BOARD OF COUNTY COMMISSIONERS LEON COUNTY, FLORIDA

AGENDA

REGULAR MEETING

County Commission Chambers Leon County Courthouse, Fifth Floor 301 South Monroe Street Tallahassee, FL 32301

> Tuesday, June 20, 2017 3:00 p.m.

COUNTY COMMISSIONERS

John E. Dailey, Chairman District 3

Bill Proctor District 1

Bryan Desloge District 4

Mary Ann Lindley At-Large



Vincent S. Long County Administrator

Herbert W. A. Thiele County Attorney Jimbo Jackson District 2

Kristin Dozier District 5

Nick Maddox, Vice Chair At-Large

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." Commission Meeting Agendas are available on the Leon County Home Page at: <u>www.leoncountyfl.gov</u>. Minutes of County Commission meetings may be found at the Clerk of Courts Home Page at <u>www.clerk.leon.fl.us</u>.

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 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, Florida Statutes).

In accordance with Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact the ADA Coordinator by written or oral request at least 48 hours prior to the proceeding, at 850-606-5011 or Facilities Management at 850-606-5000, or 7-1-1 (TTY and Voice) via Florida Relay Service. Accommodation Request Forms are available on the website <u>www.LeonCountyFl.gov/ADA</u>.

Board of County Commissioners

Leon County, Florida

Agenda

Regular Public Meeting Tuesday, June 20, 2017, 3:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation by Mr. Taylor Phillips, Chaplain at Westminster Oaks Pledge of Allegiance by Commissioner Kristin Dozier

AWARDS AND PRESENTATIONS

• Proclamation Recognizing Camille Schneider as the 2017 Juvenile Diabetes Research Foundation (JDRF) Tallahassee, One Walk Ambassador (Chairman Dailey)

CONSENT

- 1. Minutes: May 9, 2017 Regular Meeting (Clerk of the Court/)
- 2. Payment of Bills and Vouchers (County Administrator/ Office of Financial Stewardship)
- 3. Request to Schedule the First and Only Public Hearing to Consider an Ordinance Amending Chapter 10 to Clarify the Parking and Loading Surface Standards Inside the USA for July 11, 2017 at 6:00 p.m.

(County Administrator/ Development Support & Environmental Management)

- 4. Joint Project Agreement with the Space at Feather Oaks for the Installation of a Trail Crossing to the Miccosukee Greenway (County Administrator/ Public Works/ Engineering Services/ Parks & Recreation)
- 5. Interagency Management Control Agreement between Leon County and the Leon County Sheriff Regarding Access to the National Crime Information Center through Florida Department of Law Enforcement's Florida Criminal Justice Network (County Administrator/ Office of Information & Technology/ Office of Intervention & Detention Alternatives)
- 6. Florida Department of Health Emergency Medical Services Matching Grants (County Administrator/ Emergency Medical Services)

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

7. Status Report on Legislation Permitting Industrial Hemp Pilot Programs (County Administrator/ County Administration)

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8. Status Report on the National Opioid Epidemic and Public Education Initiatives to Combat Opioid Related Deaths (County Administrator/ Intervention & Detention Alternatives/ Human Services & Community Partnerships)

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

- 9. Negotiate and Execute a Contract for External Auditing Services (County Administrator/ Office of Financial Stewardship)
- Proposed Revisions to County Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy" (County Administrator/ Office of Financial Stewardship/ Purchasing)
- 11. 2017 Florida Legislative Session Final Report and Request to Schedule the Board Workshop on 2018 State and Federal Legislative Priorities and a 2018 Community Legislative Dialogue Meeting (County Administrator/ County Administration)
- 12. Bid Award to Oglesby Construction, Inc. for Installation and Maintenance of Striping and Pavement Markings (County Administrator/ Public Works)
- 13. Full Board Appointments to the Advisory Committee on Quality Growth (County Administrator/ County Administration)
- Full Board Appointments to the Board of Adjustments and Appeals, the CareerSource Capital Region Board and the Planning Commission (County Administrator/ County Administration)

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

- 15. Second Public Hearing on a Development Agreement between Leon County and Edward M. Mitchell, Jr. (County Administrator/ County Attorney/ Development Support & Environmental Management/ Public Works)
- First and Only Public Hearing to Adopt a Proposed Ordinance Amending the Canopy Road Protection Requirements (County Administrator/ Development Support & Environmental Management/ Environmental Services)
- 17. First and Only Public Hearing Authorizing the Florida Public Service Commission to Regulate Private Water and Wastewater Utilities (County Administrator/ Office of Financial Stewardship/ Office of Management & Budget)

- First and Only Public Hearing to Approve the Ordinance Awarding the Refunding of the Capital Improvement Revenue Bonds, Series 2014 (County Administrator/ Office of Financial Stewardship)
- 19. First and Only Public Hearing to Approve the Resolution Adopting the Stormwater Non-ad Valorem Assessment Roll and Authorize Certification of the Entire Roll to Tax Collector (County Administrator/ Office of Financial Stewardship/ Public Works/ Stormwater Management)
- 20. First and Only Public Hearing to Approve the Resolution Adopting the Solid Waste Disposal Services Non-ad Valorem Assessment Roll and Authorize Certification of the Entire Roll to Tax Collector

(County Administrator/ Office of Financial Stewardship/ Office of Resource Stewardship)

21. First and Only Public Hearing to Approve the Resolution Adopting the Fire Rescue Services Nonad Valorem Assessment Roll and Authorize Certification of the Entire Roll to Tax Collector (County Administrator/ Office of Financial Stewardship/ Office of Management & Budget)

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

• none

ADJOURN

The next Regular Board of County Commissioner's Meeting is scheduled for <u>Tuesday, July 11, 2017 at 3:00 p.m.</u>

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 Clerk website at <u>www.leoncountyfl.gov</u>

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Leon County Board of County Commissioners Meeting Schedule

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Posted 3:00 p.m. on June 12, 2017

PUBLIC NOTICE Leon County Board of County Commissioners 2017 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 preceding the Commission meeting.

<u>Month</u>	<u>Day</u>	<u>Time</u>	Meeting Type
January 2017	Monday 2	Offices Closed	NEW YEAR'S DAY Observed
	Tuesday 10	No Meeting	BOARD RECESS
	Monday 16	Offices Closed	MARTIN LUTHER KING, JR. DAY
	Tuesday 17	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Thursday 19	5:30 – 8 p.m.	Leon County Legislative Delegation Meeting County Courthouse, 5 th Floor Commission Chambers
	Tuesday 24	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	First & Only Public Hearing to Consider an Ordinance Amending Chapter 10 of the Leon County Code of Laws to Correct Scrivener's Errors and Inadvertent Inconsistencies
	Thursday 26	9:30 a.m.	Community Redevelopment Agency City Commission Chambers
February 2017	Tuesday 31 Wednesday 1	9:00 a.m.	Community Legislative Dialogue Meeting County Courthouse, 5 th Floor Commission Chambers
	Wednesday 1 & Thursday 2	FAC New Commissioner Workshop	Seminar for Newly Elected Commissioners Alachua County; Gainesville, FL
	Thursday 2 & Friday 3	FAC Advanced County Commissioner Program	Seminar 2 of 3 Alachua County; Gainesville, FL
	Tuesday 7	12:00 – 1:30 p.m.	Workshop on the Impact of the Passage of th Medical Marijuana Amendment
		1:30 – 3:00 p.m.	Workshop on the Tourism & Cultural Grant Fundin Efforts
		3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	First and Only Public Hearing to Consider Proposed Ordinance Amending Chapter 2, Article III, Division 3 of the Leon County Code of Laws Regarding the Housing Finance Authority
		6:00 p.m.	First & Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending Official Zoning Map to change Zoning Classification from Office Residential (OR-2) Zoning District to Commercial Pkwy (CP) Zoning District

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<u>Month</u>	<u>Day</u>	<u>Time</u>	Meeting Type
February 2017 (cont.)	Tuesday 21	1:00 p.m. Cancelled	Capital Region Transportation Planning Agency City Commission Chambers
		3:00 – 6:00 p.m.	Blueprint Intergovernmental Agency City Commission Chambers
	Saturday 25 – Wed., March 1	NACO Legislative Conference	Washington, DC
March 2017	Tuesday 7	1:30 – 2:45 p.m.	Joint City/County Workshop on Cycle 20 Comprehensive Plan Amendments City Commission Chambers
		3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	First & only Public Hearing to consider an Ordinance amending Chapter 5, 6, 10, and 14 to streamline the Nuisance Abatement Process, reorganize & rename Chapte 14, and make consistent with Florida Law
		6:00 p.m.	First of Two Public Hearings to Consider Proposed Amendments to Chapter 10 Article VI, Division 8, Entitled "Supplementary Regulations for Specific Uses" to Add a New Section 10-6.819, Entitled "Medical Marijuana Dispensing Facilities"
	Tuesday 21	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Thursday 23	9:30 a.m.	Community Redevelopment Agency City Commission Chambers
	Tuesday 28	9:00 a.m.	Community Legislative Dialogue Meeting County Courthouse, 5 th Floor Commission Chambers
April 2017	Tuesday 4	1:30 - 3:00 p.m.	Workshop on Establishing the Citizens Chart Review Committee
		3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	Joint City/County Transmittal Hearing on Cycle 201 Comprehensive Plan Amendments City Commission Chambers
	Wednesday 5	FAC Legislative Day	FSU Turnbull Conference Center Tallahassee, FL
	Tuesday 11	8:30 a.m.	Community Roundtable Discussion on Federal Funding for Nonprofit Human Services County Courthouse, 5 th Floor Commission Chambers
	Tuesday 18	9:00 a.m. 11:00 a.m. Cancelled	Capital Region Transportation Planning Agency Workshop / Retreat; TBD
	Tuesday 25	9:00 a.m. – 3:00 p.m.	Budget Policy Workshop
	Tuesday 25	3:00 p.m. Cancelled	Regular Meeting County Courthouse, 5 th Floor Commission Chamber

