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 3. Cash and Investments (continued)

Interest Rate Risk

Interest rate risk is the risk that changes in interest rates will adversely affect the fair market value of investments. The county manages interest rate risk by setting the range of duration for the county's portfolio as 0.5 years to 2.5 years, with a five-year average of 1.5 years. The effective duration of investments is listed in the preceding table.

The externally managed portfolio totaled \$77,434,784 at September 30, 2014, and was invested for a weighted average term of 764 days. The County requires a minimum balance of short term investments. The portfolio shall maintain in liquid investments (defined as repurchase agreements purchased under the terms of the County's depository contract, open repurchase agreements, negotiable certificates of deposit, banker's acceptance, commercial paper, U.S. Treasury direct and agency obligations, money market funds, all having a maturity of 90 days or less, and SPIA) a minimum balance equal to one-twelfth of the current fiscal year's budgeted operating expenditures. The Board was in compliance with this requirement.

Foreign Currency Risk

The County contributes to the Florida Retirement System (FRS), the investments of which are administered by the State Board of Administration. The FRS's investment policy and exposure to foreign currency risk is disclosed in Note 2 of the State of Florida Comprehensive Annual Financial Report. A copy of this report is available at http://www.myfloridacfo.com/aadir/statewide_financial_reporting/index.htm.

Note 4. Fixed Assets

A summary of changes in fixed assets and depreciation for the year ended September 30, 2014, follows:

	<u>Beginning Balance</u>	<u>Additions</u>	<u>(Reductions)</u>	<u>Ending Balance</u>
Governmental activities:				
Land	\$ 20,546,716	\$ 344,594	\$ 0	\$ 20,891,310
Improvements other than buildings	21,247,223	263,271	0	21,510,494
Buildings and improvements	177,351,520	39,383,599	(7,956)	216,727,163
Equipment	54,917,901	4,887,102	(2,209,474)	57,595,529
Construction in progress	46,418,903	7,953,640	(19,282,941)	35,089,602
Totals at historical cost	<u>\$ 320,482,263</u>	<u>\$ 52,832,206</u>	<u>\$(21,500,371)</u>	<u>\$ 351,814,098</u>

Depreciation on capital assets used in governmental activities is recorded in the county-wide financial statements of Leon County.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 4. Fixed Assets (continued)

	<u>Beginning Balance</u>	<u>Additions</u>	<u>(Reductions)</u>	<u>Ending Balance</u>
Business type activities:				
Land	\$ 1,809,844	\$ 0	\$ 0	\$ 1,809,844
Buildings, improvements, and construction in progress	20,461,096	209,645	(135,843)	20,534,898
Equipment	5,482,402	173,509	(164,390)	5,491,521
Totals at historical cost	<u>27,753,342</u>	<u>383,154</u>	<u>(300,233)</u>	<u>27,836,263</u>
Less accumulated depreciation for:				
Buildings and improvements	(11,446,428)	(632,175)	0	(12,078,603)
Equipment	(2,823,641)	(370,094)	96,647	(3,097,088)
Total accumulated depreciation	<u>(14,270,069)</u>	<u>(1,002,269)</u>	<u>96,647</u>	<u>(15,175,691)</u>
	<u>\$ 13,483,273</u>	<u>\$ (619,115)</u>	<u>\$ (203,586)</u>	<u>\$ 12,660,572</u>

Note 5. Long-Term Debt

A. A summary of changes in the long-term debt of the Board follows:

	<u>Balance October 1, 2013</u>	<u>Additions</u>	<u>(Reductions)</u>	<u>Balance September 30, 2014</u>	<u>Due Within One Year</u>
Long-Term Debt					
Special revenue debt:					
Capital Improvement Revenue Bonds, Series 2012A	\$ 8,267,000	\$ 0	\$ 0	\$ 8,267,000	\$ 0
Taxable Capital Improvement Revenue Bonds, Series 2012B	12,837,000	0	(158,000)	12,679,000	162,000
Capital Improvement Revenue Refunding Bonds, Series 2005	41,415,000	0	(21,375,000)	20,040,000	6,390,000
Capital Improvement Revenue Refunding Bonds, Series 2014	<u>0</u>	<u>16,200,000</u>	<u>0</u>	<u>16,200,000</u>	<u>0</u>
Total special revenue debt	<u>62,519,000</u>	<u>16,200,000</u>	<u>(21,533,000)</u>	<u>57,186,000</u>	<u>6,552,000</u>

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 5. Long-Term Debt (continued)

	<u>Balance October 1, 2013</u>	<u>Additions</u>	<u>(Reductions)</u>	<u>Balance September 30, 2014</u>	<u>Due Within One Year</u>
Note payable	2,102,044	0	(406,251)	1,695,793	421,605
Liability for compensated absences	4,309,887	2,418,573	(1,353,952)	5,374,508	1,586,085
Other postemployment benefits	2,307,061	546,670	(94,376)	2,759,355	452,294
Arbitrage rebate liability	25,000	0	0	25,000	0
	<u>\$ 71,262,992</u>	<u>\$19,165,243</u>	<u>\$(23,387,579)</u>	<u>\$ 67,040,656</u>	<u>\$ 9,011,984</u>

Total interest costs incurred for general long-term debt by the Board, including bond issuance costs, for the year ended September 30, 2014, was 2,299,417.

B. A summary of each special revenue debt obligation outstanding at September 30, 2014 is as follows:

	<u>Outstanding at September 30, 2014</u>
\$8,267,000, Capital Improvement Revenue Bonds, Series 2012A, (i) to refund the County's Capital Improvement Revenue Bonds, Series 2003A of which \$7,965,000 was outstanding and maturing in the years 2018 through 2020, and (ii) to pay a portion of the costs of the acquisition of the Bank of America Building, and (iii) the construction of improvements to the Bank of America Building, and (iv) to finance improvements to the County's courthouse and parking garage. The economic gain resulting from the refunding was \$1,279,488. The bonds dated December 20, 2012, bear interest of 1.65% per annum. The interest on the bonds is payable on April 1 and October 1, beginning April 1, 2013. The bond principal matures serially on October 1 of each year for two years beginning October 1, 2019.	\$ 8,267,000
\$12,956,000, Taxable Capital Improvement Revenue Bonds, Series 2012B, to, (i) refund the Capital Improvement Revenue Bonds, Series 2003B of which \$12,465,000 was currently outstanding and maturing in the years 2018 through 2019, and (ii) pay a portion of the costs of the acquisition of the Bank of America Building, and (iii) pay capitalized interest and issuance costs on the Series 2012B bonds, and (iii) pay bond issuance costs. The economic gain resulting from the refunding was \$1,405,034. The bonds dated December 20, 2012 and bear interest of 2.22% per annum. The interest on the bonds is payable on April 1 and October 1, beginning April 1, 2013. The bond principal matures serially on October 1 of each year through the final maturity of October 1, 2019.	12,679,000

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 5. Long-Term Debt (continued)

**Outstanding at
September 30,
2014**

\$54,695,000, Capital Improvement Revenue Refunding Bonds, Series 2005, (i) to finance a portion of the cost of the Series 2005 Project, (ii) to refund the County's Capital Improvement Revenue Bonds, Series 1997, maturing in the years 2008 through 2017, (iii) to refund the County's Capital Improvement Revenue Bonds, Series 1998A, maturing in the years 2014 through 2017, (iv) to refund the County's Capital Improvement Revenue Bonds, Series 1999, maturing in the years 2010 through 2017, (v) to pay capitalized interest on a portion of the Series 2005 Bonds, and (vi) to pay the costs of issuance of the 2005 Bonds, including the premiums in respect of a financial guaranty insurance policy and the surety bond to be deposited into the Reserve Fund. The bonds dated March 30, 2005, are in denominations of \$5,000 each and bear interest from 3% to 5% per annum. The interest on the bonds is payable on April 1, and October 1, beginning October 1, 2006. The bond principal matures serially on October 1 of each year beginning October 1, 2006.

20,040,000

\$16,200,000 Capital Improvement Revenue Refunding Bonds, Series 2014, (i) refund a portion of the Capital Improvement Revenue Bonds, Series 2005 of which \$41,415,000 was currently outstanding and maturing in the years 2021 through 2025, and (ii) pay issuance costs on the Series 2014 bonds. The economic gain resulting from the refunding was \$1,695,208. The bonds dated July 23, 2014 and bear interest of 2.69% per annum. The interest on the bonds is payable on April 1 and October 1, beginning October 1, 2014. The bond principal matures serially on October 1 of each year through the final maturity of October 1, 2025.

16,200,000

The Capital Improvement Revenue Bonds, Series 2012A, the Capital Improvement Refunding Revenue Bonds, Series 2005, and Taxable Capital Improvement Revenue Bonds, Series 2012B are parity bonds payable from and secured by a lien upon certain non-ad valorem revenue. The pledged revenues include the Local Government Half-Cent Sales Tax, Guaranteed Entitlement, Second Guaranteed Entitlement, and additional State Reserve Sharing Funds (less the Guaranteed Entitlement and the Second Guaranteed Entitlement).

Total Special Revenue Debt

\$ 57,186,000

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 5. Long-Term Debt (continued)

The Board's note payable at September 30, 2014 is as follows:

**Outstanding at
September 30,
2014**

SunTrust Equipment Finance & Leasing Corp

On November 18, 2005, the Board borrowed \$4,466,238, (including \$3,986,522 tax exempt, and \$479,686 taxable), under provision of Section 489.145 Florida Statutes. Interest rates are 3.74% and 5.85% for the tax exempt and taxable portion, respectively. The proceeds were used to purchase energy savings equipment. The taxable portion matured on May 18, 2008, and the tax-exempt portion matures on May 18, 2018.

\$ 1,695,793

C. A Schedule of Debt Service Requirements, including principal and interest, is as follows:

	<u>Year ending September 30,</u>				
	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Capital Improvement Revenue Refunding Bonds, Series 2005	\$ 7,246,550	\$ 7,240,950	\$ 7,243,350	\$ 0	\$ 0
Capital Improvement Revenue Bonds, Series 2012A	136,406	136,406	136,406	136,406	1,441,406
Taxable Capital Improvement Revenue Bonds, Series 2012B	443,474	443,877	443,192	6,938,440	5,636,412
Capital Improvement Revenue Refunding Bonds, Series 2014	558,780	558,471	559,082	558,585	559,007
Note payable	484,514	484,514	484,514	484,512	0
Total Debt Service	<u>\$ 8,869,724</u>	<u>\$ 8,864,218</u>	<u>\$ 8,866,544</u>	<u>\$ 8,117,943</u>	<u>\$ 7,636,825</u>
	<u>2020-2024</u>	<u>2025-2027</u>	<u>Total Payments</u>	<u>Less Interest</u>	<u>Principal</u>
Capital Improvement Revenue Refunding Bonds, Series 2005	\$ 0	\$ 0	\$ 21,730,850	\$ 1,690,850	\$ 20,040,000
Capital Improvement Revenue Bonds, Series 2012A	7,076,871	0	9,063,901	796,901	8,267,000
Taxable Capital Improvement Revenue Bonds, Series 2012B	0	0	13,905,395	1,226,395	12,679,000
Capital Improvement Revenue Refunding Bonds, Series 2014	13,899,730	3,335,372	20,029,027	3,829,027	16,200,000
Note payable	0	0	1,938,054	242,261	1,695,793
Total Debt Service	<u>\$ 20,976,601</u>	<u>\$ 3,335,372</u>	<u>\$ 66,667,227</u>	<u>\$ 7,785,434</u>	<u>\$ 58,881,793</u>

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 6. Employees' Retirement Plan

All full-time employees of the Board are eligible to participate in the Florida Retirement System (FRS). The FRS includes various plans and programs, including a defined benefit pension plan (Pension Plan), which is primarily a cost-sharing, multiple-employer defined benefit public-employee pension plan. Information as to benefits, contribution rates, and vesting requirements by membership category is provided in the county-wide financial statements of Leon County, Florida. Contributions and benefits are established in Section 121.71, *Florida Statutes*.

Participating employer contributions are based upon actuarially determined blended rates established by the State Legislature that are expressed as percentages of annual covered payroll and are adequate to accumulate sufficient assets to pay benefits when due. Prior to July 1, 2011, the FRS was employee noncontributory. Beginning July 1, 2011, employees who are not participating in the Deferred Retirement Option Plan are required to contribute 3% of their salary to the FRS.

The Board also participates in the Retiree Health Insurance Subsidy (HIS) Program, a cost-sharing, multiple-employer defined benefit pension plan established under Section 112.363, *Florida Statutes*. The benefit is a monthly cash payment to assist retirees of state-administered retirement systems in paying their health insurance costs. Additional information regarding benefits is provided in the county-wide financial statements of Leon County, Florida.

The HIS Program is funded by required contributions from FRS participating employers as set by the State Legislature. Employer contributions are a percentage of gross compensation for all active FRS employees and are reported by employers with monthly payroll reports and included with the amount submitted for retirement contributions. For the fiscal year ended September 30, 2014, the contribution rate was 1.26% of payroll pursuant to Section 112.363, *Florida Statutes*.

The total employer retirement contributions for the fiscal years ended September 30, 2014, 2013, and 2012 were \$3,527,043, \$2,540,719, and \$2,106,821, respectively, which is equal to the required contribution for each year.

The Pension Plan and the HIS Program are administered by the State of Florida Department of Management Services, Division of Retirement. The Division of Retirement issues a publicly available FRS Annual Report that includes financial statements and required supplementary information for the Pension Plan and HIS Program. That report may be obtained by writing to the Division of Retirement, P.O. Box 9000, Tallahassee, Florida 32315-9000, or by calling 850-488-5706.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 7. Other Postemployment Benefits

Plan Description

The Board participates in an agent multiple-employer plan administered by Leon County, Florida (the County) under which qualified retired employees are permitted to participate in the health and life insurance benefits program (the Program). The health insurance benefits portion of the Program is considered by the County's insurance provider to be community-rated and the Program may be amended by the Board. A stand alone financial report is not issued for the Program.

Funding Policy

Retired employees and their spouses for their lifetime are eligible for continuation of the benefits offered to active employees and are responsible for paying the required premium contributions.

Annual OPEB Cost and Net OPEB Obligation

As described in Note 1, the Board consists of elected Constitutional Officers of the County. The annual Other Postemployment Benefit (OPEB) obligation of Constitutional Officers is recognized in the county-wide financial statements of the County and the obligation associated with each Constitutional Officer is disclosed within the notes of their respective financial statements. The County's OPEB obligation is calculated based on the annual required contribution (ARC) of the employer, an amount actuarially determined in accordance with the guidance provided by Governmental Accounting Standards Number 45, "Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions." The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover normal cost each year and to amortize any unfunded actuarial liabilities (or funding excess) over a period not to exceed 30 years. The following table shows the Board's share of the County's annual OPEB cost, its actual contributions and changes in the Board's share of the County's net OPEB obligation:

Normal cost (service cost for one year)	\$ 273,658
Amortization of unfunded actuarial accrued liability	251,986
Interest on normal cost and amortization	<u>21,026</u>
Annual required contribution	546,670
Interest on net OPEB obligation	92,282
Adjustment to annual required contribution	<u>(128,286)</u>
Annual OPEB cost	510,666
Contributions made	<u>(58,372)</u>
Increase in net OPEB obligation	452,294
Net OPEB obligation at beginning of year	<u>2,307,061</u>
Net OPEB obligation at end of year	<u><u>\$ 2,759,355</u></u>

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 7. Other Postemployment Benefits (continued)

The Board's share of the County's OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB obligation for fiscal year 2014 and the preceding two years is as follows:

<u>Fiscal Year Ended</u>	<u>Annual OPEB Cost</u>	<u>Amount Contributed</u>	<u>Percentage of Annual OPEB Cost Contributed</u>	<u>Net OPEB Obligation</u>
September 30, 2014	\$ 510,666	\$ 58,372	11%	\$ 2,759,355
September 30, 2013	\$ 517,892	\$ 54,901	11%	\$ 2,307,061
September 30, 2012	\$ 447,351	\$ 51,614	12%	\$ 1,844,070

Funded Status and Funding Progress

As of September 30, 2014, the Board's share of the actuarial accrued liability for benefits recognized in the County's financial statements was \$4,531,646, all of which was unfunded. The Board's covered payroll (annual payroll of active employees covered by the plan) was \$33,913,634. The ratio of the Board's actuarial accrued liability to the Board's covered payroll was 14% at September 30, 2014.

The projection of future benefit payments for an ongoing plan involves estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality, and the healthcare cost trend. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future.

Actuarial Methods and Assumptions

Projection of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include the types of benefits provided at the time of the valuation. The actuarial calculations reflect a long-term perspective and the actuarial methods and assumptions used include techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities and the actuarial value of assets.

For the October 1, 2012 actuarial valuation, the projected unit credit method of funding was used. The objective under that method is to fund each participant's benefits under the plan as they would accrue, taking into consideration the plan's benefit allocation formula. Thus, the total benefit value each participant is expected to become entitled to is broken down into units, each associated with a year of past or future credited service.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 7. Other Postemployment Benefits (continued)

The actuarial assumptions included a 4% rate of return based on the estimated long-term investments that are expected to be used to finance the payment of the benefits. In addition, the actuarial assumptions included a 3% salary growth rate. The unfunded actuarial liability is being amortized as a level of percentage of projected payroll on an open basis. The remaining amortization period at September 30, 2014, was 30 years.

Note 8. Risk Management

The County is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; error and omissions; injuries to employees; and natural disasters. The following is a summary of the County's coverage and exposure relating to the various risks of loss retained as of September 30, 2014.

General Liability

Effective December 15, 2012 the Board purchased commercial insurance for general liabilities from OneBeacon. From October 1, 2009 through December 15, 2012, the Board maintained commercial insurance for general liabilities from Travelers. The Board maintained a \$10,000 deductible with each insurance carrier.

The actuarially determined liability determined below reflects open claims associated with these carriers.

Changes in the Board's claim liability amount were as follows:

	Beginning of Fiscal Year Liability	Current Year Claims and Changes in Estimates	Claims Payments	Balance at Fiscal Year End
September 30, 2014	\$ 15,965	\$ (5,684)	\$ 0	\$ 10,281
September 30, 2013	\$ 62,998	\$ (47,033)	\$ 0	\$ 15,965

The claims liability of \$10,281 includes an actuarial valuation for incurred but not reported claims of \$10,000.

Workers' Compensation

The Board maintains a self-insurance Internal Service Fund (the Fund) to account for insurance activities relating to workers' compensation, which is administered by a third-party administrator, Preferred Governmental Claims Solutions. Under this program, the Board absorbs losses up to a maximum of \$500,000 for each claim. At September 30, 2014, the Board had \$40,000 deposited with the third-party administrator for use against future claims. The Board purchases commercial insurance for claims in excess of coverage provided by the Fund. Settled claims have not exceeded the retention level for this commercial coverage in the current year and any of the past five years.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 8. Risk Management (continued)

Workers' Compensation (continued)

All funds of the Board participate in this program and make payments to the Insurance Service Fund based on payroll exposure in the amounts needed to pay prior and current year claims and to establish a reserve for catastrophic losses. Net position of the Self Insurance Fund is reserved for anticipated future catastrophic losses pursuant to County policy and GASB Statement No. 10.

The actuarially-determined claims liability for workers' compensation of \$2,781,151, which includes incurred but not reported claims of \$1,671,029, reported in the Fund at September 30, 2014 is based on the requirements of Governmental Accounting Standards Board Statement No. 10, which requires that a liability for claims be reported if information prior to the issuance of the financial statements indicates that it is probable that a liability has been incurred as of the date of the financial statements and the amount of the loss can be reasonably estimated. Changes in the Fund's claims liability amount were as follows:

	Beginning of Fiscal Year Liability	Current Year Claims and Changes in Estimates	Claims Payments	Balance at Fiscal Year End
September 30, 2014	\$ 2,714,523	\$ 902,628	\$ (836,000)	\$ 2,781,151
September 30, 2013	\$ 2,531,277	\$ 930,246	\$ (747,000)	\$ 2,714,523

Automobile Liability

The Board purchases commercial coverage for automobile liability insurance through the same provider of its general liability insurance. All vehicles are covered for physical damage with a \$1,000 deductible and for liability with a \$10,000 deductible.

All funds of the Board participate in this program and pay premiums to the Insurance Service Fund based on the vehicles used by their personnel. Changes in the Fund's claims liability were as follows:

	Beginning of Fiscal Year Liability	Current Year Claims and Changes in Estimates	Claims Payments	Balance at Fiscal Year End
September 30, 2014	\$ 36,238	\$ (31,098)	\$ 0	\$ 5,140
September 30, 2013	\$ 5,321	\$ 30,917	\$ 0	\$ 36,238

The claims liability of \$5,140 includes an actuarial valuation for incurred but not reported claims of \$5,000.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 9. Leases

In June 2003, the Board purchased the Bank of America building. There are several noncancellable operating lease agreements for the rental of its building. The lease agreements provide for monthly rentals, which escalate over the lease terms and expire on various dates. Minimum future rentals to be collected under the terms of the lease agreements as of September 30, 2014, are as follows:

<u>Year ending September 30,</u>	<u>Amount</u>
2015	\$ 1,522,945
2016	1,044,975
2017	577,586
2018	228,719
2019	223,905
2020-2023	<u>469,213</u>
	<u>\$ 4,067,343</u>

In October 2009, the Board purchased the Lake Jackson Oaks Huntington Property. There are several noncancellable operating lease agreements for the rental of its building. The lease agreements provide for monthly rentals, which escalate over the lease terms and expire on various dates. Minimum future rentals to be collected under the terms of the lease agreements as of September 30, 2014, are as follows:

<u>Year ending September 30,</u>	<u>Amount</u>
2015	\$ 242,767
2016	157,724
2017	<u>12,247</u>
	<u>\$ 412,738</u>

Note 10. Other Required Individual Fund Disclosures

Interfund balances in the Governmental Funds primarily represent repayments due from other funds responsible for particular expenditures to the funds that initially paid for them. Interfund balances are due and payable within one year.

Interfund receivable and payable balances at September 30, 2014, are as follows:

<u>Fund</u>	<u>Interfund Receivable</u>	<u>Interfund Payable</u>
General Fund	\$ 292,186	\$ 0
Nonmajor Governmental Funds	0	14,219
Internal Service Funds	0	34,312
Agency Fund	0	243,655
	<u>\$ 292,186</u>	<u>\$ 292,186</u>

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 10. Other Required Individual Fund Disclosures (continued)

Each fund has a discrete purpose. However, often, there is a need for one fund to support a portion of another fund's activities. To accomplish this, monies are moved between funds through a process called interfund transfers. Interfund Transfers for the year ended September 30, 2014, consisted of the following:

Transfers to the General Fund from:	
Fine & Forfeiture Fund	\$ 1,000,000
Special Assessment Paving Fund	150,000
Nonmajor Governmental Funds	<u>259,981</u>
Total Transfers to the General Fund	<u>1,409,981</u>
Transfers to the Grants Fund from:	
General Fund	121,155
Capital Projects Fund	40,000
Nonmajor Governmental Funds	<u>35,276</u>
Total Transfers to the Grants Fund	<u>196,431</u>
Transfers to the Capital Improvement Fund from:	
General Fund	4,500,000
Fine & Forfeiture Fund	1,000,000
Special Assessment Fund	1,182,800
Nonmajor Governmental Funds	<u>2,300,000</u>
Total Transfers to the Capital Improvement Fund	<u>8,982,800</u>
Transfers to the Nonmajor Governmental Funds:	
General Fund	15,670,093
Capital Projects Fund	549,752
Other Nonmajor Funds	<u>5,065,533</u>
Total Transfers to the Nonmajor Governmental Funds	<u>21,285,378</u>
Total Transfers to Governmental Funds	<u>31,874,590</u>
Transfers to the Enterprise Fund from:	
General Fund	<u>910,190</u>
Total Transfers to Enterprise Funds	<u>910,190</u>
Total Interfund Transfers	<u>\$ 32,784,780</u>

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 11. Closure and Post-closure Care Cost

State and federal laws and regulations require the Board to place a final cover on each of its landfill cells when it stops accepting waste and to perform certain maintenance and monitoring functions on each cell for thirty years after closure. Although closure and post-closure care costs will be paid only near or after the date that the landfill stops accepting waste, the Board reports a portion of these costs as an operating expense in each period based on landfill capacity used as of each balance sheet date. The \$11,759,283 reported as landfill closure and post-closure care liability at September 30, 2014, represents the cumulative amount reported to date based on the use of 100% of the estimated capacity of the landfill cells placed in use. These amounts are based on what it would cost to perform closure and post-closure care in 2014 on those cells placed in use. Actual costs may be higher due to inflation, changes in technology, or changes in regulations. The landfill is no longer accepting Class I waste, however it is still accepting residuals from a Class III materials recovery facility and recovered screened materials. Since the landfill is permitted as a single permit, until the entire landfill is closed the Board cannot begin to perform closure and post-closure care.

The Board is required by state and federal laws to make annual contributions to an escrow account to finance a minimum of all closure costs. The Board is in compliance with those minimum requirements, and at September 30, 2014, held investments in the amount of \$7,559,237 for these purposes that are reported as restricted assets on the balance sheet. The Board expects that future inflation costs will be paid from interest earnings on these annual contributions. However, if interest earnings are inadequate or additional post-closure care requirements are determined; these costs may need to be covered by charges to future landfill users or from future tax revenue.

Net income of the landfill fund is accumulated in a reserve for rate stabilization. The fund reported a reserve balance of \$4,757,670 at September 30, 2014. The intent of this reserve is to allow for consistent usage fee charges, construction or acquisition of landfill assets and accumulation of closure and post-closure costs. Because funding for closure and post-closure costs associated with unused capacity of landfill cells is to be derived from future usage fees, the rate stabilization reserve does not represent liquid assets available for that purpose.

Note 12. Component Unit - Housing Finance Authority of Leon County

The Authority had the following bonds outstanding at September 30, 2014, pursuant to its authorization:

	<u>Amount Outstanding</u>
Single Family Mortgage Revenue and Refunding Bonds:	
Series 1995 A	\$ 125,000
	<u>\$ 125,000</u>

The principal and interest thereon is payable solely from revenues and other amounts derived from the mortgage loans purchased with bond proceeds and certain reserve funds, all of which are administered by trustees. The Authority is not directly or indirectly liable for the collection of the mortgage loans. The principal and interest on the bonds do not constitute an indebtedness, liability, general obligation or pledge of the faith or credit of the Authority, Leon County, the state of Florida, or any municipality or political subdivision thereof.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 13. Commitments and Contingencies

A. Contract commitments:

Grants

The Board is currently receiving, and has received in the past, grants which are subject to special compliance audits by the grantor agency that may result in disallowed expense amounts. Such amounts, if any, constitute a contingent liability of the Board. Accordingly, such liabilities are not reflected within the financial statements.

Long-Term Construction Projects

The Board is committed to various material long-term construction projects at September 30, 2014. These commitments have been included in the 2013-2014 fiscal year budget and the five-year Capital Improvement Program and certain amounts have been reserved in the capital projects fund. Current contracts outstanding as of the report date approximate \$4.9 million.

B. Potential liabilities resulting from litigation:

The Board is a defendant in various lawsuits arising from the normal course of operations. The outcome of these lawsuits is not presently determinable.

C. Encumbrances:

Encumbrances represent commitments related to unperformed contracts for goods or services. They do not constitute expenditures or liabilities. The commitments will be honored in the subsequent year. The Board had \$40,752 reserved for encumbrances as of September 30, 2014.

Note 14. Excess of Expenditures Over Appropriations

The Debt Service 2011 Fund has an excess of expenditures over appropriations due to a transfer to the General Fund at year end to close out the fund. The Landfill Fund has an excess of expenditures over appropriations due to year end transfer to the Tax Collector.

Note 15. Deficit Fund Balances

The Special Assessment Sewer Fund and the Construction series 2005 Fund have deficit fund balances of \$264 and \$21,831, respectively.

Board of County Commissioners
Leon County, Florida
Notes to Special-Purpose Financial Statements
Year Ended September 30, 2014

Note 16. Consolidated Dispatch Agency

In May 2012, the City of Tallahassee, Leon County, Florida, and the Leon County Sheriff's Office entered into an inter-local agreement authorized by Section 163.01, *Florida Statutes*. This agreement created a Consolidated Dispatch Agency (CDA) for the purpose of dispatching law enforcement, fire and emergency medical services personnel. The term of this agreement is for a period of 10 years, commencing April 1, 2013, and will renew automatically thereafter. The CDA will govern and manage the provision of public safety consolidated dispatch services on a county-wide basis.

The governing body of the CDA consists of the City of Tallahassee City Manager, the Leon County Administrator and the Leon County Sheriff, hereinafter called the Council. The City and Sheriff shall fund the CDA budget proportionately based upon the per capita population within the corporate limits of the City of Tallahassee for the city, and the per capita population within the unincorporated area of Leon County for the Sheriff, and a service cost allocation shall be included in the CDA's annual budget.

Note 17. Subsequent Event

The County has evaluated subsequent events through February 23, 2015, the date the financial statements were available to be issued.

Internal Control and Compliance Section

Independent Auditors' Report on Internal Control Over Financial Reporting and on
Compliance and Other Matters Based on an Audit of Special-Purpose Financial
Statements Performed in Accordance with *Government Auditing Standards*

September 30, 2014

Independent Auditors' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Special-Purpose Financial Statements Performed in Accordance with *Government Auditing Standards*

The Honorable Board of County Commissioners
Leon County, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the Board of County Commissioners of Leon County, Florida (the Board), which comprise the statement of financial position as of September 30, 2014, and the related notes to the financial statements, which collectively comprise the Board's basic financial statements, and have issued our report thereon dated February 23, 2015.

Internal Control Over Financial Reporting

In planning and performing our audit of the special-purpose final statements, we considered the Board's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the special-purpose financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Board's internal control. Accordingly, we do not express an opinion on the effectiveness of the Board's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's special-purpose financial statements will not be prevented or detected and corrected on a timely basis. A *significant deficiency* is a deficiency or combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The Honorable Board of County Commissioners
Leon County, Florida
Page Two

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Board's special-purpose financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

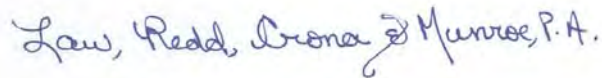
Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Board's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Board's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

We have issued a management letter to the Board of County Commissioners of Leon County, Florida dated February 23, 2015, presenting certain required disclosures and comments pursuant to the *Rules of the Auditor General*, Chapter 10.550.



Thomas Howell Ferguson P.A.
Tallahassee, Florida
February 23, 2015



Law, Redd, Crona & Munroe P.A.
Tallahassee, Florida

Independent Accountants' Report on Compliance
With Local Government Investment Policies
September 30, 2014

Independent Accountants' Report on Compliance with Local Government Investment Policies

The Honorable Board of County Commissioners
Leon County, Florida

We have examined the Board of County Commissioners of Leon County, Florida's (Board) compliance with local government investment policies provided in Chapter 218.415, *Florida Statutes*, during the year ended September 30, 2014. Management is responsible for the Board's compliance with those requirements. Our responsibility is to express an opinion on the Board's compliance based on our examination.

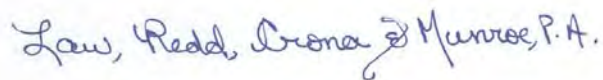
Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence about the Board's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the Board's compliance with specified requirements.

In our opinion, the Board complied, in all material respects, with the aforementioned requirements for the year ended September 30, 2014.

This report is intended solely for the information and use of the Board of County Commissioners of Leon County, Florida and the Florida Auditor General and is not intended to be and should not be used by anyone other than these specified parties.



Thomas Howell Ferguson P.A.
Tallahassee, Florida
February 23, 2015



Law, Redd, Crona & Munroe P.A.
Tallahassee, Florida

Management Letter
September 30, 2014

Management Letter

The Honorable Board of County Commissioners
Leon County, Florida

Report on the Financial Statements

We have audited the special-purpose financial statements of the Board of County Commissioners of Leon County, Florida (Board), as of and for the fiscal year ended September 30, 2014, and have issued our report thereon dated February 23, 2015.

Auditors' Responsibility

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and Chapter 10.550, Rules of the Auditor General.

Other Reports and Schedule

We have issued our Independent Auditors' Report on Internal Control over Financial Reporting and Compliance and Other Matters Based on an Audit of the Special-Purpose Financial Statements Performed in Accordance with *Government Auditing Standards* and Independent Accountants' Report on Compliance with Local Government Investment Policies, regarding compliance requirements in accordance with Chapter 10.550, Rules of the Auditor General. Disclosures in those reports, which are dated February 23, 2015, should be considered in conjunction with this management letter.

Prior Audit Findings

Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. There were no findings or recommendations reported in the prior year management letter.

The Honorable Board of County Commissioners
Leon County, Florida
Page Two

Official Title and Legal Authority

Section 10.554(1)(i)4., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in this management letter, unless disclosed in the notes to the financial statements. The name or official title and legal authority for the primary government and each component unit of the reporting entity are disclosed in Note 1 of the Notes to the Special-Purpose Financial Statements. The Leon County Housing Finance Authority, a component unit of Leon County, was authorized pursuant to Chapter 159, Part IV, of the *Florida Statutes* and was created by Leon County Ordinance 80-39.

Other Matters

Section 10.554(1)(i)2., Rules of the Auditor General, requires that we address in the management letter any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

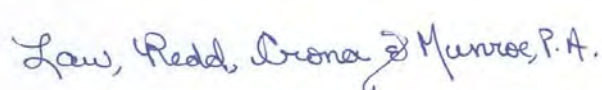
Section 10.554(1)(i)3., Rules of the Auditor General, requires that we address noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance. In connection with our audit, we did not have any such findings.

Purpose of this Letter

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal and other granting agencies, the Board of County Commissioners of Leon County, Florida and applicable management, and is not intended to be and should not be used by anyone other than these specified parties.



Thomas Howell Ferguson P.A.
Tallahassee, Florida
February 23, 2015



Law, Redd, Crona & Munroe, P.A.
Tallahassee, Florida

Management Letter

The Honorable Board of County Commissioners
Leon County, Florida

Report on the Financial Statements

We have audited the special-purpose financial statements of the Board of County Commissioners of Leon County, Florida (Board), as of and for the fiscal year ended September 30, 2014, and have issued our report thereon dated February 23, 2015.

Auditors' Responsibility

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and Chapter 10.550, Rules of the Auditor General.

Other Reports and Schedule

We have issued our Independent Auditors' Report on Internal Control over Financial Reporting and Compliance and Other Matters Based on an Audit of the Special-Purpose Financial Statements Performed in Accordance with *Government Auditing Standards* and Independent Accountants' Report on Compliance with Local Government Investment Policies, regarding compliance requirements in accordance with Chapter 10.550, Rules of the Auditor General. Disclosures in those reports, which are dated February 23, 2015, should be considered in conjunction with this management letter.

Prior Audit Findings

Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. There were no findings or recommendations reported in the prior year management letter.

The Honorable Board of County Commissioners
Leon County, Florida
Page Two

Official Title and Legal Authority

Section 10.554(1)(i)4., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in this management letter, unless disclosed in the notes to the financial statements. The name or official title and legal authority for the primary government and each component unit of the reporting entity are disclosed in Note 1 of the Notes to the Special-Purpose Financial Statements. The Leon County Housing Finance Authority, a component unit of Leon County, was authorized pursuant to Chapter 159, Part IV, of the *Florida Statutes* and was created by Leon County Ordinance 80-39.

Other Matters

Section 10.554(1)(i)2., Rules of the Auditor General, requires that we address in the management letter any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

Section 10.554(1)(i)3., Rules of the Auditor General, requires that we address noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance. In connection with our audit, we did not have any such findings.

Purpose of this Letter

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal and other granting agencies, the Board of County Commissioners of Leon County, Florida and applicable management, and is not intended to be and should not be used by anyone other than these specified parties.



Thomas Howell Ferguson P.A.
Tallahassee, Florida
February 23, 2015



Law, Redd, Crona & Munroe, P.A.
Tallahassee, Florida

DRAFT

March 11, 2015

Mr. David W. Martin, CPA
Auditor General
Claude Pepper Building
111 West Madison Street
Room G74
Tallahassee, Florida 32399-1450

Dear Mr. Martin:

On March 10, 2015, the County received its audited financial statements for the year ended September 30, 2014. Along with the report, the County received the Management Letter. There were no findings by the auditors in the Management Letter.

Pursuant to Florida Statutes, Section 11.45, enclosed please find the submittal of the County's Management Letter from the external auditors.

Leon County, as always, will continue to focus on efforts to improve the financial management of its system.

Sincerely,

Mary Ann Lindley
Chairman

**Leon County
Board of County Commissioners**


Notes for Agenda Item #3

Leon County Board of County Commissioners

Cover Sheet for Agenda #3

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval of an Agreement between Leon County and BMG Money, Inc. to Participate in its "LoansAtWork" Program

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Candice Wilson, Director of Human Resources
Lead Staff/ Project Team:	Mary Barley, Health and Well Being Coordinator

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the Agreement between Leon County and BMG Money, Inc. to participate in its "LoansAtWork" program (Attachment #1), and authorize the County Administrator to execute.

Option #2: Approve the piggyback of the City of Miami RFP-391314(17)-Term Contract for "LoansAtWork" program to BMG Money, Inc. of Miami, FL (Attachment #2).

Report and Discussion

Background:

In 2008, Leon County launched a wellness program with the goal of improving the overall health of its employees by getting them to be proactive in managing and promoting healthy lifestyles. Since that time, the Live Well Leon Well Being team has been actively finding different ways to enhance Leon County employees’ well-being in each of the five elements of well-being. The five elements of the Well-Being Program include:

- Career Well-Being
- Social Well-Being
- Financial Well-Being
- Physical Well-Being
- Community Well-Being

An opportunity was recently presented that would provide County employees with another benefit that falls under Financial Well-Being. The program is called “LoansAtWork” and is managed by BMG Money, Inc. (BMG) (Attachment #3).

Finances are one of the top causes of stress for individuals and when employees are stressed out because they are worried about how they are going to make ends meet, particularly when dealing with unexpected expenses, they cannot be productive at work.

As an employer, Leon County has a long history of providing support to its employees beyond the traditional medical, dental, and life insurance benefits. However, there has been no mechanism through which the County could assist employees when they experience a financial crisis. Finances are one of the top causes of stress for individuals; particularly, when dealing with unexpected expenses. Such things as an unexpected, and typically costly, car repair are often beyond the budget of many of employees. Additionally, other personal issues (home repairs, illnesses, family issues, etc.) could create unexpected financial pressure. Through BMG’s “LoansAtWork” program, financially stressed employees would be able to borrow and repay funds through an avenue that may otherwise be closed to them.

Due to the recession, there are numerous regulations on community banks, smaller banks, and credit unions that make it more difficult for a certain segment of the population to access appropriate credit.

Analysis:

The “LoansAtWork” program is a payroll-deducted, direct-to-consumer loan, designed for employees who do not have access to traditional credit options, such as banks, credit unions, credit cards, deferred compensation, and/or retirement accounts. These loans are unsecured, and based on the following:

- Employee’s employment
- Employee’s bi-weekly net take-home pay
- The ability for the employee to repay the loan

Through the BMG’s “LoansAtWork” program, an employee:

- May borrow a minimum of \$500 to a maximum of \$5,000 with interest computed daily and based on the amount of the loan at a fixed interest rate of 23.99%
- Pay a one-time \$25 loan application fee (per loan)
- Select their repayment period, at either 6, 12, 18, or 24 months
- Could pay off loan(s), in full or partially, at any time, with no prepayment penalties

Although the program does not verify the employee’s credit, it does provide the opportunity to build good credit, as the loans are reported to the credit reporting agencies when paid off.

If the employee separates from County employment, that employee is fully responsible for the full repayment of the loan, with the County bearing no responsibility or liability for the repayment of the loan.

Therefore, there is no risk or cost to the County for the "LoansAtWork" program. Minimal support from HR, to verify employee employment information, is the only thing that is required from the County. There will be a links in various places on the Leon County website, including the Home page of the Intranet, the Live Well Leon webpage and the HR webpage, that take the employee directly to the BMG Money, Inc. website and application.

The “LoansAtWork” loans are not considered payday loans and will have a much lower, long-term interest rate than payday loan companies. As noted in the table, BMG’s loans have the lowest interest rate of all the local payday loan companies.

Pay Day Loan Companies in Tallahassee, FL.

Name of Company	Maximum Loaned	Interest Rate
Advanced America	\$500	286.79% - 391.07%
Ace Cash Express	\$1,000	286.79%
Fast Payday Loans, Inc.	\$500	286.79% - 391.07
BMG Money, Inc.	\$5,000	23.99%

BMG offers all eligible active full-time and part-time employees voluntary emergency loans through this program. It provides employees the opportunity to obtain funds they may need to cover unexpected or emergency expenses. In addition, BMG offers consumer counseling for its applicants through its FDIC Smart Money program, online or in person. According to BMG, loan payments are under 20% of take-home pay. As the employee maneuvers through BMG’s electronic application process, they will be required to complete a budget and a variety of information to ensure the employee could afford the loan for which they are applying. The website encourages the applicant to seek funds through a bank or credit union first for a lower rate, if possible. Although a conventional loan with a credit union or a bank may have a lower interest rate, it requires the applicant to have a good credit rating. For some people, this limits their ability to qualify for conventional loans.

Title: Approve the Agreement between Leon County and BMG Money, Inc. to Participate in its “LoansAtWork” Program.

March 10, 2015

Page 4

Staff contacted a few local governments in Florida who were participating in BMG’s LoansAtWork program to receive feedback on their experience with the program. Overall, the feedback was positive. A list of BMG’s governmental clients, as well as that feedback, is included (Attachments #5 and #6).

According to the County's Purchasing Division, since the City of Miami’s agreement with BMG was bid competitively for the same services, the County's agreement could be piggybacked. Approval of this item establishes a “LoansAtWork” program between BMG and Leon County and piggybacks the City of Miami’s Term Contract RFP-391314(17) for its “LoansAtWork” program with BMG, Miami FL.

Summary

Pending Board approval for the LoansAtWork program, HR will begin the process of rolling the program out to the Leon County Employees. BMG Money, Inc. will prepare all employee communication materials, at their sole expense. Both paper and electronic (e-mail and/or website, intranet, etc.) materials are included in the roll out. The County will have the opportunity to review all customized materials in draft form for approval before they are sent out to the employees. All forms of communication will be used to promote the program including the use of printed materials and electronic materials in various venues, announcements at meetings and the display of printed information at various places in the workplace.

Options:

1. Approve the Agreement between Leon County and BMG Money, Inc. to participate in its “LoansAtWork” program (Attachment #1), and authorize the County Administrator to execute.
2. Approve the piggyback of the City of Miami RFP-391314(17)-Term Contract for “LoansAtWork” program to BMG Money, Inc. of Miami, FL (Attachment #2).
3. Do not approve the Agreement between Leon County and BMG Money, Inc. to participate in its “LoansAtWork” program.
4. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

1. Leon County Piggyback Contract with BMG Money, Inc.
2. City of Miami RFP-391314(17)-Term Contract for “LoansAtWork” Program to BMG Money, Inc. of Miami, FL
3. BMG Money, Inc. Employer Brochure
4. Employee Payroll Deduct Promissory Note
5. Feedback from other BMG Money, Inc. Governmental Clients
6. List of BMG Money, Inc. Clients

FORM FOR PIGGYBACK CONTRACT

Leon County, Florida (“**County**”) enters this piggyback contract (“**Piggyback Contract**”) with **BMG Money, Inc.** (“**Vendor**”), under the terms and conditions hereinafter provided. The County and Vendor agree as follows:

1. On [DATE], County staff recommended that the County’s Board of County Commissioners (the “Board”) authorize the piggyback the City of Miami RFP-391314(17) – Term Contract for “Loans At Work” program to BMG Money, Inc. of Miami, Florida (the “Original Government Contract”), as more fully described in [DOCUMENT TITLE] issued by [DEPARTMENT NAME] ([FILE NUMBER (IF ANY)]). Thereafter, at its [DATE] meeting, upon a motion duly made and seconded, by an affirmative vote of [VOTE], the Board authorized the piggyback of the Original Government Contract.

2. The Original Government Contract is incorporated herein by reference and is attached as “Exhibit A” to this Piggyback Contract. All of the terms and conditions set out in the Original Government Contract are fully binding on the parties and said terms and conditions are incorporated herein.

3. Notwithstanding the requirement that the Original Government Contract is fully binding on the parties, the parties have agreed to modify certain technical provisions of the Original Government Contract as applied to this Piggyback Contract between the Vendor and the County, as follows:

a. Time Period (“Term”): The term of this Piggyback Contract shall commence on the date set forth below, and the term of the Original Government Contract as applied to this Piggyback Contract shall commence on the date hereof.

b. Address Change for the County: Notwithstanding the address and contact information for the government entity as set out in Exhibit A, the Vendor agrees that it will send notices and will conduct all business with the County attention of the County Administrator, at Leon County, 301 South Monroe Street, Tallahassee, FL 32301. The County Administrator’s designated contact for this contract is Mary Barley, Health and Well-Being Coordinator, Leon County, 301 South Monroe Street, Suite 502, Tallahassee, FL 32301, (850) 606-2427, barleym@leoncountyfl.gov.

c. Notwithstanding anything in Exhibit A to the contrary, the venue of any dispute will be in Leon County, Florida. Litigation between the parties arising out of this contract must be in Leon County, Florida in the court of appropriate jurisdiction.

d. All other provisions in the Original Government Contract (Exhibit A) are fully binding on the parties and will represent the agreement between the County and the Vendor.

Entered this ____ day of _____, 2015.

BMG MONEY, INC.

LEON COUNTY, FLORIDA

By: _____
Authorized Signer
Thomas C. McCormick
Chief Operating Officer

By: _____
Authorized Signer
Name: _____
Title: _____

EXHIBIT A

[Attach Original Government Contract]



December 17, 2013

By Hard Copy Submittal – Hand Delivery

Pablo R. Velez, Esq., CPPB
Procurement Supervisor
Department of Purchasing
City of Miami
444 S.W. 2nd Avenue, 6th Floor
Miami, FL 33130

In care of:

City Clerk
City of Miami
3500 Pan American Drive
Miami, FL 33133

RE: City of Miami – RFP Number 391314
Request for Proposals for an Employee Voluntary Loan Program

Dear Mr. Velez:

On behalf of BMG Money, Inc. (“BMG” or the “Proposer”), we are grateful for the opportunity to submit this proposal (the “Proposal”) in response to RFP No. 391314 – Request for Proposals for an Employee Voluntary Loan Program – (the “RFP”) issued by the City of Miami (the “City”).

Please find attached hereto at Tab 1 completed copies of the Certification Statement and other certifications requested in the RFP, together with the completed spreadsheet. A notarized copy of the City of Miami Local Office Certification is attached hereto at Tab 2, and the materials requested therein follow at Tabs 3-7. In accordance with the detailed submission requirements set forth at Section 4.1 of the RFP, this Proposal also includes the following:

- A. Executive Summary;
- B. Corporate Information;
- C. Organizational History and Structure;
- D. Proposer’s Specific Qualifications, Project Experience & Credentials;

- E. Client List;
- F. References;
- G. Approach & Methodology;
- H. Resources;
- I. Litigation;
- J. Sub-Contractors;
- K. Financial Proposal; and
- L. Additional Information & Documentation.

* * * * *

A. Executive Summary.

BMG offers a fixed-rate, fixed-payment employee voluntary loan program (“*LoansAtWork*” or the “Program”). The Program does not require a credit report to qualify and will be available to employees who have been employed by the City for at least one year and are not currently in bankruptcy. The Program offers unsecured loans with fixed repayments over terms of six to twenty-four months, processed through payroll deductions. The Program will allow employees who may have only high-priced alternatives for short-term borrowing needs to borrow responsibly and pay off their debt in affordable installments. It also will help employees who do not have sufficient savings to cover unforeseen expenses such as the cost of moving, medical needs, or automobile repairs. We believe that the City’s employees will see real value in *LoansAtWork*, and it will provide an important financial lifeline to those employees that are too often taken advantage of by the predatory payday lenders targeting our communities.

The Problem – Payday Loans.

When facing an unexpected expense, too many good people with good government jobs are left with little option except predatory payday lenders, which can exacerbate their already tenuous household budgets. The entire payday loan industry, among the worst of the predatory lenders, thrives on the financial vulnerability of workers. Payday lenders offer short-term loans with absurdly high interest rates of nearly 300 percent and repayment terms that make the loans exceedingly burdensome on borrowers.

These high-cost loans have exploded in recent years. Today, nearly one-in-four Americans have used so-called “alternative credit providers” – these

exorbitant loans point to an alarming trend that underscores a lack of viable and responsible borrowing alternatives for many well-employed Floridians.

The problem with these payday loans is the unending, destructive cycle they perpetuate. With such terribly high costs and lightning-fast due dates, these loans create pervasive churning that requires borrowers to come back again-and-again. According to the Center for Responsible Lending, these loans create “a debt treadmill that makes struggling families worse off than they were before they received a payday loan.”¹

The Solution - LoansAtWork.

BMG’s loans range from \$500 to \$5,000 and are available exclusively to employees of our clients, mostly public sector and not-for-profit employers. The loans are offered with an average interest rate of about 25%. There is no penalty for early prepayment, and employees are limited to one outstanding loan at-a-time and may apply for only two subsequent loans per 12-month period. All City employees will now be able to manage large, unexpected expenses over time with fixed and manageable payments.

Most significantly, to help keep government employees on sound financial footing in the future, we report loan performance to the credit bureaus (payroll deductions ensure timely repayment), and applicants complete an online review to ensure that their loan fits their budget. We offer free financial literacy training to our clients’ employees – whether they are *LoansAtWork* customers or not.

The FDIC issued guidelines “to encourage financial institutions to offer small-dollar credit products that are affordable, yet safe and sound, and consistent with all applicable federal and state laws.” *LoansAtWork* was designed to meet or exceed the following elements of the FDIC’s template for safe and affordable small-dollar loans:

- Loan terms of at least 90 days;
- Streamlined application process;
- APR below 36%;
- Low fees;
- Affordable, amortizing payments;
- Financial education; and

¹ Montezemolo, S. (2013). *Payday Lending Abuses and Predatory Practices*, p. 2. Durham, North Carolina: Center for Responsible Lending.

- Assists consumers with little or no credit history obtain credit that they both need and can repay.

We are confident that employees of the City will be grateful that *LoansAtWork* is available to them. The Program offers a socially-responsible, reasonably-priced loan solution to the most vulnerable employees in their times of need.

B. Corporate Information.

Name of Proposer	BMG Money, Inc.
Type of Legal Entity	Corporation
Address	1221 Brickell Avenue, Suite 1170 Miami, FL 33131
Telephone	305.428.2580
Fax	305.675.2962
E-Mail Address	info@bmgmoney.com
Name of Contact Individual	Thomas C. McCormick Chief Operating Officer BMG Money, Inc. 1221 Brickell Avenue, Suite 1170 Miami, FL 33131 305.851.6137 tom.mccormick@bmgmoney.com
Date Incorporated	September 18, 2009
Principals & Officers	Marion Mathes; Chief Executive Officer Angela Guimaraes; President, Director Thomas McCormick; Chief Operating Officer Randall Pike; Treasurer, Director Joao Guimaraes; Secretary, Director Charles Smith; Senior Vice President

Federal Employer Identification Number	27-1246641
Location from Where Work Will Be Performed	1221 Brickell Avenue, Suite 1170 Miami, FL 33131

C. Organizational History and Structure.

BMG was incorporated as a newly-formed Delaware corporation in September 2009 with the sole purpose of developing and offering an employee voluntary loan program in the Florida market. The company chose Miami as its headquarters and Marion Mathes was hired as the founding CEO and first employee in March 2010.

BMG was licensed by the State of Florida’s Office of Financial Regulation as a Florida Consumer Finance Company in February 2010 (a copy of Proposer’s current license, No. CF9900716, is attached hereto at Tab 7), and BMG made its first loan in September 2010. Proposer has grown significantly since that time, and as more fully-described at Section E below, BMG is proud to count fifteen government/public sector employers amongst its clients – most of them here in Miami-Dade.

Proposer’s principals and directors are set forth above at Section B. Proposer has two shareholders as follows: (i) BCP Securities LLC (a fully-licensed U.S. investment bank and member of the Financial Industry Regulatory Authority, founded in 1999 and based in Greenwich, Connecticut); and (ii) EGL Empreendimentos Gerais Ltda. (an investment holding company based in Brazil).

The City has not previously awarded any contracts to Proposer. To Proposer’s knowledge, the RFP is the first time the City has initiated any procurement efforts in connection with employee voluntary loan programs or the like, and Proposer has not made any formal procurement submissions to the City in the past.

D. Proposer’s Specific Qualifications, Project Experience & Credentials.

BMG’s qualifications and project experience are without peer. Simply put, to our knowledge, there is no other organization with comparable experience in our market. Proposer has eleven municipal employer clients. We have seventeen

total employer clients in Miami-Dade County alone. We have one and only one product – the *LoansAtWork* Program is the sole focus of our company. To date, we have serviced literally thousands of loans, issuing over \$19 million of loans to employees who otherwise would have fallen victim to predatory payday loans. We are expert in the origination and servicing of the issuance of socially-responsible loans to the employees of our employer clients, and we have the wherewithal and experience to ensure that the City will be a satisfied client for as long as it chooses to participate in the Program.

As noted herein, Proposer is based here in the City of Miami. BMG is active in our community, supporting various local initiatives intended to improve the quality of life of our neighbors. More specifically, in recent years Proposer has supported the important work of:

- American Cancer Society;
- Citizens for a Healthy Miami-Dade;
- Concerns of Police Survivors (Fraternal Order of Police);
- Dade County Police Benevolent Association;
- City of Doral's youth sports programs;
- Florida Association of State Troopers;
- Florida Police Athletic League;
- Foundation for New Education Initiatives;
- Foundation for Rural Education Excellence;
- Greater Florida Consortium of School Boards;
- Lake Stevens youth football;
- OurKids of Miami-Dade/Monroe;
- St. Baldrick's Foundation;
- United Way of Miami-Dade and its Center for Financial Stability; and
- University of Miami.

Proposer is also an active member of the local business community. BMG has been an active associate member and sponsor of the Miami-Dade County League of Cities for several years, and we recently joined the Broward League of Cities. Our CEO is a member of the Board of Directors of Enterprise Florida, the statewide economic development organization focused on job creation. Additionally, she is a member of the Development Committee for the United Way of Miami-Dade's Center for Financial Stability and the University of Miami's Citizens Board. And, BMG is a member of the Greater Miami Chamber of Commerce and participates in its Professional & Workforce Development Committee.

In both 2011 and 2013, BMG was a proud Finalist for the International Business Leadership Award from the Greater Miami Chamber of Commerce. Executives of BMG have Certificates of Completion from the Miami-Dade County League of Cities Best Practices Conference, having participated since its inception three years ago, and from the FDIC's Money Smart financial literacy programs. And most importantly, Proposer is licensed by and in good standing as a Consumer Finance Company with the State of Florida's Office of Financial Regulation (see Tab 7 attached hereto).

E. Client List.

Please find below a complete list of Proposer's clients for which Proposer has provided a similar service as required in the RFP. In fact, BMG has provided the very same program – *LoansAtWork* – to all such clients as we propose in response to the RFP. A detailed list, including Proposer's experience with each client and such clients' names, addresses, telephone numbers and contact names, is attached hereto at Tab 8.

Government

1. City of Doral
2. City of Fort Lauderdale
3. City of Hialeah
4. City of Hialeah Gardens
5. Highlands County Tax Collector
6. Jackson Health System
7. City of Miami Beach
8. City of Miami Springs
9. City of North Miami
10. City of North Miami Beach
11. Palm Beach County Clerk & Comptroller
12. Palm Beach County Tax Collector
13. Town of Surfside
14. City of Sweetwater
15. City of West Miami

Not-for-Profit

1. Community Partnership for Children (Daytona Beach)

2. Family Support Services of North Florida Inc. (Jacksonville)
3. Miami Jewish Health Systems
4. OurKids of Miami-Dade/Monroe, Inc.
5. Switchboard of Miami, Inc.
6. United Way of Miami-Dade

Other

1. Al-Flex Exterminators (Miami)
2. Arnet Pharmaceutical Corp. (Davie)
3. Odebrecht USA (Coral Gables)
4. Worldwide Ticketcraft (Boynton Beach)

F. References.

Please find attached hereto at Tab 9 references on letterhead from clients for the provision of similar services within the past five (5) years. More specifically, references from the City of Fort Lauderdale, City of Miami Beach and OurKids of Miami-Dade/Monroe, Inc. are included, each of which continue to be clients of BMG and currently offer *LoansAtWork* to their respective employees. For convenience of reference, please find below the additional specific information requested in the RFP:

Name of Reference	City of Fort Lauderdale	City of Miami Beach	OurKids of Miami-Dade/Monroe, Inc.
Contact Name	<u>Guy Hine</u> Risk Manager 954.828.5177 ghine@fortlauderdale.gov	<u>Sue Radig</u> Human Resources Administrator 305.673.7000 ext. 6542 sradig@miamibeachfl.gov	<u>Frances P. Allegra</u> Chief Executive Officer/President 305.455.1025 allegraf@ourkids.us
Period of Time	January 2013 to present	January 2012 to present	December 2011 to present
Overall Work Performed	<u>LoansAtWork Program</u> Since the Program launched at the City of Fort Lauderdale almost one year ago, about 6% of the workforce has participated.	<u>LoansAtWork Program</u> Since the Program launched at the City of Miami Beach approximately two years ago, more than 8% of the workforce has participated.	<u>LoansAtWork Program</u> Since the Program launched at OurKids almost two years ago, about 20% of the workforce has participated.

G. Approach & Methodology.

Proposer's overall approach and methodology to be utilized in connection with the *LoansAtWork* Program which is the subject of this Proposal will comply with each element of work set forth in the Specifications/Scope of Work contained at Section 3.1 of the RFP. More specifically and for the avoidance of doubt, BMG will represent and warrant that the Program will conform to each and all of the following specifications:

Background.

1. BMG proposes that the Program will be offered to employees of the City as a voluntary loan program to assist employees who may be living paycheck-to-paycheck and may not have access to the cash, loans, or other traditional credit options they need. Rather than underwriting loans based upon credit scores and history like traditional banks, BMG underwrites loans based upon employment status and income, thus enabling access to employees that ordinarily are excluded from the financial mainstream.
2. Program loans will be unsecured and are intended to assist employees of the City who may have experienced unexpected or emergency expenses, increased health care costs or other needs.

Program Requirements.

3. Loan repayments will be enabled by payroll deductions.
4. The Program shall provide for easy access to loans from \$500 to \$5,000 via a fast and convenient online application and approval process (*see* www.loansatwork.com). Generally, loan proceeds are received by applicant employees within one-to-two business days of execution.
5. Qualification for the Program shall be simple with no credit check or need for a bank account required. All other legally-required identity verification and review for currently-open bankruptcy filings will be managed by Proposer.
6. Employee applicants shall only need proof of one (1) year of employment with the City.

7. At the City's sole discretion, Proposer will notify all employee applicants of the City's requirement that they receive mandatory financial education providing debt management and instruction on responsible borrowing through the City's own Financial Empowerment Coaching (FEC) program.
8. Repayment of Program loans shall be through installments which shall be available over six (6), twelve (12), eighteen (18), or twenty-four (24) months in duration and shall be automatically deducted from each of the employee applicant's paychecks until such time as when the loan is completely paid off.
9. The Program will be strictly available to employees of the City only, and an employee's co-signature of a loan intended for a non-employee will be strictly prohibited.
10. Program loan payments shall be fixed and based upon the actual loan amount, the applicable reasonable annual percentage rate (APR), and the term of the loan.
11. Interest rates on the Program loans will be comparable to those for cash advances on credit cards. Using this voluntary program, loans will be available to employees who may not qualify for credit cards, bank or credit union loans, and the like. These same employees too often fall victim to the predatory payday loans providers charging fees equal to APRs of 275% or more.
12. Generally, Program loan interest rates will be a small fraction of the cost of payday loans – BMG's fixed interest rates average around 25% and shall never exceed 29.75%. BMG charges only "simple" interest – unlike many credit cards, there is no compounding – no interest-on-interest.
13. Program loans never charge late fees, there are no penalty rates, and employees may pay off loans – in full or partially – any time with absolutely no prepayment penalties.
14. At the time of application, BMG will conduct an income review to design each Program loan so that the payroll deduction repayments do not exceed twenty-percent (20%) of the employee applicant's paycheck.
15. The City will confirm to BMG the employment status and gross income for its employees enrolling in the Program and confirm payroll deduction amounts each payroll period in a format to be mutually agreed upon by the City and BMG.

16. Each Program loan will be evidenced by a promissory note with the applicable employee (collectively, as amended or otherwise modified from time to time, the "Notes"). The City acknowledges and agrees that it will comply with its employees' requests set forth in the Notes to (a) deduct from their wages, salary, commissions or other similar compensation (collectively, "Wages") the amounts to be so deducted as described in the respective Notes and (b) remit such amounts to BMG, in each case, solely to the extent of the maximum available Wages of the applicable employee and in accordance with applicable laws, rules, regulations and orders. Notwithstanding any termination of the Program or any contract or agreement relating thereto, the obligation of the City to process payroll deductions shall survive as to any Notes outstanding as of such termination until final payment in full of such Notes.
17. The City agrees to remit available funds to deposit account number 3850-1257-9286 located at Bank of America N.A., wire routing number 026009593 (or such other account as BMG may from time-to-time specify in writing) all amounts deducted from employees' Wages in accordance with the applicable Notes on, or as promptly as practicable after, the date the applicable wages are payable.
18. The City shall notify BMG as soon as reasonably practicable if any employee requests revocation of his or her payroll deduction request, ceases to be employed by the City or changes his or her employment status.

Program Liabilities.

19. The City shall bear absolutely no liability, risk, or incremental cost (administrative or otherwise) from the Program's implementation or operation.
20. The City shall NOT be a guarantor or secondarily liable in any manner for the repayment of Program loans and responsibility for all such loans shall be strictly and solely the employee applicant's and Proposer's.
21. Proposer shall assume any and all liability associated with all such loans, inclusive of loans pertaining to employee applicants no longer under the City's employment, whether due to resignation, termination, or otherwise.

22. Proposer shall be responsible for the performance of any and all marketing and fulfillment and shall provide an easy-to-administer program.
23. Proposer shall work with the City's designated department concerning the preparation of any and all marketing materials and shall present the same for said department's approval prior to any launch, messaging or distribution to the City's employees.
24. The Program shall be cancellable by the City with thirty (30) days' written notice to Proposer.

H. Resources.

Proposer's overall resources are more than adequate to support any and all of the City's needs in the case of a favorable response and the City becomes a *LoansAtWork* client. BMG is well positioned to ensure the highest levels of employer client and employee customer service, privacy, security and performance. More specifically, BMG has the right *People, Technology* and *Partners* in place to support the Program.

People.

BMG's Miami-based team includes exceptionally-qualified managers and staff who stand ready to support the Program. Team members have decades of combined experience in supporting employment-based lending programs such as *LoansAtWork*. Employee customer service is available by website, e-mail and toll-free, bi-lingual telephone support (English and Spanish). The City of Miami's client services team will include:

Tom McCormick, Chief Operating Officer
Tel.: 305.851.6137; Home: 305.360.8456; Fax: 305.407.9654
Mobile: 305.741.0077; E-Mail: tom.mccormick@bmgmoney.com

Mr. McCormick is a senior executive of BMG. He will be accountable to the City in connection with all services related to the Program and the City may contact him – any time, any day – and he will address all concerns. Mr. McCormick will meet with City officials according to their preferred schedule for periodic Program reviews, and in the interim any issue can be escalated to him at the City's convenience.

Chuck Smith, Senior Vice President, Operations
Tel.: 305.851.6143; Fax: 305.407.9654
Mobile: 786.505.0890; E-Mail: chuck.smith@bmgmoney.com

Mr. Smith, another senior executive of BMG, will be primarily responsible for the implementation and the on-going servicing of the Program for the City. Mr. Smith will be responsible for assembling communication and implementation plans for the City's review and approval. He generally provides supervision of the Program and will do so specifically with respect to the City. Mr. Smith will coordinate all necessary capacity planning – all needed funds and support personnel and services – and the overall timeliness and accuracy of all deliverables.

Manuel Rizzon, Associate
Tel.: 305.851.6136; Fax: 305.407.9654
E-Mail: manuel.rizzon@bmgmoney.com

Mr. Rizzon (M.B.A., University of Miami) has the most direct interaction with our current clients, and he will be designated as the City's day-to-day point of contact. Of course, since Proposer stands ready to automate the eligibility and deduction processes in connection with the Program, there will be few manual processes, but Mr. Rizzon will monitor the execution of all automated processes and lead any needed exception management.

Technology.

BMG supports the Program by utilizing technology and systems that have been deployed across our twenty-five existing clients with great success. The technology supports all of Proposer's automated employee eligibility, funding, loan servicing and payroll deduction calculation and reconciliation processing. An e-commerce system utilizing various toolsets (HTML-5, Java, MySQL, Linux) supports the loan application and customer self-service engines that will be available to City employees. A business platform manages all enrollment decisioning and fulfillment, funding, loan accounting, and payroll deductions. Scalability and reliability were built into the development, using best-in-class solutions (.Net, VB, PowerBuilder, Sybase, etc.). Moreover, information and information resources are strategic assets vital to BMG's customers and business. These assets are protected utilizing robust data security standards to ensure information is not exposed to unauthorized parties. BMG deploys a confidential series of administrative, physical and technical safeguards designed to protect the security of customer information.

Partners.

Proposer works with leading partners in the ordinary course of managing its business. For example, BMG ensures compliance with all applicable consumer credit protection laws and other applicable legal requirements by working with nationally-renowned law firms including Foley & Lardner and Morrison & Foerster. BMG's accounting and tax filings are prepared by the Gilman & Negrini firm of Coral Gables. Miami-Based C-VOX Group assists with marketing communications, and media relations are managed by Core Message of Tallahassee. BMG seeks to associate with only the finest firms in their respective fields.

Proposer's current workload will allow for a successful, timely and prompt implementation of the Program. Our Company, and most of our employees, call the City of Miami home, and the City will be one of BMG's most important clients.

I. Litigation.

None. There is no current or pending litigation or proceeding involving Proposer, its partners, managers, other key staff members, or its professional activities or performance.

J. Sub-Contractors.

Proposer does not plan to utilize any Sub-Contractors for the work to be performed related to the Specifications/Scope of Work set forth in the RFP.

K. Financial Proposal.

BMG does not request nor require the City to pay to BMG any fees, contributions, assessments, premiums or charges of any kind whatsoever. The City shall not be requested nor required to reimburse BMG for any expenses. Furthermore, the City will not guarantee BMG against any risk of credit losses. And lastly, BMG will reimburse the City for any of its direct, out-of-pocket costs in connection with bank wire or electronic fund transfer costs and payroll deduction processor charges associated with the Program (if any).

In sum, the Proposer shall not charge the City any fees or costs to provide the services as listed herein and will reimburse the City as described above.

L. Additional Information & Documentation.

It should be noted that Proposer satisfies each of the requirements cited at Section 2.3 of the RFP regarding minimum qualifications. Lastly, Proposer has attached hereto at Tab 10 a letter of support in favor of the Program submitted by the Fraternal Order of Police, Miami Lodge No. 20.

* * * * *

Again, we are grateful for the opportunity to submit this Proposal. We believe that BMG's *LoansAtWork* Program is the best way for the City to offer a simple, responsible and low-cost emergency loan solution to its workforce, all without any cost or liability to the City. Thank you in advance for your assistance in connection with this important matter, and please do not hesitate to contact me if I can be helpful in any way.

Respectfully submitted,

Thomas C. McCormick
Chief Operating Officer
BMG Money, Inc.

- encls. (10): Tab 1 – Certification Statement/Certifications; Spreadsheet
Tab 2 – City of Miami Local Office Certification (Notarized)
Tab 3 – Proposer's Local Office Tenancy Lease
Tab 4 – Copy of City of Miami Business Tax Receipt
Tab 5 – Copy of Miami-Dade County Business Tax Receipt
Tab 6 – Copy of City of Miami Certificate of Use
Tab 7 – Copy of State of Florida's Office of Financial Regulation
Consumer Finance Company License No. CF9900716
Tab 8 – Detailed Client List
Tab 9 – Reference Letters
Tab 10 – Fraternal Order of Police Letter of Support

PROFESSIONAL SERVICES AGREEMENT

This Agreement ("Agreement") is entered into this 27th day of September, 2014 (but effective as of September 24, 2014 being the "Effective Date") by and between the City of Miami, a municipal corporation of the State of Florida whose address is 444 SW 2nd Avenue, 10th Floor, Miami, Florida 33130 ("City") and BMG Money, Inc., ("BMG" or "Provider"), a Delaware corporation authorized to transact business in Florida, whose address is 1221 Brickell Avenue, Suite 1170, Miami, FL 33131.

RECITALS:

A. The City has issued a Request for Proposal ("RFP") No. 391314, for the provision of Employee Voluntary Loan Program ("Services") and Provider's proposal ("Proposal"), in response thereto, has been selected as the most qualified proposal for the provision of the particular services under the Specifications/Scope of Work (hereinafter collectively referred to as the "Services"). The RFP and the Proposal are sometimes referred to herein, collectively, as the "Solicitation Documents," and are by this reference incorporated into and made a part of this Agreement. In event of a conflict between this Agreement and the Solicitation Documents this Agreement will prevail.

B. After review and consideration by the Evaluation Committee, Provider's proposal was recommended by the Evaluation Committee and the City Manager, the Commission of the City of Miami, by Resolution No. 140254 adopted on July 10th, 2014, approved the selection of Provider as one of the qualified proposers and authorized the City Manager to execute a professional services agreement, under the terms and conditions set forth herein.

C. The Effective Date as stated above, unless otherwise communicated by the City to Provider, shall be on the first day of the calendar month following the month in which this Agreement was approved and executed.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, Provider and the City agree as follows:

TERMS:

1. **RECITALS:** The recitals are true and correct and are hereby incorporated into and made a part of this Agreement. The Services are hereby incorporated into, made part of this Agreement, and attached hereto as Attachment "A". The Solicitation Documents are hereby incorporated into, made a part of this Agreement, and attached hereto as Attachment "B".

2. **TERM:** The term of this Agreement shall be two (2) years commencing on the effective date hereof.

3. **OPTION TO EXTEND:** The City shall have one (1) option(s) to extend the term hereof for a period of one (1) year each.

4. **SCOPE OF SERVICE:**

A. Provider agrees to provide the Services as specifically described, and under the special terms and conditions set forth in Attachment "A" hereto, which by this reference is incorporated into and made a part of this Agreement.

B. Provider represents and warrants to the City that: (i) it possesses all qualifications, licenses and expertise required under the Solicitation Documents for the performance of the Services; (ii) it is not delinquent in the payment of any sums due the City, including payment of permit fees, occupational licenses, etc., nor in the performance of any obligations to the City, (iii) all personnel assigned to perform the Services are and shall be, at all

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times during the term hereof, fully qualified and trained to perform the tasks assigned to each; and (iv) the Services will be performed in the manner described in Attachment "A"; and (v) each person executing this Agreement on behalf of Provider has been duly authorized to so execute the same and fully bind Provider as a party to this Agreement.

5. **COMPENSATION:**

A. The amount of \$0.00 in compensation shall be payable by the City to Provider. There shall be no compensation, fee, charge, cost or expenditure of any kind to the City arising or connected to this Agreement.

6. **OWNERSHIP OF DOCUMENTS:** Provider understands and agrees that any information, document, report or any other material whatsoever which is given by the City to Provider or which is otherwise obtained or prepared by Provider pursuant to or under the terms of this Agreement is and shall at all times remain the property of the City. Provider agrees not to use any such information, document, report or material for any other purpose whatsoever without the written consent of City, which may be withheld or conditioned by the City in its sole discretion.

7. **AUDIT AND INSPECTION RIGHTS:**

A. The City may, at reasonable times, and for a period of up to three (3) years thereafter the expiration/termination of this Agreement, audit, or cause to be audited, those books and records of Provider which are related to Provider's performance under this Agreement. Provider agrees to maintain all such books and records at its principal place of business for a period of three (3) years thereafter expiration/termination of this Agreement. All audits shall be subject to, and made in accordance with, the provisions of Section 18--102 of the Code of the City of Miami, Florida, as same may be amended or supplemented, from time to time.

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B. The City may, at reasonable times during the term hereof, inspect Provider's facilities and perform such tests, as the City deems reasonably necessary, to determine whether the goods or services required to be provided by Provider under this Agreement conform to the terms hereof and/or the terms of the Solicitation Documents, if applicable. Provider shall make available to the City all reasonable facilities and assistance to facilitate the performance of tests or inspections by City representatives. All tests and inspections shall be subject to, and made in accordance with, the provisions of Section 18--101 of the Code of the City of Miami, Florida, as same may be amended or supplemented, from time to time.

8. **AWARD OF AGREEMENT:** Provider represents and warrants to the City that it has not employed or retained any person or company employed by the City to solicit or secure this Agreement and that it has not offered to pay, paid, or agreed to pay any person any fee, commission, percentage, brokerage fee, or gift of any kind contingent upon or in connection with, the award of this Agreement.

9. **PUBLIC RECORDS:** Provider understands that the public shall have access, at all reasonable times, to all documents and information pertaining to City contracts, subject to the provisions of Chapter 119, Florida Statutes, and agrees to allow access by the City and the public to all documents subject to disclosure under applicable law. Provider's failure or refusal to comply with the provisions of this section shall result in the immediate cancellation of this Agreement by the City. Provider shall additionally comply with Section 119.0701, Florida Statutes, including without limitation : (1) keep and maintain public records that ordinarily and necessarily would be required by the City to perform this service ; (2) provide the public with access to public records on the same terms and conditions as the City would at the cost provided by Chapter 119, Florida Statutes, or as otherwise provided by law ; (3) ensure that public records

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that are exempt or confidential and exempt from disclosure are not disclosed except as authorized by law; (4) meet all requirements for retaining public records and transfer, at no cost, to the City all public records in its possession upon termination of this Agreement and destroy any duplicate public records that are exempt or confidential and exempt from disclosure requirements; (5) All electronically stored public records must be provided to the City in a format compatible with the City's information technology systems

10. COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS: Provider understands that agreements between private entities and local governments are subject to certain laws and regulations, including laws pertaining to Fair Credit Reporting Act., consumer protection, public records, conflict of interest, record keeping, etc. City and Provider agree to comply with and observe all applicable laws, codes and ordinances as they may be amended from time to time.

11. INDEMNIFICATION: Provider shall indemnify, defend and hold harmless the City and its officials, employees and agents (collectively referred to as "Indemnitees") and each of them from and against all loss, costs, penalties, fines, damages, claims, expenses (including attorney's fees) or liabilities (collectively referred to as "Liabilities") by reason of any injury to or death of any person or damage to or destruction or loss of any property arising out of, resulting from, or in connection with (i) the performance or non-performance of the services contemplated by this Agreement which is or is alleged to be directly or indirectly caused, in whole or in part, by any act, omission, default or negligence (whether active or passive) of Provider or its employees, agents or subcontractors (collectively referred to as "Provider"), regardless of whether it is, or is alleged to be, caused in whole or in part (whether joint, concurrent or contributing) by any act, omission, default or negligence (whether active or

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passive) of the Indemnitees, or any of them or (ii) the failure of the Provider to comply with any of the paragraphs herein or the failure of the Provider to conform to statutes, ordinances, codes, or other regulations or requirements of any governmental authority, federal or state, in connection with the performance of this Agreement. Provider expressly agrees to indemnify and hold harmless the Indemnitees, or any of them, from and against all liabilities which may be asserted by an employee or former employee of Provider, or any of its subcontractors, as provided above, for which the Provider's liability to such employee or former employee would otherwise be limited to payments under state Workers' Compensation or similar laws.

12. DEFAULT: If Provider fails to comply with any term or condition of this Agreement, or fails to perform any of its obligations hereunder, then Provider shall be in default. Upon the occurrence of a default hereunder the City, in addition to all remedies available to it by law, may immediately, upon written notice to Provider, terminate this Agreement whereupon all payments, advances, or other compensation paid by the City to Provider while Provider was in default shall be immediately returned to the City. Provider understands and agrees that termination of this Agreement under this section shall not release Provider from any obligation accruing prior to the effective date of termination. Should Provider be unable or unwilling to commence to perform the Services within the time provided or contemplated herein, then, in addition to the foregoing, Provider shall be liable to the City for all expenses incurred by the City in preparation and negotiation of this Agreement, as well as all costs and expenses incurred by the City in the procurement of the Services, including consequential and incidental damages.

13. RESOLUTION OF CONTRACT DISPUTES: Provider understands and agrees that all disputes between Provider and the City based upon an alleged violation of the terms of this Agreement by the City shall be submitted to the City Manager for his/her resolution, prior to

Provider being entitled to seek judicial relief in connection therewith. In the event that the amount of compensation hereunder exceeds \$25,000, the City Manager's decision shall be approved or disapproved by the City Commission. Provider shall not be entitled to seek judicial relief unless: (i) it has first received City Manager's written decision, approved by the City Commission if the amount of compensation hereunder exceeds \$25,000, or (ii) a period of sixty (60) days has expired, after submitting to the City Manager a detailed statement of the dispute, accompanied by all supporting documentation (90 days if City Manager's decision is subject to City Commission approval); or (iii) City has waived compliance with the procedure set forth in this section by written instruments, signed by the City Manager.

14. CITY'S TERMINATION RIGHTS:

A. The City shall have the right to terminate this Agreement, in its sole discretion, at any time, for convenience, by giving written notice to Provider at least five (5) business days prior to the effective date of such termination. In no event shall the City be liable to Provider for any additional compensation, other than that provided herein, or for any consequential or incidental damages. The Provider shall have no recourse from such a termination.

B. The City shall have the right to terminate this Agreement, with notice to Provider, as set forth in Section 12, upon the occurrence of an event of default hereunder.

15. INSURANCE: Provider shall, at all times during the term hereof, maintain such insurance coverage in accordance to Attachment C. All such insurance, including renewals, shall be subject to the approval of the City for adequacy of protection and evidence of such coverage shall be furnished to the City on Certificates of Insurance indicating such insurance to be in force and effect and providing that it will not be canceled during the performance of the services under this contract without thirty (30) calendar days prior written notice to the City.

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Completed Certificates of Insurance shall be filed with the City prior to the performance of services hereunder, provided, however, that Provider shall at any time upon request file duplicate copies of the policies of such insurance with the City.

If, in the judgment of the City, prevailing conditions warrant the provision by Provider of additional liability insurance coverage or coverage which is different in kind, the City reserves the right to require the provision by Provider of an amount of coverage different from the amounts or kind previously required and shall afford written notice of such change in requirements thirty (30) days prior to the date on which the requirements shall take effect. Should the Provider fail or refuse to satisfy the requirement of changed coverage within thirty (30) days following the City's written notice, this Contract shall be considered terminated on the date that the required change in policy coverage would otherwise take effect.

16. NONDISCRIMINATION: Provider represents and warrants to the City that Provider does not and will not engage in discriminatory practices and that there shall be no discrimination in connection with Provider's performance under this Agreement on account of race, color, sex, religion, age, handicap, marital status or national origin. Provider further covenants that no otherwise qualified individual shall, solely by reason of his/her race, color, sex, religion, age, handicap, marital status or national origin, be excluded from participation in, be denied services, or be subject to discrimination under any provision of this Agreement.

17. ASSIGNMENT: This Agreement shall not be assigned by Provider, in whole or in part, without the prior written consent of the City Commission, which may be withheld or conditioned, in the City's sole discretion; provided, however, that in connection with the financing of any loans related to the Services herein, Provider may assign its rights to payroll-

deducted amounts related thereto (in such case, Provider may not assign any of its obligations hereunder and City is entitled to deal solely with the Provider).

18. NOTICES: All notices or other communications required under this Agreement shall be in writing and shall be given by hand-delivery or by registered or certified U.S. Mail, return receipt requested, addressed to the other party at the address indicated herein or to such other address as a party may designate by notice given as herein provided. Notice shall be deemed given on the day on which personally delivered; or, if by mail, on the fifth day after being posted or the date of actual receipt, whichever is earlier.

TO PROVIDER:

Thomas C. McCormick
Chief Operating Officer
BMG Money, Inc.
1221 Brickell Avenue, Suite 1170
Miami, FL 33131

TO THE CITY:

City Manager
444 SW 2nd Avenue, 10th Floor
Miami, Florida 33130

With copies to:

City Attorney
444 SW 2nd Avenue, Suite 945
Miami, Florida 33130

19. MISCELLANEOUS PROVISIONS:

A. This Agreement shall be construed and enforced according to the laws of the State of Florida.

B. Title and paragraph headings are for convenient reference and are not a part of this Agreement.

C. No waiver or breach of any provision of this Agreement shall constitute a waiver of any subsequent breach of the same or any other provision hereof, and no waiver shall be effective unless made in writing.

D. Should any provision, paragraph, sentence, word or phrase contained in this Agreement be determined by a court of competent jurisdiction to be invalid, illegal or otherwise

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unenforceable under the laws of the State of Florida or the City of Miami, such provision, paragraph, sentence, word or phrase shall be deemed modified to the extent necessary in order to conform with such laws, or if not modifiable, then same shall be deemed severable, and in either event, the remaining terms and provisions of this Agreement shall remain unmodified and in full force and effect or limitation of its use.

E. This Agreement constitutes the sole and entire agreement between the parties hereto. No modification or amendment hereto shall be valid unless in writing and executed by properly authorized representatives of the parties hereto.

20. **SUCCESSORS AND ASSIGNS:** This Agreement shall be binding upon the parties hereto, their heirs, executors, legal representatives, successors, or assigns.

21. **INDEPENDENT CONTRACTOR:** Provider has been procured and is being engaged to provide services to the City as an independent contractor, and not as an agent or employee of the City. Accordingly, Provider shall not attain, nor be entitled to, any rights or benefits under the Civil Service or Pension Ordinances of the City, nor any rights generally afforded classified or unclassified employees. Provider further understands that Florida Workers' Compensation benefits available to employees of the City are not available to Provider, and agrees to provide workers' compensation insurance for any employee or agent of Provider rendering services to the City under this Agreement.

22. **CONTINGENCY CLAUSE:** Funding for this Agreement is contingent on the availability of funds and continued authorization for program activities and is subject to amendment or termination due to lack of funds, reduction of funds and/or change in laws, ordinances, codes, regulations, upon thirty (30) days notice to Provider. The Provider shall have no recourse from such a termination.

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23. **REAFFIRMATION OF REPRESENTATIONS:** Provider hereby reaffirms all of the representations contained in the Solicitation Documents.

24. **ENTIRE AGREEMENT:** This instrument and its attachments constitute the sole and only agreement of the parties relating to the subject matter hereof and correctly set forth the rights, duties, and obligations of each to the other as of its date. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force or effect.

25. **COUNTERPARTS:** This Agreement may be executed in two or more counterparts, each of which shall constitute an original but all of which, when taken together, shall constitute one and the same agreement.

26. **CITY NOT LIABLE FOR DELAYS:** Provider hereby understands and agrees that in no event shall the City be liable for, or responsible to Provider or any subcontractor, or to any other person, firm, or entity for or on account of, any stoppages or delay(s) in work herein provided for, or any damages whatsoever related thereto, because of any injunction or other legal or equitable proceedings or on account of any delay(s) for any cause over which the City has no control.

27. **USE OF NAME:** Provider understands and agrees that the City is not engaged in advertising, sales promotion, or other publicity purposes relative to this Agreement. The Provider is an independent contractor not related or affiliated with the City. No advertising, sales promotion, or other publicity materials containing information obtained in connection with the RFP or this Agreement are to be mentioned by Provider or its employees providing Services related to this Agreement, or imply the name, municipal palm tree logo, likeness or other symbol of the City, without prior express written permission of the City Commission.

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28. SPECIAL INSURANCE AND INDEMNIFICATION RIDER: Please initial if applicable:

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their respective officials thereunto duly authorized, this the day and year above written.

“City”

CITY OF MIAMI, a municipal corporation

ATTEST:


Todd B. Hannon, City Clerk


By: 
Daniel J. Alfonso, City Manager

“Provider”

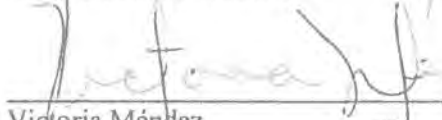
BMG Money, Inc.,
a corporation authorized to do business in Florida

ATTEST:


JEAN ANNES GUIMARAES
Print Name:
Title: Corporate Secretary

By: 
Print Name: ANGELA ANNES GUIMARAES
Title: President or other Authorized Corporate Officer¹

APPROVED AS TO LEGAL FORM AND CORRECTNESS:


Victoria Méndez
City Attorney

APPROVED AS TO INSURANCE REQUIREMENTS:


Ann-Marie Sharpe, Director
Risk Management

¹ Attach Corporate Resolution authorizing the signatory of Provider to sign this Agreement and bind Provider.

ATTACHMENT A

SPECIFICATIONS / SCOPE OF WORK

Provider agrees to provide the Services as specifically described, and under the same terms and conditions, as set forth immediately below:

1. Provider shall charge a fixed interest rate of 23.99% hereby replacing the potential interest rates reflected in Provider's proposal. Additionally, Provider's initial one-time processing fee shall not exceed the amount of \$25.00.
2. Subject to the City's sole discretion, Provider shall provide in-person voluntary financial education to City employees, including, but not limited to, employee applicants, at times and locations approved in advance by the City. Such in-person financial education shall be based upon FDIC issued materials concerning debt management and instruction on responsible borrowing, or such other topics as may be approved in advance by the City. Furthermore, Provider shall provide access to on-line financial education to all City employee applicants. As a prerequisite for consideration for a loan, employee applicants shall need to certify that they have completed either such in-person or on-line financial education and, upon the City's request, Provider shall need to provide proof of the same. All such financial education shall be provided at no cost to the City or its employees.
3. Provider shall not conduct any marketing of any kind targeted at the City's employees. Additionally, the only information Provider shall make available to the City's employees shall be at the City's request and pursuant to the City's prior consent.

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4. When processing a loan application, Provider shall verify the employee applicant's employment with the City (inclusive of date of employment or salary/gross pay) using a City communicated census file and payroll calendar, or the City's Human Resources Department ("HR") shall confirm the employment for the Provider using a list of enrollees, whichever the City deems in its best interest.
5. Once the employee applicant is approved, the Provider shall provide the approved loan amount in the form of a check sent via U.S. mail or a direct deposit. In no event, shall Provider request the employee applicant's bank account information from the City.
6. Provider shall provide the City with signed or electronically signed payroll deduction authorizations ("PDAs") for each and every employee applicant granted a loan in .pdf format (or such other format as may be approved by the City).
7. Provider affirms and agrees that before any City employee, as referenced herein, is eligible to participate in this Program, Provider shall have received and maintained on file a signed or electronically-signed Employee Disclosure/Release Form in favor of the City which is attached herein as Attachment "D". Provider shall periodically provide the City's Risk Manager a copy of such Disclosure/Release Form(s).
8. Upon an employee applicant's resignation/termination from employment with the City, the Provider shall have no rights to the final benefits the City may owe that employee applicant.
9. The City shall bear absolutely no cost, liability, or risk, from the Provider's implementation or operation of this employee voluntary loan program. The City shall not be a guarantor or secondarily liable in any manner for the repayment of Provider's loans, and responsibility for all such loans shall be strictly and solely the Provider's and the

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employee applicant's. Provider shall assume any and all liability associated with all such loans, inclusive of loans pertaining to employee applicants no longer in the City's employment, whether due to resignation, termination, or otherwise.

All such other terms and conditions and specifications/scope of work not expressly addressed above shall remain the same as reflected herein the Solicitation Documents in Attachment "B".

ATTACHMENT C

INSURANCE REQUIREMENTS-PROFESSIONAL SERVICES AGREEMENT EMPLOYEE VOLUNTARY LOAN PROGRAM

I. Commercial General Liability

A. Limits of Liability

Bodily Injury and Property Damage Liability	
Each Occurrence	\$1,000,000
General Aggregate Limit	\$ 2,000,000
Personal and Adv. Injury	\$ 1,000,000
Products/Completed Operations	\$ 1,000,000

B. Endorsements Required

City of Miami listed as additional insured
Contingent & Contractual Liability
Premises and Operations Liability
Primary Insurance Clause Endorsement

II. Business Automobile Liability

A. Limits of Liability

Bodily Injury and Property Damage Liability	
Combined Single Limit	
Owned/Scheduled Autos	
Including Hired, Borrowed or Non-Owned Autos	
Any One Accident	\$ 1,000,000

B. Endorsements Required

City of Miami listed as an additional insured

III. Worker's Compensation

Limits of Liability
Statutory-State of Florida
Waiver of Subrogation

Employer's Liability

A. Limits of Liability

\$100,000 for bodily injury caused by an accident, each accident

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\$100,000 for bodily injury caused by disease, each employee
\$500,000 for bodily injury caused by disease, policy limit

IV. Professional Liability/Errors and Omissions Coverage

Combined Single Limit	
Each Claim	\$1,000,000
General Aggregate Limit	\$1,000,000
Retro Date Included	

The above policies shall provide the City of Miami with written notice of cancellation or material change from the insurer in accordance to policy provisions.

Companies authorized to do business in the State of Florida, with the following qualifications, shall issue all insurance policies required above:

The company must be rated no less than "A-" as to management, and no less than "Class V" as to Financial Strength, by the latest edition of Best's Insurance Guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent. All policies and /or certificates of insurance are subject to review and verification by Risk Management prior to insurance approval.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/21/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lykes Insurance Inc 1550 Madruga Ave Suite 210 Coral Gables FL 33146		CONTACT NAME: Yenitza Guzman PHONE (A/C, No, Ext): 239-931-3024 E-MAIL: yguzman@lykesinsurance.co ADDRESS: yguzman@lykesinsurance.co		FAX (A/C, No) 239-931-5604	
INSURED BMG Money, Inc. Marion Mathes 1221 Brickell Ave, Suite 1170 Miami FL 33131		INSURER(S) AFFORDING COVERAGE INSURER A: Sentinel Insurance Company Ltd INSURER B: Hartford Casualty Insurance Co INSURER C: Lloyd's of Londo INSURER D: INSURER E: INSURER F:		NAIC # 1000 9424	

COVERAGES

CERTIFICATE NUMBER: 541530368

REVISION NUMBER:


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY [] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER X POLICY [] PRO-JECT [] LOC		21SBMBU4797	1/1/2014	1/2015	EACH OCCURRENCE \$1 00 ,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1 000,000 MED EXP (Any one person) \$10 000 PERSONAL & ADV INJURY \$1 000,000 GENERAL AGGREGATE \$2 000,000 PRODUCTS - COM/OP AGG \$2,000,000 \$
A	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS X HIRED AUTOS [] SCHEDULED AUTOS [X] NON-OWNED AUTOS		21SBMBU4797	2 1 2014	1/20 15	COMBINED SINGLE LIMIT (Ea accident) \$1 000 000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	X UMBRELLA LIAB [X] OCCUR EXCESS LIAB [] CLAIMS-MADE DED [X] RETENTION \$10,000		21SBMBU4797	2 1 2014	2 1 015	EACH OCCURRENCE \$2 000,000 AGGREGATE \$2 000 000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N N/A	21WECAH3220	2/1/2014	2/1/2015	X WC STATU OTH ER E L EACH ACCIDENT \$1,000,000 E L DISEASE EA EMPLOYEE \$1,000,000 E L DISEASE POLICY LIMIT \$1,000,000
C	Professional Liability Claims Made Form Retro Date 8/15/14		B0572NA13TY85	8/15/2014	8/15/2015	Aggregate Limit 1,000,000 Deductible 25,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

City of Miami is listed as additional insured with respects to General Liability on a primary and non-contributory basis per form SS00080 4/05

CERTIFICATE HOLDER**CANCELLATION**

City of Miami 444 SW 2nd Ave Miami FL 33130	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	---

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ACORD 25 (2010/05)

The ACORD name and logo are registered marks of ACORD

ATTACHMENT D

EMPLOYEE DISCLOSURE/RELEASE FORM

City of Miami

You understand that your decision to participate and borrow funds pursuant to the Voluntary Loan Program ("Loan Program") administered, supervised and directed by BMG Money, Inc. ("BMG") is your own individual decision, that it is not related to, affiliated with, requested, expected or encouraged by the City of Miami ("City") and that it is made by you knowingly and voluntarily.

You fully understand on a knowing and voluntary basis that the loan document and related paperwork required by BMG to process your loan is your own personal loan, your own personal debt, and that the City is not responsible in any manner for its repayment.

You warrant and agree to the following: (1) You confirm the voluntary, knowing and consensual decision to participate in the Loan Program on the terms and conditions presented by BMG; (2) You hereby release the City, its officials and employees from any claims, actions, causes of action, suits, proceedings, costs, liabilities, damages or debts ("Claims") arising or accruing, or related to the Loan Program and this additionally shall relieve the City, its officials and employees, from any liabilities due to alleged violations of consumer protection, Fair Credit Reporting Act, insolvency or similar laws ("Statutory Claims") and bars any civil, statutory or similar claims against the City, its officials or employees or for any actions, decisions, debts or defaults arising from the Loan Program. You fully and forever release the City and its officials and employees from all Claims and Statutory Claims, present and future, anticipated or unanticipated, resulting from or arising out of the Loan Program.

BMG provides in-person voluntary financial education to City employees (information regarding times and locations may be found here: [INSERT LINK]). BMG also provides on-line financial education to all City employees (please see: [INSERT LINK]). *As a prerequisite for consideration for a loan, you must certify that you have completed either the in-person or on-line financial education provided by BMG.*

I AGREE

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FORM FOR PIGGYBACK CONTRACT

Leon County, Florida (“County”) enters this piggyback contract (“Piggyback Contract”) with **BMG Money, Inc.** (“Vendor”), under the terms and conditions hereinafter provided. The County and Vendor agree as follows:

1. On [DATE], County staff recommended that the County’s Board of County Commissioners (the “Board”) authorize the piggyback the City of Miami RFP-391314(17) – Term Contract for “Loans At Work” program to BMG Money, Inc. of Miami, Florida (the “Original Government Contract”), as more fully described in [DOCUMENT TITLE] issued by [DEPARTMENT NAME] ([FILE NUMBER (IF ANY)]). Thereafter, at its [DATE] meeting, upon a motion duly made and seconded, by an affirmative vote of [VOTE], the Board authorized the piggyback of the Original Government Contract.

2. The Original Government Contract is incorporated herein by reference and is attached as “Exhibit A” to this Piggyback Contract. All of the terms and conditions set out in the Original Government Contract are fully binding on the parties and said terms and conditions are incorporated herein.

3. Notwithstanding the requirement that the Original Government Contract is fully binding on the parties, the parties have agreed to modify certain technical provisions of the Original Government Contract as applied to this Piggyback Contract between the Vendor and the County, as follows:

a. Time Period (“Term”): The term of this Piggyback Contract shall commence on the date set forth below, and the term of the Original Government Contract as applied to this Piggyback Contract shall commence on the date hereof.

b. Address Change for the County: Notwithstanding the address and contact information for the government entity as set out in Exhibit A, the Vendor agrees that it will send notices and will conduct all business with the County attention of the County Administrator, at Leon County, 301 South Monroe Street, Tallahassee, FL 32301. The County Administrator’s designated contact for this contract is Mary Barley, Health and Well-Being Coordinator, Leon County, 301 South Monroe Street, Suite 502, Tallahassee, FL 32301, (850) 606-2427, barleym@leoncountyfl.gov.

c. Notwithstanding anything in Exhibit A to the contrary, the venue of any dispute will be in Leon County, Florida. Litigation between the parties arising out of this contract must be in Leon County, Florida in the court of appropriate jurisdiction.

d. All other provisions in the Original Government Contract (Exhibit A) are fully binding on the parties and will represent the agreement between the County and the Vendor.

Entered this ____ day of _____, 2015.

BMG MONEY, INC.

LEON COUNTY, FLORIDA

By: _____
Authorized Signer
Thomas C. McCormick
Chief Operating Officer

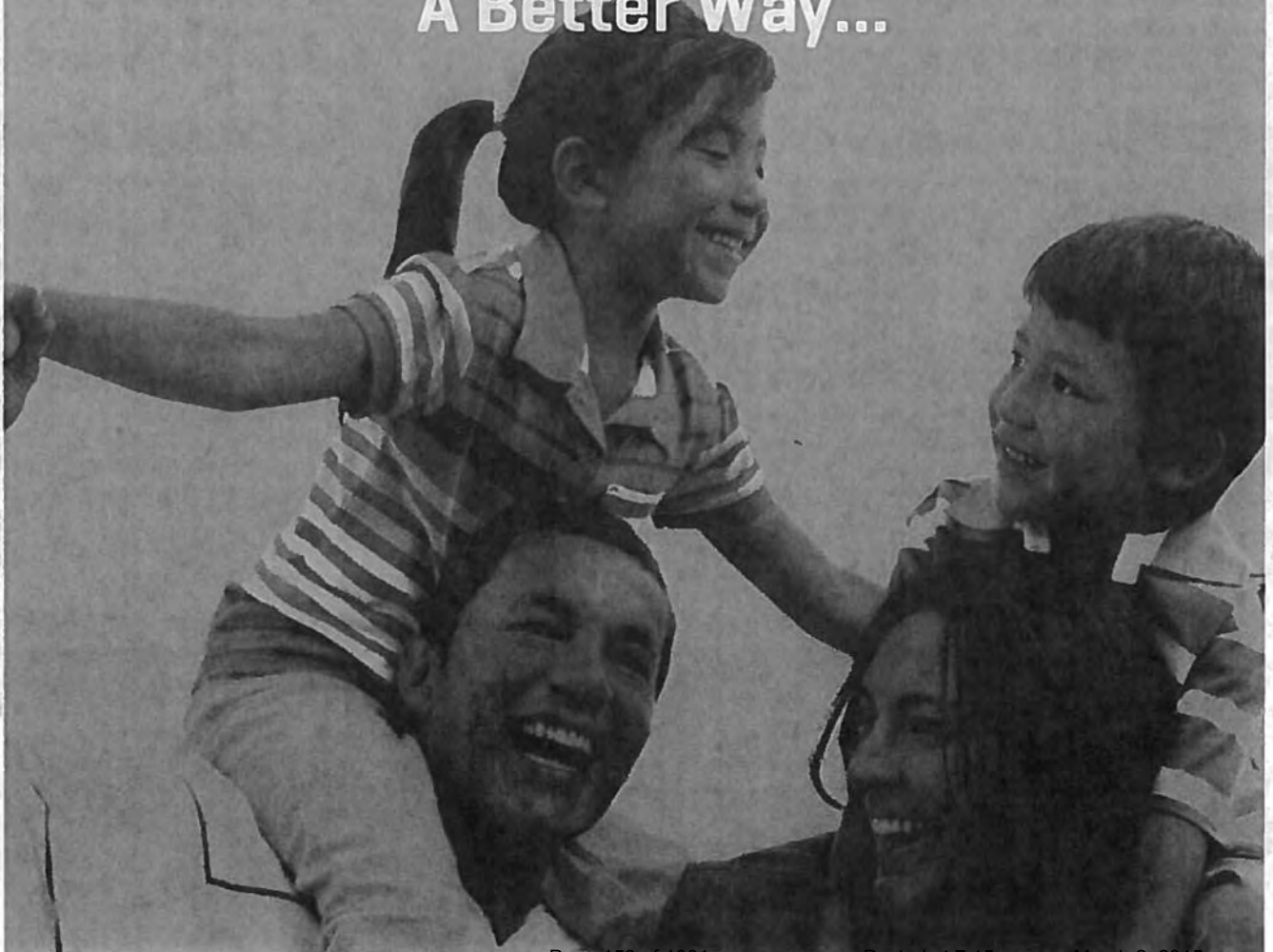
By: _____
Authorized Signer
Name: _____
Title: _____

EXHIBIT A

[Attach Original Government Contract]



A Better Way...





Life Happens in Lump Sums



The average family health insurance deductible is **\$2,000**



61% of Americans live paycheck-to-paycheck



64% of Americans don't have \$1,000 in savings



The average cost of moving in Florida is **\$3,960**



50% of weddings go over budget










15% to 20% of U.S. workers are experiencing financial stress



1 in 4 people use high-cost loans



LoansAtWork provides short-term employment-based loans to workers in need

-  **\$500–\$5,000 loan**
-  **6–24 month payment term**
-  **23.99% fixed simple interest rate**
-  **Guaranteed approval for employees on the job for at least 1 year**
-  **Payments under 20% of take-home pay**
-  **Automated payroll deductions**
-  **Information and tools to make smart financial decisions**

EMPLOYEE PROCESS

- ▶ **Easy and confidential online application**
- ▶ **Complete an online budget to ensure loan affordability**
- ▶ **Receive money within two business days**
- ▶ **Installment payments deducted from payroll**

Meets FDIC Guidelines

LoansAtWork fits within the guidelines established by the FDIC for a well-structured installment loan product:

- Term of at least 90 days**
- APR below 36%**
- Low fees**
- Financial education**



MARIE

Borrowed \$5,000 to replace her old car



LoansAtWork helps your employees responsibly manage emergency expenses

LoansAtWork is a simple and responsible way to provide your workforce with access to loans with fixed rates and payments, at no cost to you.

Employee benefits provide protection & peace of mind. LoansAtWork, as part of a strong benefits program, can help you build a great team.

- ✓ Zero cost or risk to employer
- ✓ Simple to administer
- ✓ Complements existing benefits
- ✓ Improves morale & can help reduce turnover
- ✓ Reduces 401k / 403b / 457 loans

LoansAtWork Customer Profile

AVERAGE AGE	▶ 46 YEARS
ANNUAL SALARY	▶ \$44,000
AVERAGE TIME AT JOB	▶ 12 YEARS

TOP 5 OCCUPATIONS

29%	▶ Administrative & Operations
14%	▶ Police Officer
14%	▶ Manager
9%	▶ Maintenance
4%	▶ HR & Payroll



SANDRA

Needed \$4,000 for her son's college expenses.



Unexpected Expenses Can Lead to Risky Financial Solutions

And 1/3 of your workers
will not even qualify for most
mainstream financial products.

LoansAtWork fills in the gap—
providing your employees
with a better way to get
short-term loans.

PAYDAY LOANS

CREDIT CARDS

LOANSATWORK

**CREDIT UNION
Platinum Credit Card**

**CREDIT UNION
Signature Loan**

Financial Access at a Reasonable Cost

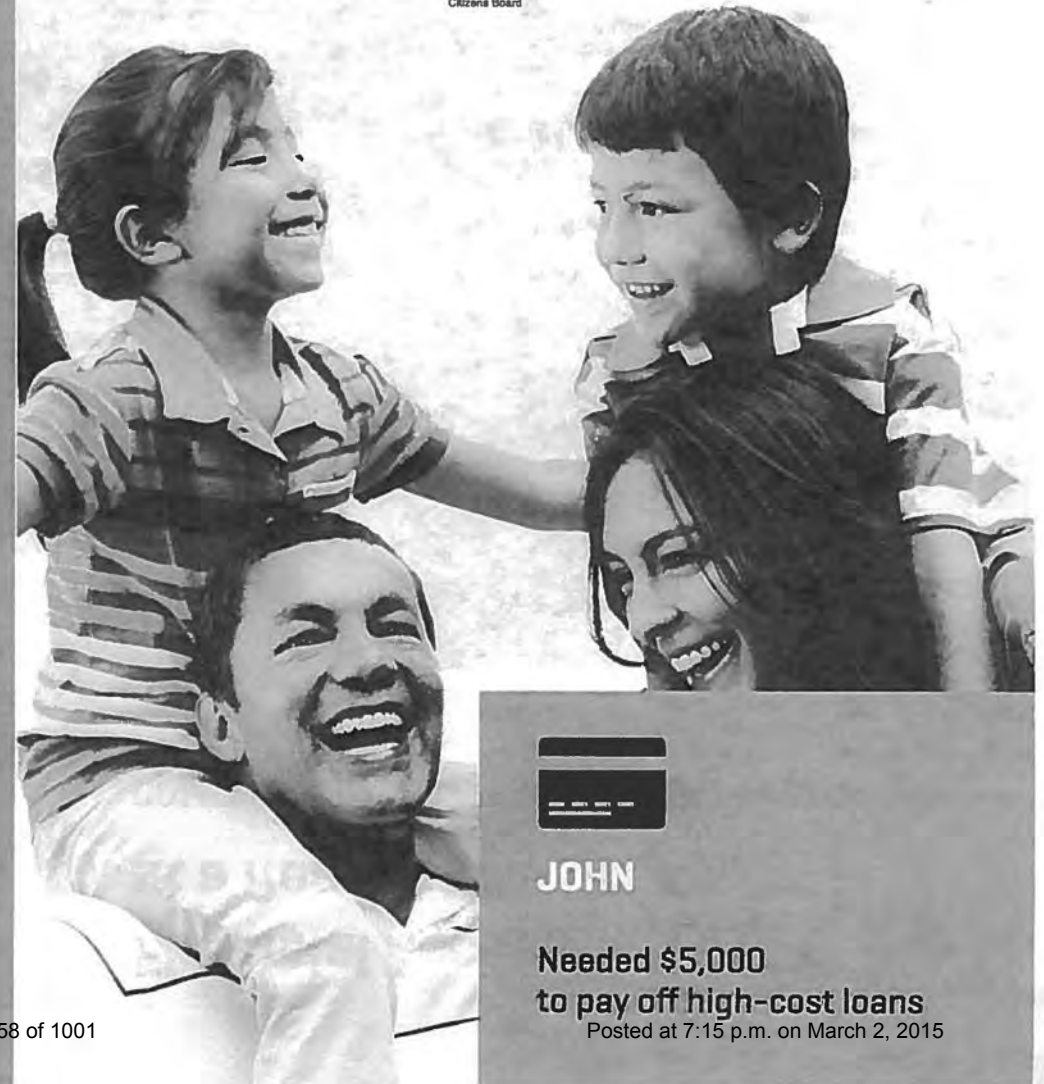
COMPARE OPTIONS FOR A 6-MONTH \$500 LOAN

Rate	Cost & Access		Ending Balance
266%	\$510	YES Anyone with a job	\$0
25% <small>COMPOUNDED</small>	\$88	NO Good credit required	\$467
23.99% <small>SIMPLE INTEREST</small>	\$58	YES At least 1 year at job	\$0
18%	\$51	NO Good credit required	\$440
16%	\$23	NO Minimum 640 credit score	\$0

LoansAtWork Facts

- ▶ **FIXED RATES AND FIXED PAYMENTS**
All employees pay the same simple, fixed interest rate and fixed payments are deducted from employees' paychecks.
- ▶ **EMPLOYMENT-BASED ELIGIBILITY**
Loans are approved based on employment status (1-year of employment is required) with no credit checks, allowing access to credit for those that need it the most.
- ▶ **BUILDS CREDIT**
On-time payments are reported to consumer reporting agencies, helping employees build strong credit.
- ▶ **NO COSTS TO EMPLOYERS**
Employers pay nothing to make LoansAtWork available to their employees, and we will reimburse any costs.
- ▶ **NO LIABILITY**
Employers verify employment and make payroll deductions—it's that simple. If an employee leaves for any reason, the employer has no liability or risk.

Community Involvement



JOHN

**Needed \$5,000
to pay off high-cost loans**

Posted at 7:15 p.m. on March 2, 2015

Loan Number:123456789

Payroll Deduction Promissory Note (Florida Consumer)

BMG Money, Inc.

Execution Date:

Funding Date:

Maturity Date:

Employer: _____

In this Note (except in the Notice to Consumer), the terms "I", "me" and "my" refer to the undersigned Borrower, and the terms "you", "your" and "yours" refer to BMG Money, Inc., a Delaware corporation, with an address at 1221 Brickell Avenue, Suite 1170, Miami, FL 33131, and its successors and assigns.

Promise to Pay. In return for a loan received from you, I promise to pay to you the principal amount of: _____ United States Dollars and no cents (\$_____.00) plus simple interest on the unpaid principal balance each day from the Funding Date shown above until this Note is repaid in full. As described in more detail on the reverse side of this Note, I authorize and request my Employer shown above to deduct amounts from my wages, salary, commissions or other similar compensation for application to the payment of amounts payable by me under this Note from time to time. I will not ask my Employer shown above to discontinue such deductions until this Note is finally repaid in full. Interest will be calculated at the yearly rate of ____%. A fee of \$25.00 will be deducted from my loan proceeds to reimburse a portion of the costs for investigating my character and credit.

Before the Maturity Date shown above, payments will be due under this Note (consisting of principal and accrued interest) in the amounts as provided in the Payment Schedule set forth below.

On the Maturity Date shown above, I will pay to you the entire unpaid balance of outstanding principal and accrued interest.

I agree to pay a Returned Payment Fee equal to the greater of \$20 or the actual charge made to you by a depository institution, whenever a payment on the loan is dishonored or returned unpaid.

Federal Truth-in-Lending Disclosures

ANNUAL PERCENTAGE RATE The cost of my credit as a yearly rate.	FINANCE CHARGE The dollar amount the credit will cost me.	Amount Financed The amount of credit provided to me or on my behalf	Total of Payments The amount I will have paid after I have made all payments as scheduled.
_____ %	\$ _____	\$ _____	\$ _____

Payment Schedule. My Payment Schedule will be:

Number of Payments	Amount of Payments	When Payments Are Scheduled
	\$	
	\$	
	\$	
	\$	
	\$	

Security. The loan is not secured.

Prepayment. If I pay off early, I will not have to pay a penalty and may be entitled to a refund of all or part of the finance charge. I should see the provisions on the reverse side of this Note for any additional information about nonpayment, default and any required repayment in full before the scheduled date.

At my request, the above Payment Schedule is the same as my Employer's schedule for paying me. I understand, however, that payment defaults under this Note are determined on a monthly basis.

ITEMIZATION OF AMOUNT FINANCED

- (a) Amounts paid directly to me or retained by you for my account..... \$ _____
- (b) Prepaid Finance Charge..... \$ _____
- (c) Amount Financed (a - b)..... \$ _____
- (d) Finance Charge (Include Prepaid Finance Charge)..... \$ _____
- (e) Total of Payments (c + d)..... \$ _____

Notice to Consumer

- (1) DO NOT SIGN THIS PAPER BEFORE YOU READ IT, INCLUDING THE WRITING ON THE REVERSE SIDE, EVEN IF OTHERWISE ADVISED.
- (2) YOU ARE ENTITLED TO AN EXACT COPY OF THIS NOTE, AND ANY AGREEMENT YOU SIGN.
- (3) YOU MAY PREPAY THE UNPAID BALANCE AT ANY TIME WITHOUT PENALTY AND MAY BE ENTITLED TO RECEIVE A REFUND OF UNEARNED CHARGES IN ACCORDANCE WITH LAW.
- (4) DO NOT SIGN THIS IF IT CONTAINS ANY BLANK SPACES.

I HAVE READ AND ACCEPT ALL TERMS OF THIS NOTE, INCLUDING THOSE ON THE REVERSE SIDE. I ACKNOWLEDGE RECEIPT OF AN EXACT AND COMPLETED COPY OF THIS NOTE.

E-Signed xxxxxxxx xxxxxxxx on MM/DD/YYYY

Address: _____

ADDITIONAL NOTE TERMS AND CONDITIONS

FEDERAL TRUTH-IN-LENDING DISCLOSURES. I understand that you have provided these disclosures (the "Disclosures") to me even though my loan may not be subject to the provisions of the Truth-In Lending Act. The Disclosures (other than the Payment Schedule shown in the Disclosures) are not meant to state my repayment terms, which are set forth in the Promise to Pay section on the face of this Note. The Amount of Payments, Finance Charge and Total of Payments shown in the Disclosures are based on the assumption that I will pay each scheduled payment in full on its due date. However, because interest on this Note is charged on a daily basis, the actual amounts I pay will depend upon my payment habits and may be greater or less than shown in the Disclosures.

FLORIDA CONSUMER FINANCE ACT DISCLOSURES. I acknowledge receipt of this Note as a statement in the English language showing in clear and distinct terms the amount and date of my loan and the date of its maturity; the nature of the security, if any, for my loan; my name and address and your name and address; and the rate of interest charged. I also acknowledge that you have fully explained to me that my loan is made under the Florida Consumer Finance Act, that the terms of my loan provide for interest and charges pursuant to the Florida Consumer Finance Act and the nature of the security, if any, for my loan.

RESPONSIBILITY OF PERSONS SIGNING NOTE. I waive any defenses against you otherwise available to me including presentment, demand, protest and notice. You may choose whether to enforce or keep any right of set-off, guarantee or other credit support, and this will not affect my obligations to you.

INTEREST. Interest on this Note is calculated on a simple interest basis. This means that you compute my interest each day by multiplying the unpaid principal balance by the annual interest rate divided by 365 or 366, as applicable.

AUTHORIZATION OF EMPLOYER DEDUCTIONS. I authorize and request that my Employer listed on the face of this Note, on each date upon which wages, salary, commissions or other similar compensation are payable to me, deduct (or cause the deduction) from such wages, salary, commissions or other similar compensation the amount of my payment obligations then due and payable under this Note (in accordance with the Payroll Deduction section below) and remit such amount to you in payment of my obligations under this Note. I acknowledge that my Employer's remittance of such payments to you is an employee benefit offered for my ease and convenience. I do not by this Note sell, assign or make an order for the payment of my salary, wages, commissions or other compensation for services to you as security for my loan or otherwise.

PAYROLL DEDUCTION. To the extent available, \$_____ (or, if a default occurs under this Note, an amount equal to my payment obligations then due and payable under this Note, to the extent of available wages, salary, commissions or other similar compensation) will be deducted from my wages, salary, commissions or other similar compensation on each day on which I am paid. Such payroll deductions shall be applied to the payment obligations set forth in the Payment Schedule on the face of this Note.

PAYMENTS. Payments are deemed received by you when such payments are deducted pursuant to this Note from my wages, salary, commissions or other similar compensation by my Employer listed on the face of this Note. Each payment shall be applied first to the accumulated interest and other charges and then to the unpaid principal balance and otherwise in accordance with applicable law.

PREPAYMENTS. Even though I need not pay more than the scheduled payments, I have the right to prepay all or any portion of the loan (with interest on such payment to the date such payment is made) at any time without penalty. Also, I have the right to pay amounts greater than my

regular payment or to make extra payments whenever I wish. The more rapidly I repay the amount I borrowed, the smaller the total finance charge earned by you will be. Partial prepayments may be applied by you in any manner permitted by applicable law.

PERMISSION TO CONTACT EMPLOYER. You have permission to contact my Employer shown above.

DEFAULT. Unless "default" is defined otherwise under applicable state law, "default," with respect to this Note, means without justification under any applicable law:

(a) If I fail to pay the entire unpaid balance of the outstanding principal and accrued interest within ten (10) days of the Maturity Date set forth on the face of this Note,

(b) If I take any action or permit any event to occur which materially impairs my ability to make payments on this Note when due or materially impairs your ability to collect any amounts due. Such events include, without limitation, my death, my insolvency or the institution of bankruptcy or other insolvency proceedings involving me.

(c) If I cease to be employed by my Employer listed on the face of this Note, if my Employer listed on the face of this Note ceases to make payroll deductions in accordance with this Note or discloses its intent to cease making such deductions, or if I change the Authorization of Employer Deductions above, and, in each case, the payments scheduled to be made in any thirty (30) day period which occurs after the Funding Date set forth on the face of this Note are not received by you by the last day of that thirty (30) day period.

YOUR RIGHTS AFTER DEFAULT. Upon occurrence of a default and expiration of the minimum applicable legal period to cure default, if any, you will have the rights the law allows, which include:

(1) **DEMAND FOR PAYMENT IN FULL.** You may declare the entire unpaid balance of this Note immediately payable.

(2) **SET-OFF. TO THE EXTENT PERMITTED BY LAW, YOU MAY APPLY AGAINST THE AMOUNT I OWE YOU ON THIS NOTE ANY MONEY THAT YOU OR ANY OF YOUR AFFILIATES MAY OWE ME.**

(3) **COLLECTION COSTS.** I agree to pay the reasonable costs you incur to collect this Note, including reasonable attorneys' fees, unless you may not collect these costs from me under applicable law.

(4) **DEFAULT INTEREST.** You may charge a default rate of interest to the extent permitted by applicable law.

APPLICABLE LAW. This Note is governed by the internal laws of the State of Florida, excepting conflicts of law rules that provide for the application of the laws of another jurisdiction. If any provision of this Note is found to be unenforceable, this will not affect the validity or enforceability of any other provision. Any provision of this Note that conflicts with any mandatory provision of applicable law shall be deemed to be amended to conform with such applicable law.

ASSIGNMENT. I may not assign this Note or any of my rights or obligations under this Note. You may assign this Note or all or any portion of your rights under this Note at any time.

WAIVER. You may accept late or partial payments or otherwise delay enforcing your rights without losing them.

COMMUNICATIONS. You may report information about this loan to a credit bureau or any other person you believe to have a legitimate business need for the information and you may also report to your affiliates information from my credit application, my credit bureau report or any other information you have about me unless I request otherwise by writing you at your address set forth on the face of this Note.

Feedback from Other BMG Money, Inc. Governmental Clients

Jackson County Health System, Miami, FL

Has the program been easy to implement?	Very easy
Are your employees grateful to have it?	Yes, I've had employees in tears with gratitude since they felt as though they didn't have any other avenues
Have you been pleased with it so far?	Yes. The team has been great and really take care of everything in a timely manner
If you have had any problems, what have they been?	No
Would you recommend this program to Leon County?	Yes. If you are looking to provide this type of program, they are definitely very professional and committed to meet all deadlines.

City of Ft. Lauderdale

Has the program been easy to implement?	The program has been in place since Jan. 2013. At present they send a full register, biweekly; detailing existing participants, new enrollees and payroll changes to existing deductions. Based upon the recent register, the appropriate changes are made.
Are your employees grateful to have it?	I believe so. To my knowledge, there have been no complaints to date.
Have you been pleased with it so far?	The constant request for statistical data on our employees can be a bit much at times, but aside from that, they have been a joy to work with.
If you have had any problems, what have they been?	None
Would you recommend this program to Leon County?	Yes. The Administrative staff have been a joy to work with and the program relatively easy to administer.

Palm Beach Clerk and Comptroller

Has the program been easy to implement?	From what I have heard, it is easy to implement
Are your employees grateful to have it?	Yes. I believe the employees are happy to have this option
Have you been pleased with it so far?	Yes, we have been pleased
If you have had any problems, what have they been?	No problems. When we implemented the Loans at Work program, we had a 457b with one record keeper and although we offered Hardship Loans, the plan did not offer All Purpose Loans. When we changed our 457b to a new record keeper in September of last year, we made the decision to allow employee to take All Purpose Loans.
Would you recommend this program to Leon County?	I think it could be worthwhile if you feel that your employees have no alternative resource. The interest rate is quite high though.

Palm Beach County

Has the program been easy to implement?	Yes. The County does not get involved. We have a flyer on the Intranet about it and the employee contacts BMG, Inc. directly
Are the employees grateful to have it?	Lots of employees use it. We have recently hired a lot of young employees and they really appreciate it and it is helping them establish good credit. We feel it is a benefit to the employees because most of them would have nowhere else to go.
Have you been pleased with it so far?	Yes
If you have had any problems, what have they been?	No problems, but the usage gets higher toward the end of the year due to Christmas, so it creates more work for HR, but we feel it is worth it to the employees.
Would you recommend this program to Leon County?	Yes

City of Miami

Has the program been easy to implement?	It is not difficult to administer and it doesn't take a lot of time.
Are the employees grateful to have it?	A lot of employees are using it and they really like it.
Have you been pleased with it so far?	Yes. The employees apply directly from the website
If you have had any problems, what have they been?	We have not had any complaints from employees. Some of our Commissioners think the interest rate is too high, but an agenda item was not implemented to get it approved, so they didn't have any say initially.
Would you recommend this program to Leon County?	Yes.



LoansAtWork® Program Employer Clients

Government

1. Broward County Public Schools
2. City of Dania Beach
3. City of Doral
4. City of Fort Lauderdale
5. City of Hialeah
6. City of Hialeah Gardens
7. Highlands County Tax Collector
8. Hillsborough County Property Appraiser
9. Jackson Health System
10. City of Lauderdale Lakes
11. City of Longwood
12. Martin County School District
13. City of Miami
14. City of Miami Beach
15. Miami Parking Authority
16. City of Miami Springs
17. City of North Miami
18. City of North Miami Beach
19. City of Opa-locka
20. Orlando-Sanford Airport Authority
21. Palm Beach County Clerk & Comptroller
22. Palm Beach County Tax Collector
23. City of Sanford
24. Seminole County
25. Seminole County Property Appraiser
26. City of South Miami
27. Town of Surfside
28. City of Sweetwater
29. Tampa Port Authority
30. City of West Miami

Not-for-Profit

1. Community Partnership for Children (Daytona Beach)
2. Family Support Services of North Florida (Jacksonville)
3. His House (Miami)
4. Miami Jewish Health Systems
5. OurKids of Miami-Dade/Monroe
6. Switchboard of Miami
7. United Way of Miami-Dade

**Leon County
Board of County Commissioners**


Notes for Agenda Item #4

Leon County Board of County Commissioners

Cover Sheet for Agenda #4

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval of a Proposed Agreement with National Life Group's Life of the South West Represented by William M. Durham and Associates, LLC to Establish a 457(b) Deferred Compensation Plan Which Includes a Roth Investment Option and a 401(a) Retirement Savings Match Program

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Candice Wilson, Director of Human Resources
Lead Staff/ Project Team:	Ernest A. Poirier, Human Resources Specialist

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve an Agreement with National Life Group's Life of the South West Represented by William M. Durham and Associates, LLC to establish a 457(b) Deferred Compensation Plan which includes a Roth Investment Option and a 401(a) Retirement Savings Match Program, and authorize the County Administrator to execute (Attachment #1).

Title: Approval of an Agreement with National Life Group's Life of the South West Represented by William M. Durham and Associates, LLC to Establish a 457(b) Deferred Compensation Plan Which Includes a Roth Investment Option and a 401(a) Retirement Savings Match Program.

March 10, 2015

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Report and Discussion

Background:

At the December 9, 2014 meeting, the Board directed staff to modify the County's Deferred Compensation 457(b) Plan to include a ROTH Option with the County's current deferred compensation providers (VALIC, Nationwide and ICMA). The providers offer a traditional 457(b) Deferred Compensation Plan.

During the same meeting the Board voted to allow a new vendor, William M. Durham and Associates, LLC, to offer a 457(b) ROTH Deferred Compensation Plan to Leon County Board of County Commissioners employees. Consistent with Board direction at the December 9, 2014 meeting, staff recommends allowing the ROTH option for William M. Durham Associates LLC which will include 401(a) Retirement Savings Match Program.

Durham Associates is an independent financial planning firm located in Tallahassee, Florida since 1973. It is the regional affiliate of the National Retirement Group, JD Melberg Financial, Advisors Excel and the Drop Advisory Council (Attachment #2). Durham Associates is recommending the National Life Group LSW (Life of the Southwest) as the provider for the Roth 457(b) Deferred Compensation Plan. LSW is headquartered in Addison, Texas and is a subsidiary of National Life Insurance Company, which is located in Vermont since 1848 (Attachment #3).

Leon County current deferred compensation providers offer investment options commonly known as tax deferred fixed annuities and variable annuities. By including Durham Associates as a provider, County employees will have another investment option with an indexed annuity.

Analysis:

There are many different types of annuity contracts. An annuity is a financial product that allows a contract holder to accumulate money on a tax-deferred basis and receive a series of payments at regular intervals. People purchase annuities to obtain an income or to supplement retirement income they will receive from Social Security, pension benefits, investments and other sources. The following are the types of annuities that will be offered to Leon County employees through the current vendors and the new vendor.

- An **Indexed Annuity** is usually a fixed (i.e., not a variable) annuity with alternate methods of determining and crediting interest. While traditional fixed annuities typically declare interest in advance for premium payments based on the performance of the company's underlying investments for those premiums, an IA's interest is determined, at least in part, by the performance of a specified index of marketplace performance (frequently the S&P 500 Index® or Russell 2000®)* over a stated period. For instance, the interest credit for an IA might be defined as 70% of the rate of increase in the S&P 500 Index® over each one-year period. Different IAs present different methods of determining the interest credits.

Title: Approval of an Agreement with National Life Group's Life of the South West Represented by William M. Durham and Associates, LLC to Establish a 457(b) Deferred Compensation Plan Which Includes a Roth Investment Option and a 401(a) Retirement Savings Match Program.

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With most IA designs, the premiums are protected and guaranteed to grow over time. This is a feature unavailable with any form of direct participation in the marketplace, such as through a mutual fund or a variable annuity. At times with a better market conditions, an IA may experience interest credits that outperform traditional fixed annuities. Because it is an annuity rather than a mutual fund, the IA offers important insurance features including tax deferral, a death benefit that may be paid outside probate, and annuitization.

- **Variable Deferred Annuities** offer the upside potential of the securities market. You can choose from a variety of equity subaccounts as well as fixed income account options. A variable deferred annuity allows you to invest tax deferred and transfer money between different types of investments without current tax liability. Unlike fixed and indexed annuities, there are no guarantees with a variable annuity, which may result in a loss of principal. Deferred annuities are available to purchase using a single lump sum, or with flexible premiums over time. As with all deferred annuities, when it comes time to take income from your deferred annuity, you will have many options available to meet your needs. Variable annuity contracts are sold by prospectus.
- **Fixed Annuity** premiums accumulate at a rate of interest set by the company, and the amount of each annuity payment is determined when payments begin. Deferred annuities are designed for long-term accumulation purposes. Early withdrawals may be subject to surrender charges and if taken prior to age 59 ½ a 10% federal penalty may apply.

Durham Associates will have another investment option for county employees with an LSW indexed annuity. LSW offers a basic indexed annuity that does not contain mortality charges, expense charges, fund charges, or administrative fees. The only fee associated with LSW index annuity would be .70% if a guaranteed lifetime income rider is added to the basic annuity. However, the LSW index annuity has early withdrawal or surrender charges/fees if more than 10% of the total value of the index fund annuity is withdrawn prior to the end of the surrender fee period, which is 10 years. Surrender charges end after the 10th year the contract is in force. The following is the 10-year surrender charge table.

Surrender Charge fee schedule:										
Years:	1	2	3	4	5	6	7	8	9	10
Percentage (%)	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%

Title: Approval of an Agreement with National Life Group's Life of the South West Represented by William M. Durham and Associates, LLC to Establish a 457(b) Deferred Compensation Plan Which Includes a Roth Investment Option and a 401(a) Retirement Savings Match Program.

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Options:

1. Approve an Agreement with National Life Group's Life of the South West Represented by William M. Durham and Associates, LLC to establish a 457b Deferred Compensation Plan which includes a Roth Investment Option and a 401(a) Retirement Savings Match Program, and authorize the County Administrator to execute (Attachment #1).
2. Do not approve an Agreement with National Life Group's Life of the South West represented by William M. Durham and Associates, LLC to establish a 457b Deferred Compensation Plan which includes a Roth Investment Option and a 401(a) Retirement Savings Match Program.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Agreement with National Life Group's Life of the South West represented by William M. Durham and Associates, LLC to establish a traditional 457(b) Deferred Compensation Plan, which includes a Roth Investment Option and 401(a) Retirement Savings Match Program
2. Company History and References
3. Life Insurance Company of Southwest a Member of the National Life Group

LEON COUNTY GOVERNMENT

457(b) Deferred Compensation Plan

For Governmental Employees



This plan document (which includes both an Adoption Agreement and a Basic Plan Document) is intended to meet the requirements of an eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder, that is sponsored by a governmental employer, as defined thereunder. This document has not been approved by the Internal Revenue Service and is provided for consideration by the employer and its legal counsel. Modifications may be required depending on the specific facts and circumstances of the employer, including any applicable state or local laws, rules or regulations regarding deferred compensation or retirement benefits for governmental employees. *National Retirement Group, National Life Group and TSA Consulting Group do not provide legal or tax advice.*

**Adoption Agreement For
Leon County Board of County Commissioners
457(b) Deferred Compensation Plan
For Governmental Employers**

Attachment #1
Page 2 of 48

The undersigned Employer hereby establishes this 457(b) Deferred Compensation Plan for Governmental Employers, as modified by this Adoption Agreement and agrees that the following provisions shall be included as part of the Plan document.

PLAN IDENTIFICATION:

Name of Plan: The Leon County Board of County Commissioners 457(b) Deferred Compensation Plan

Effective Date: This Adoption Agreement of the 457(b) Deferred Compensation Plan for Governmental Employers:

- Establishes a new Plan effective as of _____ (the "Effective Date").
- Constitutes an amendment and restatement in its entirety of a previously established 457(b) Plan of the Employer. Unless otherwise specified in the Plan, the effective date of this amended and restated Plan is January 1, 2015 (hereinafter called the "Effective Date")

Administrator: The *Employer shall be the Administrator of the Plan* unless another party is named below:

Alternate Administrator: TSA Consulting Group, Inc.

Applicable Law: This Plan shall be interpreted under the laws of the state in which Employer's principal office is located unless another state is designated:

State of Applicable Law: _____

EMPLOYER INFORMATION

IMPORTANT NOTE: *If Employer is NOT a governmental organization, this Adoption Agreement may not be used.*

Name of Employer: Leon County Board of County Commissioners

Address of Employer's Principal Office:

315 South Calhoun St., Ste. 502
Tallahassee, FL 32301

Telephone Number: _____

Name of Contact Person: Mr. Ernest Poirier

Contact Person's Telephone Number/Extension: _____

Email for Contact Person: _____

PLAN INFORMATION

Eligibility

1. Eligible Individuals for Purposes of Participant Deferral Contributions:

- All Employees
- All Employees other than the following group or groups of Employees elected below:
 - Nonresident aliens with no U.S. source of income,
 - Employees who normally work less than 20 hours per week,
 - Students performing services for the Employer whose Compensation is not subject to wages under the Federal Insurance Contributions Act ("FICA"),
 - Collectively bargained employees

Only the following Employees (by Classification or Title): _____

2. For purposes of eligibility to participate in the Plan, Independent Contractors:

- Are NOT eligible to participate in the Plan
- Are eligible to participate in the Plan

CONTRIBUTIONS AND ALLOCATIONS

Employee Contributions

3. Roth Contributions Choose one option below:

- Roth 457(b) contributions to the Plan are permitted on or after a specific date determined solely by the Plan Sponsor and upon written communication to the plan administrator and each provider of Roth investment products.
- Roth Contributions are NOT permitted under the Plan.

4. The Final Three Year Catch Up limit will will not be available to Participants under the Plan. If this option is selected, then the Normal Retirement Age for purposes of the catch up will be:

- Any age specified by the participant in the participation agreement provided such declared age is not before the earliest date at which a participant is entitled to an unreduced normal retirement benefit under the Employer's defined benefit pension nor later than age 70 1/2.
- Age 65
- Age 70 1/2
- Other: _____ NOTE: Age specified for this option may not be less than age 65 or more than age 70 1/2.

Employer Contributions (check box 5 or 6)

- 5. Employer Contributions will NOT be made to the Plan, or
- 6. Employer contributions, as indicated below are permitted under the Plan, provided that the sum of Employer and Participant Contributions shall not exceed the limits of Section 457(b)(2) of the Code.

- Matching Contributions* equal to _____ % of each Active Participant's deferral subject to a maximum of \$ _____ or _____ %.
- Matching Contributions* as described hereafter: _____

- Discretionary Contributions* if authorized and determined solely by the Employer.
- Contributions* as required by separate contract or collective bargaining agreement.
- Other:* (please describe) 401(a) Match Program as described in Plan Document

IMPORTANT NOTE: ALL contributions to the Plan are always 100% vested to avoid problems with applicable annual contribution limits.

Investments

- 7. Employer hereby authorizes investment of Plan Accounts in annuity contracts and/or custodial accounts offered by the organizations listed on Appendix 1.

DISTRIBUTIONS

Defaults

8. If a Participant fails to select an authorized Investment Product under Section 4.1 of the Plan:

Default Option: Employer shall deposit contributions made on his behalf into the following Investment Product: _____

No Default the Participation Agreement shall be deemed to be incomplete and shall be considered null and void.

Beneficiary Rights

9. A beneficiary of a deceased Participant's account may may not designate his own beneficiary.

Unforeseeable Emergency Withdrawals

10. Unforeseeable Emergency Withdrawals will will not be permitted under the Plan.

Loans

11. Loans are permitted from the Plan, or are NOT permitted under the Plan.

CERTIFICATION AND SIGNATURE

Employer represents and warrants that it is a unit of a State or local government or an agency or instrumentality of one or more units of a State or local government as described in Section 457(e)(1)(A) of the Code. Employer further acknowledges receipt of a copy of the 457(b) Plan for Governmental Employers Plan document, and by affixing its signature hereto, adopts that Plan of which this Adoption Agreement is a part thereof.

EMPLOYER: Leon County Board of County Commissioners

Authorized Representative: _____

By: _____
Authorized Representative/Title

Dated: _____

APPENDIX 1

Authorized Agents and Vendors under the Plan Are:

- W.M. Durham Associates, LLC.
- National Retirement Group
- Life Insurance Company of the Southwest
- National Life Group
-
-
-
-
-

Vendors also offer Roth 457(b) accounts.

Important Note:

As provided under the Plan, any authorized Vendor named above agrees to share information necessary for compliance purposes with Employer, an Administrator and/or with any other 457(b) provider as may be required or desirable to facilitate compliance with the Plan and all applicable laws and regulations.

Plan Administrator

Name of Plan Administrator: TSA Consulting Group Inc.
Address: 73 Eglin Parkway NE, Suite 302
City: Fort Walton Beach
State: Florida 32548
Plan Administrator Phone Number: 888-796-3786
Plan Administrator Fax Number: 866-741-0645
Plan Administrator Contact: Steve Banks
E-mail: sbanks@tsacg.com

Agent of Record

Agent of Record: Bill Durham, W.M. Durham Associates, and National Retirement Group
Address: Northside Professional Center 1615 Village Square Blvd., Suite 5
City: Tallahassee
State: Florida
Zip: 32309
Phone Number: 800-396-3420
Contact: Bill Durham
E-mail: bdurham@wmdallc.com

457(b) PLAN DOCUMENT

Leon County Government, the Employer whose name and signature appear on the Adoption Agreement for the 457(b) and Roth 457(b) Deferred Compensation Plan for Governmental Employers (the "Adoption Agreement"), hereby establishes a deferred compensation plan (the "Plan") which is established pursuant to applicable state law and is intended to comply with Section 457(b) of the Internal Revenue Code of 1986, as amended, and any regulations issued thereunder. The Plan shall include the provisions set forth in this Plan document, the Adoption Agreement and any contracts, custodial agreements, and trusts as may be established or maintained by a provider of Investment Products available hereunder.

Leon County Government, the Employer, is offering its Employees the opportunity to save for retirement with the ~~457(b)~~ and Roth 457(b) Deferred Compensation Plan. It also will also match a portion of the money the eligible Employee contributes to his or her ~~457(b)~~ and Roth 457(b) accounts by utilizing a Discretionary 401(a) Retirement Savings Match Plan.

ARTICLE I. DEFINITIONS

As used in this Plan, the specific words and phrases shall have the following meanings, unless a different meaning is plainly required by the context and the following rules of interpretation shall apply in reading this instrument. The masculine pronoun shall include the feminine and the singular shall include the plural. All references herein to specific Sections shall mean Sections of this document unless otherwise qualified.

- 1.1 **Account** means the separate account or accounts established and maintained by the Trustee for each Participant under the terms of the Plan. **457 Rollover Account** means that portion of a Participant's Account attributable to Rollover Contributions received from another eligible 457(b) deferred compensation plan sponsored by a Governmental Employer.
- 1.2 **Administrator** means Employer or the alternate Administrator appointed under Section 6.2 of the Plan to act as such under this Plan.
- 1.3 **Adoption Agreement** means the separate agreement as executed by Employer and which sets forth the elective provisions of the Plan. The Adoption Agreement shall be included as part of the Plan.
- 1.4 **Beneficiary** means the person(s), trust(s), or other entities designated by the Participant to receive the balance of the Participant's Accounts, if any, upon the Participant's death. Elections made by a Participant hereunder shall be binding on any such Beneficiary(s).
- 1.5 **Code** means the Internal Revenue Code of 1986, as amended and any regulations issued thereunder.
- 1.6 **Contribution** means all contributions made hereunder by or for the benefit of each Participant and deposited into each Participant's Account. A **Rollover Contribution** means a contribution of an eligible rollover distribution made by a Participant from another eligible deferred compensation 457(b) plan sponsored by a Governmental Employer.

- 1.7 **Eligible Individual** means any individual who qualifies for eligibility in accordance with the applicable provisions of the Adoption Agreement and under Section 2.1 of the Plan. Individuals who do not perform services for Employer may not defer compensation under the Plan.
- 1.8 **Employee** means any individual in the employ of the Employer who is designated on the payroll records of the Employer as a common law employee. Even if a subsequent determination by a court of competent jurisdiction or governmental agency reclassifies any individual as a common law employee, such individual shall be excluded from “Employee” status hereunder. “Leased employees” described in Code Section 414(n) of the Code shall not be included as Employees hereunder.
- 1.9 **Employer** means the governmental organization identified as Employer in the Adoption Agreement, any successor thereto that elects to maintain this Plan, and any predecessor which has maintained this Plan.
- 1.10 **Governmental Employer** means any entity described in Section 457(e) (1) (A) of the Code.
- 1.11 **Includible Compensation** means the remuneration paid by Employer to an Eligible Individual that qualifies as “includible compensation” under Section 457(e) (5) of the Code. Beginning in 2009 and thereafter, such term also includes any “differential pay” that may be received from the Employer while performing qualified military service under Code Section 414(u).
- 1.12 **Independent Contractor** means any person receiving cash remuneration from the Employer for services rendered to Employer pursuant to one or more contracts, if such person is not an Employee.
- 1.13 **Investment Product** means any savings and investment product specifically approved and authorized by Employer to be offered to Participants under the Plan, provided that such products are held in an annuity contract, custodial account or trust that qualifies as a trust to hold 457(b) plan assets under Section 401(f) of the Code.
- 1.14 **Participant** means any Eligible Individual who has executed a Participation Agreement and has not become ineligible to participate in the Plan and any Employee for whom the Employer has made a direct contribution to the Plan. An “Active Participant” is any Participant who is currently deferring compensation under a Participation Agreement or who is receiving direct Employer contributions to his Account. An “Inactive Participant” is any former Participant who is not currently deferring compensation hereunder or who is not receiving direct Employer contributions to his Account.
- 1.15 **Participation Agreement** means an agreement by which an Eligible Individual agrees to defer current remuneration otherwise payable from the Employer into the Plan and the Employer agrees to deposit such deferred amount into the Plan in accordance with the terms of the agreement.
- 1.16 **Plan** means this 457(b) Deferred Compensation Plan for Governmental Employers and the related Adoption Agreement as executed by the Employer, along with any custodial account, Trust or annuity contract as may be established or maintained by a provider of Investment Products available hereunder.
- 1.17 **Trust** means any trust established under applicable state law by the Employer to hold Participant Accounts hereunder as provided in Article IV, and any other account, contract or instrument that qualifies as a trust under the terms of Section 401(f) of the Code.

- 1.18 **Trustee** means the person, entity or organization, if any, designated to act as Trustee of the Plan in the Adoption Agreement. If the assets of the Plan are held in annuity contracts and/or custodial accounts, then the issuer of such annuity contracts and/or custodial accounts must qualify under Sections 457(g) and 401(f) of the Code. The term "Trustee" shall include an insurer issuing such annuity contracts and/or the issuer of such custodial accounts.

ARTICLE II. ELIGIBLE INDIVIDUALS

- 2.1 **ELIGIBILITY.** The Administrator shall determine the eligibility of each Eligible Individual based upon the eligibility requirements selected in the Adoption Agreement. Such determination shall be conclusive and binding upon all persons.

- 2.2 **PARTICIPATION.** An Eligible Individual may participate and become an Active Participant by executing a valid Participation Agreement and delivering such agreement to Employer. The Participation Agreement shall specify:

- (a) the amount of the Active Participant's Includible Compensation which the Employer and the Active Participant agree to defer, and
- (b) the date as of which reduction and deferral of compensation pursuant to the Participation Agreement shall begin, which date shall be as early as administratively practicable but not earlier than the first day of the first calendar month following the execution of the Participation Agreement.

If, in the Adoption Agreement, Employer has elected to make an Employer contribution to the Plan, any individual who is eligible to receive the contribution shall be deemed to be an Active Participant for all purposes of the Plan as of the first day of the first calendar month following satisfaction of the eligibility requirements for receiving the Employer contribution, provided that all required administrative forms necessary to open an Account and have such amounts contributed into an Investment Product have been executed by such date. The participation date shall default to the first day of each succeeding calendar month until all required forms are received by Employer or designated Administrator.

- 2.3 **TERMINATION OF ELIGIBILITY.** In the event a Participant ceases to be an Eligible Individual, the Participant shall become an Inactive Participant and all Contributions shall immediately cease.

- 2.4 **AMENDMENTS OF PARTICIPATION AGREEMENTS.** Participation Agreements are irrevocable as to all amounts previously deferred under the Participation Agreement. A Participant may modify a Participation Agreement, on forms approved by the Administrator, to do any of the following:

- (a) change the investment of any Contributions to the Account;
- (b) terminate the election to be an Active Participant; and
- (c) change prospectively the amount of compensation to be deferred.

An amendment or termination shall be effective as soon as administratively practicable, but not earlier than the first day of the following calendar month.

ARTICLE III. CONTRIBUTIONS AND ALLOCATIONS

- 3.1 **CONTRIBUTIONS.** Except as provided in Sections 3.2 and 3.3, the maximum amount that may be contributed into the Plan by or on behalf of a Participant during any taxable year shall not exceed the limits of Section 457(b)(2) of the Code. Subject to such limitation, nothing herein shall prohibit an Employer from making Contributions into the Plan for a Participant in accordance with the terms of the Adoption Agreement. If, in any taxable year, the total amount contributed by or on behalf of a Participant exceeds the limits of Section 457(b)(2) of the Code, (as modified by Section 3.2 and 3.3 of the Plan) then any such excess, plus earnings thereon, shall be distributed from the applicable Investment Products as soon as practicable upon discovery of the excess contribution.
- 3.2 **FINAL THREE (3) YEARS OF SERVICE CATCH-UP DEFERRAL LIMIT.** If elected by the Employer in the Adoption Agreement, an Active Participant may in any of his final three (3) years of employment, ending before the year in which the Participant attains Normal Retirement Age as defined in the Adoption Agreement, elect to defer from compensation an amount not exceeding the limits of Section 457(b)(3) of the Code, and applicable regulations issued thereunder. For purposes of this Section 3.2, a prior year shall be taken into account only if such year began after December 31, 1978, and the Participant was eligible to participate in the Plan during all or a portion of the prior year.
- 3.3 **OLDER WORKER CATCH-UP CONTRIBUTION LIMIT.** A Participant who has attained age 50 on or before the last day of the calendar year may elect to increase his deferrals in accordance with the limits of Section 414(v) of the Code. Such contributions are in addition to the limitations of Section 457(b)(2) of the Code, but may not be used in any taxable year in which the special limits described in Section 3.2 of the Plan provide for a larger contribution limit.
- 3.4 **TRANSFERS FROM OTHER 457 PLANS.** This Plan shall accept transfers from Participant accounts held in a previous Governmental Employer's eligible 457(b) deferred compensation plan.
- 3.5 **ROLLOVERS INTO THE PLAN.** Distributions to Participants from a previous Governmental Employer's eligible 457(b) deferred compensation plan may be rolled into this Plan provided such distributions qualify as "eligible rollover distributions," as defined in Section 402(c)(4) of the Code. Such amounts shall be allocated to the Participant's 457 Rollover Account.

ARTICLE IV. INVESTMENTS

- 4.1 **PARTICIPANT DIRECTION.** Participants shall provide investment instructions, on such forms as may be required by the Administrator, for Contributions to be deposited into Investment Products as directed by each Participant. If a Participant fails to instruct the Administrator where to invest Contributions made to his Account, or if instructions are not clear, complete or understandable, as determined solely by the Administrator, then any Contributions shall follow the default provisions as selected by the Employer in the Adoption Agreement.
- 4.2 **AUTHORIZED INVESTMENT PRODUCTS.** Employer shall authorize Investment Products in which Participants may save and invest their Accounts, provided that any authorized Investment Product must be held for the exclusive benefit of Participants and their Beneficiaries in a Trust or alternate funding vehicle that qualifies as a Trust pursuant to Section 1.17 of the Plan. Accounts may only be invested in Investment Products approved and authorized by the Employer.
- 4.3 **ESTABLISHMENT OF ACCOUNTS.** Appropriate Accounts shall be established for each Participant. These Accounts shall reflect the Contributions, if any, made for each Participant, and investment earnings or losses of the Investment Products utilized by the Participant to reflect any appreciation or depreciation in the fair market value of the Participants' Accounts. The fair market value of each Participant's Account shall represent the fair market value of all assets held, plus deposits and accrued earnings, less accrued expenses and proper charges against each Participant's Account as of each valuation. Each Account shall be valued at least once per calendar year.
- 4.4 **TRUST REQUIREMENT.** Accounts shall be held in trust for the exclusive benefit of Participants in a Trust or alternative instrument that qualifies as a trust under Section 401(f) of the Code. Any investment made hereunder shall be subject to the terms and conditions of the Trust to the extent such terms are not inconsistent with the terms of the Plan or applicable law (including regulations and other guidance provided thereunder). In such instance, the terms of the Plan shall control.
- 4.5 **ADMINISTRATION OF INVESTMENTS.** Contributions made by or on behalf of Participants (including Inactive Participants) shall continue to be invested in the manner selected by the Participant until the Administrator has received new investment instructions. Unless otherwise restricted by the Trust or alternate instrument, a designation filed by a Participant changing his investment option may apply to investment of future Contributions and/or to amounts already accumulated in his Account as the Participant elects. A Participant may change his investment options only as permitted under the terms of the applicable Trust or alternate instrument.
- 4.6 **CONDITIONS OF INVESTMENTS.** Amounts allocated to each Participant's Account shall be invested in the Investment Product selected by the Participant, or, if selected by Employer in the Adoption Agreement, in accordance with the default investment(s) so indicated. Participants invest their Accounts subject to the terms and conditions of any agreements governing the Investment Product in which their Accounts are invested. The terms and conditions of such Investment Products are considered part of, and shall be construed as having been incorporated into this Plan except to the extent any provision of an Investment Product agreement is inconsistent with the terms of the Plan or applicable law (including

regulations and other guidance provided thereunder). In such instance, the terms of the Plan shall control.

ARTICLE V. DISTRIBUTIONS AND TRANSFERS OF BENEFITS

5.1 **DISTRIBUTIONS UNDER THE PLAN.** Except as provided in Section 5.2, a Participant's Account may not be distributed to a Participant (or, if applicable, the Beneficiary) until one of the following events has occurred:

- (a) the Participant has severed employment with the Employer,
- (b) the Participant has attained age 70 ½,
- (c) the Participant has died, or
- (d) the Plan has been terminated by Employer.

Notwithstanding the above, a Participant who is on active duty for a period of at least 30 days while performing qualified military service and who is receiving differential pay from the Employer while on active duty may elect to receive a distribution of the Participant's deferrals into the Plan as permitted under Code Section 414(u). If a distribution of the Participant's deferrals is taken, then no deferrals into the Plan may be made by the Participant for a period of at least six (6) months from the date of the distribution.

5.2 **UNFORESEEABLE EMERGENCY WITHDRAWALS.** This Section shall apply only if selected by the Employer in the Adoption Agreement and if permitted by the Investment Products in which a Participant's Account is invested. Notwithstanding Section 5.1, a Participant may request an Unforeseeable Emergency withdrawal by submitting that request, in writing on the Plan's approved form, to the Administrator. After considering all information provided by the Participant, the Administrator shall approve or deny the request. If a request for an Unforeseeable Emergency withdrawal is approved, the Administrator shall direct the provider of the applicable Investment Products to distribute the approved amount from the Participant's Account. For purposes of this Section, "Unforeseeable Emergency" is defined in Section 457(d) (1) (A) (iii) and the regulations issued thereunder.

5.3 **TIMING OF DISTRIBUTIONS.** Upon the occurrence of an event described in Section 5.1, but no later than the mandatory distribution date determined under Section 5.4, a Participant may elect any benefit distribution option as permitted by the Investment Products in which the Participant's Account is invested. Such an election will be effective only if made on forms provided by the Administrator and received in the office of the Administrator in accordance with such procedures as the Administrator may establish. If a Participant fails to make an election as to the form or timing of his distribution, the Participant's benefit will be paid in installments calculated by the providers of the Investment Products to satisfy the requirements of Section 5.4.

5.4 **MANDATORY DISTRIBUTION.** Notwithstanding any other provision of this Plan, a Participant's Account shall begin distribution by April 1 of the calendar year following the calendar year in which occurs the later of the Participant's attainment of age 70-1/2 or severance from employment, unless a later date is authorized under the Code or applicable regulations. The Participant's Account shall then be distributed (both in determining the timing of subsequent distributions and the amount of all required distributions) in a manner consistent with Sections 457(d) and 401(a) (9) of the Code and in conformity with the requirements of Treas. Regs.

1.401(a) (9)-1 through 1.401(a) (9)-9. For the calendar year 2009 only, a Participant who would have been required to receive a distribution under this Section 5.4 but for the enactment of WRERA ("2009" mandatory distribution"), and who would have satisfied that requirement by receiving a distribution from the Plan will not receive a 2009 mandatory distribution. However, the Participant may affirmatively elect to receive such amount in 2009 which shall not be a mandatory distribution under this Section of the Plan.

- 5.5 **DEATH DISTRIBUTIONS.** A Participant's Beneficiary shall be entitled to receive the Participant's Account balance in the event of the Participant's death. A Beneficiary entitled to payment hereunder may elect in what form distributions shall be made, provided that any such distribution form is offered at that time and satisfies the requirements of Sections 457(d) and 401(a)(9) of the Code and regulations applicable thereunder. If a Participant fails to validly designate a Beneficiary prior to his death, or the Beneficiary is not alive at the time of the Participant's death, the provisions of Section 5.14 shall determine who the Participant's Beneficiary shall be for purposes of this Section 5.5. Distributions due to death are payable when the Administrator has received satisfactory proof of the Participant's death, all required tax information and any other required forms.
- 5.6 **DEATH BEFORE DISTRIBUTIONS HAVE BEGUN.** If the Participant dies before Mandatory Distributions (under Section 5.4) have begun, the Participant's Account shall either be totally distributed no later than the fifth year following the year of the Participant's death, or over a period not exceeding the joint and last survivor life expectancies of the Participant and Designated Beneficiary, provided that the distributions begin no later than the last day of the calendar year following the year in which the Participant died. If the sole Designated Beneficiary is the Participant's surviving Spouse, then lifetime distributions must begin by the later of the last day of the calendar year following the year in which the Participant died, or the last day of the calendar year in which the Participant would have attained age 70 ½. If there is no Designated Beneficiary named by September 30 of the calendar year following the year in which the Participant died, the Participant's entire Account shall be distributed no later than the fifth year following the year of the Participant's death.
- 5.7 **DEATH FOLLOWING THE COMMENCEMENT OF BENEFITS.** If the Participant dies on or after Mandatory Distributions (under Section 5.4) must have begun, the remaining Account balance must be distributed at least as rapidly as was payable under the Mandatory Distributions requirements.
- 5.8 **DISTRIBUTION FOR MINOR BENEFICIARY.** If a distribution is payable to a legal minor, the Administrator may direct that such distribution be paid to the legal guardian, or if none has been duly appointed, then to any of the following:
- (a) any parent of the minor Beneficiary, or
 - (b) the custodian for the minor Beneficiary under a Uniform Gift/Transfer to Minors Act, if such is permitted by the laws of the state in which Beneficiary resides.

Such a payment to the legal guardian, custodian or parent of a minor Beneficiary shall fully discharge the provider of the Investment Products, the Administrator, Employer, and Plan from further liability on account thereof.

- 5.9 **LOCATION OF PARTICIPANT OR BENEFICIARY UNKNOWN.** If all, or any portion, of the distribution payable to a Participant or his Beneficiary from the Plan remains unpaid solely by reason of the inability of the Administrator to locate such Participant or his Beneficiary, the amount so distributable shall be treated as a forfeiture pursuant to the Plan and maintained in a forfeiture account under the Plan. In the event a Participant or Beneficiary is located subsequent to his benefit being held in such account, such benefit shall be restored, including any applicable interest, and paid, to the Participant or Beneficiary, in accordance with the terms of the Plan.
- 5.10 **ROLLOVERS FROM THE PLAN.** Notwithstanding any provision of the Plan to the contrary that would otherwise limit a Distributee's election under this Section 5.10, a Distributee may elect to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee as a Direct Rollover. The Distributee shall, in the time and manner prescribed by the Administrator, specify the amount to be rolled over and the Eligible Retirement Plan to receive the rollover. Any portion of a distribution that is not rolled over shall be distributed to the Participant. For purposes of this Section 5.10, the following terms have the following meanings:
- (a) "Direct Rollover" means a payment by the Plan to the Eligible Retirement Plan specified by the Distributee.
 - (b) "Distributee" means an Employee or former Employee entitled to receive a distribution hereunder. In addition, an Employee's surviving spousal Beneficiary and an Employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code, are Distributees with regard to the interest of the spouse or former spouse.
 - (c) "Eligible Retirement Plan" means an eligible retirement plan described in Section 402(c) (8) (B) of the Code.
 - (d) "Eligible Rollover Distribution" means any distribution to a Distributee that qualifies as such under Section 402(c) (4) of the Code. Amounts required to be distributed under Section 401(a) (9) of the Code are not Eligible Rollover Distributions and amounts paid under Section 5.4 of this Plan are not Eligible Rollover Distributions hereunder.
- 5.11 **PURCHASING SERVICE CREDITS UNDER A STATE OR LOCAL RETIREMENT SYSTEM.** If permitted under the Investment Products in which a Participant's Account is invested, a Participant may direct the Administrator to transfer amounts in his Account in accordance with Section 457(e) (17) of the Code to a state or local retirement system for the purpose of purchasing past years of service credits under the system or to repay amounts previously cashed out under the system.
- 5.12 **TRANSFERS TO OTHER 457 PLANS.** Prior to a Participant's severance from service, transfers may be made from the Plan to another 457(b) plan sponsored by a Governmental Employer only if all of the assets of the Plan are being transferred to another 457(b) plan sponsored by the Employer, or if the Plan's assets are being transferred to another governmental plan within the same state. On or after a severance from service, a Participant may transfer his Account to the 457(b) plan of another Governmental Employer for whom the individual is currently performing services. Notwithstanding the preceding, transfers may only occur to the extent permitted by the Investment Products in which a Participant's Accounts are invested and

subject to any terms thereof and provided such other plan provides or is able to provide for the acceptance of such transferred amounts. The Participant's election to transfer must be made prior to the date benefits would otherwise become payable pursuant to the terms of this Plan.

- 5.13 **DISTRIBUTION TO ALTERNATE PAYEE.** Notwithstanding any other provision herein, the Administrator may, with the Participant's consent, authorize an immediate distribution to any alternate payee named under a domestic relations order which has been issued by a court of competent jurisdiction and determined by the Administrator to be a qualified domestic relations order under Section 414(p) of the Code.
- 5.14 **NO NAMED BENEFICIARY.** If no valid Beneficiary designation is on file on the date of the Participant's death, or if such designation is not valid or effective for any reason, then a deceased Participant shall be deemed to have designated his legal spouse. If the Participant has no spouse, then his Beneficiary shall first be deemed to be the Participant's children who survive the Participant, in equal shares, then if the Participant has no surviving children, the Participant's estate.
- 5.15 **NONSPOUSAL BENEFICIARY.** Effective July 1, 2007, a non-spouse beneficiary receiving a distribution from the Plan which would be an Eligible Rollover Distribution (as defined in Section 5.10) if the recipient were a Distributee, may rollover an Eligible Rollover Distribution to an individual retirement account, provided such account is treated as an inherited IRA with respect to such non-spouse beneficiary.
- 5.16 **BENEFICIARY WRERA RIGHTS.** For the calendar year 2009 only, a Beneficiary who would have been required to receive a mandatory distribution under section 401(a)(9) of the Code but for the enactment of WRERA will not receive a 2009 mandatory distribution unless the Beneficiary elects to receive such amount.

ARTICLE VI. ADMINISTRATION

- 6.1 **AUTHORITY OF EMPLOYER.** Employer has full authority to interpret and construe the Plan in a manner consistent with its terms and with Section 457 of the Code and to establish practices and procedures conforming to those provisions. In all such cases, the Employer's determination shall be final and conclusive upon all persons. It is recognized that unusual circumstances may occur and questions may arise that are not specifically covered by any provision of the Plan, and Employer shall have the right to resolve all such questions.
- 6.2 **APPOINTMENT OF ADMINISTRATOR.** Employer shall act as Administrator of the Plan, however, Employer is authorized to appoint an alternate Administrator and to change an alternate Administrator as he deems necessary for the proper administration of the Plan and to assure that the Plan is being operated for the exclusive benefit of the Participants and their Beneficiaries in accordance with the terms of the Plan and the Code. Employer may appoint a committee ("Committee") of one or more Employees or local public officials to serve as the Administrator and to discharge the Administrator's responsibilities under the Plan. The Employer may remove a Committee member for any reason by giving such member ten (10) days written notice and may thereafter fill any vacancy thus created.

- 6.3 **DELEGATION OF RESPONSIBILITIES.** The Administrator may delegate responsibilities to other qualified parties, provided that the Administrator shall remain responsible for the quality of the performance of each such delegated duty.
- 6.4 **ADVISORS.** The Administrator may appoint and employ such agents, attorneys, actuaries, accountants, auditors, investment counsel, and clerical assistants, and other persons as the Administrator deems necessary or desirable in connection with the administration of this Plan.
- 6.5 **POWERS AND DUTIES OF ADMINISTRATOR.** The primary responsibility of the Administrator is to administer the Plan for the benefit of the Participants and their Beneficiaries, in accordance with applicable laws and subject to the specific terms of the Plan. The Administrator shall have the power and absolute discretion to construe the terms of the Plan and determine all questions arising in connection with the administration, interpretation, and application of the Plan. Any such determination by the Administrator shall be conclusive and binding upon all persons. The Administrator may establish procedures, correct any defect, supply any information, or reconcile any inconsistency in such manner and to such extent as shall be deemed necessary or advisable to carry out the purpose of the Plan; provided, however, that any procedure, discretionary act, interpretation or construction shall be done in a nondiscriminatory manner based upon uniform principles consistently applied and shall be consistent with the intent that the Plan shall continue to be deemed a qualified plan under the terms of Section 457(b) of the Code. The Administrator shall have all powers necessary or appropriate to accomplish his duties under this Plan. The Administrator shall be charged with the duties of the general administration of the Plan, including, but not limited to, the following:
- (a) the discretion to determine all questions relating to the eligibility of Employees and Independent Contractors to participate or remain a Participant hereunder and to receive benefits under the Plan;
 - (b) to determine the amounts to be contributed to each Participant's Account;
 - (c) to authorize and direct the providers of Investment Products with respect to all disbursements to which a Participant is entitled under the Plan;
 - (d) to maintain all necessary records for the administration of the Plan;
 - (e) to maintain practices and procedures necessary to administer the Plan as are consistent with the terms hereof; and
 - (f) to assist any Participant regarding his rights, benefits, or elections available under the Plan.
- 6.6 **INFORMATION FROM EMPLOYER.** To enable the Administrator to perform his functions, Employer shall supply the necessary information to the Administrator on a timely basis regarding the Participants in the Plan, including but not limited to compensation, date of hire, date of death, disability, or termination of employment, and such other pertinent facts as the Administrator may require. The Administrator may rely upon such information as is supplied by Employer and shall have no duty or responsibility to verify such information.
- 6.7 **PAYMENT OF EXPENSES.** Expenses of the Plan may be paid by Employer, Participants, and/or providers of Investment Products, as determined from time to time by Employer. Such expenses shall include any expenses incident to the functioning of the Administrator, including, but not limited to, fees of accountants, counsel, and other specialists and their agents, and other costs of administering the Plan. Notwithstanding the preceding, any expenses or fees related to

and charged under Investment Products shall be paid by each Participant in accordance with the terms of the Investment Products in which each Participant's Account is invested.

ARTICLE VII. MISCELLANEOUS

- 7.1 **EXCLUSIVE BENEFIT RULE.** All amounts held under the Plan, all property and rights which may be purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust (or custodial account or annuity contract described in Section 401(f) of the Code) for the exclusive benefit of Participants and their Beneficiaries. All such amounts shall not be subject to the claims of the Employer's creditors.
- 7.2 **PARTICIPANT RIGHTS.** This Plan shall not be deemed to constitute a contract between the Employer and any Participant or to be a consideration or an inducement for the employment of any Participant, Employee, or Independent Contractor. Nothing contained in this Plan shall be deemed to give any Participant, Employee, or Independent Contractor the right to be retained in the service of the Employer or to interfere with the right of the Employer to discharge any Participant, Employee or Independent Contractor at any time regardless of the effect which such discharge shall have upon him as a Participant of this Plan.
- 7.3 **ALIENATION.** Subject to applicable state law and Section 401(g) of the Code, no benefit which shall be payable to any Participant or Beneficiary shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge, and any attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, or charge the same shall be void; and no such benefit shall in any manner be liable for, or subject to, the debts, contracts, liabilities, engagements, or torts of any such person, nor shall be subject to attachment or legal process for or against such person, and the same shall not be recognized except to such extent as may be required by law.
- 7.4 **STATE LAW.** This Plan shall be construed and enforced according to the state and local laws of the state in which the Employer's principal office is located.
- 7.5 **RECEIPT AND RELEASE FOR PAYMENTS.** Any payment to any Participant, his legal representative, Beneficiary, or to any guardian or committee appointed for such Participant or Beneficiary in accordance with the provisions of this Plan, shall, to the extent thereof, be in full satisfaction of all claims hereunder against the provider of an Investment Product, Administrator and Employer.
- 7.6 **QUALIFIED MILITARY SERVICE BENEFITS.** Notwithstanding any provision of the Plan, any Participant whose employment is interrupted by qualified uniformed service in the US military under section 414(u) of the Code shall be entitled to all rights, benefits and protections afforded to such individuals thereunder, and such provisions are incorporated into this Plan. Uniformed services by any individual shall be determined as described as described in section 3401(h)(2)(A) of the Code.
- 7.7 **PRE-1979 ACCOUNTS.** Any amounts held by the Employer that can be identified as resulting from deferrals made by a Participant before January 1, 1979 shall be held under this Plan until the latest of
(a) the Effective Date; (b) the date on which the Participant elects to have this Plan apply to such amount; or (c) the date on which such Participant exercises any right or power available under this Plan but not under the Plan agreement pursuant to which such deferral was made.

All such persons who were Participants in any prior plan, who exercise any such right or privilege and who have not yet received a distribution of the amounts to which they are entitled under such prior plan shall be deemed to be Participants under this Plan for all purposes.

- 7.8 **LOANS.** If authorized in the Adoption Agreement, loans shall be permitted under the Plan to the extent permitted by and in accordance with the Investment Product agreements controlling the Account assets from which the loan is made and by which the loan will be secured. An Employee who has previously defaulted on a loan from any retirement plan or deferred compensation arrangement sponsored by the Employer and who has not repaid the loan, in full, shall not be permitted to take a loan from his Account under the Plan. The following limit shall apply to any loan made under the Plan unless the terms of the applicable Investment Product(s) are more restrictive:
- (a) Maximum loan amount. No loan to a Participant under the Plan may exceed the lesser of (1) or (2) below:
- (1) \$50,000, reduced by the greater of:
- (A) the outstanding balance on any loan from the Plan to the Participant on the date the loan is made or
 - (B) the highest outstanding balance on loans from the Plan to the Participant during the one-year period ending on the day before the date the loan is approved by the Administrator (not taking into account any payments made during such one-year period).
- (2) the greater of one half of the value of the Participant's vested Account (as of the date immediately preceding the date on which such loan is approved by the Administrator) or \$10,000. For purposes of this Section 7.8, any loan from any other plan maintained by the Employer and any related organization shall be treated as if it were a loan made from the Plan, and the Participant's vested interest under any such other plan shall be considered a vested interest under this Plan; provided, however, that the provisions of this Section shall not be applied so as to allow the amount of a loan to exceed the amount that would otherwise be permitted in the absence of this section.
- (b) Loan Repayments for Employees in Military Service. Notwithstanding any other provision of the Plan or any Investment Product agreement, loan repayments by eligible uniformed services personnel may be suspended as permitted under section 404(u)(4) of the Code and the terms of any loan shall be modified to conform to the requirements of the Uniformed Services Employment and Reemployment Rights Act.

- 7.9 **INCORPORATION OF INVESTMENT PRODUCT AGREEMENTS.** The Plan, together with the Adoption Agreement and any Investment Product agreements governing Participant Accounts, are intended to satisfy the requirements of section 457(b) of the Code and the Income Tax Regulations thereunder. Terms and conditions of the Adoption Agreement and applicable agreements are hereby incorporated by reference into the Plan, excluding those terms that are inconsistent with the Plan or section 457(b) of the Code. In such event, the agreements shall be interpreted, to the extent possible, in a manner to conform to the Plan and applicable requirements.
- 7.10 **CONSTRUCTION.** It is intended that this Plan qualify under section 457(b) of the Code. In accordance with such intent, this Plan shall be construed and administered in a manner consistent with the purpose and all applicable laws and regulations.
- 7.11 **STATE LAW.** The Plan shall be construed, administered and governed in all respects in accordance with the laws of the State of the Employer's principal address as indicated on the Adoption Agreement to the extent such laws are not superseded by federal law. If any provision herein is held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provision hereof shall continue to be fully effective.
- 7.12 **AGENT OF RECORD.** The agent of record for the Plan is Bill Durham of W.M. Durham Associates, LCC. and National Retirement Group, LLC. They will provide employee education, meetings, savings and product recommendations and solutions.

ARTICLE VIII. AMENDMENT AND TERMINATION

- 8.1 **AMENDMENT.** The Employer has the right at any time to amend this Plan, provided that no amendment to the Plan shall be effective if it authorizes or permits any part of the Investment Product (other than such part as is required to pay taxes, investment charges and administration expenses) to be used for or diverted to any purpose other than for the exclusive benefit of the Participants or their Beneficiaries or estates; or causes any reduction in the amount credited to the account of any Participant; or causes or permits any portion of the Investment Product to revert to or become property of the Employer. Any such amendment shall become effective as provided therein upon its execution, except that any amendment which conforms the Plan to the requirements of any applicable law or regulation shall be effective as of the date required for continued qualification under Section 457(b) of the Code.
- 8.2 **TERMINATION.** The Employer has the right at any time to terminate the Plan by notifying all Active Participants and providers of Investment Products hereunder with written notice of such termination. Upon the complete and total termination of the Plan, the Employer shall direct the distribution of the assets to Participants in a manner which is consistent with and satisfies the provisions of Article V.

ARTICLE IX. ROTH CONTRIBUTIONS

- 9.1 **GENERAL APPLICATION.** This Article IX shall apply only if Employer has elected to permit Roth 457(b) Contributions under the Plan as indicated on the Adoption Agreement.
- 9.2 **ROTH 457(b) CONTRIBUTIONS.** Participants may make Roth 457(b) Contributions to their Accounts under the Plan if authorized by the Employer on the Adoption Agreement. Unless otherwise provided, such contributions shall be treated as deferrals of Includible Compensation and are therefore subject to the requirements and limitations imposed by Section 457(b)(2) of the Code. A Participant's Roth 457(b) Contributions shall be allocated to a separate account maintained for such deferrals as described in Section 9.3.
- 9.3 **SEPARATE ACCOUNTING REQUIREMENTS.** Contributions and withdrawals of Roth 457(b) Contributions, and earnings or losses thereon, shall be credited and debited to each Participant's Account and shall be separately accounted for under each Employee's Account. Gains, losses, and other credits or charges shall be separately allocated on a reasonable and consistent basis for each Participant's Roth 457(b) Contributions. Except as provided in Section 9.6, no contributions other than Roth 457(b) Contributions and properly attributable earnings may be credited to each Participant's Roth subaccount.
- 9.4 **DEPOSIT REQUIREMENTS.** Roth 457(b) Contributions shall be deposited with the Investment Products selected by Participant as soon as practicable in accordance with Article IV of the Plan, unless an earlier date is required under state law.
- 9.5 **DIRECT ROTH ROLLOVERS FROM THE PLAN.** Notwithstanding Section 5.10 of the Plan, Participants may only make a direct rollover of a distribution of Roth 457(b) Contributions (and earnings thereon) to another governmental 457(b) plan with Roth 457(b) Contribution features, to a Roth 401(k) plan with Roth contribution features, to a Roth 403(b) plan with Roth contribution features or to a Roth IRA described in Section 408A of the Code, and only to the extent the Rollover is permitted under the rules of section 402(c) of the Code.
- 9.6 **ROTH ROLLOVERS INTO THE PLAN.** In conformity with Section 3.5 of the Plan, and unless otherwise indicated on the Adoption Agreement, the Plan shall only accept direct rollovers of Roth 457(b) Contributions from another governmental 457(b) plan with Roth contribution features, provided that the Investment Products utilized by the Participant will accept Roth 457(b) rollovers. Direct rollovers shall only be permitted if the transmitting plan satisfies the conditions set forth in Section 402A(e)(1) of the Code and only to the extent the rollover is permitted under the rules of Section 402(c) of the Code.

- 9.7 **CORRECTION OF EXCESS CONTRIBUTIONS.** Contributions made in excess of the applicable annual limitations shall be corrected by first distributing the amount of Roth 457(b) contributions (plus earnings thereon) made during the Plan Year needed to correct the excess and then by distributing a Participant's pre-tax contributions (plus earnings thereon). However, if a highly compensated employee (as defined in Section 414(q) of the Code) experiences an Excess Deferral in any Plan Year, he may designate the extent to which the excess amount is composed of pre-tax contributions and excess Roth 457(b) Contributions, provided that both types of contributions were made by the Employee during the applicable Plan Year. If the highly compensated employee does not designate which type of contributions are to be distributed, then excess pre-tax contributions shall be distributed first, followed by excess Roth 457(b) Contributions.
- 9.8 **DEFINITION OF ROTH 457(b) CONTRIBUTIONS.** A Roth 457(b) Contribution is an Employee contribution that is designated irrevocably by the Employee on his enrollment form to be a Roth 457(b) Contribution and is treated by the Employer as includible in the Employee's income.
- 9.9 **ROTH CAVEAT.** Employer, Administrator and providers of Annuity Contracts and Custodial Accounts shall utilize good faith compliance efforts to conform to the requirements applicable to Roth 457(b) Contributions based on applicable IRS guidance related to Roth 457(b) Contributions. The Plan shall be administered and interpreted in the manner necessary to ensure compliance with such guidance.

ARTICLE X. DISCRETIONARY 401(A) RETIREMENT MATCH PLAN

- 10.1 **DISCRETIONARY 401(a) RETIREMENT SAVINGS MATCH PLAN.** The Employer, Leon County, is offering a Discretionary 401 (a) Retirement Savings Match Plan as a way to help Employees supplement their retirement savings in a 457(b) or Roth 457(b) plan.
- 10.2 **EMPLOYER MATCH.** The availability to provide the Employer or County Match will be determined annually based its financial budget. There is no guarantee that Leon County Government will be able to provide the Match amount every year. It will match 50 percent of every dollar an eligible Employee contributes to his or her 457 account, up to a maximum employee contribution amount of 3% of his or her base pay. For Example: If an Employee's annual salary is \$30,000 and he or she contributes \$900 per year (3% of his or her base pay) to the 457 account—then the County will contribute \$450 (50% of his or her contribution) per year. The maximum match amount equates to about 1.5% of base pay.

- 10.3 **CONTRIBUTION AMOUNT TO QUALIFY FOR MATCH.** Employees can contribute as little as \$10 per paycheck. Payroll deductions will occur every pay period—26 pay-checks per year. An Employee's payroll deductions to the 457(b) or Roth 457(b) plan must be at least 3% of his or her base pay. The Employer or County match amount will not start until the eligible Employee starts saving in the 457(b) or Roth 457(b) Program.
- 10.4 **ELIGIBILITY FOR MATCH.** An Employee must be a regular full time or part time benefits eligible Employee, with six months of service, to receive the Match amount from Leon County. The Employee's base annual earnings must be less than \$50,000. He or she must also be participating in the 457 Plan and have payroll deductions coming out of his or her paycheck. The Employee will not receive a Match amount if he or she does not have payroll deduction amounts coming out of his or her paycheck.
- 10.5 **VESTING.** Once Employees have six months of service, they will become 100% vested for the match. This means if the participating Employee leaves employment after six months of service, the match amount belongs to the Employee.
- 10.6 **REPORTING.** The County's matching contribution will be credited to the eligible Employee's account on a bi-weekly basis. Account statements will be mailed on a quarterly basis by the vendor that the Employee selected.
- 10.7 **WITHDRAWALS OF THE MATCH AMOUNT.** Employees can only withdraw the match account at the end of his or her employment with the employer, Leon County. Also, if an Employee withdraws money before age 59 ½, he or she could be subject to IRS early withdrawal penalties. The Employee may also be assessed surrender fees by the insurance company or investment provider.

Introducing a tax-free retirement income option

A Proposal

ROTH 457(b) Plan for Leon County Employees



The Roth 457(b) Plan

Tax-free retirement income

W. M. Durham Associates, working with National Retirement Group, National Life Group, Life Insurance Company of the Southwest and TSA Consulting Group, can offer a no-cost, turnkey Roth 457(b) and 457(b) retirement plan package to Leon County and its employees.

We will provide:

- **A free Roth 457(b) and 457(b) Plan Document**

The plan document will reflect the language needed for a Roth 457(b) plan.

- **Third-Party Administration for Leon County and its Employees**

If you would like to offer loans and unforeseeable emergency distributions to your employees, it is important to work with an independent third-party administrator (TPA). Its job is to work closely with you and share vendor information to keep your plan IRS compliant. TSA Consulting Group is a leading TPA firms in Florida and in the United States. It can provide independent third-party plan administration for your entire plan. The costs of these services are paid typically by the participating vendors. National Life Group will pay the plan administration fees for the sale of its Roth 457(b) and 457(b) plan products.

- **Outstanding and unique Roth 457(b) products from National Life Group and Life Insurance Company of the Southwest**

These product solutions protect all premiums paid and earned interest from market loss. These indexed annuities also offer a Guaranteed Lifetime Income Rider. One of the most popular 457(b) products offers a **5% immediate bonus on all contributions for the first seven years!** There are no advisor or investment fees associated with these products.

- **Veteran advisors and agents who work and live in the county** Attachment #1
W.M. Durham Associates have many years of experience working with Florida Page 26 of 48
school district employees, firefighters and government employees. They will educate your employees about the Florida Retirement System. They also will provide retirement plan options and DROP solutions and education.

W.M. Durham Associates, National Retirement Group, TSA Consulting Group and National Life Group (Life Insurance Company of the Southwest) offer a Roth 457(b) program and the product offering are distinctly different from mutual fund providers.

The indexed annuity with the Guaranteed Lifetime Income Rider is a distinct choice and fits into another asset class for diversification. It is designed for your employees who are risk-averse or who want to diversify their portfolio with a product that protects all premiums and earned interest from market loss.

A Roth 457 with a GLIR also is an excellent solution for someone who wants a guaranteed income stream for life-- tax free!



Roth 457(b) and 457(b) Plans

A Roth 457(b) and 457(b) Deferred Compensation Plans are supplemental retirement savings program that allows participants to make contributions on a after-tax or pre-tax basis. Created in 1978 the name refers to the relevant section [457] in the Internal Revenue Code that governs the plan. Two main types of 457 plans exist: governmental and tax-exempt 457(b) plans.

To participate in 457(b) plan, the organization must be a state or local government or a tax-exempt organization under IRC 501(c). Employers or employees through salary reductions contribute up to the IRC 402(g) limit on behalf of participants under the plan.

There are significant tax advantages for participants in a Roth 457(b) plan:

- Contributions to a Roth 457(b) plan are after-tax
- Earnings and distributions on the retirement money are tax free

How a 457 Plan Works

The law allows public school districts and other governmental employers to sponsor voluntary savings plans for their employees under Section 457 of the Internal Revenue Code. These plans are technically “nonqualified deferred-compensation plans.” However, Congress has effectively given them the same characteristics as qualified retirement plans, such as 401(k) plans, through a series of changes in federal laws made from 1996 through 2001.

A Roth 457(b) plan and a 457 plan are sponsored by the local employer and in some ways works like a 401(k) plan. The employer can pick the vendors offering investments in the plan and remove them if they do not do a good job. The employer can set all of the other rules. Federal laws make compliance for such plans much easier than for 401(k) plans since there are no “non-discrimination tests” to perform.

Federal law allows an employee to defer up to the lesser of 100 percent of compensation or \$18,000 to a Roth 457 plan on a tax-deferred basis. For individuals age 50 or older, the dollar limit goes up to a maximum amount determined annually. This limit is in addition to the limit for any other plan.

Thus, an employee can defer up to a maximum of \$18,000 under a Roth 457 plan and also defer the same maximum amount to a 403(b) or other salary deferral plan. There is also a “Catch-up” provision that if the employee is in their last three years of employment they may contribute up to a maximum per year.

Roth 457 Plan Features

Employers or employees through salary reductions contribute up to the IRC 402(g) limit on behalf of participants under the plan.

- Contributions are payroll deducted on an after-tax basis
- Distributions are tax-free when received
- Contribution limits are in addition to any existing 403(b) contributions
- There are a variety of savings products to choose from
- Plan payout upon retirement or separation from service without tax penalty
- GLIR Rider provides tax-free retirement for a lifetime

457 Plan Features

Employers or employees through salary reductions contribute up to the IRC 402(g) limit on behalf of participants under the plan.

- Contributions are payroll deducted on a before-tax basis
- Distributions are taxed when received
- Contribution limits are in addition to any existing 403(b) contributions
- There are a variety of savings products to choose from
- Plan payout upon retirement or separation from service without tax penalty

Why a Roth 457(b) Plan

A unique opportunity for tax-free* retirement income.

W.M. Durham Associates and National Retirement Group offer employees a new opportunity to save on an after-tax basis through Roth contributions. The Roth gives your employees more control over when the contributions — and retirement income — will be subject to income tax.

After-Tax Contributions

- Taxes paid on contributions
- Tax-free withdrawals*



The Roth option provides an alternative to pre-tax investing. Roth contributions are considered “after-tax,” which means taxes are withheld when you contribute.

However, qualified distributions on your contributions, plus any earnings are completely tax free. As in the example, if you contribute \$100, the entire \$100 comes out of your paycheck, but when you withdraw it from your Roth 457(b) account, the entire amount plus any earnings are entirely tax free.*

**Qualifying conditions apply.*

Roth 457(b)

Attachment #1
Page 30 of 48

After-tax savings ...

Now:

Pay income taxes
on contributions as
you make them

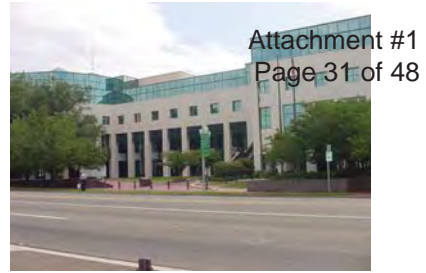
Later:

Tax-free
withdrawals
at retirement

Contributions:	Roth contributions are subject to federal, and where applicable, state and local income tax withholding.
Earnings, if any:	Are tax-free as long as qualifying conditions are met (see "Roth-qualified Distributions" below).
Roth-qualified Distributions:	Are tax-free as long as you've satisfied the 5-year holding period and are age 59½ or older (assuming you have separated from service, are disabled, or distribution is made to your beneficiary(ies) after your death).
Rollovers:	Are allowed to another Roth account in a 457(b), 403(b), 401(k), 401(a) or Roth IRA. (Rollovers to plans other than a governmental 457(b) may be subject to the IRS 10 percent early withdrawal penalty tax.)
Required Minimum Distributions:	The IRS requires minimum distributions to begin at the later of age 70½ or retirement. However, if you roll over your Roth balance to a Roth IRA before the calendar year in which you reach age 70½, minimum distributions are not required.*
Who benefits?	Employees who: <ul style="list-style-type: none">■ expect to be in a higher tax bracket in retirement■ are in a low tax bracket today or have other large tax deductions■ want tax-free withdrawals in retirement■ want the option of not taking required withdrawals at age 70½ (if you roll over to a Roth IRA)*■ exceed the Roth IRA income limitations (There are no income limits if you contribute Roth dollars to your account.)

**Determine if Roth is appropriate for estate planning purposes.*

Q&A



What are the features of the Roth?

- Roth contributions are deducted from your pay on an after-tax basis unlike pre-tax contributions that reduce your current taxable income.
- Roth contributions and earnings grow tax-deferred just like pre-tax contributions.
- A distribution of your Roth contributions and any earnings is not subject to federal or state income taxes (in most cases) as long as it is a “qualified distribution.”

What is a “qualified distribution?”

To be considered a Roth qualified distribution, and therefore tax-free, there is a two-prong test that must be met:

1. 5-year holding period, and
2. Distribution on or after age 59½ (assuming you have separated from service, are disabled, or a distribution is made to your beneficiary(ies) after your death)

What is the 5-year holding period?

It determines when you can take tax-free income. To qualify for a tax-free distribution, your first Roth contribution must have been made to your account at least five years prior to the date of distribution, and you must be age 59½ (assuming you have separated from service, become disabled, or upon death). The 5-year holding period begins on the first day of the taxable year in which you made an initial Roth contribution to your account. It ends when five consecutive taxable years have passed.

If a distribution is not “qualified,” how is it taxed?

A distribution taken before the end of the 5-year holding period or prior to age 59½ is considered a “non-qualified distribution.” Any earnings would be taxed as ordinary income; however, the contribution portion of the distribution is tax-free since taxes were already paid.

Does the 10 percent IRS penalty tax for distributions prior to age 59½ apply?

No. However, the penalty tax could apply on distributions that represent amounts you previously rolled into your account from another non-457(b) retirement plan (401(k), 401(a), 403(b), or IRA).

Can I contribute both pre-tax and after-tax dollars?

Yes. You may designate some or the entire amount as a Roth after-tax contribution or a traditional pre-tax contribution, or both. And, you can make adjustments at any time.

What are the contribution limits?

Attachment #1

Page 32 of 48

Your combined pre-tax and Roth after-tax contributions can't exceed the IRS annual limits. For 2015, you may contribute up to the lesser of 100 percent of eligible compensation or \$18,000 if you are under age 50; \$24,000 if age 50 or over; or up to \$35,000 if you enroll in the "catch-up" provision.

How will contributing after-tax dollars affect my take-home pay?

It could reduce it. Unlike traditional pre-tax contributions, Roth after-tax contributions won't reduce your current taxable income. So you'll actually be paying taxes on a higher amount, which could reduce your take-home pay. (See example below.)

	Pre-tax contributions	Roth after-tax contributions
Gross income	\$50,000	\$50,000
Pre-tax contribution	-\$5,000	N/A
Taxable income	\$45,000	\$50,000
25% ¹ income tax rate	-\$11,250	-\$12,500
After-tax income	\$33,750	\$37,500
Roth after-tax contribution	N/A	-\$5,000
Take-home pay	\$33,750	\$32,500

¹ Based on current federal tax rates as of 2014

Contributing Roth after-tax dollars may also affect your ability to take other tax credits and deductions (for example, student loan deductions, medical expense deductions, and child care tax credits). Whether you qualify for these credits and deductions depends on your income level. Since Roth contributions won't reduce your adjusted taxable income, your eligibility for these tax reductions could be impacted.

Can I contribute to both a Roth 457(b) and a Roth IRA?

Yes, assuming you qualify for a Roth IRA (based on income limits). Participation in an employer-sponsored retirement plan like your 457(b), 403(b), or 401(k) does not limit the contribution amount to a Roth IRA. You could contribute the maximum amount to a Roth 457 plan and, if eligible, to a Roth IRA.

457(b) Plan

Pre-Tax Savings

Now:

Pay no income taxes
on contributions as
you make them

Later:

Pay taxes
on withdrawals
at retirement

Contributions:	Pre-tax contributions are deducted from your salary before taxes are taken. That can reduce your current taxable income.
Earnings, if any:	Are tax-deferred until withdrawn.
Distributions:	Are taxed as ordinary income.
Rollovers:	Are allowed to another pre-tax 457(b), 403(b), 401(k), 401(a), or Traditional or Roth IRA. (Rollovers to plans other than a governmental 457(b) may be subject to the IRS 10 percent early withdrawal penalty tax.)
Required Minimum Distributions:	The IRS requires minimum distributions to begin at the later of age 70½ or retirement.
Who benefits?	Employees who: <ul style="list-style-type: none">■ expect to be in a lower tax bracket in retirement■ want to lower current taxes



2015 Tax Brackets

Single Filing Status

- 10.0% on taxable income from \$0 to \$9,225
- 15.0% on taxable income over \$9,226 to \$37,450
- 25.0% on taxable income over \$37,451 to \$90,750
- 28.0% on taxable income over \$90,751 to \$189,300
- 33.0% on taxable income over \$189,301 to \$411,500
- 35.0% on taxable income over \$411,501 to \$413,200
- 39.6% on taxable income over \$413,201

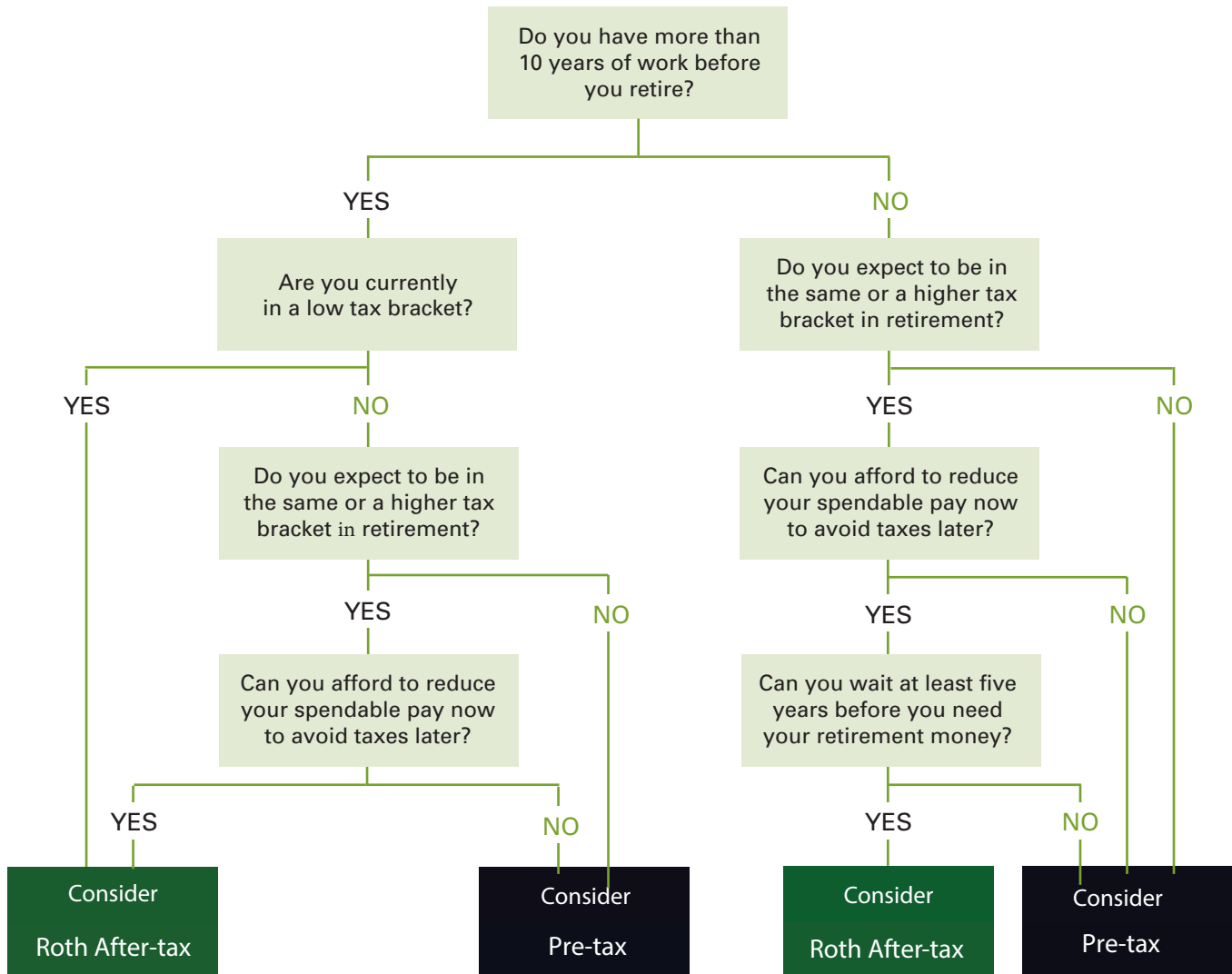
Married Filing Jointly Status

- 10.0% on taxable income from \$0 to \$18,450
- 15.0% on taxable income over \$18,451 to \$74,900
- 25.0% on taxable income over \$74,901 to \$151,200
- 28.0% on taxable income over \$151,201 to \$230,450
- 33.0% on taxable income over \$230,451 to \$411,500
- 35.0% on taxable income over \$411,501 to \$464,850
- 39.6% on taxable income over \$464,850

Which plan is right for you?

Why would you choose to pay taxes now rather than later? The answer maybe tax-free income when you retire. The decision, however, is not the same for everyone. What is right for you depends on your situation.

Answer the questions below. Then, make a determination as to which type of plan contribution you want to make — a 457(b) pre-tax or a Roth 457(b) after-tax plan contribution.



This chart is a tool that can help you determine which plan might be right for you. It is not intended to provide tax, legal, or accounting advice. Before deciding on a type of plan, please consult with a tax and financial professional.

Roth 457(b) and 457(b) Products

An Indexed Annuity is a fixed (i.e., not a variable) annuity with alternate methods of determining and crediting interest. While traditional fixed annuities typically declare interest in advance for premium payments based on the performance of the company's underlying investments for those premiums, an IA's interest is determined, at least in part, by the performance of a specified index of marketplace performance (frequently the S&P 500 Index® or Russell 2000®) over a stated period.

SecurePlus Paramount 5

SecurePlus Paramount 5 is a flexible premium deferred indexed annuity that features a **5% Immediate Bonus** on all net premiums received in the first seven Policy Years.

Competitive Highlights:

- A flexible premium deferred indexed annuity, protects all premiums paid and earned interest from market loss
- 5% Immediate Interest Credit on all net premiums received in the first seven Policy Years
- 10 year withdrawal charge period
- Access to 10% of the accumulation value each year after the first policy year
- The policy must be established with a minimum of \$100 per month salary reduction/deduction PACP
- Guaranteed Lifetime Income Rider available for at an additional cost, for qualified annuitants. GLIR is REQUIRED on any application submitted as a single sum over \$25,000.

Policy Form Number	20082(0112) with Rider Form No. 20069(0112) or a state variation thereof.																																												
Type	Multi-account flexible premium deferred indexed annuity with attachment #1 of four crediting methods Attachment #1 Page 37 of 48																																												
Plan options	403(b), Roth 403(b), 457(b), Roth 457(b), IRA, Roth IRA, SEP IRA,																																												
	Simple IRA, Pension/Profit Sharing Plan, ORP and Non-qualified (For Non-qualified see guidelines below)																																												
Account Options*	S&P 500 Ending Index Account (Annual Point-to-Point) S&P 500 Average Index Account (Annual Point-to-Daily Average) Russell 2000 Ending Index Account (Annual Point-to-Point) Declared Interest Account (Fixed)																																												
Immediate Interest Credit	5% on all net premiums received in the first seven Policy Years																																												
Account Reallocation	Allowed on each account anniversary																																												
Issue age	0-80																																												
Minimum Premium	\$100 per month PACP or salary reduction/deduction required																																												
Cumulative Maximum Premium	Qualified - \$750,000 age 0-70; \$500,000 age 71-75; \$300,000 age 76-80; Non - Qualified - \$250,000 age 0-75, \$150,000 76-80; Premiums that are rollovers, exchanges or transfer of monies from other annuities or life insurance may only be paid during the first 5 Policy Years; lump sum transfers only allowed into policies actively receiving flex premium; Non-Qualified policies subject to a total annual premium limit of \$25,000 (Annualized Flex plus Lump Sum)																																												
Free Look	30 days																																												
Free Withdrawals	10% of Accumulation Value available after the first policy year as permitted by law. You must maintain at least \$2,500 in the annuity to keep it in force.																																												
Withdrawal Charges	<table border="1"> <thead> <tr> <th>Annuity year</th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> <th>6</th> <th>7</th> <th>8</th> <th>9</th> <th>10</th> </tr> </thead> <tbody> <tr> <td>Withdrawal charge</td> <td>10%</td> <td>9%</td> <td>8%</td> <td>7%</td> <td>6%</td> <td>5%</td> <td>4%</td> <td>3%</td> <td>2%</td> <td>1%</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Annuity year</th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> <th>6</th> <th>7</th> <th>8</th> <th>9</th> <th>10</th> </tr> </thead> <tbody> <tr> <td>Standard - All Ages</td> <td>10%</td> <td>9%</td> <td>8%</td> <td>7%</td> <td>6%</td> <td>5%</td> <td>4%</td> <td>3%</td> <td>2%</td> <td>1%</td> </tr> </tbody> </table>	Annuity year	1	2	3	4	5	6	7	8	9	10	Withdrawal charge	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%	Annuity year	1	2	3	4	5	6	7	8	9	10	Standard - All Ages	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%
Annuity year	1	2	3	4	5	6	7	8	9	10																																			
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Standard - All Ages	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%																																			
Riders	Nursing Care Benefit Rider at no additional cost. Guaranteed Lifetime Income Rider for an additional cost. All riders subject to state availability. The GLIR is required on any application submitted with a single sum over \$25,000. GLIR minimum issue age 40 unless issued as a 403(b) or 457(b) then it is 25.																																												
Loans**	Variable rate for 403(b)/457(b) policies, min \$500 max \$50,000 (limits apply) if plan permits																																												

Guaranteed Minimum	The Policy value equals 87.5% of premium paid growing at a rate between 1-3% based on a formula on file at the State Department of Insurance, less any withdrawals taken.
Death Benefit	Full accumulation value at death of the annuitant

SecurePlus Paramount 5 is a flexible premium deferred indexed annuity that features a 5% Immediate Interest Credit on all net premiums received in the first seven Policy Years.

FootNotes:

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** Loans subject to IRC guidelines, company limitations, and current cash values. Loans are provided to 403(b)/457 policies by endorsement.



SecurePlus Marquee 8

SecurePlus Marquee 8 is a single premium indexed annuity with a 8% Bonus Accumulation Value (BAV). Policy owners have the option to allocate their premium into five indexed interest crediting accounts utilizing the S&P 500® and/or the Russell 2000®, plus a Declared Interest account. The Ending Index Account Option 2 crediting methods feature a high index rate (greater than 100 percent), interest crediting option. In addition, the SecurePlus Marquee 8 is sold with an exclusive income rider, the Marquee 8 GLIR.

Competitive Highlights:

- 8 percent bonus accumulation value that vests in years 11-15
- Market Value Adjustment (MVA)
- 10 year withdrawal charge period that starts with a 10% withdrawal charge
- High participation rate annual point to point crediting option
- Exclusive Marquee 8 Guaranteed Lifetime Income Rider (GLIR), required on all sales in states where the GLIR is approved



Policy Form Number	8965 with rider forms 8966 and 8967, or state variations there of																								
Type	Multi-account single premium deferred indexed annuity with six crediting methods																								
Plan options	403(b), Roth 403(b), 457(b), IRA, Roth IRA, SEP IRA, Simple IRA, Pension/Profit Sharing Plan, ORP and Non-qualified																								
Account Options	Ending Index Account (Annual Point-to-Point) Option 2; higher index rate and lower cap, S&P and Russell Ending Index Account (Annual Point-to-Point) Option 1; lower index rate and higher cap, S&P and Russell Average Index Account (Annual Point-to-Daily Average), S&P only Declared Interest Account (Fixed)																								
Account Reallocation	Allowed on each policy anniversary (with written notification to LSW 15 days prior to anniversary)																								
Issue Ages	0-80 (actual age) (54 in OH)																								
Loans	Variable rate for 403(b)/457 policies, min \$500 max \$50,000 (limits apply) if plan permits																								
Bonus Accumulation Value	Equals 8% of the accumulation value in years 1-10, transfers to the accumulation value in years 11-15																								
SELI Benefit	If the Annuitant qualifies for and elects the Special Enhanced Life Income option, the life payout can be significantly higher than an otherwise standard payout. Please review the disclosure application for a full description of this option and qualification requirements. Not available in FL and TN.																								
Minimum Premium	\$10,000 Qualified or Non-Qualified																								
Maximum Premium	\$750,000 age 0-70; \$500,000 age 71-75; \$300,000 age 76-80;																								
Free Look	30 days																								
Free Withdrawals	10% of accumulation value available after the first policy year as permitted by law. You must maintain at least \$5,000 in the annuity to keep it in force.																								
Withdrawal Charges	<table border="1"> <thead> <tr> <th>Policy year</th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> <th>6</th> <th>7</th> <th>8</th> <th>9</th> <th>10</th> <th>11 +</th> </tr> </thead> <tbody> <tr> <td>Withdrawal charge</td> <td>10%</td> <td>9%</td> <td>8%</td> <td>7%</td> <td>6%</td> <td>5%</td> <td>4%</td> <td>3%</td> <td>2%</td> <td>1%</td> <td>0%</td> </tr> </tbody> </table>	Policy year	1	2	3	4	5	6	7	8	9	10	11 +	Withdrawal charge	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%	0%
Policy year	1	2	3	4	5	6	7	8	9	10	11 +														
Withdrawal charge	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%	0%														
Riders	Nursing Care & Terminal Illness at no additional cost. Guaranteed Lifetime Income Rider required on all policies when available for an additional cost at issue. GLIR minimum issue age 40. All riders subject to state availability.																								
Market Value Adjustment	Yes																								

(MVA)	
Guaranteed Minimum	The Policy Value equals 87.5% of the premium paid growing at a rate between 1-3% based on formula on file at state DOI.
Death Benefit	Full accumulation value, including any unvested Bonus Accumulation Value, at death of the annuitant, or Marquee 8 GLIR death benefit.

Footnotes:

Loans are subject to any restrictions in the employer's plan

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National Life Group is a trade name of National Life Insurance Company and its affiliates. Each company of the National Life Group is solely responsible for its own financial condition and contractual obligations. LSW is not authorized to sell insurance in New York.

Life Insurance Company of the Southwest **A member of the National Life Group**

Life Insurance Company of the Southwest (LSW) is headquartered in Addison, Texas. It is a wholly owned subsidiary of National Life Insurance Company, a U.S. owned and operated insurance company located in Vermont since 1848.

Nationwide Provider of Roth 457(b), 457(b) Plans and Other Qualified Plans

LSW is recognized as an industry leader in the 403(b) and 457(b) markets. It serves more than 7,000 government entities and school districts nationwide. LSW offers a unique platform of products that includes Roth 457(b) and 457(b) product solutions. It also can offer unallocated group annuities for investment platforms and single premium and flexible premium fixed and indexed annuities in versions designed for individuals in both the qualified and nonqualified markets.

The company is a leading writer of fixed indexed annuities, one of the most dynamic and innovative insurance products in many years. In fact, the company collected a record \$1.5 billion of annuity premium in 2014. Established in 1955, LSW's mission is to provide safe and secure annuity products that policyholders can depend on regardless of market conditions. LSW is licensed to solicit business in all states except New York. LSW and its parent insurer, National Life Insurance Company, have substantial capital. Each insurer is financially strong in its own right and is separately responsible to its policyholders for preserving its assets and for its claims paying ability.

Record Results in 2013

National Life Group reached record results in net income, total assets under management, life insurance sales, flow annuity sales, insurance in force, and statutory surplus.

The companies of National Life Group offer a broad range of financial products, including life insurance, annuities, and mutual funds, as well as financial solutions in the form of estate, business succession and retirement planning strategies. It is a leading

provider of 403(b) and 457(b) tax-deferred retirement savings plans, primarily in the K-12 school marketplace.

The company set a number of sales and financial records in 2013:

- Total revenue of \$2 billion was up 14%;
- Net income of \$142.4 million was also up 14%;
- Total assets under management hit \$30.4 billion;
- Insurance in force hit \$75.0 billion.

Statutory surplus stood at a record-high \$1.4 billion at the end of 2013.

The company is a leading writer of fixed indexed annuities, one of the most dynamic and innovative insurance products in many years. In fact, the company collected a record \$1.5 billion of annuity premium in 2014. Established in 1955, LSW's mission is to provide safe and secure annuity products that policyholders can depend on regardless of market conditions.

LSW is licensed to solicit business in all states except New York. LSW and its parent insurer, National Life Insurance Company, have substantial capital. Each insurer is financially strong in its own right and is separately responsible to its policyholders for preserving its assets and for its claims paying ability.

National Life Group® is a trade name representing various affiliates that offer a variety of financial service products. National Life Insurance Company is licensed in all 50 states and the District of Columbia. Life Insurance Company of the Southwest, Addison, TX was chartered in 1955, and is licensed to do business in 49 states and the District of Columbia. It is not licensed to do business in New York. Equity Services, Inc., Member FINRA/SIPC, is a Broker/Dealer and Registered Investment Adviser affiliate of National Life Insurance Company. Sentinel Investments® is the unifying brand name for Sentinel Financial Services Company, Sentinel Asset Management, Inc., and Sentinel Administrative Services, Inc. All companies, unless otherwise noted, are affiliated and are located in Montpelier, VT. Each company of the group is solely responsible for its own financial condition and contractual obligations

National Retirement Group

National Retirement Group is a distribution company that represents Life Insurance Company of the Southwest (LSW). It is headquartered in Tampa, Florida and has offices throughout the state.

Its representatives specialize in the 403(b) and 457(b) markets. It serves public schools and other government entities throughout Florida. Its members are well-versed in the Florida Retirement System.

These representatives offer LSW's unique platform of products that includes Roth 457(b) and 457(b) product solutions.

Statement of Purpose:

National Retirement Group helps clients protect their financial futures and plan for retirement. We provide our clients with the right financial, retirement income and life insurance solutions based on their unique needs.

We Help People Save ... 403(b), 457(b) and IRAs

The company's financial professionals offer outstanding solutions for those saving in a Roth 457(b), 457(b), 403(b) plans and IRAs. We offer safe solutions for those who want to protect all premiums and earned interest from market loss! We help people save today for their tomorrows!

We Specialize in FRS and Retirement Plans

We are experienced professionals and have the expertise to help you with Florida's Retirement System and its Deferred Retirement Option Program (DROP). We design solutions to meet the client's retirement income needs, even for the rest of his or her life!

TSA Consulting Group

TSA Consulting Group, Inc. is a privately held Florida based corporation founded solely for the purpose of providing retirement plan compliance and administration services to eligible employers in public school systems and colleges.

Our company was formed in 1994 to develop compliance services which were unavailable to employers at that time. A new need for such services was established as a result of the compliance concerns of the Internal Revenue Service and their auditing activities.

Our collective experience with public school systems in the 403(b)/457(b)/401(a) arena was a key factor in our ability to develop the program which is tailored to their special needs and work environment. This program, The Compliance Edge®, allows for the most efficient method of computing and monitoring contribution guidelines in the industry. It is recognized as a significant improvement in this vital process. The employee awareness and educational materials utilized in this system are produced by TSA Consulting Group, Inc. and are designed to enhance the perception and acceptance of the quality control guidelines associated with this important employee benefit.

Mission Statement

TSA Consulting Group, Inc. is devoted to providing the most accurate and complete compliance administration services to its clients. We will develop and maintain the most up to date information systems available for employers and employees alike which ensure the continued viability of their pension and voluntary retirement savings programs. We will maintain professional and ethical standards and seek to continually improve our skills and knowledge required to facilitate the superior performance of duties in the service of our clients.

Quality Standards

The nature of compliance administration services requires a firm commitment to the maintenance of due diligence efforts. TSA Consulting Group, Inc. has consistently utilized the services of independent authoritative sources to evaluate the quality of its

product. Employees are required to be actively involved in academic and professional accreditation programs to further their abilities in effectively servicing our clientele. Key employees of TSA Consulting Group, Inc. are members of the National Tax Shelter Association (NTSA), which is the most prominent industry association for practitioners.

TSA Consulting Group has an experienced team of consultants to assist our clients with all aspects of 403(b) and 457(b) administration. Our consulting services are designed to meet two primary goals: 1) Work collaboratively with our clients to implement and maintain programs that enhance the perception of the 403(b) and/or 457(b) benefit to increase participation; and 2) Ensure plans are structured and operate according to IRS requirements. Below is a summary of the services provided by our consultants:

- Plan evaluation and design;
- Onsite IRS audit representation and Information Document Request (IDR) preparation;
- Regulatory technical assistance;
- Investment provider evaluation and relationship management;
- Assistance in the structure of employment agreements and collective bargaining agreements that allow for the payment of benefits to a retirement plan.

Specializes in Administration

TSA Consulting Group, Inc. specializes in providing administrative, consulting and IRS compliance services for the retirement programs of public education employers. Our services are tailored to minimize employer risk while enhancing employee perception and participation. We trust that you will find that our comprehensive Compliance Edge® program is the most cost effective method of managing your employer compliance responsibilities. [Click here to view our current brochure.](#)

Services related to employee benefits, plan administration and IRS compliance require a high degree of diligent performance. People depend on the information process to plan for their financial security and to administer tax advantaged plans properly.

Accurate monitoring of qualified and non-qualified plan contributions are of the utmost importance for public employers today. A commitment to excellence and performance

makes a positive difference and is the key to success for us and our clients. Delivery will always be more important than the promise. Credible results will always be the best referral.

A number of different plans are offered by employers for various reasons...

403(b) & 403(b)(7) - Tax Sheltered Plans

- 401(k) Retirement Plans
- 401(a) Terminal Pay or Incentive Plans
- 457(b) Deferred Compensation Plans

Communication to employees of plan eligibility and benefits concerning both qualified and non-qualified retirement plans enhance employee perception and participation. Our employee awareness and educational components are designed to support your employee benefit program.

Generating innovative ideas and creative solutions is vital in today's workplace.

Compliance Edge® Program:

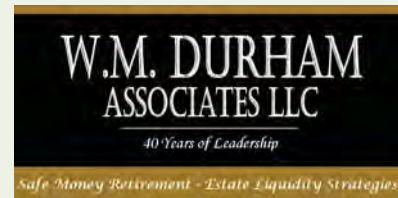
TSA developed The Compliance Edge® program as a comprehensive approach to administration and employee education. Many government and public school employers in the Southeast are using this program to provide:

- Program evaluation
- Compilation of necessary data
- Contribution monitoring
- Vendor relations
- Plan Coordination
- Benefits Communication Systems
- Educational Modules
- Supplemental Benefits Administration
- Tailored Video Presentations

For more information, please contact:

W.M. Durham Associates LLC
Northside Professional Center
1615 Village Square Blvd. Suite 5,
Tallahassee, FL 32309

Toll free: (800) 396-3420
Local: (850) 385-3578
Fax: (850) 372-3220
email: bdurham@wmdallc.com



(1) **Firm History**

WM Durham Associates LLC is an independent financial planning firm with its business roots beginning in Tallahassee, FL in 1973. It is the regional affiliate of the National Retirement Group, JD Melberg Financial, Advisors Excel and the Drop Advisory Council. Its principal, William M Durham, is recognized as one of the nation's top "safe money" financial retirement planners and is a platform speaker and consultant of choice for industry groups, colleges and universities.

As a successful independent planning firm, WM Durham Associates LLC, has the flexibility of choosing to align itself with top financial institutions and insurers. Consideration is given to only those with histories of providing creative financial products standing the test of time of performance and consumer service.

The National Life Group's LSW (Life of the Southwest) is the recommended provider. Roth and traditional 457b indexed annuities can be available as a supplemental retirement product option for Leon County employees.