Posted 3:00 p.m. on June 12, 2017

Board of County Commissioners Regular Public Meeting June 20, 2017

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8 Commis 9 3:00 p.n 6:00 p.n 6:00 p.n 6:00 p.n 15 – Greater	n. n. Tallahassee er of Commerce's ity Trip n. ed n. uled n.	Seminar 3 of 3: Alachua County; Gainesville, FL Regular Meeting County Courthouse, 5 th Floor Commission Chamber First & Only Public Hearing on a Proposed Ordinance Amending Official Zoning Map to change Zoning Classification from Office Residential (OR-2) Zoning District to Commercial Pkwy (CP) Zoning First of Two Public Hearings on a Development Agreement between Leon County and Edward M. Mitchell, Jr. Second and Final Public Hearing to Adopt a Proposed Ordinance Amending Chapter 10 Article VI, to Add a New Section Entitled "Medical Marijuana Dispensing Facilities Nashville, Tennessee Capital Region Transportation Planning Agency City Commission Chambers Community Legislative Dialogue Meeting County Courthouse, 5 th Floor Commission Chamber Regular Meeting County Courthouse, 5 th Floor Commission Chamber
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		Joint City/County Transmittal Hearing for 2017 Ou of-Cycle Comprehensive Plan Amendments City Commission Chambers
6:00 p.n	n.	Joint City/County Adoption Hearing on Cyc 2017 Comprehensive Plan Amendments City Commission Chambers
6:00 p.n	n.	First & Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Single Family Residential (R-1) ar Urban Residential (R-4) Zoning Districts to the Light Industrial (M-1) Zoning District (Tallahassee Utilities) City Commission Chambers
y 25 9:30 a.r	m.	Community Redevelopment Agency City Commission Chambers
29 Offices	Closed	MEMORIAL DAY
20 13 3:00 - 6	j:00 p.m.	Blueprint Intergovernmental Agency City Commission Chambers
20 1:00 p.n 19	n.	Capital Region Transportation Planning Agency City Commission Chambers
13 20 9:00 a.m	n. – 3:00 p.m.	Budget Workshop
3:00 p.n	n.	Regular Meeting County Courthouse, 5 th Floor Commission Chamber
-	6:00 p.m 6:00 p.m 9:30 a.n 29 Offices 20 13 3:00 - 6 20 1:00 p.m 19 1:00 p.m 13 20 9:00 a.m	29 Offices Closed 20 13 3:00 – 6:00 p.m. 20 19 1:00 p.m.

<u>Month</u>	Day	<u>Time</u>	Meeting Type
June 2017 (cont.)	Tuesday 20	6:00 p.m.	Second Public Hearing on a Development Agreement between Leon County and Edward M. Mitchell, Jr.
		6:00 p.m.	First & only Public Hearing authorizing the Florida Public Service Commission to regulate private water and wastewater utilities
		6:00 p.m.	First and Only Public Hearing on a Proposed Ordinance to Amend the Canopy Road Protection Requirements
		6:00 p.m.	First and Only Public Hearing to Approve the Ordinance Awarding the Refunding of the Capital Improvement Revenue Bonds, Series 2014
		6:00 p.m.	First and Only Public Hearing to Adopt the Fire Rescue Services Non-ad Valorem Assessment Roll and Certification of the Entire Roll to Tax Collector
		6:00 p.m.	First and Only Public Hearing to Adopt the Solid Waste Disposal Services Non-ad Valorem Assessment Roll and Certification of the Entire Roll to Tax Collector
		6:00 p.m.	First and Only Public Hearing to Adopt the Stormwater Non-ad Valorem Assessment Roll and Certification of the Entire Roll to Tax Collector
	Tuesday 27	No Meeting	NO MEETING
	Tuesday 27 - Friday 30	FAC Annual Conference & Educational Exposition	Palm Beach County West Palm Beach, FL
July 2017	Tuesday 4	Offices Closed	JULY 4 TH HOLIDAY OBSERVED
July 2017	Tuesday 4 Tuesday 11	Offices Closed 9:00 a.m. – 3:00 p.m. (if necessary)	JULY 4 TH HOLIDAY OBSERVED FY 18 Budget Workshop
July 2017	-	9:00 a.m. – 3:00 p.m.	FY 18 Budget Workshop Regular Meeting
July 2017	-	9:00 a.m. – 3:00 p.m. (if necessary)	FY 18 Budget Workshop Regular Meeting
July 2017	-	9:00 a.m. – 3:00 p.m. (if necessary) 3:00 p.m.	FY 18 Budget Workshop Regular Meeting County Courthouse, 5th Floor Commission Chamber Adoption Hearing on Out-of- Cycle 2017 Comprehensive Plan Amendments First and Only Public Hearing to Consider an
July 2017	-	9:00 a.m. – 3:00 p.m. (if necessary) 3:00 p.m. <u>6:00 p.m.</u>	FY 18 Budget Workshop Regular Meeting County Courthouse, 5th Floor Commission Chamber Adoption Hearing on Out-of- Cycle 2017 Comprehensive Plan Amendments First and Only Public Hearing to Consider an Ordinance Amending Chapter 10 to Clarify the Parkin
July 2017	Tuesday 11	9:00 a.m. – 3:00 p.m. (if necessary) 3:00 p.m. <u>6:00 p.m.</u> <u>6:00 p.m.</u>	FY 18 Budget Workshop Regular Meeting County Courthouse, 5th Floor Commission Chamber Adoption Hearing on Out-of- Cycle 2017 Comprehensive Plan Amendments First and Only Public Hearing to Consider an Ordinance Amending Chapter 10 to Clarify the Parkin and Loading Surface Standards Inside the USA Community Redevelopment Agency
July 2017	Tuesday 11 Tuesday 11 Thursday 13 <i>Friday 21 -</i>	9:00 a.m. – 3:00 p.m. (if necessary) 3:00 p.m. <u>6:00 p.m.</u> <u>6:00 p.m.</u> 9:30 a.m.	FY 18 Budget Workshop Regular Meeting County Courthouse, 5th Floor Commission Chamber Adoption Hearing on Out-of- Cycle 2017 Comprehensive Plan Amendments First and Only Public Hearing to Consider an Ordinance Amending Chapter 10 to Clarify the Parking and Loading Surface Standards Inside the USA Community Redevelopment Agency City Commission Chambers Franklin County
July 2017	Tuesday 11 Tuesday 11 Thursday 13 Friday 21 - Tuesday 24	9:00 a.m. – 3:00 p.m. (if necessary) 3:00 p.m. 6:00 p.m. 9:30 a.m. 9:30 a.m. NACo Annual Conference	FY 18 Budget Workshop Regular Meeting County Courthouse, 5th Floor Commission Chamber Adoption Hearing on Out-of- Cycle 2017 Comprehensive Plan Amendments First and Only Public Hearing to Consider an Ordinance Amending Chapter 10 to Clarify the Parking and Loading Surface Standards Inside the USA Community Redevelopment Agency City Commission Chambers Franklin County Columbus, OH
July 2017	Tuesday 11 Tuesday 11 Thursday 13 <i>Friday 21 -</i> <i>Tuesday 24</i> Tuesday 25 <i>Wednesday 26 –</i>	9:00 a.m. – 3:00 p.m. (if necessary) 3:00 p.m. 6:00 p.m. 6:00 p.m. 9:30 a.m. NACo Annual Conference No Meeting National Urban League	FY 18 Budget Workshop Regular Meeting County Courthouse, 5th Floor Commission Chamber Adoption Hearing on Out-of- Cycle 2017 Comprehensive Plan Amendments First and Only Public Hearing to Consider an Ordinance Amending Chapter 10 to Clarify the Parking and Loading Surface Standards Inside the USA Community Redevelopment Agency City Commission Chambers Franklin County Columbus, OH BOARD RECESS

<u>Month</u>	<u>Day</u>	<u>Time</u>	Meeting Type
August 2017 (cont.)	Tuesday 22	No Meeting	BOARD RECESS
September 2017	Monday 4	Offices Closed	LABOR DAY HOLIDAY
	Tuesday 12	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	Public Hearing Regarding Tentative Millage Rates and Tentative Budgets for FY 17/18*
	Wednesday 13- Thursday 14	FAC Policy Committee Conference and County Commissioner Workshops	Central Florida - TBD
	Tuesday 19	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
		5:00 – 9:00 p.m.	Blueprint Intergovernmental Agency Meeting & Public Hearing, City Commission Chambers
	Wednesday 20 – Sunday 24	Congressional Black Caucus Annual Legislative Conference	Walter E. Washington Convention Center Washington, D.C.
	Tuesday 26	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	Public Hearing on Adoption of Millage Rates and Budgets for FY 17/18*
	Thursday 28	4:00 p.m.	Community Redevelopment Agency Meeting & Public Hearing at 6 p.m., City Commission Chamber
* These public hea	ring dates may chan	ge because of the School Board	's scheduling of its budget adoption public hearings.
October 2017	Tuesday 10	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
	Tuesday 17	9:00 a.m 11:00 a.m.	Capital Region Transportation Planning Agency Retreat / Workshop; TBD
	Sunday 22 - Wednesday 25	ICMA Annual Conference	Bexar County San Antonio, Texas
	Tuesday 24	<u>1:30 p.m.</u>	Workshop on the 2018 State & Federal Legislativ Priorities
		3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
November 2017	Thursday 9	9:30 a.m.	Community Redevelopment Agency City Commission Chambers
	Friday 10	Offices Closed	VETERAN'S DAY OBSERVED
	Tuesday 14	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers

<u>Month</u>	<u>Day</u>	<u>Time</u>	Meeting Type
November 2017 (cont.)	Wednesday 15 – Friday 17	FAC Legislative Conference	Sarasota County Sarasota, FL
	Tuesday 21	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Thursday 23	Offices Closed	THANKSGIVING DAY
	Friday 24	Offices Closed	FRIDAY AFTER THANKSGIVING DAY
	Tuesday 28	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chamber
December 2017	Tuesday 5	3:00 – 6:00 p.m.	Blueprint Intergovernmental Agency City Commission Chambers
	Monday 11	9:00 a.m. – 4:00 p.m.	Board Retreat TBD
	Tuesday 12	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chamber
	Tuesday 19	1:00 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Monday 25	Offices Closed	CHRISTMAS DAY OBSERVED
	Tuesday 26	No Meeting	BOARD RECESS
January 2018	Monday 1	Offices Closed	
	Tuesday 9	No Meeting	Board Recess
	Tuesday 23	3:00 p.m.	Regular Meeting

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Citizen Committees, Boards, and Authorities 2017 Expirations and Vacancies

www.leoncountyfl.gov/committees/list.asp

VACANCIES

Advisory Committee for Quality Growth Board of County Commissioners (15 appointments)

CareerSource Capital Region Board Board of County Commissioners (2 appointments)

Citizen Charter Review Committee Board of County Commissioners (14 appointments)

UPCOMING EXPIRATIONS

JUNE 30, 2017

Board of Adjustment and Appeals Board of County Commissioners (2 appointments)

CareerSource Capital Region Board of County Commissioners (1 appointment)

Planning Commission Board of County Commissioners (1 appointment)

JULY 31, 2017

Water Resources Committee Commissioner - At-large II: Maddox, Nick (1 appointment) Commissioner - District V: Dozier, Kristin (1 appointment)

AUGUST 31, 2017

Code Enforcement Board Commissioner - At-large I: Lindley, Mary Ann (1 appointment) Commissioner - At-large II: Maddox, Nick (1 appointment) Commissioner - District II: Jackson, Jimbo (1 appointment)

SEPTEMBER 30, 2017

Animal Shelter Advisory Board Board of County Commissioners (3 appointments)

Community Development Block Grant Citizen's Task Force Board of County Commissioners (2 appointments) Commissioner - At-large II: Maddox, Nick (1 appointment) Commissioner - District II: Proctor, Bill (1 appointment) Commissioner - District III: Dailey, John (1 appointment)

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SEPTEMBER 30, 2017 (cont.)

Council on Culture & Arts Board of County Commissioners (2 appointments)

Housing Finance Authority of Leon County

Commissioner - At-large II: Maddox, Nick (1 appointment) Commissioner - District I: Proctor, Bill (1 appointment) Commissioner - District III: Dailey, John (1 appointment)

Tallahassee-Leon County Commission on the Status of Women & 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: Jackson, Jimbo (1 appointment) Commissioner - District IV: Desloge, Bryan (1 appointment)

OCTOBER 31, 2017

Tourist Development Council Board of County Commissioners (1 appointment)

DECEMBER 31, 2017

CRTPA Citizens Multi-modal Advisory Committee (CMAC)

Commissioner - At-large II: Maddox, Nick (1 appointment) Commissioner - District III: Dailey, John (1 appointment) Commissioner - District V: Dozier, Kristin (1 appointment)

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: Jackson, Jimbo (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 Workgroup

Board of County Commissioners (3 appointments)

Library Advisory Board

Commissioner - At-large I: Lindley, Mary Ann (1 appointment) Commissioner - District II: Jackson, Jimbo (1 appointment) Commissioner - District III: Dailey, John (1 appointment) Commissioner - District IV: Desloge, Bryan (1 appointment)

Leon County Board of County Commissioners

Notes for Agenda Item #1

Leon County Board of County Commissioners Agenda Item #1

June 20, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Minutes: May 9, 2017 Regular Meeting

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

Statement of Issue:

This agenda item seeks Board review and approval of the following minutes: May 9, 2017 Regular Meeting.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the minutes of the May 9, 2017 Regular Meeting.

Attachment:

1. May 9, 2017 Regular Meeting

BOARD OF COUNTY COMMISSIONERS LEON COUNTY, FLORIDA REGULAR MEETING May 9, 2017

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

Chairman Dailey called the meeting to order at 3:00 p.m.

Invocation and Pledge of Allegiance

The Invocation was provided by Reverend Paxton Rogers, St. Paul Missionary Baptist Church. Chairman John Dailey then led the Pledge of Allegiance.

Awards and Presentations

- Commissioner Bill Proctor presented a Proclamation to Nims Middle School's Sole Cheerleader, Tianiya Hall-Scales, which recognized her success and applauded her outstanding leadership and sportsmanship.
- Commissioner Bill Proctor presented a Proclamation recognizing the accomplishments of the FAMU Developmental Research School Girls' Basketball Team for winning the 2017 3A State Championship.

Head Coach Ericka Cromartie accepted the Proclamation on behalf of the coaching staff, players and school administration and thanked the Board for the honor.

• Commissioner Jimbo Jackson presented a Proclamation recognizing National Teachers Appreciation Week May 7-13, 2017.

Leon County Superintendent of Schools Rocky Hanna, Leon County Teacher of the Year Jessica Hooker and Springwood Elementary School Principal Dr. Christopher Small accepted the Proclamation and expressed appreciation to the Board for recognizing the contributions of teachers.

• Commissioner Bryan Desloge presented a Proclamation recognizing May as Bike Month.

Dr. Johan Van Tol, President of the Capital City Cyclists, thanked the Board for their continued support of local cyclist and invited the Board to participate in the annual National Bike Challenge.

• Commissioner Bryan Desloge presented a Proclamation recognizing May 8-14, 2017 as Perinatal Mental Health Week.

Dr. Heather Flynn, Associate Professor and Vice Chair for Research in the Department of Behavioral Sciences and Social Medicine in the College of Medicine, FSU and Heather Venclauskas, M.P.A., Community Research Coordinator at the FSU College of Medicine were on hand to accept the Proclamation.

Dr. Flynn expressed her appreciation to Commissioner Desloge and the Board for bringing attention to this issue.

- Jessica-Lowe-Minor, Executive Director, Institute for Nonprofit Innovation and Excellence provided an overview of the organization's recent study on the economic impact of nonprofit organizations in Leon County and the Big Bend Region. Ms. Lowe-Minor provided the Board with a copy of the report Sector Forward: Impact and Opportunity, which detailed the finding of the study. (A copy of the presentation is attached to the public record)
 - Commissioner Lindley asked about the potential for competition among organizations for limited local dollars, i.e., funds raisers and if there was opportunity for the merging of two smaller non-profits. Ms. Lowe-Minor provided that mergers do happen and competition is a reality and is expected among the non-profit sector, as with any business. She added that redundancy among organizations providing a critical service is welcomed.
 - Commissioner Dozier thanked Ms. Lowe-Minor for the report and for participating in the recent non-profit roundtable discussion hosted by the County. She commented on the diversity of local non-profits and that they were a strong sector of the community. She referenced the \$33 million in federal funding to Leon County nonprofits and suggested that with the county's unique position of being surrounded by rural counties these funds could have an impact regionally.

Consent:

Commissioner Desloge moved, duly seconded by Commissioner Dozier to approve the Consent Agenda, with the exception of Items 7, 8, 9, & 10, which were pulled for further discussion. <u>The motion carried 7-0.</u>

1. Minutes: February 7, 2017 Workshop on Tourism and Cultural Grant Funding Efforts; March 7, 2017 Joint City/County Workshop on 2017 Cycle Comprehensive Plan Amendments; April 4, 2017 Workshop on the Establishment of a Citizen Charter Review Committee and April 4, 2017 Regular Meeting

The Board approved Option 1: Approve the minutes of the February 7, 2017 Workshop on Tourism and Cultural Grant Funding Efforts; March 7, 2017 Joint City/County Workshop on 2017 Cycle Comprehensive Plan Amendments; April 4, 2017 Workshop on the Establishment of a Citizen Charter Review Committee and April 4, 2017 Regular Meeting.

2. FY 2015/16 Annual Audit and Financial Statements

The Board approved Option 1: Accept the FY 2015/16 Annual Audit and Financial Statements, and authorize the Chairman to sign letter transmitting the report to the Auditor General.

3. Payment of Bills and Vouchers

The Board approved Option 1: Approve the payment of bills and vouchers submitted for May 9, 2017 and Pre-Approval of Payment of Bills and Vouchers for the Period of May 10 through May 22, 2017.

4. Ratification of the April 25, 2017 Fiscal Year 2018 Budget Workshop

The Board approved Option 1: Ratify the actions taken by the Board during the April 25, 2017 FY 2018 Budget Workshop regarding the 13 Budget Workshop Items.

5. Mediated Settlement Agreement in Eminent Domain Acquisition of Property Needed for the Old Bainbridge at Pullen Road Intersection Improvement Project

The Board approved Option 1: Approve Mediated Settlement Agreement together with the proposed settlement amount for the owner's expert fees and costs in eminent domain acquisition of property needed for Old Bainbridge at Pullen Road Intersection Improvement Project.

6. Ratification of Board Actions Taken at the April 4, 2017 Workshop on Establishment of a Citizen Charter Review Committee

The Board approved Option 1: Ratify the actions taken by the Board during its April 4, 2017 Workshop on Establishment of a Citizen Charter Review Committee.

7. Enabling Resolution Establishing the Advisory Committee for Quality Growth

Commissioner Proctor requested the item be pulled for further discussion.

County Administrator Long introduced the item. He stated that the establishment of the Advisory Committee for Quality Growth was a component of the DSEM upgrade and was introduced to the Board at its April 4, 2017 meeting.

Commissioner Proctor reviewed the proposed committee structure and suggested that the Board take steps to increase geographic diversity among the members by designating seats 9, 10 & 11 to residents who are geographically based in the south, west and in the urban core of the County.