Local References:

Leon County Sheriff's Office

Human Resources

Joe McAbe

Patti Jackson

State of Florida Division of Financial Services

Sample listing of current insurer accounts



SAMPLE LIST OF CURRENT 457(b) PLANS

TOWN OF RAYVILLE	LA	KIAMICHI TECHNOLOGY CENTER	
LYON COUNTY BOARD OF HUMAN RESOURCES	NV	ADMINISTRATIVE OFFICE	OK
ACADIA PARISH POLICE JURY	LA	GORE INDEPENDENT SCHOOL DISTRICT	OK
ALLEN PARISH POLICE JURY	LA	ORANGE GROVE INDEPENDENT SCHOOL	
TOWN OF PAHRUMP	NV	DISTRICT	TX
LA SALLE PARISH POLICE JURY	LA	GORDON COOPER TECHNOLOGY CENTER	OK
MADISON PARISH POLICE JURY	LA	DOUGHERTY COUNTY SCHOOL DISTRICT	GA
CITY OF COPPELL	TX	GARRISON INDEPENDENT SCHOOL DISTRICT	TX
ST LANDRY PARISH POLICE JURY	LA	OKARCHE PUBLIC SCHOOL DISTRICT	OK
CITY OF WELLS	NV	HITCHCOCK INDEPENDENT SCHOOL DISTRICT	TX
VILLAGE OF SICILY ISLAND	LA	ROCK CREEK INDEPENDENT SCHOOL DISTRICT	OK
CONCORDIA PARISH POLICY JURY	LA	RAYMONDVILLE INDEPENDENT SCHOOL	
CITY OF OLIVER	GA	DISTRICT	TX
CITY OF WINNEMUCCA	NV	FORT TOWSON PUBLIC SCHOOLS	OK
CITY OF ROCKWOOD	TN	EDUCATION SERVICE CENTER REGION 2	TX
VILLAGE OF NORTH PEKIN	IL	GALLATIN COMMUNITY UNIT SCHOOL DISTRICT	
CITY OF YERINGTON	NV	#7	IL
PINELLAS COUNTY SHERIFF OFFICE	FL	GRADY PUBLIC SCHOOL DISTRICT	NM
PULASKI COUNTY	VA	HASLETT CHILD DEVEL CENTER	MI
CARSON COUNTY APPRAISAL DISTRICT	TX	TALOGA PUBLIC SCHOOLS	OK
UPSON COUNTY BOARD OF COMMISSIONERS	GA	EUFAULA INDEPENDENT SCHOOL DISTRICT	OK
CITY OF JONESBORO	GA	WESTERN LINE SCHOOL DISTRICT	MS
CITY OF MOORE HAVEN	FL	GARY INDEPENDENT SCHOOL DISTRICT	TX
CITY OF AUGUSTA	WI	DE LEON INDEPENDENT SCHOOL DISTRICT	TX
LEON COUNTY SHERIFFS OFFICE	FL	HOLLIS PUBLIC SCHOOLS	OK
CAMP VERDE FIRE DISTRICT	AZ	ROOSEVELT COUNTY	NM
CITY OF SAN BENITO	TX	TUSCALOOSA COUNTY SCHOOL DISTRICT	AL
TOWN OF CAMP VERDE	AZ	ARDMORE CITY SCHOOLS	OK
TOWN OF KINDER	LA	GARDNERVILLE RANCHOS GEN IMPR DISTRICT	NV
CITY OF PARIS	TX	EDGEWOOD INDEPENDENT SCHOOL DISTRICT	TX
KINTA PUBLIC SCHOOLS	OK	GREENVILLE INDEPENDENT SCHOOL DISTRICT	TX
JEFFERSON UNION HIGH SCHOOL DISTRICT	CA	RICHLAND PARISH SCHOOL DISTRICT	LA
VERDIGRIS PUBLIC SCHOOLS	OK	ALEX INDEPENDENT SCHOOL DISTRICT	OK
DOVER PUBLIC SCHOOLS	OK	TURKEY QUITAQUE INDEPENDENT SCHOOL	
GUADALUPE REGIONAL MEDICAL CENTER	TX	DISTRICT	TX
UNION COUNTY SCHOOL DISTRICT	FL	BOSWELL INDEPENDENT SCHOOL DISTRICT	OK
KING COUNTY	TX	NEWBURG R-II SCHOOL DISTRICT	MO
KINGSTON INDEPENDENT SCHOOL DISTRICT	OK	WESTVILLE PUBLIC SCHOOLS	OK
KERMIT INDEPENDENT SCHOOL DISTRICT	TX	TUSCALOOSA CITY SCHOOL DISTRICT	AL
OKTAHA INDEPENDENT SCHOOL DISTRICT	OK	SIERRA BLANCA	TX
OKLAHOMA UNION SCHOOL	OK	BYRON PARK DISTRICT	IL
OSAGE HILLS PUBLIC SCHOOLS	OK	RABUN COUNTY SCHOOL DISTRICT	GA

List of Current 457(b) Plans

TEMPLE CITY UNIFIED SCHOOL DISTRICT	CA	ACALANES UNION HIGH SCHOOL DISTRICT	CA
WARNER PUBLIC SCHOOL	OK	PLAINVIEW PUBLIC SCHOOLS	OK
THREE RIVERS INDEPENDENT SCHOOL DISTRICT	TX	PEMBERTON TOWNSHIP BOARD OF	
GRIFFIN SPALDING COUNTY SCHOOL DISTRICT	GA	EDUCATION	NJ
PANAMA INDEPENDENT SCHOOL DISTRICT	OK	LOWER VALLEY WATER DISTRICT	TX
ROBSTOWN INDEPENDENT SCHOOL DISTRICT	TX	HOOKS INDEPENDENT SCHOOL DISTRICT	TX
LONE GROVE PUBLIC SCHOOLS	OK	LIBERTY PUBLIC SCHOOLS	OK
ROBY CONSOLIDATED INDEPENDENT SCHOOL		LIBERTY COUNTY BOARD OF EDUCATION	GA
DISTRICT	TX	MC CURTAIN SCHOOL DISTRICT	OK
NORDHEIM INDEPENDENT SCHOOL DISTRICT	TX	WEST WENDOVER REC DISTRICT	NV
BARNSDALL PUBLIC SCHOOL	OK	MAGNOLIA INDEPENDENT SCHOOL DISTRICT	
GRAND SALINE INDEPENDENT SCHOOL		457	TX
DISTRICT	TX	WOODVILLE INDEPENDENT SCHOOL DISTRICT	TX
PULASKI COUNTY SCHOOL DISTRICT	GA	LODI UNIFIED SCHOOL DISTRICT	CA
WILSON PUBLIC SCHOOL	OK	PUTNAM COUNTY SCHOOL DISTRICT	FL
NORTH PLAINFIELD BOARD OF EDUCATION	NJ	PEARSALL INDEPENDENT SCHOOL DISTRICT	TX
ECTOR COUNTY INDEPENDENT SCHOOL		BRISBANE ELEMEMENTARY SCHOOL DISTRICT	CA
DISTRICT	TX	POTTSBORO INDEPENDENT SCHOOL DISTRICT	TX
ALTO INDEPENDENT SCHOOL DISTRICT	TX	PINELLAS COUNTY SCHOOLS	FL
WEBBERS FALLS INDEPENDENT SCHOOL		WASHINGTON PARISH PUBLIC SCHOOL	LA
DISTRICT	OK	LOS ANGELES COUNTY OFFICE OF EDUCATION	CA
HEALDTON PUBLIC SCHOOLS	OK	LA MARQUE INDEPENDENT SCHOOL DISTRICT	TX
TANGIPAOHA PARISH SCHOOL BOARD	LA	MUSCOGEE COUNTY SCHOOL DISTRICT	GA
HAMILTON COUNTY SCHOOL DISTRICT	FL	BETHEL ACRES PUBLIC SCHOOLS	OK
LAMESA INDEPENDENT SCHOOL DISTRICT	TX	WESTSIDE UNION ELEMENTARY SCHOOL	
LIVINGSTON PARISH SCHOOL DISTRICT	LA	DISTRICT	CA
LONE WOLF PUBLIC SCHOOLS	OK	BARBOUR COUNTY SCHOOL DISTRICT	AL
PLEASANTON UNIFIED SCHOOL DISTRICT	CA	LANDER COUNTY	NV
PERRY COUNTY SCHOOL DISTRICT	MS	MILLWOOD PUBLIC SCHOOLS	OK
GUTHRIE COMMON SCHOOL DISTRICT	TX	SAINT JO INDEPENDENT SCHOOL DISTRICT	TX
WAUKOMIS PUBLIC SCHOOLS	OK	CRUTCHO PUBLIC SCHOOLS	OK
WAGONER COUNTY RURAL WATER DISTRICT#5	OK	SPAVINAW SCHOOL DISTRICT	OK
WYANDOTTE PUBLIC SCHOOLS	OK	LAMAR COUNTY SCHOOL DISTRICT	GA
PUTNAM COUNTY SCHOOL DISTRICT	GA	MADISON PARISH HOSPITAL	LA
MONTGOMERY INDEPENDENT SCHOOL		CROOKED OAK SCHOOLS	OK
DISTRICT 457	TX	CASTLEBERRY INDEPENDENT SCHOOL DISTRICT	TX
POLK COUNTY SCHOOL DISTRICT	FL	MEADOW INDEPENDENT SCHOOL DISTRICT	TX
HIGHLAND INDEPENDENT SCHOOL DISTRICT	TX	CLARK COUNTY SCHOOL DISTRICT	NV
BEEVILLE INDEPENDENT SCHOOL DISTRICT	TX	SPRINGTOWN INDEPENDENT SCHOOL DISTRICT	TX
PRETTY WATER PUBLIC SCHOOL	OK	CHILTON INDEPENDENT SCHOOL DISTRICT	TX
EDUCATION SERVICE CENTER REGION 14	TX	SEMINOLE INDEPENDENT SCHOOL DISTRICT	TX
PRAIRILAND INDEPENDENT SCHOOL DISTRICT	TX	COTULLA INDEPENDENT SCHOOL DISTRICT	TX

List of Current 457(b) Plans

SUNDOWN INDEPENDENT SCHOOL DISTRICT	TX	YANCEY COUNTY SCHOOLS	NC
STIGLER PUBLIC SCHOOLS	OK	PRINCE GEORGES COUNTY PUBLIC SCHOOLS	MD
CORDELL PUBLIC SCHOOLS	OK	ORANGE COUNTY PUBLIC SCHOOL DISTRICT	FL
SEMINOLE COUNTY SCHOOL DISTRICT	FL	DALLAS INDEPENDENT SCHOOL DISTRICT	TX
SEILING MUNICIPAL HOSPITAL	OK	MANATEE COUNTY SCHOOL DISTRICT	FL
CUERO INDEPENDENT SCHOOL DISTRICT	TX	CERRITOS COMMUNITY COLLEGE	CA
CARROLL COUNTY HEALTH DEPT	MO	SARATOGA UNION ELEMENTARY SCHOOL	
SNYDER PUBLIC SCHOOLS	OK	DISTRICT	CA
KELLYVILLE PUBLIC SCHOOL	OK	ST LUCIE COUNTY SCHOOL BOARD	FL
SHIDLER PUBLIC SCHOOL	OK	SUNOL GLEN UNIFIED SCHOOL DISTRICT	CA
YOAKUM INDEPENDENT SCHOOL DISTRICT	TX	ROYSE CITY INDEPENDENT SCHOOL DISTRICT	TX
KINGFISHER PUBLIC SCHOOL	OK	OJAI UNIFIED SCHOOL DISTRICT	CA
CALERA PUBLIC SCHOOLS	OK	LONGVIEW INDEPENDENT SCHOOL DISTRICT	TX
SPRINGER PUBLIC SCHOOLS	OK	CABRILLO UNIFIED SCHOOL DISTRICT	CA
MONROVIA UNIFIED SCHOOL DISTRICT	CA	RALEIGH COUNTY BOARD OF EDUCATION	WV
CLARKE COUNTY SCHOOL DISTRICT	GA	VAN INDEPENDENT SCHOOL DISTRICT	TX
SHINER INDEPENDENT SCHOOL DISTRICT 457	TX	MC DUFFIE COUNTY BOARD OF EDUCATION	GA
STERLING PUBLIC SCHOOLS	OK	FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT	CA
SIMMS INDEPENDENT SCHOOL DISTRICT	TX	SEMINOLE COUNTY SCHOOL DISTRICT	GA
LOCKHART INDEPENDENT SCHOOL DISTRICT	TX	CLAREMONT UNIFIED SCHOOL DISTRICT	CA
SAINT BRENDAN	OH	CALCASIEU PARISH SCHOOL DISTRICT	LA
SUMNER COUNTY BOARD OF EDUCATION	TN	CALHOUN COUNTY BOARD OF EDUCATION	GA
SABINE PARISH SCHOOL DISTRICT	LA	CARROLL COUNTY AMB DISTRICT	MO
JONES COUNTY SCHOOL DISTRICT	GA	CHATTAHOOCHEE COUNTY BOARD OF	
QUINTON PUBLIC SCHOOL	OK	EDUCATION	GA
CITY OF ELKO	NV	RICHMOND COUNTY BOARD OF EDUCATION	GA
CROCKER R-II SCHOOL DISTRICT	MO	GONZALES UNIFIED SCHOOL DISTRICT	CA
VICI INDEPENDENT SCHOOL DISTRICT	OK	STROTHER PUBLIC SCHOOLS	OK
CHILTON COUNTY SCHOOL DISTRICT	AL	SOUTH LAKE SCHOOL DISTRICT	MI
MERCED COUNTY OFFICE OF EDUCATION	CA	MOORE COUNTY PUBLIC SCHOOLS	NC
BYRON UNION SCHOOL DISTRICT	CA	COMAL INDEPENDENT SCHOOL DISTRICT	TX
MELISSA INDEPENDENT SCHOOL DISTRICT	TX	MC ALESTER SCHOOL DISTRICT	OK
SAN BENITO HIGH SCHOOL DISTRICT 457	CA	BRUCEVILLE-EDDY INDEPENDENT SCHOOL	
COWETA COUNTY SCHOOL DISTRICT	GA	DISTRICT	TX
STATE CENTER COMMUNITY COLLEGE	CA	STANLY COUNTY SCHOOLS	NC
EDINBURG CONSOLIDATED INDEPENDENT		SAN DIEGO INDEPENDENT SCHOOL DISTRICT	TX
SCHOOL	TX	BRANDON SCHOOL DISTRICT	MI
ABERNATHY INDEPENDENT SCHOOL DISTRICT	TX	FOYIL PUBLIC SCHOOLS	OK
NEWARK UNIFIED SCHOOL DISTRICT	CA	WARREN CONSOLIDATED SCHOOL	MI
GUTHRIE COMMON SCHOOL DISTRICT	TX	GAINESVILLE INDEPENDENT SCHOOL DISTRICT	TX
ASHE COUNTY SCHOOLS	NC	MCFARLAND UNIFIED SCHOOL DISTRICT	CA
LOMPOC UNIFIED SCHOOL DISTRICT	CA	BAYSHORE ELEMENTARY SCHOOL DISTRICT	CA

List of Current 457(b) Plans

NEOSHO REORGANIZED SCHOOL DISTRICT 5	MO	PITT COUNTY SCHOOLS	NC
PONDER INDEPENDENT SCHOOL DISTRICT	TX	STUART PUBLIC SCHOOLS	OK
BUENA VISTA INDEPENDENT SCHOOL DISTRICT	TX	ALPENA SCHOOL DISTRICT	AR
PALERMO UNION ELEMENTARY SCHOOL DISTRICT	CA	HALLSVILLE INDEPENDENT SCHOOL DISTRICT	TX
ALABAMA A AND M UNIVERSITY	AL	OAKLEY UNION ELEMENTARY SCHOOL DISTRICT	CA
HAMBURG SCHOOL DISTRICT	AR	SAN BENITO COUNTY OFFICE OF EDUCATION	CA
SAN RAFAEL CITY ELEMENTARY SCHOOL DISTRICT	CA	FANSHAWE SCHOOL DISTRICT	OK
PARADISE UNIFIED SCHOOL DISTRICT	CA	PONTIAC SCHOOL DISTRICT	MI
KERN COMMUNITY COLLEGE DISTRICT	CA	BENAVIDES INDEPENDENT SCHOOL DISTRICT	TX
CENTRAL HEIGHTS INDEPENDENT SCHOOL DISTRICT	TX	ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT	CA
CARROLL COUNTY SCHOOLS	GA	HOBART PUBLIC SCHOOLS	OK
UTICA COMMUNITY SCHOOLS	MI	FEATHER RIVER COMMUNITY COLLEGE DISTRICT	CA
L'ANSE CREUSE PUBLIC SCHOOLS	MI	OXNARD SCHOOL DISTRICT	CA
RURAL WATER DISTRICT #8	OK	REETHS-PUFFER SCHOOLS 457 PLAN	MI
SAVANNAH-CHATHAM COUNTY PUBLIC SCHOOL SYSTEM	GA	ARLINGTON INDEPENDENT SCHOOL DISTRICT	TX
TOWN OF BLADENSBURG 457	MD	TIDEHAVEN INDEPENDENT SCHOOL DISTRICT	TX
DOUGLAS COUNTY SCHOOL DISTRICT	GA	SWEETWATER UNION HIGH SCHOOL DISTRICT	CA
ALIEF INDEPENDENT SCHOOL DISTRICT	TX	WEST FELICIANA PARISH POLICY JURY	LA
KINGSVILLE INDEPENDENT SCHOOL DISTRICT	TX	BELLS INDEPENDENT SCHOOL DISTRICT	TX
DAVIS SCHOOL DISTRICT	UT	LOVE & UNITY CHURCH	CA
BAKER COUNTY SCHOOL DISTRICT	FL	ADA CITY SCHOOLS	OK
DENVER CITY INDEPENDENT SCHOOL DISTRICT	TX	CAMPBELL UNION SCHOOL DISTRICT	CA
LENNOX SCHOOL DISTRICT	CA	RAVIA PUBLIC SCHOOLS	OK
CAMP VERDE SANITARY DISTRICT	AZ	SOLEDAD UNIFIED SCHOOL DISTRICT	CA
WIMBERLEY INDEPENDENT SCHOOL DISTRICT	TX	VERMILION PARISH SCHOOL BOARD	LA
BARTOW COUNTY SCHOOL SYSTEM	GA	ORCHARD SCHOOL DISTRICT	CA
PLACENTIA LIBRARY DISTRICT	CA	ALLEGHANY COUNTY SCHOOLS	NC
TULOSO MIDWAY INDEPENDENT SCHOOL DISTRICT	TX	THE ACCELERATED CHARTER ELEMENTARY SCHOOL DISTRICT	CA
HAILEYVILLE PUBLIC SCHOOLS	OK	WIMBERLEY INDEPENDENT SCHOOL DISTRICT	TX
JUSTICE ALMA WILSON SEEWORTH ACADEMY	OK	COTTONWOOD OAK CREEK SCHOOL DISTRICT 6	AZ
SILO PUBLIC SCHOOLS	OK	PINETOP FIRE DISTRICT DEF BENE	AZ
JACKSON COUNTY BOARD OF EDUCATION	AL	TEXAS LEADERSHIP CHARTER SCHOOL	TX
SALINAS CITY ELEMENTARY SCHOOL DISTRICT	CA	LENOIR COUNTY SCHOOL DISTRICT	NC
TIPTON PUBLIC SCHOOLS	OK	CITY OF NEW HAVEN - OFFICE OF CONTROLLER	CT
DEKALB COUNTY BOARD OF EDUCATION	AL	MILLBRAE ELEMENTARY SCHOOL DISTRICT	CA
BURKE COUNTY SCHOOLS	NC	HOLLISTER SCHOOL DISTRICT	CA
MONTGOMERY COUNTY SCHOOLS	NC	SPRING INDEPENDENT SCHOOL DISTRICT	TX
		NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT	TX

List of Current 457(b) Plans

WAINWRIGHT SCHOOL DISTRICT	OK	CHAPEL HILL INDEPENDENT SCHOOL DISTRICT	TX
DENISON PUBLIC SCHOOLS	OK	MATAGORDA INDEPENDENT SCHOOL DISTRICT	TX
ANTLERS PUBLIC SCHOOLS	OK	TUTTLE PUBLIC SCHOOLS	OK
WASHINGTON ELEMENTARY SCHOOL DISTRICT	AZ	POLK COUNTY SCHOOLS	NC
VALLEY VIEW SCHOOL DISTRICT	AR	LINCOLN PARK PUBLIC SCHOOL	MI
WELD COUNTY SCHOOL DISTRICT 6	CO	SEILING PUBLIC SCHOOL	OK
LAKESIDE SCHOOL DISTRICT	AR	HONEY GROVE INDEPENDENT SCHOOL DISTRICT	TX
SOUTH CAROLINA STATE UNIVERSITY	SC	PARIS INDEPENDENT SCHOOL DISTRICT	TX
MERCEDES INDEPENDENT SCHOOL DISTRICT	TX	ASHEBORO CITY SCHOOLS	NC
AVALON INDEPENDENT SCHOOL DISTRICT	TX	KENEDY INDEPENDENT SCHOOL DISTRICT	TX
TRES PINOS UNION SCHOOL DISTRICT	CA	CITY OF OPA LOCKA	FL
HERNANDO COUNTY SCHOOL BOARD	FL	COALGATE PUBLIC SCHOOLS	OK
HAMMON INDEPENDENT SCHOOL DISTRICT	OK	WHITMORE LAKE PUBLIC SCHOOL	MI
GREENE COUNTY BOARD OF EDUCATION	GA	BEAVERDAM-LITTLEFIELD FIRE DISTRICT	AZ
HOLLY CREEK PUBLIC SCHOOL	OK	PARAGOULD SCHOOL DISTRICT	AR
STANISLAUS COUNTY OFFICE OF EDUCATION	CA	MERCED IRRIGATION DISTRICT	CA
CITY OF HAWKINSVILLE	GA	WILMINGTON CHRISTIAN SCHOOL INC.	DE
WASHOE COUNTY SCHOOL DISTRICT	NV	HALLETSVILLE INDEPENDENT SCHOOL DISTRICT	TX
MILBURN PUBLIC SCHOOL	OK	LUKFATA PUBLIC SCHOOLS	OK
BEDFORD PUBLIC SCHOOLS 457 PLAN	MI	MILLER GROVE INDEPENDENT SCHOOL DISTRICT	TX
MATHIS INDEPENDENT SCHOOL DISTRICT	TX	SANTA RITA UNION SCHOOL DISTRICT	CA
ALEDO INDEPENDENT SCHOOL DISTRICT	TX	LONDON INDEPENDENT SCHOOL DISTRICT	TX
ARAB CITY SCHOOL DISTRICT	AL	SOUTHGATE COMMUNITY SCHOOLS	MI
CALHOUN COUNTY INDEPENDENT SCHOOL DISTRICT	TX	OUR CHILDREN'S ACADEMY INC	FL
EARLY INDEPENDENT SCHOOL DISTRICT	TX	COMO-PICKTON INDEPENDENT SCHOOL DISTRICT	TX
BEVERLY HILLS UNIFIED SCHOOL DISTRICT	CA	SANTA ROSA COUNTY SCHOOL DISTRICT	FL
MOUNTAIN HOME PUBLIC SCHOOLS	AR	RIVERCREST INDEPENDENT SCHOOL DISTRICT	TX
SULPHUR BLUFF INDEPENDENT SCHOOL DISTRICT	TX	VENTURA UNIFIED SCHOOL DISTRICT	CA
CHARTER SCHOOL OF MORGAN HILL	CA	BAY DISTRICT SCHOOLS	FL
MACON COUNTY SCHOOLS	NC	MORRISON PUBLIC SCHOOL	OK
INTERNATIONAL SCHOOL OF MONTEREY	CA	WHITEFIELD INDEPENDENT SCHOOL DISTRICT	OK
ROCKWALL INDEPENDENT SCHOOL DISTRICT	TX	ARP INDEPENDENT SCHOOL DISTRICT	TX
DIBBLE PUBLIC SCHOOLS	OK	ATHENS CITY SCHOOL DISTRICT	AL
CADDQ PUBLIC SCHOOLS	OK	LITTLE AXE PUBLIC SCHOOLS	OK
HOUSTON INDEPENDENT SCHOOL DISTRICT	TX	WHEELER COUNTY SCHOOL DISTRICT	GA
CALDWELL COUNTY SCHOOLS	NC	FLOYD COUNTY PUBLIC SCHOOLS	VA
GULF COUNTY SCHOOL DISTRICT	FL	CHATHAM COUNTY SCHOOLS	NC
CITY OF SYLVANIA	GA	ARMADA AREA SCHOOLS	MI
ROXTON INDEPENDENT SCHOOL DISTRICT	TX		
FRASER PUBLIC SCHOOLS	MI		

List of Current 457(b) Plans

QUEEN CITY INDEPENDENT SCHOOL DISTRICT	TX	SANTA CRUZ CITY SCHOOL DISTRICT	CA
WAPANUCKA INDEPENDENT SCHOOL DISTRICT	OK	ALEXANDER COUNTY SCHOOLS	NC
WESTHOFF INDEPENDENT SCHOOL DISTRICT	TX	MT PLEASANT INDEPENDENT SCHOOL DISTRICT	TX
PALOS VERDES PENNSULA UNIFIED SCHOOL DISTRICT	CA	PAJARO VALLEY UNIFIED SCHOOL DISTRICT	CA
CHICO UNIFIED SCHOOL DISTRICT	CA	MESA UNION ELEMENTARY SCHOOL DISTRICT	CA
PICKENS COUNTY BOARD OF EDUCATION	AL	TISHOMINGO PUBLIC SCHOOLS	OK
OHLONE COLLEGE	CA	PERALTA COMMUNITY COLLEGE DISTRICT	CA
MONROE PUBLIC SCHOOLS	MI	TROY SCHOOL DISTRICT	MI
CREIGHTON ELEMENTARY SCHOOL DISTRICT 14	AZ	UNION COLONY PREPARATORY SCHOOL	CO
PALESTINE INDEPENDENT SCHOOL DISTRICT	TX	CENTRAL PLAINS CENTER MHMR	TX
LAS LOMITAS ELEMENTARY SCHOOL DISTRICT	CA	CONNALLY INDEPENDENT SCHOOL DISTRICT	TX
HUGHES SPRINGS INDEPENDENT SCHOOL DISTRICT	TX	MONROE COUNTY SCHOOL DISTRICT	GA
NASSAU COUNTY SCHOOL BOARD	FL	TRENTON INDEPENDENT SCHOOL DISTRICT	TX
TWIN RIVERS UNIFIED SCHOOL DISTRICT	CA	EAGLETOWN PUBLIC SCHOOLS	OK
CANADIAN PUBLIC SCHOOLS	OK	FLAGLER COUNTY PUBLIC SCHOOLS	FL
JASPER R-5 SCHOOLS 457	MO	JOHN H. WOOD JR. CHARTER SCHOOL	TX
DIME BOX INDEPENDENT SCHOOL DISTRICT	TX	MORGAN HILL UNIFIED SCHOOL DISTRICT	CA
DYSART UNIFIED SCHOOL DISTRICT	AZ	MOUNTAIN VIEW-LOS ALTOS ADULT EDUCATION	CA
PLAINVIEW INDEPENDENT SCHOOL DISTRICT	TX	CAMPBELL UNION HIGH SCHOOL DISTRICT	CA
BESSEMER CITY SCHOOL DISTRICT	AL	LOS ALTOS SCHOOL DISTRICT	CA
SHEPHERD INDEPENDENT SCHOOL DISTRICT	TX	LOS GATOS UNION SCHOOL DISTRICT	CA
OKLAHOMA CITY PUBLIC SCHOOLS	OK	SIMI VALLEY UNIFIED SCHOOL DISTRICT	CA
TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT	CA	JOHNSON COUNTY MHMR CENTER	TX
LIFE PATH SYSTEMS	TX	CLAREMORE SEQUOYAH INDEPENDENT SCHOOL DISTRICT	OK
EVANS COUNTY SCHOOL DISTRICT	GA	SMACKOVER SCHOOL DISTRICT	AR
WILLIAMSON COUNTY EMERGENCY SERVICES DISTRICT NO 4	TX	SAVANNA PUBLIC SCHOOLS	OK
SHORELINE UNIFIED SCHOOL DISTRICT	CA	MT DIABLO UNIFIED SCHOOL DISTRICT	CA
COLEMAN PUBLIC SCHOOLS	OK	SULPHUR PUBLIC SCHOOLS	OK
WYTHE COUNTY PUBLIC SCHOOLS	VA	WALLED LAKE CONSOLIDATED SCHOOLS	MI
TERRELL COUNTY SCHOOL DISTRICT	GA	FRANKLIN COUNTY PUBLIC SCHOOLS	VA
GLOUCESTER COUNTY SPECIAL SERVICE	NJ	SULPHUR SPRINGS INDEPENDENT SCHOOL DISTRICT	TX
PACIFIC GROVE UNIFIED SCHOOL DISTRICT	CA	CLEBURNE INDEPENDENT SCHOOL DISTRICT	TX
LA CANADA UNIFIED SCHOOL DISTRICT	CA	VENTURA COUNTY OFFICE OF EDUCATION	CA
OSCEOLA COUNTY SCHOOL DISTRICT	FL	PONTOTOC TECHNOLOGY CENTER	OK
IVY TECH CHARTER SCHOOL	CA	ASHER PUBLIC SCHOOL	OK
BLANCHARD PUBLIC SCHOOLS	OK	GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT	TX
CORPUS CHRISTI INDEPENDENT SCHOOL DISTRICT	TX	OAKLAND UNIFIED SCHOOL DISTRICT	CA
SANTA ANNA INDEPENDENT SCHOOL DISTRICT	TX	CONNALLY INDEPENDENT SCHOOL DISTRICT	TX

List of Current 457(b) Plans

CIMARRON PUBLIC SCHOOLS	OK	EUSTACE INDEPENDENT SCHOOL DISTRICT	TX
IDA PUBLIC SCHOOLS	MI	TRI-COUNTY MHMR SERVICES	TX
MOUNT VERNON INDEPENDENT SCHOOL DISTRICT	TX	DAVIS INDEPENDENT SCHOOL DISTRICT	OK
EDUCATION SERVICE CENTER REGION 8 ANCHOR BAY SCHOOL DISTRICT	TX	DEWAR PUBLIC SCHOOLS	OK
KINGS COUNTY OFFICE OF EDUCATION	MI	OXNARD UNION HIGH SCHOOL DISTRICT	CA
SUMTER COUNTY SCHOOLS	CA	BLUE BONNET TRAILS MHMR	TX
WHITE SETTLEMENT INDEPENDENT SCHOOL DISTRICT	GA	GALT JOINT UNION ELEMENTARY SCHOOL DISTRICT	CA
PINE TREE INDEPENDENT SCHOOL DISTRICT	TX	EAST SIDE UNION HIGH SCHOOL DISTRICT	CA
BLUM INDEPENDENT SCHOOL DISTRICT	TX	ALTUS PUBLIC SCHOOLS	OK
BEN BOLT PALITO BLANCO INDEPENDENT SCHOOL DISTRICT	TX	OCEAN CITY BOARD OF EDUCATION	NJ
LITTLE ELM INDEPENDENT SCHOOL DISTRICT	TX	PANHANDLE INDEPENDENT SCHOOL DISTRICT	TX
AMADOR COUNTY UNIFIED SCHOOL DISTRICT	TX	GLOUCESTER COUNTY SPECIAL SERVICES SCHOOL DISTRICT	NJ
ALBANY UNIFIED SCHOOL DISTRICT	CA	ALISAL UNION ELEMENTARY SCHOOL DISTRICT	CA
GULF BEND MHMR	CA	FRANKLIN PARISH POLICE JURY	LA
NORTHEAST TEXAS MHMR	TX	MONTESSORI OF WINTER GARDEN CHARTER SCHOOL	FL
WINFIELD INDEPENDENT SCHOOL DISTRICT	TX	DOTHAN CITY BOARD OF EDUCATION	AL
HENDRY COUNTY SCHOOLS	FL	BROWNSVILLE INDEPENDENT SCHOOL DISTRICT	TX
CUMBY INDEPENDENT SCHOOL DISTRICT	TX	MADISON SCHOOL DISTRICT	MI
CHATTAHOOCHEE FLINT RESA	GA	EMERY UNIFIED SCHOOL DISTRICT	CA
SAN MATEO UNION HIGH SCHOOL DISTRICT	CA	BYARS SCHOOL DISTRICT	OK
SABINE VALLEY CENTER MHMR	TX	WICHITA FALLS INDEPENDENT SCHOOL DISTRICT	TX
MORENO VALLEY UNIFIED SCHOOL DISTRICT	CA	CHISUM INDEPENDENT SCHOOL DISTRICT	TX
MENLO PARK CITY SCHOOL DISTRICT	CA	DETROIT INDEPENDENT SCHOOL DISTRICT	TX
OAK GROVE ELEMENTARY SCHOOL DISTRICT	CA	PAMPA INDEPENDENT SCHOOL DISTRICT	TX
CAMBRIAN ELEMENTARY SCHOOL DISTRICT	CA	AVOYELLES PARISH SCHOOL BOARD	LA
EVERGREEN SCHOOL DISTRICT	CA	TEAYS VALLEY LOCAL SCHOOLS	OH
MOUNTAIN VIEW-WHISMAN SCHOOL DISTRICT	CA	WHITEFACE CONSOLIDATED INDEPENDENT SCHOOL DISTRICT	TX
MT PLEASANT ELEMENTARY SCHOOL DISTRICT	CA	PLACER UNION HIGH SCHOOL DISTRICT	CA
UNION ELEMENTARY SCHOOL DISTRICT	CA	LOS FRESNOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT	TX
INSTITUTE OF COMPUTER TECHNOLOGY	CA	WASHINGTON UNION ELEMENTARY SCHOOL DISTRICT	CA
SALINAS UNION HIGH SCHOOL DISTRICT	CA	BURLINGTON COUNTY INSTITUTE OF TECHNOLOGY	NJ
GROVE PUBLIC SCHOOLS	OK	CONEJO VALLEY UNIFIED SCHOOL DISTRICT	CA
NEW LIMA PUBLIC SCHOOLS	OK	PALO ALTO UNIFIED SCHOOL DISTRICT	CA
SIERRA JOINT COMMUNITY COLLEGE	CA	HAMPTON SCHOOL DISTRICT 1	SC
SAN GABRIEL UNIFIED SCHOOL DISTRICT	CA		
CALALLEN INDEPENDENT SCHOOL DISTRICT	TX		
CHARLTON COUNTY SCHOOL DISTRICT	GA		
EDGEWOOD INDEPENDENT SCHOOL DISTRICT	TX		

List of Current 457(b) Plans

WILLIAM S HART UNION HIGH SCHOOL DISTRICT	CA	MC CAMEY INDEPENDENT SCHOOL DISTRICT	TX
KNIGHTSEN ELEMENTARY SCHOOL DISTRICT	CA	BRIGGS SCHOOL DISTRICT	OK
PETTUS INDEPENDENT SCHOOL DISTRICT	TX	PORTOLA VALLEY ELEMENTARY SCHOOL DISTRICT	CA
GILROY UNIFIED SCHOOL DISTRICT	CA	WAYNE COUNTY BOARD OF EDUCATION	GA
SEMINOLE PUBLIC SCHOOLS	OK	BRECKENRIDGE INDEPENDENT SCHOOL DISTRICT	TX
SACRAMENTO COUNTY OFFICE OF EDUCATION	CA	HELLSGATE FIRE DEPARTMENT	AZ
SAN LEANDRO UNIFIED SCHOOL DISTRICT	CA	PACIFICA SCHOOL DISTRICT	CA
CAMDEN CITY PUBLIC SCHOOLS	NJ	PIEDMONT CITY UNIFIED SCHOOL DISTRICT	CA
SAN BENITO CONSOLIDATED INDEPENDENT SCHOOL DISTRICT	TX	BERRYESSA UNION ELEMENTARY SCHOOL DISTRICT	CA
LOS BANOS UNIFIED SCHOOL DISTRICT	CA	SPINDLETOP MHMR	TX
LAKE TAHOE UNIFIED SCHOOL DISTRICT	CA	SAN JUAN UNIFIED SCHOOL DISTRICT	CA
FREMONT UNIFIED SCHOOL DISTRICT	CA	LOS GATOS SARATOGA JOINT UNION HIGH SCHOOL DISTRICT	CA
EL DORADO COUNTY OFFICE OF EDUCATION	CA	CALISTOGA JOINT UNIFIED SCHOOL DISTRICT	CA
WEST TEXAS CENTERS FOR MHMR	TX	SOMERSET INDEPENDENT SCHOOL DISTRICT	TX
SAN RAFAEL HIGH SCHOOL DISTRICT	CA	SAN JOSE UNIFIED SCHOOL DISTRICT	CA
FOOTHILL DE ANZA COMMUNITY COLLEGE DISTRICT	CA	SAN FRANCISCO UNIFIED SCHOOL DISTRICT	CA
TRINITY INDEPENDENT SCHOOL DISTRICT	TX	SAN MATEO COUNTY OFFICE OF EDUCATION	CA
TEXAS POLITICAL EDUCATION SERVICE CENTER	TX	SANTA MARIA BONITA SCHOOL DISTRICT	CA
EDUCATION SERVICE CENTER REGION 19	TX	VIDALIA CITY SCHOOL DISTRICT	GA
THOMASTON-UPSON BOARD OF EDUCATION	GA	NORTH HOPKINS INDEPENDENT SCHOOL DISTRICT	TX
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT	CA	ERA INDEPENDENT SCHOOL DISTRICT	TX
LIBERTY UNION HIGH SCHOOL DISTRICT	CA	NEW HAVEN UNIFIED SCHOOL DISTRICT	CA
JOHN SWETT UNIFIED SCHOOL DISTRICT	CA	GUY-PERKINS SCHOOL DISTRICT	AR
VALLEY VIEW INDEPENDENT SCHOOL DISTRICT	TX	SOUTH SIDE BEE BRANCH SCHOOL DISTRICT	AR
FARWELL INDEPENDENT SCHOOL DISTRICT	TX	ALVIN INDEPENDENT SCHOOL DISTRICT	TX
LUTHER BURBANK SCHOOL DISTRICT	CA	ALLEN INDEPENDENT SCHOOL DISTRICT	TX
SAUGUS UNION ELEMENTARY SCHOOL DISTRICT	CA	GREATER EGG HARBOR REGIONAL HIGH SCHOOL DISTRICT	NJ
RIO SCHOOL DISTRICT	CA	LAKEVIEW PUBLIC SCHOOLS	MI
HILLSBORO INDEPENDENT SCHOOL DISTRICT	TX	FOREST GROVE PUBLIC SCHOOL	OK
RAVENSWOOD CITY ELEMENTARY SCHOOL DISTRICT	CA	GREENBRIER SCHOOL DISTRICT	AR
ACADIA PARISH SCHOOL BOARD	LA	WEST OSO INDEPENDENT SCHOOL DISTRICT	TX
METROPOLITAN EDUCATION DISTRICT	CA	GOLIAD INDEPENDENT SCHOOL DISTRICT	TX
CENTRAL TEXAS MHMR	TX	SALTILLO INDEPENDENT SCHOOL DISTRICT	TX
STRINGTOWN PUBLIC SCHOOL	OK	WAXAHACHIE INDEPENDENT SCHOOL DISTRICT	TX
CARMEL UNIFIED SCHOOL DISTRICT	CA	PITTSBURG UNIFIED SCHOOL DISTRICT	CA
SOCORRO INDEPENDENT SCHOOL DISTRICT	TX	FRIEND PUBLIC SCHOOL	OK

List of Current 457(b) Plans

DUBLIN CITY SCHOOL DISTRICT	GA	CONROE INDEPENDENT SCHOOL DISTRICT	TX
DODGE COUNTY SCHOOL DISTRICT	GA	CUPERTINO UNION HIGH SCHOOL DISTRICT	CA
OAK PARK SCHOOL DISTRICT	MI	SUNNYVALE SCHOOL DISTRICT	CA
SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT	TX	ISLE OF WIGHT COUNTY SCHOOLS	VA
VAN BUREN SCHOOL DISTRICT	AR	TURPIN PUBLIC SCHOOLS	OK
WOODSIDE ELEMENTARY SCHOOL DISTRICT	CA	SHEKINAH LEARNING INSTITUTE	TX
MONTEREY COUNTY OFFICE OF EDUCATION	CA	POTEET INDEPENDENT SCHOOL DISTRICT	TX
MANSFIELD TOWNSHIP SCHOOL DISTRICT	NJ	SEQUOIA UNION HIGH SCHOOL DISTRICT	CA
SANTA CLARA COUNTY OFFICE OF EDUCATION	CA	SHERMAN INDEPENDENT SCHOOL DISTRICT	TX
MORELAND ELEMENTARY SCHOOL DISTRICT	CA	SAN BRUNO PARK SCHOOL DISTRICT	CA
FREMONT UNION HIGH SCHOOL DISTRICT	CA	ST TAMMANY PARISH SCHOOL BOARD	LA
SANTA CLARA UNIFIED SCHOOL DISTRICT	CA	SABINE PASS INDEPENDENT SCHOOL DISTRICT	TX
SANTA CLARA ELEMENTARY SCHOOL DISTRICT	CA	TROPICAL TEXAS CENTER MHMR	TX
MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT	TX	TEXOMA MHMR	TX
LIVONIA PUBLIC SCHOOLS	MI	LUBBOCK REGIONAL MHMR	TX
EGG HARBOR TOWNSHIP BOARD OF EDUCATION	NJ	ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT	CA
RIO HONDO COLLEGE	CA	MT PLEASANT INDEPENDENT SCHOOL DISTRICT	TX
HAYWARD UNIFIED SCHOOL DISTRICT	CA	MEDFORD PUBLIC SCHOOLS	OK
BURLINGAME ELEMENTARY SCHOOL DISTRICT	CA	LOWER CAPE MAY REGIONAL HIGH SCHOOL	NJ
WOODLAND JOINT UNIFIED SCHOOL DISTRICT	CA	WARE COUNTY BOARD OF EDUCATION	GA
MAUD INDEPENDENT SCHOOL DISTRICT	TX	BERKELEY UNIFIED SCHOOL DISTRICT	CA
BELMONT REDWOOD SHORES SCHOOL DISTRICT	CA	FRANKLIN-MCKINLEY ELEMENTARY SCHOOL DISTRICT	CA
		MILPITAS UNIFIED SCHOOL DISTRICT	CA

Life Insurance Company of the Southwest **A member of the National Life Group**

Life Insurance Company of the Southwest (LSW) is headquartered in Addison, Texas. It is a wholly owned subsidiary of National Life Insurance Company, a U.S. owned and operated insurance company located in Vermont since 1848.

Nationwide Provider of Roth 457(b), 457(b) Plans and Other Qualified Plans

LSW is recognized as an industry leader in the 403(b) and 457(b) markets. It serves more than 7,000 government entities and school districts nationwide. LSW offers a unique platform of products that includes Roth 457(b) and 457(b) product solutions. It also can offer unallocated group annuities for investment platforms and single premium and flexible premium fixed and indexed annuities in versions designed for individuals in both the qualified and nonqualified markets.

The company is a leading writer of fixed indexed annuities, one of the most dynamic and innovative insurance products in many years. In fact, the company collected a record \$1.5 billion of annuity premium in 2014. Established in 1955, LSW's mission is to provide safe and secure annuity products that policyholders can depend on regardless of market conditions. LSW is licensed to solicit business in all states except New York. LSW and its parent insurer, National Life Insurance Company, have substantial capital. Each insurer is financially strong in its own right and is separately responsible to its policyholders for preserving its assets and for its claims paying ability.

Record Results in 2013

National Life Group reached record results in net income, total assets under management, life insurance sales, flow annuity sales, insurance in force, and statutory surplus.

The companies of National Life Group offer a broad range of financial products, including life insurance, annuities, and mutual funds, as well as financial solutions in the form of estate, business succession and retirement planning strategies. It is a leading

(MVA)

Guaranteed Minimum	The Policy Value equals 87.5% of the premium paid growing at a rate between 1-3% based on formula on file at state DOI.
Death Benefit	Full accumulation value, including any unvested Bonus Accumulation Value, at death of the annuitant, or Marquee 8 GLIR death benefit.

Footnotes:

Loans are subject to any restrictions in the employer's plan

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National Life Group is a trade name of National Life Insurance Company and its affiliates. Each company of the National Life Group is solely responsible for its own financial condition and contractual obligations. LSW is not authorized to sell insurance in New York.

National Retirement Group

National Retirement Group is a distribution company that represents Life Insurance Company of the Southwest (LSW). It is headquartered in Tampa, Florida and has offices throughout the state.

Its representatives specialize in the 403(b) and 457(b) markets. It serves public schools and other government entities throughout Florida. Its members are well-versed in the Florida Retirement System.

These representatives offer LSW's unique platform of products that includes Roth 457(b) and 457(b) product solutions.

Statement of Purpose:

National Retirement Group helps clients protect their financial futures and plan for retirement. We provide our clients with the right financial, retirement income and life insurance solutions based on their unique needs.

We Help People Save ... 403(b), 457(b) and IRAs

The company's financial professionals offer outstanding solutions for those saving in a Roth 457(b), 457(b), 403(b) plans and IRAs. We offer safe solutions for those who want to protect all premiums and earned interest from market loss! We help people save today for their tomorrows!

We Specialize in FRS and Retirement Plans

We are experienced professionals and have the expertise to help you with Florida's Retirement System and its Deferred Retirement Option Program (DROP). We design solutions to meet the client's retirement income needs, even for the rest of his or her life!

provider of 403(b) and 457(b) tax-deferred retirement savings plans, primarily in the K-12 school marketplace.

The company set a number of sales and financial records in 2013:

- Total revenue of \$2 billion was up 14%;
- Net income of \$142.4 million was also up 14%;
- Total assets under management hit \$30.4 billion;
- Insurance in force hit \$75.0 billion.

Statutory surplus stood at a record-high \$1.4 billion at the end of 2013.

The company is a leading writer of fixed indexed annuities, one of the most dynamic and innovative insurance products in many years. In fact, the company collected a record \$1.5 billion of annuity premium in 2014. Established in 1955, LSW's mission is to provide safe and secure annuity products that policyholders can depend on regardless of market conditions.

LSW is licensed to solicit business in all states except New York. LSW and its parent insurer, National Life Insurance Company, have substantial capital. Each insurer is financially strong in its own right and is separately responsible to its policyholders for preserving its assets and for its claims paying ability.

National Life Group® is a trade name representing various affiliates that offer a variety of financial service products. National Life Insurance Company is licensed in all 50 states and the District of Columbia. Life Insurance Company of the Southwest, Addison, TX was chartered in 1955, and is licensed to do business in 49 states and the District of Columbia. It is not licensed to do business in New York. Equity Services, Inc., Member FINRA/SIPC, is a Broker/Dealer and Registered Investment Adviser affiliate of National Life Insurance Company. Sentinel Investments® is the unifying brand name for Sentinel Financial Services Company, Sentinel Asset Management, Inc., and Sentinel Administrative Services, Inc. All companies, unless otherwise noted, are affiliated and are located in Montpelier, VT. Each company of the group is solely responsible for its own financial condition and contractual obligations

**Leon County
Board of County Commissioners**


Notes for Agenda Item #5

Leon County Board of County Commissioners

Cover Sheet for Agenda #5

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Ratification of Commissioners' Appointments to the Contractors Licensing and Examination Board and the, Human Services Grant Review Advisory Committee

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/Project Team:	Christine Coble, Agenda Coordinator

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

- Option #1: Ratify Commissioners' appointments as follows:
- a. Commissioner Dailey reappoints Royce Von Jackson to the Contractors Licensing and Examination Board.
 - b. Commissioner Lindley reappoints Jack Utermohle to the Contractors Licensing and Examination Board.
 - c. Commissioner Dozier appoints Andrea Jones to the Human Services Grant Review Committee.
- Option #2: Waive Policy No. 03-15, "Board-appointed Advisory Committees," regarding term limits, to provide for Commissioner Proctor to reappoint William Muldrow to the Contractors Licensing and Examination Board.

Report and Discussion

Background:

At its August 23, 2011 meeting, the Board approved the revised process for Advisory Committee appointments by having a Consent item prepared for individual Commissioner appointments.

Analysis:

Contractors Licensing and Examination Board (CLEB)

Purpose: The CLEB accepts and approves or disapproves applications; administers examinations for contractors licenses; issues contractor certificates; conducts hearings; and, disciplines contractors for violations of building codes or State Statutes (Attachment #1).

Composition: The CLEB consists of seven members, each Commission having one appointment. The CLEB shall include, whenever possible, one architect or engineer, one business person, one general contractor or other contractor (building & residential), one pool contractor or other contractor (building, residential, or general), and three consumer representatives who may be any resident of Leon County that is not, and has never been, a member or practitioner of a profession regulated by the contractors licensing and examination board or a member of any closely related profession. All members of the board, except for the consumer representatives, shall be licensed in this state and actively engaged in the profession they represent on such board.

Vacancies: The terms of members Royce Von Jackson (Commissioner Dailey), Jack Utermohle (Commissioner Lindley), and William Muldrow (Commissioner Proctor) expire on March 31, 2015. Mr. Von Jackson and Mr. Utermohle are eligible for reappointment. The Board's Committee Policy limits a member to serve no more than three consecutive terms. Mr. Muldrow has served since 1997; therefore, according to Board Policy, he has exceeded the three-term limit. Commissioner Proctor requests the Board waive Policy No. 03-15 to provide for the reappointment of Mr. Muldrow (Attachment #2).

Table 1: Contractors Licensing and Examination Board

Vacancy	Eligible Applicant	Recommended Action
Royce Von Jackson	Royce Von Jackson	Commissioner Dailey reappoints Royce Von Jackson.
Jack Utermohle	Jack Utermohle	Commissioner Lindley reappoints Jack Utermohle.
William Muldrow	N/A	Commissioner Proctor

Human Services Grant Review Committee

Purpose: This Committee evaluates human service funding requests during the regular budget cycle and makes recommendations to the Board (Attachment #3).

Composition: Members serve two-year terms, expiring December 31, with each Commissioner having two staggered appointments.

Vacancies: The term of member Gwen Hooper (Commissioner Dozier) expired December 31, 2014. An application was received from Andrea Jones (Attachment #4) expressing an interest in appointment.

Table 2: Human Services Grant Review Committee

Vacancy	Eligible Applicant	Recommended Action
Gwen Hooper	Andrea Jones	Commissioner Dozier appoints Andrea Jones.

Options:

1. Ratify Commissioners' appointments as follows:
 - a. Commissioner Dailey reappoints Royce Von Jackson to the Contractors Licensing and Examination Board.
 - b. Commissioner Lindley reappoints Jack Utermohle to the Contractors Licensing and Examination Board.
 - c. Commissioner Dozier appoints Andrea Jones to the Human Services Grant Review Committee.
2. Waive Policy No. 03-15, "Board-appointed Advisory Committees," regarding term limits, to provide for Commissioner Proctor to reappoint William Muldrow to the Contractors Licensing and Examination Board.
3. Board direction.

Recommendation:

Options #1, a-c, and #2.

Attachments:

1. Eligibility and Criteria – Contractors Licensing and Examination Board (CLEB)
2. Email from Commissioner Proctor regarding CLEB appointment
3. Eligibility and Criteria – Human Services Grant Review Committee
4. Application – Andrea Jones

Contractors Licensing and Examination Board

Responsibility:

Accepts and approves or disapproves applications; Administers Examinations for contractors licenses; Issues contractor certificates; Conducts hearings and Disciplines contractors for violations of building codes or State Statutes

Created By:

County Ordinance 74-22, Amended 9/8/1998

Appointments:

7 members. Each commissioner appoints one member. Building Inspection Department Director serves as non-voting member and keeps records of all proceedings.

1. General/Residential/Pool Contractor At Large I
2. Building/General/Residential/Pool Contractor
3. Business Person
4. Architect or Engineer
5. Consumer Representative
6. Consumer Representative
7. Consumer Representative

Terms:

3 years. Terms expire March 31. Number of terms allowed not specified in the Ordinance. No member may serve more than three consecutive terms. Vacancies filled for remainder of unexpired term.

Eligibility Criteria:

The contractors licensing and examination board shall consist of seven members to be appointed by the Board of County Commissioners. Such board shall include whenever possible, one architect or engineer, one business person, one general contractor or other contractor (building & residential) who is registered or certified under Section 489.105(3)(a) (c). F.S., one pool contractor or other contractor (building, residential, or general) who is registered or certified under Section 489.105(3)(d) (o). F.S., and three consumer representatives who may be any resident of Leon County that is not, and has never been, a member or practitioner of a profession regulated by the contractors licensing and examination board or a member of any closely related profession. All members of the board, except for the consumer representatives, shall be licensed in this state and actively engaged in the profession they represent on such board. All members shall be voters registered in the County.

Schedule:

First Thursday of each month, 4:30 p.m.; Renaissance Building, 2nd Floor Conference Room
435 N. Macomb Street

Contact Person/Staff:

Ed Jarriel, Building Inspector, Growth and Environmental Management
Jessica Koon, Contractors Licensing Board Administrator
435 N. Macomb Street, 2nd Floor
Tallahassee, FL 32301
606-1300; 606-1301 - Fax

CLEB Attorney
LaShawn Riggans, Asst. County Attorney
301 S. Monroe St.
Tallahassee, FL 32301
606-2500

Members:

Utermohle, Jack	Begin Term: 5/22/2012 End Term: 3/31/2015 Type: three years	Original Date: 9/22/2009 <hr/> Appointed by: Mary Ann Lindley Commissioner At-large	Category: Pool Contractor Email: jackutermohle@yahoo.com
Jackson, Royce Van Van Jackson Construction Company, Inc.	Begin Term: 4/10/2012 End Term: 3/31/2015 Type: three years	Original Date: 6/9/2009 <hr/> Appointed by: John Dailey Commissioner Dist. 3	Category: General Contractor Email: vjcc@comcast.net
Muldrow, William	Begin Term: 4/10/2012 End Term: 3/31/2015 Type: three years	Original Date: 3/25/1997 <hr/> Appointed by: Bill Proctor Commissioner Dist. 1	Category of Building Contractor Email: williammuldrow@hotmail.com
Hodges, Stephen Tallahassee Construction Company, Inc.	Begin Term: 4/13/2010 End Term: 3/31/2016 Type: three years	Original Date: 7/22/2003 <hr/> Appointed by: Jane G. Sauls Commissioner District 2	Category of Business Person Email: stephenhodges@earthlink.net
Bullard, Robert	Begin Term: 6/26/2012 End Term: 3/31/2017 Type: three years	Original Date: 3/22/2005 <hr/> Appointed by: Bryan Desloge Commissioner Dist. 4	Category of Consumer Representative Email: bcbullard@comcast.net
Haston, Shaddrick	Begin Term: 5/27/2014 End Term: 3/31/2017 Type: three years	Original Date: 5/27/2014 <hr/> Appointed by: : Nick Maddox Commissioner At-large	Category of Consumer Representative Email: shaston@gmail.com
Wilson, Jackie	Begin Term: 5/27/2014 End Term: 3/31/2017 Type: three years	Original Date: 5/27/2014 <hr/> Appointed by Kristin Dozier Commissioner Dist. 5	Category of Consumer Representative Email: jwilson@tlhtech.com or jackiew@aol.com

From: Regina Glee
To: Coble, Christine
Date: 2/20/15 3:42 PM
Subject: Fwd: Contractor's Licensing Board re-appointment (William Muldrow)

Request to waive the rule for re-appointment.

>>> Emma Smith 2/18/2015 12:38 PM >>>

Hi Regina,

Commissioner Proctor's appointee, Mr. William Muldrow term will expire on March 31, 2015. Mr. Muldrow has served several terms on the Contractor's Licensing and Examination Board under the *Building Contractor category*. He has been a valuable member in good standing and an asset for his knowledge and experience. Thanks.

Emma D. Smith
Director of Permit and Code Services

Permit and Code Services Division
Leon County Development Support and Environmental Management
435 N. Macomb Street, 2nd Floor
Tallahassee, Florida 32301
Phone: (850) 606-1364
Fax: (850) 606-1301
Smithe@leoncountyfl.gov

Human Services Grants Review Committee

Responsibility:

Evaluates human service funding requests during the regular budget cycle and makes recommendations to the Board. Committee will be available to perform program evaluations at the BCC's request to determine the merit of a mid-year funding request and the extent to which it meets the Committee's priority guidelines and assessment criteria.

The purpose of the Community Human Services Partnership (CHSP) is to "foster an ongoing community-wide dialog with funders and providers to improve human services delivery in Leon County. The CHSP is comprised of the City, County and United Way. The Florida Department of Children and Families is a collaborating partner. Two representatives from each of these funding sources are appointed to a joint planning board.

Created By:

BCC Policy 81-3, adopted March 24, 1981

Currently operates Under Policy No. 01-04, adopted November 30, 2004

Appointments:

14 - BOCC; Each Commissioner has 2 appointments.

Joint Planning Board -

2 Representatives from City of Tallahassee

2 Representatives from United Way of the Big Bend

2 Representatives from the County - 1 Chairman appointment and 1 staff

Terms:

2 years. Terms expire December 31. According to Policy No. 03-15, the number of terms allowed is limited to three. Vacancies filled for remainder of unexpired term

Eligibility Criteria:

Not specified in the policy.

Schedule:

Annually - Considers requests for funding a in conformity with County budgetary cycle. Training sessions are conducted prior to the beginning of the process.

Type of Report:

Funding recommendations.

Contact Person/Staff:

Rosemary Evans

Human Services Analyst

606-1900

email: evansr@leoncountyfl.gov

Members:

Naddy, Tim	Begin Term: 12/11/2012 End Term: 12/31/2014 Type: two years	Original Date: 12/14/2010 <hr/> Appointed by: Nick Maddox At-large II	Email: naddyt@homesandland.com
Hooper, Gwen	Begin Term: 9/14/2013 End Term: 12/31/2014 Type: unexpired term	Original Date: 9/14/2013 <hr/> Appointed by: Kristin Dozier District 5	Email: achoop@aol.com
Assidon, Aviram (Avi)	Begin Term: 9/10/2012 End Term: 12/31/2014 Type: two years	Original Date: 9/10/2012 <hr/> Appointed by: Bryan Desloge District 4	Email: aa08c@med.fsu.edu
Weeks, Debra	Begin Term: 12/11/2012 End Term: 12/31/2014 Type: two years	Original Date: 12/14/2010 <hr/> Appointed by: Bill Proctor District 1	Email: dweeks@bondchc.com
Cowan, Greg	Begin Term: 12/10/2013 End Term: 12/31/2015 Type: two years	Original Date: 12/10/2013 <hr/> Appointed by: Kristin Dozier District 5	Email: gcowan@flccoc.org
Garner, Jaime	Begin Term: 12/10/2013 End Term: 12/31/2015 Type: two years	Original Date: 12/10/2013 <hr/> Appointed by: Bryan Desloge District 4	Email: mwakeman@mcconnaughhay.com
Safreit, Kent	Begin Term: 12/10/2013 End Term: 12/31/2015 Type: two years	Original Date: 12/10/2013 <hr/> Appointed by: John Dailey District 3	Email: kents@hgslaw.com
LaMothe, Gerard	Begin Term: 12/10/2013 End Term: 12/31/2015 Type: two years	Original Date: 1/24/2012 <hr/> Appointed by: Nick Maddox At-large II	Email: office@superiorpainting.net

McShane, Jim Workforce Plus	Begin Term: 12/10/2013 End Term: 12/31/2015 Type: two years	Original Date: 06/01/2013 <hr/> Appointed by: Mary Ann Lindley At-large I	Email: Jim.McShane@wfpplus.org
Gardner, Cynthia	Begin Term: 12/10/2013 End Term: 12/31/2015 Type: two years	Original Date: 3/25/2008 <hr/> Appointed by: Bill Proctor District 1	Email: gardc@aol.com
Piotrowski, Janis Weisz	Begin Term: 12/10/2013 End Term: 12/31/2015 Type: two years	Original Date: 9/14/2010 <hr/> Appointed by: Jane G. Sauls District 2	Email: janpio@comcast.net
DeMeo, Ralph	Begin Term: 12/09/2014 End Term: 12/31/2016 Type: two years	Original Date: 2/14/2012 <hr/> Appointed by: John Dailey District 3	Email: ralphd@hgslaw.com
Ruggles, Connie	Begin Term: 12/09/2014 End Term: 12/31/2016 Type: two years	Original Date: 2/26/2013 <hr/> Appointed by: Mary Ann Lindley At-Large	Email: conrug@aol.com
Nicholsen, Linda	Begin Term: 12/09/2014 End Term: 12/31/2016 Type: two years	Original Date: 9/14/2010 <hr/> Appointed by: Jane G. Sauls District 2	Email: lnicholsen@gmail.com

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Christine Coble
by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov



Applications will be discarded if no appointment is made after two years.

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In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

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IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

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Andrea M. Jones

705 Bivins Avenue
Tallahassee, Florida 32303
amjones.harkness@gmail.com
(850) 386-5881- home
(850) 566-3201- cellular

Twenty-six years of emergency operation, management and administrative function. Coordinated multiple agencies at the state, local, and university level to work towards a common goal. Proven ability to successfully develop projects from inception to implementation.

Experience

Field Assessment Specialist Consultant- Adjusters International, assessed the ability of New York State owned property to resist and recover after a seismic, flood or high wind event. Integrated Rapid Visual Survey (IRVS) trained. Captured and formulated specific data used in project report.

Consultant- Sprague Consulting and Investigations, hazardous material decontamination and awareness training for hospitals.

Division Chief of Operations- Tallahassee Fire Department, directed the rank of battalion chief to insure the emergency operational readiness of organization. Major projects included Fire/Emergency Medical Service (EMS) merger, strategic analysis used for large equipment replacement and grant writing.

Division Chief of Training- Tallahassee Fire Department, established the State of Florida Fire Fighter certification program in Tallahassee. Responsibilities included conducting the promotional process for the ranks of driver engineer, lieutenant and captain and certification maintenance for 264 firefighters in Tallahassee.

Region 2 Coordinator, Florida State Emergency Response Commission- (SERC) - Emergency Operation Center (EOC) Emergency Support Function (ESF) 4 and 9; coordinated firefighting and rescue equipment from 13 counties in North Florida in preparation for State declared disasters.

Personal Sustainability Project (PSP) Trainer- City of Tallahassee, program delivery to support the City of Tallahassee's goal of reducing the individual environmental impact at work and home.

Battalion Fire Captain- T.F.D., primary focus was on operational readiness, personnel management and scheduling of five stations.

Florida Urban Search and Rescue Member (USAR) Task Force 7- Member of the statewide deployable disaster response resource.

Research Assistant- Florida A&M University Wind Hazard & Earthquake Engineer Laboratory (WHEEL); National Science Foundation Grant Recipient (NSF)- Research Experiences for Undergraduates, Japanese Advance Technologies (REUJAT), Computational Fluid Dynamics for Wind Energy in an Urban Setting (Jones, A., Walsh, K, Abdullah, M.) University of Tokyo, Japan, July–August 2003

Highlights

Participated as a focus group member for the NYS Building Inventory Assessment project. Formulated and delivered the progress report to the division director. Assisted with project report delivery to the State.

Served as a member of the Tallahassee Fire Department Command Staff from 2006-2010.

Conducted a comparative analysis between government and private fire protection for Tallahassee Regional Airport.

Started Florida State recognized Tallahassee Community College/TFD Fire Academy. Primary areas of responsibility; setting initial cost and budget, creation of key areas for the legal agreement between the two parties, facility site compliance and participation in the hiring of program manager.

Completed a study of the projected increase in customer service associated with the future location of an additional fire station using data analyzing programs such as FireView.

Developed two assessment processes to evaluate candidates on practical, tactical, organizational and public speaking skills. Incorporated people with disabilities and the elderly into the evaluation process.

Completed data driven research for decision points used in significant Departmental actions such as the replacement/repair of first response ladder truck and self contained breathing apparatus (SCBA).

Education

FAMU-FSU College of Engineering, Florida State University, Civil Engineering

Federal Emergency Management Agency National Fire Academy Courses:

- Command and Control of Major Incidents
- Chemistry of Hazardous Materials
- Fire Service Course Design
- Training Program Management
- Fire Cause and Determination
- Interpersonal Dynamics in the Fire Service

FEMA Incident Command System (ICS) Series; I-100, 200, 300, 400, 700, 800

Florida State Fire College; Fire Inspection Series

**Leon County
Board of County Commissioners**


Notes for Agenda Item #6

Leon County Board of County Commissioners

Cover Sheet for Agenda #6

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval of a Request to Rename “Woodmen of the World Road” to “Bethel-by-the-Lake Drive”

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator David McDevitt, Director, Development Support & Environmental Management
Lead Staff/ Project Team:	Ryan Culpepper, Director, Development Services Division Lisa Scott, Addressing Program Coordinator

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the request to rename “Woodmen of the World Road” to “Bethel-by-the-Lake Drive.”

Report and Discussion

Background:

On August 19, 2014, Bethel African Methodist Episcopal Church (Bethel AME) submitted an inquiry regarding the steps to rename “Woodmen of the World Road” (WOW), which serves as the primary access to their property. The process and steps to achieve the renaming of WOW was provided to Mr. Darryl Jones, who is a member of the Board of Stewards at Bethel AME Church. Mr. Jones submitted the street renaming application with letters of intent to each abutting property owner requesting that the name of “WOW” be changed to “Bethel-by-the-Lake Drive.” However, Mr. Jones noted that no responses were received from the notified abutting property owners. As a result, the request was referred to the Addressing Steering Committee (ASC) for consideration.

Analysis:

The ASC was established for the purpose of providing intergovernmental cooperation and to provide oversight as set forth by the Leon County Government on issues relating to property addressing and street naming. In addition, their responsibilities include appeals by citizens and businesses for the purpose of making recommendations to both elected commissions for situations similar to this issue. The ASC consists of representatives from the Tallahassee Fire Department, Tallahassee Police Department, Leon County Sheriff’s 9-1-1 Emergency Management, Tallahassee-Leon County Geographic Information Services, Tallahassee Growth Management Department, Leon County Development Support and Environmental Management, United States Postal Service, and the Leon County School Board. Technical support is provided to the ASC by representatives from City and County Public Works, City Traffic Engineering, Tallahassee-Leon County Planning Department, Property Appraiser’s Office and the Supervisor of Elections Office.

On February 13, 2015, the application and renaming fee of \$900 was submitted to DSEM (Attachment #1). Subsequently, and in an effort to expedite the renaming process, the voting members of the ASC convened on February 20, 2015 to consider the request to rename “Woodmen of the World Road” to “Bethel-by-the-Lake Drive.” After consideration, the ASC voted unanimously to recommend approval of the request. The expedited processing for the renaming request was an effort by staff to accommodate the applicant’s wishes to conduct an unveiling ceremony of the new street name on Easter Sunday, April 5, 2015, if the Board approves this request. Final approval for street name changes must be approved by the Board of County Commissioners before any name changes can occur, pursuant to Section 10-11.108 of Chapter 10 of the Leon County Code of Laws (Attachment #2).

Options:

1. Approve the request to rename “Woodmen of the World Road” to “Bethel-by-the-Lake Drive.”
2. Do not approve the request to rename “Woodmen of the World Road” to “Bethel-by-the-Lake Drive.”
3. Board direction.

Recommendation:

Option #1.

Title: Approval of a Request to Rename “Woodmen of the World Road” to “Bethel-by-the-Lake Drive”
March 10, 2015
Page 3

Attachments:

1. Application for Street Name Change and Location Map
2. Section 10-11.108 of the Leon County Land Development Regulations

VSL/TP/DM/RC/LS

Print Form



Leon County
Development Support and Environmental Management
Development Services Division

D-17

Street Location:
 City of Tallahassee
 Leon County
(Unincorporated area)

Application for Street Name Change

1. Applicant Name: Bethel AME Church
 Mailing Address: Po Box 5811
Tallahassee, FL 32314
 Telephone Number: 850 528 5241 576-7501
 Agent Name: Darryl Jones
 Mailing Address: (same as above)
 Telephone Number: 850 528 5241

A \$240 filing fee, plus \$660 direct notice and legal advertising fee is required with each individual request for street name change. Fees are waived for applications to eliminate duplicate street names. Checks are made payable to the City of Tallahassee or the Leon County Board of County Commissioners (determined by street location).

2. Location of Requested Street Name Change:
 Required Map or Plat Drawing Attached? Yes No
 a. Township, Section and Range of the Street: _____
 b. Name of Subdivision/Development Where Street is Located: _____
 c. Number of Existing Buildings on the Street: ONE

3. Proposed Street Name(s): *All proposed street names must be approved for use by the Leon County Department of Development Support and Environmental Management through the submission of an application. Potential street names can be verified before submitting the application by calling the Addressing Unit at (850) 606-1300. In order to be placed on the Street Name Reserve List, the request must be accompanied by a completed application. There can be no more than fourteen (14) characters per chosen street name.*

PROPOSED STREET NAME

Pre-directional	Name	Suffix
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EXISTING STREET NAME

Pre-directional	Name	Suffix
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Street naming requested by: Residents Agent Staff

4. Request for Street Signage: Street(s) Ready for Street Sign Placement: Yes No
 Street(s) Eligible for Public Street Signage: Yes No
 Street Type: Public Private Paved Unpaved

A street sign fee of \$150 is required and payable to the Leon County Public Works Department for roads located in the unincorporated areas of Leon County.

This application must include the signatures from 100% of the legal, abutting property owners stating that they are in agreement with the proposed street name change(s).

Applicant's Signature: [Signature] Date: 7 Feb '15

BENJAMIN LAWRENCE F ESTATE
3727 SHORELINE DR
TALLAHASSEE FL 32305
TAXID 311880 G0290

SMITH ISAAC EST
3889 WOODVILLE HWY
TALLAHASSEE FL 32305
TAXID 3119202040000

HOLY WORD OUTREACH CENTER INC
3970 WOODVILLE HWY
TALLAHASSEE FL 32305
TAXID 3118206120000

MITCHELL BROTHERS INC
1330 CAPITAL CIR NE
TALLAHASSEE FL 32308
TAXID 3118204120000

CITY OF TALLAHASSEE
TAXID 3118208020000

BETHEL AME CHURCH TLH INC
TAXID 3118206130000

BETHEL AME CHURCH TLH INC
TAXID 3118206140000

"Called to Make a Difference"



12 November 2014

Mr. Benjamin Lawrence
3727 Shoreline Drive
Tallahassee, FL 32305

Dear Mr. Lawrence:

The Bethel AME Church at 501 West Orange Avenue, owner of the property adjacent to yours, Camp Richardson Recreation and Retreat Center (formerly known as Bethel by the Lake), have made major renovations to our property. The Church is excited that we will be able to make this historic property available to our church family and our community.

Currently the street that leads to our property is named Woodmen of the World (WOW) Road for the previous owners. Bethel has owned this property for nearly three decades. With your cooperation, the Bethel AME Church is interested in changing the name of the road to Bethel By the Lake Drive, in recognition of the historic former name of the campsite.

Additionally, as good neighbors, the Bethel AME Church has had the street lights repaired on WOW Road to ensure greater safety and has regularly had the road cleaned of trash that has dumped there.

Finally, to change the name of the street requires your cooperation. Please call me or Mr. Darryl Jones here at the Church at 850-576-7501 if you have any additional questions or to make arrangements to acquire your signature for the forms necessary for the name change.

I look forward to talking with you very soon.

In His Name because of Christ and Calvary,

A handwritten signature in blue ink, which appears to read "Julius H. McAllister, Jr.".

Julius H. McAllister, Jr., D. Min.
Senior Minister

Reverend Julius H. McAllister, Jr., D. Min.

"Called to Make a Difference"



12 November 2014

Mr. Isaac Smith
3889 Woodville Highway
Tallahassee, FL 32305

Dear Mr. Smith:

The Bethel AME Church at 501 West Orange Avenue, owner of the property adjacent to yours, Camp Richardson Recreation and Retreat Center (formerly known as Bethel by the Lake), have made major renovations to our property. The Church is excited that we will be able to make this historic property available to our church family and our community.

Currently the street that leads to our property is named Woodmen of the World (WOW) Road for the previous owners. Bethel has owned this property for nearly three decades. With your cooperation, the Bethel AME Church is interested in changing the name of the road to Bethel-By-the-Lake Drive, in recognition of the historic former name of the campsite.

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I look forward to talking with you very soon.

In His Name because of Christ and Calvary,

Julius H. McAllister, Jr., D. Min.
Senior Minister

Reverend Julius H. McAllister, Jr., D. Min.

"Called to Make a Difference"



12 November 2014

Holy Word Outreach Center
3727 Woodville Highway
Tallahassee, FL 32305

Dear Reverend:

The Bethel AME Church at 501 West Orange Avenue, owner of the property adjacent to yours, Camp Richardson Recreation and Retreat Center (formerly known as Bethel by the Lake), have made major renovations to our property. The Church is excited that we will be able to make this historic property available to our church family and our community.

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I look forward to talking with you very soon.

In His Name because of Christ and Calvary,

A handwritten signature in blue ink that reads "Julius H. McAllister, Jr." The signature is written in a cursive style.

Julius H. McAllister, Jr., D. Min.
Senior Minister

Reverend Julius H. McAllister, Jr., D. Min.

"Called to Make a Difference"



12 November 2014

Mitchell Brothers Inc.
1330 Capital Circle NE
Tallahassee, FL 32308

Dear Mr. Eddie Mitchell:

The Bethel AME Church at 501 West Orange Avenue, owner of the property adjacent to yours, Camp Richardson Recreation and Retreat Center (formerly known as Bethel by the Lake), have made major renovations to our property. The Church is excited that we will be able to make this historic property available to our church family and our community.

Currently the street that leads to our property is named Woodmen of the World (WOW) Road for the previous owners. Bethel has owned this property for nearly three decades. With your cooperation, the Bethel AME Church is interested in changing the name of the road to Bethel-By-the-Lake Drive, in recognition of the historic former name of the campsite.

Additionally, as good neighbors, the Bethel AME Church has had the street lights repaired on WOW Road to ensure greater safety and has regularly had the road cleaned of trash that has been dumped there.

Finally, to change the name of the street requires your cooperation. Please call me or Mr. Darryl Jones here at the Church at 850-576-7501 if you have any additional questions or to make arrangements to acquire your signature for the forms necessary for the name change.

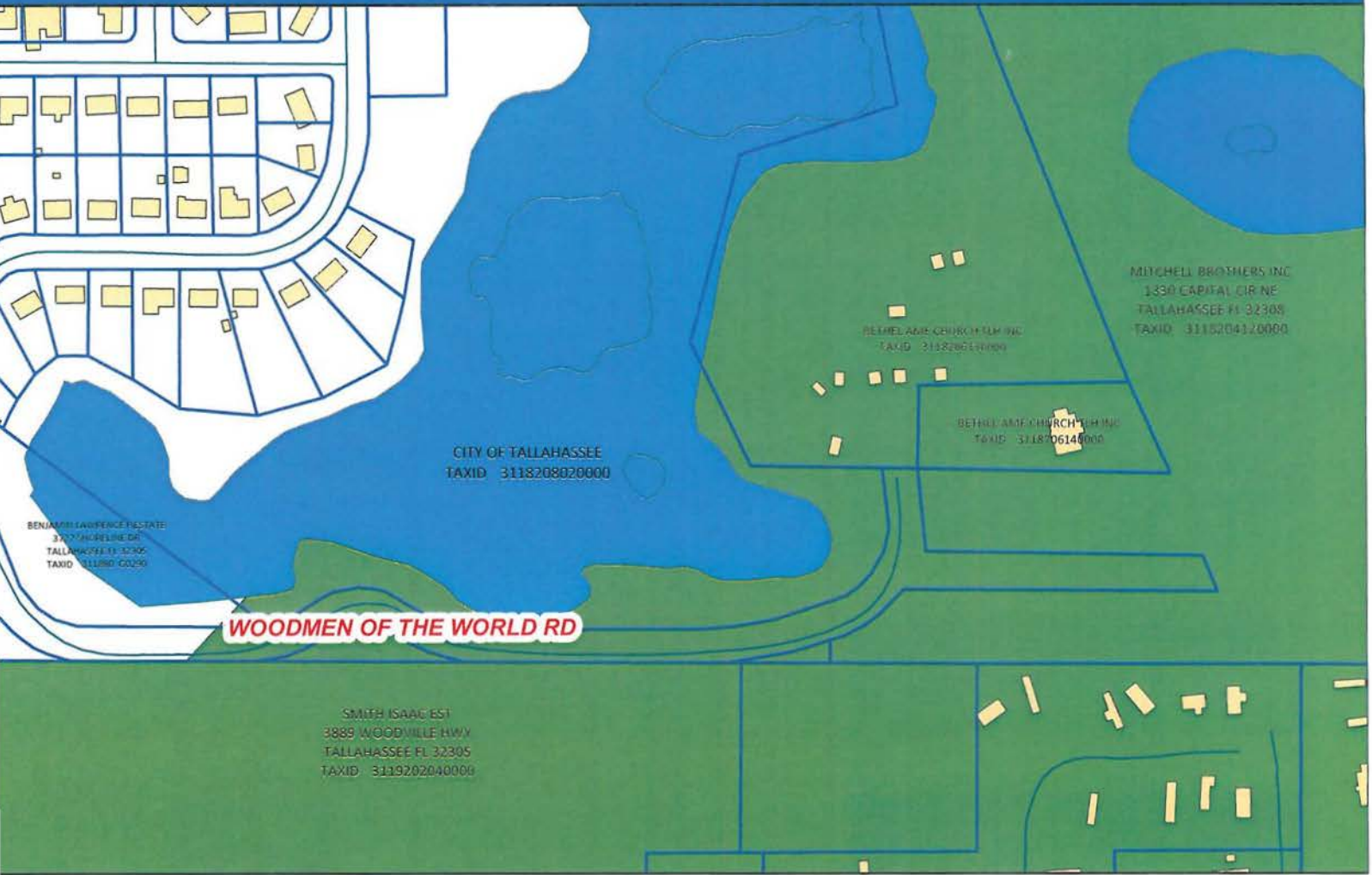
I look forward to talking with you very soon.

In His Name because of Christ and Calvary,

A handwritten signature in black ink that reads 'Julius H. McAllister, Jr.' The signature is written in a cursive style.

Julius H. McAllister, Jr., D. Min.
Senior Minister

Reverend Julius H. McAllister, Jr., D. Min.



Leon County Department of Development Support
and Environmental Management
Development Services
Addressing Unit

Renaissance Center - 2nd Floor

435 N. Macomb Street
Tallahassee, FL 32301

Phone: (850) 606-1300

Fax: (850) 606-1301

For more information contact: Lisa Scott

0.05 miles



NOTE: This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

Sec. 10-11.108. - Authorization for address corrections.

The county administrator and/or city manager or designee is hereby directed to require changes as necessary in existing street names and street address numbers, so as to bring such names and numbers into reasonable conformance with the property numbering maps and the adopted uniform street naming and property numbering system policies and procedures.

- (1) *Standards for renaming and renumbering.* Any changes in the names of streets must be approved by the Board of County Commissioners. The county administrator and the city manager shall require address numbers to be changed to streets which are not in reasonable conformance with this article. Street name changes may be required by the Board of County Commissioners only if they duplicate or are phonetically similar to or are otherwise easily confused with other street names in the same response area for the "Enhanced 9-1-1 Emergency Telephone System." Street and address number changes shall be coordinated, to the extent possible, with the City of Tallahassee. When one of two duplicated or phonetically-similar or otherwise confusing street names must be changed the appropriate adopted policies and procedures will be followed.
- (2) *Street renaming.*
 - a. When any street is to be renamed pursuant to the requirements of this article, the Leon County Department of Development Support and Environmental Management shall notify by mail all property owners, as set forth in the most recent county tax rolls, whose lands abut such street, and shall make a reasonable attempt by public notice to notify the residents or businesses occupying such lands, that the street will be renamed. Cost of all installation of signs shall be the responsibility of appropriate local government. This includes public and private streets regardless of its intersections to public or private streets.
 - b. Public notices of the new street name shall be provided in the form of a display advertisement to run in a local public newspaper of general circulation at least 30 days prior to the effective date of change. The advertisement will identify the change of the street name and the effective date of the change. The cost associated for the implementation of this action will be that of the appropriate local government agency as set forth in this article.
 - c. For street number changes without street name changes. The city manager and or county administrator or their designees shall notify by mail the affected property owners, as shown on the latest tax rolls, of any street number changes and the effective date of the change.
- (3) *Contents of notice.* The notices provided for in subsection 10-11.108(2)b. above, shall clearly identify the change in street name as it affects each property owner and/or occupant; shall identify the effective date of the change; and shall set forth the property owner's and occupant's obligations pursuant to this article.
- (4) *Recorded plats.* Notwithstanding any other provisions to the contrary in Chapter 10 of the Leon County Code of Laws, the county administrator or their designee is authorized to record a document in a form approved by the county attorney that would notify property owners, in

recorded final plats in Leon County, when street names that are specifically listed on the recorded final plat are changed or otherwise modified in accordance with the terms and conditions of the Leon County/City of Tallahassee Street Naming and Uniform Property Numbering Ordinance. The form of the document shall list the plat book and page number of the recorded final plat being referred to along with the former and newly designated street name. In no event shall a replat be required of the recorded final plat for the purposes of the street naming change.

(Ord. No. 09-39, § 8, 11-10-09; Ord. No. 14-10, § 44, 6-10-14)

**Leon County
Board of County Commissioners**


Notes for Agenda Item #7

Leon County Board of County Commissioners

Cover Sheet for Agenda #7

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of a Conservation Easement from William and Kathryn Snyder for the Snyder Limited Partition Subdivision

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator David McDevitt, Director, Development Support and Environmental Management
Lead Staff/ Project Team:	John Kraynak, P.E., Environmental Services Director Jill Weisman, Sr. Environmental Review Biologist

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve and accept for recording a Conservation Easement from William and Kathryn Snyder for the Snyder Limited Partition Subdivision (Attachment #1).

Report and Discussion

Background:

The grantor is preserving a watercourse, waterbody, and areas of wetland and floodplain consistent with requirements and conditions of the Environmental Management Act. The Conservation Easement is required as part of the Environmental Management Permit process (Attachment #1). The Snyder Limited Partition Subdivision is located off of Pisgah Church Road, between Shady Lane and Pisgah Lane (Attachment #2). The preserved areas total 8.27 acres.

Analysis:

The proposed Conservation Easement places the landowner and all other subsequent landowners on legal notice that development is prohibited in the protected areas. Acceptance of the Conservation Easement will require County approval. The proposed Conservation Easement does not create any County maintenance responsibility or any other County responsibility for the Conservation Easement. The property owner will still own and protect the land as appropriate under conditions of the proposed easement.

Options:

1. Approve and accept for recording the Conservation Easement from William and Kathryn Snyder for the Snyder Limited Partition Subdivision.
2. Do not approve and do not accept for recording the Conservation Easement from William and Kathryn Snyder for the Snyder Limited Partition Subdivision.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Conservation Easement
2. Specific Location Map

CONSERVATION EASEMENT

STATE OF FLORIDA: Florida

COUNTY OF LEON:

THIS CONSERVATION EASEMENT is hereby made on this 15th day of January, 2015, by William and Kathryn Snyder, whose mailing address is 6050 Shady Lane, Tallahassee, Florida 32309 hereinafter referred to as the "Grantor," to LEON COUNTY, FLORIDA, a political subdivision of the State of Florida, whose mailing address is Board of County Commissioners, 301 South Monroe Street, Tallahassee, Florida 32301, hereinafter referred to as the "Grantee."

WITNESSETH:

For and in consideration of the mutual promises and other good and valuable consideration as set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant to the Grantee, its successors and assigns, a perpetual Conservation Easement in accordance with Section 704.06, Florida Statutes, over and across the real property more particularly described on Exhibit "A", which is attached hereto and expressly incorporated herein, on the terms and conditions hereinafter set forth:

The following activities are prohibited within this easement, pursuant to Section 704.06, Florida Statutes:

1. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures above or on the ground.
2. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials.
3. Removal or destruction of trees, shrubs, or other vegetation, except invasive exotic plants.
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such matter as to affect the surface.
5. Surface use except for purposes that permit the land or water area to remain predominately in its natural condition.
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife conservation habitat preservation.
7. Acts or uses detrimental to such retention of land or water areas.
8. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archeological, or cultural significance.
9. Construction or placement of docks.

Notwithstanding the foregoing, the Grantor shall be permitted to perform the activities set forth in the *Snyder Conservation Management Plan*, maintained in the records of Leon County Department of Development Support and Environmental Management, and as may be amended from time to time.

Removal or pruning of hazardous, diseased or insect infested trees may be permitted upon prior approval from the Leon County Department of Development Support and Environmental Management.

It is understood that the granting of this easement entitles the Grantee to enter the above-described land in a reasonable manner and at reasonable times to assure compliance with the conditions of this easement.

Grantor hereby fully warrants the title to said real property and will defend the same against the

lawful claims of all persons whomsoever claimed by, through or under it, that it has good rights and lawful authority to grant this easement and that the same is unencumbered. Where the context of this easement requires, allows or permits, the same shall include the successors or assigns of the parties.

The easement granted hereby shall run with the land and shall enure to the benefit of the Grantee and its successors and assigns.

IN WITNESS WHEREOF, Grantor has caused these covenants to be executed and its seal to be affixed hereto on the day and year first above written.

GRANTOR
William R. Snyder
(Husband's Name Typewritten)

WS
(Signature)

WITNESSES:

[Signature]
(Sign)
Arsenio Bright Jr.
(Print Name)

[Signature]
(Sign)
Jacquelyn Beasley-Moore
(Print Name)

GRANTOR
Kathryn C. Snyder
(Wife's name typewritten)

[Signature]
(Signature)

WITNESSES:

[Signature]
(Sign)
Arsenio Bright, Jr.
(Print Name)

[Signature]
(Sign)
Jacquelyn Beasley-Moore
(Print Name)

STATE OF Florida

COUNTY OF Leon

The foregoing instrument was acknowledged before me this 15th day of January, 2015 by William R Snyder, who is personally known to me, or has produced Drivers License as identification and did not take an oath.

(Signature of Notary)





(Print, Type or Stamp Name of Notary)

(Title or Rank)

(Serial Number, If Any)

STATE OF Florida

COUNTY OF Leon

The foregoing instrument was acknowledged before me this 15th day of January 2015 by

Kathryn C Snyder, who is personally known to me, or has produced
(Wife's name) drivers license as identification and did not take an oath.
(type of identification)

(Signature of Notary)

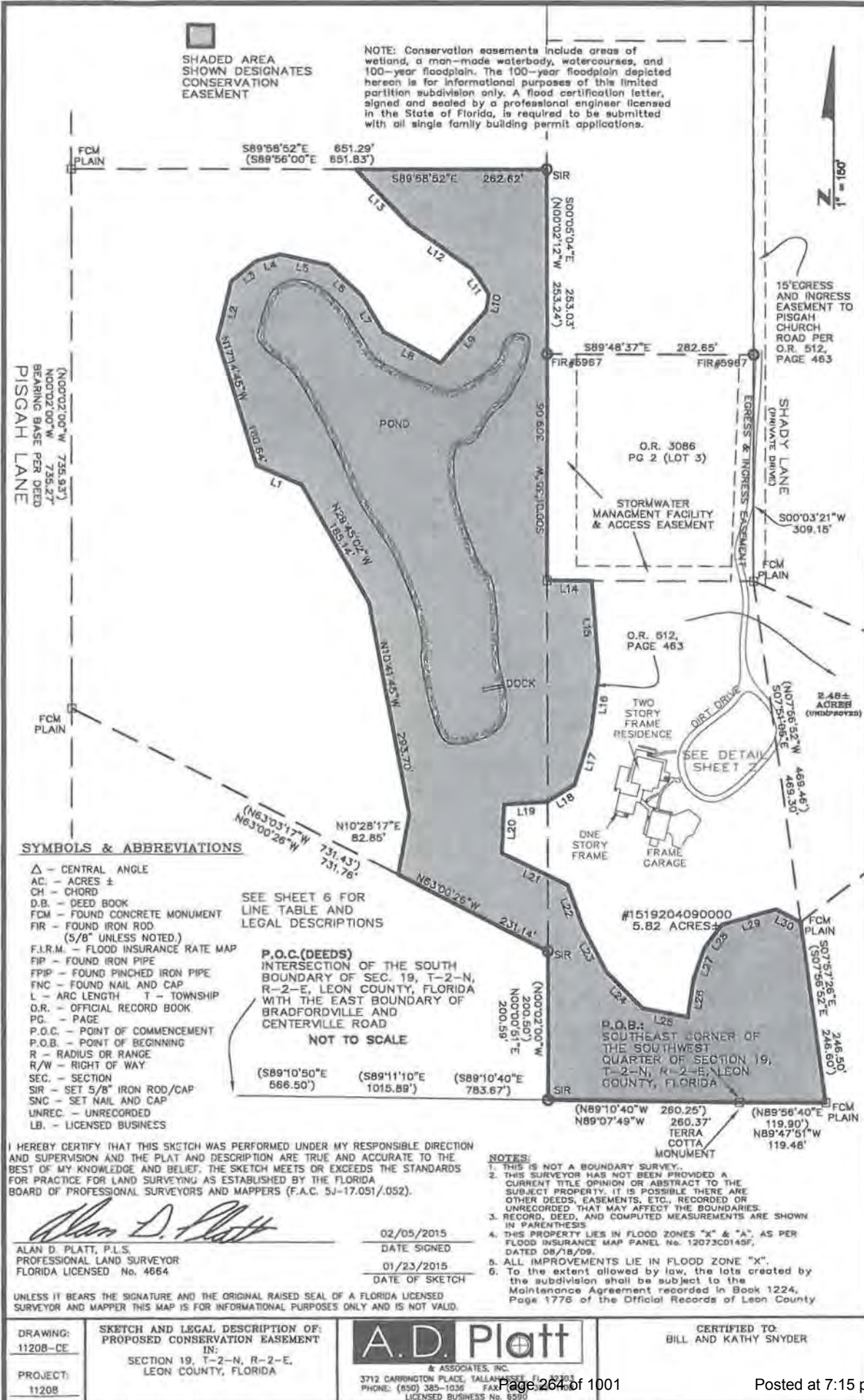
(Print, Type or Stamp Name of Notary)

(Title or Rank)



(Serial Number, If Any)

This Document Prepared by: Herbert W.A. Thiele, Esq., County Attorney
Leon County Attorney's Office
Suite 202, 301 South Monroe Street
Tallahassee, Florida 32301



I HEREBY CERTIFY THAT THIS SKETCH WAS PERFORMED UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THE PLAT AND DESCRIPTION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE SKETCH MEETS OR EXCEEDS THE STANDARDS FOR PRACTICE FOR LAND SURVEYING AS ESTABLISHED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS (F.A.C. 5J-17.051/.052).

Alan D. Platt
ALAN D. PLATT, P.L.S.
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSED No. 4664

02/05/2015
DATE SIGNED

01/23/2015
DATE OF SKETCH

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

DRAWING: 1120B-CE
PROJECT: 1120B

SKETCH AND LEGAL DESCRIPTION OF:
PROPOSED CONSERVATION EASEMENT
IN:
SECTION 19, T-2-N, R-2-E,
LEON COUNTY, FLORIDA

A.D. Platt
& ASSOCIATES, INC.
3712 CARRINGTON PLACE, TALLAHASSEE, FL 32303
PHONE: (850) 385-1036 FAX: (850) 385-1037
LICENSED BUSINESS No. 6590

CERTIFIED TO:
BILL AND KATHY SNYDER

LINE TABLE		
LINE	LENGTH	BEARING
L1	67.45	N66°55'00"W
L2	80.78	N13°28'35"E
L3	44.09	N50°59'43"E
L4	33.84	N74°14'55"E
L5	67.76	S77°43'41"E
L6	62.13	S47°04'40"E
L7	57.13	S30°49'42"E
L8	89.20	S61°34'09"E
L9	96.85	N41°16'26"E
L10	21.41	N09°28'10"E
L11	41.13	N34°33'38"W
L12	106.17	N54°51'13"W
L13	105.88	N43°46'50"W
L14	61.10	S89°47'27"E
L15	126.15	S04°16'29"E
L16	83.68	S07°28'27"W
L17	73.27	S17°55'32"W
L18	42.98	S58°07'11"W
L19	59.16	S86°27'34"W
L20	66.23	S02°39'17"W
L21	99.55	S64°05'57"E
L22	58.57	S19°19'10"E
L23	70.86	S27°42'36"E
L24	70.18	S44°45'54"E
L25	62.82	S79°03'11"E
L26	51.55	N08°40'47"E
L27	45.10	N19°34'02"E
L28	39.92	N36°53'28"E
L29	77.05	N74°42'47"E
L30	38.08	S63°12'29"E

NOTE: Conservation easements include areas of wetland, a man-made waterbody, watercourses, and 100-year floodplain. The 100-year floodplain depicted hereon is for informational purposes of this limited partition subdivision only. A flood certification letter, signed and sealed by a professional engineer licensed in the State of Florida, is required to be submitted with all single family building permit applications.

CONSERVATION EASEMENT:

BEGIN at a terra cotta monument marking the Southeast corner of the Southwest Quarter of Section 19, Township 2 North, Range 2 East, Leon County, Florida, thence run North 89 degrees 07 minutes 49 seconds West a distance of 260.37 feet, thence run North 00 degrees 00 minutes 51 seconds East a distance of 200.59 feet, thence run North 63 degrees 00 minutes 26 seconds West a distance of 231.14 feet, thence run North 10 degrees 41 minutes 45 seconds West a distance of 293.70 feet, thence run North 29 degrees 45 minutes 02 seconds West a distance of 185.14 feet, thence run North 66 degrees 55 minutes 00 seconds West a distance of 67.45 feet, thence run North 17 degrees 14 minutes 45 seconds West a distance of 180.64 feet, thence run North 13 degrees 28 minutes 35 seconds East a distance of 80.78 feet, thence run North 50 degrees 59 minutes 43 seconds East a distance of 44.09 feet, thence run North 74 degrees 14 minutes 55 seconds East a distance of 33.84 feet, thence run South 77 degrees 43 minutes 41 seconds East a distance of 67.76 feet, thence run South 47 degrees 04 minutes 40 seconds East a distance of 62.13 feet, thence run South 30 degrees 49 minutes 42 seconds East a distance of 57.13 feet, thence run South 61 degrees 34 minutes 09 seconds East a distance of 89.20 feet, thence run North 41 degrees 16 minutes 26 seconds East a distance of 96.85 feet, thence run North 09 degrees 28 minutes 10 seconds East a distance of 21.41 feet, thence run North 34 degrees 33 minutes 38 seconds West a distance of 41.13 feet, thence run North 54 degrees 51 minutes 13 seconds West a distance of 106.17 feet, thence run North 43 degrees 46 minutes 50 seconds West a distance of 105.88 feet, thence run South 89 degrees 58 minutes 52 seconds East a distance of 262.62 feet, thence run South 00 degrees 05 minutes 04 seconds East a distance of 253.03 feet, thence run South 00 degrees 01 minutes 35 seconds West a distance of 309.06 feet, thence run South 89 degrees 47 minutes 27 seconds East a distance of 61.10 feet, thence run South 04 degrees 16 minutes 29 seconds East a distance of 126.15 feet, thence run South 07 degrees 28 minutes 27 seconds West a distance of 83.68 feet, thence run South 17 degrees 55 minutes 32 seconds West a distance of 73.27 feet, thence run South 58 degrees 07 minutes 11 seconds West a distance of 42.98 feet, thence run South 86 degrees 27 minutes 34 seconds West a distance of 59.16 feet, thence run South 02 degrees 39 minutes 17 seconds West a distance of 66.23 feet, thence run South 64 degrees 05 minutes 57 seconds East a distance of 99.55 feet, thence run South 19 degrees 19 minutes 10 seconds East a distance of 58.57 feet, thence run South 27 degrees 42 minutes 35 seconds East a distance of 70.86 feet, thence run South 44 degrees 45 minutes 54 seconds East a distance of 70.18 feet, thence run South 79 degrees 03 minutes 11 seconds East a distance of 62.82 feet, thence run North 08 degrees 40 minutes 47 seconds East a distance of 51.55 feet, thence run North 19 degrees 34 minutes 02 seconds East a distance of 45.10 feet, thence run North 36 degrees 53 minutes 28 seconds East a distance of 39.92 feet, thence run North 74 degrees 42 minutes 47 seconds East a distance of 77.05 feet, thence run South 63 degrees 12 minutes 29 seconds East a distance of 38.08 feet, thence run South 07 degrees 57 minutes 26 seconds East a distance of 246.50 feet, thence run North 89 degrees 47 minutes 51 seconds West a distance of 119.48 feet to the POINT OF BEGINNING, containing 8.27 acres, more or less.

DRAWING:
1120B-CE

SKETCH AND LEGAL DESCRIPTION OF:
PROPOSED CONSERVATION EASEMENT
IN:

SECTION 19, T-2-N, R-2-E,
LEON COUNTY, FLORIDA

PROJECT:
1120B

A. D. Platt

& ASSOCIATES, INC.
3712 CARRINGTON PLACE, TALLAHASSEE, FL 32303
PHONE: (850) 385-1036 FAX: (850) 385-1037
LICENSED BUSINESS MAP

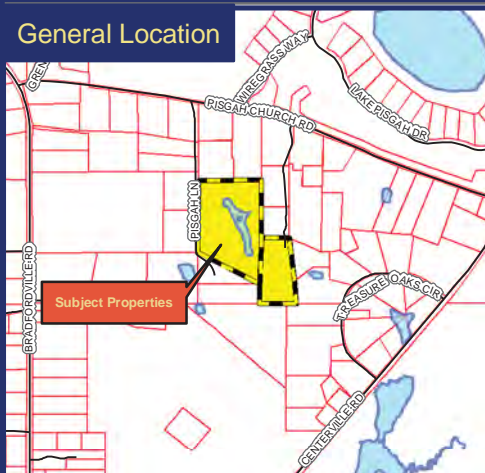
CERTIFIED TO:
BILL AND KATHY SNYDER

LEON COUNTY DEVELOPMENT SUPPORT AND ENVIRONMENTAL MANAGEMENT



Proposed Conservation Easement for Snyder Limited Partition Subdivision

General Location



1 inch = 300 Feet



Legend

- Buildings
- Waterbodies
- Subject Property
- Parcels

Tallahassee-Leon County GIS
www.tlccgis.org

LEON
TALLAHASSEE-LEON COUNTY

Note: This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

**Leon County
Board of County Commissioners**


Notes for Agenda Item #8

Leon County Board of County Commissioners

Cover Sheet for Agenda #8

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Request to Schedule a Board Workshop to Provide an Update From the Council on Culture & Arts on the Implementation of the Cultural Plan for Tuesday, September 29, 2015 from 1:30 p.m. to 3:00 p.m.

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Cristina Paredes, Director of the Office of Economic Vitality
Lead Staff/ Project Team:	Ryan Aamodt, Management Intern

Fiscal Impact:

This item has no current fiscal impact.

Staff Recommendation:

Option #1: Schedule a Board Workshop to provide an update from the Council on Culture & Arts on the implementation of the Cultural Plan for Tuesday, September 29, 2015 from 1:30 p.m. to 3:00 p.m.

Title: Request to Schedule a Board Workshop to Provide an Update From the Council on Culture & Arts on the Implementation of the Cultural Plan for Tuesday, September 29, 2015 from 1:30 p.m. to 3:00 p.m.

March 10, 2015

Page 2

Report and Discussion

Background:

During the February 10, 2015 Commission meeting, the Board directed staff to schedule a workshop in September 2015 to provide an update from the Council on Culture & Arts on the implementation of the Cultural Plan including the cultural capital improvement grants and increased investment with tourism funding.

Analysis:

The Board accepted the Cultural Plan Review Committee's Final Report and Recommendations in February 2014. Nineteen months will have passed between the acceptance of the final report and the proposed Board workshop. Further, during this interim period, the Board has made numerous investments in cultural arts programming and funding which will be included as part of the workshop. The Board's calendar reflects that Tuesday, September 29, 2015 at 1:30 – 3:00 p.m. is available for the workshop.

Options:

1. Schedule a Workshop to provide an update from the Council on Culture & Arts on the implementation of the Cultural Plan for Tuesday, September 29, 2015 from 1:30 p.m. to 3:00 p.m.
2. Schedule a Workshop to provide an update from the Council on Culture & Arts on the implementation of the Cultural Plan for an alternate date.
3. Do not schedule a Board Workshop on Arts on the implementation of the Cultural Plan.
4. Board direction.

Recommendation:

Option #1.

VSL/KM/ra

**Leon County
Board of County Commissioners**


Notes for Agenda Item #9

Leon County Board of County Commissioners

Cover Sheet for Agenda #9

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval of Payment of Bills and Vouchers Submitted for March 10, 2015 and Pre-Approval of Payment of Bills and Vouchers for the Period of March 11 through April 13, 2015

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/Project Team:	Scott Ross, Director, Office of Financial Stewardship

Fiscal Impact:

This item has a fiscal impact. All funds authorized for the issuance of these checks have been budgeted.

Staff Recommendation:

Option #1: Approve the payment of bills and vouchers submitted for March 10, 2015, and pre-approve the payment of bills and vouchers for the period of March 11 through April 13, 2015.

Report and Discussion

This agenda item requests Board approval of the payment of bills and vouchers submitted for approval March 10, 2015 and pre-approval of payment of bills and vouchers for the period of March 11 through April 13, 2015. The Office of Financial Stewardship/Management and Budget (OMB) reviews the bills and vouchers printout, submitted for approval during the March 10, 2015 meeting, the morning of Monday, March 9, 2015. If for any reason, any of these bills are not recommended for approval, OMB will notify the Board.

Due to the Board not holding a regular meeting the third and fourth Tuesdays in March nor the first Tuesday in April, it is advisable for the Board to pre-approve payment of the County's bills for March 11 through April 13, 2015, so that vendors and service providers will not experience hardship because of delays in payment. The OMB office will continue to review the printouts prior to payment and if for any reason questions payment, then payment will be withheld until an inquiry is made and satisfied, or until the next scheduled Board meeting. Copies of the bills/vouchers printout will be available in OMB for review.

Options:

1. Approve the payment of bills and vouchers submitted for March 10, 2015, and pre-approve the payment of bills and vouchers for the period of March 11 through April 13, 2015.
2. Do not approve the payment of bills and vouchers submitted for March 10, 2015, and do not pre-approve the payment of bills and vouchers for the period of March 11 through April 13, 2015.
3. Board direction.

Recommendation:

Option #1.

VSL/AR/SR/cc

**Leon County
Board of County Commissioners**


Notes for Agenda Item #10

Leon County Board of County Commissioners

Cover Sheet for Agenda #10

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval of a Perpetual Utility Easement to Talquin Electric Cooperative, Inc. Across Leon County-owned Property.

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Tony Park, P.E, Director, Public Works
Lead Staff/ Project Team:	Tom Brantley, P.E., Director, Facilities Management Leigh Davis, Director of Parks and Recreation Graham Stewart, Real Estate Manager

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Approve the conveyance of a Perpetual Utility Easement to Talquin Electric Cooperative, Inc. across Leon County-owned property (Attachment #1), and authorize the Chairman to execute.

Report and Discussion

Background:

The Division of Parks and Recreation received money in the FY 2014–2015 budget to install a lighting system to light the ball fields currently existing at Apalachee Regional Park. To complete the project an easement is necessary for Talquin Electric to install and maintain the power supply to the lights.

Analysis:

The proposed easement is located in Section 5, Township 1 South, Range 2, East on a portion of Apalachee Park (Attachment #2). Talquin Electric Cooperative, Inc. (Talquin) will install and maintain an electric transformer to provide electrical service to the ball fields. The easement and transformer will be located on park property.

In order to have adequate power for the new lighting system, Talquin needs to install new equipment to boost the power supply. Talquin does not currently have access across County property to run the equipment necessary to upgrade the power supply. The proposed Perpetual Utility Easement will grant access to Talquin to perform the work and install the necessary equipment to upgrade the system.

The installation and maintenance of the transformer requires a utility easement be conveyed by Leon County in favor of Talquin. Because the proposed Utility Easement is being conveyed by the County, as a customer of Talquin for utility service only, this conveyance is not subject to the County's Real Estate Policy No. 03-01. The County Attorney's Office has reviewed the document presented for form and legal sufficiency.

Options:

1. Approve the conveyance of a Perpetual Utility Easement to Talquin Electric Cooperative, Inc. across Leon County-owned property (Attachment #1), and authorize the Chairman to execute.
2. Do not approve the conveyance of a Perpetual Utility Easement to Talquin Electric Cooperative, Inc. across Leon County-owned property.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Talquin Electrical Utility Easement with Exhibit A
2. Location Map

THIS INSTRUMENT PREPARED BY
or under the supervision of:
Herbert W.A. Thiele, Esq., County Attorney
Leon County Attorney's Office
301 South Monroe Street, Suite 202
Tallahassee, Florida 32301

**TALQUIN ELECTRIC COOPERATIVE INC.
UTILITY EASEMENT**

KNOW ALL MEN BY THESE PRESENT, that the undersigned, **LEON COUNTY, FLORIDA, a charter county and political subdivision of State of Florida**, whose address is 301 S. Monroe St., Tallahassee, FL 32301, (hereinafter referred to as "Grantor"), for good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto **Talquin Electric Cooperative, Inc.**, a not-for-profit corporation under Florida law, whose mailing address is **P.O. Box 1679, Quincy, Florida 32353**, (hereinafter referred to as "Grantee") and to its successors or assigns, a non-exclusive perpetual easement for the purpose of construction, installation, operation, repair and maintenance as needed an electrical transformer, utility lines, and equipment, on, under, and across the following described property, lying in Leon County, Florida, to wit:

See Exhibit "A"
Attached hereto and made a part hereof

It is understood and the parties agree that this is a non-exclusive easement with the Grantor retaining the rights to the easement for its purposes, and that the transformer, utility lines, systems, and/or equipment of Grantee, installed or located, or to be installed or located over, under, or across the land described in **Exhibit "A"** shall at all times be and remain the absolute property of Grantee, its successors, and assigns, and subject to its complete dominion and control, and that Grantee will restore the ground to its prior condition after installation of, removal, of, or any maintenance work on, said utilities an/or equipment. Grantee, its successors or assigns, agrees to indemnify and hold harmless Grantor from all claims, liabilities, damages or suits resulting from Grantee's use of the easement hereinabove described.

Grantor covenants and agrees not to erect any structures or improvements over, under, or across the land described in **Exhibit "A"** that would interfere with Grantee's use as prescribed herein.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this _____ day of _____, 2015.

LEON COUNTY, FLORIDA

By: _____
Mary Ann Lindley, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Circuit Court
and Comptroller, Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W.A. Thiele, Esq.
County Attorney

EXHIBIT "A"
Utility Easement
Page 1 of 2

A strip or parcel of land 20.00 feet in width and lying 10.00 feet on each side of the following described centerline:

Commence at a concrete filled terra cotta monument marking the Southwest corner of the Northwest Quarter of Section 5, Township 1 South, Range 2 East, Leon County, Florida, thence run North 89 degrees 53 minutes 09 seconds East 1333.89 feet; thence South 00 degrees 06 minutes 26 seconds West 2866.78 feet to point on the north right-of-way boundary of U.S. Highway 27, said point being on a curve concave to the north; thence along said curve and right-of-way boundary through a central angle of 02 degrees 16 minutes 16 seconds with a radius of 11,366.09 feet for an arc distance of 450.53 feet (chord of said curve being South 80 degrees 27 minutes 58 seconds East 450.50 feet) to a point on said curve said point being the centerline of a utility easement for Talquin Electric Cooperative, Inc. recorded in Official Records Book 4094, Page 2195 of the Leon County Public Records. Thence leaving said right-of-way boundary run North 06 degrees 58 minutes 57 seconds East 329.03 feet; thence North 02 degrees 37 minutes 50 seconds East 43.95 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 18 degrees 30 minutes 38 seconds East 28.22 feet; thence North 34 degrees 42 minutes 05 seconds East 53.04 feet; thence North 71 degrees 31 minutes 43 seconds East 40.89 feet; thence South 63 degrees 05 minutes 51 seconds East 59.08 feet to the TERMINAL POINT of said centerline, containing 0.08 acres, more or less.

No abstract of title or title opinion provided. It is possible that there are recorded or unrecorded deeds, easements, agreements or other instruments which could affect the boundaries hereinabove described.

A Sketch of Description attached as Exhibit "A" Page 2 of 2 and by reference incorporated herein. This description is not complete without the attached sketch and the attached sketch is not complete without the description.

This description meets all applicable requirements of the Florida Standards of Practice as contained in Chapter 2014-147 Florida Administrative Code pursuant to Section 472.027 Florida Statutes.



Joseph D. Coleman

Date

Professional Surveyor and Mapper
Florida License Number 5590
Leon County Department of Public Works
2280 Miccosukee Road
Tallahassee, FL 32308

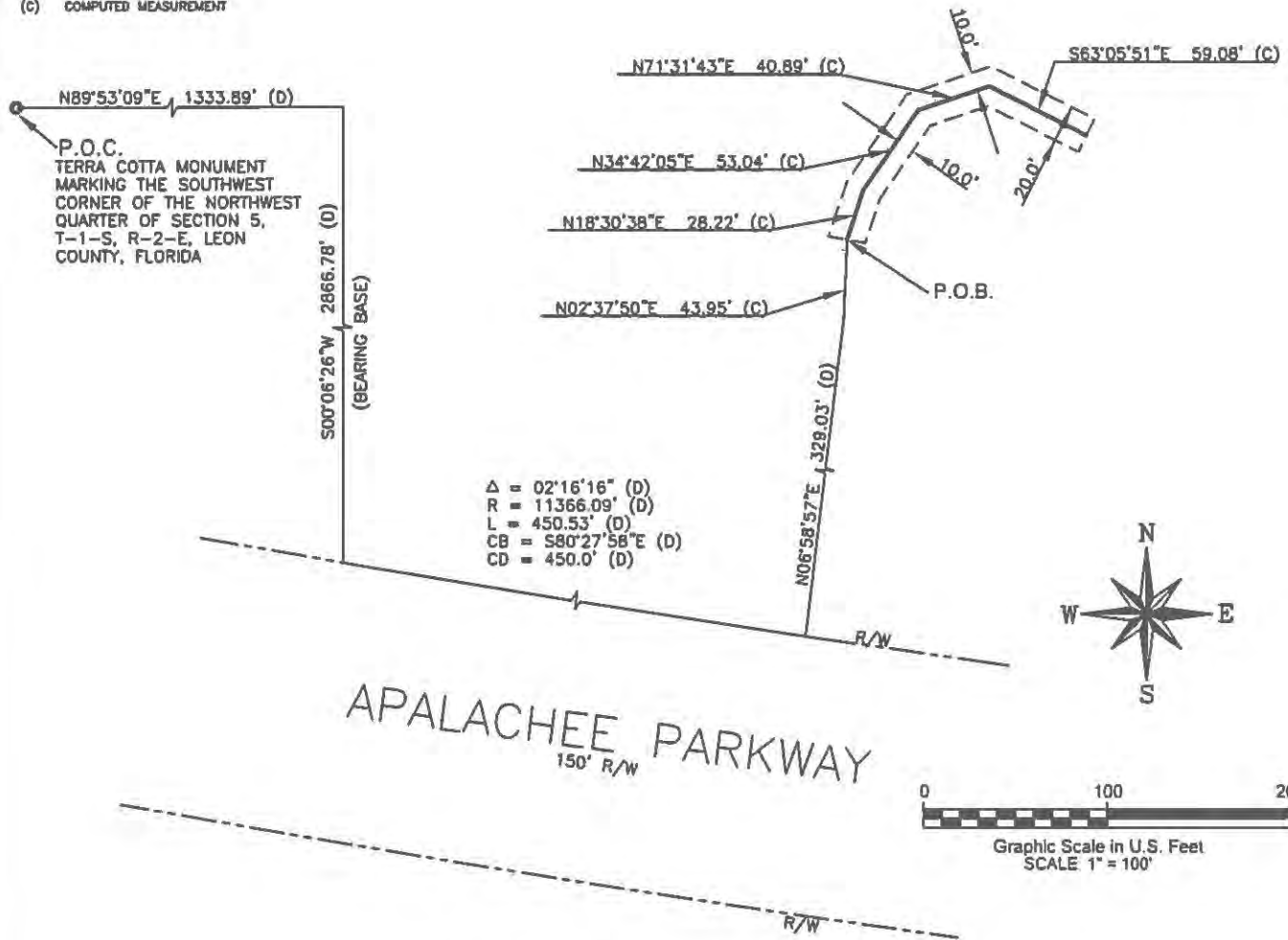
Not valid without the signature and original raised seal of the above signing surveyor

C:\Documents and Settings\User\My Documents\Deeds\ARP EASE 1715.dwg
January 8, 2015

EXHIBIT "A"
PAGE 2 OF 2

LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- N NORTH
- S SOUTH
- E EAST
- W WEST
- ° ' " DEGREES, MINUTES, SECONDS
- ' " FEET, INCHES
- FCM FOUND CONCRETE MONUMENT
- SCM SET CONCRETE MONUMENT
- RLS REGISTERED LAND SURVEYOR
- (F) FIELD MEASUREMENT
- (P) PLAT MEASUREMENT
- (C) COMPUTED MEASUREMENT



SKETCH OF DESCRIPTION

NOT A SURVEY

THIS SKETCH IS NOT COMPLETE WITHOUT THE ATTACHED LEGAL DESCRIPTION AND THE ATTACHED LEGAL DESCRIPTION IS NOT COMPLETE WITHOUT THE SKETCH. NO ABSTRACT OR TITLE OPINION FURNISHED. IT IS POSSIBLE THAT THERE ARE RECORDED OR UNRECORDED DEEDS, EASEMENTS, AGREEMENTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES HEREINABOVE DESCRIBED.

Prepared for LEON COUNTY BOARD OF COUNTY COMMISSIONERS

DATE OF FIELDWORK: 1-7-2015	DATE OF DRAFTING: 1-8-2015	DRAWN BY: DK	REVISION:
FIELDBOOK No.	FILE: ARP EASE 1715.DWG	CHECKED BY: JC	REVISION:



PREPARED BY:
LEON COUNTY PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING SERVICES
SURVEY AND RIGHT-OF-WAY SECTION
2280 MICCOSUKEE ROAD
TALLAHASSEE, FL 32308
Phone (850) 606-1500
Fax (850) 606-1501

315 S. Calhoun St
Tallahassee, Fl. 32301

Bert Hartsfield, CFA
Leon County Property Appraiser

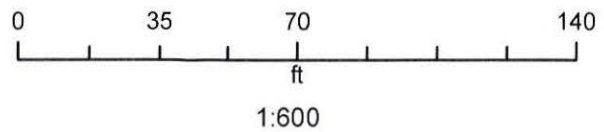


Phone - (850) 606-6200
www.leonpa.org



3204208510000

Legend
Aerial Imagery Date: 2012



DISCLAIMER: This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

Date Drawn: Feb 12, 2015

315 S. Calhoun St
Tallahassee, FL 32301

Bert Hartsfield, CFA
Leon County Property Appraiser



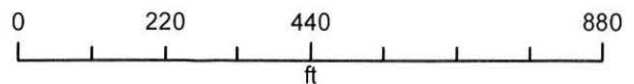
Phone - (850) 606-6200
www.leonpa.org



3204208510000

Legend

Aerial Imagery Date: 2012



1:3600

DISCLAIMER: This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

Date Drawn: Feb 12, 2015

**Leon County
Board of County Commissioners**


Notes for Agenda Item #11

Leon County Board of County Commissioners

Cover Sheet for Agenda #11

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of Quit Claim Deeds for a 174-Acre Property from Blueprint 2000 to Leon County, in Accordance with the Greenway Master Plan, for Connectivity to the J. R. Alford Greenway

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Tony Park, P.E., Director, Public Works Tom Brantley, P.E., Director, Facilities Management
Lead Staff/ Project Team:	Graham Stewart, Real Estate Manager

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Accept the Quit Claim Deeds conveying a 174-acre property from Blueprint 2000 to Leon County, in accordance with the Greenway Master Plan, for connectivity to the J. R. Alford Greenway (Attachment #1).

Report and Discussion

Background:

A 174-acre property located on the Alford Arm of Lake Lafayette was purchased by Blueprint 2000 in 2012 for environmental preservation. This property, commonly referred to as the “Nusbickel Property,” shares an area of open water with the J. R. Alford Greenway, managed by Leon County Parks and Recreation on behalf of the State of Florida. The property remains in a natural state and has not been developed.

Analysis:

The property was purchased by Blueprint to preserve and enhance the environment in the Lake Lafayette basin and to provide northern connectivity to the J.R. Alford Greenway. The property is located on the north side of the Alford Arm and contains approximately 3/4 mile of frontage along the lake directly across from the J.R. Alford Greenway (Attachment #2). Acquiring this property would consolidate public ownership of a substantial amount of open water on the Alford Arm of Lake Lafayette, creating a unique resource in the Arm, which provides a refuge for wildlife and fish worthy of protection.

The future plan of the acquired property would be to develop it as a small trailhead with limited parking, and, potentially, kayak or canoe launch access. Connection between the two properties is proposed and identified in both the Leon County Greenways and Trails Master Plan (Lafayette Greenway, page 47) and the J. R. Alford Land Management Plan. The proposed connection would be to construct a boardwalk across the open waterway which is estimated at \$715,000. These amenities would be in the future as funding and/or grants become available.

Options:

1. Accept the Quit Claim Deeds conveying a 174-acre property from Blueprint 2000 to Leon County, in accordance with the Greenway Master Plan, for connectivity to the J. R. Alford Greenway (Attachment #1).
2. Do not accept the Quit Claim Deeds conveying a 174-acre property from Blueprint 2000 to Leon County, in accordance with the Greenway Master Plan, for connectivity to the J. R. Alford Greenway
3. Board direction.

Recommendation:

Options #1.

Attachments:

1. Copy of Quit Claim Deeds
2. Location Map

THIS INSTRUMENT PREPARED BY:
Debra W. Schiro, Legal Counsel
Blueprint 2000 Intergovernmental Agency
2727 Apalachee Parkway, Suite 200
Tallahassee, Florida 32301
(850) 219-1060

Leave blank for official recording.

QUIT CLAIM DEED

Parcel ID No. 122920 460 0000

THIS QUIT CLAIM DEED is made this _____ day of _____ 2015,
between **LEON COUNTY-CITY OF TALLAHASSEE BLUEPRINT 2000 INTERGOVERNMENTAL AGENCY**, whose mailing address is 2727 Apalachee Parkway, Suite 200, Tallahassee, Florida 32301 (hereinafter "Grantor"), and **LEON COUNTY, FLORIDA**, a charter county and a political subdivision of the State of Florida, whose mailing address is 301 South Monroe Street, Tallahassee, Florida 32301 (hereinafter "Grantee"):

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release and quit-claim unto the Grantee forever, all the right, title, interest, claim and demand which the Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Leon, State of Florida, to-wit:

**See Composite Exhibit "A" attached hereto
and by reference made a part hereof.**

TO HAVE AND TO HOLD THE SAME together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title,

interest, lien, equity and claim whatsoever of the said Grantor, in law or in equity, to the only proper use, benefit and behoof of the Grantee forever.

IN WITNESS WHEREOF, Grantor has caused these present to be executed in its name by its Executive Director, and its seal to be hereto affixed, attested by its City Treasurer Clerk, the date first written above.

Signed, sealed and delivered
in the presence of:

LEON COUNTY-CITY OF TALLAHASSEE
BLUEPRINT 2000 INTERGOVERNMENTAL AGENCY

Witness Signature

WAYNE TEDDER
Director, Planning, Land Management and
Community Enhancement (PLACE)

Print Name

Witness Signature

ATTEST:

Print Name

JAMES O. COOKE, IV
City Treasurer - Clerk

**STATE OF FLORIDA
COUNTY OF LEON**

THE FOREGOING instrument was acknowledged before me this ____ day of _____, 2015, by Wayne Tedder, Director, Planning, Land Management and Community Enhancement, Leon County-City of Tallahassee Blueprint 2000 Intergovernmental Agency, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Notary Public

Print Notary Name
My Commission Expires:

THIS INSTRUMENT PREPARED BY:
Debra W. Schiro, Legal Counsel
Blueprint 2000 Intergovernmental Agency
2727 Apalachee Parkway, Suite 200
Tallahassee, Florida 32301
(850) 219-1060

Leave blank for official recording.

QUIT CLAIM DEED

Parcel ID No. 122920 104 0000

THIS QUIT CLAIM DEED is made this _____ day of _____ 2015,
between **LEON COUNTY-CITY OF TALLAHASSEE BLUEPRINT 2000 INTERGOVERNMENTAL AGENCY**, whose mailing address is 2727 Apalachee Parkway, Suite 200, Tallahassee, Florida 32301 (hereinafter "Grantor"), and **LEON COUNTY, FLORIDA**, a charter county and a political subdivision of the State of Florida, whose mailing address is 301 South Monroe Street, Tallahassee, Florida 32301 (hereinafter "Grantee"):

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release and quit-claim unto the Grantee forever, all the right, title, interest, claim and demand which the Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Leon, State of Florida, to-wit:

**See Exhibit "A" attached hereto
and by reference made a part hereof.**

TO HAVE AND TO HOLD THE SAME together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title,

interest, lien, equity and claim whatsoever of the said Grantor, in law or in equity, to the only proper use, benefit and behoof of the Grantee forever.

IN WITNESS WHEREOF, Grantor has caused these present to be executed in its name by its Executive Director, and its seal to be hereto affixed, attested by its City Treasurer Clerk, the date first written above.

Signed, sealed and delivered
in the presence of:

LEON COUNTY-CITY OF TALLAHASSEE
BLUEPRINT 2000 INTERGOVERNMENTAL AGENCY

Witness Signature

WAYNE TEDDER
Director, Planning, Land Management and
Community Enhancement (PLACE)

Print Name

Witness Signature

ATTEST:

Print Name

JAMES O. COOKE, IV
City Treasurer - Clerk

**STATE OF FLORIDA
COUNTY OF LEON**

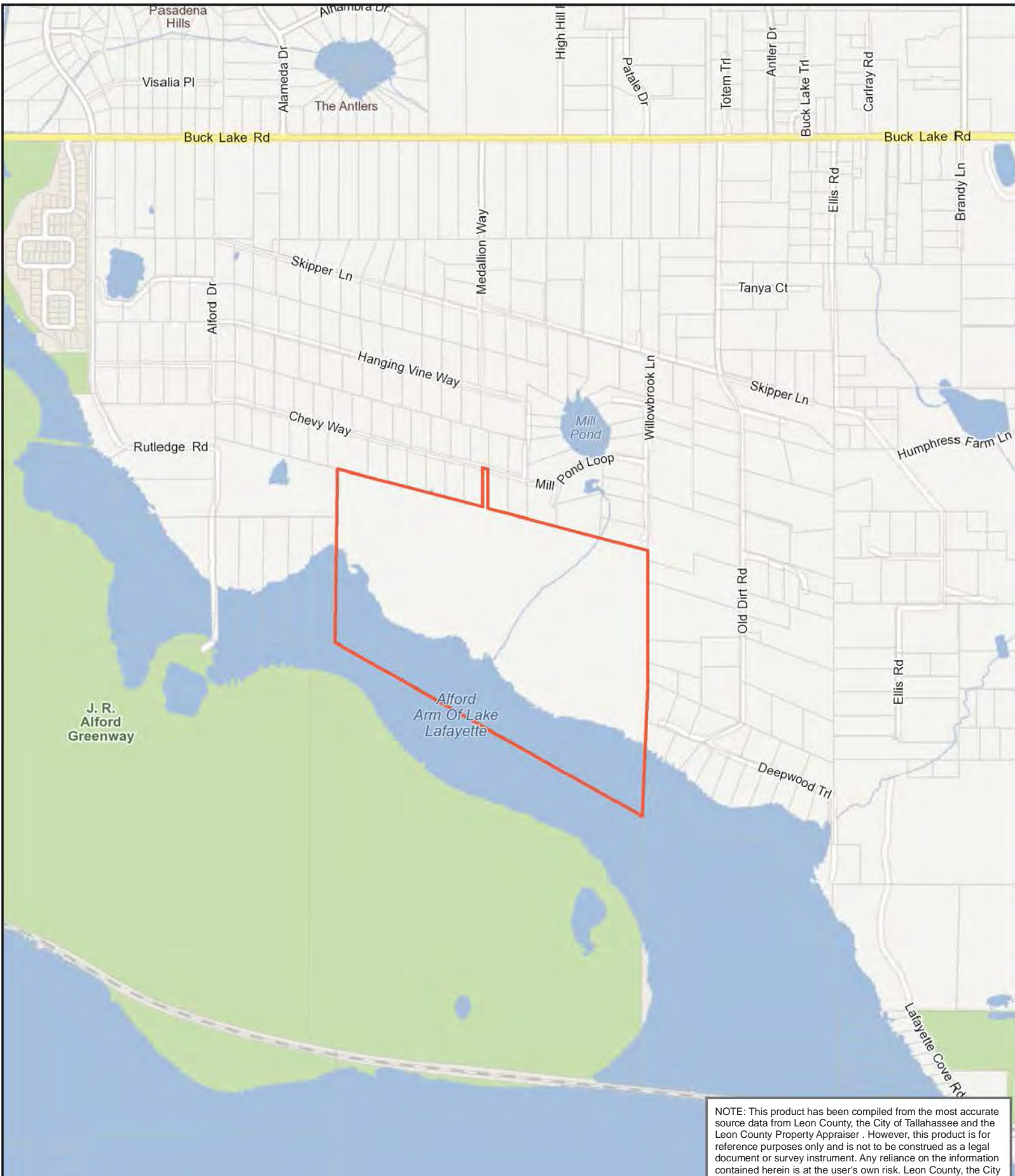
THE FOREGOING instrument was acknowledged before me this ____ day of _____, 2015, by Wayne Tedder, Director, Planning, Land Management and Community Enhancement, Leon County-City of Tallahassee Blueprint 2000 Intergovernmental Agency, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Notary Public

Print Notary Name
My Commission Expires:



Subject Location Map



0.5 Miles

Posted at 7:15 p.m. on March 2, 2015

NOTE: This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee and the Leon County Property Appraiser. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee and the Leon County Property Appraiser assume no responsibility for any use of the information contained herein other than its intended use.

Map Produced Feb 6, 2015 TLCGIS

TLCGIS

**Leon County
Board of County Commissioners**

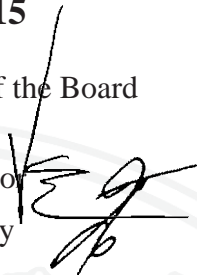
Notes for Agenda Item #12

Leon County Board of County Commissioners

Cover Sheet for Agenda #12

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 
Herbert W.A. Thiele, County Attorney

Title: Adoption of Proposed Resolution Authorizing the Exchange of Properties between Leon County and Summit Holdings VIII, LLC Associated with Future Development on Bannerman Road

County Administrator Review and Approval	Vincent S. Long, County Administrator
County Attorney Review and Approval:	Herbert W.A. Thiele, County Attorney
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Tony Park, P.E., Director, Public Works
Lead Staff/ Project Team:	Kathy Burke, P.E., Director of Engineering Services Dan Rigo, Assistant County Attorney

Fiscal Impact:

This item has no fiscal impact. This exchange of properties is as provided for in the Development Agreement approved by the Board on January 21, 2014.

Staff Recommendation:

- Option #1: Adopt the proposed Resolution authorizing the exchange of properties between Leon County and the Developer associated with future development on Bannerman Road (Attachment #1).
- Option #2: Authorize the Chairman and/or the County Administrator to approve, execute, and accept, in a form approved by the County Attorney, any agreements, deeds, assignments, easements, or other such documents necessary to effectuate the exchange of properties in accordance with the Resolution and this agenda request, along with any other real estate transactions associated with such land exchange.

Report and Discussion

Background:

This item seeks the Board's adoption of a Resolution (Attachment #1) authorizing the exchange of properties associated with future development on Bannerman Road in accordance with the February 2014 Development Agreement (O.R. Bk. 4629, Pg. 1605) between the County and the following group of associated corporate entities: Bannerman Forest, LLC, Bannerman Crossings V, LLC, Bannerman Crossings II, LLC, and Summit Holdings VIII, LLC, by and through Terra Vista Group, manager or managing member of said entities (collectively referred to as the "Developer"). The Development Agreement, approved by the Board at the second of two public hearings on January 21, 2014, provides for the exchange of properties on the south side of Bannerman Road (Attachment #2) (the "Southside Exchange Property") and north side of Bannerman Road (Attachment #3) (the "Northside Exchange Property") owned by the County and the Developer, respectively (collectively, the "Exchange Property").

The Southside Exchange Property has for several years been the site of the Bradfordville Community Center, housed in the historic school house ("School House"), and an adjoining natural passive park area. In order to accommodate the construction of the new Bannerman Road roundabout, the School House was closed and the Community Center was temporarily relocated to a space in the Developer's adjacent shopping center. As provided in the Development Agreement, the School House will be relocated by the Developer, at the Developer's expense, to a portion of the Northside Exchange Property adjacent to a stormwater management facility and natural passive park area.

The Northside Exchange Property will be split by the Beech Ridge Trail Extension roadway currently under construction by the Developer as part of the Development Agreement. As provided in the Development Agreement, the exchange of properties is to occur upon completion of the construction by the Developer and acceptance of dedication by the County of the Beech Ridge Trail Extension, with the relocation of the School House to be completed no later than 60 days thereafter. In addition to the exchange of properties, the Development Agreement also provided for the County to acquire from Killlearn Lakes Homeowners Association, Inc. ("KLHOA") a drainage easement to accommodate the outfall from the stormwater management facility constructed on Northside Exchange Property (Attachment #4).

Analysis:

The configuration of the Exchange Properties as they existed at the time of the Development Agreement has changed slightly due to the Developer's subdivision plats that have been, or will be, subsequently recorded in anticipation of the upcoming development on those sites. As a result, the configuration of the Exchange Properties as they will be at the time of closing (Attachment #5) will be slightly different than those shown in the exhibits to the Development Agreement. The difference, however, is minimal and will not alter the intent of the Development Agreement.

Another change in the sequence of events from what was anticipated in the Development Agreement involves the drainage easement to be acquired from KLHOA. In order to accommodate the infrastructure construction schedule on the Northside Exchange Property, the Developer took steps to acquire the drainage easement from KLHOA (Attachment #6) (“KLHOA Drainage Easement”). The KLHOA Drainage Easement contains a provision by which the rights and obligations shall be transferred to and assumed by the County upon the conveyance of the Northside Exchange Property. In order to effectuate this transfer and assumption for record title purposes, an assignment of the KLHOA Drainage Easement from the Developer to the County will need to be executed and delivered at the time of the conveyance of the Northside Exchange Property.

In order to accommodate the Developer’s construction schedule involving the Southside Exchange Property, the School House relocation and exchange of properties will need to be completed prior to the completion of the construction by the Developer of the Beech Ridge Trail Extension and the approval and recordation of the new subdivision plat for Bannerman Crossing North. In order to protect the County with assurance that the Beech Ridge Trail Extension and associated infrastructure improvements will be satisfactorily completed after the property exchange and School House relocation, the Developer will provide a surety device that will

- (i) cover 110 % of the cost of any uncompleted road, stormwater management conveyance improvements, or other required infrastructure,
- (ii) be conditioned upon completion of construction and dedication of required roads and stormwater management conveyances within 18 months, or as extended by the County Engineer, and
- (iii) be payable solely to and for the indemnification of the County.

Upon the Board’s adoption of the Resolution authorizing the exchange of properties, it is anticipated that the transaction and associated activities will occur as follows:

- The Southside Exchange Property, as depicted in Attachment #5, will be conveyed by County Deed as soon as possible and the Developer will immediately take possession to relocate the School House and begin construction;
- The Warranty Deeds for Lots 4 and 5, Block A and Lot 5, Block B on the Northside Exchange Property, as depicted in Attachment #5, will be executed by the Developer and held in escrow by the closing agent until the approval and recordation of the Bannerman Crossing North plat after the completion of construction and acceptance of the Beech Ridge Trail Extension; the plat of Bannerman Crossing North will contain a dedication to the County of the Beech Ridge Trail Extension R/W, as depicted in Attachment #5;
- The School House will be relocated to a portion of the Northside Exchange Property (Attachment #7), which is expected to be completed by mid-April 2015; for purposes of maintaining and clarifying County ownership of the School House while the Developer is still the record owner of the Northside Exchange Property, the Developer will grant a license to the County permitting the relocation of the School House to that site;

- Upon the completion of construction and acceptance of the Beech Ridge Trail Extension and subsequent approval and recordation of the Bannerman Crossing North plat, which is anticipated to take place by the end of June 2015, the Warranty Deeds for the Northside Exchange Property will be recorded and delivered to the County along with an assignment of the KLHOA Drainage Easement, and the Beech Ridge Trail Extension R/W and the stormwater management facilities will be dedicated to the County by virtue of the recordation of the Bannerman Crossing North plat;
- All closing costs, except for the County's title insurance policy on the Northside Exchange Property, will be paid by the Developer.

As of the agenda publication deadline, the County Attorney and Public Works staff were working with the Developer to finalize a draft of the Agreement for Land Exchange. It is anticipated that the proposed Agreement will be finalized and ready for execution upon the Board's adoption of the Resolution authorizing the land exchange. As such, the Board is requested to authorize the County Administrator to execute the Agreement for Land Exchange, in a form approved by the County Attorney consistent with the Resolution and this agenda request as presented to the Board.

In accordance with Section 125.37, Florida Statutes, a notice setting forth the terms and conditions of the exchange of properties (Attachment #8) has been published once a week for at least two weeks before the adoption by the Board of the Resolution authorizing the exchange of properties.

Options:

1. Adopt the proposed Resolution authorizing the exchange of properties between Leon County and the Developer associated with future development on Bannerman Road (Attachment #1).
2. Authorize the Chairman and/or the County Administrator to approve, execute, and accept, in a form approved by the County Attorney, any agreements, deeds, assignments, easements, or other such documents necessary to effectuate the exchange of properties in accordance with the Resolution and this agenda request, along with any other real estate transactions associated with such land exchange.
3. Do not adopt the proposed Resolution authorizing the exchange of properties between Leon County and the Developer associated with future development on Bannerman Road (Attachment #1).
4. Board direction.

Recommendation:

Options #1 and #2.

Title: Adoption of Proposed Resolution Authorizing the Exchange of Properties between Leon County and Summit Holdings VIII, LLC Associated with Future Development on Bannerman Road

March 10, 2015

Page 5

Attachments:

1. Proposed Resolution authorizing the exchange of properties between Leon County and the Developer associated with future development on Bannerman Road
2. Map of Southside Exchange Property as depicted in Development Agreement
3. Map of Northside Exchange Property as depicted in Development Agreement
4. Drainage Easement to be acquired by County as depicted in Development Agreement
5. Map of Exchange Properties as modified by plats subsequent to Development Agreement
6. Drainage Easement acquired by Developer to be assigned to County
7. Map of School House relocation parcel
8. Advertised Notice of Exchange of County Property

RESOLUTION: R15-_____

RESOLUTION, PURSUANT TO FLA. STAT. §125.37, AUTHORIZING THE EXCHANGE OF PROPERTY BETWEEN LEON COUNTY AND SUMMIT HOLDINGS VIII, LLC ASSOCIATED WITH FUTURE DEVELOPMENT ON BANNERMAN ROAD

WHEREAS, Leon County, Florida, a charter county and political subdivision of the State of Florida (the “County”) and Summit Holdings VIII, LLC (the “Developer”) entered into a Development Agreement recorded on February 5, 2014 at Book 4629, Page 1605, Official Records of Leon County, Florida (the “Development Agreement”), associated with the development of property located on Bannerman Road immediately west of and adjacent to its intersection with Thomasville Road in Tallahassee, Leon County, Florida; and

WHEREAS, the Development Agreement provides for the exchange of certain properties owned by the County and the Developer; and

WHEREAS, Leon County (the “County”) owns Lots 2 and 3, Bannerman Crossing (PB 21/68), located on the south side of Bannerman Road and totaling 7.61 acres (Parcel IDs: 1422280000020 and 1422280000030) in Tallahassee, Leon County, Florida, a depiction of which is attached hereto as Exhibit “A” (the “Southside Exchange Property”); and

WHEREAS, Summit Holdings VIII, LLC (“Developer”) owns an approximate 18-acre portion of four parcels located on the north side of Bannerman Road (Parcel IDs: 1422200180000, 1422200050000, 1415206280000, 1415206010000) in Tallahassee, Leon County, Florida, which parcels are depicted in the preliminary plat of Bannerman Crossing North as Lots 4 and 5, Block A and Lot 5, Block B, along with the Beech Ridge Trail Extension R/W, a depiction of which is attached hereto as Exhibit “B” (the “Northside Exchange Property”); and

WHEREAS, the Southside Exchange Property is currently the site of the Bradfordville Community Center, housed in the historic school house (“School House”), and an adjoining natural passive park area; and

WHEREAS, the Development Agreement provides for the Developer’s relocation of the School House to a portion of the Northside Exchange Property, as well as for the establishment of a natural passive park area adjacent thereto; and

WHEREAS, upon the relocation of the School House and the establishment of a natural passive park area on the Northside Exchange Property, the County’s Southside Exchange Property will not be utilized by the County and will not be needed for any County purpose; and

WHEREAS, the Northside Exchange Property is in a desirable location for the Bradfordville Community Center, to be housed in the relocated School House, and for a natural passive park area; and

WHEREAS, the Northside Exchange Property will also contain a dedicated roadway and associated stormwater management infrastructure constructed by the Developer as part of the Beech

Ridge Trail Extension, all of which will be conveyed and/or dedicated to the County as part of this exchange of properties; and

WHEREAS, the consideration for this exchange of properties as set forth in the Development Agreement is considered to be reasonable.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, assembled in regular session this 10th day of March, 2015, that, in the opinion of the Board, the Southside Exchange Property is not needed for County purposes and the Northside Exchange Property is a desirable location for the Bradfordville Community Center, to be housed in the relocated School House, and for a natural passive park area, and is also desirable for the dedicated roadway and associated stormwater management infrastructure constructed as part of the Beech Ridge Trail Extension, and, therefore, in accordance with Section 125.37, Florida Statutes (2014), the Southside Exchange Property shall be conveyed to the Developer, or to such other entity as may be assigned by the Developer, in exchange for the Developer's conveyance and/or dedication to the County of the Northside Exchange Property in accordance with the County staff analysis presented to the Board at its March 10, 2015 regular meeting.

Passed and adopted on this 10th day of March, 2015.

LEON COUNTY, FLORIDA

By: _____
Mary Ann Lindley, Chairman
Board of County Commissioners

ATTEST:

Bob Inzer, Clerk of the Circuit Court
and Comptroller, Leon County, Florida

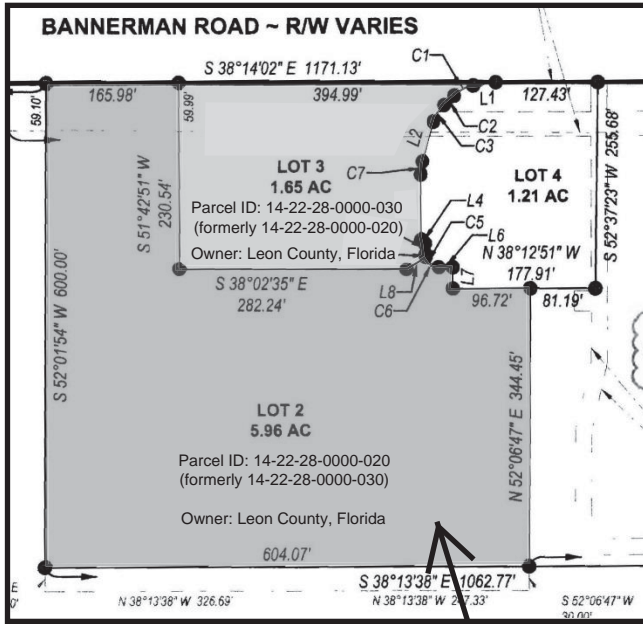
By: _____

Approved as to Form:

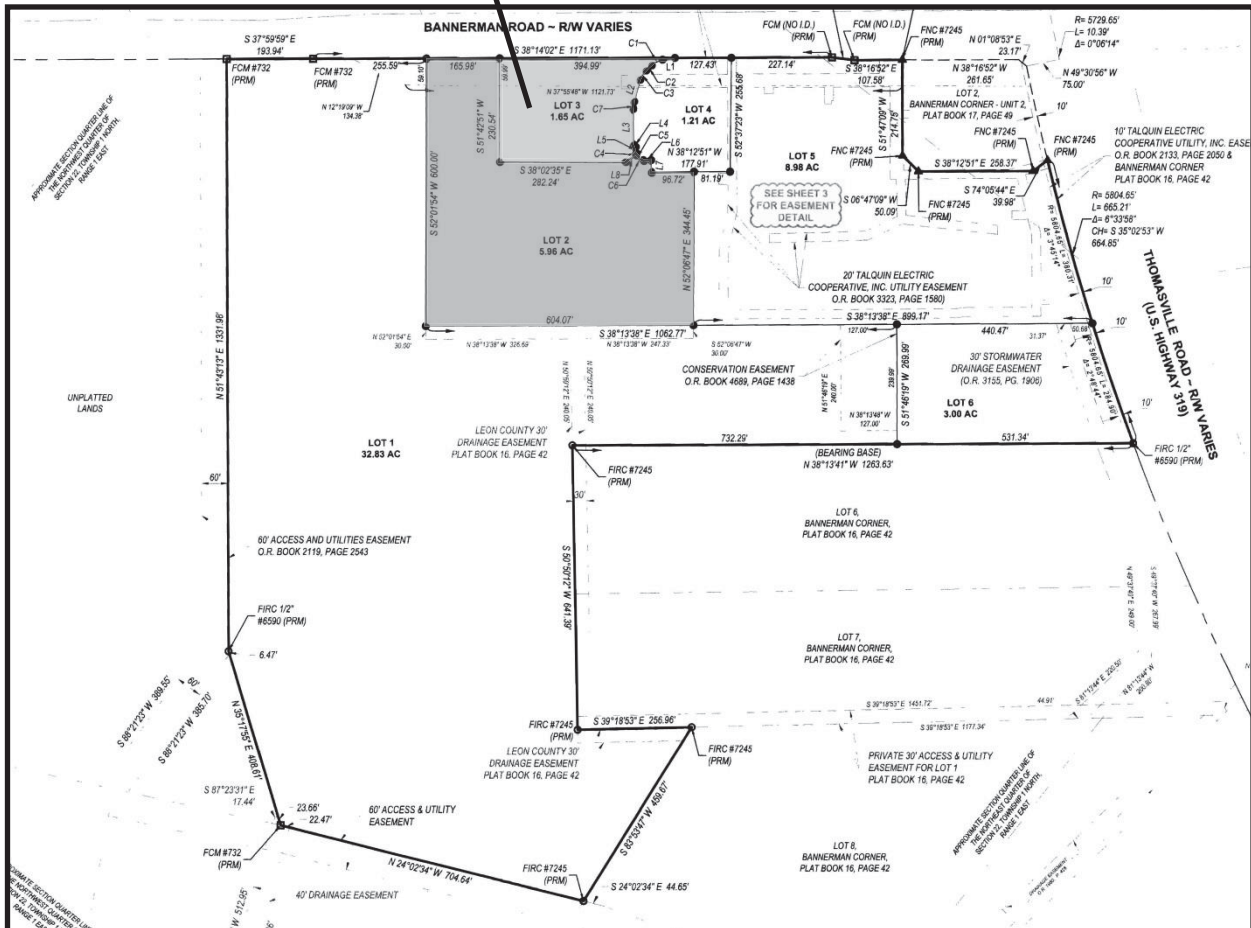
Office of the County Attorney
Leon County, Florida

By: _____
Herbert W. A. Thiele
County Attorney

Lots 2 and 3, Bannerman Crossing (PB 21/68)
(cropped from page 2 of 3, PB 21/69)



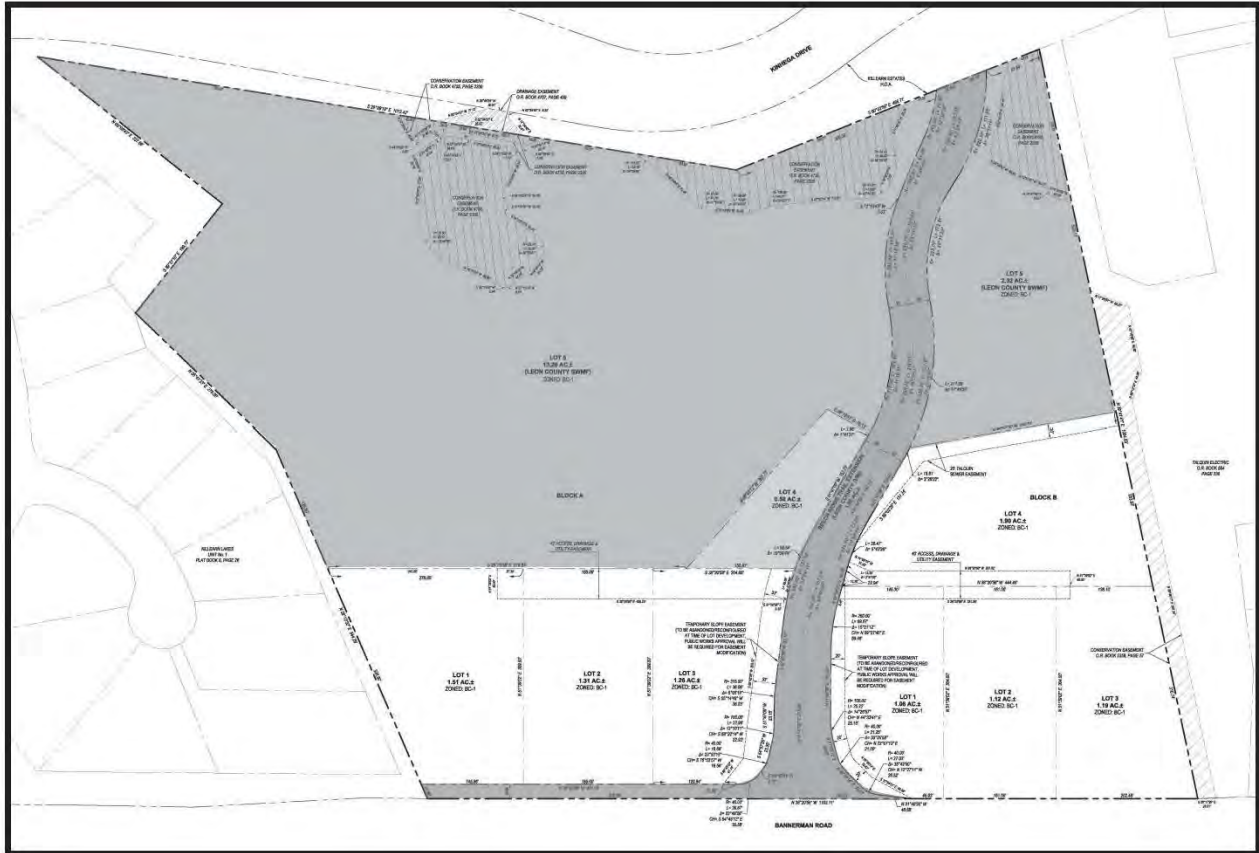
Land to be Conveyed
from County to Developer



Southwesterly Corner of Bannerman Road and Thomasville Road
(cropped from page 2 of 3, plat of Bannerman Crossing (PB 12/68))

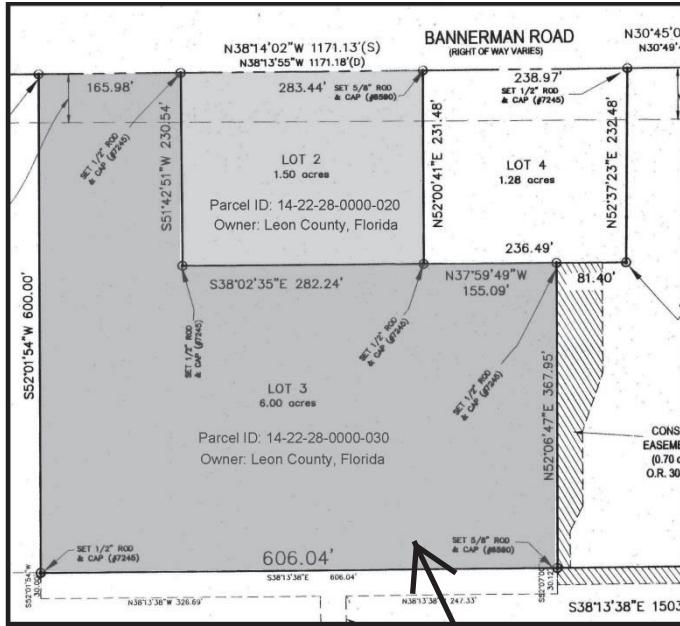
Land to be Conveyed or Dedicated from Deed to County
(as shown in preliminary plat of Bannerman Crossing North)

Lots 4 and 5, Block A (by Deed)
Lot 5, Block B (by Deed)
Beech Ridge Trail Extension R/W (by plat dedication)

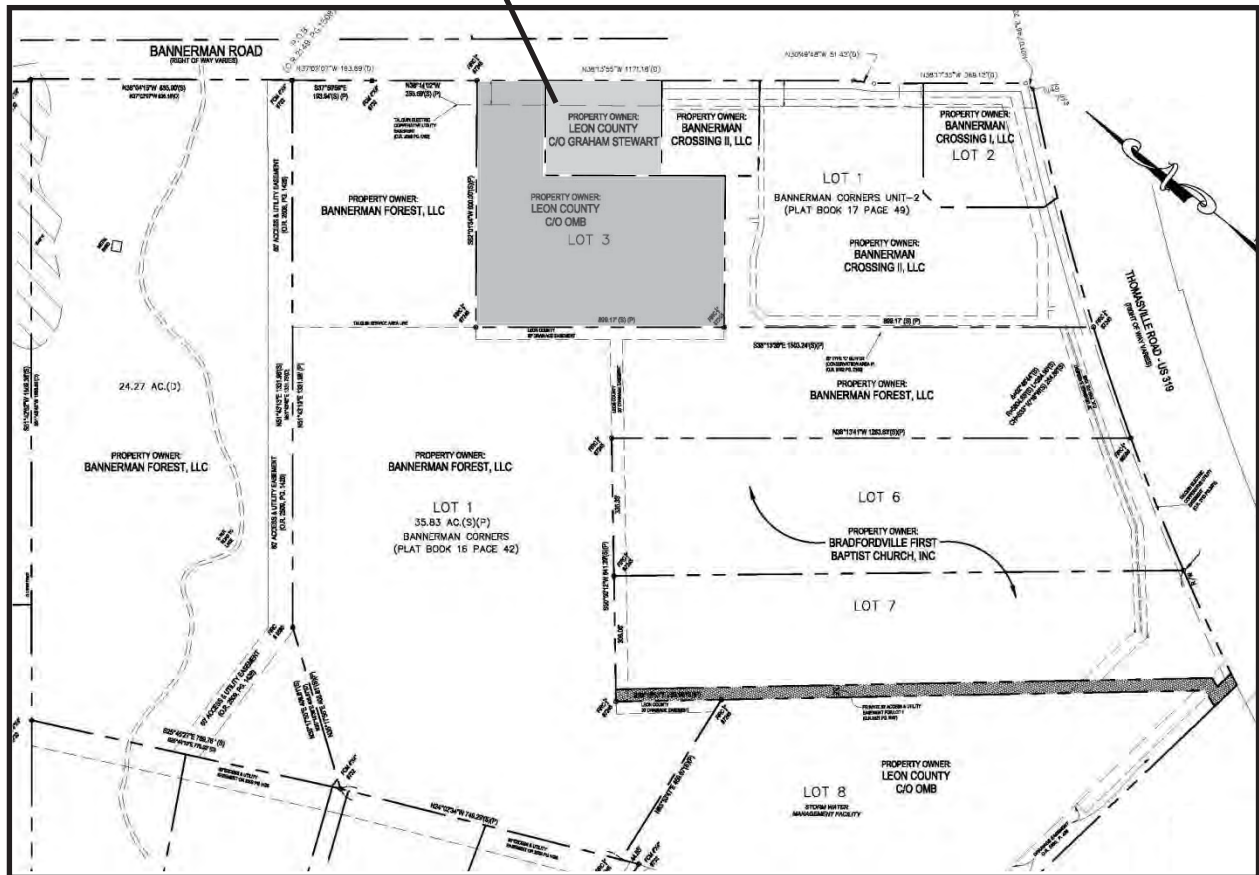


Northwesterly Corner of Bannermen Road and Thomasville Road
(cropped from page 3 of 3, preliminary plat of Bannerman Crossing North)

Lots 2 and 3, Bannerman Corner (PB 16/42)
(cropped from page 3 of 6, PB 16/44)

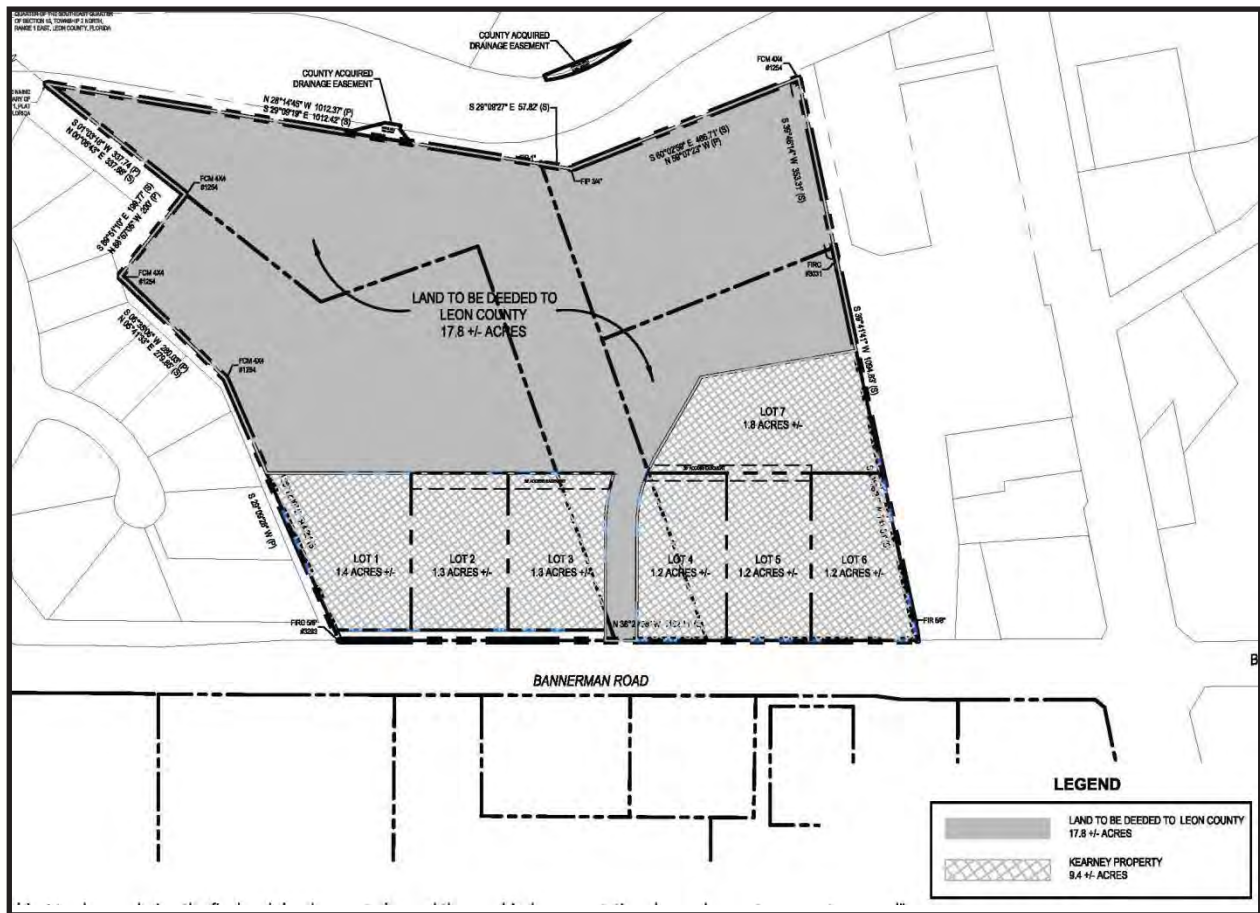


Land to be Conveyed
from County to Developer
(from Development Agreement OR 4629/1605)



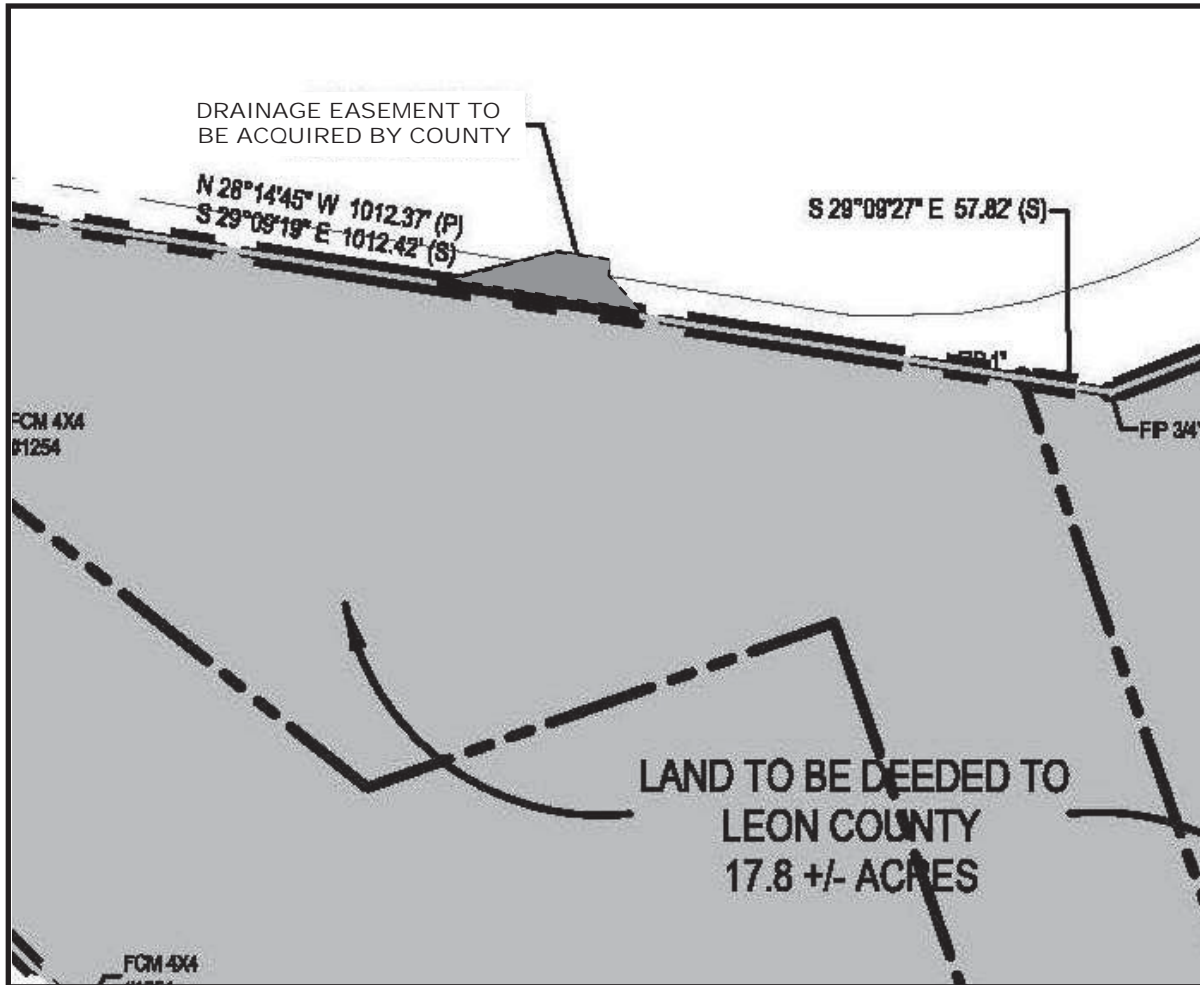
Southwesterly Corner of Bannerman Road and Thomasville Road
(cropped from Exhibit "C" of Development Agreement, OR 4629/1605)

Land to be Conveyed from Developer to County
(as shown in Development Agreement, OR 4629/1605)



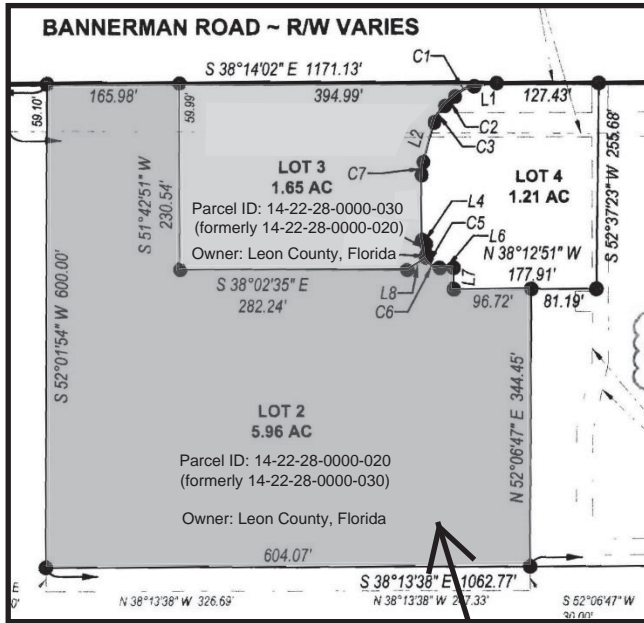
Northwesterly Corner of Bannerman Road and Thomasville Road
(cropped from Exhibit "E" of Development Agreement, OR 4629/1605)

Drainage Easement to be Acquired by County
(as shown in Development Agreement, OR 4629/1605)

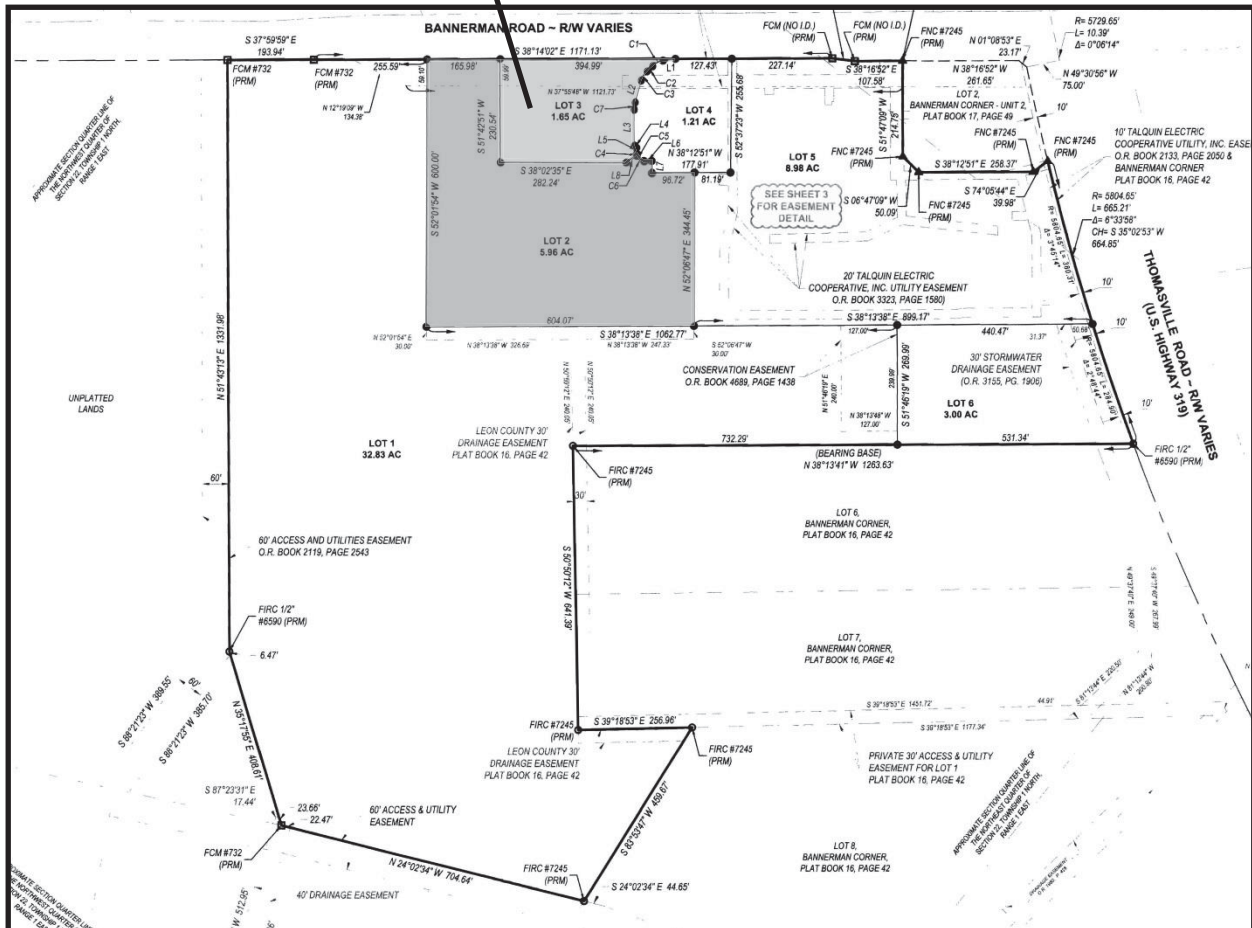


Northwesterly Corner of Bannerman Road and Thomasville Road
(cropped from Exhibit "E" of Development Agreement, OR 4629/1605)

Lots 2 and 3, Bannerman Crossing (PB 21/68)
(cropped from page 2 of 3, PB 21/69)



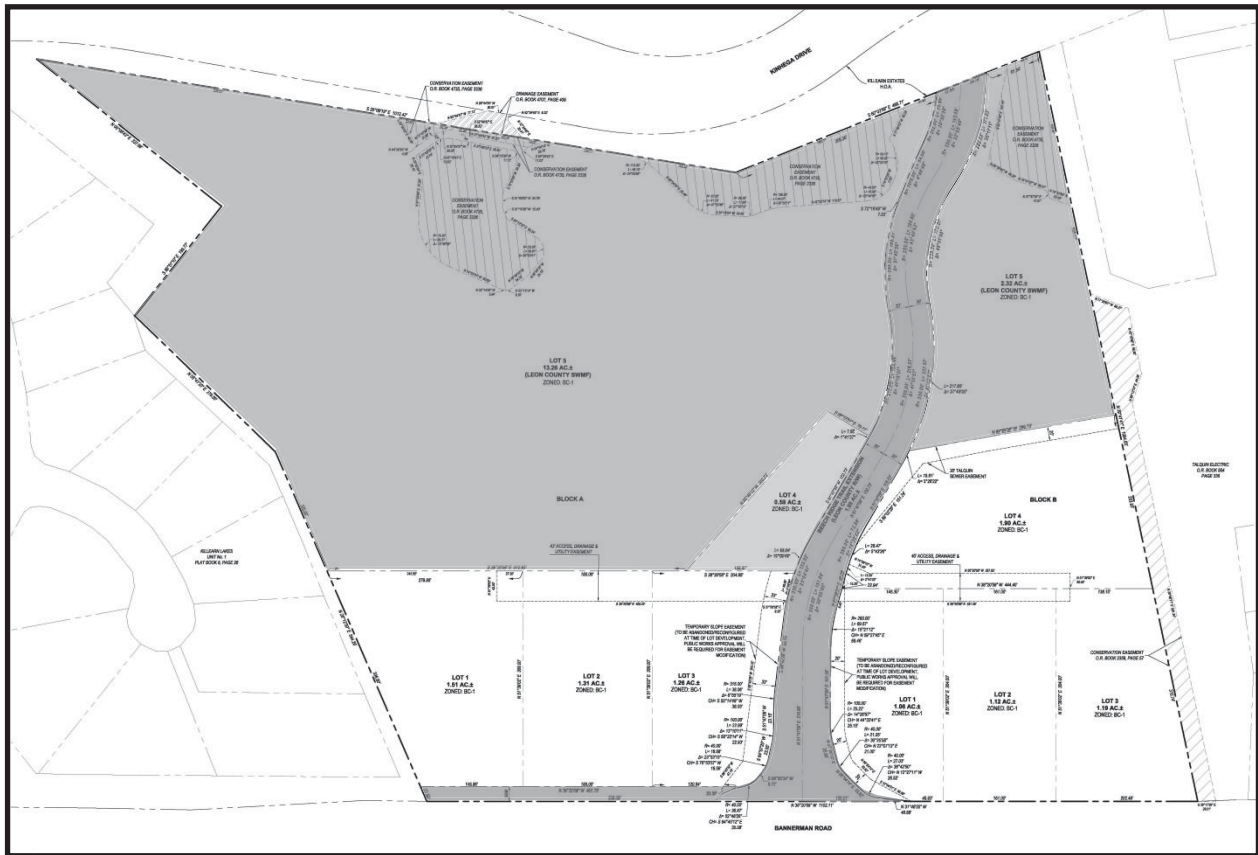
Land to be Conveyed
from County to Developer



Southwesterly Corner of Bannerman Road and Thomasville Road
(cropped from page 2 of 3, plat of Bannerman Crossing (PB 12/68))

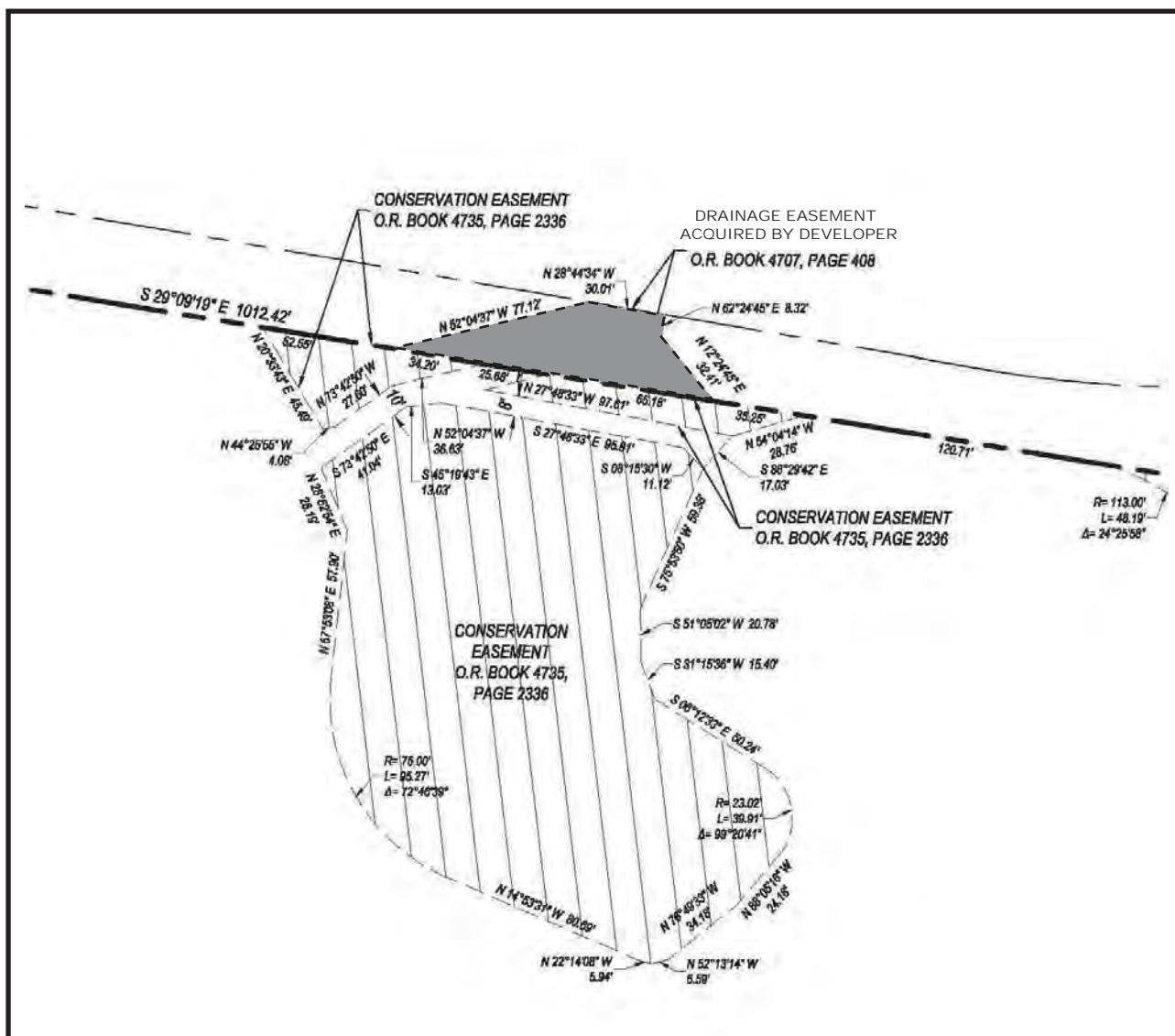
Land to be Conveyed and/or Dedicated from Developer to County
(as shown in preliminary plat of Bannerman Crossing North)

Lots 4 and 5, Block A
Lot 5, Block B
Beech Ridge Trail Extension R/W



Northwesterly Corner of Bannerman Road and Thomasville Road
(cropped from page 3 of 3, preliminary plat of Bannerman Crossing North)

Drainage Easement Acquired by Developer
(as shown in preliminary plat of Bannerman Crossing North)



Northwesterly Corner of Bannerman Road and Thomasville Road
(cropped from page 3 of 3, preliminary plat of Bannerman Crossing North)

20140070584 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 4707 PG: 708,
08/29/2014 at 11:16 AM, BOB INZER, CLERK OF COURTS

20140043108
THIS DOCUMENT HAS BEEN
RECORDED IN THE PUBLIC RECORDS
OF
LEON COUNTY FL
BK: 4669 PG:1552, Page1 of 10
05/22/2014 at 09:06 AM,
D DOCUMENTARY TAX PD \$0.70
BOB INZER, CLERK OF COURTS

This Instrument prepared by
Claude R Walker, Esq
2073 Summit Lake Dr., Suite 155
Tallahassee, FL 32317

Re-recording to correct legibility of Exhibits A and B

PERPETUAL DRAINAGE EASEMENT AGREEMENT

THIS PERPETUAL DRAINAGE EASEMENT AGREEMENT, made and executed this
20 day of May, 2014, by KILLEARN LAKES HOMEOWNERS ASSOCIATION, INC.,
whose post office address is 7110 Beech Ridge Trail, Tallahassee, FL 32312, as Grantor, to
SUMMIT HOLDINGS VIII, L.L.C, whose mailing address is 2073 Summit Lake Dr., Suite 155,
Tallahassee, FL 32317, as Grantee.

WITNESSETH:

WHEREAS, Grantor is the owner of that certain parcel of real property described in
Exhibit "A," hereinafter the "Easement Parcel", and is also the owner of a chain of lakes,
including Lake Arrowhead, located in Killearn Lakes Plantation;

WHEREAS, Grantee is the owner of that certain parcel of real property described in
Exhibit "B," the "DeSantis Parcel";

WHEREAS, Grantee is desirous of developing the DeSantis Parcel which includes a
storm water facility;

WHEREAS, the storm water discharge from said storm water facility will need to be
conveyed to Lake Arrowhead through the Easement Parcel;

WHEREAS, Grantor will grant to Grantee an easement for drainage and outfall purposes
through the Easement Parcel and to Lake Arrowhead in exchange for Grantee's agreement
regarding certain standards that will be maintained by Grantee relating to said storm water
facility;



WHEREAS, Grantee agrees to use best storm water management practices during construction of the DeSantis Parcel and subsequent to construction use reforestation with native species and shall also provide proper maintenance of the storm water facility;

AGREEMENT

Now therefore, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the adequacy of the consideration acknowledged by each of the parties, it is agreed:

1. The Recitals above are true and correct and incorporated herein as though specifically set forth herein.
2. Grantor hereby grants unto Grantee, its successors and assigns, a non-exclusive perpetual easement for drainage purposes and right-of-way for the purpose of clearing excavating, constructing and maintaining outfall and drainage ditches and drains in, over, under, on and through the Easement Parcel.
3. Grantee agrees to construct and maintain the storm water facility to be constructed on the DeSantis Parcel in accordance with the standards set forth in Leon County Code Sections 10-4.302 and 10-4.382 as it exists as of the date of this Agreement, attached as Composite Exhibit "C". Grantee will be responsible for all damage to Lake Arrowhead resulting from a discharge from the DeSantis Parcel caused by Grantee's failure to abide by the above standards.
4. During any construction of the DeSantis parcel, Grantee shall ensure no discharge of sediment is made into the Easement Parcel, and Grantee further agrees to be held responsible for remediation and or damages caused to KLHOA lands or waters by said discharge.

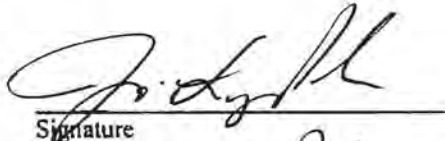


5. The rights and obligations under this Agreement shall be transferred to and assumed by Leon County or the recipient public authority or any successor in interest to this Agreement upon any dedication of the DeSantis Parcel, or a portion thereof, and these rights and obligations shall run with the DeSantis Parcel.

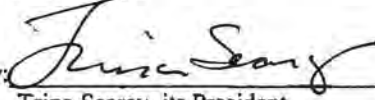
IN WITNESS WHEREOF, Grantor and Grantee have caused this Agreement to be duly executed the date first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:
Killearn Lakes Homeowners
Association, Inc.


Signature

Jo-Lyn Palmer
Print Name

By: 
Trina Searcy, its President


Signature

D. Bedford Wilder
Print Name

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me on this 20th day of May, 2014 by Trina Searcy, as President of Killearn Lakes Homeowners Association, Inc., who is personally known to me, or has produced FL Drivers License as identification.


NOTARY PUBLIC

My Commission Expires: _____



Signed, sealed and delivered
in the presence of:

GRANTEE:
Summit Holdings VIII, LLC

By: Tierra Vista Group, LLC
Its Managing Member

Julia M. Schulz
Signature
Julia M. Schulz
Print Name

Delores Thomas
Signature
Delores Thomas
Print Name

By: *C. Walker*
Claude R. Walker, its Manager

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me on this 21 day of May, 2014 by Claude R. Walker, as Manager of Tierra Vista Group, LLC, as Managing Member of Summit Holdings, VIII, LLC, who is personally known to me, or has produced _____ as identification.

Julia M. Schulz
NOTARY PUBLIC

My Commission Expires:



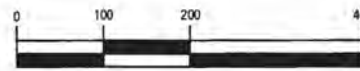


SKETCH OF DESCRIPTION

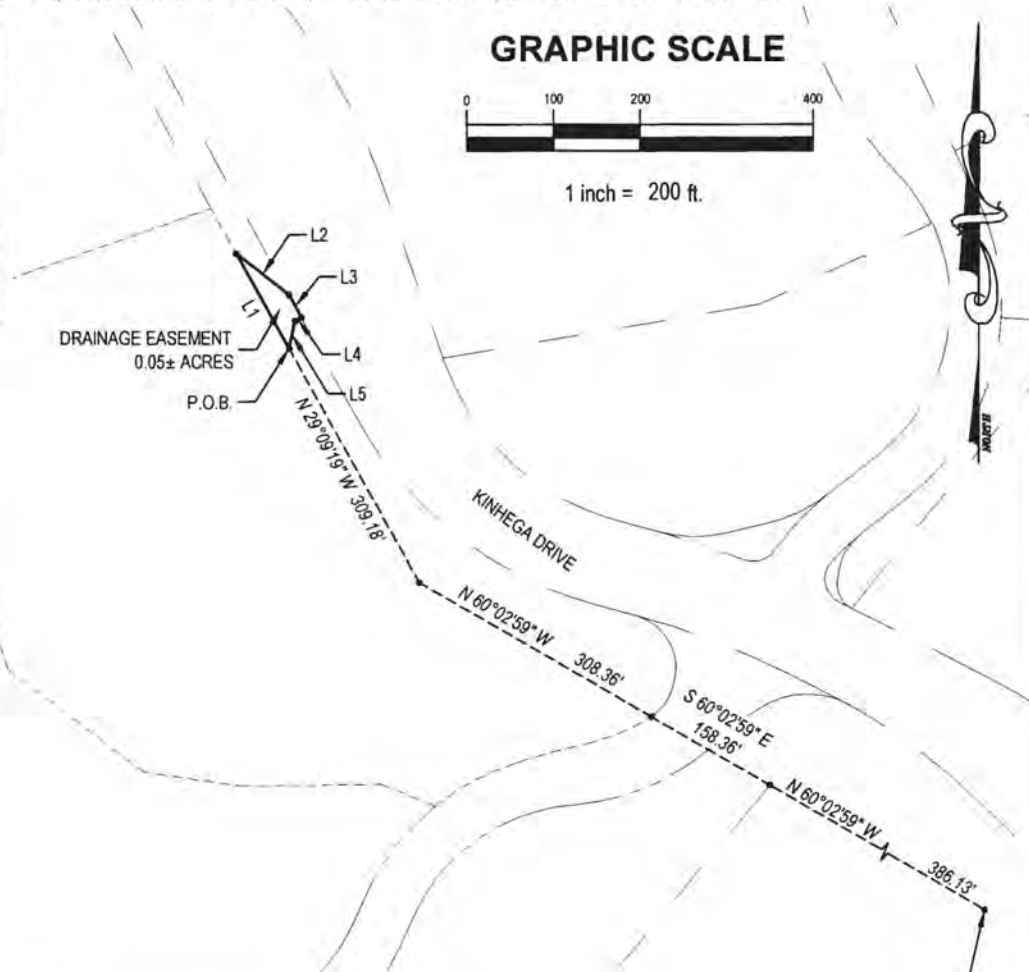
SECTION 15, TOWNSHIP 2 NORTH, RANGE 1 EAST, LEON COUNTY, FLORIDA

Line Table		
LINE	BEARING	DISTANCE
L1	N 29° 09' 19" W	125.06'
L2	S 52° 04' 37" E	77.12'
L3	S 28° 44' 34" E	30.01'
L4	S 62° 24' 45" W	8.32'
L5	S 12° 24' 45" W	32.41'

GRAPHIC SCALE



1 inch = 200 ft.



LEGAL DESCRIPTION: (DRAINAGE EASEMENT)

A parcel of land lying in Sections 15 Township 2 North, Range 1 East, Leon County, Florida and being more particularly described as follows:

Commence at the Southeast corner of Killearn Lakes, Unit 1 a subdivision as per map or plat thereof recorded in Plat Book 6, Page 26 of the Public Records of Leon County, Florida and run thence North 60 degrees 02 minutes 59 seconds West along the Southerly boundary of said Killearn Lakes, Unit 1 a distance of 386.13 feet, thence continue North 60 degrees 02 minutes 59 seconds West along said Southerly boundary 158.36 feet, thence North 60 degrees 02 minutes 59 seconds West 308.36 feet, thence North 29 degrees 09 minutes 19 seconds West 309.18 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 29 degrees 09 minutes 19 seconds West 125.06 feet, thence South 52 degrees 04 minutes 37 seconds East 77.12 feet to a point lying on the Westerly right of way boundary for Kinhega Drive, thence South 28 degrees 44 minutes 34 seconds East along said Westerly right of way boundary a distance of 30.01 feet, thence leaving said right of way boundary run South 62 degrees 24 minutes 45 seconds West 8.32 feet, thence South 12 degrees 24 minutes 45 seconds West 32.41 feet to the POINT OF BEGINNING, containing 0.05 acres, more or less.

P.O.C.
THE SOUTHEAST CORNER OF
KILLEARN LAKES, UNIT 1
PLAT BOOK 6, PAGE 26
LEON COUNTY, FLORIDA

GENERAL NOTES:

1. NO IMPROVEMENTS LOCATED OTHER THAN SHOWN HEREON.
2. BEARINGS ARE BASED ON STATE PLANE COORDINATES, FLORIDA NORTH ZONE, NAD 83 DATUM.
3. THIS IS NOT A BOUNDARY SURVEY.
4. ADDITIONS OR DELETIONS TO SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

STANDARD ABBREVIATIONS:

- A= ARC LENGTH
- CH= CHORD BEARING AND DISTANCE
- Δ= DELTA OR CENTRAL ANGLE
- E EAST
- L= ARC LENGTH
- N NORTH
- P.O.B. POINT OF BEGINNING

The land referred to herein below is situated in the County of Leon, State of Florida, and is described as follows:

COMMENCE at a concrete monument marking the Northeast corner of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run thence West along the section line a distance of 628.98 feet; thence N 14° 30' W, 391.0 feet; thence S 37° 07' W, 260.0 feet; thence N 52° 53' W, 1381.40 feet to the East boundary of the West Half (W ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section 15, Township 2 North, Range 1 East; thence N 00° 28' E along said East boundary, 324.20 feet to the Northeast corner of said W ½ of SW ¼ of SE ¼; thence N 89° 32' W along the North boundary of said SW ¼ of SE ¼, 660.0 feet; thence S 00° 28' W along the West boundary of said SW ¼ of SE ¼, 660.0 feet to a point marking the Southerly boundary of Killeam Lakes, Unit No. 1, a map or plat as recorded in Plat Book 6, page 26 of the aforesaid records, said point also marking the POINT OF BEGINNING. From said POINT OF BEGINNING run thence S 29° 09' 19" E, 1012.42 feet; thence S 60° 02' 59" E, 466.71 feet; thence S 39° 41' 41" W, 1094.83 feet to the Northeasterly Right-of-Way boundary of Bannerman Road (Right-of-Way varies); thence N 38° 20' 58" W along said Northeasterly Right-of-Way boundary, 1102.11 feet; thence leaving said Northeasterly Right-of-Way boundary, N 28° 12' 30" E, 544.29 feet; thence N 05° 41' 33" E, 279.85 feet; thence S 89° 51' 10" E, 199.77 feet; thence N 00° 06' 43" E, 337.66 feet to the POINT OF BEGINNING.

EXHIBIT "B" (EASEMENT)



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Sec. 10-4.302. - Stormwater rate provisions.

- (a) *Rate control.* Peak post-development stormwater discharge rates shall not exceed the peak pre-development rates for all duration storms with return period frequency of up to and including the 25-year storm period. When redevelopment is occurring on a site, the analysis of pre-development runoff shall use the current site conditions. These rate control requirements shall not apply to discharges made to off-site stormwater facilities, as provided for in section 10-4.305, or to approved discharges directly into water bodies, watercourses, wetlands and constructed conveyances which are of sufficient size and capacity to receive the discharges without significant adverse effects. Direct discharge shall also have to comply with the provisions of subsection 10-4.321(d). Stormwater software models shall be acceptable to the county administrator or designee.
- (b) *No off-site impact.* The stormwater discharge shall not cause flooding or other adverse impacts for the downstream areas. For some sites, if there is an immediate downstream flooding problem, then an analysis of the downstream impacts may be necessary regardless of the discharge flow rate or size of project. Flooding problems may require the extent of the analysis to be moved further downstream and/or a continuous analysis be performed based on actual rainfall data. Prior to submitting a conveyance analysis, the limits of such analysis must be discussed and formally agreed to by the county administrator or designee.
 - (1) *Conveyance analysis.* If a site is greater than two acres, and its discharge is greater than two and one-half percent of the flow in the conveyance structure at the discharge point for the critical storm, then an analysis shall be completed to show that no adverse impacts occur downstream. The analysis shall include all storms up to and including the 25-year frequency. If there are flooding problems within the analysis area defined above, then an analysis of the storms up to and including the 100-year frequency may be required; or
 - (2) *Restricted discharge.* The stormwater management facility shall be designed such that post-development discharge is restricted to the critical duration two-year pre-development discharge rate for all duration and return frequencies up to and including the 25-year, 24-hour storm event. The total required detention volume shall again be available within 90 hours following a rainfall event. At the discretion of the county administrator or designee, a conveyance analysis shall be required if problem areas have been identified downstream.

COMPOSITE EXHIBIT 'C'
EASEMENT

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Sec. 10-4.382. - Stormwater treatment standards within the Bradfordville study area.

Stormwater runoff from new development in the Bradfordville study area shall meet the standards set forth in this section in addition to other standards within Article IV.

(a) Stormwater runoff shall be treated to one of the following standards below:

- (1) Systems utilizing on-line dry retention only.** A volume of runoff calculated as four inches times the total impervious area that will be situated on the site shall be retained on the site or in an approved master stormwater facility. This calculation can exclude the wetted area of the pond/stormwater facility. This volume of runoff shall be collected from the entire developed portion of the site and directed to on-line dry retention storage. Retention can occur in cisterns, ponds, shallow swales, landscaped areas, or natural areas.
- (2) Systems utilizing a combination of off-line dry retention and detention:**
 - a. Off-line retention shall be provided with a treatment volume calculated as two and one-half inches times the total impervious area on the site.
 - b. Detention portion of system—In addition to the dry retention volume, one of the following detention options shall also be provided:
 1. Dry detention systems will provide a treatment volume calculated as two inches times the total impervious area on the site, or
 2. Wet detention system with a permanent pool volume equivalent to two and nine-tenths inches times the impervious area on-site.
 - c. The calculation of the above volumes can exclude the wetted area of the stormwater facility.
 - d. Runoff from the entire developed portion of the site shall be directed in sequence to each of the above facilities.

(b) Drawdown requirements:

- (1)** For on-line dry retention (subsection (a)(1) above), the entire treatment volume must recover within 72 hours.
- (2)** For off-line dry retention (subsection (a)(2)a. above), the entire treatment volume must recover within 24 hours.
- (3)** For dry detention systems (subsection (a)(2)b.1. above), the treatment volume must recover within 72 hours. Dry detention systems will not include underdrains but will utilize an orifice or V-notch weir for drawdown. The bottom of the drawdown device will be a minimum of six inches above the pond bottom.
- (4)** For wet detention systems (subsection (a)(2)b.2. above), the bottom of the weir crest will be a minimum of 12 inches above the normal water level (seasonal high groundwater table elevation).
- (5)** Regardless of the method of volume recovery, the entire retention volume must recover within the time frame established above unless an approved continuous analysis, using Tallahassee Airport rainfall data from January 1, 1959 to December 31, 1998, demonstrates that the total volume retained within the stormwater system over the 40-year period is greater than or equal to that retained by a dry retention system as set forth in subsection (1) based on the above described recovery times. For systems requiring a combination of retention and detention, this analysis shall only be used for the retention portion of the system. The detention portion of this combination system will

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still be required in full pursuant to subsection (a)(2)b.

- (c) For calculating the treatment volume required for pervious pavements and graveled areas, initially such surfaces shall be assumed to be 100 percent impervious, then deductions in the required treatment volume for such areas can be taken that is equivalent to:
- (1) The porosity of the pavement material times the thickness of the paving material times a safety factor of five-tenths.
 - (2) If, and only if, the soils immediately underlying the pavement for a depth of 18 inches have a permeability of three inches per hour or greater, as demonstrated by on-site percolation tests, then a further deduction can be taken equivalent to the porosity of the soil strata times four inches times a safety factor of five-tenths.

The above deductions will be allowed provided that the applicant specifically commits, in his stormwater operating permit, to regularly sweep/vacuum the area covered with pervious pavement and to verify the pavement's percolation capacity when the operating permit is renewed.

(d) *Groundwater table:*

- (1) Where volume recovery is to be by percolation, groundwater mounding calculations to demonstrate recovery of the retention volume pursuant to the requirements set forth in subsection (b) above shall be required unless the applicant conclusively demonstrates by other engineering methods that pond recovery will not be adversely affected by an elevated groundwater table. If the bottoms of all retention areas intended to percolate stormwater are shown by soil borings to be less than three feet above the historical wet-season high water table, a mounding analysis shall be required.
 - (2) For dry detention systems, the bottom elevation of the detention basin shall be a minimum of one foot above the historical seasonal high groundwater table.
- (e) Where volume recovery is to be by irrigation, the rate of land application shall not exceed one and one-half inches per week unless the applicant can conclusively demonstrate that the on-site soil conditions and vegetation warrant a higher application rate. Under no circumstances shall irrigation water be allowed to discharge from the irrigation-site.
- (f) The requirements in this section shall not preclude the applicant from voluntarily choosing to design and construct the on-line dry retention facility as an off-line facility.

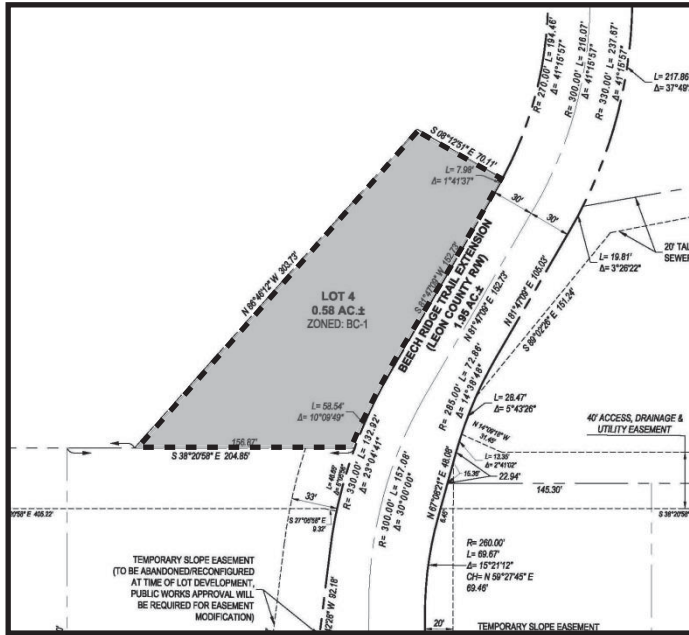
(g) *Facility design standards.*

- (1) Facility configuration: All on-line facilities shall have a flow-path-length to flow-path-width ratio of 2:1 or greater. The inlets and outlets shall be on opposite ends of the facility. If this is not possible, the effective flow length shall be increased by adding diversion barriers within the facility as necessary to provide this minimum flow length.
- (2) Retention ponds/areas shall have 4H:1V maximum side slopes on a sufficient length of the perimeter to allow adequate maintenance access to the bottom of the facility. If any of the side slopes are steeper than this, a security fence shall be placed completely around the perimeter of the facility and located exterior to the maintenance access ways. The fence shall not be required if the pond depth is less than 18 inches.
- (3) Wet detention ponds shall have 6H:1V maximum side slopes to two feet below the normal water level, then a maximum side slope of 2H:1V to the bottom.
- (4) Retention facilities shall have flat bottoms in order to maximize the surface area for percolation.
- (5) Maintenance access requirements:
 - a. For every facility, the owner or developer shall provide, at a minimum, a 15 feet wide clear and stable access to the facility from the nearest "public" right-of-way or road. Such access shall be evidenced by a recorded reservation or grant of an

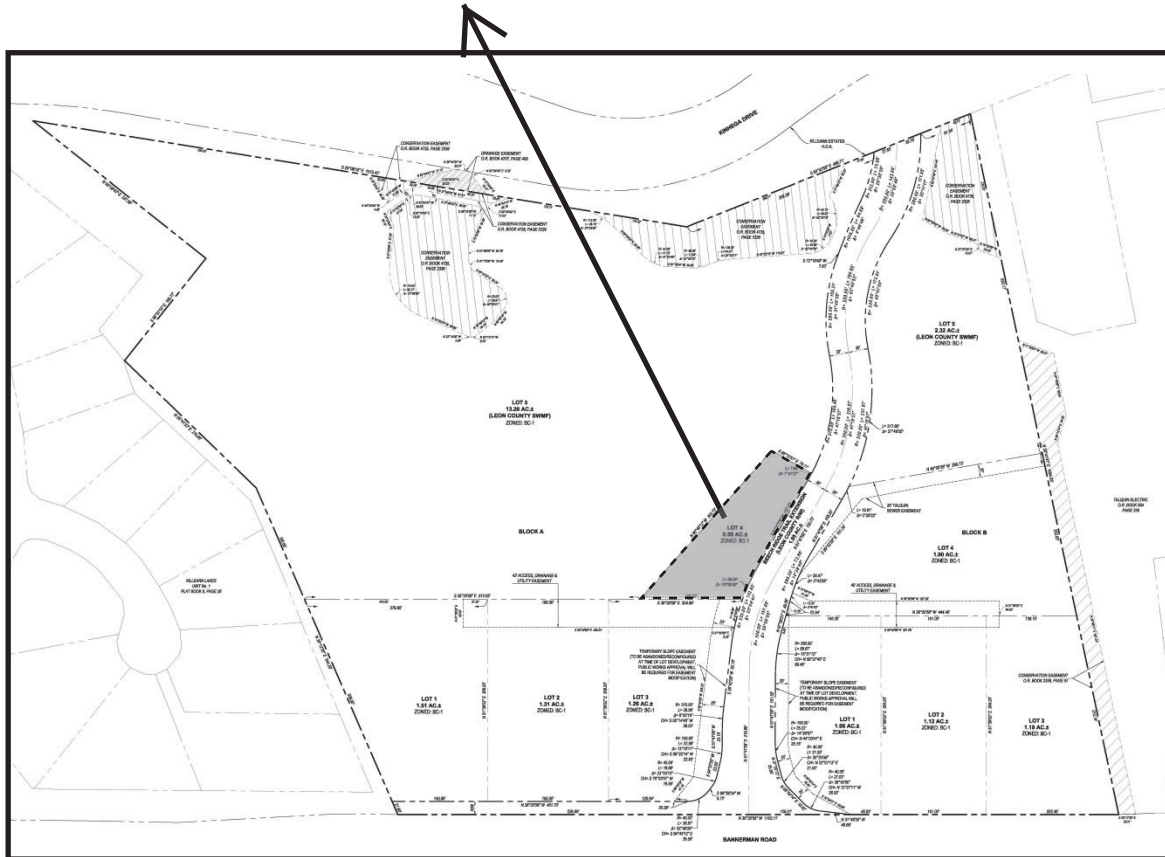
12/6/13

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- easement, which shall run with the land, to the benefit of the county.
- b. For retention facilities with an overall depth greater than 18 inches, provide, at a minimum, a 15 feet wide clear, level and stable access around a sufficient portion of the perimeter of the facility, that is inside of any fences and external to the top-of-bank of the facility, to allow adequate maintenance from dry land. For retention facilities with an overall depth of 18 inches or less, provided the facility has side slopes of four horizontal to one vertical (or less) on at least one side of the facility, the applicant can provide the above access on the sloped side of the facility only. Any access required by the provisions of this subsection shall be evidenced by a recorded reservation or grant of an easement, which shall run with the land, to the benefit of the county.
 - c. The minimum inside radiuses of all access ways shall be 20 feet.
 - d. Adequate access for both personnel and mechanized equipment shall be provided to all inlet and outlet structures.
 - e. If Leon County is proposed to be the maintenance entity for any stormwater management facility permitted under this section, either by dedication, or by reservation of an easement, or by any other process, the applicant shall submit the engineering design for the facility directly to the Leon County Department of Public Works for its review and approval as to the adequacy of maintenance access to the facilities. An environmental permit shall not be issued until the applicant demonstrates, in writing, the approval of the department of public works.
- (6) *Skimmer/trash rack requirements:*
- a. Trash/leaf traps with easy maintenance access shall be provided at key inlets and all outlets from a facility unless the applicant can conclusively demonstrate that it is not possible.
 - b. All outlet structures shall have an oil skimmer that extends above and below any outlet structure opening.
- (7) *Energy dissipation requirements:*
- a. Energy dissipation devices sufficient to prevent erosion and resuspension of loose sediments shall be placed on all inlets to retention facilities.
 - b. Energy dissipation devices sufficient to prevent downstream channel erosion shall be placed at the outlets of all retention facilities.
- (8) *Stabilization of stormwater treatment facilities:* All berms and side slopes shall be stabilized with pinned sod. Pond bottoms can be seeded and mulched. Restabilization by the contractor or owner shall be necessary until such time that the sod is fully rooted and otherwise well established.
- (9) *Rate control* as required in subsection 10-4.302 can be provided within any of the above water quality treatment facilities provided that the water quality treatment as required within this section is fully satisfied prior to any overflow/discharge from the facility.



Site of School House Relocation
(as shown in preliminary plat of Bannerman Crossing North)



Northwesterly Corner of Bannerman Road and Thomasville Road
(cropped from page 3 of 3, preliminary plat of Bannerman Crossing North)

**NOTICE OF EXCHANGE OF COUNTY PROPERTY
PURSUANT TO FLA. STAT. § 125.37**

NOTICE is hereby given, pursuant to Section 125.37, Florida Statutes, that the Board of County Commissioners of Leon County, Florida ("County") will, at its regular meeting on March 10, 2015, consider the adoption of a Resolution authorizing the exchange of real property owned by the County for other real property owned by Summit Holdings VIII, LLC ("Developer") which the County desires to acquire for County purposes. The terms and conditions of the exchange and the real property involved are as follows:

In accordance with the Development Agreement recorded on February 5, 2014 at Book 4629, Page 1605, Official Records of Leon County, Florida ("Development Agreement"), the County proposes to convey to the Developer, or to such other entity as may be assigned by Developer, Lots 2 and 3, Bannerman Crossing (PB 21/68), located on the south side of Bannerman Road and totaling 7.61 acres (Parcel IDs: 1422280000020 and 1422280000030) in exchange for the conveyance and/or dedication to the County of an approximate 18-acre portion of four parcels located on the north side of Bannerman Road as depicted in Exhibit "E" of the Development Agreement (Parcel IDs: 1422200180000, 1422200050000, 1415206280000, 1415206010000). The actual property conveyed to the County will be as identified in a new subdivision plat being finalized by the Developer, and may be slightly larger in area than that depicted in the Development Agreement.

PUBLICATION: February 24 and March 3, 2015

**Leon County
Board of County Commissioners**


Notes for Agenda Item #13

Leon County Board of County Commissioners

Cover Sheet for Agenda #13

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of Leon Works Status Update and Approval to Host the Leon Works Exposition

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Cristina Paredes, Director of Economic Vitality
Lead Staff/ Project Team:	Mathieu Cavell, Public Information & Communications Manager Andy Johnson, Special Projects Coordinator Joshua Pascua, Management Analyst

Fiscal Impact:

This item has a fiscal impact if the Board approves moving forward with hosting the Leon Works Exposition. It is anticipated that the funding to host the Leon Works Exposition will be included as part of the development of FY 2016 Budget.

Staff Recommendation:

- Option #1: Accept the Leon Works Status Update.
- Option #2: Collaborate with community partners and the middle-skill business community to host the “Leon Works” exposition to educate high school students (15-18 years old) on the diverse and exciting middle-skill jobs anticipated locally, while raising awareness regarding a wide range of career and training opportunities.

Report and Discussion

Background:

At the December 8, 2014 Annual Retreat, the Board adopted initiatives to collaborate with community partners in order to promote middle-skill job and training opportunities, specifically to high school students (Attachment #1). The Board subsequently ratified these strategic initiatives at their January 27, 2015 meeting.

Approval of the Leon Works status update and hosting the Leon Works Exposition event is essential to the following revised FY 2012 – FY 2016 Strategic Initiatives that the Board approved at the January 27, 2015 meeting:

- Evaluate and identify the projected unmet local market for middle-skill job opportunities.
- Based upon the projected unmet local market for middle-skill jobs, and with Board approval, collaborate with community and regional partners to host a new “Leon Works” exposition to educate high school students (15-18 years old) on the diverse and exciting middle-skill career and jobs anticipated locally, while raising awareness regarding a wide range of career opportunities.

These particular Strategic Initiatives align with the Board’s Strategic Priority - Economy:

- Support business expansion and job creation, including the implementation of the Leon County 2012 Job Creation Action Plan, to include evaluating the small business credit program (EC2).
- Ensure the provision of the most basic services for our citizens most in need to that we have a ‘ready workforce’ (EC6).

Analysis:

Openings for middle-skilled jobs are growing in demand across the country; for example, more than half of Florida job openings from now to 2021 will be for skilled crafts and trades according to the National Skills Coalition (Attachment #2). Middle-skilled (skilled) careers are those that require more education and training than a high-school diploma, but less than a four-year college degree. These careers represent the backbone of America’s workforce are the types of careers that keep our local economy going, build marketable skills for our workforce and fill gaps for services that are needed in our community. By promoting skilled careers, communities retain workforce talent and support sustainable business expansions. In addition to being careers in demand, skilled careers offer great pay and create high value for businesses.

Raising awareness of skilled job opportunities is a nationwide issue. According to USA Today, high schools have dropped vocational and technical education programs over the past 30 years, eliminating a key way young people are introduced to these careers (Attachment #3). The article suggests that the educational and cultural emphasis on students going to college and lack of exposure to other career options limits growth in the nation’s skilled workforce, playing a role in the high demand for skilled jobs across the nation. This decrease in vocational and technical programs was also addressed during the stakeholder outreach meetings and can be attributed to the shift in educational policy which now focuses on preparing every student get a four-year college degree after high school.

A report by the Harvard Business School surveyed more than 800 human resources executives in 2014 and discovered that 56% of respondents found skilled jobs hard to fill, with finance and

insurance (68%) and healthcare (54%) companies experiencing the greatest challenges (Attachment #4). Over one-third of respondents believed that inadequate availability of skilled workers had undermined their productivity, with manufacturing (47%) and healthcare (35%) the hardest hit. Change will not happen unless students get better information about their career options. The Harvard report also identifies three key stakeholders in addressing the growing skilled jobs needs. The report suggests that employers must make investments in workforce training. At the same time, educational institutions should be attentive to developments in the jobs market and the evolving needs of employers. Finally, the report urges policymakers to work as facilitators, bringing educators and employers together and providing accurate and timely data to employers and job seekers. The report underscores the need for businesses, educators, and policy makers to collaborate together to address skilled workforce issues. This recommendation is precisely the goal of the Leon Works Expo.

To better evaluate and identify the projected unmet local market for skilled job opportunities, staff collected qualitative (stakeholder outreach) and quantitative (jobs data) information on skilled careers in our community. This information is further discussed below.

Stakeholder Outreach

In order to evaluate and identify challenges associated with promoting career and training opportunities in our community to high school students, staff organized two stakeholder outreach events to initiate the conversation with community partners: Leon Works Workgroup (Workgroup) luncheon and the Leon Works Roundtable Meeting with the Tallahassee/Leon County Economic Development Council (EDC). Staff had three goals for these outreach efforts: (1) develop a shared definition of skilled workforce to ensure that all stakeholders understood and addressed the same topic; (2) identify shortages of skilled labor in our community and challenges in filling those jobs and; (3) identify the challenges associated with promoting both training and career opportunities in our community to high school students.

On January 28, 2015, the Workgroup convened to discuss the County's desire to serve as a catalyst for promoting local skilled jobs, specifically to high-school students (Attachment #5). The Workgroup included representatives from the EDC, Leon County Schools, CareerSource Capital Region (CSCR), Tallahassee Community College, Keiser University, the Florida Department of Education, World Class Schools of Leon County (WCSLC), and the City. The Workgroup agreed that there was a need in the community to promote skilled careers to high school students and that there would be local skilled job opportunities in the near future for students pursuing such career paths. Workgroup members identified challenges employers face in recruiting skilled works and discussed the current resources being leveraged to promote skilled careers and training. When discussing next steps, it was suggested that the upcoming Leon Works Roundtable Meeting include both employers and high-school principals to foster better relations between businesses and the schools. The Workgroup also discussed the benefits that the proposed Leon Works Exhibition (Expo) could provide the community such as providing students an opportunity that might not otherwise have to learn about career options outside of the traditional the four-year college degree. The Workgroup also agreed that bringing students and employers together through the Expo would complement the efforts of the schools by engaging students in a one-day event that highlights not only careers in our region, but also training, certificate and apprenticeships opportunities.

Following the Workgroup's January meeting, Leon County partnered with the EDC, Leon County Schools, CSCR, and WCSLC to host a roundtable meeting with local businesses and

employers on February 18, 2015 (Attachment #6). The principals of Leon County high schools and secondary schools, as well as participants of the Leon Works Workgroup, were also at the roundtable meeting. The roundtable participants discussed the challenges in filling the shortage of skilled labor in our market and the challenges associated with promoting the training and career opportunities available in our community to high school students preparing to graduate. The participants generally agreed that two major challenges to high school students joining the skilled workforce are perception and awareness of skilled careers. It was generally agreed that the primary perception challenge in growing the skilled workforce is a perceived community stigma that students can only be successful if they choose to attend a four-year college. Additionally, students have fewer opportunities to learn about skilled careers and vocational training since current educational policies are focused on preparing students for college. Conversation then turned to the need to educate students on available opportunities in the skilled workforce and the training, certificate and apprenticeships that help prepare them for those careers. The employers then identified several local skilled occupations that are in demand, which are also identified by the Department of Economic Opportunity as the fastest growing skilled occupations for the Leon-Gadsden-Wakulla Counties area. For a detailed list on the fastest growing occupations in the region, including information on growth, total job openings, average wage, and education level, please see Attachment #7.

Overall, stakeholders from the Workgroup and the Leon Works Roundtable provided valuable feedback on skilled labor, including obstacles to recruitment, availability of training resources, and the challenges of perception and awareness of local skilled career opportunities. The stakeholders generally agreed the challenges in recruiting a skilled workforce would not improve unless the community worked together to remedy the situation. The stakeholders also generally agreed that the proposed one-day The Leon Works Exhibition (Expo) would be an excellent complement to the ongoing efforts by Leon County Schools to promote skilled careers. Stakeholders from both the Workgroup and roundtable meeting expressed their interest in working together to make the Expo a reality. Going forward, the feedback from the roundtable participants could be used to help the Workgroup identify what industries should be invited to the potential Expo in the fall.

Fastest Growing Occupations for the Leon, Gadsden, and Wakulla Counties

Working with the EDC and CSCR, staff has identified that 35 of the 50 fastest growing occupations for Leon, Gadsden, and Wakulla Counties are skilled jobs, with some of the highest demand in the healthcare industry. As mentioned previously, the roundtable participants identified several of these skilled occupations that are in demand locally that range from positions in the healthcare industry to the construction industry. It is important to note that approximately 34% of the fastest growing skilled occupations for the region are in the healthcare industry and include jobs such as nurses, medical assistants, emergency medical technicians/paramedics, and radiologic technologists. Staff is working with the EDC and CSCR to continue the dialogue with the business community to further evaluate and identify the projected unmet local market for skilled job opportunities. These dialogues will discuss the challenges in raising awareness on promoting training and career opportunities in our community, specifically among high school students who are preparing to enter the workforce and may choose not to pursue a four-year college degree.

Leon Works Exhibition and Proposed Next Steps

Based upon the projected unmet local market demand for skilled jobs, staff is seeking Board approval to collaborate with community partners and the middle-skill business community to

host the “Leon Works” exposition to educate high school students on local skilled career and training opportunities. The Expo represents a unique opportunity to bring students, skilled employers, educators, and providers of vocational training together under one roof to highlight the great skilled careers available in our community. Further, the Expo complements Leon County Schools’ efforts to identify and provide training for future skilled workforce needs and provides a forum for the business community and other educational partners to promote skilled career and training opportunities.

If the Expo is approved, staff would work closely with Leon County Schools to determine the date for this one-day event, which will more than likely be held in mid-October. The Expo will provide high school students with hands-on exposure to diverse and exciting skilled careers while raising awareness among parents, students, job seekers, and educators on local training and career opportunities. Staff has been exploring potential venues for hosting the Expo. The location for the Expo should be large enough to allow for hands-on demonstrations of skilled careers. The Expo would additionally need space to feature information booths where students could learn about opportunities for apprenticeships, certifications, and training and speak to potential employers.

Following Board approval to host the Expo, funding to host the Expo will be included as part of the development of the FY 2016 Budget. Additionally, staff will continue to meet with the Workgroup throughout the spring and summer to plan the Expo. During this time, staff will continue to reach out to employers, educators, and providers of vocational training to participate in the Expo. Additional roundtable meetings like the February 18, 2015 roundtable, and/or smaller meetings with skilled employers, are anticipated to be conducted over the summer to further engage employers on skilled career needs and opportunities. Following the October Expo, a stakeholder wrap-up meeting would be convened to evaluate the successes of the Expo and identify opportunities for future improvements and collaboration to prepare students and our community for the expected demand for skilled jobs.

Options:

1. Accept the Leon Works status update.
2. Collaborate with community partners and the middle-skill business community to host the “Leon Works” exposition to educate high school students (15-18 years old) on the diverse and exciting middle-skill jobs anticipated locally, while raising awareness regarding a wide range of career and training opportunities.
3. Do not accept the Leon Works status update.
4. Do not collaborate community partners and the middle-skill business community to host the “Leon Works” exposition to educate high school students (15-18 years old) on the diverse and exciting middle-skill jobs anticipated locally, while raising awareness regarding a wide range of career and training opportunities.
5. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

1. December 8, 2014 Annual Retreat Material on Middle-Skill Jobs
2. National Skills Coalition Florida Statistics
3. Where the jobs are: The new blue collar
4. Bridge the Gap: Rebuilding America's Middle Skills
5. January 28, 2015 Leon Works Workgroup Meeting Minutes
6. February 18, 2015 Roundtable Minutes
7. Fastest-Growing Middle-Skill Occupation Projects for Leon, Gadsden, and Wakulla Counties

5.3 Partnering to Promote Skilled Workforce Opportunities

Background:

- During the 2014 National Association of Counties Annual Conference, a workshop was held on Innovations in Workforce Development. This workshop focused specifically on the Upper Peninsula of Michigan's efforts to promote job opportunities in the community for high-demand, high-wage careers in the construction and industrial trades.
 - The mission of the Upper Peninsula Construction and Industrial Trades Regional Skills Alliance (UP Construction RSA) is to recruit the best and brightest into the construction industry by raising awareness among parents, students, job seekers and educators.
 - *Industrial Trades Career Day* was created in 2005 due to an estimated 40% of the industries' workforce set to retire by 2010 and awareness of the high-demand, high-wage career opportunities in the construction and industrial trades industries.
 - The event was nominated for the National Association of Workforce Boards W.O. Lawton Business Leadership Award in 2014 (Attachment #1).
 - A planning committee includes: UP Construction RSA, Michigan Works!, The Job Force Board, local educators and union representatives.
 - Over 400 high school juniors and seniors from three counties typically participate in the Industrial Trades Career Day to experience hands-on activities and gain first-hand knowledge of career opportunities within the trades. The career day also focuses on the role math plays in the everyday life of a construction worker while on-the-job. Attachment #2 contains several news articles regarding the day.

Current Issues:

- Middle-skill jobs require education beyond high school, but not a four-year degree, and make-up the largest part of America's labor market.
 - Account for 55% of Florida's labor market, but only 46% of the state's workers are trained to the middle-skill level (National Skills Coalition).
- The National Skills Coalition estimates that, from 2013-2021, 51% of Florida's job openings will be middle-skill jobs (Attachment #3).
- A USA Today article on "Where the Jobs Are" estimates that more than 2.5 million good paying middle-skill jobs will be created in the next few years, and poses the question, "Will workers know how to get them?" (Attachment #4).
- Florida CHOICES (www.flchoices.org) is the state's career information delivery system where high school students can prepare for work or postsecondary education.
 - Includes assessments for interests, skills, and values as well as information on careers and postsecondary education.
 - Website users can explore career clusters, search for careers matching education and needs, see hot careers in Florida, explore job banks, create resume, prepare for interview, explore schools choices, as well as college planning timelines.
- Local institutions providing career day opportunities:
 - Lively Technical Center, Tallahassee Community College and Florida State University all currently hold career fairs geared toward adults.
 - Leon County Schools partners with Tallahassee Community College to host a College and Career Fair.

Near-Term Issues:

- Evaluate and identify specific middle-skill job opportunities anticipated locally.
- Consider collaboration with community and regional partners to host a new “*Leon Works*” exposition to educate high school students (15-18 years old) on middle-skill career and job possibilities, anticipated locally, that do not necessarily require a traditional four-year college degree.
 - Possible partners include: CareerSource Capital Region, Leon County Schools, Tallahassee Community College Lively Technical Center, Keiser University, Florida Choices, and the Economic Development Council.
 - If pursued, anticipate the “*Leon Works*” exposition would provide students in our region with hands-on exposure to the diverse and exciting middle-skill careers while raising awareness among parents, students, job seekers, and educators regarding a wide range of career opportunities anticipated locally.
 - This exposition could include interactive exhibits, trade industry displays and demonstration projects that may require student involvement.

Long-Term Issues:

- Goal to make this event self-sufficient through the engagement of community and regional partners.

Current Strategic Priorities:

- Economy – To be an effective leader and a reliable partner in our continuous efforts to make Leon County a place which attracts talent, to grow and diversify our local economy, and to realize our full economic competitiveness in a global economy.
 - (EC2) – Support business expansion and job creation, including: the implementation of the Leon County 2012-2013 Job Creation Action Plan, to include evaluating the small business credit program. (2012)
 - (EC6) – Ensure the provision of the most basic services to our citizens most in need so that we have a “ready workforce.” (2012)

Current Strategic Initiatives:

- None currently

Potential New FY 2015 Strategic Initiative, for Board Consideration:

- Evaluate and identify the projected unmet local market for middle-skill job opportunities. (EC2, EC6)
- Based upon the projected unmet local market for middle-skill jobs, and with Board approval, collaborate with community and regional partners to host a new “*Leon Works*” exposition to educate high school students (15-18 years old) on the diverse and exciting middle-skill career and jobs anticipated locally, while raising awareness regarding a wide range of career opportunities. (EC2, EC6)

Attachments:

1. National Association of Workforce Boards W.O. Lawton Business Leadership 2014 Award Application
2. News articles regarding the *Industrial Trades Career Day*
3. National Skills Coalition State of Florida Statistics on Middle-Skill Jobs
4. USA Today Article on “Where are the Jobs?”

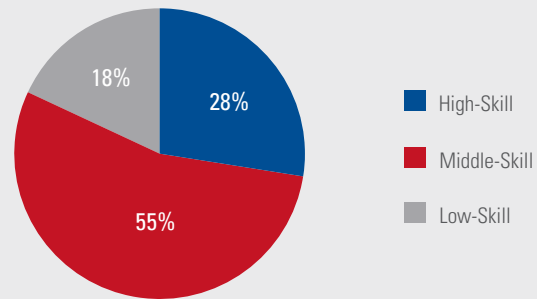
Florida's Forgotten Middle

Middle-skill jobs, which require education beyond high school but not a four-year degree, make up the largest part of America's and Florida's labor market. Key industries in Florida are unable to find enough sufficiently trained workers to fill these jobs.

Jobs by Skill Level, Florida, 2012

Demand for Middle-Skill Jobs is Strong

Fifty-five percent of all jobs in 2012 were middle-skill.

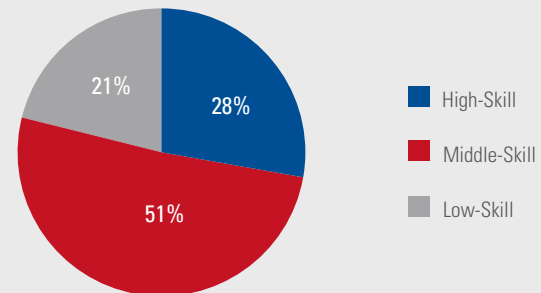


Source: NSC analysis of Bureau of Labor Statistics Occupational Employment Statistics by State, May 2012.

Job Openings by Skill Level, Florida, 2013-21

Demand for Middle-Skill Jobs Will Remain Strong

Between 2013-2021, 51 percent of job openings will be middle-skill.

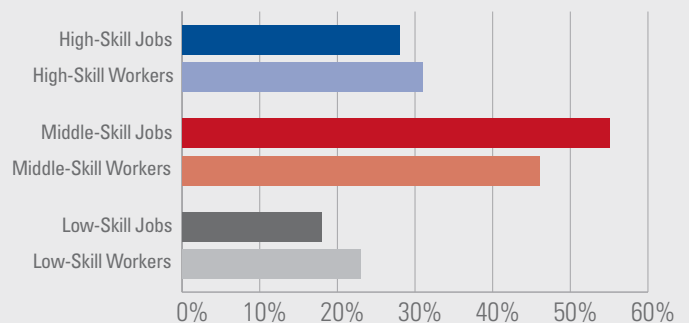


Source: NSC analysis of long-term occupational projections from state labor/employment agency.

Jobs and Workers by Skill Level, Florida, 2012

A Middle-Skill Gap

Middle-skill jobs account for 55 percent of Florida's labor market, but only 46 percent of the state's workers are trained to the middle-skill level.



Source: NSC analysis of Bureau of Labor Statistics Occupational Employment Statistics by State, May 2012 and American Community Survey data, 2012.



September 30, 2014

Where the jobs are: The new blue collar

*More than 2.5 million good-paying jobs will be created in the next few years.
Will workers know how to get them?*

By: MaryJo Webster, USA TODAY

Joseph Poole will make more than \$100,000 in wages and overtime by the end of the year.

The 21-year-old works in what looks like NASA's mission control, monitoring the manufacturing process at Chevron Phillips petrochemical plant in Houston. Poole didn't get the job with the engineering degree he originally considered. Instead, Poole landed it with a two-year course at a local community college.

"The potential to make just as much money as an engineer, but for half the cost of the education, was here," Poole says. "Just seeing firsthand how things are made is something I really enjoy doing."

By 2017, an estimated 2.5 million new, middle-skill jobs like Poole's are expected to be added to the workforce, accounting for nearly 40% of all job growth, according to a USA TODAY analysis of local data from Economic Modeling Specialists Intl. and CareerBuilder.

Not all pay as much as Poole's, but all pay at least \$13 an hour; many pay much more. These jobs require some training but far less school than a bachelor's degree. Technology has given many a makeover, leaving them worlds away from their assembly-line predecessors and challenging the notion that good blue-collar jobs are dead and that the only path to a good career is a four-year degree.