Commissioner Proctor moved, duly seconded by Commissioner Maddox, approval of Option 1, <u>as</u> <u>amended:</u> Approve the Enabling Resolution establishing the Advisory Committee on Quality Growth, <u>with Seats 9, 10 and 11 reserved for citizens who reside in the south, west, and urban</u> <u>core portions of the County;</u> thereby dissolving the DSEM Citizens user Group, and authorize the Chairman to execute.

Commissioner Dozier indicated that while she favored diversity, was not in favor of making membership geographical specific. She suggested that the increased diversity could be achieved within the proposed committee structure and expressed concern for making the Committee geographically specifically unless seats were designated for each County district.

Commissioner Proctor submitted that the other seats on the Committee (not seats 9, 10 & 11) did require affiliation with a certain industry group or employed by a specific sector and asserted that it was appropriate for the three seats he referenced to be representative of a specific locale.

Commissioner Lindley reviewed the membership structure and suggested that the Board approve the proposed committee structure as presented and assess whether changes are needed at a later date.

Commissioner Proctor spoke in support of his motion and asked the Board for its consideration.

Commissioner Dozier remarked that there is a lot of diversity in the building community and recommended that staff reach out to the minority and women contractors regarding the open seats on the committee.

The motion failed 2-5 (Commissioners Dailey, Desloge, Lindley, Dozier, and Jackson in opposition)

Commissioner Desloge moved, duly seconded by Commissioner Maddox, approval of Option 1: Approve the Enabling Resolution establishing the Advisory Committee on Quality Growth, thereby dissolving the DSEM Citizens User Group, and authorize the Chairman to execute. <u>The motion carried 7-0.</u>

8. Behavioral Health Transportation Plan

Commissioner Proctor requested the item be pulled for further discussion.

County Administrator Long introduced the item. He stated that the County is required by statute to develop and implement a transportation plan that establishes the responsible transporting entity and the receiving facility for individuals subject to involuntary behavioral health examinations.

Commissioner Proctor stated that he pulled the item to highlight and applaud the plan. He also commended the collaboration between organizations in development of the plan.

Commissioner Proctor moved, duly seconded by Commissioner Lindley, approval of Option 1: Adopt the proposed Behavioral Health Transportation Plan, authorize the County Administrator to sign, and authorize staff to submit the Plan to the managing entity of the grant funds, Big Bend Community Based Care. <u>The motion carried 7-0.</u>

9. Mental Health Services and Resources in Leon County

Commissioner Proctor requested the item be pulled for further discussion.

County Administrator Long introduced the item. He recalled that the Board, at its February 7, 2017 meeting, requested staff to identify the mental health resources available in Leon County and assess whether the information could be compiled into a format that could serve as a resource directory for citizens.

Commissioner Proctor thanked staff for their efforts. He discussed the newly proposed homestead exemption initiative that will be put before voters in 2018 and the negative impact its passage would have on the County's budget. He urged the Board to maintain its funding for organizations that provide mental health treatment and referenced the Sheriff's 2018 budget request where it was reported that 37% of detainees received mental health treatment in FY 16/17.

Commissioner Proctor moved, duly seconded by Commissioner Lindley, approval of Options 1 & 2: 1) Accept staff's report on mental health services and resources in Leon County, and 2) Authorize staff to conduct a mental health services public information campaign. <u>The motion carried 7-0.</u>

10. Amendment to the Interlocal Agreement to Establish the Economic Vitality Leadership Council, Economic Vitality Competitiveness Committee, and the Competitive Projects Cabinet for the Tallahassee-Leon County Office of Economic Vitality

Commissioner Proctor requested the item be pulled for further discussion.

County Administrator Long introduced the item.

Commissioner Proctor expressed disappointment that the item did not speak to the study published by the University of Toronto's Martin Prosperity Institute, which declared Tallahassee as the most economically segregated city in the U.S. He mentioned also that the Sheriff's 2018 budget request reported that Leon County had the highest poverty rate when compared to other counties with populations over 100,000. He asserted that there needed to be some way to measure the success of economic development in light of those stark numbers. He asked that the Board and staff work to address the issue of economic segregation.

Commissioner Proctor moved, duly seconded by Commissioner Desloge, approval of Option 1: Approve the Second Addendum to the Second Amended and Restated Interlocal Agreement between Leon County, Florida and the City of Tallahassee, Florida and authorize the Chairman to execute. <u>The motion carried 7-0.</u>

11. Pre-Event Contracts for Debris Removal and Disposal Services

The Board approved Option 1: Approve the pre-event contracts for Debris Removal and Disposal Services with AshBritt Environmental, Ceres Developmental, and DRC Emergency Services, and authorized the County Administrator to execute.

12. Pre-Event Contracts for Disaster Debris Monitoring Services

The Board approved Option 1: Approve the pre-event contracts with Thompson Consulting Services, LLC and Tetra Tech for disaster debris monitoring services, and authorize the County Administrator to execute.

13. Status Report on the State of Florida's Leon County Property Portfolio Study

The Board approved Option 1: Accept the status report on the State of Florida's Leon County Property Portfolio Study.

14. FY 2016/17 Commissioner Discussion Items Semi-Annual Status Report

The Board approved Option 1: Accept the Semi-Annual FY 2016/17 Commissioner Discussion Items status report.

15. Status Report on Woodville Highway Roadway Improvement Projects

The Board approved Option 1: Accept the status report on Woodville Highway roadway improvement projects.

Citizens to be Heard on Non-Agendaed Items

• Mickey Britt, 4407 Millwood Lane, spoke of his displeasure with the recent actions of the US Congress. He spoke of citizens' rights, his concern over drug-related incarceration rates and stated his support for drug policy reform. Mr. Britt also voiced his support for central sewer especially in the southern portion of the County.

General Business

16. Update on Upcoming Disaster-Related Community Engagement, Preparedness Events, and Public Information Campaigns

County Administrator Long introduced the item. He provided a brief overview and invited Matt Cavell, Assistant to the County Administrator, to make presentation to the Board on some of the enhanced efforts expected in the near future. Mr. Cavell provided a report on upcoming activities of Leon County Emergency Management that includes a Citizen Engagement Series, the Hurricane Season Kickoff, the Survival Guide distribution and launch of a new mobile app.

Commissioner Dozier moved, duly seconded by Commissioner Lindley, approval of Option 1: Accept the update on upcoming emergency management preparedness activities and efforts.

Commissioner Dozier expressed her appreciation for the quick implementation of the Hurricane Hermine After Action Report recommendations and asked if other types of disasters were addressed as part of these upcoming activities. Mr. Cavell confirmed that various types of disasters would be addressed in the Disaster Survival Guide and noted the "Could We Be Next?" Workshop, which is an interdisciplinary event that will feature prominent speakers from both the San Bernardino and Orlando terrorist attacks.

The motion carried 7-0..

Commissioner Proctor acknowledged and welcomed Clerk of the Court & Comptroller Gwen Marshall to the Chambers.

17. Status Report on the Human Rights Ordinance

County Attorney Thiele provided a brief overview of the item and reiterated his opinion that the Human Rights Ordinance is constitutionally valid as written and did not need to be modified. He stated that over the past seven years, the ordinance has been utilized three times by individuals claiming they had been the subject of discrimination. County Attorney Thiele mentioned that one of these three cases is currently pending and has given rise to two issues alleging that the ordinance is not constitutional. These being:

- 1) Uncapped punitive damages. County Attorney Thiele stated that while punitive damages are not specifically addressed in the ordinance, he opined that the ordinance is subject to the limitations provided in Section 768.73, Florida Statutes.
- 2) Administrative process is needed. County Attorney Thiele was of the opinion that it is within the Board's purview to not have such a precursor to the filing of a lawsuit and mentioned the expense that would be incurred with such a process.

County Attorney Thiele recommended the Board leave the ordinance in its current state and conveyed that he would at the end of the current litigation bring back a report on the findings and any actions that need to be taken.

Commissioner Desloge asked for clarification regarding the cap on punitive damages and whether clarification in the ordinance is needed. County Attorney Thiele explained that including a cap on punitive damages within the ordinance is unnecessary as a civil action involving a local human rights ordinance will be subject to the limitations provided in Section 768.73, Florida Statutes.

Commissioner Dozier moved, duly seconded by Commissioner Maddox, approval of Option 1: Accept Status Report. <u>The motion carried 7-0.</u>

18. Resolution Extending the Moratorium Presently in Effect to Review Communication Antenna Support Structures Deployment in the County's Rights-of-Way

County Attorney Thiel introduced the item. He conveyed that the Legislature is considering proposed legislation to preempt local governments on regulating many aspects of wireless communications structures/facilities within the rights-of-way; thus, staff is requesting an extension of the moratorium by an additional 120 days to allow staff time to draft, review and

properly scrutinize an ordinance addressing communications facilities within the County rights of way. He added that an ordinance would be brought to the Board prior to the end of the 120 days.

Commissioner Desloge moved, duly seconded by Commissioner Lindley, approval of Option 1: Adopt the Resolution extending the Moratorium presently in effect by an additional 120 days to review Communication Antenna Support Structures Deployment in the County's right-of-ways. <u>The motion carried 7-0.</u>

19. Status Report on the use of Tourist Development Taxes Formerly Designated for a Performing Arts Center

County Administrator Long introduced the item. He shared that the item provides an exhaustive analysis and background on the use of Tourist Development Taxes (TDT) formerly designated for a performing arts center (PAC) and Ken Morris, Assistant County Administrator, is available to provide an overview or to respond to any questions from the Board.

Commissioner Desloge expressed appreciation for the report and emphasized that the Board would have final approve of expenditures of TDT dollars.

Commissioner Desloge moved, duly seconded by Commissioner Dozier, approval of Option 1: Accept the status report on the use of Tourist Development Taxes formerly designated for a performing arts center.