"There's a new middle. It's tougher, and takes more skill," says Anthony Carnevale, director of the Georgetown University Center on Education and the Workforce.

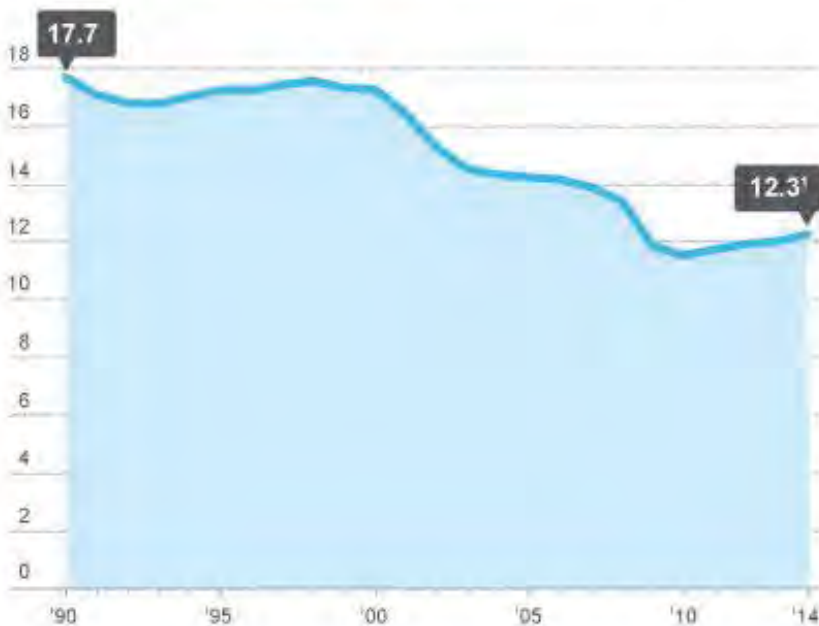
USA TODAY looked at jobs data in 125 of the nation's largest metros, finding that prospects look good.

- Houston is expected to add more than 100,000 middle-skill jobs by 2017, with 40% paying \$20 per hour or more. Several other Texas metros — Dallas, McAllen, Austin, Killeen and San Antonio — are among those expecting the fastest growth in middle-skill jobs.
- Atlanta needs construction workers, lighting experts and others to work in its fast-growing film industry. Skill is required, but not necessarily film experience for the 77,000 film workers (average pay \$84,000) and support personnel in 2012, who turned out movies such as *The Fast and the Furious* and *The Hunger Games* franchises, according to the Motion Picture Association of America.

- In Augusta, Ga., Salt Lake City, Knoxville, Tenn., and Vallejo, Calif., livable-wage, middle-skill jobs will be the primary driver for overall job growth, accounting for nearly half of all new jobs.
- In most metro areas, some of the best-paying middle-skill jobs include radiation therapists, elevator installers and repairers, and dental hygienists, all with a median wage of more than \$70,000.
- In such places as Texas and North Dakota where the gas and oil industries are booming, petroleum workers are needed. But so are the electricians, pipefitters, carpenters and others who build the infrastructure.

Manufacturers are hiring again

U.S. MANUFACTURING COMPANIES HAVE SHED THOUSANDS OF WORKERS SINCE JOBS PEAKED IN THE LATE '70S. BUT TOTAL EMPLOYMENT HAS PICKED UP AGAIN. TOTAL EMPLOYMENT BY YEAR (IN MILLIONS).

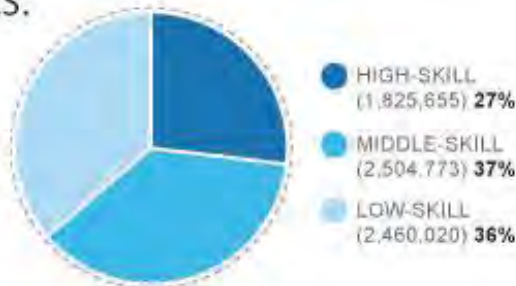


1 - Preliminary figure for August
Source Bureau of Labor Statistics

New jobs in the U.S.

MIDDLE-SKILL JOBS, REQUIRING SOME POST-SECONDARY EDUCATION BUT LESS THAN A BACHELOR'S DEGREE, ARE EXPECTED TO MAKE UP THE LARGEST SHARE OF NEW JOBS

NEW JOBS CREATED 2013 TO 2017:



Sources: Economic Modeling Specialists Intl., CareerBuilder
FRANK POMPA, USA TODAY

"This country is facing a shortage of that kind of talent. So the demand is there, big time," says Peter Cella, CEO of Chevron Phillips Chemical. Chevron and competitor ExxonMobil Chemical are both building giant plants that will triple the output of plastics from Houston. "What we need to work on is the supply."

The loss of blue-collar jobs — accelerated by the recent recession — has resulted in the "hollowing out of the middle," which has left behind either low-paying jobs or higher-paying jobs that require significant skills say some economists. But some economists say the middle is not gone; rather, it's growing.

"We have not become a barbell economy," says Paul Osterman, an economist and professor at the MIT Sloan School. "There will be tremendous demand for these jobs [when the Baby Boom generation retires.](#)" Currently, Boomers make up about 20% of the workforce.

Although manufacturing jobs have declined 35% since 1980, according to the U.S. Bureau of Labor Statistics, there's actually been a resurgence in recent years as American companies have found that moving jobs offshore was not a good approach for production that requires highly skilled labor.

"There's a lot of re-shoring," says Andrew Crapuchettes, CEO of Economic Modeling Specialists Intl. "They're coming back, but they are coming back different. More technician jobs, which pay more. There may be fewer jobs, but they are better jobs."

But that means more training, given that nearly 80% of the new blue-collar jobs require some, typically less than a year, according to [Carnevale's research](#). Some companies can provide it, but many require prospective workers to find their own classes.

Even in red-hot Houston, you'll need training.

"If you have no skills, you're not necessarily going to pop down here and find a job," says Cally Graves, senior industry liaison for the Gulf Coast Workforce Board in Houston. "You need to get some training or education ... otherwise, you'll end up in the same old situation you were in back home."

At E.J. Ajax, a precision manufacturing company near Minneapolis, training eats up 5% of the company's payroll, just to ensure a pipeline of workers is available to move up as employees retire.

"The global competition doesn't keep me up at night," says Erick Ajax, co-owner and grandson of the founder. "I know we can go toe-to-toe with any company in the world. But having people that have the right skill set ... that wakes me up at 3 o'clock in the morning."

Society's push to get all young people into four-year colleges — what William Symonds calls the "one road to heaven" approach — contributes to a shortage of skilled workers.

"People degrade or demean jobs that don't require a four-year degree. ...That's not what they want their kids to do," says Symonds, who is launching the Global Pathways Institute at Arizona State University to study this issue and urge policymakers to help students find the best "pathway" to success.

At the same time, high schools have dropped vocational and technical education programs over the past 30 years, eliminating a key way young people are introduced to these careers.

"Over the last 40 or 50 years, we've portrayed work differently and we reward some forms of education far more passionately than others," says Mike Rowe, host of *Somebody's Gotta Do It* and *Dirty Jobs*. After working blue-collar jobs across the country for his show, Rowe started a foundation, mikeroweWORKS, to address the image problem.

"Higher education is in one column and everything else is called alternative. And those kinds of pursuits are reserved for people who are somehow deficient or somehow not cut out for the desirable path."

"What's aspirational about 'middle skill'? It's going to take a generation to get people to really challenge the stereotypes. "

Rowe worries there are too many young people going to four-year colleges, racking up huge amounts of debt and ultimately ending up unemployed, when they could've taken a less-expensive path and ended up with a good-paying job.

MIKE ROWE, 'SOMEBODY'S GOTTA DO IT' AND 'DIRTY JOBS' HOST

Rowe also points out that language matters.

"What's aspirational about 'middle skill'?" says Rowe. "It's going to take a generation to get people to really challenge the stereotypes that come along with skilled-labor type jobs."

Change won't happen without students getting better information about career planning, says Andy Van Kleunen, executive director of the [National Skills Coalition](#).

"They need to know what the real employment prospects are going to be, including financial," Van Kleunen says. "What will school cost you? What will the pay be?"

Community and technical colleges are trying to fill the gap by enrolling young adults who either drop out of a four-year college or can't find a job after graduation.

Instructors at Lee College, near Houston, say they are seeing an increasing number of students apply for the school's petrochemical-related programs after initially pursuing a bachelor's degree in petroleum or chemical engineering.

"These are 'gold collar' jobs," says Charles Thomas, the head of the school's process technology division. "Technicians in our program start out with \$62,000 base salary plus overtime."

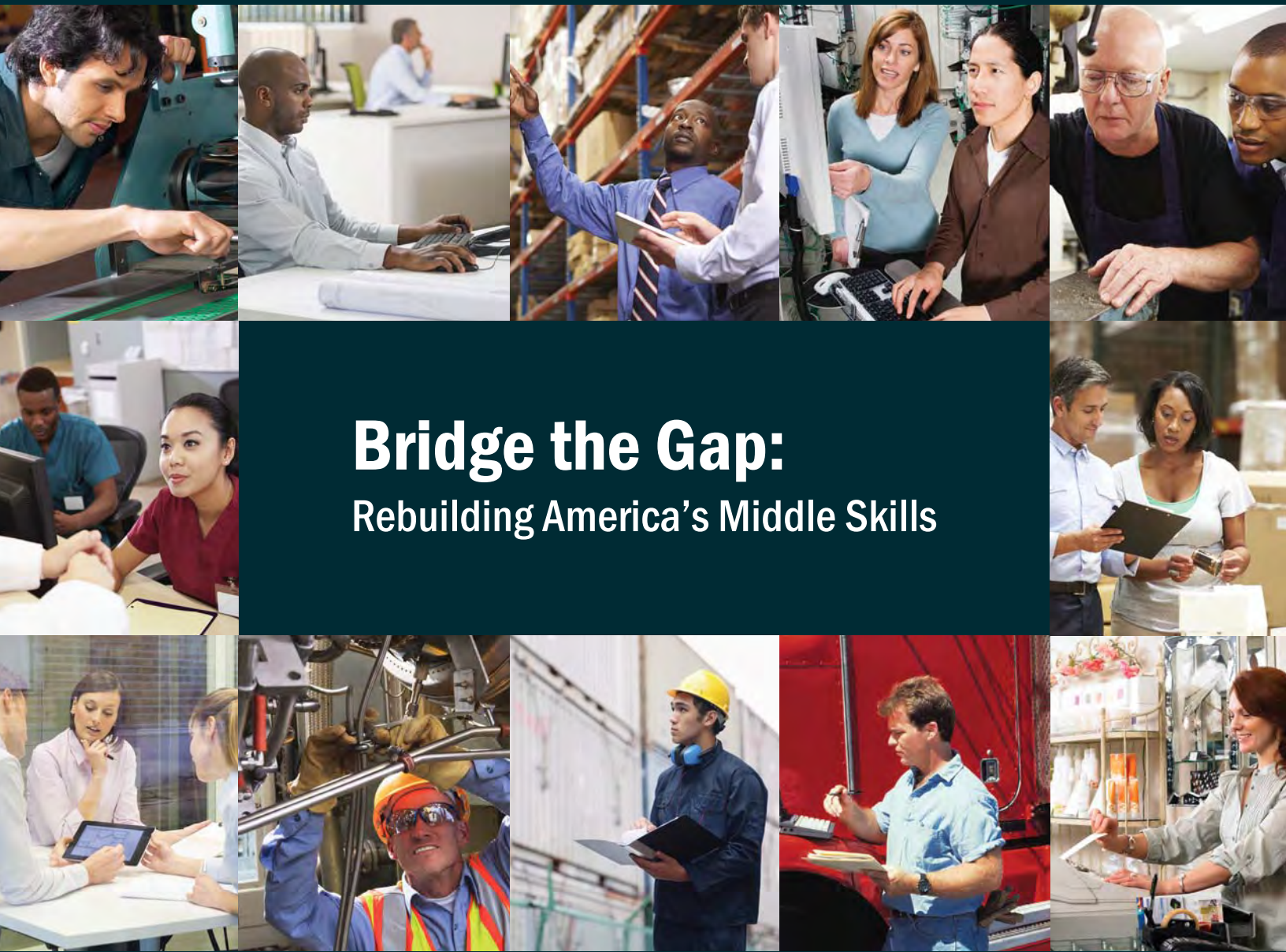
Laci Patty, 30, a physics teacher, was frustrated by the emphasis on standardized testing and other changes in education. When a Lee College instructor came to her class to recruit students for the program, they ended up recruiting her. She started night classes earlier this year.

"There's actually a chance for advancement and more money," says Patty, who will graduate next summer.



Laci Patty, a physics teacher in the Houston area, is taking night classes to change careers and work in the petrochemical industry.
(Photo: KHOU-TV, Houston for USA TODAY)

Source: <http://www.usatoday.com/longform/news/nation/2014/09/30/job-economy-middle-skill-growth-wage-blue-collar/14797413/>



Bridge the Gap: Rebuilding America's Middle Skills

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EXECUTIVE SUMMARY

Business and civic leaders, educators, and policymakers of all stripes share concerns over the relentless erosion of America's middle class and growing polarization of incomes. Most decry the loss of middle-class jobs and fear the corrosive effects such trends might wreak on the nation if left unchecked. At the heart of the issue is an oft-discussed anomaly: while millions of aspiring workers remain unemployed and an unprecedented percentage of the workforce report being underemployed, employers across industries and regions find it hard to fill open positions. The market for middle-skills jobs—those that require more education and training than a high school diploma but less than a four-year college degree—is consistently failing to clear. That failure is inflicting a grievous cost on the competitiveness of American firms and on the standard of living of American workers.

This market failure must be addressed. It is time we stopped accepting the cliché that America's job engine is stalled. Today, business leaders have a promising opportunity to work with educators, policymakers, and labor leaders to spark a revival of middle-skills jobs. To accomplish that, they must radically rethink their businesses' roles in nurturing talent. This will also require employers to accept leadership over America's system for educating aspiring workers and bringing the unemployed back into the workforce.

Historically, for innumerable Americans, middle-skills jobs served as the springboard into the middle class. Machinists and registered nurses, technical salespeople and computer technicians, financial analysts and a host of other jobs constituted the backbone of America's workforce. Their productivity drove America's competitiveness. Over the past three decades, however, the United States steadily lost its capability to create and sustain enough jobs to support the realization of the American dream for millions of workers. Between 1979 and 2000, real hourly wages for middle-skills workers stagnated; since then, wages have fallen.

The powerful forces of globalization and technological innovation account for some of that decline. As those changes buffeted the economy, they also eroded the underpinnings of America's once-effective workforce development system. In the face of that turbulence, too many businesses began relying on the "spot market" to fill their middle-skills needs instead of investing in workforce development efforts. Relationships between employers and community colleges and other talent suppliers weakened. Educators burdened by budget cuts focused on enrollment levels and graduation rates. As once-important employers stopped hiring and newer disciplines emerged, educators found it harder to train students with relevant skills.

Information deficiencies further plagued a system unused to addressing such a turbulent job market. Employers had little incentive to develop or share projections of their needs with educators, to incur the costs of defining qualifications on an industry-wide basis, or to invest in apprenticeships and cooperative education programs. Students and other aspiring workers had virtually no access to relevant information on which courses of study to pursue, how to compare between entry-level jobs for their long-term career paths and wages, or which skills local businesses were seeking.

The cumulative effects of those trends are now fully apparent in the United States. Underemployment is rampant for both middle-skills workers and recent college graduates. Too few have highly marketable skills; too many have pursued courses of study for which there is little demand. Ballooning student debt threatens the future of graduates and looms over the federal budget. Employers find it hard to fill occupations ranging from healthcare technicians to technical sales and service. Companies cite fears about the availability of skilled labor as a major deterrent to their growth plans. The current system is failing to serve the interests of employers and aspiring workers alike.

Despite the persistence of problems, no consensus has emerged on how to interdict this destructive cycle. The major stakeholders—business, educators, and policymakers—have consistently called for other players in the system to improve their performance, while attempting to improve their own results in isolation. So far, few have collaborated to take collective action and restructure the broken system.

We believe that U.S. competitiveness, broadly defined, provides alignment among different stakeholders in the skills-development system. By applying the lens of competitiveness, we endeavor to show how the use of information can improve outcomes for employers and workers. The first, essential step is to differentiate among the vast array of middle-skills jobs and concentrate on those with three important attributes:

- They create high value for U.S. businesses;
- They provide not only decent wages initially, but also a pathway to increasing lifetime career value for many workers;
- They are persistently hard to fill.

The recent emergence of much more sophisticated jobs-market data allows businesses, educators, and students to overcome the impediments posed by the information deficiencies of the past. Vehicles now exist for employers to define, communicate, and update the competencies they are seeking to wide audiences. For example, an analysis of current middle-skills job postings reveals jobs such as technical sales and sales management are both more plentiful and more rewarding than those that receive significantly more attention in the national dialogue, such as advanced manufacturing occupations. As a result, students can relate the investment of time and tuition dollars required to obtain a certification or degree to the associated earnings potential. Similarly, educators can redirect resources to developing training programs for better-paying jobs and where demand is growing.

Our analysis underscores the need for leaders from the business, education, and political spheres to act in concert to restore growth in America's middle-skills ranks.

- Business leaders must champion an employer-led skills-development system, in which they bring the type of rigor and discipline to sourcing middle-skills talent that they historically applied to their materials supply chains.
- Educators must embrace their roles as partners of employers and help their students realize their ambitions by being attentive to developments in the jobs market and the evolving needs of employers.
- Policymakers must actively foster collaboration between employers and educators, invest in improving publicly available information on the jobs market, and revise metrics used by educators and workforce development programs such that success is defined by placing students and workers in meaningful employment.

All the stakeholders must also commit to contributing to a new conversation about work in America. Too often, our society's leaders convey that a four-year college education is the only path to a respectable and rewarding career. That is not true. America's competitiveness rests on the shoulders of its middle-skills workforce. Sustaining competitiveness will require a collective effort to restart America's middle-skills engine.

CAUGHT IN THE MIDDLE

America faces a pervasive and seemingly intractable skills challenge. Well before the Great Recession, in the 1980s and 1990s, fissures began appearing between the skills demanded by American employers and the skills offered by America's labor force. The slow, jobless recovery that followed the Great Recession reinforced how wide the chasm had grown over the last few decades.¹ More than 60 months after the recession officially ended in June 2009, the American economy remains mired in a disturbing skills trap. Month after month, the U.S. labor force suffers a high unemployment rate, even as employers complain that job openings remain hard to fill. In August 2014, for example, the number of unemployed persons in America stood at 9.6 million,² with 4.8 million open job postings.³

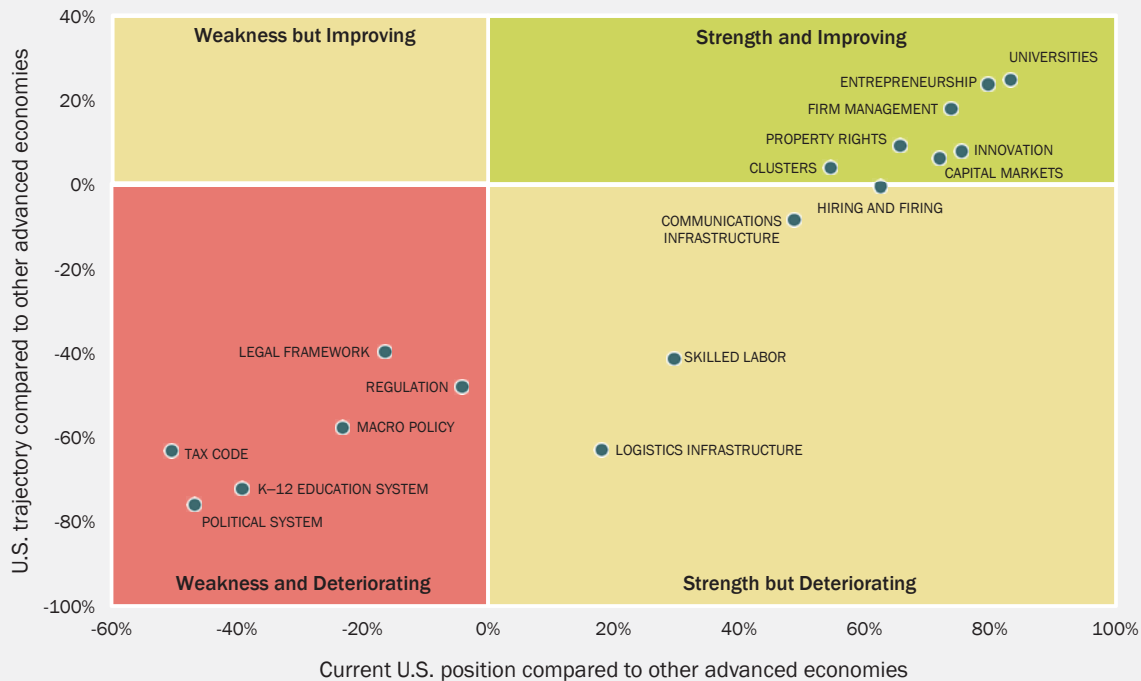
Economists, policymakers, labor unions, business leaders, and the media have all documented the mismatch in skills from their unique perspectives and offered solutions. Yet despite years of debate, America's skills gap—especially for solid, middle-skills jobs associated in the popular mind with the American dream—refuses to shrink. Why is this so? Why don't employers, educators, and potential employees take more decisive steps to end this misalignment? Who should take the lead in bridging the gap?

To probe these complex questions, the Harvard Business School launched a research initiative in 2013 in partnership with Accenture and Burning Glass Technologies. The three partners shared a common interest in trying to shed new light on the causes of the skills gap and, specifically, the role business could play in closing it.

For HBS, this research marked a natural progression in advancing our understanding of how to improve U.S. competitiveness. The School launched the U.S. Competitiveness Project in 2011 as a data-driven, non-partisan effort to diagnose the strengths and weaknesses of the U.S. economy—and to identify measures business leaders and policymakers could take to improve the nation's competitiveness. The research effort is guided by an overarching definition, developed by HBS faculty members, of what constitutes U.S. competitiveness: "The United States is a competitive location to the extent that companies operating in the U.S. are able to compete successfully in the global economy while supporting high and rising living standards for the average American."⁴

The first phase of HBS research in 2011, which covered 17 elements of competitiveness, confirmed that America's skills issue was a critical factor undermining the U.S. economy (see Figure 1). Annual surveys of HBS alumni worldwide

FIGURE 1: ASSESSMENT OF ELEMENTS OF THE U.S. BUSINESS ENVIRONMENT IN 2011



Note: Scored as percentage with positive views minus percentage with negative views.
Source: Michael E. Porter and Jan W. Rivkin, "Prosperity at Risk: Findings of Harvard Business School's Survey on U.S. Competitiveness," January 2012.

consistently suggested that the skills of the American workforce, once viewed as a source of competitiveness, were in decline relative to those of workers in other developed economies.⁵ The findings also implied that the perceived skills gap was influencing corporate decision making. For example, HBS alumni involved in firm location choices reported that access to skilled labor was more often a reason to move a business activity out of the United States than it was a reason to *keep* an activity in America.⁶

For Accenture, the initiative aligned with the company's long-standing commitment to skills and employment research; talent development for clients around the world; and its *Skills to Succeed* corporate citizenship initiative. Through *Skills to Succeed*, Accenture aims to equip, globally, 700,000 people by 2015 with the skills to get a job or build a business. Accenture's experience working with global organizations, researching talent and skills issues, and

equipping people with skills that enable them to contribute to the economy was vital in understanding how to close the middle-skills gap in the U.S.

The partnership was greatly enhanced by Burning Glass Technologies' agreement to join the effort. A Boston-based labor market analytics firm, Burning Glass collects U.S. job postings from over 38,000 sources. The company uses advanced proprietary text mining to read each job description posted online. It is widely regarded as the differentiated source of real-time information about the U.S. labor market. Burning Glass generously provided access to job-posting data from January 1 to December 31, 2013, allowing the entire team to analyze the middle-skills labor market in terms of trends in specific jobs, experience, qualifications, and skills sought by employers.

MAPPING THE MIDDLE-SKILLS LANDSCAPE

The authors of this report would like to start by gratefully acknowledging the deep analysis and thoughtful research undertaken by scholars and commentators on the middle-skills gap. Our effort sought to build upon that existing research. We hope to contribute a framework that allows leaders—most importantly business executives—to understand the competitive implications of the skills gap and to provide them with a set of specific and actionable recommendations for addressing it.

We began with a survey of the labor market. The basic demographics of employment are widely known. The recovery has proven a disappointment in terms of job creation when compared to previous rebounds. Broader measures of workforce demographics suggest widespread underemployment (see Figure 2 on Page 6).⁷

While the nominal unemployment rate has fallen, much of that apparent improvement has stemmed from workers taking part-time positions. Historically, during recessions it is usual for part-time employment to increase. However, this time, the persistence of high part-time employment even during the recovery is unusual. Longitudinal analysis shows that the recent recession registered a sharp spike in the number of part-time employed—peaking at 19.7% in 2010, but still short of the all-time high of 20.3% in 1983. But what is more surprising is how long high part-time employment has lingered well into the recovery.⁸ By August 2014, the rate had climbed up to 23%, well over the historic highs in the past.⁹

The long-term unemployed have found it particularly difficult to reenter the workforce. Thirty percent of workers who were unemployed long-term (27 weeks or more) between 2008 and 2012, in follow-up interviews after 15 months, admitted

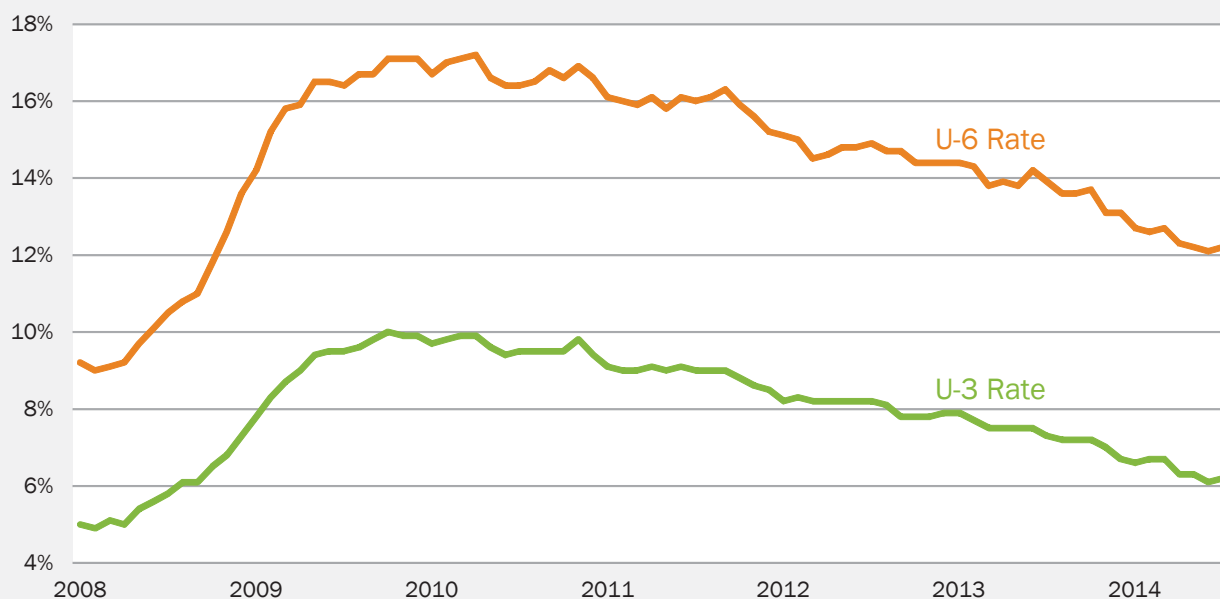
that they were still unemployed and looking for work. Another 34% had stopped looking for work altogether.¹⁰ With each passing month away from work, worker skills and experience erode and become more irrelevant.¹¹

The lethargy in the labor market applies to college graduates, too. Unemployment in recent college graduates between 20 and 29 years of age and with Bachelor's degrees was 11.5% in October 2013, compared to 9.0% in October 2007.¹² A study by the Federal Reserve Bank of New York also revealed the eroding quality of work secured by recent college graduates. More than 40% held jobs that do not traditionally require a college degree; of those underemployed graduates, almost 20% were working part-time and more than 20% were in low-wage jobs.¹³

Perhaps most alarming has been the decline in workforce participation to a level not seen since the late 1970s.¹⁴ Although a decline in participation has been forecast for some time as the inevitable consequence of changing demographics, recent research also suggests that it is being driven by the economics of employment.¹⁵ If potential workers cannot find employment that is more rewarding than relying on public assistance or family and social networks for support, they are less likely to continue to seek work.

The extent and persistence of high levels of unemployment and underemployment seem paradoxical in light of employers' complaints about their inability to fill open positions. We reviewed a range of studies that indicate that companies nationwide continue to find it difficult to attract talent with the requisite skills. They all tell a similar tale. For example, in a 2013 survey by Adecco, a workforce solutions provider in the United States and Canada, 92% of senior

FIGURE 2: LABOR UNDERUTILIZATION (2008-2014)



Source: Bureau of Labor Statistics, Current Population Survey.

executives expressed the opinion that troubling gaps in skills plague the workforce. Nearly 44% of the executives indicated that it was difficult to fill jobs because candidates lacked soft skills like communication and critical thinking.¹⁶ Similarly, 49% of the respondents to Manpower Group's Talent Shortage Survey in 2013 indicated that talent shortages were undermining their ability to serve customers.¹⁷ Employers cited the absence of technical skills (48%) and of workplace or soft skills (33%) as the most significant barriers to fulfilling their needs.¹⁸ Companies in the U.S. can expect to feel the pinch even more severely in the future as more than 76 million baby boomers age, and their current labor participation rate falls from 80% to below 40% by 2022, typical of older age groups.¹⁹

To deepen our understanding of the employer perspective, two partners of our team conducted new surveys, each targeting a unique audience. In a broad survey of 10,000 HBS alumni between December 2013 and January 2014, HBS faculty unearthed very similar results to those provided by sources like Manpower. Some 38% of respondents replied that it was either very difficult or somewhat difficult to fill middle-skills positions, while only 26% indicated that it was either very easy or somewhat easy to do so. HBS alumni from middle-sized companies²⁰ found the task particularly challenging, with 46% reporting that sourcing appropriately skilled talent was either very difficult or somewhat difficult.

Accenture conducted a companion survey in February 2014 of more than 800 human resources (HR) executives. It discovered that 56% of respondents found middle-skills jobs hard to fill, with finance and insurance (68%) and healthcare

(54%) companies experiencing the greatest challenges. Fully 69% of the overall sample and over 70% of the largest companies (those with revenues greater than \$2 billion) indicated that their inability to attract and retain middle-skills talent frequently affected their performance. Over one-third of respondents believed that inadequate availability of middle-skilled workers had undermined their productivity, with manufacturing (47%) and healthcare (35%) the hardest hit.

These data imply sobering consequences not only for companies, but also for new entrants to the workforce and the unemployed hoping to reenter the labor force. America's education and workforce development systems are just not producing a sufficient number of graduates with skills relevant to today's workplace and for jobs in high demand. Employers are finding that the available talent fails to meet their standards. The data suggest that aspiring workers cannot prudently assume that academic degrees or certifications related to some desired career will necessarily lead to employment. If left unaddressed, the challenge for workers to acquire and retain attractive middle-skills jobs will only worsen over time.

The long-term evolution of the U.S. workforce is therefore a source of concern in more than one way. Over time, America has witnessed a gradual polarization of skills in the labor market. The 1980s saw employment growth as well as wage growth for high-skill, high-wage jobs; the period from 1999 to 2007 saw an increase in low-education, low-skill jobs, while middle-skills jobs and wages declined or remained stagnant.²¹

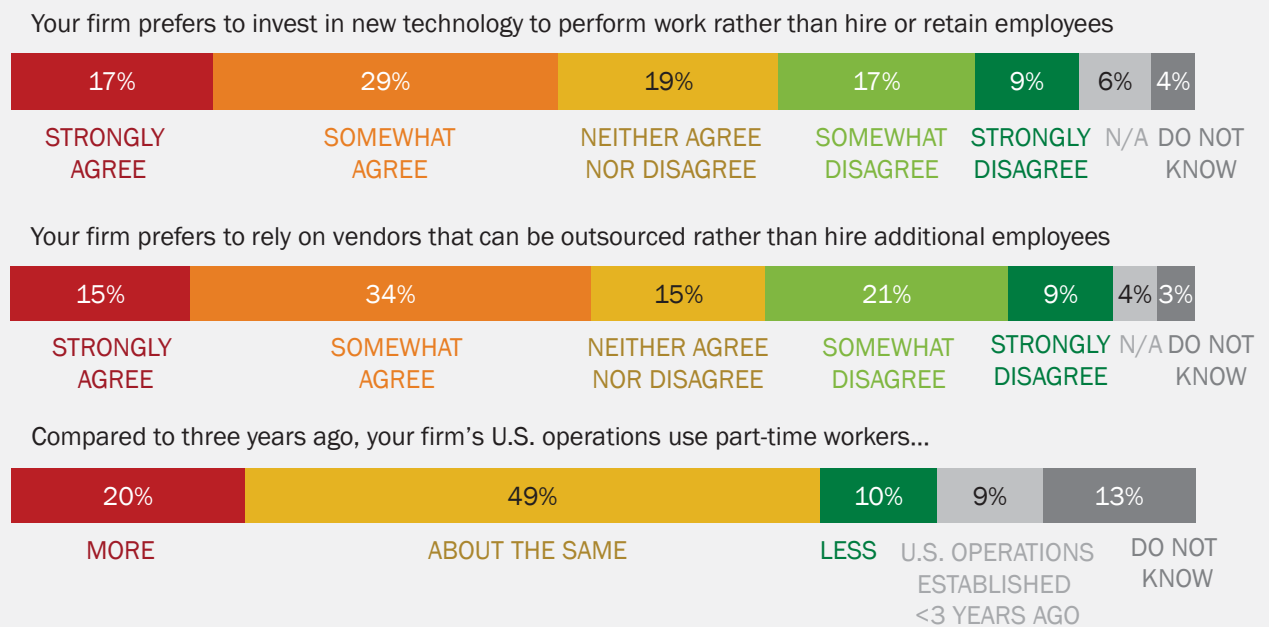
Since 2000, “deskilling” has added further pressure on the labor market as highly-educated, high-skilled workers moved down the occupation ladder and took jobs historically held by lower-skilled workers.²² In recent years, “mal-employment,” in which workers are overeducated for their job, has been on the rise.²³

The growth in polarization transcends business cycles, but it has been demonstrated to accelerate dramatically during recessionary periods. One study suggests that it accelerates at nearly six times the rate in recessions when compared to periods of economic expansion.²⁴ The polarization has become more pronounced in the recent downturn. A report from the National Employment Law Project (NELP) found that low-wage sectors, such as food services and retail trade, accounted for only 22% of jobs lost during the Great Recession but 44% of jobs gained since the beginning of the recovery. Mid-wage jobs accounted for 37% of losses but only 26% of gains; higher-wage jobs, 41% of losses but only 30% of gains.²⁵ While a recent NELP survey suggests an uptick in hiring in higher-wage jobs, total employment in middle- and high-paying jobs is 1.2 million jobs lower than before the recession. If this remains largely a “barbell-shaped jobs recovery”—one with employment gains recorded at the top and bottom ends of the market—it will have important implications for aspiring workers. The evolution of the composition of the workforce does not provide any assurance that workers can rely on a rising tide to enjoy

higher living standards. Accenture’s analysis of the U.S. labor market warns that trends such as an aging workforce and lower workforce participation rates could result in a 9% decline in U.S. standards of living (per capita GDP in real dollars) by 2030.²⁶ To improve their lot, workers will therefore have to rely on developing marketable skills.

But that won’t be easy. The 2013–14 HBS alumni survey on U.S. competitiveness revealed another troubling insight: employers appear reluctant to hire full-time workers if an alternative presents itself. First, the survey showed, 46% of respondents agreed that their firms’ U.S. operations prefer to invest in technology to perform work rather than hire or retain employees, while only 25% disagreed.²⁷ Second, 49% said that their firms preferred to rely on vendors to perform work that can be outsourced, while only 29% reported that their firms would rather hire additional workers and keep work in-house. Third, when choosing to hire, companies also indicated a distinct preference for relying on part-timers. Companies that increased their reliance on part-time workers over the past three years outnumbered those that had reduced their proportion of part-timers by two to one (see Figure 3). This reluctance of employers to hire puts pressure on American workers in two ways. To attract potential employers, workers must develop skills that are integral to companies’ strategies, and they must demonstrate the capacity to master new competencies as their workplace evolves.

FIGURE 3: APPROACHES TO HIRING DECISIONS



Note: Percentages do not sum to 100% because of rounding.
Source: Harvard Business School 2013–14 Survey on U.S. Competitiveness.

Where will U.S. workers get those skills? Ironically, not from many of the employers who bemoan the lack of skilled job applicants. Only a minority of respondents to both the HBS and Accenture surveys indicated that their firms invested in skill-building for *potential* employees. For example, in the HBS survey, only 45% of the respondents said their firms offered internships or apprenticeships for middle-skills jobs. In the Accenture survey, just 22% of companies said they would always consider bringing someone on who requires additional training when they're having trouble filling a role. Even fewer small companies (14%), those with annual revenues of less than \$250 million, said they were willing and able to do so.²⁸

This apparently widespread unwillingness of many employers to take a more active hand in filling a skills gap that many complain threatens their competitiveness struck our team as perplexing. During the course of this research, when we asked employers about it, we found many believed that their firms could avoid the negative consequences of the skills gap, despite knowing that their industry suffered from one. They believed they would continue to attract the talent, even while predicting an enduring shortage in the general marketplace. We hope this report helps more businesses become self-aware about the need to invest in middle-skills development—not just for their own immediate needs but for building a long-term pool of skills for the region, industry, and community.

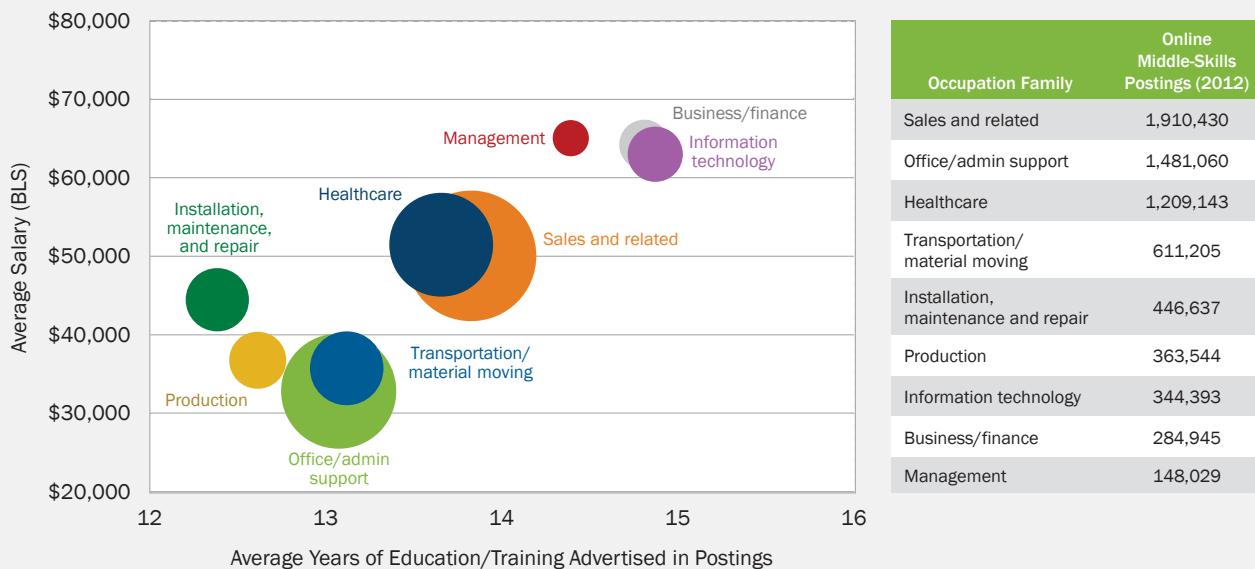
DEFINING A COMPETITIVENESS-BASED APPROACH

Despite the mass of impressive scholarly work on the middle-skills gap, the issue had not been viewed through the lens of *competitiveness*. We believe that using the expansive definition of competitiveness, employed in the broader HBS research on the U.S. economy, might reveal how business leaders, educators, and policymakers should go about addressing the skills gap—and where they ought to focus their attention.

To begin that analysis, we probed if the broad and elastic definition of “middle skills” in fact stood in the way of developing strategies to close the skills gap. The standard definition of a middle-skills job—one requiring more than

a high school diploma and less than a four-year college degree—encompasses a huge array of occupations. Burning Glass reported almost 7.3 million online postings²⁹ for middle-skills jobs in 2013, out of a total of 19.9 million online postings.³⁰ In a typical month, approximately 600,000 postings come online for middle-skills jobs. Those jobs range considerably in terms of average compensation and the time required to earn the credentials. As Figure 4 illustrates, middle-skills jobs are as diverse as those who hold them,³¹ differing widely in their average compensation, the education and training required beyond a high school degree, and the content of work itself.

FIGURE 4: THE SCOPE OF MIDDLE SKILLS: AVERAGE SALARY AND EXPECTED QUALIFICATIONS



Sources: Bureau of Labor Statistics, 2012 Occupational Employment Statistics dataset; Burning Glass Technologies' database of online job postings for 2012.

To understand the impact on U.S. competitiveness, we therefore needed to understand the attributes of middle-skills jobs at a more granular level. Specifically, we wanted to understand how the middle-skills gap affected the United States' ability to achieve the twin objectives of being a base from which firms can compete successfully in the global economy *while* supporting high and rising living standards for the average American. If the skills gap is a threat to America's ability to support globally competitive enterprises, it must be felt in specific jobs that are crucial to firms' performance. Which middle-skills jobs meet that standard, and are they, in fact, hard for employers to fill? If the gap is

a threat to the living standards of average Americans, we wanted to understand whether middle-skills positions still offer American workers the opportunity to enjoy high and rising living standards. Or has the polarization of America progressed so far that most workers with middle skills are condemned to stagnant or declining living standards?

By analyzing those questions, we hoped to develop some insight about what leaders of all stripes, but most importantly business leaders, can do to start reducing the skills gap.

SEGMENTING MIDDLE-SKILLS JOBS

Exploring the implications of the middle-skills gap for competitiveness required us to develop a tool for describing jobs in terms of two major variables: their importance to the strategic success of American companies and their capacity to support high and improving standards of living for someone holding that job. We developed the framework below, mapping those two variables along Y- and X-axes (see Figure 5). The "Value to U.S. Business" axis displays how important an occupation is to U.S. business by measuring how much the industry contributes to the U.S.

economy and how critical each occupation is to relevant industries. The "Career Lifetime Value" axis displays the value of an occupation to a worker by measuring the occupation's average salary and future earning potential. (For a detailed explanation of the methodology please turn to Appendix I on Page 29.) This matrix provides us with a tool to relate those two fundamental elements of the definition of competitiveness. Occupations that sustain U.S. competitiveness are those that offer enduring value to both businesses operating in the U.S. and American workers.

FIGURE 5: FRAMEWORK FOR OCCUPATIONAL IMPORTANCE TO U.S. COMPETITIVENESS

Which occupations are critical to U.S. competitiveness?

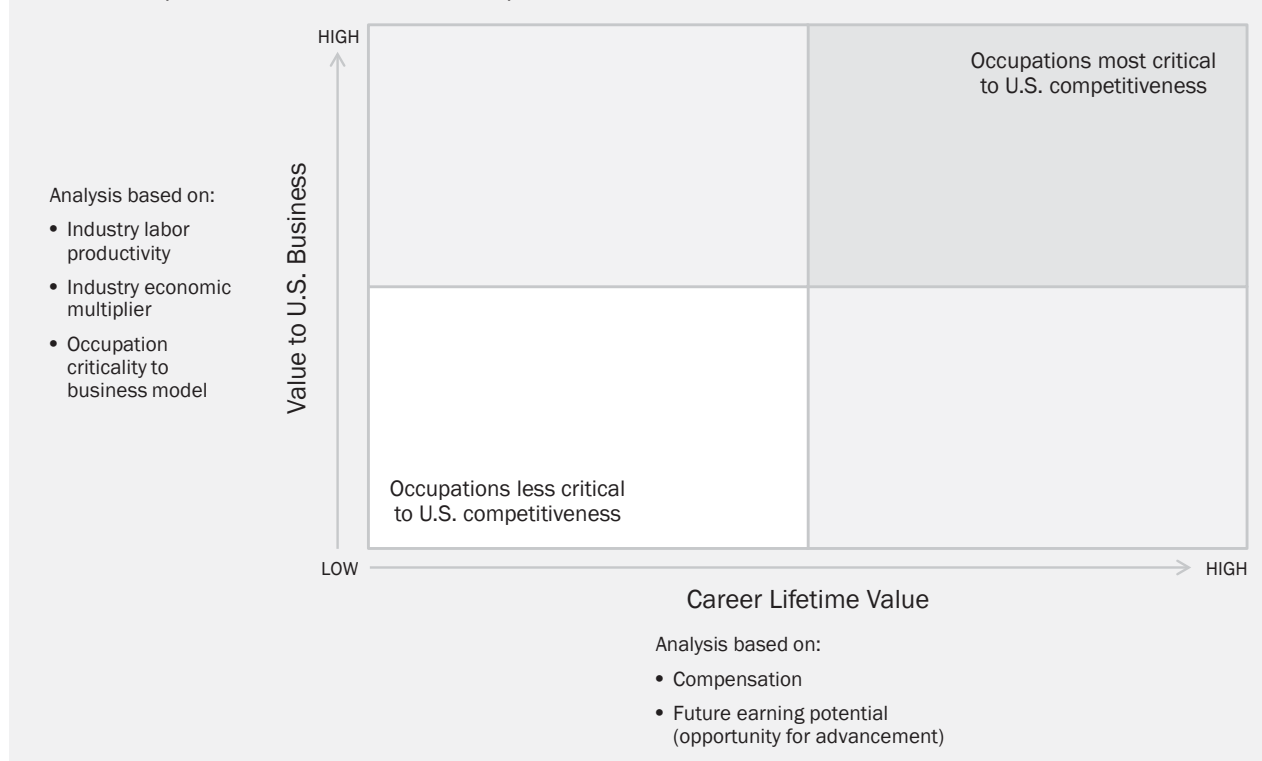
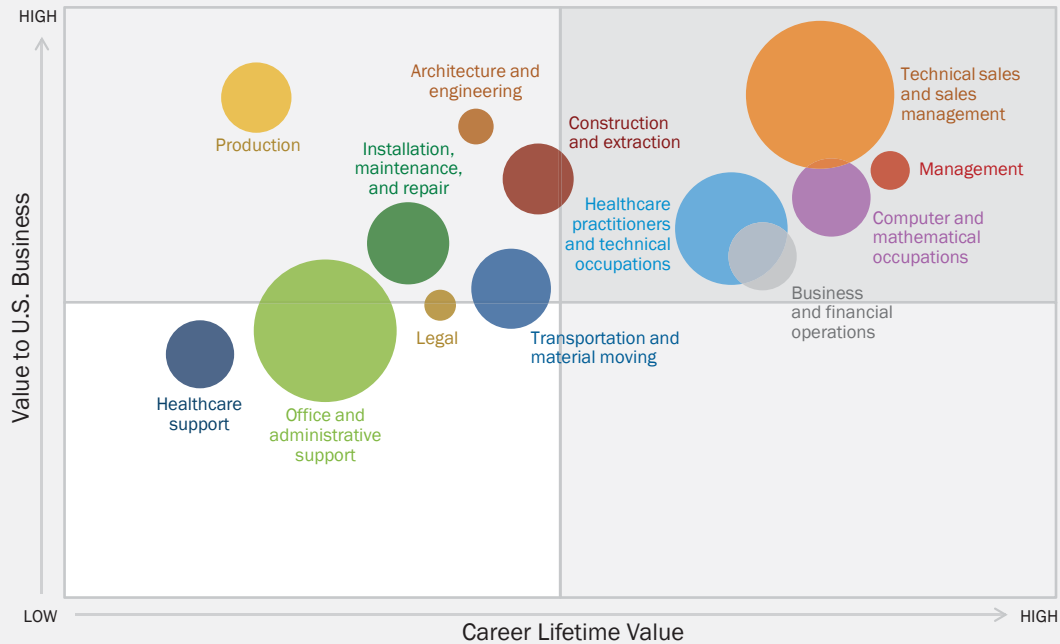


FIGURE 6: IMPORTANCE OF MIDDLE-SKILLS OCCUPATION GROUPS TO U.S. COMPETITIVENESS (NATIONAL VIEW, 2013)



Note: Bubble size reflects relative number of job postings.³⁴

Sources: Bureau of Labor Statistics, 2013 Occupational Employment Statistics dataset; Bureau of Economic Analysis; Accenture Middle-Skills Survey 2014 and industry subject matter experts; Burning Glass Technologies' database of online job postings for 2013. For a detailed methodology, see Appendix I on Page 29. The number of construction and extraction jobs is an estimate.

Relying on data provided by Burning Glass, Accenture analysis, and a host of other supporting sources, the team first deployed the framework nationally, at the level of occupational groups.³² That analysis revealed some interesting insights that belie some of the conventional wisdom pertaining to middle-skills jobs.

For example, the analysis showed the importance of certain occupational categories, such as technical sales and sales management (see Figure 6), which receive precious little attention in the national dialogue about middle skills. In addition to being the single largest occupation group in terms of job postings in 2013 (23%), these jobs fare well on both dimensions of competitiveness. Unsurprisingly, so do occupations captured in the computer and mathematical grouping.

Despite much recent excitement about the potential for advanced manufacturing and the possible repatriation of manufacturing jobs, many such jobs do not offer a high career lifetime value for workers. Production jobs bifurcate into two categories with divergent career earning potential: lower-wage general production jobs and higher-wage skilled production jobs. Average wages in the general production category hover around \$16 an hour, while average wages for skilled production jobs jump to \$25 an hour.³³ Moreover, general production jobs are at the greatest risk of being re-offshored, depending on the vagaries of wages and trade

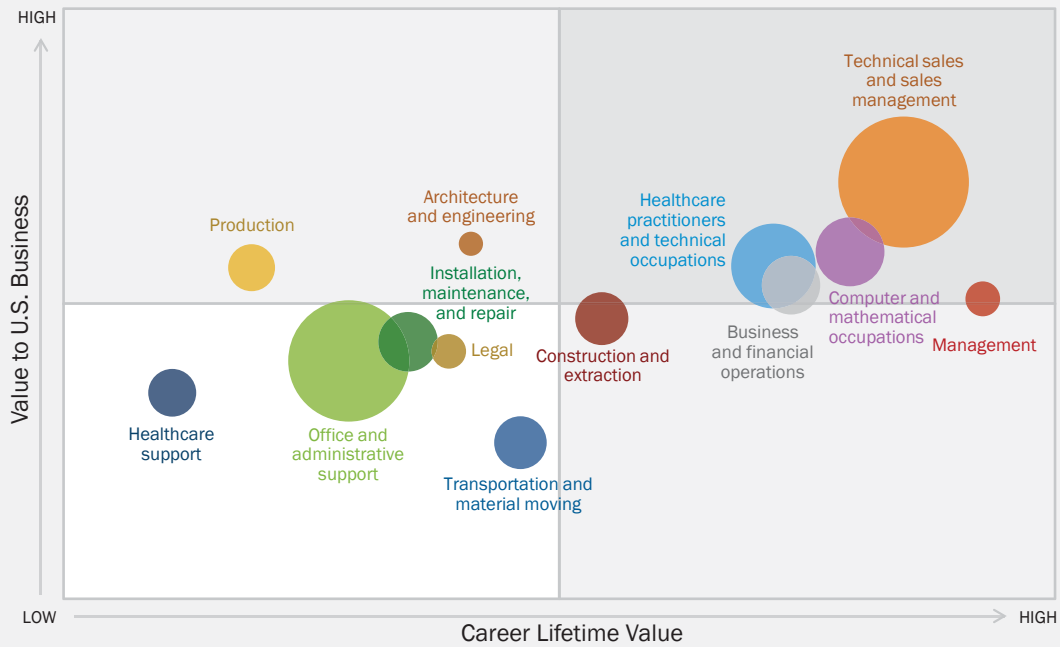
flows worldwide. They are also at risk of being replaced by new technologies.

The analysis also revealed how unevenly occupations are spread across the U.S., reflecting clusters of economic development. The importance of various industries varies by region, based on the degree to which they are located there. For example, a comparison of the states of New York (see Figure 7) and Illinois (see Figure 8) shows the greater services orientation of the former and the greater concentration of manufacturing and engineering-related businesses in the latter.

Such considerations are particularly important for policymakers and those involved in regional economic development. State and local governments can use such data both to understand the current requirements of businesses located within their jurisdictions and to anticipate future needs.³⁵

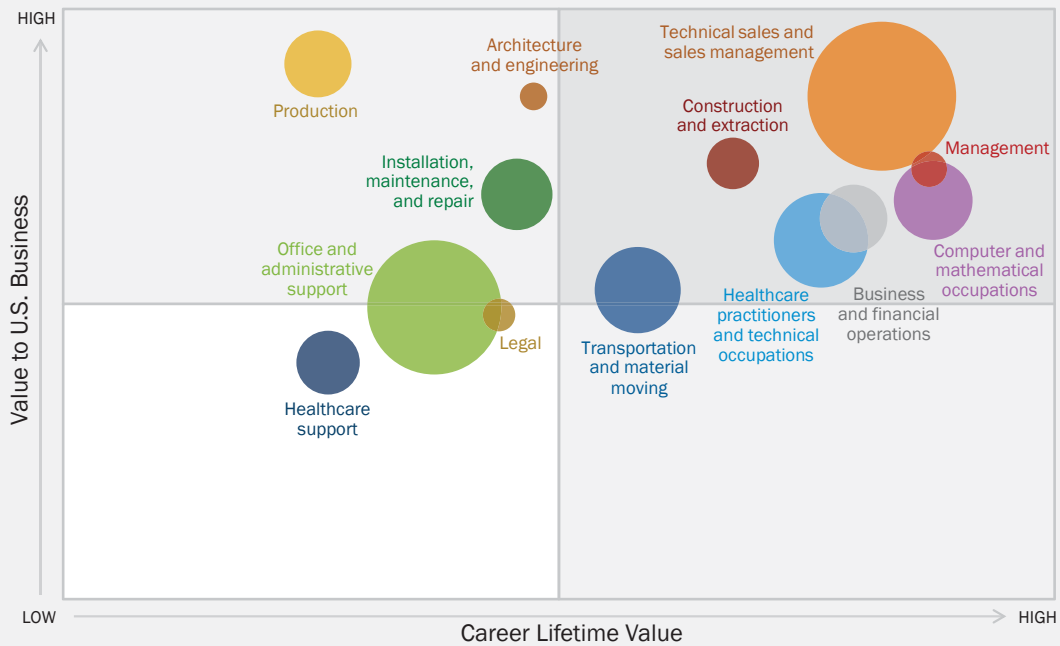
The significance of viewing middle-skills jobs through the lens of competitiveness becomes more apparent at the level of specific jobs within occupational categories. A detailed breakdown of jobs within the broad production category reveals much about the value of those positions, especially to aspiring workers. The jobs are universally evaluated as important to the competitiveness of American businesses that rely on them. Paradoxically, they are not associated

FIGURE 7: IMPORTANCE OF MIDDLE-SKILL OCCUPATION GROUPS TO U.S. COMPETITIVENESS (NEW YORK STATE VIEW, 2013)



Sources: Bureau of Labor Statistics, 2013 Occupational Employment Statistics dataset; Bureau of Economic Analysis; Accenture Middle-Skills Survey 2014 and industry subject matter experts; Burning Glass Technologies' database of online job postings for 2013. For a detailed methodology, including an explanation of differences between this state view and the national view, see Appendix I on Page 29. The number of construction and extraction jobs is an estimate.

FIGURE 8: IMPORTANCE OF MIDDLE-SKILL OCCUPATION GROUPS TO U.S. COMPETITIVENESS (ILLINOIS STATE VIEW, 2013)



Sources: Bureau of Labor Statistics, 2013 Occupational Employment Statistics dataset; Bureau of Economic Analysis; Accenture Middle-Skills Survey 2014 and industry subject matter experts; Burning Glass Technologies' database of online job postings for 2013. For a detailed methodology, including an explanation of differences between this state view and the national view, see Appendix I on Page 29. The number of construction and extraction jobs is an estimate.

with high career lifetime values for workers. That would seem illogical, since manufacturing companies regularly voice concerns about the unavailability of talent. Accenture reports that 75% of manufacturers are experiencing a moderate to severe shortage of talent;³⁶ other groups cite 600,000 manufacturing sector jobs remaining open consistently.³⁷

Why do production jobs fare poorly on the lifetime value variable? Many production jobs (see Figure 9)—such as a computer numerical control (CNC) machine operator, a tool-and-die maker—that require specific credentials or experience pay reasonably well by middle-skills standards. However, their career lifetime value is low as few production jobs have a clear pathway to other, higher-paying jobs. Better-paying jobs further up a manufacturing company’s hierarchy are supervisory. They require extensive experience, and the ratio of supervisory personnel to core staff is such that rates of advancement are likely to be slow. In other words, machinists or tool-and-die makers are likely to remain machinists or tool-and-die makers, subject to whatever vagaries affect their specific occupations, their employer, or their employer’s sector.

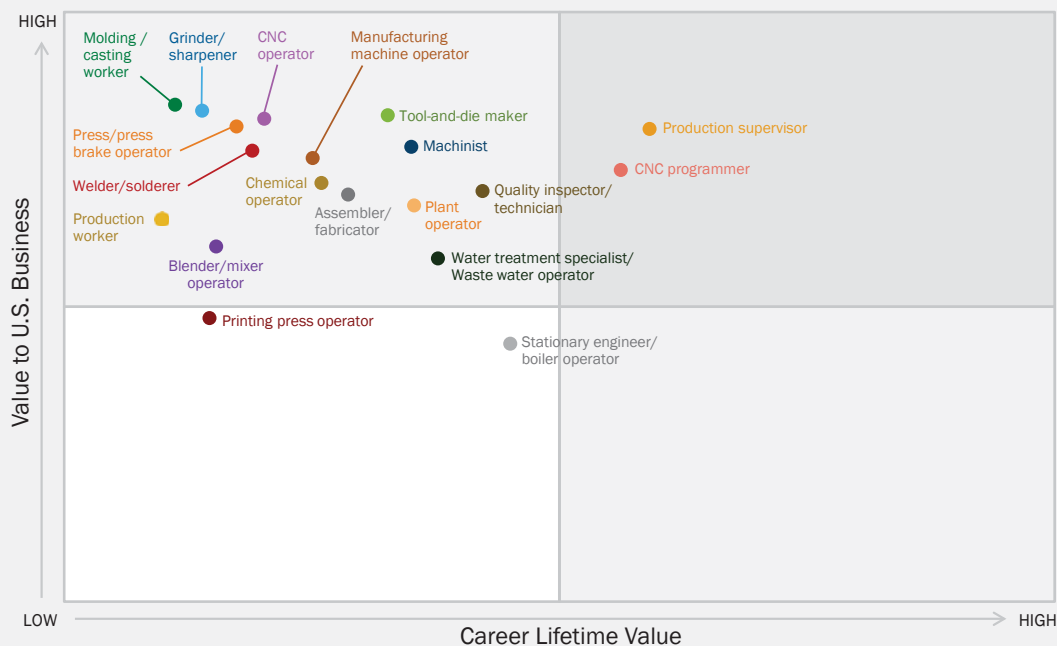
In contrast, other occupations provide more robust and diverse prospects for career advancement. They offer the possibility, if not the guarantee, of a higher career lifetime value. The estimated lifetime value of positions in the technical sales and sales management occupation groups is an example (see Figure 10). The category encompasses roles ranging from financial services sales

agents to insurance and real estate brokers. Although unsung relative to their importance to the competitiveness of companies operating in the U.S., the jobs within this occupation group have two attractive features: they are the most frequently posted, and they enjoy among the highest average compensation level. They have the added appeal of breadth of relevance. A far larger percentage of companies require skilled sales supervisors and agents than require arc welders or turret lathe operators.

Entry-level sales jobs also have clearer pathways for advancement than many other middle-skills occupations. Using Burning Glass’ data, we were able to extrapolate which positions across all middle-skills occupations offer the best platforms for advancing to other, higher-paid jobs. Sales jobs fared particularly well along this important dimension (see Figure 11).

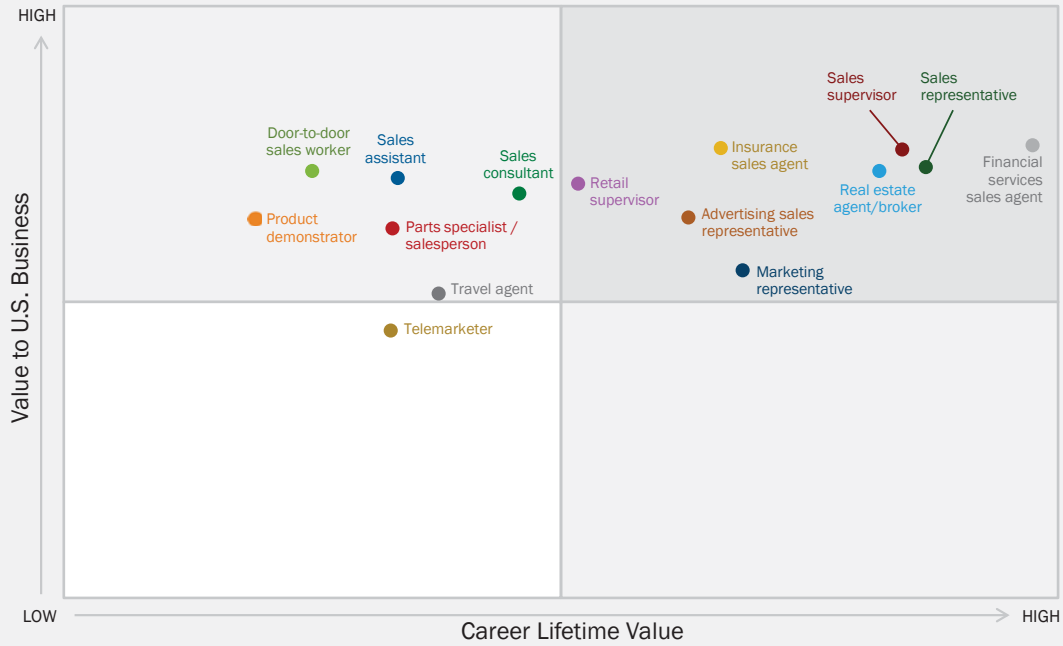
In sum, middle-skills jobs differ markedly in their capacity to offer a springboard for advancement. Some positions, like nursing assistant and sales assistant, are closely tied to ladders of progression. They provide the experience base and foundation credentials that enable an individual to advance up a professional hierarchy, enhancing the lifetime value he or she will enjoy. Such advancement is, of course, not guaranteed. But by making that initial career choice, individuals can provide themselves the prospect of moving up a career ladder should they have the capability and commitment to do so. Other jobs offer narrower and more attenuated career paths, despite requiring an equivalent initial investment in time and tuition expense.

FIGURE 9: MIDDLE-SKILLS OCCUPATIONAL IMPORTANCE TO U.S. COMPETITIVENESS: PRODUCTION (MANUFACTURING) OCCUPATIONS (NATIONAL VIEW, 2013)



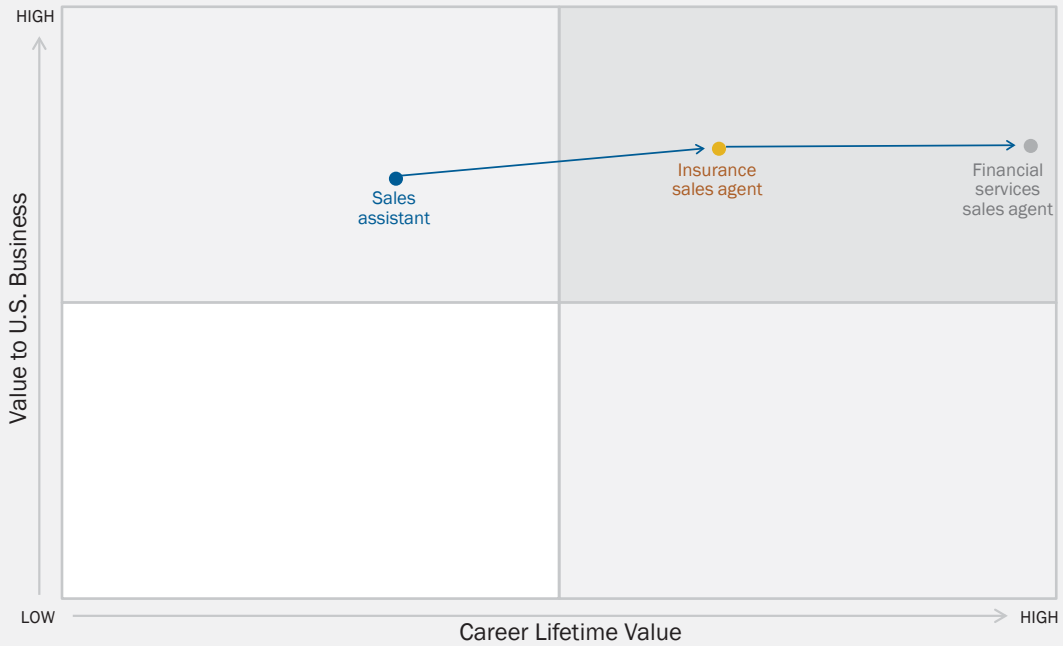
Sources: Bureau of Labor Statistics, 2013 Occupational Employment Statistics dataset; Bureau of Economic Analysis; Accenture Middle-Skills Survey 2014 and industry subject matter experts; Burning Glass Technologies’ database of online job postings for 2013.

FIGURE 10: MIDDLE-SKILLS OCCUPATIONAL IMPORTANCE TO U.S. COMPETITIVENESS: TECHNICAL SALES & SALES MANAGEMENT OCCUPATIONS (NATIONAL VIEW, 2013)



Sources: Bureau of Labor Statistics, 2013 Occupational Employment Statistics dataset; Bureau of Economic Analysis; Accenture Middle-Skills Survey 2014 and industry subject matter experts; Burning Glass Technologies' database of online job postings for 2013.

FIGURE 11: MIDDLE-SKILLS OCCUPATIONAL IMPORTANCE TO U.S. COMPETITIVENESS: POTENTIAL PATHWAY FOR TECHNICAL SALES & SALES MANAGEMENT OCCUPATIONS (NATIONAL VIEW, 2013)



Sources: Bureau of Labor Statistics, 2013 Occupational Employment Statistics dataset; Bureau of Economic Analysis; Accenture Middle-Skills Survey 2014 and industry subject matter experts; Burning Glass Technologies' database of online job postings for 2013.

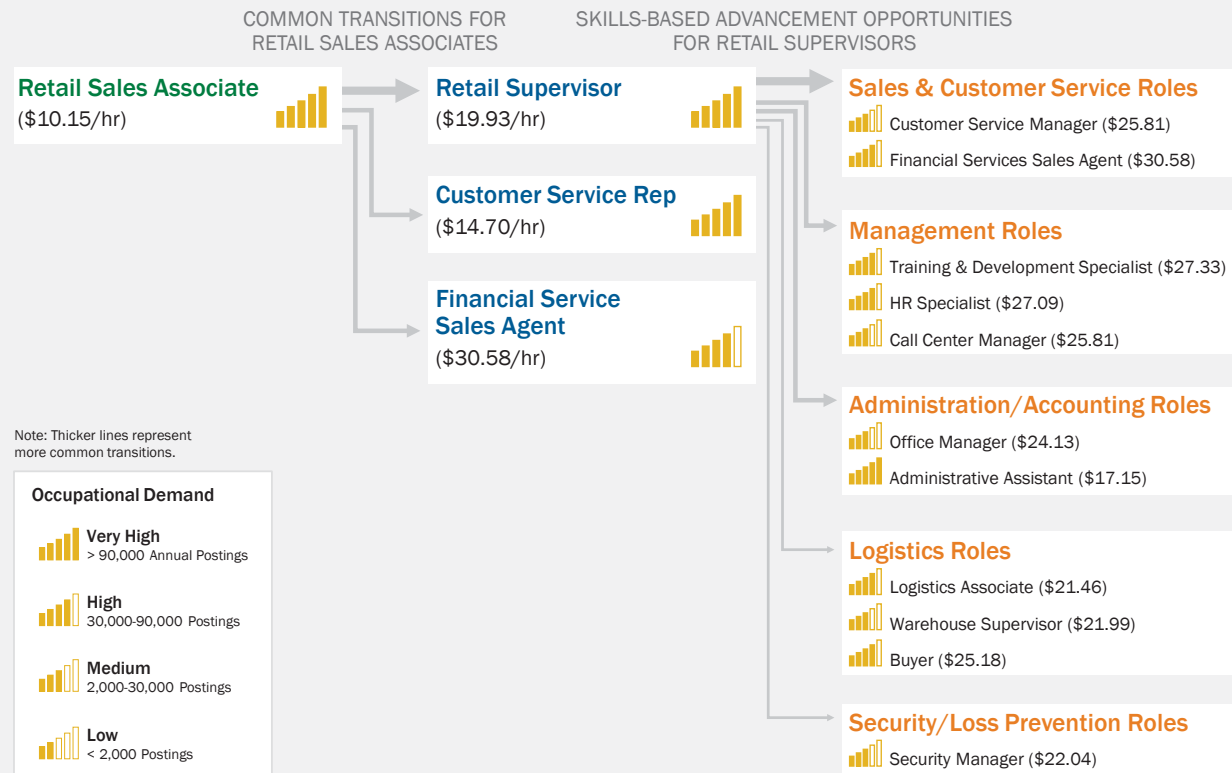
Differentiating Among Career Pathways

Some middle-skills jobs offer clear pathways to prosperity. People in those jobs have the prospect of progressing up a career ladder—at each level having the opportunity, if not the guarantee, of moving into a higher-paid role based on the experience and skills gained in their initial position. Burning Glass analytics show that help-desk/entry-level computer support jobs are excellent examples of that phenomenon. These entry-level jobs pay on average \$44,000 per annum, and about 54% of the postings do not require a Bachelor’s degree. More importantly, they provide a springboard for accessing higher-level positions. Experience as a computer support technician is frequently cited as preferred for applicants for higher-level positions. Workers can access those opportunities by developing additional, discrete skills acquired through certifications. A worker with aptitude and ambition has a good chance to advance to positions such as help-desk manager or network support specialist. At this stage, salaries range from \$61,000 to \$78,000.

Other middle-skills jobs offer little more than dead ends. People in these jobs are on a step-stool: entry-level jobs may be available, but the prospects for advancement are dim. A prominent example is a pharmacy technician. According to Burning Glass analytics, the average starting salary is around \$29,000 per annum, but there is little upward mobility. Pharmacy technician is just not cited as a preferred background for applicants for other, seemingly-related, and better-paying jobs. To be sure, technicians can try to move forward with certifications, but those certifications rarely port to other clinical jobs.

Differentiating between pathway and dead-end jobs can help policymakers and business leaders prioritize the allocation of scarce resources on skills development. For example, production jobs often get a disproportionate share of attention compared to their total impact on the U.S. economy (as shown in Figure 6). In contrast, little attention is paid to retail jobs—in fact, they are often reviled as low-paying jobs.

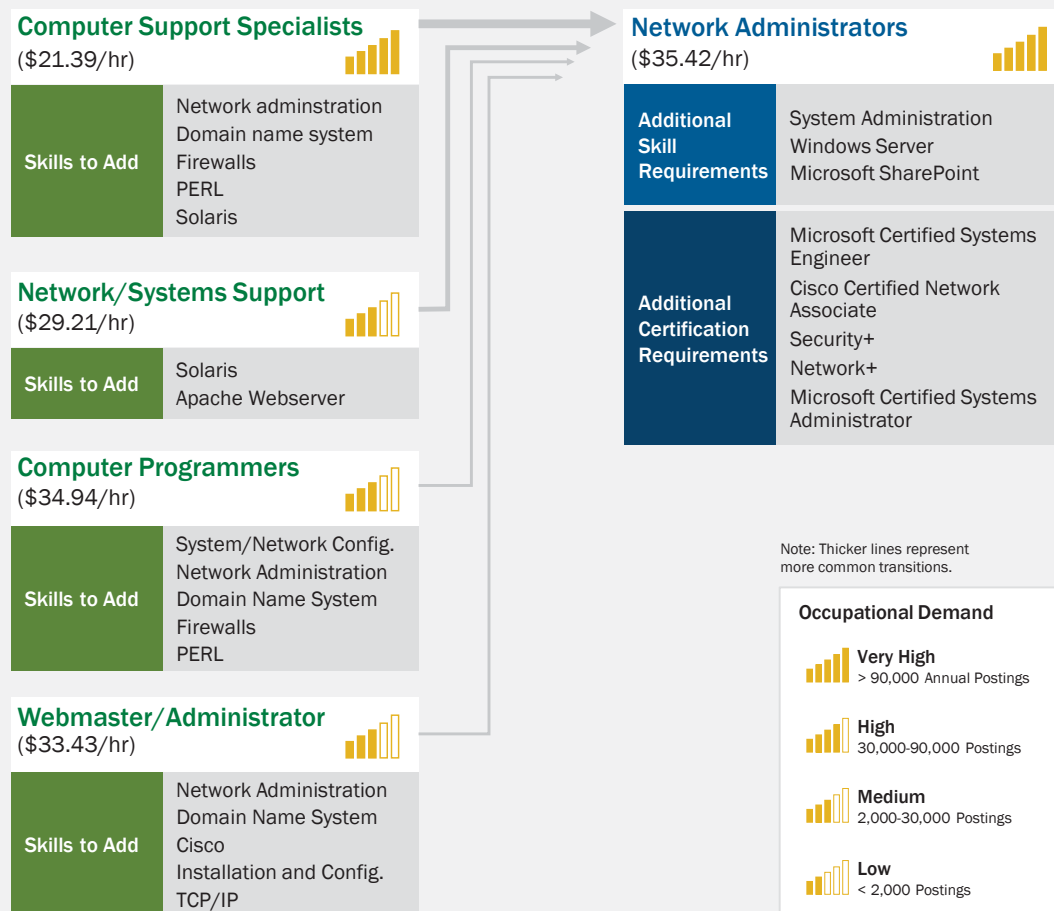
FIGURE 12: RETAIL CAREER PATHWAYS



Methodology: Transition pathways are based on the frequency of career transitions observed in millions of résumés and analysis of skill requirements in Burning Glass’ proprietary database of more than 100 million online job postings. Wage data reflect the mean advertised hourly wage.

FIGURE 13: NETWORK ADMINISTRATOR CAREER PATHWAYS

COMMON PATHWAYS INTO NETWORK ADMINISTRATOR ROLES



Methodology: Transition pathways are based on the frequency of career transitions observed in millions of résumés and analysis of skill requirements in Burning Glass' proprietary database of more than 100 million online job postings. Wage data reflect the mean advertised hourly wage.

A pathways approach shows, however, that entry-level retail jobs are not necessarily dead ends and can lead to jobs with higher wages. Burning Glass analysis shows that a retail sales associate might start at an average wage of \$10.15 per hour. An experienced sales associate can aspire to become a retail supervisor (average wage: \$19.93 per hour) or move into adjacent roles, each with its own career pathways, such as customer service representative (\$14.70) or financial services sales agent (\$30.58). As Figure 12 shows, with the right kind of skills upgrading, a retail supervisor can move on to careers in sales, management, administration, or logistics. Not only are the wages higher in almost all these cases, the occupational demand is either high or very high, with tens of thousands of job postings.

A pathways-based approach can also help employers develop innovative solutions to fill vulnerable and hard-to-fill roles—and target strategic investments in training employees for those critical skills. Network administrators, a vital middle-skill role for both employers and workers, present a prime example. According

to Burning Glass' hard-to-fill analytics, network administrators are the most difficult-to-fill middle-skill IT role. In each industry Accenture surveyed, at least 24% of employers named network administrators as one of their hardest positions to fill.

By investing in understanding pathways, companies will find that there are many sources for creating a healthy pipeline of network administrators. As Figure 13 shows, employers can invest in adding a basket of skills to computer programmers, network support specialists, and webmasters to take them to the next level of network administrator. Companies can even groom computer support specialists, who typically don't have a Bachelor's degree, to advance to network administrators. In each instance, not only would the company strengthen its access to skills and ability to compete—it would also be offering the average worker a chance to earn higher wages and aspire to a higher standard of living.

THE SIGNIFICANCE OF HARD-TO-FILL JOBS

Most debate on closing the skills gap in the United States focuses either on issues around high skills (e.g., how can we increase the number of aeronautical engineers in America?) or low skills (e.g., what should be the minimum wage?). Now, increasingly, businesses are starting to feel the pinch of middle-skills gaps. When businesses come up against hard-to-fill middle-skills jobs, they face hidden costs such as lost output, increased overtime, inability to grow and compete, and higher turnover. The Accenture middle-skills survey showed that a lack of adequate middle-skills talent directly or significantly affected the productivity of 47% of manufacturing companies, 35% of healthcare and social assistance companies, and 21% of retail companies. (Percentages are of the companies surveyed.)

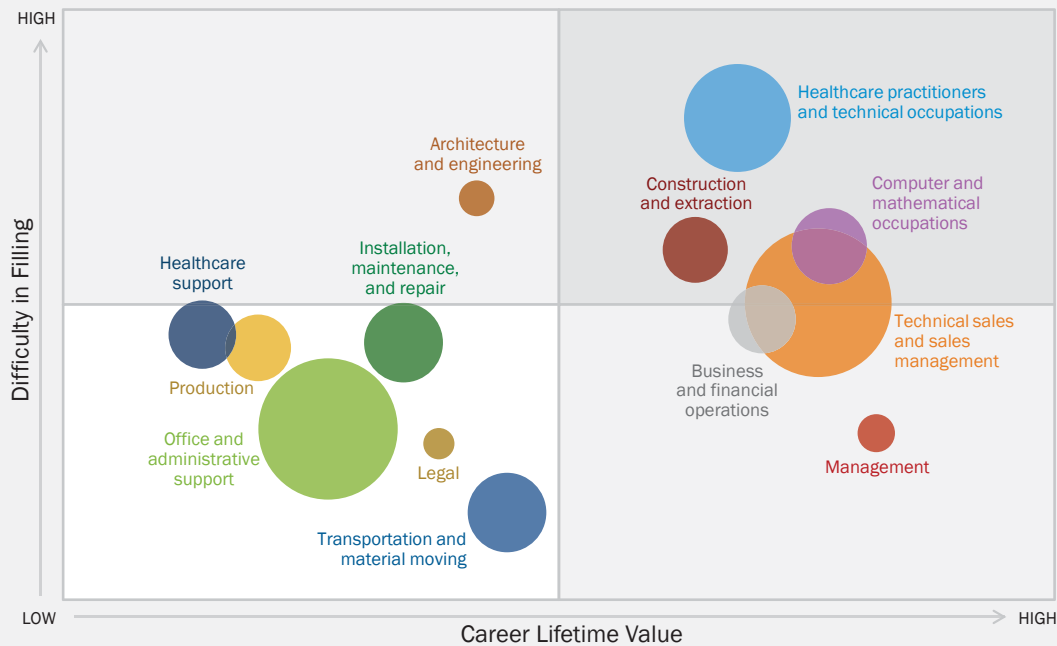
Using Burning Glass' data, we developed a framework to understand which jobs are consistently hard to fill and how that influences the associated career lifetime value. We augmented that analysis with primary research gathered through Accenture's survey and interviews.

For this analysis, the Y-axis displays how difficult it is to fill a specific occupation based on three attributes: posting duration, posting duplication rates, and resource

intensiveness. Posting duration³⁸ measures how long, on average, a job posting remains active. Duplication rates³⁹ track how frequently employers have to duplicate job postings. Resource intensiveness⁴⁰ measures how much money employers spend on recruiting sites and agents to fill positions. We weighted each factor equally in our analysis. The X-axis, career lifetime value, is based on the same analysis performed to reveal the "importance to U.S. competitiveness." (For the full methodology, see Appendix II on Page 30.)

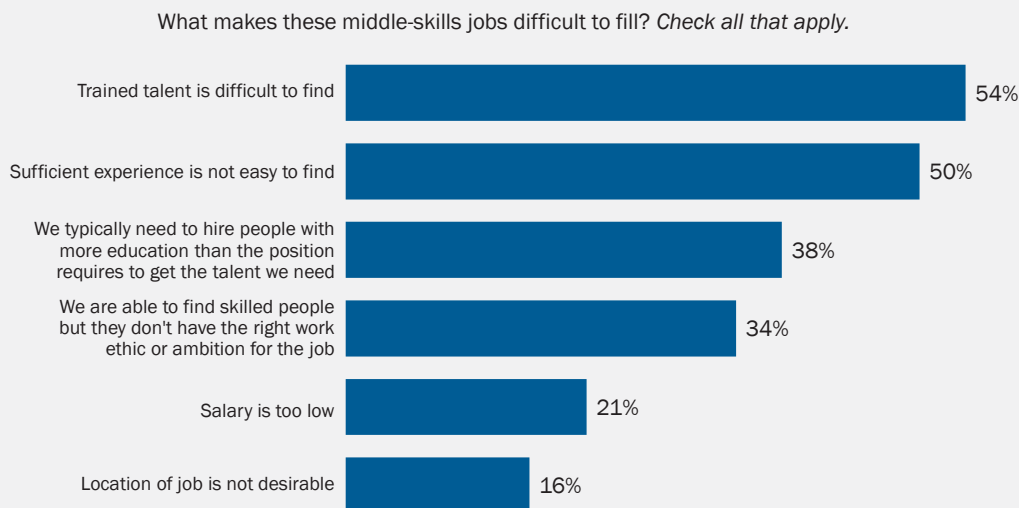
The data analysis at a national level (see Figure 14) confirmed an overlap in economic importance and job-candidate shortages in the U.S. for healthcare practitioners and technical workers, computer and mathematical positions, and technical sales and sales management callings. More easily-filled positions, such as office and administrative support and production jobs (specifically jobs requiring little experience and no significant credentials such as press operator, molding/casting worker, production worker, and blender/mixer operator), command a commensurately low lifetime value.

FIGURE 14: HARD-TO-FILL MIDDLE-SKILLS OCCUPATION GROUP ANALYSIS (NATIONAL VIEW, 2013)



Sources: Bureau of Labor Statistics, 2013 Occupational Employment Statistics dataset; Burning Glass Technologies' database of online job postings for 2013. For a detailed methodology, see Appendix II on Page 30. The number of construction and extraction jobs is an estimate.

FIGURE 15: ACCENTURE MIDDLE-SKILLS SURVEY 2014: WHAT MAKES MIDDLE-SKILLS JOBS HARD TO FILL?



Source: Accenture Middle-Skills Survey, February 2014. For a detailed methodology, see Appendix III on Page 30.

Accenture also explored why employers believe these positions are hard to fill. As expected, its survey indicated that the lack of candidates with the relevant training and experience was the major impediment to filling positions (see Figure 15). The two most critical and hardest-to-fill jobs are in the information technology field. Twenty-seven percent of companies across all industries said that the network/systems administrator post was the most difficult job for their company to fill. When asked what made it difficult, three-quarters of respondents said that network (or systems) administrators' and computer support specialists' posts were hard to fill due to a lack of applicants with technical skills. Said the operational excellence group leader at a large healthcare insurance company: "We do get people that meet many of the requirements in terms of experience or education. But they lack the technical skills, such as computer literacy, that would make them really effective." Another 21% of companies said the same of computer support specialists. Customer service representatives and sales supervisors were also called out as job postings difficult to fill across industries.

Harvard Business School Professor Willy Shih has documented the difficulties employers face trying to "reshore" manufacturing operations to the United States. He cites the challenges employers such as GE and Flextronics have experienced building and stabilizing an expanded workforce. GE experienced a 23% turnover rate amongst new, first-year employees at its legendary Appliance Park facility after expanding its payroll by over 700 workers. More startlingly, Flextronics hired 6,500 new workers at a facility

in Fort Worth, Texas, in order to ensure that the firm had the 2,500 workers it ultimately required. Workers' lack of a basic understanding of what was involved in working on a factory floor was a major source of turnover.⁴¹

Jobs can be hard to fill for other important reasons. One of those most frequently mentioned is soft skills or foundation skills, such as work ethic, communication, teaming, and leadership.⁴² Indeed, one-third of HR executives in Accenture's survey noted that while they could find skilled workers, many lacked the work ethic or ambition to be successful in the role. When asked to consider the first, second, and third most difficult middle-skills jobs to fill in their organization, respondents chose a lack of foundation skills as the second most important reason (after technical skills) for jobs that are hard to fill in all three cases.⁴³ This was particularly prevalent in the retail industry: 47% of retailers identified deficits in work ethic and ambition as the leading impediment to finding middle-skills talent.⁴⁴ Among businesses seeking customer service representatives, 63% of the companies surveyed said these jobs were hard to fill because of a lack of foundation skills.

For many employers, the solution to the shortage of soft skills among their middle-skills applicant pool is to "upskill" the position or to add credential requirements, such as a Bachelor's degree or more work experience. In other words, companies use credentials like advanced degrees as proxies for soft skills. In interviews, companies admitted to elevating qualification requirements to find employees with strong communication skills, leadership potential, and reliability,

especially for sales and customer-facing roles. Burning Glass’ research uncovered a startling example involving computer support specialists, commonly known as help-desk staff. The job postings data showed that 43% of help-desk roles asked for a Bachelor’s degree, but that the specific skills advertised for the help-desk roles were identical, whether the job posting came with or without a Bachelor’s requirement.⁴⁵

Burning Glass data show that employers have increasingly come to rely on a Bachelor’s degree as an employment screen, even if it may not be related to actual job duties.⁴⁶ This “short-cut” to ensuring soft skills in employees very often comes back to haunt employers. By using overly restrictive screening procedures, employers effectively choke off viable talent from applying to their organization—and lengthen the hiring process. Burning Glass finds that help-desk jobs calling for a Bachelor’s degree take 40% longer to fill on average. These job postings remain open for an average of nearly 38 days versus 27 days for help-desk positions that do not specify a Bachelor’s degree (see Figure 16).

Yet many employers believe that a Bachelor’s degree ensures that the workers possess the capacity to grow in their jobs. A small internet security firm that Accenture interviewed confirmed that it hires employees with a Bachelor’s degree for sales roles, even though the substance of the work does not require a degree. The firm believes the college experience gives candidates a different set of valuable skills.⁴⁷ Said an HR manager: “There’s something that comes with being a college student, a lot of maturity and knowing how to work with different people. They know how to communicate and to express themselves.” Some companies surveyed linked their sales

and revenue results directly to having polished and poised sales representatives. At Standard Motor Products, a mid-size manufacturing firm, the vice-president of HR said: “The skill set that’s required to walk into a \$10 billion customer and be credible (requires) someone who is well-educated and knowledgeable in the marketplace.”

Other employers use higher credentials as a proxy for the capacity to advance. For example, in follow-up interviews and in open-ended questions in the Accenture middle-skills survey, HR leaders said that candidates for IT positions who possess college degrees are likely to have the technical savvy, problem-solving capabilities, and ability to adapt to new systems and technologies necessary to stay productive and be promoted. Given the recurrent difficulty in filling IT positions, they want to hire workers who can grow with the organization.

The persistence of hard-to-fill jobs across industries reveals the risks in allowing the skills gap to remain unaddressed. Many such jobs are highly important to the intrinsic competitiveness of companies. If the talent to fill those positions is chronically unavailable, employers will be obliged to rely on alternatives. They may move operations elsewhere, turn to foreign vendors, or opt to invest in labor-replacing technology, despite their initial preference to find an American worker to fill the need. For example, while nursing shortages are nothing new, a large non-profit hospital network that Accenture interviewed confirmed that it still struggled to find enough registered nurses within the United States to meet its demand. To solve the problem, it began working with nursing schools in the Philippines, Canada, and England, and now sponsors qualified candidates to work for the network in the United States.⁴⁸

FIGURE 16: AVERAGE TIME TO FILL JOB POSTINGS

Occupational Title	Credentials Gap	Average # of Days to Fill Postings That Do Not Require a BA (Burning Glass)	Average # of Days to Fill Postings That Require a BA (Burning Glass)	% Change
Executive Secretaries and Executive Assistants	46%	24.85	27.96	13%
Transportation, Storage and Distribution Managers	42%	31.42	33.35	6%
First-Line Supervisors of Mechanics, Installers, and Repairers	34%	31.92	37.49	17%
Training and Development Specialists	25%	34.98	36.64	5%
Insurance Claims and Policy Processing Clerks	24%	24.08	27.93	16%
Human Resources Assistants (except payroll and timekeeping)	22%	21.65	24.02	11%
First-Line Supervisors of Construction Trades and Extraction Workers	21%	28.28	61.31	117%
Computer User Support Specialists (Helpdesk)	21%	27.14	37.88	40%
Production, Planning and Expediting Clerks	16%	25.83	31.08	20%

Source: Burning Glass Technologies. Burning Glass defines the credentials gap as the difference between the educational attainment of currently employed workers and the educational attainment employers are demanding for new hires.

RESTARTING AMERICA'S MIDDLE-SKILLS ENGINE

Examining the middle-skills gap by applying our expansive definition of competitiveness, we believe, offers fresh insights on how it should be overcome. By seeking to balance the interests of both businesses and workers through the use of a new diagnostic—value to U.S. business and career lifetime value—our team hopes to inspire some structural solutions for solving this seemingly intractable problem. Meaningful progress will hinge on actions that go beyond simply improving the efficiency of today's system. Rather, we must focus on developing a new middle-skills ecosystem that provides employers sufficient access to indigenous talent with the skills to fill competitively important jobs. That will help aspiring workers gain access to career ladders and hope for a decent and improving standard of living.

Balancing the two sides of the matrix will require recognizing and revisiting the roles played by all the major players in the skills ecosystem. At the center of that dialogue, however, must be the two principals in the transaction: businesses and workers. The needs of the first, to have a dependable and responsive source of talent, and the aspiration of workers, to earn a satisfactory living standard, are of paramount importance. In building this framework, we draw upon the notion of investing in the “commons,” the business environment in the communities where businesses operate.⁴⁹ Improving skills is a key area where business leaders can eschew narrow, self-focused approaches to solving just their own organization's skills gap and instead invest in their local communities to enhance the local labor force's skill sets. The pay-off is a more productive workforce that helps U.S. companies compete globally.

A U.S. firm that is taking the lead in investing in the commons is The Boeing Company.⁵⁰ Boeing has enhanced its workforce planning capabilities with innovative technology and processes to look at internal as well as external factors that could cause a skills gap, both in the near and long term. It's important to remember that when Boeing identifies a looming skills gap, it usually needs thousands of employees with that skill, within a specific geographic area. Given its scale and commitment, Boeing is able to partner with educational and community partners to shape curriculum and ensure that its critical skills needs are fulfilled. The company recognizes that its size can help develop education and skills-development partnerships. Currently, Boeing partners with government agencies, a variety of learning institutions (pre-kindergarten to high school), and universities that can work together to build the talent supply pipeline across the United States—and thus improve the education and skill sets of current and future generations of American workers. Boeing is also helping *other* businesses across the country learn how to form partnerships to close skills gaps.

Investing in the commons in this fashion is not intuitive to many U.S. companies. In the past few decades, companies have become more distant from the communities in which they are located due to factors such as globalization, the relentless pressure to generate ever-increasing returns, the shift of major facilities away from head-quarter locations, and corporate mergers. They feel less obligated to those historical locales than earlier generations of management. Companies are, however, increasingly realizing that there are many significant hidden costs to ignoring their local communities' needs.⁵¹

Restoring some balance will require the major participants—employers, educators, workforce intermediaries, and policymakers—to address four major inefficiencies that plague the current system. These are:

- *Fragmented coordination and communication:* This inhibits the deployment of resources in a way that would maximize the outcomes for employers and workers.
- *Lack of a common language and transparency:* This is a classic supply-and-demand mismatch. Employers who demand skills and educators and workforce intermediaries who supply skills seldom share a common language or work in collaboration looking at one set of data. As a result, both sides struggle to articulate and understand what employers need and how to improve the supply of ready applicants.
- *Unclear, unstructured career paths:* Aspiring workers are not fully aware of the implications of the choices they make when they invest time and money in seeking education beyond Grade 12 or pursuing a certification in a discipline.
- *Misaligned incentives:* Individual actors in the system are encouraged to optimize their own performance without sufficient reference to the impact on the broader system.

Based on our research, we believe that the key players in the marketplace for middle skills should consider the recommendations expressed in the next few sections to overcome those inefficiencies.

RECOMMENDATIONS

Employers: Invest in Talent Supply Chains

The time has come for companies of all sizes, and in all industries, in America to assume the leadership of any effort to rejuvenate America’s system for educating, training, and employing middle-skilled workers. We believe this is a business imperative for companies and not just an act of civic-mindedness or an exercise in corporate social responsibility. The skills gap has not closed, despite companies sounding the alarm about a talent shortage and its implications, for years. By stepping up to lead the change, employers would act in enlightened self-interest as well as benefit the communities in which their companies are located. Both in terms of firm performance and the ability of Americans to earn a decent wage, business must now assume a leadership position in addressing what represents a clear and present danger to U.S. competitiveness.

Grainger, a North American distributor of industrial supplies, has contributed more than \$2 million since 2006 to support technical education in the form of scholarships, toolkits, technical education program support, and awareness. Its *Tools for Tomorrow* scholarship program offers scholarships and tools to students at over 100 community and technical colleges across the nation to support the goal of completion at these two-year institutions.

As the Grainger example shows, asserting leadership does not depend on company size. It also means far more than executives taking an interest in the subject and necessitates more than organizational champions. All the evidence in previous studies as well as our research suggests that the problems underlying America’s middle-skills gap are structural. They took decades to develop and will take

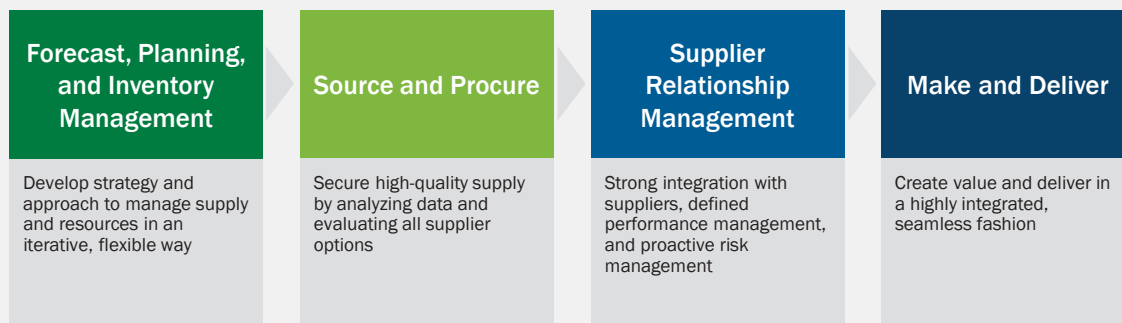
continuous effort to overcome. Companies hoping to avoid the competitive risks posed by the skills gap—or those seeking to build a competitive advantage by addressing it—will need to build a repeatable, documented process that is integral to their strategy and HR function.

Although some businesses are working to build their middle-skills talent pipeline, many employers do not put sufficient focus on influencing the full middle-skills talent supply chain—the overall process by which roles are sourced, developed, deployed, and retained.⁵² Many companies have sophisticated talent management processes but focus them on high-skilled, white-collar personnel only. They do not apply the same design principles to middle-skills staff. And, while many companies do employ some of the strategies we describe, few have processes that meet the standards of critical processes in the organization. Executives should beware of the facile reassurance from their organizations that “we’re already doing that.”

Moreover, companies do not apply the same discipline in sourcing talent as they employ in sourcing other inputs. Most high-performing businesses have established supply chains essential to delivering their products and services (see Figure 17). They ensure continual optimization of the supply chain by employing planning systems, disciplined processes, and metrics. Conversely, the development of talent and skills, especially for the middle-skills workforce, lacks this strategic direction and polished execution.

FIGURE 17: LEADING-CLASS SUPPLY CHAIN COMPETENCIES

High-Performance Supply Chain Capabilities



Most employers' systems for sourcing middle-skills talent could be strengthened in the following ways:

Forecast, Planning, and Inventory Management: Many employers use a reactive approach to filling middle-skills needs.⁵³ Too few engage in workforce planning; too many assume that workers will be available as needed. That leaves them exposed to the vagaries of the business cycle, when all competitors are presumably adding capacity. More importantly, by failing to anticipate which workforce capabilities are critical to their strategic health, companies risk requiring workers with skills in emerging areas for which there is limited or no supply. Employers need more rigorous middle-skills workforce planning in projecting their requirements and should share those needs with their staff as well as their existing sources of talent.

Their particular focus should be those jobs that are most important to their business strategies. Just as companies design different supply chains to reflect the characteristics of various streams of inputs, firms should discriminate between jobs of genuine strategic import and easily sourced, "commodity" roles. Strategic roles are likely to have several casts—perpetually hard-to-fill jobs, jobs for which there is a dearth of younger workers,⁵⁴ positions historically associated with upward mobility in key job categories, or operational bottlenecks that can inhibit growth.

To anticipate future skills gaps and plan for its workforce needs, The Boeing Company created a Strategic Workforce Planning (SWP) group five years ago. The SWP group tracks internal indicators like workforce demographics and business trends as well as external factors such as global conflicts, political changes, and competitor action. The plan not only looks at the short-term needs of Boeing's various business units, taking a five-year view, but also the long-term needs, with up to a 15-year outlook.⁵⁵

Why don't more companies plan for middle-skills talent? We believe that companies measure the costs of job openings too narrowly. Many rely on obvious and relevant metrics, such as the mean time to fill a position and estimates of lowered productivity. However, the all-in cost of the skills gap is seldom fully captured. Costs like increased overtime for existing workers, higher risk of voluntary turnover by overworked staff, downtime of affected capital equipment, and the cost of churn among recent hires who quit or are terminated are not usually captured. The failure to understand those systems economics contributes to the apparent belief of many businesses that the skills gap is not a pressing concern for their bottom line, at least in the short run.

Once companies do understand the hidden costs of constantly seeking middle-skills employees, they begin to find more efficient solutions to close the gap. Standard Motor Products, a manufacturing firm based in New York, found that hiring the wrong employee costs the firm two to three times the employee's annual salary. The data spurred

the company to reach out to local community colleges to develop a pool of potential employees as well as provide training to current employees. Standard Motor estimates it has been able to reduce the frequency of their "misses" on hiring from around 50% to close to 10%—saving the firm a significant amount of money.⁵⁶

Companies should also join with other employers—either in their region or from within their industry—to develop better forecasts of skills requirements. This is particularly true of industries that face a demographic transition in coming years, such as aerospace, oil exploration, and electrical utilities. Even the labor union at the Federal Aviation Administration (FAA), the organization responsible for the safety and regulation of U.S. civil aviation, is concerned about the looming skills gap. In a recent report, Edward Wytkind, president of the Transportation Trades Department at AFL-CIO, said: "One-third of the (FAA) workforce, including controllers, inspectors, (and) systems specialists, are eligible to retire (in a few years)."⁵⁷

While any individual company may prove to be a preferred employer consistently, no firm can avoid the repercussions of an inadequate talent supply. Such collaborations can serve to provide sources of talent with more complete data about future requirements, raising the likelihood that companies will invest in response. Moreover, providing a uniform specification defining the skills and capabilities required to fill jobs reduces onboarding costs and the likelihood of early turnovers. Some industry-led partnerships, such as The Manufacturing Institute, have taken on the task of standardizing skills and credentials⁵⁸ for occupations and career pathways. However, such industry-wide efforts are far less common in the United States than elsewhere in the developed world. Fewer than 25% of the respondents to the HBS 2013-14 survey indicated that their firms participated in such collaborations.

Source and Procure: The process for procuring middle-skills talent is seldom given the same attention as the process for procuring other inputs, such as components or capital equipment. Companies do not usually cultivate a diverse supply base for middle-skills talent. For example, according to the Accenture middle-skills survey, close to half of U.S. companies *do not* partner with any community or technical colleges, and less than half partner with any community-based organizations.⁵⁹ Only 27% of respondents to the HBS alumni survey indicated that their companies have any type of partnership with local community colleges to develop a supply of qualified candidates. Instead of assisting existing suppliers of talent to improve their training and education quality, employers perpetuate a vicious cycle: they upskill positions due to the lack of acceptable middle-skills candidates in the hope that a Bachelor's degree, for example, will get them the right skills. Developing a robust network of suppliers requires sharing the company's evaluation of an aspiring supplier of talent and working with the community or technical college to fix any deficiencies.

Further, many employers do not view their existing workforce as the preferred source of talent. Upskilled positions can put jobs beyond the reach of existing staff too, who bring less formal, but nonetheless potentially important credentials as candidates for promotion. First among these is the demonstrated capacity to work successfully in the employer's operations. Inadequate soft skills often prove the undoing of new hires. Incumbent employees with a track record at a company will have demonstrated their ability to work productively. However, employers locked in a "talent on demand" approach to filling positions forfeit the opportunity to make an investment in upgrading the skills of their existing middle-skill employees, moving them up within the organization—and from left to right in our matrix of Occupational Importance shown in Figure 6.

An HR manager at a large financial services firm interviewed by Accenture recognized the virtues of internal hiring to fill middle-skills roles. The firm developed an internal mobility program that looks for ways to develop and promote from within the firm. The company claims that in 2013, it was able to fill 90 open job postings, about a third of the total open positions, through current employees internally, greatly reducing the cost of finding and hiring outside talent.⁶⁰

Applying such supply chain management thinking to the sourcing of middle-skills talent is one way to bring new discipline to human resources functions in areas such as defining job descriptions, integrating information on the performance of both unsuccessful and successful job candidates, and working with educators to translate emerging requirements into pedagogy.

This is particularly true of those middle-skills jobs that are increasingly being upskilled. Consider office and administrative roles, which represent a large portion of middle-skills demand. According to Burning Glass estimates, such jobs account for 21% of all middle-skills job postings. The skills in many of these roles have changed over time, becoming increasingly technology-focused, for example (an understandable upgrading of skills), but employers are also using a Bachelor's degree as a screening mechanism for job readiness in many cases.

According to Burning Glass, among currently employed office and administrative workers—such as executive secretaries and insurance claims clerks—only about one in four holds a Bachelor's degree, compared with 45% of job postings requesting a Bachelor's degree for the same roles. A comparison of job postings shows no apparent difference between the skills demanded in Bachelor's degree and sub-Bachelor's degree administrative job postings. By upgrading to a Bachelor's degree requirement, employers are limiting their access to perfectly well-matched talent that is already available—and burdening themselves with the costs of keeping the position open.

Supplier Relationship Management: Employers generally do not treat community and technical colleges (the main source of middle-skills talent) as they treat other suppliers of critical inputs. Communication and collaboration are haphazard. Job requirements and staffing needs are described vaguely and conditionally. While some sectors, such as manufacturing and healthcare, demonstrate a greater willingness to form partnerships with local community colleges,⁶¹ most companies do little to clearly communicate their needs to suppliers of talent. While businesses define clear success metrics and goals for their traditional suppliers, they seldom provide such data to educational institutions. Educators frequently complain that they can get no clear explanation as to why their graduates are not getting placed despite having credentials for jobs for which there are numerous postings. It's another vicious cycle perpetuated by lack of communication between players.

A classic example of the breakdown in communications is in the demand for medical coders. Due to changes in America's healthcare system, demand for medical coders is skyrocketing. At first sight, the data indicate the market for medical coders should be in equilibrium. Burning Glass analytics reports that there are nearly as many medical coding graduates as there are online postings for medical coding positions—in 2013 there were 33,923 medical coding graduates and 45,185 medical coding postings for new graduates. Add the substantial subset of about 125,000 current coders who may be looking for a new job and we can assume that there is a robust supply of talent, or even an oversupply of medical coders.⁶²

However, medical coders consistently rank among the hardest-to-fill middle-skill jobs. In Accenture's middle-skills survey, 29% of healthcare employers named medical coders as one of their three hardest-to-fill roles, and Burning Glass analytics place medical coders in the top 20% hardest-to-fill middle-skill occupations. A closer look at the situation shows that the demand-supply mismatch is due to a shortage of *certified* coding talent. Although there were 33,923 medical coding graduates in 2013, only about 20,000 individuals took and passed the medical coding certifications necessary to secure a full-time coding position.⁶³ The adoption of expanded ICD-10 coding standards further exacerbates the hiring difficulties for medical coders by adding layers of complexity to these roles and forcing experienced coders to update their existing skills through additional training.

No supplier of middle-skills talent can be reasonably expected to provide consistently high-quality input under such conditions. Developing a robust supply chain of any type requires continuous investment in a relationship with partners in the system, especially in communications. The parties collaborate in establishing shared metrics, developing standards and communications protocols, and in the exchange of data about actual results. Committing to

building ongoing relationships will provide both parties insights about how to improve the efficiency of the system as a whole. Employers must commit to forging these types of relationships if they are to overcome the skills gap.

Examples of forward-thinking partnerships can be found, but they are the exception rather than the norm. Innovate+Educate, an industry-led nonprofit, for example, is working to implement “skills-based hiring” that encourages employers to look at other pathways beyond a Bachelor’s degree for workforce readiness. In the City of Albuquerque, Innovate+Educate is working with the New Mexico Department of Workforce Solutions and the state’s largest community college to bring together employers and potential employees on a common platform of hiring by scoring skills. The TalentABQ website helps assess potential employees’ job readiness by testing for skills such as “reading for information” or “workplace observation.” Based on the skill scores, TalentABQ then helps match applicants to employers who have posted jobs asking for those skills—and connects employers to candidates who might have been rejected in the traditional hiring process.⁶⁴

Make and Deliver: Many employers are not taking responsibility or investing in employee talent development; they expect the talent they need to be developed elsewhere. Most companies express little interest in on-the-job talent development. The Accenture survey revealed that fewer than one in four companies will *always* consider bringing someone on who requires additional training when they are having trouble filling a role.⁶⁵ Another disheartening trend in the U.S. is that despite success in other countries, there is a decided lack of internships for middle-skills jobs, and apprenticeship programs are rare. Only 41% of companies offer any type of internship or apprenticeship for middle-skills jobs, and that number falls to 29% for small companies.⁶⁶ Even when internships or apprenticeships exist, many companies are not using these programs as a way to source and groom talent. Finance and insurance companies especially fail to transition interns and apprentices to full-time middle-skills roles (27% offer jobs a majority of the time).⁶⁷ In contrast, 52% of manufacturing companies offer jobs a majority of the time.⁶⁸ Perhaps this is one of the factors that leads finance and insurance companies to have the hardest time filling middle-skills jobs.⁶⁹

If companies are to take the lead in eliminating the skills gap, they must develop integrated talent pipelines. Along with working closely with educators and workforce intermediaries, they must develop complementary internal programs, such as apprenticeships, to exert control over their sourcing of key resources. Most importantly, they must stay engaged with their suppliers of middle-skills talent. Improving the systems economics of the talent pipeline will require a long-term institutional commitment.

Companies should consider how to enlist governments at the local, state, and federal levels in their effort to reduce the middle-skills gap. Rather than lobby government leaders for temporary incentives, such as tax credits, their focus should be on steps to remove barriers that may inhibit more effective industry partnerships and deeper collaborations with educational institutions.

Summary of recommendations for employers:

- Apply supply chain management principles to sourcing of middle-skills talent and invest in a permanent process of continuous improvement.
- Engage in workforce planning to identify strategically relevant middle-skills capabilities and build roadmaps for closing potential gaps.
- Build comprehensive middle-skills job descriptions based on core capabilities, articulating competency requirements and avoiding unnecessary upskilling.
- Develop an accurate understanding of the all-in costs of job openings and employee turnover, particularly for competitively relevant positions.
- Commit to ongoing, preferred relationships with sources of middle-skills talent and invest in partnerships to develop and vet curriculum, share metrics, and hire qualified candidates.
- Provide educators and other resources with clear statements of skills profiles and anticipated staffing requirements.
- Cultivate talent pipelines to meet specific needs and spark interest in middle-skills careers through a blend of in-depth internship and apprenticeship programs, internal training programs, and community partnerships.
- Identify opportunities to work in conjunction with other regional and/or industry employers to standardize job descriptions and build the talent pool.

The Challenge for Small and Medium Enterprises

Implementing a supply chain management approach to address the middle-skills gap may seem beyond the means of small and medium enterprises. However, it is precisely because these firms lack the resources of larger companies that finding a systemic means for filling their middle-skills needs is imperative. Such companies will benefit meaningfully, albeit indirectly, if larger employers in their sectors adopt supply chain management principles. Moreover, as workforce providers become more adept at identifying and responding to the needs of employers, they will help small and medium enterprises

be more effective customers for talent. Increasingly, states are launching programs that recognize the importance of smaller employers in job creation. For example, South Carolina's Apprenticeship Carolina program provides support for any company providing a single job. Groups such as local Chambers of Commerce can work independently and with local workforce development boards to help provide smaller companies with "virtual" scale.

Educators: Build Effective Partnerships with Employers

Community and technical colleges—and even high school career and technical education programs—will play an indispensable role in any broad effort to restore America's advantage in skilled labor. To do so, they will need to become comfortable forging a new type of relationship with employers. That will require some fundamentally new thinking about the ways in which community and technical colleges develop, update, and evaluate their programs.

Some colleges are making great strides in preparing students for middle-skills jobs; however, there are a multitude of challenges these educational institutions face. Although these institutions see great value in partnering with local employers, most often there is a lack of institutionalized communication and information sharing. While employers must lead the way in forming effective partnerships with community and technical colleges, educators must also take steps to encourage and complement those efforts.

Becoming an Effective Partner in the Talent Supply Chain:

The notion of becoming a "supplier" may be alien or even objectionable to educators. This recommendation, however, in no way compromises the traditional mission of community and technical colleges. Rather, it provides a basis for better fulfilling one of those institutions' overarching missions: providing a basis for the students they serve to achieve success in life. When correctly applied, supply chain management creates better outcomes for all the players in the system. In middle-skills talent, it should benefit

employers through faster hiring cycles, more qualified workers, and lower turnover. For educators, it should lead to faster placements for graduates, higher enrollment, and improved performance relative to metrics applied by governments or other funders. Above all, for students, it should help create pathways into the workforce such that workers enjoy a lifetime of career security and are armed with the ability to earn a decent livelihood.

Becoming such an effective partner requires educators to respond to employers' overtures about their needs and help them understand how to align their recruiting process with the institution's curriculum and resources. It also requires gaining a deep understanding of employer requirements and making them central in designing and evaluating programs. In Charlotte, N.C., in 2008, when Siemens expressed a need for workers with advanced manufacturing skills, the Central Piedmont Community College did not just send résumés to Siemens. Four faculty members traveled to Germany to get certified on Siemens' advanced manufacturing processes, and the community college began offering an Associate Degree in Applied Science in Mechatronics Technology as per Siemens' specifications. Today, many more community colleges are keen to forge such partnerships. The American Association of Community Colleges now lists, by state and industry, the college-industry partnerships that are already flourishing.⁷⁰

Introduce Employers to Supply Chain Best Practices:

Educators should advance their own “enlightened self-interest” by helping employers who have yet to adopt a supply chain management approach to hiring. Developing competence in how to help employers be better “customers” will attract more recruiters to campus and hone a school’s skills in working with employers. This is a particular need of small and medium enterprises that lack the resources to develop an integrated approach to source middle-skills talent.

Focus on the Nature of Work, not Merely Technical

Requirements: The dynamism bred of technological change, globalization, and evolving customer needs makes it impossible to forecast the specific skill sets required for the future. However, workers who enjoy sustained success on a job show that they understand the work—the fundamentals of basic processes as well as the attributes of various products and technologies—and they have the capacity to learn new skills as change is introduced to the workplace. There is a profound difference between understanding skills related to a specific technology versus skills related to the nature of the job as a whole. In developing and revising curricula, educators should consider how to cultivate in students the heuristics to understand the nature of their roles and their place in the broader context of their employers’ industry.

Monitoring and Responding to Labor Market Trends:

The market for middle-skills jobs has never been so dynamic. Aligning curricula with the needs of employers requires that educators monitor local labor markets to detect the appearance of new positions. Educators and workforce intermediaries also need to invest in understanding the likely evolution of workforce requirements in the future. A more effective dialogue with leading local employers and early identification of emerging jobs should help develop this understanding. It will also serve the needs of students. Accenture research shows that just 4% of jobseekers say that schools and universities are the best source of information on job opportunities.⁷¹

Programs should be regularly reviewed to ensure alignment with local employers’ marketplace requirements through a consistent study of available job postings data. The demands on faculty make it difficult to keep up with changes in technology and work practices. Partnering with employers will help reduce any gap between curricula and commercial leading practices. Institutions should direct resources at occupational categories, such as sales, for which there is consistent demand for workers but that are often underrepresented in curricula. This will require reviewing whether the institution’s deployment of resources reflects the current and projected composition of the regional economy, rather than legacy industries.

Take on the Soft-skills Challenge: Our survey of the literature on middle skills and our own research confirms the criticality of soft skills in securing employment. Soft-skills deficits are denying aspiring workers the opportunity to benefit from their work in earning credentials. One in four HR leaders called out soft skills, such as work ethics, communications, teamwork, and leadership, as a barrier to finding talent for the most difficult to fill jobs in their organization.⁷² Although not traditionally the province of academic institutions, they could develop curricula or other resources to complement students’ learning in technical areas with the skills and habits necessary to thrive in a workplace. Soft skills are an area where post-secondary educators must consider providing remedial support in order to maximize their students’ prospects. Employers can be important partners in such efforts. For example, the ‘Gap Inc. for Community Colleges’ program provides job shadowing and workshops on Time Management, Workplace Attire, and Conflict Resolution.⁷³ Similarly, LaGuardia Community College partnered with Accenture to provide the ‘Skills to Bookkeeping’ scholarship program to low-income, non-native English speakers with experience in bookkeeping. The curriculum focused on language skills, résumé writing, interview coaching, and other professional skill building.⁷⁴

Focus on Career Ladders, not Initial Placements: Not all entry-level middle-skills jobs are created equal. Some enjoy important advantages—links to ladders for advancement, less susceptibility to technological substitution or offshoring, higher levels of portability across industries—over others. While intrinsic interest in a career and motivation to pursue a course of study must be the primary reasons for guiding a student, educators and guidance counselors should provide students with insight about the long-term implications of career choices. That will help maximize the returns students receive from their investment of time and tuition dollars in education.

Summary of recommendations for community and technical colleges:

- Work with employers to forge supply chain partnerships.
- Spread effective best practices to other recruiters.
- Invest in information resources on the job market.
- Shift resources to reflect composition of current job market and emerging trends.
- Broaden curriculum to incorporate soft skills.
- Focus on career lifetime value and ladders of advancement.

Policymakers: Facilitate Communications and Data Sharing

Local, state, and national governments are all deeply involved in skills development. In a number of countries, comprehensive national solutions, such as an integrated virtual labor market, have significantly reduced the demand-supply gaps in skills. Although the systems in countries like Germany, Switzerland, Denmark, and Australia offer many valuable lessons, they reflect the unique economic and social development of those countries. Such systems, which rely on techniques like early tracking in the education system, are not a natural fit in the American context.

Historically, government entities at all levels have invested tremendous resources to enforce compliance with various laws and regulations. In the future, government leaders would be well served to redirect these resources to bring about better collaborations between employers and educators and workers and students. That would entail government at each level—national, state, and local—reviewing systematically the myriad of programs that support skills development. Given the tremendous changes in the economy over the last quarter-century, many established government skills programs are, unsurprisingly, no longer effective. Resources should be directed to those areas that make the market for middle-skills talent more efficient, such as:

Creating Better Real-time Data: The quality and timeliness of the information available to employers, educators, and job seekers are poor, especially when the U.S. is compared to other developed economies. The gold standard of course is Germany. Its federal employment agency launched the Virtual Labor-Market Platform (VLM) as an effort to improve the matching of employee skills with employer needs. The platform now brings together diverse players such as employers, job-seekers, training institutions, public organizations, and private recruiters on a common vision by giving them access to a consistent, centralized database. During the implementation period the VLM system accounted for 1.1 million job vacancies and 3.8 million applicant profiles. With those numbers, it is no surprise that VLM quickly won over users from both the supply and demand side. According to the European Union's database of labor market practices: "Every week, the online portal accounted for an average of 18,500 new registered jobseekers and 1,600 new registered companies."⁷⁵

In the United States, information about job placements, job openings, compensation levels, and prospects for advancement is highly fragmented. For example, 83% of small and medium employers (companies with fewer than 1,000 employees) say that they only have some or no access at all to information on where to find candidates with the right skills.⁷⁶ Job seekers find the assistance and information available from government insufficient as well.

A paltry 11% of job seekers turn to the public employment systems in search for a job. They report preferring online job boards (30%) or their personal network (15%) as means for searching for work.⁷⁷ Individual states have begun to adopt innovative practices. For example, Ohio has developed OhioMeansJobs. The online job-matching tool provides data on in-demand jobs by region and helps Ohio citizens plan better for available careers.⁷⁸ However, the absence of comprehensive data nationwide inhibits the workings of the market for middle-skills workers.

Policymakers can play a key role in facilitating the skills ecosystem by investing in systems that capture jobs data regionally, in such a way that the data ignore artificial administrative boundaries such as school districts, county, and even state lines. It goes without saying that such a system should capture data on job placements, as well as postings, in order to filter out redundant postings. Most importantly, government leaders should work with local employers to identify skills and competencies that are in chronic short supply, or in growing demand, and especially those that offer workers a higher lifetime value.

Encouraging Cooperation among Employers: The government rightfully applies restraints on competitors' communicating. However, encouraging companies to work through industry associations or other groups to create comprehensive, current job descriptions can contribute materially to closing the middle-skills gap. Developing such shared definitions is essential to providing workers with portable, stackable credentials.⁷⁹

Focusing on Small and Medium Enterprises: Small and medium enterprises account for a substantial portion of middle-skills jobs in America. Sourcing talent represents a greater challenge for them, since they lack the discretionary resources and scale to invest in relationships with educational institutions or to develop proprietary apprenticeship or training programs. According to Accenture's survey, 66% of medium-sized businesses (with revenues of \$251 million to \$2 billion) found it hard to fill middle-skills positions, compared to 52% of large companies (with revenues greater than \$2 billion). Providing effective support and incentives for smaller companies should be a particular focus for government.

Supporting and Replicating Successful Not-for-profit Models: Social entrepreneurs have innovated in numerous areas in which the barriers to progress seem insurmountable. Skills development is no exception. Governments at all levels should identify social entrepreneurs with proven track records and work either to attract them to their locale or to replicate the essential parts of their model. For example, Boston-based Year Up provides

young adults in urban markets with training, skills, and experiences that will prepare them for jobs with their business partners. In 2012, 84% percent of Year Up's alumni were working or had gone on to full-time education within four months of graduation. They earn an average starting wage of \$30,000 a year.⁸⁰ Similarly, Skills for Chicagoland's Future (SCF) is dedicated to understanding demand as the basis for enhancing workforce development in Cook County, Illinois. In 2013, SCF engaged with 25 local employers to obtain commitments to hire 600 unemployed job seekers, a majority of whom were long-term unemployed.⁸¹

Removing Barriers to Employers and Educational Institutions Adopting Innovative Initiatives: Our research indicates that various government policies inhibit innovations in skills development. For example, community colleges complain that states' departments of education are slow to approve the modification of existing accredited programs or to approve new ones. Employers find the legal risks of having high-school-aged apprentices and interns in their workplace intimidating. Policymakers should identify such impediments systematically and consider policy changes to remove them. Providing tax incentives, challenge grants, and other catalysts to reward experimentation should also be considered.

Integrating Performance Metrics around the Theme of Jobs: Many bureaucracies affect the middle-skills market. Departments of Education and Labor and state and regional economic development boards—these organizations and others all oversee government policies that influence the middle-skills market. All operate with different goals, track different metrics, and deploy their resources against their own strategies. Integrating the activities of these various departments as they relate to employment by using shared, visible metrics would help reduce the drag government policies inadvertently create on job creation.

The passage of the Workforce Innovation and Opportunity Act (WIOA) in July 2014 represents an important opportunity to advance the nation's skills agenda. The legislation standardizes several aspects of workforce training. For instance, states must submit a unified workforce development strategy that cascades from the state down to the local level. Critically, it stipulates the creation of a single set of performance measures. State and local governments will play a vital role in determining the success of this legislation when implementation begins in mid-2015. For example, states will need to establish metrics that capture the effectiveness of programs in the eyes of employers. Such data, captured over time, will help guide the efforts of talent suppliers and facilitate the dissemination of best practices within and across states. Moreover, if made public, it will direct aspiring workers to programs endorsed by employers. WIOA provides policymakers of every political stripe with a singular opportunity to reshape their workforce development systems with meaningful federal support.⁸²

Changing the Rhetoric about Higher Education:

Government leaders have consistently emphasized the need for students to obtain advanced credentials. However, the rallying cry most frequently invoked to support that noble purpose remains "college for all." That emphasis on obtaining four-year degrees, while aspirational, ignores the demographics of our workforce. Few young Americans will complete such a degree. In 2013, only 34% of Americans aged between 25 and 29 had attained a Bachelor's degree.⁸³ The "college for all" rhetoric risks devaluing the legitimacy of middle-skills work. Honoring the importance of such work requires reframing our rhetoric, employing strong cultural messages like "post-secondary education for all" and "lifelong education for lifelong employability."

Summary of recommendations for policymakers:

- Support small and medium-sized employers.
- Encourage companies to collaborate in creating opportunity.
- Identify and propagate proven third-party models or social entrepreneurs.
- Incentivize innovation in the relationship between employers and educators.
- Leverage state-of-the-art information systems to provide better transparency to the jobs market.
- Remove barriers to innovation by educators, workforce intermediaries, and employers.
- Align agencies around job creation.
- Embrace middle-skills jobs publicly.

CONCLUSION

America's system of middle-skills development needs a kick-start, and the conditions could not be better. Employers, educators, workforce intermediaries, and policymakers agree that the current system yields unacceptable results. For the first time, all the key players in America's middle-skills ecosystem are primed to reach across silos and work together for reform. Everyone understands the need to reverse the steady erosion of the skills base that is undermining America's competitiveness. The hard work to equip middle-skilled Americans must begin today, if America is to be prepared to do the important work of tomorrow.

The process starts with the principal actors in America's current middle-skills system accepting that they must embrace new roles and adopt new practices. For employers, this means recognizing a simple truth: they have to take ownership for fixing the skills gap in their firm, industry, community, and region. Skilled workers will not appear on demand and ready to be productive *deus ex machina*. Instead, businesses have to be willing to make the investments necessary to close the skills gap: establishing rigorous processes for working with talent suppliers, measuring the true costs of the shortage of skilled labor, investing in improving the skills of incumbent workers, and collaborating with other employers in their industry or region to define skills requirements.

Educators and other providers must embrace unfamiliar—and perhaps initially uncomfortable—relationships with employers. For example, the metrics that educational administrators and the policymakers who fund them use to evaluate the skills development system must be derived from those valued by employers, not independent of them. Educators may also redirect resources to programs that relate to the middle-skills jobs of today, in areas like technical sales, healthcare, and a variety of engineering disciplines. They should certainly make soft skills more integral to the general curriculum and embed them in specific courses that employers identify as critical to hiring decisions. Most importantly, educators must help students develop a sense of ownership over their own careers, earlier in life. Steering students on a pathway to success will include: providing better exposure to workplaces, developing means for probing students' interests, and inculcating an understanding of the varying prospects for advancement in different entry-level jobs.

Policymakers must set aside the notion that they are a third leg of the middle-skills stool. Rather they should embrace the role of enablers of a new system that focuses on aligning the resources of the educational and training systems with the needs of local employers. Removing regulatory and legal impediments to collaboration, providing funding for experimentation and for the scaling of successful models,

and vetting new legislation and regulations relative to their broad impact on job creation—these are the kind of interventions that will help catalyze the change American employers and workers want.

While business can and should invest in leading the transformation, it is clear that success will depend on adopting an approach that engages all the stakeholders, especially educators. In recent times, the rise of collective impact⁸⁴ organizations—independent “backbone” organizations that facilitate coordination among multiple stakeholders committed to a common shared vision on solving complex issues—offers hope. A collective action approach, in which partners such as educators, employers, and policymakers agree upon a shared agenda and governance model and hold themselves and each other accountable for achieving their objectives, is particularly well-suited to addressing the middle-skills gap. It allows different partners to play to their strengths, relying on a core, professionally managed organization to facilitate progress. Such efforts have already been formed across the country to solve issues ranging from economic development to education reform and healthcare access. Those ready to embrace the middle-skills challenge could adopt and adapt this model.

We hope this report encourages business leaders, educators, and policymakers to bring new energy and determination in addressing America's middle-skills gap. Many collective impact efforts relied on the vision of early champions, who seized the opportunity and engaged a set of like-minded but diverse leaders, intent on bringing about change. It's time now for a new cohort of leaders to step forward in order to put America back to work.

APPENDIX I: METHODOLOGY

A FRAMEWORK FOR UNDERSTANDING OCCUPATION IMPORTANCE TO U.S. COMPETITIVENESS

We developed a framework to map occupations according to their importance to the two fundamental elements of U.S. competitiveness: firms' success in the global economy and high and rising living standards for the average American.

Y-Axis: Value to U.S. Business

The "Value to U.S. Business" axis displays how important an occupation is to U.S. business by measuring how much the industry contributes to U.S. competitiveness and how critical each occupation is to the industries in which it is found.

Industry Contribution to U.S. Competitiveness (50%)

- Labor Productivity (25%):⁸⁵ How much does the industry produce relative to the compensation its workers receive? Productivity is calculated as a ratio of industry GDP to employee compensation. Bureau of Economic Analysis (BEA) sources for these two metrics, listed respectively:

–Annual Industry Accounts: Gross Domestic Product (GDP) by Industry

–Regional Economic Accounts (Regional Data): Compensation of Employees by BEA Region. The interactive table showing "Compensation of Employees (millions of current dollars)" is available on http://www.bea.gov/iTable/index_regional.cfm (from the "Compensation of Employees" link within the "Gross Domestic Product by State" group of tables).

- Economic Multiplier (25%): How much of an effect does the industry have on a local/regional economy? Source: BEA RIMS (Regional Industrial Multiplier System) II input-output multipliers (Type I), purchased from the BEA and used for each geography covered in our analysis. <https://www.bea.gov/regional/rims/rimsii/>

Occupation Criticality to Industry (50%): How important is the occupation to companies' business models? Sources: Accenture Middle-Skills Survey (details in Appendix III on Page 30) and Accenture industry subject-matter experts.⁸⁶ Respondents gave each occupation a score from 1 to 10 for each industry on the following scale:

- 1: not critical to business model
- 2-5: moderately critical to business model (e.g., back office, administrative support and corporate functions, facilities/office repair)
- 6-9: critical to business model (occupation focuses on maintaining company's day-to-day operations)

- 10: Extremely critical to business model (occupation and quality of worker drives company's ability to create revenue and margin)

Final scores for each occupation were calculated as weighted averages using Burning Glass data regarding the distribution of each occupation across industries. Occupations were not scored for industries where their distribution was less than 2%, as those scores may have been anomalous.

X-Axis: Career Lifetime Value

The "Career Lifetime Value" axis displays the value of an occupation to a worker by measuring the occupation's average salary and future earning potential.

- Average Salary (50%): How much does the occupation pay on average? Source: Bureau of Labor Statistics, National Occupational Employment and Wage Estimates.
- Future Earning Potential (50%): How much can workers in an occupation make in their most likely next jobs? Sources: Bureau of Labor Statistics, National Occupational Employment and Wage Estimates; Burning Glass résumé database (see below).

Burning Glass mined its database of seven million anonymized résumés collected from recruiting agencies, job boards, corporations, state workforce agencies, and other workforce intermediaries to identify likely career transitions among middle-skill roles. The résumé data were first parsed to identify subsequent occupations held by workers who started in a middle-skill role. Common next-step career transitions for each middle-skill role were identified, counted, and assigned a likelihood of occurrence based upon the percentage of actual workers who made each transition. Next, average OES salaries for the best-fit SOC occupation⁸⁷ assigned to each next-step role were used to calculate an average future salary for each transition. The average future salary for each middle-skill role was then calculated by weighting the average salary for transitions originating from that role by each transition's likelihood of occurrence. The average future salary scores were then normalized on a scale of one to ten to arrive at a final Future Earning Potential score.

Note: Data were obtained for the latest available time periods: RIMS economic multipliers, 2010; labor productivity, 2012; average salary, May 2013; occupation criticality, 2014. All Burning Glass data were for 2013.

APPENDIX II: METHODOLOGY

A FRAMEWORK FOR UNDERSTANDING HARD-TO-FILL JOBS

We used a framework similar to our “Importance to U.S. Competitiveness” framework to understand which jobs are hard for businesses to fill and also provide high career lifetime value to workers.

Y-Axis: Hard to Fill

The Hard-to-Fill axis shows how hard it is to fill an occupation based on three attributes of employers’ posting behavior: posting duration, posting duplication rates, and resource intensiveness.

- Posting Duration (33%): How long are job postings for the occupation active?
- Duplication Rates (33%): How frequently do employers duplicate postings?

- Resource Intensiveness (33%): How much money do employers spend to fill openings? For example, are they more likely to pay for recruiters or post on expensive job boards?

Source for all three attributes: Burning Glass’ database of over 100 million historical online job postings collected from job boards, government agencies, educational institutions, and employer websites.

X-Axis: Career Lifetime Value

This axis uses the same analysis described in Appendix I on Page 29.

APPENDIX III: METHODOLOGY FOR ACCENTURE’S MIDDLE-SKILLS SURVEY

The Accenture Middle-Skills Survey was conducted between January and February 2014 among 809 Human Resources (HR) executives in the U.S. across 18 industries and a range of company sizes and revenues. The online survey was designed by Accenture survey experts and fielded by a third-party firm. The survey aimed to identify and understand issues that HR leaders face in hiring workers, developing

skills, and ensuring a sufficient supply of talent to meet the middle-skills jobs required in their organizations. Two-thirds of respondents were HR directors; the remaining third were senior vice presidents of HR and senior managers. Half of the participating companies had revenue over \$1 billion, and one-quarter had over 10,000 employees. The margin of error for the survey was 3.4%.

APPENDIX IV: METHODOLOGY FOR HBS’ 2013–14 ALUMNI SURVEY

The 2013–14 HBS survey on U.S. competitiveness was designed and conducted by HBS faculty and researchers in conjunction with Abt SRBI, a leading survey research firm. A copy of the survey and a full report on methodology are available at: <http://www.hbs.edu/competitiveness/survey>.

The field period for the survey was December 12, 2013, to January 17, 2014. Alumni respondents included participants in Harvard Business School’s MBA, doctoral, and longer executive education programs. This survey solicited a representative sample of all alumni—15,099 individuals. Of these, 1,947 (12.9%) completed the survey.

Respondents weighed in from 46 U.S. states (66.7% of respondents with known locations) and 72 other countries (33.3%). They ranged in age from 26 to 98 years, and the 75.6% who currently work came from every sector of the economy, with heavy representation in the finance and insurance, manufacturing, professional, scientific, technical, and information sectors. Among the respondents who are currently working, just over 40% reported a title of chief executive, chair, president, founder, owner, managing director, managing partner, or a similar title at the very top of an organization.

APPENDIX V: INITIATIVES FOCUSED ON CLOSING THE MIDDLE-SKILLS GAP IN AMERICA*

Type of Initiative	Name of Initiative	Website/Link
Community/Technical College Initiatives	Air Washington	http://www.airwashington.org/
Community/Technical College Initiatives	Alpena Community College - Sustainable Solutions for NE Michigan: Green Jobs and Clean Energy	http://discover.alpenacc.edu/new_taaccct_grant.php
Community/Technical College Initiatives	American Association of Community Colleges - Virtual Career Network - Health Care	http://www.aacc.nche.edu/Resources/aaccprograms/health/cap/Pages/vcn_healthcare.aspx
Community/Technical College Initiatives	Arizona Sun Corridor - Get Into Energy Consortium	http://az.getintoenergy.com/
Community/Technical College Initiatives	Bismarck State College - Training for Regional Energy in North Dakota (TREND)	http://www.bismarckstate.edu/ceti/news/?NID=222
Community/Technical College Initiatives	Borough of Manhattan Community College (BMCC) - Health Information Pathways	http://www.bmcc.cuny.edu/news/news.jsp?id=10912
Community/Technical College Initiatives	Central California Community Colleges Committed to Change (C6) Consortium	http://c6.whccd.edu/Pages/index.aspx
Community/Technical College Initiatives	Central Community College - Innovations Moving People to Achieve Certified Training	http://www.cccneb.edu/component/content/article/37-201213collegepresidentsannualreport/1069-projectimpact
Community/Technical College Initiatives	Central Piedmont Community College (CPCC) - The Center for Energy Training	http://www.cpcc.edu/energy?searchterm=center+for+energy
Community/Technical College Initiatives	Chattanooga State Community College - Institute of Material Joining and Testing (IMJAT)	http://www.chattanooga.state.edu/engineering-technology/partnerships/imjat
Community/Technical College Initiatives	Chippewa Valley Technical College - Bridges2Healthcare	http://advancewisconsin.org/advance-wisconsin/national/bridges2healthcare/
Community/Technical College Initiatives	City Colleges of Chicago - Reinvention	http://www.ccc.edu/menu/Pages/Reinvention.aspx
Community/Technical College Initiatives	City University of New York (CUNY) - CareerPATH	http://www.cuny.edu/academics/conted/PATH/healthcare/HostosCCPBrochure.pdf
Community/Technical College Initiatives	Cleveland Community College - Mission Critical Operations	http://clevelandcc.wordpress.com/2013/09/18/ccc-receives-23-million-grant-from-the-u-s-department-of-labor-trade-adjustments-assistance-community-college-and-career-training/
Community/Technical College Initiatives	College of Central Florida - Information Technology Careers for Rural Areas	http://www.cf.edu/news/taaccctgrant091913.html
Community/Technical College Initiatives	Colorado Online Energy Training Consortium (COETC)	http://ocrl.illinois.edu/projects/transformational_change/tci-consortia-members/coetc/
Community/Technical College Initiatives	Community College Consortium for Bioscience Credentials	http://ocrl.illinois.edu/projects/transformational_change/tci-consortia-members/community-college-consortium-for-bioscience-credentials/
Community/Technical College Initiatives	Community College of Rhode Island - Pathways to Advance Career Education Program (PACE)	http://www.ccri.edu/president/archive/2011/federal_grant.html
Community/Technical College Initiatives	Community College System Of New Hampshire (CCSNH) - Regional Advanced Manufacturing Partnership	http://www.ccsnh.edu/news/manufacturing-industry-nh-get-199-million-shot-arm
Community/Technical College Initiatives	Connecticut State Colleges & Universities - Health & Life Sciences Career Initiative	http://www.ct.edu/initiatives/hlsci
Community/Technical College Initiatives	Consortium for Healthcare Education Online (CHEO)	https://cheo.pbworks.com/w/page/59450915/Consortium%20for%20Healthcare%20Education%20Online%20%28CHEO%29
Community/Technical College Initiatives	Contra Costa Community College District - Design It - Build It - Ship It	http://designitbuilditshipit.com/about/

*This is not an exhaustive list, nor has the success of these initiatives been measured or vetted by our team.

Type of Initiative	Name of Initiative	Website/Link
Community/Technical College Initiatives	Delaware Technical & Community College (DTCC) - Maximizing Student Achievement for Employment Success	https://etagrantees.wfgps.cms.uat2.keymind.com/resources/2014/06/09/19/29/de-delaware-technical-and-community-college-maximizing-student-achievement-for-employment-success
Community/Technical College Initiatives	East Los Angeles College - Technology & Logistics Program	http://www.elaclogistics.com/downloads/Working_World_Ad.pdf
Community/Technical College Initiatives	Edmonds Community College - Progressive, Accelerated Certifications for Employment in Information Technology (PACE-IT)	http://www.edcc.edu/pace-it/
Community/Technical College Initiatives	Flathead Valley Community College - Amplifying Montana's Advanced Manufacturing and Innovation Industry	http://www.fvcc.edu/wp-content/uploads/2013/08/June-2013-AMAMII-Newsletter.pdf?61d1e1
Community/Technical College Initiatives	Florence-Darlington Technical College - Accessible Support Services and Instruction for Sustainable Transition to Work (ASSIST) Program	http://assist.fdtc.edu/Default.aspx
Community/Technical College Initiatives	Florida TRADE Consortium	http://www.fltrade.org/
Community/Technical College Initiatives	Fox Valley Technical College - Advanced Manufacturing Pathways PLUS Project (AMP+)	http://advancewisconsin.org/advance-wisconsin/amp/
Community/Technical College Initiatives	Front Range Community College - Colorado Helps Advanced Manufacturers Program (CHAMP)	http://web1.frontrange.edu/catalog/4086.htm
Community/Technical College Initiatives	Greenville Technical College - SC Adult College Completion through E-Learning Resources and Academic Tracks to Employment Consortium (ACCELERATE)	http://www.clemson.edu/centers-institutes/cucwd/news/sc-accelerate-accelerating-adult-education/
Community/Technical College Initiatives	Illinois Green Economy Network (IGEN) Career Pathways	https://igencareerpathways.org/
Community/Technical College Initiatives	Indiana Commission for Higher Education - Indiana Return on Investment Report	http://iwis.in.gov/documents/FullROIReport.pdf
Community/Technical College Initiatives	Iowa Advanced Manufacturing Consortium (A-IM)	https://go.dmac.edu/news/Pages/20130425-1.aspx
Community/Technical College Initiatives	Kansas City Kansas Community College - Technical Education Center	http://www.kckcc.edu/academics/academic-divisions/technical-education-center
Community/Technical College Initiatives	LaGuardia Community College (LAGCC) - Skills to Bookkeeping Scholarship Program	http://www.qgazette.com/news/2014-01-29/Features/LaGuardia_CC_Hosts_Bookkeeping_Scholarship_Program.html
Community/Technical College Initiatives	Lake Region State College - Precision Agriculture	http://www.lrsc.edu/programs-3/precision-agriculture
Community/Technical College Initiatives	Lone Star Community College - Energy & Manufacturing Institute	http://www.lonestar.edu/corporatecollege/energy-manufacturing-institute.htm
Community/Technical College Initiatives	Los Angeles Healthcare Competency to Career Consortium (LA H3C)	http://college.lattc.edu/lah3c/
Community/Technical College Initiatives	Macomb Community College - Coalition of Advanced Manufacturing (M-CAM)	http://www.macomb.edu/news/2013/09/news-article2.html
Community/Technical College Initiatives	Maine Community College System - Future for ME	http://www.mccs.me.edu/about/futureforme.html
Community/Technical College Initiatives	Maine Community College System - Maine is IT!	http://www.mccs.me.edu/student/maineisit.html
Community/Technical College Initiatives	Massachusetts Community Colleges and Workforce Development Transformation Agenda (MCCWDTA)	http://www.masscc.org/partnerships-initiatives/redesigning-community-college-education-and-training
Community/Technical College Initiatives	Midlands Technical College - Better Occupational Outcomes with Simulation Training (BOOST) - New Pathways to Healthcare Careers	http://www.midlandstech.edu/boost/
Community/Technical College Initiatives	Missouri Community College Association - MoHealthWINS	http://mccatoday.org/mohealthwins/

Type of Initiative	Name of Initiative	Website/Link
Community/Technical College Initiatives	Missouri Community College Association - MoManufacturingWINS	http://mccatoday.org/momanufacturingwins/
Community/Technical College Initiatives	Motlow College - Workforce Development Pilot Program (WDPP)	http://www.mscc.edu/news/092911LaborGrant.aspx
Community/Technical College Initiatives	Mount Wachusett Community College - Advanced Manufacturing, Mechatronics, and Quality Consortium	http://mwcc.edu/news/2013/09/26/mount-wachusett-selected-to-oversee-15-9-million-multi-state-taacct-grant/
Community/Technical College Initiatives	Mountwest Community and Technical College - Beacon Project	http://www.mctc.edu/student-services/beacon-project/
Community/Technical College Initiatives	Multi-State Advanced Manufacturing Consortium (M-SAMC)	http://www.msamc.org/
Community/Technical College Initiatives	National STEM Consortium (NSC)	http://www.nationalstem.org/
Community/Technical College Initiatives	North Carolina Community Colleges - SuccessNC	http://www.successnc.org/
Community/Technical College Initiatives	Northeast Wisconsin Technical College - Making the Future: The Wisconsin Strategy	http://newmfgalliance.org/media/35549/dept.%20of%20labor%20grant%203-29-2013.pdf
Community/Technical College Initiatives	Northern Nevada Consortium for Manufacturing and Mining	http://elkodaily.com/news/gbc-to-receive-million-training-grant/article_41101ad0-20be-11e3-9f6b-001a4bcf887a.html
Community/Technical College Initiatives	Northern Virginia Community College - NOVA Credentials to Careers Consortium	http://www.nvcc.edu/c2c/
Community/Technical College Initiatives	Partnership for Accelerated Learning through Visualization, Engagement, and Simulation (PAVES)	http://pavesal.com/
Community/Technical College Initiatives	Passaic County Community College - Northeast Resiliency Consortium	http://www.northjersey.com/news/passaic-county-community-college-receives-9m-federal-grant-to-lead-multi-state-job-training-program-1.694780
Community/Technical College Initiatives	Pine Technical College - Rural Information Technology Alliance (RITA)	http://pinetechnicalcollege.blogspot.com/2013/09/ptc-named-leader-in-18-million.html
Community/Technical College Initiatives	Purdue University - Gallop-Purdue Index	http://www.purdue.edu/newsroom/releases/2013/Q4/gallup-and-purdue-university-partner-to-measure-college-outcomes-with-landmark-study.html
Community/Technical College Initiatives	Raritan Valley Community College - Greater Raritan Workforce Delivery Project (WDP)	http://www.raritanval.edu/admin/research/wdp/index.html?terms=Workforce%20Delivery%20Project
Community/Technical College Initiatives	Retraining the Gulf Coast Workforce through IT Pathways Consortium	http://www.collegetransition.org/about.currentprojects.gulfcoast.html
Community/Technical College Initiatives	Roane State Community College - A Prescription of Healthcare Training in Tennessee	http://www.roanestate.edu/?8303-Rx-Tennessee
Community/Technical College Initiatives	Rochester Institute of Technology - Co-op Program	http://www.rit.edu/co-op.html
Community/Technical College Initiatives	Rogue Community College - Pathways to Allied Health Professions	https://www.roguecc.edu/PSA/2012/N12-105%20grant%20will%20benefit%20RCC%20students%20and%20local%20health%20care%20providers.pdf
Community/Technical College Initiatives	SC Technical College System - readySC	http://www.readysc.org/
Community/Technical College Initiatives	ShaleNET	http://www.shalenet.org/
Community/Technical College Initiatives	Sinclair Community College - Accelerate IT	http://www.sinclair.edu/online/accelerate/?searchTerm=Instruction to accelerate learning
Community/Technical College Initiatives	South Dakota Allied Health Training Consortium	http://www.sintegleska.edu/allied-health.html
Community/Technical College Initiatives	Southeastern Economic and Education Leadership Consortium	http://www.pstcc.edu/grants/seelc.php
Community/Technical College Initiatives	Southwest Missouri Public Safety and Emergency Medical Initiative	http://www.themaneater.com/stories/2012/9/21/missouri-community-colleges-receive-career-trainin/
Community/Technical College Initiatives	St. Louis Community College - Mississippi River Transportation, Distribution, & Logistics Consortium (MRTDL)	http://www.stlcc.edu/Workforce-Solutions/MRTDL/

Type of Initiative	Name of Initiative	Website/Link
Community/Technical College Initiatives	State University of New York (SUNY) Statewide Community College Collaborative - Training and Educational in Advanced Manufacturing (TEAM) Project	http://www.hezel.com/what-s-up/current-projects/117-suny-taacct
Community/Technical College Initiatives	Strengthening Workforce Alignment in Montana's Manufacturing and Energy Industries (SWAMMEI)	http://mus.edu/2yr/TAACCT/SWAMMEI%20Abstract.pdf
Community/Technical College Initiatives	Technical Retraining to Achieve Credentials (TRAC-7)	http://www.trac7.org/
Community/Technical College Initiatives	Texarkana College - Health Professions Pathways	https://www.texarkanacollege.edu/academics/health-science-division/healthcare-professions-pathways/
Community/Technical College Initiatives	The National Information, Security, and Geospatial Technologies Consortium	http://nisgtc.org/index.html
Community/Technical College Initiatives	The North Carolina Advanced Manufacturing Alliance	http://advancedmanufacturingalliance.org/
Community/Technical College Initiatives	Tidewater Community College - Virginia RETHINKS Health Sciences Education	http://www.tcc.edu/news/press/jobtraining2011.htm
Community/Technical College Initiatives	Tyler Junior College - ACT-On Retail Management Careers Project	http://www.tjc.edu/info/2004134/professional_and_amp_technical_programs/748/act-on_retail_management_careers_project
Community/Technical College Initiatives	United Tribes Technical College - Tribal College Consortium for Developing Montana and North Dakota Workforce (TCC DeMaND)	http://www.uttc.edu/news/story/102711_01.asp
Community/Technical College Initiatives	Vermont Tech - Institute for Applied Agriculture and Food Systems	http://www.vtc.edu/meet-vtc/centers-institutes/ag-institute
Community/Technical College Initiatives	Vincennes University - Logistics Training and Education Center (LTEC)	http://www.vinu.edu/logistics-training-education-center-ltec
Community/Technical College Initiatives	Virginia's Community Colleges - Virginia Education Wizard	https://www.vawizard.org/vccs/Main.action
Community/Technical College Initiatives	Washtenaw Community College - Intentionally Growing New Information Technology Employees (IGNITE) Program	http://www.wccnet.edu/ignite/
Community/Technical College Initiatives	Waubonsee Community College - Strengthening Transitions, Building Pathways and Improving Achievement for Disadvantaged Workers	http://www.waubonsee.edu/news/archive/2012/20120925durbGrant.php
Community/Technical College Initiatives	Western Governors University	http://www.wgu.edu/about_WGU/overview
Community/Technical College Initiatives	Wichita Area Technical College (WATC) - National Aviation Consortium (NAC)	http://watc.edu/nac/
Community/Technical College Initiatives	Wisconsin Technical College System - Intentional Networks Transforming Effective and Rigorous Facilitation of Assessment, Collaboration, and Education (INTERFACE)	http://matcitsupport.org/overview/interface-grant/
Corporate Initiatives	Apprenticeship 2000	http://apprenticeship2000.com/
Corporate Initiatives	Business Roundtable	http://businessroundtable.org/
Corporate Initiatives	Greater Omaha Chamber - Intern Omaha	https://www.omahachamber.org/talent-and-workforce/intern-omaha.cfm?
Corporate Initiatives	Accenture / Education For Employment - Programming For The Future	http://www.efc.org/news/item/438-accenture-managing-director-jill-huntley-and-efe-ceo-jamie-mcauliffe-speak-on-partnerships-for-youth-employment-at-davos/438-accenture-managing-director-jill-huntley-and-efe-ceo-jamie-mcauliffe-speak-on-partnerships-for-yo
Corporate Initiatives	Alcoa Foundation - Global Internship Program for Unemployed Youth	http://www.ife.org/en/Programs/Alcoa-Foundation-Global-Internship-Program/About
Corporate Initiatives	Amazon.com, Inc. - Mechanical Turk	https://www.mturk.com/mturk/welcome
Corporate Initiatives	Best Buy - Geek Squad AcademyTM	https://academy.geeksquad.com/
Corporate Initiatives	BMW Manufacturing Co., LLC - BMW Scholars	https://www.bmwusfactory.com/careers/bmw-scholars/

Type of Initiative	Name of Initiative	Website/Link
Corporate Initiatives	Cisco Systems Inc. - Cisco Networking Academy	http://www.cisco.com/web/learning/netacad/index.html
Corporate Initiatives	Discovery Communications, LLC - Discover Your Skills	http://discoveryourskills.com/
Corporate Initiatives	Disney - Disney Institute	http://disneyinstitute.com/
Corporate Initiatives	DuPont / Parkersburg West Virginia University - Learn and Earn Program	http://www.wvup.edu/workforce-community/learn-and-earn/
Corporate Initiatives	Florida Power & Light Company (FPL) - Apprenticeship Degree and Qualification Program	http://www.aspeninstitute.org/policy-work/economic-opportunities/skills-americas-future/models-success/next-era-energy
Corporate Initiatives	Gap Inc. - Gap Inc. for Community Colleges	http://www.aspeninstitute.org/policy-work/economic-opportunities/skills-americas-future/models-success/case-study-gap-community-colleges
Corporate Initiatives	Gap Inc. - This Way Ahead	http://www.gapinc.com/content/csr/html/community/youth.html
Corporate Initiatives	Grainger Inc. - Tools for Tomorrow®	http://www.graingercsr.com/serving-our-communities/skilledtrades/
Corporate Initiatives	IBM - Pathways in Technology Early College High Schools (P-TECH)	https://www-03.ibm.com/press/us/en/presskit/42300.wss
Corporate Initiatives	John Deere - John Deere TECH Program	http://www.deere.com/wps/dcom/en_US/corporate/our_company/careers/students/high_school/high_school.page
Corporate Initiatives	JPMorgan Chase & Co. - New Skills at Work	http://www.jpmorganchase.com/corporate/Corporate-Responsibility/new-skills-at-work
Corporate Initiatives	Luminant - Luminant Power Track	http://www.luminantpowertrack.com/
Corporate Initiatives	McDonald's - English Under the Arches™	http://www.aspeninstitute.org/policy-work/economic-opportunities/skills-americas-future/models-success/mcdonalds-english-under-arches
Corporate Initiatives	McDonald's - Hamburger University	http://www.aboutmcdonalds.com/mcd/corporate_careers/training_and_development/hamburger_university.html
Corporate Initiatives	Microsoft - Elevate America	http://www.microsoft.com/about/corporatecitizenship/en-us/community-tools/job-skills/elevate-america/
Corporate Initiatives	Motorola Solutions - Motorola Moments	http://www.aspeninstitute.org/policy-work/economic-opportunities/skills-americas-future/models-success/motorola-moments
Corporate Initiatives	Pacific Gas & Electric Company (PG&E) - PowerPathway™	http://www.pge.com/about/careers/powerpathway/
Corporate Initiatives	Snap-on, Inc. - Student Excellence Program	http://www1.snapon.com/SEP
Corporate Initiatives	Southwire Company - 12 For Life	http://www.12forlife.com/
Corporate Initiatives	Starbucks Corporation - Starbucks College Achievement Plan	http://www.starbucks.com/careers/college-plan
Corporate Initiatives	Toyota Motor Corporation - Advanced Manufacturing Technician Work/Study Program	http://www.mclean.k12.ky.us/userfiles/1135/Toyota%20Technician%20Program.pdf
Corporate Initiatives	United Parcel Service of America, Inc. (UPS) - Metropolitan College / UPS	http://metro-college.com/ups/
Corporate Initiatives	Volkswagen of America, Inc. / Chattanooga State Community College - Volkswagen Academy	http://www.chattanooga.state.edu/engineering-technology/partnerships/vw-academy/
Corporate Initiatives	Xerox Corporation Ltd. - Workforce Predictive Analytics	http://go.evolvondemand.com/rs/evolvondemand/images/case%20study_Xerox%20Finds%20Precision%20and%20Profit_R2.pdf?mkt_tok=3RkMMJWWfF9wsRonvqjLZKXonjHpfSx56uktUa%2B2IMI%2F0ER3f0vrPUfGjI4ASMdjl%2BSDLwEYGJiv6SgFSLfDMbdn0rgJUxU%3D
For-Profit Entrepreneur	App Academy	http://www.appacademy.io/#p-home
For-Profit Entrepreneur	Code Fellows, LLC.	http://www.codefellows.org/
For-Profit Entrepreneur	Codecademy	http://www.codecademy.com/
For-Profit Entrepreneur	Coder Camps	https://www.codercamps.com/

Type of Initiative	Name of Initiative	Website/Link
For-Profit Entrepreneur	Coding Dojo™	http://codingdojo.com/
For-Profit Entrepreneur	Craftsmanship Academy	http://craftsmanshipacademy.com/
For-Profit Entrepreneur	Dev Bootcamp	http://devbootcamp.com/
For-Profit Entrepreneur	Fullstack Academy of Code	http://www.fullstackacademy.com/
For-Profit Entrepreneur	Galvanize	http://www.galvanize.it/school/
For-Profit Entrepreneur	General Assembly	https://generalassemb.ly/
For-Profit Entrepreneur	Hack Reactor	http://www.hackreactor.com/
For-Profit Entrepreneur	Hackbright Academy	http://www.hackbrightacademy.com/
For-Profit Entrepreneur	Hacker School	https://www.hackerschool.com/
For-Profit Entrepreneur	Kaplan Inc., Metis	http://www.thisismetis.com/
For-Profit Entrepreneur	Launch Academy	http://www.launchacademy.com/
For-Profit Entrepreneur	TeaLeaf Academy	http://www.gotealeaf.com/
For-Profit Entrepreneur	The Flatiron School	http://flatironschool.com/
For-Profit Entrepreneur	The Tech Academy	http://techacademyportland.com/
For-Profit Entrepreneur	Thinkful, Inc.	http://www.thinkful.com/about
For-Profit Entrepreneur	Treehouse Island Inc.	https://teamtreehouse.com/
For-Profit Entrepreneur	Udacity, Inc. - Nanodegrees	https://www.udacity.com/nanodegrees
For-Profit Entrepreneur	Viridis	https://viridislearning.com/
Public Workforce Initiatives	Common Core State Standards Initiative	http://www.corestandards.org/
Public Workforce Initiatives	Employment Advancement Right Now (EARN) Maryland Program	https://www.dllr.state.md.us/earn/
Public Workforce Initiatives	Minnesota Jobs Skill Partnership (MJSP) Program	http://grantsoffice.com/GrantDetails.aspx?gid=4063
Public Workforce Initiatives	Ohio Means Jobs	http://workforce.ohio.gov/JobsForecasting.aspx
Public Workforce Initiatives	U.S. Registered Apprenticeship College Consortium (RACC)	http://www.doleta.gov/OA/racc.cfm
Industry Sector Initiatives	Automotive Manufacturing Technical Education Collaborative	http://autoworkforce.org/About_Us
Industry Sector Initiatives	Manufacturing Institute - Dream It. Do It.	http://www.themanufacturinginstitute.org/Image/Dream-It-Do-It/Dream-It-Do-It.aspx
Industry Sector Initiatives	Manufacturing Institute - Get Skills to Work	http://www.themanufacturinginstitute.org/Skills-Certification/Webinar-Series/2013-04-Get-Skills-to-Work/April-2013-Get-Skills-to-Work.aspx
Industry Sector Initiatives	Manufacturing Institute - M-Badges	http://www.themanufacturinginstitute.org/News-Articles/2013/04/01-NYSCI-STEM-Badges-Meeting.aspx
Industry Sector Initiatives	Maryland Center for Construction Education and Innovation	http://www.mccei.org/mccei/
Industry Sector Initiatives	National Institute for Metalworking Skills, Inc. (NIMS)	https://www.nims-skills.org/web/nims/home
Industry Sector Initiatives	North Coast Marine Manufacturing Alliance	http://www.northcoastmma.org/
Industry Sector Initiatives	Ohio Regional Information Technology Engagement (RITE) Board - Get I.T. Here	http://www.getithere.net/
Industry Sector Initiatives	Pacific Northwest Center of Excellence for Clean Energy	http://cleanenergyexcellence.org/about/
Industry Sector Initiatives	Right Skills Now	http://rightskillsnow.org/
Industry Sector Initiatives	Skill Works - Emergency Medical Careers Partnership (EMCP)	http://www.skill-works.org/workforce-partnerships-phase-2.php
Industry Sector Initiatives	Skill Works - Green Construction Program	http://www.skill-works.org/workforce-partnerships-phase-2.php#partnership5
Industry Sector Initiatives	Skill Works - Healthcare Training Institute (HTI)	http://www.skill-works.org/workforce-partnerships-phase-2.php#partnership2

Type of Initiative	Name of Initiative	Website/Link
Industry Sector Initiatives	Wisconsin Industry Partnerships Project	http://www.cows.org/_data/documents/1489.pdf
Industry Sector Initiatives	Wisconsin Regional Training Partnership (WRTP)/BIG STEP	http://www.wrtp.org/index.php
Industry Sector Initiatives	Lancaster County Workforce Investment Board - Industrial Maintenance Training Center of Pennsylvania	http://www.lancastercountywib.com/partnership-information/industrial-maintenance
Intermediary / Non-Profit Initiatives	A Billion + Change	http://www.abillionpluschange.org/
Intermediary / Non-Profit Initiatives	ACT - Work Ready Communities	http://workreadycommunities.org/
Intermediary / Non-Profit Initiatives	American National Standards Institute (ANSI) - Energy Efficiency Standardization Coordination Collaborative (EESCC)	http://www.ansi.org/standards_activities/standards_boards_panels/eesc/overview.aspx?menuid=3
Intermediary / Non-Profit Initiatives	American Society for Training & Development - Association for Talent Development	http://www.astd.org/
Intermediary / Non-Profit Initiatives	American Welding Society	http://www.aws.org/w/a/
Intermediary / Non-Profit Initiatives	Apprenticeship Carolina	http://www.apprenticeshipcarolina.com/
Intermediary / Non-Profit Initiatives	Aspen Institute - Skills for America's Future	http://www.aspeninstitute.org/policy-work/economic-opportunities/skills-for-americas-future
Intermediary / Non-Profit Initiatives	Association for Career & Technical Education	http://www.acteonline.org/
Intermediary / Non-Profit Initiatives	Center for Energy Workforce Development (CEWD) - Get Into Energy	http://www.cewd.org/state-consortia/
Intermediary / Non-Profit Initiatives	Corporation for a Skilled Workforce	http://skilledwork.org/
Intermediary / Non-Profit Initiatives	JOBipedia	http://jobipedia.org/#sthash.XIZKMaP9.CsxXgTZh.dpbs
Intermediary / Non-Profit Initiatives	Jobs For The Future	http://www.jff.org/
Intermediary / Non-Profit Initiatives	Khan Academy	https://www.khanacademy.org/computing/cs
Intermediary / Non-Profit Initiatives	Manufacturing Works - Chicago Workforce Center	http://www.chicagomfgworks.org/index.html
Intermediary / Non-Profit Initiatives	National Skill Development Corporation	http://nsdcindia.org/
Intermediary / Non-Profit Initiatives	National Skills Coalition	http://www.nationalskillscoalition.org/
Intermediary / Non-Profit Initiatives	National Youth Employment Coalition	http://www.nyec.org/
Intermediary / Non-Profit Initiatives	Opportunity Nation	http://opportunitynation.org/
Intermediary / Non-Profit Initiatives	Science + Technology Education Innovation Center	http://www.sciencecenterofpinellas.org/eic/industry-partnerships.html
Intermediary / Non-Profit Initiatives	Skills for Chicagoland's Future	http://www.skillsforchicagolandfuture.com
Intermediary / Non-Profit Initiatives	Technical College System of Georgia - Quick Start	http://www.georgiaquickstart.org/
Intermediary / Non-Profit Initiatives	The San Francisco Foundation - Bay Area Workforce Funding Collaborative	http://sff.org/programs/core-program-areas/community-development/bay-area-workforce-funding-collaborative/
Intermediary / Non-Profit Initiatives	Workforce Intelligence Network (WIN)	http://win-semich.org/
Intermediary / Non-Profit Initiatives	Year Up	http://www.yearup.org/

Notes

- ¹ Olivier Coibion, Yuriy Gorodnichenko, and Dmitri Koutas, "Ameriscclerosis: The Puzzle of Rising U.S. Unemployment Persistence," *Brookings Papers on Economic Activity*, Fall, 2013.
- ² Bureau of Labor Statistics, Economic News Release, <http://www.bls.gov/news.release/empsit.a.htm> (accessed October 9, 2014).
- ³ Bureau of Labor Statistics News Release, Job Openings and Labor Turnover, August 2014, <http://www.bls.gov/news.release/pdf/jolts.pdf> (accessed October 9, 2014).
- ⁴ Michael E. Porter and Jan W. Rivkin, "The Looming Challenge to U.S. Competitiveness," *Harvard Business Review*, March 2012.
- ⁵ See, for example, Michael E. Porter and Jan W. Rivkin et. al. "An Economy Doing Half Its Job," September, 2014. (Harvard Business School's annual alumni surveys on the U.S. Competitiveness Project are available at <http://www.hbs.edu/competitiveness>.)
- ⁶ Michael E. Porter and Jan W. Rivkin, "Prosperity at Risk: Findings of Harvard Business School's Survey on U.S. Competitiveness," Page 15, January 2012.
- ⁷ The chart shows the U-3 or official unemployment rate (the total number of unemployed as a percent of the civilian labor force) and the U-6 rate (the total unemployed, plus all persons marginally attached to the labor force, plus total employed part-time for economic reasons, as a percent of the civilian labor force plus all persons marginally attached to the labor force). Source: Bureau of Labor Statistics, Current Population Survey.
- ⁸ Rob Valletta and Leila Bengali, "What's Behind the Increase in Part-Time Work?" Federal Reserve Bank of San Francisco, Economic Letter, August 26, 2013.
- ⁹ Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey, data extracted on September 24, 2014.
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- ³⁰ To quantify online postings for middle-skills jobs, Burning Glass first used its analytics to determine whether an occupation is commonly open to job seekers without Bachelor's degrees. After eliminating jobs that are not commonly open to such workers, Burning Glass deemed as "middle-skill" all remaining jobs from the following occupation families: Architecture and Engineering; Business and Financial Operations; Community and Social Services; Computer and Mathematical; Construction and Extraction; Education, Training, and Library; Healthcare Practitioners and Technical; Healthcare Support; Installation, Maintenance, and Repair; Legal; Life, Physical, and Social Science; Management; Office and Administrative Support; Production; Protective Service; Sales and Related; Transportation and Material Moving. For all other occupation families, an occupation was identified as "middle-skill" if at least 20% of its postings required postsecondary education below the Bachelor's degree level (such as an Associate's degree).
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The research partnership on the middle-skills gap and U.S. competitiveness was led by:

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Joseph Fuller would like to acknowledge his collaboration with the National Governors Association in 2013 and recognize the collegueship of Richard Laine, Martin Simon, Garrett Groves, Mary Jo Waits, and Iris Palmer. He also recognizes his collaboration with Jason Tyszko of the U.S. Chamber of Commerce Foundation and Robert Sheets of The George Washington University.

Accenture's Robin Boggs, Karen Wolf, and Tim Rogers provided valuable advisory services.

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Leon Works Expo Workgroup

January 28, 2015

*Visit Tallahassee, 106 E. Jefferson Street
Second Floor Conference Room*

Attendees:

- Jim McShane, CEO, Career Source Capital Region
- Michael Parker, Economic & Community Development Director, City of Tallahassee
- Ben Pingree, Vice President of Business Retention/Expansion and Public Policy for the Tallahassee/Leon County Economic Development Council
- Laura Rogers, Program Director, World Class Schools of Leon County
- Barbara Wills, Leon County Schools Assistant Superintendent
- Jessica Lowe, Leon County Schools Virtual School Principal
- Randy Pridgeon, Divisional Director of Secondary Schools, Leon County Schools
- Marissa Mainwood, Workforce Development Special Projects Coordinator, Tallahassee Community College
- Britney Smith, Undergraduate Program Coordinator, Keiser University
- Heather Conley, Florida Choices Program – Department of Education Program Specialist
- Charles Bagwell
- Cristina Paredes, Leon County Director of Economic Vitality
- Mathieu Cavell, Leon County Public Information and Communications Manager
- Joshua Pascua Leon County Management Analyst

Ms. Cristina Paredes, Leon County Director of Economic Vitality, thanked the stakeholders for participating in the workgroup. After each stakeholder introduced themselves Ms. Paredes discussed the County's desire to serve as a catalyst for promoting local middle-skill jobs, specifically to high-school students, noting that the Leon County Board of County Commissioners recently adopted two 2015 strategic initiatives on this effort:

- Evaluate and identify the projected unmet local market for middle-skill job opportunities.
- Based upon the projected unmet local market for middle-skill jobs, and with Board approval, collaborate with community and regional partners to host a new "Leon Works" exposition to educate high school students (15-18 years old) on the diverse and exciting middle-skill career and jobs anticipated locally, while raising awareness regarding a wide range of career opportunities.

Ms. Paredes also discussed the workgroup's goals with the stakeholders, the first goal being to identify and discuss the challenges in filling the shortage of middle-skill labor in our market. The second goal of the workgroup would be to identify the challenges associated with promoting the training and career opportunities available in our community to high school students preparing to graduate.

Mr. Ben Pingree, Vice President of Business Retention/Expansion and Public Policy for the Tallahassee/Leon County Economic Development Council, began the workgroup's discussion by asking how the stakeholders define 'middle-skill' jobs/careers. The group shared that middle-

skill jobs/careers often require education beyond high school but not a four-year degree (one to two years of vocational training) and an earn an average wage of \$13 per hour or more. Ms. Heather Conley, Florida Choices Program Department of Education, noted that 15 of the fastest growing occupations in Florida require only two years of training and pay good wages (Attachment #1). The group agreed that the terminology of 'middle-skilled careers' may need to change to make middle-skilled careers more attractive and easy to promote. Mr. Pingree suggested instead of 'middle-skilled careers' that the term 'high-wage skilled jobs' be used.

The group discussed the need to change perceptions about skilled careers, especially with parents who may not be aware of opportunities associated with middle-skilled jobs/careers. Mr. Bagwell noted it was important to understand that middle-skill jobs/careers do not have to be the end of a career but rather that these jobs could be a stepping-stone to starting a business or to finding a person's career passion.

Mr. Randy Pridgeon, Divisional Director of Secondary Schools, Leon County Schools (LCS), observed that high school students routinely receive a lot of college recruitment literature as they prepare to graduate. He also noted that students preparing to enter the workforce often do not receive the same level of recruitment as college-bound students. In 2012, 24% of Leon County high school graduates continued their education at a state university, while 41% were enrolled in a state community college or state technical education center. This suggests that many Leon County high school students would benefit from information about alternatives to university-bound career paths. Mr. Pridgeon noted that the high schools would be open to allowing businesses to similarly recruit among the students.

Mr. Pridgeon also discussed that LCS administrators, high school principals, and the World Class Schools of Leon County team have recently been visiting local industries to familiarize them with local opportunities for students preparing to enter the workforce. These trips help to identify challenges and opportunities for the number of certification training programs LCS offers to promote middle-skill careers. The hope is that LCS will be able to create a paradigm shift in the way high schools prepare students for success after school. The group agreed with the need for the paradigm shift, noting that there is not enough room in the university system for every student. Additionally, Bright Futures scholarship requirements have become tougher to meet, suggesting that more students will be seeking degree alternatives. Mr. Pridgeon stressed the importance of anticipating needs in the local workforce so that LCS and other vocational training programs had enough time to provide the training to meet the demand. Ms. Conley suggested that the Department of Economic Opportunity tracks job demand and would have data to help determine that need.

Ms. Paredes stated that the County's pursuit of a one day Leon Works Expo would complement the ongoing efforts by LCS to promote middle-skill careers. The expo would serve as a one-stop shop for students to seek career opportunities and explore degree alternatives such as apprenticeships, certifications, and skilled trade careers.

Ms. Jessica Lowe, Leon County Schools Virtual School Principal, discussed a survey initiative that LCS could utilize to find out what high-wage careers interest students, which could help determine what industries to invite to the proposed Leon Works Expo. Ms. Conley noted career survey tools that she has seen used effectively and suggested that it would be good if the survey suggested career clusters. For example, students may be interested in helping people through medicine, but not what specific career path in that cluster would suit them.

Ms. Paredes and Mr. Pingree noted that the next step is to partner with the Economic Development Council to host a roundtable meeting of employers to gauge what the local opportunities are for middle-skill careers. The roundtable meeting would also help the workgroup identify what industries should be invited to the potential Leon Works Expo in the fall. Mr. Pridgeon suggested that the roundtable be held at one of the high schools to tune employers into the opportunities to partner with LCS to train and hire students. The group agreed to host the roundtable meeting at Lively Technical School on February 18, 2015, from 11a.m. to 1p.m. in order to allow high school principals the opportunity to attend. Ms. Lowe noted that there will be a large number of retirements in 2016 among state workers and suggested that the Department of Management Services would be a good addition to the roundtable to provide insight on the State's hiring needs.

The workgroup also discussed ideas for the tentative Leon Works Expo. Mr. Parker discussed that middle-skill career opportunities should be promoted to the under-employed, not just students. Ms. Paredes noted that there has been some discussion regarding opening the Expo to the community in the afternoon after the high school students had an opportunity to attend. Mr. Bagwell suggested that hands-on demonstrations at the Expo would be attractive to students. Ms. Paredes stated that these demonstrations would be beneficial and are being discussed to include in the expo. Ms. Paredes also suggested that promotion for the Expo could highlight successful local people in these careers, who could act as role models and inspire the attendees. Mr. Bagwell mentioned that the Expo promotion efforts should be mindful that engaged students will readily show up; it is the less engaged students still trying to figure things out that would benefit most from the Expo.

Ms. Paredes closed the workgroup meeting by thanking the participants and recapping the next steps. After the roundtable meeting, the County Commission would get a status update on the projected unmet local need for middle-skill job opportunities and provide staff with direction.

The next steps for the Leon Works Expo will be a roundtable meeting with local businesses to discuss challenges and opportunities for middle-skill jobs. Leon County and the Economic Development Council will host the meeting at Lively Technical Center on Wednesday, February 18, 2015, from 11:00 a.m. to 1:00 p.m. The Leon Works Exposition will more than likely be held in mid-October 2015 and will be followed by a stakeholders wrap-up meeting in November.

Enclosure:

1. 25 Fastest-Growing Occupation Projections in Florida for 2013.

25 Fastest-Growing Occupation Projections in Florida

Includes openings due to growth and replacement openings resulting from workers permanently leaving the occupation.
 This table includes occupations with a minimum of 4,000 jobs in 2013.

Rank	Title	Employment		Growth	2013 - 2021	
		current 2013	projections 2021		Percent Growth	Total Job Openings
1	Home Health Aides	31,281	43,907	12,626	40.4	15,752
2	Personal and Home Care Aides	14,724	20,218	5,494	37.3	6,378
3	Cement Masons and Concrete Finishers	10,544	14,061	3,517	33.4	4,830
4	Veterinary Technologists and Technicians	7,454	9,908	2,454	32.9	3,445
5	Diagnostic Medical Sonographers	4,856	6,437	1,581	32.6	2,156
6	Cost Estimators	11,197	14,830	3,633	32.5	5,306
7	Market Research Analysts and Marketing Specialists	14,836	19,534	4,698	31.7	7,838
8	Heating, A.C., and Refrigeration Mechanics and Installers	24,665	32,437	7,772	31.5	11,161
9	Physical Therapist Assistants	4,708	6,081	1,373	29.2	1,931
10	Nonfarm Animal Caretakers	10,744	13,842	3,098	28.8	5,001
11	Medical Secretaries	18,205	23,359	5,154	28.3	7,100
12	Logisticians	4,160	5,330	1,170	28.1	1,792
13	Nurse Practitioners	6,212	7,930	1,718	27.7	2,581
14	Dental Hygienists	10,669	13,559	2,890	27.1	4,552
15	Meeting and Convention Planners	4,246	5,353	1,107	26.1	1,741
16	Security and Fire Alarm Systems Installers	6,267	7,896	1,629	26.0	2,830
17	Physical Therapists	12,960	16,302	3,342	25.8	4,510
18	Medical and Public Health Social Workers	6,674	8,368	1,694	25.4	2,947
19	Occupational Therapists	6,633	8,313	1,680	25.3	2,657
20	Helpers – Electricians	4,499	5,626	1,127	25.1	2,112
21	Physician Assistants	4,081	5,102	1,021	25.0	1,622
22	Drywall and Ceiling Tile Installers	6,661	8,278	1,617	24.3	3,056
23	Paralegals and Legal Assistants	24,343	30,193	5,850	24.0	8,535
24	Emergency Medical Technicians and Paramedics	9,449	11,716	2,267	24.0	3,739
25	Fitness Trainers and Aerobics Instructors	14,671	18,164	3,493	23.8	5,361

Source: Florida Department of Economic Opportunity:

Go to the Employment Projections page (www.floridajobs.org/lmsc/ep). Under "Employment Projections Data" select either Statewide or your Workforce Region and then Open. When the spreadsheet opens, choose the Occf worksheet at the bottom of the page. If you do not see the worksheets list, you may need to maximize the worksheet.

Education Code:

1 Less than High School 2

2 High School Diploma/GED 1

3 Adult Vocational Certificate 9

4 College: Cert/AS/AA 6

5 Bachelor's 3

6 Master's or Higher 4

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Leon Works Roundtable Meeting

February 18, 2015
Lively Technical Institute

Commissioner Mary Ann Lindley, Chairman of the Leon County Commission, welcomed the stakeholders and thanked the Tallahassee/Leon County Economic Development Council (EDC), Leon County Schools (TCC), and Lively Technical Center for hosting the roundtable meetings (Attachment #1). Chairman Lindley related to the group how a workshop at a National Association of Counties conference and her own experience with local plumbers inspired her to look at middle-skill career needs in the community. At the County Commission's December 2014 annual retreat, the Commission directed staff to work with community partners to evaluate and identify the projected need for middle-skill job opportunities in our labor market. Chairman Lindley concluded that Leon County is seeking serve as a catalyst for promoting local middle-skill jobs, specifically to high-school students under an initiative called Leon Works.

Ms. Cristina Paredes, Leon County Director of Economic Vitality, noted that County staff has been analyzing employment data and meeting with stakeholders to identify challenges and opportunities in promoting middle-skill careers. This data and the feedback gathered from stakeholders will be presented to the County Commission March 10, 2015 as part of the Leon Works initiative. The Leon Works initiative would culminate in a one-day exposition to introduce high school students to middle-skill career opportunities. Ms. Paredes next discussed the roundtable meeting's goals with the stakeholders: 1) define "middle-skill" workforce; 2) identify and discuss the challenges in filling the shortage of middle-skill labor in our market; and 3) identify the challenges associated with promoting the training and career opportunities available in our community to high school students preparing to graduate. Ms. Paredes worked with the participates to define middle-skill careers to help the frame the group discussion. Chairman Lindley suggested that 'middle-skill' careers instead be called 'artisan-skill' careers to be more attractive to students, which the stakeholder group generally accepted.

After breaking for lunch, Mr. Jim McShane, CEO of CareerSource Capital Region (CSCR), discussed job figures that illustrate the community's needs and opportunities for middle-skill careers. Mr. McShane also discussed CSCR's work to place people in middle-skill careers. Mr. Randy Pridgeon, LCS Divisional Director of Secondary Schools, also discussed LCS's role in promoting middle-skill careers and that noted that the principals were in agreement that their students needed to know more about career options other than pursuing a four year degree. LCS administrators, high school principals, and the World Class Schools of Leon County team have recently been visiting local industries to familiarize them with local opportunities for students preparing to enter the workforce.

Mr. Ben Pingree, Vice President of Business Retention/Expansion and Public Policy for the EDC, and Ms. Laura Rogers, Director of World Class Schools of Leon County, facilitated an open dialogue among the stakeholders. Mr. Pingree began the discussion by asking employers about their largest labor employment challenges. Ms. Gloria Pugh, Owner of AMWAT Movers, discussed her industry's need for drivers with a CDL Class A trucking license, noting that truck drivers are well-paid and that many in the trucking industry are aging out. Mr. Pridgeon asked about driver employment requirements and Ms. Pugh noted an existing certification program as well as an apprenticeship program that she started in her company. Mr. Robert Moore with Tallahassee Memorial Hospital also noted a need for medical coders.

Leon Works Roundtable Meeting Minutes

February 18, 2015

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Next, the stakeholders discussed trends in recruiting and retaining a middle-skill workforce. Mr. Paul Dean with Danfoss Turbocor discussed attributes he wanted in his employees other than training certifications. He stated that his company needed not only skilled workers, but workers with creativity for jobs in computer-aided design and application development. He also noted that in the next decade there would be a 50% drop in the HVAC installation workforce due to retirements. Mr. Vince Long, Leon County Administrator, discussed the County's challenges in retaining a full staff of emergency medical services staff and how deferred maintenance on infrastructure will likely create a demand for construction workers. Several of the LCS principals noted how increased emphasis on education assessments has made it more difficult to offer vocational-training courses, which may in turn be impacting the availability of a middle-skilled workforce. The stakeholders generally agreed that the difficulty in recruiting middle-skilled workers would likely get worse in the future unless steps were taken to address the issue.

The stakeholders discussed if the middle-skill workforce recruitment challenges are due to the perception or awareness issues. Ms. Kim Moore with Tallahassee Community College (TCC) noted TCC's work to make students more aware of their career options besides pursuing a four year degree. TCC has a 'train the trainer' program that educates middle and high school counselors about occupation opportunities that do not require a four year degree. TCC is also mapping the local education offerings to show students how they can continue their education from a certification to a four year degree and beyond. Mr. Patrick Wright with the Department of Education noted that many technical schools are renaming themselves as colleges due to perceptions that a college degree is more desirable. Several LCS principals discussed the stigma about not being successful unless you go to college and suggested that the community needs to tell students from an early age that success is more about finding a good career as opposed to the level of education attained. Ms. Paredes cited a Harvard report that addresses middle-skill workforce issues that underscores the need for employers, educators, and policymakers to collaborate together to address the community's middle-skill workforce needs, one of the goals of Leon Works. She additionally noted that the intention of the Leon Works Exposition was to complement the great work already being done by LCS as well as community and business partners to promote middle-skill careers.

Mr. Pingree asked the stakeholders how they felt the community was currently doing to address the need to fill middle-skill occupations. Several employers noted that they perceived an issue with young people entering the workforce lacking certain life-skills and work-ethic; examples included attitude, poor customer service, and trouble getting to work on time. Ms. Pugh suggested that the community highlight successful local people without a four year degree to serve as role models to students. Ms. Paredes noted that highlighting role models had already been identified as a component of the Leon Works initiative. Mr. Chris Eldred with Teligent EMS discussed his company's internal training program and praised TCC's advanced manufacturing training programs. Mr. Pridgeon thanked Mr. McShane for sharing information about what vocational training would be in demand in the future. He noted that it helped LCS to know which occupations would be in demand in the future since it could take three years for LCS to set up new vocational training programs in the schools.

Leon Works Roundtable Meeting Minutes

February 18, 2015

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Ms. Paredes began the open discussion portion of the meeting by calling attention to the handout on Florida's demand for middle-skill jobs (Attachment #2) and the fastest growing middle-skill occupation projections for the Leon-Gadsden-Wakulla Counties area (Attachment #3). She noted that many of the occupations highlighted during the earlier discussion were also identified by the Department of Economic Opportunity as being in higher demand in the future. Mr. McShane reminded the stakeholders that CSCR has resources and funding to help employers secure trained employees.

Several of the stakeholders discussed how to support LCS in providing more vocational training opportunities. Educators noted that current educational assessment policies limit their ability to provide more focused vocational training and that a change to education policy would require an act by the legislature. Mr. Wright suggested that more students could take advantage of the dual enrollment program to get more vocational training through Lively Technical or TCC. Ms. Brittany Smith with Keiser University suggested that employers could give guest presentations to students that would educate students about middle-skill career opportunities and serve as role models.

The stakeholders generally agreed that the Leon Works Exposition was a good idea to promote middle-skill careers to local high school students. Mr. Charles Bagwell reminded the stakeholders that the Leon Works initiative was focused on high school students and that it was important to engage students going forward on what they need and want. Mr. Parker discussed that middle-skill career opportunities should be promoted to the under-employed, not just students. Ms. Paredes noted that there has been discussion regarding opening the Expo to the community in the afternoon after the high school students had an opportunity to attend.

Ms. Paredes closed the workgroup meeting by thanking the participants and recapping the next steps. On March 10, 2015, the County Commission would get a status update on the projected unmet local need for middle-skill job opportunities and provide staff with direction. If approved, the Leon Works Exposition will likely be held in mid-October 2015. The one day Leon Works Exposition would serve to complement the ongoing efforts by LCS to promote middle-skill careers and serve as a one-stop shop for students to seek career opportunities and explore degree alternatives such as apprenticeships, certifications, and skilled trade careers. The expo would be followed by a stakeholders wrap-up meeting in November.

Attachment:

1. February 18, 2015 Roundtable Attendance
2. Florida's Forgotten Middle: Middle Skill Job Demand for Florida
3. Fastest-Growing Middle-Skill Occupation Projects for Leon, Gadsden, and Wakulla Counties

Leon Works Roundtable

February 18, 2015

Name	Organization	E-mail Address	Phone #
Gloria Pugh	AMWAT Movers	gloria@amwatmovers.com	(850) 887-7131
Mary Ann Lindley	Board of County Commissioners	lindleym@leoncountyfl.gov	(850)566-1186
Jim McShane	CareerSource Capital Region	jim.mcshane@careersourcecapitalregion.com	(850) 617-4601
Chris Edwards	City of Tallahassee - Business Advocate	christopher.edwards@talgov.com	(850) 891-8212
Michael Parker	City of Tallahassee - Economic & Community Development	michael.parker@talgov.com	(850) 891-6457
Paul Dean	Danfoss Turbocor	pdean@danfoss.com	(850) 504-4840
Dave Hager	Daufoss Turbocor	david.hager@daufoss.com	(850) 504-2816
Patrick Wright	Department of Education	patrick.wright@fldoe.org	(850) 245-0911
Heather Conley	Department of Education	heather.conley@fldoe.org	(850) 245-0913
Ben Pingree	Economic Development Council	bpingree@taledc.com	(850) 933-3264
Nick Williams	Greater Tallahassee Chamber of Commerce	nwilliams@talchamber.com	(850) 567-7350
Britney Smith	Keiser University	bsmith@keiseruniversity.edu	(850) 692-0100
Vince Long	Leon County	longv@leoncountyfl.gov	(850) 606-5300
Alan Rosenzweig	Leon County	rosenzweiga@leoncountyfl.gov	(850) 606-5300
Cristina Paredes	Leon County	paredesc@leoncountyfl.gov	(850) 606-5300
Mathieu Cavell	Leon County	cavellm@leoncountyfl.gov	(850) 606-5300
Andrew Johnson	Leon County	JohnsonAn@leoncountyfl.gov	(850) 606-5300
Joshua Pascua	Leon County	pascuaj@leoncountyfl.gov	(850) 606-5300
Rochel Abrams	Leon County Schools - Adult & Communication Education	abramsr@leonschools.net	(850) 922-5343
Joe Burgess	Leon County Schools - Chiles High School	burgessj@leonschools.net	(850) 488-1756
Shelly Bell	Leon County Schools - Godby High School	bells@leonschools.net	(850) 491-4600
Billy Epting	Leon County Schools - Leon High School	eptingw@leonschools.net	(850) 617-5700
Allen Burch	Leon County Schools - Lincoln High School	burcha@leonschools.net	(850) 487-2110
Douglas Cook	Leon County Schools - Rickards High School	cookd3@leoncountyfl.gov	(850)488-1783

**Leon Works Roundtable
February 18, 2015**

Attachment #6
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Enclosure #1
Page 2 of 2

Name	Organization	E-mail Address	Phone #
Tiffany Thomas	Leon County Schools - Sail High School	thomasti@leonschools.net	(850) 448-2468
Richard H. Richardson	Leon County Schools - Second Chance	richardsonr2@leonschools.net	(850) 488-2087
Randy Pridgeon	Leon County Schools - Secondary Schools Division Director	Ppridgeonp2@leonschools.net	(850) 694-3579
Kim Scott	Leon County Schools - Student Services Director	scottk@leonschools.net	(850) 488-2275
Joe Pons	Leon County Schools - Success Academy	ponsj2@leonschools.net	(850) 488-2007
Charles Bagwell	Leon Works Workgroup	cbagwell@embarqmail.com	(850) 893-2533
Greg Donald	M.D.C.G Consulting	gregdonald@gconsulting.com	(850) 878-5818
Kimberly Moore	Tallahassee Community College - Workforce Development	mooreki@tcc.fl.edu	(850) 201-6064
Rick Frazier	Tallahassee Community College - Workforce Development	frazier@tcc.fl.edu	(850) 201-8708
Robert L. Moore Jr.	Tallahassee Memorial Hospital	robert.moore@tmh.org	(850) 431-6060
Kim Kelling	WFSU	kkelling@fsu.edu	(850) 645-6056
Laura Rogers	World Class Schools of Leon County	lrogers@talchamber.com	(850) 509-6820

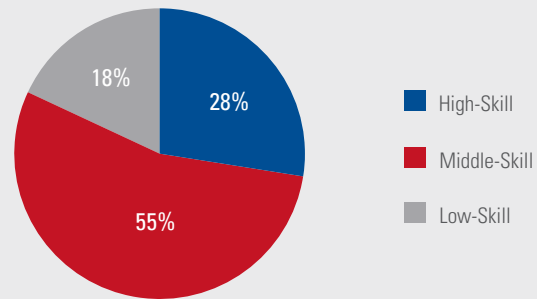
Florida's Forgotten Middle

Middle-skill jobs, which require education beyond high school but not a four-year degree, make up the largest part of America's and Florida's labor market. Key industries in Florida are unable to find enough sufficiently trained workers to fill these jobs.

Jobs by Skill Level, Florida, 2012

Demand for Middle-Skill Jobs is Strong

Fifty-five percent of all jobs in 2012 were middle-skill.

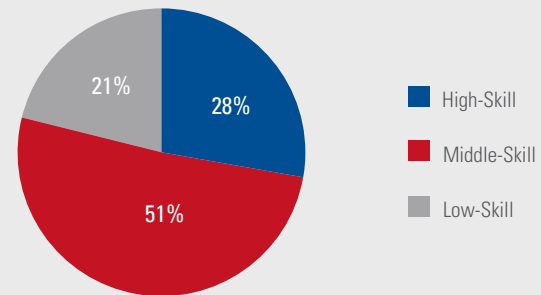


Source: NSC analysis of Bureau of Labor Statistics Occupational Employment Statistics by State, May 2012.

Job Openings by Skill Level, Florida, 2013-21

Demand for Middle-Skill Jobs Will Remain Strong

Between 2013-2021, 51 percent of job openings will be middle-skill.

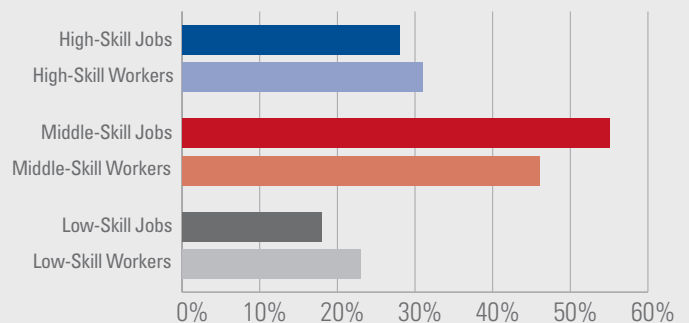


Source: NSC analysis of long-term occupational projections from state labor/employment agency.

Jobs and Workers by Skill Level, Florida, 2012

A Middle-Skill Gap

Middle-skill jobs account for 55 percent of Florida's labor market, but only 46 percent of the state's workers are trained to the middle-skill level.



Source: NSC analysis of Bureau of Labor Statistics Occupational Employment Statistics by State, May 2012 and American Community Survey data, 2012.



Fastest-Growing Middle-Skill Occupation Projects for Leon, Gadsden, and W

Rank	Occupation	Employment		2014 - 2022E		Average Hourly Wage (\$)**
		2014	2022	Growth	Total Job Openings	
1	Registered Nurses	3,068	3,557	489	915	27.
2	Receptionists and Information Clerks	1,491	1,736	245	611	12.
3	Child Care Workers	1,118	1,299	181	464	9.
4	Nursing Assistants	1,212	1,435	223	344	11.
5	Home Health Aides	777	1,036	259	337	9.
6	Insurance Sales Agents	868	1,030	162	320	37.
7	Licensed Practical and Licensed Vocational Nurses	765	876	111	273	19.
8	Heating, A.C., and Refrigeration Mechanics and Installers	590	774	184	265	19.
9	Painters, Construction and Maintenance	605	697	92	196	15.
10	Medical Assistants	627	746	119	194	14.
11	Electricians	474	561	87	188	17.
12	Software Developers, Applications	619	727	108	157	34.
13	Paralegals and Legal Assistants	512	605	93	149	22.
14	Emergency Medical Technicians and Paramedics	476	546	70	144	14.
15	Pharmacy Technicians	384	465	81	132	13.
16	Personal and Home Care Aides	345	453	108	129	9.
17	Coaches and Scouts	319	375	56	122	44.
18	Loan Officers	286	330	44	102	34.
19	Preschool Teachers, Except Special Education	238	289	51	100	13.
20	Insurance Claims and Policy Processing Clerks	261	297	36	98	16.
21	Operating Engineers/Construction Equipment Operators	272	320	48	97	16.
22	Fitness Trainers and Aerobics Instructors	274	327	53	88	17.
23	Veterinary Technologists and Technicians	204	263	59	86	12.
24	Medical Secretaries	222	282	60	84	12.
25	Dental Assistants	228	272	44	81	17.
26	Radiologic Technologists	207	259	52	77	23.
27	Plumbers, Pipefitters, and Steamfitters	210	239	29	77	17.
28	Brickmasons and Blockmasons	162	210	48	75	15.
29	Dental Hygienists	194	239	45	75	27.
30	Database Administrators	261	300	39	73	30.
31	Cooks, Institution and Cafeteria	233	265	32	72	11.
32	Cost Estimators	182	223	41	68	29.
33	Meeting and Convention Planners	179	212	33	60	20.
34	Welders, Cutters, Solderers, and Brazers	136	163	27	56	16.
35	Cement Masons and Concrete Finishers	130	155	25	41	14.

This table includes occupations with a minimum of 125 jobs in 2014.

* Includes openings due to growth and replacement needs

** Hourly wages for teaching occupations were calculated using a 40-hour work week for 9½ months per year.

Source: Florida Department of Economic Opportunity, Bureau of Labor Market Statistics - October 2014

Fastest-Growing Middle-Skill Occupation Projects for Leon, Gadsden, and W

Rank	Occupation	Employment		2014 - 2022		Average Hourly Wage (\$)**
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Source: Florida Department of Economic Opportunity, Bureau of Labor Market Statistics - October 2014

**Leon County
Board of County Commissioners**


Notes for Agenda Item #14

Leon County Board of County Commissioners

Cover Sheet for Agenda #14

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of the 2014 Annual Report of the Science Advisory Committee

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator David McDevitt, Director, Development Support & Environmental Management
Lead Staff/ Project Team:	John Kraynak, P.E., Environmental Services Director

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the 2014 Annual Report of the Science Advisory Committee (Attachment #1).

Report and Discussion

Background:

The Board established the Science Advisory Committee (SAC) on March 28, 1995 (Attachment #2). SAC’s Statement of Purpose is as follows:

“In order to safeguard natural resources and the public health and safety, the Committee shall evaluate and report findings to the Commission on the scientific evidence and make recommendations concerning policies and programs that pertain to environmental issues in developed and developing areas, and evaluate the need for further data collection and analysis on issues approved by the Board of County Commissioners or the appropriate administrator.”

The original establishment of the SAC included seven Board-appointed members, but was later modified to include two City Commission appointed members. The initial meeting of the SAC took place on May 24, 1995. The meetings occur on the first Friday of each month at the Department of Development Support and Environmental Management in the Renaissance Center, pursuant to the Board-approved by-laws (Attachment #3).

At their February 10, 2015 meeting, the Board directed staff to revise the report to make it more consistent with other annual reports. This year-end report satisfies the requirement in the bylaws stipulating that an annual report of the Committee’s actions shall be provided to the Board.

Analysis:

The SAC is composed of seven Board-appointed members and two City Commission-appointed members, all of which are credentialed scientists. Appointed members serve a two-year term and shall be eligible for Commissioner reappointment as long as they are active, interested, and adhere to the articles of the by-laws. According to the County’s Committee Policy, members may not serve for more than three consecutive terms. The following chart includes Committee member information and attendance record:

Committee Member	Appointed By	Term Expiration	Meetings Attended (8 held in 2014)
Ben Fusaro*	Commissioner Sauls	12/5/2014	4
Bob Newburgh	Commissioner Dozier	3/31/2015	8
Michael Abazinge	Commissioner Proctor	3/31/2015	1
Scott Hannahs	Commissioner Lindley	3/31/2015	8
Thomas Lewis	Commissioner Maddox	3/31/2016	5
Skip Cook	Commissioner Dailey	3/31/2016	4
Vincent Salters	Commissioner Desloge	3/31/2016	5
Ed Gardner*	Commissioner Sauls	3/31/2017	1 (Dec. 2014)
William Landing (Chair)	City Commission	3/31/2015	6
Rich Wieckowicz	City Commission	3/31/2015	7

* Ben Fusaro resigned from the Committee effective December 5, 2014.

Commissioner Sauls appointed Ed Gardner as his replacement, effective January 1, 2015.

The Committee met eight times during the 2014 calendar year: January, March, April, June, July, September, November, and December. Meetings were canceled in February, May, August, and October due to lack of topics for discussion on the agenda. The SAC reviewed several topics, including the effects of stormwater holding ponds on the County's lakes, the Lake Talquin total maximum daily load (TMDL) development by the Florida Department of Environmental Protection (FDEP), and "The Annual Water Quality Monitoring Report" prepared by the Public Works Department. More detailed information is included in the Annual Report.

It is important to note that despite having no specific assignments in 2014, there were significant issues covered in the prior year. In 2013, the Committee analyzed the Lombardo Septic Tank Study for six months and provided two pages of recommendations to the Board. In addition, they reviewed two Ordinances, the Countywide Minimum Environmental Standards, and the Low-Impact Development Standards. In addition to any environmental-related matters that may be assigned by the Board for review in 2015, the following topics will warrant review and discussion by the Committee for possible recommendation to the Board:

- Lake Protection stormwater standard;
- Anticipated legislation regarding springs protection;
- Leon County's Annual Water Quality Report; and the
- Basin Management Action Plan process for the Upper Wakulla River.

Options:

1. Accept the 2014 Annual Report of the Science Advisory Committee.
2. Do not accept the 2014 Annual Report of the Science Advisory Committee.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. SAC Annual Report
2. March 28, 1995 Agenda Request to Establish the SAC
3. SAC By-laws

VSL/AR/DRM/JK

Science Advisory Committee

2014 Annual Report



2014 Annual Report of the Science Advisory Committee

Board Assignments for Review and Recommendation Made:

No topics were assigned for review during the subject year.

Other Topics for Review and Recommendations Made:

1. Reviewed the SAC By-laws for possible inclusion of science literacy for the community. Initiated by SAC member Richard Wieckowicz

Recommendation: Do not proceed with by-laws amendment.

2. Discussed the “Reasonable Opportunity to be Heard at Public Meetings” (FS 286.0114) memorandum issued by the County Attorney’s Office. Initiated by Chairman Landing

Recommendation: Allot time at the beginning of each meeting for public comment, but also accept any comments throughout the meeting as well.

3. Discussed the following reports:
 - Basin Management Action Plan (BMAP) and Nitrogen loading for Wakulla Springs
 - Nitrogen Source Inventory and Loading Tool (NSILT) Wakulla Final Report (draft)
 - Nitrogen Inventory for the Wakulla Springs BMAP (updated July 2014)Reports presented by Sean McGlynn

Recommendation: Due to numerical data discrepancies in the NSILT Wakulla Final Report, Committee members will compare the two reports after it has been updated before making any recommendations.

4. John Kraynak, Environmental Services Director, conducted a PowerPoint presentation titled “The Effects of Stormwater Holding Ponds on the County’s Lakes” for the Committee. This was the same presentation presented to the Board at a workshop. The presentation began with a synopsis of the water cycle and the effects of urbanization on the water cycle. John clarified the differences between retention and detention ponds, and discussed water quality and the current regulations on the federal and state level for water quality. The presentation concluded with a finding that past stormwater ponds permitted in the Lake Jackson basin were not adversely affecting the water quality in Lake Jackson.

Recommendation: The Committee accepted the report.

5. Mr. Douglas Gilbert, Environmental Manager in the Watershed Evaluation and Total Maximum Daily Load (TMDL) Section of the Florida Department of Environmental Protection (FDEP), provided a PowerPoint presentation, “Lake Talquin TMDL Development.” Items of discussion concerning Lake Talquin were TMDL data and modeling, watershed, impairment status, and historical water quality data. During public comment, a question of whether Lake Jackson flowed into Lake Talquin was addressed


and it was explained that there was no direct connection. Mr. Gilbert indicated that they are still in the data gathering stage and continue to refine the modeling.

Recommendation: The Committee will continue to monitor the TMDL development and make recommendations at the appropriate time.

6. Mr. Johnny Richardson, Water Resource Scientist in the Leon County Public Works Department, provided a detailed PowerPoint presentation on the water quality monitoring report, “Annual Water Quality Monitoring Program.” The report focused on the water quality sampling for 13 lakes, 27 streams and 2 rivers in Leon County. The current state of the lakes was discussed between past and present. The PowerPoint has been made available on the Leon County website.

Recommendation: The Committee accepted the report.

Board of County Commissioners
Agenda Request

Agenda Item for: March 28, 1995
Date: March 23, 1995
TO: Honorable Chairman and Members of the Board
FROM: Parwez Alam, County Administrator 
Howard Pardue, Director, Growth and Environmental Management
SUBJECT: Tallahassee-Leon County Area Science Advisory Committee

Statement of Issue:

Creation of a Science Advisory Committee to review recent scientific research on Lakes in Leon County.

Background:

Pursuant to policies 2.2.6, 2.2.7, and 2.2.11 of the Conservation Element of the Local Comprehensive Plan and citizen concern about the conditions of lakes in Leon County, the Board of County Commissioners established a water quality monitoring program. It was implemented through a contract between the County and FSU. Research is conducted under the direction of Dr. Robert J. Livingston, Professor, Biology Department.

Based on reports produced under the first three years of research, the County and FSU co-hosted a Symposium on Leon's Lakes in December 1994. Media coverage of the research reports, current drinking water and flooding issues, and the Symposium resulted in public and Commission concern about the condition of lakes and groundwater. At the urging of Commissioner Host (Attachment 1), the Commission directed staff to develop an agenda request for the establishment of a Science Advisory Committee charged to review scientific and technical information developed to date and for the Chairman to inquire as to City interest in participation in a Mayor-Chair meeting.

Analysis:

In keeping with Commissioner Host's suggestion, the purpose of the Science Advisory Committee would be to:

1. Review and synthesize scientific findings and conclusions of county sponsored and other published research and determine adequacy and soundness of methods and results from the research.

Agenda Item:

Page 2

2. Prepare statements of consensus on conclusions, findings, and implications, as appropriate, from this review as to the ecological condition of lakes, groundwater, and environmental resources and on the impact of urbanization on natural features.
3. Recommend directions for future research by county agencies and through the water quality monitoring program.
4. Suggest policy changes, management strategies, and needed programs to better address current environmental problems related to the water quality monitoring program.

Given the scientific nature of the research, a list of likely candidates who have some knowledge of the water quality program and established credentials in the scientific community is included in Attachment 2. Individuals were identified based on their having a Ph.D. degree in a relevant field, having conducted and published creditable research, and currently serving in a scientific capacity. These individuals have not been contacted to determine their interest in participation in such a Committee.

Options:

1. Approve the concept for establishing a seven member committee. Review and, as appropriate, give staff direction on the above stated purposes of the Committee.
2.
 - a. Review names of suggested Committee participants (Attachment 2) and select possible participants. Direct staff to contact participants to determine the possibility of their participation.
 - b. Provide staff additional direction as to names of possible Committee participants.
3. Do not approve the concept of a Science Advisory Committee to review existing research on water quality monitoring in Leon County's lakes.

Recommendation:

Implement Options 1. and 2. a.

PA/HP/HS/sc

- Attachments:
1. February 16, 1995, Memorandum from Commissioner Host
 2. Possible Participants on Science Advisory Committee

SCIENCE ADVISORY COMMITTEE BYLAWS

STATEMENT OF PURPOSE

The Leon County Science Advisory Committee (hereafter referred to as “Science Advisory Committee”), a committee duly established by the Board of County Commissioners, Leon County, Florida in 1995 on the 28th day of March, ratifies and adopts the following Revised Science Advisory Committee By-laws on this 8th day of February 2000 with respect to the procedures to be followed and adhered to by discharging its assigned duties and responsibilities.

It shall be the duty of the Science Advisory Committee to carry out the following charge: In order to safeguard natural resources and the public health and safety, the Committee shall evaluate and report findings to the Commission on the scientific evidence and make recommendations concerning policies and programs that pertain to environmental issues in developed and developing areas, and evaluate the need for further data collection and analysis on issues approved by the Board of County Commissioners or the appropriate administrator.

ARTICLE I – INTENT

It is the intent of these By-laws to codify and ratify the rules of procedure and operation of the Science Advisory Committee.

ARTICLE II – OFFICES

The offices of the Science Advisory Committee shall be in the Leon County Courthouse, Tallahassee, Florida.

ARTICLE III – MEETINGS

Section 1. Regular Meetings. The Science Advisory Committee shall hold at least twelve regular meetings each year. Meetings will be held in the Administration Conference Room at the Leon County Courthouse, or other county facility, on such day and at such time as determined by the committee and noticed.

Section 2. Special Meetings. Any member of the Science Advisory Committee may call a meeting or the committee to discuss any issue properly before the committee. Such meeting shall be called by special notice to each member at least seventy-two (72) hours in advance of the meeting.

Section 3. Sunshine. All meetings of the Science Advisory Committee shall be open to the public and shall be noticed as required by law. The committee may alter or modify the scheduled place of any of its regular meetings by directing written notice of such meeting place change to the parties with matters agendaed for such regular meeting at least three (3) days before the scheduled meeting, as well as providing all other notices of change as required by law.

ARTICLE IV – QUORUM

The Science Advisory Committee shall be composed of nine (9) members with seven (7) appointed by the Board of County Commissioners and two (2) appointed by the City Commission. If additional governmental bodies desire to make appointments to the Committee, said appointment shall be of an ex-officio nature. Ex-officio members will not have voting rights, but they may participate in all other

proceedings of the Committee. All appointees to the Science Advisory Committee shall be credentialed scientists. If any member is absent from two of three consecutive committee meetings, without cause or without prior approval from the Committee Chairman, the Chairman shall advise the Commissioner who appointed the individual of these absences.

No acts or recommendations of the Science Advisory Committee shall be made unless a quorum of five (5) members are present.

ARTICLE V – OFFICERS

The Science Advisory Committee shall select one of its appointed members Chairman for a term of one (1) year. The committee shall also select one of its appointed members as Vice Chairman for a term of one (1) year. The Vice-Chairman shall serve as Chairman in the absence of the Chairman. A Past Chairman member shall serve as Chairman in the absence of the Chairman and Vice-Chairman. Selection of Chairman and Vice-Chairman shall be held at the first meeting in October.

ARTICLE VI – PASSAGE OF MOTIONS OR MATTERS

Section 1. Motions or Matters for Regular Business. At a duly assembled meeting of the Science Advisory Committee, no motion or matter pertaining to the regular business of the Committee shall be passed unless a majority of the members in attendance for the motion or matter under consideration, and voting, are recording as voting in favor of the motion or matter. In those cases where a majority vote in favor of a motion or matter is not recorded, the motion or matter shall be recorded as being defeated.

Section 2. Motions or Matters Amending By-laws. These By-laws may be amended at a regular or special meeting of the Science Advisory Committee by affirmative vote of a simple majority of the Committee, subject to approval by the Board of County Commissioners. Such amended By-laws shall be submitted to the Board of County Commissioners for approval within thirty (30) days of such amendment.

ARTICLE VII – OTHER RULES OF PROCEDURE

Except as expressly provided for herein, the Science Advisory Committee shall generally adhere to *Robert's Rules of Order* in conducting its business and meetings. All parties wishing to present scientific data and analysis will be welcome to do so, however, only credentialed individuals shall be permitted to present reports. All who are to make reports to the Committee shall present written comments in advance to permit members adequate time to review their reports. Report presenters shall be asked to make brief oral opening statements of their reports followed by a question and answer period conducted by the Committee during which time ex-officio members may participate. Meetings shall be limited to two hours in length.

ARTICLE VIII – STAFF/COMMITTEE INTERACTION

County staff may seek the advice and input of the Science Advisory Committee on staff work program issues if such action has been approved by the appropriate administrator.

ARTICLE IX – COMMITTEE/STAFF INTERACTION

The Committee may make requests of staff for information, briefing, reports, and the like on approved issues, except that major staff time or resource commitments must receive prior approval from the appropriate administrator or the Board.

ARTICLE X – SCIENTIFIC ENDINGS AND POLICY CONCLUSIONS

The Science Advisory Committee shall conduct a scientific review of matters brought before it for discussion. The Committee shall make an assessment of the scientific theory, methods, data, and conclusions involved with the literature associated with the issue brought before it and produce a report on its findings. This report shall summarize the conclusions of the SAC on the topic in question, and give recommendations to the Board of the Administration. The Board of County Administrator may forward such reports to the appropriate entity for the development of policies that take the scientific findings into account.

ARTICLE XI – MINUTES

The Science Advisory Committee shall appoint a secretary (who may or may not be a member of the Committee) to take minutes of each regular and special meeting of the Committee. The minutes thus prepared become the official minutes of the Science Advisory Committee once they have been presented to and approved by a motion by the Committee. All such approved minutes shall be signed by the Chairman and attested to by the secretary or another member of the Committee.

ARTICLE XII – RECORDS

The records of the Committee shall be subject to the Florida Public Records Laws.

ARTICLE XIII-REPORTING TO THE BOARD OF COUNTY COMMISSIONERS

The Chairman of the Science Advisory Committee or his/her designee shall provide an annual report to the Board as to the Committee's action.

ARTICLE XIV – TERMS OF MEMBERS

Appointed members of the Science Advisory Committee shall serve a term of two years and shall be eligible for Commissioner reappointment as long as they are active, interested and adhere to the articles herein. Beginning upon the adoption of these 2000 revisions, terms shall be staggered with County Commissioner appointments representing commission districts one, three, four and City Commission appointment #1 expiring in 2000 and appointments from County Commissioner representing the two at large districts, districts two, five and City Commissioner appointment #2 expiring in 2001.

Adopted February 8, 2000

**Leon County
Board of County Commissioners**


Notes for Agenda Item #15

Leon County Board of County Commissioners

Cover Sheet for Agenda #15

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of the Status Report on FY 2013 and FY 2014 Minority and Women-Owned Business Enterprise Program Expenditures

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Cristina Paredes, Director of Economic Vitality
Lead Staff/ Project Team:	Shanea Wilks, Director of Minority, Women, & Small Business Enterprise

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the status report on FY 2013 and FY 2014 Minority and Women-Owned Business Enterprise (MWBE) Program expenditures (Attachments #1 and #2).

Report and Discussion

Background:

This item provides a report on the County's FY 2013 and FY 2014 expenditures through the Minority and Women-Owned Business Enterprise (MWBE) Program. The following narrative provides a background on the 2009 MGT Disparity Study Update, which serves as a guiding document for the County's MWBE Program (Attachment #3).

The Disparity Study Update, prepared by MGT of America (the "MGT Study"), was accepted by the Board during its October 27, 2009 meeting, subsequent to its October 13, 2009 workshop regarding the draft report. The overall objective for the disparity study was to determine if data supported a "compelling interest" for the County to maintain a program to provide minority- and woman-owned business enterprises greater opportunities to participate in County procurement activities as goods and services providers.

To meet the requirements of the U.S. Supreme Courts rules in *City of Richmond v. J.A. Croson Co.*; narrow tailoring under the *Croson* standard requires that remedial goals be in line with measure availability. The Supreme Court in *Croson* recognized statistical measures of disparity that compared the number of qualified and available MWBEs with the rate of municipal construction dollars actually awarded to MWBEs in order to demonstrate disparity. MWBE programs must be limited in their geographical scope to the boundaries of the enacting government's market place. In order for the County to comply with the U.S. Supreme Court's ruling, the County must demonstrate a compelling governmental interest for minority and gender-based goals, which would include evidence of prior discrimination in the field/industry, and the goals must be narrowly tailored to remedy the effects of the prior discrimination.

The MGT Study states that, generally, utilization ratios of "80 percent or higher – indicating close to full participation – are not significant", noting the court referenced the Equal Employment Opportunity Commission's (EEOC) "80 percent rule", which establishes this rule as the threshold for determining a *prima facie* (at first look) case of discrimination. The MGT Study further noted there is no standard measurement to evaluate levels of utilization within a procurement context; however, in the context of employment discrimination, an employment disparity ratio below 80 percent indicates a "substantial disparity."

The MGT Disparity Study Update identified the number of available MWBEs within the market area, and categorized these firms by business category, race, and gender. Businesses classified as MWBEs were firms that were at least 51% owned and controlled by members of one of the following race/gender groups, whether or not they were county-certified MWBEs (African Americans, Hispanic Americans, Asian Americans, Native Americans, and Nonminority Women).

Based on statistical disparities between the percentage of funds expended with MWBEs in the market area and the number of available MWBEs, the MGT Study provided evidence to support a narrowly tailored program to promote the County's utilization of MWBEs. The 2009 Disparity Study Update included proposed MWBE aspirational targets, which the Board incorporated in Policy No. 96-1, "Purchasing and Minority/Women Business Enterprise Policy" (Attachment #4) and are illustrated in the analysis section under Table #1.

Analysis:

In accordance with the Purchasing and MWSBE Policy 96-1, the MWSBE Director evaluates relevant expenditures and contracting data to determine the performance and progress of the MWBE Program. This report conveys the expenditure evaluation, performed by the Director, to determine the amount of minority, women and non-MWBE businesses participation that exists in the County's procurement processes when aspirational targets are present and when aspirational targets are absent. As prescribed in the recommendations by MGT of America, aspirational targets should vary by project and reflect realistic MWBE availability.

Targets are established by procurement category, rather than population, to remedy the areas of underutilization and substantial underutilization among MWBE businesses in order to reflect the market. When aspirational targets are present in solicitations, staff encourages prime contractors/consultants to utilize MWBE businesses in order for the County to become closer to parity levels as recommended by MGT of America. The use of aspirational targets promotes relationship development between larger (primes) and smaller (subcontractors) businesses in the local market area (Leon, Gadsden, Jefferson, and Wakulla Counties); therefore, providing mentoring opportunities for smaller companies to be afforded an opportunity to enhance their business practices. Table #1 illustrates the County's MWBE Aspirational Targets based on the 2009 Disparity Study Update:

Table #1: Aspirational Targets – Policy No. 96-1

Procurement Category	Aspirational MBE Target	Aspirational WBE Target
Construction Prime Contractors	8%	5%
Construction Subcontractors	17%	9%
Architecture & Engineering	12%	14%
Professional Services	7%	15%
Other Services	10%	8%
Materials and Supplies	1%	6%

Aspirational targets are considered to be the minimum level of MWBE participation expected for a particular procurement/project with consideration given to subcontracting opportunities and the availability of MWBEs in the market area that are capable of performing the work. Aspirational targets for individual bids/request for proposals (RFPs) may be higher or lower than the participation level identified in Table #1 depending upon scope of work, which allows staff to identify the associated procurement category and the number of certified firms within the market area available to perform the services identified. Non-certified firms (MWBE and non-MWBE) do not count towards participation.

If the recommended aspirational targets for an individual solicitation are lower than the applicable participation levels identified in Table #1, the County Administrator is notified of the recommended modified aspirational targets and reasoning for such recommendations. The County Administrator then advises the Board, via email, and Commissioners have five business days to request a delay for the issuance of the bid/RFP and an agenda item regarding the recommended aspirational targets. This request for delay and further discussion can be effectuated by an individual Commissioner. If no Commissioner requests an agenda item within the five business days, staff is authorized to release the bid/RFP. During the last two fiscal years, five requests, out of 118 solicitations, were made by staff and subsequently released after the five-day period to lower the recommended aspirational targets due to the specialized nature of the work and vendor availability.

MWBE Expenditure Analysis

The expenditure evaluation process involves data being extracted from the County's financial system and processed in a manner consistent with the methodology utilized for the MGT Study; records not relevant to the report were excluded. Examples of expenditure activity excluded from the analysis includes: expenditures outside of the market area (Leon, Gadsden, Jefferson and Wakulla Counties), expenditures with nonprofit agencies, associations or councils, governmental entities, including universities, utilities, telephones, gasoline, p-cards, real estate, office rent, postage, and hospitals; travel-related expenses, including hotels, car rental, and conference fees and grants to various entities.

The following are brief summaries for each procurement category:

Architecture and Engineering (A&E) Prime Consultants: The activities associated with this category are professional services provided for the proper planning of special elements, and for ensuring an adequate response to the various site, civil, structural, mechanical, plumbing, and electrical requirements for the current building codes. Projects under A&E are distributed on an equitable basis to provide all firms with a reasonable opportunity for work assignments based on their area of expertise identified by the awarded firm.

Construction Prime Contractors: MWBE vendors must be the prime contractor submitting the actual bid to the County or be part of a joint venture, in order for the associated expenditures to apply to this category. Historically, staff has utilized Small Business Enterprise (SBE) vendors for small construction-related projects, which included housing rehabilitation, housing replacements, septic tank repair, and other small construction projects through the SBE Program (Attachment #5). Staff is continually seeking to identify opportunities for MWBE vendors to participate as prime contractors.

Construction Subcontractors: Construction subcontracting opportunities are achieved through solicitation when aspirational targets are present. Due to the presence of these aspirational targets and the implementation of the B2GNow Contract Compliance Monitoring System, staff continues to see strong MWBE subcontracting participation. Historically, the majority of MWBE participation has been realized through the Construction Subcontracting category. This category has provided project participation experience to certified MWBE vendors. However, project management experience is essential to strengthening the Construction Prime Category and the bonding capacity of MWBE vendors.

Materials and Supplies: The commodities purchased under this category (i.e. office supplies, equipment, miscellaneous building materials, and computers) are mainly based on the necessity of the departmental operating needs. Due to the types of services provided under this category, opportunities can be limited for MWBE vendors.

Other Services: Include services such as janitorial and repair services, uniform guard services etc. As noted in the tables below, the County exceeded the aspirational targets in this category.

Professional Services Prime Consultants: Include services such as auditing services, insurance services, legal services, advertising, and surveying. Based upon the nature of Professional Services contracts and the specificity of this category, staff continues to reach out to local agencies in order to identify additional firms in order to increase MWBE participation.

FY 2013 Minority and Women-Owned Business Expenditures

The following narrative is the analysis of FY 2013 Board expenditures with MWBEs. The reported expenditure activity is a combination of expenditures from the County's Annual Operating Budget and Capital Improvement Program. The MWBE FY 2013 MWBE expenditures are associated with the following County projects or services:

- Stormwater, drainage, and sewer projects including:
 - Apalachee Regional Park Ball Fields Water Mitigation
 - Killlearn Lakes Drainage Phase 1B
 - Edinburg Estates Drainage Improvements
 - Lafayette Street Phase II, Stormwater Improvements
 - Miscellaneous stormwater maintenance and eco-restoration projects
- Community park improvements in the Chaires and Miccosukee communities.
- Sidewalk construction and improvements - continuing services.
- Miscellaneous projects involving building renovations, roof repairs, parking lot improvements; and elevator repairs and upgrades at various County facilities.
- Janitorial, printing, real estate, and other miscellaneous services.

Table #2 provides the FY 2013 MBE Expenditures within the County's Operating Budget and Capital Improvement Program (CIP).

Table #2: FY 2013 Minority Business Enterprise (MBE) Expenditures

Category	FY 2013 MBE Expenditures by Category	FY 2013 Total Expenditures by Category	FY 2013 MBE Expenditure % by Category	Aspirational Target %
Architecture & Engineering	\$291,192	\$1,753,149	16.6%	12%
Construction Prime Contractors	\$155,805	\$10,530,157	1.5%	8%
Construction Reported Subcontractors	\$961,213	\$1,595,106	60.3%	17%
Materials and Supplies	\$9,029	\$2,523,455	.4%	1%
Other Services	\$605,024	\$3,039,347	19.9%	10%
Professional Services	\$18,926	\$646,486	2.9%	7%
Total	\$2,041,189	\$20,087,700	10.2%	N/A

Table #3 provides the WBE Expenditures for FY 2013 within the Board's Operating Budget and Capital Improvement Program (CIP).

Table #3: FY 2013 Women Business Enterprise (WBE) Expenditures

Category	FY 2013 WBE Expenditures by Category	FY 2013 Total Expenditures by Category	FY 2013 WBE Expenditure % by Category	Aspirational Target %
Architecture & Engineering	\$73,083	\$1,753,149	4.2%	14%
Construction Prime Contractors	\$793,745	\$10,530,157	7.5%	5%
Construction Reported Subcontractors	\$578,402	\$1,595,106	36.3%	9%
Materials and Supplies	\$455,144	\$2,523,455	18.0%	6%
Other Services	\$496,969	\$3,039,347	16.4%	8%
Professional Services	\$44,184	\$646,486	6.8%	15%
Total	\$2,441,527	\$20,087,700	12.2%	N/A

During FY 2013, MWBE expenditures continued to be strong in several categories and the combined aggregate amounts of MWBE expenditures were \$4,482,716 or an estimated 22.4%. It is important to note that these expenditures discussed above do not include MWBE Expenditures associated with the Public Safety Complex, which is explained in the following section. While the County continues to be strong in several categories, historical trend of limited opportunities continues in certain expenditure categories, which is discussed in further detail:

- *MBE Expenditures:* For the category of MBE prime contractor, most procurement opportunities and the associated project size requires bonding, insurance, and experience that are historically found among larger sized companies the majority of the certified MBEs are small businesses with limited resources. As mentioned in the description of procurement categories, the opportunities for MBE vendors can be limited in the Materials and Supplies category due to the fact that commodities purchased under this category are mainly based on the necessity of departmental operating needs (i.e. office supplies, computers, and miscellaneous building materials). Professional Services opportunities are limited, even though staff has been able to identify firms in the areas of accounting and auditing, consulting, and legal services. Professional Services opportunities are often associated with continuing services agreements, which historically impact opportunities on an annual basis because of automatic renewal of agreements.
- *WBE Expenditures:* Opportunities are limited within the Architecture & Engineering category due to the small number of certified firms available. Departmental projects, requiring these services, are distributed on an equitable basis to provide all firms a reasonable opportunity based upon a firm's expertise. As stated above, continuing services agreements historically have impacted the Professional Services category because of the automatic renewal of agreements.

Public Safety Complex: MWBE Expenditures

The construction of the Public Safety Complex was accomplished through a joint agreement between Leon County and the City of Tallahassee. The total project budget was \$47.5 million with roughly \$30 million invested in construction and \$7 million in information technology. The remaining dollars were spent on engineering design, furnishings, etc. Approximately 86% of construction dollars were kept in the local economy and more than 25% of the project was completed by certified Minority-Owned Business Enterprises or Women-Owned Business Enterprises.

In order to realize a cost savings on the project, the City and the County purchased the materials associated with the project. These expenditures are not reflected in the FY 2013 MBE Expenditure table or the FY 2013 WBE Expenditure tables, due to these expenditures being associated with cash payments and the purchase of materials. The joint venture of Ajax Construction and Construction Support Southeast were hired for Construction Management Services; and, MBE and WBE participation was included within the project at 17% and 9% respectively. Expenditures are reported based upon an aggregate total of labor plus cash to provide the composite MWBE expenditures and participation percentages.

During FY 2012, there was \$1,659,276 in total subcontractor reported payment activity for the project. The reported MBE total expenditures for labor and materials are estimated as \$364,079 or 22%. The reported WBE total expenditures for labor and materials are estimated as \$151,342 or 9%. The total MWBE expenditure amount for FY 2012 is \$515,421 or approximately 31%.

During FY 2013, the majority of the project was completed. The reported MBE total expenditures for labor and materials are estimated as \$4,705,888 or 16%. The reported WBE total expenditures for labor and materials are estimated as \$2,913,550 or 10%. The total Non-Minority Male Expenditures (Prime and Reported Subcontractor categories) are estimated as \$8,621,814 or 29%. This amount is inclusive of an estimated \$2,255,262 in payments to the Prime Contractor and Reported Construction Subcontractor payments of \$6,366,552.

The project was completed at the estimated Guaranteed Maximum Price (GMP) of \$29,994,543. The aggregate MWBE expenditures for the project are an estimated \$8,134,859 or approximately 27%; and the aggregate Non-Minority Male Expenditures for the project are estimated as \$10,439,429 or 35%. The balance of the expenditures associated with the project are comprised of miscellaneous expenditures for materials, supplies, and adjustments within the project. As mentioned above, expenditures associated with the project are not reflected in the FY 2013 MWBE Report of Expenditures.

FY 2014 Minority and Women-Owned Business Expenditures

The following narrative is the analysis of FY 2014 Board expenditures with MWBEs. The reported expenditure activity is a combination of expenditures from the County’s Annual Operating Budget and Capital Improvement Program. The MWBE for FY 2014 expenditures are associated with the following County projects or services:

- Stormwater, drainage, and sewer projects including:
 - Louvinia Drive/Portsmouth Circle Drainage Improvements
 - Killlearn Lakes Unit 3 Drainage Improvements
 - Deer Lane Drain age Improvements
- Building and Roof Improvements including:
 - Bank of America
 - Fred George Greenway Museum and Nature Center
 - Lake Jackson Town Center
 - Leon County Jail Renovations
- Road resurfacing and stabilization - continuing services
- Miscellaneous projects involving minor repairs and painting at various County facilities.
- Janitorial, printing, real estate, and other miscellaneous services

Table #4 provides the MBE expenditures associated with projects included within Leon County’s Operating Budget and Capital Improvement Program.

Table #4: FY 2014 Minority Business Enterprise (MBE) Expenditures

Category	FY 2014 MBE Expenditures by Category	FY 2014 Total Expenditures by Category	FY 2014 MBE Expenditure % by Category	Aspirational Target %
Architecture & Engineering	\$93,859	\$1,169,416	8.0%	12%
Construction Prime Contractors	\$76,357	\$10,132,618	0.8%	8%
Construction Reported Subcontractors	\$1,014,634	\$2,452,910	41.4%	17%
Materials and Supplies	\$0	\$453,269	0%	1%
Other Services	\$703,442	\$2,495,129	28.2%	10%
Professional Services	\$16,388	413,107	4.0%	7%
Total	\$1,904,680	\$17,116,449	11.1%	N/A

Table #5 provides the WBE expenditures associated with projects included within Leon County's Operating Budget and Capital Improvement Program.

Table #5: FY 2014 Women Business Enterprise (WBE) Expenditures

Category	FY 2014 WBE Expenditures by Category	FY 2014 Total Expenditures by Category	FY 2014 WBE Expenditure % by Category	Aspirational Target %
Architecture & Engineering	\$0	\$1,169,416	0.0%	14%
Construction Prime Contractors	\$225,603	\$10,132,618	2.2%	5%
Construction Reported Subcontractors	\$660,678	\$2,452,910	26.9%	9%
Materials and Supplies	\$145,006	\$453,269	31.9%	6%
Other Services	\$586,639	\$2,495,129	23.5%	8%
Professional Services	\$3,956	413,107	1.0%	15%
Total	\$1,621,882	\$17,116,449	9.5%	N/A

During FY 2014, MWBE expenditures continued to be strong in several categories and the combined aggregate amounts of MWBE expenditures were \$3,526,562 or 20.6%. A total of five MWBE expenditure categories met and/or exceeded the aspirational target; however, the historical trend of limited opportunities continues in certain expenditure categories, which is discussed in further detail below:

- MBE Expenditures:* MBE expenditures will be impacted on an annual basis, in part, due to the A& E Continuing Services Agreement, which allows for the distribution of projects on an equitable basis to provide all firms a reasonable opportunity based upon their expertise. There was only one certified MBE included within the County's A&E Agreement during FY 2014. For the category of MBE prime contractor, most procurement opportunities and the associated project size requires bonding, insurance, and experience that are historically found among larger sized companies the majority of the certified MBEs are small businesses with limited resources. As mentioned in the description of procurement categories, the opportunities for MBE vendors can be limited in the Materials and Supplies category due to the fact that commodities purchased under this category are mainly based on the necessity of departmental operating needs (i.e. office supplies, computers, and miscellaneous building materials). Professional Services opportunities are limited, even though staff has been able to identify firms in the areas of accounting and auditing, consulting, and legal services. Professional Services opportunities are often associated with continuing services agreements, which historically impact opportunities on an annual basis because of automatic renewal of agreements.
- WBE Expenditures:* Opportunities are limited within the Architecture & Engineering category due to the small number of certified firms available. Departmental projects, requiring these services, are distributed on an equitable basis to provide all firms a reasonable opportunity based upon a firm's expertise. As stated above, continuing services agreements historically have impacted the Professional Services category because of the automatic renewal of agreements.

Disparity Study Update

Disparities studies are performed to serve as the evidentiary basis for continued race/gender based programs. In September 2008, the Board directed staff to engage MGT of America (MGT) to prepare an update to the County's aspirational targets related to minority and women-owned businesses. The overall objective of the disparity study was to determine if data supports a "compelling interest" for the County to maintain a program to provide minority and women-owned business enterprises greater opportunities to participate in County procurement activities as goods and services providers. This report was completed and presented to the Board on October 15, 2009.

Currently, the County M/WSBE program operates under the recommendations made in the MGT October 15, 2009 Disparity Study Update, which includes statistical analysis of the differences between expenditures with MWBEs (utilization) and the proportionate share of qualified contractors within the market area which are qualified, willing and able to perform a particular service for the County and provides the legal basis for the program. A May 2006, U.S. Commission on Civil Rights report recommends that localities discard disparity studies conducted using data that is more than five years old, as the "results are too outdated to justify preferential awards given today." Staff anticipates bringing forth a budget discussion item during the development of the FY 2016 budget to provide recommendations to the Board regarding a new disparity study and the MWSBE program. In the meantime, staff is working with the MWSBE Citizens Advisory Committee on revisions to the Purchasing and Minority, Women and Small Business Enterprise Policy (Policy 96-1), which will be included in the FY 2016 budget discussion item for the Board's consideration.

Conclusion

For the past two fiscal years, the County continues to meet or exceed the aspirational targets in a number of categories; in particular, the Aspirational Target for the Construction Subcontracting category has been greatly exceeded (\$1.97 million or 34%). The 2009 Disparity Study Update states that two narrowly tailored goal-setting features of an MWBE Program includes the reduction of the use of MWBE contract goals if the County determines that its goal is being exceeded and the reduction of contract goals for the following year, if the County exceeds MWBE goals with contract goals for two years. Staff is not recommending Board action at this time relative to the reduction of contract goals. However, staff will continue to promote M/WSBE utilization to ensure the County comes closer to attaining parity levels in those categories where the aspirational targets have not been met; and, as recommend by MGT, through the Small Business Enterprise Program where applicable.

Staff will continue to seek opportunities to strengthen participation within County projects for minority-owned and women-owned businesses by continuing to develop partnerships to help improve MW/SBE's business operations to increase success in procurement opportunities. This includes seeking partnerships with organizations that can aid in the provision of business development assistance and training in areas based upon MW/SBE vendor interest. In addition, staff will continuing to provide networking opportunities for MW/SBEs to develop new business relationships through co-sponsorship of the annual local observations of Small Business Week and the local observation of Minority Enterprise Development (MED) Week events. Finally, staff will continue to notify certified MWBE firms of the County's procurement opportunities.

Options:

1. Accept the status report on FY 2013 and FY 2014 Minority and Women-Owned Business Enterprise (MWBE) Program expenditures.
2. Do not accept the status report on FY 2013 and FY 2014 Minority and Women-Owned Business Enterprise (MWBE) Program expenditures.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. FY 2013 Report of MWBE Expenditures
2. FY 2014 Report of MWBE Expenditures
3. 2009 Disparity Study Update
4. Policy No. 96-1: Purchasing and Minority/Women Business Enterprise Policy
5. Small Business Enterprise Program

FY2013 Policy 96-1
Report of MWBE Expenditures

Category	FY13 MBE Actuals	MBE %	Policy 96-1 MBE Aspirational Target	FY13 WBE Actuals	WBE %	Policy 96-1 WBE Aspirational Target	FY13 Non-Minority Male Actuals
Architecture & Engineering Primes	291,192	16.6%	12%	73,083	4.2%	14%	1,380
Construction - Primes Contractors	155,805	1.5%	8%	793,745	7.5%	5%	9,580
Reported - Construction Subcontractors	961,213	60.3%	17%	578,402	36.3%	9%	5,000
Materials and Supplies	9,029	0.4%	1%	455,144	18.0%	6%	2,000
Other Services	605,024	19.9%	10%	496,969	16.4%	8%	1,900
Professional Services	18,926	2.9%	7%	44,184	6.8%	15%	580
Total Expenditures by Category	2,041,189	10.2%	N/A	2,441,527	12.2%	N/A	15,600

MBE = Minority-Owned Business Enterprise that is 51% owned by any person identifying him or herself as African, Hispanic, Asian, American Indian or Alaska Native

WBE = Woman-Owned Business Enterprise that is 51% owned by a Non-Minority Female

A.T. % = Aspirational Target % of recommended participation based upon the 10/2009 Disparity Study

FY2014 Policy 96-1
Report of MWBE Expenditures

Category	FY14 MBE Actuals	MBE %	Policy 96-1 MBE Aspirational Target	FY14 WBE Actuals	WBE %	Policy 96-1 WBE Aspirational Target	FY14 N Minority Actuals
Architecture & Engineering Primes	93,859	8.0%	12%	-	0.0%	14%	1,07
Construction - Primes Contractors	76,357	0.8%	8%	225,603	2.2%	5%	9,83
Reported - Construction Subcontractors	1,014,634	41.4%	17%	660,678	26.9%	9%	77
Materials and Supplies	-	0.0%	1%	145,006	32.0%	6%	30
Other Services	703,442	28.2%	10%	586,639	23.5%	8%	1,20
Professional Services	16,388	4.0%	7%	3,956	1.0%	15%	39
Total Expenditures by Category	1,904,680	11.1%	N/A	1,621,882	9.5%	N/A	13,58

MBE = Minority-Owned Business Enterprise that is 51% owned by any person identifying him or herself as African, Hispanic, Asian, American Indian, Alaskan

WBE = Woman-Owned Business Enterprise that is 51% owned by a Non-Minority Female

A.T. % = Aspirational Target % of recommended participation based upon the 10/2009 Disparity Study

Final Report

Leon County
Board of County
Commissioners

Disparity Update Study



October 15, 2009



*Leon County Board of County
Commissioners*

Disparity Update Study

FINAL REPORT

Submitted to:
Mr. Parwez Alam
County Administrator
County Administrator's Office
Leon County Courthouse
Tallahassee, Florida 32301

Submitted by:



2123 Centre Pointe Boulevard
Tallahassee, Florida 32308-4930
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October 15, 2009

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1.0 INTRODUCTION

1.0 INTRODUCTION

In October 2008, the Board of Commissioners for Leon County, Florida (County) contracted MGT of America, Inc. (MGT), to conduct a minority- and woman-owned business enterprise (M/WBE) program study update. The study consisted of fact finding to determine whether the M/WBE program had eliminated active discrimination; to determine the effects of past discrimination in County procurement and contracting, and to what extent; and to evaluate various options for future program development if discrimination existed.

1.1 Objective

The purpose of the disparity study was to:

- Examine what, if any, barriers may have resulted in disparities in the utilization of available M/WBEs and non-M/W/Bes, and examine and summarize related findings from other similar studies that encompass the County's relevant marketplace.
- Identify from the most accurate sources the availability of M/WBEs that are ready, willing, and able to do business with the County in the relevant market area.
- Analyze the contracting and expenditure data of the County to determine its utilization of M/WBEs.
- Determine the extent to which any identified disparities in the utilization of available M/WBEs by the County might be impacted by discrimination.
- Recommend programs to remedy the effects of any discrimination identified, and to reduce or eliminate any other marketplace barriers that adversely affect the contract participation of such minority-, woman-, and small-business enterprises (M/W/SBEs) and non-M/W/SBEs.

Governmental entities like the County have authorized disparity studies in response to the *City of Richmond v. J. A. Croson Co.*¹ (*Croson*) decision to determine whether there is a compelling interest for remedial procurement programs. Recommendations resulting from such studies are used to narrowly tailor any resulting programs to specifically address findings of underutilization attributable to unfair business practices.

The results of the County's study are found in this report. Throughout the chapters that follow, MGT presents its findings, analyses, and recommendations. This chapter summarizes the objectives for the study, the technical approach used to accomplish the objectives, the major tasks undertaken, and an overview of the organization of the report.

¹ *City of Richmond v. J. A. Croson, Co.*, 488 U.S. 469 (1989).

1.2 Technical Approach

In conducting the study and preparing recommendations, MGT followed a carefully designed work plan that allowed MGT study team members to fully analyze availability, utilization, and disparity with regard to M/WBE participation. MGT's approach has been tested in over 129 jurisdictions and proven reliable to meet the study's objectives. The work plan consisted of, but was not limited to, the following major tasks:

- Conducting a legal review.
- Establishing data parameters and finalizing a work plan.
- Reviewing policies, procedures and programs.
- Conducting utilization analyses.
- Determining the availability of qualified firms.
- Analyzing the utilization and availability data for disparity analyses.
- Conducting disparity analyses of the relevant private market.
- Providing information on best practices in small and M/WBE business development.
- Identifying narrowly tailored race- and gender-based and race- and gender-neutral remedies.
- Preparing the final report for this study.

1.3 Report Organization

In addition to this introductory chapter, this report contains the following sections which provide MGT's findings as to the presence, or absence, of disparity in the County's procurement and contracting practices. The study reviewed County contract and procurement data from the period of October 1, 2003, through September 30, 2008. The overview of each chapter is as follows:

- **Chapter 2.0** presents an overview of controlling legal precedents that impact remedial procurement programs.
- **Chapter 3.0** presents a review of the County's procurement policies and procedures and an analysis of its M/WBE program and race- and gender-neutral efforts.
- **Chapter 4.0** presents the methodology used to determine the County's relevant market area and statistical analysis of vendor utilization by the County as well as the availability of firms for procurement activities.

- **Chapter 5.0** provides a discussion of the levels of disparity for prime contractors and subcontractors and a review of the multivariate analysis for the County.
- **Chapter 6.0** presents an analysis of the presence of disparity in the private sector and its effect on the ability of firms to win procurement contracts from the County.
- **Chapter 7.0** presents an overview of the program design and practices of M/W/SBE and DBE programs for federal, state, and local governments.
- **Chapter 8.0** provides a summary of the findings presented in this report with conclusions, commendations, and recommendations.²

MGT recommends reading the report in its entirety to understand the basis for the recommendations presented in **Chapter 8.0**.

² **Chapter 8.0** is designed to provide a summary of the overall report, conclusions drawn from the study and MGT's recommendations. **Chapter 8.0** serves as an Executive Summary for the Study.

2.0 LEGAL REVIEW

2.0 LEGAL REVIEW

2.1 Introduction

This chapter provides legal background for Leon County. The material that follows does not constitute legal advice to Leon County on minority- and woman-owned business (M/WBE) programs, affirmative action, or any other matter. Instead, it provides a context for the statistical and anecdotal analyses that appear in subsequent chapters of this report.

The Supreme Court decision in *City of Richmond v. J.A. Croson Company (Croson)*¹ and later cases have established and applied the constitutional standards for an affirmative action program. This chapter identifies and analyzes those decisions, summarizing how courts evaluate the constitutionality of race- and gender-specific programs. Decisions of the Eleventh Circuit, which includes Leon County, offer the most directly binding authority, but where those decisions leave issues unsettled, the review considers decisions from other circuits.

By way of a preliminary outline, the courts have determined that an affirmative action program involving governmental procurement of goods or services must meet the following standards:

- A remedial, race-conscious program is subject to strict judicial scrutiny under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
 - Strict scrutiny has two basic components: a compelling governmental interest in the program and narrow tailoring of the program.
 - To survive the strict scrutiny standard, a remedial, race-conscious program must be based on a compelling governmental interest.
 - * “Compelling interest” means the government must prove past or present racial discrimination requiring remedial attention.
 - * There must be a specific “strong basis in the evidence” for the compelling governmental interest.
 - * Statistical evidence is preferred and possibly necessary as a practical matter; anecdotal evidence is permissible and can offer substantial support, but it more than likely cannot stand on its own.
 - A program designed to address the compelling governmental interest must be narrowly tailored to remedy the identified discrimination.
 - * “Narrow tailoring” means the remedy must fit the findings.
 - * The evidence showing compelling interest must guide the tailoring very closely.

¹ 488 U.S. 469 (1989).

- * Race-neutral alternatives must be considered first.
- A lesser standard, intermediate judicial scrutiny, applies to programs that establish gender preferences.
 - * To survive the intermediate scrutiny standard, a remedial, gender-conscious program must serve important governmental objectives and be substantially related to the achievement of those objectives.
 - * The evidence does not need to be as strong and the tailoring does not need to be as specific under the lesser standard.

2.2 Standards of Review for Race- and Gender-Specific Programs

2.2.1 Race-Specific Programs: The Croson Decision

Croson established the framework for testing the validity of programs based on racial discrimination. In 1983, the Richmond City Council (the Council) adopted a Minority Business Utilization Plan (the Plan) following a public hearing in which citizens testified about historical societal discrimination. In adopting the Plan, the Council also relied on a study indicating that “while the general population of Richmond was 50 percent black, only 0.67 percent of the City’s prime construction contracts had been awarded to minority businesses in the 5-year period from 1978 to 1983.”²

The evidence before the Council also established that a variety of state and local contractor associations had little or no minority business membership. The Council relied on statements by a Council member whose opinion was that “the general conduct of the construction industry in this area and the State, and around the nation, is one in which race discrimination and exclusion on the basis of race is widespread.”³ There was, however, no direct evidence of race discrimination on the part of the City in its contracting activities, and no evidence that the City’s prime contractors had discriminated against minority-owned subcontractors.⁴

The Plan required the City’s prime contractors to subcontract at least 30 percent of the dollar amount of each contract to one or more minority-owned business enterprise (MBE). The Plan did not establish any geographic limits for eligibility. Therefore, an otherwise qualified MBE from anywhere in the United States could benefit from the 30 percent set-aside.

J.A. Croson Company, a non-MBE mechanical plumbing and heating contractor, filed a lawsuit against the city of Richmond alleging that the Plan was unconstitutional because it violated the Equal Protection Clause of the Fourteenth Amendment. After a considerable record of litigation and appeals, the Fourth Circuit struck down the Richmond Plan and the Supreme Court affirmed this decision.⁵ The Supreme Court determined that strict scrutiny was the appropriate standard of judicial review for MBE programs, so that a race-conscious program must be based on a compelling governmental interest and be narrowly tailored to

² Id. at 479-80.

³ Id. at 480.

⁴ Id.

⁵ Id. at 511.

achieve its objectives. This standard requires a firm evidentiary basis for concluding that the underutilization of minorities is a product of past discrimination.⁶

2.2.2 Gender-Specific Programs

The Supreme Court has not addressed the specific issue of a gender-based classification in the context of a woman-owned business enterprise (WBE) program. *Croson* was limited to the review of an MBE program. In evaluating gender-based classifications, the Court has used what some call “intermediate scrutiny,” a less stringent standard of review than the “strict scrutiny” applied to race-based classifications. Intermediate scrutiny requires that classifying persons on the basis of sex “must carry the burden of showing an exceedingly persuasive justification for the classification.”⁷ The classification meets this burden “only by showing at least that the classification serves ‘important governmental objectives and that the discriminatory means employed’ are ‘substantially related to the achievement of those objectives.’”⁸

Several federal courts have applied intermediate scrutiny to WBE programs and yet have found the programs to be unconstitutional.⁹ Nevertheless, in *Coral Construction v. King County*, the Ninth Circuit upheld a WBE program under the intermediate scrutiny standard.¹⁰ Even using intermediate scrutiny, the court in *Coral Construction* noted that some degree of discrimination must be demonstrated in a particular industry before a gender-specific remedy may be instituted in that industry. As the court stated, “the mere recitation of a benign, compensatory purpose will not automatically shield a gender-specific program from constitutional scrutiny.”¹¹ Indeed, one court has questioned the concept that it might be easier to establish a WBE program than it is to establish an MBE program.¹²

More recently, the Tenth Circuit, on the second appeal in *Concrete Works of Colorado v. City of Denver (Concrete Works IV)*,¹³ approved the constitutionality of a WBE program based on evidence comparable to that supporting an MBE program that the court also upheld in the same decision. Unlike *Coral Construction*, however, *Concrete Works IV* offered no independent guidance on the level of evidence required to support a WBE program.

⁶ Id. at 493.

⁷ *Mississippi Univ. for Women v. Hogan*, 458 U.S. 718, 724 (1982) (quoting *Kirchberg v. Feenstra*, 450 U.S. 455, 461 (1981)); see also *United States v. Virginia*, 518 U.S. 515, 531 (1996), *Tuan Anh Nguyen v. INS*, 533 U.S. 53, 60 (2001).

⁸ *Mississippi Univ. for Women*, *supra*, at 724 (quoting *Wengler v. Druggists Mut. Ins. Co.*, 446 U.S. 142, 150 (1980)); see also *Virginia*, *supra*, at 533, *Nguyen*, *supra*, at 60.

⁹ See *Assoc. Util. Contrs. v. Baltimore*, 83 F. Supp. 2d 613 (D Md 2000); *Eng’g Contrs. Ass’n of S. Florida, Inc. v. Dade County*, 122 F.3d 895 (11th Cir. 1997); *Builders Ass’n of Greater Chicago v. County of Cook*, 256 F.3d 642 (7th Cir. 2001). The Eighth Circuit did not address the application of intermediate scrutiny to WBE participation in the federal DBE program in *MnDOT*, 345 F.3d 964 (8th Cir. 2003); cert. denied, 158 L.Ed. 2d 729 (2004) – 541 U.S. 1041 *Sherbrooke Turf, Inc. v.*

¹⁰ *Coral Constr. Co. v. King County*, 941 F.2d 910 (9th Cir. 1991), cert. denied, 502 U.S. 1033 (1992).

¹¹ Id. at 932.

¹² *Builders Ass’n of Greater Chicago*, 256 F.3d at 644. See also *States Paving Co. v. Washington State DOT*, 407 F.3d 983, 991, n.6 (9th Cir. 2005) (rejecting need for separate analysis of WBE program under intermediate scrutiny).

¹³ 321 F.3d 950 (10th Cir. 2003).

2.2.3 An Overview of the Applicable Case Law

Croson did not find a compelling justification for a complete MBE program. *Croson* found the city of Richmond's evidence to be inadequate as a matter of law. Nevertheless, more recent cases in other federal circuits have addressed applications of the law that were not considered in *Croson*. Thus, it becomes necessary to look to the decisions of other federal circuits to predict what level of evidence might be required to establish an affirmative action program.

The discussion in this review will also attend closely to the most relevant decisions in the area of government contracting. Justice O'Connor, distinguishing her majority opinion on affirmative action in law school admissions from her opinions in government contracting cases, wrote:

*Context matters when reviewing race-based governmental action under the Equal Protection Clause. . . . Not every decision influenced by race is equally objectionable and strict scrutiny is designed to provide a framework for carefully examining the importance and the sincerity of the reasons advanced by the governmental decision maker for the use of race in that particular context.*¹⁴

Further, some caution must be exercised in relying upon opinions of the federal district courts, which make both findings of fact and holdings of law. As to holdings of law, the district courts are ultimately subject to rulings by their circuit courts. As to matters of fact, their decisions depend heavily on the precise record before them, in these cases frequently including matters such as evaluations of the credibility and expertise of witnesses. Such findings are not binding precedents outside of their districts, even if they indicate the kind of evidence and arguments that might succeed elsewhere.

Finally, the ways in which municipalities participate in national disadvantaged business enterprise (DBE) programs is a specialized issue distinct from that of supporting municipal programs, even if the same kinds of evidence and same levels of review apply. In *Adarand Constructors, Inc. v. Peña*,¹⁵ the Supreme Court did decide that federal DBE programs should be examined by the same strict scrutiny standard that *Croson* mandated for state and local programs. Nevertheless, cases considering national DBE programs have many important distinctions from cases considering municipal programs, particularly when it comes to finding a compelling governmental interest.¹⁶ The national DBE cases have somewhat more application in determining whether a local program is narrowly tailored (to be discussed in Section 2.6).¹⁷

¹⁴ *Grutter v. Bollinger*, 539 U.S. 306, 327 (2003).

¹⁵ *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200-227 (1995).

¹⁶ See *Adarand Constructors, Inc. v. Slater*, 228 F.3d 1147-1165 (10th Cir. 2000), cert. granted in part sub nom., *Adarand Constructors, Inc. v. Mineta*, 532 U.S. 967 (2001); cert. dismissed as improvidently granted, 534 U.S. 103 (2001); *Sherbrooke Turf*, 345 F.3d at 970-1.

¹⁷ Recently the Ninth Circuit ruled in *Western States Paving Co. v. Washington State DOT* that specific evidence of discrimination was necessary at a state level in order for the implementation of race-conscious goals to be narrowly tailored. *States Paving Co.*, 407 F.3d at 997-8. In *Northern Contracting v. Illinois DOT*, the district court, while not striking down the program, also required the Illinois DOT to develop local evidence of discrimination sufficient to justify the imposition of race-conscious goals. In this sense, for these cases narrow tailoring still requires factual predicate information to support race-conscious program elements in a DBE program. *N. Contr. v. Illinois*, No. 00 4515 (ND IL 2004), decided 3/3/04 (2004 U.S. Dist. LEXIS 3226) 139-160.

Thus, the majority of this review will be based on decisions of the federal circuit courts applying *Croson* to city or county programs designed to increase participation by M/WBEs in government contracting. This is not a large body of case law. While other cases are useful as to particular points, only a small number of circuit court cases have reviewed strictly local M/WBE programs and given clear, specific, and binding guidance about the adequacy of a complete factual record including thorough, local disparity studies with at least some statistical analysis. Further, in one of the three directly applicable circuit court cases, the Third Circuit evaded the issue of compelling justification after lengthy discussion, holding that the Philadelphia M/WBE program was unconstitutional because it was not narrowly tailored.¹⁸

Ultimately, only two circuit court decisions since *Croson* have passed definitively on thorough, strictly local disparity studies: *Engineering Contractors Association of South Florida, Inc.*,¹⁹ and *Concrete Works IV*.²⁰ In *Engineering Contractors*, the Eleventh Circuit ultimately upheld the district court finding that Dade County's disparity studies were not adequate to support an M/WBE program, at least in the face of rebuttal evidence.²¹ By contrast, in *Concrete Works IV*, the Tenth Circuit, after holding that the district court had used an improper standard for weighing the evidence, went on to evaluate the evidence and determine that it was adequate as a matter of law to establish a compelling justification for Denver's program. The Supreme Court refused to hear the appeal in *Concrete Works IV*,²² although the refusal in itself has no precedential effect. The dissent to that denial, written by Justice Scalia with the Chief Justice joining, argues that these cases may mark a split in approach among the circuits that will need to be reconciled.

2.3 To Withstand Strict Scrutiny, an MBE Program Must Be Based on Thorough Evidence Showing a Compelling Governmental Interest

For government contracting programs, courts have yet to find a compelling governmental interest for affirmative action other than remedying discrimination in the relevant marketplace. In other arenas, diversity has served as a compelling governmental interest for affirmative action. For example, the Ninth Circuit upheld race-based admission standards at an experimental elementary school in order to provide a more real world education experience.²³ More recently, in *Petit v. City of Chicago*, the Seventh Circuit relied on *Grutter v. Bollinger* in stating that urban police departments had "an even more compelling need for diversity" than universities and upheld the Chicago program "under the *Grutter* standards."²⁴ The recent holding that other compelling interests may support affirmative action does not yet appear to have any application to public contracting.²⁵

¹⁸ *Contractors Ass'n of E. Penn. Inc. v. City of Philadelphia*, 91 F.3d 586, 605 (3rd Cir. 1996).

¹⁹ 122 F.3d 895.

²⁰ 321 F.3d 950.

²¹ Compare *Cone Corp. v. Hillsborough County*, 908 F.2d 908 (11th Cir. 1990), an earlier decision of the Eleventh Circuit reversing summary judgment against an MBE program where more limited statistical evidence was found adequate to require a trial on the merits in the face of a relatively weak challenge.

²² *Concrete Works of Colo. v. City of Denver*, Scalia, J. dissenting, 540 U.S. 1027, 1027-35 (2003).

²³ *Hunter v. Regents of the Univ. of Cal.*, 190 F.3d 1061 (9th Cir. 1999).

²⁴ *Petit v. City of Chicago*, 352 F.3d 1111, 1114 (7th Cir. 2003).

²⁵ *Grutter v. Bollinger*, 539 U.S. 306 (2003). For an argument that other bases could serve as a compelling interest in public contracting, see Michael K. Fridkin, "The Permissibility of Non-Remedial Justifications for Racial Preferences in Public Contracting," 24 *N. Ill. U. L. Rev.* 509-510 (Summer 2004).

Croson identified two necessary factors for establishing racial discrimination sufficiently to demonstrate a compelling governmental interest in establishing an M/WBE program. First, there needs to be identified discrimination in the relevant market.²⁶ Second, “the governmental actor enacting the set-aside program must have somehow perpetuated the discrimination to be remedied by the program,”²⁷ either actively or at least passively with the “infusion of tax dollars into a discriminatory industry.”²⁸

Although the Supreme Court in *Croson* did not specifically define the methodology that should be used to establish the evidentiary basis required by strict scrutiny, the Court did outline governing principles. Lower courts have expanded the Supreme Court’s *Croson* guidelines and have applied or distinguished these principles when asked to decide the constitutionality of state, county, and city programs that seek to enhance opportunities for minorities and women.

2.3.1 Post-Enactment Evidence

The Supreme Court in *Croson* found pre-enactment evidence of discrimination insufficient to justify the program. The defendant in *Croson* did not seek to defend its program based on post-enactment evidence. However, following *Croson*, a number of circuits did defend the use of post-enactment evidence to support the establishment of a local public affirmative action program.²⁹ Some cases required both pre-enactment and post-enactment evidence.³⁰

The Supreme Court case in *Shaw v. Hunt*³¹ raised anew the issue of post-enactment evidence in defending local public sector affirmative action programs. *Shaw* involved the use of racial factors in drawing voting districts in North Carolina. In *Shaw*, the Supreme Court rejected the use of reports providing evidence of discrimination in North Carolina because the reports were not developed before the voting districts were designed. Thus, the critical issue was whether the legislative body believed that discrimination had existed before the districts were drafted.³² Following the *Shaw* decision, two districts courts rejected the use of post-enactment evidence in the evaluation of the constitutionality of local minority business programs.³³

2.3.2 Agency Evidence

An agency contemplating an M/WBE program should have evidence expressly and specifically linked to the agency itself. The Fifth Circuit criticized the city of Jackson for commissioning a disparity study but not adopting the findings of the study.³⁴ A district court in New Jersey struck down a set-aside involving New Jersey casino licenses that was

²⁶ *Croson*, 488 U.S. at 492.

²⁷ *Coral Construction*, 941 F.2d at 916.

²⁸ *Id.*

²⁹ See *Eng’g Contrs. Ass’n of S. Florida, Inc. v. Dade County*, 122 F.3d 895, 911 (11th Cir. 1997); *Contrs. Ass’n of E. Philadelphia v. Philadelphia*, 6 F.3d 990, 1009 n.18 (2nd Cir. 1993); *Concrete Works of Colorado, Inc. v. City and County of Denver*, 36 F.3d 1513, 1521 (10th Cir. 1994).

³⁰ See *Coral Construction Co. v. King County*, 941 F.2d 910-920 (9th Cir. 1991).

³¹ *Shaw v. Hunt*, 517 U.S. 899 (1996).

³² *Id.* at 910.

³³ *AUC v. Baltimore*, 83 F. Supp. 2d 613, 620-22 (D. Md. 2000); *West Tenn. ABC v. Memphis City Schools*, 64 F. Supp. 2d 714, 718-21 (W.D. Tenn. 1999).

³⁴ *Scott v. City Of Jackson*, 199 F.3d 206, 218 (1999).

based on the factual predicate study for the state of New Jersey M/WBE program, which did not cover the casino industry.³⁵

2.3.3 Outreach Programs

There is some debate about whether or not outreach programs are subject to strict scrutiny. In *Peightal v. Metropolitan Dade County*, the Eleventh Circuit treated recruiting and outreach efforts as “race-neutral” policies.³⁶ Other lower court cases have stated that expanding the pool disadvantages no one and thus a distinction should be made between inclusive and exclusive outreach.³⁷ Similarly, in *Allen v. Alabama State Bd. Of Education*, a case involving teacher certification examinations, the Eleventh Circuit stated that the,

*Board must be conscious of race in developing the examination, choosing test items to minimize any racially disparate impact within the framework of designing a valid and comprehensive teaching examination. Nothing in Adarand requires the application of strict scrutiny to this sort of race-consciousness.*³⁸

However, in *Virdi v. DeKalb County School District*, litigation involving a minority vendor program (MVP), the Eleventh Circuit stated that,

*It is well settled that “all racial classifications imposed by government must be analyzed by a reviewing court under strict scrutiny”. Grutter v. Bollinger, 539 U.S. 306, 326, 123 S. Ct. 2325, 2337 (2003) (quoting Adarand Constructors, Inc. v. Peña, 515 U.S. 200, 227, 115 S.Ct. 2097, 2113 (1995)). To the extent that Defendants argue that the MVP did not contain racial classifications because it did not include set-asides or mandatory quotas, we note that strict scrutiny applies to all racial classifications, not just those creating binding racial preferences. The MVP includes racial classifications. It is therefore subject to strict scrutiny.*³⁹

2.3.4 Disabled Business Enterprise

Disabled business enterprise programs are quite common in federal, state, and local government. Section 15(g) of the Small Business Act provides for a goal of not less than 3 percent utilization of service-disabled veteran businesses in federal contracting.⁴⁰ Section 36 of that Act grants the authority to set-aside for service-disabled veteran-owned businesses.⁴¹ These policies were strengthened and reaffirmed in October 2004, in Executive Order 13360. The U.S. Army alone projects \$1.8 billion in set-asides to service-disabled veteran-owned businesses in FY 2008.⁴²

³⁵ *Ass’n. for Fairness in Business, Inc. v. New Jersey*, 82 F. Supp. 2d 353, 361 (D.N.J. 2000).

³⁶ 26 F.3d 154, 1557-58 (11th Cir. 1994).

³⁷ *Shuford v. Alabama State Bd. of Educ.*, 897 F. Supp. 1535, 1551-52 (M.D. Ala. 1995).

³⁸ . 164 F.3d 1347, 1352 (11th Cir.1999).

³⁹ 135 Fed. Appx. 262, 267, 2005 U.S. App. LEXIS 11203 (11th Cir. 2005).

⁴⁰ 15 U.S.C. 644(g).

⁴¹ 15 U.S.C. 657f.

⁴² U.S. Army Office of Small Business Programs, www.vetbiz.gov/library/Army.pdf

Disabled business enterprise programs are also common at the state and local government level and are often a component of an M/WBE program.⁴³ Some local government agencies, in particular California and Connecticut, also set aside government contracts for disabled business enterprises or disabled veteran's business enterprises. California follows the federal program with a 3 percent disabled goal.⁴⁴ The state of Connecticut set aside 25 percent of its project for SBEs and then 25 percent of the SBE program is for certified M/WBEs. Disabled firms are classified as minority firms for purposes of the rule.⁴⁵ There are also state laws granting preferences of some sort to the disabled, and particularly the service disabled veterans.⁴⁶

While there has been an extensive body of case law involving the Americans for Disabilities Act, there have been no federal court cases challenging the constitutionality of disabled business enterprises under the Equal Protection clause. There are at least two reasons for this absence of a court record. First, at the state and local government level, these programs are typically very small, having only a handful of participants. Second, and more importantly, the U.S. Supreme Court has not ruled that the disabled are a suspect class and thus government programs addressing the disabled are not subject to strict scrutiny, or even intermediate scrutiny.⁴⁷ Instead programs both favoring and hampering the disabled are subject to the rational relationship test, the lowest level of judicial scrutiny. Nevertheless, this report will separately analyze data on disabled business enterprises.

2.4 Sufficiently Strong Evidence of Significant Statistical Disparities Between Qualified Minorities Available and Minorities Utilized Will Satisfy Strict Scrutiny and Justify a Narrowly Tailored M/WBE Program

The Supreme Court in *Croson* stated that "where gross statistical disparities can be shown, they alone in a proper case may constitute *prima facie* proof of a pattern or practice of discrimination."⁴⁸ But the statistics must go well beyond comparing the rate of minority presence in the general population to the rate of prime construction contracts awarded to MBEs. The Court in *Croson* objected to such a comparison, indicating that the proper statistical evaluation would compare the percentage of qualified MBEs in the relevant market with the percentage of total municipal construction dollars awarded to them.⁴⁹

⁴³ See North Carolina, Executive Order #150 and General Statutes 143-48 & 143-128.2(g)(1)(2)(3), Philadelphia, Executive Order 05 Relating To The Participation Of Minority, Women And Disabled Businesses In City Contracts, March 2005; Rhode Island GL 37-2.2-3, (procurement of Goods and services are available from certified Rhode Island Disability Business Enterprises (dbes) whose workforce consists of more than 75% persons with disabilities or certified nonprofit rehabilitation facilities); The regional Texas certification agencies certify for disabled business enterprises.

⁴⁴ California Executive Order D-43-01, June 22, 2001. California Disabled Veteran Business Enterprise Set Aside Program (establishes a goal for state entities to award at least 3% of their contracts for materials, supplies, equipment, alterations, repairs, or improvements to disabled veteran business enterprises. A 2001 act (Assembly Bill 941) requires the departments subject to this goal to appoint disabled veteran business enterprise advocates).

⁴⁵ Executive Order D-37-1

⁴⁶ See Fl. Stat. _295.07(1) (1991) (exempting disabled veterans from specific hiring procedures and employment exams for state jobs); Fl. Stat. _196.031 (1991) (hiring preferences for disabled veterans).

⁴⁷ *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985) (no rational basis for discriminatory application of special use permit for group home for mentally disabled).

⁴⁸ *Croson*, 488 U.S. at 501, quoting *Hazelwood School Division v. United States*, 433 U.S. 299, 307-308 (1977).

⁴⁹ *Id.* at 502.

To meet this more precise requirement, courts have accepted the use of a disparity index.⁵⁰ The Supreme Court in *Croson* recognized statistical measures of disparity that compared the number of qualified and available M/WBEs with the rate of municipal construction dollars actually awarded to M/WBEs in order to demonstrate discrimination in a local construction industry.⁵¹ The Ninth Circuit has stated, “In our recent decision [*Coral Construction*] we emphasized that such statistical disparities are ‘an invaluable tool’ in demonstrating the discrimination necessary to establish a compelling interest.”⁵²

2.4.1 Determining Availability

To perform proper disparity analysis, the government must determine “availability”—the number of qualified minority contractors willing and able to perform a particular service for the municipality. In *Croson*, the Court stated:

*Where there is a significant statistical disparity between the number of qualified minority contractors willing and able to perform a particular service and the number of such contractors actually engaged by the locality or the locality’s prime contractors, an inference of discriminatory exclusion could arise.*⁵³

An accurate determination of availability also permits the government to meet the requirement that it “determine the precise scope of the injury it seeks to remedy” by its program.⁵⁴ Following *Croson*’s statements on availability, lower courts have considered how legislative bodies may determine the precise scope of the injury sought to be remedied by an MBE program. Nevertheless, the federal courts have not provided clear guidance on the best data sources or techniques for measuring M/WBE availability.

Different forms of data used to measure availability give rise to particular controversies. Census data have the benefit of being accessible, comprehensive, and objective in measuring availability. In *Contractors Ass’n of Eastern Pennsylvania, Inc.*, the Third Circuit, while noting some of the limitations of census data, acknowledged that such data could be of some value in disparity studies.⁵⁵ In that case, the city of Philadelphia’s consultant calculated a disparity using data showing the total amount of contract dollars awarded by the City, the amount that went to MBEs, and the number of African American construction firms. The consultant combined these data with data from the Census Bureau on the number of construction firms in the Philadelphia Standard Metropolitan Statistical Area.⁵⁶ Despite the district court’s reservations about mixing data sources, the Third Circuit appeared to have been prepared to accept such data had it ruled on the showing of a compelling interest.

⁵⁰ See *Engineering Contractors Ass’n of South Florida, Inc.*, 122 F.3d at 914; *Concrete Works IV*, 321 F.3d at 964-69.

⁵¹ *Croson*, 488 U.S. at 503-504.

⁵² *Ass’d. General Contrs. of California, Inc. v. Coalition for Economic Equity*, 950 F.2d 1401, 1414 (9th Cir. 1991) (*AGCC II*) citing *Coral Construction*, 941 F.2d at 918; see also *Croson*, 488 U.S. at 509.

⁵³ *Croson*, 488 U.S. at 509 (emphasis added).

⁵⁴ *Id.* at 498.

⁵⁵ *Contractors Assn v. Philadelphia*, 91 F.3d 586, 604 (3rd Cir 1996).

⁵⁶ *Contractors Association of Eastern Pennsylvania, Inc.*, 91 F.3d at 604.

At least one commentator has suggested using bidder data to measure M/WBE availability,⁵⁷ but *Croson* does not require the use of bidder data to determine availability. In *Concrete Works*, in the context of the plaintiffs' complaint that the city of Denver had not used such information, the Tenth Circuit noted that bid information also has its limits.⁵⁸ Firms that bid may not be qualified or able, and firms that do not bid may be qualified and able, to undertake agency contracts.

2.4.2 Racial Classifications

In determining availability, choosing the appropriate racial groups to consider becomes an important threshold interest.⁵⁹ In *Croson*, the Supreme Court criticized the city of Richmond's inclusion of "Spanish speaking, Oriental, Indian, Eskimo, or Aleut persons" in its affirmative action program.⁶⁰ These groups had not previously participated in City contracting and "The random inclusion of racial groups that, as a practical matter, may never have suffered from discrimination in the construction industry in Richmond suggests that perhaps the City's purpose was not in fact to remedy past discrimination."⁶¹ To evaluate availability properly, data must be gathered for each racial group in the marketplace. The Federal Circuit has also required that evidence as to the inclusion of particular groups be kept reasonably current.⁶²

2.4.3 Relevant Market Area

Another issue in availability analysis is the definition of the relevant market area. Specifically, the question is whether the relevant market area should be defined as the area from which a specific percentage of purchases is made, the area in which a specific percentage of willing and able contractors may be located, or the area determined by a fixed geopolitical boundary.

The Supreme Court has not yet established how the relevant market area should be defined, but some circuit courts have done so, including the Tenth Circuit in *Concrete Works II*, the first appeal in the city of Denver litigation.⁶³ *Concrete Works of Colorado*, a non-M/WBE construction company, argued that *Croson* precluded consideration of discrimination evidence from the six-county Denver Metropolitan Statistical Area (MSA), so Denver should use data only from within the city and county of Denver. The Tenth Circuit, interpreting *Croson*, concluded, "The relevant area in which to measure discrimination . . . is the local construction market, but that is not necessarily confined by jurisdictional boundaries."⁶⁴ The court further stated, "It is important that the pertinent data closely relate to the jurisdictional area of the municipality whose program we scrutinize, but here Denver's contracting activity, insofar as construction work is concerned, is closely related to the Denver MSA."⁶⁵

⁵⁷ LaNoue, George R., "Who Counts? Determining the Availability of Minority Businesses for Public Contracting After *Croson*," 21 *Harv. J. L. and Pub. Pol.* 793, 833-834 (1998).

⁵⁸ *Concrete Works IV*, 321 F.3d at 983-84.

⁵⁹ Racial groups, as the term is used herein, include both racial and ethnic categories.

⁶⁰ 488 U.S. at 506.

⁶¹ *Id.*

⁶² *Rothe Development Co. v. U.S. Dept. of Defense*, 262 F.3d 1306, 1323 (Fed. Cir. 2003).

⁶³ *Concrete Works II*, 36 F.3d at 1520.

⁶⁴ *Id.*

⁶⁵ *Id.*

The Tenth Circuit ruled that because more than 80 percent of Denver Department of Public Works construction and design contracts were awarded to firms located within the Denver MSA, the appropriate market area should be the Denver MSA, not the city and county of Denver alone.⁶⁶ Accordingly, data from the Denver MSA were “adequately particularized for strict scrutiny purposes.”⁶⁷

2.4.4 Firm Qualifications

Another availability consideration is whether M/WBE firms are qualified to perform the required services. In *Croson*, the Supreme Court noted that although gross statistical disparities may demonstrate *prima facie* proof of discrimination, “when special qualifications are required to fill particular jobs, comparisons to the general population (rather than to the smaller group of individuals who possess the necessary qualifications) may have little probative value.”⁶⁸ The Court, however, did not define the test for determining whether a firm is qualified.

Considering firm qualifications is important not only to assess whether M/WBEs in the relevant market area can provide the goods and services required, but also to ensure proper comparison between the number of qualified M/WBEs and the total number of similarly qualified contractors in the marketplace.⁶⁹ In short, proper comparisons ensure the required integrity and specificity of the statistical analysis. For instance, courts have specifically ruled that the government must examine prime contractors and subcontractors separately when the M/WBE program is aimed primarily at one or the other.⁷⁰

2.4.5 Willingness

Croson requires that an “available” firm must be not only qualified but also willing to provide the required services.⁷¹ In this context, it can be difficult to determine whether a business is willing. Courts have approved including businesses in the availability pool that may not be on the government’s certification list. In *Concrete Works II*, Denver’s availability analysis indicated that while most MBEs and WBEs had never participated in City contracts, “almost all firms contacted indicated that they were interested in [municipal work].”⁷² In *Contractors Association of Eastern Pennsylvania, Inc.*, the Third Circuit explained, “[i]n the absence of some reason to believe otherwise, one can normally assume that participants in a market with the ability to undertake gainful work will be ‘willing’ to undertake it.”⁷³ The court went on to note:

[P]ast discrimination in a marketplace may provide reason to believe the minorities who would otherwise be willing are discouraged from trying to secure the work. . . . [I]f there has been discrimination in City contracting, it is to be expected that [African American] firms may be discouraged from applying, and the low numbers [of African American firms seeking to

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Croson*, 488 U.S. at 501 (quoting *Hazelwood School Dist. v. United States*, 433 U.S. 299, 308, n.13 (1977)).

⁶⁹ See *Hazelwood School Dist.*, 433 U.S. at 308; *Contractors Ass’n*, 91 F.3d at 603.

⁷⁰ *W. H. Scott Constr. Co. v. City of Jackson*, 199 F.3d 206, 218 (5th Cir.1999).

⁷¹ *Croson*, 488 U.S. at 509.

⁷² *Concrete Works II*, 36 F.3d at 1529, quoting, *Appellant’s Appendix*.

⁷³ *Contractors Association of Eastern Pennsylvania, Inc.*, 91 F.3d at 603 (in original quotation marks).

prequalify for City-funded contracts] may tend to corroborate the existence of discrimination rather than belie it.⁷⁴

Even so, the strongest possible disparity study would also present information about the willingness of M/WBEs to perform the required services.

2.4.6 Ability

Another availability consideration is whether the firms being considered are able to perform a particular service. Those who challenge affirmative action often question whether M/WBE firms have the “capacity” to perform particular services.

The Eleventh Circuit accepted a series of arguments that firm size has a strong impact on “ability” to enter contracts, that M/WBE firms tend to be smaller, and that this smaller size, not discrimination, explains the resulting disparity.⁷⁵ By contrast, the Tenth Circuit in *Concrete Works II* and *IV* recognized the shortcomings of this treatment of firm size.⁷⁶ *Concrete Works IV* noted that the small size of such firms can itself be a result of discrimination.⁷⁷ The Tenth Circuit acknowledged the city of Denver’s argument that a small construction firm’s precise capacity can be highly elastic.⁷⁸ Under this view, the relevance of firm size may be somewhat diminished. Further, the Eleventh Circuit was dealing with a statute which itself limited remedies to M/WBEs that were smaller firms by definition.⁷⁹

2.4.7 Statistical Evidence of Discrimination in Disparity Studies

While courts have indicated that anecdotal evidence may suffice without statistical evidence, no case without statistical evidence has been given serious consideration by any circuit court. In practical effect, courts require statistical evidence. Further, the statistical evidence needs to be held to appropriate professional standards.⁸⁰

The Eleventh Circuit has addressed the role of statistical significance in assessing levels of disparity in public contracting. Generally, disparity indices of 80 percent or higher—indicating close to full participation—are not considered significant.⁸¹ The court referenced the Equal Employment Opportunity Commission’s disparate impact guidelines, which establish the 80 percent test as the threshold for determining a *prima facie* case of discrimination.⁸² According to the Eleventh Circuit, no circuit that has explicitly endorsed using disparity indices has held that an index of 80 percent or greater is probative of discrimination, but they have held that indices below 80 percent indicate “significant disparities.”⁸³

⁷⁴ Id. at 603-04.

⁷⁵ *Eng’g. Contr. of S. Florida, Inc.* 122 F.3d at 917-18, 924.

⁷⁶ *Concrete Works II*, 36 F.3d at 1528-29; *Concrete Works IV*, 321 F.3d at 980-92.

⁷⁷ *Concrete Works IV*, 321 F.3d at 982.

⁷⁸ Id. at 981

⁷⁹ *Eng’g Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 900.

⁸⁰ See *Contrs. Ass’n of E. Pennsylvania, Inc.*, 91 F.3d at 599-601.

⁸¹ *Eng’g Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 914.

⁸² Id. at 914, citing 29 C.F.R. § 1607.4D (concerning the disparate impact guidelines and threshold used in employment cases).

⁸³ *Eng’g Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 914, citing *Contrs. Ass’n of E. Pennsylvania, Inc.*, 6 F.3d at 1005 (crediting disparity index of 4 percent) and *Concrete Works II*, 36 F.3d at 1524 (crediting disparity indices ranging from 0 percent to 3.8 percent).

In support of the use of standard deviation analyses to test the statistical significance of disparity indices, the Eleventh Circuit observed that “[s]ocial scientists consider a finding of two standard deviations significant, meaning there is about one chance in 20 that the explanation for the deviation could be random and the deviation must be accounted for by some factor other than chance.”⁸⁴ With standard deviation analyses, the reviewer can determine whether the disparities are substantial or statistically significant, lending further statistical support to a finding of discrimination. On the other hand, if such analyses can account for the apparent disparity, the study will have little if any weight as evidence of discrimination.

Further, the interpretations of the studies must not assume discrimination has caused the disparities, but must account for alternative explanations of the statistical patterns.⁸⁵ The Third and Fifth Circuits have also indicated that statistics about prime contracting disparity have little, if any, weight when the eventual M/WBE program offers its remedies solely to subcontractors.⁸⁶

2.4.8 Anecdotal Evidence of Discrimination in Disparity Studies

Most disparity studies present anecdotal evidence along with statistical data. The Supreme Court in *Croson* discussed the relevance of anecdotal evidence and explained: “[E]vidence of a pattern of individual discriminatory acts can, if supported by appropriate statistical proof, lend support to a local government’s determination that broader remedial relief is justified.”⁸⁷ Although *Croson* did not expressly consider the form or level of specificity required for anecdotal evidence, the Ninth Circuit has addressed both issues.

In *Coral Construction*, the Ninth Circuit addressed the use of anecdotal evidence alone to prove discrimination. Although King County’s anecdotal evidence was extensive, the court noted the absence in the record of any statistical data in support of the program. Additionally, the court stated, “While anecdotal evidence may suffice to prove individual claims of discrimination, rarely, if ever, can such evidence show a *systemic pattern of discrimination necessary for the adoption of an affirmative action plan*.”⁸⁸ The court concluded, by contrast, that “the combination of convincing anecdotal and statistical evidence is potent.”⁸⁹

Regarding the appropriate form of anecdotal evidence, the Ninth Circuit in *Coral Construction* noted that the record provided by King County was “considerably more extensive than that compiled by the Richmond City Council in *Croson*.”⁹⁰ The King County record contained “affidavits of at least 57 minority or [female] contractors, each of whom complain[ed] in varying degree[s] of specificity about discrimination within the local construction industry”.⁹¹ The *Coral Construction* court stated that the M/WBE affidavits “reflect[ed] a broad spectrum of the contracting community” and the affidavits “certainly

⁸⁴ *Eng’g Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 914 quoting *Peightal v. Metropolitan Dade County*, 26 F.3d 1545, 1556 n.16 (11th Cir. 1994) (quoting *Waisome v. Port Authority*, 948 F.2d 1370, 1376 (2nd Cir. 1991)).

⁸⁵ *Eng’g Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 922.

⁸⁶ *Contrs. Ass’n of E. Pennsylvania, Inc.*, 91 F.3d at 599 (3rd Cir.); *W.H. Schott Constr. Co.*, 199 F.3d at 218 (5th Cir.)

⁸⁷ *Croson*, 488 U.S. at 509.

⁸⁸ *Coral Construction*, 941 F.2d at 919 (emphasis added).

⁸⁹ *Id.* See also *AGCC II*, 950 F.2d at 1414-1415.

⁹⁰ *Coral Construction*, 941 F.2d at 917.

⁹¹ *Id.* at 917-18.

suggest[ed] that ongoing discrimination may be occurring in much of the King County business community.”⁹²

In *Associated General Contractors of California v. Coalition for Economic Equity (AGCC II)*, the Ninth Circuit discussed the specificity of anecdotal evidence required by *Croson*.⁹³ Seeking a preliminary injunction, the contractors contended that the evidence presented by the city of San Francisco lacked the specificity required by both an earlier appeal in that case and by *Croson*.⁹⁴ The court held that the City’s findings were based on substantially more evidence than the anecdotes in the two prior cases, and “were clearly based upon dozens of specific instances of discrimination that are laid out with particularity in the record, as well as significant statistical disparities in the award of contracts.”⁹⁵

The court also ruled that the City was under no burden to identify specific practices or policies that were discriminatory.⁹⁶ Reiterating the City’s perspective, the court stated that the City “must simply demonstrate the existence of past discrimination with specificity; there is no requirement that the legislative findings specifically detail each and every instance that the legislative body ha[d] relied upon in support of its decision that affirmative action is necessary.”⁹⁷

Not only have courts found that a municipality does not have to specifically identify all the discriminatory practices impeding M/WBE utilization, but the Tenth Circuit in *Concrete Works IV* also held that anecdotal evidence collected by a municipality does not have to be verified. The court stated:

*There is no merit to [the plaintiff’s] argument that witnesses’ accounts must be verified to provide support for Denver’s burden. Anecdotal evidence is nothing more than a witness’ narrative of an incident told from the witness’ perspective and including the witness’ perceptions...Denver was not required to present corroborating evidence and [the plaintiff] was free to present its own witnesses to either refute the incidents described by Denver’s witnesses or to relate their own perceptions on discrimination in the Denver construction industry.*⁹⁸

2.5 The Governmental Entity or Agency Enacting an M/WBE Program Must Be Shown to Have Actively or Passively Perpetuated the Discrimination

In *Croson*, the Supreme Court stated, “It is beyond dispute that any public entity, state or federal, has a compelling interest in assuring that *public* dollars, drawn from the tax contributions of all citizens, do not serve to finance the evil of *private* prejudice.”⁹⁹ *Croson* provided that the government “can use its spending powers to remedy private discrimination, if it identifies that discrimination with the particularity required by the

⁹² Id.

⁹³ *AGCC II*, 950 F.2d at 1414-1415.

⁹⁴ See *AGCC II*, 950 F.2d at 1403-1405.

⁹⁵ *AGCC II*, 950 F.2d. at 1416. This evidence came from 10 public hearings and “numerous written submissions from the public.” Id. at 1414.

⁹⁶ Id. at 1416, n.11.

⁹⁷ Id. at 1416.

⁹⁸ *Concrete Works IV*, 321 F.3d at 989.

⁹⁹ *Croson*, 488 U.S. at 492 (emphasis added).

Fourteenth Amendment.”¹⁰⁰ The government agency’s active or passive participation in discriminatory practices in the marketplace may show the compelling interest. Defining passive participation, *Croson* stated:

*Thus, if the city could show that it had essentially become a “passive participant” in a system of racial exclusion practiced by elements of the local construction industry, we think it clear that the city could take affirmative steps to dismantle such a system.*¹⁰¹

The Tenth Circuit decision in *Adarand* concluded that evidence of private sector discrimination provided a compelling interest for a DBE program.¹⁰² Later cases have reaffirmed that the government has a compelling interest in avoiding the financing of private discrimination with public dollars.¹⁰³

Relying on this language in *Croson*, a number of local agencies have increased their emphasis on evidence of discrimination in the private sector. This strategy has not always succeeded. In the purest case, Cook County did not produce a disparity study but instead presented anecdotal evidence that M/WBEs were not solicited for bids in the private sector.¹⁰⁴ Cook County lost the trial and the resulting appeal.¹⁰⁵ Similarly, evidence of private sector discrimination presented in litigation was found inadequate in the Philadelphia and Dade County cases.¹⁰⁶ The Third Circuit stated, in discussing low MBE participation in a local contractors association in the city of Philadelphia, that “racial discrimination can justify a race-based remedy only if the city has somehow participated in or supported that discrimination.”¹⁰⁷ Nevertheless, recently in *Concrete Works IV*, the Tenth Circuit upheld the relevance of data from the private marketplace to establish a factual predicate for M/WBE programs.¹⁰⁸ That is, courts mainly seek to ensure that M/WBE programs are based on findings of active or passive discrimination in the government contracting marketplace, and not simply attempts to remedy general societal discrimination.

Courts also seek to find a causal connection between a statistical disparity and actual underlying discrimination. In *Engineering Contractors*, one component of the factual predicate was a study comparing entry rates into the construction business for M/WBEs and non-M/WBEs.¹⁰⁹ The analysis provided statistically significant evidence that minorities and women entered the construction business at rates lower than would be expected, given their numerical presence in the population and human and financial capital variables. The study argued that those disparities persisting after the application of appropriate statistical controls were most likely the result of current and past discrimination. Even so, the Eleventh Circuit criticized this study for reliance on general census data and for the lack of particularized

¹⁰⁰ *Croson*, 488 U.S. at 492. See generally Ayres, Ian and Frederick E. Vars, “When Does Private Discrimination Justify Public Affirmative Action?” 98 *Columbia Law Review* 1577 (1998).

¹⁰¹ *Croson*, 488 U.S. at 492.

¹⁰² *Adarand Contrs., Inc.*, 228 F.3d at 1155, 1164-65.

¹⁰³ *Associated Gen. Contrs. of Ohio, Inc. v. Drabik*, 214 F.3d 730, 734-35 (6th Cir. 2000). See also *Concrete Works II*, 36 F.3d at 1529; *Coral Constr. Co.*, 941 F.2d at 916.

¹⁰⁴ *Builders Ass’n of Greater Chicago v. County of Cook*, 123 F. Supp. 2d 1087, 1117 (N.D. I.L. 2000).

¹⁰⁵ *Builders Ass’n of Greater Chicago v. County of Cook*, 123 F. Supp. 2d 1087 (N.D. I.L. 2000); 256 F.3d 642, 648 (7th Cir. 2001).

¹⁰⁶ *Contrs. Ass’n of E. Pennsylvania, Inc.*, 91 F.3d at 599-602; *Engineering Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 920-926.

¹⁰⁷ *Contrs. Ass’n of E. Pennsylvania, Inc.*, 91 F.3d at 602; see also *Webster v. Fulton County*, 51 F. Supp. 2d 1354, 1363 (N.D. G.A. 1999).

¹⁰⁸ *Concrete Works IV*, 321 F.3d at 976.

¹⁰⁹ *Engineering Contractors Ass’n of South Florida, Inc.*, 122 F.3d at 921-22.

evidence of active or passive discrimination by Dade County, holding that the district court was entitled to find that the evidence did not show compelling justification for an M/WBE program.¹¹⁰

The Seventh Circuit has perhaps set a higher bar for connecting private discrimination with government action. The trial court in the Cook County case extensively considered evidence that prime contractors simply did not solicit M/WBEs as subcontractors and considered carefully whether this evidence on solicitation served as sufficient evidence of discrimination, or whether instead it was necessary to provide further evidence that there was discrimination in hiring M/WBE subcontractors.¹¹¹ The Seventh Circuit held that this evidence was largely irrelevant.¹¹² Beyond being anecdotal and partial, evidence that contractors failed to solicit M/WBEs on Cook County contracts was not the same as evidence that M/WBEs were denied the opportunity to bid.¹¹³ Furthermore, such activities on the part of contractors did not necessarily implicate the county as even a passive participant in such discrimination as might exist because there was no evidence that the county knew about it.¹¹⁴

Interestingly, some courts have been willing to see capital market discrimination as part of the required nexus between private and public contracting discrimination, even if capital market discrimination could arguably be seen as simply part of broader societal discrimination. In *Adarand v. Slater*, the Tenth Circuit favorably cited evidence of capital market discrimination as relevant in establishing the factual predicate for the federal DBE program.¹¹⁵ The same court, in *Concrete Works IV*, found that barriers to business formation were relevant insofar as this evidence demonstrated that M/WBEs were “precluded from the outset from competing for public construction contracts.”¹¹⁶ Along related lines, the court also found a regression analysis of census data to be relevant evidence showing barriers to M/WBE formation.¹¹⁷

Courts have come to different conclusions about the effects of M/WBE programs on the private sector evidence itself. For instance, is M/WBE participation in public sector projects higher than on private sector projects simply because the M/WBE program increases M/WBE participation in the public sector, or is such a pattern evidence of private sector discrimination? The Seventh Circuit raised the former concern in the recent Cook County litigation.¹¹⁸ *Concrete Works IV*, however, expressly cited as evidence of discrimination that M/WBE contractors used for business with the city of Denver were not used by the same prime contractors for private sector contracts.¹¹⁹

Finally, is evidence of a decline in M/WBE utilization following a change in or termination of an M/WBE program relevant and persuasive evidence of discrimination? The Eighth Circuit in *Sherbrooke Turf* and the Tenth Circuit in *Concrete Works IV* did find that such a decline in

¹¹⁰ *Id.* at 922.

¹¹¹ *Builders Ass’n of Chicago*, 123 F.Supp. 2d at 1112-1116.

¹¹² *Builders Ass’n of Greater Chicago*, 256 F.3d at 645.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Adarand Contrs., Inc.*, 228 F.3d at 1169-70.

¹¹⁶ *Concrete Works IV*, 321 F.2d at 977. The district court had rejected evidence of credit market discrimination as adequate to provide a factual predicate for an M/WBE program. *Concrete Works of Colorado, Inc. v. City of Denver*, 86 F.Supp. 2d 1042, 1072-73 (D Co. 2000) (*Concrete Works III*).

¹¹⁷ *Id.* at 967.

¹¹⁸ *Builders Ass’n of Greater Chicago*, 256 F.3d at 645.

¹¹⁹ *Concrete Works IV*, 321 F.3d at 984-85.

M/WBE utilization was evidence that prime contractors were not willing to use M/WBEs in the absence of legal requirements.¹²⁰ Other lower courts have arrived at similar conclusions.¹²¹

2.6 To Withstand Strict Scrutiny, an M/WBE Program Must Be Narrowly Tailored to Remedy Identified Discrimination

The discussion of compelling interest in the court cases has been extensive, but narrow tailoring may be the more critical issue. Many courts have held that even if a compelling interest for the M/WBE program can be found, the program has not been narrowly tailored.¹²² Moreover, *Concrete Works IV*,¹²³ a case that did find a compelling interest for a local M/WBE program, did not consider the issue of narrow tailoring. Instead, the Tenth Circuit held that the plaintiffs had waived any challenge to the original ruling of the district court¹²⁴ that the program was narrowly tailored.

Nevertheless, the federal courts have found that the DBE program established pursuant to federal regulations (49 CFR, Part 26) and issued under the Transportation Equity Act (TEA-21) (1998) has been narrowly tailored to serve a compelling interest.¹²⁵ The federal courts had previously ruled that there was a factual predicate for the federal Department of Transportation (DOT) DBE program, but that in its earlier versions the program was not narrowly tailored.¹²⁶ The more recent rulings provide some guidance as to what program configurations the courts will judge to be narrowly tailored. The Eleventh Circuit in particular has identified the following elements of narrow tailoring: (1) the necessity for the relief and the efficacy of alternative remedies; (2) the flexibility and duration of the relief, including the availability of waiver provisions; (3) the relationship of numerical goals to the relevant labor market; and (4) the impact of the relief on the rights of innocent third parties.¹²⁷

2.6.1 Race-Neutral Alternatives

Concerning race-neutral alternatives, the Supreme Court in *Crosby* concluded that a governmental entity must demonstrate that it has evaluated the use of race-neutral means to increase MBE participation in contracting or purchasing activities. In upholding the narrow tailoring of federal DBE regulations, the Eighth Circuit noted that those regulations “place strong emphasis on ‘the use of race-neutral means to increase minority business participation in government contracting.’”¹²⁸ The Tenth Circuit had noted that the DBE regulations provided that “if a recipient can meet its overall goal through race-neutral means, it must implement its program without the use of race-conscious contracting

¹²⁰ *Concrete Works IV*, 321 F.3d at 985; *Sherbrooke Turf, Inc.*, 345 F.3d at 973.

¹²¹ See *Northern Contracting, Inc. v. Illinois*, No. 00 4515 (ND IL 2004) – 2004 U.S. Dist. LEXIS 3226 150-1.

¹²² *Contrs. Ass’n of E. Pennsylvania, Inc.*, 91 F.3d at 606; *Eng’g Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 926-929; *Verdi v. DeKalb County Sch. Dist.*, 135 Fed. Appx. 262, 268, 2005 WL 38942 (11th Cir. 2005).

¹²³ *Concrete Works IV*, 321 F.3d at 992-93.

¹²⁴ *Concrete Works of Colo., Inc. v. City of Denver*, 823 F.Supp. 821, 844-845 (D.Co. 1993)(*Concrete Works I*).

¹²⁵ *Adarand Constrs., Inc.*, 228 F.3d at 1158, 1187; *Sherbrooke Turf Inc.*, 345 F.3d at 968-969, 974; *W. States Paving Co. v. Wash. State DOT*, 407 F.3d 983 (9th Cir. 2005).

¹²⁶ *In re Sherbrooke Sodding*, 17 F. Supp. 2d 1026, 1034-35, 1037 (D.Minn. 1998) (*Sherbrooke I*) (finding the program was not narrowly tailored). In 1996, before the new DBE regulations, the district court in Colorado, upon remand from the 1995 U.S. Supreme Court, had made a similar ruling in *Adarand Constrs., Inc. v. Peña*, 965 F. Supp. 1556, 1581 (D.Co. 1997)

¹²⁷ *Engineering Contractors*, 122 F.3d at 973 (citing *Ensley Branch*, 31 F.3d at 1569).

¹²⁸ *Sherbrooke Turf, Inc.*, 345 F. 3d at 972, quoting *Adarand Constrs., Inc.*, 515 U.S. at 237-38.

measures, and enumerate a list of race-neutral measures.”¹²⁹ Those measures included “helping overcome bonding and financing obstacles, providing technical assistance, [and] establishing programs to assist start-up firms.”¹³⁰

Strict scrutiny does not mandate that every race-neutral measure be considered and found wanting. The Eighth Circuit also affirmed that “Narrow tailoring does not require exhaustion of every conceivable race neutral alternative,” but it does require “serious, good faith consideration of workable race-neutral alternatives.”¹³¹

2.6.2 Flexibility and Duration of the Remedy

The Eighth Circuit also found that “the revised DBE program has substantial flexibility.”¹³²

*A State may obtain waivers or exemptions from any requirement and is not penalized for a good faith failure to meet its overall goal. In addition, the program limits preferences to small businesses falling beneath an earnings threshold, and any individual whose net worth exceeds \$ 750,000 cannot qualify as economically disadvantaged.*¹³³

DBE and M/WBE programs achieve flexibility by using waivers and variable project goals to avoid merely setting a quota. *Croson* favorably mentioned the contract-by-contract waivers in the federal DOT DBE program.¹³⁴ Virtually all successful MBE programs have this waiver feature in their enabling legislation. As for project goals, the approved DBE provisions set aspirational, nonmandatory goals; expressly forbid quotas; and use overall goals as a framework for setting local contract goals, if any, based on local data. All of these factors have impressed the courts that have upheld the constitutionality of the revised DOT DBE program.¹³⁵

With respect to program duration, in *Adarand Constructors, Inc. v. Peña*, the Supreme Court wrote that a program should be “appropriately limited such that it will not last longer than the discriminatory effects it is designed to eliminate.”¹³⁶ The Eighth Circuit also noted the limits in the DBE program, stating that “the DBE program contains built-in durational limits,” in that a “State may terminate its DBE program if it meets its annual overall goal through race-neutral means for two consecutive years.”¹³⁷ The Eighth Circuit also found durational limits in the fact that “TEA-21 is subject to periodic congressional reauthorization. Periodic legislative debate assures all citizens that the deviation from the norm of equal treatment of all racial and ethnic groups is a temporary matter, a measure taken in the service of the goal of equality itself.”¹³⁸

¹²⁹ *Adarand Constrs., Inc.*, 228 F.3d. at 1179 (parentheses removed).

¹³⁰ *Id.*

¹³¹ *Sherbrooke Turf, Inc.*, 345 F. 3d at 972, quoting *Grutter*, 123 S. Ct. at 2344-45. See also *Coral Constr. Co.*, 941 F.2d at 923; *AGCC II*, 950 F.2d at 1417.

¹³² *Sherbrooke Turf, Inc.*, 345 F. 3d at 972.

¹³³ *Id.* at 972, citing, 49 C.F.R. § 26.67(b).

¹³⁴ *Croson*, 488 U.S. at 488-489. *Coral Constr. Co.*, 941 F.2d at 924-925.

¹³⁵ See *Coral Constr. Co.*, 941 F. 2d at 924-925.

¹³⁶ 515 U.S. at 238 (internal quotations and citations omitted).

¹³⁷ *Sherbrooke Turf, Inc.*, 345 F. 3d at 972, citing 49 C.F.R. § 26.51(f)(3).

¹³⁸ *Id.*, quoting, *Grutter*, 123 S. Ct. at 2346.

Other appellate courts have noted several possible mechanisms for limiting program duration: such as required termination if goals have been met,¹³⁹ decertification of MBEs who achieve certain levels of success, or mandatory review of MBE certification at regular, relatively brief periods.¹⁴⁰ Governments thus have some duty to ensure that they update their evidence of discrimination regularly enough to review the need for their programs and to revise programs by narrowly tailoring them to fit the fresh evidence.¹⁴¹ It is still an open question whether all of these provisions are necessary in every case.

2.6.3 Relationship of Goals to Availability

Narrow tailoring under the *Croson* standard requires that remedial goals be in line with measured availability. Merely setting percentages without a carefully selected basis in statistical studies, as the city of Richmond did in *Croson* itself, has played a strong part in decisions finding other programs unconstitutional.¹⁴²

By contrast, the Eighth, Ninth, and Tenth Circuits have approved the goal-setting process for the DOT DBE program, as revised in 1999.¹⁴³ The approved DOT DBE regulations require that goals be based on one of several methods for measuring DBE availability.¹⁴⁴ The Eighth Circuit noted that the “DOT has tied the goals for DBE participation to the relevant labor markets,” insofar as the “regulations require grantee States to set overall goals based upon the likely number of minority contractors that would have received federally assisted highway contracts but for the effects of past discrimination.”¹⁴⁵ The Eighth Circuit acknowledged that goal setting was not exact, but nevertheless, the exercise...

*requires the States to focus on establishing realistic goals for DBE participation in the relevant contracting markets. This stands in stark contrast to the program struck down in Croson, which rested upon the completely unrealistic assumption that minorities will choose a particular trade in lockstep proportion to their representation in the local population.*¹⁴⁶

Moreover, the approved DBE regulations use built-in mechanisms to ensure that DBE goals are not set excessively high relative to DBE availability. For example, the approved DBE goals are to be set-aside if the overall goal has been met for two consecutive years by race-neutral means. The approved DBE contract goals also must be reduced if overall goals have been exceeded with race-conscious means for two consecutive years. The Eighth Circuit courts found these provisions to be narrowly tailored, particularly when implemented according to local disparity studies that carefully calculate the applicable goals.¹⁴⁷

2.6.4 Burden on Third Parties

¹³⁹ *Sherbrooke Turf, Inc.*, 345 F.3d at 972.

¹⁴⁰ *Adarand Constrs. Inc.*, 228 F.3d at 1179-1180.

¹⁴¹ *Rothe Dev. Co.*, 262 F.3d at 1323-1324 (commenting on the possible staleness of information after seven, 12, and 17 years).

¹⁴² See *Builders Ass'n of Greater Chicago*, 256 F.3d at 647; *Kohlbeck*, 447 F.3d at 556-557.

¹⁴³ *Adarand Constrs. Inc.*, 228 F.3d at 1181-1182; *Sherbrooke Turf, Inc.*, 345 F.3d at 971-973. *W. States Paving Co.*, 407 F.3d at 994-995.

¹⁴⁴ 49 C.F.R., § 26.45 (2006).

¹⁴⁵ *Sherbrooke Turf, Inc.*, at 972, 345 F. 3d citing, 49 C.F.R. § 26.45(c)-(d) (Steps 1 and 2).

¹⁴⁶ *Id.* at 972, quoting, *Croson*, 488 U.S. at 507.

¹⁴⁷ *Id.* at 973-974.

Narrow tailoring also requires minimizing the burden of the program on third parties. The Eight Circuit stated the following with respect to the revised DBE program:

*Congress and DOT have taken significant steps to minimize the race based nature of the DBE program. Its benefits are directed at all small businesses owned and controlled by the socially and economically disadvantaged. While TEA21 creates a rebuttable presumption that members of certain racial minorities fall within that class, the presumption is rebuttable, wealthy minority owners and wealthy minority-owned firms are excluded, and certification is available to persons who are not presumptively disadvantaged but can demonstrate actual social and economic disadvantage. Thus, race is made relevant in the program, but it is not a determinative factor.*¹⁴⁸

Waivers and good faith compliance are also tools that serve this purpose of reducing the burden on third parties.¹⁴⁹ The DOT DBE regulations have also sought to reduce the program burden on non-DBEs by avoiding DBE concentration in certain specialty areas.¹⁵⁰ These features have gained the approval of the only circuit court to have discussed them at length as measures of lowering impact on third parties.¹⁵¹

2.6.5 Over-Inclusion

Narrow tailoring also involves limiting the number and type of beneficiaries of the program. As noted above, there must be evidence of discrimination to justify a group-based remedy, and over-inclusion of uninjured individuals or groups can endanger the entire program.¹⁵² Federal DBE programs have succeeded in part because regulations covering DBE certification do not provide blanket protection to minorities.¹⁵³

Critically, the MBE program must be limited in its geographical scope to the boundaries of the enacting government's marketplace. The Supreme Court indicated in *Croson* that a local agency has the power to address discrimination only within its own marketplace. One fault of the Richmond MBE programs was that minority firms were certified from around the United States.¹⁵⁴

In *Coral Construction*, the Ninth Circuit concluded that the King County MBE program failed this part of the narrow tailoring test because the definition of MBEs eligible to benefit from the program was overbroad. The definition included MBEs that had had no prior contact with King County if the MBE could demonstrate that discrimination occurred "in the particular geographic areas in which it operates."¹⁵⁵ This MBE definition suggested that the program was designed to eradicate discrimination not only in King County but also in the particular area in which a non-local MBE conducted business. In essence, King County's program focused on the eradication of societywide discrimination, which is outside the

¹⁴⁸ *Sherbrooke Turf, Inc.* 345 F. 3d at 972-73, citing, *Grutter*, 123 S. Ct. at 2345-46; *Gratz v. Bollinger*, 123 S. Ct. 2411, 2429 (2003)

¹⁴⁹ See 49 CFR, § 26.53 (2006).

¹⁵⁰ See 49 CFR, § 26.33 (2006).

¹⁵¹ *Adarand Constrs. Inc.*, 228 F.3d at 1183.

¹⁵² See *Builders Ass'n of Greater Chicago*, 256 F.3d at 647-648.

¹⁵³ *Sherbrooke Turf, Inc.*, 345 F.3d 972-73.

¹⁵⁴ *Croson*, 488 U.S. at 508.

¹⁵⁵ *Coral Constr. Co.*, 941 F. 2d at 925 (internal modifications and citations omitted).

power of a state or local government. “Since the County’s interest is limited to the eradication of discrimination within King County, the only question that the County may ask is whether a business has been discriminated against in King County.”¹⁵⁶

In clarifying an important aspect of the narrow tailoring requirement, the court defined the issue of eligibility for MBE programs as one of participation, not location. For an MBE to reap the benefits of an affirmative action program, the business must have been discriminated against in the jurisdiction that established the program.¹⁵⁷ As a threshold matter, before a business can claim to have suffered discrimination, it must have attempted to do business with the governmental entity.¹⁵⁸ It was found significant that “if the County successfully proves malignant discrimination within the King County business community, an MBE would be presumptively eligible for relief if it had previously sought to do business in the County.”¹⁵⁹

To summarize, according to the Ninth Circuit, the presumptive rule requires that the enacting governmental agency establish that systemic discrimination exists within its jurisdiction and that the MBE is, or has attempted to become, an active participant in the agency’s marketplace.¹⁶⁰ Since King County’s definition of an MBE permitted participation by those with no prior contact with King County, its program was overbroad. By useful contrast, *Concrete Works II* held that the more extensive but still local designation of the entire Denver MSA constituted the marketplace to which the programs could apply.¹⁶¹

2.7 Personal Liability For Implementing An M/WBE Program

One lower court decision in the Eleventh Circuit, *Herschell Gill Consulting v. Miami-Dade County*,¹⁶² held that Dade County and its Commissioners were held jointly and severally liable for nominal damages and attorney’s fees for implementing a M/WBE program in violation of constitutional rights under Section 1983.

In general government officials have absolute immunity for legislative acts, but not for administrative acts. Thus, government officials are immune from personal liability for adopting a M/WBE program but can be personally liable for applying specific policies to particular contracts. Government officials are entitled to “qualified immunity” if their actions did not violate “clearly established statutory or constitutional rights of which a reasonable person would have known.”¹⁶³ In *Herschell Gill*, there was no recent disparity study, there was parity in contracting, the previous program had been struck down by the same federal court, there was no substantial consideration of race neutral alternatives and the County had not followed its own ordinance in adjusting goals.

2.8 DBE Programs: The “As Applied” Challenge in Western States Paving

¹⁵⁶ Id. (emphasis omitted).

¹⁵⁷ Id.

¹⁵⁸ Id.

¹⁵⁹ Id.

¹⁶⁰ Id.

¹⁶¹ *Concrete Works II*, 36 F.3d at 1520.

¹⁶² 2004 WL 1924812 (S.D.Fla. 2004).

¹⁶³ *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).

The Washington DOT DBE program was struck down not in *Western States Paving* because the federal DBE program had no factual predicate and not because the federal DBE program lacked narrow tailored program features. Instead, the Ninth Circuit ruled that the Washington DOT DBE program was not narrowly tailored “as applied.”¹⁶⁴ While a state does not have to independently provide a factual predicate for its DBE program the Ninth Circuit found that, “it cannot be said that TEA-21 is a narrowly tailored remedial measure unless its application is limited to those States in which the effects of discrimination are actually present.”¹⁶⁵ In effect, while Washington DOT was not required to produce a separate factual predicate for a DBE program, it was still required to produce a factual predicate (of sorts) to justify race-conscious elements in the local implementation of its DBE program.

While Washington DOT conceded that it had no studies of discrimination in highway contracting, it argued that there was evidence of discrimination in the fact that DBEs received 9 percent of subcontracting dollars on state-funded projects where there were no DBE goals and 18 percent of federal funded projects where there were DBE goals. But the Ninth Circuit stated that, “even in States in which there has never been discrimination, the proportion of work that DBEs receive on contracts that lack affirmative action requirements will be lower than the share that they obtain on contracts that include such measures because minority preferences afford DBEs a competitive advantage.”¹⁶⁶

In contrast, the Eighth Circuit in *Sherbrooke Turf* and the Tenth Circuit in *Adarand v. Slater* found that a decline in DBE utilization following a change in or termination of a DBE program was relevant evidence of discrimination in subcontracting.¹⁶⁷ The Tenth Circuit stated that while this evidence “standing alone is not dispositive, it strongly supports the government’s claim that there are significant barriers to minority competition in the public subcontracting.”¹⁶⁸

The Ninth Circuit also dismissed the disparity between the proportion of DBE subcontractors and the proportion of DBE dollars on state-funded contracts, because “DBE firms may be smaller and less experienced than non-DBE firms (especially if they are new businesses started by recent immigrants) or they may be concentrated in certain geographic areas of the State, rendering them unavailable for a disproportionate amount of work.”¹⁶⁹ The Ninth Circuit quoted the DC Circuit in *O’Donnell* to the effect that:

Minority firms may not have bid on . . . construction contracts because they were generally small companies incapable of taking on large projects; or they may have been fully occupied on other projects; or the District’s contracts may not have been as lucrative as others available in the Washington metropolitan area; or they may not have had the expertise

¹⁶⁴ The Ninth Circuit distinguished a previous case which did not involve an “as applied” challenge to the federal DBE program. *Milwaukee County Pavers Ass’n v. Fiedler*, 922 F.2d 419 (7th Cir. 1991). The Seventh Circuit disagreed with the Ninth Circuit’s reading of *Milwaukee County Pavers*. See *Northern Contracting*, at fn 4.

¹⁶⁵ *Western States Paving*, 407 F. 3d at 998.

¹⁶⁶ *Western States Paving*, 407 F. 3d at 1000.

¹⁶⁷ *Sherbrooke Turf*, 345 F.3d at 973.

¹⁶⁸ *Adarand v. Slater*, 228 F.3d at 1174; see also *Concrete Works IV*, 321 F.3d at 985.

¹⁶⁹ *Western States Paving*, at 1001.

*needed to perform the contracts; or they may have bid but were rejected because others came in with a lower price.*¹⁷⁰

The Ninth Circuit noted further that “if this small disparity has any probative value, it is insufficient, standing alone, to establish the existence of discrimination against DBEs.” The Ninth Circuit contrasted this minor disparity with the Ninth Circuit’s decision in *Associated General Contractors of California, Inc. v. Coalition for Economic Equity (AGCCII)* where “discrimination was likely to exist where minority availability for prime contracts was 49.5 percent but minority dollar participation was only 11.1 percent.”¹⁷¹

2.9 Small Business Procurement Preferences

Small business procurement preferences have existed since the 1940s. The first small business program had its origins in the Smaller War Plants Corporation (SWPC), established during World War II.¹⁷² The SWPC was created to channel war contracts to small business. In 1947, Congress passed the Armed Forces Procurement Act, declaring that “[i]t is the policy of Congress that a fair proportion of the purchases and contracts under this chapter be placed with small business concerns.”¹⁷³ Continuing this policy, the 1958 Small Business Act requires that government agencies award a “fair proportion” of procurement contracts to small business concerns.¹⁷⁴

Section 8(b)(11) of the Small Business Act authorizes the Small Business Administration (SBA) to set-aside contracts for placement with small business concerns. The SBA has the power:

*to make studies and recommendations to the appropriate Federal agencies to insure that a fair proportion of the total purchases and contracts for property and services for the Government be placed with small-business enterprises, to insure that a fair proportion of Government contracts for research and development be placed with small-business concerns, to insure that a fair proportion of the total sales of Government property be made to small-business concerns, and to insure a fair and equitable share materials, supplies, and equipment to small-business concerns.*¹⁷⁵

Every acquisition of goods and services anticipated to be between \$3,000 and \$100,000 is set aside exclusively for small business unless the contracting officer has a reasonable expectation of fewer than two bids by small businesses.¹⁷⁶

There has been only one constitutional challenge to the long-standing federal small business enterprise (SBE) programs. In *J.H. Rutter Rex Manufacturing Co. v. United*

¹⁷⁰ *Id.* (quoting *O'Donnell Constr. Co.*, 963 F.2d at 426).

¹⁷¹ *Western States Paving*, at 1001. (Quoting *Associated Gen. Contractors of Cal., Inc. v. Coalition for Econ. Equity*, 950 F.2d 1401, 1414 (9th Cir. 1991).

¹⁷² See, generally, Hasty III, Thomas J., “Minority Business Enterprise Development and the Small Business Administration’s 8(a) Program: Past, Present, and (Is There a) Future?” 145 *Mil. L. Rev.* 1.

¹⁷³ 10 U.S.C. § 2301 (1976) quoting, *J.H. Rutter Rex Mfg. Co. v. United States*, 706 F. 2d 702, 704 (5th Cir. 1983).

¹⁷⁴ 15 USC 631(a).

¹⁷⁵ 15 U.S.C. § 637(b)(11).

¹⁷⁶ 18 C.F.R. § 19.502-2 (2006).

States,¹⁷⁷ a federal vendor unsuccessfully challenged the Army's small business set-aside program as in violation of the due process clause of the Fifth Amendment to the U.S. Constitution, as well as the Administrative Procedures Act and the Armed Forces Procurement Act.¹⁷⁸ The court held that classifying businesses as small was not a "suspect classification" subject to strict scrutiny. Instead the court ruled:

*Since no fundamental rights are implicated, we need only determine whether the contested socio-economic legislation rationally relates to a legitimate governmental purpose. Our previous discussion adequately demonstrates that the procurement statutes and the regulations promulgated thereunder are rationally related to the sound legislative purpose of promoting small businesses in order to contribute to the security and economic health of this Nation.*¹⁷⁹

A large number of state and local governments have maintained small business preference programs for many years.¹⁸⁰ No district court cases were found overturning a state or local small business reference program. One reason for the low level of litigation in this area is that there is significant organizational opposition to SBE programs. There are no reported cases of Associated General Construction (AGC) litigation against local SBE programs. And the legal foundations that have typically sued M/WBE programs have actually promoted SBE procurement preference programs as a race-neutral substitute for M/WBE programs.

There has been one state court case in which an SBE program was struck down as unconstitutional. The Cincinnati SBE program called for maximum practical M/WBE participation and required bidders to use good faith effort requirements to contract with M/WBEs up to government-specified M/WBE availability. Failure to satisfy good faith effort requirements triggered an investigation of efforts to provide opportunities for M/WBE subcontractors. In *Cleveland Construction v. Cincinnati*,¹⁸¹ the state court ruled that the Cincinnati SBE program had race and gender preferences and had deprived the plaintiff of constitutionally protected property interest without due process of law. The city acknowledged that it had not offered evidence to satisfy strict scrutiny because it felt that it had been operating a race-neutral program.

2.10 Local Business Preferences

The constitutional analysis of local business preferences is somewhat less clear than SBE programs. Again, local business preferences are widespread and some have been in place for almost two decades (for example, the City of Oakland Local Business Enterprise (LBE) program started in 1979).¹⁸² More common is the preference for small local businesses,

¹⁷⁷ 706 F.2d 702 (5th Cir. 1983), cert. denied, 464 U.S. 1008 (1983).

¹⁷⁸ *J.H. Rutter Rex Mfg. Co. v. United States*, 534 F. Supp. 331, 332 (E.D. La. 1982), app'd 706 F. 2d 702 ("Administrative Procedures Act, 5 U.S.C. §§ 552(a)(1)(E) (1976) and the "fair proportion" language of the Armed Forces Procurement Act, 10 U.S.C. § 2301 et seq. (1976), and the Small Business Act, 15 U.S.C. § 631 et seq. (1976)").

¹⁷⁹ *J.H. Rutter Rex Mfg. Co.*, 706 F.2d at 713 (internal citations omitted and emphasis added). See also *Dandridge v. Williams*, 397 U.S. 471, 485-86 (1970).

¹⁸⁰ See Fla. Stat. § 287.001 et seq. (starting small business program in 1985); Minn. Stat. § 137.31 (Univ. of Minn. Started in 1979); N.J. Stat. § 52:32-17 et seq. (small business program started in 1983).

¹⁸¹ See instead *Cleveland Constr. Inc. v. Cincinnati*, 2006 Ohio App. LEXIS 6410, *P1-*P19 (Ohio Ct. App. Dec. 8, 2006).

¹⁸² See, e.g., City of Detroit's Detroit-Based Business Program (Executive Order No. 2003-4), City of San

which is an even more widespread practice. While called small business programs, these programs often set-aside contracts for bidding by local SBEs.

There are no federal court cases expressly stating that local business preference programs are unconstitutional. However, local business preferences should be distinguished from preferences for hiring local residents, which have been struck down on constitutional grounds. But LBE programs could be subject to some doubt on constitutional grounds. The three bases for constitutional challenges are the Equal Protection Clause, Dormant Commerce Clause and the Privileges and Immunities Clause.

2.10.1 Equal Protection Clause

A challenge to an LBE program under the Equal Protection Clause is straightforward. The content of the Equal Protection Clause has been discussed above. All challenges to local purchasing preferences based on the Equal Protection Clause have failed. Federal courts have ruled that programs to favor local companies do not involve a suspect classification, and can be justified as having a rational basis under the Equal Protection Clause. For example, Pennsylvania enacted a statute requiring the purchase of Pennsylvania steel.¹⁸³ A challenge was made to the Pennsylvania Steel Products Procurement Act, as a "blatant attempt at economic protectionism," in violation of the Equal Protection Clause. But the federal court found that Pennsylvania's distinction between domestic and foreign steel products was "rationally related to a legitimate governmental purpose," that is, to support a struggling industry that contributed significant employment and tax revenue to the agency.

2.10.2 The Dormant Commerce Clause

The next objection to LBE programs comes from the Commerce Clause. Article One of the Constitution confers upon Congress the power to regulate interstate commerce.¹⁸⁴ The Supremacy Clause of the Constitution grants to the federal government the power to preempt state laws that conflict with federal laws. The Supreme Court has found implicit in the Constitution "a self-executing limitation on the power of the States to enact laws imposing substantial burdens on such commerce."¹⁸⁵ Consequently a state statute is unconstitutional under what has become known as the Dormant Commerce Clause if it poses undue burdens on interstate commerce.¹⁸⁶ It follows that under the Dormant Commerce Clause, "discrimination against interstate commerce in favor of local business or investment is *per se* invalid, save in a narrow class of cases in which the municipality can demonstrate, under rigorous scrutiny, that it has no other means to advance a legitimate local interest."¹⁸⁷

The Dormant Commerce Clause has been justified on both economic and political grounds. On economic grounds the Dormant Commerce Clause "prohibits economic

Francisco Minority/Women Local Business Enterprise Program (San Francisco Ordinance, CHAPTER 12D), City of Oakland Local Business Enterprise Program (City Ordinance 9739), City of New York Local Business Enterprise Program (New York Administrative Code § 6-108.1program).

¹⁸³ *Trojan Technologies v. Pennsylvania*, 916 F.2d 903 (3d Cir 1990).

¹⁸⁴ U.S. Const., art. I., 8 (reading, "Congress shall have Power ... to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes ...").

¹⁸⁵ *S.-C. Timber Dev., Inc. v. Wunnicke*, 467 U.S. 82, 87 (1984); see also *New Energy Co. of Ind. v. Limbach*, 486 U.S. 269, 273 (1988).

¹⁸⁶ See *Big Country Foods, Inc. v. Bd. of Educ. Anchorage Sch. Dist.*, 952 F.2d 1173, 1177 (9th Cir. 1992).

¹⁸⁷ *C & A Carbone v. Town of Clarkstown*, 511 U.S. 383, 392 (1994).

protectionism."¹⁸⁸ From a political standpoint a state law that only harms interests from other states "is not likely to be subjected to those political restraints which are normally exerted on legislation where it affects adversely some interests within the state."¹⁸⁹

Historically the Supreme Court employed a two-part test for the Dormant Commerce Clause: (1) does the state regulation discriminate against interstate commerce on its face; or, (2) are the burdens imposed on interstate commerce excessive relative to the alleged local benefits.¹⁹⁰ A statute that fails either part of this test (the "Pike test") is invalid under the Dormant Commerce Clause. LBE programs facially discriminate against interstate commerce and thus should fail the Pike test.

But there is an important exception to the Dormant Commerce Clause relevant to an LBE program. The "Market Participant" doctrine allows an agency to pass 'protectionist' legislation so long as an agency is participating in the market as a buyer or seller of goods and services, rather than regulating the market.¹⁹¹ Thus the Commerce Clause was not intended to prohibit an agency from favoring its own citizens over others when acting as a market participant. The U.S. Supreme Court has ruled that governments enjoy unrestricted ability to select their trading partners.¹⁹² Indeed, in light of "the long recognized right of trader or manufacturer, engaged in an entirely private business, freely to exercise his own independent discretion as to parties with whom he will deal"...and that "when acting as proprietors, States should similarly share existing freedoms from federal constraints, including the inherent limits of the Commerce Clause."¹⁹³

The U.S. Supreme Court has clarified, however, that the Market Participant doctrine does not allow an agency to impose conditions "that have a substantial regulatory effect outside of that particular market."¹⁹⁴ Note that the line between market participant and market regulator has not always been clear. Nevertheless, under the Market Participant Exception LBE programs should pass constitutional hurdles.

Finally under the Commerce Clause the U.S. Supreme Court has ruled that when local preferences are required under federal grants there is no Dormant Commerce Clause issue, ruling that "where state or local government action is specifically authorized by Congress, it is not subject to the Commerce Clause even if it interferes with interstate commerce."¹⁹⁵

Given these results it is not surprising that no federal court case was found overturning, or even challenging, an LBE program under the Dormant Commerce Clause.

2.10.3 Privileges and Immunities Clause

The most serious risk to an LBE program comes from the Privileges and Immunities Clause. The U.S. Supreme Court has identified the original purpose of the Privileges and Immunities Clause as prohibiting discrimination on the basis of state citizenship. Historically the U.S.

¹⁸⁸ *New Energy Co. of Ind. v. Limbach*, 486 U.S. 269, 274 (1988).

¹⁸⁹ *S.C. St. Hwy. Dept. v. Barnwell Bros., Inc.*, 303 U.S. 177, 185, n. 2 (1938).

¹⁹⁰ *Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970).

¹⁹¹ *S.-C. Timber Dev., Inc.*, 467 U.S. at 93 (holding that "if a state is acting as a market participant, rather than as a market regulator, the dormant Commerce Clause places no limitation on its activities").

¹⁹² *Perkins v. Lukens Steel*, 310 U.S. 113, 127 (1940).

¹⁹³ *Reeves, Inc. v. Stake*, 447 U.S. 429, 439 (1980).

¹⁹⁴ *S.-C. Timber Dev., Inc. v. Wunnicke*, 467 U.S. 82, 97 (1984).

¹⁹⁵ *White v. Massachusetts Council of Construction Employers, Inc.* 460 U.S. 204, 213 (1983).

Supreme Court has applied a two-part test under the Privileges and Immunities Clause: (1) did the state or local government agency violate a fundamental right, and (2) did the state or local government agency have a substantial reason for doing so.¹⁹⁶

While similar and interrelated with the Dormant Commerce Clause, the Immunities Clause and the Commerce Clause provide different constitutional protections. The Dormant Commerce Clause is a judicially-created doctrine designed to prevent economic protectionism while the Privileges and Immunities Clause is a Constitutional provision created to protect individual rights.

A clarification of the application of the Immunities Clause to a local preference came in *United Building & Constr. Trades v. Camden*.¹⁹⁷ In *Camden* a municipal ordinance required that at least 40 percent of the employees of contractors and subcontractors working on city construction projects be Camden residents. The Court devised a three-part test to evaluate the constitutionality of such an ordinance under the Privileges and Immunities Clause:

- The jurisdiction must document "substantial reason" for the preference;
- The jurisdiction must demonstrate that non-residents can be held partly responsible for the documented problem; and
- The proposed remedy must be narrowly tailored.

The U.S. Supreme Court held that the Camden ordinance might be unconstitutional and remanded the case for consideration under the specified legal standard. There were three significant elements of the Court's holding. First, the *Camden* Court ruled that the Market Participant exception does not apply to Privileges and Immunities analysis. Second, the Court ruled that the Immunities Clause does apply to laws that discriminate on the basis of municipal residency, not simply state residency. Third, the Court ruled that only those rights fundamental to interstate harmony were protected by the Immunities clause. In *Camden* the Court found that employment was a fundamental right under the Immunities Clause, but direct public employment was not.¹⁹⁸ Hence employment by a city vendor was a fundamental right while employment by the city itself was not a fundamental right. All of these results would seem to operate against a constitutional finding sustaining a LBE program.

The application of *Camden* can be seen in *Hudson County Building and Construction v. Jersey City*,¹⁹⁹ which involved a program requiring city vendors to make good faith efforts to hire 51 percent city residents. The district court again noted that there is no fundamental right to direct government employment, but there is a fundamental right to private employment with government contractors. Consequently the program did unduly burden out-of-state residents. While Jersey City provided data on unemployment and poverty in Jersey City, the evidence did not show "that out-of-state workers [were] a cause of unemployment and poverty within its borders." Thus just reciting data on unemployment and poverty will not be enough to overcome an Immunities Clause challenge.

¹⁹⁶ *Toomer v. Witsell*, 334 U.S. 385, 395-96 (1948).

¹⁹⁷ *United Building & Constr. Trades v. Camden*, 465 U.S. 208 (1984).

¹⁹⁸ *McCarthy v. Philadelphia Civil Service Commission*, 424 U.S. 645 (1976) (upholding a municipal ordinance that required all Philadelphia city government employees to be residents of the city).

¹⁹⁹ 960 F.Supp. 823, 831 (Dist Ct D NJ 1996)

But note that *Camden* involved a preference for hiring city residents, not a local business enterprise program. Arguably there should be no distinction between public contracting and direct government hiring under the Privileges and Immunities Clause; that is, public contracts are like public jobs, public works and other government benefits that are owned by the residents. Public contracts are not a fundamental right for Immunities Clause analysis.

In addition, while local hiring programs may face challenge under the Immunities Clause, the Supreme Court has held that the Privileges and Immunities Clause does not protect corporations.²⁰⁰ Consequently a Immunities challenge should only arise relative to an individual seeking to contract with a local government. But local contracting programs can and should have a clear statement of the economic basis of the program to protect it from challenge by an individual vendor on the basis of the Immunities Clause.

It is worth observing that no case was found overturning, or even challenging, an LBE program based upon the Immunities clause.²⁰¹ Only municipal resident hiring programs have been challenged on Immunities Clause grounds.

2.10.4 Implications for LBE Program

In conclusion, no constitutional challenges have been succeeded with regard to an LBE program. A LBE program should survive: (1) a challenge under the Equal Protection Clause because LBE programs generally have a rational basis for their existence, (2) a challenge under the Dormant Commerce Clause based upon the Market Participant exception, and (3) a challenge under the Immunities Clause, because the clause does not apply to corporations, public contracts are not a fundamental right and an agency should be able to provide economic justification for an LBE program.

2.11 Conclusions

As summarized earlier, when governments develop and implement a contracting program that is sensitive to race and gender, they must understand the case law that has developed in the federal courts. These cases establish specific requirements that must be addressed so that such programs can withstand judicial review for constitutionality and prove to be just and fair. Under the developing trends in the application of the law, local governments must engage in specific fact-finding processes to compile a thorough, accurate, and specific evidentiary foundation to determine whether there is, in fact, discrimination sufficient to justify an affirmative action plan. Further, local governments must continue to update this information and revise their programs accordingly.

While the Supreme Court has yet to return to this exact area of law to sort out some of the conflicts, the circuit courts have settled on the core standards. Though there are differences among the circuits in the level of deference granted to the finder of fact, these differences do not appear to be profound. The differences in the individual outcomes have been overwhelmingly different in the level of evidence, mostly concerning the rigor with which

²⁰⁰ *Paul v. Virginia*, 75 U.S. (8 Wall.) 168, 177, 181 (1869). This result was reaffirmed by the Supreme Court in *Western & Southern Life Ins. Co. v. State Bd. of Equalization*, 451 U.S. 648 (1981).

²⁰¹ One state court case challenging an LBE program, argued that an Illinois School Board did not have the authority under state statutes to authorize an LBE program. *Best Bus Joint Venture v. The Board of Education of the City of Chicago*, First District Appellate Court No. 1-96-2927 (May 9, 1997).

disparity studies have been conducted and then used as the foundation for narrowly tailored remedies. Most significantly, nationally the DBE program has been consistently upheld as a narrowly tailored remedial program. Ultimately, MBE and WBE programs can withstand challenges if local governments comply with the requirements outlined by the courts.

3.0 REVIEW OF POLICIES, PROCEDURES, AND PROGRAMS

3.0 REVIEW OF POLICIES, PROCEDURES, AND PROGRAMS

This chapter focuses on the policies, procedures, and programs used by the Leon County Board of County Commissioners (County) to purchase goods and services and engage in construction projects. This chapter provides a brief description of the procurement and contracting environment in which minority-, woman-owned, and small business enterprises (M/W/SBE) operate. This chapter also provides background for the data analysis and foundation for the report recommendations. Finally, it discusses the remedial efforts undertaken by the County with regard to procurement in the categories of construction, architecture and engineering, professional services, other services, goods and equipment. The period of study for this review was October 1, 2004, through September 30, 2008. The research presented in this chapter also considered changes in policies and programs instituted through March 31, 2009.

This chapter includes the following sections:

- 3.1 Methodology
- 3.2 County Organizational Structure and Purchasing Function
- 3.3 Methods of Procurement
- 3.4 M/W/SBE Program
- 3.5 Conclusions

3.1 Methodology

This section discusses the steps taken to summarize the County's contracting and purchasing policies, procedures, and programs; race- and gender-based programs; and race- and gender-neutral programs. MGT's review focused on elements of the purchasing process, including remedial programs that might impact M/W/SBE utilization. The analysis included the following steps:

- Collection, review, and summarization of County contracting and purchasing policies currently in use. Discussions with staff and officials about the changes that contracting and purchasing policies underwent during the study period and their effects on the remedial programs.
- Development of questionnaire utilized to interview key County contracting and purchasing staff and officials to determine how existing contracting and purchasing policies have been implemented. Interviews were conducted with County management and staff regarding the application of policies, discretionary use of policies, exceptions to written policies and procedures, and impact of policies on key users.
- Review of applicable County ordinances, regulations, resolutions, and policies that guide the remedial programs. This included discussing with County personnel the operations, policies, and procedures of the remedial programs and any remedial policy changes over time.

Finally, MGT collected and reviewed copies of previous studies of minority business development conducted by the County and performed a cursory review of race- and gender-neutral programs.

In July 2004, MGT issued a disparity study update¹ which included an assessment of the County's purchasing policies, procedures, and practices since the previously presented report in December 2000.² MGT leveraged the data and findings from the 2004 report as a starting point for this analysis. Therefore, the inquiries for this current study centered on changes that occurred in the County's policies and procedures since the July 2004 study and the impact of those changes on firms interested in doing business with the County.

With the assistance of the County's contract manager for this project, MGT identified appropriate County personnel to interview concerning changes to procurement policies and procedures since MGT's last review. Overall, 11 interviews were conducted with current County staff and representatives and one interview with the Executive Director of the Florida Agriculture & Mechanical University Small Business Development Center (FAMU SBDC). These interviews occurred during the months of April and May 2009. Accordingly, MGT met with the following:

- Senior Assistant to the County Administrator;
- Purchasing Director;
- Purchasing Agent
- Minority/Women/Small Business Enterprise Director;
- Minority/Women/Small Business Enterprise Analyst;
- Director of Public Works;
- Director of Engineering Services;
- Director of Facilities Management;
- Director of Parks and Recreation;
- Senior Assistant County Attorney;
- Health & Human Services Division Director.

In addition, MGT reviewed the documents and sources shown in **Exhibit 3-1**.

¹ MGT of America, Inc., *Leon County Board of County Commissioners Disparity Study*, July 21, 2004.

² MGT of America, Inc., *Purchasing Policy and MBE Program Review for Leon County Board of County Commissioners*, December 12, 2000.

**EXHIBIT 3-1
DOCUMENTS AND SOURCES REVIEWED DURING POLICY AND PROCEDURE
REVIEW**

Index	Description
1	Board of County Commissioners, Leon County Purchasing and Minority/Women Business Enterprise Policy, Revised June 14, 2006.
2	Board of County Commissioners, Leon County Purchasing and Minority/Women Business Enterprise Policy, Revised July 30, 2002.
3	Board of County Commissioners, Purchasing Card Policy, Revised June 14, 2006.
4	Board of County Commissioners, Policy for Purchases of Food, Beverages, and Supplies, October 27, 2004.
5	Board of County Commissioners, Procurement of Paper Products, Revised August 28, 1996
6	Board of County Commissioners, Leon County, Florida, Agenda Item Executive Summary, Thursday, February 26, 2009; Approval of Fast Tracking Program for Public Sector Projects
7	State of Florida, "Procurement of Personal Property and Services," Florida Statutes, Chapter 287.
8	MGT of America, Leon County Board of County Commissioners Disparity Study, Final Report, July 21, 2004.
9	Leon County Board of County of Commissioners, Diversity: "The Cornerstone of Creativity" 2006 Annual Report.
10	Board of County Commissioners Agenda Request 13, submitted June 7, 2006; Approval of a Performance Agreement between Leon County and Florida Agriculture & Mechanical University for Small Business Training through its Small Business Development Center.
11	Board of County Commissioners, Agenda Request 26, Acceptance of Status Report Regarding County Utilization of Minority and Women-Owned Businesses, Submitted December 5, 2007
12	Board of County Commissioners Agenda Request 31, submitted August 27, 2008; Acceptance of Report on Race/Gender Target in Policy No. 96-1, "Purchasing and Minority Women Small Business Enterprise Policy", Submitted August 27, 2008.
13	2008 Leon County Annual Report
14	Minority and Women Business Enterprise (MWBE) Participation Plan Requests For Proposals (RFP)
15	Board of County Commissioners, Leon County, Florida, Agenda Item Executive Summary, Thursday, February 26, 2009; Approval of Agreement to Award Bid to Panacea Coastal
16	www.leoncountyfl.gov
17	www.sbdcatfamou.org
18	www.fbbib.com
19	www.fshcc.com
20	www.accessfloridafinance.com

3.2 County Organizational Structure and Purchasing Function

The County is governed by a home rule charter in accordance with the provisions of Chapter 125 of the Florida Statutes. The Leon County Board of Commissioners consists of five elected members who serve specific commission districts and two elected members who serve at large. A County Administrator is appointed by the Board to

oversee all functions, directives and policies. Other elected County officials include the Judiciary, State Attorney, Public Defender, Clerk of the Court, Property Appraiser, Sheriff, Supervisor of Elections and Tax Collector.³ The County's organizational structure is shown in **Exhibit 3-2**.

The County's procurement of goods and services is grouped into the following business categories:

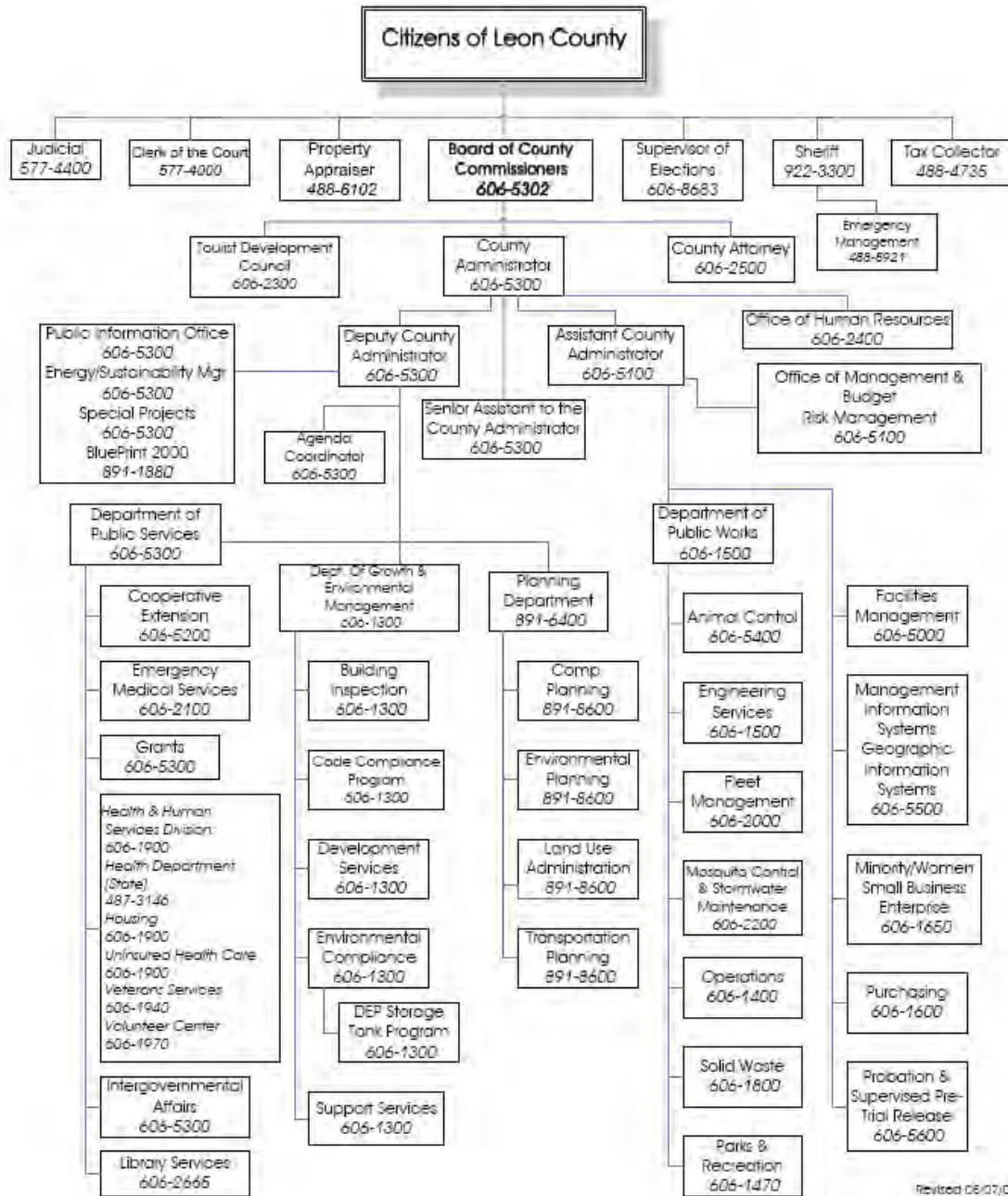
- Construction;
- Professional Services;
- Other Services;
- Materials and Supplies; and
- Purchases.

The procurement function in Leon County is governed by applicable federal and state regulations, such as Chapter 287, Florida Statutes as well as Federal Acquisition Regulation, Part 45 and others. In addition to federal and state guidelines, the Board of County Commissioners approved the revised "Purchasing and Minority/Women Business Enterprise Policy" on June 14, 2006 (hereinafter referred to as "policy") to provide specific directives about the County's procurement function.

The Purchasing Division is responsible for the procurement of supplies, equipment and services for all departments under the Leon County Board of Commissioners, and to a limited extent certain constitutional departments, such as the Sheriff's Department, the Court Administrator, and the Supervisor of Elections. As a part of the procurement function, the Purchasing Division operates a warehouse facility, office supply store, and a delivery system for the issuance of supplies and materials to user agencies at wholesale prices. The County has a combination of centralized and decentralized procurement processes. Centralization occurs when departments purchase goods and services for their entire organization. Decentralization is described as when various units within an organization have their own purchasing authority. Leon County has a degree of decentralized purchasing, especially as it relates to the purchasing cards authority that has a spending limit up to \$1,000; and departments can purchase goods and supplies up to \$1,000 as well as obtain bids and quotes for goods and services under \$20,000. However, the Purchasing Department is still involved in ensuring the proper number of quotes, M/WBE solicitation, etc. The County has stringent control measures in place in most cases. The policies and procedures are written and widely available on the internet for purchasing personnel and other users. With the exception of field purchase orders and purchasing cards, which may be used to purchase incidental and/or emergency materials or services, only the Purchasing Division is authorized to act as an agent in awarding, executing, modifying, or canceling purchase orders or contracts. The County does not have a formal vendor registration or a formal prequalification process. However, the County may do prequalification on a project by project basis. Staff has access to the M/W/SBE databases through the internet.

³ Leon County Internet Web site <http://www.co.leon.fl.us/aboutus.asp>.

**EXHIBIT 3-2
LEON COUNTY ORGANIZATION CHART**



Source: Leon County Internet Web Site, May 2009.

The procurement policy in effect during the study period is the “Purchasing and Minority Women Small Business Enterprise Policy” which was adopted by the Board of Commissioners on June 13, 2006. This policy superseded Policy No 96-1, which was adopted on December 13, 2005. The revision resulted “from the County’s formation of a Small Business Enterprise (SBE) component to continue its focus of narrowly tailoring its effort to promote M/WBEs and to encourage the growth and development of local small

businesses”⁴ and included revision of aspirational targets with separation of race conscious and race neutral targets. The framework for the SBE program was ratified by the Leon County Board of Commissioners on June 28, 2005; however, staff was instructed to further develop the SBE policies which were updated during the County’s Local Economic Development workshop held on March 28, 2006.

The Purchasing Director is the central purchasing officer for Leon County. Per the policy, the Purchasing Director:

- Develops and administers operational procedures governing the internal functions of the Division of Purchasing.
- Purchases or supervises the purchase of supplies, services, materials, equipment, and construction services defined in the County’s policy.
- Operates a central warehouse.
- Delegates his/her purchasing authority as allowed by law or rule.
- Assists the M/WBE Director in implementing, monitoring, and enforcing the County’s M/WBE program policy.

The Purchasing Director has authority to approve procurements in amounts up to \$20,000. Purchases greater than \$20,001, but less than \$50,000, require the additional approval of the County Administrator. Procurements in amounts greater than \$20,000 must be approved by the Leon County Board of County Commissioners. The revised policy did not modify these approved levels of authority.

3.3 Methods of Procurement

The procurement processes for Leon County include the purchasing categories shown in **Exhibit 3-3**.

⁴ Board of County Commissioners Agenda Request 12, submitted June 7, 2006.

**EXHIBIT 3-3
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
PURCHASING CATEGORIES**

Purchasing Categories	Dollar Limits
Petty Cash Reimbursements	Not to exceed \$100
Field Purchase Orders	\$1 to \$500
Small Purchase Orders	\$1 to \$1,000
Warehouse Operations	\$1 to \$5,000
Blanket Purchase Orders:	
Non-contractual basis	\$1,000 to \$5,000
Contractual basis	not to exceed \$100,000
Field Quotes	\$1,000 to \$5,000
Purchasing Quotes	\$5,001 to \$20,000
Informal Bid Process	\$20,001 to \$50,000
Competitive Sealed Bids	\$20,001 and above
Competitive Sealed Proposals:	
Approved by County Administrator	\$20,001 and \$50,000
Approved by the Board of County Commissioners	\$50,001 and above

Source: Board of County Commissioners, Leon County - Purchasing and Minority Women Small Business Enterprise Policy. Adopted June 13, 2006.

The revised policy increased the dollar limits for petty cash transactions from \$50 to \$100. The policy also increased the dollar limit for field purchase orders from \$200 to \$500. The increases were made for administrative convenience and have no material impact either positively or negatively on the inclusion of M/WBEs in the County's procurement process.

On February 26, 2009, Leon County staff submitted to the Leon County Board of Commissioners for approval a Fast Tracking Program for Public Sector Projects through development review, permitting, procurement and right-of-way (ROW) acquisition processes. According to staff interviews, the main objectives of the fast track program is the following: reduce the average purchasing and contract administrative timelines, thus reducing the timeline from solicitation to contract execution; change award and signature thresholds for competitive sealed bids and proposals, thus reducing the number of procurements requiring Board approval; and reduce the turnaround time for such items, authorize the Purchasing Director to release Request for Proposals (RFPs) expected to result in cost no greater than \$100,000 and authorize the County Administrator or his designee to release all RFPs. "Staff may authorize the release of RFPs and when the procurement process results in costs within the Contract Award and Signature Authority Thresholds, staff may award the work and execute the agreement in a form approved by the County Attorney's Office."⁵ This process would also release contractors to begin performance of a contract while the County is completing its internal contract execution process. The Board directed staff to consider changing preference points for Local Preference and M/WBE Participation. Staff recommended no changes be made to the

⁵ Board of County Commissioners Leon County, Florida, Agenda Item Executive Summary, Thursday, February 26, 2009, page 7.

current percentage points of 5 percent for Local Preference and 10 percent of total available points for M/WBE participation.

**EXHIBIT 3-4
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
FAST TRACK PROGRAM THRESHOLD AND SIGNATURE CHANGES**

Table 1 - Purchasing Process Thresholds		
Procurement Method	Current Threshold	Proposed Threshold
Petty Cash/Reimbursement (Section 5.01 of the Purchasing and M/W/SBE Policy)	Not to exceed \$100	*Not to exceed \$100
Field Purchase Order (Section 5.02)	\$1 to \$500	*\$1 to \$500
Small Purchase Procedures (Section 5.03)	\$1 to \$1,000	*\$1 to \$1,000
Warehouse Operations (Section 5.031)	\$1 to \$5,000	*\$1 to \$5,000
Blanket Purchase Orders (Section 5.04)		
Non-contractual Basis	\$1,000 to \$5,000	*\$1,000 to \$5,000
Contractual Basis	Not to exceed \$100,000	*Not to exceed \$100,000
Field Quotes (Section 5.05)	\$1,000 to \$5,000	*\$1,000 to \$5,000
Purchasing Quotes	\$5,001 to \$20,000	*\$5,001 to \$20,000
Bid - Informal Bid Process (requires seeking 3+ written quotes; Section 5.06)	\$20,001 to \$50,000	\$20,001 to \$100,000
Bid - Competitive Sealed Bids (Section 5.08)	\$50,001 and above	\$100,001 and above
RFP - Competitive Sealed Proposals (Section 5.09)	Requires Board Approval to Release RFP; County Administrator authorized to award up to \$50,000.	Purchasing Director –Authorized to Release RFPs Expected to Result in Costs No Greater than \$100,000; County Administrator Authorized to all RFPs
*No change recommended		

Table 2 - Contract Award and Signature Authority Thresholds		
Entity	Current	Recommend
Purchasing Director	Purchase Orders and Agreements up to \$20,000	*Procurement Agreements up to \$100,000 (correlates with the recommended Informal Bid Process threshold)
County Administrator	Procurement Agreements \$20,000 up to \$50,000	**Procurement Agreements greater than \$100,000 and no greater than \$250,000
Board Chairman	Procurement Agreements \$50,001+	*Procurement Agreements greater than \$250,000
*All contracts will be in a form approved by the County Attorney's Office prior to execution.		
**Correlates with the City of Tallahassee's Manager's Purchasing Authority		

Source: <http://www.leoncountyfl.gov/admin/Agenda/view2.asp?id=9113>.

3.3.1 Blanket Purchase Orders

Blanket purchase orders are used for repeated and/or multiple purchases of goods or services. Non-contractual blanket purchase orders may be issued in cases where the total value of the purchase order is \$5,000 or less. Contractual blanket purchase orders accommodate repeated and/or multiple purchases up to \$100,000.

MGT's research for the 2000 and 2004 review of the County's purchasing policy indicated that blanket purchase orders provide a convenient mechanism for repetitive purchases. It was noted during the 2004 study that there were concerns as to whether blanket purchase orders created the potential for exclusion, since this is selection-based procurements without competition. The interviews conducted for this current study did not find these same concerns; however, most interviewees recommended that MGT collect information regarding blanket purchase orders from the Purchasing Director.

M/WBEs were not categorically excluded in the earlier policy nor are they excluded in the revised version. User divisions and departments are advised of M/WBE availability to provide goods and services under blanket purchase orders, which is unchanged from the earlier purchasing procedure. Therefore, policy updates had no material impact on the utilization of M/WBEs by the County on blanket purchase orders.

3.3.2 Field Quotes and Purchasing Quotes

County procurements for amounts greater than \$501 and less than \$5,000 require competitive Field Quotes to support the purchase in the form of three written or verbal price quotations from potential vendors. County procurements in amounts greater than \$5,001 and less than \$20,000 must be supported by at least three written Purchasing Quotes from potential vendors. Vendor selection for field quotes and purchasing quotes is ultimately determined by the requesting department.

The policy encourages County decision makers to "seek out and utilize certified minority and women-owned business enterprises in these purchases." During MGT's policy review, MGT learned that the Purchasing Division requires that at least one of the three written quotes come from a certified M/WBE in order to comply with current policy requirements.

3.3.3 Informal Bid Process

According to the policy, procurements in amounts greater than \$20,000, but less than \$50,000, may be procured by the Informal Bid Process. In this process:

The Purchasing Director shall secure, whenever possible, a minimum of three written quotations which shall be the result of written specifications transmitted by mail, by electronic format, or by facsimile. When such quotations are received by facsimile the purchasing agent will immediately seal and label the quotations until the time set for opening bids. In those instances where the securing of three quotations is not

*practicable, the Purchasing Director shall provide written justification of such.*⁶

The current policy further states that the County's Purchasing Division will seek out and encourage certified M/WBE participation in this process. The inclusion of this language in the current policy serves to emphasize the County's intent to consider M/WBEs in the procurement process. Inclusion of specific language in the policy documents eliminates ambiguity as to the need for user departments/divisions to solicit M/WBE involvement in the informal bid process, which is a revision of the earlier 2000 policy. This serves to diminish an earlier identified barrier regarding M/WBE participation.

Typically, the informal bid process does not include advertising of the procurement opportunity. Vendors wishing to be notified of informal bid opportunities have the option to subscribe to the *DemandStar.com* service (see Section 3.3.7 of this chapter), contact the Purchasing Division, or check the Purchasing Division's Internet Web Site to learn of these opportunities.

3.3.4 Competitive Sealed Bids

The County uses Competitive Sealed Bids for procurements of \$50,000 or more. The steps in this process include:

- Determining the bid specifications and requirements of the requesting department or division.
- Forwarding bid specifications and other supporting documentation to the Purchasing Division for packaging.
- Advertising the Invitation to Bids (ITB).

Projects expected to cost more than \$200,000 must be advertised publicly at least once in a newspaper of general circulation in the County. This advertisement must be posted for at least 21 days prior to the established bid opening date, and at least five days prior to any scheduled pre-bid conference. Projects expected to cost more than \$500,000 must be advertised publicly at least once, at least 30 days prior to the bid opening and five days prior to the scheduled pre-bid conference. The M/W/SBE Director reviews intended solicitations before publication to maximize the potential for M/WBE response.

The revised policy includes language requiring the M/W/SBE Director, Purchasing representative and a user department representative to review proposed projects and bids in order to determine potential utilization of M/WBEs. If certified M/WBEs are available to perform as subcontractors on pending bids, the M/W/SBE Director will add an M/WBE participation aspirational target requirement to the bid specification. If certified M/WBEs cannot be identified, the M/W/SBE Director advises the procurement representative to include language in the bid specifications that encourages the prime contractor to include M/WBE subcontractors in the submitted bids. This process increases the level of awareness concerning the need to consider M/WBEs for competitive bids.

⁶ Section 5.07, Board of County Commissioners - Leon County Purchasing and Minority/Women Business Enterprise Policy, Revised July 30, 2002.

On the predetermined date, bids are opened publicly and are unconditionally accepted. The opened bids are reviewed for compliance with the requirements listed in the request for bids. The Purchasing Division tabulates the bids and presents a Bid Report to the appropriate department or division. Based on the Bid Report, the requesting department or division head makes the determination as to the successful respondent. This recommendation will ultimately be submitted as a Board agenda item. However, prior to the submission of the recommendation to the County Administrator for inclusion on the Board agenda, the department or division head submits its recommendation to the Purchasing Director and M/WBE Director for review. Afterwards, the recommendation is forwarded to the County Administrator and then to the Board of Leon County Commissioners for approval.

Per the policy, “the contract shall be awarded with reasonable promptness to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation to bid.” Section 16(F) further states that “for contracts of \$100,000 or less, where there is a disparity of 1 percent or less between the total of the base bid and all recommended alternates of a 100 percent owned and operated MBE, WBE or SBE and the apparent low bid which is from a non-minority, woman, or small business enterprise, and all other purchasing requirements have been met, the contract may be awarded to the MBE, WBE or SBE to help achieve race/gender neutral targets or race/gender conscious target, where otherwise permissible.” The County has maintained a similar bid price allowance since 1991.

Section 5.08(M) contains local preference provisions whereby the County may allow special consideration for local businesses in purchasing goods or services where pricing is the major consideration. This provision was included with other policy additions in the 2002 and 2005 revisions. The inclusion of the local preference provision is intended to create a slight advantage for local firms that compete for County contracts. The local preference allowance is 5 percent of the bid price for purchases under \$250,000, and 2 percent of the bid price for purchases of \$250,000 and above. The local preference allowance is capped at \$20,000. No opinions were expressed during MGT’s interviews if the local preference provisions have had a significant impact on the utilization of M/WBEs in County procurements.

3.3.5 Competitive Sealed Proposals

Competitive sealed proposals are used by the County when the Director of Purchasing “determines that the use of competitive sealed bidding is either not practical or not advantageous to the County.” Generally, this procurement process is used for professional, architectural, engineering, landscape architectural, and land surveying services. The competitive sealed proposals process begins with the determination of the project requirements by the requesting department or division in the County. Next:

- The Purchasing Director, or designee, reviews the scope of the project requirements.
- The Purchasing Director, or designee, also reviews the scope of work for the project to determine if revisions to—or clarifications of—the scope of work are required prior to advertising the procurement opportunity. The M/WBE Director also reviews the project scope and the request for proposals to identify opportunities to facilitate M/WBE participation. If project scope

modifications are needed, the Purchasing Director interacts with the requesting department to make the changes to the scope of work.

- Projects are placed on the County's Web site and listed in the local newspaper.
- If the County receives indications of interest from less than three persons, the Purchasing Director may reissue the request for proposals.

Section 16(E) lists the requirements for fulfilling Race/Gender Neutral (R/N) Targets, Race/Gender Conscious (R/C) Target and Aspirational Targets for Specific Procurement Opportunities. R/C Targets shall be the upper limit for Aspirational Targets set by the M/W/SBE Division for MBE and/or WBE participation in a single procurement opportunity. The R/N Target shall be the upper limit for Aspirational Targets set by M/W/SBE Division for SBE participation in a single procurement, unless such procurement opportunity is specifically identified for competition only between SBEs. The M/W/SBE Director shall coordinate and promote the process of meeting R/N and R/C targets by taking active steps to encourage full participation by certified, capable, and competitive MBE, WBE and SBE businesses and by keeping staff informed of M/W/SBE availabilities.

The selection committee⁷ usually comprised of staff evaluates and ranks submitted proposals with regard to the responsiveness of the proposal to the County's needs. The County Administrator, or designee, determines whether a three-member or five-member selection committee is best suited for the evaluative process based on the complexity and anticipated expense of the requested services.

Staff recommends the top ranked firms in order and requests permission to negotiate with the top ranked firm and, if negotiations fail, to negotiate with the next ranked firms in order. Contract negotiations shall be conducted by the Purchasing Director or his designee or by a negotiation committee. A contract negotiation committee shall consist of the Purchasing Director (shall serve as chair), the head of the primary using department or agency, and the County Attorney. Negotiation committee members may designate alternates to serve in their capacity on the committee.

Section 5.091(A) (7) of the policy allows "a local preference of not more than five percent (5%) of the total score" as part of the evaluation criteria for local businesses that submit proposals for competitive sealed bids. The current revised policy did not contain major changes to the County's competitive sealed proposals process from the 2005 process. As a selection based process, the county has few options to directly encourage M/W/SBE participation as prime contractor respondents. Those opportunities include the determination of the number of evaluation points ascribed to M/W/SBE project involvement and participation in the voting process as part of the selection of the successful respondent.

⁷ The selection committee makeup for procurement is different than the selection committee process for employment, because of due process requirements the County elected that the M/W/SBE Director not be a member of the selection committee.

3.3.6 Protested Solicitations and Awards

The 2006 revised policy contains modified language specifying rights to protest decisions regarding the County's Invitations to Bid and Request for Proposals, as did the County's earlier policy. Appeals of the Purchasing Director's decisions are to be heard by a Procurement Appeals Board composed of a chairperson, and two other members. The Appeals Board members are appointed by the County Administrator. The revised policy changed the term of the members to three years for the chairperson and each member. Previously, the Chairperson served a term of three years. One member served for a two-year term and the remaining member served an initial term of one year. Thereafter, members were appointed for three year terms such that one member was appointed annually. Section 5.13(E) specifies the procurement appeals process.

3.3.7 DemandStar.com

In 1999, the County contracted DemandStar.com, Inc. to maintain information and vendor data about pending procurements. As a part of the County's procurement efforts this service was seen as an opportunity to reach more firms⁸. The Purchasing Division provides bid and RFP information to DemandStar.com for notification to their vendor subscriber list. This list categorizes each vendor by commodity codes for the specific goods or services offered by the vendor. Subscribers are notified by fax or e-mail whenever a formal sealed bid has been issued for the commodity or service offered by the vendor.

A second feature of the DemandStar.com system is the maintenance of vendor data. For an annual subscription fee, businesses may register the commodities and services they wish to sell, and receive emailed information about related County procurements that includes the following:

- Legal advertisements.
- Bid/RFP addenda.
- Bid tabulation sheets.
- Procurement listings.
- Requests for proposals.
- Current award recommendations and current Board agenda items.

3.3.8 Other Procurement Methods

The County's purchasing and M/W/SBE policy provide for the following procurement methods for non-routine purchases.

- Sole Source Purchases—for a supply, services, material equipment or construction item(s) where there is a determination that there is only one available source. (Section 5.10)
- Emergency Purchases—when a situation requires the immediate purchase of goods, equipment or services without competitive bidding. (Section 5.11)

⁸ The County uses legal notices and the County Web site as its primary means for informing vendors on County opportunities.

- Cooperative Purchasing—from authorized vendors on state contracts, or Federal Supply Schedules or when the County joins with other units of government in cooperative purchasing ventures. (Section 5.12)

3.3.9 General Purchasing Provisions

Insurance Requirements

MGT's review of the County's policy and staff interviews showed no change in the County's policy on insurance since the 2004 study. Policy requires that County contractors purchase and maintain insurance to protect it from claims under Worker's Compensation laws, disability benefit laws and other similar damages and liabilities.⁹ The required levels of coverage are determined by the provisions of the Risk Management Policy. Insurance requirements, like bonding requirements, are a necessary component of contractual relationships that serve both parties.

Bonding

The State of Florida requires payment and performance bonds by persons entering into a formal contract with the state or any county, city, or political subdivision "for the prosecution and completion of a public work, or for repairs upon a public building or public work."¹⁰ The state provision allows an exemption from the bonding requirement for work done for any county, city, political subdivision or public authority in amounts less than \$200,000.

MGT's review of the County's policy and staff interviews showed no change in the County's policy on bonding since the 2004 study. County bid documents identify procurements that require bonding on behalf of the successful offeror and County policy specifies the types of bonds that may be required as indicated below:

- A. Combination Payment and Performance Bond - This type of bond is required for repairs, renovations, new construction, and other public works costing in excess of \$50,000. For projects less than that amount, it may be required at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. When a payment and performance bond is required, the bond will be requested in the bid document. No work in connection with the fulfillment of a contract shall commence until the payment and performance bond is accepted by the County.
- B. Performance Bond - For a project of an estimated value less than \$50,000, requirement of a performance bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For projects estimated to be \$50,000 or more, such bond will be required to insure that a contract is carried out in accordance with the applicable specifications and at the agreed contract price.

⁹ Section 12, "Insurance Requirements", Board of County Commissioners – Leon County, *Purchasing and Minority/Women Business Enterprise Policy*, Revised June 13, 2006.

¹⁰ State of Florida Statutes, Title XVIII, Chapter 255, Section 255.05.

- C. Payment and Material Bond - For a project of an estimated value less than \$50,000, requirement of a payment and material bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For projects estimated to be \$50,000 or more, such bond will be required to protect the County from suits for non-payment of debts which might be incurred by a contractor's performance for the County.
- D. Warranty Bonds - At the discretion of the Purchasing Director, after consultation with user departments, a Warranty Bond may be required from a successful bidder to insure warranty provisions are fulfilled.
- E. Guaranty of Good Faith Deposit (Bid Deposit) - For projects estimated to be less than \$40,000, requirement of a bid bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For purchases where it is determined by the Purchasing Director to be in the best interest of the County, and projects estimated to be \$40,000 or more, bidders will be required to submit with their bid or proposal a guaranty of good faith deposit.

When in the best interest of the County, it is recommended by the Purchasing Director and approved by the County Administrator or his designee, these requirements may be waived.

- A. Return of Bond. Such deposit may not be withdrawn until a specified time after the proposals are opened and awards made. The deposit of the bond shall be retained by the Finance Officer of the Board until the Purchasing Director is satisfied that the Contractor's obligations have been satisfactorily completed.
- B. Substitutes. In lieu of a surety bid bond, contractor may submit a certified check, cashier's check or treasurer's check, on any national or state bank. Such deposits shall be in the same percentage amounts as the bond. Such deposits shall be retained by the Finance Officer of the Board until all provisions of the contract have been complied with.
- C. Irrevocable Letter of Credit. Upon approval of the Purchasing Director, a contractor may present an Irrevocable Letter of Credit from a national or state chartered bank in lieu of any of the foregoing bonds for the same face value as required for the bond. The letter of credit shall be for a period of time not less than three months beyond the scheduled completion date of the purchase of the contracted services or materials.
- D. Retention of Payments. The County may require the payment for a project, or a portion thereof, be withheld until the project has been completed as a method of protecting the County's interest. Retention may also be used in lieu of the above listed bonds. The solicitation documents shall specifically state if retention of any portion or all of the payment for the project is to be done.

County policy further defines the amount of the bond or deposit required.

- 1) Performance Bond: 100 percent of contract price.

- 2) Payment Bond: 100 percent of contract price.
- 3) Payment and Performance Bond: 100 percent of contract price.
- 4) Guaranty of Good Faith Deposit (Bid Deposit or Bond): The bid deposit will be 5 percent of the price bid by the vendor.

Any of the above listed bonds may be required at another amount recommended by the Purchasing Director and approved by the County Administrator or his designee when in the best interest of the County.

3.4 Remedial Program

3.4.1 Historical Background

The establishment of the County's M/WBE Program dates back to 1987. The purpose of the program was to "enhance the participation of qualified minority and women-owned businesses in providing goods and services and construction contracts required by the Board of County Commissioners." The County conducted disparity studies in 2000 and in 2005. The County was receptive to recommendations from the previous studies to enhance its purchasing and M/WBE programs. In 2005, the County accepted the disparity study update conducted by MGT. To strengthen its support of M/W/SBEs and its efforts to narrowly tailor its M/WBE program the County accepted recommendations included in the study to revise race-gender conscious and race-neutral targets and the formation of a small business enterprise (SBE) component. The purpose of the revised and newly created M/W/SBE Program is to "effectively communicate Leon County procurement and contracting opportunities, through enhanced business relationships, to end disparity and to increase participation opportunities for certified minority and women-owned business enterprises and small business enterprises in a competitive environment."¹¹

To reflect the addition of the SBE component, the title of the Policy 96-1 was changed to Purchasing and Minority, Women, Small Business (MWSBE) Policy. Consistent with the previous policy section 16, a business will be certified as a MBE, WBE or SBE however an MBE and WBE can also be certified as a SBE.

The following definitions were included in Section 16 to reflect the addition of the SBE component and for clarification of previous terms:

- **Affiliate or Affiliation** – Shall mean when an eligible either directly or indirectly controls or has the power to control the other; a third party or parties controls or has the power to control both; or other relationships between or among parties exist such that affiliation may be found. A business enterprise is an affiliate of an eligible owner when the eligible owner has possession, direct or indirect of either: (i) the Ownership of or ability to direct the voting of as the case may be more than fifty percent (50%) of the equity interest, value or voting power of such business, or (ii) the power to direct or cause the direction

¹¹ Board of County Commissioners Leon County, Florida, Policy No. 96-1 Purchasing, Minority, Women, and Small Business Enterprise Policy, June 14, 2006.

of the management and policies of such business whether through the Ownership of voting securities by contract or otherwise. In determining whether a business is an Affiliate with another business or with an Owner, consideration shall be given to all appropriate factors including but not limited to common Ownership, common management, contractual relationship and shared facilities.,

- Commercial useful function - Shall mean a business that: (a) is responsible for the execution of a distinct element of work or services; (b) carries out its obligation by actually performing, managing, or supervising the work involved; (c) performs work that is normal for its business, services and function; and (d) is not further Subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices. A Contractor, Subcontractor, Vendor or Supplier shall not be considered to perform a Commercially Useful Function if the Contractor's, Subcontractor's, Vendor's or Supplier's role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of M/W/SBE participation.,
- Joint venture - Shall mean a legal organization that takes the form of a short term partnership in which the parties jointly undertake for a transaction, for which they combine their property, capital, efforts, skills, and knowledge. Generally, each party shall contribute assets and share risks. Joint Ventures can involve any type of business transaction and the parties involved can be individuals, groups of individuals, companies or corporations.
- Race/gender neutral - Shall mean that component of the M/W/SBE Program that seeks to increase participation of MBEs, WBEs, or SBEs in procurements and contracts through means other than setting MBE or WBE (Race/Gender Conscious) Aspirational Targets. Such Race- Neutral means include, but are not limited to, the SBE Program and the coordination and outreach with/to programs and/or agencies whose purpose is to serve and assist businesses regardless of their race or gender, such as the Florida Agricultural & Mechanical University Small Business Development Center, Florida State University Jim Moran Institute, the Small Business Administration, the State of Florida Commission on Minority Economics and Business Development/Minority Business Advocacy and Assistance Office, Tallahassee Chamber of Commerce Economic Development Council and the Capital City Chamber of Commerce .
- Small business enterprise - Shall mean a business whose SBE certification is recognized, effective and accepted by Leon County's M/W/SBE Program.

3.4.1 Staffing and Responsibilities

In further support of M/W/SBEs, the County renamed the M/WBE office to M/W/SBE Division. The M/W/SBE Director's responsibilities include:

- Establish written procedures to implement the M/W/SBE Program, including the certification of businesses as SBEs, MBEs and WBEs.

- Assess the certification of applications for the M/W/SBE program, and coordinate certifications with partner agencies.
- Establish realistic aspirational targets and identify procurement opportunities for competition among SBEs.
- Identify and work to eliminate barriers that inhibit M/W/SBE participation in Leon County's procurement process.
- Establish realistic targets to increase M/W/SBE utilization.
- Provide information and assistance to M/W/SBEs regarding procurement opportunities with Leon County.
- Maintain a database of certified M/W/SBEs- and provide information to County departments and divisions in identifying M/W/SBEs for anticipated procurements.
- Monitor the utilization of M/W/SBEs and the progress of the M/W/SBE Program to ensure M/W/SBEs have opportunities to participate in the County's procurement process.
- Implement mechanisms and procedures for monitoring M/W/SBE compliance by prime contractors and staff.
- Perform outreach by networking with state and local governments and others, participate in conventions and seminars sponsored and widely attended by M/W/SBEs.
- Implement mechanisms to evaluate the program's progress.

Staffing for the County's M/W/SBE program consists of two full time positions - the program director and an analyst. After the 2000 disparity study the M/WBE office was comprised of one person. The budget for the M/W/SBE Program for fiscal year 2008 is more than \$300,000. This budget includes a one-time fee for an M/W/SBE tracking program, contracted from B₂G Now and staff salaries. The budget was also adjusted by deducting the contract dollars for the SBE training component with the SBDC at Florida Agricultural & Mechanical University.

Per Section 16 of the policy, staff responsibilities include recommending modifications to the County's M/W/SBE aspirational targets; coordinating steps to encourage full participation by M/W/SBEs in the County's procurement processes and fostering more economic development in Leon County. In addition to establishing specific M/W/SBE aspirational targets for County procurements, the M/W/SBE program division provides technical assistance and other race-neutral program components, such as outreach activities and maintaining a directory of certified M/W/SBEs to promote the utilization of these firms.

3.4.2 M/W/SBE Classifications and Aspirational Targets

Minority-, woman-, and small-owned businesses that wish to be recognized as M/W/SBE vendors in the County's procurement process must apply for M/W/SBE certification through the program office. M/WBEs are businesses that are at least 51 percent owned and controlled by, and whose management functions are at least 51 percent performed by, persons who are:

- African Americans - All persons having origins in any of the Black African racial groups not of Hispanic origins and having community identification as such.
- Hispanic Americans - All persons (Mexican, Puerto Rican, Cuban, Central or South American, or Spanish Culture or origin, regardless of race) who were reared in a Hispanic environment, whose surname is Hispanic and who have community identification as such.
- Asian Americans - All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands and having community identification as such.
- American Indians, Alaskan Natives, and American Aleuts - All persons having origins in any of the original people of North America, maintaining identifiable tribal affiliations through membership and participation and having community identification as such.
- Women – All women who are non-Hispanic white females. Minority women were included in their respective minority category.
- Small – shall mean a business whose SBE certification is recognized, effective and accepted by Leon County's M/W/SBE Program.

M/WBEs that wish to be certified by the County as such must meet the criteria as shown in **Exhibit 3-5**.

**EXHIBIT 3-5
LEON COUNTY, FLORIDA
M/W/SBE CERTIFICATION ELIGIBILITY CRITERIA**

CERTIFICATION ELIGIBILITY CRITERIA	Type of Certification (must meet ALL marked criteria)		
	MBE	WBE	SBE
Majority Owner(s) must be a Minority or Minorities who manage and Control the business. In the case of a publicly owned business at least 51% of all classes of the stock which is owned shall be owned by one or more of such persons.	X		
Majority Owner(s) must be a Woman or Women who manage and Control the business. In the case of a publicly owned business, at least 51% of all classes of the stock which is owned shall be owned by one or more of such persons.		X	
Majority Ownership in the business shall not have been transferred to a woman or minority, except by descent or a bona fide sale within the previous two years.	X	X	
Majority owner(s) must reside in Leon, Gadsden, Jefferson or Wakulla County Florida.	X	X	X
Majority owner(s) must be a United States citizen or lawfully admitted permitted resident of the United States	X	X	X
Business must be legally structured either as a corporation, organized under the laws of Florida, or a partnership, sole proprietorship, limited liability, or any other business or professional entity as required by Florida law.	X	X	X
Business must be independent and not an affiliate, front, façade, broker, or pass through.	X	X	X
Business must be a for-profit business concern.	X	X	X
Business must be currently located within market area.	X	X	X

**EXHIBIT 3-5
LEON COUNTY, FLORIDA
M/W/SBE CERTIFICATION ELIGIBILITY CRITERIA (CONTINUED)**

CERTIFICATION ELIGIBILITY CRITERIA	Type of Certification (must meet ALL marked criteria)		
	MBE	WBE	SBE
Business must have all license required by local, state and federal law.	X	X	X
Business must currently be licensed and engaging in commercial transactions typical of the filed, with customers in the Local Market Area other than state or government agencies, for each specialty area in which certification is sought. Further, if a Supplier, business must be making sales regularly from goods maintained in stock.	X	X	X
Business must have expertise normally required by the industry for the field for which certification is sought.	X	X	X
Business must have a net worth of no more than \$2 million.	X	X	X
Business must employ 50 or fewer full- or part-time employees, including leased employees.	X	X	X
Annual gross receipts on average, over the immediately preceding three (3) year period, shall not exceed: - For business performing construction - \$2,000,000/year. - For businesses providing Other Services or Materials & Supplies - \$2,000,000/year - For businesses providing Professional Services - \$1,000,000/year	X	X	X

Source: <http://www.leoncountyfl.gov/bcc/policy/pdf/12-02.pdf>.

3.4.2.1 M/W/SBE Certification

The M/W/SBE certification process includes the following steps.

- Submission of a Certification Application Package
- Review and evaluation of the submitted application data and determination of disposition within 30 days of submission.
- Vendors deemed certifiable are notified in writing of the certification.
- If an applicant cannot be determined certifiable based on information provided, the County provides written notification stating the reasons for denial. If the M/W/SBE certification is denied the applicant may not reapply for certification for a period of six months after the notice of the date of denial.
- Certification denials may be appealed in writing to the M/W/SBE Director within 10 working days after receipt of the denial of certification letter. Failing a satisfactory determination, firms denied certification may appeal to the M/W/SBE Citizen Advisory Committee.
- Certification is valid for two years other provided otherwise.

The M/W/SBE Program may accept MBE and WBE certifications from parties to The M/WBE inter-local agreement (such parties currently include the City of Tallahassee, Leon County, and the Leon County School Board; however, such parties may change from time to time without notice or revision to this policy). Further, the M/W/SBE Division reserves the right to review the certification process and documentation utilized by an outside certifying agency; request clarification or additional information from the certified business; to delay acceptance of certification while it is being reviewed; and to deny certification any time during the Certification period.

The certification directory for Leon County and the City of Tallahassee are available on their respective Web sites. As of April 2009, the County directory included 73 M/W/SBE certified firms. The City of Tallahassee directory included more than 200 firms of which 13 were certified by Leon County.

3.4.2.2 Aspirational Targets

The County uses aspirational targets to establish levels of participation by M/WBEs in the County’s procurement of goods and services. **Exhibit 3-6** shows the M/WBE aspirational targets:

**EXHIBIT 3-6
LEON COUNTY BOARD OF COUNTY COMMISSIONERS**

FISCAL YEAR RACE AND GENDER NEUTRAL TARGETS												
Targets	Construction		Construction Subcontracting		Professional Services Consultants		Professional Services Subconsultants		Other Services Vendors		Material and Supplies Vendors	
	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE
Race/Gender Neutral (SBE, etc.)	1%	1%	15%	3%	6%	5%	3%	5%	6%	6%	1%	5%
Race/Gender Neutral Total	2%		18%		11%		8%		12%		6%	
FISCAL YEAR RACE AND GENDER CONSCIOUS TARGETS												
Targets	Construction		Construction Subcontracting		Professional Services Consultants		Professional Services Subconsultants		Other Services Vendors		Material and Supplies Vendors	
	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE
Race/Gender Neutral (SBE, etc.)	5%	1%	3%	N/A	N/A	N/A	18%	9%	N/A	NA	1%	N/A
Race/Gender Neutral Total	6%		3%		N/A		27%		N/A		1%	

Source: Board of County Commissioners - Leon County, Purchasing and Minority/Women Business Enterprise Policy, Revised June 14, 2006.

3.4.2.3 M/W/SBE Incentives

As mentioned in Section 3.3 of this chapter, for contracts of \$100,000 or less, where there is a disparity of 1 percent or less between the total of the base bid and all recommended alternates of a 100 percent owned and operated MBE, WBE or SBE and the apparent lowest bid which is from a business that is not a MBE, or SBE, and all other purchasing requirements have been met, the Contract may be awarded to the MBE, WBE or SBE to help achieve Race/Gender Neutral Targets, unless such procurement

opportunity is selected for completion only among SBEs.. On selection based procurements, The County's Purchasing Director or representative, M/W/SBE Director and representatives from user departments shall review each proposed project or bid to determine the potential for subcontracting and the utilization of M/W/SBEs considering the scope of work, available and capable M/W/SBEs to potentially perform the work, and opportunities for multiple bids. Based upon these factors the M/W/SBE Director or designee shall determine the Aspirational targets. Further the M/W/SBE Director shall determine the Race/Gender Conscious targets or Race/Gender Neutral targets, unless such procurement opportunity is selected for completion only among SBEs.

3.4.2.4 Participation Plans

Bidders are to submit a Participation Plan when the procurement opportunity contains Aspirational Targets. Participation Plans shall identify the M/WBEs and non M/WBEs to be utilized, their percentage of utilization, and the commercially useful function they will be providing, consistent with the commodities or services for which they are certified. The participation plan is to be analyzed by the M/W/SBE Director prior to submission to the Board for approval of award.

3.4.2.5 Good Faith Efforts and Substitutions

Prime contractors that are unable to meet the stated M/WBE aspirational targets may submit evidence to the County with bid documents demonstrating the level of effort to attract M/WBE participation. Evidence of good faith efforts include, but are not limited to:

- Submission of proof of M/WBE certification for the M/WBEs that are being used on the project.
- Proof of advertising for bids from M/W/SBEs in non-minority and minority publications in the Leon County, Florida, area.
- Proof that ample time was allowed for M/W/SBE subcontractors to respond to bid opportunities.
- Submission of a list of M/W/SBEs that were directly contacted by the prime contractor.
- Telephone logs demonstrating proof of follow-up calls to M/W/SBEs.
- Information regarding the availability of bid specifications and blueprints to M/W/SBEs.
- Documentation showing the sound basis for rejecting M/W/SBEs as unqualified or unacceptable.
- Documentation showing that the County's M/W/SBE Director was contacted regarding a problem meeting M/W/SBE aspirational targets.
- Any other documentation further proving good faith efforts.

When a proposal is submitted, the M/W/SBE Director reviews the M/WBE Participation Plan to determine if the M/WBE participation levels are met according to a point scale, which is presented in the RFP. If the M/W/SBE Director determines the Bidder with subcontracting and supplier opportunities have not made a Good Faith Effort to meet the aspirational target the M/W/SBE Director shall refer the matter to the Good Faith Effort Committee. The good faith documentation is reviewed by the County's "Good Faith Committee," which consists of the Management Services Director (currently vacant), Purchasing Director or designee, and chair of the M/W/SBE Citizens Advisory Committee and may include others appointed at the discretion of the County Administrator or the County Administrator's designee.

Policy permits substitution of M/W/SBEs after contract award with prior approval of the M/W/SBE Director with assistance from technical staff. Grounds for M/W/SBE substitution include poor work performance, lack of success in improving the work performance level of the M/W/SBE, and withdrawal request by the M/W/SBE.

3.4.3 M/WBE Reporting

The County is required to submit an update to the Board on its performance on meeting its Aspirational targets. According to the M/W/SBE status report of December 11, 2007 the expenditure data was pulled from the County's financial system. Expenses are manually adjusted to eliminate certain costs such as staff, land acquisitions, telephone, utilities, local travel reimbursements, office rent, expenditures with government agencies and expenses outside the market area. Verified subcontractor expenditures were deducted from the prime contractor's expenditures and reported as subcontractor expenditures. Contractors expenditures with subcontractors was only required to be reported on those contractors with M/WBE aspirational targets; therefore, subcontractor expenses with non-minority owned and other business may not have been identified for adjustment and remain in a higher level of classification based on contract type.¹²

Exhibit 3-7 summarizes expenditure data by race and gender for fiscal year 2004/2005 and 2005/2006. The "Total Expenditures" column reflects the actual estimated expenditures by the race and gender of the major business owner. The "Estimated Parity Minus Estimated Expenditures" column reflects the amount the expenditures with each race and gender group is above or below what would be expected if parity were achieved, based on that group's availability in the local market area.

¹² Board of County Commissioners Agenda Request 26, Acceptance of Status Report Regarding County Utilization of Minority and Women-Owned Businesses, December 11, 2007.

**EXHIBIT 3-7
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
M/WBE REPORTING
FISCAL YEAR 2004/2005 TO FISCAL YEAR 2005/2006**

Summary Across All Business Categories						
Race/Gender	Differences between Actual Estimated Expenditures and Estimated Parity					
	Total Expenditures			Est. Parity Minus Est. Expenditures		
	FY 04/05	FY 05/06	Both Years	FY 04/05	FY 05/06	Both Years
African Americans	\$ 2,933,432.00	\$ 3,625,204.00	\$ 6,558,636.00	\$ 876,022.00	\$ (708,896.00)	\$ 167,126.00
Hispanic Americans	\$ 37,654.00	\$ 35,894.00	\$ 73,548.00	\$ (179,317.00)	\$ (542,971.00)	\$ (722,288.00)
Asian Americans	\$ 55,355.00	\$ 63,609.00	\$ 118,964.00	\$ 2,512.00	\$ (21,782.00)	\$ (19,270.00)
Native Americans	\$ 44,880.00	\$ 68,354.00	\$ 113,234.00	\$ (19,405.00)	\$ (114,604.00)	\$ (134,009.00)
Non-minority Women	\$ 2,128,631.00	\$ 7,568,233.00	\$ 9,696,864.00	\$ 997,672.00	\$ 5,466,523.00	\$ 6,464,195.00
Non-minority	\$ 16,337,284.00	\$ 35,310,829.00	\$ 51,648,113.00	\$ (1,677,485.00)	\$ (4,078,270.00)	\$ (5,755,755.00)
¹ Total All Categories	\$ 21,537,236.00	\$ 46,672,123.00	\$ 68,209,359.00	\$ (1.00)	\$ -	\$ (1.00)
¹ Total difference from parity does not equal zero due to rounding.						

Source: M/WBE Reporting, Fiscal Year 2004/2005 to Fiscal Year 2005/2006.

The status report also included a plan for continued success and enhancement opportunities to be performed by the M/W/SBE Division:

- Improve its tracking system to monitor and provide feedback for M/WBE and nonminority procurement activities.
- Continue to inform MBEs about procurement opportunities with the County and encourage managers to utilize MBEs.
- Continue its on-going efforts to identify barriers that prevent procurement opportunities for M/WBEs and eliminate such to enhance the utilization of the available firms.
- Review the Tax Collectors' records to identify and encourage MBEs to become certified for procurement opportunities in areas where there is underutilization.
- Direct M/WBEs to use the services of the Small Business Development Center at Florida Agricultural & Mechanical University to improve the operation of their businesses, thereby enhancing their chances of winning procurement opportunities.

3.5 Conclusions

MGT's research, summarized in this chapter, showed that the County has made significant strides in its commitment to level the playing field for businesses desiring to provide goods and services to the County. The County has been receptive to earlier recommendations to enhance its purchasing and M/WBE programs. For instance, MGT were told of improved levels of cooperation between the Purchasing Division, M/W/SBE Division, and other County departments and divisions. MGT was also told that recently M/W/SBE and nonminority subcontracting participation is being tracked now. The County has also improved the accessibility of information through its Web site, consolidated its purchasing policy and M/W/SBE participation policy and collaborated with the local outreach efforts put forth through the Small Business Enterprise Week and MEDWeek activities with the City of Tallahassee and the Small Business Development Center at Florida Agricultural & Mechanical University.

The consolidation of the purchasing policy and the M/WBE participation policy provided a stronger basis for user departments to involve M/WBE firms in County procurements. Interviewees directed MGT to the Purchasing Department for responses to questions on policy changes and to the M/W/SBE Division to answer questions on M/W/SBE program requirements. The revised policy is clearer on the County's intent to provide competitive opportunities to all vendors and administrative steps (e.g., one of three quotes should be from an M/W/SBE) to facilitate competition. From an organizational perspective, the County elevated the M/W/SBE program to division level, which improves the internal and external perception of the County's commitment to the program's success. The County's suspension of the training criteria for SBE certification until the completion of the disparity study update is viewed as positive by staff.

4.0 UTILIZATION AND AVAILABILITY ANALYSIS

4.0 UTILIZATION AND AVAILABILITY ANALYSES

This study for the Board of County Commissioners of Leon County (County) documents and analyzes the participation of minority, women, and nonminority businesses in the County's procurements. This chapter describes the County's market area and analyzes the utilization and availability of minority, women, and nonminority firms. The results of the analyses ultimately determine whether minority, women, or nonminority businesses were underutilized or overutilized in these procurements.

This chapter consists of the following sections:

- 4.1 Methodology
- 4.2 Construction
- 4.3 Architecture and Engineering Services¹
- 4.4 Professional Services
- 4.5 Other Services
- 4.6 Materials and Supplies
- 4.7 Summary

4.1 Methodology

This section presents the methodology for the collection of data and analysis of market areas, utilization, and availability of minority-owned, woman-owned, and nonminority-owned firms. The description of business categories and minority- and woman-owned business enterprise (M/WBE) classifications are also presented in this section, as well as the process used to determine the geographical market areas, utilization, and availability of firms.

4.1.1 Business Categories

The County's mark area, utilization and availability of M/WBE firms and non-M/WBE firms were analyzed for five business categories: construction, architecture and engineering, professional services, other services, and goods, equipment, and supplies.

These categories were consistent with the County's classification of contracts awarded and payments made by the County during the four-year study period. Each contract vendor payment or subcontractor award was grouped into one of the above categories by MGT with assistance from County staff knowledgeable about the contracts and payments. A description of each business category follows.

Architecture and Engineering

Architecture and engineering refers to any architecture or engineering services, including but not limited to:

¹ For the purpose of this study, architecture and engineering services were analyzed separately. In the 2004 Disparity Study, architecture and engineering services were included in the professional services business category.

- Architectural design.
- Professional engineering.
- Environmental consulting.
- Inspections.
- Soil testing.
- Surveying.

Construction

Construction refers to any building and highway construction-related services, including but not limited to:

- General building contractors engaged primarily in the construction of buildings.
- General contracting in the construction of roadways, bridges, sewers, and heavy construction.
- Construction-special trade services, such as electrical work; carpentry, air conditioning repair, maintenance, and installation; plumbing; and renovation.
- Other related services such as water-lining and maintenance, asbestos abatement, drainage, dredging, grading, hauling, landscaping (for large construction projects such as boulevards and highways), paving, and toxic waste clean up.

Professional Services

This category covers services provided by a person or firm that are of a professional nature and require special licensing, educational degrees, and/or highly specialized expertise, including:

- Consulting services.
- Legal services.
- Educational services.
- Computer services.
- Other professional services.

Other Services

This category includes any service that is labor intensive and neither professional nor construction related, including, but not limited to:

- Janitorial and repair services.
- Uniformed guard services.
- Certain job shop services.
- Graphics or photographic services.
- Other nontechnical professional services.

Materials and Supplies

This business category includes vendors that provide the following, but not limited to:

- Office goods
- Supplies
- Equipment
- Miscellaneous building materials
- Computers

Certain transactions were excluded from analysis in this study. Examples include:

- Administrative items such as utility payments, leases for real estate, and insurance or banking transactions.
- Salary and fringe benefits, payments for food or parking; or conference fees.
- Payments to government entities including nonprofit local organizations, state agencies, and federal agencies.

Firms were assigned to a particular business category based on the County's payment description obtained from the County's financial system. However, based on feedback from the County, certain payments were reclassified according to vendor name rather than the type of payment received and/or payment description.

4.1.2 M/WBE Classifications

In this study, businesses classified as M/WBEs are firms at least 51 percent owned and controlled by members of one of five groups: African Americans, Hispanic Americans, Asian Americans, Native Americans, and nonminority women. These groups were defined according to the United States Census Bureau as follows:

- **African Americans:** U.S. citizens or lawfully admitted permanent residents having an origin in any of the black racial groups of Africa.
- **Hispanic Americans:** U.S. citizens or lawfully admitted permanent residents of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese cultures or origins regardless of race.
- **Asian Americans:** U.S. citizens or lawfully admitted permanent residents who originate from the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.
- **Native Americans:** U.S. citizens or lawfully admitted permanent residents who originate from any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.
- **Nonminority Women:** U.S. citizens or lawfully admitted permanent residents who are non-Hispanic white females. Minority women were included in their respective minority category.

The M/WBE determinations reflected in this report were based on the source data discussed below in **Section 4.1.3**. If the business owner classification was unclear in the source data, MGT of America, Inc. (MGT), conducted additional research to determine the proper business owner classification. This included requesting assistance from cognizant County representatives to identify the proper business owner classification. Firms that were identified in the source data as non-M/WBEs were considered to be nonminority-owned firms in the analysis conducted for this study.

4.1.3 Collection and Management of Data

To determine the most appropriate data for our use in the analysis of the County's procurement activity and to identify data sources, MGT conducted interviews with key staff knowledgeable about the County's procurement processes. The decision was made by the County and MGT that procurement data for construction would be extracted from electronic expenditure data, as well as contract award data and contract files. Data for architecture and engineering, professional services, other services and materials supplies would be extracted from electronic expenditure, purchase order, and purchasing card (Pcard) data.

Contract and Subcontract Data Collection

Once the sources of data for the contract award data was defined and obtained, MGT designed a data collection plan to collect contract data from the hard copy files. Expenditure, purchase order, and Pcard transaction data would be provided in electronic format. The following data were provided:

- Financial Expenditure Data: a file extracted from the County's Banner financial system containing payments made to vendors during the study period.
- List of Agreements: a file containing awards granted to vendors during the study period.
- Vendor List Data: a file extracted from the County's Banner financial system containing vendors that were paid or have registered to do business with the County.
- Permit Data: a file containing commercial construction permits let to prime contractors and subcontractors during the study period.²
- Purchase Order Data: a file containing invoices made to vendors during the study period.
- Pcard Transactions Data: a file containing small dollar payments made to vendors during the study period.

Upon further review and discussions with the County, it was agreed that the list of awarded agreements would be used to develop the data collection plan for on-site data collection activities. These list of agreements were used as the primary source to ensure that the onsite data collection team reviewed contract files based on this list within the

² Please refer to **Chapter 6.0, Private Sector Analysis**, for a detailed discussion of this data set.

study period in order to obtain subcontractor and bidder data. The financial expenditure data would be used to analyze payments made to vendors, which would be the primary data source for the prime contractor/consultant utilization analyses. Each electronic list provided the following data that we used for analysis:

- Name of firm awarded and/or paid.
- Award and/or payment amount of the transaction.
- Contract and/or payment post date of the award and/or payment.
- A description of the contract and/or payment from which the business category of the procurement could be derived.

Once collected and entered or transferred into the MGT database, the data were processed as follows:

- Exclusion of records not relevant to the study. Examples of procurement activity excluded from analysis include duplicate procurement records; contracts out of the time frame of the study; contracts awarded or payments made to nonprofits and government entities; and utility payments such as water, gas, and electricity.
- Identification of the county in which the vendor operated. To accomplish this, the zip code of the vendor was matched against an MGT zip code database of all United States counties.
- Identification of the prime contractor's business category.

MGT designed a data collection plan (based on the list of awarded agreements provided by the County) to collect contract from hard copy contract files and the County's verification reports, which are sent to prime contractors requesting subcontracting activity. The hard copy data was collected by MGT employees and firm area firm, Oppenheim Research. The data collection team were trained on the disparity study data collection techniques and County hard copy files in order to ensure accuracy. Once collected and transferred into the MGT database, the data were processed as follows:

- Exclusion of records not relevant to the study. Examples of procurement activity excluded from analysis include duplicate procurement records; contracts out of the time frame of the study; contracts awarded to nonprofits and government entities; and utility payments such as water, gas, and electricity.
- Identification of the county in which the vendor operated. To accomplish this, the ZIP code of the vendor was matched against an MGT ZIP code database of all United States counties.
- Identification of the prime contractor's business category.

Availability (Vendor) Data Collection

Determining the availability of firms is a critical element in developing disparity analyses. Therefore, MGT analyzes the availability of firms at the prime and subcontractor level.

For the purposes of this study, MGT defines prime contractors as firms that (1) have performed prime contract work for the County; (2) have bid on awarded³ prime contract work for the County in the past (within the study period); or (3) are construction, architecture and engineering, professional services, other services, or materials and supplies firms that were in the County's Banner system. These firms are considered to be available because they have either performed or indicated their willingness to perform prime contract work for the local Leon County market area. These firms are defined as available contractors because they have either performed work or have indicated their willingness to perform work for the County. MGT also used other availability measures, including U.S. Census data for comparison purposes, which will be referenced in **Appendix D**.

For the subcontractor availability, MGT defines subcontractor availability as firms that (1) are considered prime contractors and consultants; (2) firms that have been awarded a contract by prime contractor; and (3) firms that were proposed to be used by an unsuccessful prime contractor bidder on awarded prime contracts.

This process generated a listing of 13,886 entries; however, a number of the entries were names of nonprofit organizations, governmental agencies, and duplicate entries. As a result, our availability analyses were based on a pool of 8,452 firms. Approximately 6,652 entries (records) of the approximately 13,886 were excluded from the availability analyses. The most common reasons for exclusion were: duplicate records (i.e., unique vendors who appeared in multiple vendor databases provided by the County); no business category (i.e., vendors who were not utilized, a business type was not provided, or a business type could not be identified from their name); nonprofit agencies, associations, or councils; governmental agencies, including schools and universities; travel-related businesses, including hotels, car rental, and conference fees; real estate; and utilities, postage, and hospitals.

Data for Analysis

The total number of expenditure records analyzed for the study period is shown below in **Exhibit 4-1**. The number of records for construction, architecture and engineering, professional services, other services, and materials supplies represents expenditure data.

³ In addition, based on subsequent discussions with cognizant County staff, the availability pool of firms for the business category of architecture and engineering includes the count of a firm that submitted a bid as a prime contractor and won the project. However, this contract ultimately was not awarded, thus not listed in the list of awarded agreements.

**EXHIBIT 4-1
LEON COUNTY
NUMBER OF ANALYZED RECORDS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Category	# of Records
Construction	3,059
Architecture & Engineering	1,278
Professional Services	3,209
Other Services	11,213
Materials and Supplies	16,940

Source: Expenditure activity compiled from the County's Banner financial data system.

As far as hard copy files, the data collection plan presented a total of 358 contracts to be reviewed and entered while on-site. A total of 654⁴ contracts were reviewed and/or entered while on-site.

4.1.4 Market Area Methodology

In order to establish the appropriate geographic boundaries for the statistical analysis, market areas were determined for each of the business categories included in the study. First, the overall market area was determined and then the relevant market area was established.

Overall Market Area

A United States county is the geographical unit of measure selected for determining market area. The use of counties as geographical units is based on the following considerations:

- The courts have accepted counties as a standard geographical unit of analysis in conducting equal employment opportunity and disparity analysis.
- County boundaries are externally determined and thus free from any researcher bias that might result from any arbitrary determinations of geographical units of analysis.
- Census and other federal and state data are routinely collected and reported by county.

The counties that constituted the County's overall market area were determined by evaluating the total dollars expended by the County in each business category. The results were then summarized by county according to the location of each firm that provided goods or services to the County.

⁴ This increase in number includes the contracts for the housing and rehabilitation projects which were not listed as part of the list of agreements.

4.1.5 Utilization Methodology

The utilization analyses of construction, architecture and engineering, professional services, other services, and materials and supplies firms were based on information derived from County's financial system for activity occurring between October 1, 2004 and September 30, 2008. The analysis was based on firms located in the following: Leon County, Florida; Gadsden County, Florida; Wakulla County, Florida, and Jefferson County, Florida.

4.1.6 Availability Methodology

To evaluate disparate impact, if any, it is necessary to identify available M/WBEs in the local area for each business category. This determination, referred to as "availability," has been an issue in recent court cases. If the availability of minority- and woman-owned firms is overstated or understated, a distortion of the disparity determination will result. This distortion occurs because the quantitative measure of disparity is a direct ratio between utilization and availability.

Several methodologies may be used to determine availability, including analysis of vendor data and bidder data. The use of vendor data is preferable to bidder data because it considers firms that have expressed a readiness, willingness, and ability to provide goods and/or services to procuring entities, even when they have not been successful in doing so. Discriminatory barriers may, under certain circumstances, preclude such firms from submitting bids. For MGT's analysis, MGT used vendor data, as well as firms who bid on County projects in the past for the prime level availability analysis.

For the subcontractor availability, MGT defines subcontractor availability as firms that (1) are considered prime contractors and consultants; (2) firms that have been awarded a contractor by prime contractor; and (3) firms that were proposed to be used by an unsuccessful prime contractor bidder.

As indicated previously in this chapter, MGT utilized various sources to determine prime and subcontractor availability in order to develop the appropriate availability data within the market area.

4.2 Construction

This section presents MGT's analysis of the County's utilization in the construction business category, as well as the utilization and availability of firms.

4.2.1 Utilization Analysis

For firms located in the Leon County market area, the following analysis was conducted:

- Utilization analysis of all M/WBE and non-M/WBE prime contractors' expenditures by year for the study period.

- Utilization analysis of the number of individual prime contractors paid those dollars, according to race/ethnicity/gender classifications.
- Utilization analysis of all identified M/WBE and non-M/WBE subcontractors' awards for the study period.

The utilization analysis of prime construction contractors in the County's market area is shown in **Exhibit 4-2**. M/WBEs were paid more than 16 percent (16.3%) of the total prime construction dollars expended by the County during the study period. The County paid \$73.86 million for construction services during the study period. Nonminority women-owned firms received \$9.5 million, accounting for 12.9 percent of the 16.3 percent paid to M/WBEs. Among M/WBEs, African American-owned firms were paid \$2.6 million, accounting for 3.5 percent of the 16.3 percent paid to M/WBEs. Firms owned by Hispanic Americans, Native Americans and Asian Americans were not utilized at the prime construction level, during the study period, thus not receiving any payments.

**EXHIBIT 4-2
CONSTRUCTION
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars Paid
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	
2005	\$640,584.74	6.11%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$255,838.18	2.44%	\$896,422.92	8.55%	\$9,589,981.55	91.45%	\$0.00	0.00%	\$10,486,404.47
2006	\$638,580.17	1.80%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$3,944,142.43	11.13%	\$4,582,722.60	12.93%	\$30,846,862.43	87.07%	\$0.00	0.00%	\$35,429,585.03
2007	\$811,002.66	4.91%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$1,942,082.56	11.75%	\$2,753,085.22	16.66%	\$13,776,179.56	83.34%	\$0.00	0.00%	\$16,529,264.78
2008	\$463,039.50	4.06%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$3,357,186.47	29.40%	\$3,820,225.97	33.46%	\$7,598,684.80	66.54%	\$0.00	0.00%	\$11,418,910.77
Total	\$2,553,207.07	3.46%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$9,499,249.64	12.86%	\$12,052,456.71	16.32%	\$61,811,708.34	83.68%	\$0.00	0.00%	\$73,864,165.05

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of total dollars paid annually to prime contractors.

The utilization of firms in the prime construction business category has changed since the 2004 Disparity Study. In the previous study, which was based on contract awards, there was less than 2 percent (\$479,980) of the \$29.9 million awarded going to M/WBEs. The utilization of African American-owned firms has increased from 0.37 percent (\$110,385) to 3.5 percent (\$2.6 million). The utilization of nonminority women-owned firms has increased from 1.15 percent (\$344,350) to 12.9 percent (\$9.5 million).

Exhibit 4-3 shows the number of prime construction firms utilized over the entire the study period. In **Exhibit 4-3**, MGT shows that 15 M/WBE firms (18.9%) were paid for construction projects at the prime contractor level. In comparison, 64 non-M/WBEs were paid during the same period.

**EXHIBIT 4-3
CONSTRUCTION
NUMBER OF INDIVIDUAL PRIME CONTRACTORS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms ¹
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#
2005	4	9.30%	0	0.00%	0	0.00%	0	0.00%	5	11.63%	9	20.93%	34	79.07%	0	0.00%	43
2006	4	9.76%	0	0.00%	0	0.00%	0	0.00%	4	9.76%	8	19.51%	33	80.49%	0	0.00%	41
2007	5	12.82%	0	0.00%	0	0.00%	0	0.00%	2	5.13%	7	17.95%	32	82.05%	0	0.00%	39
2008	4	10.26%	0	0.00%	0	0.00%	0	0.00%	3	7.69%	7	17.95%	32	82.05%	0	0.00%	39
Individual Firms over Four Years²	7	8.86%	0	0.00%	0	0.00%	0	0.00%	8	10.13%	15	18.99%	64	81.01%	0	0.00%	79

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of Total Firms.

² "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

Construction Subcontractor Analysis

As stated previously, MGT attempted to collect subcontractor data from hard copy files and County verification reports data maintained by the County. It should be noted that the analysis would have been heavily weighted towards M/WBEs because those were the data most readily available.

Because the data are so heavily weighted towards M/WBE firms, we provide in **Exhibit 4-4** an analysis of subcontracting utilization based on an estimated subcontracting level. We had the distribution of the number of M/WBE subcontracts by race and gender, but needed to know construction subcontracts awarded to non-M/WBEs in order to establish a reasonable basis to determine the relative proportion of construction subcontract dollars to overall construction contracts.

Our experience has shown that subcontracting generally represents 20 to 30 percent of the prime construction contract amounts. Census data support the applicability of this rule of thumb for this project. The "2002 Census of Construction – Geographic Area Summary Findings" shows that the cost of construction work subcontracted out in the state of Florida was 25.1 percent. Assuming that the County's construction spending pattern is similar to the overall patterns in the state of Florida, we would conclude that subcontractors received at least 20 percent of the dollars associated with construction prime contracts and as much as 25.1 percent of prime level dollars.

Using the corresponding prime dollars for the four years for which M/WBE subcontracting data were available, we calculate the overall construction subcontract dollars to have been \$18.5 million (25 percent) in the market area (see **Exhibit 4-2**). Accordingly, **Exhibit 4-4** shows the estimated construction subcontracting utilization percentages under these assumptions.

Based on the analysis, non-M/WBE firms received 87 percent (\$16.1 million of \$18.5 million) of the construction subcontract dollars awarded during the study period. M/WBE firms received 12.9 percent, with African American-owned firms receiving 10.1 percent (\$1.9 million of \$18.5 million).

**EXHIBIT 4-4
CONSTRUCTION
UTILIZATION ANALYSIS OF SUBCONTRACTORS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL ESTIMATED DOLLARS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Year	Total Construction \$ ¹	Subcontract Dollars ²	African American		Hispanic American		Asian American		Native American		Nonminority Women		Total M/WBE		Total Non-MWBEs ³		Total M/WBE	
			%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$
2005	\$10,486,404.47	\$ 2,621,601.12	41.86%	\$ 1,097,457.43	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	2.13%	\$55,963.24	44.00%	\$1,153,420.67	56.00%	\$1,468,180.45	44.00%	\$ 1,153,420.67
2006	\$35,429,585.03	\$ 8,857,396.26	3.39%	\$ 299,890.00	2.44%	\$216,200.00	0.00%	\$0.00	0.00%	\$250.00	0.42%	\$36,998.00	6.25%	\$553,338.00	93.75%	\$8,304,058.26	6.25%	\$ 553,338.00
2007	\$16,529,264.78	\$ 4,132,316.20	9.00%	\$ 372,076.00	0.43%	\$17,579.70	0.00%	\$0.00	0.23%	\$9,542.00	2.35%	\$97,260.00	12.01%	\$496,457.70	87.99%	\$3,635,858.50	12.01%	\$ 496,457.70
2008	\$11,418,910.77	\$ 2,854,727.69	3.48%	\$ 99,416.65	2.41%	\$68,800.00	0.00%	\$0.00	0.00%	\$0.00	0.82%	\$23,540.00	6.72%	\$191,756.65	93.28%	\$2,662,971.04	6.72%	\$ 191,756.65
Total	\$ 73,864,165.05	\$ 18,466,041.26	10.12%	\$ 1,868,840.08	1.64%	\$302,579.70	0.00%	\$0.00	0.05%	\$9,792.00	1.16%	\$213,761.24	12.97%	\$2,394,973.02	87.03%	\$16,071,068.24	12.97%	\$ 2,394,973.02

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Actual dollar amounts based on expenditure amounts to prime contractors.

² Percentage of the total estimated subcontractor dollars awarded.

³ Calculated as estimated subcontract dollars less M/WBE subcontract dollars.

4.2.2 Availability

The availability of construction firms was derived from the list of overall firms included in MGT's database. However, the availability analysis is based only on firms located within the Leon County market area. As shown in **Exhibit 4-5**, M/WBEs accounted for more than 16 percent of prime construction contractors available to do business with the County at the prime construction level. Among M/WBEs, African American-owned firms were the largest group, accounting for 9.7 percent of the total construction contractors.

**EXHIBIT 4-5
CONSTRUCTION
AVAILABILITY OF PRIME CONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	18	9.73%	0	0.00%	1	0.54%	0	0.00%	12	6.49%	31	16.76%	154	83.24%	0	0.00%	185

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Minority male and female firms are included in their respective minority classifications.

Exhibit 4-6 displays availability percentages for subcontractors. M/WBEs accounted for 32.3 percent of construction subcontractors available to do business. Among M/WBEs, African American-owned firms were the largest group, accounting for 18.8 percent of the total M/WBE construction contractors. The data for subcontractors was based on readily available data collected from hard copy files, which included firms who were awarded work at a subcontractor level, as well as firms who were proposed to be utilized by a prime contractor. For M/WBE subcontractor availability, by individual race/ethnicity/gender classifications, African American firms represented 18.75 percent, Hispanic American firms 1.56 percent; Asian American firms 0.52 percent, Native American firms 0.69 percent, and nonminority women firms 10.76 percent.

**EXHIBIT 4-6
CONSTRUCTION
AVAILABILITY OF SUBCONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	108	18.75%	9	1.56%	3	0.52%	4	0.69%	62	10.76%	186	32.29%	390	67.71%	576

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Minority male and female firms are included in their respective minority classifications.

4.3 Architecture and Engineering

This section presents MGT's analysis for the architecture and engineering business category. This analysis is based on County payments to firms providing architectural and engineering services. In this section, MGT shows the results of the utilization and availability analysis of M/WBEs and non-M/WBEs as architecture and engineering consultants, within the County market area.

4.3.1 Utilization Analysis

Exhibit 4-7 presents the utilization analysis of architecture and engineering prime consultants in the County's market area and shows that M/WBEs received over \$1.1 million (14.6%) of the architecture and engineering payment dollars. Non-M/WBEs accounted for more than \$6.1 million of the architecture and engineering dollars expended by the County over the study period, receiving 85.4 percent of the dollars.

**EXHIBIT 4-7
ARCHITECTURE AND ENGINEERING
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars Paid
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	
2005	\$82,183.00	5.67%	\$0.00	0.00%	\$56,035.00	3.87%	\$0.00	0.00%	\$8,649.30	0.60%	\$146,867.30	10.14%	\$1,301,953.15	89.86%	\$0.00	0.00%	\$1,448,820.45
2006	\$117,864.97	6.36%	\$0.00	0.00%	\$64,867.50	3.50%	\$0.00	0.00%	\$50,872.02	2.74%	\$233,604.49	12.60%	\$1,619,850.93	87.40%	\$0.00	0.00%	\$1,853,455.42
2007	\$206,002.65	8.15%	\$0.00	0.00%	\$62,249.00	2.46%	\$0.00	0.00%	\$133,750.14	5.29%	\$402,001.79	15.91%	\$2,124,160.92	84.09%	\$0.00	0.00%	\$2,526,162.71
2008	\$131,213.11	9.58%	\$0.00	0.00%	\$13,157.50	0.96%	\$0.00	0.00%	\$126,841.52	9.26%	\$271,212.13	19.80%	\$1,098,551.33	80.20%	\$0.00	0.00%	\$1,369,763.46
Total	\$537,263.73	7.46%	\$0.00	0.00%	\$196,309.00	2.73%	\$0.00	0.00%	\$320,112.98	4.45%	\$1,053,685.71	14.64%	\$6,144,516.33	85.36%	\$0.00	0.00%	\$7,198,202.04

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of total dollars paid annually to prime consultants.

Exhibit 4-8 shows the number of prime architecture and engineering firms utilized over the entire the study period. In **Exhibit 4-8**, MGT shows that 12 M/WBE firms (38.7%) were paid for architecture and engineering services at the prime consultant level. In comparison, 19 non-M/WBEs were paid during the same period.

**EXHIBIT 4-8
ARCHITECTURE AND ENGINEERING
NUMBER OF INDIVIDUAL PRIME CONSULTANTS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms ¹
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
2005	2	9.52%	0	0.00%	2	9.52%	0	0.00%	3	14.29%	7	33.33%	14	66.67%	0	0.00%	21
2006	3	12.50%	0	0.00%	2	8.33%	0	0.00%	4	16.67%	9	37.50%	15	62.50%	0	0.00%	24
2007	4	15.38%	0	0.00%	2	7.69%	0	0.00%	4	15.38%	10	38.46%	16	61.54%	0	0.00%	26
2008	3	13.64%	0	0.00%	2	9.09%	0	0.00%	5	22.73%	10	45.45%	12	54.55%	0	0.00%	22
Individual Firms over Four Years²	4	12.90%	0	0.00%	2	6.45%	0	0.00%	6	19.35%	12	38.71%	19	61.29%	0	0.00%	31

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of Total Firms.

² "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

The comparison of utilization of firms in the prime architecture and engineering business category was not conducted since this service was previously categorized in professional services.

4.3.2 Availability

The availability of architecture and engineering firms was derived from the list of overall firms included in MGT's database. As shown in **Exhibit 4-9**, M/WBEs accounted for more than 30 percent of architecture and engineering firms available to do business with the County at the prime level. Among M/WBEs, nonminority women-owned firms were the largest group, accounting for 17.2 percent of the total M/WBE architecture and engineering firms.

**EXHIBIT 4-9
ARCHITECTURE AND ENGINEERING
AVAILABILITY OF PRIME CONSULTANTS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	4	8.51%	1	2.13%	2	4.26%	0	0.00%	8	17.02%	15	31.91%	32	68.09%	0	0.00%	47

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Minority male and female firms are included in their respective minority classifications.

4.4 Professional Services

This section presents MGT's analysis for the professional services business category. This analysis is based on County payments to firms providing professional services. In this section, MGT shows the results of the utilization and availability analysis of M/WBEs and non-M/WBEs as professional services prime consultants, within the County market area.

4.4.1 Utilization Analysis

Exhibit 4-10 presents the utilization analysis of professional services prime consultants in the County's market area and shows that M/WBEs received over \$719,300 (16.1%) of the professional services payment dollars. Non-M/WBEs accounted for more than \$3.7 million of the professional services dollars expended by the County over the study period, receiving 83.9 percent of the dollars.

**EXHIBIT 4-10
PROFESSIONAL SERVICES
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	
2005	\$44,172.11	3.06%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$220,646.61	15.30%	\$264,818.72	18.36%	\$1,177,461.95	81.64%	\$0.00	0.00%	\$1,442,280.67
2006	\$55,888.25	4.91%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$203,911.61	17.92%	\$259,799.86	22.83%	\$878,396.89	77.17%	\$0.00	0.00%	\$1,138,196.75
2007	\$52,857.25	5.09%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$109,314.42	10.53%	\$162,171.67	15.62%	\$875,764.85	84.38%	\$0.00	0.00%	\$1,037,936.52
2008	\$28,512.00	3.30%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$4,075.00	0.47%	\$32,587.00	3.77%	\$831,526.33	96.23%	\$0.00	0.00%	\$864,113.33
Total	\$181,429.61	4.05%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$537,947.64	12.00%	\$719,377.25	16.05%	\$3,763,150.02	83.95%	\$0.00	0.00%	\$4,482,527.27

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of total dollars paid annually to prime consultants.

Exhibit 4-11 shows the number of prime professional services firms utilized over the entire the study period. In **Exhibit 4-11**, MGT shows that 22 M/WBE firms (32.4%) were paid for professional services at the prime consultant level. In comparison, 46 non-M/WBEs were paid during the same period.

**EXHIBIT 4-11
PROFESSIONAL SERVICES
NUMBER OF INDIVIDUAL PRIME CONSULTANTS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms ¹
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
2005	4	9.30%	0	0.00%	0	0.00%	0	0.00%	10	23.26%	14	32.56%	29	67.44%	0	0.00%	43
2006	2	5.88%	0	0.00%	0	0.00%	0	0.00%	8	23.53%	10	29.41%	24	70.59%	0	0.00%	34
2007	2	6.25%	0	0.00%	0	0.00%	0	0.00%	7	21.88%	9	28.13%	23	71.88%	0	0.00%	32
2008	1	4.17%	0	0.00%	0	0.00%	0	0.00%	5	20.83%	6	25.00%	18	75.00%	0	0.00%	24
Individual Firms over Four Years²	5	7.35%	0	0.00%	0	0.00%	0	0.00%	17	25.00%	22	32.35%	46	67.65%	0	0.00%	68

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of Total Firms.

² "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

The comparison of utilization of firms in the prime professional services business category was not conducted since architecture and engineering services was previously categorized in professional services.

4.4.2 Availability

The availability of professional services firms was derived from the list of overall firms included in MGT's database. However, the availability analysis is based only on firms located within the Leon County market area. As shown in **Exhibit 4-12**, M/WBEs accounted for more than 27 percent of professional services firms available to do business with the County at the prime level. Among M/WBEs, nonminority women-owned firms were the largest group, accounting for 18.2 percent of the total M/WBEs.

**EXHIBIT 4-12
PROFESSIONAL SERVICES
AVAILABILITY OF PRIME CONSULTANTS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	8	8.08%	1	1.01%	0	0.00%	0	0.00%	18	18.18%	27	27.27%	72	72.73%	0	0.00%	99

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Minority male and female firms are included in their respective minority classifications.

4.5 Other Services

This section presents MGT's analysis for the other services business category. This analysis is based on County payments to firms providing other services. In this section, MGT shows the results of the utilization and availability analysis of M/WBEs and non-M/WBEs as other services firms, within the County market area.

4.5.1 Utilization Analysis

Exhibit 4-13 presents the utilization analysis of other services firms, in the County's market area and shows that M/WBEs received over \$3.4 million (53.8%) of the other services payment dollars. Non-M/WBEs accounted for more than \$2.9 million of the other services dollars expended by the County over the study period, receiving 46.4 percent of the dollars.

**EXHIBIT 4-13
OTHER SERVICES
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars Paid
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	
2005	\$208,003.57	14.46%	\$25,871.76	1.80%	\$420.00	0.03%	\$3,696.37	0.26%	\$379,951.03	26.41%	\$617,942.73	42.96%	\$820,575.79	57.04%	\$0.00	0.00%	\$1,438,518.52
2006	\$234,253.76	14.04%	\$33,739.90	2.02%	\$1,345.80	0.08%	\$0.00	0.00%	\$652,018.22	39.09%	\$921,357.68	55.24%	\$746,620.92	44.76%	\$0.00	0.00%	\$1,667,978.60
2007	\$256,595.23	15.29%	\$48,199.94	2.87%	\$435.00	0.03%	\$0.00	0.00%	\$653,888.27	38.95%	\$959,118.44	57.14%	\$719,526.61	42.86%	\$0.00	0.00%	\$1,678,645.05
2008	\$118,763.45	7.53%	\$211,276.72	13.40%	\$1,471.00	0.09%	\$0.00	0.00%	\$578,024.31	36.66%	\$909,535.48	57.69%	\$667,098.26	42.31%	\$0.00	0.00%	\$1,576,633.74
Total	\$817,616.01	12.85%	\$319,088.32	5.02%	\$3,671.80	0.06%	\$3,696.37	0.06%	\$2,263,881.83	35.59%	\$3,407,954.33	53.57%	\$2,953,821.58	46.43%	\$0.00	0.00%	\$6,361,775.91

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of total dollars paid annually to prime consultants.

Exhibit 4-14 shows the number of other services firms utilized over the entire the study period. In **Exhibit 4-14**, MGT shows that 56 M/WBE firms (26.4%) were paid for other services by the County. In comparison, 156 non-M/WBEs were paid during the same period.

**EXHIBIT 4-14
OTHER SERVICES
NUMBER OF INDIVIDUAL FIRMS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms ¹
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
2005	16	14.68%	3	2.75%	1	0.92%	1	0.92%	12	11.01%	33	30.28%	76	69.72%	0	0.00%	109
2006	18	16.07%	2	1.79%	1	0.89%	0	0.00%	14	12.50%	35	31.25%	77	68.75%	0	0.00%	112
2007	15	14.42%	2	1.92%	1	0.96%	0	0.00%	16	15.38%	34	32.69%	70	67.31%	0	0.00%	104
2008	12	13.33%	2	2.22%	1	1.11%	0	0.00%	11	12.22%	26	28.89%	64	71.11%	0	0.00%	90
Individual Firms over Four Years²	27	12.74%	3	1.42%	1	0.47%	1	0.47%	24	11.32%	56	26.42%	156	73.58%	0	0.00%	212

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of Total Firms.

² "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

The utilization of firms in the other services business category has changed since the 2004 Disparity Study. In the previous study, which was based on purchase order awards, there was less than 30 percent (\$3.3 million) of the \$11.1 million awarded going to M/WBEs. As far as percentages, the utilization of M/WBE firms has increased from 30 percent to 53.6 percent. As far as percentages and dollars, the utilization of nonminority women-owned firms has increased from 11.8 percent (\$1.3 million) to 35.6 percent (\$2.3 million).

4.5.2 Availability

The availability of other services firms was derived from the list of overall firms included in MGT's database. However, the availability analysis is based only on firms located within the Leon County market area. As shown in **Exhibit 4-15**, M/WBEs accounted for more than 24 percent of other services firms available to do business with the County at the prime level. Among M/WBEs, African American-owned firms were the largest group, accounting for 11.6 percent of the total firms.

**EXHIBIT 4-15
OTHER SERVICES
AVAILABILITY OF FIRMS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	30	11.63%	3	1.16%	1	0.39%	1	0.39%	27	10.47%	62	24.03%	181	70.16%	15	5.81%	258

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Minority male and female firms are included in their respective minority classifications.

4.6 Materials and Supplies

This section presents MGT's analysis for the materials and supplies business category. This analysis is based on County payments to firms providing other services. In this section, MGT shows the results of the utilization and availability analysis of M/WBEs and non-M/WBEs as materials and supplies firms, within the County market area.

4.6.1 Utilization Analysis

Exhibit 4-16 presents the utilization analysis of materials and supplies firms, in the County's market area and shows that M/WBEs received over \$1.6 million (13.8%) of the materials and supplies payment dollars. Non-M/WBEs accounted for more than \$10 million of the materials and supplies dollars expended by the County over the study period, receiving 86.2 percent of the dollars.

**EXHIBIT 4-16
MATERIALS AND SUPPLIES
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars Paid
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	
2005	\$73,865.75	3.42%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$410,216.65	18.98%	\$484,082.40	22.40%	\$1,676,722.18	77.60%	\$0.00	0.00%	\$2,160,804.58
2006	\$17,710.00	0.49%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$435,346.85	11.94%	\$453,056.85	12.42%	\$3,194,080.90	87.58%	\$0.00	0.00%	\$3,647,137.75
2007	\$4,100.00	0.16%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$339,654.85	13.66%	\$343,754.85	13.83%	\$2,142,570.53	86.17%	\$0.00	0.00%	\$2,486,325.38
2008	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$324,213.93	9.73%	\$324,213.93	9.73%	\$3,006,335.46	90.27%	\$0.00	0.00%	\$3,330,549.39
Total	\$95,675.75	0.82%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$1,509,432.28	12.98%	\$1,605,108.03	13.81%	\$10,019,709.07	86.19%	\$0.00	0.00%	\$11,624,817.10

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of total dollars paid annually to prime consultants.

Exhibit 4-17 shows the number of materials and supplies firms utilized over the entire the study period. In **Exhibit 4-17**, MGT shows that 20 M/WBE firms (11.3%) were paid for materials and supplies by the County. In comparison, 157 non-M/WBEs were paid during the same period.

**EXHIBIT 4-17
MATERIALS AND SUPPLIES
NUMBER OF INDIVIDUAL FIRMS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms ¹
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
2005	3	2.54%	0	0.00%	0	0.00%	0	0.00%	13	11.02%	16	13.56%	102	86.44%	0	0.00%	118
2006	1	0.88%	0	0.00%	0	0.00%	0	0.00%	8	7.02%	9	7.89%	105	92.11%	0	0.00%	114
2007	2	1.89%	0	0.00%	0	0.00%	0	0.00%	8	7.55%	10	9.43%	96	90.57%	0	0.00%	106
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	8	8.42%	8	8.42%	87	91.58%	0	0.00%	95
Individual Firms over Four Years²	5	2.82%	0	0.00%	0	0.00%	0	0.00%	15	8.47%	20	11.30%	157	88.70%	0	0.00%	177

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of Total Firms.

² "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

The utilization of firms in the materials and supplies business category has changed since the 2004 Disparity Study. In the previous study, which was based on purchase order awards, there was slightly more than 16 percent (\$2.7 million) of the \$17.1 million awarded going to M/WBEs. As far as percentages, the utilization of M/WBE firms has decreased from 16 percent to 13.8 percent.

4.6.2 Availability

The availability of materials and supplies firms was derived from the list of overall firms included in MGT's database. However, the availability analysis is based only on firms located within the Leon County market area. As shown in **Exhibit 4-18**, M/WBEs accounted for slightly more than 10 percent of materials and supplies firms available to do business with the County at the prime level. Among M/WBEs, nonminority women-owned firms were the largest group, accounting for 8 percent of the total firms.

**EXHIBIT 4-18
MATERIALS AND SUPPLIES
AVAILABILITY OF FIRMS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	4	1.45%	1	0.36%	1	0.36%	0	0.00%	22	8.00%	28	10.18%	247	89.82%	0	0.00%	275

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Minority male and female firms are included in their respective minority classifications.

4.7 Summary

Exhibit 4-19 summarizes the analysis results presented in this chapter. The utilization and availability data presented in these exhibits are further analyzed in **Chapter 5.0** of this report.

**EXHIBIT 4-19
SUMMARY OF M/WBE UTILIZATION
BY BUSINESS CATEGORY**

Business Category	African American	Hispanic American	Asian American	Native American	Nonminority Women	Total M/WBE
Construction Prime Contractors						
Utilization Dollars	\$2,553,207	\$0	\$0	\$0	\$9,499,250	\$12,052,457
Utilization Percent	3.46%	0.00%	0.00%	0.00%	12.86%	16.32%
Availability Percent	9.73%	0.00%	0.54%	0.00%	6.49%	16.76%
Construction Subcontractors (Overall Subcontractor Level)						
Utilization Dollars	\$0	\$0	\$0	\$0	\$0	\$0
Utilization Percent	66.64%	10.79%	0.00%	0.35%	7.62%	85.40%
Availability Percent	18.75%	1.56%	0.52%	0.69%	10.76%	32.29%
Architecture and Engineering Prime Consultants						
Utilization Dollars	\$537,264	\$0	\$196,309	\$0	\$320,113	\$1,053,686
Utilization Percent	7.46%	0.00%	2.73%	0.00%	4.45%	14.64%
Availability Percent	8.51%	2.13%	4.26%	0.00%	17.02%	31.91%
Professional Services Prime Consultants						
Utilization Dollars	\$181,430	\$0	\$0	\$0	\$537,948	\$719,377
Utilization Percent	4.05%	0.00%	0.00%	0.00%	12.00%	16.05%
Availability Percent	8.08%	1.01%	0.00%	0.00%	18.18%	27.27%
Other Services Firms						
Utilization Dollars	\$817,616	\$319,088	\$3,672	\$3,696	\$2,263,882	\$3,407,954
Utilization Percent	12.85%	5.02%	0.06%	0.06%	35.59%	53.57%
Availability Percent	11.63%	1.16%	0.39%	0.39%	10.47%	24.03%
Materials and Supplies Vendors						
Utilization Dollars	\$95,676	\$0	\$0	\$0	\$1,509,432	\$1,605,108
Utilization Percent	0.82%	0.00%	0.00%	0.00%	12.98%	13.81%
Availability Percent	1.45%	0.36%	0.36%	0.00%	8.00%	10.18%

Source: Results from Chapter 4.0 Analysis of Utilization and Availability Results

5.0 DISPARITY ANALYSIS

5.0 DISPARITY ANALYSIS

This chapter examines the issue of disparity within each business category of procurement. Disparity, in this context, is the analysis of the differences between the utilization of minority- and women-owned business enterprises (M/WBEs) and the availability of those firms. Accordingly, MGT of America, Inc. (MGT), used disparity indices to examine whether M/WBEs received a proportional share of dollars based on the availability of M/WBEs in the relevant market area.

This chapter consists of the following sections:

- **Section 5.1** describes the methodology used by MGT to test for the presence or absence of disparity in each of the business categories.
- **Section 5.2** applies the disparity indices to the business categories and determines the presence or absence of disparity in the County's procurement activity.
- **Section 5.3** summarizes the chapter and presents our conclusions

5.1 Methodology

MGT used the availability and utilization information presented in **Chapter 4.0** of this report as the basis to determine if M/WBEs received a proportional share of payments by the Board of County Commissioners of Leon County (County). This determination is made primarily through the disparity index calculation which compares the availability of firms with the utilization of those firms. The disparity index also provides a value that can be given a commonly accepted substantive interpretation.

The underlying assumption of this approach is that, absent discrimination, the proportion of dollars received by a particular M/WBE group should approximate that group's proportion of the relevant population of vendors. To determine if disparity exists M/WBEs and non-M/WBEs within a specific business category, MGT compared the utilization of each group to its respective availability within each of the relevant market areas.

5.1.1 Disparity Index

MGT pioneered the use of disparity indices as a means of quantifying the disparity in utilization relative to availability. The use of a disparity index for such calculations is supported by several post-*Croson* cases, most notably *Contractors Association of Eastern Pennsylvania v. City of Philadelphia*.¹ Although a variety of similar indices could be utilized, MGT's standard for choosing its particular index methodology is that it must yield a value that is easily calculable, understandable in its interpretation, and universally comparable such that a disparity in utilization within M/WBE categories can be assessed with reference to the utilization of non-M/WBEs.

¹ *Contractors Association of Eastern Pennsylvania, Inc. v. City of Philadelphia*, 91 F 3d at 603.

For this study, the ratio of the percentage of utilization² to the percentage of availability multiplied by 100 serves as the measure of choice, as shown in the formula:

$$(1) \text{ Disparity Index} = \frac{\%U_{m_1p_1}}{\%A_{m_1p_1}} \times 100$$

Where: $U_{m_1p_1}$ = utilization of M/S/WBE₁ for procurement₁
 $A_{m_1p_1}$ = availability of M/S/WBE₁ for procurement₁

Due to the mathematical properties involved in the calculations, a disparity index value of 0.00 for a given race, ethnicity or gender category of firm indicates absolutely no utilization and, therefore, absolute disparity. An index of 100 indicates that vendor utilization is perfectly proportionate to availability for a particular group in a given business category, indicating the absence of disparity—that is, the proportion of utilization relative to availability one would expect, all things being equal. In general, firms within a business category are considered underutilized if the disparity indices are less than 100, and overutilized if the indices are above 100.

Since there is no standardized measurement to evaluate the levels of underutilization or overutilization within a procurement context, MGT has appropriated the Equal Opportunity Commission’s (EEOC) “80 percent rule” in *Uniform Guidelines on Employee Selection Procedures*. In context of employment discrimination, an employment disparity ratio below 80 indicates a “substantial disparity” in employment. The Supreme Court has accepted the use of the 80 percent rule in *Connecticut v. Teal (Teal)*, 457 U.S. 440 (1982), and in *Teal* and other affirmative action cases, the terms “adverse impact,” “disparate impact,” and “discriminatory impact” are used interchangeably to characterize values of 80 and below.

5.2 Disparity Indices Results

Tables showing disparity indices for construction, architecture and engineering, professional services, other services, and goods and supplies are analyzed in this section. As mentioned before, the tables are based on the utilization and availability of M/WBEs and non-M/WBEs in the Leon County relevant market area³ as shown in **Chapter 4.0**.

5.2.1 Construction

Disparity Analysis of Construction Firms

Exhibit 5-1 shows the disparity indices for prime construction payments based on the County’s expenditure data. As can be seen, during the four-year study period for the County, non-M/WBEs firms were overutilized with a disparity index of 100.53. Based on all years, WBEs were overutilized with a disparity index of 198.26. African American- and Asian American-owned firms were substantially underutilized with a disparity index of 35.53 and 0.00, respectively. Firms owned by Hispanic Americans, Native Americans,

² Percentage of utilization is based on expenditure dollars and the percentage of availability is based on the number of firms.

³ The Leon County relevant market area includes the following counties: Leon County, Florida; Gadsden County, Florida; Jefferson County, Florida, and Wakulla County, Florida.

and Asian Americans were not utilized on the prime contractor level during the four-year study period.

**EXHIBIT 5-1
DISPARITY ANALYSIS OF CONSTRUCTION FIRMS
ON THE PRIME CONTRACTOR LEVEL
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	6.11%	9.73%	62.78	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	2.44%	6.49%	37.61	* Underutilization
Non-MWBE Firms	91.45%	83.24%	109.86	Overutilization
2006				
African Americans	1.80%	9.73%	18.52	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	11.13%	6.49%	171.62	Overutilization
Non-MWBE Firms	87.07%	83.24%	104.59	Overutilization
2007				
African Americans	4.91%	9.73%	50.43	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	11.75%	6.49%	181.14	Overutilization
Non-MWBE Firms	83.34%	83.24%	100.12	Overutilization
2008				
African Americans	4.06%	9.73%	41.68	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	29.40%	6.49%	453.25	Overutilization
Non-MWBE Firms	66.54%	83.24%	79.94	* Underutilization
All Years				
African Americans	3.46%	9.73%	35.53	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	12.86%	6.49%	198.26	Overutilization
Non-MWBE Firms	83.68%	83.24%	100.53	Overutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

Exhibit 5-2 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In the previous study, of the M/WBEs utilized at the prime contractor construction level, all M/WBEs were substantially underutilized. The current study shows that firms owned by African Americans and Asian Americans are still being substantially underutilized. Firms owned by nonminority women have changed from substantial underutilization to overutilization with a disparity index from 38.20 to 198.26. According to both studies, firms owned by Asian Americans and Native Americans were not utilized at the prime contractor level for construction projects. Based on percentages, M/WBE utilization has increased among few groups. Utilization of African American-owned firms has increased from 0.37 percent to 3.46 percent and 1.15 percent to 12.86 percent for nonminority-women. The utilization of Hispanic Americans has decreased from 0.08 percent to no utilization.

**EXHIBIT 5-2
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
PRIME CONSTRUCTION CONTRACTORS
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS**

	Percent of Prime Dollars ¹		% of Available Firms ²		Disparity Index ³		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	0.37%	3.46%	6.03%	9.73%	6.12	35.53	* Underutilization	* Underutilization
Hispanic Americans	0.08%	0.00%	1.51%	0.00%	5.60	N/A	* Underutilization	N/A
Asian Americans	0.00%	0.00%	0.00%	0.54%	0.00	0.00	N/A	* Underutilization
Native Americans	0.00%	0.00%	0.50%	0.00%	0.00	N/A	* Underutilization	N/A
Nonminority Women	1.15%	12.86%	3.02%	6.49%	38.20	198.26	* Underutilization	Overutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, **Chapter 5.0**, and Leon County Board of Commissioners August 2009 Disparity Study, **Chapter 5.0**.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available contractors is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

The construction subcontractor disparity analysis was based on the percentages of estimated subcontractor dollars as well as the availability of firms based on vendor data as mentioned in **Chapter 4.0**.

Exhibit 5-3 shows the construction subcontractor disparity analysis for all years of the study period is shown. Among the various M/WBE groups, utilization fluctuated between overutilization to substantial underutilization. Firms owned by African Americans were overutilized in 2005 resulting with a disparity index of 223.26. However, in subsequent years the utilization of African American-owned firms awarded to provide subcontracting services decreased, thus resulting in overall substantial underutilization with a disparity index of 53.98. Firms owned by Hispanic Americans were overutilized in 2006 and 2008 resulting in overall overutilization with a disparity index of 104.87. Excluding Hispanic American-owned firms, M/WBEs were substantially underutilized overall as subcontractors. Firms owned by Asian Americans were not awarded subcontracts during the study period, thus resulting in no utilization.

**EXHIBIT 5-3
DISPARITY ANALYSIS OF CONSTRUCTION SUBCONTRACTORS
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	41.86%	18.75%	223.26	Overutilization
Hispanic Americans	0.00%	1.56%	0.00	* Underutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.00%	0.69%	0.00	* Underutilization
Nonminority Women	2.13%	10.76%	19.83	* Underutilization
Non-M/WBE Firms	56.00%	67.71%	82.71	Underutilization
2006				
African Americans	3.39%	18.75%	18.06	* Underutilization
Hispanic Americans	2.44%	1.56%	156.22	Overutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.00%	0.69%	0.41	* Underutilization
Nonminority Women	0.42%	10.76%	3.88	* Underutilization
Non-M/WBE Firms	93.75%	67.71%	138.47	Overutilization
2007				
African Americans	9.00%	18.75%	48.02	* Underutilization
Hispanic Americans	0.43%	1.56%	27.23	* Underutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.23%	0.69%	33.25	* Underutilization
Nonminority Women	2.35%	10.76%	21.87	* Underutilization
Non-M/WBE Firms	87.99%	67.71%	129.95	Overutilization
2008				
African Americans	3.48%	18.75%	18.57	* Underutilization
Hispanic Americans	2.41%	1.56%	154.24	Overutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.00%	0.69%	0.00	* Underutilization
Nonminority Women	0.82%	10.76%	7.66	* Underutilization
Non-M/WBE Firms	93.28%	67.71%	137.77	Overutilization
All Years				
African Americans	10.12%	18.75%	53.98	* Underutilization
Hispanic Americans	1.64%	1.56%	104.87	Overutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.05%	0.69%	7.64	* Underutilization
Nonminority Women	1.16%	10.76%	10.75	* Underutilization
Non-M/WBE Firms	87.03%	67.71%	128.54	Overutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.

¹ The percentage of subcontract dollars is taken from the subcontract utilization exhibit previously shown in **Chapter 4.0**. Calculations are based on estimates of nonminority subcontractor utilization at 25.1% of the total project dollars, which is the average for the state of Florida construction projects.

² The percentage of available subcontractors is taken from the availability exhibit previously shown in **Chapter 4.0**. These percentages were calculated using vendor data.

³ The disparity index is the ratio of % utilization to % availability times 100. An asterisk is used to indicate a substantial level of disparity (index below 80.00).

2004 Disparity Study Comparison

Exhibit 5-4 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In the previous study, of the MBEs utilized at the subcontractor level, all MBEs were either underutilized or substantially underutilized. In the previous study, nonminority women-owned firms were overutilized at the subcontractor level, but the current study shows substantial underutilization of these firms with a disparity index of 10.75. Hispanic American-owned firms were not utilized in the previous study, thus resulting in underutilization. Hispanic American-owned firms were utilized in the current study resulting in a disparity index of 104.87, which resulted in overutilization overall. The utilization of Native American-owned firms at the subcontractor level has decreased in the disparate impact from underutilization to substantial underutilization with a disparity index of 87.17 to 7.64, respectively.

**EXHIBIT 5-4
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
SUBCONTRACTOR LEVEL
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS**

	Percent of Dollars ¹		% of Available Firms ²		Disparity Index ³		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	14.37%	10.12%	22.09%	18.75%	65.09	53.98	* Underutilization	* Underutilization
Hispanic Americans	0.00%	1.64%	1.20%	1.56%	0.00	104.87	* Underutilization	Overutilization
Asian Americans	0.00%	0.00%	0.40%	0.52%	0.00	0.00	* Underutilization	* Underutilization
Native Americans	0.35%	0.05%	0.40%	0.69%	87.17	7.64	Underutilization	* Underutilization
Nonminority Women	3.60%	1.16%	3.21%	10.76%	112.18	10.75	Overutilization	* Underutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, **Chapter 5.0**, and Leon County Board of Commissioners August 2009 Disparity Study, **Chapter 5.0**.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available contractors is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

5.2.2 Architecture and Engineering

In this section, the results of the disparity analysis for the architecture and engineering business category for firms within the Leon County market area are presented.

Disparity Analysis of Architecture and Engineering Firms

Exhibit 5-5 shows the disparity indices for architecture and engineering firms at the prime level. Based on the overall study period, MBEs were overutilized. Firms owned by Asian Americans were utilized in each year of the study, resulting in underutilization with a disparity index of 62.73. Firms owned by African Americans were underutilized in each year of the study period, except for 2008, which resulted in underutilization with a disparity index of 85.83. Firms owned by nonminority women were substantially underutilized in each year of the study, resulting in substantial underutilization with a disparity index of 25.57. Firms owned by Native Americans were not utilized during the study period. Firms owned by Hispanic Americans⁴ were not utilized in each year of the study period, resulting in substantial underutilization with a disparity index of 0 .

⁴ The availability pool of firms for this category among this MBE group was based on the count of firms that submitted a bid as a prime contractor and won the project. However, this contract ultimately was not awarded, thus not listed in the list of awarded agreements.

**EXHIBIT 5-5
DISPARITY ANALYSIS OF ARCHITECTURE AND ENGINEERING FIRMS
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	5.67%	8.51%	66.65	* Underutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	3.87%	4.26%	90.89	Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.60%	17.02%	3.51	* Underutilization
Non-M/WBE Firms	89.86%	68.09%	131.99	Overutilization
2006				
African Americans	6.36%	8.51%	74.72	* Underutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	3.50%	4.26%	82.25	Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	2.74%	17.02%	16.13	* Underutilization
Non-M/WBE Firms	87.40%	68.09%	128.36	Overutilization
2007				
African Americans	8.15%	8.51%	95.82	Underutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	2.46%	4.26%	57.91	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	5.29%	17.02%	31.11	* Underutilization
Non-M/WBE Firms	84.09%	68.09%	123.50	Overutilization
2008				
African Americans	9.58%	8.51%	112.56	Overutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	0.96%	4.26%	22.57	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	9.26%	17.02%	54.40	* Underutilization
Non-M/WBE Firms	80.20%	68.09%	117.79	Overutilization
All Years				
African Americans	7.46%	8.51%	87.70	Underutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	2.73%	4.26%	64.09	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	4.45%	17.02%	26.13	* Underutilization
Non-M/WBE Firms	85.36%	68.09%	125.38	Overutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

A summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies based on architectural and engineering services was not conducted. Architectural and engineering services were classified under professional

services in the previous study. Therefore, the comparison between both studies for professional services will be discussed in the next section.

5.2.3 Professional Services

In this section, the results of the disparity analysis for the professional services business category for firms are presented.

Disparity Analysis of Professional Services Firms

Exhibit 5-6 shows the disparity indices for professional services firms. Overall, of the firms utilized, M/WBE firms were substantially underutilized as professional services firms. African American- and nonminority women-owned firms were substantially underutilized with a disparity index of 50.09 and 66.01, respectively. Nonminority male-owned firms were overutilized with a disparity index of 115.43.