Commissioner Proctor asked that Kerri Post, Tourist Development Director be allowed to provide input on this matter. Chairman Dailey invited Ms. Post to address the Board.

Ms. Post stated that the PAC funds are currently in the custody of the CRA, who is charged by interlocal agreement with facilitating the identification of projects and programs to invest the remaining \$5.1 million of TDT once dedicated to the PAC. She shared that staff, per the Boards directive, is currently working with CRA staff on development of the agenda item for the CRA Board's May 25, 2017 meeting and the priority issue is the CRA's consideration to use PAC monies for redevelopment of the Firestone and Bloxham annex properties.

Commissioner Desloge noted that the funds, collected as TDC bed tax monies, would be spent as dictated by State Statute and that the Board will have to approve the expenditure.

Commissioner Dozier asked for clarification regarding the size and functions of the proposed public space and wanted assurance that the expenditure meets statutory requirements. She asked the County Attorney's Office to provide guidance on the matter in preparation for the CRA's May 25th meeting.

Commissioner Proctor confirmed with Mr. Morris that the CRA will make a recommendation on use of the TDT dollars which will go before both the City and the County Commissions for final approval.

The motion carried 7-0.

20. Full Board Appointments to the Value Adjustment Board

County Administrator Long introduced the item.

Commissioner Maddox moved, duly seconded by Commissioner Lindley, the appointment of Gregory Cowan to the Value Adjustment Board for the remainder of the unexpired term ending February 28, 2019. <u>The motion carried 7-0.</u>

5:10 p.m. - Chairman Dailey announced that the Board had concluded its Consent and Regular Meeting Agenda and would now enter into Commissioner Discussion time.

Scheduled Public Hearings

Chairman Dailey reconvened the Board at 6:00 p.m. and conducted the following Public Hearings. Commissioners Maddox and Proctor did not return to the Chambers.

21. First of Two Public Hearings on a Development Agreement between Leon County and Edward M. Mitchell, Jr.

County Administrator Long announced the public hearing. He conveyed that the proposed Development Agreement allows the County to acquire property rights necessary to do improvements associated with the Fords Arm South Water Quality Improvement Project. He indicated that staff was available to answer any questions the Board may have.

Speakers:

- Virginia Beard, 401 Cloverdale Drive, shared that her property has been plagued with flooding problems for years which she attributed to the infill of wet lands on the parcels noted in the item. She thanked Commissioner Desloge and Leon County DSEM and Public Works staff for the County's ongoing efforts to help alleviate the flooding problems. She asked that the Board not approve the development agreement.
- Dale Bear, 401 Cloverdale Drive, expressed concerns about increased traffic and congestion should the proposed development go forward. He asserted that development of the parcel will make flooding worst and was very concerned about possible environmental impacts.
- Steve Burgess, 409 Cloverdale Drive, was troubled by the increased traffic that would be created by the proposed development and noted that the analysis of the transportation impact was exempted from the project. He also, as a County taxpayer, was concerned that tax dollars would be used to address a problem created by a private landowner.
- Cindy McGuire, 344 Lexington Road, stated that flooding has caused significant erosion on her property and requested that additional information be provided to residents on how the problem will be resolved.
- Barbara Nix, 411 Cloverdale Drive, appeared in support of her neighbors. She stated that more should have been done in the past to keep the landowner from cutting down the trees and opined that more retail shops were not needed in the area.
- Alan Niedoroda, 6000 Miller Landing Cv., President of the Friends of Lake Jackson, expressed concern over the impact of stormwater coming from this area into Lake Jackson and urged the Board to address the need for nutrient removal as part of the project. He asked that information on the stormwater discharge be provided prior to the June 20th public hearing.
- Pamela Hall, 5051 Quail Valley Road, member of the Friends of Lake Jackson. She requested that staff provide: 1) best estimates of the actual nitrate loads coming from Fords Arm; 2) how much nitrogen will be removed by the current proposal, and 3) how can it be enhanced to get more nitrogen removed. She added that it was the Friends of Lake Jackson's desire that at a minimum there would be no net increase of nitrates going into the lake.

- Frances Rentz, 6024 Miller Landing Cv., Friends of Lake Jackson. He asked that the Board address both the issue of flooding and nutrient load of stormwater going into Lake Jackson. He stated that they look forward to working with staff to work through some of these issues.
- Terry Carrion, 5187 Icicle Hill, member of Friends of Lake Jackson. She stated that FOLJ is doing more outreach to enlighten and educate neighbors on the lake. She stressed the need to ensure that Lake Jackson's water quality would be improved by the project.
- George Lewis, 201 N. Gadsden Street, Friends of Lake Jackson, reiterated the need for a long-term plan for restoration of Lake Jackson including frequent monitoring and reporting.
- County Administrator Long announced for the record that the following individuals were in the Chambers and available for questions:
 - Rick Moore, 805 N. Gadsden Street, Moore Bass Consulting
 - Reggie Bouthillier, 10678 Lake Iamonia Drive, Counsel for E. Mitchell

Chairman Dailey asked County Attorney Thiele to respond to the concerns expressed by the speakers. Mr. Thiele explained that the fill on the property occurred prior to adoption of the Comprehensive Plan and, based on a past court ruling, the property is vested from future land use and concurrency provisions of the Comprehensive Plan. He added that the development agreement contains concessions from the property owner and establishes certain development standards.

Commissioner Desloge confirmed with County Attorney Thiele that the property owner has certain inalienable development rights; however, was assured that the stormwater project will help alleviate the flooding issues that were brought up by the speakers.

Commissioner Lindley was pleased that the stormwater project is expected to help alleviate the flooding issues along Meridian Road and affected neighborhoods; yet was concerned about the water quality issue. County Attorney Thiele responded that the project "will not worsen and may improve the nutrient loading going into Lake Jackson". Commissioner Lindley mentioned the water quality funds that will be available through the Blueprint 2020 penny sales tax and suggested that a Water Quality Work Group be pursued.

Commissioner Dozier also expressed her concerns about stormwater quality issues. She suggested that this might be an appropriate time to study the current Total Maximum Daily Load (TMDL) before and after the project and requested staff bring back information as the project progresses.

Commissioner Dozier moved, duly seconded by Commissioner Desloge, approval of Option 1: Conduct the first of two public hearings on a proposed Development Agreement with the property owner (Edward M. Mitchell, Jr.) and schedule the second public hearing for consideration of such Development Agreement for June 20, 2017 at 6:00 p.m.

Commissioner Desloge recommended that staff, in an effort to provide some sense of relief to homeowners, initiate a meeting to provide information on the project and its impact.

Chairman Dailey thanked citizens for attending and sharing their concerns and comments. He articulated that he was very familiar with the area. He conveyed that the County has unsuccessfully tried to force the landowner to correct the situation; however, the fill took place prior to adoption of the Comprehensive Plan. He noted that the landowners vested rights are actually greater than has been negotiated into the Development Agreement. He opined that the negotiated Development Agreement will significantly help the flooding issue and agreed with the Friends of Lake Jackson on the water quality concerns. Chairman Dailey committed that all questions will be asked and data gathered as the project moves forward. He also suggested

that the Friends of Lake Jackson hold monthly meeting as a forum for discussion of concerns and ideas and offered that County staff be invited to the initial meeting.

The motion carried 5-0 (Commissioners Maddox and Proctor out of Chambers).

22. First and Only Public Hearing on a Proposed Ordinance Amending Official Zoning Map to Change Zoning Classification from Office Residential (OR-2) Zoning District to Commercial Parkway (CP) Zoning District

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

County Administrator Long provided that the property is 1.37+ acres located at the intersection of McKee Road on the west side of North Monroe Street and the applicant is Envision Credit Union. He continued that staff has evaluated and recommends acceptance of the rezoning.

Commissioner Lindley moved, duly seconded by Commissioner Dozier, approval of Option 1: Conduct the first and only public hearing and adopt the proposed Ordinance amending the Official Zoning Map to change the zoning classification from the Office Residential (OR-2) zoning district to the Commercial Parkway (CP) zoning district. <u>The motion carried 5-0 (Commissioners Maddox and Proctor out of Chambers).</u>

23. Second and Final Public Hearing to Adopt a Proposed Ordinance Amending Chapter 10 Article VI, to Add a New Section Entitled "Medical Marijuana Dispensing Facilities"

County Administrator Long announced the public hearing and confirmed there were no speakers on the item. He indicated that staff is available to answer questions from the Board.

Commissioner Dozier stated that while there had not been a lot of discussion on this issue, which she suggested was the result of a lack of "push back" or concern expressed by the public. She credited staff for getting ahead of this issue.

Commissioner Dozier moved, duly seconded by Commissioner Desloge, approval of Option 1: Conduct the second and final Public Hearing and adopt a proposed Ordinance adding a new section to Chapter 10 of the Leon County Code of Laws entitled "Medical Marijuana Dispensing Facilities". <u>The motion carried 5-0 (Commissioners Maddox and Proctor out of Chambers).</u>

Commissioner Dozier brought up that the Legislature had passed a bill authorizing the production of industrial hemp and that the University of Florida and FAMU were chosen to participate in the pilot projects. She commented on how this could have a large impact on agriculture in the state and requested an update on this topic.

Commissioner Dozier moved, duly seconded by Commissioner Desloge, to direct staff to bring back a status report on legislation permitting Florida A&M and the University of Florida to conduct industrial hemp pilot projects. <u>The motion carried 5-0 (Commissioners Maddox and Proctor out of Chambers).</u>

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

• Chairman Dailey confirmed that there were no speakers on Non-Agendaed Items. OR list speakers.

Comments/Discussion Items

County Attorney Thiele:

• No Items.