**EXHIBIT 5-6
DISPARITY ANALYSIS OF PROFESSIONAL SERVICES FIRMS
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	3.06%	8.08%	37.90	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	15.30%	18.18%	84.14	Underutilization
Non-M/WBE Firms	81.64%	72.73%	112.25	Overutilization
2006				
African Americans	4.91%	8.08%	60.76	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	17.92%	18.18%	98.53	Underutilization
Non-M/WBE Firms	77.17%	72.73%	106.11	Overutilization
2007				
African Americans	5.09%	8.08%	63.02	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	10.53%	18.18%	57.93	* Underutilization
Non-M/WBE Firms	84.38%	72.73%	116.02	Overutilization
2008				
African Americans	3.30%	8.08%	40.83	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.47%	18.18%	2.59	* Underutilization
Non-M/WBE Firms	96.23%	72.73%	132.31	Overutilization
All Years				
African Americans	4.05%	8.08%	50.09	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	12.00%	18.18%	66.01	* Underutilization
Non-M/WBE Firms	83.95%	72.73%	115.43	Overutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

Exhibit 5-7 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In the previous study, of the M/WBEs utilized at the prime consultant professional services level, African American-owned firms were

underutilized with a disparity index of 83.30. The current study shows substantial underutilization for African American-owned firms with a disparity index of 50.09. In both studies, firms owned by nonminority women were overutilized. .

**EXHIBIT 5-7
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
PRIME CONSULTANT LEVEL PROFESSIONAL SERVICES
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS**

	Percent of Prime Dollars ¹		% of Available Firms ²		Disparity Index ³		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	4.69%	4.05%	5.63%	8.08%	83.30	50.09	Underutilization	*Underutilization
Hispanic Americans	0.00%	0.00%	0.00%	1.01%	0.00	0.00	N/A	*Underutilization
Asian Americans	1.30%	0.00%	0.63%	0.00%	207.72	N/A	Overutilization	N/A
Native Americans	0.00%	0.00%	0.00%	0.00%	0.00	N/A	N/A	N/A
Nonminority Women	6.25%	12.00%	5.63%	18.18%	111.15	66.01	Overutilization	*Underutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, Chapter 5.0, and Leon County Board of Commissioners August 2009 Disparity Study, Chapter 5.0.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in Chapter 4.0.

² The percentage of available contractors is taken from the availability exhibit previously shown in Chapter 4.0.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

5.2.4 Other Services

Disparity Analysis of Other Services Firms

In **Exhibit 5-8**, MGT's analysis shows that firms owned by African American, Hispanic American, and nonminority women were overutilized in each year of the study period, except 2008, resulting in overall overutilization with a disparity index of 110.53, 431.35, and 340.04, respectively. Overall, firms owned by Asian Americans and Native Americans were substantially underutilized with a disparity index of 14.89 and 14.99, respectively.

**EXHIBIT 5-8
DISPARITY ANALYSIS OF OTHER SERVICES FIRMS
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	14.46%	11.63%	124.35	Overutilization
Hispanic Americans	1.80%	1.16%	154.67	Overutilization
Asian Americans	0.03%	0.39%	7.53	* Underutilization
Native Americans	0.26%	0.39%	66.29	* Underutilization
Nonminority Women	26.41%	10.47%	252.39	Overutilization
Non-M/WBE Firms	57.04%	70.16%	81.31	Underutilization
2006				
African Americans	14.04%	11.63%	120.78	Overutilization
Hispanic Americans	2.02%	1.16%	173.96	Overutilization
Asian Americans	0.08%	0.39%	20.82	* Underutilization
Native Americans	0.00%	0.39%	0.00	* Underutilization
Nonminority Women	39.09%	10.47%	373.53	Overutilization
Non-M/WBE Firms	44.76%	70.16%	63.80	* Underutilization
2007				
African Americans	15.29%	11.63%	131.46	Overutilization
Hispanic Americans	2.87%	1.16%	246.94	Overutilization
Asian Americans	0.03%	0.39%	6.69	* Underutilization
Native Americans	0.00%	0.39%	0.00	* Underutilization
Nonminority Women	38.95%	10.47%	372.22	Overutilization
Non-M/WBE Firms	42.86%	70.16%	61.10	* Underutilization
2008				
African Americans	7.53%	11.63%	64.78	* Underutilization
Hispanic Americans	13.40%	1.16%	1,152.44	Overutilization
Asian Americans	0.09%	0.39%	24.07	* Underutilization
Native Americans	0.00%	0.39%	0.00	* Underutilization
Nonminority Women	36.66%	10.47%	350.33	Overutilization
Non-M/WBE Firms	42.31%	70.16%	60.31	* Underutilization
All Years				
African Americans	12.85%	11.63%	110.53	Overutilization
Hispanic Americans	5.02%	1.16%	431.35	Overutilization
Asian Americans	0.06%	0.39%	14.89	* Underutilization
Native Americans	0.06%	0.39%	14.99	* Underutilization
Nonminority Women	35.59%	10.47%	340.04	Overutilization
Non-M/WBE Firms	46.43%	70.16%	66.18	* Underutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

Exhibit 5-9 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In the previous study, of the M/WBEs utilized, all groups were overutilized. The current study shows substantial underutilization for

Asian American- and Native American-owned firms with a disparity index of 14.89 and 14.99, respectively.

**EXHIBIT 5-9
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
OTHER SERVICES
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS**

	Percent of Prime Dollars ¹		% of Available Firms ²		Disparity Index ³		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	13.29%	12.85%	6.93%	11.63%	191.7	110.53	Overutilization	Overutilization
Hispanic Americans	4.00%	5.02%	0.27%	1.16%	1,498.20	431.35	Overutilization	Overutilization
Asian Americans	0.65%	0.06%	0.27%	0.39%	241.90	14.89	Overutilization	*Underutilization
Native Americans	0.00%	0.06%	0.00%	0.39%	0.00	14.99	N/A	*Underutilization
Nonminority Women	11.77%	35.59%	6.93%	10.47%	169.82	340.04	Overutilization	Overutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, Chapter 5.0, and Leon County Board of Commissioners August 2009 Disparity Study, Chapter 5.0.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in Chapter 4.0.

² The percentage of available contractors is taken from the availability exhibit previously shown in Chapter 4.0.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

5.2.5 Materials and Supplies

Disparity Analysis of Materials and Supplies Firms

Exhibit 5-10 presents the disparity findings for goods and supplies firms. Firms owned by African Americans were substantially underutilized with a disparity index of 56.58. Firms owned by Hispanic Americans, Asian Americans, and Native Americans were not utilized during the study period. Firms owned by nonminority women were overutilized with a disparity index of 162.31.

**EXHIBIT 5-10
DISPARITY ANALYSIS OF MATERIALS AND SUPPLIES FIRMS
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	3.42%	1.45%	235.02	Overutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	18.98%	8.00%	237.31	Overutilization
Non-M/WBE Firms	77.60%	89.82%	86.39	Underutilization
2006				
African Americans	0.49%	1.45%	33.38	* Underutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	11.94%	8.00%	149.21	Overutilization
Non-M/WBE Firms	87.58%	89.82%	97.51	Underutilization
2007				
African Americans	0.16%	1.45%	11.34	* Underutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	13.66%	8.00%	170.76	Overutilization
Non-M/WBE Firms	86.17%	89.82%	95.94	Underutilization
2008				
African Americans	0.00%	1.45%	0.00	* Underutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	9.73%	8.00%	121.68	Overutilization
Non-M/WBE Firms	90.27%	89.82%	100.50	Overutilization
All Years				
African Americans	0.82%	1.45%	56.58	* Underutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	12.98%	8.00%	162.31	Overutilization
Non-M/WBE Firms	86.19%	89.82%	95.96	Underutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

Exhibit 5-11 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In both studies, of the MBEs utilized, all groups were substantially underutilized and nonminority women-owned firms were overutilized.

**EXHIBIT 5-11
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
MATERIALS AND SUPPLIES
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS**

	Percent of Prime Dollars ¹		% of Available Firms ²		Disparity Index ³		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	0.68%	0.82%	2.86%	1.45%	23.63	56.58	*Underutilization	*Underutilization
Hispanic Americans	0.07%	0.00%	0.26%	0.36%	27.90	0.00	*Underutilization	*Underutilization
Asian Americans	0.00%	0.00%	0.26%	0.36%	0.00	0.00	*Underutilization	*Underutilization
Native Americans	0.00%	0.00%	0.00%	0.00%	0.00	N/A	N/A	N/A
Nonminority Women	15.44%	12.98%	5.99%	8.00%	257.73	162.31	Overutilization	Overutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, Chapter 5.0, and Leon County Board of Commissioners August 2009 Disparity Study, Chapter 5.0.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in Chapter 4.0.

² The percentage of available contractors is taken from the availability exhibit previously shown in Chapter 4.0.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

5.2.6 Conclusions Based on Disparity Indices

This chapter used disparity indices to compare the availability and utilization findings from **Chapter 4.0**. The disparity indices for each of the business categories indicate whether disparity exists for each ethnic or gender group.

Exhibit 5-12 summarizes the findings of M/WBE underutilization.

**EXHIBIT 5-12
SUMMARY OF M/WBE UNDERUTILIZATION
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Category	African American	Hispanic American	Asian American	Native American	Nonminority Women
Construction Prime Contractors	Underutilization *	N/A	Underutilization *	N/A	Overutilization
Construction Subcontractors (Overall Subcontractor Level)	Underutilization *	Overutilization	Underutilization *	Underutilization *	Underutilization *
Architecture and Engineering Prime Consultants	Underutilization	Underutilization *	Underutilization *	N/A	Underutilization *
Professional Services Prime Consultants	Underutilization *	Underutilization *	N/A	N/A	Underutilization *
Other Services Firms	Overutilization	Overutilization	Underutilization *	Underutilization *	Overutilization
Materials and Supplies Vendors	Underutilization *	Underutilization *	Underutilization *	N/A	Overutilization

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

6.0 PRIVATE SECTOR UTILIZATION AND DISPARITY ANALYSES

6.0 PRIVATE SECTOR UTILIZATION AND DISPARITY ANALYSES

This chapter reports two sets of analyses pertaining to minority- and woman-owned business enterprise (M/WBE) utilization and availability in Leon County's (County) private sector marketplace. The first analysis examines M/WBE utilization and availability in the local market area's private commercial construction industry to determine disparities in M/WBE utilization at both the prime contractor and subcontractor level. Once the record of private sector utilization has been established, MGT will also be able to compare rates of M/WBE and non-M/WBE utilization in the private sector to their utilization by the County for public sector construction procurement.

This chapter is organized into the following sections:

- 6.1 Methodology – Private Sector Commercial Construction Analysis
- 6.2 Collection and Management of Data
- 6.3 Private Sector Utilization Analysis by Race/Gender/Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors
- 6.4 Private Sector Availability Analysis by Race/Gender/ Ethnicity of Business Ownership for Construction Contractors
- 6.5 Analysis of Disparities in Private Sector Utilization by Race/ Gender/ Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors
- 6.6 Assessment of Disparities in Private Sector Utilization by Race/Gender/ Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors
- 6.7 Comparison of the County Utilization of M/WBE Contractors with M/WBE Utilization in the Private Sector
- 6.8 Conclusions

6.1 Methodology – Private Sector Commercial Construction Analysis

This section describes MGT's methodology for collecting data and calculating the County's relevant market area as the basis for MGT's analysis of private sector utilization of minority-, woman-, and nonminority-owned firms and their availability.

6.1.1 Private Sector Analysis – Rationale

In *Croson*, the Court established that a "municipality has a compelling government interest in redressing not only discrimination committed by the municipality itself, but also discrimination committed by private parties within the municipality's legislative jurisdiction, so long as the municipality in some way participated in the discrimination to be remedied by the program."¹ This argument was reinforced by the Court of Appeals decision in *Adarand*, concluding that there was a compelling interest for a government

¹ *Croson*, 488 U.S. 46, 109 S.Ct. at 720-21, 744-45.

DBE program, based primarily on evidence of private sector discrimination.² According to this argument, discriminatory practices found in the private sector marketplace may be indicative of government's passive or, in some cases, active participation in local discrimination. To remedy such discrimination, *Croson* provided that government "can use its spending powers to remedy private discrimination, if it identifies that discrimination with the particularity required by the Fourteenth Amendment."³

The purpose of this private sector analysis is to evaluate the presence or absence of discrimination in the private sector marketplace regarding difficulties M/WBEs have in securing work on private sector projects. Passive discrimination was examined in a disparity analysis of the utilization of M/WBE construction subcontractors by majority prime contractors on non-County funded projects in the County construction market. A comparison of public sector M/WBE utilization with private sector utilization allows for an assessment of the extent to which majority prime contractors have tended to hire M/WBE subcontractors only to satisfy public sector requirements. Thus, the following questions are addressed:

- Are there disparities in the utilization of M/WBEs as prime contractors for commercial, private sector construction projects relative to their availability in the relevant market area?
- Are there disparities in the utilization of M/WBEs as subcontractors for commercial, private sector construction projects relative to their availability in the relevant market area?
- To what extent are M/WBE subcontractors utilized for the County projects also utilized in private sector construction projects?

6.2 Collection and Management of Data

MGT selected two sources of data for its private sector analysis: (1) permit data (such as building, electrical, plumbing)⁴ provided by the County for commercial construction projects permitted during the period of the study and (2) permit data (such as building, electrical, plumbing) provided by the City of Tallahassee for commercial construction projects permitted during the period of the study. The value in examining permits is that they offer the most complete and up-to-date record of actual construction activity undertaken in the relevant market area.

The permit data was extracted from County's and City's Permits and Enforcement Tracking System (PETS) and transmitted electronically to MGT in Microsoft Access databases. In order to isolate commercial construction projects, public sector and residential building permit records were identified and excluded from the analysis. Permit data provided to MGT included, but was not limited to:

- Project_No
- Permit_Type Code
- Permit_Type Text

² *Adarand v. Slater*, 228 F.3d 1147 (10th Cir. 2000).

³ See *Richmond v. Croson*, 488 U.S. 492 (1989).

⁴ A construction permit or building permit is a permit required in most jurisdictions for new construction or adding onto pre-existing structures, and in some cases for major renovations.

- Permit Class Code
- Permit Class Text
- Permit #
- Comp_Type
- Project Description
- Scope of Work Performed
- Title
- Issued Date
- Construction Value Project
- Dollar Value of Permit
- Public Project
- Job Location
- Owner of Project
- Owner Address
- Residential Project
- Commercial Project
- Activity Number
- Primary Contractor
- Subcontractor
- Contractor
- Relationship

6.2.1 *Determining Race, Ethnicity, and Gender of Business Ownership for Vendors Issued Building Permits by the County*

Since permit data does not contain contractor racial, ethnic, and gender information, MGT obtained this information from its Master Vendor Database⁵ to update the vendors in the permit database for where racial, ethnic, and gender information were needed.

6.2.2 *Market Area Methodology*

The private sector analysis of permits data is based on the determined relevant geographic relevant market area for public construction which was the following counties within the state of Florida: Leon County, Gadsden County, Jefferson County, and Wakulla, County.

6.2.3 *Availability (Vendor) Data Collection*

Once counties for the County's relevant market area had been identified, MGT ascertained M/WBE availability by determining the availability of M/WBEs within these counties as reported by the U.S. Census Bureau Survey of Business Owners (SBO)⁶.

⁵ MGT used data gathered from several sources to develop a master list of firms. M/WBE lists within the relevant market area were also used to further identify the business category and ethnicity of firms.

⁶ The SBO is a consolidation of two prior surveys, the Surveys of Minority- and Women-Owned Business Enterprises (SMOBE/SWOBE), and includes questions from a survey discontinued in 1992 on Characteristics of Business Owners (CBO). The SBO is part of the Economic Census, which is conducted every five years. SBO findings are based on the characteristics of U.S. businesses by ownership category, by geographic area; by 2-digit industry sector based on the 2002 North American Industry Classification System (NAICS); and by size of firm (employment and receipts).

6.2.4 M/WBE Classifications and Business Categories

In Chapter 4.0, the five M/WBE classifications described—African American, Hispanic American, Asian American, Native American, and nonminority women—were used as the basis of MGT’s private sector analysis of utilization and disparity. However, for the business category analysis, findings reported in this chapter deal only with private sector construction for two reasons: (1) permit data, by nature, pertain only to construction activity, which is also the category for which data tend to be most extensive and reliable, and (2) in the courts, historically, construction activity in a given jurisdiction has been scrutinized more than any other business category because in both the public and the private sector it tends to have the strongest impact on a local economy, and because the courts have asserted that jurisdictions have a “compelling interest” to advance M/WBE business interests in their local markets. Accordingly, for the analysis, the data were classified according to two categories of construction contractor—prime contractor and subcontractor—based on the permit type.

6.3 Private Sector Utilization Analysis by Race/Gender/Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors

This section reports findings from the analysis of the utilization of M/WBE and non-M/WBE firms in the County’s private sector commercial construction market.

6.3.1 Permits – Prime Contracts

Permits – Leon County

Exhibit 6-1 reports permits received for prime commercial construction during the four-year study period based on Leon County permit data. The exhibit reports that for total construction dollars on prime commercial construction during the study period totaling \$23.9 million, of which non-M/WBE firms received \$23.1 million (96.66%). Permits issued to M/WBEs were valued at slightly less than \$800,000, representing more than 3 percent (3.34%) of construction values. Nonminority women-owned firms were awarded the highest share at 2.48 percent (\$592,480), followed by African American-owned firms at .86 percent (\$205,000).

**EXHIBIT 6-1
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON LEON COUNTY COMMERCIAL PERMIT DATA
BY RACE/ETHNICITY/GENDER CLASSIFICATION
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Construction Values
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$
2005	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$1,908,510.00	100.00%	\$1,908,510.00
2006	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$9,066,408.00	100.00%	\$9,066,408.00
2007	\$205,000.00	4.22%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$205,000.00	4.22%	\$4,653,924.00	95.78%	\$4,858,924.00
2008	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$592,480.00	0.00%	\$592,480.00	7.39%	\$7,426,195.75	92.61%	\$8,018,675.75
Total	\$205,000.00	0.86%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$592,480.00	2.48%	\$797,480.00	3.34%	\$23,055,037.75	96.66%	\$23,852,517.75

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total construction valuation dollars awarded annually to prime contractors.

Exhibit 6-2 reports private commercial M/WBE prime contractor utilization by number of permits let by the County and number of individual contractors receiving permits. Of M/WBEs, one African American-owned firm (1.47% of contractors) was issued permits for four projects, which represents 3.42 percent of all permits analyzed. Of the permits analyzed, six permits were issued to M/WBE firms.

**EXHIBIT 6-2
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON LEON COUNTY COMMERCIAL PERMIT DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

**NUMBER OF COMMERCIAL PERMITS ISSUED
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Permits
	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	9	100.00%	9
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	35	100.00%	35
2007	4	13.33%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	13.33%	26	86.67%	30
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	4.65%	2	4.65%	41	95.35%	43
Total	4	3.42%	0	0.00%	0	0.00%	0	0.00%	2	1.71%	6	5.13%	111	94.87%	117

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total analyzed permits awarded annually to prime contractors.

As the following exhibit shows, three individual M/WBE firms, 4.41 percent of all individual firms were issued private commercial construction permits as prime contractors. Two nonminority women-owned firms accounted for 2.94 percent of the total firms and one individual African American-owned firm were utilized during the course of the study period at the prime contractor level, accounting for 1.47 percent

**NUMBER OF CONTRACTORS AND TOTAL OF INDIVIDUAL CONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Contractors
	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	9	100.00%	9
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	23	100.00%	23
2007	1	4.35%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	4.35%	22	95.65%	23
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	6.67%	2	6.67%	28	93.33%	30
Total Unique Contractors³	1	1.47%	0	0.00%	0	0.00%	0	0.00%	2	2.94%	3	4.41%	65	95.59%	68

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

²Percentage of total Contractors.

³"Total Individual Contractors" counts a firm only once for each year it receives work, since a firm could be used in multiple years, the "total individual vendors" for the entire study period may not equal the sum of all years.

Permits – City of Tallahassee

Exhibit 6-3 reports permits received for prime commercial construction during the four-year study period based on City of Tallahassee commercial permit data. The exhibit reports that for total construction dollars on prime commercial construction during the study period totaling \$173.1 million, of which non-M/WBE firms received \$171.2 million (98.95%). Permits issued to M/WBEs were valued at \$1.82 million, representing slightly more than 1 percent (1.05%) of construction values. Nonminority women-owned firms were awarded the highest share at 1.02 percent (\$1.77 million), followed by African American-owned firms at .03 percent (\$55,000).

**EXHIBIT 6-3
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CITY OF TALLAHASSEE COMMERCIAL PERMIT DATA
BY RACE/ETHNICITY/GENDER CLASSIFICATION
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Construction Values
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$
2005	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$18,115.00	0.26%	\$18,115.00	0.26%	\$7,009,067.00	99.74%	\$7,027,182.00
2006	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$1,673,584.00	3.54%	\$1,673,584.00	3.54%	\$45,645,681.46	96.46%	\$47,319,265.46
2007	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$33,075.00	0.05%	\$33,075.00	0.05%	\$69,144,066.66	99.95%	\$69,177,141.66
2008	\$55,000.00	0.11%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$42,956.00	0.09%	\$97,956.00	0.20%	\$49,436,643.56	99.80%	\$49,534,599.56
Total	\$55,000.00	0.03%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$1,767,730.00	1.02%	\$1,822,730.00	1.05%	\$171,235,458.68	98.95%	\$173,058,188.68

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total construction valuation dollars awarded annually to prime contractors.

Exhibit 6-4 reports private commercial M/WBE prime contractor utilization by number of permits let by the City and number of individual contractors receiving commercial permits. Of M/WBEs, one African American-owned firm (0.63% of contractors) was issued permits for one project, which represents 0.19 percent of all permits analyzed. Of the permits analyzed, ten permits were issued to M/WBE firms.

**EXHIBIT 6-4
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CITY OF TALLAHASSEE COMMERCIAL PERMIT DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

**NUMBER OF COMMERCIAL PERMITS ISSUED
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Permits #
	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	2.56%	1	2.56%	38	97.44%	39
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	2.42%	4	2.42%	161	97.58%	165
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	1.05%	2	1.05%	188	98.95%	190
2008	1	0.78%	0	0.00%	0	0.00%	0	0.00%	2	1.55%	3	2.33%	126	97.67%	129
Total	1	0.19%	0	0.00%	0	0.00%	0	0.00%	9	1.72%	10	1.91%	513	98.09%	523

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total analyzed permits awarded annually to prime contractors.

As the following exhibit shows, six individual M/WBE firms, 3.8 percent of all individual firms were issued private commercial construction permits as prime contractors. Five nonminority women-owned firms accounted for 3.16 percent of the total firms and one individual African American-owned firm were utilized during the course of the study period at the prime contractor level, accounting for 0.63 percent

**EXHIBIT 6-4 (Continued)
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CITY OF TALLAHASSEE COMMERCIAL PERMIT DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

**NUMBER OF CONTRACTORS AND TOTAL OF INDIVIDUAL CONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Contractors
	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	3.70%	1	3.70%	26	96.30%	27
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	4.65%	4	4.65%	82	95.35%	86
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	2.50%	2	2.50%	78	97.50%	80
2008	1	1.54%	0	0.00%	0	0.00%	0	0.00%	2	3.08%	3	4.62%	62	95.38%	65
Total Individual Contractors³	1	0.63%	0	0.00%	0	0.00%	0	0.00%	5	3.16%	6	3.80%	152	96.20%	158

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

²Percentage of Total Contractors.

³"Total Individual Contractors" counts a firm only once for each year it receives work, since a firm could be used in multiple years, the "total individual vendors" for the entire study period may not equal the sum of all years.

6.3.2 Permits-Subcontracts

Permits-Leon County

Exhibit 6-5 indicates permit values totaling \$61.1 million in commercial construction subcontracting projects analyzed for the four-year study period based on County permit data. Among M/WBE firms, WBEs were issued permits for projects totaling \$2.32 million (3.80% of all subcontracting projects), which was the total share to M/WBE firms.

**EXHIBIT 6-5
PERMITS UTILIZATION ANALYSIS OF SUBCONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON LEON COUNTY COMMERCIAL PERMIT DATA
BY RACE/ETHNICITY/GENDER CLASSIFICATION
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Construction Values
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$
2005	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$850,000.00	100.00%	\$850,000.00
2006	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$12,992,369.00	100.00%	\$12,992,369.00
2007	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$13,965,765.00	100.00%	\$13,965,765.00
2008	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$2,321,000.00	0.00%	\$2,321,000.00	6.97%	\$30,965,621.00	93.03%	\$33,286,621.00
Total	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$2,321,000.00	3.80%	\$2,321,000.00	3.80%	\$58,773,755.00	96.20%	\$61,094,755.00

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total construction valuation dollars awarded annually to contractors based on subcontractor level work.

Exhibit 6-6 reports private commercial subcontractor utilization by number of permits let by the County and number of individual contractors receiving commercial permits. The following exhibit shows that three individual (different) nonminority women-owned firms were issued permits. Of permitted subcontractor level of work, M/WBE firms accounted for more than 2 percent (2.65%) of the permits issued. Among M/WBE firms, WBEs received all of the commercial permits on the subcontractor level for the four-year study period based on the data analyzed.

**EXHIBIT 6-6
PERMITS UTILIZATION ANALYSIS OF SUBCONTRACTORS
IN THE COUNTY'S MARKET AREA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

**NUMBER OF COMMERCIAL PERMITS ISSUED
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Permits
	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	100.00%	4
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	21	100.00%	21
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	43	100.00%	43
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	6.67%	3	6.67%	42	93.33%	45
Total	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	2.65%	3	2.65%	110	97.35%	113

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total permits.

The following exhibit shows that 63 individual non-M/WBE firms accounted for 95.5 percent of firms issued permits to perform subcontractor level of work.

**NUMBER OF CONTRACTORS AND TOTAL OF INDIVIDUAL CONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Contractors
	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	14.29%	1	14.29%	6	85.71%	7
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	15	100.00%	15
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	34	100.00%	34
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	9.68%	3	9.68%	28	90.32%	31
Total Individual Contractors³	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	4.55%	3	4.55%	63	95.45%	66

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

²Percentage of Total Contractors.

³"Total Individual Contractors" counts a firm only once for each year it receives work, since a firm could be used in multiple years, the "total individual vendors" for the entire study period may not equal the sum of all years.

Permits-City of Tallahassee

Exhibit 6-7 indicates permit values totaling \$20.7 million in commercial construction subcontracting projects analyzed for the four-year study period based on city of Tallahassee commercial permits data. Among M/WBE firms, WBEs were issued permits for projects totaling \$3.77 million (18.2% of all subcontracting projects) and firms owned by African Americans were issued less than 1 percent (0.04%).

**EXHIBIT 6-7
PERMITS UTILIZATION ANALYSIS OF SUBCONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CITY OF TALLAHASSEE COMMERCIAL PERMIT DATA
BY RACE/ETHNICITY/GENDER CLASSIFICATION
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Construction Values
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	
2005	\$3,500.00	0.20%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$97,800.00	5.67%	\$101,300.00	5.87%	\$1,624,689.00	94.13%	\$1,725,989.00
2006	\$5,500.00	0.08%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$3,485,500.00	49.34%	\$3,491,000.00	49.41%	\$3,573,924.50	50.59%	\$7,064,924.50
2007	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$15,100.00	0.26%	\$15,100.00	0.26%	\$5,868,218.00	99.74%	\$5,883,318.00
2008	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$168,140.00	2.77%	\$168,140.00	2.77%	\$5,894,793.00	97.23%	\$6,062,933.00
Total	\$9,000.00	0.04%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$3,766,540.00	18.16%	\$3,775,540.00	18.21%	\$16,961,624.50	81.79%	\$20,737,164.50

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total construction valuation dollars awarded annually to contractors based on subcontractor level work.

Exhibit 6-8 reports private commercial subcontractor utilization by number of permits let by the city of Tallahassee and number of individual contractors receiving permits. The following exhibit shows that 6 individual (different) M/WBE firms were issued permits. Of permitted subcontractor level of work, M/WBE firms accounted for more than 6 percent (6.46%) of the permits issued.

**EXHIBIT 6-8
PERMITS UTILIZATION ANALYSIS OF SUBCONTRACTORS
IN THE COUNTY'S MARKET AREA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

**NUMBER OF PERMITS ISSUED
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Permits
	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	
2005	2	3.33%	0	0.00%	0	0.00%	0	0.00%	8	13.33%	10	16.67%	50	83.33%	60
2006	2	0.94%	0	0.00%	0	0.00%	0	0.00%	16	7.51%	18	8.45%	195	91.55%	213
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	1.48%	3	1.48%	200	98.52%	203
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	12	6.32%	12	6.32%	178	93.68%	190
Total	4	0.60%	0	0.00%	0	0.00%	0	0.00%	39	5.86%	43	6.46%	623	93.54%	666

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total permits.

The following exhibit shows that 155 individual non-M/WBE firms accounted for 96.3 percent of firms issued permits to perform subcontractor level of work based on city of Tallahassee commercial permit data.

**NUMBER OF CONTRACTORS AND TOTAL OF INDIVIDUAL CONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Contractors
	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	
2005	2	5.71%	0	0.00%	0	0.00%	0	0.00%	2	5.71%	4	11.43%	31	88.57%	35
2006	2	2.22%	0	0.00%	0	0.00%	0	0.00%	2	2.22%	4	4.44%	86	95.56%	90
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	1.16%	1	1.16%	85	98.84%	86
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	3.30%	3	3.30%	88	96.70%	91
Total Individual Contractors³	3	1.86%	0	0.00%	0	0.00%	0	0.00%	3	1.86%	6	3.73%	155	96.27%	161

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

²Percentage of Total Contractors.

³"Total Individual Contractors" counts a firm only once for each year it receives work, since a firm could be used in multiple years, the "total individual vendors" for the entire study period may not equal the sum of all years.

6.4 Private Sector Availability Analysis by Race/Gender/Ethnicity of Business Ownership for Construction Contractors

Exhibits 6-9 and **6-10** report findings based on U.S. Census Survey of Business Owners (SBO) data for the population of available contractors in the County’s market area by racial/ethnic/gender category. The availability for construction was derived from those firms that have construction or construction-related services based on the NAICS Code 23.

6.4.1 Construction Availability

The availability of M/WBE and non-M/WBE prime contractors in the County’s market area is displayed in **Exhibit 6-7**. M/WBEs comprised 25.68 percent of all contractors, breaking down by individual M/WBE category as follows:

- African American: 3.60 percent
- Hispanic American: 2.26 percent
- Asian American: 1.78 percent
- Native American: 0 percent
- Nonminority women: 18.05 percent

**EXHIBIT 6-9
AVAILABILITY OF CONTRACTORS
IN THE COUNTY’S MARKET PLACE
BY RACE/ETHNICITY/GENDER CLASSIFICATION
BASED ON CENSUS DATA USING NAICS 23
BASED ON PAID EMPLOYEES ONLY**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms ²		Total Firms ³
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	26	3.60%	16	2.26%	13	1.78%	0	0.00%	132	18.05%	187	25.68%	543	74.32%	730

Source of Data: U.S. Census Bureau 2002, Survey of Business Owners, based on firms with paid employees only.

¹ Minority men and women firms are included in their respective minority classifications.

² Number of non-M/WBE firms derived by subtracting all M/WBE firms from total firms.

³ Total firms derived from the U.S. Census Bureau and Survey of Business Owners (SBO).

The availability analysis was also based on firms with paid and non-paid employees, which is displayed in **Exhibit 6-8**. M/WBEs comprised 44.29 percent of all contractors, differentiated by individual M/WBE category as follows:

- African American: 9.59 percent
- Hispanic American: 3.02 percent
- Asian American: 2.59 percent
- Native American: 1.25 percent
- Nonminority women: 27.84 percent

**EXHIBIT 6-10
AVAILABILITY OF SUBCONTRACTORS
IN THE COUNTY'S MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATION
BASED ON CENSUS DATA USING NAICS 23
BASED PAID AND NON-PAID EMPLOYEES**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		#REF! Subtotal		Non-M/WBE Firms ²		Total Firms ³
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	278	9.59%	88	3.02%	75	2.59%	36	1.25%	808	27.84%	1,285	44.29%	1,616	55.71%	2,901

Source of Data: U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid and non-paid employees.

¹ Minority men and women firms are included in their respective minority classifications.

² Number of non-M/WBE firms derived by subtracting all M/WBE firms from total firms.

³ Total firms derived from the U.S. Census Bureau and Survey of Business Owners (SBO).

6.5 Analysis of Disparities in Private Sector Utilization by Race/Gender/Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors

MGT pioneered disparity indices as a means of quantifying the disparity in utilization relative to availability. The use of a disparity index for such a calculation is supported by several post-Croson cases, most notably *Contractors Association of Eastern Pennsylvania v. City of Philadelphia*.⁷ Although a variety of similar indices could be utilized, MGT's standard for choosing its particular index methodology is that it must yield a value that is easily calculable, understandable in its interpretation, and universally comparable such that a disparity in utilization within M/WBE categories can be assessed with reference to the utilization of non-M/WBEs.

For this study, to assess disparity MGT calculated the ratio of the percentage of utilization to the percentage of availability multiplied by 100, as in the formula below:

$$(1) \text{ Disparity Index} = \frac{\%Um_1p_1}{\%Am_1p_1} \times 100$$

Where: Um_1p_1 = utilization of M/WBE₁ for procurement₁
 Am_1p_1 = availability of M/WBE₁ for procurement₁

The interpretation of this calculation is straightforward. In the extreme, a disparity index value of 0.00 for a given racial, ethnic or gender category of firm indicates absolutely no utilization and, therefore, absolute disparity. An index of 100 indicates that vendor utilization is perfectly proportionate to availability for a particular group in a given business category, indicating the absence of disparity—that is, a proportion of utilization relative to availability one would expect, all things being equal. In general, firms within a business category are considered underutilized if the disparity indices are less than 100, and overutilized if the indices are above 100.

⁷ *Contractors Association of Eastern Pennsylvania, Inc. v. City of Philadelphia*, 91 F 3d at 603.

Since there is no standardized measure to evaluate levels of underutilization or overutilization within a procurement context, MGT has appropriated the Equal Employment Opportunity Commission's (EEOC) "80 percent rule" in the *Uniform Guidelines on Employee Selection Procedures*. In the context of employment discrimination, an employment disparity ratio below 80 indicates a "substantial disparity" in employment. The Supreme Court has accepted the use of the 80 percent rule in *Connecticut v. Teal (Teal)*, 457 U.S. 440 (1982), and in *Teal* and other affirmative action cases, the terms "adverse impact," "disparate impact," and "discriminatory impact" are used interchangeably to characterize values of 80 and below.

Once the record of vendor utilization was calculated from building permit data for each racial, ethnic, and gender category, it could be compared to vendor availability in these categories to derive an index of disparity in private sector utilization for a given M/WBE prime contractor and subcontractor category. Findings are reported in **Sections 6.6.1** through **6.6.3**.

6.5.1 Permits-Prime Contracts

Permits – Leon County

This section reports disparity indices for County commercial permits based on U.S. Census availability of firms within the racial, ethnic, and gender categories for firms with paid employees only.

Exhibit 6-11 presents these findings based on availability of firms with paid employees only specializing in construction and construction-related services categorized as NAICS 23. African American-, Hispanic American-, Asian American- and nonminority women-owned firms were substantially underutilized as prime contractors in private commercial construction sector based on County commercial permits data. From **Exhibit 6-11** MGT also find that:

- Hispanic American-, Asian American-, and Native American-owned firms were not utilized.
- African American-owned firms were substantially underutilized as prime contractors, with a disparity index of 23.87.
- Nonminority women firms were substantially underutilized in each year, resulting in an overall disparity index of 13.76.
- Nonminority male firms were overutilized, having a 130.05 disparity index.

Based on County commercial permits data and U.S. Census availability of firms with paid employees only, it can be concluded that of those M/WBEs being analyzed, all M/WBEs were either not utilized or substantially underutilized on commercial construction projects at the prime contractor level and that, conversely, nonminority male-owned firms were overutilized.

**EXHIBIT 6-11
DISPARITY ANALYSIS OF PRIVATE SECTOR PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CENSUS DATA NAICS CODES 23 PAID EMPLOYEES ONLY
AND LEON COUNTY COMMERCIAL PERMITS DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Construction Value Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.00%	18.05%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	74.32%	134.55	Overutilization
2006				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.00%	18.05%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	74.32%	134.55	Overutilization
2007				
African Americans	4.22%	3.60%	117.19	Overutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.00%	18.05%	0.00	* Underutilization
Non-M/WBE Firms	95.78%	74.32%	128.88	Overutilization
2008				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.00%	18.05%	0.00	* Underutilization
Non-M/WBE Firms	92.61%	74.32%	124.61	Overutilization
All Years				
African Americans	0.86%	3.60%	23.87	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	2.48%	18.05%	13.76	* Underutilization
Non-M/WBE Firms	96.66%	74.32%	130.05	Overutilization

Source of Data: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS) and U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid employees.

¹ The percentage of construction valuation dollars is taken from the prime utilization exhibit shown in Section 6.3.1.

² The percentage of available contractors is taken from the availability exhibit shown in Section 6.5.1.

³ The disparity index is the ratio of percent utilization to percent availability times 100.

* An asterisk is used to indicate a substantial level of disparity (index below 80.00).

Permits – City of Tallahassee

This section reports disparity indices for city of Tallahassee commercial permits based on U.S. Census availability of firms within the racial, ethnic, and gender categories for firms with paid employees only.

Exhibit 6-12 presents these findings based on availability of firms with paid employees only specializing in construction and construction-related services categorized as NAICS 23. African American-, Hispanic American-, Asian American- and nonminority women-owned firms were substantially underutilized as prime contractors in private commercial construction sector based on city of Tallahassee commercial permits data. From **Exhibit 6-12** MGT also finds that:

- Hispanic American-, Asian American-, and Native American-owned firms were not utilized.
- African American-owned firms were substantially underutilized as prime contractors, with a disparity index of 0.88.
- Nonminority women firms were substantially underutilized in each year, resulting in an overall disparity index of 5.66.
- Nonminority male firms were overutilized, having a 133.14 disparity index.

Based on County commercial permits data and U.S. Census availability of firms with paid employees only, it can be concluded that of those M/WBEs being analyzed, all M/WBEs were either not utilized or substantially underutilized on commercial construction projects at the prime contractor level and that, conversely, nonminority male-owned firms were overutilized.

**EXHIBIT 6-12
DISPARITY ANALYSIS OF PRIVATE SECTOR PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CENSUS DATA NAICS CODES 23 PAID EMPLOYEES ONLY
AND CITY OF TALLAHASSEE COMMERCIAL PERMITS DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Construction Value Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.26%	18.05%	1.43	* Underutilization
Non-M/WBE Firms	99.74%	74.32%	134.21	Overutilization
2006				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	3.54%	18.05%	19.60	* Underutilization
Non-M/WBE Firms	96.46%	74.32%	129.79	Overutilization
2007				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.05%	18.05%	0.26	* Underutilization
Non-M/WBE Firms	99.95%	74.32%	134.49	Overutilization
2008				
African Americans	0.11%	3.60%	3.08	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.09%	18.05%	0.48	* Underutilization
Non-M/WBE Firms	99.80%	74.32%	134.29	Overutilization
All Years				
African Americans	0.03%	3.60%	0.88	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	1.02%	18.05%	5.66	* Underutilization
Non-M/WBE Firms	98.95%	74.32%	133.14	Overutilization

Source of Data: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS) and U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid employees.

¹ The percentage of construction valuation dollars is taken from the prime utilization exhibit shown in Section 6.3.1.

² The percentage of available contractors is taken from the availability exhibit shown in Section 6.5.1.

³ The disparity index is the ratio of percent utilization to percent availability times 100.

* An asterisk is used to indicate a substantial level of disparity (index below 80.00).

6.5.2 Permits – Subcontracts

Permits – Leon County

This section reports disparity indices for County commercial permits data based on U.S. Census availability of firms (paid and non-paid employees) within the racial, ethnic, and gender categories. As **Exhibit 6-14** indicates, all M/WBE groups were substantially underutilized as subcontractors in private commercial construction. From **Exhibit 6-14** MGT also finds that:

- Hispanic American-, Asian American-, and Native American-owned firms were not utilized, thus resulting in substantial underutilization as subcontractors, with a disparity index of 0.
- African American-owned firms were substantially underutilized in each year, resulting in a disparity index of 0.45.
- Nonminority women-owned firms were substantially underutilized resulting in a disparity index of 3.67.
- Nonminority male-owned firms were overutilized resulting in a 146.83 disparity index.

**EXHIBIT 6-13
DISPARITY ANALYSIS OF PRIVATE SECTOR SUBCONTRACTORS
IN THE COUNTY'S MARKET AREA
BASED ON CENSUS DATA NAICS CODE 23 AND
COUNTY COMMERCIAL PERMITS DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008
BASED ON PAID AND NON-PAID EMPLOYEES**

Business Owner Classification	% of Construction Value Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.00%	27.84%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	55.71%	179.51	Overutilization
2006				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.00%	27.84%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	55.71%	179.51	Overutilization
2007				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.00%	27.84%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	55.71%	179.51	Overutilization
2008				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.00%	27.84%	0.00	* Underutilization
Non-M/WBE Firms	93.03%	55.71%	167.00	Overutilization
All Years				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	2.48%	27.84%	8.92	* Underutilization
Non-M/WBE Firms	96.20%	55.71%	172.69	Overutilization

Source of Data: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS) and U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid and non-paid employees.

¹ The percentage of construction valuation dollars is taken from the subcontractor utilization exhibit shown in Section 6.3.1.

² The percentage of available contractors is taken from the availability exhibit shown in Section 6.5.1.

³ The disparity index is the ratio of percent utilization to percent availability times 100.

* An asterisk is used to indicate a substantial level of disparity (index below 80.00).

Permits – City of Tallahassee

This section reports disparity indices for city of Tallahassee commercial permits data based on U.S. Census availability of firms (paid and non-paid employees) within the racial, ethnic, and gender categories. As **Exhibit 6-14** indicates, all M/WBE groups were substantially underutilized as subcontractors in private commercial construction. From **Exhibit 6-14** MGT also finds that:

- Hispanic American-, Asian American-, and Native American-owned firms were not utilized, thus resulting in substantial underutilization as subcontractors, with a disparity index of 0.
- African American-owned firms were substantially underutilized in each year, resulting in a disparity index of 0.45.
- Nonminority women-owned firms were substantially underutilized in each year, resulting in a disparity index of 3.67.
- Nonminority male-owned firms were overutilized, having a 146.83 disparity index.

EXHIBIT 6-14
DISPARITY ANALYSIS OF PRIVATE SECTOR SUBCONTRACTORS
IN THE COUNTY'S MARKET AREA
BASED ON CENSUS DATA NAICS CODE 23 AND
CITY OF TALLAHASSEE COMMERCIAL PERMITS DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008
BASED ON PAID AND NON-PAID EMPLOYEES

Business Owner Classification	% of Construction Value Dollars ¹	% of Available Firms ²	Disparity Index ³	Disparate Impact of Utilization
2005				
African Americans	0.20%	9.59%	2.11	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	5.67%	27.84%	20.36	* Underutilization
Non-M/WBE Firms	94.13%	55.71%	168.98	Overutilization
2006				
African Americans	0.08%	9.59%	0.81	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	49.34%	27.84%	177.23	Overutilization
Non-M/WBE Firms	50.59%	55.71%	90.81	Underutilization
2007				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.26%	27.84%	0.92	* Underutilization
Non-M/WBE Firms	99.74%	55.71%	179.05	Overutilization
2008				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	2.77%	27.84%	9.96	* Underutilization
Non-M/WBE Firms	97.23%	55.71%	174.54	Overutilization
All Years				
African Americans	0.04%	9.59%	0.45	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	1.02%	27.84%	3.67	* Underutilization
Non-M/WBE Firms	81.79%	55.71%	146.83	Overutilization

Source of Data: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS) and U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid and non-paid employees.

¹ The percentage of construction valuation dollars is taken from the subcontractor utilization exhibit shown in Section 6.3.1.

² The percentage of available contractors is taken from the availability exhibit shown in Section 6.5.1.

³ The disparity index is the ratio of percent utilization to percent availability times 100.

* An asterisk is used to indicate a substantial level of disparity (index below 80.00).

6.6 Comparison of the County's Utilization of M/WBE Contractors with M/WBE Businesses Utilization in the Private Sector

Exhibit 6-15 reports M/WBE and nonminority male-owned firm utilization of prime contractors and subcontractors for public sector construction projects awarded by the County from October 1, 2004 through September 30, 2008 and compares this with private commercial construction utilization calculated from County- and city of Tallahassee-construction permit information for the County's local market area. **Exhibit 6-15** summarizes findings from all three data sets for firm utilization at the prime contractor level based on the County's expenditure data (Banner financial system), and, at the subcontractor level, compares public sector utilization with private sector utilization based on the County's and city of Tallahassee's permit data.

EXHIBIT 6-15
COMPARISON OF M/WBE UTILIZATION PERCENTAGE OF DOLLARS
PRIVATE COMMERCIAL CONSTRUCTION
WITH THE COUNTY PUBLIC SECTOR CONSTRUCTION
(EXPENDITURE AND CONTRACT AWARD DATA)
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

Business Category/Data Source	African American	Hispanic American	Asian American	Native American	Nonminority Women	M/WBE Firms	Non-M/WBE Firms
Prime Contractors							
Leon County Construction Prime Contractors (Based on Expenditure Data Only)	3.46%	0.00%	0.00%	0.00%	12.86%	16.32%	83.68%
Private Construction Prime Contractors (Leon County, Florida Building Permits)	0.86%	0.00%	0.00%	0.00%	2.48%	3.34%	96.66%
Private Construction Prime Contractors (City of Tallahassee, Florida Building Permits)	0.03%	0.00%	0.00%	0.00%	1.02%	1.05%	98.95%
Subcontractors							
Leon County Construction Subcontractors (Overall Subcontractor Level) ¹	10.12%	1.64%	0.00%	0.05%	1.16%	12.97%	87.03%
Private Construction Subcontractors (Leon County, Florida Building Permits)	0.00%	0.00%	0.00%	0.05%	3.80%	3.80%	96.20%
Private Construction Subcontractors (City of Tallahassee, Florida Building Permits)	0.04%	0.00%	0.00%	0.00%	18.16%	18.21%	81.79%

Source: The Leon County public sector data (expenditure and contract award), Leon County permit data, and City of Tallahassee permit data.

From **Exhibit 6-15**, at the construction prime contractor level, MGT finds M/WBEs received more than 16 percent (16.32%) of the dollars, based on expenditure data. At the construction prime contractor level, M/WBE utilization was much greater in the public sector (Leon County expenditure data) than in the private sector. Based on the permit data analyzed, M/WBE utilization was more than 3 percent (3.34%) and slightly more than 1 percent (1.05%) based on County-provided commercial permits. Moreover, at the prime level for both permit data sets, based on matches with M/WBE vendor lists, of the

M/WBE prime contractor activity, nonminority women-owned firms had the highest share of utilization.

As for construction subcontractors, MGT finds that M/WBEs received .3.8 percent and 18 percent (18.21%) of the County- and city of Tallahassee-provided permits related to subcontractor-level activity. Based on the County's data, M/WBE utilization was substantially higher at 20 percent (12.97%) than in the private sector based on Leon County permit data.

6.7 Conclusions

Exhibits 6-15 presented a summary of prime and subcontractor vendor utilization by racial/ethnic/gender category, comparing M/WBE utilization for the County construction projects with private sector commercial construction projects from October 1, 2004 through September 30, 2008. Based on identified M/WBEs for both public sector and private sector construction projects, substantial M/WBE underutilization was evident in both sectors. On the other hand, according to findings from permit data, M/WBE prime contractors fared better in the public sector, which includes the County, but were substantially underutilized in some race/ethnicity/gender classifications nonetheless. Furthermore, M/WBE subcontractors fared better in the public sector as opposed to the private sector, based on permit data⁸.

Due to exclusionary laws and years of discrimination, M/WBEs have entered the marketplace only recently, from a historical perspective, when compared with nonminority male-owned firms. They thus tend to be smaller than more established and older nonminority male-owned firms. These factors, in turn, limits their capacity not only to undertake large-scale construction projects but also to access capital and other advantages in bonding and insurance available to larger, more established firms. This conclusion is underscored by findings from the analysis of race/ethnicity/gender effects on the propensity for self-employment and self-employment earnings that suggest that M/WBEs are treated differently than their majority counterparts in the marketplace and that this difference in treatment affects rates of M/WBE business formation and earning capacity.

However, capacity alone is not a sufficient explanation for these differences, especially at the subcontractor level in the construction industry, where capacity is a lesser consideration and availability far exceeds the record of utilization, particularly in the private sector. When private sector M/WBE utilization at the subcontractor level for commercial building projects is only a fraction of public sector M/WBE utilization, there is a strong argument that nonminority firms utilized for public sector construction projects employ M/WBE subcontractors only because the municipality encourages them to do so as a condition of winning a given public contract. If M/WBE subcontractor utilization is all but absent in the private sector and the County does not require contractors who apply for public sector construction projects to demonstrate a "good faith" record of their efforts to utilize M/WBE subcontractors in the private sector as well, credence may be given to the proposition established in *Croson* that government, however effective its own M/WBE policies, may be a passive participant in private sector discrimination.

⁸ Excluding the permit data analyses, based on the city of Tallahassee commercial permit data at the subcontractor level.

7.0 SELECTED BEST PRACTICES

7.0 SELECTED BEST PRACTICES

7.1 Small Business Enterprise Prime Contractor Programs

7.1.1 Small Business Enterprise Set-Asides

The federal government aims to set aside every acquisition of goods and services anticipated to be between \$2,500 and \$100,000 for small business enterprises (SBEs). In response to litigation and state constitutional amendments limiting affirmative action, such as Proposition 209, many agencies have adopted SBE programs. A number of agencies (Phoenix, Arizona; Broward County, Florida; Miami-Dade County, Florida; Tampa, Florida; North Carolina Department of Transportation; Port Authority of New York and New Jersey) set aside contracts for SBEs.

North Carolina Department of Transportation (NCDOT). In the NCDOT program, small contractors are defined as firms with less than \$1.5 million in revenue. There is a small contractor goal of \$2 million for each of the 14 NCDOT divisions. The current cap on project size for small contractors is \$500,000. For contracts less than \$500,000, NCDOT can solicit three informal bids from SBEs.¹ North Carolina law permits the waiving of bonds and licensing requirements for these small contracts let to SBEs.² In 2002, M/WBEs won over 35 percent of SBE contract awards.³

City of Phoenix, Arizona. The city of Phoenix, which uses the United States Small Business Administration (SBA) small business size standards, has a modest SBE set-aside program. The SBE program only accounted for 0.5 percent of total M/WBE utilization in construction subcontracting, and 0.2 percent of total M/WBE utilization in goods and supplies. However, there was strong M/WBE utilization in the city SBE program. In the SBE program, over 92.9 percent and 89.1 percent of the dollars went to M/WBEs in construction subcontracting and goods and supplies, respectively. Firms that were certified as both M/WBEs and SBEs were awarded \$98.1 million in contract dollars.

Other SBE set-asides include:

- The city of Tampa, Florida, has an SBE set-aside program for firms with less than 25 employees and less than \$2 million in revenue.⁴
- The city of San Diego, California, set aside all construction contracts up to \$250,000.
- Sacramento Municipal Utility District (SMUD) set aside contracts up to \$50,000.
- Hillsborough County, Florida, set aside construction contracts up to \$200,000.

¹ NCGS § 136-28.10(a).

² NCGS § 136-28.10(b).

³ NCDOT, Small Business Enterprise Program (April 1, 2002).

⁴ Small Business Enterprise (SBE) Program Executive Order No. 2002-48 (December 18, 2002).

- Orlando Orange County Expressway Authority's (OOCEA) Micro Contracts Program set aside construction, maintenance, professional services, or other services that are expected to cost less than \$200,000 or electrical services expected to cost less than \$50,000. OOCEA adopted a joint-check policy to assist small firms with trade credit in the program.

7.1.2 Small Business Enterprise Bid Preferences

A number of agencies have bid preferences for SBEs (Miami-Dade County, Florida; Port Authority of New York and New Jersey; SMUD; city of Sacramento, California; city of Oakland, California; East Bay Municipal Utility District; San Francisco, California). SBE bid preferences operate along similar lines as M/WBE bid preferences. A typical example is a bid preference of 5 percent on contracts under \$100,000 (Sacramento, California; SMUD; Los Angeles County, California).

Port of Portland Bid Preferences for Small Business. The Port of Portland (Port) found that a bid preference of 5 percent had no impact on contract outcomes, but a bid preference of 10 percent did impact contract outcomes.

7.1.3 Other SBE Prime Contractor Assistance

City of Charlotte, North Carolina. The city of Charlotte has a comprehensive SBE program including SBE set-asides and business assistance. In addition, the city of Charlotte sets department goals for SBE utilization, sets SBE goals on formal and informal contracts, and makes SBE utilization part of department performance review utilization numbers.

North Carolina Department of Transportation Fully Operated Rental Agreements. Under these arrangements a firm may bid an hourly rate for using certain equipment and the necessary staff. In these field-let contracts, engineers select the firm with the appropriate equipment and the lowest bid rate. If that firm is not available, the engineers select the next lowest hourly rate. This rental agreement technique is used primarily to supplement equipment in the event of NCDOT equipment failure or peak demand for NCDOT services. The rental agreement technique is attractive to small contractors because the typical small firm has much better knowledge of its own hourly costs than it does of the costs to complete an entire project.

Florida Department of Transportation (Florida DOT) Business Development Initiative. The Florida DOT has just undertaken a stepped-up small business initiative with the following principle components:

- Reserving certain construction, maintenance, and professional services contracts for small businesses.
- Providing bid preference points to small businesses, and to firms offering subcontracts to small businesses on professional services contracts.
- Waiving performance and bid bond requirements for contracts under \$250,000.

- Using a modified pre-qualification process for certain construction and maintenance projects.

Port Authority of New York and New Jersey (Port Authority) Financial Advisors Program. The Port Authority has encouraged the use of M/WBEs in finance through its financial advisory call-in program, which targets small firms to serve as a pool of advisors for the Port Authority Chief Financial Officer. The financial advisors address debt issuance, financial advisory services, real estate transactions, and green initiatives. There are three to four firms in each of these categories in the financial advisory call-in program.

7.2 HUBZones

Another variant of an SBE program provides incentives for SBEs located in distressed areas. For example, under the *Small Business Reauthorization Act of 1997*, the federal government started the federal HUBZone program. A HUBZone firm is a small business that is: (1) owned and controlled by U.S. citizens; (2) has at least 35 percent of its employees who reside in a HUBZone; and (3) has its principal place of business located in a HUBZone.⁵ HUBZone programs can serve as a vehicle for encouraging M/WBE contract utilization. Nationally, there are 5,357 women and minority HUBZone firms, representing 56.2 percent of total HUBZone firms.⁶

City of New York, New York. The city of New York has a HUBZone type program providing subcontracting preferences to small construction firms (with less than \$2 million in average revenue) that either perform 25 percent of their work in economically distressed areas or for which 25 percent of their employees are economically disadvantaged individuals.⁷

State of California. The state of California provides a 5 percent preference for a business work site located in state enterprise zones and an additional 1 to 4 percent preference (not to exceed \$50,000 on goods and services contracts in excess of \$100,000) for hiring from within the enterprise zone.⁸

Miami-Dade County, Florida. Miami-Dade County has a Community Workforce Program that requires all Capital Construction Projects contractors to hire 10 percent of their workforce from Designated Target Areas (which include Empowerment Zones, Community Development Block Grant Eligible Block Groups, Enterprise Zones, and Target Urban Areas) in which the Capital Project is located.⁹

It is worth noting that some agencies have implemented HUBZone type programs and then terminated them, including New Jersey in the 1980s and Seattle, Washington's, BOOST program in 2001.

⁵ 13 C.F.R. 126.200 (1999).

⁶ Based on the SBA pro-net database located at <http://pro-net.sba.gov/pro-net/search.html>.

⁷ New York Administrative Code § 6-108.1. For a description of the New York local business enterprise program see <http://www.nyc.gov/html/sbs/html/lbe.html>.

⁸ Cal Code Sec 4530 *et seq.*

⁹ Miami Ordinance 03-237.

7.3 Small Business Enterprise Program for Subcontracts

7.3.1 Small Business Enterprise Project Goals

City of Charlotte, North Carolina. The city of Charlotte sets SBE projects goals for contracts.¹⁰ The city has waiver provisions for bidders, but has rejected bids for bidder noncompliance with the SBE program. Other SBE subcontractor goal programs include:

- Oakland, California – 50 percent local SBE.
- New Jersey – 25 percent (up from 15 percent).
- Connecticut – 25 percent SBE.
- Sacramento County, California – 25 percent SBE.
- San Antonio, Texas – 50 percent SBE.

7.3.2 Mandatory Subcontracting

As part of their SBE subcontracting program, some agencies impose mandatory subcontracting clauses which would promote SBE utilization and be consistent with industry practice.

City of Columbia, South Carolina. The city of Columbia Subcontractor Outreach Program established in 2003 applies to city contracts of \$200,000 or more. A prime must subcontract a minimum percentage of its bid. The minimums are set out in **Exhibit 7-1**.

EXHIBIT 7-1 MINIMUM SUBCONTRACTING REQUIREMENTS FOR COLUMBIA SUBCONTRACTOR OUTREACH PROGRAM

Projects	Minimum Subcontracting
Parks	20%
Pipelines (water and sewer)	20%
Pump Stations	20%
Street Improvements	20%
Traffic Signals/Street Lighting	20%
Buildings Project by Project	Not to exceed 49%
Miscellaneous Projects	20%

Source: City of Columbia, Subcontracting Outreach Program (March 2003).

Bidders must make affirmative efforts in outreach to DBEs, Disabled Veteran Business Enterprises (DVBEs), and Other Business Enterprises (OBEs) (defined as a business that does not qualify as either a DBE or a DVBE). A bidder will be deemed non-responsive for failure to meet the subcontractor goal, failure to document their outreach efforts, or failure to meet 80 out of 100 points for good faith efforts. Points are granted on a pass/fail basis, awarding either zero or full points.

¹⁰ A description of the Charlotte SBE program can be found at www.charmeck.org/Departments/Economic+Development/Small+Business/Home.htm.

City of San Diego, California. As part of its Subcontractor Outreach Program, San Diego requires mandatory outreach, mandatory use of subcontractors, and mandatory submission of an outreach document. Whether a contract has mandatory subcontracting is determined by the engineer on the project.

Contra Costa County, California. The Contra Costa County Outreach Program sets mandatory subcontracting minimums on a contract-by-contract basis.¹¹ The Contra Costa County Outreach Program requires that M/WBEs be considered by contractors as possible sources of supply and subcontracting opportunities.

7.3.3 Listing of Subcontractors

The listing of subcontractors reduces the possibility of bid shopping. This also assists the city during the submission review process, goal-setting process, and goal attainment review, and assists with avoiding administrative issues of handling noncompliance after contract award.

7.3.4 Subcontractor Disclosure and Substitution

State of Oregon. Under Oregon law, bidders are required to disclose first-tier subcontractors that will be furnishing labor for the project and have a contract value greater than or equal to 5 percent of the bid or \$15,000 (whichever is greater), or \$350,000 regardless of the percentage of the total project.¹² First-tier subcontractor disclosure does not apply to contracts below \$100,000, or contracts exempt from competitive bidding requirements.¹³ Bidders are not required to disclose the race or gender of the first-tier subcontractors.

Bidders are allowed to substitute subcontractors.¹⁴ The subcontractor substitution statute provides standards sufficient for cause regarding subcontractor substitution, including subcontractor bankruptcy, poor performance, inability to meet bonding requirement, licensing deficiencies, ineligibility to work based upon applicable statutes, and for “good cause” as defined by the Construction Contractors Board.¹⁵ The statute provides a process by which subcontractors can issue complaints about substitutions. Violation of subcontractor substitution rules may result in civil penalties.¹⁶

7.4 Disadvantaged Business Enterprise Programs

Following the federal model, some agencies have added DBE programs.¹⁷ SBE programs focus on the disadvantage of the business, HUBZone programs focus on the disadvantage of the business location, and DBE programs focus on the disadvantage of the individual operating the business.

¹¹ Contra Costa County, Outreach Program, Ordinance Section 3-2 et seq.

¹² ORS § 279C.370(1)(a)(A),(B).

¹³ ORS § 279C.370(1)(c),(d).

¹⁴ ORS § 279C.370(5), ORS § 279C.585.

¹⁵ ORS § 279C.585.

¹⁶ ORS § 279C.590.

¹⁷ DBE programs and Airport Concession Disadvantaged Enterprise (ACDBE) programs are required to be developed and implemented as a part of the federal funding process.

State of North Carolina. The state of North Carolina changed the definition of minority used in the state minority construction program to include socially and economically disadvantaged individuals, as defined in the federal rules.¹⁸ Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.¹⁹ Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area that are not socially disadvantaged.²⁰ This rule permits firms certified under the federal 8(a), DBE, and small disadvantaged business enterprise (S/DBE) programs to be certified as a minority firm in North Carolina. This rule also implies that firms owned by majority males are eligible for the program as there are firms owned by majority males that qualify for the 8(a), DBE, and S/DBE programs by making an individual showing of their social and economic disadvantage.

Milwaukee Emerging Business Enterprise Program. The city of Milwaukee, Wisconsin, defines disadvantage along six dimensions:

- Disadvantage with respect to education.
- Disadvantage with respect to location.
- Disadvantage with respect to employment.
- Social disadvantage (lack of traditional family structure, impoverished background, and related issues).
- Lack of business training.
- Economic disadvantage (credit issues, inability to win contracts, and related issues).

The city of Milwaukee defines an emerging business as a business owned by an individual satisfying the sixth dimension of disadvantage and three out of the five other dimensions of disadvantage.²¹ The city of Milwaukee has set a goal of 18 percent spending with emerging businesses, including both prime contracting and subcontracting.

7.5 Bidder Rotation

Some political jurisdictions use bidder rotation schemes to limit habit purchases from majority firms and to ensure that M/WBEs have an opportunity to bid along with majority firms. A number of agencies, including the city of Indianapolis, Indiana; Fairfax County, Virginia; the Port Authority of New York and New Jersey; and Miami-Dade County,

¹⁸ NC GS § 143-128.2(g).

¹⁹ 15 USC 637(a)(5).

²⁰ 15 USC 637(a)(6)(A).

²¹ Milwaukee Ordinance, Emerging Business Enterprise Program, 360-01 (12).

Florida, use bid rotation to encourage M/WBE utilization, particularly in architecture and engineering (A&E). Some examples of bidder rotation from other agencies include:

Miami-Dade County, Florida. Miami-Dade County uses small purchase orders for the Community Business Enterprise program and rotates on that basis. In addition, Miami-Dade County utilizes an Equitable Distribution Program, whereby a pool of qualified A&E professionals are rotated awards of county miscellaneous A&E services as prime contractors and subcontractors.

DeKalb County, Georgia. DeKalb County has used a form of bidder rotation called a bidder box system to promote M/WBE utilization. This system selects a group of bidders from the list of county registered vendors to participate in open market procurements. Under the bidder rotation system, the buyer identifies the commodity or service by entering an item box number. Using this item box, the computer selects five to six firms. The lowest responsible bidder is awarded the contract. M/WBEs were afforded an increased number of bid opportunities than would ordinarily be the case with a sequential selection process.

Port Authority of New York and New Jersey. The Port Authority has a Quick Bid rotation system for small contracts less than \$500,000. In this program, the agency solicits bids via telephone and fax from a minimum of six contractors on a rotating basis. The period between bid, award, and contract start is generally not more than six weeks. Bidders are provided free construction documents with which to prepare their bids.²²

7.6 Outreach

Bexar County, Texas, Small, Minority, and Women Business Owners Conference. Bexar County, in conjunction with the city of San Antonio, has sponsored annual Small, Minority, and Women Business Owners conferences since 2001. The conferences have been co-sponsored by the Central and South Texas Minority Business Council in conjunction with a number of major corporations, including Dell, Toyota, and AT&T. Typically, conference workshops have addressed the following:

- Doing business with federal, state, and local agencies, and the private sector.
- Access to capital.
- Human resources.
- Franchising.
- Management.
- Veterans.
- Responding to bids and RFPs.

Registered attendees grew from 1,200 in 2001 to 2,400 in 2006; estimated total attendance grew from 1,800 in 2001 to 5,000 in 2006. The number of exhibitors grew from 75 in 2001 to 180 in 2006.²³ Virtually all the major local agencies, loan providers, business development providers, and chambers of commerce participate in the

²² Port Authority of NY & NJ, Engineering Department, *2002 Construction Program*, at 8.

²³ Small, Minority, and Women Business Owners (S/M/WBO) Conference, Frequently Asked Questions, at 6.

conference along with a number of major corporations. The conference budget for 2007 was \$250,000.

7.7 Construction Management, Request for Proposals, and Design-Build

One method of debundling in construction is through the use of multiprime construction contracts in which a construction project is divided into several prime contracts that are then managed by a construction manager-at-risk. For example, this approach has been used on projects where each prime contractor is responsible for installation and repair in particular areas. The construction manager is responsible for obtaining materials at volume discounts based upon total agency purchases. If one contractor defaults, a change order is issued to another prime contractor working in an adjacent area. The construction manager-at-risk is responsible for cost overruns that result from prime contractor default.

Construction management also facilitates the rotation of contracts within an area of work. For example, if several subcontractors have the capacity of bidding on an extended work activity such as concrete flat work, traffic control, or hauling, the construction manager can rotate contracting opportunities over the duration of the activity.

Using a request for proposal (RFP) process can provide the flexibility for including M/WBE participation in prime contractor requirements and selection. One of the nonfinancial criteria can be the proposer's approach and past history with M/WBE subcontractor utilization as well as women and minority workforce participation. A number of agencies (Fulton County, Georgia, New Jersey Transit, Washington Metropolitan Transit, and many major airports) have a mandate for construction managers to include a team member to perform the function of the M/WBE office staff.

A number of universities around the country, the Charlotte-Mecklenburg School System, North Carolina; the Tri-County Metropolitan Transportation District of Oregon; the city of Phoenix; Arizona, and the city of Columbia, South Carolina, have had some success with this approach.²⁴

7.8 Outsourcing

City of Indianapolis, Indiana. The city of Indianapolis increased M/WBE utilization through privatization. The city prioritized outsourcing in procurement areas where minority businesses had particular expertise and experience. The city claims to have been particularly successful in contracting out street repair.

²⁴ Federal Transit Administration, *Lessons Learned #45* (May 2002).
www.fta.dot.gov/library/program/ll/man/ll45.html

7.9 Race-Neutral Joint Ventures

City of Atlanta, Georgia. The city of Atlanta requires establishment of joint ventures on large projects of over \$10 million.²⁵ Primes are required to create a joint venture with a firm from a different ethnic/gender group in order to ensure prime contracting opportunities for all businesses. This rule applies to women and minority firms as well as nonminority firms. This rule has resulted in tens of millions of dollars in contract awards to women- and minority-owned firms.

Washington Suburban Sanitation Commission (WSSC). The WSSC Competitive Business Demonstration Project requires joint ventures between a local SBE and an established firm in procurement areas that do not generate enough bids.

7.10 Combined Race-Neutral and Race-Conscious Programs

A number of agencies (Tampa, Florida; Phoenix, Arizona; Charlotte, North Carolina; Hillsborough County, Florida; Jacksonville, Florida; Port Authority of New York and New Jersey; and Connecticut) combine race-neutral and race-conscious program features.

City of Saint Paul, Minnesota. The city of Saint Paul Vendor Outreach Program requires that contractors document their solicitation of bids, in addition to listing subcontracting opportunities, from SBEs, MBEs, and WBEs attending pre-bid conferences and seeking assistance from M/WBE organizations.²⁶ Saint Paul achieved 10.4 percent SBE spending (out of \$113.2 million in total spending). In the SBE program, 62.5 percent of SBE spending went to WBEs, 21.2 percent to nonminority males, and 16.3 percent to MBEs.²⁷

City of Jacksonville, Florida. The city of Jacksonville implemented a hybrid program by establishing a declining schedule of race-conscious targets.²⁸ In the first program year, Jacksonville proposes to meet 70 percent of its M/WBE goal with race-conscious means, the second year, 50 percent, and the third year, 25 percent. At the end of the three-year period the program is to be evaluated.

State of Connecticut. The state of Connecticut reserves 25 percent of its SBE contracts for M/WBEs.

7.11 Management and Technical Services

A number of agencies hire an outside management and technical assistance provider to provide needed technical services related to business development and performance. Such a contract can be structured to include providing incentives to produce results, such as the number of M/WBEs being registered as qualified vendors with agencies, the number of M/WBEs graduating from subcontract work to prime contracting, and rewarding firms that utilize M/WBEs in their private sector business activities.

²⁵ City of Atlanta Ordinance Sec. 2-1450 and Sec. 2-1451.

²⁶ City of St. Paul, Vendor Outreach Program, Ordinance 84.08, .09

²⁷ City of St. Paul, *Vendor Outreach Program Detailed Report*, FY 2004, at 6.

²⁸ City of Jacksonville, Executive Order No. 04-02.

Port Authority of New York and New Jersey. The Port Authority has a three-year fee-for-service contract with the Regional Alliance for Small Contractors capped at \$275,000.²⁹ Previously, the contract was a flat grant, but it was changed to a fee-for-service arrangement to reward creative uses of financial resources.

7.12 Certification

7.12.1 Size Standards for Certification

State of Oregon. The state of Oregon has a two-tier system for small business certification. A tier one firm employs fewer than 20 full-time equivalent employees and has average annual gross receipts for the last three years that do not exceed \$1.5 million for construction, or \$600,000 for non-construction. A tier two firm employs fewer than 30 full-time equivalent employees and has average annual gross receipts for the last three years that do not exceed \$3 million for construction, or \$1 million for non-construction.³⁰ An emerging small business cannot be a subsidiary or a franchise. In 2006, small business program participation was extended from seven to 12 years.³¹

State of New Jersey. For the state of New Jersey, there are separate size standards for small businesses and emerging small businesses. For large projects, the state of New Jersey carves out portions of the contract for both tiers of small business. Thus, a single solicitation requires that the prime spend a certain percentage of the contract with small firms and another percentage with emerging small firms. Along related lines, the federal government sets aside contracts for bidding only amongst small firms, and other contracts may be set aside for bidding only by emerging small firms.

Federal Government. The federal government has the additional categories:

- Emerging Small Business, defined as being 50 percent of the SBA size standards.
- Very Small Business, defined as fewer than 15 employees and less than \$1 million in revenue.

7.12.2 Personal Net Worth Limits

The United States Department of Transportation DBE personal net worth limit of \$750,000 is a standard net worth requirement employed by many local agencies. The USDOT net worth limit excludes the owner's home and business equity in determining net worth.

²⁹ The Regional Alliance was started in 1989. For general background on the Regional Alliance see Timothy Bates, "Case Studies of City Minority Business Assistance Programs," report for the U.S. MBDA, September 1993.

³⁰ OAR 445-050-0115.

³¹ OAR 445-050-0135.

7.13 Economic Development Projects

A number of cities (including Atlanta, Georgia; Jersey City, New Jersey; and Saint Paul, Minnesota) have encouraged private sector M/WBE utilization by one of two methods: (1) asking prospective bidders to report their private sector M/WBE utilization, and (2) setting aspirational goals for private sector projects with significant city tax incentives, such as tax allocation districts and community improvement districts. The city of Oakland, California, Local Small Business Enterprise Program also provides bid preferences to SBEs on tax-assisted projects. Saint Paul and Jersey City have separate offices negotiating, tracking, and managing M/WBE participation on development projects.

Bexar County Tax Phase-In Agreements. M/W/SBE participation was added to the county tax incentive policy in 2004. The county currently considers tax abatements of up to 40 percent on qualified real property improvements and new personal property investment.³² Property taxes are 80 percent of county revenue. The county considers an increased property tax abatement of up to 80 percent based on other project criteria. This criteria includes hiring 25 percent of positions created with county residents, hiring 25 percent economically disadvantaged or dislocated individuals, practicing sound environmental practices, and dividing work to the extent practical to assist M/W/SBEs in obtaining contracts. Applicants are encouraged to award 20 percent of projects to M/WBEs and 30 percent to certified small businesses.³³ Currently, there are no similar M/W/SBE policies for tax increment financing (TIF) subsidy.³⁴

In a Tax Phase-In Agreement for Lowe's Home Centers, Lowe's agreed to:

- Use good faith efforts to include certified M/WBEs.
- Work in good faith to set construction and operational services goals for M/WBEs based on M/WBE availability.
- Establish a mutually agreed upon M/WBE reporting format.

The agreement acknowledged that although Lowe's still has national contracts it must comply with, and retained the right to choose any vendor, they have agreed to explore subcontracting opportunities.³⁵

In a HEB Grocery Tax Phase-In Agreement, HEB Grocery committed to 20 percent M/WBE participation and 10 percent SBE participation.³⁶ This was in addition to agreeing to hire 25 percent from Bexar County and 25 percent from economically disadvantaged or dislocated workers.

³² The County Tax Phase-In Policy is currently being revised.

³³ Bexar County Economic Development & Special Programs Office, Tax Phase-In Guidelines for Bexar County and the city of San Antonio, effective June 15, 2006 through June 14, 2008, adopted February 28, 2006. Not all agreements include M/W/SBE objectives. For examples, the Kautex Tax Phase In Agreement did not address M/W/SBE policy. See Bexar County, Tax Phase-In Agreement (Kautex), December 20, 2005.

³⁴ Bexar County, Texas, Tax Increment Financing and Reinvestment Zone (TIF/TIRZ), Guidelines and Criteria, Commissioner's Court Amended and Approved: August 23, 2005.

³⁵ Bexar County, Tax Phase-In Agreement (Lowe's), June 27, 2006, Exhibit E.

³⁶ Bexar County, Tax Phase-In Agreement (HEB Grocery), March 11, 2003, Section 5.01(c).

Bexar County Public Improvement Districts. County policies allow for the county to enter into an economic development agreement for Public Improvement Districts (PIDs).³⁷ PIDs are projected to be used in conjunction with TIFs for housing and infrastructure development.³⁸ As a condition of the economic development agreement, the firm seeking such an agreement has to meet, at a minimum, certain criteria involving employment, health care benefits, environmental practices, and M/W/SBE policy. M/W/SBE policy was added to PIDs in 2006.

In an agreement with Marriott, which has been labeled a “super PID,” the agreement provided that Marriott would “use reasonable efforts to comply with the M/W/SBE policies and procedures attached.”³⁹ The Marriott agreement noted that the project owner had established 20 percent M/W/SBE goals in construction. Marriott retained the right to accept the lowest qualified bid. The agreement also provided for the hotel to develop M/WBE goals in operational services, to work with the M/W/SBE office in implementing the Marriott supplier diversity program, to use certified firms, and semi-annual M/W/SBE reporting. “The sole remedy for noncompliance with this provision shall be the obligation of Marriott to prepare and implement a plan that provide for reasonable efforts to achieve the goals set forth.”

7.14 Project Goal Setting

North Carolina Department of Transportation. The NCDOT regulations emphasize that goals should be set on projects “determined appropriate by the Department [of Transportation].”⁴⁰ Individual goals are set based on a project’s geographic location, characteristics of the project, the percentage of that type of work that is typically performed by M/WBEs, the areas in which M/WBEs are known to provide services, and the goals set by the North Carolina General Assembly.⁴¹ The NCDOT M/WBE regulations specify (although they do not limit to) particular areas for M/WBE goals: clearing and grubbing, hauling and trucking, storm drainage, concrete and masonry construction, guardrail, landscaping, erosion control, reinforcing steel, utility construction, and pavement marking.

The NCDOT goal setting process begins with an engineering estimate of the project to determine what items might reasonably be subcontracted out. Next, estimates of the percentage of work that could be potentially performed by DBEs and M/WBEs are developed.⁴² These estimates are confidential and made available only to the Estimator (and staff), the provisions engineer in the proposals and contracts section (and staff), and members of the DBE/M/WBE committee at the DBE/M/WBE committee meetings. Next, NCDOT looks at whether there are M/WBEs available based on the NCDOT DBE/M/WBE directory and the location of the project. The NCDOT directory is a searchable database that classifies firms by location, prime contractor/subcontractor

³⁷ Such an agreement is allowed for under Chapter 372 of the Texas Local Government Code.

³⁸ Bexar County, Texas, 2005 – 2009 Consolidated Plan, Executive Summary, at 61.

³⁹ Senior Priority Economic Development Agreement By and Between Cibolo Canyons Special Improvement District, Marriott International, Inc and Bexar County, Texas, January 12, 2006, Exhibit B.

⁴⁰ 19A NCAC 02D.1108(a).

⁴¹ 19A NCAC 02D.1108(a).

⁴² NCDOT, Division of Highways, Roadway Design and Design Services Unit, *Policy and Procedure Manual*, Chapter 10, at 4.

status, and six-digit work type.⁴³ The Goal Setting Committee is assisted in this process by EEO Contract Compliance staff in the Office of Civil Rights.

Prime contractors then submit documentation of good faith efforts to achieve the individual project goal. A statement of how they will make efforts to achieve the goal satisfies the good faith effort requirements.

The NCDOT Goal Setting Committee (in collaboration with the EEO Contract Compliance staff) seeks to set goals relative to where there is interest, availability and capacity, beyond mere looking at the certification lists. NCDOT relies on the EEO Contract Compliance staff to provide input on whether existing businesses are fully occupied. However, if EEO Contract Compliance says M/WBEs are not fully occupied, but prime contractors submit evidence that M/WBEs are fully occupied (for example, with invoices), then NCDOT accepts those explanations.

As part of goal setting, NCDOT regulations provide that:

- A documented excessive subcontractor bid constitutes a basis for not subcontracting with an M/WBE.
- A documented record of poor experience constitutes a basis for not subcontracting with an M/WBE.⁴⁴

In addition, a review of NCDOT DBE and M/WBE goals has been a regular topic at the Associated General Contractors (AGC)-DOT Joint Cooperative Committee meetings.⁴⁵

City of Phoenix, Arizona. The city of Phoenix Goal Setting Committee is responsible for setting project goals on public works contracts bid by the city. The assigned project manager provides goal-setting information for the specific project to the Bid Specifications section of the Engineering & Architectural Services Department (EASD) at least 21 days before the project is to be advertised. The required information includes design plans, a detailed cost estimate, a project description, and the client department's construction budget.

The Goal Setting Committee identifies trade areas needed for each eligible project. The EASD staff identifies available MBE and WBE subcontractors that could perform in each trade area identified in the project description and provides the information to the Goal Setting Committee for use in establishing M/WBE project goals. The Goal Setting Committee develops appropriate goals for each trade area based on estimated dollar amounts and M/WBE availability. EASD publishes these goals in the bid specifications. The equal opportunity department monitors projects for which MBE and WBE goals have been set. The Goal Setting Committee meets to establish goals on projects estimated to cost more than \$50,000.00.

Goals may be adjusted if the Goal Setting Committee finds, after consideration of historical bidding and utilization data, that such an adjustment is necessary to ensure a narrowly tailored goal. The Goal Setting Committee then forwards the goal to EASD for

⁴³ <http://apps.dot.state.nc.us/constructionunit/directory/>.

⁴⁴ The last two elements are adopted by the North Carolina DOT. 19A NCAC 02D.1110(7).

⁴⁵ AGC-DOT Joint Cooperative Committee Meeting Minutes, February 2001 through August 2003.

review. If EASD determines that delays or changes in the project will require modification of the goals, the recommendation is returned to the Goal Setting Committee for revision.

7.14.1 Waivers of Goals

City of Phoenix, Arizona. The city of Phoenix established a Waiver Review Committee (Committee) that is responsible for deciding whether to recommend waiver requests to the city engineer. The Committee has established a Subcontracting Goals Waiver Review Form. The form lists the criteria used by the Committee to determine whether to grant a waiver request. The Committee reviews each category on the form and evaluates the contractor's good faith efforts in attempting to meet project goals. Bidders requesting waivers must submit a letter explaining their reason(s) for the waiver along with supporting documentation demonstrating efforts made to solicit MBEs and WBEs as subcontractors on a project. The Committee then decides whether to grant the waiver based on the total number of categories in which the contractor has sufficiently complied with the requirements. Based on interviews with city officials, the criteria listed for granting or denying a waiver are not ranked in order of importance, the criteria are not weighted, and city officials have not established a definite number of categories that need to be satisfied to obtain a waiver.

Over a five-year period, the city awarded 504 projects with M/WBE goals, 25 waivers were requested by the low bidder and ten were rejected.

8.0 FINDINGS AND RECOMMENDATIONS

8.0 FINDINGS AND RECOMMENDATIONS

In October 2008, MGT of America, Inc. (MGT), was retained to conduct a minority and women business enterprise disparity study for Leon County Florida, (County), to determine whether there was a compelling interest to establish a narrowly-tailored minority- and women-owned business enterprise (M/WBE) program for the County. The study consisted of fact-finding to examine the extent to which race- and gender-conscious and race- and gender-neutral remedial efforts by the County had effectively eliminated ongoing effects of any past discrimination affecting the County's relevant marketplace; to analyze the County procurement trends and practices for the study period from October 1, 2004, through September 30, 2008; and to evaluate various options for future program development.

The results of this study and conclusions drawn are presented in detail in **Chapters 2.0** through **7.0** of this report. The following sections summarize each of the study's findings, which are followed by related major recommendations. Commendations are also noted in those instances in which the County already has procedures, programs, and policies in place that respond to findings. Selected best practices are described in **Chapter 7.0** to this report. These best practices expand on the findings and recommendations that are marked with an asterisk (*).

8.1 Findings for M/WBE Utilization and Availability

FINDING 8-1: Historical M/WBE Utilization

The dollar value of M/WBE utilization by the County in 2004 Leon County Disparity Study was as follows:

- M/WBEs won construction prime contracts for \$479,980 (1.61 percent of the total).
- M/WBEs won construction subcontracts for \$5.47 million (18.32 percent of total contract value).
- M/WBEs won professional services prime contracts for \$914,754 (12.24 percent of the total).
- M/WBEs won professional services subcontracts for \$422,975 (5.66 percent of the total).
- M/WBEs won other services contracts for \$3.28 million (29.71 percent of the total).
- M/WBEs won materials and supplies contracts for \$2.76 million (16.19 percent of the total).

FINDING 8-2: M/WBE Prime Utilization, Availability and Disparity

The dollar value of M/WBE prime utilization by the County over the study period of October 1, 2004 through September 30, 2008, is shown in **Exhibit 8-1**:

- M/WBEs were paid \$12.05 million (16.32 percent of the total) for prime construction services. There was substantial disparity for firms owned by African Americans and Asian Americans.
- M/WBEs were paid \$1.05 million (14.64 percent of the total) for architecture and engineering (A&E) services. There was substantial disparity for Hispanic American¹-, Asian American-, and nonminority women-owned firms.
- M/WBEs were paid \$719,377 (16.05 percent of the total) for professional services. There was substantial disparity for firms owned by African Americans, Hispanic Americans, and nonminority women.
- M/WBEs were paid \$3.40 million (53.57 percent of the total) for other services. There was substantial disparity for firms owned by Asian Americans, and Native Americans.
- M/WBEs were paid \$1.60 million (13.81 percent of the total) for materials and supplies. There was substantial disparity for firms owned by African Americans, Hispanic Americans, and Asian Americans.

¹ The availability pool of firms for this category among this MBE group was based on the count of firms that submitted a bid as a prime contractor and won the project. However, this contract ultimately was not awarded, thus not listed in the list of awarded agreements.

**EXHIBIT 8-1
M/WBE PRIME UTILIZATION, AVAILABILITY, AND DISPARITY
LEON COUNTY
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Business Category	African American	Hispanic American	Asian American	Native American	Nonminority Women	Total M/WBE
Construction Prime Contractors						
Utilization Dollars	\$2,553,207	\$0	\$0	\$0	\$9,499,250	\$12,052,457
Utilization Percent	3.46%	0.00%	0.00%	0.00%	12.86%	16.32%
Availability Percent	9.73%	0.00%	0.54%	0.00%	6.49%	16.76%
Disparity	Underutilization *	N/A	Underutilization *	N/A	Overutilization	
Architecture and Engineering Prime Consultants						
Utilization Dollars	\$537,264	\$0	\$196,309	\$0	\$320,113	\$1,053,686
Utilization Percent	7.46%	0.00%	2.73%	0.00%	4.45%	14.64%
Availability Percent	8.51%	2.13%	4.26%	0.00%	17.02%	31.91%
Disparity	Underutilization	Underutilization *	Underutilization *	N/A	Underutilization *	
Professional Services Prime Consultants						
Utilization Dollars	\$181,430	\$0	\$0	\$0	\$537,948	\$719,377
Utilization Percent	4.05%	0.00%	0.00%	0.00%	12.00%	16.05%
Availability Percent	8.08%	1.01%	0.00%	0.00%	18.18%	27.27%
Disparity	Underutilization *	Underutilization *	N/A	N/A	Underutilization *	
Other Services Firms						
Utilization Dollars	\$817,616	\$319,088	\$3,672	\$3,696	\$2,263,882	\$3,407,954
Utilization Percent	12.85%	5.02%	0.06%	0.06%	35.59%	53.57%
Availability Percent	11.63%	1.16%	0.39%	0.39%	10.47%	24.03%
Disparity	Overutilization	Overutilization	Underutilization *	Underutilization *	Overutilization	
Materials and Supplies Vendors						
Utilization Dollars	\$95,676	\$0	\$0	\$0	\$1,509,432	\$1,605,108
Utilization Percent	0.82%	0.00%	0.00%	0.00%	12.98%	13.81%
Availability Percent	1.45%	0.36%	0.36%	0.00%	8.00%	10.18%
Disparity	Underutilization *	Underutilization *	Underutilization *	N/A	Overutilization	

Source: Utilization findings are taken from the exhibit previously shown in **Chapter 3.0** and **Chapter 4.0**. Availability is based on bidders/vendors.

N/A-not applicable.

*Substantial disparity.

FINDING 8-3: M/WBE Subcontractor Utilization, Availability, and Disparity

The dollar value of M/WBE construction subcontractors over the study period is shown in **Exhibit 8-2** below:

- M/WBEs won construction subcontracts for \$2.39 million (12.97 percent of the total). There was substantial disparity in the utilization of available African American, Asian American, Native American, and nonminority women construction subcontractors.

**EXHIBIT 8-2
M/WBE SUBCONTRACTOR UTILIZATION, AVAILABILITY, AND DISPARITY
LEON COUNTY
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Business Category	African American	Hispanic American	Asian American	Native American	Nonminority Women	Total M/WBE
Construction Subcontractors						
Utilization Dollars (Overall Subcontractor Level)	\$1,868,840	\$302,580	\$0	\$9,792	\$213,761	\$2,394,973
Utilization Percent (Overall Subcontractor Level)	10.12%	1.64%	0.00%	0.05%	1.16%	12.97%
Availability Percent	18.75%	1.56%	0.52%	0.69%	10.76%	32.29%
Disparity (Overall Subcontractor Level)	Underutilization *	Overutilization	Underutilization *	Underutilization *	Underutilization *	

Source: Subcontractor bidders; Utilization and disparity findings are taken from the exhibit previously shown in **Chapters 3.0** and **4.0**.

N/A-not applicable.

*Substantial disparity.

FINDING 8-4: M/WBE Utilization in Private Sector Commercial Construction

MBE prime and subcontractor utilization in private sector commercial construction in the County was generally quite low, as measured by data from building permits. MBE subcontractor utilization in particular was low in absolute terms (less than 4 percent) (**Exhibit 8-3**), in comparison to MBE subcontractor utilization on County projects (more than 12 percent), and in comparison to MBE availability (about 21 percent).

**EXHIBIT 8-3
COMPARISON OF M/WBE UTILIZATION PERCENTAGE OF DOLLARS
PRIVATE COMMERCIAL CONSTRUCTION
LEON COUNTY
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Business Category/Data Source	African American	Hispanic American	Asian American	Native American	Nonminority Women	M/WBE Firms	Non-M/WBE Firms
Prime Contractors							
Leon County Construction Prime Contractors (Based on Expenditure Data Only)	3.46%	0.00%	0.00%	0.00%	12.86%	16.32%	83.68%
Private Construction Prime Contractors (Leon County, Florida Building Permits)	0.86%	0.00%	0.00%	0.00%	2.48%	3.34%	96.66%
Private Construction Prime Contractors (City of Tallahassee, Florida Building Permits)	0.03%	0.00%	0.00%	0.00%	1.02%	1.05%	98.95%
Subcontractors							
Leon County Construction Subcontractors (Overall Subcontractor Level) ¹	10.12%	1.64%	0.00%	0.05%	1.16%	12.97%	87.03%
Private Construction Subcontractors (Leon County, Florida Building Permits)	0.00%	0.00%	0.00%	0.05%	3.80%	3.80%	96.20%
Private Construction Subcontractors (City of Tallahassee, Florida Building Permits)	0.04%	0.00%	0.00%	0.00%	18.16%	18.21%	81.79%

Source: Utilization findings are taken from the exhibit previously shown in **Chapters 3.0** and **6.0**.

FINDING 8-5: Disparities in the Census Data

There was evidence of disparities based on the 2002 Survey of Business Owners from the U.S. Census Bureau (for groups for which data was available):

- *Construction Firms.* Women-owned firms were 6.8 percent of firms, 6.2 percent of sales, with \$84,224 in average revenue per firm, 90.9 percent of the market place average.
- *Professional Services Firms.* African American-owned firms were 5.6 percent of firms, 0.9 percent of sales, with \$15,000 in average revenue per firm, 16.9 percent of the market place average. Women-owned firms were 24.4 percent of firms, 12.7 percent of sales, with \$202,148 in average revenue per firm, 52.1 percent of the market place average.

8.2 Commendations and Recommendations

8.2.1 Commendations and Recommendations for Race-Neutral Alternatives

COMMENDATION and RECOMMENDATION 8-1: Outreach*

The County should be commended for its outreach efforts, including sponsoring workshops; participating in the Small Business Enterprise Week and MEDWeek, activities with the city of Tallahassee; partnerships with business development organizations such as the Small Business Development Center at Florida Agricultural and Mechanical (Florida A&M) University; and posting opportunities on the Web. Additional outreach can be conducted through special vendor fairs, networking sessions, and “brown bag” sessions targeting vendors for major projects such as federal funded stimulus projects and the joint public safety building. Division directors should be included in outreach sessions. In addition, the consolidation of the County and city of Tallahassee certified firms’ directory would assist primes and staff with identifying available firms for M/W/SBE opportunities.

COMMENDATION and RECOMMENDATION 8-2: Vendor Rotation*

The County should consider the wider use of vendor rotation to expand utilization of under-utilized M/WBE groups. Some political jurisdictions use vendor rotation arrangements to limit habitual repetitive purchases from incumbent majority firms and to ensure that M/W/SBEs have an opportunity to bid along with majority firms. Generally, a diverse team of firms are prequalified for work and then teams alternate undertaking projects. A number of agencies, including the city of Indianapolis, Indiana; Fairfax County, Virginia; the Port Authority of New York and New Jersey; and Miami-Dade County, Florida; use vendor rotation to encourage utilization of underutilized M/WBE groups, particularly in professional services.

COMMENDATION and RECOMMENDATION 8-3: SBE Program for Prime Contracts*

The County should be commended for starting an SBE program. A strong SBE program is central to maintaining a narrowly tailored program to promote M/WBE utilization. In particular, the County should focus on increasing M/WBE utilization through the SBE program. The County does not face constitutional restrictions on its SBE program, only those procurement restrictions imposed by state law. Specific suggestions for the County's SBE program can be found in features of other SBE programs around the United States, including:

- Setting aside small financial consulting projects (Port Authority of New York and New Jersey SBE Program).
- Providing bid preferences to SBEs in bidding on contracts (Miami-Dade County, Florida, Community SBE Program; Port Authority of New York and New Jersey SBE Program; Port of Portland, East Bay Municipal Utility District Contract Equity Program).²
- Setting SBE goals on formal and informal contracts (city of Charlotte, North Carolina, SBE Program).
- Setting department goals for SBE utilization (city of Charlotte, North Carolina, SBE Program).
- Access to low cost insurance on small projects (city of San Diego, California, Minor Construction Program).
- Providing bid preferences to SBEs on tax-assisted projects (city of Oakland, California, Local Small Business Enterprise Program, and Port of Portland Emerging Small Business Program).
- Making SBE utilization part of department performance reviews (city of Charlotte, North Carolina, SBE Program).
- Mentor-protégé programs for small businesses (Port of Portland Emerging Small Business Program).

The County SBE training requirement has limited the effectiveness of the existing SBE program. The County should exempt firms from the training requirement if: (1) they have a record of satisfactory performance on similar projects with the County (or other major public/private organization), or (2) have satisfied similar training sessions with other organizations.

² The Port of Portland found that 10 percent bid preferences were more effective than 5 percent bid preferences.

RECOMMENDATION 8-4: Mandatory Subcontracting*

The County should consider imposing mandatory subcontracting clauses where such clauses would promote M/W/SBE utilization, and be consistent with industry practice.³

RECOMMENDATION 8-5: Business Development Assistance*

The County did attempt some business development initiatives for SBEs and M/WBEs. However, there have been problems with the existing delivery of training services. The County should focus on partnerships with organizations with a proven track record of business development assistance, such as the Florida Department of Transportation's Supportive Services program.

The County should evaluate the impact of these business development initiatives on M/W/SBE utilization. The County should follow the example of the Port Authority of New York and New Jersey, for which management and technical assistance contracts have been structured to include incentives for producing results, such as increasing the number of M/WBEs being registered as qualified vendors with the Port, and increasing the number of M/WBEs graduating from subcontract work to prime contracting.

8.2.2 M/WBE Policy Commendations and Recommendations

RECOMMENDATION 8-6: Narrowly Tailored M/W/SBE Program

This study provides evidence to support a narrowly tailored program to promote M/WBE utilization. This conclusion is based primarily on statistical disparities in current M/WBE utilization, particularly in subcontracting, substantial disparities in the private marketplace, evidence of discrimination in business formation and revenue earned from self-employment, and some evidence of passive participation in private sector disparities. The County should tailor its women and minority participation policy to remedy each of these specific disparities.

The case law involving federal disadvantaged business enterprise (DBE) programs provide important insight into the design of local M/WBE programs. In January 1999, the United States Department of Transportation (USDOT) published its final DBE rule in Title 49, Code of Federal Regulations, Part 26 (49 CFR 26). The federal courts have consistently found the DBE regulations to be narrowly tailored.⁴ The federal DBE program has the features listed in **Exhibit 8-4** that contribute to this characterization as a narrowly tailored remedial procurement preference program. The County should adopt these features in any new narrowly tailored M/WBE program.

³ San Diego, as part of its Subcontractor Outreach Program (SCOPE), has mandatory outreach, mandatory use of subcontractors, and mandatory submission of an outreach document. Whether a contract has subcontracting is determined by the engineer on the project.

⁴ *Adarand v. Slater*, 228 F.3d 1147 (10th Cir. 2000), *Gross Seed. v. State of Nebraska*, 345 F.3d 968 (8th Cir. 2003); cert denied, 158 L.Ed. 2d 729 (2004), *Northern Contracting v. Illinois DOT*, 2005 U.S. Dist. LEXIS 19868 (ND IL 2005).

**EXHIBIT 8-4
NARROWLY TAILORED M/WBE PROGRAM FEATURES**

Narrowly Tailored Goal-Setting Features	DBE Regulations
The County should not use quotas.	49 CFR 26(43)(a)
The County should use race- or gender-conscious set-asides only in cases where other methods are inadequate to address the disparity.	49 CFR 26(43)(b)
The County should meet the maximum amount of its M/WBE goals through race-neutral means.	49 CFR 26(51)(a)
The County should use M/WBE contract goals only where race-neutral means are not sufficient.	49 CFR 26(51)(d)
The County should use M/WBE goals only where there are subcontracting possibilities.	49 CFR 26(51)(e)(1)
If the County estimates that it can meet the entire M/WBE goal with race-neutral means, then the County should not use contract goals.	49 CFR 26(51)(f)(1)
If it is determined that the County is exceeding its goal, then the County should reduce the use of M/WBE contract goals.	49 CFR 26(51)(f)(2)
If the County exceeds goals with race-neutral means for two years, then the County should not set contract goals the next year.	49 CFR 26(51)(f)(3)
If the County exceeds M/WBE goals with contract goals for two years, then the County should reduce use of contract goals the next year.	49 CFR 26(51)(f)(4)
If the County uses M/WBE goals, then the County should award only to firms that made good faith efforts.	49 CFR 26(53)(a)
The County should give bidders an opportunity to cure defects in good faith efforts.	49 CFR 26(53)(d)

COMMENDATION and RECOMMENDATION 8-7: Aspirational M/WBE TARGETS

The County should periodically adjust aspirational goals by business category, and not establish rigid project goals. Adjustments should be based on the degree of success of the program in previous years. To establish a benchmark for goal setting, aspirational goals should be based on relative M/WBE availability. The primary means for achieving these aspirational goals should be the SBE program, race-neutral joint ventures, outreach, and adjustments in the County procurement policy. As in the DOT, DBE program goals on particular projects should, in general, vary from overall aspirational goals. Possible revised aspirational goals based on M/WBE availability are proposed in **Exhibit 8-5**. These aspirational goals can be further decomposed by procurement category, ethnicity, and gender.

**EXHIBIT 8-5
PROPOSED M/WBE ASPIRATIONAL TARGETS
LEON COUNTY
BY PROCUREMENT CATEGORY**

Procurement Category	Aspirational MBE Target	Aspirational WBE Target
Construction Prime Contractors	8%	5%
Construction Subcontractors*	17%	9%
Architecture & Engineering	12%	14%
Professional Services	7%	15%
Other Services	10%	8%
Materials and Supplies	1%	6%

Source: Availability estimates are based on vendor data.

*Of total subcontract dollar value.

RECOMMENDATION 8-8: Joint Ventures

The County should consider adopting a joint venture policy similar to the one implemented by the city of Atlanta, Georgia. The city of Atlanta requires establishment of joint ventures on large projects of over \$10 million.⁵ Primes are required to joint venture with a firm from a different ethnic/gender group in order to ensure prime contracting opportunities for all businesses. This rule applies to women and minority firms as well as nonminority firms. This rule has resulted in tens of millions of dollars in contract awards to women and minority firms.

COMMENDATION and RECOMMENDATION 8-9: M/WBE Subcontractor Plans*

The County should consider reestablishing the good faith effort goal requirements in its contracts. The basis for retaining good faith efforts requirements is significant disparities in construction subcontracting, the very low utilization in private sector commercial construction and other evidence of private sector disparities, even after controlling for capacity and other race-neutral variables. The core theme should be that prime contractors should document their outreach efforts and the reasons why they may have rejected qualified M/WBEs that were the low-bidding subcontractors. Accordingly, the following narrow tailoring elements should be considered:

1. Good faith effort requirements should apply to both M/WBE and nonminority prime contractors.
2. Projects goals should vary by project and reflect realistic M/WBE availability for particular projects.
3. A documented excessive subcontractor bid can be a basis for not subcontracting with an M/WBE.
4. A documented record of poor performance can be a basis for not subcontracting with an M/WBE.⁶

⁵ City of Atlanta Ordinance Sec. 2-1450 and Sec. 2-1451.

⁶ The last two elements were adopted by the North Carolina Department of Transportation (NCDOT). 19A NCAC 02D.1110(7).

COMMENDATION 8-10: RFP Language*

The County is commended for putting in its request for proposals (RFPs) language asking proposers about their strategies for M/WBE inclusion on projects. A number of agencies, including the Port Authority of New York and New Jersey, have had success in soliciting creative responses to these requests, even in areas such as large-scale insurance contracts.

RECOMMENDATION 8-11: Economic Development*

The County should consider extending the M/W/SBE program to economic development projects. Jersey City, New Jersey, and the city of Saint Paul, Minnesota, have established offices that focus on employment and M/W/SBE utilization on economic development projects. San Antonio and Bexar County, Texas, also have very active M/W/SBE initiatives for development projects that receive tax subsidies.

RECOMMENDATION 8-12: Certification*

Two-Tier Size Standards. The federal case law points to the use of size standards and net worth requirements as one factor in the narrow tailoring of remedial procurement programs. At present, the County uses its own size standard.

Size standards for remedial procurement programs face a dilemma. If the size standard is placed too high, large firms crowd out new firms. If the size standard is placed too low, too many experienced firms lose the advantages of the remedial program. The second problem is an issue with the current County SBE certification. One solution to this dilemma is to adopt a two-tier standard for M/WBE and SBE certification. The federal government and the states of Oregon and New Jersey use a two-tier size standard. Thus, for example, contracts could be set aside for small and very small firms and goals that included very large M/W/SBEs could be established on large projects. A standard approach is to use the Small Business Administration (SBA) size standard for small firms and a percentage of the SBA size standard (for example, 25 or 50 percent) for very small firms.

Automatic SBE Certification. Firms that already satisfy the size and location requirements for the SBE program should be automatically certified as SBEs, unless they elect to remove themselves from the SBE directory. Several jurisdictions have used this approach to expand the pool of SBEs.

Socially and Economically Disadvantaged Firms. The County should consider adding socially and economically disadvantaged firms to its definition of targeted groups. The North Carolina M/WBE program has this feature.

Program Participation Limits. Another graduation provision is to restrict the overall amount of dollars a program participant can receive. For example, the city of New York graduates firms that have received more than \$15 million in prime contracts within the past three years.⁷

⁷ Local Laws of New York, Section 7-1292 (c) (17).

COMMENDATION and RECOMMENDATION 8-13: MWBE Program Data Management

It is important for the County to closely monitor the utilization of all businesses by race, ethnicity, and gender, and by prime and subcontractor utilization, over time to determine whether the County's M/W/SBE policy has the potential to eliminate race and gender disparities without applying specific race and gender goals. The County should be commended for its improved tracking of subcontractor utilization and for the implementation of the B2G system for tracking M/W/SBE contract compliance.

COMMENDATION and RECOMMENDATION 8-14: Purchasing and M/W/SBE Policy

The County should be commended for the consolidation of the purchasing policy and the M/WBE participation policy and elevating the M/W/SBE program to division level, which improved the internal and external perception of the County's commitment to the program's success. The County should ensure that vendors submit the required contract compliance documents pertaining to the M/W/SBE program as part of their request for payment.

COMMENDATION and RECOMMENDATION 8-15: M/W/SBE Program Staff

The County should be commended for the efforts of the County's M/W/SBE staff. The County could increase staff, training and resources to ensure the necessary resources to operate the MWBE program. The reason for an increase of staff would be: setting M/WBE project goals (targets), updating an M/WBE policy manual, re-establishing an SBE program, reporting M/WBE utilization to the highest levels of County management, overseeing business assistance, improving outreach, reserving contracts under an SBE program, and monitoring M/W/SBE targets and contract compliance.

RECOMMENDATION 8-16: Performance Measures*

The County should add performance measures other than M/W/SBE percentage utilization. Some suggested measures come from the Florida Department of Transportation's Small Business Initiative (discussed in the best practices section of this report). The County should develop additional measures to gauge the effectiveness of its efforts. Possible measures include:

- Growth in the number of M/W/SBEs winning their first award from the County.
- Growth in percentage of M/W/SBE utilization by the County.
- Growth in M/W/SBE prime contracting.
- Growth in M/W/SBE subcontractors to prime contractors.
- Number of M/W/SBEs that receive bonding.
- Number of M/W/SBEs that successfully graduate from the program.
- Number of graduated firms that successfully win County projects.

- Percentage of M/W/SBE utilization for contracts not subject to competitive bidding requirements.
- Growth in the number of M/W/SBEs utilized by the County.
- Number of joint ventures involving M/W/SBEs.
- Largest contract won by an M/W/SBE.
- Comparability in annual growth rates and median sales for M/W/SBEs and non-M/W/SBEs in the County contracts.

APPENDICES

***APPENDIX A:
UTILIZATION DETAILS***

**APPENDIX A
UTILIZATION DETAILS**

Utilization Details - Construction

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
1001 USES UTILITY BLDG	NONMINORITY MALE	LEON, FL	\$4,298.00
ABSOLUTE DEMO, INC	NONMINORITY MALE	LEON, FL	\$6,000.00
ALBRITTON ELECTRICAL SERVICE INC	NONMINORITY MALE	LEON, FL	\$475,790.14
ALL FLORIDA ELECTRIC OF TALLAHASSEE INC	NONMINORITY MALE	LEON, FL	\$500.00
ALLEN'S EXCAVATING, INC.	NONMINORITY MALE	LEON, FL	\$11,096,038.40
ALLWEATHER INSULATION INC	NONMINORITY MALE	LEON, FL	\$1,902.00
ANYTIME CONCRETE, INC	NONMINORITY MALE	LEON, FL	\$352.00
APACHEE ROOFING	NONMINORITY MALE	LEON, FL	\$10,250.00
APALACHEE BACKHOE & SEPTIC TANK LLC	NONMINORITY MALE	LEON, FL	\$204,268.35
B & S UTILITIES	NONMINORITY MALE	LEON, FL	\$48,456.68
BASS CONSTRUCTION CO INC	NONMINORITY MALE	LEON, FL	\$267,160.68
BAYCREST CORPORATION	NONMINORITY MALE	LEON, FL	\$773,711.46
BLANKENSHIP CONTRACTNG INC	NONMINORITY MALE	LEON, FL	\$4,569,664.70
BLUE CHIP CONSTRUCTION	AFRICAN AMERICAN	LEON, FL	\$2,049,796.46
BOB MCKEITHEN & SONS	NONMINORITY MALE	LEON, FL	\$3,885.00
BRYAN SCRUGGS CONSTRUCTION, INC	NONMINORITY MALE	GADSDEN, FL	\$419,150.58
C & C ASPHALT, LLC	NONMINORITY MALE	LEON, FL	\$14,870.00
C & R CONSTRUCTION SVS, INC	AFRICAN AMERICAN	LEON, FL	\$33,259.00
CAMP DRESSER & MCKEE INC	NONMINORITY MALE	LEON, FL	\$599,873.08
CAPITAL QUALITY BUILDINGS, INC	NONMINORITY MALE	LEON, FL	\$5,325.00
COUNCIL CONTRACTING, INC	NONMINORITY FEMALE	LEON, FL	\$834,907.23
CPS RESIDENTIAL & COMMERCIAL CONSTRUCTION SERVICES	NONMINORITY MALE	LEON, FL	\$76,797.74
CUMBIE CONCRETE CONSTRUCTION CO.	NONMINORITY MALE	LEON, FL	\$389.85
DAVIS CONSTRUCTION	NONMINORITY MALE	LEON, FL	\$600.00
DIXIE PAVING & GRADING, INC	NONMINORITY MALE	LEON, FL	\$487,949.65
DOVE ROOFING CO INC	NONMINORITY MALE	LEON, FL	\$48,231.10
FLORIDA DESIGN AND CONSTRUCTION	AFRICAN AMERICAN	LEON, FL	\$1,975.00
FLORIDA DEVELOPERS INC	AFRICAN AMERICAN	LEON, FL	\$42,823.00
GAINES	NONMINORITY MALE	LEON, FL	\$300.00
GAINES & SONS STRIPING,INC	AFRICAN AMERICAN	LEON, FL	\$332,679.87
GARRISON DESIGN & CONSTRUCTION INC	NONMINORITY MALE	LEON, FL	\$628,376.74
GEMINI ELECTRIC	NONMINORITY MALE	LEON, FL	\$8,200.00
GREAT SOUTHERN DEMOLITION INC	NONMINORITY MALE	LEON, FL	\$15,826.00
HARRELL ROOFING INC	NONMINORITY MALE	LEON, FL	\$86,387.00
HODGES ELECTRIC, INC.	NONMINORITY MALE	LEON, FL	\$1,303.30
JACKSON COOK INC	NONMINORITY FEMALE	LEON, FL	\$10,359.45
JIMMIE CROWDER EXCAVATING & LAND CLEARING, INC	NONMINORITY MALE	LEON, FL	\$3,238,291.93
JP POWELL SERVICES	NONMINORITY FEMALE	LEON, FL	\$47,917.49
KCW ELECTRIC CO	NONMINORITY MALE	LEON, FL	\$29,405.55
KEITH LAWSON COMPANY	NONMINORITY MALE	LEON, FL	\$877.00
KINSEY CONTRACTORS INC	NONMINORITY MALE	LEON, FL	\$443,816.17
KRATOFIL'S HEATING & AIR CONDITIONING INC	NONMINORITY MALE	LEON, FL	\$5,880.00
LANCE MAXWELL PLUMBING	NONMINORITY MALE	LEON, FL	\$2,260.00
LARRY HAGAMAN PLUMBING CONTRACTOR	NONMINORITY MALE	LEON, FL	\$1,235.00
M OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	\$102,400.00
M&L PLUMBING	NONMINORITY MALE	LEON, FL	\$3,775.00
MEYER CONSTRUCTION COMPANY, LLC	NONMINORITY MALE	LEON, FL	\$59,204.00

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
MIKE SCOTT CONSTRUCTION	NONMINORITY MALE	LEON, FL	\$266,329.68
MORGAN ELECTRIC CO.	NONMINORITY MALE	LEON, FL	\$111,777.57
MOSLEY ENTERPRISES	NONMINORITY MALE	GADSDEN, FL	\$36,620.00
MSTCONSTRUCTION	NONMINORITY MALE	GADSDEN, FL	\$1,449.46
MUD WORKS	AFRICAN AMERICAN	LEON, FL	\$16,907.00
NORTH FLORIDA ASPHALT INC	NONMINORITY MALE	LEON, FL	\$1,714,065.65
PAGEL CONSTRUCTION, INC	NONMINORITY MALE	LEON, FL	\$348,281.50
PANHANDLE CONTRACTING	NONMINORITY MALE	LEON, FL	\$6,500.00
PEARSON CONSTRUCTION COMPANY LLC	NONMINORITY MALE	LEON, FL	\$1,157,452.96
PEAVY & SON CONSTRUCTION CO INC	NONMINORITY MALE	GADSDEN, FL	\$7,185,506.99
PETER R BROWN CONSTRUCTION	NONMINORITY FEMALE	LEON, FL	\$8,510,946.67
PHOENIX CONSTRUCTION & FENCING	AFRICAN AMERICAN	LEON, FL	\$75,766.74
PRO STEEL BLDG INC	NONMINORITY MALE	LEON, FL	\$631,779.15
REYNOLDS HOME BUILDERS, INC	NONMINORITY FEMALE	LEON, FL	\$67,773.80
RIPPEE CONSTRUCTION INC	NONMINORITY FEMALE	LEON, FL	\$21,820.00
ROTO ROOTER PLUMBERS	NONMINORITY MALE	LEON, FL	\$39,826.13
SANDCO INC	NONMINORITY MALE	LEON, FL	\$26,326,144.83
SCOTT-BURNETT INC	NONMINORITY MALE	LEON, FL	\$2,435.48
SOUTHEAST CONCRETE CUTTING AND DEMOLITION INC	NONMINORITY MALE	LEON, FL	\$450.00
SOUTHERN GENERAL CONTRACTORS, LLC	NONMINORITY MALE	LEON, FL	\$28,430.00
SPECIALTY CONTRACTORS OF TALLAHASSEE INC	NONMINORITY MALE	LEON, FL	\$8,597.36
STREAMLINE ROOFING	NONMINORITY MALE	LEON, FL	\$556.94
STRICKLAND ELECTRIC COMPANY OF TALLAHASSEE INC	NONMINORITY FEMALE	LEON, FL	\$5,525.00
T S BUILDERS, INC	NONMINORITY MALE	LEON, FL	\$155,978.07
TOM SHAW CONSTRUCTION COMPANY	NONMINORITY MALE	LEON, FL	\$37,450.39
VAUSE MECHANICAL CONTRACTING, INC.	NONMINORITY MALE	LEON, FL	\$2,724.00
WHITE'S PLUMBING INC	NONMINORITY MALE	LEON, FL	\$6,350.08

Utilization Details - Architecture & Engineering

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE
			AMT
ACOUSTI ENGINEERING CO OF FLORIDA	NONMINORITY FEMALE	LEON, FL	\$2,304.92
ADVANCED GEOSPATIAL, INC	NONMINORITY MALE	LEON, FL	\$80,425.00
AKIN & ASSOCIATES ARCHITECTS	AFRICAN AMERICAN	LEON, FL	\$146,460.64
ALLEN NOBLES AND ASSOCIATES INC	NONMINORITY MALE	LEON, FL	\$157,454.71
BARNETT FRONCZAK ARCHITECTS	NONMINORITY MALE	LEON, FL	\$522,894.85
BENEDICT ENGINEERING COMPANY INC	NONMINORITY MALE	LEON, FL	\$9,080.50
CAPITAL ENGINEERING & SURVEYING,INC	NONMINORITY MALE	LEON, FL	\$5,662.00
COLONEY BELL ENGINEERING	NONMINORITY MALE	LEON, FL	\$1,852.50
CS & K ASSOCIATES, INC	NONMINORITY FEMALE	LEON, FL	\$2,660.00
DIVERSIFIED DESIGN % DRAFTING SERVICES, INC	NONMINORITY FEMALE	LEON, FL	\$1,760.00
EMO ARCHITECTS, INC	NONMINORITY MALE	LEON, FL	\$458,382.35
ENVIRONMENTAL & GEOTECHNICAL SPECIALISTS INC (EGS)	NONMINORITY MALE	LEON, FL	\$67,388.69
ENVIRONMENTAL CONSULTING & TECHNOLOGY INC	NONMINORITY FEMALE	LEON, FL	\$292,967.33
GENESIS GROUP INC	NONMINORITY MALE	LEON, FL	\$1,490,568.99
GPI SOUTHEAST INC	NONMINORITY MALE	LEON, FL	\$29,607.32
HAMMOND DESIGN GROUP	NONMINORITY MALE	LEON, FL	\$251,525.58
JOHNSON PETERSON ARCHITECTS INC	NONMINORITY MALE	LEON, FL	\$516,512.57
JRA ARCHITECTS INC	NONMINORITY MALE	LEON, FL	\$2,845.00
McGINNISS & FLEMING ENGINEERING INC	NONMINORITY MALE	LEON, FL	\$131,844.38
MIHIR ENVIRONICS INC	ASIAN AMERICAN	LEON, FL	\$22,465.00
MOORE BASS CONSULTING INC	NONMINORITY FEMALE	LEON, FL	\$16,108.73
POOLE ENGINEERING	NONMINORITY FEMALE	LEON, FL	\$4,312.00
POST BUCKLEY SCHUH & JERNIGAN, INC	NONMINORITY MALE	LEON, FL	\$2,359,696.37
REGISTE,SLIGER ENGINEERING,INC	AFRICAN AMERICAN	LEON, FL	\$153,869.20
ROSENBAUM ENGINEERING	NONMINORITY MALE	LEON, FL	\$38,084.02
SOUTHERN EARTH SCIENCES INC	NONMINORITY MALE	LEON, FL	\$9,319.00
SPECTRA ENGINEERING & RESEARCH, INC	AFRICAN AMERICAN	LEON, FL	\$210,018.89
STRUCTURAL DIAGNOSTICS	AFRICAN AMERICAN	LEON, FL	\$26,915.00
TRAK ENGINEERING INC	NONMINORITY MALE	LEON, FL	\$11,072.50
WELCH & WARD ARCHITECTS INC	ASIAN AMERICAN	LEON, FL	\$173,844.00
WILLIAMSON & ASSOCIATES, INC.	NONMINORITY MALE	LEON, FL	\$300.00

Utilization Details - Professional Services

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
ACCURATE STENOTYPE REPORTERS	NONMINORITY FEMALE	LEON, FL	\$1,838.40
ALL PRO DRUG TESTING INC	NONMINORITY FEMALE	LEON, FL	\$40.00
ALLIED VET EMERGENCY SERVICES INC	NONMINORITY MALE	LEON, FL	\$200.00
APPRAISAL GROUP OF TALLAHASSEE, INC	NONMINORITY FEMALE	LEON, FL	\$10,000.00
BANKS & MORRIS, P.A.	NONMINORITY MALE	LEON, FL	\$36,968.13
BECK & BARRIOS, PA	NONMINORITY MALE	LEON, FL	\$2,500.00
BIBLER DESIGN DEVELOPMENT	NONMINORITY MALE	LEON, FL	\$3,800.00
BOUTIN BROWN REALTY ADVISORS INC	NONMINORITY MALE	LEON, FL	\$107,707.50
BRADLEY	NONMINORITY MALE	LEON, FL	\$560.00
BROWN AND BROWN PA	AFRICAN AMERICAN	LEON, FL	\$9,089.81
BRYANT MILLER & OLIVE PA	NONMINORITY MALE	LEON, FL	\$171,961.83
CARR ALLISON	NONMINORITY MALE	LEON, FL	\$241,767.93
CHARLES E HOBBS II, ESQ	AFRICAN AMERICAN	LEON, FL	\$420.00
CLINICAL PSYCHOLOGICAL SERVICES, INC	NONMINORITY MALE	LEON, FL	\$205.00
COMPUTER TUTORS USA INC	NONMINORITY FEMALE	LEON, FL	\$20,095.00
COOPER BYRNE BLUE & SCHWARTZ, LLC	NONMINORITY MALE	LEON, FL	\$90,364.11
CURETON-JOHNSON & ASSOCIATES	NONMINORITY MALE	LEON, FL	\$8,750.00
DAVID C HAWKINS, PLLC	NONMINORITY MALE	LEON, FL	\$16,686.25
DEBEAUBIEN KNIGHT SIMMONS MANTZARIS & NEAL, LLP	NONMINORITY MALE	LEON, FL	\$4,700.80
DIANE WILKENS PRODUCTIONS	NONMINORITY FEMALE	LEON, FL	\$750.00
DISASTERS, STRATEGIES AND IDEAS GROUP, LLC	NONMINORITY MALE	LEON, FL	\$49,757.64
DISKIN PROPERTY RESEARCH	NONMINORITY MALE	LEON, FL	\$64,368.86
EMPLOYEE MANAGEMENT SYSTEMS	NONMINORITY MALE	LEON, FL	\$7,280.00
FIXEL & MAGUIRE	NONMINORITY MALE	LEON, FL	\$9,567.00
FLORIDA PROPERTY CONSULTANTS GROUP	NONMINORITY MALE	LEON, FL	\$6,000.00
FOR THE RECORD REPORTING	NONMINORITY FEMALE	LEON, FL	\$112.50
FRANK E SHEFFIELD PA	NONMINORITY MALE	LEON, FL	\$29,635.50
GARDNER, BIST, WIENER, WADSWORTH & BOWDEN, P.A.	NONMINORITY MALE	LEON, FL	\$48,825.00
GENTRY & WAY PA	NONMINORITY FEMALE	LEON, FL	\$6,406.08
GREGORY J CUMMINGS	NONMINORITY MALE	LEON, FL	\$1,445.94
HENNINGSEN INVESTMENT INC	NONMINORITY MALE	LEON, FL	\$2,542.43
HERRLE COMMUNICATIONS GROUP	NONMINORITY FEMALE	LEON, FL	\$1,665.50
I S CONSULTING	NONMINORITY FEMALE	LEON, FL	\$30,160.00
INFINITY SOFTWARE DEVELOPMENT	NONMINORITY MALE	LEON, FL	\$9,338.75
INOVIA CONSULTING GROUP	NONMINORITY MALE	LEON, FL	\$22,686.40
INTEGRITY PUBLIC FINANCE CONSULTING	NONMINORITY MALE	LEON, FL	\$22,300.00
JORDAN RESEARCH & CONSULTING	NONMINORITY MALE	LEON, FL	\$456.25
KETCHAM APPRAISAL GRP PA	NONMINORITY MALE	LEON, FL	\$114,348.45
KETCHAM REALTY GROUP, INC	NONMINORITY MALE	LEON, FL	\$75.00
KNOWLES & RANDOLPH PA	AFRICAN AMERICAN	LEON, FL	\$138,225.00
LAW OFFICES OF GARY ANTON, PA	NONMINORITY MALE	LEON, FL	\$1,911.40
LEWIS LONGMAN & WALKER P.A.	NONMINORITY MALE	LEON, FL	\$178,693.10
MCGLYNN LABORATORIES	NONMINORITY FEMALE	LEON, FL	\$430,440.13
MERIT REPORTING	NONMINORITY FEMALE	LEON, FL	\$145.00
MESSER CAPARELLO & SELF	NONMINORITY MALE	LEON, FL	\$2,287.04
MGT OF AMERICA INC	NONMINORITY MALE	LEON, FL	\$60,310.70

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
MOORE CONSULTING GROUP	NONMINORITY FEMALE	LEON, FL	\$3,000.00
NABORS GIBLIN & NICKERSON PA	NONMINORITY MALE	LEON, FL	\$63,178.12
PARTNERS IN COMMUNICATION	NONMINORITY FEMALE	LEON, FL	\$4,162.50
PAUL CONSULTING INC	NONMINORITY MALE	LEON, FL	\$1,413,875.00
PROFESSIONAL PRACTICE SOLUTIONS, LLC	NONMINORITY FEMALE	LEON, FL	\$10,885.00
REMILLARD LAW FIRM, P.A.	NONMINORITY MALE	LEON, FL	\$1,168.75
RICHARD A GREENBERG ATTY	NONMINORITY MALE	LEON, FL	\$1,002.31
ROGERS, ATKINS, GUNTERE & ASSOCIATES	NONMINORITY MALE	LEON, FL	\$3,850.00
ROSE, SUNDSTROM & BENTLEY, LLP	NONMINORITY MALE	LEON, FL	\$23,788.66
ROTHENBERG, LOUIS PAUL	NONMINORITY MALE	LEON, FL	\$331.50
ROUMELIS PLANNING & DEVELOP SERVICES INC	NONMINORITY FEMALE	LEON, FL	\$10,780.91
SAVLOV & ANDERSON	NONMINORITY MALE	LEON, FL	\$9,716.00
SHUTTS & BOWEN LLP	NONMINORITY MALE	LEON, FL	\$159,000.00
SMITH THOMPSON SHAW P A	NONMINORITY FEMALE	LEON, FL	\$6,496.50
TALLAHASSEE LAND CO INC	NONMINORITY MALE	LEON, FL	\$962.50
THE DYE LAW FIRM P.A.	NONMINORITY MALE	LEON, FL	\$4,905.00
THOMAS HOWELL FERGUSON PA	NONMINORITY MALE	LEON, FL	\$759,552.29
TRACY P. MOYE, P.A.	NONMINORITY FEMALE	LEON, FL	\$970.12
TROY FAIN INSURANCE INC	NONMINORITY MALE	LEON, FL	\$185.88
UZZELL ADVERTISING	AFRICAN AMERICAN	LEON, FL	\$30,000.00
VAUSE'S PROCESS SERVICE	NONMINORITY MALE	LEON, FL	\$3,633.00
WILLIAMS, WILSON, & SEXTON PA	AFRICAN AMERICAN	LEON, FL	\$3,694.80

Utilization Details - Other Services

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
A AND A CLEANING	NONMINORITY MALE	LEON, FL	\$12,415.00
A BLIND DECOR	NONMINORITY MALE	LEON, FL	\$2,939.80
A MAN WITH A VAN INC	NONMINORITY MALE	LEON, FL	\$189.00
AAA TO ZEE	NONMINORITY MALE	LEON, FL	\$4,266.30
AAA TREE SERVICE INC	NONMINORITY MALE	LEON, FL	\$39,445.00
ABRAHAM GEORGE PATIO	NONMINORITY MALE	LEON, FL	\$5,939.00
ACCENT OFFICE PLANNERS INC	NONMINORITY FEMALE	LEON, FL	\$21,625.10
ACTION LEGAL COPY SERVICE INC	NONMINORITY MALE	LEON, FL	\$10.00
ADAM'S TREES	NONMINORITY MALE	LEON, FL	\$300.00
ADVANCED GRAPHICS TECHNOLOGIES INC	NONMINORITY MALE	LEON, FL	\$555.00
AEGIS COMPUTER SERVICES, INC.	NONMINORITY FEMALE	LEON, FL	\$6,450.00
AFFINITY DESIGN GROUP	NONMINORITY FEMALE	LEON, FL	\$157.60
AIR TECH	NONMINORITY MALE	LEON, FL	\$450.00
ALL PRO LANDSCAPING	NONMINORITY MALE	LEON, FL	\$33,034.15
ALL-AMERICAN CARPET & UPHOLSTERY CLEANING INC	NONMINORITY MALE	LEON, FL	\$260.00
ALPHA BUSINESS FORMS	NONMINORITY MALE	LEON, FL	\$16,795.44
ALPHA TRAVEL & TOURS INC	AFRICAN AMERICAN	LEON, FL	\$2,156.90
AMERICAN CLUTCH REBUILDERS	NONMINORITY MALE	LEON, FL	\$1,526.45
AMERICAN EXTERIOR CLEANING COMPANY	NONMINORITY MALE	LEON, FL	\$1,970.00
AMERICAN FENCE CO	NONMINORITY MALE	GADSDEN, FL	\$31,478.60
AMERICAN PHOTOGRAPHY SERVICES	AFRICAN AMERICAN	LEON, FL	\$165.00
ANDREWS	NONMINORITY MALE	LEON, FL	\$708.50
ASTRO TRAVEL AND TOURS	NONMINORITY MALE	LEON, FL	\$1,262.50
B&T FENCING INC	NONMINORITY MALE	LEON, FL	\$1,100.00
BAKER LANDSCAPE & IRRIGATION INC.	NONMINORITY FEMALE	LEON, FL	\$2,749.00
BARRY GROSS PHOTOGRAPHY	NONMINORITY MALE	LEON, FL	\$3,437.00
BEGGS FUNERAL HOME INC	NONMINORITY MALE	LEON, FL	\$250.00
BIG BEND GARAGE DOOR SERVICE	NONMINORITY MALE	LEON, FL	\$19,750.00
BIG BEND TRANSIT INC	NONMINORITY MALE	LEON, FL	\$590.15
BILL'S CARPET CARE	NONMINORITY MALE	LEON, FL	\$25,253.95
BONE DRY RESTORATION AND CLEANING	NONMINORITY MALE	LEON, FL	\$8,782.86
BRIAN S HURLEY & ASSOCIATES INC	NONMINORITY MALE	LEON, FL	\$967.22
BRIAN'S SEPTIC SERVICE	NONMINORITY MALE	LEON, FL	\$2,260.00
BRIDGES TREE SERVICE INC	NONMINORITY MALE	LEON, FL	\$3,300.00
BROWNS PAINT & BODY SHOP	AFRICAN AMERICAN	LEON, FL	\$8,975.46
BROWN'S REFRIGERATION & EQUIPMENT CO, INC	NONMINORITY MALE	LEON, FL	\$4,760.68
BRUCE'S KEY & LOCK INC	NATIVE AMERICAN	LEON, FL	\$3,696.37
B'S ICE CREAM	NONMINORITY MALE	LEON, FL	\$1,363.73
BUDDY'S SEPTIC TANK SERV	NONMINORITY MALE	LEON, FL	\$200.00
BUDGET PRINTING CENTERS	NONMINORITY MALE	LEON, FL	\$56,220.56
BUSINESS COMMUNICATIONS	NONMINORITY MALE	LEON, FL	\$5,764.50
C & L ASSOCIATES	NONMINORITY FEMALE	LEON, FL	\$2,109,824.45
C & L WELL AND PUMP SERVICE	NONMINORITY MALE	LEON, FL	\$1,920.00
C & M IRRIGATION & LAWN SERVICE	NONMINORITY MALE	LEON, FL	\$50.00
C & M LANDSCAPE & IRRIGATION	NONMINORITY MALE	LEON, FL	\$9,325.00
CAPITAL BUSINESS INTERIORS	NONMINORITY FEMALE	LEON, FL	\$7,560.69

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
CAPITAL CITY BLACK PAGES	AFRICAN AMERICAN	LEON, FL	\$3,000.00
CAPITAL CITY RADIATOR SHP	NONMINORITY MALE	LEON, FL	\$536.50
CAPITAL CITY STAMPS	NONMINORITY FEMALE	LEON, FL	\$656.50
CAPITAL GLASS TINTING,INC	NONMINORITY MALE	LEON, FL	\$684.29
CAPITAL HYDRAULICS	NONMINORITY MALE	LEON, FL	\$26,565.35
CAPITAL OUTLOOK NEWSPAPER	AFRICAN AMERICAN	LEON, FL	\$19,888.00
CAPITAL TREE SERVICE	NONMINORITY MALE	LEON, FL	\$5,650.00
CAPITAL TRUCK INC	NONMINORITY MALE	LEON, FL	\$3,632.11
CAPITOL GLASS AND TINTING, INC.	AFRICAN AMERICAN	LEON, FL	\$4,290.75
CAPITOL WINDOW CENTER	NONMINORITY MALE	LEON, FL	\$490.83
CARLSON WAGONLIT TRAVEL	NONMINORITY FEMALE	LEON, FL	\$437.79
CITY BLUE COPY & MAIL CENTER	NONMINORITY MALE	LEON, FL	\$13,000.18
COMMERCIAL CLEANING ASSOCIATES	NONMINORITY MALE	LEON, FL	\$400.00
COMMERCIAL PRINT & COPY	NONMINORITY MALE	LEON, FL	\$368.00
CONFIDENTIAL SHREDDING & RECYCLING, INC.	NONMINORITY FEMALE	LEON, FL	\$18,265.00
CORRY CABINET COMPANY	NONMINORITY MALE	GADSDEN, FL	\$17,763.00
COVER TIME UPHOLSTERY, INC	NONMINORITY MALE	LEON, FL	\$1,565.00
CREATE IT ENTERPRISES	NONMINORITY MALE	LEON, FL	\$5,000.00
CRICKETS TREE SREVICE	NONMINORITY MALE	LEON, FL	\$6,150.00
CULLEY'S MEADOWWOOD FUNERAL HOME	NONMINORITY MALE	LEON, FL	\$250.00
CUSHING SPECIALTY CO. INC.	NONMINORITY MALE	LEON, FL	\$1,068.00
DAVIS SAFE & LOCK INC	NONMINORITY MALE	LEON, FL	\$14,644.60
DICKIES TREE SERVICE	NONMINORITY MALE	LEON, FL	\$2,820.00
DJKT ENTERPRISES INC	NONMINORITY MALE	LEON, FL	\$83.00
DON HENSLEY'S LANDSCAPE AND LAWN SERVICE	NONMINORITY MALE	LEON, FL	\$86,027.82
DON SIRMONS ALIGNMENT & BRAKE INC	NONMINORITY MALE	LEON, FL	\$63.50
DOUG'S WINDOW CLEANING	NONMINORITY MALE	LEON, FL	\$2,850.00
DUCT MASTER	NONMINORITY MALE	LEON, FL	\$550.00
EDDIE NATHAN PAINTING	AFRICAN AMERICAN	LEON, FL	\$3,425.00
ELLIS TREE SERVICE	NONMINORITY MALE	LEON, FL	\$485.00
ELSASSERS'S LOCK & KEY	NONMINORITY MALE	LEON, FL	\$1,404.00
ELUSTER RICHARDSON INC	AFRICAN AMERICAN	LEON, FL	\$300.00
EMMETT BELL'S TREE SERVICE	NONMINORITY MALE	LEON, FL	\$3,600.00
ENGLAND FLORIST & GIFTS	NONMINORITY FEMALE	LEON, FL	\$3,453.50
ESTES SEAL COATING	NONMINORITY MALE	LEON, FL	\$16,115.00
EVANS SURECUT LANDSCAPING	AFRICAN AMERICAN	GADSDEN, FL	\$47,795.97
EXPRESS COPY & PRINTING	ASIAN AMERICAN	LEON, FL	\$3,671.80
EXPRESSIT INC	NONMINORITY FEMALE	LEON, FL	\$1,382.45
FAMILY FUN RENTALS	NONMINORITY MALE	LEON, FL	\$90.00
FISH WINDOW CLEANING	NONMINORITY MALE	LEON, FL	\$378.00
FLORIDA FENCE AND DECK	NONMINORITY MALE	LEON, FL	\$132,684.47
FLORIDA PEST CONTROL &	NONMINORITY MALE	LEON, FL	\$175.00
FLORIDA ROOFING & SHEET METAL WORKS, INC	NONMINORITY MALE	LEON, FL	\$6,637.81
FULL MOON SIGNS & GRAPHIC	NONMINORITY MALE	LEON, FL	\$20,590.75
GANDY PRINTERS	NONMINORITY MALE	LEON, FL	\$21,645.64
GANT ASSOCIATES INC	AFRICAN AMERICAN	LEON, FL	\$36,200.00
GASKIN IRRIGATION AND LANDSCAPE	NONMINORITY MALE	LEON, FL	\$42,496.61
GIBSON SAW REPAIR	NONMINORITY MALE	LEON, FL	\$232.50
GLASS PRO SHOP INC	NONMINORITY MALE	LEON, FL	\$12,869.93

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE
			AMT
GRAMLING'S INC.	NONMINORITY MALE	LEON, FL	\$8,530.96
GRAPHATERIA	NONMINORITY FEMALE	LEON, FL	\$4,302.06
GREENWAY LAWN CARE	NONMINORITY MALE	LEON, FL	\$950.00
GULF COAST PAINTING	AFRICAN AMERICAN	LEON, FL	\$27,830.00
H&S SERVICES OF N FLORIDA	AFRICAN AMERICAN	LEON, FL	\$10,822.50
HARMON AUTOGLASS	NONMINORITY MALE	LEON, FL	\$571.27
HARTSFIELD ELECTRIC CO.	NONMINORITY MALE	LEON, FL	\$3,108.00
HARVEST PRINTING & COPY	HISPANIC AMERICAN	LEON, FL	\$9,795.08
HEAVENLY CATERING	AFRICAN AMERICAN	LEON, FL	\$4,781.61
HELGA'S TAILORING	NONMINORITY FEMALE	LEON, FL	\$5,454.00
HIRE QUEST, LLC DBA TROJAN LABOR	NONMINORITY MALE	LEON, FL	\$469,152.70
HOUSE OF BROWN'S FUNERAL SERVICES INC	AFRICAN AMERICAN	LEON, FL	\$1,250.00
HUNTERS TREE SERVICE	NONMINORITY MALE	LEON, FL	\$2,000.00
ILG RESTAURANT LLC	NONMINORITY MALE	LEON, FL	\$352.00
INLINE LANDSCAPE INC	NONMINORITY MALE	LEON, FL	\$49,225.00
INSTY PRINTS	NONMINORITY FEMALE	LEON, FL	\$1,657.00
J & R PRINTERS	AFRICAN AMERICAN	LEON, FL	\$34,807.45
JEFF KYNOCH PAINTING	NONMINORITY MALE	LEON, FL	\$22,210.00
JERRYS AUTO & INDUSTRIAL ELECTRIC INC	NONMINORITY MALE	LEON, FL	\$8,133.43
JIMMIE WILSON PAINTING	AFRICAN AMERICAN	LEON, FL	\$1,162.00
JONES AUTO ELECTRIC, INC	NONMINORITY MALE	LEON, FL	\$1,121.85
JOYNER ELECTRIC INC	NONMINORITY MALE	LEON, FL	\$2,274.21
KIM'S FURNITURE REPAIR	NONMINORITY FEMALE	LEON, FL	\$1,322.00
KINKO'S THE COPY CENTER	NONMINORITY MALE	LEON, FL	\$564.43
LAB WORKS,LLC	NONMINORITY MALE	LEON, FL	\$4,190.41
LARRY'S PUMP SERVICE	NONMINORITY MALE	LEON, FL	\$168.60
LAWN KEEPERS	AFRICAN AMERICAN	LEON, FL	\$121,415.03
LEGAL EASE TEMP SERVICES INC	NONMINORITY MALE	LEON, FL	\$13,270.50
LEON SCREENING & REPAIR INC	NONMINORITY MALE	LEON, FL	\$34.00
LEVINGS & ASSOCIATES, INC.	HISPANIC AMERICAN	LEON, FL	\$1,071.00
LISA'S PAINT & BODY SHOP	NONMINORITY FEMALE	LEON, FL	\$5,552.79
M & L BRAKE & ALIGNMENT	NONMINORITY MALE	LEON, FL	\$11,087.54
MACK CROUNSE GROUP	NONMINORITY MALE	LEON, FL	\$54,223.00
MACK'S LAWN SERVICE	AFRICAN AMERICAN	LEON, FL	\$178,895.48
MADISON LAWN SERVICE	AFRICAN AMERICAN	LEON, FL	\$1,000.00
MAINTENANCE & MORE	NONMINORITY MALE	LEON, FL	\$924.50
MARIE LIVINGSTON'S STEAKHOUSE	NONMINORITY FEMALE	LEON, FL	\$735.00
MARK'S LAWN MAINTENANCE INC	NONMINORITY MALE	LEON, FL	\$1,150.00
MCNEILL SEPTIC TANK COMPANY INC	NONMINORITY MALE	LEON, FL	\$3,575.00
METRO DELI/ELITE DELI & CATERING	NONMINORITY MALE	LEON, FL	\$456.80
MIKE VASILINDA PRODUCTIONS INC	NONMINORITY MALE	LEON, FL	\$9,346.25
MIKE'S MOVING	NONMINORITY MALE	LEON, FL	\$2,219.01
MILLS WELL DRILLING & PUMP SERVICES, INC.	NONMINORITY MALE	LEON, FL	\$9,375.00
MODERN MAILERS INC	NONMINORITY MALE	LEON, FL	\$3,845.90
MOWER MENDERS, INC	NONMINORITY MALE	LEON, FL	\$1,199.17
NATIONWIDE TRANSMISSION	NONMINORITY MALE	LEON, FL	\$27,385.55
NATURES FINEST	HISPANIC AMERICAN	LEON, FL	\$308,222.24
NATURE'S NEEDS	NONMINORITY MALE	LEON, FL	\$11,800.00
NE-RO TIRE AND BRAKE SERVICE, INC.	NONMINORITY MALE	LEON, FL	\$205.96

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE
			AMT
NEWMAN'S AUTO AIR	NONMINORITY MALE	LEON, FL	\$1,570.00
NORTHSIDE MOWER	NONMINORITY MALE	LEON, FL	\$229.50
PARKER SERVICE	NONMINORITY MALE	LEON, FL	\$5,055.00
PARKWAY WRECKER SERVICE	NONMINORITY MALE	LEON, FL	\$44,155.90
PERSICA LANDSCAPING CO INC	NONMINORITY MALE	LEON, FL	\$40,276.00
PO` BOYS CREOLE CAFE	NONMINORITY MALE	LEON, FL	\$1,739.34
PRECISION MOBILE SHARPENING SRVC	NONMINORITY MALE	LEON, FL	\$265.98
PROTECTION SERVICES, INC	NONMINORITY MALE	LEON, FL	\$240.00
PROTOCOL COMMUNICATIONS INC	NONMINORITY MALE	WAKULLA, FL	\$3,450.00
PYRAMID EXCAVATION, INC. (ADA) TIM'S HAULING AND TRACTOR SER	NONMINORITY MALE	GADSDEN, FL	\$141,963.60
RAY'S GLASS SERVICE	NONMINORITY MALE	LEON, FL	\$919.42
REX THOMAS PEST CONTROL	NONMINORITY MALE	LEON, FL	\$5,945.00
RIGGINS FENCE CO	NONMINORITY MALE	LEON, FL	\$5,471.00
ROBERT THOMAS FURNITURE REFINISHING	NONMINORITY MALE	LEON, FL	\$8,360.00
ROBERT WILSON/WILSONS BBQ & CATERING	AFRICAN AMERICAN	LEON, FL	\$14,502.25
ROSSELOT'S REMODELING	NONMINORITY MALE	LEON, FL	\$73.09
ROWE DRILLING CO INC	NONMINORITY MALE	LEON, FL	\$204.00
RUSSELL DANIEL IRRIGATION	NONMINORITY MALE	GADSDEN, FL	\$65,926.90
S&T PAINTING	AFRICAN AMERICAN	LEON, FL	\$113,300.00
SAULS SIGNS	NONMINORITY MALE	LEON, FL	\$55.00
SERVICE PLUS INC	NONMINORITY MALE	LEON, FL	\$363,451.21
SESSALY ROSE TRANSIT	AFRICAN AMERICAN	LEON, FL	\$875.00
SHEFFIELD AUTO & TRUCK BODY SHOP, INC.	NONMINORITY MALE	LEON, FL	\$10,838.57
SHEFFIELD'S BODY SHOP	AFRICAN AMERICAN	LEON, FL	\$2,288.35
SIEMENS	NONMINORITY MALE	LEON, FL	\$73.00
SILVER PRODUCTIONS	NONMINORITY MALE	LEON, FL	\$2,300.00
SIMMONS MOVING & STORAGE INC	NONMINORITY MALE	LEON, FL	\$1,550.00
SIR SPEEDY PRINTING	NONMINORITY MALE	LEON, FL	\$42.48
SKELDING & COX	NONMINORITY MALE	LEON, FL	\$40,000.00
SOFT TOUCH CAR WASH OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	\$2,430.22
SOFTWARE SOLUTIONS NOW	NONMINORITY FEMALE	LEON, FL	\$250.00
SOLOMAN'S PAINTING AND PRESSURE WASHING SERVICES	AFRICAN AMERICAN	LEON, FL	\$800.00
SONITROL OF TALLAHASSEE INC	NONMINORITY MALE	LEON, FL	\$509,088.82
SOUTHERN TRADITION LANDSCAPING	NONMINORITY MALE	LEON, FL	\$11,476.00
SOUTHSIDE MOWER & MAGNETO INC	NONMINORITY MALE	LEON, FL	\$58,691.81
STEAM MASTER	NONMINORITY MALE	LEON, FL	\$30.00
STEREO SALES	NONMINORITY MALE	LEON, FL	\$703.29
STRIPES UNLIMITED	NONMINORITY MALE	LEON, FL	\$854.00
STRONG AND JONES FUNERAL HOME INC	AFRICAN AMERICAN	LEON, FL	\$7,750.00
SUN COAST ELECTRIC NETWORKING	NONMINORITY MALE	LEON, FL	\$1,528.50
SUPERGLASS WINSHIELD REPAIR	NONMINORITY MALE	LEON, FL	\$520.00
SUPER-SUDS	NONMINORITY MALE	LEON, FL	\$34.85
SUZANNE DIAMBRA LANDSCAPING INC.	NONMINORITY FEMALE	LEON, FL	\$5,497.50
SWEETPEAS CAFE' & CATERING	NONMINORITY MALE	LEON, FL	\$1,450.00
TALAHASSEE FINEST WINDOW CLEANING CO.	NONMINORITY MALE	LEON, FL	\$29,409.00
TALLAHASSEE DEMOCRAT	NONMINORITY MALE	LEON, FL	\$4,782.79
TALLAHASSEE HYDRAULIC INC	NONMINORITY MALE	LEON, FL	\$728.80
TALLAHASSEE PAINT AND BODY SHOP	NONMINORITY MALE	LEON, FL	\$81,440.70
TALLAHASSEE WELDING & MACHINE SHOP INC	NONMINORITY FEMALE	LEON, FL	\$44,895.22

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
TARGET COPY	NONMINORITY FEMALE	LEON, FL	\$13,253.71
TASTE BUDS	NONMINORITY FEMALE	LEON, FL	\$3,880.85
TAYLOR JANITORIAL SERVICES	AFRICAN AMERICAN	LEON, FL	\$147,513.26
TERMINAL SERVICE COMPANY	NONMINORITY MALE	LEON, FL	\$1,025.65
THE BLUEPRINT SHOP	NONMINORITY MALE	LEON, FL	\$5.00
THE COPY SHOP	NONMINORITY FEMALE	LEON, FL	\$3,174.62
THE FINISHING TOUCH	AFRICAN AMERICAN	LEON, FL	\$22,426.00
THE HONEY BAKED HAM COMPANY AND CAFE	NONMINORITY MALE	LEON, FL	\$974.70
THE PRINTERY	NONMINORITY FEMALE	LEON, FL	\$1,345.00
THE SEINEYARD SEAFOOD RESTAURANT	NONMINORITY MALE	LEON, FL	\$553.15
THINK CREATIVE	NONMINORITY MALE	LEON, FL	\$20,300.00
TIRES ON THE MOVE	NONMINORITY MALE	LEON, FL	\$128.00
TJG DISTRIBUTERS INC, DBA 1800 RADIATOR OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	\$568.28
UPTOWN CAFE	NONMINORITY MALE	LEON, FL	\$98.25
VIDEO TECH	NONMINORITY MALE	LEON, FL	\$75.00
VISUAL SOLUTIONS	NONMINORITY MALE	LEON, FL	\$1,828.00
W BUCKLEY REESE LANDSCAPING	NONMINORITY MALE	LEON, FL	\$7,553.96
WALKER BODY SHOP INC	NONMINORITY MALE	LEON, FL	\$279.50
WRIGHT WELDING	NONMINORITY MALE	LEON, FL	\$2,050.00

Utilization Details - Materials and Supplies

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
ACCENT BLINDS	NONMINORITY MALE	LEON, FL	\$395.00
ACCURATE AUTO & FLEET, INC	NONMINORITY FEMALE	LEON, FL	\$1,918.44
AD-ART SIGNS	NONMINORITY MALE	LEON, FL	\$1,235.00
ADVANCED BUSINESS SYSTEMS	NONMINORITY MALE	LEON, FL	\$113,509.81
ADVANCED DATA SYSTEMS	NONMINORITY MALE	LEON, FL	\$103,601.00
AEGIS COMPUTER SERVICES, INC.	NONMINORITY FEMALE	LEON, FL	\$6,450.00
ALEXANDER TRAILERS, LLC	NONMINORITY MALE	LEON, FL	\$4,200.00
ALL ABOUT GUTTERS	NONMINORITY MALE	GADSDEN, FL	\$200.00
ALL PRO EQUIPMENT	NONMINORITY MALE	LEON, FL	\$6,640.36
ALSCO INC	NONMINORITY MALE	LEON, FL	\$12,826.14
AMERICAN AUDIO VISUAL, INC	NONMINORITY MALE	LEON, FL	\$26,922.25
AMERICAN PUMP & SUPPLY	NONMINORITY MALE	LEON, FL	\$14,462.70
ARCHITECTURAL HARDWARE PRODUCTS INC	NONMINORITY MALE	LEON, FL	\$430.00
ARTISTIC FLOWERS	NONMINORITY MALE	LEON, FL	\$109.50
ASHLEY FEED STORE	NONMINORITY MALE	LEON, FL	\$259.00
ASSOCIATED SERVICES AND SUPPLIES, INC.	NONMINORITY FEMALE	LEON, FL	\$320,220.78
AWARDS 4 U	NONMINORITY MALE	LEON, FL	\$10,098.23
B & B SPORTING GOODS INC	NONMINORITY FEMALE	LEON, FL	\$949.75
B & T SMALL ENGINES	NONMINORITY MALE	LEON, FL	\$4,221.00
BENTON PRODUCTS	NONMINORITY MALE	LEON, FL	\$589.75
BILL'S SIGNS	NONMINORITY MALE	LEON, FL	\$401.81
BLOSSOM'S FLOWERS	NONMINORITY MALE	LEON, FL	\$535.61
BOATWRIGHT TIMBER SERVICE	NONMINORITY MALE	LEON, FL	\$75.00
BRADLEY	NONMINORITY MALE	LEON, FL	\$560.00
BRADLEY POND LLC	NONMINORITY MALE	LEON, FL	\$1,000.00
BRIAN BARNARD'S FLOORING AMERICA INC	NONMINORITY MALE	LEON, FL	\$6,722.42
BURKES TRACTOR WORKS, LLC	NONMINORITY MALE	GADSDEN, FL	\$117,216.96
CABINETS FROM PARKER	NONMINORITY MALE	LEON, FL	\$12,741.60
CAPITAL CITY LUMBER COMPANY INC	NONMINORITY MALE	LEON, FL	\$45.00
CAPITAL HITCH SERVICE	NONMINORITY MALE	LEON, FL	\$4,673.16
CAPITAL RUBBER & INDUSTRIAL SUPPLY CO INC	NONMINORITY MALE	LEON, FL	\$19,621.43
CARPET STUDIO INC	NONMINORITY MALE	LEON, FL	\$33,400.86
CARQUEST AUTO PARTS	NONMINORITY MALE	LEON, FL	\$80,484.27
CARROLLS BOOT COUNTRY	NONMINORITY MALE	LEON, FL	\$1,437.05
CELLULAR SALES	NONMINORITY MALE	LEON, FL	\$53.97
COASTAL WATER SYSTEMS	NONMINORITY MALE	LEON, FL	\$2,431.00
COLLIER INTERIORS	NONMINORITY MALE	LEON, FL	\$1,925.71
COMPUSA INC	NONMINORITY MALE	LEON, FL	\$14,428.93
CONNIE LILES AUTO PARTS	NONMINORITY FEMALE	LEON, FL	\$93.13
CONTRACT HARDWARE OF FLORIDA	NONMINORITY MALE	LEON, FL	\$114,498.21
COPYFAX 2000, INC	NONMINORITY MALE	LEON, FL	\$590.00
CORNERSTONE TOOL & FASTENER INC	NONMINORITY FEMALE	LEON, FL	\$48,226.19
CROSS CREEK CENTER	NONMINORITY MALE	LEON, FL	\$121,976.04
CUSHING SPECIALTY CO. INC.	NONMINORITY MALE	LEON, FL	\$1,068.00
CUSTOM GUTTER CORPORATION	NONMINORITY MALE	LEON, FL	\$739.00
CYPRESS PUBLICATIONS	NONMINORITY MALE	LEON, FL	\$10.36

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
DACAR FIRE PROTECTION SYSTEMS, INC	NONMINORITY MALE	LEON, FL	\$1,428.00
DELTA TECHNOLOGIES INC	NONMINORITY MALE	LEON, FL	\$981,783.10
DIAL COMMUNICATIONS	NONMINORITY MALE	LEON, FL	\$1,194.50
DOCS (DEANNE'S OFFICE SUPPLY)	NONMINORITY FEMALE	LEON, FL	\$292,086.37
DOOR PRODUCTS	NONMINORITY MALE	LEON, FL	\$78,081.20
ELI ROBERTS & SONS INC	NONMINORITY MALE	LEON, FL	\$6,132,079.02
ELINOR DOYLE FLORIST	NONMINORITY MALE	LEON, FL	\$63.96
EMERALD COAST RV CENTER	NONMINORITY MALE	GADSDEN, FL	\$4.56
ENGINEERING & EQUIPMENT CO	NONMINORITY MALE	LEON, FL	\$23,384.38
ESPOSITO GARDEN SERVICE	NONMINORITY MALE	LEON, FL	\$69,963.26
EXECUTIVE OFFICE FURNITURE INC	NONMINORITY FEMALE	LEON, FL	\$145,818.42
FAST SIGNS	NONMINORITY MALE	LEON, FL	\$2,968.75
FLEET SUPPLY INC	NONMINORITY MALE	LEON, FL	\$11,483.01
FLORIDA FARM & FEED INC	NONMINORITY MALE	LEON, FL	\$3,662.30
FOURAKER ELECTRONICS INC	NONMINORITY MALE	LEON, FL	\$587.83
FULL PRESS APPAREL,INC	NONMINORITY MALE	LEON, FL	\$2,475.00
G & M ENTERPRISES	AFRICAN AMERICAN	LEON, FL	\$308.35
G WILLIE'S UNIFORM	NONMINORITY FEMALE	LEON, FL	\$31,938.18
GARDEN PRODUCTS	AFRICAN AMERICAN	LEON, FL	\$21,760.00
GEORGIA-FLORIDA BURGLAR ALARM COMPANY	NONMINORITY MALE	LEON, FL	\$50,564.59
GLASS SERVICE CENTER	NONMINORITY MALE	LEON, FL	\$4,125.24
GRAPHICS BUSINESS SYSTEMS	NONMINORITY FEMALE	LEON, FL	\$1,950.00
GRIMES CRANE SERVICE	NONMINORITY MALE	LEON, FL	\$45,345.00
GULF ATLANTIC CULVERT CO	NONMINORITY MALE	LEON, FL	\$7,983.60
GULF COAST LUMBER & SUPPLY INC	NONMINORITY MALE	LEON, FL	\$10,410.49
HAVANA SOD & PALLET, INC	NONMINORITY MALE	LEON, FL	\$750.00
HAYES COMPUTER SYSTEMS	NONMINORITY FEMALE	LEON, FL	\$649,667.86
HD SUPPLY WATERWORKS,LTD	NONMINORITY MALE	LEON, FL	\$3,093.37
HEINZ BROTHERS NURSERY	NONMINORITY MALE	LEON, FL	\$813.00
HOLLEY INC	NONMINORITY MALE	LEON, FL	\$16,813.97
HOWDY'S RENT A TOILET	NONMINORITY MALE	LEON, FL	\$2,542.50
HUGHES SUPPLY	NONMINORITY MALE	LEON, FL	\$1,801.11
INSIGHT DIRECT	NONMINORITY MALE	LEON, FL	\$20,991.30
INTERSTATE BATTERY SYSTEM	NONMINORITY MALE	LEON, FL	\$3,377.54
INTERSTATE FIRE SYSTEMS INC	NONMINORITY MALE	LEON, FL	\$5,633.39
JH DOWLING INC	NONMINORITY MALE	LEON, FL	\$39,670.46
JOHNSON'S LUMBER & SUPPLY, INC.	NONMINORITY MALE	LEON, FL	\$1,267.67
JOHNSTONE SUPPLY	NONMINORITY MALE	LEON, FL	\$24,166.51
JUST RIGHT SUPPLY INC	NONMINORITY MALE	LEON, FL	\$8,437.68
KEENS PORTABLE BUILDING	NONMINORITY MALE	LEON, FL	\$1,150.00
KELLY BROS SHEET METAL	NONMINORITY MALE	LEON, FL	\$339.00
LANDMARK SYSTEMS	NONMINORITY MALE	LEON, FL	\$8,335.00
LEE TRAILER SALES	NONMINORITY MALE	LEON, FL	\$46,802.64
LESCO-PROX	NONMINORITY MALE	LEON, FL	\$41,142.41
LPS RENTALS INC	NONMINORITY MALE	LEON, FL	\$84,000.00
MACK BROTHERS LANDSCAPE NURSERY	AFRICAN AMERICAN	LEON, FL	\$17,747.65
MANNING & SMITH TILE CO. INC.	NONMINORITY MALE	LEON, FL	\$17,995.25
MARPAN SUPPLY CO	NONMINORITY MALE	LEON, FL	\$308,363.65
MAYS MUNROE INC	NONMINORITY MALE	LEON, FL	\$5,222.00

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
MCGEE TIRE STORES	NONMINORITY MALE	LEON, FL	\$2,081.64
MCNAMARA TRAILERS	NONMINORITY MALE	LEON, FL	\$2,175.00
METAL FABRICATION & SALES OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	\$5,321.99
MILLER GLASS	NONMINORITY MALE	LEON, FL	\$52,495.00
MILLER SEPTIC TANKS	NONMINORITY MALE	LEON, FL	\$2,350.00
MILLER SHEET METAL	NONMINORITY MALE	LEON, FL	\$15,834.03
MITCHELL BROTHERS	NONMINORITY MALE	LEON, FL	\$455.82
MODERN CABINETS & FIXTURES INC	NONMINORITY MALE	LEON, FL	\$3,300.00
MULVANEYS	NONMINORITY MALE	LEON, FL	\$5,066.57
MUSICMASTERS	NONMINORITY MALE	LEON, FL	\$10,611.29
NATIVE NURSERIES	NONMINORITY MALE	LEON, FL	\$32,064.30
NEECE TRUCK TIRE CENTER INC	NONMINORITY MALE	LEON, FL	\$88,073.32
NORTHLAND MFG INC	NONMINORITY MALE	LEON, FL	\$4,020.63
OFFICE BUSINESS SYSTEMS INC	NONMINORITY MALE	LEON, FL	\$15,839.83
OFFICE EQUIPMENT SOLUTIONS	NONMINORITY MALE	LEON, FL	\$4,275.00
OFFICE SYSTEMS CONSULTANTS INC.	NONMINORITY FEMALE	LEON, FL	\$9,668.96
ONE HOUR SIGNS & DESIGNS	NONMINORITY MALE	LEON, FL	\$4,642.84
OSCEOLA SUPPLY, INC.	NONMINORITY FEMALE	LEON, FL	\$273.20
PANTHER CREEK SOD FARMS	NONMINORITY MALE	LEON, FL	\$705.00
PARAMEDICAL SERVICES INC	NONMINORITY MALE	LEON, FL	\$43,362.75
PAUL PRODUCTS COMPANY (PPC)	NONMINORITY MALE	LEON, FL	\$1,232.75
PEDDIE CHEMICAL COMPANY	NONMINORITY MALE	LEON, FL	\$30,531.09
PIT STOP PORTABLE TOILETS OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	\$33,565.63
PLANTS & DESIGN	NONMINORITY MALE	LEON, FL	\$1,273.92
POINT GLASS & METAL	NONMINORITY MALE	LEON, FL	\$2,012.00
POLY ASPHALT INC	NONMINORITY MALE	WAKULLA, FL	\$86,330.36
PROCTOR & PROCTOR INC	NONMINORITY MALE	LEON, FL	\$89,598.89
PROFESSIONAL SAFETY EDUCATORS,INC	NONMINORITY MALE	LEON, FL	\$49,288.90
QUALITY WATER SUPPLY	NONMINORITY MALE	LEON, FL	\$9,063.12
R&R CORPORATE SYSTEMS,INC	AFRICAN AMERICAN	LEON, FL	\$55,809.75
RAY LYNN DISTRIBUTORS	NONMINORITY MALE	LEON, FL	\$50.00
RED ENTERPRISES	NONMINORITY MALE	LEON, FL	\$2,595.41
REVELL	NONMINORITY MALE	LEON, FL	\$180.00
REXEL SOUTHERN	NONMINORITY MALE	LEON, FL	\$82,681.37
RING RENT	NONMINORITY MALE	LEON, FL	\$1,606.25
RIVERS BAIT & TACKLE	NONMINORITY MALE	LEON, FL	\$210.00
ROMAC LUMBER	NONMINORITY MALE	LEON, FL	\$24,725.29
ROSEMOUNT % EXECUTIVE OFFICE FURNITURE	NONMINORITY MALE	LEON, FL	\$8,641.10
ROWLAND PUBLISHING INC	NONMINORITY MALE	LEON, FL	\$1,408.50
ROYSTER'S STORAGE VAN RENTALS, INC.	NONMINORITY MALE	LEON, FL	\$3,385.00
RUPPSHIRTS, INC	NONMINORITY MALE	LEON, FL	\$7,347.00
SCAN HAUS	NONMINORITY MALE	LEON, FL	\$1,982.00
SEACOAST SUPPLY	NONMINORITY MALE	LEON, FL	\$109,337.29
SGT RENTALS AND SALES	NONMINORITY MALE	LEON, FL	\$9,400.00
SHERWIN WILLIAMS	NONMINORITY MALE	LEON, FL	\$2,330.39
SIGNPRINTERS	NONMINORITY MALE	LEON, FL	\$2,085.05
SIGNS NOW	NONMINORITY MALE	LEON, FL	\$8,349.37
SIGNS UNLIMITED	NONMINORITY FEMALE	LEON, FL	\$11.00
SIMPLER SOLAR SYSTEMS INC	NONMINORITY MALE	LEON, FL	\$3,810.00

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
SOUTH GEORGIA BRICK	NONMINORITY MALE	LEON, FL	\$189.00
SOUTHEAST DIGITAL NETWORKS	NONMINORITY MALE	LEON, FL	\$1,124.26
SOUTHEAST PROPANE	NONMINORITY MALE	LEON, FL	\$1,823.79
STEVE ROSS SHEETMETAL	NONMINORITY MALE	LEON, FL	\$930.00
SUNFLOWER SMALL ENGINES	NONMINORITY MALE	LEON, FL	\$7,339.10
SUPER SIGNS	NONMINORITY MALE	LEON, FL	\$185.00
TALLAHASSEE CAMERA & IMAGE CENTER	NONMINORITY MALE	LEON, FL	\$2,215.00
TALLAHASSEE ENGRAVING & AWARDS INC	NONMINORITY MALE	LEON, FL	\$1,451.50
TALLAHASSEE FORD LINCOLN MERCURY	NONMINORITY MALE	LEON, FL	\$50,347.52
TALLAHASSEE NURSERIES	NONMINORITY MALE	LEON, FL	\$1,801.63
TALLAHASSEE STAMP COMPANY	NONMINORITY MALE	LEON, FL	\$212.90
TALLAHASSEE TURF	NONMINORITY MALE	WAKULLA, FL	\$17,070.00
TALLAHASSEE WINAIR COMPANY	NONMINORITY MALE	LEON, FL	\$3,727.70
TERRY'S AWNING & CANVAS INC	NONMINORITY MALE	GADSDEN, FL	\$3,630.00
THE SWEET SHOP	NONMINORITY MALE	LEON, FL	\$245.00
THE CLOTHESLINE	NONMINORITY MALE	LEON, FL	\$8,064.44
THE PAINT CENTER	NONMINORITY MALE	LEON, FL	\$39,198.54
THE SAW-SAW PATCH COUNTRY WOODCRAFTS	NONMINORITY MALE	LEON, FL	\$640.00
THE SHOE BOX	NONMINORITY MALE	LEON, FL	\$50,312.17
THE STORAGE CENTER	NONMINORITY MALE	LEON, FL	\$5,636.00
TODDS GARAGE DOORS	NONMINORITY MALE	LEON, FL	\$1,300.00
TROPHY KING	NONMINORITY MALE	LEON, FL	\$15.90
TRUCK N' CAR CONCEPTS	NONMINORITY MALE	LEON, FL	\$17,289.50
TURNER SUPPLY COMPANY	NONMINORITY MALE	LEON, FL	\$2,172.17
ULTIMATE SOUND & LIGHT	NONMINORITY MALE	LEON, FL	\$2,589.72
WESLEY THIGPEN GENERAL SHEET METAL	NONMINORITY MALE	LEON, FL	\$210.00
WESTON TRAWICK, INC.	NONMINORITY MALE	LEON, FL	\$252.00
WHIDDON GLASS CO INC	NONMINORITY MALE	LEON, FL	\$11,852.38
WILEY AUTO PARTS	NONMINORITY MALE	LEON, FL	\$19.06
WILLIAMS COMMUNICATIONS	NONMINORITY FEMALE	LEON, FL	\$160.00
WILLIAMS COMMUNICATIONS	NONMINORITY MALE	LEON, FL	\$15,360.55
WILLIAMS PANHANDLE PROPANE	NONMINORITY MALE	LEON, FL	\$176.18
YOUR LOGO HERE	AFRICAN AMERICAN	LEON, FL	\$50.00

***APPENDIX B:
ANALYSIS OF RACE/GENDER/
ETHNICITY EFFECTS ON
SELF-EMPLOYMENT
PROPENSITY AND EARNINGS***

APPENDIX B

ANALYSIS OF RACE/GENDER/ETHNICITY EFFECTS ON SELF-EMPLOYMENT PROPENSITY AND EARNINGS

Executive Summary

The purpose of this analysis is to examine the effects of race and gender, along with other individual economic and demographic characteristics, on individuals' participation in the private sector as self-employed business operators, and on their earnings as a result of their participation in five categories of private sector business activity in the Tallahassee, FL, Consolidated Metropolitan Statistical Area (CMSA)¹. Findings for minority business enterprises are compared to the self-employment participation and earnings record of nonminority male business owners to determine if a disparity in self-employment rates and earnings exists, and if it is attributable to differences in race, gender, or ethnicity. Adopting the methodology and variables employed by a City of Denver disparity study (see *Concrete Works v. City and County of Denver*²), we use Public Use Microdata Samples (PUMS) data derived from the 2000 Census of Population and Housing, to which we apply appropriate regression statistics to draw conclusions.

To guide this investigation, three general research questions were posed. Questions and variables used to respond to each, followed by a report of findings, are reported below:

1. Are racial, ethnic and gender minority groups less likely than nonminority males to be self-employed?

This analysis examined the statistical effects of the following variables on the likelihood of being self-employed in the study market area: Race, ethnicity, and gender of business owner (African American, Asian American, Hispanic American, Native American, nonminority women, nonminority men), marital status, age, self-reported health-related disabilities, availability of capital (household property value, monthly total mortgage payments, unearned income) and other characteristics (number of individuals over the age of 65 living in household, number of children under the age of 18 living in household) and level of education.

2. Does racial/gender/ethnic status have an impact on individual's self-employment earnings?

This analysis examined the statistical effects of the following variables on income from self-employment for business owners in the market area: Race, ethnicity, and gender of business owner (African American, Asian American, Hispanic American, Native American, nonminority women, nonminority men), marital status, age, self-reported health-related disabilities, and availability of capital (household property value, monthly total mortgage payments, unearned income) and level of education.

¹ The Tallahassee CMSA includes the following counties: Leon County, Florida; Gadsden County, Florida; Wakulla County, Florida; and Jefferson County, Florida.

² *Concrete Works v. City and County of Denver*, 321 F.3d 950 (10th Cir. 2003).

Analysis of Race/Gender/Ethnicity Effects on Self-Employment Propensity and Earnings

3. If Minority and Women's Business Enterprises (M/WBEs) and nonminority males shared similar traits and marketplace "conditions" (that is, similar "rewards" in terms of capital and asset accrual), what would be the effect on rates of self-employment by race, ethnicity and gender?

Derived from a similar model employed by a City of Denver disparity study, MGT created a model that leveraged statistical findings in response to the first two questions. The objectives were to determine if race, gender, and ethnic effects derived from those findings would persist if nonminority male demographic and economic characteristics were combined with M/WBE self-employment data. More precisely, in contrast to Question 1, which permitted a comparison of self-employment rates based on demographic and economic characteristics reported by the 2000 census for individual M/WBE categories and nonminority males, respectively, this analysis posed the question, "How would M/WBE rates change, if M/WBE's operated in a nonminority male business world and how much of this change is attributable to race, gender or ethnicity?"

Findings:

1. Are racial, ethnic and gender minority groups less likely than nonminority males to be self-employed?
 - In all industries in the Tallahassee CMSA, nonminority males were over two and a half times as likely to be self-employed as African Americans, Hispanic Americans, and nonminority women.³
 - In the Tallahassee CMSA, nonminority males were over three and a half times as likely as nonminority women to be self-employed in the construction industry.
 - In the Tallahassee CMSA, nonminority males were nearly four times as likely as African Americans to be self-employed in professional services.
 - African Americans were less likely to be self-employed than were nonminority males in all industries.
2. Does race/gender/ethnic status have an impact on an individual's self-employment earnings?
 - In the Tallahassee CMSA, African Americans, Hispanic Americans, and nonminority women reported significantly lower earnings in all business type categories.
 - In the other services industry, African Americans, Hispanic American, and nonminority women reported significantly lower earnings than nonminority males in the Tallahassee CMSA: 19.2 percent, 96.3 percent, and 38.2 percent, respectively.

³ These "likelihood" characteristics were derived from Exhibit 1 by calculating the inverse of the reported odds ratios.

Analysis of Race/Gender/Ethnicity Effects on Self-Employment Propensity and Earnings

- The most egregious effect on earnings elasticities was found in other services for Hispanic Americans. In other services, Hispanic Americans earned 96.3 percent less than nonminority males.
3. If M/WBEs and nonminority males shared similar traits and marketplace “conditions” (that is, similar “rewards” in terms of capital and asset accrual), what would be the effect on rates of self-employment by race, ethnicity, and gender?
- Overall, comparing self-employed nonminority males with self-employed African Americans in the Tallahassee CMSA, over 70 percent of the disparity in self-employment rates was attributable to race differences.
 - Comparing self-employed nonminority males with self-employed African Americans in the Tallahassee CMSA construction industry, over 67 percent of the disparity in self-employment rates was attributable to race differences.
 - Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA professional services, over 70 percent of the disparity in self-employment rates was attributable to race differences.
 - Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA other services, over 80 percent of the disparity in self-employment rates was attributable to gender differences.

B.1.0 Introduction

This report analyzes the availability of minority, nonminority women, and nonminority male firms in five categories of private sector business activity in the City of Tallahassee. The goal of this investigation is to examine the effects of race and gender, along with other individual economic and demographic characteristics, on individuals’ participation in the private sector as self-employed business operators, and on their earnings as a result of their participation. Ultimately, we will compare these findings to the self-employment participation and earnings record of nonminority male business owners to determine if a disparity in self-employment rates and earnings exists, and if it is attributable to racial or gender discrimination in the marketplace. Data for this investigation are provided by the Public Use Microdata Samples (PUMS) data derived from the 2000 Census of Population and Housing, to which we apply appropriate regression statistics to draw conclusions. **Exhibit B-1** presents a general picture of self-employment rates by race, median earnings, and sample sizes (n’s) in the City of Tallahassee CMSA, calculated from the five percent PUMS census sample.

The next section will discuss the research basis for this examination to lay the groundwork for a description of the models and methodologies to be employed. This will be followed by a presentation of findings regarding minority status effects on self-employment rates, self-employment earnings, and attributions of these differences to discrimination, per se.

**EXHIBIT B-1
PERCENTAGE SELF-EMPLOYED/1999 EARNINGS BY
RACE/GENDER/ETHNIC CATEGORY
CITY OF TALLAHASSEE CMSA**

Race/Ethnic/Gender Category	Percent of the Population		1999 Sample Census n	1999 Median Earnings
	Self-Employed			
Nonminority Males	22.93%		1,025	\$39,500.00
African American	6.83%		542	\$22,500.00
Hispanic American	8.70%		69	\$16,900.00
Asian American	21.74%		46	\$20,000.00
Native American	22.22%		18	\$112,500.00
Nonminority Women	10.40%		683	\$30,000.00
TOTAL	15.23%		2,383	\$35,000.00

Source: PUMS data from 2000 Census of Population and Housing.

B.2.0 Self-Employment Rates and Earnings as an Analog of Business Formation and Maintenance

Research in economics consistently supports the finding of group differences by race and gender in rates of business formation (see *Journal of Econometrics*, Vol. 61, Issue 1, devoted entirely to the econometrics of labor market discrimination and segregation). For a disparity study, however, the fundamental question is “How much of this difference is due to factors that would appear, at least superficially, to be related to group differences other than race, ethnicity, or gender, and how much can be attributed to discrimination effects related to one’s race/ethnic/gender affiliation?” We know, for instance, that most minority groups have a lower median age than do non-Hispanic whites (PUMS, 2000). We also know, in general, that the likelihood of being self-employed increases with age (PUMS, 2000). When social scientists speak of nonracial group differences, they are referring to such things as general differences in religious beliefs as these might influence group attitudes toward contraception, and, in turn, both birthrates and median age. A disparity study, therefore, seeks to examine these other important demographic and economic variables in conjunction with race and ethnicity, as they influence group rates of business formation, to determine if we can assert that discrimination against minorities is sufficiently present to warrant consideration of public sector legal remedies such as affirmative action and minority set-aside contracting.

Questions about marketplace dynamics affecting self-employment—or, more specifically, the odds of being able to form one’s own business and then to excel (that is, generate earnings growth)—are at the heart of disparity analysis research. Whereas early disparity studies tended to focus on gross racial disparities, merely documenting these is insufficient for inferring discrimination effects per se without “partialling out” effects due to nondiscriminatory factors. Moreover, to the extent that discrimination exists, it is likely to inhibit both the formation of minority business enterprises and their profits and growth. Consequently, earlier disparity study methodology and analysis have failed to account for the effects of discrimination on minority self-employment in at least two ways: (1) a failure to account adequately for the effects of discriminatory barriers

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minorities face “up front” in attempting to form businesses; and (2) a failure to isolate and methodologically explain discrimination effects once minority businesses are formed.

The next section addresses these shortcomings, utilizing PUMS data derived from the 2000 U.S. Census to answer research questions about the effects of discrimination on self-employment and self-employment earnings using multiple regression statistics.

B.3.0 Research Questions, Statistical Models, and Methods

Two general research questions were posed in the initial analysis:

- Are racial, ethnic, and gender minority groups less likely than nonminority males to be self-employed?
- Does race/gender/ethnic status have an impact on individuals’ earnings?

A third question, to be addressed later—How much does race/ethnic/gender discrimination influence the probability of being self-employed?—draws conclusions based on findings from questions one and two.

To answer the first two questions, we employed two multivariate regression techniques, respectively: logistic regression and linear regression. To understand the appropriate application of these regression techniques, it is helpful to explore in greater detail the questions we are trying to answer. The dependent variables in questions I and II—that is, the phenomena to be explained by influences such as age, race, gender, and disability status, for example (the independent or “explanatory” variables)—are, respectively: the probability of self-employment status (a binary, categorical variable based on two possible values: 0 = not self-employed/1 = self-employed) and 1999 earnings from self-employment (a continuous variable). In our analysis, the choice of regression approach was based on the scale of the dependent variable (in question I, a categorical scale with only two possible values, and in question II, a continuous scale with many possible values). Because binary logistic regression is capable of performing an analysis in which the dependent variable is categorical, it was employed for the analysis of question I.⁴ To analyze question II in which the dependent variable is continuous, we used simple linear regression.

B.3.1 Deriving the Logistic Regression Model from the Simple Linear Model

The logistic regression model can be derived with reference to the simple linear regression model expressed mathematically as:

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \beta_5 X_5 + \dots + \varepsilon$$

⁴ Logistical regression, or logit, models generate predicted probabilities that are almost identical to those calculated by a probit procedure, used in *Concrete Works v. City and County of Denver* case. Logit, however, has the added advantage of dealing more effectively with observations at the extremes of a distribution. For a complete explanation, see *Interpreting Probability Models* (T.F. Liao, Text 101 in the Sage University series).

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Where:

- Y = a continuous variable (e.g., 1999 earnings from self-employment)
- β_0 = the constant, representing the value of Y when $X_i = 0$
- β_1 = coefficient representing the magnitude of X_i 's effect on Y
- X_i = the independent variables, such as age, human capital (e.g., level of education), availability of capital, race/ethnicity/gender, etc.
- ε = the error term, representing the variance in Y unexplained by X_i

This equation may be summarized as:

$$E(Y) = \mu = \sum_{k=1}^K \beta_k x_k$$

in which Y is the dependent variable and μ represents the expected values of Y as a result of the effects of β , the explanatory variables. When we study a random distribution of Y using the linear model, we specify its expected values as a linear combination of K unknown parameters and the covariates or explanatory variables. When this model is applied to data in the analysis, we are able to find the statistical link between the dependent variable and the explanatory or independent variables.

Suppose we introduce a new term, η , into the linear model such that:

$$\eta = \mu = \sum_{k=1}^K \beta_k x_k$$

When the data are randomly distributed, the link between η and μ is linear, and a simple linear regression can be used. However, to answer the first question, the categorical dependent variable was binomially distributed. Therefore, the link between η and μ became $\eta = \log[\mu/(1-\mu)]$ and logistic regression was utilized to determine the relationship between the dependent variable and the explanatory variables, calculated as a probability value (e.g., the probability of being self-employed when one is African American). The logistic regression model is expressed mathematically as:

$$\log[\mu/1(1-\mu)] = \alpha + \beta_i X_n + \varepsilon$$

Where:

- $(\mu/1-\mu)$ = the probability of being self-employed
- α = a constant value
- β_i = coefficient corresponding to independent variables
- X_n = selected individual characteristic variables, such as age, marital status, education, race, and gender
- ε = error term, representing the variance in Y unexplained by X_i

This model can now be used to determine the relationship between a single categorical variable (0 = not self-employed/1 = self-employed) and a set of characteristics hypothesized

to influence the probability of finding a 0 or 1 value for the categorical variable. The result of this analysis illustrates not only the extent to which a characteristic can increase or decrease the likelihood that the categorical variable will be a 0 or a 1, but also whether the effect of the influencing characteristics is positive or negative in relation to being self-employed.

B.4.0 Results of the Self-Employment Analysis

B.4.1 Question I: Are Racial, Ethnic, and Gender Minority Groups Less Likely than Nonminority Males to Be Self-Employed?

To derive a set of variables known to predict employment status (self-employed/not self-employed), we used the 5 percent PUMS data from Census 2000. Binary logistic regression was used to calculate the probability of being self-employed, the dependent variable, with respect to socioeconomic and demographic characteristics selected for their potential to influence the likelihood of self-employment. The sample for the analysis was limited to labor force participants who met to the following criteria:

- Resident of the Tallahassee CMSA
- Self-employed in construction, professional services, other services, architecture and engineering,⁵ or goods and supplies
- Employed full-time (more than 35 hours a week)
- 18 years of age or older
- Employed in the private sector

Next, we derived the following variables hypothesized as predictors of employment status:

- ***Race and Sex:*** African American, Asian American, Hispanic American, Native American, nonminority woman, nonminority male
- ***Availability of Capital:*** Homeownership, home value, mortgage rate, unearned income, residual income
- ***Marital Status***
- ***Ability to Speak English Well***
- ***Disability Status:*** From individuals' reports of health-related disabilities
- ***Age and Age Squared:*** Squaring the age variable acknowledges the positive, curvilinear relationship between each year of age and earnings.

⁵ Due to inadequate sample numbers for all races in the Architecture and Engineering PUMS 2000 data, A & E was merged with the Professional Services category.

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- ***Owner’s Level of Education***
- ***Number of Individuals Over the Age of 65 Living in Household***
- ***Number of Children Under the Age of 18 Living in Household***

B.4.1.1 Findings

Binary logistic regression analysis provided estimates of the relationship between the independent variables described above and the probability of being self-employed in the four types of business industries. In **Exhibit B-2**, odds ratios are presented by minority group, reporting the effect of race/ethnicity/gender on the odds of being self-employed in 1999, holding all other variables constant. Full regression results for all the variables are presented in **Appendix C**.

**EXHIBIT B-2
SELF-EMPLOYMENT “ODDS RATIOS” OF MINORITY GROUPS RELATIVE TO
NONMINORITY MALES AFTER CONTROLLING FOR
SELECTED DEMOGRAPHIC AND ECONOMIC CHARACTERISTICS
CITY OF TALLAHASSEE CMSA**

Race/Ethnic Group	All Industries	Construction	Professional Services	Other Services	Goods & Supplies
African American	0.326	0.573	0.257	0.477	0.069
Hispanic American	0.395	*	1.591	0.300	1.114
Asian American	1.007	*	1.860	0.984	2.038
Native American	1.231	3.711	*	1.654	*
Nonminority Women	0.392	0.282	0.357	1.042	0.732

Source: PUMS data from 2000 Census of Population and Housing and MGT of America, Inc., calculations using SPSS.

Note: **Bold** indicates that the estimated “odds ratio” for the group was statistically significant. The architecture and engineering business industry was excluded from this analysis because of the insufficient data.

* There were insufficient census numbers available for analysis.

The results reveal the following:

- In all industries in the Tallahassee CMSA, nonminority males were over two and a half times as likely to be self-employed as African Americans, Hispanic Americans, and nonminority women.⁶
- In the Tallahassee CMSA, nonminority males were over three and a half times as likely as nonminority women to be self-employed in the construction industry.
- In the Tallahassee CMSA, nonminority males were nearly four times as likely as African Americans to be self-employed in professional services.

⁶ These ‘likelihood’ characteristics were derived from Exhibit 1 by calculating the inverse of the reported odds ratios.

- African Americans were less likely to be self-employed than were nonminority males in all industries.

B.4.2 Question II: Does Race/Gender/Ethnic Status Have an Impact on Individuals' Earnings?

To answer this question, we compared self-employed, minority, and women entrepreneurs' earnings to those of nonminority males in the Tallahassee CMSA, when the effect of other demographic and economic characteristics was controlled or "neutralized." That is, we were able to examine the earnings of self-employed individuals of similar education levels, ages, etc., to permit earnings comparisons by race/gender/ethnicity.

To derive a set of variables known to predict earnings, the dependent variable, we used 1999 wages from employment for self-employed individuals, as reported in the 5 percent PUMS data. These included:

- **Race and Sex:** African American, Asian American, Hispanic American, Native American, nonminority woman, nonminority males
- **Availability of Capital:** Homeownership, home value, mortgage rate, unearned income, residual income
- **Marital Status**
- **Ability to Speak English Well**
- **Disability Status:** From individuals' reports of health-related disabilities
- **Age and Age Squared:** Squaring the age variable acknowledges the positive, curvilinear relationship between each year of age and earnings.
- **Owner's Level of Education**

B.4.2.1 Findings

Exhibit B-3 presents the results of the linear regression model estimating the effects of selected demographic and economic variables on self-employment earnings. Each number (coefficient) in the exhibit represents a percent change in earnings. For example, the corresponding number for an African American in all industries is -.404, meaning that an African American will earn 40.4 percent less than a nonminority male when the statistical effects of the other variables in the equation are "controlled for." Full regression results for all the variables are presented in **Appendix C**.

**EXHIBIT B-3
EARNINGS ELASTICITIES OF MINORITY GROUPS RELATIVE TO NONMINORITY
MALES AFTER CONTROLLING FOR
SELECTED DEMOGRAPHIC AND ECONOMIC CHARACTERISTICS
CITY OF TALLAHASSEE CMSA**

Race/Ethnic Group	All Industries	Construction	Professional Services	Other Services	Goods & Supplies
African American	-0.139	-0.278	-0.457	-0.192	-0.784
Hispanic American	-0.374	*	0.469	-0.963	-0.757
Asian American	0.046	*	0.172	0.041	0.569
Native American	0.852	-0.101	*	0.943	*
Nonminority Women	-0.129	0.294	-0.176	-0.382	0.056

Source: PUMS data from 2000 Census of Population and Housing and MGT of America, Inc., calculations using SPSS.

Note: **Bold** indicates that the estimated “elasticities” for the group were statistically significant. The architecture and engineering business industry was excluded from this analysis because of insufficient data.

* There were insufficient census numbers available for analysis.

The results reveal the following:

- In the Tallahassee CMSA, African Americans, Hispanic Americans, and nonminority women reported significantly lower earnings in all business type categories.
- In the other services industry, African Americans, Hispanic American, and nonminority women reported significantly lower earnings than nonminority males in the Tallahassee CMSA: 19.2 percent, 96.3 percent, and 38.2 percent, respectively.
- The most egregious effect on earnings elasticities was found in other services for Hispanic Americans. In other services, Hispanic Americans earned 96.3 percent less than nonminority males.

B.4.3 Disparities in Rates of Self-Employment: How Much Can Be Attributed to Discrimination?

Results of the analyses of self-employment rates and 1999 self-employment earnings revealed general disparities between minority and nonminority self-employed individuals whose businesses were located in the Tallahassee CMSA.

Exhibit B-4 presents the results of these analyses. Column A reports observed employment rates for each race/gender group, calculated directly from the PUMS 2000 data. To obtain values in columns B and C, we calculated two predicted self-employment rates using the following equation:

$$Pr ob(y = 1) = \sum_{k=1}^K (e^{\beta_k x_k} / 1 + e^{\beta_k x_k})$$

Analysis of Race/Gender/Ethnicity Effects on Self-Employment Propensity and Earnings

Where:

- $Pr ob(y = 1)$ = represents the probability of being self-employed
 β_k = coefficient corresponding to the independent variables used in the logistic regression analysis of self-employment probabilities
 x_k = the mean values of these same variables

The first of these predicted self-employment rate calculations (in column B) presents nonminority male self-employment rates as they would be if their characteristics (that is, x_k , or mean values for the independent variables) were applied to minority market structures (represented for each race by their β_k or odds coefficient values). The second self-employment rate calculation (in column C) presents minority self-employment rates as they would be if minorities were rewarded in a similar manner as nonminority males in the nonminority male market structure: that is, by multiplying the minority means (i.e., characteristics) by the estimated nonminority coefficients for both race and the other independent variables.

Analysis of Race/Gender/Ethnicity Effects on Self-Employment Propensity and Earnings

**EXHIBIT B-4
OBSERVED AND PREDICTED SELF-EMPLOYMENT RATES**

CITY OF TALLAHASSEE CMSA					
Business/Race Group	Observed Self-Employment Rates	White Characteristics and Own Market Structure	Own Characteristics and White Market Structure	Disparity Ratio (column A divided by column C)	Portion of Difference Due to Discrimination
	(A)	(B)	(C)	(D)	(E)
Overall					
Nonminority Males	0.2293	0.2293	0.2293	1.000	
African American	0.0683	0.1030	0.1813	0.3764	70.23%
Hispanic American	0.0870	0.1221	0.3051	0.2850	n/d
Asian American	0.2174	0.2616	0.1977	1.0993	n/d
Native American	0.2222	0.3022	0.2462	0.9025	n/d
Nonminority Women	0.1040	0.1211	0.2679	0.3880	n/d
Construction					
Nonminority Males	0.3496	0.3496	0.3496	1.000	
African American	0.2037	0.2912	0.3015	0.6755	67.07%
Hispanic American	0.0000	0.0000	0.0572	0.0000	16.35%
Asian American	0.0000	0.0000	0.0572	0.0000	16.35%
Natieve American	0.6667	0.7269	0.4835	1.3789	57.78%
Nonminority Women	0.1404	0.1681	0.3992	0.3516	n/d
Professional Services					
Nonminority Males	0.2477	0.2477	0.2477	1.000	
African American	0.0211	0.1246	0.1897	0.1114	74.38%
Hispanic American	0.1333	0.4683	0.4385	0.3041	n/d
Asian American	0.2727	0.5073	0.2113	1.2909	n/d
Natieve American	0.0000	0.0000	0.0000	0.0000	n/d
Nonminority Women	0.0557	0.1652	0.2920	0.1908	n/d
Other Services					
Nonminority Males	0.2434	0.2434	0.2434	1.0000	
African American	0.1078	0.1563	0.2196	0.4910	82.45%
Hispanic American	0.0952	0.1043	0.4209	0.2263	n/d
Asian American	0.2400	0.2765	0.1924	1.2475	n/d
Natieve American	0.2857	0.3911	0.2328	1.2272	n/d
Nonminority Women	0.2444	0.2881	0.2754	0.8875	n/d
Goods & Supplies					
Nonminority Males	0.1000	0.1000	0.1000	1.000	
African American	0.0070	0.0102	0.3175	0.0222	n/d
Hispanic American	0.1053	0.1415	0.1123	0.9375	n/d
Asian American	0.1667	0.2318	0.0644	2.5862	n/d
Natieve American	0.0000	0.0000	0.0001	0.0000	0.07%
Nonminority Women	0.0758	0.0978	0.1092	0.6940	n/d

Source: PUMS data from 2000 Census of Population and Housing and MGT of America, Inc., calculations using SPSS and Microsoft Excel.

n/d: No discrimination was found.

Using these calculations, we were able to determine a percentage of the disparities in self-employment between minorities and nonminority males attributable to discrimination by dividing the observed self-employment rate for a particular minority group (column A) by the predicted self-employment rate as it would be if minority groups faced the same market structure as nonminority males (column C). Next, we calculated the difference between the predicted self-employment rate as it would be if minority groups faced the same market structure as nonminority males and the observed self-employment rate for that minority group, and divided this value by the difference between the observed self-

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employment rate for nonminority males and the self-employment rate for a particular minority group. In the absence of discrimination, this number is zero, which means disparities in self-employment rates between minority groups and nonminority males can be attributed to differences in group characteristics not associated with discrimination. Conversely, as this value approaches 1.0, we are able to attribute disparities increasingly to discrimination in the marketplace.

B.4.4 Findings

Examining the results reported in **Exhibit B-4**, we found the following:

- Overall, comparing self-employed nonminority males with self-employed African Americans in the Tallahassee CMSA, over 70 percent of the disparity in self-employment rates was attributable to race differences.
- Comparing self-employed nonminority males with self-employed African Americans in the Tallahassee CMSA construction industry, over 67 percent of the disparity in self-employment rates was attributable to race differences.
- Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA professional services, over 70 percent of the disparity in self-employment rates was attributable to race differences.
- Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA other services, over 80 percent of the disparity in self-employment rates was attributable to gender differences.

B.5.0 Summary of Self-Employment Analysis Findings

In general, findings from the PUMS 2000 data indicate that minorities were significantly less likely than nonminority males to be self-employed and, if they were self-employed, they earned significantly less in 1999 than did self-employed nonminority males. When self-employment rates were stratified by race and by business type, trends varied within individual race-by-type cells, but disparities persisted, in general, for African Americans, Hispanic Americans, and nonminority women. When group self-employment rates were submitted to MGT's disparity-due-to-minority-status analysis, findings supported the conclusion that disparities for these three groups (of adequate sample size to permit interpretation) were likely the result of differences in the marketplace due to race, gender, and ethnicity.⁷

⁷ **Appendix C** reports self-employment rates and earnings in greater detail by race/gender/ethnicity and business type.

***APPENDIX C:
PUMS REGRESSION ANALYSIS***

APPENDIX C
LEON COUNTY, FLORIDA BASED ON
CITY TALLAHASSEE CMSA
PUMS REGRESSION ANALYSIS

EXHIBIT C-a
RESULTS OF LOGISTIC REGRESSION
EXPLANATION OF RESULTS AND VARIABLES

Logistic Regression Output

Below, variable names and operational definitions are provided. When interpreting **Exhibits C-1** to **C-5**, the third column—Exp (B)—is the most informative index with regard to the influence of the independent variables on the likelihood of being self-employed. From the inverse of this value, we can interpret a likelihood value of its effect on self-employment. For example the Exp (B) for an African American is .326, from **Exhibit C-1**; the inverse of this is 3.07. This means that a nonminority male is 3.07 times more likely to be self-employed than an African American. Columns A and B are reported as a matter of convention to give the reader another indicator of both the magnitude of the variable's effect and the direction of the effect ("-" suggests the greater the negative B value the more it depresses the likelihood of being self-employed, and vice versa for a positive B value). It is noteworthy that theoretically "race-neutral" variables (e.g., marital status) tend to impact the likelihood of self-employment positively and that the race/ethnicity/gender variables, in general, tend to have a negative effect on self-employment.

Variables

Race, ethnicity, and gender indicator variables:

- African American
- Asian American
- Hispanic American
- Native American
- Sex: Nonminority woman or not

Other indicator variables:

- Marital Status: Married or not.
- Age
- Age²: age squared. Used to acknowledge the positive, curvilinear relationship between each year of age and self-employment.
- Disability: Individuals self-reported health-related disabilities.
- Tenure: Owns their own home.
- Value: Household property value.
- Mortgage: Monthly total mortgage payments.
- Unearn: Unearned income, such as interests and dividends.
- Resdinc: Household income less individuals personal income.
- P65: Number of individuals over the age of 65 living in the household.
- P18: Number of children under the age of 18 living in the household.
- Some College: Some college education.
- College Graduate: College degree.
- More than College: Professional or graduate degree.

**EXHIBIT C-1
RESULTS OF LOGISTIC REGRESSION
OVERALL**

City of Tallahassee CMSA			
	B	Sig.	Exp (B)
African American	-1.119	0.000	0.326
Hispanic American	-0.928	0.037	0.395
Asian American	0.007	0.986	1.007
Native American	0.208	0.725	1.231
Sex (1=Female)	-0.937	0.000	0.392
Marital Status (1=Married)	0.058	0.704	1.059
Age	0.096	0.079	1.101
Age ²	-0.001	0.198	0.999
Disability (1=Yes)	-0.022	0.908	0.979
Tenure (1=Yes)	0.346	0.074	1.413
Value	0.049	0.001	1.051
Mortgage	0.000	0.880	1.000
Unearn	0.000	0.551	1.000
Resdinc	0.000	0.035	1.000
P65	-0.292	0.267	0.747
P18	0.114	0.052	1.121
Some College (1=Yes)	-0.068	0.665	0.934
College Graduate (1=Yes)	-0.126	0.468	0.882
More than College (1=Yes)	0.184	0.357	1.202
Number of Observations	2383		
Chi-squared statistic (df=19)	191.01945		
Log Likelihood	-1842.765		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-2
RESULTS OF LOGISTIC REGRESSION
CONSTRUCTION**

City of Tallahassee CMSA			
	B	Sig.	Exp (B)
African American	-0.557	0.158	0.573
Hispanic American	-20.160	0.998	0.000
Asian American	-20.232	0.999	0.000
Native American	1.311	0.344	3.711
Sex (1=Female)	-1.267	0.003	0.282
Marital Status (1=Married)	0.291	0.336	1.338
Age	0.019	0.857	1.019
Age ²	0.000	0.944	1.000
Disability (1=Yes)	-0.338	0.366	0.713
Tenure (1=Yes)	0.518	0.211	1.679
Value	0.059	0.077	1.061
Mortgage	0.000	0.609	1.000
Unearn	0.000	0.183	1.000
Resdinc	0.000	0.487	1.000
P65	-1.665	0.123	0.189
P18	0.004	0.977	1.004
Some College (1=Yes)	0.313	0.290	1.368
College Graduate (1=Yes)	-0.413	0.295	0.662
More than College (1=Yes)	-0.472	0.453	0.624
Number of Observations	378		
Chi-squared statistic (df=19)	61.577		
Log Likelihood	-388.8687		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-3
RESULTS OF LOGISTIC REGRESSION
PROFESSIONAL SERVICES**

City of Tallahassee CMSA			
	B	Sig.	Exp (B)
African American	-1.358	0.041	0.257
Hispanic American	0.464	0.631	1.591
Asian American	0.621	0.468	1.860
Native American	-18.515	0.999	0.000
Sex (1=Female)	-1.029	0.002	0.357
Marital Status (1=Married)	0.172	0.666	1.187
Age	0.428	0.009	1.534
Age ²	-0.004	0.021	0.996
Disability (1=Yes)	0.342	0.510	1.408
Tenure (1=Yes)	0.641	0.197	1.898
Value	0.084	0.030	1.087
Mortgage	0.000	0.343	1.000
Unearn	0.000	0.667	1.000
Resdinc	0.000	0.252	1.000
P65	-0.055	0.921	0.947
P18	0.181	0.192	1.198
Some College (1=Yes)	0.669	0.417	1.952
College Graduate (1=Yes)	1.918	0.013	6.806
More than College (1=Yes)	2.211	0.004	9.127
Number of Observations	754		
Chi-squared statistic (df=19)	154.74		
Log Likelihood	-368.0563		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at p < .05.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-4
RESULTS OF LOGISTIC REGRESSION
OTHER SERVICES**

City of Tallahassee CMSA			
	B	Sig.	Exp (B)
African American	-0.740	0.013	0.477
Hispanic American	-1.204	0.130	0.300
Asian American	-0.016	0.975	0.984
Native American	0.503	0.573	1.654
Sex (1=Female)	0.041	0.876	1.042
Marital Status (1=Married)	-0.053	0.834	0.949
Age	0.075	0.415	1.078
Age ²	-0.001	0.530	0.999
Disability (1=Yes)	0.348	0.233	1.417
Tenure (1=Yes)	0.119	0.735	1.126
Value	0.064	0.010	1.066
Mortgage	0.000	0.897	1.000
Unearn	0.000	0.403	1.000
Resdinc	0.000	0.088	1.000
P65	-0.437	0.321	0.646
P18	0.151	0.126	1.164
Some College (1=Yes)	0.171	0.508	1.187
College Graduate (1=Yes)	0.057	0.853	1.059
More than College (1=Yes)	-0.004	0.992	0.996
Number of Observations	659		
Chi-squared statistic (df=19)	55.384		
Log Likelihood	-599.125		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at p < .05.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-5
RESULTS OF LOGISTIC REGRESSION
GOODS AND SUPPLIES**

City of Tallahassee CMSA			
	B	Sig.	Exp (B)
African American	-2.670	0.010	0.069
Hispanic American	0.108	0.896	1.114
Asian American	0.712	0.538	2.038
Native American	-17.942	0.999	0.000
Sex (1=Female)	-0.312	0.442	0.732
Marital Status (1=Married)	0.072	0.871	1.075
Age	0.253	0.152	1.288
Age ²	-0.002	0.240	0.998
Disability (1=Yes)	-0.651	0.316	0.522
Tenure (1=Yes)	-0.427	0.520	0.652
Value	0.006	0.888	1.006
Mortgage	0.000	0.588	1.000
Unearn	0.000	0.430	1.000
Resdinc	0.000	0.304	1.000
P65	0.687	0.220	1.987
P18	0.154	0.327	1.166
Some College (1=Yes)	0.000	0.999	1.000
College Graduate (1=Yes)	0.135	0.770	1.144
More than College (1=Yes)	0.515	0.485	1.674
Number of Observations	592		
Chi-squared statistic (df=19)	37.854		
Log Likelihood	-270.4627		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-b
RESULTS OF LINEAR REGRESSION
EXPLANATION OF RESULTS AND VARIABLES**

Linear Regression Output

Below, variable names and operational definitions are provided. When interpreting the linear regression **Exhibits C-6 to C-10**, the first column—Unstandardized B—is the most informative index with regard to the influence of the independent variables on the earnings of a self-employed individual. Each number in this column represents a percent change in earnings. For example, the corresponding number for an African American is -.139, from **Exhibit C-6**, meaning that an African American will earn 13.9 percent less than a nonminority male. The other four columns are reported in order to give the reader another indicator of both the magnitude of the variable's effect and the direction of the effect. Std. Error reports the standard deviation in the sampling distribution. Standardized B reports the standard deviation change in the dependent variable from on standard deviation increase in the independent variable. The t and Sig. columns simply report the level and strength of a variable's significance.

Variables

Race, ethnicity, and gender indicator variables:

- African American
- Asian American
- Hispanic American
- Native American
- Nonminority Woman

Other indicator variables:

- Marital Status: Married or not.
- Disability: Individuals self-reported health-related disabilities.
- Age
- Age²: age squared. Used to acknowledge the positive, curvilinear relationship between each year of age and self-employment.
- Speaks English Well: Person's ability to speak English if not a native speaker.
- Some College: Some college education.
- College Graduate: College degree.
- More than College: Professional or graduate degree.

**EXHIBIT C-6
RESULTS OF LINEAR REGRESSION
OVERALL**

City of Tallahassee CMSA					
	Unstandardized		Standardized	t	Sig.
	B	Std. Error	B		
African American	-0.139	0.148	-0.046	-0.940	0.348
Hispanic American	-0.374	0.355	-0.052	-1.054	0.293
Asian American	0.046	0.300	0.008	0.155	0.877
Native American	0.852	0.420	0.098	2.030	0.043
Nonminority Women	-0.129	0.113	-0.056	-1.141	0.255
Marital Status	0.207	0.105	0.099	1.973	0.049
Disability (1=Yes)	-0.411	0.138	-0.146	-2.985	0.003
Age	0.087	0.039	0.909	2.206	0.028
Age ²	-0.001	0.000	-0.859	-2.089	0.037
Speaks English Well	-0.109	0.207	-0.029	-0.528	0.598
Some College (1=Yes)	0.024	0.114	0.012	0.209	0.835
College Graduate	0.475	0.122	0.220	3.907	0.000
More than College	0.763	0.136	0.320	5.612	0.000
Constant	8.288	0.841		9.859	0.000

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-7
RESULTS OF LINEAR REGRESSION
CONSTRUCTION**

City of Tallahassee CMSA					
	Unstandardized		Standardized	t	Sig.
	B	Std. Error	B		
African American	-0.278	0.241	-0.107	-1.153	0.252
Native American	-0.101	0.618	-0.017	-0.164	0.870
Nonminority Women (1=Female)	0.294	0.272	0.098	1.079	0.283
Marital Status (1=Married)	0.331	0.160	0.188	2.064	0.042
Disability (1=Yes)	-0.043	0.231	-0.018	-0.186	0.852
Age	0.177	0.059	2.264	2.985	0.004
Age ²	-0.002	0.001	-2.296	-3.023	0.003
Speaks English Well (1=Yes)	1.963	0.619	0.336	3.169	0.002
Some College (1=Yes)	-0.129	0.167	-0.076	-0.773	0.442
College Graduate (1=Yes)	0.414	0.220	0.177	1.881	0.063
More than College (1=Yes)	-0.088	0.346	-0.024	-0.255	0.799
Constant	6.560	1.218		5.386	0.000

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-8
RESULTS OF LINEAR REGRESSION
PROFESSIONAL SERVICES**

City of Tallahassee CMSA					
	Unstandardized		Standardized	t	Sig.
	B	Std. Error	B		
African American	-0.457	0.613	-0.087	-0.745	0.459
Hispanic American	0.469	0.725	0.073	0.646	0.520
Asian American	0.172	0.662	0.033	0.260	0.795
Nonminority Women (1=Female)	-0.176	0.277	-0.077	-0.636	0.527
Marital Status (1=Married)	0.285	0.351	0.102	0.814	0.419
Disability (1=Yes)	-0.954	0.454	-0.252	-2.102	0.039
Age	-0.072	0.138	-0.580	-0.523	0.603
Age ²	0.001	0.001	0.511	0.462	0.645
Speaks English Well (1=Yes)	0.040	0.485	0.011	0.083	0.934
Some College (1=Yes)	-1.412	0.785	-0.400	-1.799	0.076
College Graduate (1=Yes)	-0.661	0.746	-0.318	-0.885	0.379
More than College (1=Yes)	-0.494	0.745	-0.250	-0.663	0.509
Constant	13.565	3.406		3.982	0.000

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-9
RESULTS OF LINEAR REGRESSION
OTHER SERVICES**

City of Tallahassee CMSA					
	Unstandardized		Standardized	t	Sig.
	B	Std. Error	B		
African American	-0.192	0.178	-0.095	-1.075	0.285
Hispanic American	-0.963	0.513	-0.156	-1.876	0.063
Asian American	0.041	0.342	0.011	0.119	0.906
Native American	0.943	0.515	0.153	1.831	0.070
Nonminority Women (1=Female)	-0.382	0.151	-0.219	-2.529	0.013
Marital Status (1=Married)	0.252	0.140	0.154	1.797	0.075
Disability (1=Yes)	-0.345	0.171	-0.168	-2.020	0.046
Age	0.016	0.066	0.200	0.247	0.805
Age ²	0.000	0.001	-0.024	-0.030	0.976
Speaks English Well (1=Yes)	-0.508	0.241	-0.194	-2.106	0.037
Some College (1=Yes)	0.201	0.153	0.128	1.310	0.193
College Graduate (1=Yes)	0.461	0.176	0.253	2.627	0.010
More than College (1=Yes)	0.131	0.259	0.046	0.505	0.614
Constant	9.542	1.367		6.982	0.000

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-10
RESULTS OF LINEAR REGRESSION
GOODS AND SUPPLIES**

City of Tallahassee CMSA					
	Unstandardized		Standardized	t	Sig.
	B	Std. Error	B		
African American	-0.784	1.125	-0.128	-0.697	0.491
Hispanic American	-0.757	0.857	-0.173	-0.884	0.384
Asian American	0.569	1.280	0.093	0.445	0.660
Nonminority Women	0.056	0.375	0.026	0.150	0.882
Marital Status	-0.489	0.370	-0.224	-1.321	0.197
Disability (1=Yes)	-0.620	0.610	-0.172	-1.016	0.318
Age	0.123	0.158	1.164	0.778	0.443
Age ²	-0.001	0.002	-1.145	-0.772	0.446
Speaks English Well	0.547	0.791	0.151	0.691	0.495
Some College (1=Yes)	-0.005	0.401	-0.003	-0.012	0.990
College Graduate	0.139	0.405	0.070	0.344	0.733
More than College	1.716	0.724	0.475	2.371	0.024
Constant	7.922	3.606		2.197	0.036

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

***APPENDIX D:
PRIVATE SECTOR DISCUSSION***

APPENDIX D PRIVATE SECTOR DISCUSSION

Based on the U.S. Bureau of Census, 2002 Survey of Business Owners (SBO) there remains a significant gap between the market share of minority- and women-owned business enterprises (M/WBEs) and their share of the Leon County metropolitan area business population.

As shown in **Exhibit D-1** below, there were 24,317 businesses in the Leon County metropolitan area, of which 16.5 percent were owned by minorities and 27.8 percent by women. Minorities' share of market revenue was 2.2 percent. Minorities averaged \$303,661 per firm. **Exhibit D-1** also shows that the following:

- African American-owned firms were 9.6 percent of firms, 0.7 percent of sales, with \$95,637 in average revenue per firm, 7.3 percent of the market place average.
- Hispanic American-owned firms were 3.0 percent of firms, 0.4 percent of sales, with \$49,299 in average revenue per firm, 11.9 percent of the market place average.
- Asian American-owned firms were 2.6 percent of firms, 1.0 percent of sales, with \$139,444 in average revenue per firm, 39.3 percent of the market place average;
- Native American-owned firms were 1.3 percent of firms, 0.1 percent of sales, with \$19,281 in average revenue per firm, 11.3 percent of the market place average.
- Nonminority women-owned firms were 27.8 percent of firms, 7.0 percent of sales, with \$958,738 in average revenue per firm, 25.2 percent of the market place average.

**EXHIBIT D-1
U.S. BUREAU CENSUS 2002
SURVEY OF BUSINESS OWNERS
MEASURE OF AVAILABILITY AND UTILIZATION
IN THE LEON COUNTY MARKET PLACE
ALL FIRMS**

	# of Firms	Sales	Sales Per Firm
All firms	24,317	\$13,690,982	\$563
African American	2,333	\$95,637	\$41
Hispanic American	734	\$49,299	\$67
Asian American	631	\$139,444	\$221
Native American	304	\$19,281	\$63
All Minorities	4,002	\$303,661	\$76
Nonminority Women	6,769	\$958,738	\$142
Percentage of Marketplace			
	Firms	Sales	Sales Per Firm Compared to the Marketplace Average
African American	9.6%	0.7%	7.3%
Hispanic American	3.0%	0.4%	11.9%
Asian American	2.6%	1.0%	39.3%
Native American	1.3%	0.1%	11.3%
All Minorities	16.5%	2.2%	13.5%
Nonminority Women	27.8%	7.0%	25.2%
Disparity Index			
	(ratio of sales to firms)		
African American	7.3		
Hispanic American	11.9		
Asian American	39.3		
Native American	11.3		
Nonminority Women	25.2		

Source: U.S. Bureau of the Census 2002, Survey Of Business Owners, Based On All Firms.

Exhibit D-2 below shows that based on all firms there were 6,472 businesses with paid employees. in the Leon County metropolitan area in 2002, of which 7.6 percent were owned by minorities and 18 percent by nonminority women-owned firms. Minorities' share of market revenue was 1.7 percent. Minorities averaged \$217,536 per firm.

Exhibit D-2 also shows that the following,

- African American-owned firms were 3.6 percent of firms, 0.4 percent of sales, with \$53,179 in average revenue per firm, 11.5 percent of the market place average.
- Hispanic American-owned firms were 2.3 percent of firms, 0.3 percent of sales, with \$41,808 in average revenue per firm, 14.4 percent of the market place average.

- Asian American-owned firms were 1.8 percent of firms, 1 percent of sales, with \$122,549 in average revenue per firm, 53.5 percent of the market place average.
- Nonminority women-owned firms were 18 percent of firms, 5.8 percent of sales, with \$752,237 in average revenue per firm, 32.3 percent of the market place average.
- The data was incomplete for Native American-owned firms with paid employees.

**EXHIBIT D-2
U.S. BUREAU CENSUS 2002
SURVEY OF BUSINESS OWNERS
ALL FIRMS WITH PAID EMPLOYEES**

	# of Firms	Sales	Sales Per Firm
All firms	6,472	\$12,889,631	\$1,992
African American	233	\$53,179	\$228
Hispanic American	146	\$41,808	\$286
Asian American	115	\$122,549	\$1,066
Native American	N/A	N/A	N/A
All Minorities	494	\$217,536	\$440
Nonminority Women	1,168	\$752,237	\$644
Percentage of Marketplace			
	Firms	Sales	Sales Per Firm Compared to the Marketplace Average
African American	3.6%	0.4%	11.5%
Hispanic American	2.3%	0.3%	14.4%
Asian American	1.8%	1.0%	53.5%
Native American	N/A	N/A	N/A
All Minorities	7.6%	1.7%	22.1%
Nonminority Women	18.0%	5.8%	32.3%
Disparity Index			
	(ratio of sales to firms)		
African American	11.5		
Hispanic American	14.4		
Asian American	53.5		
Native American	N/A		
Nonminority Women	32.3		

Source: U.S. Bureau of the Census 2002, Survey Of Business Owners, Based On Firms with Paid Employees Only.

For all construction firms the results are shown in **Exhibit D-3** below, there were 2,901 construction firms in the Leon County metropolitan area in 2002, of which 6.8 percent were owned nonminority women-owned firms. **Exhibit D-3** also shows that:

- Nonminority women-owned firms were 6.8 percent of firms, 6.2 percent of sales, with \$84,224 in average revenue per firm, 90.9 percent of the market place average.
- Complete data on African American-, Native American, Hispanic American-, and Asian American-owned firms was not available.

**EXHIBIT D-3
U.S. BUREAU CENSUS 2002
SURVEY OF BUSINESS OWNERS
CENSUS MEASURE OF AVAILABILITY AND UTILIZATION
IN THE LEON COUNTY MARKET PLACE
ALL CONSTRUCTION FIRMS**

	# of Firms	Sales	Sales Per Firm
All firms	2,901	\$1,363,866	\$470
African American	N/A	N/A	N/A
Hispanic American	N/A	N/A	N/A
Asian American	N/A	N/A	N/A
Native American	N/A	N/A	N/A
All Minorities	N/A	N/A	N/A
Nonminority Women	197	\$84,224	\$428
Percentage of Marketplace			
	Firms	Sales	Sales Per Firm Compared to the Marketplace Average
African American	N/A	N/A	N/A
Hispanic American	N/A	N/A	N/A
Asian American	N/A	N/A	N/A
Native American	N/A	N/A	N/A
All Minorities	N/A	N/A	N/A
Nonminority Women	6.8%	6.2%	90.9%
Disparity Index			
	(ratio of sales to firms)		
African American	N/A		
Hispanic American	N/A		
Asian American	N/A		
Native American	N/A		
Nonminority Women	90.9		

Source: U.S. Bureau of the Census 2002, Survey of Business Owners, Based On All Firms Specializing in Construction.

Exhibit D-4 below shows that based on all firms there were 4,387 businesses specializing in professional services in the Leon County metropolitan area in 2002, of which 7.9 percent were owned by minorities and 24.4 percent by nonminority women-owned firms. Minorities' share of market revenue was 26.4 percent. Minorities averaged \$33,034 per firm. **Exhibit D-4** also shows that the following,

- African American-owned firms were 5.6 percent of firms, 0.9 percent of sales, with \$15,000 in average revenue per firm, 16.9 percent of the market place average.
- Asian American-owned firms were 2.3 percent of firms, 1.1 percent of sales, with \$18,034 in average revenue per firm, 49.8 percent of the market place average.
- Nonminority women-owned firms were 24.4 percent of firms, 12.7 percent of sales, with \$202,148 in average revenue per firm, 52.1 percent of the market place average.
- The data was incomplete for Hispanic American- and Native American-owned firms.

**EXHIBIT D-4
U.S. BUREAU CENSUS 2002
SURVEY OF BUSINESS OWNERS
ALL FIRMS WITH PAID EMPLOYEES**

	# of Firms	Sales	Sales Per Firm
All firms	4,387	\$1,588,337	\$362
African American	245	\$15,000	\$61
Hispanic American	N/A	N/A	N/A
Asian American	100	\$18,034	\$180
Native American	N/A	N/A	N/A
All Minorities	345	\$33,034	\$96
Nonminority Women	1,072	\$202,148	\$189
Percentage of Marketplace			
	Firms	Sales	Sales Per Firm Compared to the Marketplace Average
African American	5.6%	0.9%	16.9%
Hispanic American	N/A	N/A	N/A
Asian American	2.3%	1.1%	49.8%
Native American	N/A	N/A	N/A
All Minorities	7.9%	2.1%	26.4%
Nonminority Women	24.4%	12.7%	52.1%
Disparity Index			
	(ratio of sales to firms)		
African American	16.9		
Hispanic American	N/A		
Asian American	49.8		
Native American	N/A		
Nonminority Women	52.1		

Source: U.S. Bureau of the Census 2002, Survey Of Business Owners, Based On All Firms Specializing in Professional Services.

All groups exhibited disparity to substantial disparity in the marketplace where data was available. Disparity indices for the overall market place are presented at the bottom of **Exhibits D-1, D-2, D-3, and D-4.**

Board of County Commissioners Leon County, Florida

Policy No. 96-1

Title: Purchasing and Minority, Women and Small Business Enterprise Policy

Date Adopted: January 27, 2015

Effective Date: January 27, 2015

Reference: Chapter 274, Florida Statutes

Policy Superseded: Policy No. 96-1, "Purchasing Policy"; adopted January 16, 1996; revised November 25, 1997; revised February 24, 1998; revised March 22, 2005; revised December 13, 2005; revised June 13, 2006; revised February 26, 2009; revised October 27, 2009; revised February 9, 2010; revised March 23, 2010; revised October 12, 2010; revised June 14, 2011; revised August 23, 2011; revised November 8, 2011; revised February 14, 2012; revised March 13, 2012; revised February 12, 2013; revised October 29, 2013

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy," revised by the Board of County Commissioners on October 29, 2013 be superseded and a revised policy is hereby adopted in its place, to wit:

BOARD OF COUNTY COMMISSIONERS LEON COUNTY

Purchasing and Minority, Women and Small Business Enterprise Policy



LEON COUNTY BOARD OF COUNTY COMMISSIONERS
Purchasing and Minority, Women and Small Business Enterprise Policy

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Section 1 PURPOSE

This policy is adopted to promote the following purposes:

- A. To simplify, clarify, and modernize the procurement practices used by the Leon County Board of County Commissioners.
- B. To promote the continued development of professional and equitable procurement policies and practices.
- C. To promote public confidence in the purchasing procedures followed by Leon County.
- D. To ensure the fair and equitable treatment of all persons who deal with the procurement system of Leon County.
- E. To encourage the growth of small and minority businesses through the promotion of an atmosphere conducive to the development and maintenance of small and minority business participation in the County's procurement system.
- F. To maximize economy in Leon County procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds of Leon County.
- G. To provide safeguards for the maintenance of a procurement system of quality and integrity in Leon County.