County Administrator Long:

- Provided an overview of the constitutional amendment referendum increasing Florida's homestead exemption. County Administrator Long stated that staff is preparing a thorough analysis on the fiscal impact of the referendum if passed by the voters during the 2018 general election including options for the Board's consideration to mitigate a revenue loss of that magnitude.
 - Alan Rosenzweig, Deputy County Administrator, provided an update on the County's current budget and reported the potential fiscal loss to Leon County would be \$7.2 \$8.0 million should the referendum pass. He shared that without proactive action the only recourse would be significant service reductions or a property tax increase. He added that the June Budget Workshop would include a proposed fiscal plan for the Board's consideration.

Commissioner Discussion Items

Commissioner Desloge:

- Expressed his disappointment with the legislature's action and wants to make sure, if service reductions or tax increases are implemented, the public is enlightened as to why the measures were necessary.
- Announced he would be attending the National Association of Counties (NAC0) Western Interstate Region 2017 Conference in Sunriver, Oregon on May 24-26, 2017 and would not be at the Board's May 23, 2017 meeting. He requested to be allowed to participate in the Board meeting by phone. <u>Approved without objection.</u>
- Congratulated County Administrator Long and County staff on the 13 NACo Achievement Awards received.
- Mentioned that he had recently attended the Florida Civic Advance (FCA) Summit in Orlando and requested approval to use funds from his commission account to pay for his hotel room. Approved without objection.
- Shared that he would attend the Leadership Florida's 2017 Annual Meeting in Palm Beach and requested approval to use funds from his commission account. <u>Approved without objection.</u>

Commissioner Proctor:

• Out of Chambers.

Commissioner Dozier:

- Appreciated the update on the homestead exemption referendum and encouraged the business community to take a strong position on this issue.
- Echoed Commissioner Desloge's congratulations to staff on receipt of the numerous NACo Achievement Awards and commented on the positive reaction received to the announcement on social media.

Commissioner Jackson:

• Thanked Public Works staff for their work on Woodville Highway roadway improvement project summarized in Agenda Item #15.

Commissioner Lindley:

- Thanked Deputy County Administrator Rosenzweig for the update on the constitutional amendment referendum and trusted that constitutional officers will pitch in and find ways to cut their respective budgets as well.
- Commented on the City's Animal Abuse Registry for those convicted of felony or misdemeanor animal abuse offenses. She would like for the unincorporated areas to be included.
 - Commissioner Lindley moved, duly seconded by Chairman Dailey, to direct staff to bring back an agenda item on possible participation in the City's Animal Abuse Registry. <u>The</u> <u>motion carried 6-0 (Commissioner Proctor out of Chambers).</u>
- Commissioner Lindley moved, duly seconded by Commissioner Desloge, approval for a Proclamation recognizing Leon County as a Dementia Caring Community. To be presented at an off-site event. <u>The motion carried 6-0 (Commissioner Proctor out of Chambers).</u>
- Commended the Tallahassee Builder's Association on their efforts to promote local apprenticeship and noted that several students will graduate this May from the Leon Works Junior Apprenticeship Program.

Commissioner Maddox:

• Commissioner Maddox moved, duly seconded by Commissioner Dailey, to invite representatives from Bethel Missionary Baptist Church to update the Board on their Ready4Work Program, at the May 23, 2017 Board meeting. <u>The motion carried 6-0 (Commissioner Proctor out of Chambers).</u>

Chairman Dailey:

- On behalf of Chairman Dailey, the following Proclamations were offered:
 - Commissioner Desloge moved, duly seconded by Chairman Dailey, approval for a Proclamation recognizing May 10, 2017 as "World Lupus Day", to be presented at an outside event. <u>The motion carried 6-0 (Commissioner Proctor out of Chambers).</u>
 - Commissioner Desloge moved, duly seconded by Chairman Dailey, approval for a Proclamation honoring Camille Schneider, a 6th grader at Raa Middle School who was named Juvenile Diabetes Research Foundation One Walk Ambassador. To be presented at a future Board meeting. <u>The motion carried 6-0 (Commissioner Proctor out of Chambers).</u>

Receipt and File:

• Leon County Research and Development Authority Financial Statements for years ending September 30, 2016 and 2015.

<u>Adjourn:</u>

There being no further business to come before the Board, the meeting was adjourned at 6:55 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY:

John E. Dailey, Chairman Board of County Commissioners

BY:

Gwendolyn Marshall, Clerk of Court & Comptroller, Leon County, Florida

Leon County Board of County Commissioners

Notes for Agenda Item #2

Leon County Board of County Commissioners

Agenda Item #2

June 20, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Payment of Bills and Vouchers

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 Jelani Marks, Management Analyst

Statement of Issue:

This agenda item requests Board approval of the payment of bills and vouchers submitted for approval June 20, 2017 and pre-approval of payment of bills and vouchers for the period of June 21 through July 10, 2017.

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 June 20, 2017, and preapprove the payment of bills and vouchers for the period of June 21 through July 10, 2017.

Report and Discussion

Background:

The Office of Financial Stewardship/Management and Budget (OMB) reviews the bills and vouchers printout, submitted for approval during the June 20, 2017 meeting, the morning of Monday, June 19, 2017. If for any reason, any of these bills are not recommended for approval, OMB will notify the Board.

Analysis:

Due to the Board not holding a regular meeting until July 11, 2017, it is advisable for the Board to pre-approve payment of the County's bills for June 21 through July 10, 2017, so that vendors and service providers will not experience hardship because of delays in payment. OMB 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 June 20, 2017, and pre-approve the payment of bills and vouchers for the period of June 21 through July 10, 2017.
- 2. Do not approve the payment of bills and vouchers submitted for June 20, 2017 and preapprove the payment of bills and vouchers for the period of June 21 through July 10, 2017.
- 3. Board direction.

Recommendation:

Option #1.

Leon County Board of County Commissioners

Notes for Agenda Item #3

Leon County Board of County Commissioners

Agenda Item #3

June 20, 2017

To: Honorable Chairman and Members of the Board

- - -

From: Vincent S. Long, County Administrator

KE

Title:Request to Schedule the First and Only Public Hearing to Consider an
Ordinance Amending Chapter 10 to Clarify the Parking and Loading Surface
Standards Inside the USA for July 11, 2017 at 6:00 p.m.

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator David McDevitt, Director of Development Support and Environmental Management
Lead Staff/ Project Team:	Ryan Culpepper, Director, Development Services

Statement of Issue:

This agenda item seeks approval to schedule the first and only Public Hearing to consider a proposed Ordinance amending Chapter 10 of the Leon County Code of Laws to clarify the parking and loading surface standards for proposed developments within the Urban Service Area (USA), as directed by the Board at their July 12, 2016 meeting.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Schedule the first and only Public Hearing to consider an Ordinance amending Chapter 10 to clarify the parking and loading surface standards inside the USA, for July 11, 2017 at 6:00 p.m. Title: Request to Schedule the First and Only Public Hearing to Consider an Ordinance Amending Chapter 10 to Clarify the Parking and Loading Surface Standards Inside the USA for July 11, 2017 at 6:00 p.m.

June 20, 2017 Page 2

Report and Discussion

Background:

Required parking surfaces for non-residential development are generally outlined in Section 10-7.546 of the Leon County Land Development Code (LDC). Although the County has historically required paved parking inside the Urban Service Area (USA), this section does not provide specific requirements, nor does it provide acceptable alternative types of parking surfaces. Without clear direction in the LDC, the County has encountered difficulty in ensuring consistent application of required parking surfaces. Historically, the decision for the determination of the appropriate parking surface has been delegated to Leon County Public Works. On July 12, 2016, the Board authorized staff to proceed with the drafting of an Ordinance amending the LDC to revise the requirements for parking and loading surfaces inside the USA.

Analysis:

Staff has encountered a number of recent development proposals where the requirement for a certain type of parking surface has come into question. The LDC does not clearly provide criteria for required parking surfaces for parcels inside the USA versus those parcels located outside the USA. Parcels inside the USA are typically more intensely developed with the potential for a higher volume of vehicular traffic. As a result, staff has interpreted the LDC to require impervious surfaces for parking and loading for developments within the USA.

Other than Low Impact Development alternatives, the LDC does not provide alternative types of parking surfaces and only indicates a "dust free surface" may be approved. Oftentimes, the land use may have only an intermittent need for parking or the parking is intended for storage of equipment and not for public use. This infrequent use is also not clearly addressed by the LDC. Consequently, this lack of clear direction in the LDC may lead to inconsistent utilization of parking surfaces in development projects. Therefore, staff requested and received authorization from the Board on July 12, 2016, to proceed with the development of an Ordinance revising the parking and loading surface standards to provide clear direction regarding surfaces and materials to be utilized within the USA, as well as alternative surfaces appropriate for infrequent use areas.

The proposed Ordinance will clarify the use of impervious surface materials as well as pervious surfaces and sodded parking for infrequent use areas within the USA. The proposed Ordinance will complement the Low Impact Development guidelines found in Article IV for proposed pervious surfaces. The proposed Ordinance will ultimately ensure that all surfaces proposed for parking and/or loading are designed to minimize nuisances from erosion, dust and sedimentation. As a result, the proposed Ordinance will provide the criteria to guide staff and customers in the utilization of each type of parking surface for proposed developments.

Title: Request to Schedule the First and Only Public Hearing to Consider an Ordinance Amending Chapter 10 to Clarify the Parking and Loading Surface Standards Inside the USA for July 11, 2017 at 6:00 p.m.

June 20, 2017 Page 3

The draft Ordinance will also require consistency review and recommendation by the Planning Commission at a Public Hearing which is scheduled for July 10, 2017 at 6:00 p.m.

Options:

- 1. Schedule the first and only Public Hearing to consider an Ordinance amending Chapter 10 to clarify the parking and loading surface standards inside the USA for July 11, 2017 at 6:00 p.m.
- 2. Do not schedule the first and only Public Hearing to consider an Ordinance amending Chapter 10 to clarify the parking and loading surface standards inside the USA for July 11, 2017 at 6:00 p.m.
- 3. Board direction.