Section 2 APPLICATION OF POLICY

- A. **Contracts:** This policy shall apply to contracts/agreements solicited or entered into after the effective date of this policy or subsequent amendments or revisions, unless the parties agree to its application to a contract solicited or entered into prior to the effective date.
- B. **Activities:** This policy shall apply to the purchase/procurement of all materials, supplies, services, construction and equipment except as herein specifically exempted.
- C. **Exemptions from the Purchasing Policy.** The following exemptions do not preclude the County from utilizing competitive procurement practices where possible. The following types of purchasing activities shall be exempt from the purchasing policy except as noted:
 - 1. All heavy equipment repairs shall be exempted from the competitive sealed bid requirements. The Fleet Management Director or designee shall solicit and evaluate quotations and make a recommendation for award. The Purchasing Director shall review the quotations and the recommendation for award and award of the bid shall be made by the appropriate authority as provided in Section 5.0.
 - 2. All purchases of services from a utility whose rates are determined and controlled by the Public Service Commission or other governmental authority, including but not limited to electricity, water, sewer, telephone, and cable television services.
 - 3. All supplies, materials, equipment, or services purchased at a price established in any of the authorized forms of state contracts of the State of Florida Department of Management Services, Division of Purchasing; or under the terms and conditions of a cooperative purchasing agreement or term contract by other governmental units.
 - 4. All supplies, and materials, equipment, construction, or services purchased from another unit of government not otherwise limited or prohibited by law.
 - 5. **Service/Maintenance Contracts:** Continuing service and/or maintenance contracts that are initially awarded by the Board as a part of product acquisition/installation to a vendor who is the manufacturer, developer, or who is the authorized service agent thereof and for which funds are

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- annually appropriated in the budget are exempt from further competitive requirements of this policy. Examples are software/hardware maintenance, building systems maintenance, security systems, etc.)
6. Real property, real estate brokerage, options of title or abstracts of title for real property, title insurance for real property, and other related costs of acquisition, rental, or sale of real property.
 7. All purchases of used equipment having a value of \$20,000 or less; however, each such purchase shall be supported by one equipment appraisal report from the vendor.
 8. All purchases of used equipment having a value greater than \$20,000 and less than \$100,000; however, each such purchase shall be supported by two independent equipment appraisal reports.
 9. Library Media and Materials. The purchase of library books, education and/or personnel texts, textbooks, printed instructional materials, reference books, periodicals, databases, indexes, pre-recorded library media materials, e.g. audio and video cassettes, film strips, films, sound recordings, computer software, etc., and printed library cards that are to be a part of the library collection are exempt.
 10. Grants (Direct Payment) by the County and social services (e.g. burials, reimbursable emergency assistance payments to approved social service agencies, down payment assistance, temporary housing relocation expenses and indigent medical and tubercular care patient services).
 11. Advertisements (except Delinquent Tax Notices).
 12. Training Media and Services. When such materials or services are available only from the producer, publisher, owner of the copyright or patent, educational institution or training service provider, which developed the training program, the purchase, is exempt from competitive requirements. Approval thresholds in Section 5.0 shall apply.
 13. Software. Upgrades, software modification services by the copyright holder, and related software enhancements to installed software purchased through competitive means are exempt. The purchase of new software packages or systems shall follow the thresholds and procedures of the policy to ensure competitive selection.
 14. Corporate and media sponsorship agreements up to the formal bid threshold in Section 5.0.
 15. Licensed health professionals, e.g., Doctors, Nurses, Veterinarians who provide service directly to patients.
 16. Training and educational courses, contracts between the County and governmental entities or nonprofit corporations, memberships, publications, meeting rooms, and hotels when any of the procurements listed previously are below the formal bid threshold in Section 5.0.
 17. Lectures by individuals.
 18. Artistic services, works of art for public places, and art design and conservation services.
 19. Continuing education events or programs.
 20. Services of legal counsel authorized by the Office of the County Attorney, including, but not limited to, expert witnesses, conflict counsel, and other services required by the Office of the County Attorney.
 21. Travel arrangements and expenses. (Reference Travel Policy)

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Section 3 DEFINITIONS

- A. The following terms defined in this section shall have the meanings set forth below whenever they appear in this policy:
1. "Addendum" is a written document used to expand or more fully explain the terms of a bid instrument (Invitation to Bid or Request for Proposals). An addendum is not to be confused with a contract "amendment."
 2. "Agreement" means all types of Leon County agreements, regardless of what they may be called, for the purchase or disposal of supplies, services, materials, equipment, or construction.
 3. "Blanket Purchase Order" means a purchase order issued to a vendor for an amount not to exceed the face value of the purchase order. A blanket purchase order is for the procurement of commodities or services no single item of which shall exceed the threshold for small purchases unless the appropriate method of procurement was used to generate the Blanket Purchase Order.
 4. "Board" means the Board of County Commissioners of Leon County, Florida.
 5. "Brand Name or Equivalent Specification" means a specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance, and other salient characteristics needed to meet the County requirements, and which provides for the submission of equivalent products.
 6. "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.
 7. "Change Order" means a written order amending the scope of, or correcting errors, omissions, or discrepancies in a contract or purchase order.
 8. "Commodity" means a product that the County may contract for or purchase for the use and benefit of the County. A specific item, it is different from the rendering of time and effort by a provider.
 9. "Competitive Sealed Bidding" (Invitation for Bid) means a written solicitation for sealed competitive bids used for the procurement of a commodity, group of commodities, or services valued more than the threshold for this category. The invitation for bids is used when the County is capable of specifically defining the scope of work for which a contractual service is required or when the County is capable of establishing precise specifications defining the actual commodity or group of commodities required.
 10. "Confirming Order" means a purchase order restating the same terms originally placed orally or in writing other than a purchase order.
 11. "Construction" means the process of building, attaining, repairing, improving, or demolishing any public structure or building, or other public improvement of any kind to any public real property. It does not include routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.
 12. "Contract" means all types of Leon County agreements, regardless of what they may be called, for the purchase or disposal of supplies, services, materials, equipment, or construction and which name the terms and obligations of the business transaction.
 13. "Contract amendment or modification" means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

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14. "Contractor" means any person having a contract with Leon County (not to include employment contracts).
15. "Contractual Services" means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged there under; and professional, technical, and social services.
16. "Contractual Services Contract" is a contract for a contractor's time and effort rather than the furnishing of specific commodities. Satisfactory completion of the service and/or a specified period of time or date completes such contract.
17. "Cooperative Purchasing" is procurement conducted by, or on behalf of, more than one public procurement unit.
18. "Cost Analysis" is the evaluation of cost data for the purpose of arriving at costs actually incurred or estimates of costs to be incurred, prices to be paid, and costs to be reimbursed.
19. "Data" means recorded information, regardless of form or characteristic.
20. "Definite Quantity Contract" is a contract whereby the contractor(s) agrees to furnish a specific quantity of an item or items at a specified price and time to specified locations. Delivery by the vendor and acceptance of the specific quantity by the County completes such contract.
21. "Designee" means a duly authorized representative of a person holding a superior position.
22. "Emergency" means when there exists a threat to public health, welfare, or safety; natural or unnatural, unexpected events; accidents; or loss to the County under emergency conditions which shall be considered to mean those situations where the operation of a department or division would be seriously impaired if immediate action were not taken.
23. "Emergency Purchase" is a purchase necessitated by a sudden unexpected turn of events (e.g., acts of God, riots, fires, floods, accidents or any circumstances or cause beyond the control of the agency in the normal conduct of its business) where the delay incident to competitive bidding would be detrimental to the interests of the County.
24. "Employee" means an individual drawing a salary from Leon County, whether elected or non-elected. For the purposes of this policy, it also means that any non-compensated individual performing personal services for Leon County is to be governed by these rules.
25. "Established Catalog Price" is the price included in a catalog, price list, schedule, or other form that:
 - a. is regularly maintained by a manufacturer or contractor;
 - b. is either published or otherwise available for inspection by customers; and
 - c. states prices at which sales are currently or were last made to a significant number of any category of buyers or those buyers constituting the general buying public for the supplies or services involved.
26. "Field Purchase Order" means the procurement of commodities or services through the issuance of a purchase order by a department or division head under procedures established by the Purchasing Division and with a value within the thresholds set for this category. Field Purchase orders do not require quotes, bids, or public notice prior to issuance.
27. "Field Quotes" is the procurement procedure used by the operating department or divisions to purchase commodities or contractual services with a value within the threshold amounts set for this category and are conducted by the department or division.

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28. "f.o.b. or FOB (free on board)" is a term used in conjunction with an identified physical location to determine the responsibility and basis for payment of freight charges, and the point at which title for the shipment passes from seller to buyer. Commonly used deliveries are:
 - a) FOB Destination. A shipment to be delivered to a destination designated by the buyer and the point at which buyer accepts title.
 - b) FOB Shipping Point (Origin). A shipment is to be delivered to the buyer with passage of title, on board the indicated conveyance or carrier at the contractor's designated facility.
29. "Gratuity" is a payment, loan, subscription, advance, deposit of money, service, or anything of more than nominal value, present or promised, inuring to the benefit of an employee, unless consideration of substantially equal or greater value is given by the employee.
30. "Informal Sealed Bid is a written solicitation method used by the County for securing prices and selecting a provider of commodities or services with a value within the threshold for this category
31. Intended Decision means a written notice that states the firm or firms to whom the County intends to award a contract resulting from a solicitation and which establishes the period in which a notice of intent to protest may be timely filed. The Intended Decision is posted on the County website and on the Public Notice board in the Purchasing Division.
32. Invitation for Bid (Competitive Sealed Bidding) means a written solicitation for sealed competitive bids used for the procurement of a commodity, group of commodities, or services valued more than the threshold for this category. The invitation for bids is used when the County is capable of specifically defining the scope of work for which a contractual service is required or when the County is capable of establishing precise specifications defining the actual commodity or group of commodities required.
33. "Invitation to Negotiate" means a written solicitation that calls for responses to select one or more persons or business entities with which to commence negotiations for the procurement of commodities or contractual services.
34. "Joint Venture" means:
 - a) a combination of contractors performing a specific job in which business enterprises participate and share a percentage of the net profit or loss; or
 - b) a joint business association of a minority individual(s)/firm(s) as defined herein, and a non-minority individual(s)/firm(s) to carry out a single business enterprise for which purpose the individuals/firms combine their property, money, efforts, skills and/or knowledge.
35. "Local Business" means a business which:
 - a) Has had a fixed office or distribution point located in and having a street address within Leon, Gadsden, Wakulla, or Jefferson County for at least six months immediately prior to the issuance of the request for competitive bids or request for proposals by the county; and
 - b) Holds any business license required by Leon County, and, if applicable, the City of Tallahassee; and
 - c) Is the principal offeror who is a single offeror; a business that is the prime contractor and not a subcontractor; or a partner or joint venturer submitting an offer in conjunction with other businesses.
36. "Manufacturer" means a person or firm engaged in the process of making, fabricating, constructing, forming, or assembling a product(s) from raw, unfinished, semi-finished, finished, or recycled materials through a direct contract/agreement on behalf of the general contractor.
37. "Option to Renew" means a contract clause that allows a party to reinstate the contract for an additional term.
38. "Person" means any business, individual, committee, club, other organization, or group of individuals.

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39. "Pre-Bid Conference" (or Pre-Proposal Conference) means a meeting held with prospective bidders prior to solicitation of or the date for receipt of bids or proposals, to recognize state of the art limits, technical aspects, specifications, and standards relative to the subject, and to elicit expertise and bidders' interest in submitting a bid or pursuing the task.
40. "Procurement Award" is an award of a contract for goods or services resulting from a solicitation through action by the Board of County Commissioners in a public meeting.
41. "Professional Services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, as defined by the State of Florida, or those performed by any architect, professional engineer, landscape architect, or registered land surveyor in connection with his professional employment or practice.
42. "Purchase Order" means that document used by Leon County to request that a contract be entered into for a specified need, and may include, but not be limited to, the technical description of the requested item, delivery schedule, transportation, criteria for evaluation, payment terms, and other specifications.
43. "Purchasing" means buying, procuring, renting, leasing, or otherwise acquiring any materials, supplies, services, construction, or equipment. It also includes all functions that pertain to the obtaining of any material, supplies, services, construction, and equipment, including description of specifications and requirements, selection and solicitation of resources, preparation, and award of contract.
44. "Purchasing Director" means the Leon County employee duly authorized to enter into and administer contracts and make written determinations with respect thereto under the terms of the purchasing policies of the Board of County Commissioners.
45. "Purchasing Quotes" is the procedure used to purchase commodities or contractual services wherein the Purchasing Director or Purchasing Agents obtain either written or oral quotations from two or more vendors for purchases within the threshold amounts set for this category.
46. "Recycled Content" means materials that have been recycled and are contained in the products or materials to be procured, including, but not limited to, paper, plastic, aluminum, glass, and composted materials. The term does not include internally generated scrap that is commonly used in industrial or manufacturing processes or waste or scrap purchased from another manufacturer who manufactures the same or a closely related product.
47. "Regulation" means a statement by the Board of County Commissioners having general or particular applicability and future effect, designed to implement, interpret, or prescribe law, policy, or practice.
48. "Request for Information" means a written or electronically posted request to vendors for information concerning commodities or contractual services. Responses to these requests are not offers and may not be accepted to form a binding contract.
49. "Request for Proposals" (RFP) means a written solicitation for sealed proposals with the title, date, and hour of public opening designated. The request for proposals may be used when the County is unable to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required, and when the County is requesting that a qualified offeror propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document.
50. "Request for a Quote" means a solicitation that calls for pricing information for purposes of competitively selecting and procuring commodities and contractual services from qualified or registered vendors.

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51. "Responsible bidder or offeror" means a person who has the capability, in all respects, to perform fully the contract requirements, and the integrity and reliability, which will assure good faith performance.
52. "Responsive bidder" means a person who has submitted a bid, which conforms in all material respects to the Invitation to Bid or the Request for Proposals.
53. "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than those which is not defined as supplies and which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.
54. "Small Purchases" means the procurement of commodities or services with a value within the thresholds set for this category without the requirement of quotes, bids, or public notice under procedures established by the Purchasing Division.
55. "Sole (Single) Source Purchases" means the purchase of a commodity, service, equipment, or construction item(s) from one available practical source of supply. A Sole (single) Source may be declared such by the Board of County Commissioners for reasons acceptable to it.
56. "Specification" means any description of the physical or functional characteristics of the nature of a material, supply, service, construction, or equipment item. It may include a description of any requirement for inspection, testing, recycled, or degradable materials content, or preparing a material, supply, service, construction, or equipment item for delivery.
57. "Supplier" means a person or firm who engages in the selling of materials and supplies to contractors, subcontractors, and/or manufacturers for the purpose of constructing, repairing, altering, remodeling, adding to or subtracting from or improving any building, structure, or property through a direct contract/agreement on behalf of the general contractor.
58. "Tangible Personal Property" is defined as property which has an original acquisition cost of \$750 or more; is not consumed in use and has a useful life of one year or more after initial acquisition; is not fixed in place and not an integral part of a structure or facility; and is not an integral part or component of another piece of equipment.
59. "Term Contract" means indefinite quantity contract whereby a contractor(s) agrees to furnish an item or items during a prescribed period of time (such as 3, 6, 9, 12 months or a specific date). The specified period of time or date completes such contract.60. "Tie (Identical) Bid" is when two or more bids are equal with respect to price and it appears that the quality and service offered by the vendors are otherwise comparable.

Section 4 AUTHORITY OF PURCHASING DIRECTOR

- A. The Purchasing Director shall serve as the central purchasing officer of Leon County.
- B. The Purchasing Director shall develop and administer operational procedures implementing this policy and for governing the internal functions of the Division of Purchasing.
- C. Except as otherwise specifically provided in this policy, the Purchasing Director, or his/her designee, shall, in accordance with regulations promulgated by the Board of County Commissioners:
 1. Purchase or supervise the purchase of all supplies, services, materials, equipment, and construction services defined within the scope of this policy.
 2. Operate a central warehouse for the purchasing, in bulk, of items that may be more economically bought and distributed than when purchased on an individual basis; and, to provide facilities for storage of critically needed supplies.
 3. Administer the County Purchasing Card Program.
 4. Administer the Property Control Program.

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- D. Upon the prior approval of the County Administrator or designee, the Purchasing Director may delegate authority to designee(s) as allowed by law or rule.
- E. The Purchasing Director shall assist the Minority Business Enterprise Coordinator, implement, monitor, and enforce the County's Minority Business Enterprise program policy.

Section 5 PURCHASING CATEGORIES; THRESHOLD AMOUNTS

Table 1 – Purchasing Process Thresholds	
Procurement Method	Threshold
Petty Cash/Reimbursement (Section 5.01)	Not to exceed \$100
Field Purchase Order (Section 5.02)	\$1 to \$500
Small Purchase Procedures (Section 5.03)	\$1 to \$1,000
Warehouse Operations (Section 5.031)	\$1 to \$5,000
Blanket Purchase Orders (Section 5.04) Non-contractual Basis Contractual Basis	not to exceed \$5,000 not to exceed annual contract value
Field Quotes (Section 5.05)	\$1,000 to \$5,000
Purchasing Quotes (Section 5.06)	\$5,000.01 to \$50,000
Bid - Informal Bid Process – Standard (Section 5.07)	\$50,000.01 to \$100,000
Bid – Informal Bid Process for Tenant Renovations/Improvements to County Space Leased by Private Entities (Section 5.07.1)	\$50,000.01 to \$200,000
Bid - Competitive Sealed Bids (Section 5.08)	\$100,000.01 and above
RFP - Competitive Sealed Proposals (Sections 5.09 and 5.09.1)	Purchasing Director –Authorized to Release RFPs Expected to Result in Costs No Greater than \$100,000; County Administrator Authorized to release all RFPs

Table 2 - Contract Award and Signature Authority Thresholds	
Individual	Threshold¹
Purchasing Director	*Procurement Agreements up to \$100,000
County Administrator	*Procurement Agreements greater than \$100,000 and no greater than \$250,000
Board of County Commissioners	*Procurement Agreements greater than \$250,000
¹ Term contracts will be awarded based upon the value of the initial term of the contract. *All contracts will be in a form approved by the County Attorney's Office prior to execution.	

Section 5.01 PETTY CASH/REIMBURSEMENT

- A. Petty cash funds shall be established and administered under the financial policies of the Board.
- B. Purchases from any petty cash fund or the reimbursement for a purchase shall be governed by the following requirements:
 - 1. No purchase of any single item from any petty cash fund or for reimbursement shall exceed the authorized dollar limit for petty cash/reimbursements in Section 5.
 - 2. Reimbursement for employee travel expenses from a petty cash fund shall not be allowed, except for local parking or toll costs.

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3. Funds contained within a petty cash fund shall not be expended for the payment of salaries.
4. Expenditures from a petty cash fund or personal funds shall be reimbursed, provided:
 - a) They are supported by itemized vouchers, invoices, or receipts signed by the division or department head or designee.
 - b) They qualify as a proper public purpose.
 - c) They are expenses included within the approved annual budget of the division or department.

Section 5.02 FIELD PURCHASE ORDERS

- A. Field purchase orders shall be used for purchase of small, sundry items, which cost not more than the threshold authorized for field purchase orders in Section 5. Field purchase orders shall be used for a single or aggregate purchase, but only for a single transaction. Employees are encouraged to seek out and utilize certified minority and women-owned business enterprises in these purchases.
- B. Field purchase orders shall not be combined to purchase any item, which costs more than the approved threshold limit and shall not be used in the manner of or in lieu of a blanket purchase order.
- C. Field purchase orders shall be issued and authorized only by department and division heads.

Section 5.03 SMALL PURCHASES

The purchase of commodities, equipment, and services, which cost less than the threshold authorized in Section 5, does not require solicitation of quotes or bids. Small purchases shall be authorized by Department or Division heads or their designees. Employees are encouraged to seek out and utilize certified minority and women-owned business enterprises in these purchases.

Section 5.03.1 WAREHOUSE OPERATIONS

The purchase of commodities, materials, and equipment for warehouse inventory, which cost less than the threshold authorized in Section 5, does not require solicitation of quotes or bids. Use of economic indices, review of costs, market trends, and/or use of periodic quotations shall be used by staff to assure cost effective purchases. Warehouse employees are encouraged to seek out and utilize certified minority and women-owned business enterprises in these purchases.

Section 5.04 BLANKET PURCHASE ORDERS

Blanket Purchase Orders of either type listed below shall not be used to purchase any tangible personal property item. Tangible personal property items shall be listed as individual line items on a purchase order.

- A. Non-contractual Basis - All purchases made with a non-contractual blanket purchase order shall follow the thresholds and requirements for competitive selection. No purchase order shall be issued for an amount greater than the limit established for a non-contractual blanket purchase order in Section 5 of this policy for the purchase of goods or services not under a contractual arrangement authorized under this purchasing policy or approved by the Board.
- B. Contractual Basis - No purchase order shall be issued for an amount greater than the limit established for a contractual blanket purchase order in Section 5 of this policy for the purchase of goods or services unless approved by the Board.

Section 5.05 FIELD QUOTES

The purchase of goods and services, which cost within the range authorized for field quotes in Section 5, shall require competitive quotations from three or more vendors. The quotations may be obtained by the Department/Divisions. Employees are encouraged to seek out and secure at least one of the three quotes from certified minority and women-owned business enterprises. The Purchasing Director shall review the quotations and make the award or require additional quotations prior to award.

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Section 5.06 PURCHASING QUOTES

The purchase of goods and services, which cost within the range authorized for purchasing quotes in Section 5, shall require competitive quotations from three or more vendors. The quotations may be obtained by the operating department/division or the Purchasing Division and shall be reviewed and awarded by the Purchasing Director. Quotes must be on company letterhead, quote forms, or in a similar format with a date and signature of an authorized representative of the vendor. Employees are encouraged to seek out and secure at least one of the three quotes from certified minority and women-owned business enterprises.

Section 5.07 INFORMAL BIDS

For purchases within the cost range authorized for informal bids in Section 5, the Purchasing Director shall secure, whenever possible, a minimum of three written quotations, which shall be the result of written specifications transmitted by mail, by electronic format, or by facsimile. When such quotations are received by facsimile, the purchasing agent will immediately seal and label the quotations until the time set for opening bids. In those instances where the securing of three quotations is not practicable, the Purchasing Director shall provide written justification of such. The Purchasing Division shall seek out and encourage participation in the bid from certified small or certified minority and women-owned business enterprises, when available. The quotations shall be reviewed and a written recommendation of award shall be prepared for review and action.

**Section 5.07.1 INFORMAL BIDS FOR TENANT RENOVATIONS AND IMPROVEMENTS FOR
LEASED SPACE**

For purchases for tenant renovations/improvements for County-owned spaces leased to private entities and within the cost range authorized for informal bids for lease space in Section 5, all procedures in Section 5.07 shall be followed:

Section 5.08 COMPETITIVE SEALED BIDDING

- A. Conditions for Use. All contracts for purchases of a single item or aggregate for the proposed term of service in excess of the established base amount for competitive sealed bidding in Section 5 shall be awarded on the basis of sealed competitive bidding, except as provided in Section 5.09, Competitive Sealed Proposals.
- B. Invitation to Bid. An invitation to bid shall be issued and shall include specifications, all contractual terms and conditions, and the place, date, and time for opening or submittal. All interpretations or corrections shall be issued as addenda. The County shall not be responsible for oral clarifications or representations.
1. Alternate(s). Alternate bids will not be considered unless authorized by and defined in the invitation to bid or addenda thereto.
 2. Approved Equivalents. The County reserves the right to determine acceptance of item(s) as an approved equivalent. Bids, which do not comply with, stated requirements for equivalents in the bid conditions are subject to rejection. The procedure for acceptance of equivalents shall be included in the invitation to bid or addenda thereto.
 3. If less than two responsive bids, proposals, or replies for commodity or contractual services purchases are received, the Purchasing Director may negotiate on the best terms and conditions. The Purchasing Director shall document the reasons that such action is in the best interest of the County in lieu of resoliciting competitive sealed bids, proposals, or replies. The Purchasing Director shall report all such actions to the County Administrator or designee prior to final award of any contract resulting from the negotiations.

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C. Public Notice.

1. The solicitation of competitive bids or proposals for any County construction project that is projected to cost more than \$200,000 shall be publicly advertised at least once in a newspaper of general circulation in the County at least 21 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. The solicitation of competitive bids or proposals for any County construction project that is projected to cost more than \$500,000 shall be publicly advertised at least once in a newspaper of general circulation in the County at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. Bids or proposals shall be received and opened at the location, date, and time established in the bid or proposal advertisement. In cases of emergency, the procedures required in this section may be altered by the County in any manner that is reasonable under the emergency circumstances.

The solicitation of competitive bids for work on roads shall be publicly advertised in a newspaper of general circulation in the county at least once each week for two consecutive weeks.

2. Changes to Public Notice. If the location, date, or time of the bid opening changes, written notice of the change shall be given in the form of an addendum, as soon as practicable after the change is made and posted on the Purchasing Division website
3. Each invitation to bid, request for proposals, request for qualifications, invitation to negotiate, or other procurement solicitation which is anticipated to include travel expenses by authorized persons as defined in the Leon County Travel Policy shall include the following notice:
Consultant travel which is not covered within the scope of the consultant's contract and which is billed separately to the County on a cost reimbursement basis must receive prior approval and will be reimbursed in accordance with the Leon County Travel Policy. Travel expenses shall be limited to those expenses necessarily incurred in the performance of a public purpose authorized by law to be performed by the Leon County Board of County Commissioners and must be within limitations described herein and in Ch. 112.06, Florida Statutes. Consultants and contractors, traveling on a cost reimbursement basis, must have their travel authorized by the department head from whose budget the travel expenses will be paid and the County Administrator.

- D. Bid Opening. Bids shall be opened publicly. At least one representative from the Division of Purchasing shall open the bids in the presence of one or more witnesses at the time and place designated in the Invitation to Bid. The amount of each bid, and such other relevant information as may be deemed appropriate by the Purchasing Director, together with the name of each bidder, and all witnesses shall be recorded. The record (Tabulation Sheet) and each bid shall be open to public inspection as provided by law.

- E. Bid Acceptance and Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Policy. Bids shall be evaluated based on the requirements set forth in the Invitation to Bid, which may include, but not be limited to criteria to determine acceptability such as: inspection, testing, quality, recycled or degradable materials content, workmanship, delivery, and suitability for a particular purpose and/or factors to determine a bidder's level of responsibility such as references, work history, bonding capacity, licensure, certifications, etc. Those criteria that will affect the bid price and that are to be considered in evaluation for award shall be objectively measured, such as discounts, transportation costs, and total or life cycle costs. No criteria may be used in bid evaluation that is not set forth in the Invitation to Bid, in regulations, or in this policy.

- F. Bid Agenda Item. The Tabulation Sheet and other bid documents, as necessary, shall be presented to the appropriate department or division head for review and recommendation. The department or division head shall prepare the recommendation in the appropriate format to the awarding authority as prescribed in Section 5.

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- G. Correction or Withdrawal of Bids; Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids, before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted where appropriate under the sole discretion of the County. Mistakes discovered before bid opening may be modified or withdrawn upon written notice received in the office designated in the Invitation for Bids prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a non-judgmental character was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in bid price or other provisions of bids prejudicial to the interest of the County or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:
1. the mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 2. the bidder submits evidence that clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the Purchasing Director and concurred with by the County Administrator.
- H. Multi-Step Sealed Bidding.
1. When it is considered impractical to initially prepare a purchase description to support an award based on price, an invitation for bids or request for proposals may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.
 2. A multi-step process utilizing pre-qualification of bidders or respondents may be used to ensure that the bidders/respondents have the appropriate licensure, capacity, qualifications, experience, staffing, equipment, bonding, insurance and similar project based criteria to successfully perform a specific project or service. Those bidders/respondents determined qualified in the pre-qualification will then be eligible to participate in the invitation to bid or request for proposal process for the project or service. The Purchasing Director shall develop and administer operational procedures governing any such pre-qualification process.
- I. Award. The contract shall be awarded with reasonable promptness to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation to bid. The County reserves the right to waive any informality in bids and to make an award in whole or in part when either or both conditions are in the best interest of Leon County. The contract shall be awarded by purchase order or other written notice. Every procurement of contractual services shall be evidenced by a written agreement.
1. Notice of Intended Decision. The Intended Decision shall be posted on the County website and on the public notice board in the Purchasing Division. This written notice shall state the firm or firms to whom the County intends to award the contract resulting from the solicitation and establishes the 72 consecutive hour period in which a notice of intent to protest may be timely filed.
 2. Notice of Right to Protest. Any bid award recommendation may be protested if the recommendation is alleged to be contrary to the County's rules or policies, the solicitation specifications, or law. The standard of proof for such proceedings shall be whether the action is clearly erroneous, contrary to competition, arbitrary or capricious. Such notice of intent of bid protest shall be delivered to the Purchasing Director within 72 consecutive hours after posting of the Notice of Intended Decision of Award (excluding Saturdays, Sundays, and County holidays). Protestor shall file thereafter a formal written bid challenge within 10 calendar days after the date in which the notice of intent of bid protest has been submitted. Failure to timely file a notice of intent of bid protest or failure to timely file a formal written bid protest with the proper bond shall constitute a waiver of all rights provided under the Leon County Purchasing Policy.

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- J. Cancellation of Invitations for Bids. An invitation for bids or other solicitation may be canceled, or any or all bids may be rejected in whole or in part when it is in the best interests of the County, as determined by the Board. Notice of cancellation shall be provided to all planholders and posted on the County website. The notice shall identify the solicitation, explain the reason for cancellation, and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurement of similar items.
- K. Disqualification of Vendors. For any specific bid, vendors may be disqualified by the Purchasing Director for the following reasons:
1. Failure to materially perform according to contract provisions on prior contracts with the County.
 2. Conviction in a court of law of any criminal offense in connection with the conduct of business.
 3. Clear and convincing evidence of a violation of any federal or state anti-trust law based on the submission of bids or proposals, or the awarding of contracts.
 4. Clear and convincing evidence that the vendor has attempted to give a Board employee a gratuity of any kind for the purpose of influencing a recommendation or decision in connection with any part of the Board's purchasing activity.
 5. Failure to execute a Public Entity Crimes Statement as required by Florida Statutes Chapter 287.133(3)(a).
 6. Other reasons deemed appropriate by the Board of County Commissioners.
- L. If less than two responsive bids, proposals, or replies for commodity or contractual services purchases are received, or all bids received exceed the available budget identified for the commodity or contractual service, the Purchasing Director may negotiate on the best terms and conditions. The Purchasing Director shall document the reasons that such action is in the best interest of the County in lieu of resoliciting competitive sealed bids, proposals, or replies. The Purchasing Director shall report all such actions to the County Administrator or designee prior to final award of any contract resulting from the negotiations. Award will be made according to the award thresholds in Section 5.
- M. Local preference in bidding.
1. In purchasing of, or letting of contracts for procurement of, personal property, materials, contractual services, and construction of improvements to real property or existing structures for projects estimated not to exceed \$250,000, in which pricing is the major consideration, the County may give a preference to Local Businesses in making such purchase or awarding such contract, as follows:
 - a) Individuals or firms which have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a Local Business as defined herein, shall be given a preference in the amount of five percent of the bid price.
 - b) Individuals or firms which do not have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a Local Business as defined herein, shall be given a preference in the amount of three percent of the bid price.
 - c) The maximum cost differential shall not exceed \$20,000.00. Total bid price shall include the base bid and all alternatives or options to the base bids, which are part of the bid and being recommended for award by the appropriate authority.
 2. Preference in bidding for construction services estimated to exceed \$250,000.
 - a) Except where otherwise provided by federal or state law or other funding source restrictions, in the purchasing of, or letting of contracts for procurement of construction services for improvements to real property or existing structures, limited to projects estimated to exceed \$250,000, the County may give preference to Local Businesses in the following manner:

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- i. Under a competitive bid solicitation, when the lowest responsive and responsible bid is submitted by an individual or firm that is not a Local Business, then the local business that submitted the lowest responsive and responsible bid shall be offered the opportunity to perform the work at the lowest bid amount, if that Local Business's bid was not greater than 110 percent of the lowest responsive and responsible bid amount.
 - ii. All contractual awards issued in accordance with the provisions of Section 5.08(M)(2)(a) shall contain aspirational trade contractor work targets, based on market and economic factors, of 85 percent as follows: The successful individuals or firms shall agree to engage not less than 85 percent of the dollar value of trade contractor work with Local Businesses, unless the successful individuals or firms prove to the County's satisfaction that the trade contractor work is not available locally within the Leon, Gadsden, Wakulla or Jefferson County area. The term "trade contractor" shall mean a subcontractor who contracts with the prime contractor and whose primary activity is performing specific activities (e.g., pouring concrete, masonry, site preparation, framing, carpentry, dry wall installation, electrical, plumbing, painting) in a construction project but is not responsible for the entire project.
- b) Section 5.08 (M)(2)(a) shall sunset and stand repealed on January 1, 2016 unless reviewed and saved from repeal through reenactment by the Board.
3. Certification. Any vendor claiming to be a Local Business shall so certify in writing to the purchasing division. The certification shall provide all necessary information to meet the requirements for a Local Business as defined herein. The purchasing agent shall not be required to verify the accuracy of any such certifications, and shall have the sole discretion to determine if a vendor meets the definition of a "Local Business."
4. Waiver. The application of local preference to a particular purchase, contract, or category of contracts for which the County is the awarding authority may be waived upon written recommendation of the County Administrator and approval of the Board. The application of local preference to a particular purchase, contract, or category of contracts below the award authority of the Board may be waived upon written recommendation of the Director of Purchasing and approval of the County Administrator.

(Reference Article IX, Section 2-400, Chapter 2 of the Code of Laws of Leon County, Florida)

Section 5.09 COMPETITIVE SEALED PROPOSALS

**Section 5.09.1 PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE
ARCHITECTURAL, AND LAND SURVEYING SERVICES**

- A. Purpose. The purpose of this section, and the procedures established hereunder, is to ensure compliance with Section 287.055 Florida Statutes, known as the Consultants Competitive Negotiation Act (CCNA). This act establishes parameters within which the County must select professional services from architects, engineers, landscape architects, surveyors, and mappers. The CCNA requires the County to select these services on a qualitative basis using prescribed criteria prior to any negotiations, which may consider the cost of such services.
- B. Public Announcement. It is the policy of the County to publicly announce all requirements for professional architectural, engineering, landscape architectural, land surveying, and mapping services, and to negotiate such contracts on the basis of demonstrated competence and qualifications at fair and reasonable prices. In the procurement of such services, the Purchasing Director may require firms to submit a statement of qualifications, performance data, and other information related to the performance of professional services.

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1. Scope of Project Requirements.
 - a) For specific projects, the County office requesting the professional services shall submit to the Purchasing Director written project requirements indicating the nature and scope of the professional services needed by the office, including but not limited to the following:
 - 1) the general purpose of the service or study;
 - 2) the objectives of the study or service;
 - 3) estimated period of time needed for the service or the study;
 - 4) the estimated cost of the service or study;
 - 5) whether the proposed study or service would or would not duplicate any prior or existing study or service; and
 - 6) the desired qualifications, listed in order of importance, applicable to the scope and nature of the services requested.
 - b) For Continuing Supply Services, the County office requesting the professional services shall submit to the Purchasing Director written project requirements indicating the nature and scope of the professional services needed by the office, including but not limited to the following:
 - 1) the general purpose of the service or study;
 - 2) estimated period of time needed for the service or the study;
 - 3) the estimated cost of the service or study;
 - 4) the desired qualifications, listed in order of importance, applicable to the scope and nature of the services requested.
2. Review of Project Requirements. The Purchasing Director or his/her designee shall review the scope of project requirements and prepare a draft request for proposals. The draft RFP shall be submitted to the requesting office for consideration and revision, as may be needed, prior to public distribution of the RFP.
3. Distribution of RFP. The Purchasing Director shall distribute the RFP in accord with standard procedures including publication of legal notice, and provide notification of the date and time when such proposals are due. Public notice shall be as provided in Section 5.08 (C).
4. If less than two responsive bids, proposals, or replies for commodity or contractual services purchases are received, the Purchasing Director may negotiate on the best terms and conditions. The Purchasing Director shall document the reasons that such action is in the best interest of the County in lieu of resoliciting competitive sealed bids, proposals, or replies. The Purchasing Director shall report all such actions to the County Administrator or designee prior to final award of any contract resulting from the negotiations.
5. Modification Prohibition. After the publicized submission time and date, any proposal received shall not be modified or allowed to be modified in any manner except for correction of clerical errors or other similar minor irregularities as may be allowed by the Selection Committee (defined in Section 5.09.1(B)) at any point in the process prior to contract negotiations.
6. Reuse of Existing Plans. There shall be no public notice requirements or utilization of the selection process as provided in this section for projects in which the County is able to reuse existing plans from a prior project. However, public notice of any plans, which are intended to be reused at some future time, shall contain a statement that provides that the plans are subject to reuse.
7. Local preference in Requests for Proposals.
 - a) In the purchasing of, or letting of contracts for procurement of, personal property, materials, contractual services, and construction of improvements to real property or existing structures for which a request for proposals is developed with evaluation criteria, a local preference of the total score may be assigned for a local preference, as follows:

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- i. Individuals or firms which have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a Local Business as defined herein, shall be given a preference in the amount of five percent.
 - ii. Individuals or firms which do not have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a Local Business as defined herein, shall be given a preference in the amount of three percent.
- b) Certification. Any vendor claiming to be a Local Business shall so certify in writing to the purchasing division. The certification shall provide all necessary information to meet the requirements for a Local Business as defined herein. The purchasing agent shall not be required to verify the accuracy of any such certifications, and shall have the sole discretion to determine if a vendor meets the definition of a "Local Business."
- c) Waiver. The application of local preference to a particular purchase, contract, or category of contracts for which the County is the awarding authority may be waived upon written recommendation of the County Administrator and approval of the Board. The application of local preference to a particular purchase, contract, or category of contracts below the award authority of the Board may be waived upon written recommendation of the Director of Purchasing and approval of the County Administrator.

(Reference Article IX, Section 2-400, Chapter 2 of the Code of Laws of Leon County, Florida)

8. Exemptions. This section shall not apply to a professional service contract for a project where the basic construction cost is estimated by the agency to be less than the threshold amount provided in s. 287.055, Florida Statutes, or for a planning or study activity when the fee for professional services is estimated by the agency to be less than the threshold amount provided in s. 287.055, Florida Statutes, or in cases of valid public emergency so certified by the County Administrator. This section shall not apply to any requirement for professional services if a continuing contract is in effect and a determination is made to utilize the continuing contract to obtain such services.

C. CCNA Evaluation Committee Membership.

1. Depending on the expected complexity and expense of the professional services to be contracted, the County Administrator, or his/her designee shall determine whether a three member or five-member selection committee will best serve the needs of the County.
2. Membership of all Evaluation Committees shall be appointed by the County Administrator or his/her designee.
3. Public Meetings. In accordance with Florida Statute 286.011, all Evaluation Committee meetings subsequent to the opening of the solicitation are to be public meetings. The Chairperson shall be responsible to provide the Purchasing Division with all meeting information (date, time, location, and reason for meeting) no less than 96 hours in advance of any scheduled meeting, excluding holidays and weekends. The Purchasing Division will provide reasonable notice of all meetings, no less than 72 hours in advance of such scheduled meeting, excluding holidays and weekends, by posting a Notice of Evaluation Committee Meeting on the public notice bulletin board in the Division offices and on the Leon County website. The Purchasing Director shall develop and implement Evaluation Committee procedures to ensure compliance with public meeting requirements.
4. Contact with the CCNA Evaluation Committee. Members of the CCNA Evaluation Committee are prohibited from discussing a project with any professional or professional firm that may submit a proposal during the procurement process, except in formal committee meetings. The conduct of the business and discussions regarding the proposals before the CCNA Evaluation Committee must be done in the public meetings only.
5. Evaluation of Proposals. Only written responses of statements of qualifications, performance data, and other data received in the purchasing office by the publicized submission time and date shall be evaluated.

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- a) The initial ranking of proposals is based upon the points given in the Weighted Scoring Sheet utilizing the Evaluation Criteria Matrix. The scores will be provided by the Purchasing and MWSBE Divisions for Local preference and MWBE participation, respectively.
 - b) Shortlisting. The best-qualified respondents shall be based upon the CCNA Evaluation Committee's ability to differentiate qualifications applicable to the scope and nature of the services to be performed as indicated by the ratings on the Weighted Scoring Sheet. Typically, the top three rated firms, if there are at least three responsive respondents, will be considered as the shortlisted firms, unless the County Administrator, after input and discussion with the CCNA Evaluation Committee, approves adding additional firms to the shortlist.
6. Presentations/Interviews. The CCNA Evaluation Committee may choose to conduct formal presentations/interviews with shortlisted firms prior to final ranking.
 7. Final Ranking. The CCNA Evaluation Committee shall utilize the Ordinal Process Rating System to rank the firms. The respondents shall be listed in order of preference starting at the top of the list. The list of best-qualified persons shall be forwarded to the County Administrator or Board, as appropriate, for approval prior to beginning contract negotiations. Negotiation sequence shall be based on the order of preference.
- D. Negotiation Staff. Contract negotiations shall be conducted by the Purchasing Director or designee(s) or by a Negotiation Committee.
1. Negotiation Committee Membership. Membership of the three-member Negotiation Committee shall consist of:
 - a) the Purchasing Director, or the designee of the Purchasing Director who shall chair the committee,
 - b) the head of the primary using department or agency, or his/her designee,
 - c) the County Attorney or designee.
 2. Negotiation. The Negotiator(s) shall negotiate a contract with the firm considered to be the most qualified to provide the services at compensation and upon terms which the Negotiator(s) determines to be fair and reasonable to the County. In making this decision, the Negotiator(s) shall take into account the estimated value, the scope, the complexity, and the professional nature of the services to be rendered. Should the Negotiator(s) be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, negotiations with that firm shall be formally terminated. The Negotiator(s) shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the Negotiator(s) shall formally terminate negotiations, and shall then undertake negotiations with the third most qualified firm. Should the Negotiator(s) be unable to negotiate a satisfactory contract with any of the selected firms, the Selection Committee shall select additional firms in order of their competence and qualifications, and the Negotiator(s) shall continue negotiations in accordance with this Section until an agreement is reached or until a determination has been made not to contract for such services.
 3. Continuing Contracts. Nothing in this section (5.091) shall be construed to prohibit continuing contracts for professional services between a firm and the County.

Section 5.09.2 OTHER COMPETITIVE SEALED PROPOSALS

- A. Conditions for Use. When the Director of Purchasing determines that the use of competitive sealed bidding is either not practical or not advantageous to the County, a contract may be entered into by the use of competitive sealed proposals.
- B. Consultant's Competitive Negotiation Act. Professional services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, as defined under the Consultant's Competitive Negotiation Act (Section 287.055, Florida Statutes), shall be secured under the provisions of Section 5.09.1.

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- C. Public Notice. Adequate public notice of the Request for Proposals shall be given in the same manner as provided in subsection 5.08C of this policy for competitive sealed bidding.
 - D. Evaluation Factors. The Request for Proposals shall state the relative importance of criteria outlined in the scope of services, fee proposal, and other evaluation criteria.
 - E. Proposal Cancellation or Postponement. The Director of Purchasing may, prior to a proposal opening, elect to cancel or postpone the date and/or time for proposal opening or submission.
 - F. Revisions and Discussions with Responsible Offerors. Discussions may be conducted with responsible offerors who submit proposals determined to be qualified of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining the best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
 - G. Award. Award shall be made to the responsive, responsible offeror whose proposal is determined in writing to be the most advantageous to Leon County, taking into consideration the evaluation factors set forth in the Request for Proposals. No other factors or criteria shall be used in the evaluation criteria that are not included in the Request for Proposal.
 - H. Local preference in Other Competitive Sealed Proposals. In the purchasing of, or letting of contracts for procurement of, personal property, materials, contractual services, and construction of improvements to real property or existing structures for which a request for proposals is developed with evaluation criteria, a local preference of the total score may be assigned for a local preference, as follows:
 - 1. Individuals or firms which have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a Local Business as defined herein, shall be given a preference in the amount of five percent.
 - 2. Individuals or firms which do not have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a Local Business as defined herein, shall be given a preference in the amount of three percent.
- (Reference Article IX, Section 2-400, Chapter 2 of the Code of Laws of Leon County. Florida)*
- I. If less than two responsive bids, proposals, or replies for commodity or contractual services purchases are received, the Purchasing Director may negotiate on the best terms and conditions. The Purchasing Director shall document the reasons that such action is in the best interest of the County in lieu of resoliciting competitive sealed bids, proposals, or replies. The Purchasing Director shall report all such actions to the County Administrator or designee prior to final award of any contract resulting from the negotiations.

Section 5.10 SOLE SOURCE PURCHASES

- A. Sole Source Certification. A contract may be awarded, except as otherwise provided for under state law, for a supply, service, material, equipment or construction item(s) without competition when the Purchasing Director, with the concurrence of the County Administrator or designee, certifies in writing, after conducting a good faith review of available sources, that there is only one available source for the required material, supply, service, equipment, or construction item(s). Such awards will be made within the authorized procurement limits identified in Section 5.0. When a purchase exceeds the threshold amount for Board approval, the item will be placed on the agenda for Board approval and certification that the vendor has been determined to be a sole source.
- B. Additional Purchases from Certified Sole Source. The Purchasing Director shall be authorized, after initial sole source certification, to make additional purchases from a sole source vendor for not less than one year or until such time as contrary evidence is presented regarding sole source eligibility, whichever period is less.

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Section 5.11 EMERGENCY PURCHASES

- A. Authorization During Normal Business Hours. In the case of emergencies that require the immediate purchase of goods, equipment or services, the County Administrator, Purchasing Director, Group Director, or his designee shall be empowered to secure such goods or services without competitive bidding. In this event, all measures reasonably possible under the circumstances shall be taken to assure the maximum cost benefit to the County of the goods or services procured.
- B. Authorization Outside of Normal Business Hours. A department or division head, during non-business hours, is authorized to make purchases without competitive bids, when an emergency arises.
- C. Documentation and Approval. Documentation for emergency purchases pertaining to Section 5.11 (A) and (B) shall be submitted to the Purchasing Office on the standard requisition form with a detailed explanation, and support material attached, if applicable, within 10 workdays after the event occurred. Emergency purchases that exceed the competitive sealed bid threshold shall be ratified by the Board. Emergency purchases within the informal bid thresholds shall be approved by the County Administrator after-the-fact.
- D. Mutual Aid Agreements. The County may enter into and utilize Mutual Aid Agreements as provided in Chapter 252, Florida Statutes in the event of emergency situations. The Purchasing Director shall be authorized to invoke the terms of the Mutual Aid Agreement.

Section 5.12 COOPERATIVE PURCHASING

- A. State Contracts. The Purchasing Director is authorized to purchase goods or services for any dollar amount from authorized vendors listed on the respective state contracts (state term continuing supply contracts, SNAPS agreements [State Negotiated Agreement Price Schedules], agreements resulting from Invitations to Negotiate [ITN], or other such contracts authorized by statute for use by local governments) of the Florida Department of Management Services or other state agencies. Such purchases shall be made without competitive bids provided that funding has been appropriated and approved by the Board of County Commissioners in Department/Division accounts.
- B. Federal Supply Service. The Purchasing Director is authorized to purchase goods or services for any dollar amount from authorized vendors listed on the eligible Federal Supply Schedules issued by the Federal General Services Administration. Such purchases shall be made without competitive bids provided that funding has been appropriated and approved by the Board of County Commissioners in Department/Division accounts.
- C. Other Public Procurement Units. The Purchasing Director shall have the authority to join with other units of government in cooperative purchasing ventures when the best interest of the County would be served thereby, and the same is in accordance with the County and State law. The Purchasing Director shall appropriately document such cooperative purchasing arrangements. All Cooperative Purchasing conducted under this section shall be through contracts awarded through full and open competition, including use of source selection methods equivalent to those required by this policy. Each selection method shall clearly state the intention to include participation by other units of government as a requirement for use in cooperative purchasing.

Section 5.13 PROTESTING INTENDED DECISIONS AND PROCUREMENT AWARDS

- A. Right to Protest. Any person, hereinafter referred to as Protestor, who submits a timely response to an invitation to bid, a request for proposals, an invitation to negotiate, a request for qualifications, a multi-step sealed bid, or multi-step request for proposals under Sections 5.07, 5.08, 5.09, 5.09.1 or 5.09.2 of this Policy, and who is aggrieved with an Intended Decision of the County or a Procurement Award rendered by the Board of County Commissioners shall have the right to protest. Failure to protest an Intended Decision shall act as a bar to protest a subsequent Procurement Award that adopts the Intended Decision in all material respects.
 - 1. Any Protestor wishing to protest an Intended Decision shall follow the procedures set forth in paragraphs B, C, and D of this Section.

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2. Any Protestor wishing to protest a Procurement Award shall follow the procedures in paragraphs B, C, and E of this Section.

- B. Filing a Protest. A Protestor shall file with the County a notice of intent to protest in writing within 72 consecutive hours after the posting of the notice of Intended Decision or Procurement Award of the County. A formal written protest shall be filed within 10 calendar days after the date the notice of intent to protest has been filed. Failure to timely file a notice of intent to protest or failure to file a formal written protest shall constitute a waiver of the right to proceedings under this Section.

A notice of intent to protest and the formal written protest are deemed filed with the County when it is received by the Purchasing Division.

1. The notice of intent to protest shall contain at a minimum: the name of the Protestor; the Protestor's address and phone number; the name of the Protestor's representative to whom notices may be sent; the name and bid number of the solicitation; and, a brief factual summary of the basis of the protest.
2. The formal written protest shall: identify the Protestor and the solicitation involved; include a plain, clear statement of the grounds upon which the protest is based; refer to the statutes, laws, ordinances, or other legal authorities which the Protestor deems applicable to such grounds; and, specify the relief to which the Protestor deems himself entitled.
3. A formal written protest shall include the posting of a bond with the Purchasing Division at the time of filing the formal written protest, made payable to the Board of County Commissioners, Leon County, in an amount equal to one percent (1%) of the County's estimate of the total dollar amount of the contract or \$5000, whichever is greater. If after completion of the bid protest process and any court proceedings, the County prevails, the County shall be entitled to recover all court costs provided under Florida law, but in no event attorney fees, which shall be included in the final order of judgment rendered by the court. Upon payment of such court costs by the Protestor, the bond shall be returned to him. After completion of the bid protest process and any court proceedings, if the Protestor prevails, the protestor shall be entitled to have his bond returned and he shall be entitled to recover from the County all court costs provided under Florida law, but in no event attorney fees, lost profits or bid preparation costs, which shall be included in the final order of judgment rendered by the court. In no case will the Protestor or Intervenor be entitled to any costs incurred with the solicitation, including bid preparation costs, lost profits, bid protest costs, and/or attorney's fees.
4. Timeliness of protest determinations. All determinations on the timeliness of notices of intent to protest and formal written protests will be made by the Purchasing Director.

C. General Provisions

1. Intervenor. Any person, hereinafter referred to as Intervenor, who has submitted a timely response to the subject invitation to bid, request for proposals, invitation to negotiate, request for qualifications, or multi-step sealed bids, or multi-step requests for proposals, and who has a substantial interest in the Intended Decision or Procurement Award of the County, may be granted the right to intervene by order of the Chairperson of the Procurement Appeals Board or Special Master in response to a petition to intervene. A petition to intervene shall be filed within five calendar days of the filing of a formal written protest. Failure to timely file a petition to intervene shall constitute a waiver of all rights to intervene in the subject protest proceeding. Petitions to intervene will be considered by the Chairman of the Procurement Appeals Board, and any decision concerning a Petition to Intervene shall be made by the Chairman and shall be deemed final.
2. Time Limits. The time limits in which formal written protests shall be filed as provided herein may be altered by specific provisions in the invitation to bid, request for proposals, invitation to negotiate, request for qualifications, or multi-step sealed bids, or multi-step requests for proposals or upon the mutual written consent of the Protestor and the County.

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3. Entitlement to Costs. In no case will the Protestor or Intervenor be entitled to any costs incurred with the invitation to bid, request for proposals, invitation to negotiate, request for qualifications, or multi-step sealed bids, or multi-step requests for proposals, including, but not limited to bid preparation costs, lost profits, bid protest costs, and/or attorney's fees.
 4. After a formal written protest has been filed with the Purchasing Director, the Protestor may not discontinue such appeal without prejudice, except as authorized by the Procurement Appeals Board or Special Master.
 5. Stay of Procurement During Protests. In the event of a timely protest under Section 5.13(B) herein, the Purchasing Director shall not proceed further with the solicitation or award of the contract until all administrative remedies have been exhausted or until the County Administrator makes a written determination that the award of a contract without delay is necessary to protect the substantial interests of the County.
- D. Protest of Intended Decisions.
1. Upon timely receipt of a notice of intent to protest an Intended Decision, the Purchasing Director shall provide the Protestor with acknowledgement of receipt and a copy of this Section. The Purchasing Director shall within one business day mail a copy of the notice of intent to protest to all persons who responded to an invitation to bid, a request for proposals, an invitation to negotiate, a request for qualifications, or multi-step sealed bids, or multi-step requests for proposals.
 2. Upon timely receipt of a formal written protest of an Intended Decision, the Purchasing Director shall provide the Protestor with acknowledgement of receipt and will notify the Chairman of the Procurement Appeals Board. The Purchasing Director shall within one business day mail a copy of the formal written protest to all persons who responded to an invitation to bid, a request for proposals, an invitation to negotiate, a request for qualifications, or multi-step sealed bids, or multi-step requests for proposals.
 3. Procurement Appeals Board. There is hereby established a Procurement Appeals Board to be composed of a chairperson and two members and two alternates. The chairperson, members, and alternates of the Procurement Appeals Board shall be appointed by the County Administrator. The term of office of the chairperson, members, and alternates of the Procurement Appeals Board shall be three years. For the initial appointments, the County Administrator shall appoint the chairperson for a term of three years, one member and one alternate for a term of two years, and one member and one alternate for a term of one year so that a term of office expires every year. Thereafter, their successors shall be appointed for terms of three years, or for the balance of any unexpired term, but members may continue to serve beyond their terms until their successors take office. Members may be reappointed for succeeding terms.
 - a) The Purchasing Division is authorized to provide for the Procurement Appeals Board such administrative support as the Chairman requests in the hearing of formal written protests.
 - b) Acting by two or more of its members, the Procurement Appeals Board shall issue a decision in writing or take other appropriate action on each formal written protest submitted. A copy of any decision shall be provided to all parties and the Purchasing Director.
 - c) Procurement Appeals Board Proceeding Procedures
 - i. The Procurement Appeals Board shall give reasonable notice to all substantially affected persons or businesses, including the Protestor, and any Intervenor.

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- ii. At or prior to the protest proceeding, the Protestor and/or Intervenor, as the case may be, may submit any written or physical materials, objects, statements, affidavits, and arguments which he/she deems relevant to the issues raised.
- iii. In the protest proceeding, the Protestor, and/or Intervenor, as the case may be, or his representative or counsel, may also make an oral presentation of his evidence and arguments. Further, only reasonable direct and cross-examination of witnesses shall be permitted, at the discretion of the Chairman of the Procurement Appeals Board. The members of the Procurement Appeals Board may make whatever inquiries they deem pertinent to a determination of the protest.
- iv. The judicial rules of evidence shall not strictly apply; however, witnesses shall be sworn, and any testimony taken under oath and, the members of the Procurement Appeals Board shall base their decision on competent, substantial evidence. The protest proceeding shall be de novo. Any prior determinations by administrative officials shall not be final or conclusive.
- v. Within seven (7) working days of the conclusion of the protest proceeding, the Procurement Appeals Board shall render a decision. The Procurement Appeals Board decision shall be reduced to writing and provided to the Protestor and/or Intervenor, as the case may be, and the County.
- vi. Any party may arrange for the proceedings to be stenographically recorded and shall bear the expense of such recording.

E. Protest of Procurement Awards; Special Master Proceedings.

- 1. Upon timely receipt of a notice of intent to protest a Procurement Award of the County, the Purchasing Director shall provide the Protestor with acknowledgement of receipt and a copy of this Section. The Purchasing Director shall within one business day mail a copy of the notice of intent to protest to all persons who responded to an invitation to bid, a request for proposals, an invitation to negotiate, a request for qualifications, or multi-step sealed bids, or multi-step requests for proposals.
- 2. Upon timely receipt of a formal written protest of a Procurement Award of the County, the Purchasing Director shall provide the Protestor with acknowledgement of receipt and will notify the County Attorney of the protest. The Purchasing Director shall within one business day mail a copy of the formal written protest to all persons who responded to an invitation to bid, a request for proposals, an invitation to negotiate, a request for qualifications, or multi-step sealed bids, or multi-step requests for proposals.
- 3. Appointment of a Special Master. The County Administrator shall appoint and retain a special master or shall contract with the Florida Division of Administrative Hearings for an administrative law judge to act as a special master to conduct evidentiary proceedings regarding formal written protests of Procurement Awards. Each special master shall be a licensed attorney with the Florida Bar who has practiced law in Florida for at least five years, and who has experience in procurement law, local governmental law, or administrative law. Each special master appointed and retained by the County shall serve at the pleasure of the County Administrator and shall be compensated at a rate or rates to be fixed by the County Administrator. The expense of each special master proceeding shall be borne equally by the Protestor and the County.

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4. Ex parte communication.
 - a) No county employee, elected official, or other person who is or may become a party to a proceeding before a special master may engage in an ex parte communication with the special master. However, the foregoing does not prohibit discussions between the special master and county staff that pertain solely to scheduling and other administrative matters unrelated to the merits of the hearing.
 - b) If a person engages in an ex parte communication with the special master, the special master shall place on the record of the pending case all ex parte written communications received, all written responses to such communications, a memorandum stating the substance of all oral communications received, and all oral responses made, and shall advise all parties that such matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be entitled to do so, but only if such party requests the opportunity for rebuttal within ten days after notice of such communication. If he or she deems it necessary due to the effect of an ex parte communication received by him, the special master may withdraw from the case.
5. Powers of special masters. The special masters who conduct hearings pursuant to this section shall have the powers of hearing officers enumerated in F.S. § 120.569(2)(f), as amended.
6. Prehearing requirements. At least fourteen days prior to the date set for the hearing, the parties shall exchange a list of names and addresses of witnesses planned to testify at the hearing, and a list of exhibits planned to be introduced at the hearing, as well as produce the physical exhibits for inspection by the parties. Each party is entitled to depose witnesses scheduled to testify at the evidentiary hearing.
7. Hearings.
 - a) All hearings shall be commenced within 45 days of the date of the filing of the formal written protest. Requests for continuance by any party, either before or during the hearing, may be considered upon good cause shown.
 - b) All hearings shall be open to the public.
 - c) The participants before the special master shall be the Protestor, the Protestor's witnesses, if any, county staff and witnesses, and any Intervenor. The participation of Intervenors shall be governed by the terms of the order issued by the special master in response to a petition to intervene. Intervention may only be permitted to any person, hereinafter referred to as Intervenor, who has submitted a timely response to the subject invitation to bid, request for proposals, an invitation to negotiate, a request for qualifications, or multi-step sealed bids, or multi-step requests for proposals, and who has a substantial interest in the Procurement Award.
 - d) Testimony and evidence shall be limited to matters directly relating to the formal written protest. Irrelevant, immaterial, or unduly repetitious testimony or evidence may be excluded.
 - e) All testimony shall be under oath. The order of presentation of testimony and evidence shall be as set forth by the special master.

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- f) To the maximum extent practicable, the hearings shall be informal. All parties shall have the opportunity to respond, to present evidence and provide argument on all issues involved which are related to the formal written protest, and to conduct cross-examination and submit rebuttal evidence. During cross-examination of witnesses, questioning shall be confined as closely as possible to the scope of direct testimony and matters involving impeachment. The special master may call and question witnesses or request additional evidence as he or she deems necessary and appropriate.
- g) The special master shall render a final order on the formal written protest to the parties within ten days after the hearing concludes, unless the parties waive the time requirement. The final order shall contain written findings of fact and conclusions of law.

Section 5.14 CONTRACT CLAIMS

- A. Authority to Settle Contract Controversies. This Section applies to controversies between the County and a contractor and which arise under, or by virtue of, a contract between them. This includes without limitation controversies based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission, where the contractor and County agree to utilize the provision of this section.
 - 1. The Purchasing Director is authorized to settle any controversy arising out of the performance of a County contract, prior to the commencement of an action in a court of competent jurisdiction up to \$10,000 in value.
 - a) If such a controversy is not resolved by mutual agreement, the Purchasing Director shall promptly issue a decision in writing. A copy of the decision shall be mailed or otherwise be furnished to the contractor immediately. The decision shall:
 - (1) State the reason for the action taken; and,
 - (2) Inform the Contractor of its right to administrative review as provided in this section.
 - b) If the Purchasing Director does not issue a written decision required in paragraph (a) of this subsection within 30 days after written request for a final decision, or within such longer period as may be agreed upon by the parties, then the contractor may proceed as if an adverse decision had been received.
 - c) The decision of the Purchasing Director may be appealed to the Procurement Appeals Board by the protestor by filing a formal written appeal with the Purchasing Director within five calendar days of receipt of the Purchasing Director's decision.
 - 2. The Procurement Appeals Board is authorized to review any appeal of a decision on a contract controversy by the Purchasing Director or to hear any contract controversy in excess of \$10,000.
 - 3. The Procurement Appeals Board shall promptly decide the contract or breach of contract controversy. The proceeding shall be de novo and shall follow the Proceeding Procedures contained in Section 5.13 (E)(3). Any prior determination by administrative officials shall not be final or conclusive.

Section 5.15 REMEDIES FOR SOLICITATIONS OR AWARDS IN VIOLATION OF LAW

- A. Prior to Bid Opening or Closing Date for Receipt of Proposals. If prior to the bid opening or the closing date for receipt of proposals, the Purchasing Director, after consultation with the County Attorney, determines that a solicitation is in violation of federal, state, or local law or ordinance, then the solicitation shall be canceled or revised to comply with applicable law.

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- B. Prior to Award. If after bid opening or the closing date for receipt of proposals, but prior to the award of contract, the Purchasing Director, after consultation with the County Attorney, determines that a solicitation or a proposed award of a contract is in violation of federal, state, or municipal law or ordinance, then the solicitation or proposed award shall be canceled.
- C. After Award. If, after award, the Purchasing Director, after consultation with the County Attorney, determines that a solicitation or award of a contract was in violation of applicable law or ordinance, then:
1. If the person awarded the contract has not acted fraudulently or in bad faith:
 - a) the contract may be ratified and affirmed, provided it is determined that doing so is in the best interest of the County; or
 - b) the contract may be terminated and the person awarded the contract shall be compensated for the actual costs reasonably incurred under the contract, plus a reasonable profit, prior to termination, but excluding attorney's fees; or
 2. If the person awarded the contract has acted fraudulently or in bad faith, the contract may be declared null and void or voidable, if such action is in the best interests of the County.

Section 5.16 OWNER DIRECT PURCHASES IN PUBLIC WORKS CONTRACTS

It is the policy of Leon County, Florida that all owner direct purchases for supplies and materials for use in public works projects be made in accordance with section 212.06(6) Florida Statutes and rule 12A-1.094 Florida Administrative Code, as they may be amended from time to time.

The Purchasing Director shall establish administrative procedures, processes, and forms necessary for the implementation and administration of owner direct purchases for supplies and materials for use in public works projects. In addition, the Purchasing Division shall provide training for project managers and other fiscal staff involved in contracts that may utilize owner direct purchases.

Section 5.17 EMPLOYMENT ELIGIBILITY AND VERIFICATION

- A. Federal statutes and executive orders require employers to abide by the immigration laws of the United States and to employ in the United States only individuals who are eligible to work in the United States. It is the policy of Leon County, Florida that unauthorized aliens shall not be employed nor utilized in the performance of contracted services for the County, in accordance with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended (8 U.S.C. § 1324a), and Subpart 22.18 of the Federal Acquisition Register.
- B. Employment Eligibility Verification.
1. This section on employment eligibility verification ("E-Verify") requirements shall apply to contractors and subcontractors performing contracted services for the County, where the contracted services are funded pursuant to federal grants, federal contracts, state grants, or state contracts.
 2. Each Contractor and subcontractor, as defined in this section, shall agree to enroll and participate in the federal E-Verify Program for Employment Verification under the terms provided in the "Memorandum of Understanding" governing the program. Contractor further agrees to provide to the County, within thirty days of the effective date of this contract/amendment/extension, documentation of such enrollment in the form of a copy of the E-Verify "Edit Company Profile" screen", which contains proof of enrollment in the E-Verify Program (this page can be accessed from the "Edit Company Profile" link on the left navigation menu of the E-Verify employer's homepage).
 3. Contractor further agrees that it will require each subcontractor that performs work under this contract to enroll and participate in the E-Verify Program within sixty days of the effective date of this contract/amendment/extension or within sixty days of the effective date of the contract between the Contractor and the subcontractor, whichever is later. The Contractor shall obtain from the subcontractor(s) a copy of the "Edit Company Profile" screen, indicating enrollment in the E-Verify Program and make such record(s) available to the Agency upon request.

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4. Contractor will utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of: (a) all persons employed during the term of the Agreement by Contractor to perform employment duties within Florida; and (b) all persons (including subcontractors) assigned by Contractor to perform work pursuant to the Agreement.
 - a) Contractor must use E-Verify to initiate verification of employment eligibility for all persons employed during the term of the Agreement by Contractor to perform employment duties within Florida within three business days after the date of hire.
 - b) Contractor must initiate verification of each person (including subcontractors) assigned by Contractor to perform work pursuant to the Agreement within 60 calendar days after the date of execution of this contract or within 30 days after assignment to perform work pursuant to the Agreement, whichever is later.
 5. Contractor further agrees to maintain records of its participation and compliance with the provisions of the E-Verify program, including participation by its subcontractors as provided previously, and to make such records available to the County or other authorized state entity consistent with the terms of the Memorandum of Understanding.
 6. Compliance with the terms of this Employment Eligibility Verification provision is made an express condition of this contract and the County may treat a failure to comply as a material breach of the contract.
- C. The Purchasing Director shall establish administrative procedures, processes, and forms necessary for the implementation and administration of this policy section. In addition, the Purchasing Division shall provide training for project managers and other staff involved in contracts that may utilize E-Verify requirements.

Section 6 CONTRACT ADMINISTRATION

The Purchasing Director or his designee shall serve as the chief contract administrator for the County. The Purchasing Director shall establish administrative procedures, processes, and tools necessary for the implementation and conduct of a comprehensive contract administration program. In addition, the Purchasing Division shall provide initial contract administration training for project managers and update training as deemed necessary.

Section 6.1 CONTRACT PROVISIONS

- A. Standard Contract Clauses and Their Modification. The Purchasing Director, after consultation with the County Attorney, may establish standard contract clauses for use in County contracts. However, the Purchasing Director may, upon consultation with the County Attorney, vary any such standard contract clauses for any particular contract.
- B. Contract Clauses. All County contracts for supplies, services, and construction shall include provisions necessary to define the responsibilities and rights of the parties to the contract. The Purchasing Director, after consultation with the County Attorney, may propose provisions appropriate for supply, service, or construction contracts, addressing among others the following subjects:
 1. the unilateral right of the County to order, in writing, changes in the work within the scope of the contract;
 2. the unilateral right of the County to order, in writing, temporary stopping of the work or delaying performance that does not alter the scope of the contract;
 3. variations occurring between estimated quantities or work in contract and actual quantities;
 4. defective pricing;
 5. time of performance and liquidated damages;

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6. specified excuses for delay or nonperformance;
7. termination of the contract for default;
8. termination of the contract in whole or in part for the convenience of the County;
9. suspension of work on a construction project ordered by the County;
10. site conditions differing from those indicated in the contract, or ordinarily encountered, except that a differing site conditions clause need not be included in a contract:
 - a) when the contract is negotiated;
 - b) when the contractor provides the site or design;
 - c) when the parties have otherwise agreed with respect to the risk of differing site conditions.
11. value engineering proposals.

Section 6.2 PRICE ADJUSTMENTS

- A. Methods of Price Adjustment. Adjustments in price during the term of a contract shall be computed in one or more of the following ways upon approval by the Board:
1. by agreement on a fixed price adjustment before commencement of the pertinent performance or as soon thereafter as practicable;
 2. by unit prices specified in the contract or subsequently agreed upon;
 3. by the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon by the Board;
 4. in such other manner as the contracting parties may mutually agree; or
 5. in the absence of agreement by the parties, by a unilateral determination by the County of the costs attributable to the events or situations under such clauses with adjustment of profit or fee as computed by the County, subject to the provisions of this section.
- B. Cost or Pricing Data Required. A contractor shall be required to submit cost or pricing data if any adjustment in contract price is subject to the provisions of this Section.

Section 6.3 CHANGE ORDERS/CONTRACT AMENDMENTS

- A. Change Orders. Change Orders are written documentation reflecting changes made to stipulations, condition, or terms of the contract during the contract period whether the contract is a capital improvement or a consultant services contract. There are two types of change orders that may be made to these contracts.

1. Field Change Order. This change order is identified in the original approved contract as a contingency and is referred to as a field change order. It is customary in more complex contracts to include a contingency for changes to the original contract through Field Change Orders. For contracts of less than \$1,000,000, a contingency may be included generally not to exceed 10% of the contract value, unless circumstances justify same. For contracts in excess of \$1,000,000, a contingency shall be included, but shall generally not exceed 5% of the original contract value, unless circumstances justify same.

When a contract is approved with such a contingency, the Project Manager with the concurrence of the respective Department Director or designee is authorized to approve one or more Change Orders up to the aggregate monetary value of the contingency. The contract must contain an approved contingency clause for this type of Field Change Order such as "The contract price includes a 5% or 10% (whichever is applicable) contingency amount for change orders that may be authorized at the discretion of the County."

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Alternately, as a part of the project award recommendation, staff may propose an alternate amount for the level of pre-approved field Change Orders based upon the known complexity of the project; the certainty of unknown factors such as asbestos abatement or unknown conditions in rehabilitation; or other such factors for consideration by the Board.

2. Board Approved Change Order. Any Change Order, the cost of which exceeds the Field Change Order Threshold amount, or a Change Order which amends the scope of work or services in a significant manner, shall be considered by the Board.
- B. Contract Amendments. Contract amendments, other than change orders, which provide for the alteration of specifications, delivery point, time, payments, quantity, or similar provisions of a contract without changing the scope of the project, may be approved by an appropriate person based upon the dollar value of the amendment. The purchasing categories' thresholds designated in Sections 5 through 5.09 shall govern the appropriate level of approval.

Section 6.4 ASSIGNMENTS OF CONTRACTS

No agreement made pursuant to any section of this policy shall be assigned or sublet as a whole or in part without the written consent of the County nor shall the contractor assign any monies due or to become due to the contractor hereunder without the previous written consent of the County.

Section 6.5 RIGHT TO INSPECT PLANT

The County may, at its discretion, inspect the part of the plant or place of business of a contractor or any subcontractor, which is related to the performance of any contract awarded, or to be awarded, by Leon County. The right expressed herein shall be included in all contracts or subcontracts that involve the performance of any work or service involving Leon County.

Section 7 RIGHTS OF BOARD OF COUNTY COMMISSIONERS

Nothing in this Policy shall be deemed to abrogate, annul, or limit the right of the Board in accordance with Florida law and in the best interests of the County, to reject all bids/proposals received in response to a solicitation, to determine in its sole discretion the responsiveness and responsibility of any bidder/proposer, to approve and authorize or to enter into any contract it deems necessary and desirable for the public welfare, or to vary the requirements of the Policy in any instance when necessary and desirable for the public welfare.

Section 8 COUNTY PROCUREMENT RECORDS

- A. Procurement Files. All determinations and other written records pertaining to the solicitation, award, or performance of a contract shall be maintained for the County in appropriate files by the Purchasing Director.
- B. Retention of Procurement Records. All procurement records shall be retained and disposed of by the County in accordance with records retention guidelines and schedules established by the State of Florida.

Section 9 SPECIFICATIONS

Section 9.1 MAXIMUM PRACTICABLE COMPETITION

All specifications shall be drafted to promote overall economy and encourage competition in satisfying the County's needs and shall not be unduly restrictive. This policy applies to all specifications including, but not limited to, those prepared for the County by architects, engineers, designers, and draftsmen.

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Section 9.2 USE OF BRAND NAME OR EQUIVALENT SPECIFICATIONS

- A. Use. Brand name or equivalent specifications may be used when the Purchasing Director determines that:
 - 1. no other design, performance, or qualified product list is available;
 - 2. time does not permit the preparation of another form of purchase description, not including a brand name specification;
 - 3. the nature of the product or the nature of the County requirements makes use of a brand name or equivalent specification suitable for the procurement; or
 - 4. use of a brand name or equivalent specification is in the County's best interests.
- B. Designation of Several Brand Names. Brand name or equivalent specifications shall seek to designate three, or as many different brands as are practicable, as "or equivalent" references and shall further state that substantially equivalent products to those designated may be considered for award.
- C. Required Characteristics. Unless the purchasing agent determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equivalent specifications shall include a description of the particular design, functional, or performance characteristics required.
- D. Nonrestrictive Use of Brand Name or Equivalent Specifications. Where a brand name or equivalent specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.
- E. Determination of Equivalents. Any prospective bidder may apply, in writing, for a pre-bid determination of equivalence by the Purchasing Director. If sufficient information is provided by the prospective bidder, the Purchasing Director may determine, in writing and prior to the bid opening time, that the proposed product would be equivalent to the brand name used in the solicitation.
- F. Specifications of Equivalents Required for Bid Submittal. Vendors proposing equivalent products shall include in their bid submittal the manufacturer's specifications for those products. Brand names and model numbers are used for identification and reference purposes only.

Section 9.3 BRAND NAME SPECIFICATIONS

- A. Use of Brand Name Specifications. Since use of a brand name specification is restrictive of product competition, it may be used only when the Purchasing Director makes a determination that only the identified brand name item or items will satisfy the County's needs.
- B. Competition. The Purchasing Director shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 5.10, Sole Source Purchases.

Section 10 ETHICS IN PUBLIC CONTRACTING

Section 10.1 CRIMINAL PENALTIES

To the extent that violations of the ethical standards of conduct set forth in this Section constitute violations of the State Criminal Code they shall be punishable as provided therein. Such penalties shall be in addition to civil sanctions set forth in this part.

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Section 10.2 EMPLOYEE CONFLICT OF INTEREST

- A. Participation. It shall be unethical for any County employee to participate directly or indirectly in a procurement contract when the County employee knows that:
1. the County employee or any member of the County employee's immediate family (father, mother, brother, sister, child, grandparent, or grandchild of employee or spouse) has a financial interest pertaining to the procurement contract; or
 2. any other person, business, or organization with whom the County employee or any member of a County employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement contract.
- B. Blind Trust. A County employee or any member of a County employee's immediate family who holds a financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest.

Section 10.3 CONTEMPORANEOUS EMPLOYMENT PROHIBITED

It shall be unethical for any County employee who is participating directly or indirectly in the procurement process to become or to be, while such a County employee, the employee of any person contracting with the County.

Section 10.4 USE OF CONFIDENTIAL INFORMATION

It shall be unethical for any employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

Section 10.5 WAIVERS FROM CONTEMPORANEOUS EMPLOYMENT PROHIBITION AND OTHER CONFLICTS OF INTEREST

The County Administrator may grant a waiver from the employee conflict of interest provision or the contemporaneous employment provision upon making a written determination that:

- A. the contemporaneous employment or financial interest of the County employee has been publicly disclosed;
- B. the County employee will be able to perform his procurement functions without actual or apparent bias or favoritism; and
- C. the award will be in the best interest of the County.

Section 10.6 GRATUITIES AND KICKBACKS

- A. Gratuities. It shall be unethical for any person to offer, give, or agree to give any County employee, or for any County employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or performing in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, subcontract, or to any solicitation or proposal therefor.
- B. Kickbacks. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.
- C. Contract Clause. The prohibition against gratuities and kickbacks prescribed in this section shall be conspicuously set forth in every contract and solicitation therefore.

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Section 10.7 SANCTIONS

- A. Employee Sanctions. Upon violation of the ethical standards by an employee, the County Administrator, Purchasing Director, or other appropriate authority may:
 - 1. impose one or more appropriate disciplinary actions as defined in the County Personnel Rules and Regulations, up to and including termination of employment; and,
 - 2. may request investigation and prosecution.
- B. Non-employee Sanctions. The Board may impose any one or more of the following sanctions on a non-employee for violation of the ethical standards:
 - 1. written warnings;
 - 2. termination of contracts; or
 - 3. debarment or suspension as provided in Section 15.

Section 10.8 RECOVERY OF VALUE TRANSFERRED OR RECEIVED IN BREACH OF ETHICAL STANDARDS

- A. General Provisions. The value of anything being transferred or received in breach of the ethical standards of this policy by a County employee or a non-employee may be recovered from both County employee and non-employee.
- B. Recovery of Kickbacks by the County. Upon a showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order there under, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the County and will be recoverable hereunder from the recipient. In addition, that amount may also be recovered from the subcontractor making such kickback. Recovery from one offending party shall not preclude recovery from other offending parties.

Section 11 FEDERAL POLICY NOTICE

Section 11.1 PATENTS

If a contract involving research and development, experimental, or demonstration work is being funded in whole or in part by assistance from a federal agency, then the contract shall include the following provisions.

- A. Notice to Contractor. The contract shall give notice to the contractor of the applicable grantor agency requirements and regulations concerning reporting of, and rights to, any discovery or invention arising out of the contract.
- B. Notice by Contractor. The contract shall require the contractor to include a similar provision in all subcontracts involving research and development, experimental, or demonstration work.

Section 11.2 NOTICE OF FEDERAL PUBLIC POLICY REQUIREMENTS

- A. Applicability. If the contract is being funded in whole or in part by assistance from any federal agency, the contract is subject to one or more federal public policy requirements such as:
 - 1. equal employment opportunity;
 - 2. affirmative action;
 - 3. fair labor standards;
 - 4. energy conservation;
 - 5. environmental protection; or
 - 6. other similar socio-economic programs.

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- B. Notice. The Purchasing Director shall include in the contract all appropriate provisions giving the contractor notice of these requirements. Where applicable, the Purchasing Director shall include in the contract provisions the requirement that the contractor give a similar notice to all of its subcontractors.

Section 12 INSURANCE REQUIREMENTS

- A. Minimum Requirements. Contractor shall purchase and maintain such insurance as will protect it from claims under Workers' Compensation laws, disability benefit laws or other similar employee benefit plans; from claims or damages because of bodily injury, occupational sickness or disease or death of its employees and claims insured by usual personal injury liability coverage in amounts determined by the provisions of the Risk Management Policy.
- B. Certificates of Insurance. Certificates of Insurance acceptable to the County shall be filed with the Purchasing Division prior to the commencement of the work and periodically thereafter upon any renewals during the term of the contract.
- C. Change of Insurance Requirements. The Board of County Commissioners reserves the right to change the insurance requirements based on the project scope, or when determined in the best interest of the County.

Section 13 BONDS AND DEPOSITS

When any of the following bonds is (are) required, the bond(s) will be requested in the bid document. No work in connection with the fulfillment of a contract shall commence until the appropriate bond(s) is (are) accepted by the County.

Section 13.1 TYPES OF BONDS AND DEPOSITS:

- A. Combination Payment and Performance Bond - This type of bond is required for repairs, renovations, new construction, and other public works costing in excess of \$200,000. For projects less than that amount, it may be required at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. When a payment and performance bond is required, the bond will be requested in the bid document. No work in connection with the fulfillment of a contract shall commence until the payment and performance bond is accepted by the County.
- B. Performance Bond - For a project of an estimated value less than \$200,000, requirement of a performance bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For projects estimated to be \$200,000 or more, such bond will be required to insure that a contract is carried out in accordance with the applicable specifications and at the agreed contract price.
- C. Payment and Material Bond - For a project of an estimated value less than \$200,000, requirement of a payment and material bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For projects estimated to be \$200,000 or more, such bond will be required to protect the County from suits for non-payment of debts, which might be incurred by a contractor's performance for the County.
- D. Warranty Bonds - At the discretion of the Purchasing Director, after consultation with user departments, a Warranty Bond may be required from a successful bidder to insure warranty provisions are fulfilled.
- E. Guaranty of Good Faith Deposit (Bid Deposit) - For projects estimated to be less than \$200,000, requirement of a bid bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For purchases where it is determined by the Purchasing Director to be in the best interest of the County, and projects estimated to be \$200,000 or more, bidders will be required to submit with their bid or proposal a guaranty of good faith deposit. When in the best interest of the County, it is recommended by the Purchasing Director and approved by the County Administrator or his designee, these requirements may be waived.

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1. Return of Bond. Such deposit may not be withdrawn until a specified time after the proposals are opened and awards made. The deposit of the bond shall be retained by the Finance Officer of the Board until the Purchasing Director is satisfied that the Contractor's obligations have been satisfactorily completed.
 2. Substitutes. In lieu of a surety bid bond, contractor may submit a certified check, cashier's check, or treasurer's check, on any national or state bank. Such deposits shall be in the same percentage amounts as the bond. Such deposits shall be retained by the Finance Officer of the Board until all provisions of the contract have been met.
- F. Irrevocable Letter of Credit. Upon approval of the Purchasing Director, a contractor may present an Irrevocable Letter of Credit from a national or state chartered bank in lieu of any of the foregoing bonds for the same face value as required for the bond. The letter of credit shall be for a period of time not less than three months beyond the scheduled completion date of the purchase of the contracted services or materials.
- G. Retention of Payments. The County may require the payment for a project, or a portion thereof, be withheld until the project has been completed as a method of protecting the County's interest. Retention may also be used in lieu of the above listed bonds. The solicitation documents shall specifically state if retention of any portion or all of the payment for the project is to be done.

Section 13.2 AMOUNT OF BOND OR DEPOSIT

- A. Amount of Bond. Bonds or deposits, which may be required, shall normally be in the following amounts, except as provided in the following subsection B.
1. Performance Bond: 100% of contract price.
 2. Payment Bond: 100% of contract price.
 3. Payment and Performance Bond: 100% of contract price.
 4. Guaranty of Good Faith Deposit (Bid Deposit or Bond): The bid deposit will be 5% of the price bid by the vendor.
- B. Exceptions to Amount of Bond. Any of the previously listed bonds may be required at another amount recommended by the Purchasing Director and approved by the County Administrator or his designee when in the best interest of the County.

Section 13.3 PROCESSING OF BONDS AND DEPOSITS:

- A. Responsibility for Securing Bonds. The contractor shall be responsible for securing the bond. Any costs may be included in the contract price.
- B. Licensure of Bonding Company. The company acting as surety for any bond issued shall be licensed to do business in the State of Florida.
- C. Review of Bonds by County Attorney. Surety bonds furnished will be reviewed by the County Attorney, who shall either accept or reject it for the Board. All surety bonds accepted shall be forwarded to the Finance Officer of the Board by the Purchasing Director to be filed in the official records of the Board.
- D. Failure to Provide Required Bond. In the event a contractor fails to provide an acceptable bond when required, within 10 days after notification, the County Attorney will be notified. Upon the recommendation of the County Attorney, the Board may declare the contract null and void, and retain in the account of Leon County any good faith deposits or guaranty which may have been submitted as liquidated damages under the terms of the solicitation.
- E. Filing of Bonds. Bonds, when accepted, shall be forwarded to the Finance Officer of the Board and shall be filed with the applicable contract documents.

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- F. Deposits. Cash deposits (cashier's check, money orders, bank drafts, etc.) of all bidders shall be forwarded to the Finance Officer of the Board for deposit to the account of the Board of County Commissioners. Upon award of contract, the Purchasing Director or designee shall be responsible for approving the return of deposits to unsuccessful bidders.
- G. Plans and Specification Deposit/Fees. The Purchasing Director is authorized to assess reasonable deposits and/or fees, not to exceed the cost of reproduction, for plans and specifications issued as a part of invitations for bids or requests for proposals. Deposits of all bidders for plans and specifications shall be forwarded to the Finance Officer of the Board for deposit to the account of the Board of County Commissioners. Upon award of contract, the Purchasing Director or designee shall be responsible for approving the return of refundable deposits to unsuccessful bidders. Fees are to be deposited into the account from which applicable reproduction costs are paid.

Section 14 PAYMENT TO VENDORS

It is the policy of Leon County, Florida that payment for all purchases by the County be made in a timely manner in accordance with the provisions of the "Local Government Prompt Payment Act," sections 218.70 – 218.79, Florida Statutes.

The Purchasing Director, in conjunction with the Finance Director, shall establish administrative procedures, processes, and forms necessary for the implementation and administration of payments for all contracts under the requirements of the Local Government Prompt Pay Act. In addition, the Purchasing Division shall team with the Finance Department to provide accounts payable training for project managers and other fiscal staff involved in contracts and update training as deemed necessary.

Section 14.1 PAYMENT DISPUTE RESOLUTION

- A. In the event a dispute occurs between a contractor/vendor, herein referred to as vendor, and the County concerning payment of a payment request for construction work or an invoice for goods and/or services, the vendor should first attempt to resolve the issue with the Project Manager. If the dispute cannot be resolved between the vendor and the Project Manager within two business days of the dispute first being raised, the vendor may file a formal payment dispute. Formal payment dispute resolution shall be finally determined by the County, under this procedure in accordance with Florida Statute (FS) 218.76.
- B. Definitions. These definitions are specific to Section 14.1 of this policy.
 - 1. "Project Manager" is the Leon County employee responsible for managing the contract and approving payment requests and invoices related to the payment dispute.
 - 2. "Contract Manager" is the Leon County employee within the County Purchasing Division responsible for monitoring contracts. The Contract Manager serves as Chair of the Payment Dispute Resolution Committee.
- C. Filing a Dispute. Any vendor shall file with the Contract Manager in the County Purchasing Division a formal notice of payment dispute in writing within two (2) business days of the dispute first being raised.
 - 1. The notice of payment dispute shall contain at a minimum: the name of the vendor; the vendor's address and phone number; the name of the vendor's representative to whom notices may be sent; the contract number associated with the payment dispute; and, a brief factual summary of the basis of the dispute.
 - 2. Waiver. Failure to timely file a written payment dispute shall constitute a waiver of proceedings under this section.
 - 3. Upon timely receipt of a formal payment dispute, the Contract Manager shall provide the vendor with acknowledgement of receipt, will notify the Payment Dispute Resolution Committee, and will coordinate with all parties to establish the date and time for a Payment Dispute Resolution Proceeding.

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D. General Provisions

1. Time Limits. Proceedings to resolve the dispute shall be commenced not later than 45 calendar days after the date on which the payment request or proper invoice (as specified in the contract document) was received by the County and shall be concluded by final decision of the County not later than 60 calendar days after the date on which the payment request or proper invoice was received by the County.
2. Protest. Dispute resolution procedures shall not be subject to chapter 120, and such procedures shall not constitute an administrative proceeding, which prohibits a court from deciding de novo any action arising out of the dispute.
3. Interest. If the dispute is resolved in favor of the County, then interest charges shall begin to accrue 15 calendar days after the County's final decision. If the dispute is resolved in favor of the vendor, then interest shall begin to accrue as of the original date the payment became due.
4. Any party may arrange for the proceedings to be stenographically recorded and shall bear the expense of such recording.

E. Payment Dispute Resolution Proceeding Process

1. All formal payment disputes shall be presented to the Payment Dispute Resolution Committee. The committee shall be comprised of the Contract Manager, Purchasing Director, and appropriate Division Director for the County or their designees.
2. Within three (3) business days of timely receipt of a formal notice of payment dispute, the Contract Manager shall schedule a proceeding before the Payment Dispute Resolution Committee to include all substantially affected persons or businesses, including the vendor and County project manager. Non-appearance by the vendor shall constitute a forfeiture of proceedings with prejudice.
3. At or prior to the dispute proceeding, the vendor and project manager, may submit any written or physical materials, objects, statements, affidavits, and arguments which he/she deems relevant to the payment dispute.
4. In the proceeding, the vendor and project manager, or his representative or counsel, may also make an oral presentation of his evidence and arguments. Further, only reasonable direct and cross-examination of witnesses shall be permitted, at the discretion of the Chairman of the Payment Dispute Resolution Committee. The members of the Payment Dispute Resolution Committee may make whatever inquiries they deem pertinent to a determination of the dispute.
 - a) The judicial rules of evidence shall not strictly apply; however, witnesses shall be sworn, and any testimony taken under oath and, the members of the Payment Dispute Resolution Committee shall base their decision on competent, substantial evidence. The proceeding shall be de novo. Any prior determinations by administrative officials shall not be final or conclusive.
 - b) Within three business days of the conclusion of the proceeding, the Payment Dispute Resolution Committee shall render a decision. The Payment Dispute Resolution Committee decision shall be reduced to writing and provided to the vendor and the County project manager. The decision of the Payment Dispute Resolution Committee shall be final and conclusive for all disputes valued less than \$100,000.
 - c) For those disputes valued above \$100,000, the Payment Dispute Resolution Committee shall file a Recommended Agency Order for approval by the County Administrator or his designee.

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Section 15 AUTHORIZATION TO DEBAR OR SUSPEND VENDOR(S)

- A. Suspension. After consultation with the County Attorney, the Purchasing Director is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity, which might lead to debarment. The suspension shall be for a period not to exceed three (3) months, and the Purchasing Director shall immediately inform the Board and provide notice to the affected person.
- B. Debarment. After reasonable notice and a reasonable opportunity for the suspended person to be heard, the Board shall either disbar such person or terminate the suspension. The debarment should be for a period of not more than three (3) years.
- C. Causes for Debarment. The causes for debarment include:
1. entry of a plea of guilty, no contest, or nolo contendere to or conviction of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
 2. entry of a plea of guilty, no contest, or nolo contendere to or conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a County contractor;
 3. entry of a plea of guilty, no contest, or nolo contendere to or conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
 4. violation of contract provisions, as set forth below, of a character which is regarded by the Board to be so serious as to justify debarment action:
 - a) deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
 - b) a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;
 5. having been adjudicated guilty of any violation by the Leon County Contractor's Licensing Board, or the State of Florida Construction Industry Licensing Board within the past twelve (12) month period at the time of bid submittal;
 6. having been adjudicated guilty by the Leon County Code Enforcement Board of any violation of an environmental ordinance within the past six (6) month period at the time of bid submittal; and
 7. any other cause the Purchasing Director or Board determines to be as serious and compelling as to affect responsibility as a County contractor, including debarment by another governmental entity.
- D. Notice of Decision. The Purchasing Director shall issue a written notice to the person of the decision to debar or suspend. The decision shall state the reasons for the action taken and inform the debarred or suspended person involved of his/her rights concerning judicial or administrative review. The written decision shall be mailed or otherwise furnished immediately to the debarred or suspended person.

Section 15.1 APPEAL OF DECISION TO DEBAR OR SUSPEND

The Board's decision to debar or suspend a person or business shall be final and conclusive, unless the debarred person commences a timely action in court in accordance with applicable law.

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Section 16 MINORITY, WOMEN AND SMALL BUSINESS ENTERPRISE PROGRAM

- A. Purpose. The purpose of the Minority and Women-Owned Business Enterprise and Small Business Enterprise (MWSBE) Program is to effectively communicate Leon County procurement and contracting opportunities, through enhanced business relationships, to end disparity and to increase participation opportunities for certified minority and women-owned business enterprises and small business enterprises in a competitive environment.
- B. Definitions. These definitions are specific to Section 16 of this policy.
1. "Affiliate" or "Affiliation" – Shall mean when Eligible Owner either directly or indirectly controls or has the power to control the other; a third party or parties controls or has the power to control both; or other relationships between or among parties exist such that affiliation may be found. A business enterprise is an Affiliate of an Eligible Owner when the Eligible Owner has possession, direct or indirect of either: (i) the Ownership of or ability to direct the voting of as the case may be more than fifty percent (50%) of the equity interest, value or voting power of such business, or (ii) the power to direct or cause the direction of the management and policies of such business whether through the Ownership of voting securities by contract or otherwise. In determining whether a business is an Affiliate with another business or with an Owner, consideration shall be given to all appropriate factors including but not limited to common Ownership, common management, contractual relationship and shared facilities.
 2. "Applicant" – Shall mean a Person who has submitted a Certification Application to the MWSBE Division for Certification consideration.
 3. "Aspirational Targets" – Shall mean the percentage or dollar level targeted for the minimum level of MBE, WBE, or SBE participation for a particular procurement opportunity.
 4. "Bidder" – Shall mean, unless otherwise stated, a party responding to an invitation for bid, or other form of a procurement opportunity.
 5. "Business Categories" shall include and shall have the following meaning:
 - a) "Architecture & Engineering" – Shall mean architectural or engineering services provided by an appropriately licensed professional architect or engineer, or by a professional architectural or engineering firm, related to architectural or engineering services.
 - i. "Architecture" - When provided by an appropriately licensed architect or architectural firm that employs appropriately licensed architects, "architecture" shall mean the rendering or offering to render services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning, providing preliminary study designs, drawings and specifications, job-site inspection, and administration of construction contracts.
 - ii. "Engineering" – "Engineering" shall include the term "professional engineering" and, when provided by an appropriately licensed "professional engineer", "licensed engineer", or an engineering firm that employs appropriately licensed professional or licensed engineers, "engineering" shall mean any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services.

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- b) "Construction" – Shall mean services that include the building, attaining, repairing, improving, or demolishing any public structure or building, or other public improvement of any kind to any public real property. It does not include routine operation, routine repair, or routine maintenance of existing buildings or facilities.
 - c) "Professional Services" – Shall mean any service provided by a person or firm that is of a professional nature, with special licensing, educational degrees, and unusual or highly specialized expertise. Examples include, but are not limited to Financial Services, Legal Services, Medical Services, and Advertising/Marketing Services. "Professional Services" does not include "Architecture & Engineering," which is previously separately defined herein.
 - d) "Other Services" – Shall mean any service that is labor intensive and not professional or construction related. Examples include, but are not limited to maintenance services, janitorial services, lawn services, employment services, and printing services.
 - e) "Materials and Supplies/Purchases" – Shall mean the equipment and consumable items purchased in bulk, or deliverable products. Examples of such include, but are not limited to equipment and parts, chemicals, and paper products.
6. "Certification" – Shall mean the verification that a business meets all of the eligibility criteria for participation in the MWSBE Program as a SBE and/or a MBE or WBE.
7. "Certification Application" – Shall mean the forms and documents an Applicant must complete to be considered for Certification.
8. "Commercially Useful Function" - Shall mean a business that: (a) is responsible for the execution of a distinct element of work or services; (b) carries out its obligation by actually performing, managing, or supervising the work involved; (c) performs work that is normal for its business, services and function; and (d) is not further Subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices. A Contractor, Subcontractor, Vendor or Supplier shall not be considered to perform a Commercially Useful Function if the Contractor's, Subcontractor's, Vendor's or Supplier's role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of MWSBE participation.
9. "Contract" - Shall include any agreement, regardless of what it may be called, between the County and a Person to provide or procure labor, materials, supplies, or services to, for, or on the behalf of the County.
10. "Contractor" - Shall mean any person, firm, or legal entity that has entered into a Contract with the County or any of its contracting agencies.
11. "Control" – Shall mean the Applicant Owner(s) actually exercise control over the business' operations, work, management, and policy. Indication of such control are set forth as follows:
- a) Applicant Owner(s) must demonstrate the ability to make unilateral and independent business decisions as needed to guide the future and destiny of the business, and their business must not be subject to any formal or informal restrictions that limit the customary discretion of such Applicant Owner(s). There can be no restrictions through corporate provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Applicant Owner(s) from making any business decision of the firm without the cooperation or vote of another entity or Person that is not an Applicant Owner(s) or who would not be eligible for the MWSBE Program.
 - b) The Applicant Owner(s) must control the day-to-day operations of the business in the critical area(s). Administrative responsibilities alone are not sufficient to prove control. The Applicant Owner(s) may delegate various areas of the management or daily operations of the business to persons, who would not qualify to be MWSBEs or who are not Applicant Owners, only if such delegation is typical in the industry for such business and such delegation is revocable.

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- c) The Applicant Owner(s) must have an overall understanding of, and managerial and technical competence, experience and expertise, directly related to the business' operations and work.
12. "County" - Shall mean Leon County, Florida
 13. "County Facilities" – Shall mean County buildings and other buildings and structures owned, leased, or used by the County or its contractors, assignees, lessees and licensees.
 14. "Front" – Shall mean a business that intentionally and/or falsely holds itself out as a business that is Controlled and Owned at least 51% by a Minority(ies), a Woman or Women, when in fact it is not.
 15. "Good Faith Committee" – Shall mean a standing committee whose purpose is to determine the validity of a Bidder's Good Faith Efforts to meet Aspirational Targets, as it relates to MWSBE participation for a procurement opportunity, when a Bidder with Subcontracting and/or Supplier opportunities fails to meet the Aspirational Targets, and the MWSBE Director has determined that the Bidder has not made Good Faith Efforts.
 16. "Good Faith Efforts" – Shall mean efforts exercised by a Bidder in good faith to meet Aspirational Targets for MWSBE participation as a Subcontractor or Supplier, as may be relevant to the particular bid or RFP. The Bidder can demonstrate that it has made a Good Faith Effort by meeting the Aspirational Targets, or by demonstrating it has made reasonable efforts to do so, such as in person, written, telephone, electronic communication, contact with certified MWBE's, provisions of plans or specifications to MWBE's, or outreach efforts with MWBE's.
 17. "Independent" – Shall mean a business whose viability does not depend on its relationship with another firm. Recognition of an Applicant business as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a business is independent. Considerations of such independence include: (i) relationships with other businesses in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources; (ii) whether present or recent family, or employer/employee relationships compromise the Applicant Owner(s)' independence; and (iii) whether the Applicant Owner(s)' exclusive or primary dealings with a prime contractor compromises the Applicant Owner(s)' independence.
 18. "Joint Venture" – Shall mean a legal organization that takes the form of a short-term partnership in which the parties jointly undertake for a transaction, for which they combine their property, capital, efforts, skills, and knowledge. Generally, each party shall contribute assets and share risks. Joint Ventures can involve any type of business transaction and the parties involved can be individuals, groups of individuals, companies, or corporations.
 19. "Local Market" – Shall mean the geographical area consisting of the following Florida counties: Leon, Gadsden, Jefferson, and Wakulla.
 20. "Majority Ownership" or "Majority Owner" – Shall mean owning no less than 51% of a business enterprise.
 21. "Minority Business Enterprise" (MBE) - Shall mean a business whose MBE Certification is recognized, current, and accepted by Leon County's MWSBE Program.
 22. "Minority Person" or "Minority" - Shall mean an individual who is a citizen of the United States, or a lawfully admitted permanent resident, and who identifies himself or herself as being African, Hispanic, Asian, American Indian, Alaskan Native, and American Aleut descent.
 - a) "African American" – Which shall mean all persons having origins from Africa
 - b) "Hispanic American" – Which shall mean all persons having origins from a Hispanic country.
 - c) "Asian American" – Which shall mean all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.
 - d) "American Indian", "Alaskan Native" and "American Aleut" – Which shall mean all persons having origins in any of the original people of North America

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23. "Minority, Women and Small Business Enterprise" (MWSBE) – Shall refer jointly to MBE, WBE and SBE, or any combination thereof.
24. "MWSBE Director" - Shall mean the Director of Leon County's MWSBE Division and manager of the MWSBE Program.
25. "MWSBE Program" – Shall mean the programs and efforts set forth by Leon County under the provisions of this policy, either directly or through partners, to enhance participation in County procurements to achieve parity for MBEs, WBEs, and SBEs.
26. "Owner" or "Ownership" – Shall mean the person(s) who own(s) a business.
27. "Parity" – Shall mean the utilization of MBEs and WBEs for County Contracting and procurements in a share equal to the availability of MBEs and WBEs in the Local Market who are willing, able and available to perform the services and provide the goods being Contracted or procured.
28. "Participation Plan" – Shall mean the response provided by the Bidder as a part of their bid or proposal and which provides the detailed information in response to the Aspirational Targets contained in the invitation to bid or request for proposals.
29. "Person or Party" – Shall mean one or more individuals, partnerships, associations, organizations, trade or professional associations, corporations, public corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more individuals, and further includes any department, office, agency or instrumentality of the County.
30. "Prime Contractor" – Shall mean a person or firm who is qualified and responsible for the entire project contracted, who may have one or more Subcontractors.
31. "Purchasing" or "Procurement"- Shall mean the buying, renting, leasing or otherwise obtaining or acquiring any goods, supplies, materials, equipment, or services.
32. Respondent – The Person or Party who responds to a request for proposal or a request for qualification.
33. "Small Business Enterprise" (SBE) – Shall mean a business whose SBE Certification is recognized, effective and accepted by Leon County's MWSBE Program.
34. "Small Business Enterprise Program" (SBE Program) – Shall mean those components of the MWSBE Program that targets increased participation of SBEs in the County's procurements, including the coordination with other entities and agencies that assist small businesses through various means such as education and networking.
35. "Subcontract" - Shall mean any agreement, arrangement, or understanding, written or otherwise, between a Contractor and any Party (in which the parties do not stand in relationship of employer and employee) which assigns some of the obligations of the Contract:
 - a) For the furnishing of supplies or services or for the use of real personal property; including lease arrangements which, in whole or in part, is/are utilized in the performance of one or more Contracts with the County; or
 - b) Under which any portion of the Contractor/Vendor's obligation under one or more Contracts with the County is performed, undertaken, or assumed.
36. "Subcontractor" – Shall mean any Party performing work for a Prime Contractor engaged by Leon County under a Contract with a Contractor.
37. "Supplier" - Shall mean a business that furnishes needed items to a Contractor, and (i) is either involved in the manufacture or distribution of the supplies or materials; or (ii) otherwise warehouses and ships the supplies.

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38. "Vendor" – Shall mean a business that sells goods or services.
39. "Woman" or "Women" - Shall mean an American woman who has not self-identified, within the definition of this Section, as a Minority Person or Minority.
40. "Women Business Enterprise" (WBE) - Shall mean a business whose WBE Certification is recognized, effective and accepted by Leon County's MWSBE Program.

C. Administrative Authority, Powers and Duties

1. The provisions of the MWSBE Program shall be administered and enforced by the MWSBE Director.
2. The MWSBE Director's powers and duties include the following:
 - a) Establish written procedures to implement the MWSBE Program, including the Certification of businesses as SBEs, MBEs and WBEs;
 - b) Assess the Certification of applications for the MWSBE program, and coordinate Certifications with partner agencies;
 - c) Maintain a database of MWSBEs and provide assistance to County departments and divisions in identifying MWSBEs for anticipated procurements;
 - d) Provide information and assistance to MWSBEs to assist them with increasing their ability to compete effectively for the award of County solicitations for procurements;
 - e) Apprise SBEs, MBEs and WBEs of opportunities for technical assistance and training;
 - f) Identify and work to eliminate barriers that inhibit MWSBE participation in the County's procurement process;
 - g) Establish realistic MBE and/or WBE Aspirational Targets for specific procurements;
 - h) Establish realistic Aspirational Targets and identify procurement opportunities for competition among SBEs;
 - i) Monitor the utilization of MWSBEs and the progress of the MWSBE Program to ensure that MWSBEs have opportunities to participate in the County's procurement of goods and services, and report on the progress of the MWSBE Program at least annually;
 - j) Implement mechanisms and procedures for monitoring utilization of MWSBEs in accordance with Contract requirements; and,
 - k) Perform outreach by networking with state and local governments, nonprofit organizations, professional and trade organizations and participate in conventions and seminars sponsored and widely attended by small, minority, and women business owners.
3. All Departments and Divisions under the jurisdiction of the Leon County Board of County Commissioners are responsible for assisting in the implementation of the MWSBE Program.

- D. MWSBE Citizens Advisory Committee – The Board of County Commissioners may establish a MWSBE Citizens Advisory Committee (Committee) and appoint persons to serve on the Committee at the pleasure of the Board. The principle purpose of the Committee is to monitor progress of the MWSBE Program toward achieving program performance goals established by the Board. The Committee may be requested to provide MWSBE policy alternatives and/or review, and make recommendations seeking resolution of disputes regarding Certification. The size and membership of the Committee and its responsibilities shall be determined by the Board. The Committee shall be chaired by a chairperson nominated and elected by the members of the Committee. A quorum of the membership shall be required to conduct any meeting of the Committee. All meetings shall be noticed, open to the public and minutes of any such meeting shall be recorded.

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E. Aspirational Targets

1. The Aspirational Targets (Section 16, Table 1) were identified through the October 15, 2009 Disparity Study Update performed by MGT America and accepted by the Leon County Board of County Commissioners on October 27, 2009.

Section 16, Table 1- Aspirational Targets		
Procurement Category	Aspirational MBE Target	Aspirational WBE Target
Construction Prime Contractors	8%	5%
Construction Subcontractors	17%	9%
Architecture & Engineering	12%	14%
Professional Services	7%	15%
Other Services	10%	8%
Materials and Supplies	1%	6%

2. The Aspirational Targets for individual bids/RFPs may be higher or lower than the participation levels identified in Section 16, Table 1, and should reflect realistic M/WBE availability for the particular project.
 3. Aspirational Targets are considered to be the minimum level of MBE, WBE, and/or SBE participation expected for a particular procurement. Aspirational Targets are considered to be targets set to achieve participation levels commensurate with available businesses, and for which there are opportunities for exemptions based upon Good Faith Efforts.
 4. Aspirational Targets shall be reasonable (with consideration given to Subcontracting opportunities and the availability of MBEs, WBEs, or SBEs in the Market Area, that are capable of performing the work).
 5. Aspirational Targets may not be appropriate when Subcontracting is not reasonable or permitted.
 6. In cases where it is not reasonable to set Aspirational Targets, the MWSBE Director may encourage MWSBE participation through Bidder's purchase of goods or services from MWSBEs, consistent with the Aspirational Targets, or provide for any combination thereof.
 7. Aspirational Targets shall apply to all Bidders, including MBE, WBE, and SBE Bidders.
 8. Only the dollars expended with certified MWSBE firms shall be considered toward satisfying the Aspirational Targets.
 9. In an effort to meet Aspirational Targets, Departments and Divisions under the jurisdiction of the Board of County Commissioners shall cooperate with the MWSBE Division and make every reasonable effort, consistent with Board policy, to utilize MWSBEs when available. The MWSBE Director shall coordinate and promote the process by taking active steps to encourage full participation of Certified, capable, and competitive MBE, WBE, and SBE businesses and by keeping staff informed of MWSBE availabilities.
 10. The MWSBE Director shall annually evaluate relevant expenditure and contracting data to determine the performance and progress of the MWSBE Program.
- F. Special Consideration for MBEs, WBEs and SBEs - For contracts of \$100,000 or less, where there is a disparity of 1% or less between the total of the base bid and all recommended alternates of a 100% owned and operated MBE, WBE or SBE and the apparent lowest bid which is from a business that is not a MBE, WBE or SBE, and all other purchasing requirements have been met, the Contract may be awarded to the MBE, WBE or SBE to help achieve Aspirational Targets, where otherwise permissible.

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G. Setting and Meeting Aspirational Targets

1. Project Review and Setting Aspirational Targets - The MWSBE Director, a Purchasing representative and an appropriate division or department representative shall review each proposed project or bid to determine the potential for Subcontracting and for utilizing MWSBEs, considering the scope of work, available and capable MWSBEs to potentially perform the work, and opportunities for multiple bids. Such reviews may be held as a group, via e-mail, telephone, etc. Based upon these and other reasonable factors, the MWSBE Director or designee shall determine the recommended Aspirational Targets.
 - a) If the recommended Aspirational Target is lower than the applicable participation level(s) identified in Section 16, Table 1:
 - i. The MWSBE Director shall notify the County Administrator of the recommendation Aspirational Target and provide reasons for such recommendation.
 - ii. The County Administrator shall then advise the Leon County Board of County Commissioners, typically through an e-mail to each Commissioner. Commissioners shall be given five (5) business days to ask the County Administrator to delay the issuance of the Bid/RFP and request an agenda item regarding the recommended Aspirational Target.
 - iii. If no Commissioner requests an agenda item regarding the recommended Aspirational Target within the five-business day time period, the recommended Aspirational Target shall stand, and staff is authorized to release the Bid/RFP.
 - b) The notification process previously outlined does not apply when the recommended Aspirational Target is equal to or greater than the applicable participation level(s) identified in Section 16, Table 1.
2. Notice to Potential Bidders -
 - a) Language regarding the MWSBE Program policy and Aspirational Targets will be included into each bid and request for proposal package specifications to inform prospective Bidders of the requirement to make good faith efforts to utilize MWSBEs, as appropriate to the particular procurement.
 - b) Plans and specifications will be made available to the MWSBE Director by the Purchasing Division or originating division for review by potential MWSBE Bidders.
3. Participation Plans (Submitting and Changing) - Bidders shall submit a Participation Plan when the procurement opportunity contains Aspirational Targets. Such Participation Plans shall identify the MBEs, WBEs and SBEs to be utilized, their percentage of utilization, and the Commercially Useful Functions they will be providing, consistent with the commodities or services for which they are Certified to provide.
 - a) Unless otherwise approved by the Board, no Bidder that will be Subcontracting will be awarded a bid or proposal that contained Aspirational Targets until the Bidder has provided a Participation Plan detailing the utilization of MWSBEs (as applicable to the Aspirational Targets for the procurement); the Participation Plan has been analyzed by the MWSBE Director; such analysis is provided to the Board through an agenda item; and the proposed Contract is approved by the Board.
4. Good Faith Efforts required Proposing Prime Contractors (including Joint Ventures) to Meet Aspirational Targets
 - a) Bidders responding as a Prime Contractor (including Joint Ventures) shall demonstrate that they made Good Faith Efforts to meet Aspirational Targets.

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- b) All Bidders, including MBEs, WBEs, or SBEs, shall either meet the Aspirational Targets or demonstrate in their bid or RFP response the Good Faith Efforts they made, such as:
 - i. Advertising for participation by MWSBEs in non-minority and minority publications within the Market Area, including a copy of the advertisement and proof of the date(s) it appeared – or by sending correspondence, no less than ten (10) days prior to the submission deadline, to all MWSBEs referred to the Bidder by the MWSBE Division for the goods and services to be Subcontracted and/or Supplied.
 - ii. Documentation indicating that the bidding Prime Contractor provided ample time for potential MBE, WBE and SBE Subcontractors to respond to bid opportunities, including a chart outlining the schedule/time frame used to obtain bids from MBE, WBE and SBE Vendors as applicable to the Aspirational Target.
 - iii. Contacting MBEs, WBEs, and SBE Vendors who provide the services needed for the bid or proposal, including a list of all MWSBEs that were contacted and the method of contact.
 - iv. Contacting the MWSBE Division for a listing of available MWSBEs who provide the services needed for the bid or proposal, including a list of those MWSBEs who were contacted regarding their participation.
 - v. Document follow-up telephone calls with potential MWSBE Subcontractors encouraging their participation.
 - vi. Allowing potential MWSBE Subcontractors to review bid specifications, blueprints and all other bid/RFP related items at no charge to the MWSBEs.
 - vii. Contacting the MWSBE Division, no less than five (5) business days prior to the bid/RFP deadline, regarding problems they are having in reaching the Aspirational Targets.
 - viii. Other documentation indicating their Good Faith Efforts to meet the aspirational targets.
 - c) Prime Contractors will negotiate in good faith with interested MWSBEs, not rejecting a MWSBE as unqualified or unacceptable without sound business reasons based on a thorough investigation of their capabilities. The basis for rejecting any MWSBE deemed unqualified or unacceptable by the Prime Contractor shall be included in the Good Faith Effort documentation. The Prime Contractor shall not impose unrealistic conditions of performance on MWSBEs seeking subcontracting opportunities.
5. Good Faith Committee
- a) Should the MWSBE Director determine that a Bidder with Subcontracting and Supplier opportunities has not made Good Faith Efforts to meet the Aspirational Targets the MWSBE Director shall refer the matter to the Good Faith Committee.
 - b) The Good Faith Committee shall include the County Administrator or designee, serving as Chair, the Purchasing Director or designee, the Chair of the MWSBE Citizens Advisory Committee or designee, and may include others appointed at the discretion of the County Administrator or the County Administrator's designee.
 - c) The Good Faith Committee shall make a formal determination, based on a simple majority vote, as to whether the proposing Prime Contractor made Good Faith Efforts to reach the Aspirational Targets, with each member of the Good Faith Committee having an equal vote in making such determination.
6. The Participation Plan for a specific project and the Contractor's commitment to carry out the program shall become a part of the Contract.

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7. Joint Ventures - To determine whether the Joint Venture is given credit as such for meeting Aspirational Targets:
 - a) The Joint Venture shall demonstrate that at least one partner to the Joint Venture is a MBE, WBE or SBE, as applicable to the Aspirational Target, and that such partner is responsible for a clearly defined portion of the work to be performed, will be performing a Commercially Useful Function under the Contract, and shares in the Ownership, Control, management, responsibilities, risks, and profits of the Joint Venture.
 - b) Such demonstration shall be verified by pertinent documents and sworn statements and may be reviewed by the MWSBE Division at the time a bid, proposal, or reply is submitted, or prior to the award of a bid, proposal or Contract.
 - c) For the purpose of tentatively awarding credit towards a Bidder meeting Aspirational Targets, the MWSBE Division may consider a proposed partnership, that is not yet legally formed and which appears in all matters except legal formation as a joint venture. However, such partnership shall become a legal Joint Venture organization prior to entering into a Contract and failure to form such legal Joint Venture organization shall result in the loss of such proposed Contract.
 - d) The MWSBE Division may award credit towards a Bidder meeting Aspirational Targets a portion of the total dollar amount of a proposed Contract equal to the percentage of the Ownership and Control held by the qualifying MBE, WBE, and SBE partners (as applicable to the Aspirational Targets) in the Contracting Joint Venture.

- H. Responsibilities of Persons Seeking Participation as a MBE, WBE or SBE Contractor or Subcontractor
 1. Persons seeking to participate as a MBE, WBE or SBE Contractor or Subcontractor shall complete the MWSBE certification process managed by the Leon County MWSBE Director, or assure that they have Certification that is accepted by the MWSBE Division, for the scope of work for which they are proposing to perform.
 2. Persons seeking to participate as a MBE, WBE or SBE Contractor or Subcontractor shall attend pre-bid conferences to obtain information and technical assistance on projects and procedures in which they may be interested in bidding, or in which they may be interested in participating as a Subcontractor.

- I. Contract Management
 1. Changing Subcontractors - A Prime Contractor who determines that an MWSBE named in their bid or proposal submittal is unavailable or cannot perform the work, shall request a change order to modify their Participation Plan.
 - a) Such changes require the prior written concurrence of the MWSBE Division, which shall be based on reasonable considerations such as:
 - i. The Prime Contractor has provided the MWSBE Division with documentation regarding the current MWSBE's poor work performance and measures the Prime Contractor has taken to improve the MWSBE's performance.
 - ii. The Prime Contractor has worked with the MWSBE Division and County staff without success to improve the MWSBE's performance.
 - b) The MWSBE Division shall consult with the Prime Contractor and the County's technical staff and project manager prior to approve or disapprove the Prime Contractor's proposed substitution.
 - c) Prime Contractors who substitute Subcontracted MWSBEs without the prior written approval by the MWSBE Division may be subject to actions for breach of contract, and dollars spent with the unauthorized MWSBE may not be credited towards meeting the Aspirational Targets, with the Prime Contractor remaining responsible for meeting the Aspirational Targets provided for by the Contract.

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2. Monitoring Contracted Utilization and Failure to Meet Contracted Utilization
 - a) The MWSBE Division will monitor the level of MWSBE utilization by Prime Contractors. If a Contractor is having difficulties meeting the contractual MWSBE Aspirational Targets, the MWSBE Division will help the Contractor identify additional potential MWSBE sub-contractors and/or suppliers.
 - b) If a Contractor's MWSBE participation falls below that provided for in their Contract, then the Contractor may be in breach of their contract. The MWSBE Division shall investigate whether it appears that a breach of contract has occurred. Upon a determination by the MWSBE Director that it appears a breach has occurred, the County Attorney's office will be contacted, and payments under the Contract may be immediately suspended. The County Attorney's office shall be fully involved throughout this process. Based upon guidance from the County Attorney's office, the findings and determination of the MWSBE Director, in conjunction with the County Attorney's office, may be forwarded to the Good Faith Committee for a determination as to whether the Contractor made a Good Faith Effort to comply with the requirements of the Contract, or take other appropriate actions.
3. Suspension - Contractors found in breach of their Contract may be suspended from bidding on and/or participating in any future County contracts for up to three (3) years as provided in Section 15 of the Purchasing Policy.
4. Reporting – Prime Contractors with MWSBE participation shall submit a monthly report, not less frequently than monthly, and in a form and manner prescribed by the MWSBE Division, which may include items, such as the invoices submitted to the County, payments received, and payments made to each MBE, WBE, and SBE as a part of each project.
5. Payments - Contracts and purchase orders shall contain the payment schedule. An MBE, WBE or SBE may seek expedited payment in case of hardship by notifying the MWSBE Director or Purchasing Director, and in such cases, the County may provide expedited payments when determined to be reasonably necessary, provided all work or services have been satisfactorily performed.
6. On-Site Monitoring - The MWSBE Division may perform on-site monitoring of MWSBE utilization on County projects. Monitoring may consist of scheduled or unscheduled project site visits. This does not exclude Contract monitoring expected by other County staff responsible for the project in the performance of their regular duties.

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J. Certification Criteria –

For Certification as a MBE, WBE or SBE, the Applicant must meet all of the following Criteria as noted; businesses may be Certified as a: (1) MBE; (2) WBE; (3) SBE; (4) MBE/SBE; or (5) WBE/SBE:

MBE, WBE and SBE Certification Eligibility Criteria			
	Type of Certification (must meet ALL marked criteria)		
	MBE	WBE	SBE
Majority Owner(s) must be a Minority or Minorities who manage and Control the business. In the case of a publicly owned business, at least 51% of all classes of the stock, which is owned, shall be owned by one or more of such persons.	X		
Majority Owner(s) must be a Woman or Women who manage and Control the business. In the case of a publicly owned business, at least 51% of all classes of the stock, which is owned, shall be owned by one or more of such persons.		X	
Majority Ownership in the business shall not have been transferred to a woman or minority, except by descent or a bona fide sale within the previous 2 years.	X	X	
Majority Owner(s) must reside in Leon, Gadsden, Jefferson, or Wakulla County Florida.	X	X	X
Majority Owner(s) must be a United States citizen or lawfully admitted permanent resident of the United States.	X	X	X
Business must be legally structured either as a corporation, organized under the laws of Florida, or a partnership, sole proprietorship, limited liability, or any other business or professional entity as required by Florida law.	X	X	X
Business must be Independent and not an Affiliate, Front, façade, broker, or pass through.	X	X	X
Business must be a for-profit business concern.	X	X	X
Business must be currently located within the Market Area.	X	X	X
Business must have all licenses required by local, state, and federal law.	X	X	X
Business must currently be licensed and engaging in commercial transactions typical of the field, with customers in the Local Market Area other than state or government agencies, for each specialty area in which Certification is sought. Further, if a Supplier, business must be making sales regularly from goods maintained in stock.	X	X	X
Business must have expertise normally required by the industry for the field for which Certification is sought.	X	X	X
Business must have a net worth no more than \$2 million.	X	X	X
Business must employ 50 or fewer full- or part-time employees, including leased employees.	X	X	X
Annual gross receipts on average, over the immediately preceding three (3) year period, shall not exceed: - For businesses performing Construction – \$2,000,000/year. - For businesses providing Other Services or Materials & Supplies - \$2,000,000/year. - For businesses providing Professional Services – \$1,000,000/year.	X	X	X
Business must have been established for a period of one (1) calendar year prior to submitting its application for SBE certification.			X
Business must have a record of satisfactory performance on no less than three (3) projects, in the business area for which it seeks certification, during the past 12 calendar months.			X

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K. Certification and Recertification Process

1. Application –
 - a. Persons seeking Certification shall complete a Certification Application, which provides the MWSBE Division with information regarding the name and address of the company and its owner(s), the gender/race of the Owner(s), a listing of the type of commodities/services it provides, the Vendor's work/contract history and past earnings, and other relevant information necessary for the determination of Certification eligibility.
 - b. Certification Application attachments, such as "Proof of Ownership" with the Applicant's name listed on it, a copy of the applicant's most recent pictured identification also indicating race and gender (if seeking MBE or WBE Certification), the most recent financial statements for the company, as well as the other required documents listed on the Certification Application, shall accompany the completed and notarized Certification Application. Copies of MWSBE Certifications(s) from other governmental agencies shall also be included, where applicable.
2. Application Evaluation Period – The MWSBE Division shall review, evaluate, and make a determination as to whether an Applicant is certifiable within 30 days of receipt of a complete Certification Application, with all applicable attachments.
3. Certification Approvals - If the Applicant is deemed certifiable, they will be notified of their Certification approval in writing through a letter of Certification and a certificate, which indicates the expiration date of their certification.
4. Certification Denials - If an Applicant who has submitted a Certification Application is determined not certifiable based on information provided on the Certification Application, including attachments, or as a result of the MWSBE Division's investigation and research, the Certification Application will be denied. Submission of fraudulent information, by or on the behalf of the Applicant as part of the Certification process, is grounds for Certification denial. The Applicant will then be notified in writing of the denial of their Certification. Such official denial notification shall include notice to the Applicant of their right to appeal their denial and of the appeal process.
5. Appeals of Certification Denials - An Applicant may appeal their Certification denial by presenting written notice of their appeal to the MWSBE Director within 10 business days after the Applicant's receipt of the Certification denial. An appeal of a Certification denial will be heard by the MWSBE Citizen Advisory Committee. Upon receipt of the notice of appeal of a Certification denial, the MWSBE Director shall convene a meeting of the Committee to review the denial of the application for Certification. The Committee shall review all documentation prepared by the MWSBE Division or submitted by the Applicant prior to the time the committee convenes. The Committee shall not receive any new evidence, and may make whatever relevant inquiry necessary to render a decision on the appeal. The Committee shall review the relevant evidence submitted and determine whether the Application for MWSBE Certification meets the specific criteria provided in Policy 96-1. The decision of the Committee shall be upon majority vote of the Committee and shall be based upon competent substantial evidence. Within five (5) business days of the decision of the Committee, the Chairman shall reduce to writing the decision of the Committee, which shall set forth a statement of the relevant facts and application of the Policy to the facts supporting the decision of the Committee.
6. Denied Application May Not Resubmit - Applicants whose request for Certification has been denied by the MWSBE Division shall not be eligible to submit a new Certification Application for six (6) months after the notice of Certification denial.
7. Certification Period - Unless otherwise provided, Certification is valid for two (2) years.

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8. Recertification –
 - a. MBEs, WBEs and SBEs are required to submit a Certification Application biannually for a review of and potential continuation of the Certification status.
 - b. The MWSBE Division will send written notification to the Certified MBE, WBE, or SBE, no later than 60 days prior to the Certification expiration date, along with a Certification Application and instructions for completion and submission.
 - c. Certification Applications submitted for recertification consideration shall be received by the MWSBE Division no later than the last effective date of the current Certification. Certification Applications submitted for recertification consideration received after expiration of the current Certification will not be considered, unless the reason for the delay is accepted and approved by the MWBE Division, at which time a one-time extension of their certification not to exceed 30 days may be granted.
 - d. Procedures relevant to the review of the Certification Application, Certification Approvals, Certification Denials, Appeals of Certification Denials, and Certification Periods, provided for in this Section, shall be the same for the Applications for recertification as for the initial Certification Application.
9. Notification of Changes – MBEs, WBEs, and SBEs shall notify the MWSBE Division of any changes in the Certified business, during the Certification period, which may impact the Certification (such as a change in Ownership or in the types of services and/or commodities being provided). If such changes occur during the Certification period, the business' Certification status may be reevaluated.
10. Certification Reevaluation - The County reserves the right to reevaluate an MWSBE's Certification at any time during the Certification period, and to rescind Certification if it is found that the business is not certifiable.
11. Certification From Other Agencies - The MWSBE Program may accept MBE, WBE and SBE Certifications from parties to THE MWBE INTER-LOCAL AGREEMENT (such parties currently include the City of Tallahassee and Leon County; however, such parties may change from time to time without notice or revision to this policy), and in accord with the Memorandum of Understanding with the Florida Office of Supplier Diversity. Further, the MWSBE Division reserves the right to review the Certification process and documentation utilized by an outside certifying agency; request clarification or additional information from the certified business; to delay acceptance of certification while it is being reviewed; and to deny certification any time during the Certification period.
12. The MWSBE Division may, based upon the provisions of this policy, determine to approve certifications that only apply to the County procurement process due to the difference in the policies between the County, City of Tallahassee, and the Florida Office of Supplier Diversity.

L. Decertification and Right of Appeal

1. The MWSBE Program reserves the right to revoke Certification at any time such action is deemed reasonably necessary. Grounds for revocation of Certification include, but are not limited to, the following:
 - a. Submission of fraudulent information, by or on the behalf of the Applicant for Certification or by or on the behalf of the MBE, WBE or SBE either as part of the Certification process or as part of a procurement or contract process.
 - b. Failure to promptly report any change in Ownership or Control of the business.
 - c. Failure to promptly report any name, address or telephone number changes of the business.
 - d. Failure to respond to requests for information from the MWSBE Division.
 - e. Fraudulent representation or participation on County projects or contracts, or breach of contract with the County.
 - f. Revocation by a party to the MWBE INTERLOCAL AGREEMENT or the Memorandum of Understanding with the Florida Office of Supplier Diversity.
2. Any business having its Certification revoked by the MWSBE Division shall have the right to appeal such Certification revocation, following the same process as Appeals of Certification Denials.

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M. Small Business Enterprise (SBE)

1. SBE Orientation - The County shall conduct periodic meetings to educate SBEs about the program and about general matters relating to participating in County procurement opportunities. The MWSBE Division may require SBEs to attend periodic follow-up meetings, but no more than once every two (2) years. Failure to attend such meetings shall be grounds for decertification for such up to 12 months, as determined appropriate by the MWSBE Division.
2. SBE Graduation - A SBE shall graduate from the SBE Program and is no longer eligible for Certification as a SBE six (6) years after the date of award of the first procurement opportunity made through the SBE program and will no longer be eligible for certification as a SBE. Graduation of an SBE shall not affect the contribution made by the SBE toward satisfaction of an Aspirational Target if the work was identified in a bid or RFP proposed to be performed by the SBE prior to the date of SBE Graduation and the bid or RFP opening date occurred prior to the SBE Graduation date.
3. Reserving Procurement Opportunities for Exclusive Competition Among SBEs - Procurement opportunities may be reserved for exclusive competition among SBEs when:
 - a. At least three (3) SBEs, with Certification in the relevant area, are available to compete for the procurement opportunity;
 - b. Permissible by law; and,
 - c. Such limited competition has been recommended by the appropriate authority as stipulated:

Criteria for Reserving Procurement Opportunities for Exclusive Competition Among SBEs			
Business Category	Estimated Procurement Value (Estimated Contract Cost)	Minimum Number of Available SBEs, Certified in Procurement Opportunity Area	Authority that Recommends Reserving Procurement Opportunity for Exclusive Competition Among SBEs
Construction - Prime Contractor	\$100,000 or less	Three (3)	¹ Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Professional Services	\$50,000 or less	Three (3)	¹ Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Other Services	\$25,000 or less	Three (3)	¹ Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Materials & Supplies	\$25,000 or less	Three (3)	¹ Committee Concurrence (MWSBE Director, Purchasing Director, Project Director or Division Director responsible for the project/budgeted expense)
¹ Committee Concurrence – If consensus cannot be reached, the County Administrator or his/her designee shall make the final decision. Such agreement between the committee members can be gained via any reasonable means of communication, such as a face-to-meeting, over the phone or via e-mail. Documentation of such concurrence shall be retained with the procurement records.			

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N. Outreach –

A continuing effort of the County involves identifying SBEs, MBEs, and WBEs capable of providing goods and services and ensuring that staff, through business community interactions, are knowledgeable about and support the MWSBE Program. The MWSBE Division will network with state and local governments, nonprofit organizations, professional and trade organizations and participate in conventions and seminars sponsored and widely attended by small, minority, and women business owners. Staff coordination may include, but is not limited to:

1. Coordination with the user departments on increasing awareness of program policies, directives and program targets and objectives for County staff;
2. Development of an internal education program to promote the awareness of all staff about SBE and MBE, and WBE firms and the commitment to their full participation in its activities.
3. Determine prospective program participants as well as assist them in understanding regulations and the certification process.
4. Develop directories of certified minority, women-owned, and SBEs firms capable of providing services.
5. Assist program participants in understanding and meeting the County's contracting need.
6. Develop promotional campaigns, forums or seminars to inform the small, minority and women-owned business community of the County's needs and its commitment to involve such firms in its contracting activities, along with receiving feedback from the business community.
7. Target appropriate firms for participation in the County's contractor training effort;
8. Identify categories in which firms are underrepresented;
9. Develop special events to meet special needs or concerns including contracting trade fair open houses;
10. Coordinate events with other governmental entities and private and nonprofits organizations.

O. Severability Clause

Each separate provision of this program is deemed independent of all other provisions herein so that if any provision or provisions are declared invalid, all other provisions hereof shall remain valid and in full force and effect.

(Section 16 Adopted September 10, 1991, deleted and replaced by separate policy January 16, 1996, reincorporated July 30, 2002, and replaced in its entirety June 13, 2006)

Section 17 PROCUREMENT FOR FEDERAL GRANT AND AID PROGRAMS

This section supplements Section 11.2, NOTICE OF FEDERAL PUBLIC POLICY REQUIREMENTS and applies to all Federal grant and aid procurements and contracts to include, but not be limited to the Community Development Block Grant Housing Program, the Federal Highway System Local Agency Program, and any other Federally funded grants or contracts.

- A. It is the policy of the Board of County Commissioners to obtain commodities and services efficiently and effectively in free and open competition for the Federal Grant and Aid Programs through the use of sound procurement practices. All County staff and other persons (subgrantees or contractors) with designated responsibility for the administration of Federal Grant award contracts are responsible for ensuring compliance with all applicable federal and state laws and regulations. These include but are not limited to OMB Circular A-102, Attachment O; 24 CFR Part 85 Section 85.36; s. 255.0525, Florida Statutes; s. 287.055, Florida Statutes; s. 290.047, Florida Statutes; Chapter 73C-23, Florida Administrative Code; and, the Purchasing Policy of the Leon County Board of County Commissioners.

**Purchasing and Minority, Women and Small Business Enterprise Policy
Policy 96-1**

- B. The County Purchasing Policy shall govern the procurement of commodities and services for the Federal Grant and Aid Programs except as provided in this section.
1. Local Preference Program is not applicable to Federally funded programs.
 2. The County's Minority, Women, and Small Business Enterprise Program is not applicable to Federally funded programs.
 3. All procurement of commodities or services in excess of \$1,000 shall require a written agreement embodying all provisions and conditions thereof.
 4. All procurement of commodities or services in excess of \$1,000 and less than the threshold amount provided for CATEGORY TWO in s. 287.017, Florida Statutes may be entered only after informal competition based on offers or quotes from not less than three (3) vendors.
 5. Publication of public notice for invitations to bid or requests for proposals and notification of the solicitation through distribution to potential bidders or offerors shall be required for all procurement in excess of the threshold amount provided for CATEGORY TWO in s. 287.017, Florida Statutes. The time frames in section 5.08 of this policy shall apply for the required public notice.
 6. Except as may otherwise be provided by law, procurement awards shall be made only on the basis of requirements and evaluation factors related to the price or quality of the commodities or services or to the ability of the prospective supplier or contractor to perform under the agreement. In evaluating the ability of a prospective contractor to perform, the County shall at a minimum consider the prospective contractor's record of past performance under similar federal grants.
 7. Nothing herein shall limit the County to except from the requirement of competition commodities and services available only from a single source (Section 5.10, Sole Source Purchases) or procurement from another unit of government (Section 5.12, Cooperative Purchasing).

Revised January 27, 2015

Small Business Enterprise Program Overview

The Small Business Enterprise (SBE) Program was established by the Board in order to foster growth in Leon County's economy by affording small businesses an opportunity to gain experience, knowledge, and training to compete and secure contracts with Leon County. Unlike the MWBE Program, the SBE Program is race and gender neutral. The SBE program is structured to reserve procurement opportunities for exclusive competition among SBE's when at least three (3) SBE's are certified in the relevant procurement category and are available to compete for the procurement opportunity. Therefore, local businesses are provided opportunities to compete with companies of similar size, capacity, and net worth. Projects are reserved for SBE competition based upon recommendations as indicated in the table below:

Criteria for Reserving Procurement Opportunities for Exclusive Competition Among SBEs			
Business Category	Estimated Procurement Value (Estimated Contract Cost)	Minimum Number of Available SBEs, Certified in Procurement Opportunity Area	Authority that Recommends Reserving Procurement Opportunity for Exclusive Competition Among SBEs
Construction - Prime Contractor	\$100,000 or less	Three (3)	¹ Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Professional Services	\$50,000 or less	Three (3)	¹ Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Other Services	\$25,000 or less	Three (3)	¹ Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Materials & Supplies	\$25,000 or less	Three (3)	¹ Committee Concurrence (MWSBE Director, Purchasing Director, Project Director or Division Director responsible for the project/budgeted expense)
¹ Committee Concurrence – If consensus cannot be reached, the County Administrator or his/her designee shall make the final decision. Such agreement between the committee members can be gained via any reasonable means of communication, such as a face-to-meeting, over the phone or via e-mail. Documentation of such concurrence shall be retained with the procurement records.			

**Leon County
Board of County Commissioners**


Notes for Agenda Item #16

Leon County Board of County Commissioners

Cover Sheet for Agenda #16

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of Supervised Pretrial Release Division's Annual Report

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Wanda Hunter, Director of the Office of Intervention & Detention Alternatives
Lead Staff/ Project Team:	Teresa Broxton, IDA Coordinator James Crum, Drug Screening Coordinator

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the Supervised Pretrial Release Division's Annual Report (Attachment #1), and authorize staff to submit to the Clerk of the Circuit Court and Comptroller.

Report and Discussion

Background:

Section 907.043, Florida Statutes, cited as the "Citizens Right to Know Act," requires Pretrial Release Programs to provide the Clerk of the Circuit Court and Comptroller a weekly registry of all defendants who were released into the Program without a monetary bond (non-secured release). The registry must contain information such as prior criminal convictions, the current charges against each defendant and any subsequent failures to appear for defendants released into the Program. The Act also requires Pretrial Release Programs to submit an annual report containing program activities, funding sources, the number of defendants assessed, as well as those granted pretrial release by the Courts from the previous calendar year to the governing body and the Clerk of the Circuit Court (Attachment #1). The registry must be available for public viewing in the Office of the Clerk of the Circuit Court and Comptroller..

In compliance with subsection 4(b) of the Act, Attachment #2 contains the names and case numbers of each person granted non-secured release that had warrants issued for failing to appear at a required Court proceeding, acquiring a new arrest, or committing a technical violation of pretrial release conditions.

Analysis:

A review of the Program's activities between January 1 and December 31, 2014 reflect the following:

- 1,897 of the 9,967 defendants arrested and booked into the Leon County Jail were assessed for pretrial release.
- 1,128 defendants were released to the pretrial release program for monitoring of court ordered conditions. This represents 44 more defendants released than during the previous year.
- Of those defendants released into the program, 844 or 75% of those supervised had no incidents and were still enrolled or had completed the program at the end of the calendar year. Comparison of the same data set from the previous year, shows a 5% improvement since 2013..
 - Of the total released, 6% (63) committed another law offense while on pretrial release. This represents a 1% increase over the previous year when compared to the 56 of 1,084 participating in the program.
 - Although 4% (49) failed to appear in court, all were not penalized, as the court determined their absence was not willful; and therefore, excused.
 - 15% (172) of the population were reported to the court as unsuccessful due to technical issues, such as failing to abstain from or testing positive for illegal drugs or alcohol, failing to adhere to curfew, or failing to conform to other rules designed to ensure effective monitoring.

- In reviewing all defendants released into the program, those who were required to post a monetary bond and those who were not, 71% of defendants who posted a monetary bond were remanded to jail for violation, while only 29% of those not required to post a bond were returned to jail.

Options:

1. Accept the Supervised Pretrial Release Division's Annual Report (Attachment #1), and authorize staff to submit to the Clerk of the Circuit Court and Comptroller.
2. Do not accept the Supervised Pretrial Release Annual Report.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Narrative of Supervised Pretrial Release Annual Report
2. Public Registry Activity Detail List of Violators

VSL/KM/WH/TB/tb

*LEON COUNTY BOARD OF COUNTY COMMISSIONERS
SUPERVISED PRETRIAL RELEASE PROGRAM
ANNUAL REPORT*



January 1, 2014 – December 31, 2014

In compliance with Section 907.043, Florida Statutes

In compliance with Section 907.043, Florida Statutes, also known as the Citizens' Right-to-Know Act, each pretrial release program must submit an annual report for the previous calendar year to the governing body and to the Clerk of the Circuit Court in the county where the pretrial release program is located. The annual report must be submitted no later than March 31st of every year. This report is submitted in compliance with the aforementioned legislation. The information requested by the statute, which is in bold letters and italicized, is included prior to each response. The statute is also attached for reference.

4(b)1. The name, location, and funding sources of the pretrial release division, including the amount of public funds, if any, received by the pretrial release division.

The Leon County Supervised Pretrial Division is located at 501-C Appleyard Drive, Tallahassee, Florida 32304.

Funding sources for the Supervised Pretrial Release (SPTR) Division include both local general revenue and federal grant funds. A total of \$821,538.32 was received from these sources.

2. The operating and capital budget of each pretrial release program receiving public funds

The operating budget from public funds was \$821,538.32; there was no capital cost associated with the program.

3a. The percentage of the pretrial release program's total budget representing receipt of public funds

The percentage of the pretrial release program's total budget representing receipt of public funds was 84%.

b. The percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program.

Revenues were not allocated to assist defendants to obtain release through a non-publicly funded program.

c. The amount of fees paid by defendants to the pretrial release program.

The amount of fees paid by defendants to the pretrial release program total \$153,055.27. Fees included \$40 monthly supervision costs unless waived by the Court. Defendants assigned electronic monitoring were required to pay: \$12 per day for a Secure Continuous Remote Alcohol Monitor (SCRAM) unit. These fees helped to support the program and offset revenues expended from public funds.

4. *The number of persons employed by the pretrial release program.*

The number of persons employed by the Division totaled 12 staff members during 2014. This included one full-time equivalent (FTE) employee funded through a grant. SPTR staff was responsible for all administrative and operations tasks.

5. *The number of defendants assessed and interviewed for pretrial release.*

The number of defendants assessed and interviewed for pretrial release totaled 2,770.

6. *The number of defendants recommended for pretrial release.*

In accordance with Administrative Order No. 2006-02, Uniform Bond Schedule and Pretrial Release Procedures, Second Judicial Circuit, Florida, which governs SPTR operations, Program staff did not recommend defendants for pretrial release. All defendants authorized to participate in the Leon County's Supervised Pretrial Release Program were admitted through Judicial Order.

7. *The number of defendants for whom the pretrial release program recommended against non-secured release.*

In accordance with Administrative Order No. 2006-02, Program staff did not recommend defendants against non-secured release.

8. *The number of defendants granted non-secured release after the pretrial release program recommended non-secured release.*

In accordance with Administrative Order No. 2006-02 and as stated in number 6 above, staff did not recommend defendants for pretrial release.

9. *The number of defendants assessed and interviewed for pretrial release who were declared indigent by the court.*

As the pretrial program is dictated by Administrative Order No. 2006-02, indigent status was not assessed at time of interview.

10. *The name and case number of each person granted nonsecured release who:*

- a. Failed to attend a scheduled court appearance.***
- b. Was issued a warrant for failing to appear.***
- c. Was arrested for any offense while on release through the pretrial release program.***

The attached *List of Violators* answers these questions.

11. Any additional information deemed necessary by the governing body to assess the performance and cost efficiency of the pretrial release program.

The following is provided as additional information:

- a. 369 defendants were granted non-secured release to the Supervised Pretrial Division between January 1 and December 31, 2014. An additional 759 defendants who were also required to post a bond were accepted into the Division during this same period.
- b. The average daily operating cost of the jail per inmate was \$71.18. The cost of using the SPTR as an alternative cost is \$6.47 per day. The Program diverted an estimated total of 150,745 inmate days from the Leon County jail. This resulted in a daily savings of \$64.71. The total cost savings was \$9,754,708.95.

Reminder: In compliance with subsection 4(b)10, the *List of Violators* is attached.

Leon County Supervised Pretrial Release Program Public Registry Activity Detail
501-C Appleyard Drive, Tallahassee, FL 32304
Year:2014
List of Violaters

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
ALDERMAN, SANDRA	235962	06/17/14		06/05/14	06/17/14
<i>Case Number</i>	<i>Charge</i>				
2014MM1451A1	FTA/BATTERY				
2014MM1451A2	FTA/BATTERY				
2014MM1451A3	FTA/BATTERY				
ANDERSON, ROBERT	188935	04/01/14			04/01/14
<i>Case Number</i>	<i>Charge</i>				
2010CT1709A1	FTA/VOP/RECKLESS DRIVING				
2010CT1709A2	FTA/VOP/DRIVING WHILE LICENSE SUSPENDED OR REVOKED				
ANTHONY, DEMETRIUS	237775	12/19/14			12/19/14
<i>Case Number</i>	<i>Charge</i>				
2014CF2993A1	FTA/POSSESSION OF 3, 4-METHYLENEDIOXYMETHAMPHETAMINE (MDMA)				
2014CF2993A2	FTA/POSSESSION OF PARAPHERNALIA				
ARNETT, YASMIN	234736	03/04/14			03/04/14
<i>Case Number</i>	<i>Charge</i>				
2014MM423A1	FTA/BATTERY				
BERMUDEZ-DELGAILLO, JOCELYN	238122		11/24/14		
<i>Case Number</i>	<i>Charge</i>				
2014MM3329A1	DOMESTIC BATTERY				
BICKELMAN, JONATHAN	233995	01/21/14			01/21/14
<i>Case Number</i>	<i>Charge</i>				
2013MM5031A1	FTA/PETIT THEFT				
BROWN, WILLIAM	181121	10/13/14			10/13/14
<i>Case Number</i>	<i>Charge</i>				
2014MM3153A1	FTA/MARIJUANA-POSSESS NOT MORE THAN 20 GRAMS				
2014MM3153A2	FTA/NARCOTIC EQUIP-POSSESS AND OR USE				
2014MM3153A3	FTA/RESIST OFFICER OBSTRUCT WO VIOLENCE				
CAPPELLO, NATHANIEL	192271		12/03/14		
<i>Case Number</i>	<i>Charge</i>				
2014MM3662A1	TRESPASS IN STRUCTURE				
CHRISTIAN, MOSE	167014		11/10/14		
<i>Case Number</i>	<i>Charge</i>				
2014MM3344A1	VIOLATION OF DOMESTIC VIOLENCE INJUNCTION				
2014CF3419A1	FELONY BATTERY				

Leon County Supervised Pretrial Release Program Public Registry Activity Detail

501-C Appleyard Drive, Tallahassee, FL 32304

Year:2014

List of Violaters

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
COACHMAN, JACQUEZ	234692		06/14/14		
<i>Case Number</i>	<i>Charge</i>				
2014CF390A1	BURGL OF UNOCCUPIED DWELLING; UNARMED; NO ASSAULT/BATT				
2014CF390A2	GRAND THEFT IS \$300 OR MORE BUT LESS THAN \$5000				
2014CF390A3	STOLEN PROP-DEAL IN				
2014CF390A4	FRAUD FALSE OWNER INFO PAWNED ITEMS LESS THAN \$300				
2014CF442A1	BURGLARY OF DWELLING				
2014CF442A2	DEALING IN STOLEN PROPERTY				
2014CF442A3	PETIT THEFT 1ST OFF				
2014CF388B1	DEALING IN STOLEN PROPERTY				
2014CF388B2	BURGLARY OF STRUCTURE				
2014CF388B3	GRAND THEFT				
2014CF388B4	DEFRAUDING A PAWNBROKER				
COATES, WILLIAM	228519			01/13/14	
<i>Case Number</i>	<i>Charge</i>				
2012CF4131B1	VOP/ARMED ROBBERY WITH FIREARM				
COLLINS, DIAMOND	237466	10/21/14			10/21/14
<i>Case Number</i>	<i>Charge</i>				
2014MM2792A1	TRESPASS ON PROPERTY				
COONCE, DENISHA	225627	10/07/14		09/26/14	10/07/14
<i>Case Number</i>	<i>Charge</i>				
2014MM1742A1	VOP/FTA/DISORDERLY CONDUCT				
CREWS, ROBERT	233730	02/19/14			02/19/14
<i>Case Number</i>	<i>Charge</i>				
2013MM4789A1	FTA/PETIT THEFT				
CROSBY, DEBRA	235072			03/26/14	
<i>Case Number</i>	<i>Charge</i>				
2014MM710A1	PETIT THEFT (VALUE GREATER THAN \$100)				
DENSON, DAVID	233812		03/22/14		
<i>Case Number</i>	<i>Charge</i>				
2013CF3739A1	VOP/BATTERY ON LAW ENFORCEMENT OFFICER				
2013CF3939A1	VOP/GRAND THEFT OF MOTOR VEHICLE				
2013CF3939A2	VOP/BATTERY ON LAW ENFORCEMENT OFFICER				
2013CF3939A3	VOP/BATTERY ON LAW ENFORCEMENT OFFICER				
DEPEW, JAMIE	237898	11/04/14		11/07/14	11/04/14

Leon County Supervised Pretrial Release Program Public Registry Activity Detail

501-C Appleyard Drive, Tallahassee, FL 32304

Year:2014

List of Violaters

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
<i>Case Number</i> 2014MM3154A1	<i>Charge</i> FTA/ASSAULT				
DIAZ, SARAH	236102			07/07/14	
<i>Case Number</i> 2014MM1590A1	<i>Charge</i> DOMESTIC BATTERY				
DICKENS, RONNIE	233982		03/24/14		
<i>Case Number</i> 2013MM5022A1	<i>Charge</i> BATTERY TOUCH OR STRIKE				
EDGAR, JOHN	236063			06/16/14	
<i>Case Number</i> 2014MM1556A1	<i>Charge</i> PETIT THEFT 1ST OFF				
EPPS, TIFFANY	223986		06/18/14		
<i>Case Number</i> 2014MM1549A1	<i>Charge</i> TRESPASS ON PROPERTY AFTER WARNING				
EVANS, TOMMIE	132095		05/09/14		
<i>Case Number</i> 2014MM765A1	<i>Charge</i> BATTERY				
2014MM765A2	BATTERY TOUCH OR STRIKE				
FRASCH, ADAM	185176			03/13/14	
<i>Case Number</i> 2014CF557A1	<i>Charge</i> ATTEMPTED INTERFERENCE W/CUSTODY				
2014CF557A2	ATTEMPTED INTERFERENCE W/CUSTODY				
GIESEKE, DAVID	237130	12/16/14		12/03/14	12/16/14
<i>Case Number</i> 2014MM3380A1	<i>Charge</i> FTA/PUBLIC AFFRAY				
GILMAN, DAVID	WEST 70997			06/10/14	
<i>Case Number</i> 2013MM3466A1	<i>Charge</i> DISORDERLY CONDUCT				
GRANT, BENJAMIN	170375		01/02/14		
<i>Case Number</i> 2013CT3639A1	<i>Charge</i> DRIVING WHILE LICENSE SUSPENDED OR REVOKED				
2013CT3639A2	RECKLESS DRIVING				
2013CF4064A1	AGGRAVATED BATTERY ON A PREGNANT VICTIM WITH PRIOR CONVICTION				
2013CF4064A3	VIOLATION OF PRETRIAL RELEASE CONDITION				

Leon County Supervised Pretrial Release Program Public Registry Activity Detail

501-C Appleyard Drive, Tallahassee, FL 32304

Year:2014

List of Violaters

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
GRATE, VICTORIA	235933			09/09/14	
Case Number	Charge				
2014CF2396A1	BATTERY ON EMERGENCY MEDICAL CARE PROVIDER				
GREEN, LEWIS	29750			07/31/14	
Case Number	Charge				
2013MM3279A1	FTA/INDECENT EXPOSURE				
2013MM3279A2	FTA/TRESPASS IN OCCUPIED STRUCTURE				
2013MM3279A3	FTA/VOYEURISM				
GREEN, LLALENIA	76955			04/14/14	
Case Number	Charge				
2013CF3540A1	VOP/POSSESSION OF COCAINE				
HAYES, LAREISHA	216780	03/11/14			03/11/14
Case Number	Charge				
2013MM5210A1	FTA/BATTERY TOUCH OR STRIKE				
HERNANDEZ, LUIS	232711			12/05/14	
Case Number	Charge				
2014MM3360A1	DOMESTIC BATTERY				
HONRINE, JESSE	237009		10/20/14		
Case Number	Charge				
2014MM2371A1	PETIT THEFT				
HUDSON, LEWIS	187617	10/28/14		10/23/14	10/28/14
Case Number	Charge				
2014MM3122A1	FTA/CRIMINAL MISCHIEF (UNDER \$200 DAMAGES)				
2014MM3122A2	FTA/PUBLIC MUTILATION OF A FLAG				
2014MM3122A3	FTA/GIVING FALSE NAME OR IDENTIFICATION TO OFFICER				
HUGHES, HOWARD	161402	07/15/14	07/15/14	02/06/14	07/15/14
Case Number	Charge				
2013MM1740A1	VOP/FTA/POSSESSION OF CANNABIS				
2013MM3603A1	VOP/FTA/POSSESSION OF CANNABIS				
IGLES, THOMAS	134086			09/25/14	
Case Number	Charge				
2014CF1458A1	PROCURE FOR PROSTITUTE SOLICIT ANOTHER FOR LEWDNESS ASSIGNT 2ND OFF				
2014CF1458A2	COCAINE-POSSESS POSSESS COCAINE				
2014CF1458A3	NARCOTIC EQUIP-POSSESS AND OR USE				

Leon County Supervised Pretrial Release Program Public Registry Activity Detail

501-C Appleyard Drive, Tallahassee, FL 32304

Year:2014

List of Violators

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
2014MM1702A1	SOLICITING PROSTITUTION				
JAMES, KENTISHA	213753	10/06/14	09/10/14		10/06/14
<i>Case Number</i>	<i>Charge</i>				
2012MM4228A1	VOP/FTA/BATTERY				
2012MM4228A2	VOP/FTA/BATTERY				
2014MM2609A1	VOP/FTA/BATTERY				
JOHNSON, ARTHUR	33320		10/04/14		
<i>Case Number</i>	<i>Charge</i>				
2014CF883A1	FELONY THEFT				
JOHNSON, LATONIA	98171		03/07/14		
<i>Case Number</i>	<i>Charge</i>				
2014MM100A1	CRIMINAL MISCHIEF (UNDER \$200 DAMAGES)				
JONES, CORTEZ	238186		11/19/14		
<i>Case Number</i>	<i>Charge</i>				
2014CF3311A1	POSSESSION OF METHAMPHETAMINE WITH INTENT TO SELL OR DELIVER				
2014CF3311A3	NARCOTIC EQUIP-POSSESS AND OR USE				
JUSTUS, CHRISTOPHER	205510		05/05/14		
<i>Case Number</i>	<i>Charge</i>				
2012MM227A1	VIOLATION OF REPEAT VIOLENCE INJUNCTION				
2012MM2403A1	VIOLATION OF REPEAT VIOLENCE INJUNCTION				
2012MM2403A2	VIOLATION OF REPEAT VIOLENCE INJUNCTION				
KILDUFF, JENNIFER	232640		01/22/14		
<i>Case Number</i>	<i>Charge</i>				
2013CF2978A1	AGGRAVATED ASSAULT WITH DEADLY WEAPON				
2013CF2978A2	AGGRAVATED ASSAULT WITH DEADLY WEAPON				
2013CF2978A3	AGGRAVATED ASSAULT WITH DEADLY WEAPON				
2013CF2978A4	DOMESTIC BATTERY				
2013CF2978A5	DOMESTIC BATTERY				
2013CF2978A6	DOMESTIC BATTERY				
KOSTICK, SHAUNA	235494		10/30/14		
<i>Case Number</i>	<i>Charge</i>				
2014CF1024A1	GRAND THEFT				
KUSHINOVA, ASSIYA	236243		07/26/14		
<i>Case Number</i>	<i>Charge</i>				
2014CF1688A1	AFFRAY				

Leon County Supervised Pretrial Release Program Public Registry Activity Detail

501-C Appleyard Drive, Tallahassee, FL 32304

Year:2014

List of Violators

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
LANIER, ANTONIO	215440		07/16/14		
Case Number	Charge				
2014MM1847A1	TRESPASS IN OCCUPIED STRUCTURE				
LEIN, ROBERT	228696	01/15/14			01/15/14
Case Number	Charge				
2013CT93A1	FTA/RECKLESS DRIVING 1ST OFF				
MCCLURE, KEIFONDRA	225151			05/14/14	
Case Number	Charge				
2013MM3592A1	FTA/DOMESTIC BATTERY				
MCDUFFIE, RICHARD	10244		08/20/14		
Case Number	Charge				
2014MM1536A1	ASSAULT				
MILLER, SANFORD	47726			05/13/14	
Case Number	Charge				
2014CF707A1	PUBLIC AFFRAY				
2014CF707A2	BATTERY				
2014CF707A3	DOMESTIC AGGRAV ASSAULT W DEADLY WEAPON WITHOUT INTENT TO KILL				
2014CF707A4	DOMESTIC BATTERY TOUCH OR STRIKE				
MILLS, RACHEL	237852			12/11/14	
Case Number	Charge				
2014CF3065A1	DOMV/BATTERY TOUCH OR STRIKE				
2014CF3065A2	DAMAGE PROP-CRIM MISCH \$200 OR LESS SUBSQ OFF				
2015MM36A1	BATTERY				
2015MM36A2	CRIMINAL MISCHIEF (OVER \$200 UNDER \$1000 DAMAGES)				
MOORE, BELINDA	181283		07/17/14		
Case Number	Charge				
2006CF497A1	GRAND THEFT BY P.W.B.C.				
PALMER, SAWAND	234248			03/04/14	
Case Number	Charge				
2014CF39A1	CONTEMPT OF COURT				
PARIS, ALBERT	180792			06/03/14	
Case Number	Charge				
2014MM1190A1	TRESPASS ON PROPERTY AFTER WARNING				
PERRY, CHRISTOPHER	233287		03/20/14		

Leon County Supervised Pretrial Release Program Public Registry Activity Detail

501-C Appleyard Drive, Tallahassee, FL 32304

Year:2014

List of Violaters

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
<i>Case Number</i> 2013MM4400A1	<i>Charge</i> DOMESTIC BATTERY				
POLLARD, RONDERIOUS	234877	09/23/14			09/23/14
<i>Case Number</i> 2014MM539A1	<i>Charge</i> FTA/PETIT THEFT (VALUE GREATER THAN \$100)				
PYLES, LAURA	10358			11/21/14	
<i>Case Number</i> 2014CF2666A1	<i>Charge</i> FELONY BATTERY				
RALEY, AMANDA	195333			01/14/14	
<i>Case Number</i> 2013MM4319A1	<i>Charge</i> DISORDERLY CONDUCT				
2013CT3779A1	DRIVING UNDER THE INFLUENCE				
2013CT3779A2	DRIVING WHILE LICENSE SUSPENDED OR REVOKED				
2013CT3779A3	REFUSAL TO ACCEPT AND SIGN SUMMONS				
2013CT3779A4	REFUSE TO SUBMIT TO DUI TEST				
RESHARD, JOSHUA	198281	10/29/14			10/29/14
<i>Case Number</i> 2014MM2668A1	<i>Charge</i> FTA/RESISTING OFFICER WITHOUT VIOLENCE				
ROZIER, DARNELL	214949	04/15/14		03/11/14	04/15/14
<i>Case Number</i> 2014MM401A1	<i>Charge</i> FTA/DOMESTIC BATTERY				
2014MM401A2	FTA/DOMESTIC BATTERY				
RUMPH, TAVARES	102011		03/25/14		
<i>Case Number</i> 2013CF2213A1	<i>Charge</i> GRAND THEFT IS \$300 OR MORE BUT LESS THAN \$5000				
2013CF2213A2	GRAND THEFT OF FIREARM				
2013CF2213A3	GRAND THEFT OF FIREARM				
SAMUELS, THEODORE	232002			01/30/14	
<i>Case Number</i> 2013CF3891A1	<i>Charge</i> VOP/DEALING IN STOLEN PROPERTY				
2013CF3891A2	VOP/DEFRAUDING A PAWNBROKER				
2013CF3891A3	GRAND THEFT IS \$300 OR MORE BUT LESS THAN \$5000				
SHARPE, LEKEIA	235167			03/20/14	
<i>Case Number</i> 2014MM783A1	<i>Charge</i> DOMESTIC BATTERY				

Leon County Supervised Pretrial Release Program Public Registry Activity Detail

501-C Appleyard Drive, Tallahassee, FL 32304

Year:2014

List of Violators

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
SHEFFIELD, LINDSAY	235539		09/03/14		
<i>Case Number</i>	<i>Charge</i>				
2014CF1050A1	GRAND THEFT				
2014CF1050A2	PETIT THEFT				
2014CF1050A3	PETIT THEFT				
2014CF1050A4	PETIT THEFT				
2014CF1050A5	PETIT THEFT				
2014CF1050A6	BURGL OF OCCUPIED CONVEYANCE AND UNARMED				
2014CF1050A7	BURGL OF OCCUPIED CONVEYANCE AND UNARMED				
SINGLETARY, SUSAN	24178			03/28/14	
<i>Case Number</i>	<i>Charge</i>				
2013MM4033A1	FTA/TRESPASS AFTER WARNING IN STRUCTURE				
2013MM4033A2	FTA/MISUSE OF 911				
SMITH, DELLA	234028			01/24/14	
<i>Case Number</i>	<i>Charge</i>				
2013MM5060A1	BATTERY				
STILL, MICHAEL	237907			12/12/14	
<i>Case Number</i>	<i>Charge</i>				
2014CF3103A1	RESIST OFFICER OBSTRUCT WO VIOLENCE				
2014CF3103A2	DRIVING UNDER THE INFLUENCE				
VO, KEVIN	234169		05/31/14		
<i>Case Number</i>	<i>Charge</i>				
2013MM5211A1	BATTERY				
2013MM5211A2	RESISTING OFFICER WITHOUT VIOLENCE				
2014MM1654A1	BATTERY				
WARD, SCOTT	227751		12/29/14		
<i>Case Number</i>	<i>Charge</i>				
2014CF2569A1	BATTERY				
2014MM3957A1	VIOLATION OF PRETRIAL RELEASE CONDITION				
WASHINGTON, JAZMYNE	236308	10/29/14			10/29/14
<i>Case Number</i>	<i>Charge</i>				
2014MM2758A1	FTA/DOMESTIC BATTERY				
WHITE, JOSEPH	184224			04/10/14	
<i>Case Number</i>	<i>Charge</i>				
2014CT102A1	FTA/RECKLESS DRIVING				

Leon County Supervised Pretrial Release Program Public Registry Activity Detail

501-C Appleyard Drive, Tallahassee, FL 32304

Year:2014

List of Violaters

Name	SPN	FTA	New Arrest	Tech Viol.	FTA Warrants Issued
2014CT102A2		FTA/DRIVING WHILE LICENSE SUSPENDED OR REVOKED			
2014CT102A3		FTA/NO VALID MOTORCYCLE ENDORSEMENT			
2014CT102A4		FTA/RESISTING OFFICER WITHOUT VIOLENCE			
WILLIAMS, NICHOLAS	238557		12/10/14		
<i>Case Number</i>		<i>Charge</i>			
2014MM3706A1		TRESPASS IN STRUCTURE			
2014MM3706A2		RESISTING OFFICER WITHOUT VIOLENCE			
WILLIAMS, WILLIE	4783			10/22/14	
<i>Case Number</i>		<i>Charge</i>			
2013MM3490A1		VIOLATION OF DOMESTIC VIOLENCE INJUNCTION			
2013MM3490A2		VIOLATION OF DOMESTIC VIOLENCE INJUNCTION			
WILLIAMS-CLEMMER, SHANTELE	206582			09/16/14	
<i>Case Number</i>		<i>Charge</i>			
2014CF2468A1		POSSESSION OF 3,4-METHYLENEDIOXYMETHAMPHETAMINE (MDMA)			
2014CF2468A2		POSSESSION OF CANNABIS			
2014CF2468A3		PPOSSESSION OF PARAPHERNALIA			
2014CF2468A4		RESISTING OFFICER WITHOUT VIOLENCE			
YOUNG, ANTWAN	230447			05/15/14	
<i>Case Number</i>		<i>Charge</i>			
2014MM931A1		DOMESTIC BATTERY			
YOUNG, TAYLOR	204989		12/30/14		12/30/14
<i>Case Number</i>		<i>Charge</i>			
2014MM1420A1		FTA/PETIT THEFT			
TOTALS			21	28	34
				21	

Leon County Supervised Pretrial Release Program Public Registry Activity Summary

501-C Appleyard Drive, Tallahassee, FL 32304

Year:2014

Month	Interviewed		Assessed		Accepted	
	Indigent	Total	Indigent	Total	Indigent	Total
JANUARY, 2014	0	200	0	151	14	23
FEBRUARY, 2014	0	198	0	158	19	27
MARCH, 2014	0	275	0	188	24	41
APRIL, 2014	0	245	0	176	18	25
MAY, 2014	0	229	0	156	13	24
JUNE, 2014	0	252	0	148	17	22
JULY, 2014	0	259	0	187	23	29
AUGUST, 2014	0	237	0	159	31	37
SEPTEMBER, 2014	0	232	0	134	16	33
OCTOBER, 2014	0	240	0	132	40	54
NOVEMBER, 2014	0	210	0	168	15	21
DECEMBER, 2014	0	193	0	140	23	33
Totals	0	2,770	0	1,897	253	369

**Leon County
Board of County Commissioners**


Notes for Agenda Item #17

Leon County Board of County Commissioners

Cover Sheet for Agenda #17

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of Status Report on the Lake Iamonia Management Plan

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Tony Park, P.E., Director, Public Works Kathy Burke, P.E., Director of Engineering Services
Lead Staff/ Project Team:	Theresa B. Heiker, P.E., Stormwater Management Coordinator

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the status report on the Lake Iamonia Management Plan.

Report and Discussion

Background:

The Lake Iamonia Task Force was convened by the Board of County Commissioners in 1989. The Lake Iamonia Management Plan was issued in April 1991 with a number of recommendations to revitalize the lake. The Leon County Countywide Water Resources Citizens Advisory Committee (WRC) reviewed the Management Plan with staff from the Florida Fish and Wildlife Conservation Commission (FFWC) in April 2014. A letter of recommendations regarding the Management Plan implementation was submitted to County Administration in November 2014 (Attachment #1). In response to staff's request for clarification regarding the recommendation for a new management plan, an amended letter was submitted in January 2015 (Attachment #2).

Analysis:

The WRC recommended continued participation in muck removal projects sponsored by the FFWC and that land use changes within the lake watershed be scrutinized for their potential impacts to the lake. In addition, the WRC recommended an addendum to the 1991 Lake Iamonia Management Plan be developed to reflect the accomplishments since 1991 in meeting the Plan's objectives. The addendum was developed and is provided as part of this Status Report (Attachment #3).

Options:

1. Accept the status report on the Lake Iamonia Management Plan.
2. Do not accept the status report on the Lake Iamonia Management Plan.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. November 2014 Statement of the Leon County County-wide Water Resources Citizens Advisory Committee
2. January 2015 Statement of the Leon County County-wide Water Resources Citizens Advisory Committee
3. 2015 Addendum to the Lake Iamonia Management Plan

STATEMENT OF THE LEON COUNTY COUNTY-WIDE WATER RESOURCES CITIZENS ADVISORY COMMITTEE

The Leon County Board of County Commissioners specifically charged the County-Wide Water Resources Citizens Advisory Committee with the responsibility to recommend policies that would strengthen the linkage between water resources and land use. Based on this charge, the Committee has the following recommendations:

The Leon County Board of County Commissioners directed the Water Resources Committee (WRC) to consider the values provided to the public by the various lakes and related water resources of Leon County, including groundwater, and to recommend to the Board policies, regulations, management activities and long term funding strategies that protect or enhance these values.

Lake Iamonia is the largest water body within Leon County, and perhaps the most natural of the larger lakes in North Florida. Yet, like most of our State's natural water bodies, it has been impacted by past management practices, especially water-level stabilization, which has allowed the accumulation of organic sediments with a resulting increase in aquatic vegetation, which impedes recreational use and ecosystem integrity.

The WRC, at its meeting on April 7, 2014, reviewed the 1991 Lake Iamonia Management Plan. Twenty three years of effort, led by the Florida Fish and Wildlife Conservation Commission with participation by Leon County, has resulted in the implementation of the recommendations in the 1991 plan. The water-level stabilization infrastructure was removed by Commission staff, and the lake is now experiencing natural water level fluctuations. During the recent drought and associated low water levels, muck was also removed from 22 acres. These areas now provide natural sandy bottom areas suitable for fish spawning and bedding. While this is a good outcome, it only addressed a small percentage of the 5,757 acre lake bottom.

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LEON COUNTY PUBLIC WORKS

Leon County Citizens Water Resources Committee
Lake Iamonia Recommendations

Page 2

The WRC therefore recommends that the Leon County Board of County Commissioners direct County staff to continue participating on muck removal projects with the Florida Fish and Wildlife Conservation Commission. It is further recommended that land use changes within the Lake Iamonia watershed be carefully scrutinized for their potential impacts on surface and ground water quality affecting the lake, and that a new lake management plan be developed for Lake Iamonia.

I HEREBY CERTIFY that the above statements were duly approved by the Leon County Countywide Water Resources Citizens Advisory Committee at its meeting on August 4, 2014.



Mr. Robert Scanlon, Chair

Dr. Jim Cavanagh
Ms. Jennifer Cherrier
Mr. John Folks
Mr. Eric Friall
Mr. Lee Killinger
Mr. John Labie
Mr. Robert Scanlon

cc: Leon County Board of County Commissioners
Vincent S. Long, County Administrator

**STATEMENT OF THE LEON COUNTY
COUNTY-WIDE WATER RESOURCES
CITIZENS ADVISORY COMMITTEE**

The Leon County Board of County Commissioners specifically charged the County-Wide Water Resources Citizens Advisory Committee with the responsibility to recommend policies that would strengthen the linkage between water resources and land use. Based on this charge, the Committee has the following recommendations:

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LEON COUNTY PUBLIC WORKS

The WRC therefore recommends that the Leon County Board of County Commissioners direct County staff to continue participating on muck removal projects with the Florida Fish and Wildlife Conservation Commission. It is further recommended that land use changes within the Lake Iamonia watershed be carefully scrutinized for their potential impacts on surface and ground water quality affecting the lake, and that an addendum to reflect the accomplishments in meeting the Plan's objectives, and the current physical changes to the lake and its structures, be developed for Lake Iamonia.

I HEREBY CERTIFY that the above statements were duly approved by the Leon County Countywide Water Resources Citizens Advisory Committee at its meeting on August 4, 2014.



Mr. Robert Scanlon, Chair

Dr. Jim Cavanagh
Ms. Jennifer Cherrier
Mr. John Folks
Mr. Eric Friall
Mr. Lee Killinger
Mr. John Labie
Mr. Robert Scanlon

cc: Leon County Board of County Commissioners
Vincent S. Long, County Administrator

2015 Addendum to the Lake Iamonia Management Plan



Leon County Public Works – Water Resources

Leon County Development Support and Environmental Management

The 1991 Lake Iamonia Management Plan Executive Summary contained ten recommendations for revitalizing the lake. The recommendations have been implemented to date as follows:

1. ***Promote water level fluctuation by improving the connection with the Ochlockonee River, by leaving open the control structure at the sink, and by enhancing flow to and from Strickland Arm and Cromartie Arm.***

The Florida Fish and Wildlife Conservation Commission (FWCC) removed the gates at the sinkhole control structure in 2007. Although the access causeway and culvert remains in place at Cromartie Arm, the Strickland Arm causeway was breached during the Tropical Storm Fay flooding in 2008. The lake level recently fluctuated from flood stage in 2008/09 to inaccessible for boating in 2011/12 back to flood stage in 2014.

2. ***Control exotic, aquatic plants (hydrilla and water hyacinths) with herbicides. Maintain boat trails with mechanical harvesting.***

The FWCC focuses herbicide applications to fishery areas for access and reproductive beds. They routinely apply herbicides to invasive plants, such as hyacinth, as necessary to maintain access.

3. ***Use prescribed burning during low-water periods to reduce surface organic matter.***

The FWCC has not pursued prescribed burning of the lakebed due to concerns raised by homeowners and local agencies regarding smoke and fire control in the peat.

4. ***Strengthen regulations on development activity in the watershed, especially regarding stormwater.***

Local development regulations were enacted in 1991 which addressed stormwater quality, rate and volume, as well as other development standards. Improved sediment and erosion control during site development and home construction is now required. The eastern portion of the basin is protected by the Bradfordville stormwater standard adopted in 2001. In 1991, the Special Development Zone A and Zone B was adopted in the Comprehensive Plan to limit development disturbance close to the Lake.

5. ***Arrange for the preservation of the islands and portions of the shoreline.***

Special development zones were established around the lake perimeter to protect the wetlands buffering the lake. A 50 foot naturally vegetated buffer is required immediately adjacent to the Lake.

6. ***Establish an environmental education program to promote the appreciation and protection of Lake Iamonia.***

Leon County Public Works produces an annual Water Quality Report which describes each of the major lakes in the unincorporated area. Further information is provided below.

7. ***Monitor water quality, aquatic plants, fish and waterfowl on a long term basis.***

Leon County Public Works produces an annual Water Quality Report on water body conditions throughout the unincorporated area, including Lake Iamonia. The most recent report for Lake Iamonia can be viewed on-line at

<http://cms.leoncountyfl.gov/Portals/0/publicworks/engservices/docs/WQdata/2014%20Summaries/2014%20Lake%20Iamonia.pdf>

8. ***Improve existing boat ramps to allow access during periods of low water.***
Leon County Public Works has extended the stabilized areas at the ramps to improve trailer access, as well as extending the dock at Bull Headley Landing for shoreline fishing.
9. ***Study the option of mechanically removing organic matter from the lake bottom and investigate methods of increasing the ability of the sink to accept water.***
The FWCC manages the lake bottom as a jurisdictional water of the State of Florida. Leon County Development Support and Environmental Management assisted with dredging activity through permitting support and coordination with nearby landowners to provide disposal locations for the material removed from the lake bottom.
10. ***Maintain the Lake Iamonia Task Force to promote interagency coordination and full implementation of this management plan.***
The Lake Iamonia Task Force and other lake-specific committees were replaced with the Countywide Water Resources Citizens Advisory Committee to provide consistent oversight for all water bodies in our community.

**Leon County
Board of County Commissioners**


Notes for Agenda Item #18

Leon County Board of County Commissioners

Cover Sheet for Agenda #18

March 10, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of Status Update on the County Sustainability Program

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Robert Mills, Director, Office of Resource Stewardship

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

- Option #1: Accept the status update on the County Sustainability Program.
- Option #2: Provide a fiscal year annual report to the Board on the activities of the Office of Sustainability.

Report and Discussion

Background:

The Office of Resource Stewardship provides the Board with regular updates on the County's Resource Stewardship/Sustainability activities. The reports contain a brief summary of community engagement and education efforts, and updates on major initiatives, both recently completed and pending. This status update reviews the activities from March 2014 through February 2015.

The following agenda items were submitted to the Board, concurrent with or since the March 10, 2015 status report was generated:

Date	Title	Action
10/14/2014	Status Report on Barriers and Opportunities for Small-Scale Farms in Leon County	Accept the status report on barriers and opportunities and Approve staff to begin development of draft ordinances to eliminate barriers to operation of agricultural enterprises and coordinate stakeholder engagement to elicit feedback and ensure community support.
9/23/2014	Status Report on the 2015 Sustainable Communities Summit and Acceptance of Florida Department of Economic Opportunity Grant in the Amount of \$25,000	Accept the status report on the 2015 Sustainable Communities Summit and accept the Florida Department of Economic Opportunity Grant in the amount of \$25,000, and authorize the County Administrator to execute all documents related to the grant project

The Status Update is essential to the following FY2012 - FY 2016 Strategic Initiatives that the Board approved at the January 27, 2015 meeting:

- Implement strategies to promote renewable energy and sustainable practices, including:
 - Complete construction of Leon County Cooperative Extension net-zero energy building (2012).
 - Pursue opportunities to fully implement a commercial and residential PACE program (2012).
 - Consider policy for supporting new and existing community gardens on County property and throughout the County (2012).
 - Expand the community gardens program (2013).
 - Develop energy reduction master plan (2012).
 - Further develop clean-green fleet initiatives, including compressed natural gas (Revised 2013).
- Develop and implement strategies for 75% recycling goals by 2020, including:
 - Identify alternative waste disposal options (2012).
- Implement strategies which ensure responsible stewardship of County resources, including:
 - Identify opportunities whereby vacant, unutilized County-owned property, such as flooded-property acquisitions, can be made more productive through efforts that include community gardens (2013).

These particular Strategic Initiatives align with the Board's Strategic Priorities - Environment and Governance:

- Educate citizens and partner with community organizations to promote sustainable practices. (EN3) 2012
- Reduce our carbon footprint, realize energy efficiencies, and be a catalyst for renewable energy, including solar. (EN4) 2012
- Exercise responsible stewardship of County resources, sound financial management, and ensure that the provision of services and community enhancements are done in a fair and equitable manner. (G5) 2012

Analysis:

Reflective of the Board's vision to create a more sustainable organization and be a catalyst for the community, the County's sustainability efforts have matured and borne fruit as the program has passed from infancy to a more firmly established entity. This Status Update is being provided to inform the Board of activities already underway and planned for the duration of this calendar year. Through the activities outlined, the Office is committed to continuing work that promotes good stewardship of the County's environmental, economic, and social resources in accordance with stated Board Priorities and Initiatives.

Activities are organized by three areas:

1. Resource Conservation,
2. Policy & Program Administration, and,
3. Civic Engagement and Community Partnership

1. Resource Conservation

Key initiatives for this calendar year include:

"Upgrade Leon" Commercial PACE financing program: Property-assessed financing will be made available for alternative energy and storm-hardening projects on commercial structures. Implementation of the program by third party administrator, Ygrene, to launch the "Upgrade Leon" finance program will take shape in the following year. Efforts are to include marketing to property owners, contractors and the general public; as well as program administration of the application and project. A strong effort was underway to launch the program and ensure success into the future, however reflective of judicial proceedings these efforts are temporarily postponed until Supreme Court issues a ruling. In early February 2015, Leon County Attorney's Office participated in Supreme Court oral arguments. It is perceived these oral arguments went well and a ruling could be received soon. The time that full clearance is provided staff will resume implementation.

Energy Master Plan and Benchmarking Compilation of a master database for utility use within County facilities is nearing completion. In partnership with Facilities Management, an action plan specific to energy conservation has been created and will be implemented over the next several years. On site evaluations are underway and the next phases of this comprehensive energy conservation plan are: establish metrics; perform site evaluations; analyze billing; and develop performance baselines for each facility.

This groundwork will enable calculation of itemized savings from investment projects for each facility and provide a foundation for developing programs for behavior change. The overarching objective of this project is to continue reducing energy consumption in County buildings while maintaining or improving the working environment. Additionally, availability of metrics will provide a planning and evaluation tool for management use in prioritizing budgets. This major project will span into 2015. Facilities staff is leading the technical aspects of the project in coordination with the Office of Resource Stewardship. The Office of Sustainability will provide support to communicate project progress and achievements to both internal and external audiences

Sustainable Demonstration Center Resource Efficiency Upgrades: In the fall of 2013, the Office of Sustainability conducted the pilot Workplace Sustainability workshop at Cooperative Extension. This program engages County staff in a cooperative effort to identify and implement improvements in workplace practices in order to use resources more efficiently. The workshop tackles both behavioral changes and identification of physical constraints that may stand in the way of most efficient resource use. One outcome of the pilot effort was identification of physical improvements that would improve resource efficiency. An action plan was devised to carry out the improvements jointly by Cooperative Extension, Facilities, and the Office of Sustainability. On site evaluation has been completed and several sustainable recommendations followed. Sustainable recommendations identified are energy efficient doors, sustainable flooring, and energy efficient lighting. In addition to the listed physical improvements, staff initiated a pilot program to make behavioral changes by reducing disposal water bottle usage at the Extension office. Leon County facilities installed a water bottle filling station first quarter of FY15. Since that time, the station has diverted more than 1200 plastic bottles from the solid waste stream. Leon County Facilities has purchased several more water bottle filling stations and installations will occur as maintenance requirements dictate.

Sharing Tree: Leon County is a primary funding source for The Sharing Tree organization. Due to overwhelming success the Sharing Tree outgrew its existence at Railroad square. The Sustainability Office worked with the Sharing Tree's Board of Directors to evaluate needs and determine alternatives for a new store location. Many locations were evaluated and scored on a needs assessment scale. A final location in Midtown ranked highest. The Midtown location's initial cost per square foot was significantly higher than Railroad Square. However the location's owner felt connected to the Sharing Tree's efforts. Therefore, the owner reduced the cost per square foot to meet the Sharing Tree's budgetary requirements. This continues to show the community buy-in for the efforts of the Sharing Tree. The Midtown location is approximately 2,500 square feet larger than Railroad Square (total 5000 square feet). The new location is more accessible and convenient for patrons/teachers due to its size and central positioning in the county. Leon County directed the moving efforts to the new location by providing in-kind services.

2. **Policy and Program Administration**

Key initiatives for this calendar year include:

Green Fleet Metrics Reporting: An initiative is underway to create and implement a dashboard for reporting quarterly fuel use and fuel economy metrics. Regular reporting of key metrics will inform efforts to reduce fuel use through analysis of patterns. The effort will rectify data gaps and inaccuracies in existing databases and establish a standard system for comparing fuel usage across vehicle classes, departments, and season by season. The dashboard reports will assist the County in attaining its goal of a 3% reduction in fuel use by year FY15 by making data more accessible and easier for managers to analyze and respond to.

Initiate a Sustainability Component for New Employee Orientation: Staff will initiate a sustainability component to be incorporated into the orientation sessions for new employees. The end-product will consist of a brochure and "green" resource sheet to be placed in a reusable water bottle issued for use at work to all new employees. This project will be carried out in cooperation with Human Resources. The project will help to convey to new hires the County's core commitment to sustainability as a daily operating principle.

Community Garden Policy: New gardens continue to be developed and awarded grants consistent with the Board's Community Garden Policy (adopted 2012). Staff engages in ongoing publicity efforts to promote the County's community gardening program. Through these efforts, staff awarded grants to four new Stakeholder Community Gardens on non-County lands in the first quarter of FY15, making a total of **fourteen** gardens supported by the Policy to date. Additionally, staff has two promising community garden grants under evaluation.

The new grants were provided to:

❖ ***Providence Neighborhood Community Garden, 1800 Indian River Street***

To create an aesthetically pleasing, serene environment where children and young adults can be taught to correlate the activities of the garden with specific Sunshine State standards/benchmarks related to Science portions of Florida's primary/secondary school standardized testing. Adults can have access to fresh vegetables, herbs, and flowers. Harvest potluck parties will provide an opportunity for the Providence Neighborhood to experience and embrace the generosity of neighbors and the community-at-large.

❖ ***Southern Scholarship Foundation Community Garden, 1314 High Rd***

To help improve the health and well-being of students who reside at the scholarship houses by providing nutrient-dense foods in the form of fresh vegetables; also, to educate students about how to work hands-on with the food they will eat.

❖ ***Adult & Community Education (ACE) Garden, 283 Trojan Trail***

To grow vegetables and herbs for students, many of who are low-income or unemployed. Two groups will work in the garden: adults enrolled in the Adults with Disabilities program and Adult Basic Education/GED class students.

❖ *Midtown Community Garden, 619 9th Avenue*

Organizers plan to use the MCG for community building, environmental stewardship, and education. Regular teaching about organic production and composting is planned. Garden leaders will work with community residents in “raised bed partnerships,” and some beds will be devoted to growing food to supply hunger needs in the community.

3. Civic Engagement & Community Partnerships

Key initiatives for this calendar year include:

Develop Communications Strategy: In order to balance time demands of communication efforts and achieve better outreach to a diversity of audiences, staff is implementing a “Create Once, Publish Everywhere” (COPE) communications strategy. This strategy will consist of two main elements:

- 1) tying content development more tightly to a limited range of timely County-centric sustainability efforts, and
- 2) improving the dissemination of content created.

The goal is to make the best possible use of effort spent on developing content by channeling the content created to a wider network of audiences. To achieve this goal, staff will work with CMR to identify key audiences and communication channels, including digital, print, and social media. Outlets include but are not limited to digital calendar postings, County Link, blurbs to HOAs; news releases, flyers, Chronicle, Gov. Delivery, and sharing on list-serves with community partners. Staff will devise a plan to support the effort that draws upon County staff, interns, and external support as needed.

Conduct Workplace Sustainability Workshops: Following the pilot project conducted at Cooperative Extension in fall of 2013, the Office of Sustainability has completed the initial preparation of a three-part training workshop on Workplace Sustainability. The program consists of two interactive training sessions with staff within a department followed by a third phase to assist with implementation in conjunction with Facilities and the participating department. Staff has created workshop materials consisting of two PowerPoint presentations, and a workbook for each employee and plan to conduct two additional departmental workshops this year.

Ongoing Activities: The Office of Resource Stewardship collaborates with government entities, businesses, and individual citizens on a routine basis. This includes ongoing work with the Chamber of Commerce through their Leadership Tallahassee, Leadership 2.0, and Youth Leadership programs to expose participants to issues involving locally produced food, energy and water conservation, waste reduction, and balancing a sound environment. Staff will continue to disseminate serving ware guidelines. The guidelines provide rules of thumb for “Best, Better, and Worst” choices while also providing specific product recommendations to simplify shopping.

This concludes the overview of activities slated for the Office of Sustainability's 2015 initiatives, most of which are already underway. The progress of these initiatives will continue to be reported. With the maturing of the sustainability program, staff recommends transitioning from quarterly updates to an annual report for Board consideration.

Options:

1. Accept the status update on the County Sustainability Program.
2. Provide a fiscal year annual report to the Board on the activities of the Office of Sustainability.
3. Do not accept the status update on the County Sustainability Program.
4. Board direction.

Recommendation:

Options #1 and #2.

**Leon County
Board of County Commissioners**


Notes for Agenda Item #19

Leon County Board of County Commissioners

Cover Sheet for Agenda #19

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of the Final Status Report on the 2015 Sustainable Communities Summit

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Robert Mills, Director, Office of Resource Stewardship
Lead Staff/ Project Team:	Maggie Theriot, Assistant to the County Administrator

Fiscal Impact:

This item had been budgeted and adequate funding to host the 2015 Summit was in part associated with a grant in the amount of \$25,000.

Staff Recommendation:

Option #1: Accept the final status report on the 2015 Sustainable Communities Summit.

Report and Discussion

Background:

The 2015 Sustainable Communities Summit builds on the efforts the County began in 2008 by hosting the 2008 Climate Action Summit, which evolved into the ongoing Sustainable Communities Summit occurring in 2010 and 2012. Each of the past three events has been very well received by the community, with capacity attendance, dynamic presentations by nationally recognized keynote speakers, engaging workshops, and break-out sessions. The summits have become a tradition, and citizens and community leaders eagerly look to Leon County to continue hosting these events. The Board accepted a status report describing the preparation and format of the event as part of the September 23, 2014 Commission meeting.

Organizing and conducting the Leon County Sustainable Communities Summit aligns with the following FY2012 - FY2016 Strategic Priority that the Board approved at the January 27, 2015 meeting – Environment:

- Educate citizens and partner with community organizations to promote sustainable practices. (EN3)

Analysis:

The 2015 Summit extended the success of prior summits. The event was held 9:30 am to 2 pm on Saturday, January 24, 2015 at FSU's Turnbull Center. In accordance with community interest and momentum, the theme for this Summit was "Food for Us: We're All at the Table Together." The event was preceded by much inquiry from the community and news media. Interest in the topic of growing our local food movement was evidenced by the number of attendees. Registration for the event reached maximum capacity in the week prior, and as a result plans for overflow participation were put in place. Over 300 participants took part in the event.

In contrast to past events that relied upon a conference-style format, with tracks for break-out sessions, the "Food for Us" Summit was planned as more of a town gathering that enabled participants to take part through facilitated exercises. The main objective of the Summit was to create and host a gathering that could serve as more than simply an event but rather could help to further the local food movement.

Attendees participated in a collaborative and empowering experience that provided a better understanding of how food connects us and how we can enhance our individual and community food futures. As outlined in the pre-Summit agenda item, Leon County was awarded the Department of Economic Opportunity's Technical Assistance Grant in the amount of \$25,000 to aid in creating content for the Summit.

An overview of the summit itself, as well as preliminary and follow-up events, is provided as follows:

Lead-up Events

Pre-Summit Round Table Preview – Last fall, 30 key community partners including leaders from civic organizations, food and health related organizations and businesses, universities, and other community endeavors were invited to preview and assist in shaping plans for the event.

Survey – Another tool utilized in an effort to engage the community and collect data prior to the Summit was a survey created by Leon County. However various meetings occurred to shape the content and value of the survey. The Round Table Partners were the original recipients of the survey, and it snowballed out to the community based on suggestions from the Round Table Partners. In total, more than 65 individuals responded to the survey allowing the collection data on individual's organizational affiliation, their area(s) of work within the food movement, current initiatives, and future initiatives. The survey identified the top areas of interest for future community initiatives, which in turn the top ranked items were integrated into the Summit's facilitated exercises.

Community Outreach – In addition to traditional methods of outreach such as news advisories, outreach included social media, newspaper features, direct outreach to key organizations, partnership with the Round Table partners, and the distribution of over 2,000 bookmarks to Library patrons. On Thursday, January 15, Leon County staff were featured alongside local food experts the WFSU Perspectives radio show. They spread community awareness and engaged in a conversation around the idea of “good food” while publicizing the Summit.

Keynote Tour of the Community – The day before the Summit, Philip Ackerman-Leist and Karen Washington were provided a tour of the community in order to give them a tangible idea of what endeavors have successfully been undertaken to date. Members of Tallahassee Food Network in concert with Leon County employees took the keynotes on a full day tour including school gardens and food forests, community gardens, urban and rural farms, farmer's markets, and local food offerings. This community preview shaped the keynote addresses for the Summit, so Philip Ackerman-Leist and Karen Washington could best share their experience and knowledge in ways that would help foster the local food movement in our community. The tour was so well received, staff is exploring the opportunity to formalize the effort for future community participation.

Summit Activities

“Food For Us” Summit Overview – One of the main objectives of County staff in hosting this Summit was to act as a convener to bring together the individuals working in the food movement with new voices and interests and create a space where they could collaborate, communicate, learn from each other and the national level experts brought as keynote speakers. A sense of connection came out of the Summit, both within the Leon County community and on a national scale, as everyone saw the efforts being made to develop local food systems.

This Summit was intentionally for the community by the community, which is why such an extensive effort was made to engage community members and key stakeholders prior to the Summit, and it revealed the public's willingness to contribute knowledge, skills, and even physical assets like land to local food development. Community interest in the Summit topic was overwhelming, as evidenced by the need to implement an overflow room in the week leading up to the Summit. Not only was it remarkable that over 300 community members attended the Summit, but even more indicative of a successful event was the fact that the majority of attendees, whether in the main room or the overflow room, stayed for the entire event.

The bulk of the Summit was comprised of interactive, facilitated exercises in order to involve people in shaping the future of the food movement, and get them invested in enacting those changes. One of these exercises provided data that, in combination with the survey responses, became a network map identifying connections between local food organizations, agencies, and other interests. Another activity allowed participants to rank a list of initiatives, providing possible direction for the future while amassing support.

The Community Snapshot at the beginning of the day, where local experts provided context of the food movement in the community, and the Poster Session led by TFN immediately following the Summit brought attention to work being done by local food organizations, spotlighting their projects and achievements for the community to celebrate and support. Overall, the Summit offered an opportunity to shape a community vision and orient citizens toward the next steps needed for development of the local food system, while communicating the scope of the challenges ahead.

Follow-up Events

Post-Summit Round Table Retreat – On February 9th, the County hosted a Post-Summit Retreat at the Old Willis Dairy for the Round Table Partners to discuss the next steps of the food movement. The agenda featured a conference call and Q&A with keynote speaker Philip Ackerman-Leist and Vermont's Farm 2 Plate Network coordinator Ellen Kahler to suggest possible next steps based on what worked in Vermont. The retreat included an interactive discussion of the food movement map and possible leadership, organizational structure, and next steps; and large group discussion about the future of the community's local food movement.

Moving Forward

As a component of an agenda on October 14, 2014 relating to barriers and opportunities for small farms in Leon County, the Board directed staff to consider the identification of possible action steps to further the development of the local food system. A written report is forthcoming, overviewing the Summit as a process for identifying potential solutions to achieve community goals in strengthening local food systems and identification of next steps on issues. As provided for through the DEO grant, the report will be written by Matthew Kopka with coordination by County staff. The report can serve as a building block to more formal community collaboration and the possibility of a network forming to continue the forward progress of the growth of our local food system. Additionally staff is exploring opportunities to best leverage our partnership with UF IFAS through Cooperative Extension. Specifically the newly reclassified Sustainable Agriculture & Community Food Systems Extension Agent will become a key resource to foster County goals. Examples could include the creation of a Community Garden Network and contributions to the formation of a comprehensive food plan.

In summary, the Summit largely achieved all of its stated core goals. The event:

- **Heightened awareness** about the growing strength of the food movement and its possibilities, bringing new voices and interests to the conversation.
- Revealed a generous **willingness on the part of the public to contribute knowledge, skills, and physical assets** to local food development.
- **Created a network map** that identifies the connections between local food organizations, agencies, and other local food interests.
- **Boosted local organizations and spotlighted their efforts.**
- Assembled a lengthy **list of food-related initiatives**, some with long gestation in the community and strong public support.
- **Offered a sense of connection** to what is now a national and very diverse movement for the development of local food cultures.
- **Offered an orientation to next steps in local food system development**, communicating the scope of the challenges faced.

Future Sustainable Communities Summit events are anticipated. The structure and focus of such will be shaped by community input, currently goals and initiatives of Leon County as well as the opportunity to meaningfully contribute to the community and shape a more sustainable future.

Options:

1. Accept the status report on the 2015 Sustainable Communities Summit.
2. Do not accept the status report on the 2015 Sustainable Communities Summit
3. Board direction.

Recommendation:

Option #1.

**Leon County
Board of County Commissioners**



Notes for Agenda Item #20

Leon County Board of County Commissioners

Cover Sheet for Agenda #20

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 
Herbert W. A. Thiele, County Attorney 

Title: Acceptance of the Final Status Report Regarding the Implementation of the Gum Road Target Area Planning Committee's Recommendations

County Administrator Review and Approval:	Vincent S. Long, County Administrator
County Attorney Review and Approval:	Herbert W. A. Thiele, County Attorney
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Tony Park, P.E., Director, Public Works Kathy Burke, P.E., Director of Engineering Services
Lead Staff/ Project Team:	Theresa B. Heiker, P.E., Stormwater Management Coordinator

Fiscal Impact:

This item has no direct fiscal impact to the County. Budget costs associated with the implementation of the Target Area Plan are addressed during applicable budget cycles.

Staff Recommendation:

- Option #1: Accept the final status report regarding the implementation of the Gum Road Target Area Planning Committee's recommendation.
- Option #2: Direct staff to discontinue efforts to construct a stormwater facility on the TAPC Pond 3 site, and to discontinue efforts to gain ownership of said site.

Report and Discussion

Background:

Subsequent to the siting of the County's Solid Waste Transfer Facility on Gum Road, the Board appointed a seven-member citizen's committee, the Target Area Planning Committee (TAPC), to review the Target Area and, with assistance from County staff, provide recommendations to the Board to address the anticipated impact of the Facility on the Target Area. The Target Area is surrounded by US Highway 90 to the north, Capital Circle Southwest to the east, the railroad right-of-way to the south, and Aenon Church Road to the west (Attachment #1). The TAPC met 15 times, including hosting an Open House at Tallahassee Community College to receive comments from area residents and businesses.

On March 12, 2002, the findings and final recommendations of the TAPC were presented to the Board for acceptance and approval (Attachment #2). The Board voted to schedule a workshop to address the TAPC recommendations. On April 30, 2002, the Board conducted a workshop on the findings and recommendations of the TAPC. The Board approved the ratification of actions at the Gum Road TAPC Workshop on May 28, 2002 (Attachment #3).

On April 24, 2007, a status report on implementation of the TAPC recommendations was presented to the Board for acceptance (Attachment #4). The Board directed staff to place a priority on funding items identified by the TAPC. On July 10, 2007, the Board's ratification of the preliminary FY 2007/2008 budget workshops included funding for the Aenon Church Road sidewalk and the FEMA Flood Map Revision study.

The Board authorized an amendment to the Gum Road Target Area Master Plan on April 27, 2010 to assist Blueprint 2000 with permitting for the Capital Circle NW/SW – Segment 1 widening. The amendment was subsequently revoked on May 11, 2010 when an alternative location to compensate for the roadway wetland impacts was accepted by state and federal permit agencies.

On May 25, 2010, the Gibby Family Trust's offer to donate land for a joint stormwater facility in the TPA was presented to the Board (Attachment # 5). Staff were provided initial funding and directed to return with the written agreement for the donation.

On November 4, 2014, the Penny Sales Tax Extension was approved by the local community. The Westside Student Corridor Gateway Project, with an estimated cost of \$30 million, was included in the Interlocal Agreement executed between the City of Tallahassee and Leon County.

Analysis:

The recommendations of the Gum Road TAPC, accepted by the Board, generally address four areas: (A) Land Use/Concurrency/Zoning; (B) Water and Sewer; (C) Transportation; and (D) Stormwater. As summarized below, the goals of all of the recommendations approved by the Board have been achieved or are underway, either as originally envisioned or through alternative means. Over \$91.4 million in infrastructure projects associated with these recommendations have been completed or are currently underway.

(A) Land Use/Concurrency /Zoning Recommendations:

1. Waive development fees for Comp Plan amendments, rezoning, subdivision, site plans and permit fees for developments within the Target Area

Status – Completed: This recommendation of the Gum Road TAPC has been fully implemented.

Discussion: Staff refunded all applicable application fees associated with development proposals, Comprehensive Plan amendments, and rezoning requests inside the Target Area that were collected subsequent to the Board's action in May 2002. Approximately \$31,000 was refunded to applicants within the Target Area. To ensure ongoing implementation, staff modified the County's permit enforcement and tracking software (PETS) to indicate that, consistent with Board direction, all fees identified in the recommendation are still being waived. However, the following fees associated with development activities, which were not recommended for waiver, are not, and will not be waived: (1) building permit fees, (2) environmental permit violations, and (3) environmental mitigation fees. Pursuant to Section 553.80(7), Florida Statutes, building permit fees must be consistently applied.

2. Adopt a Western Strategy for the Target Area as shown in text amendment and map amendment

Status – Completed: The goals outlined in the TAPC's recommendations have been achieved without a Comprehensive Plan amendment to establish a "Western Strategy."

Discussion: Substantial public infrastructure investments in the area have addressed, and are continuing to address, the goals TAPC contemplated by its recommended "Western Strategy." Relevant, recent public infrastructure investments, which will facilitate development opportunities consistent with the goals of the TAPC's recommendations, include the extension of central sewer service into the Target Area, along with roadway capacity enhancements currently underway. Therefore, the previously contemplated Comprehensive Plan amendment to establish a "Western Strategy" (generally similar to the Southern Strategy currently in the Comprehensive Plan) has not been pursued as the goals are otherwise being achieved, including some provision of central water and sewer.

3. Research the feasibility of implementing an Enterprise Zone for the Target Area

Status - Completed: Research as to the feasibility of implementing an Enterprise Zone (EZ) for the target area has been completed and previously reported upon.

Discussion: Staff researched the feasibility of implementing an EZ in the Gum Road Target Area, as well as other applicable County economic development programs, and found that establishing such an EZ is not feasible at this time. The County has one designated EZ. An EZ designation or expansion would require a statutory amendment by the Florida Legislature. Because of legal size and population limitations, the addition of any new area to the existing EZ would require a like area to be removed from the EZ.

4. *Explore the application of Transfer of Development Rights (TDR) allowing for the transference of development rights within the Target Area*

Status - Completed: The issue of transferring development rights within the Target area has been researched, and the Board has directed staff not to proceed with such action, and established the GRACE program.

Discussion: Staff conducted a workshop with the Board on this issue on February 25, 2003. The workshop explored the concept of a TDR program with (a) "sending" parcels being environmentally sensitive areas within the Upper St. Marks River Basin, and (b) the "receiving" area being the Gum Road Target Area. Due to the lack of a perceived market demand for such development rights, the Board voted not to proceed with implementing the TDR program. Subsequently, Leon County established the Greenspace Reservation Area Credit Exchange (GRACE) program. In general, the GRACE program provides the ability for developers within the Urban Services Area (USA) of unincorporated Leon County to increase the developable area of a project by reducing the amount of area on their project site that must be committed to landscaping or to natural area if the areas are not preservation features. In exchange, the developer is required to convey to the County other environmentally sensitive lands, specifically flood prone lands that are vested or allowed to be developed.

5. *Monitor economic development in the Target Area for compliance with the Targeted Business Pilot Program*

Status – completed ongoing monitoring, consistent with the TAPC's recommendation, has been fully implemented.

Discussion: Staff monitors economic development in the Gum Road Target Planning Area for compliance with the Targeted Business Pilot Program, as well as other applicable County economic development programs. The County's Targeted Business Pilot Program provides property tax credit to new businesses that are anticipated to create jobs at a specific income level. Staff also continues to monitor businesses for economic development potential in Leon County. On occasion, staff meets with the Economic Development Council (EDC). At the most recent meeting, DSEM staff provided the EDC with maps of the Gum Road TPA and copies of an incentive brochure to assist in economic development efforts. The EDC is aware of these programs, including the fee waivers, for projects in the Gum Road TPA.

(B) Water/Sewer Recommendations:

1. *Construct the sewer extension along Gum Road to Aenon Church Road*

Status – Completed

Discussion: The Gum Road sewer line extension was completed in Fall 2005, at an approximate cost of \$750,000, and is available for proposed development along Gum Road and other areas within the Target Area.

2. *Investigate grants or other funding sources to pay water and sewer tap fees for single family residences*

Status – Completed

Discussion: As previously reported, staff investigated the potential of receiving grants for water and sewer connection fees (tap fees) in 2002, and none were available. The City of Tallahassee does have a low-interest loan program for qualified applicants to assist with the costs associated with water and sewer connection fees. No additional programs have been identified.

(C) Transportation Recommendations:

1. *Widening of Capital Circle NW and SW from I-10 south to Highway 20*

Status – Completed and Under Construction

Discussion: The widening of Capital Circle NW, from US Highway 90 west to I-10, was completed for a construction cost of \$25.5 million. The widening of Capital Circle SW from US Highway 90 to Orange Avenue is underway with a construction cost of \$58.9 million.

2. *Intersection improvement at Highway 90 West (Tennessee Street) and Capital Circle*

Status – Completed

Discussion: The intersection improvement at US Highway 90 and Capital Circle was completed in conjunction with the Capital Circle NW widening project previously noted.

3. *Intersection improvement at Highway 20 and Capital Circle Southwest*

Status – Completed

Discussion: The north-south intersection improvements at Capital Circle SW and Highway 20 are complete at a cost of \$2.1 million. This portion of the project was completed as a component of the required off-site traffic impact mitigation by the Southwood Development of Regional Impact. The east-west intersection improvement will be completed in conjunction with the Capital Circle SW widening project previously noted.

4. *Comprehensive Plan text amendment for the Target Area that extends concurrency from three to ten years*

Status – Completed

Discussion: The Board approved an amendment to the Comprehensive Plan to provide for a 10-year concurrency provision for certain segments of Capital Circle, north of US Highway 90. This provided a bridge to allow development in the interim, until Capital Circle (both SW and NW) capacity improvements were moved into the first three years of the approved CIP. Currently, the recent improvements completed and under construction (i.e. Capital Circle NW and SW) greatly increase roadway capacity and increase the marketability of the Gum Road TPA. Good roadway access is important to businesses when finding a location.

5. *Installation of a sidewalk on Aenon Church Road*

Status – Completed

Discussion: The Aenon Church Road sidewalk project was delayed by stormwater and right-of-way issues. The project was completed in October 2009 at a final cost of \$347,185.

(D) Stormwater Recommendations:

1. *Revision of the FEMA flood plain map within the TPA*

Status – Completed and Ongoing

Discussion: Staff estimated the cost of a FEMA flood plain map revision study at \$250,000. An attempt was made to include this study within the planning and design process for the transportation improvement projects in the area. However, due to the timetables involved with the road projects, this was not accomplished. A FEMA flood plain map revision study was completed in 2010 but not submitted to FEMA as part of the negotiations with the Gibby Family Trust. With the recent improvements to the area, the study will be updated to reflect the Capital Circle Widening and submitted for FEMA approval.

2. *Implementation of Alternative 6 or Alternative 6A*

Status – Completed (greater stormwater mitigation being achieved through construction of facilities not anticipated by the TAPC)

Discussion: Substantially greater floodplain reductions within the Target Area are expected to be achieved through projects that have been completed, or that are underway, than with the projects previously recommended.

- a) The stormwater project known as “Alternative 6” has been partially completed through the FDOT/Leon County/Blueprint 2000 Joint Project Agreement for the stormwater management facility constructed near the intersection of Highway 90 (Tennessee Street) and Capital Circle NW. This facility, equivalent to TAPC Pond 2, is part of Martha Wellman Park. Additionally, the Capital Circle NW/SW Widening Project currently under construction incorporates a bridge and additional culverts, which were not evaluated in the original Gum Road Target Area Master Plan, while it does incorporate a portion of TAPC Pond 3.
- b) The Westside Student Corridor Gateway Project, which will be developed as part of the Penny Sales Tax Extension, will improve the drainage downstream of the Target Area, consequently reducing the floodplain to a greater extent than a construction project on the Gibby Family Trust property.
- c) Additionally, the City of Tallahassee is developing a stormwater treatment project north of Mission Road, which is anticipated to further reduce flows in the West Drainage Ditch as well.

In May 2010, the Board authorized staff to pursue the Gibby Family Trust offer to donate the TAPC Pond 3 site, the previously recommended stormwater facility at Gum Road. However, in light of the projects identified above, and the following considerations, staff recommends that Leon County discontinue its efforts to construct a stormwater facility on the TAPC Pond 3 site, and discontinue discussions with the Gibby Family Trust for the donation of said site.

- a) A joint project is no longer feasible, due to the limited amount of property offered as a donation and expense considerations. A draft Joint Project Agreement was submitted to the Gibby Family Trust for review in September 2010, with a follow-up in December 2010. The Gibby Family Trust requested additional County concessions with each exchange of the draft agreement.
- b) Greater floodplain reductions are anticipated with the projects already constructed or underway, as previously discussed, than would have been reasonably realized through construction on the TAPC Pond 3 site.

Options:

1. Accept the final status report regarding the implementation of the Gum Road Target Area Planning Committee's recommendation.
2. Direct staff to discontinue efforts to construct a stormwater facility on the TAPC Pond 3 site, and to discontinue efforts to gain ownership of said site.
3. Board direction.

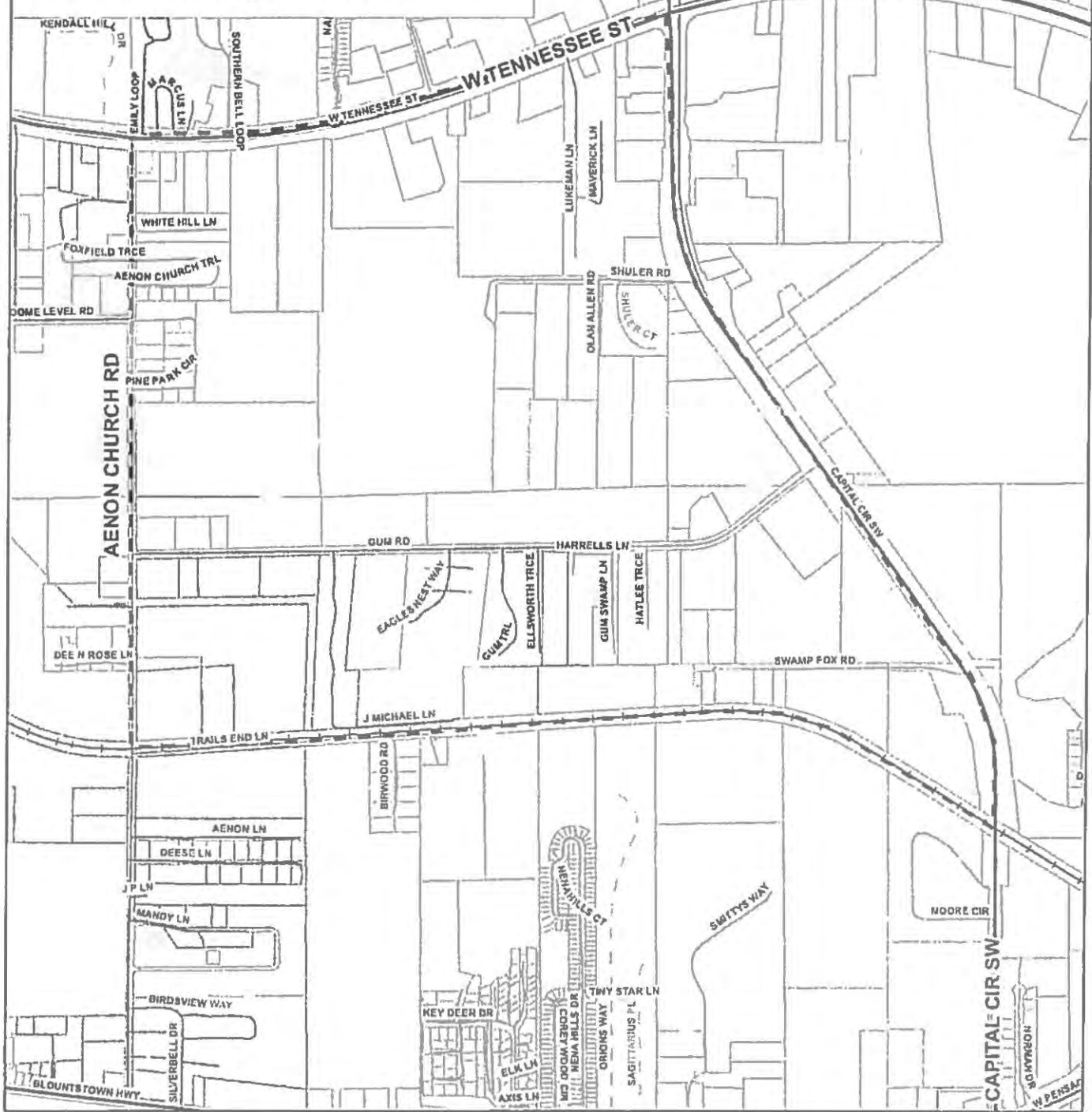
Recommendation:

Options #1 and #2.

Attachments:

1. Map of the Gum Road Target Area
2. March 12, 2002 Board of County Commissioners Agenda Request - Gum Road Target Area Planning Committee Final Report and Recommendations
3. May 28, 2002 Board of County Commissioners Agenda Request – Ratification of Actions Taken at the Gum Road Target Area Planning Committee Workshop
4. April 24, 2007 Board of County Commissioners Agenda Request - Acceptance of the Status Report on the Implementation Gum Road Target Area Planning Committee Recommendations
5. May 25, 2010 Board of County Commissioners Agenda Request – Authorization to Negotiate for Land Donation for the Gum Road Target Area Master Plan and Appropriate Preliminary Project Funding

Gum Road Target Planning Area



DISCLAIMER
NOTE: This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

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Board of County Commissioners Agenda Request 18

Date of Meeting: March 12, 2002

Date Submitted: March 7, 2002

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator
Michael C. Willett, Public Works Director

Subject: Gum Road Target Area Planning Committee Final Report and Recommendations

Statement of Issue:

The Target Area Planning Committee (TAPC) for the Gum Road Solid Waste Transfer Facility presents its findings and final recommendations for Commission acceptance and approval.

Background:

The Target Area Planning Committee consisted of seven citizens, each appointed by a Commissioner, the Public Works Director and the Solid Waste Division Director. The staff person assigned to assist the committee is Nancy Paul, Community Services Specialist.

Committee Member	Appointed By:
Annie Barber	Commissioner Proctor
Paul Byrd	Commissioner Grippa
Waldo Kinsey	Commissioner Sauls
Scott Matteo	Commissioner Rackleff
Harold Palmer	Commissioner Winchester
Rick Singletary	Commissioner Thael
John Schmook	Commissioner DePuy
Mike Willett	
Jud Curtis	

The mission of the TAPC is to address the impact of siting the Solid Waste Transfer Facility in the Target Area. The Target Area is surrounded by US Highway 90 to the north, Capital Circle Southwest to the east, the railroad right-of-way to the south and Aeon Church Road to the west (Attachment #1). The TAPC originated from a recommendation of the Site Development Review Committee and a citizens' committee appointed by the Commission to address site specific issues related to the design and development of the Transfer Facility. The TAPC has met fifteen times since June 13, 2001, including hosting an Open House to receive comments from area residents and businesses. The TAPC received input from professionals in Land Use, Zoning, Stormwater, Utilities, Environmental features and Transportation.

Analysis:

The findings and recommendations of the TAPC are as follows:

Land Use/Concurrency/Zoning

The Gum Road Target Planning Area (TPA) is generally the area defined on the south by Gum Road, on the north by West Tennessee (US 90), on the west by Aeon Church Road, and on the east by Capital Circle Southwest. The Gum Road TPA is located entirely within the unincorporated County. The area comprises approximately 341 acres, and includes six zoning district classifications. These zoning districts include three primarily residential classifications which are R-3 (single and two-family residential district), R-5 (standard design manufactured home and single detached residential district), and MH (standard design manufactured home park district). The remaining three zoning districts are nonresidential classifications which include CP (commercial parkway district), I (industrial district and future land use map designation), and M-1 (light industrial district). The following analysis shows the acreage of the various zoning district classifications found in the Gum Road TPA along with the overall percentage of the study area.

**Gum Road Target Planning Area
Zoning District Classifications**

<u>Zoning District</u>	<u>TPA Acreage</u>	<u>Percentage of TPA</u>
R-3	87	26%
R-5	34	10%
MH	25	7%
CP	132	39%
I*	13	4%
M-1	<u>50</u>	<u>14%</u>
Total 341 Acres		100%

*I (Industrial) is also a Comprehensive Plan Future Land Use Map designation

**All averages are approximate based on GIS analysis of the County's Tax Parcel Maps.

The availability of adequate public facilities to serve new development and redevelopment at a specified level of service (LOS) as established in the

Comprehensive Plan is regulated and monitored through the implementation of the County's Concurrency Management System. Apart from the environmental regulation and protection issues associated with the Gum Creek Watershed, the future development and redevelopment potential of the Gum Road TPA is largely dependent upon the availability of adequate public facilities. This is especially important with regard to the availability of central water and sewer services and roadway capacity on the primary arterial and collector roadway system that serves to provide access to the Gum Road TPA.

Currently, central sewer service from the City of Tallahassee is available to the north and east of the Gum Road TPA within the corporate limits of the City. Additionally, limited City sewer infrastructure has been installed to support a planned mobile home park near the intersection of Capital Circle Southwest and West Tennessee Street. However, the mobile home park did not develop. Instead, the proposed land use has been subsequently replaced by other uses, and the central sewer infrastructure has not been utilized.

Transportation access to the Gum Road TPA is provided directly by the four major roadways that form the boundary of the study area. These roadways include two principal arterials (Capital Circle Southwest and West Tennessee Street), a major collector (Aeon Church Road), and a minor collector (Gum Road).

Presently, Capital Circle Southwest from West Tennessee Street to Blountstown Highway (SR 20) does not have adequate roadway capacity at the adopted LOS to support development (either residential or nonresidential) at any significant density or intensity within the Gum Road TPA. This is also the situation for the roadway segment of Capital Circle NW from West Tennessee to I-10. Intersection improvements at US 90/Capital Circle Southwest and Capital Circle Southwest/Highway 20 that were required to mitigate the offsite traffic impacts associated with the Southwood project will moderately enhance the LOS on this segment of Capital Circle Southwest. However, the LOS on these roadway segments will only be significantly enhanced with the addition of lanes on these facilities.

Additional roadway capacity on the presently deficient segments serving the Gum Road TPA will only provide for moderate levels of both residential and nonresidential development and redevelopment without the availability of central water and sewer service as noted above. Because this area is located within the Comprehensive Plan's designated Urban Service Area (USA), development potential in advance of adequate urban services (particularly central water and sewer) is limited. Nonresidential development is limited to 2,500 square feet per site and residential development is limited to a density of one unit per acre.

Therefore, the availability of adequate public facilities at USA levels, if provided to the Gum Road TPA, will eliminate one of the primary barriers to development and redevelopment that currently exist within the study area. This is specifically the situation for those properties that are designated CP (Commercial Parkway) and located adjacent to West Tennessee Street (US 90) and Capital Circle Southwest.

Land Use/Concurrency/Zoning Recommendations:

1. Waive development fees for Comp Plan amendments, rezoning, subdivision, site plans and permits for developments within the Target Area.
2. Adopt a Western Strategy for the Target Area as shown in Text Amendment and map amendment (Attachment #2).
3. Research the feasibility of implementing an Enterprise Zone for the Target Area.
4. Explore the application of Transfer of Development Rights (TDR) allowing for the transference of development rights within the Target Area.

Water and Sewer

The TPA is located within the USA which is intended to provide for the orderly expansion of water and sewer. Currently, City water is available throughout the TPA but sewer access is limited to a few parcels situated along West Tennessee Street.

The City had previously included in its CIP, a proposed sewer extension to serve the Gum Road area. However, in 1999 the City removed the Gum Road sewer extension from the list of proposed projects, in part based on an increase in the Federal Emergency Management Agency (FEMA) flood elevations for the area. The increased flood elevation reduced the buildable area and the economic potential of the sewer extension. As such, the TAPC's recommendation to review the FEMA flood plain map, as well as traffic concurrency, should further the economics of a sewer extension.

A preliminary sewer extension plan has been presented to the TAPC. The plan (Attachment #3) was prepared by the City and provides for a sewer extension from the Transfer Facility along Gum Road to the Aeon Church Road intersection. The proposed extension includes approximately 3000 feet of either 8 or 10-inch gravity sewer and approximately 3000 feet of 21-inch gravity sewer. As proposed, the 21-inch gravity line would include capacity to handle flows from an existing force main serving development along West Tennessee Street which is near capacity. The additional capacity will also serve new development west of Capital Circle and north of West Tennessee Street including Northwest Passage and Hopkins Crossing. The City estimates the County's cost at \$420,000 plus engineering and permitting costs.

Water/Sewer Recommendations:

1. Construct the sewer extension along Gum Road to Aeon Church Road.
2. Investigate grants or other funding sources to pay water and sewer tap fees for single family residences.

Transportation

When the citizens of Tallahassee/Leon County approved the extension of the One Cent Local Option Sales Tax and the Blue Print 2000 (BP2K) list of transportation, stormwater and greenway improvements contained in the BP2K report, the widening of Capital Circle Northwest, Southwest and the intersections at West Tennessee Street, Highway 20/Blountstown Highway and Jackson Bluff Road were included in that list as top priorities.

The TAPC wants the above noted projects and the two projects shown below to remain as top priorities. The Gum Road intersection improvement is a collaborative effort between FDOT and Leon County. The upcoming Tharpe Street Corridor Study is a County initiative.

Attachment #4 is a Transportation Improvement Matrix that shows the existing project phase and funding status of the existing sales tax and sales tax extension projects impacting the Gum Road target planning area.

The TAPC understands that the ability to achieve the committee's desired priority is contingent upon advanced funding and possible bonding of the BP2K transportation projects. Therefore the TAPC supports these funding efforts and any other funding scenario that guarantees the desired priority. To accomplish the TAPC priority list, the committee recommends advance funding the Capital Circle Southwest, Highway 90 to Highway 20 planning, design and engineering and right-of-way acquisition phases such that the project will be ready to bid when Blue Print 2000 monies become available in 2004.

The TAPC recommends a Comprehensive Plan text amendment for the Target Area (Attachment #2) that extends concurrency from three to 10 years. The City and County recently adopted the Target Business Pilot Program, which reimburses certain businesses based on criteria related to job creation and salaries. This program should be used to place additional emphasis on locating businesses in the Target Area. The success of this program in stimulating development in the Target Area should be monitored.

The TAPC has also reviewed the possibility of a sidewalk along Aenon Church Road. It is apparent from the path along portions of the road that people are using this for pedestrian travel. The north portion of the road has residential units located along the road on private streets that connect to Aenon Church Road. According to residents, it is important to note that because of the industrial uses located south of Gum Road, this road is heavily used by trucks.

Transportation Recommendations:

1. Widening of Capital Circle Northwest and Southwest from I-10 south to Highway 20.
2. Intersection improvement at Highway 90 West (Tennessee Street) and Capital Circle.
3. Intersection improvement at Highway 20 and Capital Circle Southwest.
4. Comprehensive Plan Text Amendment language that extends concurrency from three to ten years (Attachment #2).
5. Installation of a sidewalk on Aenon Church Road.

Stormwater

In February 2000, the Leon County Board of County Commissioners (BCC) approved the siting of the Gum Road Solid Waste Transfer Station (SWTS) in the Gum Creek

Watershed. An area within the watershed surrounding the SWTS was established as a study area and is referred to as the Target Planning Area (TPA).

Leon County contracted with Camp Dresser & McKee Inc. (CDM) in May 2001 to develop a comprehensive scope of services needed to define the necessary components of a watershed management program for Gum Creek and to address recommendations of the TAPC (Phase 1). Leon County subsequently contracted with CDM (September 2001) to perform a portion of the defined Gum Creek Watershed Management Program including stormwater model update and development and ranking of alternative designs for stormwater management (Phase 2).

During development of the alternative designs, CDM met with the TAPC three times during their regular meetings to discuss various aspects of the project. At the first meeting, CDM presented the Committee with twelve potential candidate sites for retrofit facilities. The TAPC provided valuable input and suggestions during the screening process of the candidate sites. Subsequent to this process, six stormwater management design alternatives were developed, evaluated and presented to the TAPC. The design alternatives were ranked based upon selected criteria including flood control, water quality benefit, environmental impact and costs. In January 2002, CDM prepared a draft of the Gum Creek Watershed Management Program - Phase 2 Letter Report for the TPAC. Following the report submission a seventh design alternative was added by the TAPC for consideration. The final report will be completed by CDM within the next week and distributed under separate cover.

The seven design alternatives developed to address stormwater management within the watershed consist of stormwater ponds and/or a diversion channel. Single or multiple stormwater ponds ranging in size from 13 to 40 acres were considered to reduce flooding and provide water quality benefits within the watershed. A diversion channel linking Gum Creek to Gum Swamp was also considered to reduce flooding primarily within the TPA.

The top ranked alternative (Alternative 6) consists of two stormwater ponds (13- and 20-acres) located within the TPA and the diversion channel linking Gum Creek to Gum Swamp. Relatively high levels of flood reduction and water quality benefits are provided by this alternative.

The second ranked alternative (Alternative 4) consists of the two stormwater ponds found in Alternative 6, but does not include the diversion channel. Moderate flood reduction and high water quality benefits are provided by this alternative. The third ranked alternative (Alternative 6A) consists only of the diversion channel (without the ponds). High levels of flood reduction and low water quality benefits are provided by this alternative.

Following completion of the alternative analysis, the TAPC also requested that CDM perform an analysis of the lateral floodplain benefits provided by Alternatives 6 and 6a. This mapping effort is currently being performed by the preparation of comparison peak stage maps between the existing (hydraulic) conditions and alternative peak stages using the two-foot aerial topography provided by the County. This analysis has not yet been completed.

Based on comparisons of stage recorder data and high water marks survey following Tropical storm Allison (June 2000) to the effective FEMA 100-year flood elevations in the Gum Swamp area, a FEMA floodplain map revision may be feasible for Gum Swamp and portions of Gum Creek within the TPA. The rainfall and intensity produced by Tropical Storm Allison were similar to the 100-year design storm.

A FEMA map revision in the Gum Creek Watershed would support planned development within the TPA and would likely facilitate the development of related infrastructure.

It should be noted that since the Gum Creek Watershed drains to the West Ditch, a FEMA map revision for Gum Creek would be dependent upon the effective FEMA 100-year flood elevation of the West Ditch. To revise the FEMA flood map for Gum Creek, the FEMA flood elevation for the West Ditch will likely need to be revised as well.

Stormwater Recommendations:

1. Revision of the FEMA floodplain map within the TPA.
2. Implementation of Alternative 6 or Alternative 6A.

Funding Mechanisms

The TAPC did not make a specific recommendation for funding the various projects. In several instances, primarily the highway projects, the funding sources have been designated and the TAPC's recommendations focused on the schedule. The roadway improvements also include stormwater projects intended to reduce flooding and improve water quality. Intersection improvements at Gum Road and Capital Circle are included in the Transfer Station project as is the cost of extending sewer to the transfer station site. Funds are also budgeted annually for sidewalks.

The two major projects recommended by the TAPC for which funding has not been identified are the revision to the FEMA flood plain map and the sewer extension along Gum Road. There are several possible scenarios for the sewer extension. The City could agree to fund this segment as a one time impact fee which would be consistent with impact fees for the power plant expansion in St. Marks. The County could advance fund this segment and then recover the cost from future connections. Another option would be constructing the extension at such time as the City constructs the sewer from pump station 90 on West Tennessee street to the transfer station sewer line and then fund the extension for the western portion of Gum Road. Implementation of recommended land-use and concurrency policies and revision to the FEMA map could also enhance the economic justification for the sewer extension.

The final recommendation for revising the FEMA flood plain map does not as yet have a cost estimate or funding source; however, the benefits from the study could include increased property values and corresponding revenue, and design enhancement for the stormwater systems to be constructed in conjunction with the widening of Capital Circle through Gum Swamp.

Staff recommends Board acceptance of the TAPC report and recommendations and that the Board direct staff to develop an implementation plan for the TAPC recommendations which include additional funding sources.

Options:

1. Accept TAPC Report and recommendations and direct staff to develop an implementation plan to include any additional funding sources.
2. Schedule Commission Workshop to address TAPC recommendations.
3. Request additional work from TAPC.
4. Board Direction.

Recommendation:

Option 1.

Attachments:

1. Map of Target Area
2. Proposed Text Amendment to Comp Plan
3. Proposed Sewer Extension
4. Traffic Matrix

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Board of County Commissioners Agenda Request 24

Date of Meeting: May 28, 2002

Date Submitted: May 23, 2002

To: Honorable Chairman and Members of the Board
From: Parwez Alam, County Administrator
Michael C. Willett, Public Works Director
Subject: Ratification of Actions Taken at the Gum Road Target Area Planning Committee Workshop

Statement of Issue:

This item seeks Board approval to ratify actions taken at the April 30, 2002 Workshop on the Gum Road Target Area Planning Committee (TAPC) Final Report and Recommendations.

Background:

The Board of County Commissioners (BCC) held a Workshop on April 30, 2002. The purpose of this workshop was to provide the Commission with information and options concerning infrastructure improvements within and surrounding the Solid Waste Transfer Facility and Gum Swamp.

The mission of the TAPC was to address impacts of siting the Solid Waste Transfer Facility in the Target Area. The Target Area is surrounded by US Highway 90 to the north, Capital Circle SW to the east, the railroad right-of-way to the south and Aeon Church Road to the west. The TAPC originated from a recommendation of the Site Development Review Committee, also a citizens committee appointed by the Commission to address site specific issues related to the design and development of the Transfer Facility. The TAPC has met fifteen times since June 13, 2001, including hosting an Open House to receive comments from area residents and businesses. The TAPC received input from professionals in Land Use, Zoning, Stormwater, Utilities, Environmental features and Transportation.

Analysis:

At the Workshop, Scott Matteo and Waldo Kinsey, representing the TAPC, presented

summary findings and recommendations for improvements. The Board unanimously accepted the recommendations of the TAPC regarding four areas:

- Land Use/Concurrency/Zoning
- Water & Sewer
- Transportation
- Stormwater

along with potential funding mechanisms to facilitate their recommendations.

The recommendations made by the TAPC at the Commission Workshop were:

Land Use/Concurrency /Zoning Recommendations:

Waive development fees for Comp Plan amendments, rezoning, subdivision, site plans and permit fees for developments within the Target Area

Adopt a Western Strategy for the Target Area as shown in Text Amendment and map amendment

Research the feasibility of implementing an Enterprise Zone for the Target Area

Explore the application of Transfer of Development Rights (TDR) allowing for the transference of development rights within the Target Area

Monitor economic development in the Target Area for compliance with the Targeted Business Pilot Program.

Water/Sewer Recommendations:

Construct the sewer extension along Gum Road to Aeon Church Road.

Investigate grants or other funding sources to pay water and sewer tap fees for single family residences.

Transportation Recommendations:

Widening of Capital Circle NW and SW from I-10 south to Highway 20

Intersection improvement at Highway 90 West (Tennessee Street) and Capital Circle

Intersection improvement at Highway 20 and Capital Circle Southwest

Comprehensive Plan text amendment for the Target Area that extends concurrency from three to ten years

Installation of a sidewalk on Aenon Church Road

Stormwater Recommendations:

Revision of the FEMA flood plain map within the TPA

Implementation of Alternative 6 or Alternative 6A

Funding mechanisms

The TAPC did not make a specific recommendation for funding the various projects. In several instances, primarily the highway projects, the funding sources have been designated and the TAPC's recommendations focused on the schedule. The roadway improvements also included stormwater projects intended to reduce flooding and improve water quality. Intersection improvements at Gum Road and Capital Circle are included in the Transfer Station project as is the cost of extending sewer to the Transfer Station site. Funds are also budgeted annually for sidewalks.

The two major projects recommended by the TAPC for which funding has not been identified are the revision to the FEMA flood plain map and the sewer extension along Gum Road. There are several possible scenarios for the sewer extension. The City could agree to fund this segment as a one time impact fee which would be consistent with impact fees for the power plant extension in St. Marks. The County could advance fund this segment and then recover the cost from future connections. Another option would be constructing the extension at such time as the City constructs the sewer from pump station 90 on West Tennessee Street to the Transfer Facility sewer line and then fund the extension for the western portion of Gum Road. Implementation of recommended land-use and concurrency policies and revision to the FEMA map could also enhance the economic justification of the sewer extension.

A cost estimate for the final recommendation for revising the FEMA flood plain map is being developed by CDM. A funding source for the FEMA map amendment has not been identified, however, the benefits from the study could include increased property values and corresponding revenue and design enhancement for the stormwater systems to be constructed in conjunction with the widening of Capital Circle through Gum Swamp.

Options:

1. Ratify the actions taken by the Board at the April 30, 2002 Gum Road Target Area Planning Committee Workshop
2. Do not ratify the actions taken by the Board at the April 30, 2002 Gum Road Target Area Planning Committee Workshop
3. Provide other direction to staff

Recommendation:

Option # 1.

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Board of County Commissioners Agenda Request 29

Date of Meeting: April 24, 2007

Date Submitted: April 18, 2007

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator
Vincent S. Long, Deputy County Administrator
Alan Rosenzweig, Assistant County Administrator
David McDevitt, Growth and Environmental Management Director
Tony Park, P.E., Public Works Director

Subject: Acceptance of the Status Report on the Implementation Gum Road Target Area Planning Committee Recommendations

Statement of Issue:

This item requests Board acceptance of a status report on the implementation of the Gum Road Target Area Planning Committee recommendations.

Background:

Subsequent to the siting of the County's Solid Waste Transfer Facility on Gum Road, the Board appointed a seven member citizen's committee, the Target Area Planning Committee (TAPC), to review the Target Area and, with assistance from County staff, provide recommendations to the Board to address the anticipated impact of the Facility on the Target Area. The Target Area is surrounded by US Highway 90 to the north, Capital Circle Southwest to the east, the railroad right-of-way to the south, and Aenon Church Road to the west (Attachment #1). The TAPC met fifteen times, including hosting an Open House at Tallahassee Community College to receive comments from area residents and businesses.

On March 12, 2002, the findings and final recommendations of the TAPC were presented to the Board for acceptance and approval (Attachment #2). The Board voted to schedule a workshop to address the TAPC recommendations. On April 30, 2002, the Board conducted a workshop on the findings and recommendations of the TAPC. The Board approved the ratification of actions at the Gum Road TAPC Workshop on May 28, 2002 (Attachment #3).

Analysis:

The recommendations of the Gum Road TAPC, accepted by the Board, generally address four areas: Land Use/Concurrency/Zoning; Water and Sewer; Transportation; and Storm water. Following is an overview of the Gum Road TAPC recommendations for each of the four areas and a current status report for each item. Most of these recommendations have either been fully implemented or continue to be monitored. Over \$86.5million in infrastructure projects associated with these recommendations have been completed or are currently underway.

However, an administrative oversight resulted in the collection of certain permit fees which were supposed to be waived, pursuant to one of the TAPC recommendations. Upon realizing this oversight, staff has implemented an automated solution that is promptly refunding approximately \$31,000 to 20 customers.

Land Use/Concurrency /Zoning Recommendations:***Waive development fees for Comp Plan amendments, rezoning, subdivision, site plans and permit fees for developments within the Target Area***

Because of an administrative oversight, this recommendation had not been fully implemented prior to March 2007. However, staff has fully implemented this recommendation of the Gum Road TAPC. Staff has initiated the refunding of all applicable application fees associated with development proposals, Comprehensive Plan amendments, and rezoning requests inside the Target Area that were collected subsequent to the Board's action in May of 2002. Approximately \$31,000 is currently being refunded to applicants within the Target Area. The individual refunds will be accompanied by a letter from the County Administrator (Attachment #4). To ensure ongoing implementation, staff has modified the County's permit enforcement and tracking software (PETS) to indicate that future development application fees inside the Gum Road Target Area are to be waived, based on Board direction. Fees associated with environmental permit violations and any required mitigation plans are not being waived.

All fees identified in the recommendation are being waived. Other fees associated with development activity that were not recommended will not be waived. For example, building permitting fees inside the Target Area are not being waived. Pursuant to Section 553.80(7), Florida Statutes, building permit fees must be consistently applied (Attachment #5).

Adopt a Western Strategy for the Target Area as shown in text amendment and map amendment

With the recent extension of central sewer service into the Target Area, along with the roadway capacity enhancements currently underway, it is anticipated that these substantial public infrastructure investments will facilitate development opportunities consistent with the goals of an adopted strategy. Therefore, staff has not pursued the Comprehensive Plan amendment because the primary goals outlined by the Committee in their recommendation have been facilitated by the public infrastructure investment in the area. As of the date of this item, the Gum Road TAPC recommendations

concerning amendments to the County's Comprehensive Plan to establish a "Western Strategy" (generally similar to the Southern Strategy currently in the Comprehensive Plan), have not been implemented.

Research the feasibility of implementing an Enterprise Zone for the Target Area

Staff continues to monitor and research the issue of implementing an Enterprise Zone in the Gum Road Target Area, as well as other applicable County economic development programs. Currently, the County has one designated Enterprise Zone. An Enterprise Zone (EZ) designation or expansion would require a statutory amendment by the Florida Legislature. Because of legal size and population limitations, the addition of any new area to the existing EZ would require a like area to be removed from the EZ.

Explore the application of Transfer of Development Rights (TDR) allowing for the transference of development rights within the Target Area

Staff conducted a workshop with the Board on this issue on February 25, 2003 (Attachment #6). The workshop explored the concept of a TDR program with "sending" parcels being environmentally sensitive areas within the Upper St. Marks River Basin, and the Gum Road Target Area as the "receiving" area. Due to the lack of a perceived market demand for such development rights, the Board voted not to proceed with implementing a TDR program in the County.

Monitor economic development in the Target Area for compliance with the Targeted Business Pilot Program

Staff continues to monitor economic development in the Gum Road Target Planning Area for compliance with the Targeted Business Pilot Program, as well as other applicable County economic development programs. The County's Targeted Business Pilot Program provides property tax credit to new businesses that are anticipated to create jobs at a specific income level.

Water/Sewer Recommendations:

Construct the sewer extension along Gum Road to Aeon Church Road

The Gum Road sewer line extension was completed in the fall of 2005, at an approximate cost of \$750,000, and is available for proposed development along Gum Road and other areas within the Target Area.

Investigate grants or other funding sources to pay water and sewer tap fees for single family residences

In 2002, staff investigated the potential of receiving grants for water and sewer connection fees (tap fees), but there were none available at that time. The City of Tallahassee does have a low-interest loan program for qualified applicants to assist with the costs associated with water and sewer connection fees.

Transportation Recommendations:***Widening of Capital Circle NW and SW from I-10 south to Highway 20***

The widening of Capital Circle NW, from US Highway 90 west to I-10, is currently in progress and is anticipated to be completed this summer. The contract cost of this construction is \$25.5 million. The widening of Capital Circle SW, from US Highway 90 to SR 20, is approaching 60% design completion stage. This project is funded by Blueprint 2000 in FY 2008 and FY 2009 for construction at an estimated cost of \$58.2 million.

Intersection improvement at Highway 90 West (Tennessee Street) and Capital Circle

The intersection improvement at US Highway 90 and Capital Circle are being completed in conjunction with the Capital Circle NW widening project previously noted.

Intersection improvement at Highway 20 and Capital Circle Southwest

The north-south intersection improvements at Capital Circle SW and Highway 20 are completed at a cost of \$2.1 million. This portion of the project was completed as a component of the required off-site traffic impact mitigation by the Southwood Development of Regional Impact. The east-west intersection improvement will be completed in conjunction with the Capital Circle SW widening project previously noted.

Comprehensive Plan text amendment for the Target Area that extends concurrency from three to ten years

The Board approved an amendment to the Comprehensive Plan to provide for a 10-year concurrency provision for certain segments of Capital Circle, north of US Highway 90. This provided a bridge to allow development in the interim, until Capital Circle (both SW and NW) capacity improvements were moved into the first three years of the approved CIP. Currently, with the capacity additions and intersection improvements underway for Capital Circle, the lack of available roadway capacity at the adopted level of service for proposed developments inside the Target Area is not an issue.

Installation of a sidewalk on Aenon Church Road

The Aenon Church Road sidewalk project is approximately at the 60% design stage. The project has not moved forward due to storm water and right-of-way issues. Currently, funding is not available for the project. The estimated cost of the project is \$700,000. This project competes for funding with all other proposed sidewalk projects in the County. Staff will continue to complete this item as funds are approved by the Board.

Storm water Recommendations:

Revision of the FEMA flood plain map within the TPA

Staff has estimated that the cost of a FEMA flood plain map revision study is \$250,000. With the number of transportation improvement projects in the area, an attempt was made to include this study within their planning and design process. However, due to the timetables involved with the road projects, this was not accomplished. Staff will continue to attempt to complete this item based on funding availability.

Implementation of Alternative 6 or Alternative 6A

The stormwater project, known as “Alternative 6”, has been partially completed through the FDOT/Leon County/Blueprint 2000 Joint Project Agreement for the stormwater management facility that has been constructed near the intersection of Highway 90 (Tennessee Street) and Capital Circle NW. Staff is continuing to work with Blueprint staff to complete this project in conjunction with the planned Capital Circle SW widening project as previously noted.

Options:

1. Accept the status report on the implementation of the Gum Road Target Area Planning Committee recommendations.
2. Do not accept the status report on the implementation of the Gum Road Target Area Planning Committee recommendations.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Map of the Gum Road Target Area
2. March 12, 2002 Board of County Commissioners Agenda Request - Gum Road Target Area Planning Committee Final Report and Recommendations
3. May 28, 2002 Board of County Commissioners Agenda Request – Ratification of Actions Taken at the Gum Road Target Area Planning Committee Workshop
4. Draft Fee Refund Letter from the County Administrator
5. Section 553.80(7), Florida Statutes
6. Ratification of Board Action at Board Workshop of Transfer of Development Rights

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Board of County Commissioners

Leon County, Florida

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Agenda Item Executive Summary

Tuesday, May 25, 2010

Title:

Authorization to Negotiate for Land Donation for the Gum Road Target Area Master Plan and Appropriate Preliminary Project Funding

Staff:

Parwez Alam, County Administrator
Alan Rosenzweig, Assistant County Administrator
Tony Park, Director, Public Works

Issue Briefing:

At the May 11, 2010 meeting, the Board took action to maintain the original Gum Road Target Area Master Plan (TPA) by not allowing a conservation easement to be executed with the Florida Department of Environmental Management. At the meeting, Mr. John Gibby stated that the Gibby Trust may be interested in working with the County in developing the stormwater project, required by the TPA, through a land donation. Subsequent to the May 11 meeting, staff has met with Mr. Gibby to begin this process. At this point in time, preliminary discussions have been positive. In an effort to show good faith on behalf of the County, staff is recommending establishing a preliminary budget for the project that can be utilized for preliminary design, engineering, and planning efforts.

Fiscal Impact:

This item has a fiscal impact. A Resolution and associated Budget Amendment Request realizes \$175,000 toward the Gum Road TPA stormwater/water quality project (Attachment #1).

Staff Recommendation:

Option #1: Authorize staff to continue to negotiate with the Gibby Trust and develop a written agreement for a land donation.

Option #2: Approve the Resolution and associated Budget Amendment Request realizing \$175,000 for the project.

Report and Discussion

Background:

At the May 11, 2010 meeting, the Board took action to maintain the original Gum Road Target Area Master Plan (TPA) by not allowing a conservation easement to be executed with the Florida Department of Environmental Management. At the meeting, Mr. John Gibby stated that the Gibby Trust may be interested in working with the County in developing the stormwater project required by the TPA through a land donation.

Analysis:

Subsequent to the May 11 meeting, staff has met with Mr. Gibby to begin the process of the County acquiring land through a donation. At this point in time, preliminary discussions have been positive. In exchange for the property, Mr. Gibby has indicated that he would be seeking an easement to Gum Road and the potential for the County's new stormwater facility to include and/or provide capacity for future development on the Gibby property. In addition, the County will evaluate the potential of the stormwater facility being utilized for greenspace credits associated with the future development of the Gibby property. The property donation and associated requirements will be brought back to the Board in a proposed written agreement.

In an effort to show good faith on behalf of the County, staff is recommending establishing a preliminary budget for the project that can be utilized for preliminary design, engineering, and planning efforts. Funding for this project would come through the County's share of the stormwater portion of the sales tax extension. As directed previously by the Board, during the budget process, staff will present a capital improvement project to address the balance of the funding. Total funding required for the project will be contingent upon the final land costs.

Options:

1. Authorize staff to continue to negotiate with the Gibby Trust and develop a written agreement for a land donation.
2. Approve the Resolution and associated Budget Amendment Request realizing \$175,000 for the project.
3. Accept staff's report and take no further action.
4. Do not authorize staff to continue to negotiate with the Gibby Trust to develop a written agreement for a land donation.
5. Board Direction.

Recommendation:

Options #1 and #2.

Attachment:

1. Resolution and associated Budget Amendment Request

**Leon County
Board of County Commissioners**


Notes for Agenda Item #21

Leon County Board of County Commissioners

Cover Sheet for Agenda #21

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Preliminary Analysis of Fire Rescue Charge Rate Study and Alternative Funding Option

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Lead Staff/ Project Team:	Alan Rosenzweig, Deputy County Administrator Scott Ross, Director, Office of Financial Stewardship

Fiscal Impact:

The County and City jointly fund the Tallahassee Fire Department through a fire rescue assessment and fire rescue fees; collectively, rescue charges. This item provides a preliminary analysis of the proposed fire rescue charge structure; subsequent future items will request the establishment of the fire rescue charge or an alternative funding source.

Staff Recommendation:

Option #1: Include a Budget Discussion Item on the Emergency Fire Rescue Services and Facilities Surtax and the completed fire rescue charge study as part of the April 28th Budget Policy Workshop.

Report and Discussion

Background:

In July 2014, the Board approved the County and City engaging Government Services Group (GSG) to conduct an update to the existing fire rescue services rate study. This agenda item provides the preliminary analysis from the updated rate study and provides a preliminary analysis for a possible funding alternative through a voter approved local option sales tax.

By way of background, Leon County has had a long history of contracting with the City of Tallahassee for the provision of fire rescue services to serve the unincorporated area of the County. A contract for these services was originally entered into in March 1988. That Agreement was amended a number of times through 2005.

In April 2009, a new Interlocal Agreement for five years was executed. The Interlocal Agreement provided that a jointly funded rate study would be developed to determine the necessary funding to support the services being provided by the City of Tallahassee's Fire Department. The approved rate study established an initial fire rescue charge for a period of five years (FY2009 through FY2013).

In addition to fire rescue services, the Interlocal Agreement between the County and the City provides that the City shall provide certain Advanced Life Support (ALS) services and the County shall provide overall medical direction. The Interlocal Agreement provides for a payment from the County to the City for these services.

In July 2013, the County and City negotiated a comprehensive amendment to the Interlocal Agreement, which addressed a number of significant outstanding policy issues. The amendment extends the Agreement for an additional 10 years (commencing October 1, 2015). In addition to the fire rescue charge, the Agreement brought to closure a number of these issues, including:

- Approval of the distribution of the new 5-cent gas tax between the County and the City using a 50/50 allocation;
- Authorized the extension of the existing 6-cent gas tax, with an allocation of 50/50 between the County and the City (this was previously 46% County and 54% City);
- Required the City to concur to an increase of up to a quarter of a mil in the EMS MSTU at a point in the future, if the County determines it is necessary. (Florida Law requires cities to approve of Countywide MSTU's to be levied within the City limits); and
- The County will provide \$150,000 in funding for Palmer Monroe for three fiscal years

With regard to the fire rescue charge, throughout the negotiations and as memorialized in the agreement, the County focused on providing future rate certainty and a level of fiscal constraint on the possible growth in the fire rescue charge. To accomplish this, the Agreement provides, in pertinent part:

- For the current fiscal year (Oct. 1, 2014 through Sept. 30, 2015) the existing rate remained unchanged; this had the effect of having a constant rate for a total of six years;
- Beginning Oct. 1, 2015 (next fiscal year), for five years, the single family dwelling unit fire rescue charge rate cannot increase more than 15% in total over the five years; and,
- Beginning Oct. 1, 2019 and continuing for five years, the fire rescue charge rate structure would be developed utilizing an inflationary index.

The Board approved the terms of the Second Amendment to the Interlocal Agreement Regarding the Provision of Fire and Emergency Medical Services with its second term, to be effective from October 1, 2015 and continue for a period of ten years (Attachment #1).

Consistent with the terms of the Second Amendment, in July 2014, the Board approved the County and City engaging Government Services Group to conduct an update to the fire rescue services rate study.

Analysis:

Over the last several months, the GSG consultant team, with cooperation from TFD, DMS department, Utility Services department, and Leon County staff, has worked to prepare updated rates that reflect the projected TFD budget for the period FY2016 through FY2020.

This projected five-year budget includes the following:

- An accounting of all other sources of Fire Department revenue such as fire inspection fees to ensure that the assessment recovers the County staff, has protection only.
- All associated operating, personnel, equipment, and maintenance costs for Station #16 at Weems Road.
- Additional set of bunker gear for all firefighting personnel, as well as extrication equipment.
- The addition of a Fire Education Officer and 5 Inspectors to the Fire Prevention Division during the five-year budget planning period to increase the Department's proactive educational, inspection, arson investigation, and fire safety training efforts.
- Construction upgrade costs to increase the size of the garage bays at multiple stations so that they can house trucks and apparatus of varying sizes to allow for enhanced equipment staging and housing at all fire stations.
- The personnel costs associated with the Collective Bargaining Agreement that will impact the Fire Department budget in Years FY16 through FY18.

GSG is currently finalizing the updated rate study; the final study is anticipated to be completed in approximately 30 days. The rates are being developed utilizing the same methodology as approved in the previous study. According to the original study:

Service zones were created to reflect the level of service differentiation of a property located in a higher density area that receives fire protection coverage from multiple stations compared to a property located in an area generally described as rural and typically serviced by a single fire station.

Additionally, core stations were defined as stations that are within 5 road miles of two other stations. Given this definition of “core station,” the rate methodology is predicated on two zones, each with distinct rates:

- Zone 1: Properties located within five road miles of two core stations
- Zone 2: Properties located outside of five road miles of two core stations

To ensure fiscal constraint, included in the Second Amendment to the Interlocal Agreement is a provision that the **single-family residential rate** (for both zones) cannot increase more than 15% in total over five years. Preliminary analysis provided by the consultant reflects the following:

- Single family residential rates for Zone 1 are recommended to increase by 12% and zone 2 by 15%;
- Based on call volume analysis, non-residential rates are recommended to increase 3% to 54% depending upon property use category and zone;
- Once increased, the rates for all property use categories will remain flat for five fiscal years;
- This approach is consistent with the previous rate study, and 2014 update, which established a base rate, and maintained the rate constant for six fiscal years; and
- The consultant is finalizing a recommended rate increase for years six through ten.

Residential Property

In reviewing the property use categories from the first rate study, there were two residential categories: single-family residential and multi-family residential. In its new analysis of the two residential property use categories, the consultant has determined that the distinction between the cost of service to either single family or multi-family is not significant. Therefore, the new rate study recommends collapsing the two categories into one residential use property category. Tables #1 provide a comparison of the number of units and the associated rates for each zone.

Table #1: Residential Rate Comparison

Category	Zone #1			Zone #2		
	Unincorporated Units**	Current Rate	Preliminary Rate	Unincorporated Units**	Current Rate	Preliminary Rate
Single Family	6,669	\$179	\$201	39,665	\$161	\$185
Multi Family	1,126	\$125	\$201*	1,094	\$43	\$185*

**These rates and number of units are shown for comparison purposes only. Under the preliminary rate study there will only be one single family residential category. Rates are same for both the City and unincorporated area; rates are established by Zone, not governmental jurisdiction.*

*** Unit numbers are also preliminary.*

Under the new rate study, the single family residential rate will be \$201 for Zone #1 and \$185 for Zone #2; there will not be a distinction between single-family dwelling and multi-family dwelling units. As reflected in Table #1, the previous rate for Zone #2 multi-family was \$43 per unit; under the preliminary rate study the rate will be \$185. For Zone #1, the multi-family rate was \$125 and the new rate will be \$201. However, for the majority of the residential units the change for Zone #1 will be from \$179 to \$201 and for Zone #2 from \$161 to \$185. Through the proposed new rate study, all residential units will be charged the same fire rescue charge rate depending upon the zone in which the property is located regardless of whether the property is located in the City or the unincorporated area.

Alternatively, the residential rate comparison can be calculated on a monthly basis. This is a comparison for individuals paying via the City utility bill:

- Single Family – Zone 1 would increase from \$14.92/month to \$16.75/month
- Single Family – Zone 2 would increase from \$13.42/month to \$15.42/month
- Multi-Family – Zone 1 would increase from \$10.42/month to \$16.75/month
- Multi-Family – Zone 2 would increase from \$3.58/month to \$15.42/month

One of the ongoing complexities with the fire rescue charge is the method in which the funds are collected. For both the County and the City, the proposed rate schedule is uniform. However, the City of Tallahassee will collect all of their assessment and fees on their utility bill. For the unincorporated area residents the fire rescue charge is collected in one of three methods:

- 1) on the City utility bill, if they are a customer;
- 2) a direct bill quarterly; or
- 3) on the tax bill, if they have not paid the direct bill, or they choose to have it placed on their tax bill.

To eliminate the use of the tax bill and the quarterly billing, the County has previously requested Talquin Electric to collect the fire rescue charge on behalf of the County. The County has offered to pay Talquin Electric for this service; however, Talquin has repeatedly declined.

Non-Residential Property

For non-residential property use categories, the consultant intends to establish rates based on call volume distribution. As part of this approach, the consultant is recommending a consolidation of the commercial and institutional property use categories into one commercial category. Attachment #2 includes a preliminary rate schedule. Table #2 provides a summary of the changes across all square footage tiers within each category.

Table #2: Summary of Preliminary Non-Residential Rate Changes

Category	Zone 1	Zone 2
Commercial	26.6%	9.0%
Industrial Warehouse	3.2%	55.1%
Non-Gov. Institutional	(22%)	37.6%

As reflected in Table #2, the changes for the non-residential categories vary greatly by Zone and category. The consultant is creating a single “Governmental” fee that would be applied to all governmental property classifications that include the State of Florida, FSU, FAMU, Lively Vocational, TCC, the Leon County School Board, Leon County, the City of Tallahassee, and the Federal Government. The final consultant report will provide the supporting analysis.

Non-Ad Valorem Assessment

In order to levy the new fire rescue charges, for those customers that pay the fire rescue charge through the tax bill, the County is required to follow the provisions of section 197.3632, Florida Statutes, to notify the residents of the proposed rate increase. This process includes first class letters being sent and conducting a public hearing to approve any fire rescue charge increase. Currently, there are 9,907 properties that pay their fire rescue charge through the tax bill. The public hearing is recommended to be conducted on June 23, 2015.

In summary, the County and City are in the second year of the amended Agreement. The preliminary rates are consistent with the terms of the second amended Agreement. The other terms of the Agreement, related to the gas taxes and Palmer Monroe, have also been implemented.

Lawsuit Update

The County Attorney’s Office has provided the following update on pending litigation related to the levying of the fire rescue charge.

On August 13, 2012, Joseph Childs and Lori Owen (“Plaintiffs”) filed a class action Complaint for Declaratory, Injunctive and Supplemental Relief against the Defendants, City of Tallahassee and Leon County, Florida, in regard to the fire rescue charge levied by the City and County for the purpose of funding fire rescue services.

The Plaintiffs' Complaint plead three causes of action against the City and the County, specifically: declaratory, injunctive and supplemental relief (Counts 1 and 2); unjust enrichment (Count 3); and, temporary and permanent injunction (Count 4). Essentially, the Plaintiffs argue that the fire rescue charges are charged to tenants, lessees, and other non-owner occupants of real property and that the fire rescue charge may only be levied or charged to owners of real property. The Plaintiffs further contend that the City cannot collect the Fire Rescue Charge directly from non-owner occupied premises via utility bills.

On December 18, 2012, Chief Judge Francis dismissed the Plaintiffs' Complaint against both the City and the County. However, two of the Counts dismissed were without prejudice, meaning that the Plaintiffs' could file an amended complaint. The Plaintiffs' filed an amended complaint on February 28, 2013, and once again the Court dismissed the Plaintiff's Complaint in this matter; however, without prejudice. Therefore, the Plaintiffs' were granted thirty days leave of Court to file an amended complaint, which they have done. Since that time, the parties have engaged in considerable discovery and the Plaintiffs' motion for class certification is anticipated to be heard in May 2015. The matter remains pending in the Circuit Court.

Alternative Funding Source for Fire Services

As previously stated, fire services has been funded through the fire services rescue charges. However, there are a number of factors that influence why the Board may wish to consider an alternative funding source:

- To properly fund the Fire Department budget will continue to necessitate raising the existing fire rescue charge and to implement future studies. As discussed in detail, the preliminary analysis provided by the consultant indicates fire rescue charge rate increases are needed to support the fire department's budget.
- To collect the funds, the County must continue to bill individual property owners and tenants through a variety of mechanisms: property tax bill, direct quarterly bill, or monthly utility bill.
- The alternative funding source was not an option that was available when the previous rate study was developed and implemented. The local option sales tax was approved by the legislature in 2009.

As an alternative to the fire rescue charge, Florida law was amended in 2009 to authorize an Emergency Fire Rescue Services and Facilities Surtax. A surtax of up to one percent is intended to constitute an alternative funding source to non-ad valorem assessments and/or ad valorem taxes. To levy the tax, the County and City must enter into an interlocal agreement. Voters would then have to approve by referendum the imposition of the sales surtax at a general election (November 2016). Upon approval, the existing fire rescue charge would need to be reduced and/or eliminated based on the projected revenue that the sales surtax would generate. A one-percent sales surtax is projected to generate \$37.5 million annually, which is sufficient to replace the revenue. Preliminary analysis also indicates there would be sufficient sales tax revenue to possibly mitigate future increases in the EMS MSTU.

At a countywide level, the elimination of the fire rescue charge being replaced with the sales surtax is basically a revenue neutral position. However, given that a portion of the sales surtax is paid by non-County residents (i.e. tourists, out-of-County workers buying local goods) the overall tax burden for Leon County residents would be reduced. Staff is currently updating the analysis of tax revenue paid by out-of-County residents; a preliminary review of the most current available data indicates this amount may be at least 25% of total collections.

A sales surtax provides a unique opportunity to provide a dedicated revenue stream for fire rescue services, while sharing a portion of the fiscal burden with non-residents who conceivably use these services. With the elimination of the fire rescue charge, all residential and non-residential units would benefit from either a reduced utility bill, property tax bill, or no longer receiving a quarterly invoice.

The following provides a brief summary of some of the advantages associated with implementing a sales surtax versus the current fire rescue charge approach:

- Conversion from fire rescue charge to sales surtax is revenue neutral; however, the overall tax burden for the community is reduced given that at least 25% of sales tax collections comes from non-residents;
- Provides for future revenue and budget stability;
- Eliminates the need for rate studies to be prepared to justify fire rescue charge increases;
- The development of rate studies provides unique challenges in trying to equitably attribute the cost of the services to specific property uses; the use of sales surtax as the funding mechanism acknowledges the service provides a countywide community benefit;
- The current methods of collection for the fire rescue charge are challenging and reflect an inconsistent approach in who actually receives the bill (owners vs. tenants);
- Eliminating the fire rescue charge will immediately provide either a reduced utility bill or property tax bill or the elimination of the quarterly bill;
- Eliminates the possibility of future law suits related to the fire rescue charge and/or the billing methodology for collection;
- Eliminating the fire rescue charge provides relief to commercial and institutional establishments;
- For individuals, fire rescue charges are not tax deductible expenses; however, sales taxes are currently deductible.
- Possibly mitigate the need to increase the EMS MSTU in the future

A possible negative perception associated with the imposition of the sales surtax may come with having an 8.5% sales tax rate, which would be the highest in the state.

If the Board would like to further explore the sales surtax, staff recommends a more thorough analysis be provided at the April 28th Budget Policy Workshop. The April 28th Workshop is scheduled for 9:00 a.m. to 3:00 p.m. Given the sales surtax could not be collected until January 1, 2017, and the current rate study expires this September, a new fire rescue charge rate study will need to be adopted and authorized for next fiscal year.

Options:

1. Include a Budget Discussion Item on the Emergency Fire Rescue Services and Facilities Surtax and the completed fire rescue charge study as part of the April 28th Budget Policy Workshop.
2. Direct staff to proceed with the scheduling of a Public Hearing for the fire rescue charge non-ad valorem assessment for June 23, 2015 at 6:00 p.m.
3. Board direction

Recommendation:

Option #1.

Attachments:

1. Second Amendment to Interlocal Agreement Regarding the Provision of Fire and Emergency Medical Services
2. Preliminary Fire Rescue Charge Rates

**SECOND AMENDMENT TO INTERLOCAL AGREEMENT
REGARDING THE PROVISION OF FIRE AND
EMERGENCY MEDICAL SERVICES**

This Second Amendment to the Interlocal Agreement Regarding the Provision of Fire and Emergency Medical Services is made and entered into as of this 5th day of September, 2013, by and between Leon County, Florida, a charter county and political subdivision of the State of Florida (the "County"), and the City of Tallahassee, Florida, a Florida municipal corporation (the "City"), collectively the Parties.

RECITALS

WHEREAS, the Parties entered into an Interlocal Agreement Regarding the Provision of Fire and Emergency Medical Services, dated April 16, 2009, and a First Amendment to Interlocal Agreement, dated June 9, 2009 (collectively, the "Agreement"); and

WHEREAS, Section 4 of the Agreement provides that Exhibits A, B, C, D, and E are incorporated therein; and

WHEREAS, Exhibit E, Paragraph 6.A, to the Agreement provides that modifications to the Interlocal Agreement may be effectuated upon agreement of the Parties; and

WHEREAS, the Parties wish to further amend the Agreement to provide for a Second Term and to address certain long term financial and public safety related issues of both the County and the City; and

WHEREAS, the intent of the Parties is to ensure that appropriate levels of service for Fire and Emergency Medical Services are being provided to the citizens of Leon County and the City of Tallahassee at the most reasonable costs available; and

WHEREAS, to further ensure that all reasonable cost containment measures have been taken, the Parties intend that the new Fire Station 16, which is being designed and will be

constructed on Weems Road, will be staffed, during the remainder of the Initial Term, utilizing existing human resources, and that construction of two (2) other preliminarily planned fire stations will be deferred until further action of the Parties.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter set forth, the Parties do hereby agree as follows:

A. That the Recitals set forth above are incorporated herein and by reference made a part hereof.

B. Exhibit E, Paragraph 1.A, to the Agreement is hereby amended in its entirety to read as follows:

This Agreement shall be effective on the Effective Date. The Initial Term shall commence on October 1, 2009 ("Commencement Date") and continue for a term of six (6) years or until terminated in accordance with this Exhibit. The Second Term shall commence on October 1, 2015 and continue for a term of ten (10) years or until terminated in accordance with this Exhibit.

C. Exhibit E, Paragraph 1.B, to the Agreement is hereby amended in its entirety to read as follows:

Should both Parties desire to terminate this Agreement before expiration of the Second Term, the Agreement shall be deemed terminated upon the effective date of such termination. Such termination and effective date shall be set forth in writing and signed by both Parties.

D. Section 2 of the Agreement is hereby amended in its entirety to read as follows:

Section 2. Provision of Services.

A. Emergency Medical Services. The City shall provide Advanced Life Support (ALS) services continuously within the Primary Response Area (PRA) of those fire stations as designated in Exhibit A. The County shall provide a Medical Director for ALS and Basic Life Support (BLS) services provided by the City to the County, who shall meet all requirements of, and perform the duties and obligations required of, a medical director under Chapter 401, Florida Statutes.

B. Fire Services. During the Initial Term, the City shall provide Fire Services continuously within the respective PRAs of all fifteen (15) fire stations, as identified in Exhibit B, and shall provide a level of services, and shall maintain both minimum staffing and apparatus, in accordance with a fire services five-year rate study (Rate Study), which upon adoption by the Parties will be made a part of this Agreement as Exhibit C. During the Second Term, the City shall provide Fire Services continuously within the respective PRAs of all sixteen (16) fire stations as designated in Exhibit G, and shall provide a level of services, and shall maintain both minimum staffing and apparatus, in accordance with a fire services rate study (Second Term Rate Study), to be performed in accordance with Section 3.A of this Agreement and which upon adoption by the Parties will be made a part of this Agreement as Exhibit F. Fire stations may change from time to time to meet changing needs, but in no event shall the location change nor the number of fire stations decrease without the prior approval of the County.

E. Section 3 of the Agreement is hereby amended in its entirety to read as follows:

Section 3. Funding of and Payment for Services.

A. The Rate Study, Exhibit C, shall be utilized to determine the amount of a special assessment and fire services fee to be imposed by the Parties during the period of the

Initial Term. Not later than January 1, 2015, the Parties shall authorize development of a Second Term Rate Study, subject to the provisions of Section 4. The Second Term Rate Study, the cost of which shall be paid from Fire Services funds, shall be made a part of this Agreement upon adoption by the Parties.

B. The Second Term Rate Study, Exhibit F, shall be utilized to determine the amount of a special assessment and fire services fee to be imposed by the Parties during the period of the Second Term. The Second Term Rate Study, Exhibit F, shall be developed utilizing one of the following structures, as mutually agreed by the Parties:

1. A flat initial five-year assessment/fee rate structure, based upon an assessment methodology utilizing 100% funding of the total assessable costs included in the five-year budget for Fire Services (Fiscal Years 2015 through 2019), but in no event shall any increase in the single family dwelling unit rate exceed 15% of the rate for same, as set forth in Table 16 of Exhibit C; followed by a variable second five-year assessment/fee rate structure utilizing an annual inflationary or appropriate alternative index adjustment; or
2. A variable ten-year assessment/fee rate structure, based upon an assessment methodology utilizing 100% funding of the total assessable costs for the fiscal year 2015 budget for Fire Services and incorporating an annual inflationary or appropriate alternative index adjustment; or
3. A combination of the foregoing structures or an alternate structure, as mutually agreed by the Parties.

C. The Parties may levy an annual fire services special assessment on each parcel or subdivided lot within the jurisdictional boundaries of the Parties for the provision of Fire

Services consistent with the Rate Study, Exhibit C, during the Initial Term and consistent with the Second Term Rate Study, Exhibit F, during the Second Term, and the City shall collect the same, including in the unincorporated area unless otherwise collected utilizing the provisions of §197.3632, Florida Statutes. The Parties shall levy and the City shall collect an annual fire services fee on each parcel or subdivided lot within the jurisdictional boundaries of the Parties for the provision of Fire Services consistent with the Rate Study, Exhibit C, during the Initial Term and consistent with the Second Term Rate Study, Exhibit F, during the Second Term, which are not otherwise assessed.

D. At the end of the first five-year period of the Second Term, either Party may, based upon extraordinary circumstances that may have occurred that have effected the financial conditions utilized in developing the annual fire services special assessment and fee (i.e. inflation rate and/or fuel prices have increased extraordinarily, etc.), request a new rate study be developed by the Parties; however, no new rate study shall be developed without mutual written agreement of the Parties.

E. The EMS MSTU Ordinance shall be revised or amended by the City so that the subject ordinance, which consents to the inclusion of the territorial boundaries of the City of Tallahassee into boundaries of the EMS MSTU, shall expire not earlier than the last day of the Second Term of this Agreement and so that the millage limitation shall be changed to $\frac{3}{4}$ mills upon all real and personal property within the EMS MSTU.

F. Payment for services shall be made as provided in Exhibit D.

F. Section 4 of the Agreement is hereby amended in its entirety to read as follows:

Section 4. Exhibits and Supplemental Provisions.

Exhibits A through E, inclusive, which are attached hereto, and Exhibits F and G, when prepared and attached hereto, shall be deemed incorporated herein as if fully set forth below. The Parties shall comply with the provisions set forth in Exhibits D and E.

G. Exhibit D to the Agreement is hereby amended in its entirety to read as follows:

EXHIBIT D

Payment of Service

1. The City shall collect all fire services fees and assessments imposed by the Parties, in both the incorporated and unincorporated areas of Leon County, unless otherwise collected utilizing the provisions of section 197.3632, Florida Statutes. The City hereby acknowledges that its collection of any fire services fees and assessments imposed by the County shall constitute full payment by the County to the City for all Fire Services provided under the Agreement, subject to the provisions of paragraph 7. Revenues from the unincorporated area will be accounted for in a separate revenue line within the Fire Services Fund.

2. On a quarterly basis and at the end of each fiscal year, the City will provide the County reports identifying total fire services fee revenue collections in the unincorporated area.

3. On or before the 10th day of October of each fiscal year, the City will remit to the County the amount included in the Rate Study or Second Term Rate Study, as applicable, for that fiscal year for the support of Volunteer Fire Departments.

4. The County agrees to pay the City the following amounts for all ALS services, as follows:

On or before the 10th day of each quarter (October, January, April and July), the County shall pay the City the amount of \$675,503 for FY2010, \$690,364 for FY2011, \$705,552 for FY2012, \$721,074 for FY2013, \$736,938 for FY2014, and \$753,151 for FY2015. For the

Second Term, the ALS payment from the County to the City will be annually adjusted to reflect the lesser of (i) the increase in the Consumer Price Index for All Urban Consumers (CPI-U): U.S. City Average, All items (unadjusted) during the most recent twelve-month period for which such index is available at the time the adjustment is calculated, or (ii) the rate of property value growth in Leon County, as determined and reported by the Leon County Property Appraiser, but in no event shall the ALS payment increase by more than 5% annually.

5. Both the City and County recognize that fire services fee rates are based on average assessable costs as reflected in fiscal year(s) budgets. Possible surplus revenues collected in the early years are intended to offset probable increased costs in the latter years identified in the Rate Study and Second Term Rate Study. Any excess funds at the end of each fiscal year will be transferred into a Fire Services Reserve fund for future appropriation.

6. Increases in annual appropriations to the Fire Services Fund shall be restricted to the growth rates in expenditures as identified in the Rate Study or Second Term Rate Study, as applicable. Deviation from these growth rates will need to be approved by the AMC and ratified by the City Commission.

7. The County shall remit to the City all fire services assessment funds received by the County, less the costs of collections, if any, and not previously remitted to the City, at such time as may be agreed upon by the Parties. Within twelve months of the end of each fiscal year, both Parties shall make a financial determination as to the percentage of fire services fees and assessments collected in proportion to the amounts billed for Fire Services for that fiscal year. In the event the amount collected is less than 95% of the amount billed by or on behalf of that Party for such fiscal year, that Party shall be responsible for remitting, to the Fire Services Fund, funds necessary to equal 95% of the amount billed. If an annual shortfall occurs in the Fire Services

Fund the AMC shall determine whether Fire Services Reserve funds should be released to address the deficiency. If Fire Services Reserve funds are not adequate, the AMC may make a recommendation on how to address the shortfall to the Parties and may authorize a new rate study be undertaken.

H. Exhibit E, Paragraph 5, to the Agreement is hereby amended in its entirety to read as follows:

5. Conditions Precedent.

A. The following are conditions precedent to the effectiveness of this Second Amendment to the Agreement and to the obligations of the Parties to comply with the terms and conditions of this Second Amendment to the Agreement:

1. The Parties enter into an Interlocal Agreement providing for the distribution and use of the proceeds of the 5th-Cent Local Option Fuel Tax, not later than September 6, 2013;
2. The Parties enter into a Second Addendum to Agreement for Expenditure of Local Option Gas Tax Proceeds, related to the 6th-Cent Local Option Fuel Tax, not later than September 6, 2013;
3. The County adopts an Ordinance amending Chapter 11, Article XXII of The Code of Laws of Leon County, Florida, regarding the EMS MSTU, so that the millage limitation shall be changed to 0.75 mills upon all real and personal property within the boundaries of the EMS MSTU, not later than October 31, 2013;
4. The City adopts an Ordinance amending the EMS MSTU Ordinance consenting to the continued inclusion of the territorial boundaries of the City of Tallahassee into boundaries of the EMS MSTU, which shall expire not earlier than the last

day of the Second Term of this Agreement, and consenting to a change in the millage limitation to 0.75 mills upon all real and personal property within the EMS MSTU, not later than October 31, 2013;

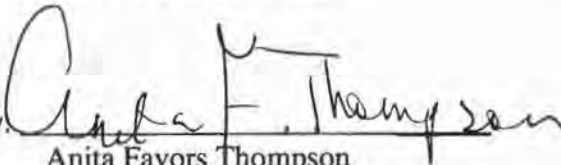
5. The County adopts an Ordinance levying the 5th-Cent Local Option Fuel Tax in Leon County not later than September 30, 2013;
 6. The County adopts an Ordinance re-levying the 6th-Cent Local Option Fuel Tax in Leon County, not later than December 31, 2013;
 7. The County commits to providing on-going funding support for the Palmer Monroe Teen Center in the amount of \$150,000 for FY 2014-2016, inclusive; and
 8. The Parties approve the Second Term Rate Study, and by addendum incorporate same into this Agreement as Exhibit F, not later than March 1, 2015.
- B. The Parties shall use reasonable efforts to satisfy the conditions precedent that are their respective responsibility, to coordinate exchanges of information and documents relating thereto through their respective representatives, and to promptly notify the other Party upon satisfaction of each condition precedent.
- C. If any of the conditions precedent set forth in this Section 5 are not satisfied by the Party responsible therefor on or before the date specified for completion of such condition precedent, then either Party shall have the right to terminate this Second Amendment to the Agreement by notice to the other Party within thirty (30) days after the applicable deadline. Termination in accordance with this Section 8.C. shall not be an event of default under this Agreement, and the Parties shall have no further liability hereunder with respect to this Second Amendment to the Agreement.

I. All other provisions, sections, and requirements in the Agreement not otherwise in conflict with the provisions herein shall remain in full force and effect.

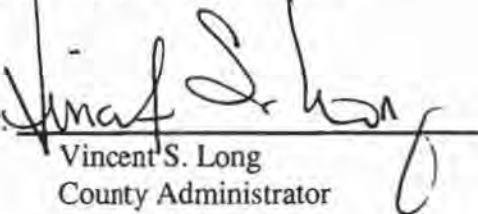
J. That this Second Amendment to the Agreement shall become effective upon full compliance with each condition precedent set forth in Section 8.A.1-8 herein above and full execution by the Parties.

IN WITNESS WHEREOF, the Parties have caused this Second Amendment to the Agreement to be executed by their duly authorized representatives this 5th day of September, 2013.

CITY OF TALLAHASSEE

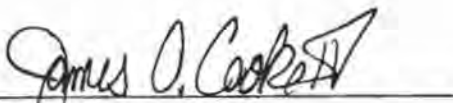
By: 
Anita Favors Thompson
City Manager

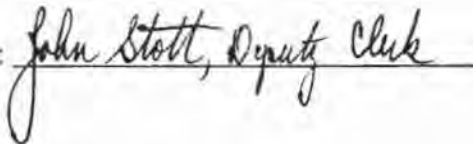
LEON COUNTY, FLORIDA

By: 
Vincent S. Long
County Administrator

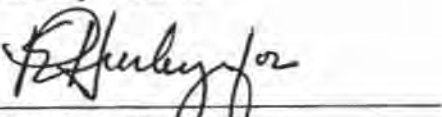
Attested by:

Bob Inzer, Clerk of the Court
Leon County, Florida

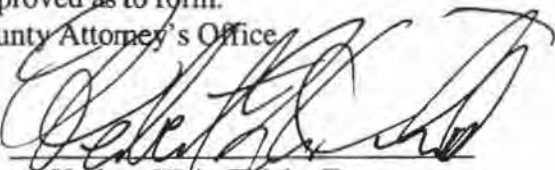
By: 
James O. Cooke, IV,
City Treasurer-Clerk

By: 
John Stott, Deputy Clerk

Approved as to form:
City Attorney's Office

By: 
Lewis E. Sheney, Esq.
City Attorney

Approved as to form:
County Attorney's Office

By: 
Herbert W.A. Thiele, Esq.
County Attorney

Preliminary Non-Residential Property Use Category Fire Rescue Charge Comparison

Property Use Category	Square Feet Calculation	Zone 1 Current	Zone 1 Proposed	Zone 2 Current	Zone 2 Proposed
Commercial	≤ 1,999	\$231	\$293	\$245	\$267
	2,000 – 3,499	\$462	\$585	\$489	\$533
	3,500 – 4,999	\$809	\$1,023	\$856	\$933
	5,000 – 9,999	\$1,155	\$1,461	\$1,222	\$1,332
	10,000 – 19,999	\$2,309	\$2,921	\$2,444	\$2,663
	20,000 – 29,999	\$4,618	\$5,842	\$4,887	\$5,326
	30,000 – 39,999	\$6,926	\$8,762	\$7,330	\$7,989
	40,000 – 49,999	\$9,235	\$11,683	\$9,774	\$10,652
	50,000 – 59,000	\$11,544	\$14,603	\$12,217	\$13,315
	60,000 – 69,000	\$13,852	\$17,524	\$14,660	\$15,978
	70,000 – 79,000	\$16,161	\$20,444	\$17,104	\$18,641
	80,000 – 89,000	\$18,469	\$23,365	\$19,547	\$21,304
	90,000 – 99,999	\$20,778	\$26,285	\$21,990	\$23,967
	≥ 100,000	\$23,087	\$29,206	\$24,434	\$26,630
Non-Government Institutional	≤ 1,999	\$380	\$293	\$194	\$267
	2,000 – 3,499	\$759	\$585	\$388	\$533
	3,500 – 4,999	\$1,327	\$1,023	\$679	\$933
	5,000 – 9,999	\$1,896	\$1,461	\$970	\$1,332
	10,000 – 19,999	\$3,792	\$2,921	\$1,939	\$2,663
	20,000 – 29,999	\$7,583	\$5,842	\$3,878	\$5,326
	30,000 – 39,999	\$11,374	\$8,762	\$5,817	\$7,989
	40,000 – 49,999	\$15,165	\$11,683	\$7,755	\$10,652
	50,000 – 59,000	\$18,956	\$14,603	\$9,694	\$13,315
	60,000 – 69,000	\$22,747	\$17,524	\$11,633	\$15,978
	70,000 – 79,000	\$26,538	\$20,444	\$13,572	\$18,641
	80,000 – 89,000	\$30,330	\$23,365	\$15,510	\$21,304
	90,000 – 99,999	\$34,121	\$26,285	\$17,449	\$23,967
	≥ 100,000	\$37,912	\$29,206	\$19,388	\$26,630
Industrial Warehouse	≤ 1,999	\$27	\$28	\$49	\$76
	2,000 – 3,499	\$54	\$56	\$98	\$152
	3,500 – 4,999	\$95	\$98	\$172	\$265
	5,000 – 9,999	\$135	\$139	\$245	\$378
	10,000 – 19,999	\$270	\$278	\$490	\$756
	20,000 – 29,999	\$539	\$556	\$979	\$1,511
	30,000 – 39,999	\$808	\$834	\$1,468	\$2,266
	40,000 – 49,999	\$1,077	\$1,112	\$1,957	\$3,021
	50,000 – 59,000	\$1,346	\$1,390	\$2,447	\$3,776
	60,000 – 69,000	\$1,616	\$1,668	\$2,936	\$4,532
	70,000 – 79,000	\$1,885	\$1,946	\$3,425	\$5,287
	80,000 – 89,000	\$2,154	\$2,224	\$3,914	\$6,042
	90,000 – 99,999	\$2,423	\$2,502	\$4,404	\$6,797
	≥ 100,000	\$2,692	\$2,780	\$4,893	\$7,552

**Leon County
Board of County Commissioners**


Notes for Agenda Item #22

Leon County Board of County Commissioners

Cover Sheet for Agenda #22

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Establishment of the FY 2016 Maximum Discretionary Funding Levels and Initial Budget Policy Guidance

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Scott Ross, Director, Office of Financial Stewardship

Fiscal Impact:

This item has no current fiscal impact to the County. However, direction from the Board will be used in the development of the FY 2016 budget.

Staff Recommendations:

Option #1: Establish the FY 2016 Discretionary Funding. Unless otherwise specified, a funding level needs to be established by the Board.

Funding Type	FY 2014 Funding Level	FY 2015 ⁽¹⁾
CHSP	\$825,000	
Homeless Shelter Construction ⁽²⁾	\$100,000	\$100,000
Palmer Monroe Teen Center ⁽³⁾	\$150,000	\$150,000
Domestic Violence Coord. Council	\$25,000	
Total	\$950,000	

(1) Amount to be established by the Board

(2) Beginning in FY 2015, the Board approved providing \$100,000/year for five years to assist in the capital construction costs of relocating the Homeless Shelter.

(3) Fixed time limit (FY 2014 – FY 2016) per inter local agreement

Option #2: Maintain the special event funding account that includes the following events, including \$15,000 for County Sponsored Tables/Community Events:

Special Event Agencies	FY 2014 Funding
Celebrate America 4 th of July Celebration	\$2,500
Dr. Martin Luther King Celebration (Inter Civic Southern Leadership Council of Tallahassee)	\$4,500
NAACP Freedom Fund Award (Tallahassee NAACP)	\$1,000
Soul Santa (Frenchtown \$2,500 and Walker Ford \$1,500)	\$4,000
County Sponsored Tables/Community Events	\$15,000
Total	\$27,000

Option #3: Direct staff to bring back budget discussion items at the June 28, 2015 Budget Workshop regarding:

- a. Sheriff Office Salary Study and Pay Plan
- b. Review of the Pay Plan for Leon County Employees
- c. Consideration of Additional Funding as Requested by Legal Services of North Florida
- d. Budget Impacts of Relocating the Supervisor of Elections County Government Annex Building Office to the Elections Facility on Capital Circle Southeast.

Report and Discussion

Background:

On January 27, 2015, the Board adopted the FY 2016 Budget Calendar. Generally, the first budget item the Board considers as part of the budget process is establishing the discretionary funding levels for outside agencies. Subsequent to this item, the Board has Budget Workshops scheduled for April and June; additional workshops can be held if necessary in May and July. As specified in Leon County Ordinance, No. 2006-34 “Discretionary Funding Guidelines” and Policy No. 93-44, County Fiscal Planning Policy, the Board must consider these funding limits prior to March 31 each year (Attachments #1 and #2).

Due to increases in non-departmental funding requests by organizations outside the budget process, the Board adopted Ordinance No. 2006-34, “Discretionary Funding Guidelines” at the November 14, 2006 meeting. The ordinance requires the Board to set a maximum amount of discretionary funds that will be made available to outside agencies during the fiscal year in the following categories: Community Human Services Partnership (CHSP); CHSP – Emergency Fund; Commissioner District Budget; Midyear Funding; Non-departmental funding; and Youth Sports Team. The Board sets the maximum amount of annual funding available in these categories for the budget year. These amounts could be lowered depending on the funding available for competing priorities as the budget is developed and presented to the Board.

The Ordinance also authorizes the County Administrator, or designee, to develop forms and procedures to be utilized by non-profit entities, groups, or individuals requesting funding. Further, the ordinance provides that the County Administrator, or designee, shall establish a process for evaluating the requests for funding.

Most recently during the FY 2015 budget process, the Board authorized the realignment of most line-item funding for outside agencies to contracted services within the appropriate departmental budgets. By directly contracting for county core service, the Board substantially reduced what is considered line-item funding. These agencies now enter into annual continuation of services contracts with the County to provide the necessary services. A list of the agencies and the associated contract amount is shown in Table 1.

Table 1: FY 2015 Outside Agency Contracts for Services

Department Oversight	Permanent Line-Item Agencies	Funding Amount
Office of Intervention & Detention Alternatives	Disc Village	\$185,759
	Palmer Monroe Teen Center ⁽¹⁾	\$150,000
Office of Human Services & Community Partnerships	Whole Child Leon	\$38,000
	UPHS	\$23,750
	TMH Trauma Center	\$200,000
Office of Economic Development and Business Partnerships	Economic Development Council	\$199,500
Office of Sustainability	Keep Tallahassee-Leon County Beautiful	\$23,750
Strategic Initiatives Division	Oasis Center	\$20,000
Division of Tourism Development	COCA ⁽²⁾	\$654,500
Office of Management and Budget	Tallahassee Trust for Historic Preservation	\$63,175
Total		\$1,558,434

(1) Fixed time limit (FY 2014 – FY 2016) per inter local agreement

(2) Recently, funding for COCA was established through revisions to the Tourist Development Tax Ordinance, and an interlocal agreement with the County Redevelopment Authority. Funding for COCA will be provided as specified by ordinance and agreement.

Analysis:

The non-departmental budget process begins with the establishment of the maximum discretionary funding levels for outside agencies. In addition to the Discretionary Funding ordinance, Policy No. 93-44, County Fiscal Planning Policy, requires that prior to March 31, the Board of County Commissioners will:

1. Confirm the list of permanent line item funded agencies that can submit applications for funding during the current budget cycle.
2. Establish the amount of funding to sponsor community partner/table events in an account to be managed by the County Administrator.
3. Provide direction to staff on additional appropriation requests that should be considered as part of the tentative budget development process.

Based on the Discretionary Funding Ordinance, the Board also establishes maximum funding levels for a series of categories. In addition, the Board is to determine which agencies are to receive applications for funding requests.

Table 2 summarizes the discretionary categories and details the funding allocated during the past three fiscal years, FY 2013 thru FY 2015. Except for the Commissioner District budget fund (not shown and currently set at \$9,500 per Commissioner) and special event funding, the categories in the table are covered by Ordinance 2006-034.

Table 2: FY 2013 – FY 2015 Discretionary Funding

Discretionary Funding Category/Fiscal Year	FY 2013	FY 2014	FY 2015
Community Human Service Partnership	\$825,000	\$825,000	\$825,000
Line Item Agency Funding ⁽¹⁾	\$0	\$0	\$150,000
Special Event Sponsorships ⁽²⁾	\$19,000	\$29,000	\$32,000
Youth Sports Teams	\$4,750	\$4,750	\$0
Total	\$848,750	\$858,750	\$1,007,000

(1) For comparative purposes, FY 2013 and FY 2014 adjusted to reflect the realignment of line item funding to contracted services in FY 2015.

(2) For comparative purposes, FY 2013 and FY 2014 are adjusted to reflect the realignment of special event funding for Veteran’s Parade and Operation Thank You! to the Veteran’s Services budget, and Friends of the Library to the Library Services budget.

Community Human Service Partnership Funding

As shown in Table 2, CHSP funding has remained constant at \$825,000 for the past three fiscal years. Funds provided for the Community Human Service Partnerships program are administered by the Office of Human Service and Community Partnerships. These funds are pooled with funds from the City and United Way and allocated to out-side human services organizations based on a competitive application process. As shown, the County’s funding for this program has remained level the past three years.

Line-Item Funding

After the Board establishes the maximum discretionary funding levels and determines which line item agencies it will consider for funding during the budget process, staff sends out line item funding applications to the list of outside agencies. Table 3 reflects the current line item agencies funded in FY 2015. Applications are brought back to the Board for approval during the budget workshops. As a condition of receiving County funding, line item agencies are required to submit a performance report and financial statements annually.

Table 3: FY 2015 Line Item Funding

Line Item Agency	FY 2015 Funding Amount
Homeless Shelter Relocation (Capital Costs)	\$100,000
Knight Creative Communities Initiative	\$25,000
Domestic Violence Coordinating Council	\$25,000
Total	\$150,000

During the FY 2015 budget process, the Board approved a five-year funding commitment to assist in the relocation of the Homeless Shelter. The Board approved providing a total of \$500,000 payable over five years towards the capital construction costs of the facility.

In addition, the Board approved funding to partner with the Knight Creative Communities Initiative in the amount of \$25,000. The funding provided in FY 2015 covers certain program costs over a three-year period.

Subsequent to the Public Safety Coordinating Council declining the Domestic Violence Coordinating Council continuation funding, the Board appropriated \$25,000 to the council to continue its efforts to reduce domestic violence. The County has not received a funding request from either the PSCC or Domestic Violence Coordinating Council for next fiscal year.

Special Event Funding

Leon County has traditionally assisted in funding small festivals and events. These requests do not require a written application, but are included in the budget as direct event sponsorships at the direction of the Board as specified in the Discretionary Funding Ordinance. After the budget is adopted, staff sends a letter to special event organizations to let them know the Board appropriation is available. Once the organization sends an invoice for the event, the funds are released. Table 4 reflects the special events funding agencies that have received funding in FY 2015.

Table 4: FY 2015 Special Event Funding

Special Event Agencies	FY 2015 Funding
Celebrate America 4 th of July Celebration	\$2,500
Dr. Martin Luther King Celebration (Inter-Civic Southern Leadership Council of Tallahassee)	\$4,500
Capital City Classic	\$5,000
NAACP Freedom Fund Award (Tallahassee NAACP)	\$1,000
Soul Santa (Frenchtown \$2,500 and Walker Ford \$1,500)	\$4,000
County Sponsored Tables/Community Event Funds	\$15,000
Total	\$32,000

Funding for these events was placed in a special account to be administered by the County Administrator. In addition, the Board added \$15,000 for Board Table and Community event funding to address times where the Board may not receive prior notification of an event that could be beneficial for County participation. To accommodate this, the Board revised Section 8, of the County’s Fiscal Planning Policy to allow the budgeting of these funds, which are managed by the County Administrator.

During the FY 2015 budget process the Board also directed that special event funding for the Veteran’s Parade, and Operation Thank You!, were realigned to the Veterans Services operating budget. In addition, as directed by the Board at the February 10, 2015 meeting, funding in the amount of \$10,000 for Operation Stand Down was also added to the Veterans Services budget.

In addition, funding for the annual Friends of the Library authors event was moved to the Library Services budget. Furthermore, since the Capital City Classic basketball tournament and the Downtown New Year's Eve Celebration met the eligibility requirements for Tourist Development event funding, the Board directed these two events to apply for tourist development special event grant funding.

Youth Sports Team

In FY 2015, the Board eliminated funding for the Youth Sports Team program. Previously, the Board dedicated \$4,750 to assist in funding after season sports tournaments and award ceremonies. The maximum award was \$500, and funds were available on a first come first served basis. Due to under use (only two teams participated in FY 2013 and FY 2014), the Board discontinued funding the program last year. Staff only received one inquiry regarding the program in FY 2015, and recommends that no funding be provided in FY 2016.

Establishing the FY 2016 Discretionary Funding Level

In summary, Table 5 reflects the current status of line item funding. Other than the previous commitments authorized by the Board, the FY 2016 column shows the level of funding to be determined by the Board.

Table 5: Remaining Line-Item Funding

Funding Type	FY 2015 Funding Level	FY 2016 ⁽¹⁾
CHSP	\$825,000	
Homeless Shelter Construction	\$100,000	\$100,000 ⁽²⁾
Domestic Violence Coord. Council	\$25,000	
Total	\$950,000	

(1) Amount to be established by the Board

(2) Beginning in FY 2015, the Board approved providing \$100,000/year for five years to assist in the capital construction costs of relocating the Homeless Shelter.

Other Funding Considerations

In addition to establishing the maximum discretionary funding level, which includes line-item funding an special event funding, County Fiscal Policy, 93-44 requires the Board to provide direction to staff regarding additional appropriation requests that should be considered during the tentative budget development process. The four items presented below are not inclusive, but represent a number of significant fiscal and policy issues that staff has identified at this point in the budget process. Based on requests by the Sheriff, the Supervisor of Election and Legal Aid of North Florida, staff is recommending the following four items be further evaluated and brought forward as budget discussion items.

1. Sheriff Deputy Pay Plan Review – The Sheriff has requested that an updated pay plan for the Sheriff's Office be considered during the FY 2016 budget process (Attachment #3). The purpose of the update would be to implement a step pay plan, and ensure that deputy and correctional officer wages are competitive with other law enforcement agencies. The Sheriff acknowledges that based on fiscal constraints, any adjustments may need to be made over a number of fiscal years.
2. Similarly to the Sheriff's Office, the County pay plan has not been comprehensively reviewed since 2005. Prior to the recession, the County evaluated the pay plan for market competitiveness every three years. Recently, market studies for County positions have only been conducted on an extremely limited basis; typically, when the County becomes aware after the fact that salary offerings were not competitive in the market. With unemployment falling below six percent, Leon County needs to remain competitive in offering its employees market rate salaries.

To prevent Leon County from falling further behind, staff is recommending the County pay plan be evaluated for market competitiveness. Consistent with the Sheriff's request, any recommendations may have to be implemented over a series of fiscal years.

3. As part last year's FY2015 Budget Public Hearings, the Board directed that any funding increase for Legal Services to be considered as part of the FY2016 budget process. Subsequently, Legal Services of North Florida has requested a \$200,000 increase in funding for FY 2016 (Attachment #4). Currently, Leon County provides Legal Services of North Florida \$132,500 annually. Funding for legal services is required based on the local funding requirements of Chapter 29, Florida Statutes. Due to funding decreases from other federal and state resources, Legal Services of North Florida is requesting additional funding from the County. A complete analysis will be provided in a budget discussion item.
4. The Supervisor of Elections has requested that the administrative functions currently located in the County Government Annex Building (old Bank of America Building) be relocated adjacent to the Election Center on Capital Circle Southeast. Staff is currently working with the Supervisor of Elections Office to determine the cost and long-term impacts of such a move. A complete analysis will be provided in a budget discussion item.

Staff recommends bringing back budget discussion items on these items at the June 28, 2015, Budget Workshops.

Options:

1. Establish the FY 2016 Discretionary Funding. Unless otherwise specified, a funding level needs to be established by the Board.

Funding Type	FY 2015 Funding Level	FY 2016 ⁽¹⁾
CHSP	\$825,000	
Homeless Shelter Construction ⁽²⁾	\$100,000	\$100,000
Domestic Violence Coord. Council	\$25,000	
Total	\$950,00	

(1) Amount to be established by the Board

(2) Beginning in FY 2015, the Board approved providing \$100,000/year for five years to assist in the capital construction costs of relocating the Homeless Shelter.

2. Maintain the special event funding account that includes the following events, including \$15,000 for County Sponsored Tables/Community Events:

Special Event Agencies	FY 2014 Funding
Celebrate America 4 th of July Celebration	\$2,500
Dr. Martin Luther King Celebration (Inter Civic Southern Leadership Council of Tallahassee)	\$4,500
NAACP Freedom Fund Award (Tallahassee NAACP)	\$1,000
Soul Santa (Frenchtown \$2,500 and Walker Ford \$1,500)	\$4,000
County Sponsored Tables/Community Events	\$15,000
Total	\$27,000

3. Direct staff to bring back budget discussion items at the June 28, 2015 Budget Workshop regarding:
 - a. Sheriff Office Salary Study and Pay Plan
 - b. Review of the Pay Plan for Leon County Employees
 - c. Consideration of Additional Funding as Requested by Legal Services of North Florida
 - d. Budget Impacts of Relocating the Supervisor of Elections County Government Annex Building Office to the Elections Facility on Capital Circle Southeast.

4. Board direction.

Staff Recommendation:

Options #1, #2, and #3 a-d.

Attachments:

1. Leon County Ordinance 2006-34, Discretionary Funding Guidelines
2. Fiscal Planning Policy 93-44
3. Letter from Sheriff Mike Wood requesting an updated pay plan
4. Letter from Legal Services of North Florida regarding an increase in Article V funding

Leon County, Florida, Code of Ordinances >> - CODE OF LAWS >> Chapter 2 - ADMINISTRATION >>
ARTICLE XI. DISCRETIONARY FUNDING GUIDELINES >>

ARTICLE XI. DISCRETIONARY FUNDING GUIDELINES

[Sec. 2-600. Application of article.](#)

[Sec. 2-601. Annual appropriation.](#)

[Sec. 2-602. Definitions.](#)

[Sec. 2-603. Application process.](#)

[Sec. 2-604. Funding category guidelines.](#)

[Secs. 2-605—2-699. Reserved.](#)

Sec. 2-600. Application of article.

This article shall govern the allocation of discretionary funds and provide the board a maximum amount of annual funding available in each of the following fund categories:

- (a) Community human services partnership fund;
- (b) Community human services partnership—Emergency fund;
- (c) Commissioner district budget fund;
- (d) Midyear fund;
- (e) Non-departmental fund; and
- (f) Youth sports teams fund.

(Ord. No. 06-34, § 1, 11-14-06)

Sec. 2-601. Annual appropriation.

Funding for the purposes set forth in this article shall be subject to an annual appropriation by the board in accordance with this article.

(Ord. No. 06-34, § 1, 11-14-06)

Sec. 2-602. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Community human services partnership fund shall mean funds eligible for allocation to social service programs.

Community human services partnership—Emergency fund shall mean funds eligible for allocation for one time funding to meet an emergency situation.

Commissioner district budget fund shall mean funds eligible for allocation to each commissioner for activities relating to his or her district or the county at large.

Emergency situation shall mean those exigent circumstances that would prohibit or severely impact the ability of a currently funded community human services partnership (CHSP) agency to provide services.

Midyear fund shall mean funds eligible for allocation for requests that occur outside of the regular budget process.

Non-departmental fund shall mean funds eligible for allocation for non-profit entities that are included, by direction of the board, as part of the regular adopted budget.

Non-profit shall mean an entity that has been designated as a 501(c)(3) eligible by the U.S. Internal Revenue Services and/or registered as a non-profit entity with the Florida Department of State.

Youth sports teams fund shall mean funds eligible for allocation for temporary and nonrecurring youth sporting events such as tournaments and playoffs, and events recognizing their accomplishments.

(Ord. No. 06-34, § 1, 11-14-06)

Sec. 2-603. Application process.

- (a) The county administrator or his designee is authorized to develop forms and procedures to be used by a non-profit, group or individual when submitting a request for funding consistent with the provisions herein.
- (b) The county administrator or his designee shall establish a process for evaluating requests for funding made pursuant to this article.

(Ord. No. 06-34, § 1, 11-14-06)

Sec. 2-604. Funding category guidelines.

- (a) *Community human services partnership program fund.*
 - (1) Non-profits eligible for community human service partnership (CHSP) funding are eligible to apply for funding for other programs or specific event categories as long as the organization does not receive multiple county awards for the same program or event, or when requesting funding for an activity that is not CHSP eligible, such as capital improvements.
 - (2) Annually, as part of the budget process, the board shall confirm the allocation of funding set aside for the community human services program.
- (b) *Community human services partnership program—Emergency fund.*
 - (1) Non-profits that are funded through the CHSP process are eligible to apply for emergency, one-time funding through the community human services partnership program—Emergency fund.
 - (2) Annually, as part of the budget process, the board shall confirm the allocation of funding set aside for the community human services partnership program—Emergency fund.
 - (3) These funds are available to any agency that is currently funded through the CHSP process.
 - (4) The request for emergency funding shall be made at a regular meeting of the board. If deemed appropriate, the request for emergency funding shall then go before a CHSP

sub-committee consisting of members from the CHSP review boards of each of the partners (Leon County, the City of Tallahassee, and the United Way of the Big Bend). The sub-committee shall determine if the situation would qualify as an emergency situation and what amount of financial support would be appropriate. The CHSP shall then make a recommendation to the county administrator, who is authorized to approve the recommendation for funding.

- (5) In the event the board does not meet in a timely manner, as it relates to an agency's request, the county administrator shall have the authority to appropriate expenditures from this account.
- (c) *Commissioner district budget fund.*
- (1) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the commissioner district budget fund.
 - (2) Expenditures shall only be authorized from this account for approved travel, and office expenses.
- (d) *Midyear fund.*
- (1) Non-profits, groups or individuals that do not fit into any of the other categories of discretionary funding as outlined in this article are eligible to apply for midyear funding.
 - (2) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the midyear fund.
 - (3) In the event the board does not meet in a timely manner, as it relates to a funding request, the county administrator shall have the authority to appropriate expenditures from this account. Such action is thereafter required to be ratified by the board.
- (e) *Non-departmental fund.*
- (1) Non-profits eligible for non-departmental funding are eligible to apply for funding in any other program or specific event categories as long as the organization does not receive multiple county awards for the same program or event. Eligible funding activities in this category are festivals and events and outside service agencies.
 - (2) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the non-departmental fund.
 - (3) Non-profits eligible for funding through the cultural resources commission (CRC) Leon County Grant Program (funded through the non-departmental process) are eligible for funding in other program or specific event categories as long as the organization does not receive multiple county awards for the same program or event.
- (f) *Youth sports teams fund.*
- (1) Non-profits or athletic teams of the Leon County School System that are eligible for the county's youth athletic scholarship program are not eligible for funding pursuant to this article.
 - (2) Annually, as part of the budget process, the board shall determine the amount of funding pursuant to this article.
 - (3) The award for youth sports teams shall not exceed \$500.00 per team.
 - (4) Youth sports teams requesting funding from the board shall first submit their requests in writing to the county administrator or his or her designee for review and evaluation. The request must include certified documentation establishing the legitimacy of the organization.
 - (5) Funding will be allocated on a first-come, first-served basis. In the event that more than one request is received concurrently when the fund's balance is reduced to

\$500.00, the remaining \$500.00 will be divided equally among the applicants meeting the evaluation criteria.

- (6) Applicants must have participated in a city, county, or school athletic program during the year in which funding is sought.
 - (7) Team participants must be 19 years of age or younger.
 - (8) The requested funding shall support post-season activity, e.g., tournaments, playoffs, or awards banquets associated with extraordinary performance.
 - (9) After the youth sports team funding level is established by the board during the budget process, the county administrator shall have the authority to appropriate expenditures from this account.
- (g) *Appropriation process.* Annually, prior to March 31, the board shall:
- (1) Determine the amount of funding set aside for each funding category identified in this article;
 - (2) Determine the list of permanent line item funded entities that can submit applications for funding during the current budget cycle; and
 - (3) Provide direction to staff on additional appropriation requests that should be considered as part of the tentative budget development process.

(Ord. No. 06-34, § 1, 11-14-06; Ord. No. 11-04, § 1, 2-8-11; Ord. No. 11-08, § 1, 5-24-11; Ord. No. 13-08, § 1, 3-12-13)

Secs. 2-605—2-699. Reserved.

Board of County Commissioners Leon County, Florida

Policy No. 93-44

Title: Fiscal Planning

Date Adopted: March 11, 2014

Effective Date: March 11, 2014

Reference: N/A

Policy Superseded: Policy No. 93-44, revised 2/8/2011; Policy No. 93-44, revised 11/16/04; Policy 93-44, adopted 8/10/93; Policy No. 92-3, AFiscal Planning,@ adopted 3/10/92

It shall be the policy of the Board of County Commissioners of Leon County, Florida that: Policy No. 93-44, revised by the Board of County Commissioners on February 8, 2011, is hereby superseded, and a revised policy is hereby adopted in its place, to wit:

The County will establish fiscal planning practices to:

1. Provide that the annual operating and capital budget for Leon County shall be developed in conformity with the Tallahassee-Leon County Comprehensive Plan by the Office of Management and Budget, under the advisement of the County Administrator and adopted as provided in State law by a majority vote of the Board of County Commissioners presiding in a public hearing.
2. Provide for the development and annual review of a capital improvement budget. This budget shall contain a 5-year plan for acquisition and improvement of capital investments in the areas of facilities, transportation, equipment and drainage. This budget shall be coordinated with the annual operating budget.
3. Provide that the Board of County Commissioners will continue to reflect fiscal restraint through the development of the annual budget. In instances of forthcoming deficits, the Board will either decrease appropriations or increase revenues.
4. Provide that the County will strive to better utilize its resources through the use of productivity and efficiency enhancements while at the same time noting that the costs of such enhancements should not exceed the expected benefits.
5. Provide that expenditures which support existing capital investments and mandated service programs will be prioritized over those other supporting activities or non-mandated service programs.

6. Provide that the County Administrator shall be designated Budget Officer for Leon County and will carry out the duties as set forth in Ch. 129, F.S.
7. Provide that the responsibility for the establishment and daily monitoring of the County=s accounting system(s) shall lie with the Finance Division of the Clerk of the Circuit Court, and that the oversight of investment and debt management for the government of Leon County shall lie with the Board of County Commissioners.
8. Annually, prior to March 31, the Board of County Commissioners will:
 - A. Establish a budget calendar for the annual budget cycle.
 - B. Confirm the list of permanent line item funded agencies that can submit applications for funding during the current budget cycle.
 - C. Establish the amount of funding to sponsor community partner/table events in an account to be managed by the County Administrator.
 - D. Provide direction to staff on additional appropriation requests that should be considered as part of the tentative budget development process.
9. Provide that this policy shall be reviewed annually by the Board of County Commissioners to ensure its consistency and viability with respect to the objectives of the Board and its applicability to current state law and financial trends.

Revised 3/11/2014



Sheriff Mike Wood

LEON COUNTY SHERIFF'S OFFICE

February 13, 2015

Leon County Courthouse
Vincent S. Long, County Administrator
301 S. Monroe Street
Tallahassee, FL 32301

Re: Leon County Sheriff's Office FY2016 Budget Planning

Dear Administrator Long,

The Leon County Sheriff's Office strives to attract and retain the most qualified personnel to provide law enforcement services to this great county. Almost a decade ago, inconsistencies in salary ranges within the agency were identified. With the Board of County Commissioners' assistance, we were able to implement an intensive realignment process that resulted in equality to staff salary ranges. The long term vision has always been to implement a step pay plan that ensured salaries were competitive in the local and statewide law enforcement and corrections industries. Despite our best efforts, the Leon County Sheriff's Office has been unsuccessful in this goal due to budget constraints. Though the Board of County Commissioners has graciously implemented Cost of Living Adjustments over the last several years, it has only helped slow the ever increasing salary disparity between our agency and the Tallahassee Police Department.

Preliminary benchmark pay studies have shown that our agency has fallen further behind in its ability to provide competitive compensation. It is my wish to institute a true step pay plan for all sworn personnel that realigns salary ranges based upon law enforcement and corrections experience while making our sworn personnel equitable with other local sworn personnel and competitive with other state agencies. The process to achieve this goal may encompass multiple fiscal years but I have made this a priority and am committed to its success.

I would like for our staffs to work together in developing an updated pay plan that is reasonable, equitable and competitive, to be considered during this current budget cycle. I ask for your guidance, assistance and support in achieving this important goal.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Wood".

Mike Wood, Sheriff



Post Office Box 727 ★ Tallahassee, Florida 32302-0727
Office Phone (850) 606-3300 ★ Jail Phone (850) 606-3500
Please visit us on the web at: www.leoncountysos.com





www.lsnf.org

Legal Services

of NORTH FLORIDA

HOPE. JUSTICE. FOR ALL.



February 23, 2015

Vincent S. Long
County Administrator
Leon County Courthouse
301 South Monroe Street
Tallahassee, FL 32301

Dear Mr. *Long*:

Legal Services of North Florida (LSNF) is requesting an increase of \$200,000 above current funding levels to provide services to poverty level clients in Leon County. Funding in 2015 from LSNF's core funders, the Legal Services Corporation and the Florida Bar Foundation, is projected to be \$905,000 less annually than it was in 2010, but more people are eligible for our services and in desperate need due to the economic recession. LSNF has been reducing staff; since 2010, we have three fewer attorneys in our Tallahassee office. Services have been reduced from 3,043 in 2010 to 2,168 in 2014 for cases handled on behalf of Leon County residents. Despite these reductions, LSNF in the last two years has obtained 259 injunctions for protection, 57 dissolutions of marriage, \$1,128,331 in one-time benefits and \$695,414 in annualized benefits for Leon County residents, in addition to saving 45 residents' homes.

Section 29.00a(2) requires counties to pay the reasonable and necessary salaries, costs, and expenses of the state courts system including associated staff and expenses to meet local requirements. Legal aid programs are specifically designated as a local requirement. To assist in meeting that requirement, the county can and has adopted an ordinance to impose a fee on criminal offenses, 25% of which shall be allocated to legal aid programs. Unfortunately, resources available to our agency are extremely insufficient to meet the need and have been reduced significantly, creating a crisis for vulnerable residents of our community. While there is no guidance to evaluate reasonable and necessary costs of services, LSNF respectfully suggests that the amount requested fits within an analysis of reasonable and necessary costs.

Studies, beginning with an American Bar Association initiative in 1994, have documented the unmet legal needs of low-income residents. The studies, through 2009, consistently concluded that 80% of the needs were unmet. In light of reduced resources and increased needs, the most recent analysis, as expressed by the President of the Florida Bar, is that 88% of the need is currently unmet. To meet the need in Leon County will require several million additional dollars.

We realize that the entire effort should not fall to the county and that resources must be available from a variety of sources—federal, state and local government, as well as private foundations and donors, and attorneys who volunteer their time and resources. LSNF has garnered support from all of these sources but they are not sufficient to meet the need.

HOME OFFICE

2119 DELTA BOULEVARD
TALLAHASSEE, FL 32303-4220
850-385-9007 • FAX 850-385-7603
ADMINISTRATIVE FAX 850-205-6540
DEVELOPMENT FAX 850-385-5684

BRANCH OFFICES

121 NORTH JACKSON STREET
QUINCY, FL 32351-2316
850-875-9881 • FAX 850-875-2008

211 EAST 11TH STREET
PANAMA CITY, FL 32401-2938
850-860-9599 • FAX 850-860-2041

133 STAFF DRIVE, SUITE B
FT. WALTON BEACH, FL 32548-5050
850-862-3279 • FAX 850-862-3275

1741 NORTH PALAFOX STREET
PENSACOLA, FL 32501-2138
850-432-3222 • FAX 850-432-2329

Page 2
V. Long
February 23, 2015

Current county resources to fund civil legal assistance total \$185,620 (including the proportionate county contribution to CHSP). \$45,900 are used to fund coordination of pro bono services through the Legal Aid Foundation of the Tallahassee Bar Association (not counting in kind contribution of space). The remaining funds (\$139,720) are used to fund staff attorneys employed by LSNF.

Private and government employed attorneys contribute their time and monetary resources generously to Legal Services of North Florida, who supports coordination of their services primarily with Federal Government funds. Their efforts are instrumental in meeting the unmet need. But experienced staff attorneys who specialize in issues impacting poor and vulnerable residents are essential in addressing their most complicated issues—attorneys who are trained and experienced in such areas as the dynamics of domestic violence (with necessary related safety planning), foreclosure defense, issues involving federally subsidized housing, and Chapter 13 bankruptcy reorganizations as examples. The work of these attorneys results in reducing criminal activity, reducing costs to employers and other providers of services in the community, protecting women and children and preventing the continuation of the cycle of violence, saving homes that protect property values of nearby homeowners and contribute to the tax base, and reducing the need for other human service providers. Staff attorney expertise also allows them to significantly contribute to task forces and committees seeking solutions to community issues (through their service, for example, on the Fatality Review Team, the Commission on the Status of Women and Girls, and the TCC Fostering Achievement Program) and to collaborate with other human service agency staff to holistically address people's needs and give them greater opportunities for success.

While an increase of \$200,000 won't address the whole problem or even return staff resources to 2010 levels, it will help hundreds of Leon County residents. And it will bring the county closer to the level of funding provided by the federal government and to the average of the 26 counties who currently contribute more than collections generated by fines on criminal cases.

To improve the lives of county residents who require specialized legal services, please support LSNF's request for additional funding. It will go a long way toward our goal of providing hope and justice for all.

Sincerely,



Kristine E. Knab

CC: Alan Rosenzweig, Deputy County Administrator
Scott Ross, Director Office of Financial Stewardship

**Leon County
Board of County Commissioners**


Notes for Agenda Item #23

Leon County Board of County Commissioners

Cover Sheet for Agenda #23

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Consideration of the Funding Request to Support the 25th Anniversary Celebration of the Americans with Disabilities Act in the Amount of \$2,500

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Maggie Theriot, Assistant to the County Administrator

Fiscal Impact:

This item has a fiscal impact to the County. The Family Network On Disabilities of Florida Inc. has requested \$2,500 for sponsorship of the 25th anniversary of the American with Disabilities Act celebration. The \$2,500 is available in the General Contingency Fund (Attachment #1).

Staff Recommendation:

Option #1: Approve the \$2,500 sponsorship of the 25th anniversary celebration of the American with Disabilities Act, and approve the associated budget amendment (Attachment #1).

Report and Discussion

Background:

At the February 10, 2015 meeting, Commissioner Desloge requested, and the Board approved, staff to agenda a funding request by the Family Network On Disabilities of Florida Inc. for sponsorship of the 25th anniversary of the American with Disabilities Act celebration (Attachment #2).

Analysis:

The Family Network On Disabilities of Florida Inc. is a 501(c)3 non-profit organization founded in 1985 to provide for the integration and equality of persons with disabilities in a society. In recognition of the 25th anniversary of the American with Disabilities Act, the Network is coordinating a celebration to take place July 24, 2015 in Tallahassee. The purpose of the event is to not only celebrate the history of persons with disabilities but articulate the future of inclusion and opportunity. The celebration will be held in partnership with various other entities such as the Agency for Persons with Disabilities, Vocational Rehab, Ability 1st, and the Florida Association of Assistive Services and Technology. The event is open to the public and anticipated to include a solidarity march down town; a national guest speaker and dignitaries; as well as vendor booths for education, food, and activities.

Sponsorship of \$2,500 would make Leon County a Gold Sponsor which includes the recognition of Leon County Government in the program, the County seal to appear on all printed materials, and vendor booth display space (Attachment #3). Sponsorship funds would contribute to the national speaker and related accommodations as well as t-shirts. The attached Budget Amendment Request appropriates the County's sponsorship from the General Contingency Fund. Funds are available in the General Contingency Fund to support this funding request.

Options:

1. Approve the \$2,500 sponsorship of the 25th anniversary celebration of the American with Disabilities Act, and approve the associated budget amendment (Attachment #1).
2. Accept the status report and take no further action in changing hours of operation.
3. Board direction.

Recommendation:

Option #1

Attachments:

1. Budget Amendment Request and Contingency Statement
2. Funding request by the Family Network On Disabilities of Florida Inc.
3. Sponsorship categories

FISCAL YEAR 2014/2015 BUDGET AMENDMENT REQUEST

No: BAB15013
Date: 2/27/2015

Agenda Item No: _____
Agenda Item Date: 3/10/2015

County Administrator

Deputy County Administrator

Vincent S. Long

Alan Rosenzweig

Request Detail:

Revenues

Fund	Org	Account Information		Title	Current Budget	Change	Adjusted Budget
		Acct	Prog				
					-		-
					Subtotal:	-	-

Expenditures

Fund	Org	Account Information		Title	Current Budget	Change	Adjusted Budget
		Acct	Prog				
001	990	59900	599	General Fund Contingencies	160,000	(2,500)	157,500
001	820	58200	519	Aids to Private Organizations	65,250	2,500	67,750
					Subtotal:	-	-

Purpose of Request:

This budget amendment appropriates \$2,500 from general fund contingency to provide support to the Family Network On Disabilities of Florida Inc. for sponsorship of the 25th anniversary of the American With Disabilities Act celebration.

Group/Program Director

Senior Analyst

Scott Ross, Director, Office of Financial Stewardship

Approved By: Resolution Motion Administrator

BUDGET "OPERATING" CONTINGENCY RESERVES				
CONTINGENCY FUND UPDATE (FY 2014/15)				
			GENERAL FUND 001-990-59900-599	Beginning Balance: \$200,000.00
No.	APPROVAL DATE	AGENDA DATE	AMENDMENT TITLE	BALANCE
1		28-Oct-14	\$30,000 for Whole Child Leon	\$30,000
2		10-Feb-15	\$10,000 for Operation Homeless Veterans Stand Down	\$10,000
3		<i>10-Mar-15</i>	<i>\$2,500 for 25th Celebration of Americans With Disabilities</i>	<i>\$2,500</i>
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<i>Bold, Italic items are pending Board Approval</i>				
USAGE TO DATE (TOTAL AMENDMENTS)				<u><u>\$42,500.00</u></u>
ENDING BALANCE				157,500.00
END BALANCE AS % OF BEGIN BALANCE				79%
USAGE BALANCE AS % OF BEGIN BALANCE				21%



February 24, 2015

Maggie Theriot
Assistant to the Leon County Administrator
Tallahassee, FL

Re: 25th Anniversary Celebration of the Americans with Disabilities Act (ADA)

Dear Ms. Theriot:

I am writing to follow up on your email exchange with Dr. J.R. Harding, who serves on our Board of Directors, regarding the above event.

Family Network on Disabilities (FND) is celebrating our 30th anniversary this year and we are very happy to be participating in Florida's celebrations for the 25th anniversary of the ADA. We are a 501(c)(3) non-profit corporation and we are acting as fiscal agent for the 25th anniversary events. I've attached a copy of a flyer regarding the celebration to this letter. FND's mission is to strive for the complete integration and equality of persons with disabilities in a society without barriers. The ADA plays a huge role in helping our vision become a reality. FND serves the entire state of Florida, from Pensacola to Key West. We have several programs to serve persons with disabilities and their families that serve Leon County and we have several staff members who reside in Leon. To learn more about our organization, please visit our website at www.fndusa.org.

FND would like to request a \$2,500.00 donation from Leon County to be used for expenses for the ADA anniversary celebration. The purpose of the event is to celebrate the past of persons with disabilities and articulate our future of inclusion and opportunity. We anticipate that the events in Tallahassee, which will be open to the public, will include a solidarity march from the Doubletree Hotel to City Hall, where we will have a nationally recognized guest speaker, along with local speakers and dignitaries. The program would begin at 9:30 am and last approximately two and a half hours.

I hope this information is helpful. Please let me know if you have any questions or need additional information. Thank you for your consideration of this request.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Richard La Belle", written over a faint, dotted-line signature strip.

Richard La Belle
Executive Director

SERVING FAMILIES FOR OVER TWENTY-FIVE YEARS

National Headquarters
2196 Main Street • Suite K • Duhedin, FL 34698
Phone: 727.523.1130 • 800.825.5736 | Fax: 727.523.8687
www.fndusa.org

EQUAL ACCESS, EQUAL OPPORTUNITY

25TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Please join us in supporting the ADA Anniversary
with your donation

Platinum \$5,000

- Logo on all printed materials
- Recognition in the program
- Free space for vendor display
- Company link on sponsor page

Gold \$2,500

- Logo on all printed materials
- Recognition in the program
- Free space for vendor display

Silver \$1000

- Logo on all printed materials
- Recognition in the program

Bronze \$500

- Logo on all printed materials

Make checks payable to
FAMILY NETWORK ON DISABILITIES
Online Donations www.fndusa.org



FNDUSA.ORG

Celebrate Independence:
July 24 at 9:30 A.M.
Tallahassee City Hall

© 2015 Family Network on
Disabilities of Florida, Inc.
is a non-profit 501(c)(3)
organization

2196 Main Street, Suite K,
Dunedin, FL 34698

**Leon County
Board of County Commissioners**


Notes for Agenda Item #24

Leon County Board of County Commissioners

Cover Sheet for Agenda #24

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Consideration of a Report on Proposed Legislation Providing a State Wide Ban on Hydraulic Fracturing and an Analysis of Other Communities Approved Resolutions

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Shington Lamy, Assistant to the County Administrator for Intergovernmental & Community Initiatives
Lead Staff/ Project Team:	Ryan Aamodt, Management Intern

Fiscal Impact:

This item has no current fiscal impact.

Staff Recommendation:

Board direction.

Report and Discussion

Background:

On February 10, 2015, the Board directed staff to bring back an agenda item that includes an analysis of proposed state legislation prohibiting hydraulic fracturing. Additionally, the Board directed staff to analyze other communities' approved resolutions in opposition to hydraulic fracturing in the State of Florida.

The analysis portion of this agenda item provides the Board an overview of hydraulic fracturing, the current status of proposed state legislation, and information on other communities' approved resolutions.

Analysis:

Hydraulic Fracturing

Hydraulic fracturing, also known as acid fracturing or well stimulation treatments, occurs when a mixture of water, sand, and several chemicals are injected into oil/gas reservoirs at high pressures in order to extract natural gas or petroleum from rocks that are too difficult to penetrate through conventional methods. According to the United States Department of Energy, as of 2013 at least two million oil and gas wells in the United States have been hydraulically fractured. Roughly, 95% of new wells being drilled are hydraulically fractured.

Many environmental groups have expressed concerns regarding the health risk and environmental impact associated with hydraulic fracturing. Opponents of hydraulic fracturing state that the chemicals used in hydraulic fracturing may leak into and contaminate groundwater, posing a threat to public safety. In addition, they have raised concerns of escaping greenhouse gases from the wells and the substantial amount of fresh water required during the hydraulic fracturing process.

Proposed Legislation in the Florida Legislature

Although not common in the state of Florida, a number of energy companies have requested permits through the Department of Environmental Protection (DEP) for hydraulic fracturing within the past year. Additionally, in 2014, DEP fined a company for performing hydraulic fracturing without a permit near the Florida Everglades. As a result of the recent activities and interest in hydraulic fracturing, two bills have been filed for the 2015 Legislative Session to ban the practice. Senate Bill 166 and House Bill 169 would prohibit hydraulic fracturing, or well stimulation treatment, in the State of Florida. As of the writing of this agenda item, neither bill has been introduced in its first committee. In addition, a bill was introduced last session, which would have exempted trade secrets relating to the chemicals used in hydraulic fracturing from public record. This bill was approved by its first committee of reference; however, it did not receive another hearing in committee therefore rendering the bill dead. A similar bill has not been filed for the 2015 Legislative Session. The Florida Association of Counties and the Florida League of Cities have not taken an official position on hydraulic fracturing.

Other Communities' Approved Resolutions

Currently, five Florida local governments (Coconut Creek, Hallandale Beach, Alachua County, Miami-Dade County, and the City of Tallahassee) and the Leon Soil and Water Conservation District have approved resolutions supporting legislation that bans hydraulic fracturing in Florida. For example, prior to the November 2014 election, Coconut Creek and Hallandale Beach approved resolutions that urged the 2014 gubernatorial candidates to oppose hydraulic fracturing in the State of Florida if elected. Additionally, Alachua County has approved a resolution supporting proposed legislation providing a statewide ban on hydraulic fracturing, acid fracturing, and well stimulation performance for purpose of exploration or production of oil or natural gas in the State of Florida (Attachment #1). This resolution cites the dangers of the chemicals used in the hydraulic fracturing process and the potential risk to public health, safety and the environment they may have. This resolution also notes the substantial amount of fresh water used during hydraulic fracturing. Similarly, Miami-Dade County has approved a resolution urging the Florida Legislature to enact SB 166 or similar legislation prohibiting hydraulic fracturing in the State of Florida (Attachment #2). This resolution specifically cites the potential risks to contaminating the Florida Aquifer and drinking water for Floridians. In addition, the City of Tallahassee will consider a resolution supporting a statewide ban on hydraulic fracturing, acid fracturing, and any form of extreme well stimulation or resource extraction in Florida. Similar to the other approved resolutions, this resolution states the negative impact the chemicals may have on public health and the environment. The City Commission has not set a date to vote on this resolution.

Based on the analysis, the Board may wish to consider approving a similar resolution supporting legislation providing a statewide ban on hydraulic fracturing. Attachment #3 provides the Board with a draft resolution for consideration that reflects similar language adopted by the other local governments. It is important to note that the next Board meeting will convene April 14, 2015, which occurs during the middle of the 2015 Legislative Session. By considering this resolution as part of this item, it will allow staff and Capitol Alliance Group to advocate for the County's position throughout the entirety of session. If approved by the Board, a copy of the resolution would be provided to the Governor, Speaker of the House, Senate President, and Leon County State Legislative Delegation. The proposed resolution would take effect immediately upon its adoption.

Options:

1. Accept the report on proposed legislation providing a statewide ban on hydraulic fracturing and the analysis of other communities approved resolutions.
2. Approve the proposed Resolution supporting proposed legislation providing a statewide ban on hydraulic fracturing.
3. Board direction.

Recommendation:

Board direction.

Title: Consideration of a Report on Proposed Legislation Providing a State Wide Ban on Hydraulic Fracturing and an Analysis of Other Communities Approved Resolutions
March 10, 2015
Page 4

Attachments:

1. Alachua County's approved Resolution
2. Miami-Dade County's approved Resolution
3. Proposed Resolution

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2015-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, SUPPORTING PROPOSED LEGISLATION PROVIDING A STATEWIDE BAN ON HYDRAULIC FRACTURING, ACID FRACTURING, AND WELL STIMULATION PERFORMED FOR THE PURPOSES OF EXPLORATION OR PRODUCTION OF OIL OR NATURAL GAS IN THE STATE OF FLORIDA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, well stimulation treatments may involve the use of hundreds of chemicals, some of which are known to be carcinogenic or could otherwise be harmful to human health; and

WHEREAS, exposure to the chemicals used in well stimulation treatments may pose a widespread and significant risk to public health and safety and the environment; and

WHEREAS, well stimulation treatments may involve the use of substantial amounts of freshwater at a time when many Florida municipalities are struggling with the impacts that water scarcity may have in the state in the near future; and

WHEREAS, the wise stewardship of our natural resources involves protection of Florida's water supplies and water resources for generations to come; and

WHEREAS, protection of Florida's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restore degraded environments after the fact;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

1. That the Alachua County Board of County Commissioners supports a statewide

1 ban on the use of hydraulic fracturing, acid fracturing and well stimulation treatments performed
2 for the purposes of exploration or production of oil or natural gas in the State of Florida due to
3 the potential harmful impacts on the environment and natural resources of Alachua County.

4 2. That the Board of County Commissioners will send a letter to the Florida
5 Legislature and the Governor of the State of Florida showing its support for a statewide ban on
6 hydraulic fracturing, acid fracturing and well stimulation performed for the purposes of
7 exploration and production of oil and natural gas in the State of Florida.

8 3. Effective Date. This resolution shall take effect immediately upon adoption.

9 DULY ADOPTED in regular session, this _____ day of _____, 2015.

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BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: _____
Chair

ATTEST:

J.K. Irby, Clerk

(SEAL)

APPROVED AS TO FORM

Alachua County Attorney

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(21)
1-21-15

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT SB 166 OR SIMILAR LEGISLATION PROHIBITING
HYDRAULIC FRACTURING IN THE STATE OF FLORIDA

WHEREAS, hydraulic fracturing is the process of pumping a fluid into or under the surface of the ground in order to create fractures in existing rock for the purpose of producing or recovering oil or gas; and

WHEREAS, Florida's water supply comes from highly permeable limestone formations which are vulnerable to contamination from hydraulic rock-fracturing activities designed to extract hydrocarbons; and

WHEREAS, Miami-Dade gets all of its water from groundwater sources, including the Floridan Aquifer; and

WHEREAS, Florida's oil and gas regulations, Chapter 377, Florida Statutes, and Rules 62C-25 through 30, Florida Administrative Code, make no reference to hydraulic fracturing; and

WHEREAS, in January 2014, an oil drilling company in Collier County was discovered to be using high-pressure injections of acid and water to blast open bedrock to gain access to oil reserves near underground aquifers; and

WHEREAS, in July 2014, the Florida Department of Environmental Protection revoked the drilling permits of the oil drilling company and fined the company \$25,000; and

WHEREAS, hydraulic fracturing poses potential risks for contaminating the Floridan Aquifer, the source of drinking water for nearly 10 million Floridians; and

WHEREAS, this Board believes it is imperative to take measures to adequately protect our State and County's water supply and environment through better regulation of oil drilling methods and extraction techniques; and

WHEREAS, voters in Florida overwhelmingly approved Florida Constitutional Amendment 1, the Florida Water and Land Conservation Initiative, which is designed to protect Florida's natural resources, including the state's drinking water; and

WHEREAS, Senate Bill (SB) 166 would prohibit hydraulic fracturing in the State of Florida, and has been filed for consideration during the 2015 session of the Florida Legislature by Senators Darren Soto (D-Kissimmee) and Dwight Bullard (D-Cutler Bay); and

WHEREAS, this Board would like to express its support for SB 166 or similar legislation prohibiting hydraulic fracturing in the State of Florida,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact SB 166 or similar legislation prohibiting hydraulic fracturing in the State of Florida.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, State Senator Darren Soto, State Senator Dwight Bullard, and the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|-------------------------------------|----------------------|
| Jean Monestime, Chairman | |
| Esteban L. Bovo, Jr., Vice Chairman | |
| Bruno A. Barreiro | Daniella Levine Cava |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Sally A. Heyman | Barbara J. Jordan |
| Dennis C. Moss | Rebeca Sosa |
| Sen. Javier D. Souto | Xavier L. Suarez |
| Juan C. Zapata | |

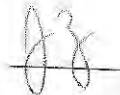
The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Javier Zapata

RESOLUTION NO. 15-__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, SUPPORTING PROPOSED LEGISLATION PROVIDING A STATEWIDE PROHIBITION ON HYDRAULIC FRACTURING, ACID FRACTURING, AND WELL STIMULATION PERFORMED FOR THE PURPOSE OF EXPLORATION OR PRODUCTION OF OIL OR NATURAL GAS IN THE STATE OF FLORIDA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Leon County Board of County Commissioners takes great pride in supporting the highest quality of life among Leon County residents; and

WHEREAS, the Leon County Board of County Commissioners is dedicated to protecting and improving our most precious natural resources; and

WHEREAS, hydraulic fracturing, also known as well stimulation, may involve the use of hundreds of chemicals, some of which are known to be carcinogenic or could otherwise be harmful to human beings; and

WHEREAS, exposure to the chemicals used in well stimulation treatments may pose a widespread and significant risk to public health and the State of Florida's most precious natural resources; and

WHEREAS, hydraulic fracturing may involve the use of substantial amount of freshwater at a time when many Florida local governments are struggling with the impacts that water scarcity may have in the state in the near future; and

WHEREAS, hydraulic fracturing may result in emission of greenhouse gases, such as carbon dioxide and methane, all of which would further exacerbate climate change and its impact to Florida's economic and environment; and

WHEREAS, hydraulic fracturing may harm wildlife, including species that are protected under federal and state endangered species laws, and

WHEREAS, the prohibition of such practices will help protect the public health, safety and welfare of the state.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Leon County, Florida, that:

1. The Leon County Board of County Commissioners supports proposed legislation on a statewide ban on the use of hydraulic fracturing, acid fracturing and well stimulation treatments performed for the purposes of exploration and production of oil or natural gas in the State of Florida due to the potential harmful impacts on the public health, environment and natural resources of Leon County.
2. The Leon County Board of County Commissioners will send a copy of the approved resolution to the Governor, the Speaker of the House, the Senate President, and the Leon County State Legislative Delegation.
3. This resolution shall take effect immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County, Florida, this 10th day of March, 2015.

LEON COUNTY, FLORIDA

BY: _____
Mary Ann Lindley, Chairman
BOARD OF COUNTY COMMISSIONERS

ATTEST:

BOB INZER, CLERK OF THE CIRCUIT COURT AND COMPTROLLER
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:

OFFICE OF THE COUNTY ATTORNEY
LEON COUNTY, FLORIDA

BY: _____
Herbert W. A. Thiele, County Attorney

**Leon County
Board of County Commissioners**


Notes for Agenda Item #25

Leon County Board of County Commissioners

Cover Sheet for Agenda #25

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval of the Agenda for the Joint County-City Southside Meeting on Tuesday, March 31, 2015 at 6:00 p.m.

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Shington Lamy, Assistant to the County Administrator for Intergovernmental and Community Initiatives

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendations:

- Option #1: Approve the agenda for the Joint County-City Southside Meeting on Tuesday, March 31, 2015 at 6:00 p.m. (Attachment #1)
- Option #2: Conduct the Joint County-City Southside Meeting as a *Club of Honest Citizens* event in partnership with the Village Square.

Report and Discussion

Background:

On October 14, 2014, County staff provided the Board a comprehensive report on the County's efforts to address issues on the Southside. At that time, the Board directed staff to reach out to the City of Tallahassee on holding a joint meeting to discuss the issues and concerns of the Southside community. The Board also directed that the meeting take place on the Southside.

On November 12, 2014, the City requested that the County partner on submission of an application for a Promise Zone designation to the U.S. Department of Housing and Urban Development (HUD) for the Southside community. In his 2013 State of the Union address, President Obama laid out an initiative to designate 20 high-poverty urban, rural, and tribal communities as Promise Zones, where the federal government will partner with, and invest in, communities to create jobs, leverage private investment, increase economic activity, expand educational opportunities, and reduce violent crime.

On December 9, 2014, the Board approved a Memorandum of Understanding with the City regarding the application for the proposed Tallahassee-Leon County Promise Zone. The MOU outlined the County's continued commitment to provide services and programs within the Promise Zone, including economic development, primary healthcare, and human services.

On December 15, 2014, a Mayor/Chair meeting was held between Chairman Mary Ann Lindley and Mayor Andrew Gillum. At that time, Mayor Gillum indicated the City's interest in holding a joint meeting. Chairman Lindley and Mayor Gillum agreed that the meeting would be a platform for community conversation on the County's and City's collaborative effort to secure the Promise Zone Designation. Additionally, the meeting would provide an update on additional collaborative County and City efforts to address issues on the Southside.

Analysis:

After coordinating the schedule of the County and City Commissions, as well as the calendars of individual County and City Commissioners, the joint County-City meeting was scheduled for Tuesday, March 31, 2015 at 6:00 p.m. The meeting will be at Bethel A.M.E. Church.

Staff worked with the City to develop an agenda for the meeting that initiates community discussion on the concept of the Promise Zone and its effectiveness for addressing the needs of the Southside. The proposed Promise Zone has a population of 31,059 (Attachment #2). The poverty rate in this area is 52%, the employment rate is 80%, and the residential vacancy rate is 11%. This vacancy rate is 2.6 times greater than the overall vacancy rate for the area, which is 4%. In addition, this overall employment rate is lower than the community overall. The proposed area also suffers from high crime areas, which are the focus of a number of current efforts to reduce gun violence. By comparing these stats for the designated Promise Zone with the larger community, the application is able to demonstrate the need for Promise Zone designation.

Much of the area within the proposed Tallahassee-Leon County Promise Zone includes areas already targeted for revitalization, such as the Enterprise Zone, Downtown and Frenchtown/Southside Community Redevelopment Areas, and the Southern Strategy Area.

As part of the application, the City provided a Promise Zone Plan to address the challenges in the community. The City established six goals to meet those objectives:

- (1) reduce violent crime through resident engagement, leadership development and targeted programs,
- (2) promote private investment, enhance existing businesses and create jobs,
- (3) increase educational opportunities and training for youth and adults,
- (4) improve health, wellness and the quality of life for residents,
- (5) improve resident involvement and strengthen neighborhood organizations, and
- (6) improve the quality of existing housing and encourage the development of affordable and market rate housing.

During the meeting, the County Commission, City Commission, and citizens would be provided an overview of the Promise Zone including the presentation of the partnerships and commitments that have been established to meet the six goals and invite a community dialogue to identify additional needs on the Southside. Preceding the discussion on the Promise Zone would be a brief presentation on previous and current County and City efforts to address Southside issues.

The Village Square has been an active participant in coordinating and developing the joint County-City Southside meeting. On February 25, 2014, the Board formally partnered with the Village Square in its continuous effort and commitment to engage citizens through unique and meaningful programs. The partnership led to the creation of the *Club of Honest Citizens*, which blends the best elements of the Citizen Engagement Series and Village Square by providing transparency of County government, while building relationship between citizens, County Commissioners, and staff through social settings.

After three successful events, on September 2, 2014, the Board directed staff to continue the partnership with the Village Square and design *Club of Honest Citizens* programming that attracts a diverse audience with greater representation of the minority community. At that time, a Club of Honest Citizens meeting was tentatively scheduled for Thursday, April 2, 2015.

The joint meeting fully aligns with the direction of the Board providing a setting that allows for fostering greater relationships between the County, City, and the Southside community. As a result, staff recommends that the meeting also serve as a *Club of Honest Citizens* event which would allow for the further development of interactive approaches to engage citizens during the meeting and greater cross promotion with the Village Square. The City has expressed its support to incorporate the meeting into a Club of Honest Citizens event. Should the Board conduct the joint County-City Southside Meeting in partnership with the Village Square as a *Club of Honest Citizens* event, it would replace the April 2 event.

Options:

1. Approve the agenda for the Joint County-City Southside Meeting on Tuesday, March 31, 2015 at 6:00 p.m. (Attachment #1).
2. Conduct the joint County-City Southside Meeting in partnership with the Village Square as a *Club of Honest Citizens* event.
3. Do not approve the agenda for the Joint County-City Southside Meeting on Tuesday, March 31, 2015.
4. Do not conduct the Joint County-City Southside Meeting in partnership with the Village Square as a *Club of Honest Citizens* event.
5. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

1. Proposed Agenda for the Joint County-City Southside Meeting
2. Tallahassee-Leon County Promise Zone Area Map

County-City Joint Meeting on the Southside

March 31, 2015

Fellowship Hall

Bethel A.M.E. Church

6 p.m.

A G E N D A

I. Opening Remarks Vincent S. Long /Anita Favors Thompson

County Manager Long and City Manager Favors Thompson will each provide opening remarks including the purpose of the meeting.

II. Overview of the Tallahassee – Leon County Promise Zone Concept

Chairman Mary Ann Lindley/Mayor Andrew Gillum

Chairman Lindley and Mayor Gillum will provide a brief overview of the Promise Zone concept including six key goals of:

- (1) reduce violent crime through resident engagement, leadership development and targeted programs,*
- (2) promote private investment, enhance existing businesses and create jobs,*
- (3) increase educational opportunities and training for youth and adults,*
- (4) improve health, wellness and the quality of life for residents,*
- (5) improve resident involvement and strengthen neighborhood organizations, and*
- (6) improve the quality of existing housing and encourage the development of affordable and market rate housing.*

III. Conversation on the Tallahassee-Leon County Promise Zone

The County Commission and City Commission will discuss opportunities available through the Promise Zone concept including partnerships and commitments that have been established to meet the six goals.

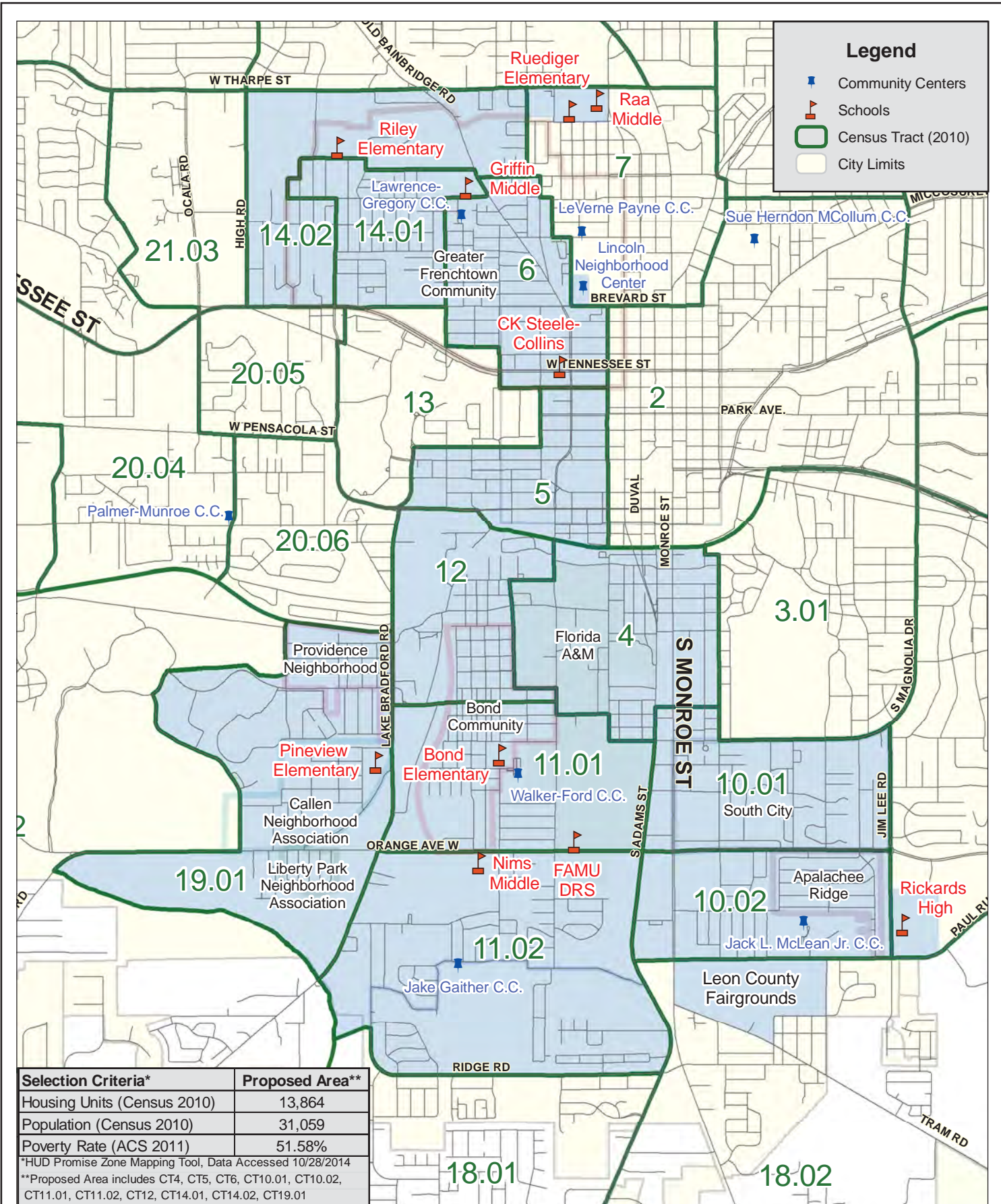
IV. Community Dialogue on Southside Priorities

Facilitated by Village Square, citizens will be invited to participate in a community dialogue to identify additional needs on the Southside based on the Promise Zone conversation.

V. Wrap-up

County and City Commissioners will have the opportunity to share final thoughts and comments.

VI. Adjournment



Legend

- Community Centers
- ▴ Schools
- Census Tract (2010)
- City Limits

Selection Criteria*	Proposed Area**
Housing Units (Census 2010)	13,864
Population (Census 2010)	31,059
Poverty Rate (ACS 2011)	51.58%

*HUD Promise Zone Mapping Tool, Data Accessed 10/28/2014
 **Proposed Area includes CT4, CT5, CT6, CT10.01, CT10.02, CT11.01, CT11.02, CT12, CT14.01, CT14.02, CT19.01

**Promise Zone
Proposed Boundaries**



This product has been compiled from the most accurate source data from Leon County and the City of Tallahassee. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County and the City of Tallahassee assume no responsibility for any use of the information contained herein or any loss resulting therefrom.



**Leon County
Board of County Commissioners**


Notes for Agenda Item #26

Leon County Board of County Commissioners

Cover Sheet for Agenda #26

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of Staff Report on Legislation Regarding Plastic Retail Bags

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Shington Lamy, Assistant to the County Administrator for Intergovernmental and Community Initiatives
Lead Staff/ Project Team:	Andy Johnson, Special Projects Coordinator Robert Mills, Director of Resource Stewardship

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

- Option #1: Accept the staff report on legislation regarding plastic retail bags
- Option #2: Adopt a proposed Resolution urging the Florida Legislature to lift the regulatory pre-emption on local government regulation of plastic retail bags (Attachment #1).
- Option #3: Direct staff to bring back a budget discussion item to explore strategies to increase public awareness of the impact of plastic retail bags by:
- a. Raising awareness on the impact of plastic retail bags on the environment, stormwater infrastructure systems, etc.
 - b. Installing plastic bag recycling bins similar to those found at grocery stores at various locations throughout Leon County, such as the County Courthouse, libraries, schools, parks, and community centers, and other facilities.
 - c. Conducting a campaign encouraging citizens to trade in plastic retail bags for a free reusable bag at staffed County facilities.

Report and Discussion

Background:

At its January 27, 2015 meeting, the Board directed staff to prepare an agenda item to detail steps the County could take to limit or reduce the use of plastic bags in Leon County.

Local governments are currently pre-empted from regulating plastic retail bags. In 2008, the Florida Legislature enacted HB 7135 (Ch. 2008-227, Laws of Fla.), which, in part, required the Florida Department of Environmental Protection (FDEP) to submit a report to the Legislature regarding the regulation of plastic retail bags. The bill also included the following clause:

Until such time that the Legislature adopts the recommendations of the department, no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags. (§403.7033, Fla. Stat.)

FDEP issued its report on Feb. 1, 2010 (Attachment #2); however, the Legislature has not yet taken action to adopt its recommendations or to otherwise address the preemption on regulation by local governments.

The ability to adopt local regulations regarding the use of plastic retail bags aligns with the following FY2012 - FY2016 Strategic Priority that the Board approved at the January 27, 2015 meeting:

(EN3)- Educate citizens and partner with community organizations to promote sustainable practices.

Analysis:

Currently, Leon County Citizens have no formal direction for plastic bag recycling/reuse. Typically plastic bags are disposed of in the household garbage or placed in recycling bins. Plastic bags disposed of in household garbage bins are delivered to Springhill landfill in Jackson County. Plastic bags placed in recycling bins are delivered to Marpan Recycling. Marpan manually separates plastic bags from recycling and disposes of the bags at the Apalachee Parkway Solid Waste Facility. Citizens who have been educated on plastic bag recycling opportunities take advantage of delivering plastic bags to one of several participating local merchants who recycle the plastic bags.

Legislative Action

The Florida Department of Environmental Protection (FDEP) report to the Florida Legislature presented a list of regulatory options including outright bans, imposition of fees or taxes on retail bags, voluntary measures by retailers, and phase-outs (variable combinations of fees and bans). The report recommended the Legislature “take action to discourage the use of single-use paper and plastic retail bags and encourage the use of reusable retail bags.”

In recent years, some legislative efforts have been made to repeal the regulatory pre-emption. In 2013 and 2014, bills were filed in both houses, which addressed the findings of the FDEP report and proposed statewide standards for plastic bag regulation which local governments could adopt by ordinance. However, none of these bills received a vote in their committees of reference.

This year, two bills have been filed addressing the regulation of plastic retail bags. Rather than proposing an outright repeal of the regulatory ban, HB 661 and SB 966 would allow municipalities with a population under 100,000 to establish pilot programs from Jan. 1, 2016 to June 30, 2018 to regulate or ban disposable plastic bags. Of note, a pilot program established under these proposed bills cannot include any new taxes or fees on the use or distribution of plastic bags. Staff will monitor these bills during the 2015 Legislative Session and will provide periodic updates to the Board.

Voluntary Reduction Strategies by Retailers

Several major retailers in Florida are taking voluntary measures to reduce the use of disposable bags. Examples include the following:

- Publix offers in-store recycling of paper and plastic bags at all of its retail locations. Customers can drop off any grocery paper bag or plastic shopping bag for recycling, and can also recycle plastic sleeves from dry cleaning and newspapers.
- Winn-Dixie partnered with Trex Co., Inc. in 2009 to introduce a plastic bag recycling program in schools throughout the grocery chain's operating area. Trex uses the bags to create its composite lumber product. Plastic bag recycling bins are located at most stores.
- Earth Fare eliminated plastic bags from stores in 2010 and now uses paper bags instead.
- Whole Foods eliminated plastic bags in 2008 and encourages use of reusable bags and re-using paper bags; additionally, Whole Foods offers customers a per-bag refund for bringing reusable bags.
- Target launched recycling stations at all its stores in 2010; Target also offers a five-cent per-bag discount to customers for bringing reusable bags.
- Walgreens' approach has been to reduce the number of plastic bags distributed. Walgreens staff asks customers at checkout if they need a bag when purchasing three or fewer items; according to walgreens.com, "In six months, the company reduced its plastic bag usage by 45 million."

Approaches Taken by Other Florida Local Governments During the Preemption Period

Staff reached out to several other county governments in Florida regarding their strategies to reduce the use or impact of plastic retail bags. Responses were received from Lake, Escambia, St. Lucie, Alachua, St. Johns, and Osceola Counties. Of these counties, none offer a curbside recycling service that can collect plastic bags. Escambia (through the Emerald Coast Utilities Authority) and St. Lucie indicated that they provide educational materials to customers indicating how to dispose of plastic bags. Customers inquiring with staff regarding how to recycle plastic bags are generally advised to use grocery store drop-off locations. Escambia and Alachua Counties indicated that they encourage their customers to utilize reusable shopping bags instead of plastic bags.

In addition, other local governments in Florida have taken non-regulatory approaches to address the use or impact of plastic retail bags:

- Twelve municipalities have adopted resolutions urging the Florida Legislature to lift the preemption on local government regulations of plastic retail bags (Attachment #3).
- The City of St. Augustine, in partnership with a student group from Flagler College, passed a resolution urging local retailers to voluntarily reduce their use of plastic retail bags. In addition, the City worked with Flagler College to provide reusable bags to local retailers at cost. Also, the bags are available at the City's downtown Tourism office. The bags were designed by Flagler College students and cross-promote the City's 450th Commemoration.

Local Options to Reduce or Limit the Use of Plastic Retail Bags

Due to the preemption of local government regulations on the use of plastic retail bags in §403.7033, F.S., options to reduce or limit the use of plastic bags may only be non-regulatory in nature and would rely on voluntary compliance by users. However, outside the State's regulatory preemption, there are several potential strategies to encourage increased recycling of plastic retail bags. The following lists each of these options.

- ***Adopt a resolution urging the Florida Legislature to lift the regulatory preemption on local government regulation of plastic retail bags***

As previously mentioned, several municipalities have adopted a resolution urging the Florida Legislature to lift the local preemption of plastic retail bags. Staff has prepared a proposed resolution for the Board's consideration, which is similar to the ones adopted by other local governments.

- ***Explore strategies to increase recycling of plastic retail bags in Leon County***
Staff has identified the following potential strategies to achieve a higher rate of recycling plastic retail bags:
 - Raising public awareness of the impact of plastic retail bags on the environment, stormwater infrastructure systems, etc. This effort could include working with other local government partners, local grocers and retailers, and Leon County's solid waste contractors to address several components of the life cycle and impact of plastic retail bags.
 - Installing plastic bag recycling bins similar to those found at grocery stores at various locations throughout Leon County, such as the County Courthouse, libraries, schools, parks and community centers, and other facilities. Staff would explore any possibility to share or offset the cost of purchasing and installing these bins, as well as opportunities to generate revenue from the collection and sale of recycled bags.
 - Conducting a campaign encouraging citizens to trade in plastic retail bags for a free reusable bag at staffed County facilities. The reusable bags could be branded with the Leon County seal and could be used to cross-promote upcoming County events.

Should the Board wish to pursue the option of exploring strategies to increase recycling of plastic retail bags in Leon County, staff will bring back a budget discussion item providing additional details regarding these strategies and the costs associated with their implementation.

Options:

1. Accept the staff report on legislation regarding plastic retail bags.
2. Adopt the proposed Resolution urging the Florida Legislature to lift the regulatory pre-emption on local government regulation of plastic retail bags (Attachment #1).
3. Direct staff to bring back a budget discussion item to explore strategies to increase recycling of plastic retail bags in Leon County by:
 - a. Raising public awareness of the impact of plastic retail bags on the environment, stormwater infrastructure systems, etc.
 - b. Installing plastic bag recycling bins similar to those found at grocery stores at various locations throughout Leon County, such as the County Courthouse, libraries, schools, parks and community centers, and other facilities.
 - c. Conducting a campaign encouraging citizens to trade in plastic retail bags for a free reusable bag at staffed County facilities.
4. Do not accept the staff report on legislation regarding plastic retail bags.
5. Do not adopt the proposed Resolution urging the Florida Legislature to lift the regulatory pre-emption on local government regulation of plastic retail bags.
6. Do not direct staff to explore strategies to increase recycling of plastic retail bags in Leon County.
7. Board direction.

Recommendation:

Options #1, #2, and #3 a-c.

Attachments:

1. Proposed Resolution urging the Florida Legislature to lift the local preemption of plastic retail bags
2. Florida Department of Environmental Protection's *Retail Bags Report to the Legislature*
3. List of Florida municipalities with adopted resolutions opposing the State's regulatory preemption

RESOLUTION No. ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEON COUNTY, FLORIDA, SUPPORTING INITIATIVES BY
LOCAL GOVERNMENTS IN FLORIDA TO LESSEN THE
NEGATIVE IMPACT OF SINGLE-USE PLASTIC BAGS ON OUR
ENVIRONMENT

WHEREAS, Leon County is diligent in its efforts to preserve the beautiful environment that supports the tourism industry which is so vital to the economy of Leon County and the State of Florida; and

WHEREAS, plastic bags are detrimental because they do not fully degrade in our oceans or land environment and they introduce unsafe chemicals into our environment; and

WHEREAS, plastic bags create the potential for death of land and marine animals through entanglement and ingestion; and

WHEREAS, the expansive usage of single-use shopping bags and their typical disposal rates creates an impediment to the County's waste reduction and recycling goals while creating unsightly litter; and

WHEREAS, single-use plastic bags are difficult to recycle and frequently contaminate material that is processed through the County's curbside recycling program; and

WHEREAS, reusable bags are considered to be the best option to reduce waste and litter, protect wildlife and conserve resources; and

WHEREAS, the Board of County Commissioners acknowledges that some businesses have taken affirmative steps to accomplish this goal and recognizes their proactive efforts; and

WHEREAS, it is in the public interest for the Board of County Commissioners to encourage and enable the location of a viable reusable bag manufacturing operation in the State of Florida; and

WHEREAS, it is in the public interest for the Florida Legislature to provide statewide deregulation of the proliferation of single-use shopping bags; and

WHEREAS, if the State does not act to regulate the proliferation of single-use shopping bags the

Board of County Commissioners would like to potentially enact regulations governing the use of plastic checkout bags;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

SECTION 1. [Name of Municipality] is committed to the long-term goal of reducing the harms of plastic pollution on our fragile environment and committed to ensuring a thriving, attractive and safe environment for current and future residents and tourists.

SECTION 2. [Name of Municipality] does hereby support initiatives to lessen the negative impact of single-use plastic bags specifically, and supports the promotion of reusable shopping bags as the best alternative to single-use plastic or single-use paper bags.

SECTION 3. [Name of Municipality] supports the State Legislature's action to allow local municipalities in the State of Florida to regulate their own local communities in an effort to alleviate the harms cause by single-use shopping bags; and, therefore, [Name of Municipality] opposes any statewide preemption on local efforts to determine the best course of action with regards to protection of the local environment and tourism economy.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this the ___ day of March, 2015.

LEON COUNTY, FLORIDA

BY: _____
Mary Ann Lindley, Chairman
BOARD OF COUNTY COMMISSIONERS

ATTEST:

BOB INZER, CLERK OF THE CIRCUIT COURT AND COMPTROLLER
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:

OFFICE OF THE COUNTY ATTORNEY
LEON COUNTY, FLORIDA

BY: _____

Herbert W. A. Thiele
County Attorney



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

February 1, 2010

The Honorable Charlie Crist
Governor of Florida
Plaza Level 05, The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

The Honorable Jeff Atwater, President
Florida Senate
Room 312, Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

The Honorable Larry Cretul, Speaker
Florida House of Representatives
420 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

Dear Governor Crist, President Atwater and Speaker Cretul:

I am pleased to submit the *Retail Bags Report to the Legislature* as required in section 403.7033, Florida Statutes. The Energy, Climate Change, and Economic Security Act of 2008 directed the Florida Department of Environmental Protection (DEP) to analyze, research and report on the "necessity and efficacy" of statewide or local regulation of retail bags. This was in response to concern about the impact of retail bags on the environment and the growing interest among local governments to develop prohibitive ordinances. Pursuant to section 403.7033, Florida Statutes, no state or local retail bag regulations can be enacted until the Florida Legislature takes action.

The information and options in the enclosed report were developed based on extensive research and the invaluable contributions of stakeholders who participated in two public workshops. An even wider range of ideas were submitted through DEP's Web forum and E-mails.

Almost every retail establishment has some sort of bag for its customers and studies show that Americans used almost 90 billion retail bags in 2003. A small percentage of these bags are reused or recycled and while many retail establishments have taken steps

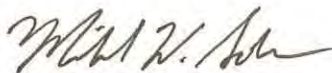
The Honorable Charlie Crist
The Honorable Jeff Atwater
The Honorable Larry Cretul
Page Two
February 1, 2010

to address this problem, there is still a potential for harm to the environment due to improper handling and disposal. This report explains how improperly discarded plastic bags can affect wildlife, marine life, landfill operation and flood control systems and explores the various approaches that other states and countries have taken to address this issue. Included in the report is a wide-ranging set of options for decreasing the number of bags being used as well as increasing the number of bags being recycled.

DEP believes there are ways to reduce our dependency on these bags and to properly reuse or dispose of them. It is recommended that the Legislature review the available options and take action to discourage the use of single-use paper and plastic retail bags and encourage the use of reusable retail bags. I look forward to working with you as you consider them. With the cooperation and support of the retail industry working closely with local and state government, this goal can be achieved.

If you have questions regarding this report, please contact Mary Jean Yon, Director of DEP's Division of Waste Management, at (850) 245-8693 or Mary.Jean.Yon@dep.state.fl.us.

Sincerely,



Michael W. Sole
Secretary

Enclosure

cc: The Honorable Lee Constantine, Chair, Senate Environmental Preservation
Committee
The Honorable Trudi Williams, Chair, House Agriculture and Natural Resources
Committee
Mimi Drew, Deputy Secretary, Regulatory Programs, DEP
Cameron Cooper, Director, Office of Legislative Affairs, DEP
Mary Jean Yon, Director, Division of Waste Management, DEP

Retail Bags Report
For the Legislature

Florida Department of Environmental Protection

February 1, 2010

2600 Blair Stone Road MS 4570
Tallahassee, Florida 32399-2400
www.dep.state.fl.us



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2600 Blair Stone Road MS 4570
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Executive Summary

“Paper or plastic?” Millions of Floridians hear the question every week. Almost every retail establishment has a bag for its customers and Americans used almost 90 billion of them in 2003. Retail bags are most commonly paper and plastic single-use bags. Only a relatively small percentage are reused or recycled (12% of plastic bags and 37% of paper bags) while far too many damage the environment because people improperly handle and dispose of them. Besides being unsightly litter, discarded plastic bags harm land and marine wildlife, interfere with landfill operations, clog flood control systems, and breed mosquitoes. These problems are not unique to Florida. The most dramatic illustration of the environmental damage from plastic bags and other marine debris are the floating “garbage patches” in the Atlantic, Pacific and Indian Oceans – the largest covering an area almost twice that of the United States.

*Only 12% of plastic bags
and 37% of paper bags are
reused or recycled.*

As part of the Energy, Climate Change, and Economic Security Act of 2008 (Section 403.7033, Florida Statutes), the Florida Legislature directed the Department of Environmental Protection to undertake an analysis of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The information contained within this report provides an assessment of the impacts associated with current use and disposal of these containers as well as an analysis of the efficacy and consequences associated with several potential policy options to provide policymakers the information needed to weigh and balance the effect of proposed actions on the environment, regulated community and the consumer.

The *necessity* of retail bag regulation is determined by examining the impact of retail bags on the environment. *Efficacy* is determined by examining the effectiveness of governments outside Florida in reducing the number and impact of retail bags through regulation. Nationally, retail bag regulations have been enacted or proposed at either the state or local level in 30 states. Retail bag regulations are also found on the six populated continents.

Improper handling and disposal of retail bags has been shown to harm the environment. While plastic bags may appear to be the major problem, the solution is not to switch to paper. Life cycle analyses show a higher level of environmental harm from manufacturing to disposal of paper compared to plastic bags. A switch to biodegradable or compostable bags is not the answer either. Since Florida has no solid waste commercial scale composting facility to handle these bags, they would end up in a landfill just like paper or plastic bags.

There are many locations with different types of retail bag regulations. While all strategies to reduce the use of retail bags have merit, some are more effective than others. Although they initially pose an inconvenience for some consumers, bans produce the fastest results, closely followed by user fees and taxes. Voluntary efforts are more readily accepted by the retail

Florida Department of Environmental Protection, Retail Bags Report

industry and the public, but take more time to produce results. While voluntary efforts can be helpful in changing behavior patterns, their effectiveness is dependent on the number of retail establishments participating. Public education is crucial to any approach, to illuminate the damages caused by single-use bags, and the cost to undo the harm, and promote reusable bags. Collaboration with the retail sector is also essential.

Plastic and paper bags are not inherently bad but they have terrible consequences in a throw-away society – and there are simple, readily available ways to reduce our dependency and properly reuse, recycle or dispose of them. This report identifies strategies to discourage the use of single-use paper and plastic retail bags and encourage the use of reusable retail bags. With the cooperation and support of the retail industry working closely with local and state government, this goal can be achieved.

Acknowledgments

The Florida Department of Environmental Protection (DEP) extends its gratitude to the many stakeholders from the public and private sectors that invested their time and contributed their insights to the development of this report through public meetings, written comments and electronic submissions.

Two public meetings were held to exchange information and solicit input on the retail bags report and the surrounding issues. These meetings generated lively discussion and valuable information that helped produce this report.

- November 19, 2008 in Orlando - 36 attendees, excluding DEP staff
- November 19, 2009 in Tallahassee - 27 attendees, excluding DEP staff

DEP also established a web-based forum for ongoing public comments and regular stakeholder updates. Meeting summaries, draft notes and other details, as well as access to the web-based forum, can be found at www.dep.state.fl.us/waste/retailbags. This site has been visited nearly 6,000 times.

DEP also appreciates the involvements of the professional associations and trade organizations that effectively represented their members' interests and were critical in identifying options and recommendations:

- American Chemistry Council
- American Forest and Paper Association
- American Paper Bag Council
- Florida Dry Cleaners Coalition
- Florida Recycling Partnership
- Florida Retail Federation
- Recycle Florida Today
- Sierra Club of Florida

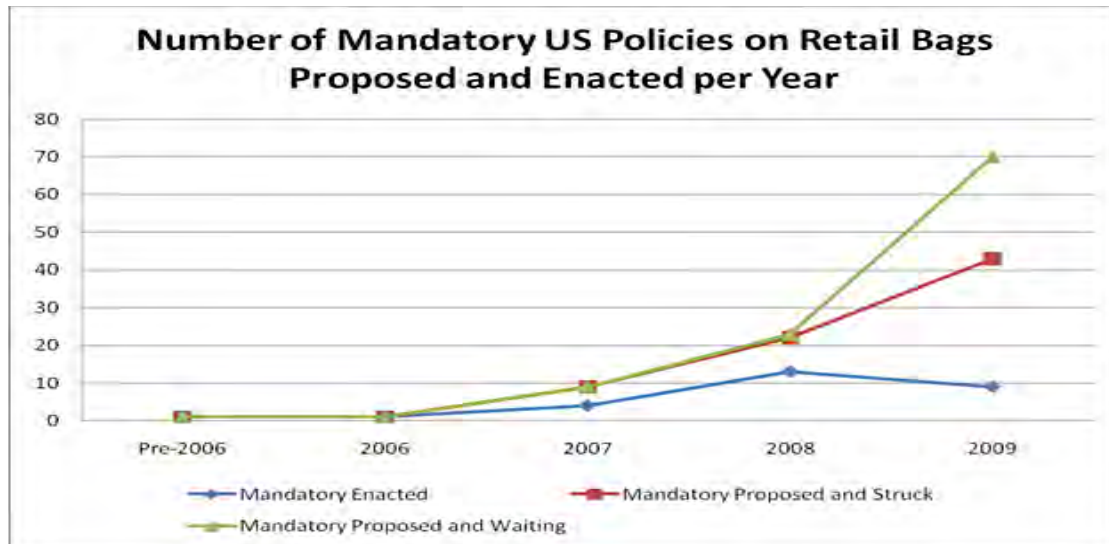
Introduction

Americans used almost 90 billion retail bags in 2003, most of which are used only once and end up in landfills or stormwater systems or littering roadsides, green spaces and beaches across Florida. As part of the Energy, Climate Change, and Economic Security Act of 2008 (Section 403.7033, Florida Statutes, see **Appendix A**), the Florida Legislature directed the Department of Environmental Protection to undertake this analysis of the need for new or different regulation of auxiliary containers, wrappings, and disposable plastic bags used by consumers to carry products from retail establishments. The following explanation of these terms is included to assist the reader. In this report, these are all generally referred to as “retail bags” or “single-use” bags:

- **Auxiliary container:** A secondary container into which a product is placed for transport by a consumer. It includes reusable bags, paper bags, gift bags, gift boxes, hat boxes, and cloth bags--everything but plastic bags.
- **Wrappings:** Includes plastic wrapping for items that are used to protect and transport the items within.
- **Disposable plastic bags:** Includes plastic bags (of any thickness) used by consumers to carry products from establishments. These bags are not necessarily meant to be re-used multiple times, but may have beneficial secondary uses.

The report examines the impact that the improper handling and disposal of retail bags has on wildlife and the environment as a whole. It also includes examples of cities, states, and countries around the world that have taken steps to decrease the use of both plastic and paper retail bags. **Figure 1** shows that the number of mandatory policies for bag reduction in the U.S. has increased steadily since 2006. These actions are considered in light of voluntary measures being taken by various retail establishments in Florida. This review has yielded twelve options to be considered by the Legislature.

Figure 1



Necessity of Regulation

There are two major areas of concern regarding retail bags. First, improper disposal of retail bags hampers recycling, waste management, stormwater management, and litter control. Second, improper disposal damages natural systems and wildlife. These concerns are not unique to Florida, and how Floridians manage retail bags has implications beyond the state's borders. Retail bags fast become pollution affecting Florida's fresh and saltwater resources, animal welfare and, on a grander scale, the health of the world's oceans. Any consideration of regulating retail bags has to account for the worthwhile efforts already underway to reduce the number of bags in circulation or recycle them.

Litter and Waste Management

Litter - Land and Marine

When examining retail bags as litter, DEP looked at previous studies in Florida and neighboring states, including studies that specifically targeted retail bag litter and auxiliary containers such as fast food bags and boxes. The most recent Florida roadside litter study was in 2002 and included plastic bags, paper bags and cardboard containers, referred to as "outer packaging." The study found:

- All types of plastic bags accounted for 1.21% of all large litter items,
- Paper bags, including those that are used specifically to hold take-out food items, accounted for 0.64% of all large litter items,



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- When cardboard boxes are included, these “outer packaging items” accounted for 2.23% of all large litter, and
- Plastic film, which may be partially degraded, ripped or shredded plastic bags, accounted for 8.74% of all small liter items found.
- Overall, there was an estimated 25% increase in large item litter density from 2001 to 2002 and a 37% decrease in small item litter density¹.

The 2007 International Coastal Cleanup Report, a publication compiled by the Ocean Conservancy with reporting performed by volunteers, states that bags are the fourth most frequently found item during coastal cleanups worldwide, accounting for 8.1% of all items found². The Florida-specific report from this international effort shows similar results with bags again ranking as the fourth most commonly found item³. Roadside litter studies from other areas have retail bags and fast food bags accounting for less than 3%⁴. Clearly, reducing plastic and paper bags will not solve the litter problem, but they are a manageable source that can make a difference.

Bag Reuse

Some people reuse their plastic and paper bags for a variety of purposes. One concern posted often on the DEP web forum is that regulation of paper or plastic bags would prevent people from reusing bags for pet waste pickup and in-home trash. Surveys performed in Australia show that 60-75% of shoppers reuse their plastic shopping bags for one additional use after bringing them home from the store, most commonly for pet waste and trash liners.⁵ However, reuse and recycling rates for plastic bags in Florida are far lower, only around 12%.

That said, there are opportunities for reuse of non-retail plastic and paper bags. Frequently, grocery and drugstore products have secondary or primary containment within a plastic or paper bag. Small changes, such as using bread bags instead of plastic retail bags for pet waste pickup, can ease the perceived inconvenience of losing retail bags if regulations were to be enacted. Education is one key to helping consumers make better choices.

Estimating how many disposable bags would be replaced by one reusable bag is difficult. However, many life cycle analyses and other reports have attempted to do this. The range for the number of “disposable” plastic bags that could be replaced by one reusable bag in a year’s time, according to the analyses DEP reviewed, is between 56.8 to 315.15 “disposable” plastic bags replaced by a

According to analyses, between 56.8 and 315.15 disposable plastic bags are replaced by a single reusable bag in one year.

¹ Hinkley Center for Solid and Hazardous Waste Management, 2002

² Ocean Conservancy, 2007

³ Ocean Conservancy, 2008

⁴ MGM Management, 2002, Southeast Environmental Association, 2009

⁵ Environment Protection and Heritage Council, 2002

single reusable bag. The actual number replaced would depend on the shopping habits of the owner of the bag, the material from which the re-usable bag is made, the size of the bag itself and whether or not it is a single trip replacement or lifetime replacement. Still, even at the low end – taking nearly 60 disposable bags out of circulation for every one reusable bag – is remarkable.

Recycling and Retail Efforts

Recycling is another option available to consumers rather than reusing the bags or just throwing them away. Designated retail bag recycling containers are found at several retail stores. The city of Parkland (Broward County) works with local Publix grocery stores and holds a plastic bag recycling contest for schools and coordinates with homeowners' associations to place additional plastic bag recycling bins around the city.⁶

Besides local governments, many large retailers have shown leadership in recycling and reuse. Many have sold or given away millions of reusable shopping bags over the last few years. **Appendix B** lists a few of these retailers and includes their efforts at reducing the use of disposable retail bags. There are also a large number of organizations and grass-roots efforts around the world working to reduce the use of disposable retail bags, recycling or improved technology. **Appendix C** includes a partial list of organizations and their websites.



As noted, the U.S. Environmental Protection Agency (EPA) estimates that 12% of all plastic bags are recycled. More than 4 million tons of plastic bags, sacks and wraps were reported to be generated in the U.S. municipal solid waste (MSW) stream in 2007, with only 11.9% of the high density polyethylene (HDPE) and 12.4% of the low density polyethylene (LDPE) bags, sacks and wraps being recovered (recycled). To derive these data, the EPA used the American Chemistry Council's annual resin reports for generation amounts, and data from the American Chemistry Council and the National Association for PET Container Resources to determine recovery rates.⁷

Waste Management

Retail bags cause equipment and operational problems at recycling facilities, landfills and waste transfer stations. The machinery on trucks and separators is frequently impaired because plastic bags wrap around wheels, gears and other parts of the equipment, forcing work to stop while someone extracts the plastic and restarts the process. This happens daily at recycling facilities and employees risk injury by reaching into sharp or pinching areas to free the plastic from the machinery.

⁶ Archer, 2009

⁷ US EPA, 2007

At landfills retail bags also get wrapped around spreaders and other equipment as well as cause problems by becoming airborne. Some waste management professionals consider plastic retail bags to be the number one “fly away” issue at landfills. Litter flying off landfills angers nearby residents, requires extra work to pick up and return the escaped trash, and may require additional daily landfill cover.

Retail bags frequently clog stormwater pipes, clutter stormwater retention ponds, and are regularly found by crews cleaning roadways, ditches and flushing pipes. In Tallahassee (population 172,000) there are three large flush trucks with two-person crews that work every day to keep stormwater drains open.⁸ There are more than ten people assigned to perform daily trash pickup from stormwater drains and ditches. The city also employs another six people to pick up roadside trash and utilizes inmates to assist with this job.⁹

In Marco Island, a flood was found to be caused by drains clogged with palm fronds, coconuts and plastic bags.

In Marco Island, an April 2008 flood was found to be caused by drains clogged with palm fronds, coconuts and plastic bags.¹⁰ In other areas of the world, plastic bags have been directly linked to flooding and even to malaria outbreaks.¹¹ Plastic retail bags are not the only culprit but, again, they are a source that readily can be controlled.

Biodegradable Bags

Biodegradable and compostable bags are gaining attention as alternatives to plastic and paper bags. The technology has improved since first introduced and some manufacturers now market biodegradable bags with a “lifespan.” There are multiple types of biodegradable and compostable bags. Compostable bags should meet ASTM D6400-04, the standards for plastics designed to be composted in municipal and industrial aerobic composting facilities.

Biodegradable bags now fall into the following categories:

- Photo-degradable react to ultra-violet light to break down.
- Hydro-biodegradable react to “moist biologically active” environments to break down.
- Oxo-biodegradable use additives to react with the atmosphere in order to break down.¹²

While bags that do not persist in the environment sound like a positive step, there are serious drawbacks. All types of biodegradable and compostable bags must be placed under specific conditions to degrade properly. For instance, a photo-degradable bag will not break down if it is covered by water or otherwise obscured from light and an oxo-biodegradable bag requires

⁸ U.S. Census Bureau, 2009

⁹ Yarborough, 2009

¹⁰ Dillon, 2008

¹¹ United Nations Environment Programme (UNEP), 2005

¹² Scott, 2002

direct access to oxygen and sunlight to degrade. Any consumer who places a labeled “biodegradable” bag in the home compost pile will not see the promised degradation because the required high temperatures achieved in municipal composting facilities cannot be achieved with home composting. Additionally, some of these bags leave plastic pieces or other residues when they break down, leftovers that natural systems and wildlife cannot tolerate. Finally, biodegradable bags inadvertently lead to litter because consumers assume the bags will quickly break down or compost, whatever the conditions; they discourage environmental stewardship.

Wildlife and the Environment

The problems caused by throw-away bags do not affect humans alone. Auxiliary containers, retail bags and wrappings can change the ecosystems of rivers, streams, lakes, ponds, estuaries, and oceans. The bags block sunlight from reaching into the depths of the water, leading to stress on aquatic vegetation, plant death and a reduction in the oxygen level of the water. Unnaturally low oxygen levels kill fish and other animals. In addition, filter feeders ingest the plastic particulates that are produced by the degradation of plastic in the water. The effect of this latter phenomenon on the rest of the food chain over the long term is not currently known.¹³

Marine and Land Animals

A major concern about plastic bags is their role in the death of marine animals. Research shows that frequently this number is exaggerated or simply misstated. A commonly stated “fact” that is widespread on the internet is that 100,000 animals are killed annually by plastic bags. The citation for this number is from a Canadian study which did *not* point to plastic bags as the cause of death but instead attributed these deaths to discarded fishing nets.¹⁴

However, it is true that researchers are finding some animals that have ingested or become entangled in plastic bags, although rigorous scientific research is just beginning. Testimonials from beach cleanups and other litter cleanup efforts, sometimes supplemented with photos or videos, show the suffering and deaths of animals caused by plastic containers—a consequence, however anecdotal at this point, that is difficult to rationalize when solutions are within reach. Many marine animals including sea turtles and the larger predators (whales, seals, sea lions, etc.) are already classified as endangered or protected. A variety of research has shown that turtles and other sea dwelling creatures ingest plastic and plastic bags. One study found plastic in the stomach of 15% of the 66 post-hatchling loggerhead sea turtles surveyed.¹⁵

There is some evidence that land animals can also be harmed by retail bags and auxiliary containers. Vehicular deaths of scavenging animals, including birds and raccoons, are

¹³ Thompson, et al., 2004

¹⁴ Piatt & Nettleship, 1987

¹⁵ Witherington, 2002, Thompson, et al., 2004, Mato, Isobe, Takada, Kanehiro, Ohtake, & Kaminuma, 2001

frequently attributed to the litter thrown out of cars. The accompanying food waste attracts the animals to the road or roadside and they are struck while trying to feed.¹⁶

In India, plastic bag regulations were enacted in part to preserve the health of cows. The cattle, considered sacred, were similarly attracted to the food waste found inside discarded bags and were consuming the food waste and bag as one. As more cows died, measures were taken to reduce suffering and deaths of animals with stomachs full of plastic bags.¹⁷ Animals that scavenge at landfills are also injured or killed because of the availability of auxiliary containers, plastic bags and wrappings. Scavenging birds and birds of prey hunting rodents can become entangled in the wrappings or bags or ingest large amounts of plastic.¹⁸ Deer, raccoons, possums, bears and other garbage and landfill scavengers have also been found with retail bags within their guts or have been seen eating such items. Retail bags, plastic in particular, can cause digestive system obstruction and lead to a variety of deaths, including starvation.¹⁹

Plastic Bag Degradation

The effect of plastic upon the oceans is not limited to the ingestion of plastics by marine animals. As plastic degrades, it flakes and breaks into small, fairly flat particles. These particles are not unlike plankton in size and appearance and have been found floating in the open ocean. In some places these particles are estimated to outnumber actual plankton. A research ship from the Algalita Marine Research Foundation has preliminary data from 2008 showing a total ratio of plastic to zooplankton for all samples of 8 to 1. In one sample, the ratio was 46:1, plastic to plankton.²⁰

A National Oceanic and Atmospheric Administration (NOAA) study in 2008 determined a lower ratio.²¹ However these two studies were performed in different areas at different times of the year. As with the filter feeders in brackish and fresh waters, the effect of plastics ingestion on the food chain is unclear. The world's largest marine mammals, blue whales, are filter feeders that eat an estimated 2,000 to 9,000 lbs of plankton and krill – or other things that cross their filters – every day.

Plastic Pellets

In addition to the bags, wrappings and containers that go out as litter or waste and degrade from their useful stage into small plastic particulates, there is another plastic problem in the oceans. The raw materials used in manufacturing can also escape from the manufacturing plant and degrade in the environment. When plastic is created, it starts as large amounts of very small, spherical pellets called “nurdles.” Since nurdles are small and light, and therefore

¹⁶ Harris & Scheck, 1991

¹⁷ Edwards, 2000

¹⁸ Molina & Garrett, 1998, Elliott, Duffe, Lee, Mineau, & Elliott, 2006

¹⁹ Drever, 1997, Stone, Okoniewski, & Stedelin, 1999, Jonkel, 1994, Totton, 1997

²⁰ Algalita Marine Research Foundation, 2009

²¹ Doyle, 2008

highly mobile, a large amount is lost in transport and manufacturing and ultimately washed into stormwater drains or sewers.²²

When these nurdles reach waterways they degrade similarly to plastic bags but instead of flaking off in small layers they lose small amounts of plastic and gradually become smaller and smaller plastic balls. Nurdles can look like a number of oceanic food items, not the least of which is fish eggs. One study performed on seabirds showed 55% of the bird species studied had ingested plastic particles.²³ It is unknown if any chemicals from the plastic can be absorbed by the bird's body, but it is known that ingestion of large amounts of non-food items can cause gut obstruction and ultimately death by starvation or nutrient deprivation.

The actual number of nurdles released to the environment each year is unknown, but they have been found in the oceans and seas for decades. Researchers began studying nurdles and their effects on the oceans in the 1970s.²⁴ In 1993, the U.S. EPA Office of Water published a report on plastic pellets that identified them as being of particular concern.²⁵

Water Pollution/Chemical Leaching

Plastic bags are made from natural gas or petroleum. Plastic bags made in the U.S. are usually made from natural gas while imported bags are more likely to be made directly from petroleum.²⁶ In 2004, the U.S. International Trade Commission reported that the trend in plastic bag use in the U.S. was an increase in imported bags and a decrease in domestically produced bags, but an overall increase in bag consumption. Assuming the trend has continued, most bags consumed in the U.S. are made from petroleum.²⁷

There are many other chemicals and slight impurities in the composition of plastic bags. As the bags degrade, some of these chemicals are released into the water or atmosphere. It is likely that degradation of plastic bags releases greenhouse gases although estimates as to the amount that may be released could not be found. In addition, the plastic nurdles or pellets have actually been found to absorb and become a transport medium for toxic chemicals, including PCB (polychlorinated biphenyl) and DDE (Dichlorodiphenyldichloroethylene, a DDT breakdown product).²⁸

North Pacific Gyre

Plastic-filled "garbage patches" and "plastic gyres" in the oceans have been media topics in recent years and the subject of much discussion. An ocean gyre is a circular ocean current created by the winds. There are five major ocean-wide gyres, the North Atlantic, South

²² Redford, Trulli, & Trulli, 1997

²³ Lee & Moser, 1992

²⁴ Carpenter & Smith, 1972

²⁵ U.S. EPA Office of Water, 1993

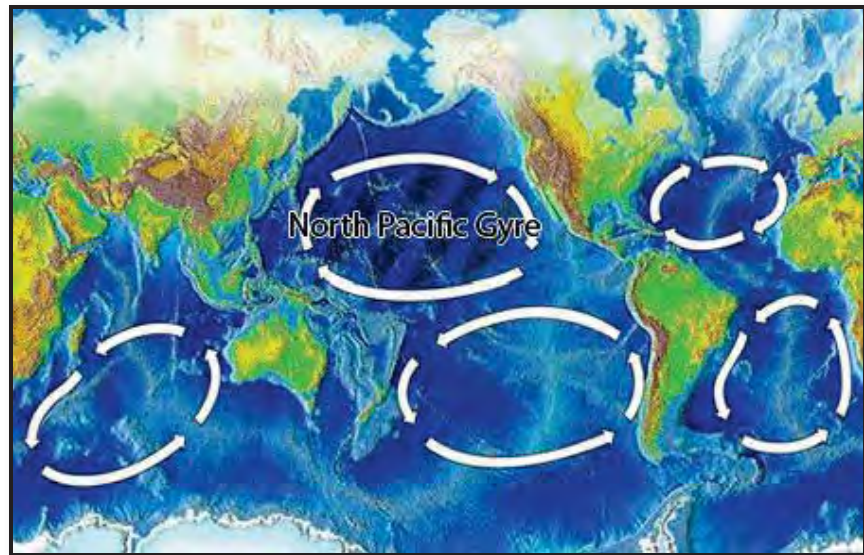
²⁶ U.S. International Trade Commission, 2004, American Chemistry Council, 2007

²⁷ American Chemistry Council, 2007

²⁸ Mato, Isobe, Takada, Kanehiro, Ohtake, & Kaminuma, 2001

Atlantic, North Pacific, South Pacific and the Indian Ocean gyres. Drifting items can become a part of the gyre and in some places large amounts of floating debris held within the gyre by currents have been named garbage patches and plastic gyres.

Research from many sources, including the NOAA and an independent research team from Algalita, shows that there are current-produced gyres in the oceans and most of them hold large amounts of marine debris. The most publicized gyre is a North Pacific Gyre, an area roughly twice the size of the U.S. stretching between the coasts of western North America and eastern Asia. Initially it was thought that within the North Pacific Gyre there were



smaller gyres, patches about the size of Texas, filled with garbage. Research now shows that the marine debris is not limited to these patches and higher levels of debris density have been found outside these areas.²⁹

Life Cycle Analyses

This analysis has primarily focused on the plastic auxiliary containers, wrappings and bags because paper bags and containers more readily degrade, are more readily recyclable, and are less likely to be the cause of death in animals because they can be digested more easily. In 2007 the EPA estimated that 36.8% of all paper bags and sacks generated were recycled, about three times the rate for plastic.³⁰ The higher rate of recycling for paper bags indicated in **Figure 2** versus the 12% recycling rate for plastic bags shown in **Figure 3** is often attributed to the fact that most local recycling programs will accept paper bags but not plastic bags.

²⁹ Algalita Marine Research Foundation, 2009

³⁰ U.S. EPA, 2007

Figure 2

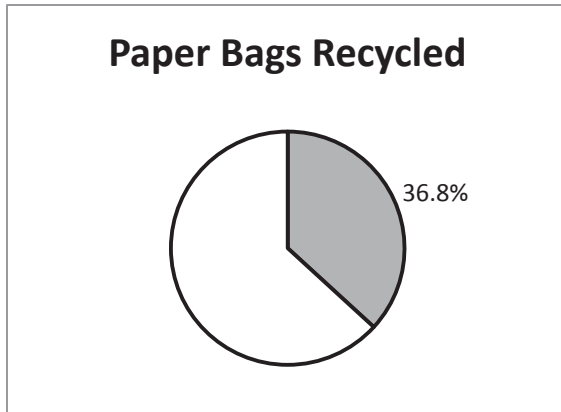


Figure 3

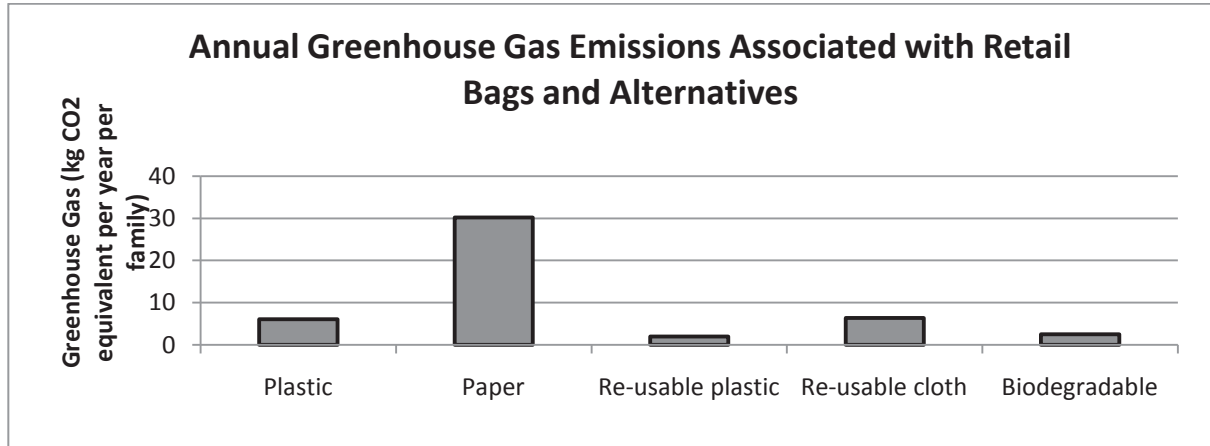


Paper bags are often not considered a problem or, indeed, are sometimes seen as the solution to the plastic problem. Conventional wisdom is wrong. When reviewing life cycle analyses of paper bags and plastic bags, it is evident that there are more negative overall environmental impacts attributed to the transport and production of paper bags. **Figure 4** shows a comparison of the annual greenhouse emissions associated with retail bags. This evidence, and more likely the fact that paper bags are more costly than plastic bags, explain – and even support – the preference of plastic over paper.³¹

Both types of bags comprise approximately the same amount of recycled content. The manufacturing industries for both paper and plastic claim an average recycled content of 30% for the typical bag produced. The life cycle analyses reviewed for this report indicate that increased recycled content does reduce greenhouse gas emissions and related environmental impacts when compared to bags made with virgin materials. However, recycled content is only a step in the right direction – protecting Florida’s wildlife and the environment is contingent on better handling and a reduced demand for the manufacture of paper and plastic bags.

³¹ Hyder Consulting Pty Ltd., 2007, Herrera Environmental Consultants, Inc., 2008

Figure 4



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Conclusions on the Necessity of Regulation

While evaluating the necessity of bag regulations, the good practices that citizens and retail establishments are already undertaking to reduce the number of retail bags in circulation must be recognized. As previously noted, current efforts among grocery stores, such as Food Lion, Publix, Albertsons and Winn Dixie to offer the opportunity to recycle and use reusable bags help change the mind-set of a throw-away society. Large retailers such as Target and Walmart employ similar practices and help increase the number of shoppers exposed to this way of thinking and acting. Nationwide, Walmart has committed to reducing plastic bag usage in their stores by 25% per store by 2013.

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The question then becomes – will these actions be enough to rule out the need for any retail bag regulation? About thirty states have enacted or proposed regulations statewide or at the local level. In April 2009, Congress introduced the “Plastic Bag Reduction Act of 2009” (H.R. 2091). Retail bag regulations are also found on all six populated continents. Worldwide, the number of countries with retail bag regulations has been steadily increasing since the early 1990’s. There are 41 locations with bans, 16 with taxes or fees, 28 with other restrictions or regulations, and 52 that currently have one or more proposed regulations.

Of the eight states in Environmental Protection Agency (EPA) Region IV, including Florida, there is one that has enacted retail bag regulation. In June 2009 the North Carolina General Assembly passed Senate Bill 1018, which bans retail stores in the Outer Banks from distributing plastic bags to customers and allows paper bags to be given away only if the bag is made of recycled content.

³² James & Grant, 2005, Environment Protection and Heritage Council, May 2008

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Of the nation's ten most populous states (Florida is #4), eight have proposed or enacted retail bag regulations at either the state or local level: California (#1), Texas (#2), New York (#3), Illinois (#5), Pennsylvania (#6), Ohio (#7), Michigan (#8) and North Carolina (#10). There has been some interest in regulating retail bags at the local level in Florida. Bonita Springs (Lee County) considered including retail bag bans as a legislative priority in 2009. Additionally, the cities of Sarasota (Sarasota County), Parkland (Broward County), Miami (Miami-Dade County) and Key West (Monroe County) all considered regulations on retail bags before the Legislature enacted a stay on local government regulations in 2008 and directed DEP to prepare this report.

Efficacy of Regulation

Many citizens, businesses and governments across the U.S. and the world have already decided that retail bags have to be better managed. What, then, are the most efficient and effective ways to do so? Regulatory and non-regulatory options, and the ways they can be integrated, have to be examined to answer the question. So do the incentives and disincentives that could be applied at the retail and consumer levels.

There are several things to consider when assessing the efficacy of statewide and local regulation of retail bags. Clearly the effectiveness of regulations would be measured by the reduction of single-use retail bags. Perhaps efficacy could also be measured by behavior change. If consumers simply no longer have the option of receiving a single-use bag, is the effort effective? Without behavior change and education, it is possible that consumers may make choices that are equal to if not worse than the current situation. To avoid this, consumers must have sustainable options to compensate for single-use retail bags. It would also be helpful to have a combination of incentives and disincentives supported by the retail industry to increase the use of reusable bags.

The following sections discuss various regulatory and non-regulatory approaches used by other cities, states and countries, including twelve options posed for consideration in Florida.

Regulatory and Non-Regulatory Options

Bans

Banning auxiliary containers, wrappings or plastic bags has rarely been enacted into law at higher than local levels. In the U.S., with one notable exception, only a few small villages in Alaska, a small town and a county in Hawaii, a county in Iowa, four cities in California, and one other town in Washington have enacted bans on retail bags. Many other places have proposed or considered bans. A few communities in Florida, including Parkland in Broward County, considered a ban before the stay on retail bag legislation was enacted by the 2008 Legislature.

The most publicized location in the U.S. with a ban is San Francisco, California. The city passed an ordinance in April 2007 that requires pharmacies and supermarkets with gross annual sales of \$2 million or more to provide only paper, compostable bags or reusable bags. Proponents of the ban assert that there has been a 5% to 10% reduction in the amount of plastic bags reaching the landfill. Ross Mirkarimi, the City Supervisor and primary author of the ban, has been quoted to say that up to 127 million fewer plastic bags have been distributed in San Francisco just one year after the ban went into effect.³³

³³ Eskenazi, 2009

More recently, as noted earlier, the North Carolina Legislature passed a ban for the Outer Banks. The ban prohibits retail stores having more than 5,000 square feet of retail space or that are part of a retail chain from distributing plastic bags to consumers and allows paper bags to be given away only if the bag is made of 100% recycled content. Because the ban only went into effect September 1, 2009, data on its impact is not yet available.

Fees and Taxes

Several places worldwide have passed fees or taxes on auxiliary containers, wrappings, or plastic bags. There are no locations in the United States that have enacted a fee or a tax on retail bags, but several locations have proposed or considered a retail bag tax. In all cases the proposal was dropped or voted down.

There have been some successes and some unintended consequences that merit examination.

- The Seattle, Washington City Council passed a twenty cent “green fee” on all disposable shopping bags in July 2008, but the fee would not become effective until approved by voters. On August 18, 2009 the citizens of Seattle voted against the “green fee” by a margin of 58% to 42%.
- Perhaps the most notable plastic bag tax was enacted in Ireland in 2002. The first year of the tax saw a 90% or greater reduction in plastic bag usage but an increase in the purchase of trash bags and dog waste pickup bags. Additionally, each successive year saw increased plastic bag usage. Because of this, the government increased the tax in 2007. After that, plastic bag litter was reduced from 5% of all litter to less than 0.3% percent the first year and to less than 0.25% in successive years.
 - Despite the initial setback, the levy was very popular. A 2003 national survey found that 91% of those surveyed were in support of the tax. A previous study performed in 1999 showed that 40% of survey respondents would have been willing to pay such a tax.³⁴
 - All the funds from the Irish levy, in an effort to make the tax more acceptable to consumers, were placed in the “Environment Fund” and are used solely for environmentally related purposes. As reported in 2007, the levy has raised more than €85 million (\$120 million) and has been used for many projects ranging from creating recycling facilities and return centers to educational campaigns. The revenues have also been used to help fund recycling facility operational costs and enforcement of waste management laws.³⁵
- More recently, the City Council of the District of Columbia voted to create a five cent tax on both paper and plastic bags. The bill was signed by the mayor in July 2009 and will go into effect on January 1, 2010. The purpose of the bill is two-fold: to promote the use of reusable shopping bags and to add funding to the Anacostia River Cleanup and Protection Fund. One cent per bag is to stay with businesses and four cents is to go to the fund to help clean up the Anacostia River.

³⁴ Kildare County Council, 2008

³⁵ McDonnell, Convery, & Ferreira, 2007

Voluntary Measures

Voluntary measures are important but difficult to quantify. Many retailers in Florida have enacted campaigns to reduce plastic bag usage. Reusable bags are available for purchase at nearly all the major chain retailers and a number of retailers have given reusable bags as promotional items.

Albertsons gives customers five cents back on their purchase for every non-plastic bag used. Target and CVS have also

recently implemented programs to give cash back to customers who bring in their own bags. Started in November 2009, the Target program gives customers a five-cent discount for every reusable bag used at checkout. In October 2009, CVS customers began to receive a one dollar bonus on their CVS cards for every four times a reusable bag is used. Publix, Food Lion, and Walmart all offer in-store or on-premises plastic bag recycling receptacles for customers.

Appendix B is a list from the Florida Retail Federation describing current efforts of retailers in Florida.

Target gives customers a five-cent discount for every reusable bag used at checkout.

In Austin, Texas there is a voluntary plastic bag use reduction and recycling program developed in partnership with Keep Austin Beautiful, The Texas Retailers Association, the Progressive Bag Affiliates, local retailers and the city of Austin. According to the city, Austin shoppers at participating retailers increased plastic bag recycling by more than 20% from 2006 to 2008 and stores gave out 40% fewer plastic bags at checkout. The program utilized an awareness campaign that included a campaign logo and reusable bag design contest, a kick-off event, a youth art contest, reusable bag day promotion, and a campaign website.³⁶

Phase-Out

Phasing out retail bags is another method used to reduce the number of single-use retail bags and to help increase awareness. Typically, a phase-out is a multi-part approach often combining fees and bans progressively. There are no locations in the U.S. that have enacted a phase-out but several have proposed language with increasing fees or yearly requirements for decreasing retail bag usage.

The Ministers of the Environment Protection and Heritage Council (EPHC) in Australia agreed in October 2002 to pursue a number of actions relating to reducing the adverse impacts of plastic bags on the Australian environment. A number of work groups were put together to address different aspects of the issue. On July 1, 2005, after reviewing the research and report on the issue, the EPHC agreed to a phase-out of lightweight plastic shopping bags by the end of 2008. All shoppers and retailers were expected to have alternatives in place by December 31, 2008. However, after an analysis in April 2008 showed the economic costs of a regulatory

³⁶ Austin City Connection, 2008

phase out would significantly outweigh the environmental benefits, the EPHC resolved not to endorse uniform regulatory action at this time.

Local Government Regulations

As previously stated, there are no local regulations enacted in Florida due to the legislative preemption enacted in 2008. But there are local efforts outside the state, the majority being less than two years old. **Appendix D** lists all known locations with local regulations.

Since there are so many types of local regulations that affect varying populations and varying numbers of retailers and the regulations are so new, there is little data regarding their efficacy. However, there are some effects common to all local regulations. Differing local regulations are more difficult for chain retail stores to implement because they are regionally managed covering many communities or even states. Additionally, it is more difficult to realize widespread environmental benefits from local regulations if the affected areas are small. Enacting retail bag policies at the state level is easier for retailers to implement and can have broader environmental benefits. However, these considerations have to be balanced with the needs and demands of local citizens, and the expertise of local governments in preserving their local environment. The approaches are not mutually exclusive.

Other National and International Regulations

DEP has researched and compiled a summary of retail bag regulations throughout the United States and other countries. There are 33 countries worldwide that have enacted or proposed retail bag regulations. This information can be found in **Appendix E** and more information, with interactive maps is available on the DEP Retail Bag Report website at: www.dep.state.fl.us/waste/retailbags. These maps are regularly updated as DEP receives information regarding retail bag policies worldwide.

Conclusions on Efficacy of Regulations

While all mechanisms to reduce retail bag usage have merit, some are more effective than others. Bans produce the fastest results in reducing plastic bag use; fees or taxes follow closely behind. Governments with fees or taxes usually devote at least some of the revenue to environmentally-related funds, although some allow retail stores to keep a portion of the proceeds. Many people and retailers prefer voluntary efforts simply because they are voluntary and because no new fees or administrative costs are required.

The pros and cons associated with each option in the report are included to provide policymakers with the information needed to balance the effect of any actions taken in the future.

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An effective educational campaign promoting reusable bag use and educating the public about the problems caused by single-use plastic and paper bags cannot be underestimated.

Appropriately accounting for the legitimate concerns and entrepreneurial creativity of the retail sector is also essential to any successful campaign. The following table summarizes twelve options for reducing the use of single-use paper and plastic retail bags. The options should be considered both on their own merits and as they integrate well with other options to reverse the current practice of widespread use of disposable retail bags.

Finally, an assessment of the efficacy and consequences (pros and cons) associated with each option is included to provide policymakers the information needed to weigh and balance the effect of any potential actions on the environment, regulated community and the consumer.

Options for Discouraging and Reducing the Use of Single-Use Retail Bags

Option	Pros	Cons	Additional Comments
1. Enact an educational campaign	<ul style="list-style-type: none"> • Easy to implement 	<ul style="list-style-type: none"> • Limited impact unless coupled with other option(s) 	
2. Encourage In-Store Recycling	<ul style="list-style-type: none"> • Utilizes infrastructure that already exists in many stores • Increases recycling • Produces moderate quality feedstock • Material is in demand 	<ul style="list-style-type: none"> • May be costly to stores • Does not accommodate compostable /biodegradable alternatives • Low to moderate participation in existing programs 	
3. Retail Stores offer Reusable Bag Credit	<ul style="list-style-type: none"> • Allows retailers to be proactive • Gives retailers flexibility • Attractive to customers • Incentive aimed at changing behavior – reducing consumption 	<ul style="list-style-type: none"> • Not attractive to all retailers • Credit is usually small (1 to 5 cents) and therefore undervalued by consumers 	<ul style="list-style-type: none"> • Target performed a pilot study of a reusable bag policy at 100 stores and found a 58% reduction in the number of plastic bags used
4. Require biodegradable bags as an option at checkout	<ul style="list-style-type: none"> • Bags are easy for stores to purchase • Customers feel “greener” 	<ul style="list-style-type: none"> • Bags are expensive, cost will be passed on to customers • Confusing for consumers who don't realize that the bags will not biodegrade in backyard composters • Can contaminate plastic recycling 	

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Option	Pros	Cons	Additional Comments
5. Require a certain additional amount of recycled content in bags	<ul style="list-style-type: none"> • Easy to accomplish for paper bags • Reduces some environmental concerns from manufacturing 	<ul style="list-style-type: none"> • More difficult for plastic bags • Increased recycled content bags are more expensive • Does not address end-of-life concerns • Minimally addresses environmental concerns from manufacturing 	<ul style="list-style-type: none"> • Current average recycled content for paper bags is 30% • Current average recycled content for plastic bags is 30%
6. Implement pilot program(s) of any of these options in a few key communities that have already expressed interest	<ul style="list-style-type: none"> • There are some communities in Florida that have already expressed interest 	<ul style="list-style-type: none"> • Difficult for retail chains to implement something in just a small area 	
7. Set a recycling rate goal (number of bags recycled per year)	<ul style="list-style-type: none"> • Increases recycling • Material is in demand 	<ul style="list-style-type: none"> • Hard to track • Does not reduce the number of bags consumed • Does not address environmental concerns from manufacturing 	
8. Require bag consumption reduction with plan to enact ban or fees if not reached	<ul style="list-style-type: none"> • Reduces bag consumption • Gives retailers flexibility 	<ul style="list-style-type: none"> • Hard to establish a baseline • Very difficult for smaller stores to track 	
9. Deposit System	<ul style="list-style-type: none"> • Customer gets amount of deposit back when bags are turned in for recycling • Increases recycling 	<ul style="list-style-type: none"> • Requires stores to take bags back for recycling • Doesn't reduce the number of bags consumed 	<ul style="list-style-type: none"> • No successful examples

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<p>10. Increasing fee over time</p>	<ul style="list-style-type: none"> • Incentive to reduce consumption • Could provide funding for recycling programs and educational campaigns • Reduces litter • Reduces costs associated with clogged storm and sewer drains 	<ul style="list-style-type: none"> • Fees may be perceived as a tax • May transfer business to surrounding locations • Potential job losses in plastic bag manufacturing and plastic recycling industries 	
<p>11. Flat fee (no increase over time)</p>	<ul style="list-style-type: none"> • Reduces consumption • Reduces litter • Reduces costs associated with clogged storm and sewer drains 	<ul style="list-style-type: none"> • Consumers get used to paying and consumption creeps back up, especially if inflation reduces the value of the fee • Fees may be perceived as a tax • May transfer business to surrounding locations • Potential job losses in plastic bag manufacturing and plastic recycling industries 	
<p>12. Ban</p>	<ul style="list-style-type: none"> • Reduces consumption • Reduces amount of demand so amount of supply and resulting environmental damages should be reduced • Reduces litter • Reduced costs associated with clogged storm and sewer drains 	<ul style="list-style-type: none"> • Some consumers like the convenience of store-provided bags • May promote shift to other disposable alternatives • Potential job losses in plastic bag manufacturing and plastic recycling industries 	

Appendices

Appendix A: Energy, Climate Change, and Economic Security Act of 2008

Section 403.7033, Florida Statutes:

Departmental analysis of particular recyclable materials -- The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy. As such, the Department of Environmental Protection shall undertake an analysis of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The analysis shall include input from state and local government agencies, stakeholders, private businesses, and citizens, and shall evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit a report with conclusions and recommendations to the Legislature no later than February 1, 2010. Until such time that the Legislature adopts the recommendations of the department, no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.

Appendix B: Current Efforts of Retailers in Regards to Bags

This list of the current efforts conducted by retailers with stores in Florida was provided to DEP by the Florida Retail Federation. The numbers and data are listed as reported. DEP notes that many of the numbers may not be Florida-specific but may reflect regional or national results.

A. Albertsons:

- Sells or gives away reusable bags (42,405 bags since January 1, 2009).
- Offers a free promotion every week – buy X item and get a free reusable bag.
- Instituted a Bag Reuse Program:
 - Since January 1, 2009 324,760 bags have been reused.
 - Gives the customer 5 cents for every paper bag or reusable bag they use.
 - Has saved 649,520 bags so far this year.
 - Top areas in Florida for bag reuse in Albertsons stores: Sarasota/Bradenton, Venice Beach, Vero Beach and Gainesville.
- Uses Paper Handle Bags made with 45% recycled material and certified by the Sustainable Forest Industry in seven stores (cost is higher than traditional paper and plastic).
- Working with plastic bag manufacturer to source a stronger plastic bag made of at least 25% recycled plastic material. This bag is stronger and can hold more items. It is predicted that this bag will soon be made of 45% recycled plastic material.

B. Food Lion:

- Began selling reusable shopping bags on April 22, 2008, Earth Day.
- Has a current promotion for reusable bags being given away when a customer buys one of the following three products: Brita®, Greenworks®, or Scotts® towels. This promotion was ongoing until the end of June 2009 and put 17,000 free bags in the hands of consumers since April 22, 2009.
- Currently recycles all corrugated cardboard and plastic that can be recycled at the store.
- Offers in-store recycling of plastic bags, and a recycling message on the store's plastic bags. On the front of the bag on the bottom left hand corner is a "consider reusable bags" message and on the back is "please bring your plastic bags back to Food Lion for recycling."
- In 2007, recycled 7,730,869 pounds of plastic.

C. Publix:

- Offers in-store recycling of paper and plastic bags at all retail locations. Not only can customers drop off any brand plastic shopping bag for recycling, they can recycle plastic sleeves from dry cleaning and newspapers.
- Recycled 6,700 tons of plastic in 2008.

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- Has sold reusable shopping bags made of canvas for many years. Since first offering the 99-cent reusable bag in mid-2007, Publix has sold over 7.5 million and given away many more.
- Initiatives to reduce the use of plastic bags include improved training for front service clerks; bag reduction goals for every store; monthly progress reporting; communication campaigns to encourage the use of reusable bags; and the distribution of free reusable bags through various partnerships.
- These initiatives have helped reduce Publix's use of plastic bags by over two-hundred million per year.

D. Target:

- Has given away or sold over 8.5 million reusable bags.
- Does participate in recycling programs in certain markets, but none currently in Florida.
- Currently reviewing its bag program to determine future plans.

E. Walgreens:

- Supports goal adopted by Progressive Bag Affiliates to increase recycled content of plastic bags supplied in stores to 40% by 2015 and make in-store recycling available to customers.

F. Walmart:

- Sells reusable bags (Walmart estimates it has sold enough reusable bags to eliminate the need for more than one billion plastic shopping bags.) Sells bags at two price points: one for \$1.00 and a second for \$0.50.
- Offers in-store recycling of plastic bags.
- Recycles shrink wrap, garment bags, and other loose plastic.
- All plastic and plastic bags collected for recycling are pressed between cardboard stacks in Walmart's "sandwich baler" process and sent to certified recyclers for processing. It is estimated this has eliminated more than 44 million pounds of plastic from landfills since 2006.
- Committed to reducing plastic bag usage in U.S. stores by 25% per store by 2013.
- Using a comprehensive approach to reduce plastic bag usage, including training associates regarding bagging efficiency and reduction of bag use.
- Has a company-wide sustainability goal to generate zero-net waste.

G. Winn Dixie:

- Sells reusable bags.
- Offers in-store recycling of plastic bags.
- Adopted use of Junior Bag in express and self checkout, which uses 20% less resin. (This is equivalent to a reduction of 308,000 pounds used on an annual basis.)

Appendix C: List of Groups, Organizations and Grass-Roots Efforts

Groups Interested in Reducing the Use of Disposable Retail Bags:

- Sierra Club Florida (Waste Minimization) www.florida.sierraclub.org
- www.reusablebags.com (Sells Reusable Bags)
- ChicoBag www.chicobag.com (Sells Reusable Bags)
- Audubon Society (Support Waste Minimization/Litter Reduction for Land Conservation Purposes) www.audubon.org
- Californians Against Waste www.cawrecycles.org (Non-profit environmental research and advocacy organization)
- Heal the Bay www.healthebay.org (Non-profit organization)
- Blogs/Grassroots
 - Group on Facebook “Reduce the Use of Plastic Bags”
 - www.natural-environment.com
 - 64 petitions on www.thepetitionsite.com that relate to plastic bag use reduction
 - http://noplasticbags.blogspot.com
 - www.bringyourown.org
 - www.squidoo.com/noplasticbags
 - www.conserveplasticbags.blogspot.com

Groups Interested in Increasing Bag Recycling:

- American Chemistry Council (www.plasticbagrecycling.org, www.americanchemistry.com, www.plasticsmythbuster.org, www.plasticbagfacts.org)
 - Operation Clean Sweep www.opcleansweep.org Plastics Industry initiative to help prevent the release of plastic resin pellets (nurdles) into the environment
- Hilex Poly (Plastic Bag Manufacturer) www.hilexpoly.com
- Raymond Communications www.raymond.com Recycling Policy Consultant firm
- American Forest & Paper Association (Paper Bag Manufacturers) www.afandpa.org - generally support bans that only relate to plastic because then paper bag use goes up
- NAPCOR (National Association for PET Container Recyclers) www.napcor.com support plastic recycling
- Save the Plastic Bag www.savetheplasticbag.com group of businesses and citizens opposed to plastic bag bans
- SPI (The Society of the Plastics Industry)/Film and Bag Federation - www.plasticbag.com Plastics Manufacturing Industry
- www.myrecycledbags.com - blog about crocheting plastic bags into other products

Groups Interested in Improving Bag Technology:

- American Chemistry Council (www.plasticbagrecycling.org, www.americanchemistry.com, www.plasticsmythbuster.org, www.plasticbagfacts.org)
- Hilex Poly (Plastic Bag Manufacturer) www.hilexpoly.com
- Raymond Communications www.raymond.com Recycling Policy Consultant firm

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- American Forest & Paper Association (Paper Bag Manufacturers) www.afandpa.org
- NAPCOR (National Association for PET Container Recyclers) www.napcor.com support plastic recycling
- Save the Plastic Bag www.savetheplasticbag.com group of businesses and citizens opposed to plastic bag bans
- SPI (The Society of the Plastics Industry)/Film and Bag Federation - www.plasticbag.com Plastics Manufacturing Industry
- BASF www.basf.com - makes "Performance Polymers" aka biodegradable plastics
- Symphony Environmental www.degradable.net - makes degradable plastics
- BPI (Biodegradable Products Institute) www.bpiworld.org - professional association promoting biodegradable plastics

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Appendix D: Local Enacted Regulations in the United States

Location Name	Estimated Population	Year Effective	Ban	Fee	Recycling Requirement	Voluntary	Provide alternatives*
30 small communities, AK	16,500	1998	X				
Albany County, NY	298,130	2008			X		
Austin, TX	656,562	2007				X	
Chicago, IL	2,853,114	2008			X		
Edmonds, WA	40,158	2009	X				
Fairbanks, AK	35,132	2010		X			
Fairfax, CA	7,066	2008	X				
Kauai County, HI	63,689	2011	X				
Lake County, IL	712,453	2007			X		
Los Angeles, CA	3,833,995	2008				X	
Madison, WI	231,916	2009			X		
Malibu, CA	13,009	2008	X				
Manhattan Beach, CA**	36,605	2008	X				
Marshall County, IA	39,523	2009					X
Maui County, HI	143,574	2011	X				
Nassau County, NY	1,351,652	2008			X		
New York City, NY	8,363,710	2008			X		
Oakland, CA**	404,155	2007	X				
Outer Banks, NC	33,518	2009	X				
Paia, HI	2,752	2008	X				
Palo Alto, CA	59,395	2009	X				
Phoenix, AZ	1,567,924	2007				X	
Rockland County, NY	298,545	2008			X		
San Francisco, CA	808,976	2007					X
Solana Beach, CA	12,825	2008				X	
Suffolk County, NY	1,512,224	2007			X		
Tempe, AZ	175,523	2008				X	
Tucson, AZ	541,811	2009			X		
Washington, DC	591,833	2010	X	X			
Westchester County, NY	953,943	2008			X		
Westport, CT	26,051	2009	X				
Total***			13	2	10	5	2
*Provide alternatives means to provide alternative bags such as compostable or reusable bags							
** Under lawsuit, not in effect							
***Washington DC has both a ban and a fee							

Appendix E: National and International Bag Regulations

The following is the detailed information that is available to the public on DEP's dedicated Retail Bag Report website. These lists are associated with the maps and can be accessed in two ways – the user can directly go to the lists, or can click on the country, state or city of interest on the map and go directly to that location's information. This information is updated regularly as DEP receives information about retail bag policies worldwide.

North America

UNITED STATES OF AMERICA

- United States - H. R. 2091, the "Plastic Bag Reduction Act of 2009" was introduced in the U.S. Congress on April 22, 2009 and is still in committee. This act would place a five cent fee on "single-use" bags from grocery stores and other retail outlets. The act goes on to increase the fee in 2015 to twenty-five cents. Some of the money from the fee would go to the Land and Water Conservation Fund, some to state and local programs and some to reduce national debt.
http://moran.house.gov/apps/list/press/va08_moran/Plastic.shtml

Alaska

- Alaska - In 2009, Senate Bill 22 was introduced to the Alaskan Legislature. This bill would charge a fifteen cent fee for disposable plastic bags given out by retailers. The fee would fund the "Alaska litter and marine debris reduction and recycling fund." This bill was referred to the Resources and Finance Committees as of January 21, 2009. The bill remained in this committee at session adjournment.
 - 30 villages/communities in Alaska, US - In Western Alaska, at least 30 communities have banned plastic bags since 1998. The ban was in response to plastic bag litter from dumps and ill-effects on Alaskan wildlife including salmon and seals.
 - Fairbanks, Alaska - On September 10, 2009 the Fairbanks North Star Borough Assembly voted to enact a five cent tax upon each plastic bag given out by all retail sellers in the community of Fairbanks. The tax will be effective January 1, 2010. The retail sellers are allowed to keep three percent of the total amount collected while the rest of the money will go to a local recycling program special revenue fund. The ordinance cites that some municipalities have estimated a collection and disposal cost of seventeen cents per plastic bag.

Arizona

- Arizona - In 2008, bills were introduced in the Arizona state government for review that proposed to place a surcharge on plastic and paper bags and asking retailers to offer recycling collection of the bags. These bills did not pass during the 2008 legislative session.
 - Phoenix, Arizona - In Phoenix, the city and the Arizona Food Marketing Alliance worked together with stores to create Bag Central Station. This program, started in

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2007, is a voluntary program in which stores encourage reusable bags and must accept plastic bags for recycling.

- Tempe Arizona - In Tempe, the Bag Central Station program has been expanded from its start in Phoenix. The program started in Tempe in 2008 and is a voluntary program in which stores encourage reusable bags and must accept plastic bags for recycling.
- Tucson, AZ - In Tucson, the Bag Central Station program was codified in March 2009. The city council adopted a new city code requiring retail establishments of over 10,000 square feet to provide recycling bins for plastic bags.

California

- California - In 2006, the state of California passed a law, effective July 1, 2007, mandating that all retail establishments of a certain size or larger label their bags for return to the store for recycling, have recycling bins available to customers and to provide reusable bags for customers to purchase.
- California - In 2009, Assembly Bill 1141 was introduced in the California Legislature. The bill would require that all plastic carryout bags contain a specified percentage of recycled plastic. Plastic bag producers would be charged a producer's responsibility fee of one-half cent per bag. The bill was held without recommendation by the Assembly Committee on Natural Resources (April 27, 2009).
- California - In 2009, Senate Bill 228 was introduced in the California Legislature. The bill would require all marine degradable or compostable plastic bags to be readily distinguishable from non-biodegradable plastic bags. The bill remains in the Senate Appropriations Committee (May 28, 2009).
- California - In February 2009, Senate Bill 531 was introduced in the California Legislature. Initially, the bill would have required suppliers of paper or plastic single-use carryout bags to pay a fee of one cent per bag to the State Board of Equalization. Monies generated would fund grants for litter reduction education. The bill was amended in April 2009 to only add details to existing plastic bag manufacturer obligations regarding recycling education. The bill was referred to the Committee on Natural Resources on June 15, 2009.
 - Fairfax, California - The City Council of Fairfax, California passed a ban on plastic bags in 2007 only to withdraw the ban because of a threatened lawsuit regarding the environmental benefit of such a ban. Subsequently, the Council asked stores to voluntarily stop giving out plastic bags. In response, citizens of Fairfax made the issue a ballot initiative. In November 2008, voters passed the initiative.
 - Los Angeles, California - In 2008, the LA County Supervisors initially proposed a ban on plastic bags. After discussion the ban was supplanted by a voluntary program asking retailers to encourage consumers to use reusable bags. The ban will be revisited if the use of bags in LA County does not decrease by 30% by July 2010 and by 65% by July 2013.
 - Manhattan Beach, California - In July 2008, the City Council of Manhattan Beach passed a ban on all plastic bags used for carrying purchased goods. Currently, the

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ban is on hold due to a lawsuit. One clause of the suit states that the city did not perform an Environmental Impact Report (EIR) and the second states that the city does not have the power to ban plastic bags.

- Oakland, California - In June 2007, the city of Oakland passed an ordinance banning non-biodegradable plastic take-away bags. This ban applied only to retail establishments that gross \$1 million in annual sales. The ordinance allows paper bags provided that they meet recycled content requirements. The ordinance has been rescinded after a lawsuit against the city was upheld in April 2008. The suit cites that the city had not performed adequate environmental study regarding the possible adverse effects of a ban.
- San Francisco, California - The city of San Francisco passed an ordinance in April 2007 requiring retail stores (pharmacies and supermarkets) that gross annual sales of \$2 million to provide paper bags, compostable bags and/or reusable bags.
- Malibu, California - In May 2008 the Malibu City Council approved a ban on all non-reusable plastic bags excluding produce bags. The ban went into effect in November 2008.
- Solana Beach, California - In August 2008, the city of Solana Beach began a voluntary recycling program for plastic bags. The program utilizes three collection bins in public buildings and sends the clean plastic bags directly to Trex Co. Inc. Trex makes deck boards and fencing from wood and recycled plastic fibers. Previously, in December 2007, the city enacted a law prohibiting plastic bags used for advertising that are thrown onto driveways and yards or hung on doorknobs.

Connecticut

- Connecticut - In 2009, House Bill 5466 was introduced in the Connecticut General Assembly. The bill would require all retailers that give out plastic shopping bags to also accept the bags back and have those bags recycled.
- Connecticut - In 2009, House Bill 5273 was introduced in the Connecticut General Assembly. The bill would ban all retailers from using non-biodegradable bags starting January 1, 2011.
- Connecticut - In 2009, House Bill 5207 was introduced in the Connecticut General Assembly. The bill would require a tax to be paid on all paper and plastic bags. The purpose of this bill is to help reduce waste, litter, dependence on foreign oil and to help foster sustainability and environmental responsibility.
- Connecticut - In 2009, House Bill 5107 was introduced in the Connecticut General Assembly. The bill would require retail stores to charge a tax of five cents per plastic bag. Money from this tax would be used for the renewable energy fund.
- Connecticut - In 2009, House Bill 5479 was introduced in the Connecticut General Assembly. The bill would also require a five cent fee per plastic bag. This is intended to encourage the use of reusable bags and to reduce plastic waste.

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- Connecticut – In 2009, House Bill 5492 was introduced in the Connecticut General Assembly. The bill would require the recycling of plastic shopping bags and charge a fee on each plastic or paper shopping bag.
- Connecticut – In 2009, House Bill 6314 was introduced in the Connecticut General Assembly. The bill would require a five cent fee per bag given out at grocery stores. This is intended to reduce the amount of plastic waste that enters landfills.
- Connecticut – In January 2009, House Bill 5005 was introduced in the Connecticut General Assembly. If enacted, this bill would prohibit retail establishments from providing plastic bags for purchased goods at the point of sale. This bill was referred to the Joint Committee on Environment and stayed there until adjournment of the Assembly.
- Connecticut – In January 2009, House Bill 5215 was introduced in the Connecticut General Assembly. The bill would require a five cent fee per bag given out at grocery stores. Monies generated from the tax would be transferred to the Department of Environmental Protection. It remains “Tabled for the Calendar” in the Committee on Finance, Revenue, and Bonding (May 2009).
 - Westport, Connecticut – In 2008, Westport Connecticut passed a ban on most plastic shopping bags beginning in 2009. Bags used for produce are exempted.

Colorado

- Colorado – In 2009, Senate Bill 156 was introduced in the Colorado General Assembly. This bill would ban retail stores of a certain size from providing free plastic bags. The bill would also charge a fee of six cents per plastic bag of which the store would keep half the money and the state would receive the other half for use in plastic bag use reduction education.

Delaware

- Delaware - In March 2009, the Delaware House of Representatives passed House Bill 15, requiring stores exceeding 7,000 square feet to establish an at-store recycling program for plastic bags. The governor signed the bill into law on August 17, 2009.

Florida

- Florida - The Energy, Climate Change, and Economic Security Act of 2008 (House Bill 7135) signed into law by Governor Crist created Section 403.7033, Florida Statutes. This section requires the DEP to perform an analysis and submit a report to the Legislature by February 1, 2010 regarding the necessity and efficacy of both statewide and local regulation of bags used by consumers to carry products from retail establishments. Until such time that the Legislature adopts the recommendations of DEP, no local or state government may enact any regulation or tax on the use of such retail bags.

Hawaii

- Hawaii - In 2009, House Bill 1357 (same as Senate Bill 1292) was introduced in the Hawaii Legislature proposing a ban on all non-biodegradable/compostable plastic bags and

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requiring retailers to provide either recyclable paper bags, compostable plastic bags or reusable bags. If enacted this ban would apply only to stores that gross at least \$250,000 in revenue annually. This bill remained in the House Energy and Environment Committee at Legislative adjournment.

- Hawaii - In January 2009, House Concurrent Resolution 43 was offered to the Hawaii House of Representatives. This resolution requires the Hawaii Food Industry Association to form a working group with a representative from each County, the Department of Health, producers of polystyrene and plastic bags made in Hawaii, affected trade organizations and environmental organizations. The working group would establish minimum statewide standards for biodegradability of plastic grocery bags and food containers. This resolution remained in the Senate Committee on Health at Legislative adjournment.
- Hawaii - In February 2009, House Concurrent Resolution 61 was offered to the Hawaii House of Representatives. House Concurrent Resolution 61 (same as House Resolution 49) urges Honolulu and Kauai Counties to reduce the use, sale, and environmental degradation caused by non-compostable plastic bags. This resolution remained in the House Energy and Environment Committee at Legislative adjournment.
- Hawaii - In January 2009, Senate Bill 244 was introduced in the Hawaii Legislature. If enacted this bill would have required each retail establishment to provide the consumer with either a refund or a store credit if the consumer purchased goods or products and declined to use a plastic shopping bag that the retail establishment offers at no additional charge. In February, the Senate Committee on Energy and Environment deferred the measure.
- Hawaii - In January 2009, Senate Bill 245 was introduced in the Hawaii Legislature. This bill would have established a statewide at-store plastic carryout bag recycling program. The program would have been implemented at stores with over 10,000 square feet of retail space and a licensed pharmacy or a store with annual sales of \$2,000,000 or more. This bill was deferred by the committee on Energy and Environment.
- Hawaii - In January 2009, Senate Bill 584 was introduced in the Hawaii Legislature. This bill would have prohibited retail stores and supermarkets from distributing plastic shopping bags. The bill was referred to the Energy and Environment Committee where the measure was recommended to be passed with amendments. From the Energy and Environment Committee, the measure was sent to the Judiciary and Government Operations Committee where it remained at Legislative adjournment.
- Hawaii - In January 2009, Senate Bill 1163 was introduced in the Hawaii Legislature. This bill would have required distributors that sell and distribute plastic shopping bags to stores for the stores to give to consumers to pay a fee of five cents per bag. This fee would be payable to the Department of Health and would be remitted to the "keiki first steps trust fund." This bill was referred to the Energy and Environment Committee and the Human Services Committee. Both committees deferred the measure in February.
- Hawaii - In January 2009, Senate Bill 1292 (same as House Bill 1357) was introduced in the Hawaii Legislature. This bill would have required all businesses that gross over \$250,000

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annually to cease distributing non-biodegradable plastic shopping bags and only distribute recyclable paper bags, compostable plastic bags or reusable bags. This bill was referred to the Energy and Environment Committee and the Judiciary and Government Operations Committee where the measure remained at Legislative adjournment.

- Paia, Hawaii – In 2008, the town of Paia became “plastic bag free” when all of the town traders agreed to cease handing out plastic takeaway bags.
- Maui County, Hawaii – In 2008, Maui County voted to ban plastic bags by 2011.
- Hawaii County, Hawaii – In August 2008, the Hawaii County Council voted to ban businesses from offering plastic checkout bags. The ban needed the signature of the mayor to go into effect but the mayor opposed the ban and vetoed it. The County Council then voted again in October 2008 but there were not enough votes to override the mayor’s veto.
- Kauai County, Hawaii - In October 2009, the Kauai County Council voted to ban plastic carryout bags. Stores must now offer only biodegradable, 100% recyclable paper or reusable tote bags at checkout. The stores are allowed to charge for the bags. The ban will go into effect on January 11, 2011.

Illinois

- Illinois – House Bill 0334 was introduced in the Illinois Legislature in January 2009. The bill was referred to the Rules Committee, then assigned to the Environmental Health Committee and then Re-referred to the Rules Committee in March 2009. If enacted, this bill would create the “Grocers’ Mandatory Plastic Bag Recycling Act,” which would require grocery stores to implement recycling programs for plastic bags. The bill remained in committee at session adjournment.
 - Chicago, Illinois – In May 2008, the City Council of Chicago enacted an ordinance requiring certain retail establishments to establish an in-store plastic bag recycling program. The program must include specific labeling on the bags, recycling bins available to customers for bag drop-off and provide reusable bags for customers to purchase.
 - Lake County, Illinois - In August 2007, the Governor of Illinois signed the Plastic Bag Bill creating a pilot program in Lake County requiring retailers over a certain size that give out plastic bags to take the bags back for recycling.

Iowa

- Marshall County, Iowa - On September 16, 2008, the Marshall County Board of Supervisors voted to require the use of compostable plastic, recyclable paper and/or reusable checkout bags by all retail stores in unincorporated areas of the county. This requirement went into effect on April 9, 2009.

Maine

- Maine – In 2009, Legislative Document 367, An Act to Reduce the Amount of Plastic Introduced into the Waste Stream, was introduced. This bill would require retailers to

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charge ten cents for each plastic bag given to a customer. The money would be deposited into the Waste Reduction and Recycling Loan Fund. This bill was revised to resolve that the Executive Department, State Planning Office should create a work group, through a partnership with state agencies and other appropriate entities to work to create an overall reduction of disposable checkout bag distribution and waste. This resolution was signed by the governor on May 19, 2009. (Resolve Chapter 54)

- Maine - In 2009, Legislative Document 622 (equivalent to HP 436) was introduced in the Maine Legislature. This bill would require retailers with more than 30,000 square feet of retail sales area to provide a cloth or durable fabric bag to customers at least twice a year. This bill went to committee and was unanimously voted "ought not to pass."

Maryland

- Maryland - In 2009, House Bill 1210 was introduced in the Maryland Legislature. If enacted, this bill would have required stores to charge and collect a five cent fee for each carryout bag (paper or plastic) provided to a customer. Of this fee, one cent would be retained by the store if the store did not have a Customer Bag Credit Program or if the store did have such a program then the store could retain two cents. The remaining amount would be remitted to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund. The Customer Bag Credit Program is a voluntary program for stores in which the store would pay a customer at least five cents for each bag that is provided by the customer. This bill was read in the Environmental Matters Committee but was never moved out of committee.
 - Annapolis, Maryland - In 2007, Annapolis Maryland lawmakers proposed a plastic bag ban. The ban did not pass but an alternative plan passed involving an expanded recycling campaign, encouraging use reduction and free reusable bag giveaways.
 - Baltimore, Maryland - In 2008, two bills were introduced to the Baltimore City Council in order to regulate plastic bag use. Bill 08-0208 proposes levying a twenty-five cent tax per plastic bag distributed by any retail establishment. Monies collected from the tax would go into the general fund. Bill 08-0205 would prohibit all stores from distributing plastic bags. Both bills are now in committee and were scheduled for a public hearing to the Judiciary and Legislative Investigations Committee on January 5, 2010.

Massachusetts

- Massachusetts - On March 12, 2009, the Massachusetts Department of Environmental Protection signed a Memorandum of Understanding (MOU) with the Massachusetts Food Association. The Massachusetts Food Association is an industry organization that represents more than 500 individual grocery stores. The MOU sets a goal to see a 33% reduction in the distribution of paper and plastic disposable grocery bags by 2013. This reduction is to be achieved through incentives to customers to reduce demand and increased reusable bag usage, improved recycling of bags at stores, and increased recycled

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content or use of biodegradable bags offered for distribution. This effort is voluntary for all stores that are members of the Massachusetts Food Association.

- Massachusetts – In January 2009, House Bill 719, “An Act Relative to Plastic Bag Reduction,” was introduced in the Massachusetts Legislature. If enacted this bill would have required stores grossing more than \$2,000,000 annually to provide only recyclable paper bags, compostable plastic bags or reusable bags to customer. This bill has been referred to the Joint Committee on Environment, Natural Resources and Agriculture. A public hearing was held on this bill on May 14, 2009.
- Massachusetts – In January 2009, House Bill 798, “An Act relative to decreasing environmental hazards, toxins and litter,” was introduced in the Massachusetts Legislature. This bill calls for the responsible reduction of plastic carryout bags by prohibiting any store with a gross income of more than \$500,000 in the previous tax year from providing plastic carryout bags to consumers. This bill has been referred to the Joint Committee on Environment, Natural Resources and Agriculture. A public hearing was held on this bill on May 14, 2009.
- Massachusetts – In January 2009, House Bill 2686, “An Act relative to an excise on plastic carryout bags in supermarkets,” was introduced in the Massachusetts Legislature. This bill would excise five cents per plastic carryout bag provided to customers, from any supermarket with a gross income of more than \$1,000,000 in the previous tax year. The funds excised would be credited to the General Fund. This bill has been referred to the Joint Committee on Revenue. A public hearing was held on this bill on April 12, 2009.
- Massachusetts – In January 2009, Senate Bill 395, “An Act relative to the responsible reduction in the use of plastic bags,” was introduced in the Massachusetts Legislature. This bill would prohibit any store located or doing business in Massachusetts from giving, providing or making available plastic carryout bags to consumers. This bill has been referred to the Joint Committee on Environment, Natural Resources and Agriculture. A public hearing was held on this bill on May 14, 2009.
- Massachusetts – In January 2009, Senate Bill 1284, “An Act relative to the selection and use of plastic bags in certain stores,” was introduced in the Massachusetts Legislature. This bill would require every store to pay to the commissioner an excise equal to two cents per plastic carryout bag provided to customers. This bill has been referred to the Joint Committee on Revenue. A public hearing was held on this bill on April 12, 2009.
 - Plymouth, Massachusetts – The Board of Health in Plymouth Massachusetts reviewed a ban on plastic bags in late 2008. The board ultimately decided not to pass the ban.
 - Sturbridge, Massachusetts – In 2008, the Board of Selectmen, in Sturbridge Massachusetts, sponsored an article to ban the use of plastic bags in stores of or larger than 35,000 square feet within the city limits. At a town meeting in April 2008, the article was voted down.
 - Boston, Massachusetts - In late 2007, Boston Massachusetts lawmakers proposed both a ban and a required collection and recycling plan. None of the proposals passed but most grocery stores accept plastic bags for recycling.

Michigan

- Michigan – In December 2008, bill number SB 1611 was introduced in the Michigan Legislature. If enacted the bill would phase out the retail distribution of “noncompostable plastic carryout bags” by 2012. This bill was referred to the Committee on Natural Resources and Environmental Affairs on November 6, 2008. The bill remained in committee at session adjournment.

Minnesota

- Minnesota - HF0041 was introduced in the Minnesota State Legislature in January 2009. If enacted, this bill would require in-store recycling programs for plastic carryout bags. Additionally, manufacturers of plastic carryout bags would be required, if requested by store operators, to make arrangements for collection, transport, and recycling of all plastic carryout bags and other film plastic that is collected as part of the in-store recycling program. This bill was referred to the Environment Policy and Oversight Committee where it stayed until legislative adjournment.
- Minnesota - HF403 (companion SF0383) was introduced in the Minnesota State Legislature in January 2009. If enacted, this bill would not only require that any bag or container used to deliver yard waste to a yard waste compost facility be compostable but also require specific labeling for all compostable, biodegradable, and degradable plastic bags, including those used in retail stores. The bill was referred to a number of committees and ended up in the Environment and Natural Resources Finance Division Committee at legislative adjournment.
- Minnesota - HF576 (companion SF267) was introduced in the Minnesota State Legislature in January 2009. If enacted this bill would have required in-store recycling programs for all plastic carryout bags and have required labeling of plastic carryout bags to say “Please Reuse or Recycle at a Participating Store.” This bill was referred to the Environment Policy and Oversight Committee where it remained at legislative adjournment.
- Minnesota - SF383 was introduced in the Minnesota State Legislature in 2009. This bill requires that plastic bags used for yard waste or source-separated compostable materials meet ASTM Standard Specification for Compostable Plastics. Additionally, this bill requires that until standards are created, plastic bags sold in the state of Minnesota may not be labeled as biodegradable or degradable. Any bags labeled as compostable must meet the ASTM Standard Specification for Compostable Plastics and labeled to reflect that the bag meets the standard. This bill was added to HF2123 and was signed by the governor in May 2009.

Missouri

- Missouri – In 2009, Senate Bill 340 was introduced to the Missouri General Assembly. If enacted this bill would require stores to only provide recyclable paper bags, compostable plastic bags, reusable bags or any combination of the three. This bill was referred to the

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Commerce, Consumer Protection, Energy and the Environment Committee on February 11, 2009. The bill remained in committee at session adjournment.

Nevada

- Nevada – In 2009, Senate Bill 397 was introduced in the Nevada State Legislature. This bill, if passed, would establish a Plastic Bag Environmental Cleanup Fund and impose both a fee and a ban on certain types of bags. Customers would pay a fee on non-biodegradable and on non-compostable plastic bags from October 1, 2009 through June 30, 2011. Beginning July 1, 2011, all non-biodegradable and non-compostable plastic bags would be banned from distribution. This bill was referred to the Commerce and Labor Committee and was not heard again as of session adjournment.

New Hampshire

- New Hampshire – In 2008, both the House and the Senate of New Hampshire passed “A Resolution Encouraging the Use of Reusable Shopping Bags.” This resolution encourages both consumers and retailers alike to switch to reusable bags. The resolution was promoted by a group of teenagers from Hanover, New Hampshire as part of the group “Kids for a Cooler Planet.”

New Jersey

- New Jersey – In 2007, New Jersey lawmakers proposed a ban on retail bags. The ban was not passed during the 2008 session.

New York

- New York – In 2009, Senate Bill 544 was introduced in the New York State Legislature. This bill would require retail businesses to restrict the use of non-compostable plastic bags by 50% of their current use volume by 2012. The bill goes on to completely ban non-compostable plastic bags by 2014.
- New York – In 2009, Assembly Bill 6537 was introduced in the New York State Legislature. This bill would enact a tax on plastic shopping bags that are used to transport every sale of tangible personal property by consumers. The tax would be fifteen cents per plastic bag.
- New York – In 2009, Assembly Bill 6070 was introduced in the New York State Legislature. This bill would effectively ban plastic bags at retail stores by requiring that all stores provide only paper, compostable plastic and/or reusable bags as checkout bags.
- New York - In 2009, Assembly Bill 6937 was introduced in the New York State Assembly. If passed, this bill would establish a state commission to evaluate and make recommendations regarding the reduction of improper disposal of plastic and paper merchandise bags.
- New York -In April 2009, a bill (AB7844/SB4866) was introduced in the Assembly and Senate proposing a five cent tax on plastic carryout bags. The tax would apply to all stores located within cities with populations exceeding 1 million. The bill has been forwarded to the Committee on Cities.

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- New York- In April 2009, Senate Bill 5067 was introduced in the New York State Legislature. This bill would enact a five cent sales tax on all plastic shopping bags. The first \$75 million generated from the tax would be deposited in an environmental fund. The remaining monies would be deposited into the NY State General Fund. This bill has been referred to the Investigations and Government Operations Committee.
- New York - In 2009, Senate Bill 4595 was introduced in the New York State Legislature. If passed this bill would amend the 2008 law that requires all large grocery store chains and retailers to implement recycling of plastic bags. The amendment would, among other things, remove preemption for local laws enacted by a city of one million or more. In April 2009 the bill was referred to the Environmental Conservation Committee.
- New York - Assembly Bill 6144 was introduced in the New York State Legislature in 2009. If passed, this bill would require store operators to pay customers at least two cents per carry-out bag brought in by the customer to carry out goods purchased. This bill was referred to the Environmental Conservation Committee in February 2009.
 - Albany County, New York – Albany County, in New York State passed an in-store recycling program for plastic bags in March of 2008. This program requires stores to have collection bins and to recycle the bags.
 - Nassau County, New York – In Nassau County, a county on Long Island in New York, a local plastic bag reduction and recycling law was passed in June 2008. This law requires that plastic bags be labeled with specific language, requires stores to have a bin for collection and to recycle the bags.
 - New York City, New York – In 2008, the New York City Council passed a bill requiring retail chains and large stores to collect and recycle plastic retail bags.
 - Rockland County, New York – In May 2008, the County Legislature in Rockland County, New York passed a law requiring stores to recycle plastic bags and plastic film, have collection bins available for customer use and make reusable bags available for purchase.
 - Suffolk County, New York – Suffolk County, in New York State passed a carryout bag reduction and recycling initiative in 2007.
 - Westchester County, New York – In October 2008, a law went into effect in Westchester County, New York that requires all retailers that provide plastic carry-out bags to customers to have a collection bin and to recycle the bags.
 - Ulster County, New York – Local Law No. 3 of 2009 was introduced to the Legislature of the County of Ulster to impose a minimum fee of ten cents for each plastic bag provided to customers at the point of sale. The measure was referred to the Environmental Committee and a public hearing was held May 6, 2009. A number of proposed changes were offered at the public meeting and the proposed law was sent back to the Environmental Committee for reconsideration.

North Carolina

- North Carolina – In 2009, Senate Bill 1018 (equivalent to House Bill 810) was introduced in the North Carolina General Assembly. This bill, if passed, would ban retail stores from

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providing plastic bags to customers and would allow paper bags to be given away only if the paper bag is recyclable. This bill was revised to ban retail stores in the Outer Banks of North Carolina from distributing plastic bags to customers and allows paper bags to be given away only if the bag is made of recycled content.