Recommendation:

Option #1.

Attachment:

1. Proposed Ordinance

ORDINANCE NO. 17-

AN ORDINANCE OF THE BOARD OF **COUNTY** COMMISSIONERS OF LEON COUNTY, FLORIDA; AMENDING CHAPTER 10, THE LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; AMENDING 10-7.546. **OFF-STREET** SECTION PARKING **SPACE** STANDARDS; 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. Section 10-7.546 of Article VII of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Off-street parking space standards" is hereby amended to read as follows:

Sec. 10-7.546. Off-street parking space standards.

* * *

21 (d) Parking surfaces. Except for single-family and two-family dwellings and agricultural uses, every off-street parking area shall be surfaced with asphalt, concrete or other materials 22 23 determined acceptable by the County Engineer in order with a material that provides a durable 24 and dust-free surface, as approved by the county administrator or designee, upon consultation 25 with appropriate representatives of the public works department. However, parking for seasonal 26 uses and portions of off-street parking lots not used on a regular basis may be exempted from the 27 paving requirements above. Determination of the granting of exemptions shall be made by the 28 parking standards committee, to minimize nuisances from erosion, dust and sedimentation.

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30 <u>Within the Urban Service Area, parking surfaces shall comply with the following standards:</u>

- (1) Approved surface materials. Parking surfaces shall be constructed with non-abradible
 gravel, pourous and nonpourous concrete, brick, porous and nonporous asphalt, turf
 block, paver blocks, recycled concrete or other surfaces of comparable durability
 approved by the County Engineer and in accordance with the manufacturer's standards
 and specifications.
 - (2) <u>Pervious surfaces.</u> The County Engineer may approve the use of pervious surfaces, such as the pervious pavement techniques identified in Section 10-4.308(d)(3), provided:
- i. The pervious surface parking and loading area is designed by a professional engineer licensed in the State of Florida and who has submitted sealed construction drawings and other information, such as sub surface soil testing, required by the County Engineer to demonstrate compliance with this subsection and the applicable stormwater management provisions of Chapter 10.
- 45ii.The pervious surface parking and loading areas shall be designed in
accordance with the manufacturer's standards and specifications.

- 1 The permeable pavement shall be maintained by the property owner pursuant iii. 2 to a continuing maintenance program as specified by the manufacturer and 3 accepted by the County Engineer and included within an environmental 4 management operating permit. 5 6 (3) Sodded Parking. Fully sodded or otherwise stabilized parking may be approved by 7 the County Engineer for overflow parking for public assembly uses, equipment 8 storage, long term vehicle storage or similar uses, except that any required accessible parking shall be stabilized in accordance with the Florida Building Code. 9 10 Sodded parking shall be required to meet the following requirements and standards: 11 In addition to other requirements of this chapter, any application for site and i. 12 development plan approval proposing the use of sodded parking shall include supporting information certified by an engineer licensed by the State 13 14 of Florida that demonstrates the use and adequacy of the sodded parking 15 surface. The information to be provided with the site plan application shall 16 be prescribed by the County Engineer. 17 The following standards shall be met in any approved sodded parking areas: ii. 18 a. The materials cross-section and load bearing capabilities (32 tons for 19 Fire Department) in relation to the intended use shall be approved by 20 the County Engineer. 21 b. Where used in conjunction with paved spaces, sodded spaces shall be located so as to be used less often than paved spaces. 22 23 c. Sodded parking areas shall be directly accessed from a paved parking 24 aisle. Exceptions to this standard may be considered for uses that are 25 limited in frequency and intensity of use provided that it will not likely 26 result in nuisances from erosion, dust and/or sedimentation due to high 27 traffic volumes. 28 iii. Wheel stops or similar devices may be required in all or some portion of the 29 sodded parking area, if in the professional opinion of the County 30 Administrator or designee that such a condition is reasonable to ensure that 31 parking spaces to be made available meet minimum dimensional 32 requirements. 33 34 (4) Drainage. Parking and loading surfaces shall be properly graded for drainage and maintained in good condition free of weeds, dust, trash and debris. 35 36 37 * * * 38 39 SECTION 2. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this 40 Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this Ordinance, 41 except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, 42 which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or 43 in part, with the Comprehensive Plan.
- 44

1 2 3 4 5 6 7 8 SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

nis day of, 2017.	
LEON COUN	TY, FLORIDA
	,
BY:	
	JOHN E. DAILEY, CHAIRMAN
	BOARD OF COUNTY COMMISSIONERS
ATTEST:	
GWENDOLYN MARSHALL, CLERK OF TH	HE COURT
AND COMPTROLLER	
LEON COUNTY, FLORIDA	
·	
BY:	
APPROVED AS TO FORM:	
APPROVED AS TO FORM: LEON COUNTY ATTORNEY'S OFFICE	
LEON COUNTY ATTORNEY'S OFFICE	

Leon County Board of County Commissioners

Notes for Agenda Item #4

Leon County Board of County Commissioners

Agenda Item #4

June 20, 2017

To:Honorable Chairman and Members of the BoardFrom:Vincent S. Long, County Administrator

Title:Joint Project Agreement with The Space at Feather Oaks for the Installation of
a Trail Crossing to the Miccosukee Greenway

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Tony Park, P.E., Director of Public Works
Lead Staff/ Project Team:	Charles Wu, P.E., Director of Engineering Services Leigh Davis, MPA, Director of Parks and Recreation

Statement of Issue:

This agenda item seeks the Board's approval to enter into a Joint Project Agreement with The Space at Feather Oaks for the installation of a trail crossing on Miccosukee Road to the Miccosukee Greenway.

Fiscal Impact:

This item has a fiscal impact. The County would provide \$22,711 and the Feather Oaks Center would contribute \$16,412 toward this estimated \$39,123 project. Funding is available in the existing Greenway Capital Maintenance CIP account.

Staff Recommendation:

- Option #1: Approve the Joint Project Agreement with The Space at Feather Oaks for the installation of a trail crossing on Miccosukee Road (Attachment #1), and authorize the County Administrator to execute.
- Option #2: Approve the Resolution and associated Budget Amendment appropriating \$16,412 in contribution funds for the installation of a trail crossing on Miccosukee Road to the Miccosukee Greenway (Attachment #2).

Title: Joint Project Agreement with The Space at Feather Oaks for the Installation of a Trail Crossing to the Miccosukee Greenway

June 20, 2017 Page 2

Report and Discussion

Background:

Policy No. 10-1, "Access Policy for Parks and Recreation Facilities", provides for a process in which the Division of Parks & Recreation evaluates safe and reasonable access points for visitors to enter various park facilities. It encourages developers and new communities built along the property lines of existing parks, recreation areas, and/or greenway facilities to include shared trailheads or shared public access points from the subdivision and/or nearby communities. Since the creation of the policy, this is the first request that has been received and advanced for Board consideration.

At the end of 2013, Leon County Parks and Recreation Division received a request from The Space at Feather Oaks for a trail crossing on Miccosukee Road for a safe access to the Miccosukee Greenway on the north side of Miccosukee Road (Attachments #3 and #4). Engineering Services staff completed an Engineering Evaluation and Feasibility Analysis for the access point in front of The Space at Feather Oaks in January 2014, and Parks staff presented the request and analysis to the Friends of the Miccosukee Greenway for review and discussion. Following an endorsement by the Friends of the Miccosukee Greenway, a cost estimate was then developed for the proposed trail crossing in February 2014.

In February 2014, Public Works staff met with Mr. Scott Carruthers, owner of The Space at Feather Oaks, and reviewed the scope of the project as well as the cost estimate. In this meeting, Mr. Carruthers agreed to participate in cost sharing for a portion of the construction and to be responsible for engineering design and permitting. Mr. Carruthers' engineering consultant received assistance from County Engineering Services staff to develop a design in 2014, but did not finalize the design or initiate the permitting process.

The new access point is essential to the following FY2017-FY2021 Strategic Initiative and Bold Goal that the Board approved at the January 24, 2017 meeting:

- Evaluate additional trail expansion opportunities (2016-24D)
- Implement 500 citizen ideas, improvements, solutions and opportunities for co-creation (BG4)

This particular Strategic Initiative aligns with the Board's Quality of Life Strategic Priority:

- (Q1) Maintain and enhance our parks and recreational offerings and green spaces.
- (Q6) Promote livability, health and sense of community by enhancing mobility, encouraging human scale development and creating public spaces for people.

Title: Joint Project Agreement with The Space at Feather Oaks for the Installation of a Trail Crossing to the Miccosukee Greenway

June 20, 2017 Page 3

Analysis:

In October 2016, Mr. Carruthers contacted Leon County Parks and Recreation Division and expressed interest in continuing the work on the trail crossing. In order to expedite the process, Public Works staff assumed the engineering design responsibility and resumed the work on survey, design, and permitting. The project was reviewed by the Canopy Roads Citizen Advisory Committee in January 2017, with an environmental permit issued in April 2017.

This trail crossing request was reviewed and evaluated in accordance with County Policy No. 10-1, Access Policy for Parks and Recreation Facilities, and with the support of the adjacent neighborhood community, Arvah Branch Homeowners Association, (Attachment #5) and the Friends of the Miccosukee Greenway.

The scope of this trail crossing project includes pavement markings, flashing beacons, advanced warning signs, construction of approaches to the crossing, and associated drainage and tree trimming/removal. Under the terms of the Agreement, The Space at Feather Oaks will pay the County \$16,412 within 30 days of execution of the Agreement. The estimated construction cost to the County is \$22,711 and would be paid from the Greenway Capital Maintenance CIP account. Given the limited infrastructure, operating costs associated with the new access are negligible. Staff recommends approval of the Joint Project Agreement with The Space at Feather Oaks for the installation of this trail crossing on Miccosukee Road. Funds appropriating the contribution from the Space at Feather Oaks for the project are reflected in Attachment #2.