- North Carolina - In 2009, House Bill 1288 was introduced in the North Carolina General Assembly. If enacted, this bill would increase the state goal for plastic bag recycling from 25% to 75% and require retailers to provide in-store recycling. This bill has been referred to the Committee on Commerce, Small Business and Entrepreneurships as of April 9, 2009.

Ohio

- Ohio - For Earth Day 2009, the Ohio Department of Natural Resources (DNR) and Ohio Grocers Association (OGA) announced the cooperative Plastic Bag Recycling Program. The OGA will provide recycling bins to its retail members in order to collect plastic from consumers and to recycle pallet and shrink wrap.

Oregon

- Portland, Oregon - In 2007, a ban on plastic bags was proposed in Portland, Oregon. The ban did not pass and neither did the alternative plan of a tax on plastic bags.

Pennsylvania

- Pennsylvania - In May 2009, Senate Bill 864 was introduced in the state legislature. The bill proposes a two cent tax on all plastic retail bags from retail establishments that gross over \$1,000,000 in sales per year. Proceeds from this tax would be divided equally between the State and the retail establishments in order for each to fund programs that would improve recycling practices and education. This bill has been forwarded to the Committee on Finances.
- Pennsylvania - Senate Bill 609 was introduced to the Pennsylvania Legislature in 2009. This bill, if enacted, would prohibit grocery stores from providing consumers with paper and plastic bags. The bill was referred to the Environmental Resources and Energy Committee on March 19, 2009.
 - Philadelphia, Pennsylvania - In 2009, bill 090075 was presented to the City Council of Philadelphia that would enact a twenty-five cent fee on all plastic bags received by a customer at retail stores within the city. Large businesses, with more than \$1 million in annual sales, would send 75% of the fees back to the city while smaller businesses would be able to keep the money. This bill was referred to the Committee on the Environment and a public hearing was held on June 10, 2009. It is in council for a second reading.
 - Philadelphia, Pennsylvania - In February 2009, Bill 090074 was introduced in the City of Philadelphia Council. This bill if it had been enacted would have banned supermarkets and pharmacies from providing bags other than recyclable paper bags, compostable plastic bags or reusable bags. This bill was referred to the

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Committee on the Environment and two hearings were held. The bill was read but did not pass the Council vote on June 18, 2009.

- Philadelphia, Pennsylvania - On November 19, 2009 a resolution titled "Calling on All Philadelphia Retail Stores to Implement Plastic Bag Recycling" was introduced to the City Council of Philadelphia. This resolution is currently "in council" or ready for consideration by the council.

Rhode Island

- Rhode Island - In 2004, the state of Rhode Island established a statewide voluntary recycling program for plastic bags. This program utilized an anti-litter campaign called "Why Knot." This campaign encouraged residents to tie plastic bags into knots to reduce the likelihood that the bags would become litter. In 2008 the legislation was amended to expand the program to all large retailers, require reporting and to expand the products accepted for recycling.
- Rhode Island - Senate Bill 804 was introduced in the Rhode Island Legislature in January 2009. If enacted, this bill would require retail establishments to provide a five cent per bag rebate for every reusable bag a customer provides in order to carry purchases from the establishment. Additionally, retailers would be required to charge a fifteen cent fee per plastic bag provided to customers in order to carry purchases from the establishment. This bill was referred to the Senate Environment and Agriculture Committee on March 24, 2009.
- Rhode Island - In 2008, House Bill 7630 was introduced in the Rhode Island Legislature. The bill would have promoted paper bag usage by imposing a tax equal to one cent per plastic bag used by consumers for grocery or other purchases. This bill was referred to the House Finance Committee and in May 2008 the committee recommended the measure be held for further study.

Texas

- Texas - In February 2009, House Bill 1361 was filed in the Texas Legislature. This bill, if enacted would impose a seven cent fee for certain plastic bags provided to customers by retailers. Retailers would retain part of the money and the rest would go to fund a Local Recycling Program Assistance Account. In March 2009, the bill was referred to the "Ways & Means" committee where the bill was left pending as of April 22, 2009.
- Texas - Senate Bill 338 was filed in late 2008 with the Texas Legislature. If enacted, this bill would place requirements upon businesses with more than 51 employees that offer plastic checkout bags to customers. These requirements would include offering a reusable bag for sale at a reasonable price, asking customers if they would like to purchase a reusable bag before offering the customer a plastic checkout bag and having a recycling program for those plastic checkout bags. The bill also provides for civil and administrative penalties for those businesses that do not comply with the requirements. In April 2009, the bill went to the Business and Commerce Committee and was passed and then referred to the Environmental Regulation Committee. In May 2009, the bill was left pending in that committee.

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- Texas - House Bill 3427, introduced in the Texas Legislature in 2009, would have required businesses or shopping malls that offer plastic checkout bags to customers to offer reusable bags at a reasonable price for sale to customer and establish in-store checkout bag recycling programs. The bill also required the Texas Commission on Environmental Quality to establish an online clearinghouse of information relating to the use and recycling of plastic checkout bags. Lastly, the bill required a study to (1) examine the bill's impact on businesses and the environment, (2) determine what happens to plastic checkout bags after they are collected in bins at the in-store recycling programs, (3) determine how many businesses are collecting the plastic checkout bags and recycling them, and (4) determine the feasibility and costs to businesses of using alternative material checkout bags. This bill was left pending in the House Environmental Regulation Committee at Legislative adjournment.
 - Austin, Texas - In 2007, the city of Austin passed a voluntary use reduction and recycling of plastic bags program. Since that time, the retailers have reported a 40% reduction in the use of plastic bags as well as a 20% increase in recycling of plastic bags at the stores participating.

Vermont

- Vermont - In 2009, House Bill 262 was introduced in the General Assembly. This bill would enact a seventeen-cents tax on each plastic bag purchased or received during a retail transaction in Vermont. If passed, the tax will go into effect on January 1, 2010.
- Vermont - In 2009, Senate Bill 33 was introduced in the General Assembly. This bill would enact a three cent tax on each plastic bag purchased or received during a retail transaction in Vermont. If passed, the tax will go into effect on January 1, 2010.
- Vermont - In 2008, both the House and the Senate of Vermont passed a joint resolution that supported the Hanover High School Kids for a Cooler Planet reusable shopping bag campaign. This resolution encourages both consumers and retailers alike to switch to reusable bags. The resolution was promoted by a group of teenagers from Hanover, New Hampshire as part of the group "Kids for a Cooler Planet."

Virginia

- Virginia - In 2009, bills that would have banned disposable plastic bags from being distributed to customers or that placed a fee on the bags were both pulled by their sponsors.
- Virginia - House Bill 1814 (same as SB873) was filed with the Virginia Legislature in January 2009. If enacted the bill would have banned the use of plastic carryout bags by retailers at the point of sale unless the bags were durable plastic bags with handles, at least 2.25 mils thick and were specifically designed and manufactured for multiple reuse. This bill was referred to the Committee on Agriculture, Chesapeake and Natural Resources where it remained at Legislative adjournment.
- Virginia - House Bill 2010 was filed with the Virginia Legislature in January 2009. If enacted the bill would have imposed a five cent fee on paper and plastic bags used by

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customers to carry items from the place of purchase. Durable, reusable plastic bags and bags used for ice cream, meat, fish, and poultry would have been exempt from the fee. The revenues raised by the fee would have been deposited in the Water Quality Improvement Fund. This bill was referred to the Committee Finance where it remained at Legislative adjournment.

- Virginia – Senate Bill 971 was filed with the Virginia Legislature in January 2009. If enacted the bill would have required on-premises recycling for plastic bags be available at stores that are part of a chain or occupy more than 5,000 square feet and distribute plastic bags to consumers. This bill was referred to the Committee on Agriculture, Chesapeake and Natural Resources where it was stricken at the request of a Patron in Agriculture, Chesapeake and Natural Resources.
- Virginia – Senate Joint Resolution 445 was offered February 13, 2009. This resolution commended Farm Fresh Food and Pharmacy for its exceptional environmental leadership and its commitment to reducing plastic bag use by encouraging customers to switch to reusable bags.

Washington

- Washington – House Bill 1189 was introduced in the Washington Legislature in January 2009. The bill, if it had been enacted, would have banned retail stores from providing free carryout bags unless the carryout bags were compostable plastic, recyclable paper or reusable. This bill would also have pre-empted any local city, town, county or municipality within the state from enacting more restrictive laws on retail bags. This bill was referred to the House Committee on Environmental Health where it failed to receive action at a final public hearing.
 - Seattle, Washington – In July 2008, the City Council of Seattle passed a twenty cent “green fee” on all disposable shopping bags starting in 2009. This fee has been placed on hold until August 2009, when a city-wide vote allowed Seattle voters to vote for or against the “green fee.” On August 18, 2009 the “green fee” was voted down 58% to 42%.
 - Edmonds, Washington - In July 2009, the City Council of Edmonds, Washington voted unanimously to ban retail establishments from distributing single use plastic bags. The ordinance was effective August 27, 2009.

West Virginia

- West Virginia – In 2008, a ban on plastic bags from retail establishments was proposed in the state of West Virginia. The bill was not passed during the 2008 session.
- West Virginia - In March 2009, House Bill 3058 was introduced in the West Virginia Legislature. If enacted this bill would phase out the use of light plastic bags by July 1, 2012. Retailers would be required to provide customers with compostable bags, label bags to return to the store for recycling and place recycling bins for customer use or make reusable bags available for purchase. This bill was referred to the Energy, Industry and Labor, Economic Development and Small Business Committee.

Washington, DC

- Washington, DC – In 2009, the “Anacostia River Clean Up and Protection Act of 2009,” was introduced in the Council of the District of Columbia. This act would ban the use of disposable, non-recyclable plastic retail bags as well as establish a five cent fee for all other disposable bags, including but not limited to paper and plastic retail bags. If passed, part of the money would be placed in the Anacostia River Cleanup and Protection Fund. On June 2, 2009, the City Council of Washington DC voted unanimously to create a five cent tax on both paper and plastic bags in order to promote the use of reusable shopping bags. One cent per bag would stay with the business which sold the bag and four cents would go to fund a cleanup of the Anacostia River. In order to become law the bill was again voted upon in late June when the DC Council unanimously voted to pass the bill. The Mayor of DC signed the bill on July 7, 2009. The fee went into effect January 1, 2010.

Wisconsin

- Wisconsin - In March 2009, Assembly Bill 170 was introduced to the Wisconsin Legislature. If enacted this bill would ban retail stores from providing any bag for a customer’s purchase unless that bag is a compostable plastic bag, a cloth or plastic bag intended for multiple reuses or a recyclable paper bag. This bill was referred to the Committee on Jobs, the Economy and Small Business.

CANADA

British Columbia

- Vancouver, British Columbia, Canada – In 2008, the city of Vancouver proposed a ban on plastic disposable shopping bags. Currently, the proposal is under review by the British Columbia government in the legal department. In addition, the Retail Council of Canada, the Canadian Grocery Distributors, the Canadian Federation of Independent Grocers and the Canadian Association of Chain Drug Stores have submitted a plan to reduce plastic bag distribution by 50% over a five year period.

Manitoba

- Leaf Rapids, Manitoba, Canada – In April 2007, the municipality of Leaf Rapids in Manitoba, Canada banned plastic shopping bags. Initially, the town started with a levy on the bags and then moved to an outright ban.

Nova Scotia

- Nova Scotia, Canada – All liquor stores in Nova Scotia, Canada agreed to cease giving out plastic bags as of fall 2008.

Ontario

- Toronto, Canada – The Toronto City Council has approved a charge on plastic shopping bags that took effect on June 1, 2009.

Quebec

- Quebec, Canada – All liquor stores in Quebec, Canada agreed to ban plastic bags by 2009.
 - Montreal, Quebec, Canada – Montreal Canada planned to ban plastic shopping bags some time in 2009. Additionally, a popular liquor store, SAQ, instituted a surcharge policy on plastic and paper bags as of September 2008. This surcharge is expected to reduce the use of such bags by 4%. The policy goes on to ban plastic and paper bags from stores by January 2009.
 - Huntingdon, Quebec, Canada – In January 2008, the small town of Huntingdon Quebec passed a bylaw that bans plastic bags.
 - Amqui, Quebec, Canada – In 2008, the town of Amqui, in Quebec, Canada had a voluntary plastic bag use reduction pact with merchants and instituted a small tax on the bags.

MEXICO

- Mexico City, Mexico - On August 19, 2009, a new ordinance was enacted that prohibits businesses from giving out thin plastic bags that are not biodegradable. The law affects all stores, production facilities and service providers within the city limits.

Africa

Eritrea

- Eritrea – In 2005, the Eritrean government banned plastic bags outright.

Ethiopia

- Ethiopia - In 2008, the Ethiopian government passed a new law (Proclamation 513) that bans the manufacture and import of plastic bags less than 0.33mm in thickness.

Ghana

- Ghana - In July 2004 the Ghanaian government created a Recycling Taskforce to hire waste collectors to collect and deliver plastic bags to warehouses for recycling. The plastic producers are required to help fund the project. One quote regarding plastic bags in Ghana: “Plastic waste has had a terrible impact on tourism, particularly on the beaches east of Accra, where rain water carries the waste,” Ghana’s Tourism Minister Jake Obetsebi Lamptey told the IRIN News Service. “And the visible mountains of refuse in Accra give foreign tourists the impression that Ghana is a filthy country.”

Kenya

- Kenya – In January 2008, the country of Kenya applied a thickness rule to plastic bags.

Lesotho

- Lesotho - Lesotho has proposed a thickness rule on plastic bags. The outcome of this proposal is not known at this time.

Rwanda

- Rwanda – In 2005 the Rwandan government banned plastic bags outright.

Somaliland

- Somaliland, an autonomous region of Somalia banned plastic bags completely as of March 2005.

South Africa

- South Africa – In 2003, the country of South Africa applied a thickness rule to plastic bags.

Tanzania

- Tanzania – In 2006, Tanzania banned plastic bags.
 - Zanzibar – Zanzibar, a city within Tanzania, banned plastic bags in 2006.

Uganda

- Uganda – In June 2007, Uganda imposed a thickness rule on plastic bags.

Asia

Bangladesh

- Bangladesh – The country of Bangladesh banned plastic bags in March 2002.
 - Dhaka, Bangladesh banned plastic bags in January 2002.

Bhutan

- Bhutan – The country of Bhutan banned plastic bags in June 2005. They did this to help reduce litter and thus raise the national happiness quotient.

China

- China – In January 2008, the country of China imposed a ban on specific plastic bags and also imposed a minimum thickness rule.
 - In Hong Kong, China a tax or charge is levied on plastic bags.

India

- India – In 2002, the Indian government mandated a thickness rule on plastic bags. All bags must be greater than 20 microns in thickness. This rule was implemented to reduce malaria outbreaks, aid in storm water runoff management and also to prevent the sacred cows of India from inadvertently ingesting plastic bags.
 - Maharashtra, India – In June 2005, the government in the state of Maharashtra enacted a plastic bag ban. This was done in response to localized flooding that was caused by plastic bags clogging waterways.
 - Delhi, India – In January 2009, the city of Delhi, India announced a ban on the use, storage and sale of all plastic bags. There are heavy fines for violators while citizens

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and visitors are encouraged to use alternative material bags such as jute, cotton, recycled-paper and compostable bags.

Israel

- Israel – In June 2008, the Israeli government enacted a tax or charge upon plastic bags.

Maldives

- Baa Atoll - In 2009, Baa Atoll initiated “Say no to plastic bags”, a campaign that distributes cloth bags to all residents.

Philippines

- Philippines - In 2008, bill 4134 was introduced to House legislature that would place an excise tax on non-biodegradable plastic bags. All money generated from the tax would be used to support government initiated environmental protection programs. This bill was referred to committees and is pending there as of June 2009.
- Philippines - In 2007 SB1443 was introduced to the Senate that would have created the Plastic Bag Recycling Act. This bill was left pending in committee.

Taiwan

- Taiwan – In Taiwan, a plastic bag ban and tax or charge was enacted in January 2003.

Australia

- Australia (whole country) – In December 2002, the country of Australia enacted a reduction and phase out plan for plastic retail bags.
 - Victoria – In 2006, the state of Victoria opted to charge consumers for each plastic bag used at a store. The fee went into place as a trial in 2008 in a few locations.
 - South Australia – In 2008 South Australian government considered a proposal to ban polyethylene plastic bags that are 35 microns or less thick. Compostable and biodegradable bags would be exempted from the ban. The ban was passed and went into effect May 2009.
 - Coles Bay, Tasmania – Coles Bay, Tasmania is a tourist town, famous for the close proximity to whale migration. The town opted to go “plastic bag free” in April 2003. This move effectively banned plastic takeaway bags. Retailers offer reusable paper bags for a fee and also sell fabric bags.
 - Huskisson – A seaside location and whale watching tourism helped prompt the town of Huskisson to ban plastic bags in November 2003.
 - Kangaroo Valley – In November 2003, all retailers in the town committed to banning plastic bags. Reusable cloth bags are available for purchase at all shops.
 - Mogo – In September 2003, local retailers and the Mogo Progress Association worked together to go “plastic bag free.”

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- Loddon Shire – In December 2005, Loddon Shire became “plastic bag free”. Effectively, a ban on take away plastic bags, the Loddon Shire Council purchased reusable shopping bags and distributed these bags free to retailers to kick start the program.

Europe

Belgium

- Belgium – The country of Belgium passed a tax on plastic bags in 2007 along with a tax on plastic films (like dry cleaning bags), aluminum foil, and disposable cutlery. The tax went into effect July 1, 2007.

Denmark

- Denmark – In Denmark, there is a tax on plastic bags. Starting in 1994 with a tax on packaging materials that was charged to retailers, it progressed to a tax in 2005 on waste. This waste tax makes it more expensive to send waste to a landfill or to incinerate it.

England

- London, England – In 2007, a proposed ban on plastic bags was introduced in London. By November 2008, the proposal was withdrawn. This ban withdrawal came after the ministers of the London Councils supported the implementation of a minimum charge on plastic bags. The government pledged that it would impose a minimum charge on shopping bags should retailers fail to make a voluntary and significant cut in the number of bags they give out. If the retailers fail to comply, the minimum charge will be imposed across England and Wales – this should bring about an even greater reduction in bag usage than London Councils’ Bill, which would only have affected London.
- Modbury, England – On May 1, 2007, the small town of Modbury and the resident shops and businesses enacted a ban on plastic bags (self-regulated). Shops offer reusable bags as well as compostable bags for items like fruit and meats.
- Girton, England- The shops in the village of Girton have stopped giving out free plastic bags as of January 2008. Reusable cotton bags were handed out to residents and shops will have cotton bags in stock to offer in place of plastic.
- Kew, England – In July 2008, the town of Kew began a plastic bag free campaign that encourages shops to forgo free giveaway bags and asks residents to bring their own reusable bags.
- Aylsham, England – On May 3, 2008, the historic market town of Aylsham went plastic bag free. The shops charge a fee for disposable bags including plastic, cornstarch and paper (shop determined fee and type of bag).
- Henfield, England – In May of 2008, the town of Henfield gave a free cotton bag to each household and all shops went “plastic bag free”. Shops charge for the use of paper or cornstarch bags and also have reusable cotton and canvas bags for sale.

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- Hebden Bridge, England – This historic market town went “plastic bag free” in December 2007 using a campaign encouraging reusable bags. Residents were also given a free cotton bag as a kickoff for the program.
- Tisbury, England – In January 2008, the village of Tisbury went “plastic bag free;” shops encourage reusable bags and residents were charged with making the change from getting free bags at the store to bringing their own bags.
- Overton, England – Shopkeepers in the village of Overton switched from plastic bags to biodegradable cornstarch bags in October 2007.

France

- France – By 2010, plastic bags will be completely outlawed in France.
 - Corisca, France – The French island, Corsica, banned plastic bags in large stores in 1999.
 - Paris, France – In January 2007, the city of Paris banned non-biodegradable plastic bags in large stores. This was done in order to help reduce pollution in the city.

Germany

- Germany – In Germany, all stores that provide plastic takeaway bags must pay a recycling fee to the government to help enhance recycling programs.

Ireland

- Ireland – In March 2002, the Republic of Ireland passed a law enacting a tax on plastic bags. This tax, known widely as the “PlasTax,” caused a reduction in plastic bag use of 90%. Since 2002, the reduction has become markedly less (meaning that consumers are using more plastic bags) and so in 2007, the government opted to increase the tax.

Italy

- Italy – In May 2007, Italy passed a law banning non-biodegradable plastic bags starting in 2010. Previously, the country had a plastic bag tax from 1989 to 1992.

Macedonia

- Macedonia – Beginning in January 2009, plastic bags were banned by the Environmental Ministry from the retail and food sectors as well as at markets. For heavier items, plastic bags of a 14 micron thickness with a carrying capacity of at least 5kg (about 11 lbs) can be purchased by customers. A review of this order in early 2009 showed a reduction of the use of plastic bags by retailers of up to 82% as compared to numbers from November 2008. The review also showed that there was a need to increase the minimum thickness for the bags used to carry heavier items and so starting in May 2009, the thickness for such bags is 21 microns.

Scotland

- Scotland – In 2006, the Plastic Bag Levy Bill was introduced in the Scottish Executive. The bill would have required supermarkets and other retailers to charge a fee for every plastic bag supplied to a customer. The bill was withdrawn before it could be voted upon.
 - Banchory, Scotland – In January 2008, the town of Banchory started a campaign to encourage consumers to bring reusable bags to shops and also asked shop owners to cease carrying free plastic bags.
 - Selkirk, Scotland – On April 4, 2008, this town became plastic bag free. The town encourages the use of reusable bags and funded local shops to buy paper bags made with recycled content for general shopping bag use and compostable cornstarch bags for food, meat and fish.

Spain

- Spain - Spain has enacted a law to halve the country's consumption of plastic bags by the end of 2009.

Wales

- Wales - The Environmental Minister of Wales proposed a plastic bag charge between 5-15pence at all retail establishments. Revenues generated from the tax would be used to fund environmental programs. Currently, supermarkets are working on a voluntary basis to reduce the amount of distributed plastic bags by 50%. It is estimated that Wales uses 480 million plastic bags per year. On November 3, 2009 the Environmental Minister confirmed that by May 2011, shoppers will be charged up to 15pence each for single-use plastic bags.
 - Hay-On-Wye, Wales – In December 2007, the Chamber of Commerce and citizens of Hay-On-Wye decided to go plastic bag free. The shops charge for cornstarch takeaway bags and the town is encouraging the use of reusable bags.
 - Llandysilio, Wales - In 2007, the small village of Llandysilio in Pembrokeshire Wales banned plastic bags from being given out at all shops including the post office.

South America

Argentina

- Buenos Aires province, Argentina – The government of Buenos Aires province mandated biodegradable bags and banned give away polyethylene plastic bags in September 2008.

Brazil

- Brazil – A bill (PL 612/2007) was introduced in the Brazilian Chamber of Deputies in March 2007. The bill promoted the replacement of conventional bags with biodegradable bags in retail outlets throughout Brazil. This bill was not passed.
- Brazil - In March 2008 an agreement was signed between the Government of the State of São Paulo and the São Paulo Association of Supermarkets (APAS), which provides for joint environmental awareness campaigns promoted by the Environment Ministry of St. Paul and retail entities. Also in March 2008 the Ministry of Environment launched the campaign

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"Conscious Consumption of packaging", with the exhibition "Best practices and innovations in packaging," organized as a starting point of educational work that will spread across Brazil.

Chile

- Chile – In 2008, Senators in the Chilean government proposed a bill that prohibits the distribution of non-degradable plastic bags and a tax or fee on non-degradable bag producers that cannot be passed onto customers.

Uruguay

- Uruguay – In 2008, Uruguayan lawmakers proposed a tax on plastic bags and a transition from plastic bags to biodegradable bags in a two-year period. The bill was passed by the House of Representatives on September 17, 2009 and was transferred to the Senate for review. In addition, on September 2, 2009 the Ministry of Housing and Environment launched a campaign called “Get Bags Out of the Environment” (“Sacá la Bolsa del Medio”).
- Uruguay - In 2007, Ordinance No. 260/2007 was adopted which required merchants to implement actions to minimize waste, generation of plastic bags, and to develop management plants for their rational use, reuse and recycling.

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Municipality	Date Passed	Link
Bonita Springs	10/17/2012	http://florida.surfrider.org/wp-content/uploads/2014/05/B
Coconut Creek	12/13/2012	http://florida.surfrider.org/wp-content/uploads/2014/05/C
Cutler Bay	7/16/2008	http://florida.surfrider.org/wp-content/uploads/2014/05/C
Davie	10/17/2012	http://florida.surfrider.org/wp-content/uploads/2014/05/D
Key Biscayne	11/18/2014	http://florida.surfrider.org/wp-content/uploads/2014/05/B
Melbourne Beach	9/17/2014	http://www.melbournebeachfl.org/Pages/MelbourneBeach
Miami Beach	10/22/2014	http://florida.surfrider.org/wp-content/uploads/2014/05/C
Pinecrest	10/14/2014	http://florida.surfrider.org/wp-content/uploads/2014/05/P
Satellite Beach	4/16/2014	http://florida.surfrider.org/wp-content/uploads/2014/05/S
South Miami	9/2/2014	http://florida.surfrider.org/wp-content/uploads/2014/05/S
St. Augustine	2/25/2013	http://www.staugustinegovernment.com/the-city/featured
Surfside	12/10/2013	http://florida.surfrider.org/wp-content/uploads/2014/05/R

**Leon County
Board of County Commissioners**


Notes for Agenda Item #27

Leon County Board of County Commissioners

Cover Sheet for Agenda #27

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Consideration of Full Board Appointments to the CareerSource Capital Region and Council on Culture & Arts

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Christine Coble, Agenda Coordinator

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

- Option #1: Appoint Mark A. Robinson to the CareerSource Capital Region Board of Directors.
- Option #2: Make one appointment in the Practicing Artist category to the Council on Culture & Arts.
- Option #3: Make one appointment in the At-Large category to the Council on Culture & Arts.

Report and Discussion

Background:

This agenda requests full Board appointments to the Joint City/County Bicycle Workgroup and Value Adjustment Board.

Analysis:

CareerSource Capital Region

Purpose: CareerSource provides for enhanced coordination, cooperation, collaboration, and outcomes, by and between several entities, both public and private, that are involved at the local level in providing youth and adults with opportunities to develop and continuously upgrade their knowledge and skills in order to advance economically and socially, and in providing employers with the skilled workforce necessary to be competitive in local, state, national, and/or international markets (Attachment #1).

Composition: The Board has eight appointments, representative of the private sector who shall be owners of business concerns, executives, or chief operating officers of non-governmental employers, or other private sector executives who have substantial management or policy responsibility.

Vacancy: Martin Shipman is not interested in reappointment. New appointments to CareerSource Capital Region are required to be nominated through recommendation of the Tallahassee-Leon County Chamber of Commerce and Economic Development Council (Attachment #2). The Chamber has recommended Mr. Mark Robinson for appointment for a three-year term. Mr. Robinson's application is attached (Attachment #3).

Table 1: CareerSource Capital Region

Vacancy	Applicants	Recommended Action
Martin Shipman (<i>not interested in reappointment</i>)	Mark Robinson	Full Board to make appointment.

Council on Culture & Arts (COCA)

Purpose: The responsibility of COCA is to coordinate and disseminate information regarding cultural events and opportunities (Attachment #4).

Composition: COCA has 17 members – eight citizen appointees by the Board, seven citizen appointments by the City, one City Commissioner, and one County Commissioner. Members serve four-year terms, expiring September 30. The County has one appointment from the following categories: Business, Heritage, Marketing, Practicing Artist, Tourism, Volunteer, and two At-Large members. No Council member may serve more than two full terms.

Vacancy: Two County-appointed positions became open when the term of Kay Stephenson (At-Large position) expired in September 2014; and, Miguel Olivella, Jr. (Practicing Artist position) resigned. COCA is required to forward/recommend three names for each vacancy. The COCA Nominating Committee has forwarded a letter with the names recommended in each category (Attachment #5). The six related applications are attached (Attachments #6 - #11).

Table 2: Council on Culture and Arts

Vacancy	Applicant	Recommended Action
Miguel Olivella (<i>Practicing Artist</i>) Resigned	Roger Raepple Louise Ritchie Leah Wrobel	Full Board to make one appointment.
Kay Stephenson (<i>At-Large</i>)	Claudia Davant Noble Sissle, III Glen Robert Hosken	Full Board to make one appointment.

Options:

1. Appoint Mark Robinson to the CareerSource Capital Region Board.
2. Make one appointment in the Practicing Artist category to the Council on Culture & Arts.
3. Make one appointment in the At-Large category to the Council on Culture & Arts.
4. Board direction.

Recommendation:

Options #1, #2, and #3.

Attachments:

1. Eligibility & Criteria – CareerSource Capital Region
2. Letter from Greater Tallahassee Chamber of Commerce
3. Application – Mark Robinson
4. Eligibility & Criteria – Council on Culture & Arts
5. Letter from COCA
6. Application – Roger Raepple
7. Application – Louise Ritchie
8. Application – Leah Wrobel
9. Application – Claudia Davant
10. Application – Noble Sissle, III
11. Application – Glen Robert Hosken

CareerSource Capital Region

Responsibility:

CareerSource Capital Region provides for enhanced coordination, cooperation, collaboration, and outcomes, by and between several entities, both public and private, that are involved at the local level in providing youth and adults with opportunities to develop and continuously upgrade their knowledge and skills in order to advance economically and socially, and in providing employers with the skilled workforce necessary to be competitive in local, state, national, and/or international markets.

Develop the region's strategic workforce development plan; identify occupations for which there is a demand in the area served and selecting training institutions that may provide training, in accordance with procurement guidelines and procedures; solicit the input and participation of the local business community in the provision of services for the residents of the region; provide policy guidance and procedures for programs established by CareerSource Capital Region; and, provide oversight and monitoring activities.

Created By:

Federal Public Law 105-220 (Workforce Investment Act of 1998 - Title I)
Section 117, of the WIA and the State of Florida Workforce Innovation Act of 2000
Interlocal Agreement between Leon, Wakulla, and Gadsden County Commissions (Region)

Appointments:

8 - appointed by BCC - private sector representatives

- A majority of CareerSource Capital Region shall be representative of the private sector, who shall be owners of business concerns, executives, or chief operating officers of non-governmental employers, or other private sector executives who have substantial management or policy responsibility.

- New appointments to CareerSource Capital Region are required to be nominated through recommendation of the Tallahassee-Leon County Chamber of Commerce and Economic Development Council (EDC).

Terms:

Initial terms are 2 and 3 years. All terms thereafter are 3-year terms.

Terms expire June 30. Vacancies are filled for the remainder of an unexpired term.

New appointments to CareerSource Capital Region are required to be nominated through recommendation of the Tallahassee-Leon County Chamber of Commerce and Economic Development Council (EDC).

Schedule:

Meets quarterly. Meeting dates and times posted on the CareerSource Capital Region website:
www.careersourcecapitalregion.com

Contact Person/Staff:

Jim McShane, Executive Director
325 John Knox Road, Atrium Building, Suite 102
Tallahassee, Florida 32303
Phone: 850-617-4601
Fax: 850-410-2595
email: jim.mcshane@careersourcecapitalregion.com

Cheryl Cantley, Administrative Assistant
850-617-4602
email: cheryl.cantley@careersourcecapitalregion.com

Members:

Seamon, Fred MGT America	Begin Term: 9/2/2014 End Term: 6/30/2015 Type: one year	Original Date: 7/27/1999 <hr/> Appointed by: Board of County Commissioners	Notes: MGT America email: fred@mgtamer.com
Morales, Marilyn Tallahassee Memorial Healthcare	Begin Term: 4/8/2014 End Term: 6/30/2016 Type: unexpired term	Original Date: 4/8/2014 <hr/> Appointed by: Board of County Commissioners	Notes: Email: marilyn.morales@yahoo.com
Edwards, Barbara	Begin Term: 3/12/2013 End Term: 6/30/2016 Type: three years	Original Date: 3/12/2013 <hr/> Appointed by: Board of County Commissioners	Notes: Comcast/Xfinity

Shipman, Martin	Begin Term: 6/18/2013 End Term: 6/30/2016 Type: three years	Original Date: 5/22/2007 <hr/> Appointed by: Board of County Commissioners	Notes: Email: martin.shipman@tlhoc.com
Smith, George	Begin Term: 9/2/2014 End Term: 6/30/2017 Type: three years	Original Date: 9/2/2014 <hr/> Appointed by: Board of County Commissioners	Notes: Email: george@bmlaw.com
Banks, George C. Summit East Management	Begin Term: 6/24/2014 End Term: 6/30/2017 Type: three years	Original Date: 9/22/2009 <hr/> Appointed by: Board of County Commissioners	Notes: STRUCTURE Commercial Real Estate Email: george.banks@summiteast.com
Pugh, Gloria	Begin Term: 9/2/2014 End Term: 6/30/2017 Type: three years	Original Date: 9/2/2014 <hr/> Appointed by: Board of County Commissioners	Notes: Email: Gloria@amwatmovers.com

February 10, 2015

Honorable Mary Ann Lindley
Chairman, Leon County Board of County Commissioners
Leon County Courthouse
301 S. Monroe Street
Tallahassee, FL 32301

Commissioner Lindley:

Based on the requirement that the Greater Tallahassee Chamber of Commerce must generate nomination and/or reappointment requests for individuals to serve on the CareerSource Board of Directors, we would ask that you consider the following member to serve for a three-year term.

- Mark A. Robinson, Capital Regional Medical Center

We would appreciate your consideration.

Sincerely,



Sue Dick
President/CEO, Greater Tallahassee Chamber of Commerce

CC:
Christine Coble
Jim McShane
Cheryl A. Cantley

EXECUTIVE COMMITTEE

Rick Moore
Chair

Kathy Bell
Chair-Elect

E. Edward Murray, Jr.
Immediate Past Chair

John Medina
Treasurer

DeWitt Miller
Assistant Treasurer

Sue Dick
President

Terrie Ard

Reggie Boutillier

Park Broome

Kimberly Crowell

Bill Moor

Jim Murdaugh


Heidi Otway

Mike Roberts

Ron Sachs

Kimberly Smiley

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

<p style="text-align: center;">It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Christine Coble by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov Applications will be discarded if no appointment is made after two years.</p>		
Name: Mark Robinson		Date: 2/10/15
Home Phone: 843-697-8430	Work Phone: 850-325-5017	Email: mark.robinson@hcahealthcare.com
Occupation: CEI	Employer: Capital Regional Medical Center	
<p>Please check box for preferred mailing address.</p> <p><input checked="" type="checkbox"/> Work Address: 2626 Capital Medical Boulevard</p> <p style="padding-left: 20px;">City/State/Zip: Tallahassee, FL 32308</p>		
<p><input checked="" type="checkbox"/> Home Address (<i>Required to determine County residency</i>) 706 N. Forest Drive</p> <p style="padding-left: 20px;">City/State/Zip: Tallahassee, FL 32303</p>		
<p>Do you live in Leon County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, do you live within the City limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Do you own property in Leon County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, is it located within the City limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>For how many years have you lived in and/or owned property in Leon County? <u>≤ 1</u> years</p>		
<p>Are you currently serving on a County Advisory Committee? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, on what Committee(s) are you a member? _____</p>		
<p>Have you served on any previous Leon County committees? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, on what Committee(s) have you served? _____</p>		
<p>Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference</p> <p>1st Choice: <u>Competitiveness Council</u> 2nd Choice: <u>Executive</u></p>		
<p>If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested:</p> <p>_____</p>		
<p><u><i>If you are appointed to a Committee, you are expected to attend regular meetings.</i></u></p> <p>How many days per month would you be willing to commit for Committee work? <u>As needed</u></p> <p>And for how many months would you be willing to commit that amount of time? <u>As needed</u></p> <p>What time of day would be best for you to attend Committee meetings? <u>Either</u></p>		
<p>(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.</p> <p>Race: <input checked="" type="checkbox"/> <u>Caucasian</u> <input type="checkbox"/> African American <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian <input type="checkbox"/> Other</p> <p>Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female Age: _____ Disabled? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>District 1 <input checked="" type="checkbox"/> District 2 <input type="checkbox"/> District 3 <input type="checkbox"/> District 4 <input type="checkbox"/> District 5 <input type="checkbox"/></p>		

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application. Please attach your resume, if one is available.

References (you must provide at least one personal reference who is not a family member):

Name: _____ Telephone: _____

Address: _____

Name: _____ Telephone: _____


Address: _____

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

- Have you completed the Orientation? Yes No
- Are you willing to complete a financial disclosure form and/or a background check, if applicable? Yes No
- Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? Yes No If yes, from whom? _____
- Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? Yes No
- Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? Yes No If yes, please explain. _____
- Do you or your employer, or your spouse or child or their employers, do business with Leon County? Yes No
If yes, please explain. _____
- Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? Yes No
If yes, please explain. _____

All statements and information provided in this application are true to the best of my knowledge.

Signature:  _____

Please return Application

by mail: Christine Coble, Agenda Coordinator
301 South Monroe Street
Tallahassee, FL 32301

by email: coblec@leoncountyfl.gov

by fax: 850-606-5301

Council on Culture & Arts

Responsibility:

Coordinates and disseminates information regarding cultural events and opportunities.

Created By:

1985 - Section 265.32, Florida Statutes; County/City Resolution

1985 - City/County Interlocal Agreement

Appointments:

15 members;

8 - BCC

7 - City

1 – County Commissioner, voting ex-officio

2 – City Commissioner, voting ex-officio

Terms:

4 year terms. Terms expire September 30. No council member who serves two full terms shall be reappointed to the Council during the 2-year period following expiration of his or her term. Anyone appointed to fill an unexpired term is eligible for reappointment for two full, 4-year terms, and is then subject to the criteria above at the conclusion of their second full term.

Eligibility Criteria:

One appointment from each of the following categories:

At-Large

At-Large

Business

Heritage

Marketing

Practicing Artist

Tourism

Volunteer

Schedule:

Generally meets every other month at COCA's offices from 4:00-5:30 pm.

Contact Person/Staff:

Amanda Karioth Thompson, Interim Executive Director

816 S. Martin Luther King Jr. Boulevard

Tallahassee, FL 32301

Office: 224-2500

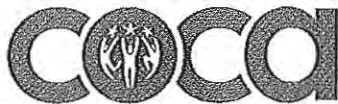
Fax: 224-2515

Email: amanda@cocanet.org

Members:

Olivella, Miguel A. <i>(Resigned)</i>	Begin Term: 11/8/2011 End Term: 9/30/2015 Type: four years	Original Date: 11/8/2011 <hr/> Appointed by: BOCC	Category: Practicing Artist Email: miguel@cocanet.org
Stephenson, Kay Datamaxx Group <i>(No Longer Eligible)</i>	Begin Term: 10/24/2006 End Term: 9/30/2014 Type: four years	Original Date: 10/24/2006 <hr/> Appointed by: BOCC	Category : At-large Email: kay@cocanet.org
Mackenzie, Anne	Begin Term: 11/11/2011 End Term: 9/30/2015 Type: four years	Original Date: 1/10/2006 <hr/> Appointed by: BOCC	Category: Volunteer Email: anne@cocanet.org
Lawrence, John	Begin Term: 11/8/2011 End Term: 9/30/2015 Type: four years	Original Date: 12/8/2009 <hr/> Appointed by: BOCC	Category: History/Heritage Email: john@cocanet.org
Vasilinda, Mike Mike Vasilinda Productions, Inc.	Begin Term: 11/8/2011 End Term: 9/30/2015 Type: four years	Original Date: 10/24/2006 <hr/> Appointed by: BOCC	Category: Marketing and public relations Email: mike@cocanet.org
Wood, Rosanne	Begin Term: 12/11/2012 End Term: 9/30/2016 Type: four years	Original Date: 12/11/2012 <hr/> Appointed by: BOCC	Category: At-Large Email: rosannewood@gmail.com
Hogge, Stephen	Begin Term: 9/15/2013 End Term: 9/30/2017 Type: four years	Original Date: 11/8/2011 <hr/> Appointed by: BOCC	Category: At Large Email: stephen@cocanet.org
LaCivita, Beth	Begin Term: 2/11/2014 End Term: 12/31/2017 Type: four years	Original Date: 2/11/2014 <hr/> Appointed by: BOCC	Category: Tourism Email: historybooking@toursintallahassee.com

Lindley, Mary Ann Board of County Commissioners	Begin Term: 1/1/2015 End Term: 12/31/2018 Type: four years	Original Date: 1/1/2015 <hr/> Appointed by: BOCC	Category: BOCC Rep lindley@leoncountyfl.gov
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COUNCIL ON CULTURE & ARTS
FOR TALLAHASSEE/LEON COUNTY

February 4, 2015

Commissioner Mary Ann Lindley
Office of the County Commission
301 S. Monroe Street, 5th Floor
Tallahassee, FL 32301

Dear Commissioner Lindley,

Two County-appointed positions on the Council on Culture & Arts' Board of Directors became vacant when Kay Stephenson's term ended in September 2014, and Miguel Olivella recently stepped down from the Board of Directors.

As you may recall, we are required to put forth three names for each vacancy. As recommended by COCA's Nominating Committee, approved unanimously by COCA's Board of Directors, and in accordance with our organization's bylaws, the Board submits the following individuals for your consideration. Careful thought was given to the skills and influence this new appointee will need to compliment the current membership of the board, as well as the demographic composition of the board as a whole.

Practicing Artist (formerly filled by Miguel Olivella, Jr.):

- Roger Raepple – photographer, retired administrator
- Louise Reid Ritchie, PhD– actress, administrator
- Leah Wrobel – dance and yoga teacher

At Large (formerly filled by Kay Stephenson)

- Claudia Davent - attorney, Adams Street Advocates
- Noble Sissle III – Professor of Visual Arts and Graphic Design, FAMU
- Glenn Hosken - retired attorney


We look forward to hearing from you soon regarding the Commission's actions. And as always, feel free to contact us if you have any questions.

Sincerely,

Dr. Audra Pittman
Executive Director

cc: Christine Coble, Agenda Coordinator

ADVISORY COMMITTEE APPLICATION FOR APPOINTMENT TO THE COUNCIL ON CULTURE & ARTS

<p style="text-align: center;">It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Christine Coble by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov Applications will be discarded if no appointment is made after two years.</p>		
Name: <u>Roger Raepple</u>		Date: <u>11/26/14</u>
Home Phone: <u>893-2238</u>	Work Phone: <u>n.a.</u>	Email: <u>rraepple@comcast.net</u>
Occupation: <u>retired</u>	Employer:	
<p>Please check box for preferred mailing address.</p> <p><input type="checkbox"/> Work Address:</p> <p>City/State/Zip:</p>		
<p><input checked="" type="checkbox"/> Home Address (Required to determine County residency)</p> <p>City/State/Zip: <u>2930 Abbotsford way Tallahassee, FL 32312</u></p>		
<p>Do you live in Leon County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, do you live within the City limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Do you own property in Leon County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, is it located within the City limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>For how many years have you lived in and/or owned property in Leon County? <u>38</u> years</p>		
<p>Are you currently serving on a County Advisory Committee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, on what Committee(s) are you a member? _____</p>		
<p>Have you served on any previous Leon County committees? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, on what Committee(s) have you served? _____</p>		
<p>Please indicate your area of expertise. If you have experience in more than one field, please check all that apply.</p> <p><input type="checkbox"/> Business <input type="checkbox"/> Heritage <input type="checkbox"/> Marketing <input checked="" type="checkbox"/> Practicing Artist <input type="checkbox"/> Volunteer <input type="checkbox"/> Tourism</p> <p><input type="checkbox"/> At-Large <input type="checkbox"/> At-Large</p>		
<p><u><i>If you are appointed to this Committee, you are expected to attend regular meetings.</i></u></p> <p>How many days per month would you be willing to commit for Committee work? <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 to 3 <input type="checkbox"/> 4 or more</p> <p>And for how many months would you be willing to commit that amount of time? <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 to 5 <input type="checkbox"/> 6 or more</p> <p>What time of day would be best for you to attend Committee meetings? <input checked="" type="checkbox"/> Day <input type="checkbox"/> Night</p>		
<p>(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.</p> <p>Race: <input checked="" type="checkbox"/> Caucasian <input type="checkbox"/> African American <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian <input type="checkbox"/> Other</p> <p>Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female Age: <u>68</u> Disabled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>District 1 <input type="checkbox"/> District 2 <input type="checkbox"/> District 3 <input checked="" type="checkbox"/> District 4 <input type="checkbox"/> District 5 <input type="checkbox"/></p>		

"People Focused, Performance Driven."

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application. Please attach your resume, if one is available.

Served on COCA Executive Director search committee (2014). Practicing artist (photography) for approximately 10 years.

References (you must provide at least one personal reference who is not a family member):

Name: Jim Alves Telephone: cell: 566-7607

Address: 2110 Trescott Dr Tallahassee, FL 32308

Name: _____ Telephone: _____

Address: _____

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION AT www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

Have you completed the Orientation? Yes No

Are you willing to complete a financial disclosure form and/or a background check, if applicable? Yes No

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? Yes No B.T. Yes

Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? Yes No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? Yes No If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? Yes No If yes, please explain.

Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? Yes No

If yes, please explain. _____

All statements and information provided in this application are true to the best of my knowledge.

Signature: 

Please return Application

by mail: Christine Coble, Agenda Coordinator
301 South Monroe Street
Tallahassee, FL 32301

by email: coblec@leoncountyfl.gov

by fax: 850-606-5301

Online: <http://cms.leoncountyfl.gov/service/request/committeeapplication.aspx>

"People Focused, Performance Driven."

Roger Raepple

(December 1, 2014)

Personal

Born: May 4, 1946 (Seattle, WA)
Married: 1972 to Carolyn (partner with Hopping Greens Sams law firm)
Children: Zach (age 30), Yates (age 25)
Address: 2930 Abbotsford Way, Tallahassee, FL 32312
E-mail address: rraepple@comcast.net

Education

A.A., Miami-Dade Community College
B.B.A. (cum laude), M.B.A., University of Miami
D.P.A. (Doctor of Public Administration, Nova University)

Professional Work Experience

1972-1976 - Miami-Dade Community College, various administrative positions including Director of Financial Aid (at the time the campus had 15,000 students, 4,000 on financial aid), and Assistant Dean of Students
1976-1990 - Executive Director, Florida Community College Activities Association - this organization is responsible for the regulation and coordination of intercollegiate activities including athletics, student publications, performing arts (music and theater), forensics, student government, academic competitions, etc. I reported to the association's board which was comprised of the presidents of the state's community colleges.

Military

1964-68, Staff Sergeant, assigned to the Pentagon (3 years) and Vietnam (1 year)

1990-2008

Mr. Mom (wife Carolyn returned to work following a four month maternity leave after Yates was born). I resigned FCCAA position to remain home with our children.

2008-present

Retired

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT

<p style="text-align: center;">It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Christine Coble by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov Applications will be discarded if no appointment is made after two years.</p>		
Name: Louise R. Ritchie		Date: Nov. 19, 2014
Home Phone 850-570-2765	Work Phone: 412-7041	Email: lousieritchie@aol.com
Occupation: Administrator		Employer: FAMU
<p>Please check box for preferred mailing address. Work Address: Foote Hilyer Administrative Center, FAMU, Rm. 301, Tallahassee, FL City/State/Zip:</p>		
<p><input checked="" type="checkbox"/> Use this address: Home Address <i>(Required to determine County residency)</i> 1001 Lasswade Dr. Tallahassee, FL 32312 City/State/Zip:</p>		
<p>Do you live in Leon County? Yes If yes, do you live within the City limits? Yes Do you own property in Leon County? Yes If yes, is it located within the City limits? YES I've lived here and owned property here for 22 years.</p>		
Are you currently serving on a County Advisory Committee? No		
<p>Have you served on any previous Leon County committees? No If Yes, on what Committee(s) have you served?</p>		
<p>Are you interested in serving on any specific Committee(s)? If yes, please indicate your preference 1st Choice: COCA (applying as a practicing artist) _____ 2nd Choice:</p>		
<p>If not interested in any specific Committee(s), are you interested in a specific subject matter? If yes, please note those areas in which you are interested:</p> <hr/>		
<p><u>If you are appointed to a Committee, you are expected to attend regular meetings.</u> How many days per month would you be willing to commit for Committee work? 2 And for how many months would you be willing to commit that amount of time? 12 What time of day would be best for you to attend Committee meetings? Late weekday afternoons 4-6 pm or Saturday morning 10-noon.</p>		
<p>(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.</p> <p>Race: African American Sex: Female AGE: Middle Aged Disabled? No I live in District 3</p>		

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application. Please attach your resume, if one is available.

For the past 8 years, I have been a practicing actor, appearing in productions at Theatre Tallahassee, Mickee Faust Club, TCC, Southside Arts Complex and in FSU films and local commercials. I also have taken acting classes at TCC, Theatre Tallahassee, Canopy Roads Theater Company and Artists at Play. I also have had my photographs professionally published and have taken photography classes at TCC and the local Shambhala Center. My photographs have been displayed at a local art gallery. The former chair of the diversity committee at Mickee Faust Club and was the chair of Tallahassee Citizens Against the Death Penalty and Tallahassee Buddhist Peace Fellowship, I have been on the boards of Tallahassee Music Club, Waverly Hills Neighborhood Association, the March of Dimes and Achieve Higher Ground restorative justice organization. I'm a member of Leadership Tallahassee Class 24, have served on LT's education committee, and have been co-chair of the admissions committee operated by the local Harvard Club. I was president of the Rickards International Baccalaureate Council and started their annual Pangela international event arts event. I have volunteered extensively with VolunteerLeon and was awarded their Presidents Volunteer Award. I have been a Spotlight Awards honoree by the local Women in Communications organization. I was a presenter in the 2014 ACT conference in Tallahassee that was on social justice and the arts. In addition to having taken classes locally in acting, playwriting, screen writing, photography, drawing and creative writing, I have taken classes in improvisation and playwriting at the Iowa Writers Festival, Second City and at conferences at UF and Georgia Tech.

I earned a doctorate from George Washington University in psychology and a bachelors from Harvard in government.

References (you must provide at least one personal reference who is not a family member):

Name: Kevin Carr Telephone: 781-330-1238

Address: 2740 W Tharpe 201 Tallahassee, FL
32303

Name: Agnes Furey Telephone: 850-321-7756

Address: 3053 Rain Valley Circle, Tallahassee, FL
32308

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

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Have you completed the Orientation? NO

Are you willing to complete a financial disclosure form and/or a background check, if applicable? YES

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? NO If yes, from whom? _____

Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? NO

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? NO If yes, please explain. _____

Do you or your employer, or your spouse or child or their employers, do business with Leon County? I don't know
If yes, please explain. I work at FAMU and don't know if it does any business with Leon County

Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? NO
If yes, please explain. _____

All statements and information provided in this application are true to the best of my knowledge.

Signature: *Louise R. Ritchie*

Please return Application

by mail: Christine Coble, Agenda Coordinator
301 South Monroe Street
Tallahassee, FL 32301

by email: coblec@leoncountyfl.gov

by fax: 850-606-5301

Online: <http://cms.leoncountyfl.gov/servicerequest/committeeapplication.aspx>

LOUISE REID RITCHIE, Ph.D.

1001 Lasswade Drive
Tallahassee, FL 32312-2862
(850) 570-2765 (mobile); e-mail: LouiseRitchie@aol.com

A national award-winning educator with program development, leadership, grant writing, and extensive public speaking and advocacy experience.

Education and Training

Ph.D., psychology, George Washington University.

B.A., cum laude from Radcliffe College of Harvard University. Major: Government.

Experience

2013-2014:

Coordinator of information/publications at Florida A&M University.

2013:

Adjunct instructor teaching college level psychology and sociology at ITT Technical Institute, Tallahassee.

May 1999-present

Independent Consultant. Have helped a variety of organizations with their diversity, journalism, public relations, advocacy, and leadership programs. These included:

Serving as Special Assistant to the Florida A&M University president for a project about the under education of African American males.

Serving as Executive Director, Black College Communication Association Student Newspaper Institute. Provided consulting services to 20 colleges.

1998-1999

Founding Director, Florida Institute for Leadership Excellence at Florida A&M University. The concept for this leadership program for stellar freshmen college students grew out of my three-year Kellogg National Leadership Fellowship and was funded by a \$123,000 federal grant that I wrote.

1993- 1999:

Associate professor, School of Journalism, Media and Graphic Arts, Florida A&M University, Tallahassee, Fla. Supervised the award-winning student newspaper; taught courses in writing, editing, and use of information.

1992-1993:

Human resources consultant, Knight Ridder, Inc. Provided diversity training and consultation to that Fortune 500 company's 29 newspapers and 61 other properties.

September 1990-August 1992:

Executive Assistant to the Publisher, Detroit Free Press. Created, fundraised and organized an International Reading Association award-winning literacy project that was adopted by organizations in 17 states. Headed the company's contributions committee that reviewed and made recommendations about grants totaling almost \$1 million dollars. Created a journalism apprenticeship program in which top high school students got training at the Detroit Free Press. Wrote national award-winning columns that were distributed to 350 newspapers. Supervised a training program for 20 Detroit high schools' newspaper staffs and faculty. Oversaw the company's diversity programs.

Prior to 1992:

Founding director of the Detroit Urban League's substance abuse prevention program. Served in the Navy as a lieutenant and clinical psychologist. Was a reporter at Associated Press and The Washington Post.

Selected Presentations

My extensive public speaking experience includes being a featured presenter and keynoter at Kellogg Foundation, Harvard University, and for various state and national organizations. Provided leadership and public relations workshops in the Caribbean.

Selected Honors and Awards:

Kellogg National Leadership Fellowship. Knight Ridder, Inc. Award of Excellence for Community Service; Honorary Doctor of Public Service, Eastern Michigan University; First place feature writing and column writing awards from the National Federation of Press Women. Was among literacy leaders invited to the White House by First Lady Barbara Bush. National Council of Negro Women Detroit Chapter Woman Who Makes Things Happen Award; Merv Aubespin Teaching Award, Black College Communication Association; Martin Luther King Jr. Drum Major Award, city of Southfield, Michigan

Selected Community/Professional

Board Member, Achieve Higher Ground restorative justice organization. Former Elected Director of the Harvard University Alumni Association; former Class Secretary, Radcliffe College. Former Board Member, Big Bend Division March of Dimes; former Internship Co-Chair, National Association of Black Journalists. Member, Leadership Tallahassee and Leadership Detroit. Have provided leadership workshops to a variety of organizations including colleges, corporations and nonprofits. Have acted on stage and in films and commercials.

Hobbies: History (particularly civil rights history), acting, photography, travel, creative writing.



LOUISE RITCHIE

(850) 570-2765 (cell), e-mail: LouiseRitchie@aol.com

Film

Lead, *Interview with the Supervisor*
Supporting, *Consultation with Counselor*
Lead, *Pick Five*
Supporting, *Flashback*
Supporting, *Then There Was You*
Supporting, *Push*
Supporting, *Requiem*
Supporting, *Finish Line*
Principal, *Flowers of March*
Principal, *Once Lost*
Principal, *Winds of Change*

Diane Wilkins, Director
Diane Wilkins, Director
Michelle Kinne, Director
Kim Cobb, Director
Ade Bajere, Director
Bryan Lewis, Director
Ana-Alica Brodhouse, Director
Alexandria Collins, Director
Jason Derfuss, Director
Rakan Shaker, Director
Diane Wilkins, Director

Commercial

Lead, *Roundabout*
Lead, *Sleep Right, Sleep Tight*
Supporting, *Family Tree*
Principal, *Recovery*
Principal, *PFLAG*

Tonya Herrin, Director
Charles Blevin, Director
R.J. Aguiar, Director
Jane Cole, Director
Marissa Ratoff, Director

Theater

Lead, *A Raisin in the Sun*
Lead, *Sin, Sex & the CIA*
Supporting, *Twelfth Night*, Best Actress Nominee
Lead (in Spanish), *Nuevo Mundo*
Supporting, *Birth*
Supporting, *Lil Nell*
Supporting, *The Hobbit*
Supporting, *The Best Christmas Pageant*
Supporting, *Scrooge*
Supporting, *The Gift of Peace*

Kirbo Center
Monticello Opera House
Theater Tallahassee
Theater with a Mission
Southside Arts Complex
Theatre Tallahassee
Turner Auditorium
Theatre Tallahassee
Quincy Music Theater
Fine Arts Annex


Training

Second City Chicago improv intensive; acting for the camera, and other acting and business of acting workshops with Stella Adler School of Acting, John D'Aquino, Cindy Hogan, Mark A. Marple, Rita Manyette, Kevin Carr, Augusto Boal, Marci Duncan, Tim Miller. Play intermediate piano, sing, dance: modern, African, ballet, jazz, tap, ballroom, Irish.

Skills and Other Experience

Speak intermediate French. Hold a Ph.D in psychology. Performed in an improv troupe.

ADVISORY COMMITTEE APPLICATION FOR APPOINTMENT TO THE COUNCIL ON CULTURE & ARTS

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Name: <u>Leah Wrobel</u>		Date:
Home Phone: <u>980-6338</u>	Work Phone:	Email: <u>wrobelleah@gmail.com</u>
Occupation: <u>Dance and Yoga teacher</u>	Employer: <u>Independant Artist</u>	
<p>Please check box for preferred mailing address.</p> <p><input type="checkbox"/> Work Address:</p> <p>City/State/Zip:</p>		
<p><input type="checkbox"/> Home Address (Required to determine County residency)</p> <p>City/State/Zip: <u>Tallahassee, FL, 32308</u></p>		
<p>Do you live in Leon County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, do you live within the City limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Do you own property in Leon County? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, is it located within the City limits? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>For how many years have you lived in and/or owned property in Leon County? <u>2</u> years</p>		
<p>Are you currently serving on a County Advisory Committee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, on what Committee(s) are you a member? _____</p>		
<p>Have you served on any previous Leon County committees? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, on what Committee(s) have you served? _____</p>		
<p>Please Indicate your area of expertise. If you have experience in more than one field, please check all that apply.</p> <p><input type="checkbox"/> Business <input type="checkbox"/> Heritage <input type="checkbox"/> Marketing <input checked="" type="checkbox"/> Practicing Artist <input type="checkbox"/> Volunteer <input type="checkbox"/> Tourism</p> <p><input type="checkbox"/> At-Large <input type="checkbox"/> At-Large</p>		
<p><u>If you are appointed to this Committee, you are expected to attend regular meetings.</u></p> <p>How many days per month would you be willing to commit for Committee work? <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 to 3 <input type="checkbox"/> 4 or more</p> <p>And for how many months would you be willing to commit that amount of time? <input type="checkbox"/> 2 <input type="checkbox"/> 3 to 5 <input checked="" type="checkbox"/> 6 or more</p> <p>What time of day would be best for you to attend Committee meetings? <input checked="" type="checkbox"/> Day <input checked="" type="checkbox"/> Night</p>		
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"People Focused, Performance Driven."

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application. Please attach your resume, if one is available. *Having lived in Israel, Europe, CA, MD and DC area, I Enjoy and Value a thriving Artistic community. Living in Tallahassee for 2 years now, I hope to find in my new home a growing vital cultural and artistic growth in which I deeply believe in. I hold amasters in religious studies and teach yoga and dance (including FSU) and work independently on Dance collaborathe projects.*

References (you must provide at least one personal reference who is not a family member):

Name: Emilia Vandebroek Telephone: 203-645-8472
Address: executhe director of ECDC, New Haven CT

Name: Meisha Bosma Telephone: 415-730-4520
Address: Artistic Director of BosmaDance, San Francisco CA

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- Have you completed the Orientation? Yes No
- Are you willing to complete a financial disclosure form and/or a background check, if applicable? Yes No
- Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? Yes No If yes, from whom? _____
- Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? Yes No
- Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? Yes No If yes, please explain. _____
- Do you or your employer, or your spouse or child or their employers, do business with Leon County? Yes No
If yes, please explain. _____
- Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? Yes No
If yes, please explain. _____

All statements and information provided in this application are true to the best of my knowledge.

Signature: 

Please return Application
by mail: Christine Coble, Agenda Coordinator
301 South Monroe Street
Tallahassee, FL 32301
by email: coblec@leoncountyfl.gov
by fax: 850-606-5301
Online: <http://cms.leoncountyfl.gov/servicerequest/committeeapplication.aspx>

CURRICULUM VITAE

LEAH WROBEL

1115 MARYS DRIVE, TALLAHASSEE, FL 32308 / 1-850-980-6338 / wrobelleah@gmail.com

AREAS OF SPECIALIZATION

Contemporary Dance, Choreography, Performance, Yoga, Humanities and Social Sciences.

ACADEMIC EDUCATION

M.A. Aarhus University, Denmark 2014
Masters Program: The Religious Roots of Europe,
Thesis: *Yearning for Jerusalem – On Earth and in Heaven*
A comparative study Judaism and Christianity third to fifth century

B.A. The Open University of Israel, Ra'anana, Israel 2008.
Bachelor of Arts in Humanities and Social Sciences, *cum laude*.
Courses in history, religion, philosophy and literature.

LANGUAGES

English, Hebrew, French and a basic understanding of Danish.

TEACHING DANCE

School of Dance Florida State University
Adjunct Professor, contemporary dance. Spring 2014.

BosmaDance Company -One of Dance Magazine's "25 to Watch" in 2007. Five-time MetroDC Dance Award winner.

Teacher for company classes- ballet, contemporary and yoga.
Washington DC. 2005-2009.

Greater Baltimore Jewish Community Center, Baltimore, MD, 2006-2007.
Ballet for ages 4-8, Modern dance for ages 10-17 and Barre & Stretch for adults.

Studio4 Dance Studio, Tzur Hadassa;
Community Centers, Mevaseret Zion and Har-Adar, 2002-2005.
Creative dance, Modern dance and Classical Ballet for ages 4-18.

Studio Kiryat Yovel, Jerusalem, Israel, 2004-2005.
Classical Ballet at *Hallelu*, a unique program for ultra-orthodox women.

Vertigo School of Dance, Jerusalem, Israel, 2003-2004.
Guest Teacher- ballet and contemporary dance for adults.

CHOREOGRAPHY

Slightly Left, FSU, 2014.

Solo created for a thesis concert for Ashley Goos, MFA student.

Island, Maryland, 2009.

Choreographer, Dancer.

Solo created for *Dock Side Dance*, produced by DragonFly Dance Experiment.

Are We Girls Again? - Nominated as a finalist for "Emerging Choreographer", 2009 MetroDC Dance Awards. Washington DC, 2009.

Co-choreographer, Dancer.

Duet with Stephanie Yezek commissioned by the Kennedy Center for the Performing Arts. Performed at the Kennedy Center, Baltimore Theatre Project and Dockside Dance, Annapolis, MD.

For What Was, Hosted and performed with Full Alexandria Symphony Orchestra as a part of *Euphoria* by BosmaDance. Alexandria, Virginia, 2008.

Co-choreographer, Dancer.

"Bosma and Leah Wrobel followed by dancing to the aria of Villa-Lobos's "Bachianas Brasileiras No. 5." Their forceful yet elegant duet wisely avoided Latin cliches, instead projecting a universal sense of passion and loss." (Rebecca J. Ritzel, The Washington Post 2008)

She's Not Home, She's in America, Washington DC, August 2006.

Choreographer, Dancer.

Duet with Meisha Bosma. Performed at *Guest House* hosted by BosmaDance.

Airplane In the Belly, Jerusalem, 2004.

Choreographer, Dancer.

Solo created for *Zirat Mahol*, hosted by HaZira and performed at the Khan Theatre.

PERFORMANCE

COMPANY

BosmaDance, Washington DC. 2005-2008.

Soloist, Rehearsal Director, Artistic Consultant.

Performed company repertory including *Violet in My Winter*, *Shelter*, and *For What Was*.

Kolben Dance Company, Jerusalem, Israel. 2002-2003.

Dancer.

Performed full company repertory. National and international performance tours throughout Israel, Africa, China and India.

KCDC - Kibbutz Contemporary Dance Company, Kibbutz Gaaton, Israel. 2000-2001.

Dancer.

Tours throughout Israel, Germany and Taiwan.

FREELANCE

The Princess Project- 'Nut Yet Crazy', choreography by Esther Wrobel. Created for One Time Event at ZENE+, Copenhagen, Denmark 2010.

Mad Woman in the Attic, choreography by Stephanie Yezek,
Performed at The Baltimore Theater Project and Smith Theater, Maryland 2009.

Plural Me, Choreography by Ofra Idel.
Commissioned by the Alexandria Performing Arts Association and performed at the Jack Guidone Theater in Washington DC 2005.

Play, choreography by Efrat Rubin.
Hosted by HaZira and performed at the Khan Theatre. Jerusalem 2005.

TABUR, choreography by Sharon Vaïsvaser.
Performed at Suzanne Dellal Centre, Tel Aviv, Israel 2005.

Peaked and Injured, choreography by Ofra Idel. Intimadance Festival - TMUNA Theater, Tel Aviv, Israel 2003.

The Three that Entered, choreography by Ofra Idel. Performed in Beit Shmuel Theatre and Hazira Habein Thumit festival- Han Theatre, Jerusalem and Tel Aviv, Israel 2002-2003.

TRAINING

Contemporary Dance Workshop with Claire Servant. Carrière de Normandoux, France, Summer 2010.

Choreography Intensive for dancer and actors with Award-winning Israeli-American choreographer Yasmin Godder. Tel Aviv, Israel, Winter 2003.

Neve Sha'an'an Yoga Center, advanced weekly courses with Noga Ron Barkai. Jerusalem, Israel 2003-2005.

Ashtanga Yoga, Daramsala, India, Summer 2002.

Rotterdam Dance Academy: A year-Long Dance Professional Training Program, The Netherlands, 2001-2002.

Match Asher School of Performing Arts, Israel 1997-1999.

Alvin Ailey School Summer Intensive, New York, USA 1997.

Menashe Dance School / Mevoot Iron High School, Ein Shemer, Israel. Graduated with honors in Dance, 1987-1997.

YOGA CERTIFICATIONS

Yama Studio, Baltimore, MD, June 2008.
Yama Therapeutics Pre-natal Teacher Training Program.

Wingate Institute, Wingate, Israel 2004-2005.
Advanced Vijnana Yoga Teachers Training - 255 academic hours, with Orit Sen-Gupta, founder of Vijnana yoga, internationally acclaimed teacher and author.

Kripalu Center for Yoga and Health, Massachusetts, USA
Teacher Training 200-Hour Certification, 2003.
Intensive training in asana, pranayama, meditation, philosophy, communication, teaching methodology, teaching practicum, physiology and professional ethics.

TEACHING YOGA

Abundance Wellness Center, Private instruction and monthly workshops, Tallahassee, FL 2014.

Journeys in Yoga, Prenatal workshop and guest teacher, Tallahassee, FL 2014.

Yoga Quest, Prenatal and Flow classes, Tallahassee, FL 2013-2014.

Anteater Recreation Center, Irvine, CA 2012- 2013.

Yoga Shakti Wellness Center, Irvine & Huntington Beach, CA 2011-2013.

Touz Azimout, Poitiers, France 2010-2011.

The Healing Path, Prenatal Yoga. Baltimore, MD 2008-2009.

The Greater Baltimore Jewish Community Center, Vijnana Yoga and specialty classes for adolescents. Baltimore, MD 2005-2009.


Harbour Point, a recovery program for compulsive gamblers. Baltimore, MD 2005-2009.

Private Sessions in yoga and in exercise based on the Pilates methodology. Jerusalem, Israel, Baltimore, MD, Poitiers, France and Orange County, CA 2003-2013.

Hebrew University in Jerusalem, Israel 2003-2005.

Vertigo School of Dance in Jerusalem, Israel 2003-2004.

ADVISORY COMMITTEE APPLICATION FOR APPOINTMENT TO THE COUNCIL ON CULTURE & ARTS

<p style="text-align: center;">It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Christine Coble by telephone at 606-5300 or by e-mail at CobleC@leoncountyfl.gov Applications will be discarded if no appointment is made after two years.</p>		
Name: Claudia Davant		Date:
Home Phone: 567-0979	Work Phone: 205-0885	Email: claudia@adamsstadvocates.com
Occupation: lawyer/lobbyist		Employer: Adams St. Advocates
<p>Please check box for preferred mailing address.</p> <p><input checked="" type="checkbox"/> Work Address: 205 South Adams St. City/State/Zip: Tallahassee, FL 32301</p>		
<p><input checked="" type="checkbox"/> Home Address (Required to determine County residency) City/State/Zip: 5005 Glenrose Ct., Tallahassee, FL 32309</p>		
<p>Do you live in Leon County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, do you live within the City limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Do you own property in Leon County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, is it located within the City limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No For how many years have you lived in and/or owned property in Leon County? <u>5</u> years</p>		
<p>Are you currently serving on a County Advisory Committee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, on what Committee(s) are you a member? _____</p>		
<p>Have you served on any previous Leon County committees? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, on what Committee(s) have you served? _____</p>		
<p>Please indicate your area of expertise. If you have experience in more than one field, please check all that apply.</p> <p><input checked="" type="checkbox"/> Business <input type="checkbox"/> Heritage <input type="checkbox"/> Marketing <input type="checkbox"/> Practicing Artist <input type="checkbox"/> Volunteer <input type="checkbox"/> Tourism <input checked="" type="checkbox"/> At-Large <input type="checkbox"/> At-Large</p>		
<p><u>If you are appointed to this Committee, you are expected to attend regular meetings.</u></p> <p>How many days per month would you be willing to commit for Committee work? <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 to 3 <input type="checkbox"/> 4 or more And for how many months would you be willing to commit that amount of time? <input type="checkbox"/> 2 <input type="checkbox"/> 3 to 5 <input checked="" type="checkbox"/> 6 or more What time of day would be best for you to attend Committee meetings? <input checked="" type="checkbox"/> Day <input type="checkbox"/> Night</p>		
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"People Focused, Performance Driven."

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application. Please attach your resume, if one is available.

I sit on the Tallahassee Downtown Improvement Authority and have lived in Tallahassee since 2000, so I feel I have experience and insight that would be helpful to COCA. I would be enthusiastic in my approach to make Tallahassee a more culturally vibrant community.

References (you must provide at least one personal reference who is not a family member):

Name: Anne Mackenzie Telephone: 545-8019

Address: 2735 Everett Lane, Tallahassee, FL 32308

Name: _____ Telephone: _____

Address: _____

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION AT www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

Have you completed the Orientation? Yes No

Are you willing to complete a financial disclosure form and/or a background check, if applicable? Yes No

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? Yes No If yes, from whom? _____

Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? Yes No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? Yes No If yes, please explain. _____

Do you or your employer, or your spouse or child or their employers, do business with Leon County? Yes No
If yes, please explain. _____

Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? Yes No

If yes, please explain. _____

All statements and information provided in this application are true to the best of my knowledge.

Signature: 

Please return Application

by mail: Christine Coble, Agenda Coordinator
301 South Monroe Street
Tallahassee, FL 32301

by email: coblec@leoncountyfl.gov

by fax: 850-606-5301

Online: <http://cms.leoncountyfl.gov/servicerequest/committeeapplication.aspx>

"People Focused, Performance Driven."

CLAUDIA DAVANT

Claudia Davant is a founding partner at Adams St. Advocates a governmental and business development consulting firm. www.adamsstadvocates.com



Claudia has extensive, in-depth experience in both government and private sectors. Most recently, Claudia was on the national business development team for Accenture, a global information technology firm, where she led sales campaigns for large, complex integrated systems opportunities.

In 2000, Claudia moved to Florida, where she served as AT&T's state president for regulatory and legislative affairs, working hand in hand with key decision makers in both the Florida legislative and executive branches for five years. Claudia was subsequently promoted to regional vice president for legislative affairs for AT&T, where she successfully led legislative and regulatory reform campaigns in the Southern Region before the merger with BellSouth.


In addition to her corporate experience, Claudia worked in government on both the state and federal levels. Claudia served as U.S. Senator Strom Thurmond's legislative aide in Washington, D.C., for three years, providing legislative analysis, constituent service and external communications services. Claudia also served as a policy advisor to the Michigan House of Representatives, where she led the staff effort to rewrite the Michigan Telecommunications Act. And, as general counsel and communications director for the South Carolina Department of Commerce, Claudia negotiated economic development incentives with corporations wanting to do business with the state.

She currently serves on the Florida TaxWatch Board's Executive Steering Committee, the Take Stock In Children Board, the Florida After School Network Board and the Tallahassee Downtown Improvement Authority. Claudia is also a founding member of the Florida Technology Council (FTC), a newly-formed association that is focused on the needs of the technology sector. She previously served on the Associated Industries IT Council.

A South Carolina native, Claudia holds a Bachelor of Arts in English Literature and a law degree from the University of South Carolina.

Claudia may be reached directly by phone (850) 567-0979 or email claudia@adamsstadvocates.com.

ADVISORY COMMITTEE APPLICATION FOR APPOINTMENT TO THE COUNCIL ON CULTURE & ARTS

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Name: Noble Sissle, III		Date: 11/1/2014
Home Phone: (850) 728-6508	Work Phone: (850) 599-8757	Email: noblesissle@aol.com
Occupation: University Professor		Employer: Florida A&M University
<p>Please check box for preferred mailing address.</p> <p><input type="checkbox"/> Work Address:</p> <p>City/State/Zip:</p>		
<p><input checked="" type="checkbox"/> Home Address <i>(Required to determine County residency)</i></p> <p style="text-align: center;">1448 Melvin Street</p> <p>City/State/Zip: Tallahassee, FL. 32301</p>		
<p>Do you live in Leon County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, do you live within the City limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Do you own property in Leon County? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, is it located within the City limits? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>For how many years have you lived in and/or owned property in Leon County? <u>5</u> years</p>		
<p>Are you currently serving on a County Advisory Committee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, on what Committee(s) are you a member? _____</p>		
<p>Have you served on any previous Leon County committees? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, on what Committee(s) have you served? _____</p>		
<p>Please indicate your area of expertise. If you have experience in more than one field, please check all that apply.</p> <p><input type="checkbox"/> Business <input type="checkbox"/> Heritage <input checked="" type="checkbox"/> Marketing <input checked="" type="checkbox"/> Practicing Artist <input checked="" type="checkbox"/> Volunteer <input type="checkbox"/> Tourism</p> <p><input type="checkbox"/> At-Large <input type="checkbox"/> At-Large</p>		
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In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application. Please attach your resume, if one is available.

Currently, I am an Assistant Professor at Florida A&M University teaching in the Visual Arts and Graphic Design disciplines. I have served on numerous committees during my tenure. These committees include: College Gallery of Distinction, New Hiring Faculty, New Curriculum Proposals, and the 2015 Artist In Bloom Festival. My background is in Arts and Animation. I hold a Bachelor Degree in Visual Arts (FAMU), a Master's Degree in Animation (Savannah College of Art & Design), and a Master's Degree in Entertainment Business (Full Sail University). With my range of knowledge in these various areas, I believe I could enhance the multimedia aspect of COCA. I also serve as a leader of the Media Department at Love & Faith Community Church. Serving as a Board Member for COCA would be an honor and a privilege.

References (you must provide at least one personal reference who is not a family member):

Name: Dr. Valencia Matthews Telephone: Dr. Valencia Matthews

Address: Florida A&M University

Name: Mr. Luther Wells Telephone: (850) 412-7112

Address: Florida A&M University

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- Have you completed the Orientation? Yes No
- Are you willing to complete a financial disclosure form and/or a background check, if applicable? Yes No
- Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? Yes No If yes, from whom? _____
- Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? Yes No
- Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? Yes No If yes, please explain. _____
- Do you or your employer, or your spouse or child or their employers, do business with Leon County? Yes No
If yes, please explain. _____
- Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? Yes No
If yes, please explain. _____

All statements and information provided in this application are true to the best of my knowledge.

Signature: *N. Sisk III*

Please return Application

- by mail: Christine Coble, Agenda Coordinator
301 South Monroe Street
Tallahassee, FL 32301
- by email: coblec@leoncountyfl.gov
- by fax: 850-606-5301
- Online: <http://cms.leoncountyfl.gov/servicerequest/committeeapplication.aspx>

NOBLE SISSLE, III

Education

Full Sail University; Orlando, Florida
Masters of Science in Entertainment Business; November 2013

Savannah College of Art & Design; Savannah, Georgia
Master of Fine Arts in Animation; June 2002

The Walt Disney Institute; Orlando, Florida
Certificate of Completion in Animation; July 1999

American Animation Institute M.P.S.C. Local 839 IASTE; North Hollywood, California
Certificate of Completion of Pre-Requisites for Animation Degree; July 1998

Florida A&M University; Tallahassee, Florida
Bachelor of Science in Fine Arts; December 1998

Affiliations and Activities

- 2008 – Present ARI Global Art Publisher
- 2007 – 2013 BET's Hip-Hop Award Show
- 2005 – 2007 NAACP Image Awards
- 2004 – 2006 Jamie Foxx's Laffapalooza Comedy Central Special
- 2006 CBS The Next Great American Band
- 2001 Michael Jackson's 30th Anniversary CBS Television
Special

Exhibitions

- 2010 – 2013 Florida A&M University Faculty Art Show; Tallahassee, FL
- 2011 – 2013 Trouville Art Auction; Tallahassee, FL
- 2013 B Sharps Jazz Café – Wynton Marsalis Exhibit; Tallahassee, FL
- 2012 The GRIND Coffee House; Tallahassee, FL
- 2012 Love and Faith Community Church; Tallahassee, FL
- 2011 World Ballet, Inc. Fundraising Auction; Tallahassee, FL

Honors/Awards

- 2012 Faculty Research Awards Program Grant; FAMU
- 2011 Educator of the Year; Franklin Academy; Tallahassee, FL
- 2008 The Agape Awards; The Agape Academy; Atlanta, Georgia

Community Service

- Symphony Seven – Head of Animation Department
- Heartsfield Elementary Community Leader Student Engagement
- Florida A&M University High School Community Leader Student Engagement
- Youth Leadership of Tallahassee Animation Workshop
- HORIZONS Art Camp Instructor

ADVISORY COMMITTEE APPLICATION FOR APPOINTMENT TO THE COUNCIL ON CULTURE & ARTS

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Name: GLENN ROBERT HOSKEN		Date: 11/11/14
Home Phone: 893-5860	Work Phone: n/a	Email: glenn.hosken09@comcast.net
Occupation: Attorney		Employer: Retired
<p>Please check box for preferred mailing address.</p> <p><input type="checkbox"/> Work Address: n/a City/State/Zip:</p>		
<p><input checked="" type="checkbox"/> Home Address (Required to determine County residency) 3798 East Millers Bridge Road City/State/Zip: Tallahassee, Florida 32312</p>		
<p>Do you live in Leon County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, do you live within the City limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Do you own property in Leon County? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, is it located within the City limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No For how many years have you lived in and/or owned property in Leon County? <u>30</u> years</p>		
<p>Are you currently serving on a County Advisory Committee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, on what Committee(s) are you a member? _____</p>		
<p>Have you served on any previous Leon County committees? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, on what Committee(s) have you served? _____</p>		
<p>Please indicate your area of expertise. If you have experience in more than one field, please check all that apply.</p> <p><input type="checkbox"/> Business <input type="checkbox"/> Heritage <input type="checkbox"/> Marketing <input type="checkbox"/> Practicing Artist <input checked="" type="checkbox"/> Volunteer <input type="checkbox"/> Tourism <input type="checkbox"/> At-Large <input checked="" type="checkbox"/> At-Large</p>		
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"People Focused, Performance Driven."

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I served as a member of the COCA Grant Panel in 2010.
I relinquished my Florida Bar license upon my retirement, so am no longer qualified to practice law.

Please see the attached reume for a list of current civic activities.

References (you must provide at least one personal reference who is not a family member):

Name: Dean Patricia J. Flowers Telephone: 644-4361 pjflowers@fsu.edu

Address: FSU College of Music, Room 202B, Tallahassee, FL 32306

Name: Dr. Mandy Stringer Telephone: 224-0461

Address: Tallahassee Symphony Orchestra, 1030 E. Lafayette St., Tall. FL 32301
Suite 7

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- Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? Yes No
- Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? Yes No If yes, please explain. I'm an Artist Series Board member
- Do you or your employer, or your spouse or child or their employers, do business with Leon County? Yes No
If yes, please explain.
- Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? Yes No
If yes, please explain. _____

All statements and information provided in this application are true to the best of my knowledge.

Signature: *Coleen R. Hoska*

Please return Application

by mail: Christine Coble, Agenda Coordinator
301 South Monroe Street
Tallahassee, FL 32301

by email: coblec@leoncountyfl.gov

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"People Focused, Performance Driven."

GLENN ROBERT HOSKEN

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PERSONAL DATA

Date of Birth: February 27, 1949
Place of Birth: Paterson, New Jersey
Marital Status: Single
Work Status: Retired

EDUCATION

Law: Juris Doctor, June, 1979, University of Florida, Holland Law Center, Gainesville, Florida.

Pre-Law: Bachelor of Arts (History), June, 1969, University of Florida, Gainesville, Florida.
Associate of Arts, June, 1967, Miami-Dade Community College, Miami, Florida.

Who's Who in American Junior Colleges, 1967.
President, local chapter Phi Theta Kappa (National Junior College Honor Society).
National Honor Society (high school).

WORK EXPERIENCE

June, 1984 - June 2009 Senior Attorney, State of Florida Division of Bond Finance. Responsible for preparation and review of documents necessary for the issuance of State full faithand credit and revenue bonds for education, transportation, environmental and housing projects. Appellate work at Florida Supreme Court level; circuit court appearances for bond validation. Oversaw federally mandated private activity bond allocation program for the State of Florida. Administered contracts for the Division of Bond Finance.

March, 1980 - May, 1984 Attorney, The Charter Company and Charter Oil Company, Jacksonville, Florida. Responsible for initial implementation of the company's Windfall Profit Tax program. Responsible for the corporate records (stock and minute books) of over two hundred subsidiaries. General corporate activities; drafting contracts, resolving contractual disputes, some SEC filings. Responsible for legal department budget, library and hiring of support personnel.

December, 1976 - May 2012 Major - Lieutenant Colonel, United States Air Force Reserve (retired);
Fire Control Officer, AC-130 Gunship (1976-1985).
Unites States Air Force Academy Recruiting Officer (1982-2012). Received the Air Force Meritorious Service Medal.

November, 1969 - April, 1976 2nd Lieutenant - Captain, United States Air Force:
Squadron Executive Officer; duties included personnel management, budget and effectiveness reports.
Instructor Navigator, B-52 Strategic Bomber.
Distinguished Graduate, Officer Training School.
Decorations include Distinguished Flying Cross, Air Medal and Air Force Commendation Medal.

CIVIC ACTIVITIES

University Musical Associates [FSU] - current Executive Committee member
Artist Series of Tallahassee - current Board member
Tallahassee Symphony Orchestra - former Board member
Tallahassee Symphony Society - former Treasurer, current member
Tallahassee Music Guild - former Treasurer, current member
Tallahassee Community Chorus - former Treasurer, current member
Tallahassee Civic Chorale - current member
Leon County Humane Society - current volunteer
Election poll worker since 2000; Precinct Clerk since 2002.

**Leon County
Board of County Commissioners**


Notes for Agenda Item #28

Leon County Board of County Commissioners

Cover Sheet for Agenda #28

March 10, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Light Industrial (M-1) Zoning District to the Tallahassee School of Math and Science Planned Unit Development (PUD) Zoning District

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wayne Tedder, Director, Planning, Land Management & Community Enhancement Cherie Bryant, Planning Manager
Lead Staff/ Project Team:	Russell, Snyder, Land Use Division Manager Mary Jean Yarbrough, Senior Planner, Land Use Division

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Conduct the first and only public hearing and adopt the proposed Ordinance, thereby amending the Official Zoning Map from the Light Industrial (M-1) zoning district to the Planned Unit Development (PUD) zoning district (Attachment #1 and the associated Concept Plan for the Tallahassee School of Math and Science Planned Unit Development (PUD) (Attachment #2), based upon the findings and conclusions of the Planning Commission, the information contained within this report and any evidence submitted at the Hearing hereon

Report and Discussion

Background:

This application requests a change to the Official Zoning Map from the Light Industrial (M-1) zoning district to the Tallahassee School of Math and Science (a/k/a Stars Educational Services) PUD zoning district. The proposed project is an elementary and middle charter school (with a maximum of 600 students) on 6.07 +/- acres, located on the west side of North Monroe Street, approximately 714 feet north of Cottage Grove Road. Currently, a religious facility is located on the site, the buildings of which will be re-used to serve as a school for elementary and middle school children if the PUD is approved. The PUD application also proposes future development on the site with a maximum intensity of 12,500 square feet of gross building floor area per acre. The only access to the site is from a major arterial, North Monroe Street. The application includes locations for outside play areas, a stormwater facility and a vegetative buffer between the subject property and surrounding residential and most of the commercial land uses. The applicant is Blue Ocean Construction LLC, and the agent is Moore Bass Consulting, Inc. The proposed Ordinance, including a location map, is included in Attachment #1. The PUD Concept Plan is included as Attachment #2.

Historic Zoning: Prior to adoption of the Leon County Land Development Regulations in 1992, the parcel contained split zoning, which included the following: Residential-1 (R-1), Single-, Two-, Three-, Four-, and Multiple-Family (RM-1) and Neighborhood Commercial-1 (C-1). The R-1 zoning allowed single-family uses, while the RM-1 zoning allowed a variety of residential uses. The C-1 zoning allowed a variety of commercial and retail uses.

1992: Leon County rezoned the subject property from R-1, RM-1, and C-1 to Mixed Use A pursuant to the adoption of the Tallahassee-Leon County Comprehensive Plan in 1990.

1997: Leon County implemented “Site Specific Zoning” and rezoned the subject site to Light Industrial (M-1); zoning district standards are included as Attachment #3.

March 2007: Leon County changed the future land use from Mixed Use A to Suburban pursuant to the adoption of the revised Tallahassee-Leon County Comprehensive Plan resulting from Comprehensive Plan Reform.

December 17, 2014: The Development Review Committee voted 3-0 to approve the proposed PUD (Attachment #2) with conditions as discussed herein below.

February 3, 2015: The Planning Commission held a public hearing and voted to recommend approval of the proposed ordinance.

Planning Commission Discussion:

The Tallahassee/Leon County Planning Commission (Commission) held a public hearing on this item and voted (5-0) to recommend approval of the proposed PUD Ordinance with one revision. In order to clarify the types of outdoor activities that will be regulated, the Commission recommends adding the word “organized” before “outdoor activities” to condition of approval #21 found on page 4 of Attachment #1. There were no public speakers at the meeting.

Analysis:

In accordance with Section 10-6.696(2) (d), of the *Leon County Land Development Code*, the County shall consider the following criteria in determining whether to recommend approval or denial of an application:

- (1) **Minimum area** – the minimum area required for a PUD is five (5) acres. The proposed PUD is approximately 6.07+/- acres.
- (2) **Configuration** – the proposed site contains sufficient width and depth to accommodate the proposed use.
- (3) **Unified control/ownership** – All land included within the application is under the ownership and control of Blue Ocean Construction.

The following is the review criteria for evaluating the proposed planned unit development:

1. ***Comprehensive Plan.*** *Is the proposal consistent with all applicable policies of the adopted Comprehensive Plan?*

Yes. The proposed PUD implements the Suburban Future Land Use Map (FLUM) category outlined in Land Use (LU) Policy 2.2.5 of the Tallahassee-Leon County Comprehensive Plan. Community facilities such as schools are an allowed land use in the Suburban FLUM, and due to the proximity of residential neighborhoods and commercial uses, the addition of the school creates a mix of land uses, also encouraged by the Suburban FLUM category. Additionally, the proposed PUD is consistent with LU Element Policy 1.1.1 since the subject site is located inside the Urban Services Area. The PUD Concept Plan proposes a vehicular/pedestrian interconnection to property located north of the subject site and also sidewalks along North Monroe Street that connect to an internal network, which will provide students and employees with a safe route throughout the entire campus consistent with Mobility Element Policies 1.4.1 and 1.4.3. The referenced policies are included as Attachment #4.

2. ***Land Development Regulations.*** *Is the proposal in conformance with any applicable substantive requirements of the land development regulations, including minimum or maximum district size?*

Yes. The Tallahassee School of Math and Science PUD has been reviewed by all applicable County departments for consistency and compliance with all codes and ordinances. As part of the PUD rezoning process, the Development Review Committee (DRC), comprised of the Development Support and Environmental Management, Public Works, and Planning Departments, reviewed the application and has determined that, with satisfaction of its approval conditions, the proposed PUD complies with all ordinances adopted by Leon County. Detailed DRC comments are included herein as Attachment #5. Subsequent to the DRC meeting, staff has provided portable classroom language that will be incorporated in the Concept Plan (agreed to by the applicant) that meets conditions #2 through #5 (Attachment #6). These reviewing departments and the DRC members provided the following conditions of approval, which are included in the DRC recommendation:

Development Review Committee Conditions:

1. The proposed 10' (width) type "B" buffer with 8' (height) opaque fencing shall include plantings up to a type "D" level to the greatest extent possible within the 10' buffer area. Additionally, the buffer and fencing requirements outlined above shall be continued for the entire length of the eastern property boundary, eliminating the gap that currently exists.
2. Provide a definition for "portable/modular building" that includes information regarding the type of structure and assembly style of the buildings proposed for use as temporary classrooms, taking into account building and fire code regulations.
3. Provide a definition for "temporary," both in terms of time and capacity as it relates to the modular buildings. The DRC's recommendation was that modular buildings be limited to a timeframe of no longer than one year and a capacity capped at no more than three (3) modular units on-site at any one time.
4. The DRC asked that a defined process be incorporated in the PUD concept plan for providing extensions to the length of time modular units could be used so that a PUD amendment would not be necessary should hardships arise. The applicant/agent shall consult with DSEM staff to design this process.
5. The DRC also recommend the PUD concept plan define a review process for permitting the modular buildings on-site. The applicant/agent shall consult with DSEM staff to design this process and to define the appropriate permitting steps.
6. The PUD concept plan map shall clearly delineate which "open space/natural areas" would be used for outdoor school activities. The concept plan shall define what kinds of outdoor activities are anticipated, e.g., sports, playground, band practice, etc., where they would take place on the school property and specify which days and hours these activities are anticipated to take place.

Development Support and Environmental Management Conditions:

7. The last statement of the third paragraph (page 8, number 6) regarding operating hours and noise is incomplete. Review and make any necessary changes.
8. Accessory structure building side setbacks have been outlined as 5 feet on each side. As a majority of the side yard of the site is in a required 10-foot buffer area, this setback standard shall be at least 10 feet. Revise the development standards table on page 10 to reflect this change.
9. The "access management criteria" on page 12 (section c, no. 3) shall include language regarding vehicular circulation through the site as well as internal stacking for loading and unloading of students. This section shall specifically state that areas reserved for the stacking of buses shall be located to minimize impacts on neighboring residential properties while maintaining traffic flows in and out of the site.
10. Add language to the landscaping and buffer standards on page 14 (section d, no. 13) to allow the opaque fence to be located at a closer offset from the property line within the stormwater management facility area.
11. The noise and lighting standards shall be revised on page 14 (section e, paragraph 3) to include "or on weekends" to the end of the last sentence.

12. Revise the noise and lighting standards to directly address the existing floodlights around the perimeter of the property that are directly adjacent to residential structures. This section states that existing poles “may” be removed entirely or replaced. Add a direct statement to this section that floodlights shall not be used on the property and those that exist will be taken down.
13. Include a section related to the transportation impact of the proposed project that speaks to the required transportation mitigation for the project and details how the analysis was performed. Additionally, provide a note that states that any increase in student population above 600 students would require a PUD amendment and an additional analysis of transportation impacts for the increase.
14. Include a section in the PUD concept plan related to community outreach. This section shall include information regarding any outreach TSMS or their agent has provided to the neighborhoods and communities within close proximity of the proposed project site. Staff is aware that conversations have occurred between the agent and neighbors who have experienced flooding issues to the west of the site. This community outreach, and any resulting improvements that occur as a result of these conversations, shall be documented as part of the project for the purpose of creating historical data related to site improvements.
15. Provide a separate sheet showing the traffic circulation patterns in more detail coming from N. Monroe Street and throughout the site. Traffic circulation through the student drop-off/pick-up location and internal parking area shall be limited to one-way traffic.
16. Revise the circulation plan to depict the sidewalk and crosswalks with their own color and reflect each color in the legend.
17. Revise the public facilities map to also include other public facilities such as fire stations, public libraries, and parks.

Public Works Conditions:

18. The concept plan states that internal drive aisles will be 20 feet in width; however, must be amended to note that where drive aisles are adjacent to 90 degree parking, the minimum width shall be 24 feet.
19. The concept plan must include a traffic circulation plan, including parent drop off and pick up and bus drop off location.

Planning Conditions:

20. Provide a Type B buffer with Type D plantings to the greatest extent possible and an 8-foot opaque fence along property lines adjacent to low density residential.
21. Revise sentence #4 under Section E Noise and Lighting Standards, as follows:
“The charter school shall not utilize exterior bells or alarms, or permit any organized outdoor activities that create a noise that is audible to the adjacent residents prior to the school designated normal operating hours of 8:00 am, or after 4:00 pm, Monday through Friday or on weekends.”
22. Address in the PUD Concept Plan how other sources of potential noise (e.g., outdoor band practice) will be mitigated.

23. Provide a section in the PUD that discusses transportation impacts and include the percentage of the school's students that will utilize the buses and the percentage of students that will arrive and depart by automobile.
 24. Provide a Pedestrian/Vehicular Circulation plan that depicts student drop off and pick-up areas and existing and proposed sidewalks.
 25. Provide a public facilities map that includes all other existing public facilities including but not limited to schools, parks and fire stations.
2. **Consistency with Purpose and Intent of the Planned Unit Development (PUD) district.**
An application for a Planned Unit Development district shall indicate how the proposed Planned Unit Development district meets the purpose and intent of the planned unit development district, as set forth in Section 10-6.696.2 (a) (1) through (7). The applicants' responses to these criteria and staff comments follow.

1. ***Promote more efficient and economic uses of land.***

The applicant's narrative states: *"The project site is within the Urban Services Area and public utilities are readily available to serve the intended use. Not only is the existing site fully developed, but there are existing developments on three sides of the site and the proposed construction of a Charter School will further the promotion of infill re-development within the Urban Services Area, and the community."*

Staff concurs and adds that the proposed project is re-using existing buildings and infrastructure, thereby utilizing an existing location that has direct access to a major road (N. Monroe Street), has readily available sewer and water, will have sufficient stormwater capacity after improvements, and has minimal environmental constraints.

2. ***Provide flexibility to meet changing needs, technologies, economics, and consumer preferences.***

The applicant's narrative states: *"TSMS will continue to provide a consumer choice in the section of educational facilities educational facilities to serve local families. Class size restrictions and limited funding for public schools have placed burdens upon the County school system and an alternative for families may serve to help reduce over-capacity schools to meet these state mandates. It should be mentioned that TSMS is currently operating within Leon County, at 1500 Miccosukee Road, Tallahassee 32308, has a current enrollment of 166 middle school aged students, and has been in operation in Leon County since 2006."*

Staff concurs and adds that the Florida Legislature has established charter schools, such as Tallahassee School of Math and Science, to provide more innovation and choice in the public educational system.

3. ***Encourage uses of land which reduce transportation needs and which conserve energy and natural resources to the maximum extent possible.***

The applicant's narrative states: *"The development proposes to utilize the existing buildings on-site, thus making use of existing improvements and existing infrastructure located within the Urban Services Area, the premise of Objective 1.1 of the Land Use Component of the Comprehensive Plan."*

It also promotes re-use of a site that has remained vacant for several years now, which has had significant deferred maintenance and upkeep due to the extended vacancy. If the site remains vacant, it will only continue to decline due to receivership ownership by a financial institution in California. TSMS offers bus service to its students, and currently upwards of 80% of the students take advantage of this service. Bus ridership in the 80th percentile acts to reduce the number of vehicle trips that would enter and exit the site, thus reducing energy and natural resource needs, and consumption.”

Staff concurs.

4. *Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing landscape features and amenities.*

The applicant’s narrative states: “The site contains a large Live Oak that is centrally located between the two existing on-site buildings. The large oak has been shown being placed within the open space/natural area accessory use category. Additionally, to further enhance the health and well-being of the tree, the existing impervious area that encroaches significantly beneath it is proposed to be removed, and the existing drive aisle beneath it being relocated to be further outside of its natural crown spread, to avoid degradation to the Oak. The site has fully wooded and vegetated common property lines adjacent to the single-family residences, which are proposed to remain. The existing buffer vegetation will be preserved and utilized to the greatest extent possible and further augmented as needed to provide for the Type B buffer plantings standards, including an 8-foot tall opaque fence. No other significant landscape features are present on the site that would influence the site design.”

Staff concurs and adds that the DRC has conditioned that the Type B buffer contain the existing vegetation and also include Type D planting standards creating a more dense vegetative buffer (DRC Condition #1 on page 4 of this agenda item).

5. *Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under a conventional zoning district.*

The applicant’s narrative states: “The project concentrates on providing the recreational facilities needed by the operations of the charter school to the existing open space areas on-site, which are ideally suited for recreational/open field uses. These areas have been shown on the Concept Plan Map, and are generally located along the northern portion of the site, away from adjacent residential uses.”

Staff concurs.

6. ***Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.***

The applicant's narrative states: "*Central utilities are readily available to the site and no public roads are required to be constructed in order to provide access to the project, as US Highway 27 is classified as a major arterial roadway. A private access driveway exists which will continue to serve as the primary vehicular ingress/egress to the charter school. A pedestrian and vehicular interconnection to the northern lying, vacant commercial parcels is shown; however, the full connection improvements shall not be provided until such time that the commercial parcels develops and connects to the property line improvements to be constructed by the charter school.*

The overall sewer service plan for the charter school includes the upgrade and removal of the existing septic drain fields by installation of on-site gravity sewer services that will tie into a proposed private duplex grinder pump assembly. The discharge from the grinder pump assembly will then "lift" the sewer to the existing gravity sewer main within North Monroe Street/US Highway 27 North, thus eliminating the existing environmental burden created by the two on-site septic drain fields."

Staff concurs that this project will utilize existing water and sanitary sewer utilities, and that the street network is already in place.

7. ***Permit the combining and coordinating of land uses, building types, and building relationships within a planned development, which otherwise would not be provided under a conventional zoning district.***

The applicant's narrative states: "*While the project is limited to schools, open space, libraries and community services, the relationship to adjacent residential areas will allow for a mixture of land uses that are more compatible and inter-related. The existing M-1 Light Industrial zoning district theoretically allows for numerous uses that would not be considered readily compatible to the immediately adjacent single family residential. The project proposes to economically make use of the existing buildings by interior remodeling as necessary to meet current building code standards."*

Staff concurs and adds that the coordination for this project involves establishing specific development standards that will mitigate incompatibilities between the proposed school and the nearby neighborhoods, which would not be allowed in a conventional zoning district.

3. ***Community Facility Compliance. Is the proposed Planned Unit Development district consistent with Section 10-6.806(c), minimum requirements for approval of community facilities?***

Section 10-6.806(c)(1) of the City of Tallahassee Land Development Code requires all applications for community services to comply with the following specified requirements. The proposed PUD Concept Plan is not consistent with all of Section 10-6.806(c), as written, but will be consistent if it meets the DRC conditions of approval specified on pages 4 through 6 of this report.

The following is an evaluation of the specific requirements of Section 10-6.806(c) indicating where the PUD is consistent with Section 10-6.806(c), and where it is presently inconsistent or consistency with Section 10-6.806(c) has not been adequately demonstrated (the underlined texts are requirements in the code, and the applicant's response to each criterion is in italics, followed by staff's evaluation of the applicant's compliance with the stated criteria).

- a. §10-6.806(c)(1)(a). The applicant must demonstrate that there presently exists, or is expected to exist an unmet demand within the community for the public benefit intended to result from the establishment and operation of that proposed or expanded community service/or facility institutional use;

***Applicant:** Due to the class size amendment present in the State of Florida, the Leon County School Board must cap the size of classes and therefore cannot always provide the number or type of classes that students require. TSMS will continue to provide relief to the existing school supply, countywide. School choice, as it pertains to charter schools is rather limited in Leon County, as there are only 1,546 charter school students (in 4 schools) out of 23,585 total elementary and middle school students in the district, or 6.5%. This is a low percentage for a district of this size. By comparison, the statewide average is 6%; however, the Leon County District is much larger than the State's average district size. Additionally, the population within the county is expected to grow by over 5% in the next 5 years. Also, recall that TSMS is an existing approved and operating charter school, and thus is already included within the above percentages. So, no further addition of a Charter School is proposed as it relates to Leon County, and the Leon County School District. As also evidenced by the Leon County School Board's approval of the expansion of the TSMS Charter School (f/k/a Stars Middle School) to include elementary aged students, the Charter School does help alleviate a need for additional classroom space in Leon County.*

Staff: TSMS is an existing school, and its unavoidable closure at its current site would create such a need.

- b. §10-6.806(c)(1)(b). The applicant must demonstrate that the proposed use or facility will alleviate that demand, either in full or part;

The relocated and expanded TSMA charter school will have a capped enrollment of 600 students, which will steadily increase from the existing middle school only enrollment of 166 students, as more elementary aged children begin enrollment at TSMS. While it is difficult to determine the overall demand for charter schools within a district, it is likely that the facility will continue to partially alleviate the public's demand of middle school aged students, and act to further alleviate the demand of elementary aged students. The existing Stars Middle School is required to relocate their current facilities due to their existing leased facility at 1500 Miccosukee Road being redeveloped and expanded to accommodate Tallahassee Memorial Hospitals new Surgery Tower.

It is the intent of TSMS that, upon acquisition of their own campus as currently proposed and performing upgrades to said facilities that the School will then realize a growth curve that they have not experienced to date, since the School has moved to several different leased locations since opening in 2006. Creating a permanent campus will contribute to the overall success and longevity of TSMS, thus continuing to alleviate the demand County wide. In addition, as mentioned above, the Leon County School Board's approval of the expansion of the TSMS Charter School (f/k/a Stars Middle School) to include elementary aged students, the Charter School should serve as evidence of the need for additional classroom space in Leon County.

Staff: Since TSMS is an existing school, the new location will continue to meet the demand for additional classrooms in Leon County.

- c. §10-6.806(c)(1)(c). The applicant must demonstrate that the proposed site for the use or facility is suitably located to provide the public benefit to the intended generalized service population area;

The project site is served by US Highway 27 North, which is classified as a Major Arterial roadway. Furthermore, Interstate 10 is located just south of the project, thus readily providing for ease of access via major arterial and interstate commute from all areas of Leon County.

Staff: The proposed school is suitably located, as it will serve a countywide population. While the majority of the students will arrive and depart by buses, the school may also attract students who live in the nearby residential neighborhoods.

- d. §10-6.806(c)(1)(d). The applicant must demonstrate that the proposed use or facility and site are sized according to the demand that the facility is proposed to satisfy;

The proposed facilities have been designed based on the existing enrollment at TSMS and a classroom breakdown to accommodate that number readily achievable within the existing building square footage to be remodeled. Additional classroom space may be required in the future, as the enrollment increases and nears the 600-student cap; therefore, a designated area for building expansion is shown within the Concept PUD plan. The temporary use of modular classrooms may be required until the need for a larger, consolidated permanent structure is justified, just as Leon County Schools operate with regards to management expansion needs.

Staff: The Concept Plan's Permitted Uses and Development Standards (pg. 10) contain a note (#3) that states the following, "Maximum school capacity shall be 600 students. Any increase to the stated maximum shall require an amendment to the approved PUD." This language will ensure that no more than the stated student cap will be allowed unless an amendment is approved by the Board of County Commissioners.

- e. §10-6.806(c)(1)(e). The applicant must demonstrate and document that the anticipated benefit to be provided to the community outweighs the potential harm to the public interest, including harm to environmentally sensitive areas or private interests, likely to result from the establishment and operation of the proposed community service or facility/institutional use;

There is no harm to the public interest, environment, or private interests in the provision of further educational choices; therefore, no comparison exists between the project and these conditions. However, to provide relief to the adjacent residential homes that have experienced stormwater flooding in years past, TSMS proposes to reduce the amount of existing on-site impervious area, by the expansion of open space and green spaces to serve the school, which will act to reduce the amount of floodwater generated during high volume storm events. To further aid in a solution to the existing flooding issues, prior to occupancy of the buildings, the school will repair and restore the existing stormwater management facility, including repairs and or replacement of the block retaining wall partially surrounding the SWMF. Furthermore, the TSMS re-development includes retrofitting the existing sewer system by constructing and connecting to the public central sewer, per the sanitary sewer component of the Comprehensive Plan which requires community services inside the urban services area to connect to potable water and central sanitary sewer systems. This connection and upgrade of facilities result in the removal of the existing septic drain fields, which will further enhance the surrounding environment, and reduce waters that are attempting to infiltrate the soil stratum.

Staff: TSMS proposes to make improvements to the existing infrastructure by upgrading the stormwater facility and connecting the development to central sewer and removing the existing septic system. These improvements will not only benefit the surrounding area, but also the community. Any potential harm to the surrounding neighborhoods will be mitigated by the implementation of development standards that will address buffers, noise, and lighting. Additionally, the only ingress/egress to the site will be from North Monroe Street, which should direct traffic away from the surrounding local streets.

- f. Section 10.6.806(c)(1)(f). The applicant must demonstrate that the establishment and operation of the proposed use or facility will not prevent the normal and customary use of residentially-zoned properties and residential structures or otherwise adversely affect residential neighborhoods to the extent that residential displacement is likely, or indicate what provisions are proposed to mitigate any adverse effects and displacement; and

Schools of all kinds exist adjacent to residential neighborhoods, in fact – it is this adjacency that allows for minimum impact to the transportation network that serves its neighbors. No displacement, nor impact to the neighborhoods surrounding the project nor anywhere in Leon County shall occur as a function of this project. Existing on-site lighting height and fixture style shall be removed and/or replaced with lighting that readily meets the standards as set forth within the PUD. The existing lighting to be removed and/or replaced is intended to mitigate the existing conditions and adverse effects the existing light poles and fixtures have upon the adjacent residential structures.

TSMS operating hours shall be designated from 7 AM to a standard school dismissal time of 4PM, with after school programs or related activities ceased no later than 6 PM. These designated hours of operation as well as the noise. The current Stars Middle School operations reflect that, on average, +/- 80% of the students elect to utilize the bus system provided, versus individual car drop off and pick up. This will reduce the prospective impacts to the adjacent roadway network(s).

Staff: The concept plan's proposed development standards limit hours of operation, establish lighting and noise standards, and establish buffer standards that will mitigate for any adverse effects that the school could potentially have on the residential areas. Staff has requested conditions to further increase the effectiveness of these standards (DRC conditions #1, 11, 12, 20, 21, and 22 on pages 4, 5, and 6 of this agenda item). With regards to traffic impacts, the site has only one point of access and the applicant claims that at least 80% of the students will be transported by bus to the campus.

- g. Section 10.6.806(c)(1)(g). The applicant must demonstrate that the new facility will promote the efficient use of existing or planned infrastructure and discourage uncontrolled urban sprawl.

The property is currently developed and has stood vacant for several years, with the site deteriorating significantly from lack of upkeep and maintenance. In-fill development serves to prevent urban sprawl, and in this particular case, will help alleviate further degradation of the site and its infrastructure, as well as continued negative impacts to surrounding residential properties. The proposed community facility will promote efficient re-use of existing infrastructure improvements within the designated Urban Service Area. Furthermore, utility upgrades to the site will actually benefit the utility network and environment, as it will remove existing septic tanks from future use, and place the effluent water into the City of Tallahassee's central sewer treatment system. Potable water, as well as fire protection measures shall be extended into the site to serve the re-use.

Staff: The proposed project is using the existing stormwater facility and water and sewer services are available to the site. The proposed project does not contribute to urban sprawl because it is infill development in a well-established suburban area.

Section 10-6.806(c)(2). Environmental analysis required. An environmental analysis shall be completed and submitted in conjunction with the application for rezoning review by the governing body. The environmental analysis for community services or facilities/institutional uses to be located in the unincorporated portion of the county shall be required to submit a part I environmental analysis completed as per the requirements of Article IV.

An environmental analysis is not required by the Leon County Development Support and Environmental Management Department for the rezoning; however, a natural features inventory and an environmental management permit will be required prior to any development activities taking place.

4. **Land Use Compatibility.** *Will the proposal result in any incompatible land uses, considering the type and location of uses involved?*

No. The proposed PUD concept plan provides several development standards that address compatibility issues. A condition of approval requires a Type B buffer with Type D plantings and an 8-foot opaque fence along the property lines to insulate the adjacent low-density residential neighborhoods from potential noise and light pollution (DRC Condition #20 on page 6 of this agenda item). The Concept Plan also provides for noise and lighting standards to mitigate for any impacts. Finally, one point of ingress/egress to North Monroe Street is proposed to contain most vehicular traffic to the major arterial and to curb traffic from entering the nearby neighborhoods. The applicant has indicated that currently 80% of the students are bused into the existing school site and expects this percentage to remain the same at the new site.

Table 1: Surrounding Zoning and Future Land Use			
Area	Zoning	Land Use	Physical Use
<i>Subject Parcel</i>	<i>M-1</i>	<i>Suburban</i>	<i>Church</i>
North	RP/C-2	Residential Preservation/ Suburban	Single-Family/Vacant
South	RP	Residential Preservation	Single-Family
East	M-1	Suburban	Multi-family/Retail
West	RP	Residential Preservation	Single-Family

5. **Is there capacity in area schools? What effects on enrollment could the proposed rezoning have on area schools?**

The School Board did not require a school impact analysis because the proposed development is a non-residential project.

6. **Other Matters.** *Are there any other matters that the Commission may deem relevant and appropriate?*

No.

Title: First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Light Industrial (M-1) Zoning District to the Tallahassee School of Math and Science Planned Unit Development (PUD) Zoning District.

March 10, 2015

Page 14

Public Notification & Response:

This public hearing has been noticed and advertised in accordance with the provisions of the *Leon County Land Development Code*. The Planning Department mailed 143 notices to property owners within 1000 feet of the subject property. To date, the Planning Department has received no responses.

The advertisement for this public hearing appeared in the Tallahassee Democrat on February 27, 2015 (Attachment #7).

Options:

1. Conduct the first and only public hearing and adopt the proposed Ordinance, thereby amending the Official Zoning Map from the Light Industrial (M-1) zoning district to the Planned Unit Development (PUD) zoning district (Attachment #1) and approving the associated Concept Plan for the Tallahassee School of Math and Science Planned Unit Development (PUD) (Attachment #2), based upon the findings and conclusions of the Planning Commission, the information contained within this report, and any evidence submitted at the Hearing hereon.
2. Conduct a public hearing and do not adopt the proposed Ordinance, thereby retaining the existing Light Industrial (M-1) zoning district, based on the findings and conclusions of the Board of County Commissioners.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Ordinance
2. Tallahassee School of Math and Science PUD Concept Plan
3. Development Standards for M-1 Zoning District
4. LU Policy 2.2.5, Suburban FLUM category and Mobility Element Policies 1.4.1 and 1.4.3
5. DRC Reports and Recommended Conditions of Approval
6. Portable Classroom Language
7. Tallahassee Democrat Public Advertisement

LEON COUNTY ORDINANCE NO. 15-__

AN ORDINANCE AMENDING LEON COUNTY ORDINANCE NO. 92-11 TO PROVIDE FOR A CHANGE IN ZONE CLASSIFICATION FROM THE LIGHT INDUSTRIAL M-1 ZONING DISTRICTS TO THE PLANNED UNIT DEVELOPMENT PUD DISTRICT IN LEON COUNTY, FLORIDA; APPROVING THE ASSOCIATED CONCEPT PLAN FOR THE TALLAHASSEE SCHOOL OF MATH AND SCIENCE PUD; APPROVING THE CONDITIONS OF APPROVAL FOR SAME; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
LEON COUNTY, FLORIDA:

SECTION 1. The Official Zoning Map as adopted in Leon County Ordinance No. 92-11 is hereby amended as it pertains to the following described real property:

Parcel Identification No. 21-15-51-376-1050

Commence at the southwest corner of lot 376 of the supplementary map of the Plantation of the Florida pecan endowment company as recorded in plat book 1 at page 4 of the public records of Leon county, Florida, said point being the point of beginning; from said point of beginning run thence south 89 degrees 58 minutes 10 seconds west 15.0 feet to a concrete monument, thence north 0 degrees 15 minutes 05 seconds west 466.88 feet to a concrete monument, thence north 89 degrees 56 minutes 10 seconds east 601.02 feet to a concrete monument lying on the westerly boundary of the right of way of state road No. 63, said boundary lying on a curve concave to the east, thence southeasterly along the aforesaid westerly boundary of the right of way of state road No. 63, said boundary lying along an arc having a deflection angle of 2 degrees 27 minutes 48 seconds, a radius of 2,183.68 feet, and a chord length of 93.88 feet, for a distance of 93.88 feet, thence south 68 degrees 06 minutes 40 seconds west 143.29 feet to a concrete monument, thence south 10 degrees 24 minutes 50 seconds east 333.0 feet to a concrete monument, thence south 89 degrees 58 minutes 10 seconds west 553.47 feet to the point of beginning.

Being more particularly described by recent survey as follows:

Begin at the southwest corner of lot 376 of the supplementary map of the Plantation of the Florida pecan endowment company as recorded in plat book 1 at page 4 of the public records of Leon county, Florida, run thence south 89 degrees 57 minutes 57 seconds west 15.0 feet to a concrete monument, thence north 0 degrees 14 minutes 25 seconds west 474.64 feet to a concrete monument, thence north 89 degrees 50 minutes 53 seconds east 600.18 feet to a concrete monument lying on the westerly right of way of boundary of state road No. 63, said boundary lying on a curve concave to the east, thence southeasterly along said curve with a radius of 2183.68 feet through a central angle of 2 degrees 28 minutes 07 seconds for an arc distance of 94.08 feet (chord of said arc being south 25 degrees 50 minutes 21 seconds east), thence leaving said right of way south 68 degrees 12 minutes 43 seconds west 143.45 feet to a concrete monument, thence south 10 degrees 25 minutes 37 seconds east 343.65 feet to a concrete

monument, thence south 89 degrees 57 minutes 57 seconds west 553.18 feet to the point of beginning.

(See Exhibit “A”)

SECTION 2: Development of the above-referenced real property shall comply with all applicable standards and regulations included within the Tallahassee School of Math and Science Planned Unit Development (PUD) Concept Plan document dated December 17, 2014, incorporated herein by reference.

SECTION 3: The Tallahassee School of Math and Science PUD Concept Plan shall comply with the following conditions of approval:

Development Review Committee:

1. The proposed 10’ (width) Type “B” buffer with 8’ (height) opaque fencing shall include plantings up to a Type “D” level to the greatest extent possible within the 10’ buffer area. Additionally, the buffer and fencing requirements outlined above shall be continued for the entire length of the eastern property boundary, eliminating the gap that currently exists.
2. Provide a definition for “portable/modular building” that includes information regarding the type of structure and assembly style of the buildings proposed for use as temporary classrooms, taking into account building and fire code regulations.
3. Provide a definition for “temporary,” both in terms of time and capacity as it relates to the modular buildings. The DRC’s recommendation was that modular buildings be limited to a timeframe of no longer than one year and a capacity capped at no more than three (3) modular units on-site at any one time.
4. The DRC asked that a defined process be incorporated in the PUD concept plan for providing extensions to the length of time modular units could be used so that a PUD amendment would not be necessary should hardships arise. The applicant/agent shall consult with DSEM staff to design this process.
5. The DRC also recommend the PUD concept plan define a review process for permitting the modular buildings on-site. The applicant/agent shall consult with DSEM staff to design this process and to define the appropriate permitting steps.
6. The PUD concept plan map shall clearly delineate which “open space/natural areas” would be used for outdoor school activities. The concept plan shall define what kinds of outdoor activities are anticipated, e.g., sports, playground, band practice, etc., where they would take place on the school property and specify which days and hours these activities are anticipated to take place.

Development Services:

7. The last statement of the third paragraph (page 8, number 6) regarding operating hours and noise is incomplete. Review and make any necessary changes.
8. Accessory structure building side setbacks have been outlined as 5 feet on each side. As a majority of the side yard of the site is in a required 10-foot buffer area, this setback standard

should be at least 10 feet. Revise the development standards table on page 10 to reflect this change.

9. The “Access Management Criteria” on page 12 (section c, no. 3) shall include language regarding vehicular circulation through the site as well as internal stacking for loading and unloading of students. This section shall specifically state that areas reserved for the stacking of buses shall be located to minimize impacts on neighboring residential properties while maintaining traffic flows in and out of the site.
10. Add language to the landscaping and buffer standards on page 14 (section d, no. 13) to allow the opaque fence to be located at a closer offset from the property line within the stormwater management facility area.
11. The noise and lighting standards shall be revised on page 14 (section e, paragraph 3) to include “or on weekends” to the end of the last sentence.
12. Revise the noise and lighting standards to directly address the existing floodlights around the perimeter of the property that are directly adjacent to residential structures. This section states that existing poles “may” be removed entirely or replaced. Add a direct statement to this section that floodlights shall not be used on the property and those that exist will be taken down.
13. Include a section related to the transportation impact of the proposed project that speaks to the required transportation mitigation for the project and details how the analysis was performed. Additionally, provide a note that states that any increase in student population above 600 students would require a PUD amendment and an additional analysis of transportation impacts for the increase.
14. Include a section in the PUD Concept Plan related to community outreach. This section shall include information regarding any outreach TSMS or their agent has provided to the neighborhoods and communities within close proximity of the proposed project site. Staff is aware that conversations have occurred between the agent and neighbors who have experienced flooding issues to the west of the site. This community outreach, and any resulting improvements that occur as a result of these conversations, shall be documented as part of the project for the purpose of creating historical data related to site improvements.
15. Provide a separate sheet showing the traffic circulation patterns in more detail coming from N. Monroe Street and throughout the site. Traffic circulation through the student drop-off/pick-up location and internal parking area shall be limited to one-way traffic.
16. Revise the circulation plan to depict the sidewalk and crosswalks with their own color and reflect each color in the legend.
17. Revise the public facilities map to also include other public facilities such as fire stations, public libraries, and parks.

Public Works:

18. The concept plan states that internal drive aisles will be 20 feet in width; however, shall be amended to note that where drive aisles are adjacent to 90 degree parking, the minimum width shall be 24 feet.
19. The concept plan shall include a traffic circulation plan, including parent drop off and pick up and bus drop off location.

Planning:

20. Provide a Type B buffer with Type D plantings to the greatest extent possible and an 8-foot opaque fence along property lines adjacent to low density residential.

21. Revise sentence #4 under Section E Noise and Lighting Standards, as follows:

“The charter school shall not utilize exterior bells or alarms, or permit any organized outdoor activities that create a noise that is audible to the adjacent residents prior to the school designated normal operating hours of 8:00 am, or after 4:00 pm, Monday through Friday or on weekends.”

22. Address in the PUD Concept Plan how other sources of potential noise (e.g., outdoor band practice) will be mitigated.
23. Provide a section in the PUD that discusses transportation impacts and include the percentage of the school’s students that will utilize the buses and the percentage of students that will arrive and depart by automobile.
24. Provide a Pedestrian/Vehicular Circulation plan that depicts student drop off and pick-up areas and existing and proposed sidewalks.
25. Provide a public facilities map that includes all other existing public facilities including but not limited to schools, parks and fire stations.

SECTION 4. All Ordinance or parts of Ordinance in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with said Comprehensive Plan.

SECTION 5. If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall become effective as provided by law.

DULY PASSED AND ADOPTED by the Board of County Commissioners of
Leon County, Florida, on this ___ day of _____, 2015.

LEON COUNTY, FLORIDA

Mary Ann Lindley, Chairman
Board of County Commissioners

ATTEST:

Bob Inzer, Clerk of the Court

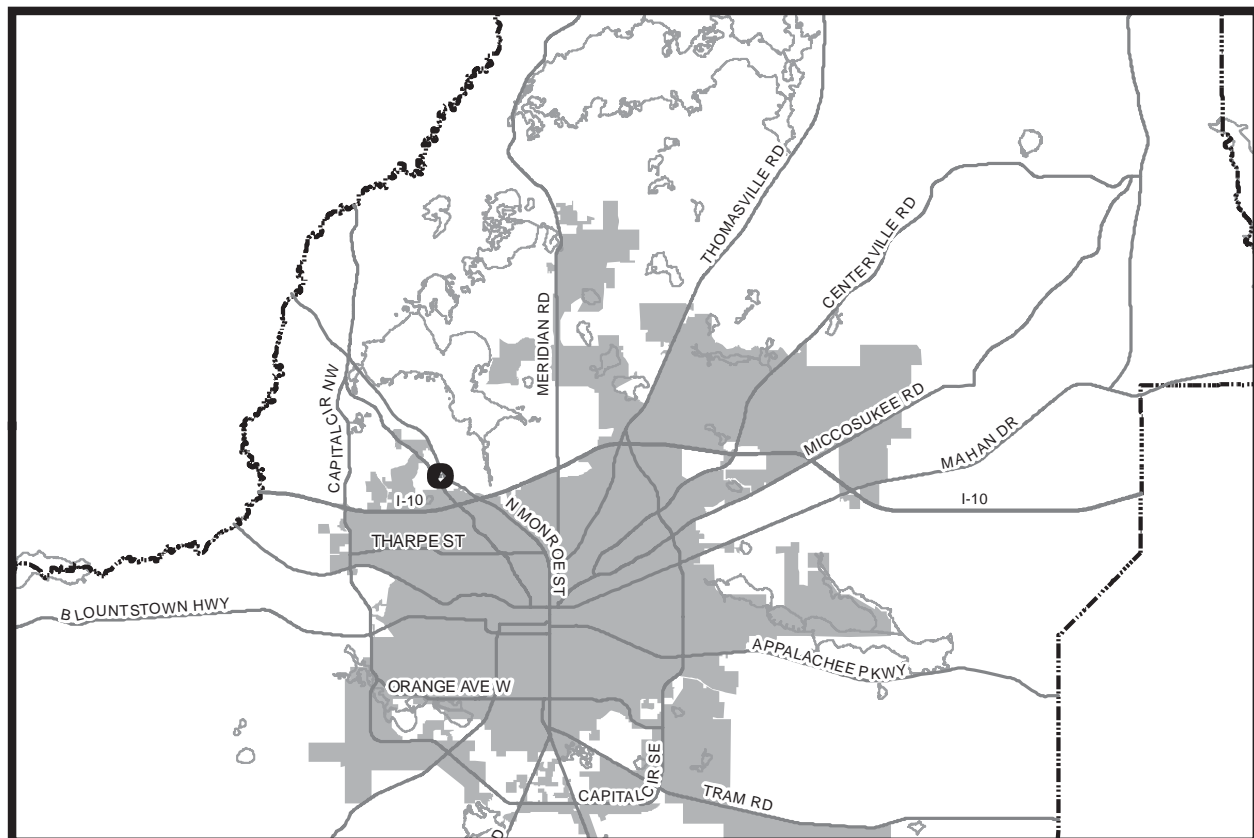
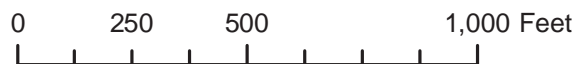
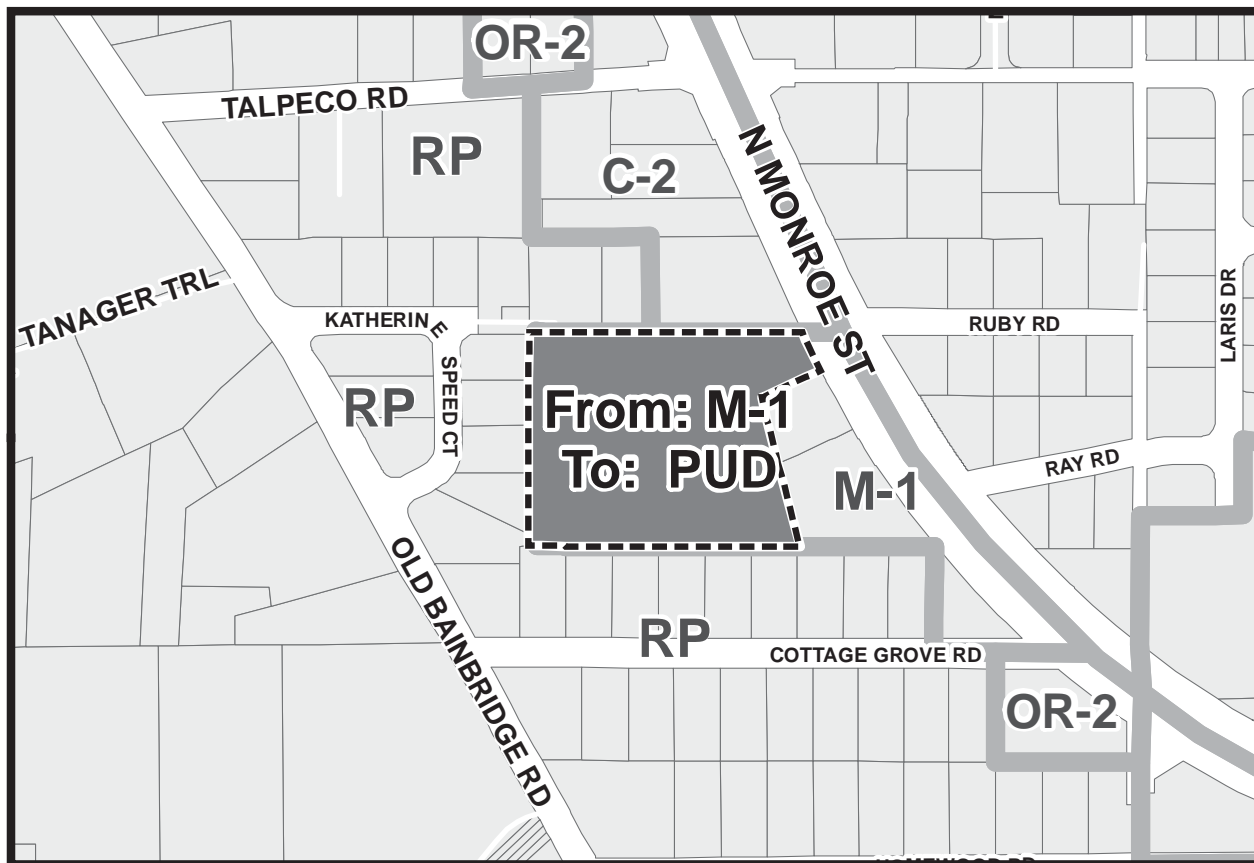
By: _____

APPROVED AS TO FORM:
County Attorney's Office
Leon County, Florida

By: _____
Herbert W. A. Thiele, Esq.
County Attorney

Tallahassee School of Math and Science PUD Rezoning

PRZ140021



PLANNED UNIT DEVELOPMENT (PUD)
CONCEPT PLAN

FOR

**TALLAHASSEE SCHOOL OF MATH
AND SCIENCE**
(ELEMENTARY & MIDDLE SCHOOL CAMPUS)

Leon County Parcel ID # 21-15-51-376-105-0



Prepared for:
Blue Ocean Construction
Blue Ocean
CONSTRUCTION
building blocks of life...
P.O. Box 5541456
Jacksonville, FL 32255
(904) 469-6010

Prepared by:
Moore Bass Consulting, Inc.
Moore Bass
CONSULTING
805 N. Gadsden Street
Tallahassee, FL 32303
(850) 222-5678

APPROVAL

Leon County Public Works Director

Date

Leon County Development Support &
Environmental Services Director

Date

Tallahassee-Leon County Planning Dept. Director

Date

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I. PROJECT OVERVIEW

A. Project Summary

The proposed project is a re-use of the existing church site located at 3434 North Monroe Street to serve as a new home to the established Stars Middle School, which, with the addition of Grades K-5, has changed its name to Tallahassee School of Math and Science (TSMS). TSMS proposes to serve school children between Kindergarten and 8th grade, by re-use of the existing on-site structures and supporting amenities. Existing buildings consist of a partial two-story, +/- 12,100 square foot footprint (existing sanctuary) and a +/- 8,200 SF single story building, thus a total existing building(s) square footage of +/- 26,832 SF. It should be noted that the Leon County Property Appraiser's database reflects that the total existing building square footage as 26,624 SF, with 2,584 SF of auxiliary buildings. The school intends to utilize all existing building space onsite.

The site has an expansive asphalt parking lot, asphalt driveways, a larger open grassed area, and naturally vegetated buffers along the common property lines to the adjacent Residential uses. Significant portions of the existing parking lot are proposed to be removed, and drive aisles reconfigured to support the vehicular circulation needs of the school. The removal of the existing asphalt totals a decrease in on-site impervious area of +/- 0.6 acres, which further addresses prior stormwater nuisance flooding concerns of neighbors.

The school site is +/- 6.07 acres by product of survey, and has a single stormwater management facility (SWMF) existing, within the rear southwestern corner. The SWMF will need repairs performed as part of the renovation process, including repair and or partial replacement of the existing block retaining wall.

The project site is currently within the Suburban Land Use Category in the Tallahassee-Leon County Comprehensive Plan and zoned Light Industrial (M-1) in which elementary and middle schools are prohibited uses. However the proposed use would be consistent within the underlying Suburban Future Land Use category. Permitted Use Verification Certificate VC140007 confirms the above statement, under the current zoning. The attached Concept Planned Unit Development application is the required document to officially allow a charter school as a permitted use at the proposed location. Primary Land Uses will be limited to Elementary and Middle School (including attendant parking and playing fields), Open Space/Natural Area, and Green Space/Type 'B' Buffer Area. A Concept PUD Map is attached to locate these uses on the overall property.

The proposed school facility will consist of the following:

- 36 employees
- 600 students (maximum)
- 16 classrooms (initial build out and use of existing square footage)
- Cafeteria
- Library
- Administrative offices

- 4 to a maximum of 6 buses are anticipated during drop-off and pick-up times, which is a service provided to TSMS by an independent operator, meaning that the buses are not stored on-site

A sidewalk shall be constructed to connect the existing buildings internally, and to the US Highway 27 public roadway frontage, with further infrastructure improvements within the public right of way coordinated and determined with Florida Department of Transportation during infrastructure improvement permitting. However, the sidewalk installation shall comply with Leon County LDR 10-7.529. Interconnection to the vacant commercial zoned parcel to the north will be shown as an improvement but will be subject to the future development of the vacant parcel to facilitate full interconnection, including both pedestrian and vehicular connections.

Specific Development Standards for parking, lighting, noise and hours of operation are identified herein and address the needs of the school, as well as consideration for the adjacent residents to the site.

B. Purpose and Intent

1. Promote more efficient and economic uses of land.
The project site is within the Urban Services Area and public utilities are readily available to serve the intended use. Not only is the existing site fully developed, but there are existing developments on three sides of the site and the proposed construction of a Charter School will further the promotion of infill re-development within the Urban Services Area, and the community.
2. Provide flexibility to meet changing needs, technologies, economics and consumer preferences.
TSMS will continue to provide a consumer choice in the selection of educational facilities to serve local families. Class size restrictions and limited funding for public schools have placed burdens upon the County school system and an alternative for families may serve to help reduce over-capacity schools to meet these state mandates. It should be mentioned that TSMS is currently operating within Leon County, at 1500 Miccosukee Road, Tallahassee, 32308, has a current enrollment of 166 middle school aged students, and has been in operation in Leon County since 2006.
3. Encourage uses of land which reduce transportation needs and which conserve energy and natural resources to the maximum extent possible.
The development proposes to utilize the existing buildings on-site, thus making use of existing improvements and existing infrastructure located within the Urban Services Area, the premise of Objective 1.1 of the Land Use Component of the Leon County Comprehensive Plan.

It also promotes re-use of a site that has remained vacant for several years now, which has had significant deferred maintenance and upkeep due to the extended vacancy. If the site remains vacant, it will only continue to decline due to receivership ownership by a financial institution in California.

TSMS offers bus service to its students, and currently upwards of 80% of the students take advantage of this service. Bus ridership in the 80th percentile acts to reduce the number of vehicle trips that would enter and exit the site, thus reducing energy and natural resource needs, and consumption.

4. Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing landscape features and amenities.

The site contains a large Live Oak that is centrally located between the two existing on-site buildings. The large oak has been shown being placed within the open space/natural area accessory use category. Additionally, to further enhance the health and well being of the tree, the existing impervious area that encroaches significantly beneath it is proposed to be removed, and the existing drive aisle beneath it being relocated to be further outside of its natural crown spread, to avoid degradation to the Oak.

The site has fully wooded and vegetated common property lines adjacent to the single family residences, which are proposed to remain. The existing buffer vegetation will be preserved and utilized to the greatest extent possible and further augmented as needed to provide for the Type B buffer plantings standards, including an 8 foot tall opaque fence. No other significant landscape features are present on the site that would influence the site design.

5. Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under a conventional zoning district.

The project concentrates on providing the recreational facilities needed by the operations of the charter school to the existing open space areas on-site, which are ideally suited for recreational/ open field uses. These areas have been shown on the Concept Plan Map, and are generally located along the northern portion of the site, away from adjacent residential uses.

6. Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.

Central Utilities are readily available to the site and no public roads are required to be constructed in order to provide access to the project, as US Highway 27 is classified as a Major Arterial roadway. A private access driveway exists which will continue to serve as the primary vehicular ingress/egress to the charter school. A pedestrian and vehicular interconnection to the northern lying, vacant commercial parcel is shown, however the full connection improvements shall not be provided until such time that the commercial parcels develops and connects to the property line improvements to be constructed by the charter school.

The overall sewer service plan for the charter school includes the upgrade and removal of the existing septic drain fields by installation of on-site gravity sewer services that will tie into a proposed private duplex grinder pump

assembly. The discharge from the grinder pump assembly will then “lift” the sewer to the existing gravity sewer main within North Monroe Street/US Highway 27 North, thus eliminating the existing environmental burden created by the two on-site septic drain fields.

7. Permit the combining and coordinating of land uses, building types and building relationships within a planned development, which otherwise would not be provided under a conventional zoning district.

While the project is limited to schools, open space, libraries and community services, the relationship to adjacent residential areas will allow for a mixture of land uses that are more compatible and inter-related. The existing M-1 Light Industrial zoning district theoretically allows for numerous uses that would not be considered readily compatible to the immediately adjacent single family residential. The project proposes to economically make use of the existing buildings by interior remodeling as necessary to meet current building code standards.

C. Eligibility

1. Minimum area for a PUD zoning district
The minimum area for a PUD is 5 acres. The proposed parcel is +/- 6.07 acres, thus consistent with the LDC.
2. Configuration of the PUD zoning district
The project is comprised of a single non-residential parcel, currently developed as a religious facility. No reconfiguration of the parcel is proposed as part of this Concept PUD application, and all portions of the parcel shall be located in the PUD zoning district.
3. Unified control / Ownership
The parcel is currently owned by a financial institution located and based in California. TSMS is contractually obligated to purchase the parcel and will thus provide for unified control and ownership.

D. Review Process

The project will follow the standard review procedures of the Leon County Land Development Code as identified and outlined in Section 10-6.696. Pursuant to Section 10-6.617 of the LDC, elementary and secondary schools are not allowable uses within the Light Industrial (M-1) zoning district, however would be considered an allowable, permitted use as “community service facilities” within the Suburban Future Land Use category of the Tallahassee-Leon County Comprehensive Plan. Elementary and secondary schools, as defined by the Comprehensive Plan, shall mean a facility which is in compliance with the compulsory school attendance law, Florida Statutes Ch. 232, and provides a curriculum of elementary or secondary academic instruction. Special exception uses require review and approval by the Leon County Board of County Commissioners, pursuant to Section 10-6.611(a) (3) of the LDC.

The PUD process requires that the applicant make an additional site plan application referred to as the 'PUD Final Plan'. The 'PUD Final Plan' for the proposed charter school shall require a Leon County Administrative Streamlined Application Process (ASAP) Site Plan review.

E. Consistency with Tallahassee – Leon County Comprehensive Plan

The proposed project as described is consistent with the goals and objectives of the Land Use Element of the Comprehensive Plan as follows:

1. The proposed school is located within the Urban Services Boundary as dictated by Policy 1.1.1(L).
2. The project has been designed to preserve the existing drainage patterns, and preserve the existing mature vegetation. This meets policy 1.2.1(L).
3. The proposed school is sited on non-environmentally constrained lands and in proximity to adjacent residential neighborhoods to provide an efficient and compact development as identified in Policy 1.4.12(c) (L).
4. Community Facilities (Schools, Churches and Open Space) are allowed in the Suburban Future Land Use Category, therefore are consistent with Policy 2.2.3.

F. Consistency with Other Ordinances

This PUD application is consistent with the Purpose and Intent of the Future Land Use Category of "Suburban" and further requires a PUD application to be the vehicle for review of the proposed project.

It is the intent of the project to meet the criteria of Leon County Land Development Code. Within that commitment is the understanding that the project may require deviations or variances that are allowed under the Code and is subject to approval by Leon County Department of Development Support and Environmental Management, Leon County Public Works Department and Tallahassee-Leon County Planning Department and the Leon County Board of County Commissioners.

More particularly, the project will comply with "Community Service" standards identified in Section 10.6-806 of the Leon County Land Development Code as follows:

Consistency with Comprehensive Plan. The appropriate review authority shall find that the proposed location is consistent with the Comprehensive Plan. New institutional uses and facilities shall be located to serve areas of population experiencing an existing deficiency of facilities and services or to serve areas where demand for facilities and services is projected to occur as identified in the Comprehensive Plan. Facilities and services shall not be established or expanded in any location which will result in land development patterns inconsistent with the

Comprehensive Plan nor shall any such development be permitted that is likely to promote the premature development of any area resulting in land use intensities inconsistent with the future land use map. In the determination of proposed facility or structure location or the acceptability of any such proposed expansion, the appropriate review authority may balance the benefits of location in proximity to the service population with any associated disadvantages.

1. **The applicant must demonstrate that there presently exists, or is expected to exist an unmet demand within the community for the public benefit intended to result from the establishment and operation of that proposed or expanded community service/or facility institutional use.**

Due to the class-size amendment present in the State of Florida, the Leon County School Board must cap the size of classes and therefore cannot always provide the number or type of classes that students require. TSMS will continue to provide relief to the existing school supply, County wide. School choice as it pertains to charter schools is rather limited in Leon County, as there are only 1,546 charter school students (in 4 schools) out of 23,585 total elementary and middle school students in the district, or 6.5%. This is a low percentage for a district of this size. By comparison, the statewide average is 6%, however the Leon County District is much larger than the State's average district size. Additionally, the population within the county is expected to grow by over 5% in the next 5 years. Also recall that TSMS is an existing approved and operating charter school, and thus is already included within the above percentages. So no further "addition" of a Charter School is proposed as it relates to Leon County, and the Leon County School District. As also evidenced by the Leon County School Board's approval of the expansion of the TSMS Charter School (f/k/a Stars Middle School) to include elementary aged students, the Charter School does help alleviate a need for additional classroom space in Leon County.

2. **The applicant must demonstrate that the proposed use or facility will alleviate that demand, either in full or in part.**

The relocated and expanded TSMS charter school will have a capped enrollment of 600 students, which will steadily increase from the existing middle school only enrollment of 166 students, as more elementary aged children begin enrollment at TSMS. While it is difficult to determine the overall demand for charter schools within a district, it is likely that the facility will continue to partially alleviate the public's demand of middle school aged students, and act to further alleviate the demand of elementary aged students. The existing Stars Middle School is required to relocate their current facilities due to their existing leased facility at 1500 Miccosukee Road being redeveloped and expanded to accommodate Tallahassee Memorial Hospital's new Surgery Tower. It is the intent of the TSMS that, upon acquisition of their own campus as currently proposed, and performing upgrades to said facilities, that the School will then realize a growth curve that they have not experienced to date, since the School has moved to several different leased locations since opening in 2006. Creating a permanent

campus will contribute to the overall success and longevity of TSMS, thus continuing to alleviate the demand County wide. Also, as mentioned above, the Leon County School Board's approval of the expansion of the TSMS Charter School (f/k/a Stars Middle School) to include elementary aged students, the Charter School should serve as evidence of the need for additional classroom space in Leon County.

3. **The applicant must demonstrate that the proposed site for the use or facility is suitably located to provide the public benefit to the intended generalized service population area.**

The project site is served by US Highway 27 North, which is classified as a Major Arterial roadway. Furthermore Interstate 10 is located just south of the project, thus readily providing for ease of access via major arterial and interstate commute from all areas of Leon County. Therefore the relocated charter school site is properly and suitably situated to provide public benefit to all surrounding areas of Leon County.

4. **The applicant must demonstrate that the proposed use or facility and site are sized according to the demand that the facility is proposed to satisfy.**

The proposed facilities have been designed based on the existing enrollment at TSMS, and a classroom breakdown to accommodate that number readily achievable within the existing building square footage to be remodeled. Additional classroom space may be required in the future, as the enrollment increases and nears the 600 student cap, therefore a designated area for building expansion is shown within the Concept PUD plan. The temporary use of modular classrooms may be required until the need for a larger, consolidated permanent structure is justified, just as Leon County Schools operate with regards to management of expansion needs.

5. **The applicant must demonstrate and document that the anticipated benefit to be provided to the community outweighs the potential harm to the public interest, including harm to environmentally sensitive areas or private interests, likely to result from the establishment and operation of the proposed community service or facility/institutional use.**

There is no harm to the public interest, environment, or private interests in the provision of further educational choices, therefore no comparison exists between the project and these conditions.

However, to provide relief to the adjacent residential homes that have experienced stormwater flooding in years past, TSMS proposes to reduce the amount of existing on-site impervious area, by the expansion of open space and green spaces to serve the school, which will act to reduce the amount of flood waters generated during high volume storm events. To further aid in a solution to the existing flooding issues, prior to occupancy of the buildings,

the school will be repair and restore the existing stormwater management facility, including repairs and or replacement of the block retaining wall partially surrounding the SWMF . Furthermore, the TSMS re-development includes retrofitting the existing sewer system by constructing and connecting to the public central sewer, per the sanitary sewer component of the Comprehensive Plan which requires community services inside the urban services area to connect to potable water and central sanitary sewer systems. This connection and upgrade of facilities result in the removal of the existing septic drain fields, which will further enhance the surrounding environment, and reduce waters that are attempting to infiltrate the soil stratum.

6. **The applicant must demonstrate that the establishment and operation of the proposed use or facility will not prevent the normal and customary use of residentially zoned properties and residential structures or otherwise adversely affect residential neighborhoods to the extent that residential displacement is likely, or indicate what provisions are proposed to mitigate any adverse effects and displacement.**

Schools of all kinds exist adjacent to residential neighborhoods, in fact – it is this adjacency that allows for minimum impact to the transportation network that serves its neighbors. No displacement, nor impact to the neighborhoods surrounding the project – nor anywhere in Leon County shall occur as a function of this project.

Existing on-site lighting height and fixture style shall be removed and or replaced with lighting that readily meets the standards as set forth within the PUD. The existing lighting to be removed and or replaced is intended to mitigate the existing conditions and adverse effects the existing light poles and fixtures have upon the adjacent residential structures.

TSMS operating hours shall be designated from 7 AM to a standard school dismissal time of 4 PM, with after school programs or related activities ceased no later than 6 PM. These designated hours of operation as well as the noise

The current Stars Middle School operations reflect that, on average, +/- 80% of the students elect to utilize the bus system provided, versus individual car drop off and pick up. This will reduce the prospective impacts to the adjacent roadway network(s).

7. **The applicant must demonstrate that the new facility will promote the efficient use of existing or planned infrastructure and discourage uncontrolled urban sprawl.**

The property is currently developed and has stood vacant for several years, with the site deteriorating significantly from lack of upkeep and maintenance. In-fill development serves to prevent urban sprawl, and in this particular case,

will help alleviate further degradation of the site and its infrastructure, as well as continued negative impacts to surrounding residential properties. The proposed community facility will promote efficient re-use of existing infrastructure improvements within the designated Urban Service Area.

Furthermore, utility upgrades to the site will actually benefit the utility network and environment, as it will remove existing septic tanks from future use, and place the effluent water into the City of Tallahassee's central sewer treatment system. Potable water as well as fire protection measures shall be extended into the site to serve the re-use.

G. Binding Commitment of the Applicant

The owner commits that the subject property to be known as Tallahassee School of Math and Science shall be developed in accordance with this Concept Plan including any conditions of approval and any subsequent amendment(s) as approved by the Leon County Board of County Commissioners. This commitment shall bind all subsequent owners.

II. PERMITTED USES AND DEVELOPMENT STANDARDS

1. District Intent	Permitted Uses								
	2. Principal Uses				3. Accessory Uses				
The TSMS PUD zoning District is intended to be located adjacent to major arterial roads and in proximity to areas designated for existing and future residential land use. The district is intended to provide educational facilities as defined to serve the immediate and the larger community. Off street parking facilities shall be designed and located to promote convenient access to pedestrian and vehicular circulation as well as adequate stacking interior to the project site. Certain community and recreational facilities / uses related to the Charter School are also permitted	(1) Community facilities, including religious facilities, libraries, and elementary, middle schools, including classrooms, administrative offices and modular buildings for temporary classroom space (2) Green Space/Type B buffer area(s), associated with and ancillary to an approved community facility use (3) Open space/Natural Area, associated with and ancillary to an approved community facility use				(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the County Administrator or designee. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the County Administrator or designee.				
4. Development Standards									
	A. Minimum Lot Size			B. Minimum Building Setbacks				C. Maximum Building Restrictions	
Permitted Principal Uses	(1) Lot or Site Area	(2) Lot Width	(3) Lot Depth	(1) Front	(2) Side Interior	(3) Side Corner	(4) Rear	(1) Building Size	(2) Maximum Building Height
Any Permitted Principal Non-Residential Use	12,000 SF	80 ft.	100 ft.	15 ft.	15 ft. on each side	15 ft.	25 ft.	12,500 sf of gross building floor area per acre FAR max of 0.30	2 stories max. 35 ft. from eave height
Any Permitted Accessory Use	N/A	N/A	N/A	15 ft	5 ft on each side	15 ft	10 ft	33% of primary structure floor area	1 story

General Notes:

1. Refer to Leon County Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/ conservation features), stormwater management requirements, etc.
2. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
3. Maximum school capacity shall be 600 students. Any increase to the stated maximum shall require an Amendment to the approved PUD.
4. No single family residential structures shall be allowed, nor any vocational schools without approval of an Amendment to the approved PUD.
5. The TSMS Charter School designated operating hours shall be from 7 AM to a standard school dismissal time of 4 PM, with after school programs or related activities ceased no later than 6 PM

III. PUD CONCEPT PLAN SUMMARY

A. Development Plan Modifications

1. Project conditions may necessitate changes to the TSMS PUD. Minor changes in connection with final development plans and acreage associated with a specific land use may be allowed subject to compliance with the Leon County Development Code. Notwithstanding any increase or decrease allowed by this paragraph, the gross intensity of the Charter School district shall not exceed 12,500 gross square feet non-residential use per acre.
2. Changes or modifications that will increase the overall intensity of the PUD shall require approval of an amendment of the PUD by the County Commission consistent with the process set forth in Section 10-6.696 of the LDC.
3. Changes or modifications to development standards and deviations from development standards shall be permitted in accordance with the LDC and processed during the Final PUD/Site Plan review process.
4. Although bicycle/pedestrian interconnections with adjacent properties are desirable, bicycle/pedestrian interconnections located within the PUD shall be determined as coordinated with the adjacent, established neighborhood(s), as no readily apparent bicycle/pedestrian corridor exists between the uses due to no dedicated and immediately adjacent rights of way. A full pedestrian and vehicular interconnection to the vacant, commercial zoned parcel to the north is provided for.

B. Off-Street Parking and Loading Standards*

Off-street parking requirements for the TSMS Charter School shall be provided in ranges based on the following table of uses:

Parking Standards	
Charter School/ Community Facilities	<p>Maximum 1 regular parking space/ 200 GSF, with an allowable range of 75-110% for afforded flexibility</p> <p>Parking Spaces for the disabled shall be provided consistent with the current requirements of the Americans with Disabilities Act (ADA), and Leon County Building Code requirements</p> <p>Bicycle parking spaces shall be provided at a minimum a rate of 10% of the provided regular parking spaces</p>

* Loading and Solid Waste pick-up shall be coordinated during the Site Plan review process of the final PUD application. Existing parking improvements readily provide for the PUD parking standards proposed above.

C. Building and Site Design

1. Buildings

- a. All buildings within the PUD proposed for modification or new construction shall be professionally designed by an AIA registered Architect at the time of building permit application.
- b. The goal of this requirement is to set a high standard as to structure, function, and aesthetics, for TSMS.
- c. Future permanent and primary building facades shall be of concrete block or masonry construction. Existing on-site buildings shall remain as is, but be required to be renovated to current Building Code standards as applicable, and determined to be required by the Project AIA Registered Architect.
- d. All buildings shall screen utility connections and trash receptacles/storage areas with materials compatible with the exterior façade of the building being served and/or landscaping materials, as appropriate. Wood fencing and/or other suitable screening materials may be used. Solid waste facilities shall be situated so as to minimize as best practical the noise and smell nuisance to adjoining residential properties.
- e. Modular Buildings or "Portables" shall be allowed as temporary classroom space.

2. Signs

- a. All signs within the PUD shall meet the requirements of the Leon County Land Development Code. See Concept Plan PUD Concept Plan for approximate location of existing signage that is proposed to remain, and serve as signage for the Charter School. The surveyed limits of the sign are outside FDOT right of way, and no alterations to the existing sign shall result in encroachment into public right of way, nor reduction to the sight distance triangles required for commuters. It is the intent of TSMS to utilize the existing electronic sign located adjacent to, but outside of the right of way of US 27 North.

3. Access Management Criteria

- a. Access to TSMS will be accommodated by the existing driveway connection to North Monroe Street, US Highway 27 North, a major arterial roadway.
- b. Improvements within North Monroe Street right of way shall be consistent with access management criteria set forth by the Florida Department of Transportation and Leon County, and may include auxiliary turn lanes as warranted. Coordination with FDOT with regards to the change in use shall be conducted at a later date, as appropriate, as part of permitting.
- c. A pedestrian circulation path shall be provided between vehicular parking areas, bicycle parking and the buildings being served by them. This pedestrian circulation path shall be connected to all public roadways or private access ways and be a minimum 5 feet in improved width
- d. Main entrance driveway connecting to US Hwy 27 North shall be a minimum 24 foot width (2 lanes immediately adjacent to each other), or 10 feet individual lane width if divided. Internal driveway widths supporting two way traffic patterns shall be a minimum 20 foot improved width, and driveways supporting one way traffic flow shall be a minimum 10 foot improved width.

D. Environmental Design Standards

Prior to the filing of this application, a Natural Features Inventory (NFI) No-Impact was approved by Leon County Development Support and Environmental Management that identified no conservation and preservation worthy environmental features were present on site.

1. Vegetative Communities

The vegetation density varies throughout the site with clearly defined areas of open fields and wooded perimeter areas.

The majority of the trees are slash pine, sweetgum, laurel oak, water oak and live oak. Other trees present include, cherry, mulberry, southern red cedar, southern magnolia, hackberry, hawthorn, red maple, chickasaw plum, dogwood, sassafras, American holly and redbud. The understory vegetation, which consists of the above tree seedlings and low woody and herbaceous vegetation, includes wax myrtle, yaupon, blackberry, honeysuckle, poison ivy, centipede grass, Bahia grass, broomsedge and other low grasses and herbs.

2. Waterbodies

The site does not contain any waterbodies, within its designated boundary, only a prior constructed stormwater management facility. The site is located within the Huntington Woods Watershed, of the regulated Fred George Closed Drainage Basin.

3. Watercourses

The site contains no watercourses.

4. Wetlands

The site does not contain any wetlands.

5. Floodplain

The site does not contain any floodplains.

6. Floodways

The site does not contain any floodways.

7. Grades/ Slopes

The grade analysis is based on the topographic survey recently performed by Moore Bass Consulting. Slope direction and gradient are generally consistent throughout the site. The site drains generally to the southwest, towards the existing SWMF. The slopes range from 1%-3% percent, generally flat terrain

8. Soils

The Leon County Soil Survey indicates that the site consists of Orangeburg loamy fine sand (33 & 34). (33) Soil is well drained, gently sloping soil that occurs on uplands. (34) This soil type is well drained, sloping soil is on small areas on uplands.

9. Karst Features
There are no karst features on-site, nor any closed contour areas that may signal a historical karst related feature.
10. Groundwater
The Leon County Soil Survey indicates the water table is typically perched above the lower subsoil for brief periods during the winter. The available water capacity is low in the surface and subsurface layers and medium in the subsoil. Permeability is moderate to rapid in the surface and subsurface layers and moderate in the subsoil.
11. Tree Tagging
A tree survey has been performed for the site and is shown herewith for your review. The larger Live Oak within the project boundary has been mentioned prior, and will be preserved in perpetuity.
12. Wildlife
To the best of our knowledge, there are no known habitats of endangered, threatened and species of special concern located on this site.
13. Landscaping and Buffering Standards
 - a. Landscaped areas within the PUD shall be designed by a registered Landscape Architect or licensed Professional Engineer.
 - b. A natural and augmented as necessary landscape buffer meeting the LDC stipulated criteria for a Type B consistency, not less than 10 feet in width, including an 8 foot height opaque fencing shall be provided for and maintained between TSMS and adjacent residential boundaries. The 8 foot opaque fence shall be located at the 10 foot offset line to the common property line, and the preserved vegetation and/or planted landscape materials meeting a Type B consistency located on the least intensive land use side.

- E. Noise and Lighting Standards
It is the intent of the developer to mitigate to the maximum degree possible any impacts on adjacent residential properties.

No exterior loud speakers or "bull horns" will be permitted to be used to communicate with students outside the school buildings.

It is common place for schools to have exterior bells or alarms that alert students and teachers alike at specific times, i.e. the end of a school period or class dismissal. The charter school shall not utilize exterior bells or alarms, or permit any outdoor activities that creates a noise that is audible to the adjacent residents prior to the school designated normal operating hours of 8:00 AM, or after 4:00 PM, Monday through Friday.

The school does not currently have any plans for an after-school program. Currently, the students will be off of school grounds by 4:00 PM. However, should the school add an after-school program, children will leave the premises by 6:00

PM. During the after school program, children would most likely spend some time outdoors, however, no loudspeakers or bells would be used after 4:00 PM.

The existing lighting system on-site consists of poles and fixtures greater than 30 feet in height, and light fixtures that are 'flood' light style. The significant height of the existing poles as well as the flood style lighting results in light pollution to the adjacent residential structures. The existing poles may be removed entirely, or replaced with more compatible equipment to the adjacent residential homes, as outlined below. Lighting utilized will be chosen with emphasis on providing adequate illumination for access and security purposes, while minimizing effects of 'lighting pollution' to the existing neighborhood by use of cut off fixtures on photo cells and time clocks.

In addition, the PUD proposes to mitigate any existing lighting impacts from the development by directing it away from nearby residential structures. Lighting from all signage, likewise, will not be directed toward these adjacent residential areas.

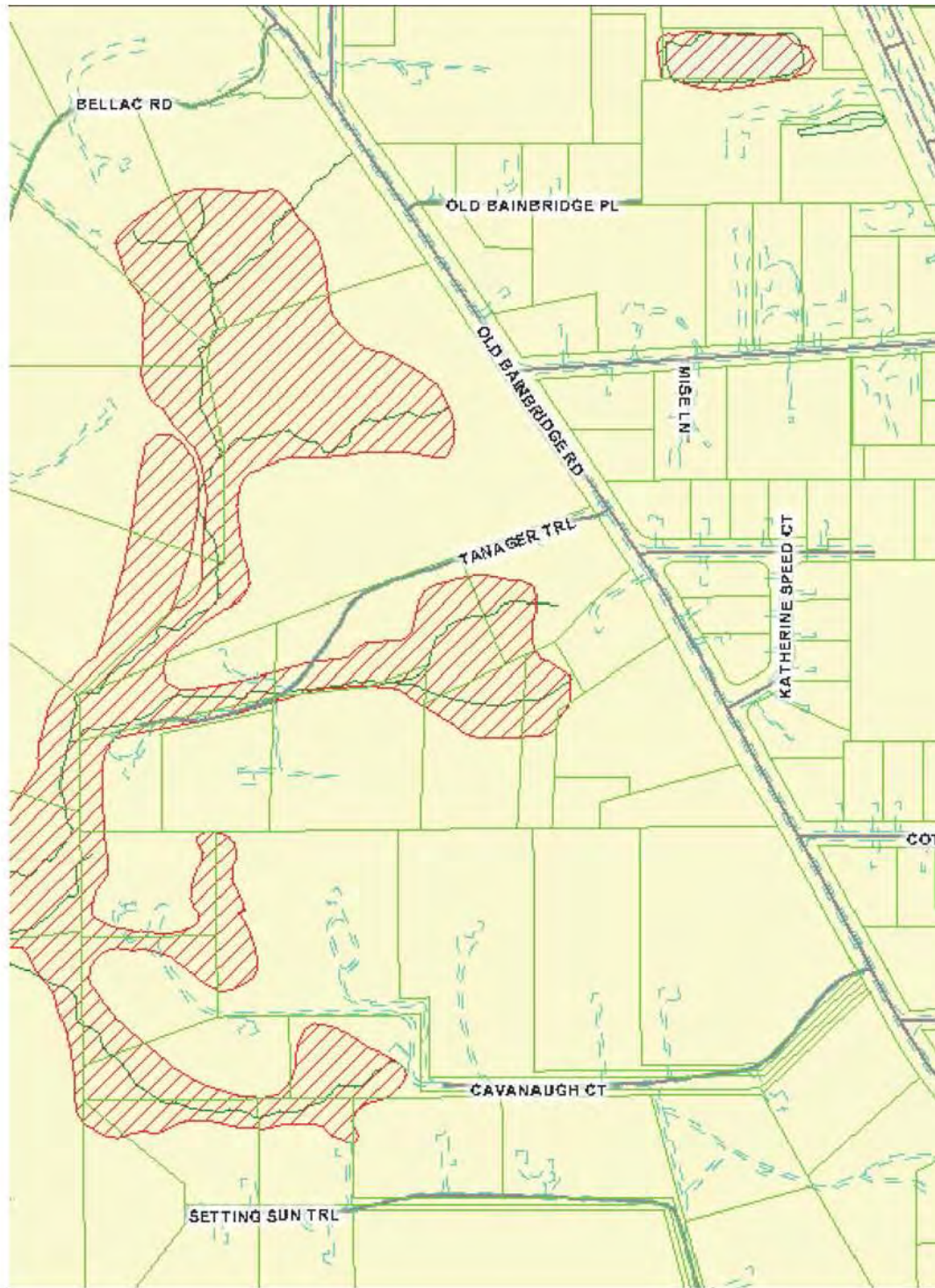
'Dark sky principles' (for example, light when needed, where needed and no more) will be utilized to:

- a. Limit the height of light standards to a maximum of 20' as measured from adjacent finished grade, utilizing full cut-off type fixtures (shoe box style for example, which provides for a fully shielded downward directed light, and recessed fixture to conceal the light source), Existing electronic sign adjacent to public right of way to remain.
- b. Use a lighting control in line with the Florida Building Code and the Florida Energy Code. All exterior lighting will be one of the following types of light:
 - i. low wattage metal halide;
 - ii. high pressure sodium;
 - iii. concealed fluorescent;
 - iv. concealed LED; or,
 - v. architectural landscape lighting shall be used within the development in lieu of 'flood lights' or glaring 'wall packs' to provide lighting around buildings and on pedestrian walkways.

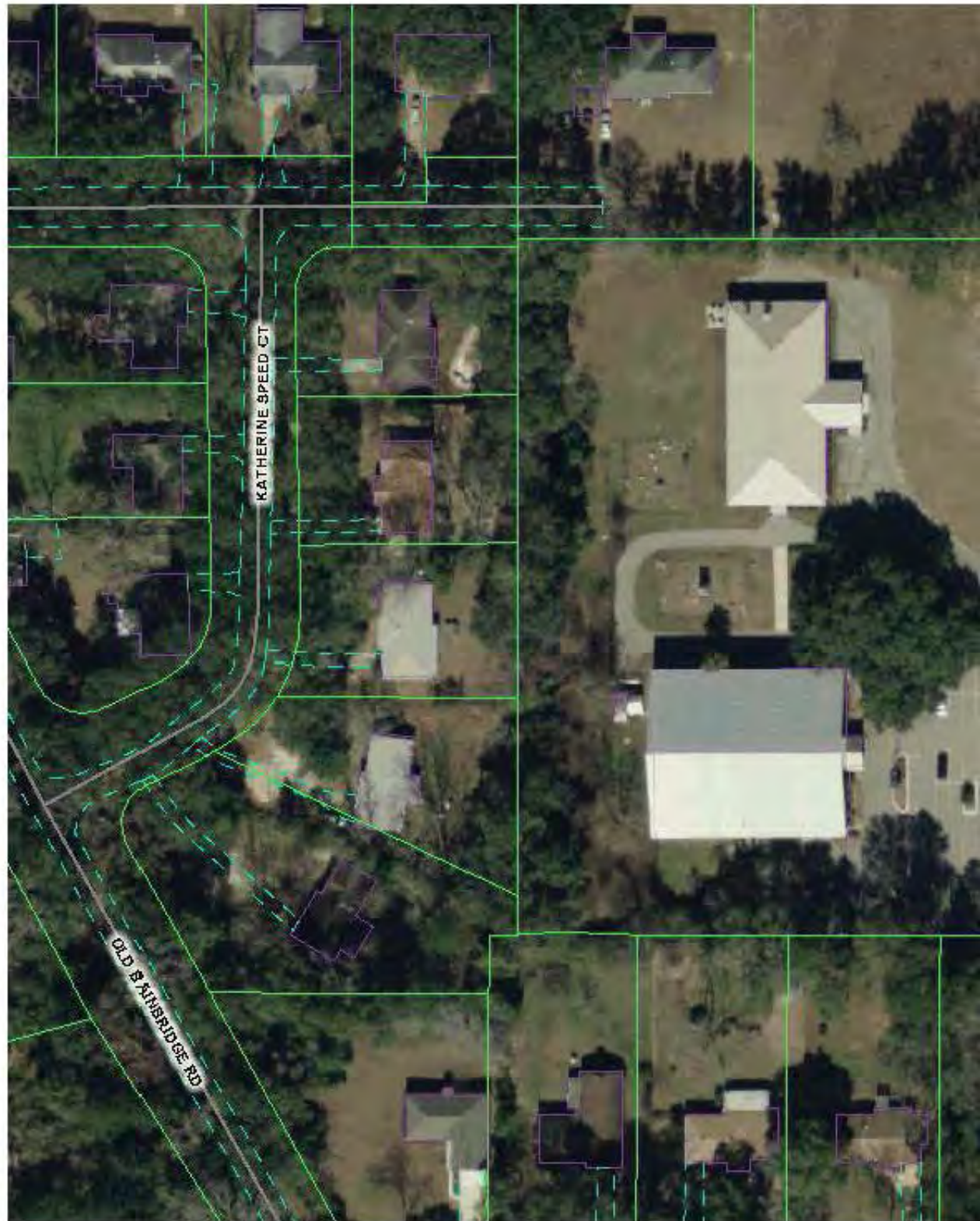
Tallahassee School of Math and Science
Elementary & Middle Schools Campus

IV. MAPS

A. Location Map



B. Aerial Map

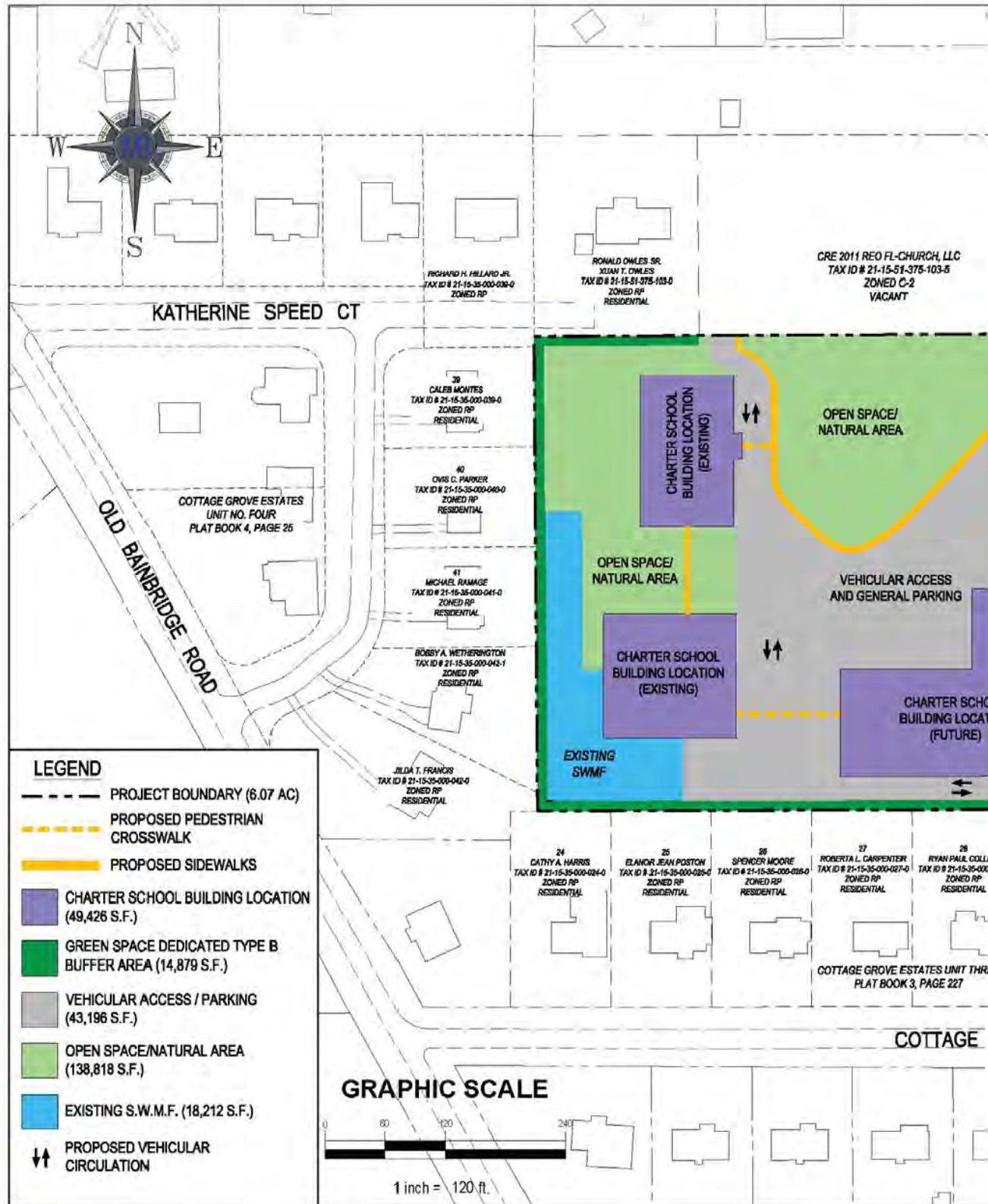


C. Boundary and Topographic Survey



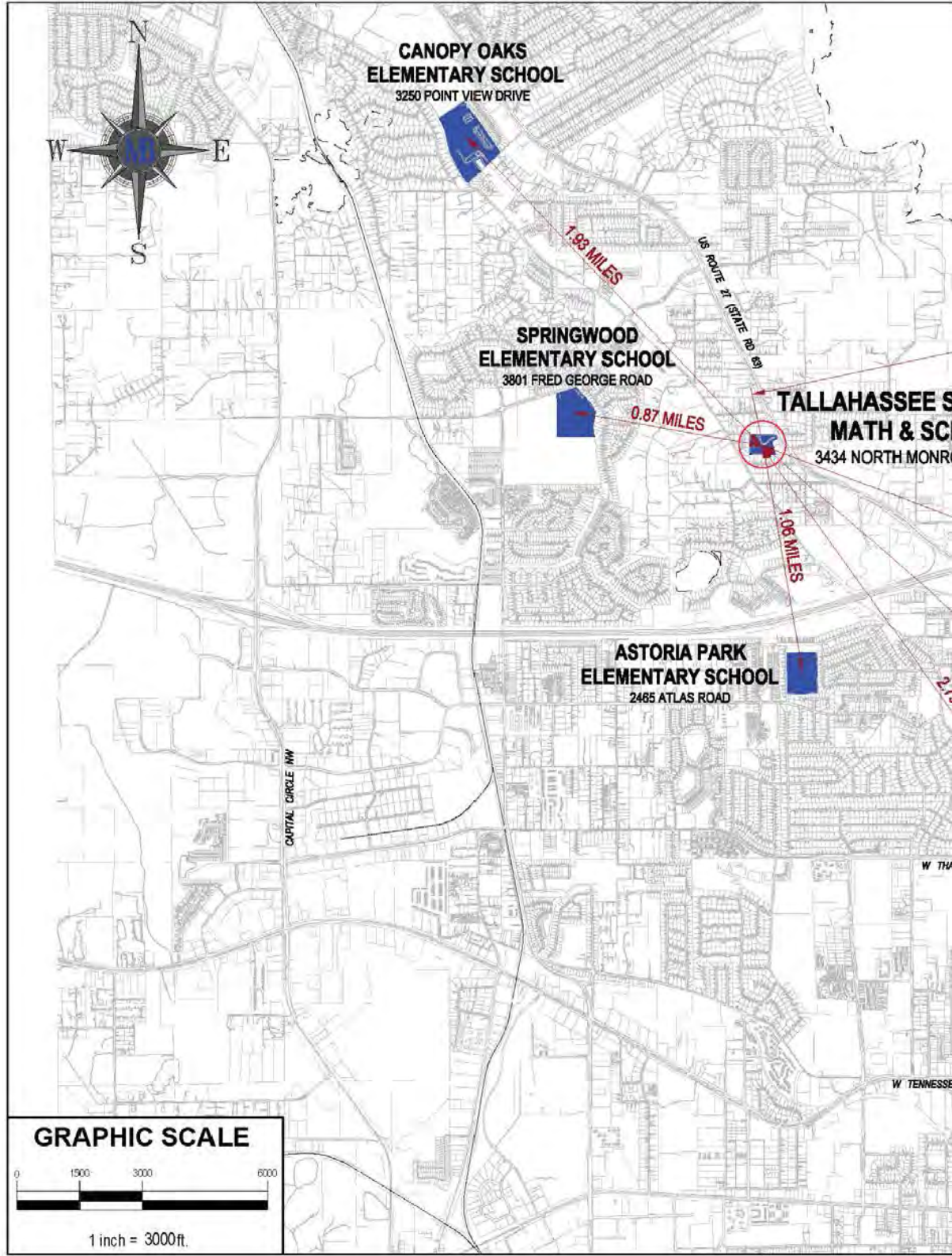
Tallahassee School of Math and Science
Elementary & Middle Schools Campus

D. PUD Concept Plan



Tallahassee School of Math and Science
Elementary & Middle Schools Campus

E. Public Facilities Map



Section 10-6.652. M-1 Light Industrial District.

1. District Intent	PERMITTED USES	
	2. Principal Uses	3. Accessory Uses
<p>The M-1 district is intended to be located in areas designated Bradfordville Mixed Use or Suburban on the Future Land Use Map of the Comprehensive Plan shall apply to urban areas with convenient access to transportation facilities, where light manufacturing, processing, storage, community and recreational facilities and other activities compatible with light industrial operations are permitted. The district is not intended to accommodate heavy industrial operations or to accommodate commercial or residential development which would restrict the principal light industrial operations.</p>	<p>(1) Armored truck services. (2) Assembly of apparel and accessories. (3) Automotive service and repair, including car wash. (4) Bottling plants. (5) Broadcasting studios. (6) Building contractors and related services. (7) Cemeteries. (8) Communications and utilities. (9) Community services, including vocational schools and police/fire stations. Libraries, elementary, middle, or high schools are prohibited. Other community services may be allowed in accordance with Section 10-6.806 of these regulations. (10) Crematoriums. (11) Distribution facilities. (12) Dry cleaning plants. (13) Food processing, excluding slaughter. (14) Golf courses. (15) Gun firing ranges (indoor). (16) Heavy infrastructure (maintenance yards, motor pools, airports, land fills, sewage treatment plants, etc.).</p>	<p>(17) Laboratories; research and development activities. (18) Lawn and tree removal services. (19) Manufacturing (consistent with the definition of light industrial). (20) Non-medical offices and services, including business and government offices and services. (21) Off-street parking facilities. (22) Passive and active recreational activities. (23) Pest control services. (24) Printing and publishing. (25) Repair services, non-automotive. (26) Towing, wrecking, and recovery services. (27) Transportation and freight handling activities. (28) Warehouses, mini-warehouses, or self-storage facilities. (29) Welding and machine shops. (30) Wholesale activities. (31) Wholesale building supplies. (32) Other uses, which in the opinion of the County Administrator or designee, are of a similar and compatible nature to those uses described in this district.</p> <p>(1) A lawfully established use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the gross floor area of the principal use or structure, as determined by the County Administrator or designee. The 33 percent limitation does not apply to outdoor storage that is accessory to a permitted principal use.</p> <p>(a) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the County Administrator or designee. (b) Residential use (intended for watchman or guard not to exceed 1 dwelling unit per industrial use). (c) Outdoor storage (without the 33 percent limitation), provided it complies with Section 7 below. (d) The following uses are permitted accessory uses in this district:</p> <ol style="list-style-type: none"> 1. Eating and drinking establishments such as cafeterias or snack bars, (located within the interior of any permitted use.) 2. Temporary employment 3. Security Guard Service 4. Day Care Centers-- licensed day care services as described in and regulated by section 10-6.811. 5. Recreational amenities—provided as an accessory to a permitted uses established within the district for use by employees management, and their guests. 6. Retail sales—provided the sales are directly related to the principal light industrial use(s), e.g. gun sales at an indoor shooting range. Retail sales must be limited to no more than 33% of the gross floor area.

DEVELOPMENT STANDARDS (continued on page 1 of 2)									
Permitted Principal Commercial Uses Numbers (3), (21), (25)	none	none	none	25 feet	none	25 feet	10 feet	10,000 square feet of gross building floor area per parcel	3 stories
All Other Permitted Principal Non-Residential Uses	none	none	none	25 feet	none	25 feet	10 feet	20,000 square feet of gross building floor area per acre. 50,000 square feet of gross building floor area per acre for storage areas within buildings.	3 stories
<p>7. Criteria for Outdoor Storage: Outdoor storage is permitted as an accessory use to a permitted principal use (without the 33 percent limitation) if the outdoor storage area is screened with an opaque material (an opaque material may include vegetation). The opacity requirements are as follows: 100 percent along any property line that adjoins an existing residential use; 80 percent along any property line that adjoins any other type of use other than residential (commercial, office, etc.) or a street right-of-way. The determination of the adequacy of the opaque material will be evaluated at the time of permitting.</p> <p>8. Street Vehicular Access Restrictions: Properties in the M-1 zoning district may have vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from non-residential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street: RA, R-1, R-2, R-3, R-4, R-5, MH, MR-1, and RP</p> <p>9. Fencing Requirement: All areas proposed for use, currently used, or previously used, in open-pit mining operations and/or construction and demolition debris disposal must be secured by a fence, unless the area is determined to be a reclaimed open-pit mine by the county administrator or designee. The fence must be at least four feet in height with openings that will reject the passage of a seven-inch diameter sphere. The fence must be equipped with a gate which shall remain locked when workers or employees of the land owner or mining company are not present at the site. At every gate or access point, at least one sign must be posed which states, in at least four-inch tall letter, "Danger," "Keep Out," "No Trespassing," or similar language to indicate that there may be hazardous conditions on the premises.</p>									

GENERAL NOTES:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and non-residential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.)

Policy 2.2.5: [L]

SUBURBAN *(Effective 3/14/07)*

To create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities should be located near residential areas, if possible within walking distance. This category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940s. The category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed-use projects and the principles of traditional neighborhood developments are encouraged, though not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use pattern.

To complement the residential aspects of this development pattern, recreational opportunities, cultural activities, commercial goods and services should be located nearby. To reduce automobile dependency of residents and employers alike, mass transit stops should be located at large commercial centers and appropriate street and pedestrian connections established between commercial and residential areas. Except within mixed use centers, larger scale commercial development should be buffered from adjacent residential neighborhoods.

Development shall comply with the Suburban Intensity Guidelines. Business activities are not intended to be limited to serve area residents; and as a result may attract shoppers from throughout larger portions of the community.

Suburban Intensity Guidelines (Effective 3/14/07; Rev. Effective 7/14/14)

Development Patterns	Allowed Land Uses	Gross Residential Density	Non-Res Intensity	Percentage Mix of Uses
Low Density Residential	Residential, Recreation, Light Infrastructure & Community Service	0 to 8 units/acre ⁽⁴⁾	10,000 sq. ft. per acre	65-80%
Low Density Residential Office	Residential, Office, Recreation, Light Infrastructure & Community Service	0 to 8 units/acre ⁽⁴⁾	10,000sq. ft. per acre ⁽⁵⁾	
Medium Density Residential	Residential, Recreation, Light Infrastructure & Community Service	8 to 16 units/acre	20,000 sq. ft. per acre	
Medium Density Residential Office	Residential, Office, Ancillary 1 st Floor Commercial, Recreation, Light Infrastructure, Community Service & Post Secondary Schools	8 to 20 units/acre	20,000 sq.ft. per acre ⁽⁶⁾	
Village Center	Residential, Office, Commercial up to 50,000 sq ft. maximum business size. Centers shall not be located closer than 1/4 mile to another village center or commercial development including more than 20,000 sq ft of floor area.	8 to 16 units/acre	12,500 sq.ft. per acre per parcel for center 20 acres or less ⁽⁷⁾	35-50%
Urban Pedestrian Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 16 units/acre ⁽³⁾	Up to 20,000 sq ft/acre ⁽³⁾	
Suburban Corridor	Residential, Office, Commercial, Recreation, Light & Heavy Infrastructure & Community Service	Up to 16 units/acre	Up to 25,000 sq ft/acre ⁽⁸⁾	
Medical Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 20 units/acre ⁽¹⁾	80,000 sq ft/acre ⁽²⁾	
Business Park	Office, Residential and Commercial,	Up to 16 units/acre	20,000 sq ft/acre	5-10%
Light Industrial	Office, Commercial up to 10,000 sq ft per business, Light Industrial, Recreation, Light & Heavy Infrastructure, Community Service & Post Secondary Schools and ancillary residential	1 unit / development	20,000 sq ft /acre ⁽⁹⁾	

Notes:

- (1) 8 units/acre minimum for exclusively residential;
- (2) Hospitals up 176,000 sq ft/acre;
- (3) 20 units/acre and 40,000 sq ft/acre for multiple use development; Combined residential and non-residential development may have up to 40,000 SF and up to a six story building. Residential use, office use and commercial use is allowed.
- (4) Low Density Residential and Residential Office development patterns can have a minimum of 1 unit per acre if water and sewer are not available.
- (5) The maximum square footage is increased to 12,500 SF if the project is a mixed-use development.
- (6) The maximum square footage increases to 40,000 SF per acre and maximum height increases to six stories if 50% of parking is structured. This provision only applies to areas previously designated as Mixed Use C
- (7) 250,000 SF of total development permitted on 20 to 30 acre centers.
- (8) Storage areas may be 50,000 SF per acre. Office and Retail is allowed.
- (9) Storage areas may be 50,000 SF per acre.

While mixed land uses are encouraged in the Suburban Future Land Use Category, the more prevalent pattern will be a compatibly integrated mix of single-use developments that include low and medium density residential, office, retail and light industrial development. Allowed land uses within the Suburban Future Land Use Category shall be regulated by zoning districts which implement the intent of this category, and which recognize the unique land use patterns, character, and availability of infrastructure in

Land Use Element

category, and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Suburban Future Land Use Category. In those areas lacking the necessary infrastructure, the Land Development Regulations may designate a low intensity interim use. Any evaluation of a proposed change of zoning to a more intensive district shall consider, among other criteria, the availability of the requisite infrastructure.

Mobility Element

Policy 1.4.1: [M] (*Effective 12/15/11*)

Require vehicular, pedestrian, and bicycle interconnections between adjacent, compatible development; and require these interconnections between adjacent, incompatible developments if it has the potential to reduce the vehicular traffic on the external street system without negatively impacting either development.

Policy 1.4.3: [M] (*Effective 12/15/11*)

Within the Urban Service Area, require private developers to include bikeways and pathways or sidewalks within proposed developments and connecting to surrounding land uses.



Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5302 www.leoncountyfl.gov

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Department of Development Support & Environmental Management
Development Services Division
Renaissance Center, 2nd Floor
435 North Macomb Street
Tallahassee, Florida 32301-1019
Phone (850) 606-1300

December 22, 2014

Edward N. Bass, III, P.E.
805 North Gadsden Street
Tallahassee, Florida 32303

RE: Tallahassee School of Math and Science (Charter K-8)
Planned Unit Development (PUD) Concept Plan
Parcel Identification Number: 21-15-51-376-1050
Project ID: LSP140028 – Type “D” Application

Dear Mr. Bass:

This letter is to notify you that on Wednesday, December 17, 2014, the Leon County Development Review Committee (DRC) recommended approval of the above-referenced PUD Concept Plan, subject to the conditions outlined in the staff reports, with a few additions and modifications, which are outlined below.

Type “D” applications are reviewed by the DRC, which makes recommendations to the Planning Commission. The Planning Commission will review the application at a public hearing that has been scheduled for February 3, 2015. The Planning Commission will make a recommendation to the Board of County Commissioners, who will consider the application at a public hearing that has been tentatively scheduled for March 10, 2015. The Board of County Commissioners will decide whether to approve, approve with conditions, deny the application, or continue the application to a date and time certain. The Board’s decision will be based on whether the application demonstrates consistency with the Comprehensive Plan, and compliance with applicable codes, rules, regulations and policies of the County. The DRC recommended approval of the application subject to the conditions noted in the staff reports, along with the conditions outlined below:

1. The proposed 10’ (width) Type “B” buffer with 8’ (height) opaque fencing shall include plantings up to a Type “D” level to the greatest extent possible within the 10’ buffer area. Additionally, the buffer and fencing requirements outlined above shall be continued for the entire length of the eastern property boundary, eliminating the gap that currently exists. Please also revise the PUD Concept Plan Map accordingly.

2. Pursuant to a recommendation made by the DRC, in order to alleviate concerns regarding the use of portable classrooms, the following information shall be included and defined clearly in the PUD Concept Plan:
 - a. Provide a definition for “portable/modular building” that includes information regarding the type of structure and assembly style of the buildings proposed for use as temporary classrooms, taking into account building and fire code regulations. For assistance with classifications and building codes as it relates to these types of structures, please contact Ed Jarriel with DSEM Building Plans Review and Inspection Division.
 - b. Provide a definition for “temporary,” both in terms of time and capacity as it relates to the modular buildings. The DRC’s recommendation was that modular buildings be limited to a timeframe of no longer than one year and a capacity capped at no more than three (3) modular units on-site at any one time.
 - c. The DRC asked that a defined process be incorporated in the PUD Concept Plan for providing extensions to the length of time modular units could be used so that a PUD amendment would not be necessary should hardships arise. The applicant/agent shall consult with DSEM staff to design this process.
 - d. The DRC also recommend the PUD Concept Plan define a review process for permitting the modular buildings on-site. The applicant/agent shall consult with DSEM staff to design this process and to define the appropriate permitting steps.
3. Pursuant to a recommendation made by the DRC, the PUD Concept Plan map shall clearly delineate which “open space/natural areas” would be used for outdoor school activities. The Concept Plan shall define what kinds of outdoor activities are anticipated, e.g., sports, playground, band practice, etc., where they would take place on the school property and specify which days and hours these activities are anticipated to take place.
4. The DRC did not take action on the staff recommendation to incorporate Low Impact Development Standards.
5. The DRC also added a condition from the Leon County Health Department that existing on-site septic tanks be properly abandoned; however, this condition shall be applied during site plan review of the PUD Final Plan where it is more applicable.

Pursuant to Section 10-7.702 of the Leon County Land Development Code, decisions of the County Administrator or designee shall become final fifteen (15) calendar days after they are rendered, unless a party files a petition for formal proceedings together with the filing fee in accordance with the Planning Commission bylaws. Failure to file the petition within the time specified herein will result in waiver of the right to formal proceedings. The Clerk of the Planning Commission will dismiss any late filed petition. Time periods provided by the Leon County Code of Laws may not be extended by the Planning Commission.

TSMS PUD Concept Plan
Project ID: LSP140028
December 22, 2014
Page 3

This recommendation for approval with conditions was based on the information presented at the DRC meeting, and is intended to meet the procedural requirements of the Leon County Code of Laws. As such, it does not waive any other applicable local, state, or federal regulations.

If you have any questions, please do not hesitate to contact Shawna Martin of our office at (850) 606-1300, or send email to "MartinS@leoncountyfl.gov."

Sincerely,

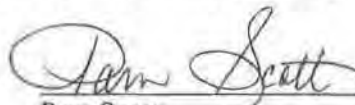


David McDevitt, Director of Development Support and Environmental Management
Chairman, Development Review Committee

Attachment: December 17, 2014 DRC staff report

cc: Tony Park, Public Works Director
Russell Snyder, Land Use Planning Division Manager, Tallahassee/Leon County Planning
Mary Jean Yarborough, Senior Planner, Tallahassee/Leon County Planning
Nawfal Ezzagaghi, P.E., Environmental Review Supervisor
Kimberly Wood, P.E., Chief of Engineering Coordination
Gary Donaldson, COT Fire Department
Katherine Davis, Leon County Department of Health
Justin Hosey, P.E., COT Water Resources Engineering
Ryan Culpepper, Development Services Director
Scott Brockmeier, Development Services Administrator
Ryan Guffey, AICP, Concurrency Management Planner
Ed Jarriel, Building Plans Review and Inspections Director
Mr. and Mrs. Earl Waugh, 1908 Katherine Speed Court, Tallahassee, FL 32303
Mr. George Walker, 8783 Tom John Lane, Tallahassee, FL 32309
ProjectDox file LSP140028

I hereby certify that this order was rendered unto me this 29th day of Dec., 2014.



Pam Scott
Clerk of the Development Review Committee



**LEON COUNTY DEPARTMENT OF
DEVELOPMENT SUPPORT & ENVIRONMENTAL MANAGEMENT,
DEVELOPMENT SERVICES DIVISION**

DEVELOPMENT REVIEW COMMITTEE MEETING

December 17, 2014

APPLICATION DETAILS:

RECOMMENDATION: Approval with Conditions
PROJECT NAME: Stars Education Services, Inc. Planned Unit Development (PUD)
PROJECT ID #: LSP140028
PROPERTY TAX I.D. #: 21-15-51-376-1050
PROPERTY OWNER: CRE 2001 REO FL-CHURCH LLC,
2450 Broadway, 6th Floor, Santa Monica, CA 90404
APPLICANT: Blue Ocean Construction, LLC,
P.O. Box 551456, Jacksonville, FL 32255
APPLICANT'S AGENT: Edward Bass, P.E., Moore Bass Consulting, Inc.,
805 N. Gadsden St., Tallahassee, FL 32303
(850) 222-5678
PRE-APP. MTG.: October 15, 2014
TECH. REVIEW MTG.: November 19, 2014
TYPE OF REVIEW: Type "D" Review per Section 10-6.696 & 10-7.406, LDC
STAFF PLANNER: Shawna Martin, Senior Planner, Development Services
PARCEL SIZE: 6.07 acres +/- (per applicant's survey)
LOCATION: The site is located at 3434 N. Monroe Street
ROADWAY ACCESS: N. Monroe Street
CURRENT ZONING: Light Industrial (M-1)
CURRENT FUTURE LAND USE: Suburban (SUB)
GROSS INTENSITY: Gross development intensity not to exceed 12,500 sq ft per acre
WATER/SEWER/ELECT.: City of Tallahassee (COT) water, sewer & electricity
APPROVAL BODY: Leon County Board of County Commissioners per Section 10-6.696.2(b)(2)f.



PROJECT SUMMARY: The project site is located inside the Urban Services Area at 3434 N. Monroe Street, approximately one mile north of Interstate 10 (I-10). The overall site is approximately 6.07 +/- acres (by survey) and is currently constructed with two non-residential buildings totaling approximately 26,624 square feet. The previous use of the property was a religious facility that has been vacated for several years. The applicant proposes to convert the vacant religious facility to an elementary and middle (charter) school, with a maximum of 600 students at full build-out. The Tallahassee School of Math and Science (TSMS) is currently operating in Leon County as Stars Middle School. The existing school is required to relocate as their current facilities at 1500 Miccosukee Road are being redeveloped and expanded to accommodate Tallahassee Memorial Hospital's new Surgery Tower.

The property is currently zoned Light Industrial (M-1) in which an elementary and middle school is not a permissible land use. The future land use of the property is Suburban (SUB), which does allow community service facilities (including schools) as permissible uses. Therefore, to achieve the desired land use, the applicant is proposing a zoning map amendment to change the existing zoning of the entire property from Light Industrial (M-1) to a Planned Unit Development (PUD).

The PUD Concept Plan includes proposals for re-use of the existing structures and amenities on-site, as well as areas for future expansion, with a maximum gross intensity of 12,500 square feet of 'non-residential' building square footage per acre. The site has an expansive asphalt parking lot, asphalt driveways, open grassed areas and natural vegetation along the common property lines to the adjacent residential uses. Portions of the existing parking lot are proposed to be removed, and drive aisles reconfigured to support the vehicular circulation needs of the school. The application states that existing ridership of Stars Middle School is approximately 80% which is assumed will generally carry over to the new location and expansion of services.

The site has a single existing stormwater management facility (SWMF) within the rear southwestern corner that will need repairs performed as part of the renovation process, including repair and or partial replacement of the existing block retaining wall. The overall sewer service plan for the charter school includes the upgrade and removal of the existing septic tanks and drain fields by installation of on-site gravity sewer services that will lift the sewer to the existing gravity sewer main along N. Monroe Street.

Type D applications require Development Review Committee/Planning Commission review and recommendation prior to proceeding to the Leon County Board of County Commissioners for a public hearing and final disposition.

DEVELOPMENT SERVICES STAFF COMMENTS:

Establishment of a New PUD District & Review Process

The proposal meets the minimum of five acres that is required for the establishment of a new PUD district. In addition, all properties included within a PUD are under the ownership or control of the applicant.

Applications for PUD are subject to a pre-application conference that includes public notice of the application in a newspaper of general circulation and mail notice to property owners within 1,000 feet, as reflected on the tax rolls of the Leon County Property Appraiser's (notice also provided to registered Neighborhood Associations). The pre-application conference for this project was held on October 15, 2014 and the Technical Review meeting was held on November 19, 2014.





This report includes the findings and comments associated with the DRC submittal. Additional comments and recommendations may be forthcoming from members of the DRC, Planning Commission and Board of County Commissioners. The Leon County Board of County Commissioners has final disposition on all Type D applications.

COMPREHENSIVE PLAN

Future Land Use Element: Suburban (Policy 2.2.5):

The Suburban FLU category intends to create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. The category predominantly consists of single-use projects that are interconnected whenever feasible. To complement the residential aspects of this development pattern, recreational opportunities, cultural activities, commercial goods and services should be located nearby. Development shall comply with the Suburban Intensity Guidelines.

Finding #1: The Planning Department staff report and findings are summarized in Attachment #1.

Consistency with Concurrency Management, Article III of the LDC:

According to Section 10-3.105(a) of the LDC, no final development order can be issued until such time it is determined that there is sufficient available capacity of concurrency facilities to meet level of service standards for the existing population, vested development, and for the proposed development. All proposed development (except vested development) shall undergo a concurrency review. In the event the proposed development trips deficient segments of a roadway facility, for example, that applicant has the option of entering into a proportionate fair share agreement to mitigate associated impacts.

Finding #2: Transportation concurrency mitigation fees were paid in the amount of \$15,353 and Concurrency Management has issued a Final Certificate of Concurrency for the proposed project (Attachment #2).

Consistency with Environmental Management, Article IV of the LDC:

The application must comply with the regulations and standards set out in the following sections of Article IV: [Topographic alterations (Section 10-4.327); Stormwater management facilities (Section 10-4.301); Protected Trees (Section 10-4.362); Tree Protection Requirements (Section 10-4.363); Pre-Development Reviews (Section 10-4.202); Natural Area Requirements (Section 10-4.345)].

Finding #3: The Environmental Services Division is in support of the proposed PUD Concept Plan and recommends approval (Attachment #3). The applicant should be aware that it has been determined that an Environmental Management Permit (EMP) will be required as part of the PUD Final Plan which is being reviewed through the Administrative Streamlined Application Process (ASAP- LSP140033).

SECTION 10-6.696, LDC - PUD CONCEPT PLAN COMMENTS:

Planned Unit Development (PUD) - General

The PUD zoning district and associated concept plan is typically used to establish land use and development arrangements that are consistent with the Comprehensive Plan, but are not otherwise provided for or allowed by the zoning districts established in the Land Development Code. The PUD Concept Plan is a written and graphic document which explains the purpose of the PUD, lays out the development standards and proposed uses, development densities and intensities, and provides a general rendering of the boundaries, roads, and location of uses. This general rendering is called the PUD Concept Plan Map.





PUDs are intended to promote efficient uses of land and provide flexibility to meet changing needs while conserving energy and natural resources. It is anticipated that PUDs will provide the opportunity for lower development and building costs by permitting reuse of existing facilities and upgrades to existing infrastructure. Subsequent development within a PUD district occurs with PUD final plans which are subject to the site and development plan review process set forth in Article VII, Div. 4 of the LDC.

Section I – PUD Project Overview

This section provides a project summary which includes the purpose and intent of the PUD district, eligibility requirements and the review process. The project must also show consistency with the comprehensive plan and the community services ordinance (Section 10-6.806 of the LDC). This section is intended to establish regulations, requirements and standards for land uses and activities conducted for the public welfare. The applicant must demonstrate balance between the benefits of location in proximity to the service population with any associated disadvantages.

Finding #4: Section C speaks to eligibility requirements for establishing a PUD District, one of which is unified control and ownership. This section states that the parcel is currently owned by a financial institution in California but that TSMS is contractually obligated to purchase the parcel. A purchase contract for the property was provided; however, the name on the contract cannot be directly linked to the applicant of the PUD which is Blue Ocean Construction, nor TSMS/Stars School. The applicant, as defined by code, is "the owner of land, or legally authorized agent, submitting the application pursuant to Chapter 10." Please submit an Owner's Affidavit and Designation of Owner form with the owner legally authorizing Blue Ocean Construction as an agent/applicant for the project.

Finding #5: The last statement of the third paragraph (Page 8, Number 6) regarding operating hours and noise is incomplete. Please review and make any necessary changes.

Section II – Permitted Uses and Development Standards

This section defines the PUD district intent, permitted principal and accessory uses and outlines development standards.

Finding #6: Accessory structure building side setbacks have been outlined as 5 feet on each side. As a majority of the side yard of the site is in a required 10 foot buffer area, this setback standard should be at least 10 feet. Please revise the Development Standards table on Page 10 to reflect this change.

Section III – PUD Concept Plan Summary

This section details the process for development plan modifications, outlines parking standards, building design standards, signs, access management criteria, environmental design standards and noise and lighting standards.

Finding #7: The "Access Management Criteria" on page 12 (Section C, No. 3) should include language regarding vehicular circulation through the site as well as internal stacking for loading and unloading of students. This section should specifically state that areas reserved for the stacking of buses shall be located so as to minimize impacts on neighboring residential properties while maintaining traffic flows in and out of the site.

Finding #8: Please add language to the Landscaping and Buffer Standards on page 14 (Section D, No. 13) to allow for the opaque fence to be located at a closer offset from the property line within the stormwater management facility area.





Finding #9: As noted below in the Preferred Design Alternatives, staff recommends the inclusion of LID standards with illustrations be added to the Environmental Design Standards on Pages 13 & 14 (Section D).

Finding #10: Please revise the Noise and Lighting Standards on page 14 (Section E, Paragraph 3) to include “or on weekends” to the end of the last sentence, as recommended during Technical Review.

Finding #11: Please revise the Noise and Lighting Standards to directly address the existing flood lights around the perimeter of the property that are directly adjacent to residential structures. This section states that existing poles “may” be removed entirely or replaced. Please add a direct statement to this section that flood lights shall not be used on the property and those that exist will be taken down.

Finding #12: Staff recommends including a section related to the transportation impact of the proposed project that speaks to the required transportation mitigation for the project and details how the analysis was performed. Additionally, provide a note that states that any increase in student population above 600 students would require a PUD amendment and an additional analysis of transportation impacts for the increase.

Finding #13: Staff recommends including a section related to community outreach. This section should include information regarding any outreach TSMS or their agent has provided to the neighborhoods and communities within close proximity of the proposed project site. Staff is aware that conversations have occurred between the agent and neighbors who have experienced flooding issues to the west of the site. This community outreach, and any resulting improvements that occur as a result of these conversations, should be documented as part of the project for the purpose of creating historical data related to site improvements.

Section IV – Map Series

Finding #14: The PUD Concept Plan Map shows a very rudimentary traffic and pedestrian circulation plan. Please provide a separate sheet showing the traffic circulation patterns in more detail coming from N. Monroe Street and throughout the site. Staff recommends, especially based on initial review of the associated PUD Final Plan, that traffic circulation through the student drop-off/pick-up location and internal parking area be limited to one-way traffic.

Additionally, the sidewalk along N. Monroe Street could be easily confused with only being a pedestrian crosswalk as these legend items are the same color. Please revise to use two different colors for these items in order to distinguish them apart.

Finding #15: A Public Facilities Map has been included in the map series that shows existing schools within a 4 mile radius. Please revise to also include other public facilities such as fire stations, public libraries, and parks.



Preferred Design Alternatives:

Buffer Enhancements:

In the Technical Review Committee Meeting, adjoining neighbors voiced concerns regarding the visual aesthetics of the proposed modular buildings (i.e., portables) to be used until additional permanent structures are justified. Neighbors had concerns, based on school district practices, that these “temporary” structures would become more permanent. Staff therefore recommends that a Type “D” buffer be utilized along the southern property line from the stormwater facility to the eastern most property boundary, where “future” building locations have been identified on the PUD Concept Plan Map. The minimum width for a Type “D” buffer would be 30 feet.

Additionally, while a buffer is not required adjacent to the existing commercial development to the east of the site (i.e. Goodwill Industries), staff recommends continuing the 10 foot Type “B” buffer and fencing in this area. Natural vegetation already exists that with slight augmentation would meet these buffer standards and eliminate the discontinuation and disjointing of fencing and buffer in this area. Furthermore, there are residential properties adjoining the proposed school site that have a direct line of sight through the property in this area, especially if these trees were cleared and paved as shown on the PUD Concept Plan Map.

LID Standards:

Staff recommended in the Technical Review meeting that Low Impact Development (LID) Standards be incorporated in the site renovation to help address the reported flooding issues from neighbors to the west of the existing development. LID design approaches such as the use of permeable surfaces, vegetated swales, filter strips and separate localized detention cells are just a few of the techniques that can be used to help reduce runoff and prevent pollutants from getting into runoff. Staff recommends that defined LID standards with supporting illustrations (some shown below) be included in the PUD Concept Plan to help provide clear direction during implementation of final development plans and planned future expansion of the site.

With the TSMS being focused and driven by principles of math, science and technology through project-based instruction, incorporating LID standards into the design and function of the site could be an innovative, hands-on teaching tool for students.



**Conclusion:**

Staff recommends approval of the proposed PUD Concept Plan subject to the conditions outlined in the staff report from Development Services and the staff reports from other reviewing departments, divisions and agencies.

Responses to mail notification

Approximately 200 mail notifications were sent to property owners within 1,000 feet of the subject property and to Homeowner's Associations within one mile that are registered with Leon County G.I.S. As of December 16, 2014 at 10 a.m., five (5) notices have been returned undeliverable.

Staff received two mail responses from property owners within the notification area. The first is from Mr. George Walker who owns several duplexes along Sherry Lane to the north east of the project site. Mr. Walker provided his full support for the project (Attachment #6). The second is from Mr. & Mrs. Earl Waugh who expressed concerns about traffic, noise, lighting and other potential impacts to the neighborhood (Attachment #7).

Attachments:

1. Planning Department memorandum from Mary Jean Yarbrough, Senior Planner
2. Concurrency Management memorandum from Ryan Guffey, AICP, Concurrency Management Planner
3. Environmental Services Division memorandum from Nawfal Ezzagaghi, Environmental Review Supervisor
4. Leon County Public Works memorandum from Kimberly Wood, P.E., Chief of Engineering Coordination
5. City of Tallahassee Utilities memorandum from Justin Hosey, P.E., Water Resources Engineering
6. Letter of Support from Mr. George Walker
7. Letter of Concern from Mr. & Mrs. Earl Waugh



**TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
MEMORANDUM**

TO: Leon County DRC Members
FROM: Mary Jean Yarbrough, Senior Planner
THRU: Russell Snyder, Land Use Division Manager
DATE: December 11, 2014
SUBJECT: December 17, 2014: Development Review Committee
 Tallahassee School of Math & Science PUD Concept Plan (LSP140028)

APPLICANT: Blue Ocean Construction, LLC
AGENT: Moore Bass Consulting, Inc.
PARCEL ID: 21-15-51-376-1050
FUTURE LAND USE: Suburban
EXISTING ZONING: Light Industrial (M-1)

Planning Department Findings:

1. The application requests rezoning of a 6.07 +/- acre parcel to a Planned Unit Development (PUD) district in order to accommodate a charter elementary and middle school (K-8). The proposal includes re-use of the existing buildings and amenities on-site as well as areas for future expansion.
2. The proposed project is consistent with the Suburban future land use map (FLUM) category of the Tallahassee-Leon County Comprehensive Plan.
3. **Buffers:** Existing vegetation along all property lines adjacent to low density residential shall be preserved to the best extent possible with added vegetation to establish a Type D buffer that includes an 8-foot opaque fence.
4. **Noise:**
 Revise sentence #4 under Section E Noise and Lighting Standards, as follows:

“The charter school shall not utilize exterior bells or alarms, or permit any outdoor activities that creates a noise that is audible to the adjacent residents prior to the school designated normal operating hours of 8:00 AM, or after 4:00 PM, Monday through Friday or on weekends.”
5. Address in the PUD Concept Plan how other sources of potential noise (e.g., outdoor band practice) will be mitigated.
6. **Traffic Count and Trip Generation:** Provide a section in the PUD that discusses transportation impacts and include the percentage of the school’s students that will utilize the buses and the percentage of students that will arrive and depart by automobile.
7. **PUD Submittal Requirements:**
 - Provide a Pedestrian/Vehicular Circulation plan that depicts student drop off and pick-up areas and existing and proposed sidewalks.
 - Provide a public facilities map that includes all other existing public facilities including but not limited to schools, parks and fire stations.

8. The Planning Department reserves the right to comment on any issues that arise during the PUD review process including those subsequent to any site plan approvals.

Recommendation:

The Planning Department recommends approval of the proposed PUD contingent upon meeting the following conditions:

- 1) Provide a Type D buffer and an 8-foot opaque fence along property lines adjacent to low density residential.
- 2) Revise sentence #4 under Section E Noise and Lighting Standards, as follows:

“The charter school shall not utilize exterior bells or alarms, or permit any outdoor activities that creates a noise that is audible to the adjacent residents prior to the school designated normal operating hours of 8:00 AM, or after 4:00 PM, Monday through Friday or on weekends.”
- 3) Address in the PUD Concept Plan how other sources of potential noise (e.g., outdoor band practice) will be mitigated.
- 4) Provide a section in the PUD that discusses transportation impacts and include the percentage of the school’s students that will utilize the buses and the percentage of students that will arrive and depart by automobile.
- 5) Provide a Pedestrian/Vehicular Circulation plan that depicts student drop off and pick-up areas and existing and proposed sidewalks.
- 6) Provide a public facilities map that includes all other existing public facilities including but not limited to schools, parks and fire stations.

Attachment # 2
1 of 2

From: Ryan Guffey
To: Martin, Shawna
Date: 12/12/2014 2:50 PM
Subject: Stars School
Attachments: Stars FCOC 120214.pdf

Shawna,

Stars Educational Services paid concurrency mitigation in the amount of \$15,353. Concurrency Management issued a Final Certificate of Concurrency, based on that payment. No additional transportation concurrency review is required at this time. Please let me know if you have any questions.

Respectfully,

Ryan Guffey, AICP
Concurrency Management Planner
Development Services Division
Department of Development Support and Environmental Management
Renaissance Center, 2nd Floor
435 North Macomb Street
Tallahassee, Florida 32301-1019
(850) 606-1386
www.leoncountyfl.gov
People Focused. Performance Driven.

Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding County business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

Attachment # 2
2 * 2

Certificate Number: LCM140022

Date Issued: 12/02/2014

Expiration Date: 12/01/2016

LEON COUNTY DEPARTMENT OF DEVELOPMENT SUPPORT AND ENVIRONMENTAL
MANAGEMENT

FINAL CERTIFICATE OF CONCURRENCY

Applicant.....: MOORE BASS CONSULTING INC
Owner.....: CRE 2011 REO FL-CHURCH LLC
Project Name.....: Stars Elementary and Middle Scho
Project Location: North Monroe Street
Current Zoning: NOT IN TABLE
Future Use Description: SUBURAN

PARCEL I.D. NUMBER(S): 21-15-51-376-1050

Type of Land Use:
School Other 28000 Sq Ft

This Final Certificate of Concurrency is issued pursuant to Article VI of Chapter 10 of the Leon County Land Development Code of Laws and the Leon County Concurrency Management Policies and Procedures Manual. This certificate certifies that the development with the land use densities and intensities specified above will have adequate infrastructure capacity reserved. This certificate is not a Final Development Order and is active until either the issuance of a building permit or the expiration date shown above.

Ryan Guffery, AICP 12/2/14

The above project has received Final Development Approval.

Nawfal Ezzagahi - Tallahassee School of Math and Sciences (DRC ref. LSP14-0028)

From: Nawfal Ezzagahi
To: Martin, Shawna
Date: 12/04/2014 3:11 PM
Subject: Tallahassee School of Math and Sciences (DRC ref. LSP14-0028)
CC: 1745@edocuments.leoncountyfl.gov

Greetings,

We have completed our review of the submitted Planned Unit Development (PUD) Concept Plan for the Tallahassee School of Math and Science, proposed for parcel ID. No.: 21-15-51-376-105 0.

The Environmental Services division is in support of the proposed PUD and recommends approval..

If you have any questions, please let me know.

NRE

Nawfal R. Ezzagahi, P.E.
Environmental Review Supervisor
Env. Services Projects Manager

**Leon County Development Support
& Environmental Management**
Renaissance Center, 2nd Floor
435 N. Macomb St
Tallahassee, FL 32301-1019
Phone (850) 606-1328
Fax (850) 606-1302

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<http://cms.leoncountyfl.gov>

Please note that under Florida's Public Records Laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

Board of County Commissioners
Interoffice-Memorandum

Date: December 15, 2014

To: Shawna Martin, Planner II

From: Kimberly A. Wood, P.E.
Chief of Engineering Coordination, PW

Subject: Comments for Development Review Committee Meeting on December 17, 2014; PUD
Concept Star Charter School

Public Works recommends approval subject to the following condition;

1. The concept plan states that internal drive aisles will be 20 feet in width however must be amended to note that where drive aisles are adjacent to 90 degree parking the minimum width should be 24 feet.
2. The concept plan must include a traffic circulation plan, including parent drop off and pick up and bus drop off location.

Attachment # 5
1 - 2



MEMORANDUM

TO: Shawna Martin
Planner II –Leon County

FROM: Justin Hosey, P.E.
Development Review Manager - Water Resources Engineering

DATE: November 5, 2014

SUBJECT: **LPA140028 Stars PUD Concept Plan**

I. Project Description:

Rezoning of a 6.07 acre parcel to a Planned Unit Development (PUD) district in order to accommodate a charter elementary and middle school. The proposal includes re-use of the existing buildings and amenities on-site as well as areas for future expansion.

II. Standards of Review:

1) Water Resources Engineering reviews utility service/concept plans for compliance with, *the Water and Sewer Agreement, The City of Tallahassee Design Specifications for Water and Sewer, Florida Department of Environmental Protection (FDEP) F.A.C. Section 62-555, The American Water Works Associations Manual of Practice "M31", FDEP F.A.C. Section 62-604, and FDEP MOP 9, as well as sound engineering practice.*

III. Findings of Fact:

- 1) Water and sewer are available to the site.
- 2) Connection to water and sewer is required.

IV. Condition of Approval:

- 1) WRE has no objection to the proposed rezoning.

Water Resources Engineering Contact Information

Justin Hosey, P.E.
justin.hosey@talgov.com
891-6182

Number of 5
2 2

Bruce Kessler
bruce.kessler@talgov.com
891-6105

Mailing Address:
300 S. Adams St. B-26
Tallahassee, FL 32301

Office Location
408 N. Adams St. 3rd Floor
Tallahassee, FL 32301

Leon County Development Support and Environmental Management, Development Services:

I/We as owner(s) of Lot _____, Block _____, of the

21 10 15 C 008-8/2nd 0092-91

at the following street address:

wish the following information to be considered by the Leon County Development Review Committee:

For God sake, give these folks a gold metal and approve their request.

Did do for all other mailing & notices you have so kindly sent me.

They have some BALLS to risk a new business in the most liberal town and county in the State of Florida*

My positive response happily submitted.

George K. Walker



(Signature)

(Print Name)

Leon County Development Support and Environmental Management, Development Services:

I/We as owner(s) of Lot _____, Block _____, of the _____

* KATHERINE SPEED CT.

at the following street address:

* 1908

wish the following information to be considered by the Leon County Development Review Committee:

REQUEST THAT KATHERINE SPEED COURT NOT BE MADE A THRU STREET OR USED FOR STUDENT DROP-OFF AND/OR PICK-UP AREA. THERE ARE ESTABLISHED FAMILIES ON THE COURT (SOME OLDER & SOME YOUNGER) THAT ARE CONCERNED WITH INCREASED TRAFFIC, POSSIBLY UNSUPERVISED CHILDREN & ADDITIONAL NOISE & LIGHTING THAT MAY HAVE A NEGATIVE IMPACT ON OUR QUIET NEIGHBORHOOD.

Mr & Mrs Earl Waugh (Signature)

Mr & Mrs Earl Waugh (Print Name)

Portable Classroom Language

Definitions:

A “*portable classroom*” or “*portable building*” is defined as a temporary structure that is intended to be used as a classroom or other purpose related to education, is moveable and bears the “SREF/School” insignia of the Florida Department of Business and Professional Regulation (DBPR), including a data plate as defined in 61-41.030 of the Florida Administrative Code (F.A.C.). Building construction standards for “factory-built school buildings” (aka portable classrooms) are defined in Chapter 553 of the Florida Statutes (F.S.).

“*Temporary,*” as it applies to portable classrooms and buildings, shall be defined both in time and capacity. Portables shall not be permitted on site longer than one year (12 months) unless an extension is granted by the DRC. Additionally, no more than three (3) portables shall be allowed on-site at any one given time. It is anticipated that at the time a third portable is placed on the property that construction of a physical building/classroom shall take place within one year (12 months).

Provisions for Extensions:

A request for extension for the use of portables longer than one year shall be made in writing to the Development Review Committee (DRC). A hardship letter explaining the circumstances behind the request shall be submitted to the DRC at least one month prior to the expiration of the one year (12 months) timeframe for portable use and shall be placed on the first available agenda for review. Extensions shall only be granted for one additional year (12 months) at a time. No provisions shall be granted for expanding the number of portables allowed on-site, above the three allowed at any one given time.

Review Process for Portable Classrooms/Buildings:

Portable classrooms/buildings shall be reviewed and approved through the County’s Administrative Streamlined Application Process (ASAP), which shall include a concurrent Environmental Management Permit (EMP) application.

A Building Permit application for the portable classroom/building may also be submitted for review concurrently with the ASAP application, although the permit would not be issued until ASAP approval is granted. The Building Permit application shall include two sets of building plans for the structure approved by DBPR with third party approval. The portable classroom/structure shall bear the “SREF/School” insignia of the Florida Department of Business and Professional Regulation (DBPR) and include a data plate that as defined in 61-41.030 of the F.A.C. ADA accessibility, including but not limited to ramps and accessible routes, for a portable classroom/buildings must also be in compliance with the Florida Accessibility Code for Building Construction.



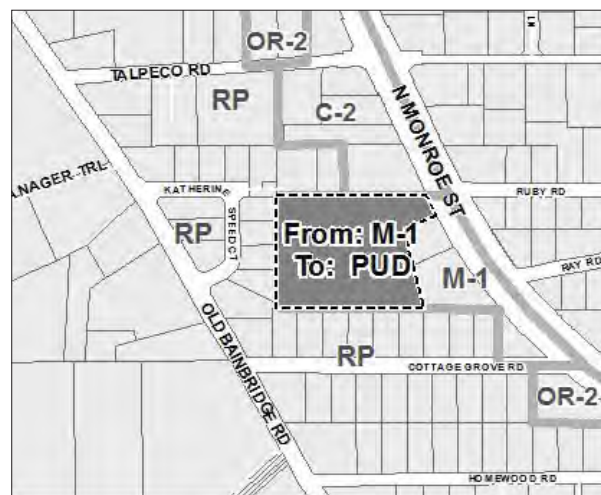
NOTICE OF AN AMENDMENT TO THE OFFICIAL ZONING MAP

Notice is hereby given that the Leon County Board of County Commissioners will conduct a public hearing on Tuesday, March 10, 2015, at 6 pm, at the County Commission Chambers, 5th Floor, Leon County Courthouse, Tallahassee, Florida to consider adoption of an ordinance entitled to wit:

ORDINANCE NO. 15-__

AN ORDINANCE AMENDING LEON COUNTY ORDINANCE NO. 92-11 TO PROVIDE FOR A CHANGE IN ZONE CLASSIFICATION FROM THE LIGHT INDUSTRIAL M-1 ZONING DISTRICT TO THE PLANNED UNIT DEVELOPMENT PUD ZONING DISTRICT IN LEON COUNTY, FLORIDA; APPROVING THE ASSOCIATED CONCEPT PLAN FOR THE TALLAHASSEE SCHOOL OF MATH AND SCIENCE PUD; APPROVING THE CONDITIONS OF APPROVAL FOR SAME; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The application is for an amendment to the Official Zoning Map Changing the Zoning Classification from the Light Industrial (M-1) Zoning District to the Planned Unit Development (PUD) Zoning District. The proposed project is for a K-8 charter school that includes the re-use of the existing buildings and amenities on-site, as well as for future expansion.



The Board of County Commissioners proposes to adopt an ordinance changing the zoning on the properties indicated on the above map which lies in unincorporated Leon County. The applications are on file at the Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center and may be reviewed between 8:00 A.M. and 5:00 P.M. For further information please call 891-6400.

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, should you decide to appeal any decision made by the Board of County Commissioners or take exception to any findings of fact with respect to any matter considered at the hearing reference to above, you may need to ensure that verbatim record of the proceedings is made. Such a record shall include the testimony and evidence upon which the appeal is based.

In accordance with Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should