Options:

- 1. Approve the Joint Project Agreement with The Space at Feather Oaks for the installation of a trail crossing on Miccosukee Road (Attachment #1), and authorize the County Administrator to execute.
- 2. Approve the Resolution and associated Budget Amendment appropriating \$16,412 in contribution funds for the installation of a trail crossing on Miccosukee Road to the Miccosukee Greenway (Attachment #2).
- 3. Do not approve the Joint Project Agreement with the Space at Feather Oaks for the installation of a trail crossing on Miccosukee Road.
- 4. Board direction.

Recommendation:

Options #1 & #2.

Attachments:

- 1. Joint Project Agreement
- 2. Resolution and Budget Amendment
- 3. Request from Scott Carruthers, owner of The Space at Feather Oaks
- 4. Location Map
- 5. Arvah Branch HOA Letter

AGREEMENT FOR FUNDING PARTICIPATION IN CONSTRUCTION AND MAINTENANCE OF PUBLIC ACCESS POINT FOR MICCOSUKEE CANOPY ROAD GREENWAY

THIS AGREEMENT FOR FUNDING PARTICIPATION ("Agreement"), made and entered into on the Effective Date, as hereinafter defined, by and between **LEON COUNTY**, **FLORIDA**, a charter county and political subdivision of the State of Florida ("County") whose address is Department of Public Works, c/o Director, Engineering Services Division, 2280 Miccosukee Road, Tallahassee, FL 32308, and **THE SPACE AT FEATHER OAKS**, **L.L.C.**, a Florida limited liability company ("Applicant") whose address is 6500 Miccosukee Road, Tallahassee, FL 32309.

RECITALS

WHEREAS, the County operates and maintains the Miccosukee Canopy Road Greenway (the "Miccosukee Greenway"), providing over eight miles of passive recreation trails for public use bordering both sides of Miccosukee Road adjacent to the I-10 corridor; and

WHEREAS, Applicant owns and operates an equestrian services facility, known as Feather Oaks Equestrian Center ("Equestrian Center"), located at 6500 Miccosukee Road on the southeasterly side of Miccosukee Road, directly across from the Miccosukee Greenway, which provides boarding stables, riding lessons, and other such equestrian services for its customers; and

WHEREAS, pursuant to the County's Policy 10-1, Access Policy for Parks and Recreation Facilities ("Access Policy"), Applicant has requested that the County construct a Public Access Point, as that term is defined in the Access Policy, in the vicinity of the Equestrian Center that will provide a safe trail crossing of Miccosukee Road for pedestrians, bicyclists, and equestrian riders from the Equestrian Center to the Miccosukee Greenway; and

WHEREAS, the County has determined that such a Public Access Point will satisfy the criteria set forth in the Access Policy and is a permissible Public Access Point in accordance with the Access Policy; and

WHEREAS, Applicant wishes to participate in the funding for the construction of a trail crossing and Public Access Point at the location, and in the manner, as depicted in the map and plans attached hereto, and made a part hereof, as Composite Exhibit "A" ("Feather Oaks Crossing"); and

NOW, THEREFORE, in consideration of the following mutual promises, covenants, and representations set forth herein, the sufficiency of which is being acknowledged, the County and Applicant hereby agree as follows:

1. The Recitals herein above are true and correct and by this reference are hereby incorporated into this Agreement.

2. The effective date ("Effective Date") of this Agreement shall be the date upon which the last party executes this Agreement.

3. The County agrees to construct the Feather Oaks Crossing in accordance with the plans attached hereto as Composite Exhibit "A." Such construction shall commence no later than ninety (90) days after the Effective Date of this Agreement.

4. In consideration for the County's agreement to construct the Feather Oaks Crossing in the vicinity of the Equestrian Center, Applicant agrees to participate with the County in the funding of such construction ("Applicant's Contribution"), as follows:

a. Applicant's Contribution shall be in the amount of Sixteen Thousand Four Hundred Twelve and 16/100 Dollars (\$16,412.16), calculated in accordance with the preliminary cost estimate attached hereto, and made a part hereof, as Exhibit "B."

b. Applicant's Contribution shall be paid in cash to the County by delivering a certified check in that amount, no later than thirty (30) days after Applicant's receipt of the County's request for payment, to Leon County Department of Public Works, c/o Director, Engineering Services Division, 2280 Miccosukee Road, Tallahassee, FL 32308.

5. The County, at the County's expense, shall be responsible in perpetuity for the operation and maintenance of the Feather Oaks Crossing. The Applicant shall cooperate with the County's operation and maintenance of the Feather Oaks Crossing by keeping the area free of trash receptacles, yard debris, and other such materials.

6. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Any action to enforce any of the provisions of this Agreement must be maintained in Tallahassee, Leon County, Florida.

7. Failure to insist upon strict compliance with any term, covenant or condition of this Agreement shall not be deemed a waiver of it. No waiver or relinquishment of a right or power under this Agreement shall be deemed a waiver of that right or power at any other time.

8. This Agreement shall not be extended, changed or modified, except in writing duly executed by the Parties hereto.

9. This Agreement shall be binding upon the successors and, subject to below, assigns of the Parties hereto.

10. This Agreement constitutes the entire agreement between the Parties with respect to the matters contained herein, and all prior agreements or arrangements between them with respect to such matters are superseded by this Agreement.

11. A Party shall be excused from performance of an obligation under this Agreement to the extent, and only to the extent, that such performance is affected by a "Force Majeure Event" which term shall mean any cause beyond the reasonable control of the Party affected, except where such Party could have reasonably foreseen and reasonably avoided the occurrence, which materially and adversely affects the performance by such Party of its obligation under this Agreement. Such events shall include, but not be limited to, an act of God, disturbance, hostility, war, or revolution; strike or lockout; epidemic; accident; fire; storm, flood, or other unusually severe weather or act of nature; or any requirements of law.

12. In the event of litigation between the Parties to construe or enforce the terms of this Agreement or otherwise arising out of this Agreement, the prevailing Party in such litigation shall be entitled to recover from the other Party its reasonable costs and attorney's fees incurred in maintaining or defending subject litigation. The term litigation shall include appellate proceedings.

13. It is intended that each paragraph of this Agreement shall be viewed as separate and divisible, and in the event that any Section, or Party thereof, shall be held to be invalid, the remaining Sections and parts shall continue to be in full force and effect.

14. All payment obligations of the Parties as set forth herein shall be subject to appropriation of funding therefore by the applicable legislative bodies; however, failure to appropriate funding adequate to meet such payment obligations shall be deemed a default under this Agreement.

IN WITNESS WHEREOF, the Parties hereto, through their duly authorized representative, have executed this Agreement effective as of the date first written above.

LEON COUNTY,	FLORIDA
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THE SPACE AT FEATHER OAKS, L.L.C.

Ву:_____

Vincent S. Long Its County Administrator

Date:

ATTEST: Gwendolyn Marshall, Clerk of Court & Comptroller, Leon County, Florida ·_____

By: _____

(print name)

Its _____ (print title)

Date: _____

By: _____

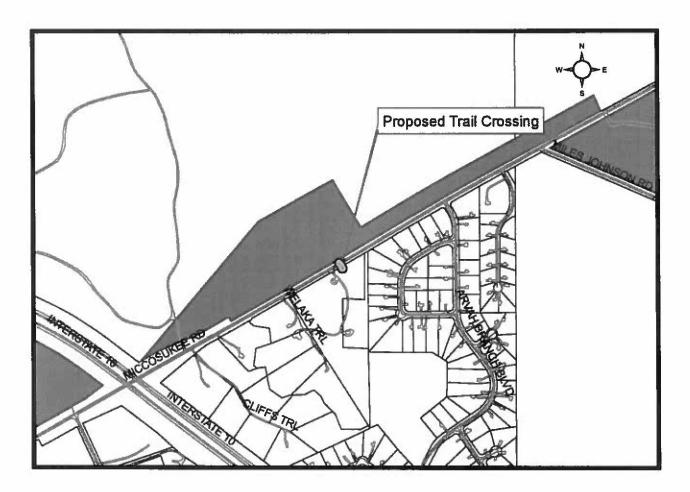
(print name)

Approved as to Form: Leon County Attorney's Office

By:

: Herbert W. A. Thiele, Esq.

Composite Exhibit "A" Feather Oaks Crossing



Composite Exhibit "A" Page 1 of 8 Page 45 of 1014

E-15

Dept. of Development Support and Environmental Manageme 135 N. Macamb St., 2 nd Floor				LDR#		
Taliahassee, Florida 32301 850-606-1300 www.leonpermits.org	E	A STATUSET		LBA		
DRIVEWA		ION PEI	RMI	T APPLICATION		
CLASS I DRIVEWAY	RESIDENTIAL)	Fee: 518	15.00			
Project Status* * Project Status fee is only	charged if driveway permit i	Fee: S17 is submitted wit		associated building permit.		
DRIVEWAY PROPOSED	FOR:					
Single Family	Mobile Home			Multi-Family (4 units or less)		
Temporary	Driveway Conne	ction Only	X	Other (sidewalk, trail, bike path)		
PROPERTY INFORMATI		5) N	umber	of Connections to Public Streets; 2		
Location/Address: 6500 Micco						
Subdivision Name: N/A	· · · · · · · · · · · · · · · · · · ·					
OWNER INFORMATION						
Owner: Leon County		Cell #:		Work #:		
Mailing Address: 301 South M	Aonroe Street, Tallahas	see, Fl 3230	11			
Email Address:						
APPLICANT/AGENT INF	ORMATION	Cell#:		Work#: (850)606-1500		
Mailing Address: 2280 Micco	sukee Road Taliahasse					

5 described in the following pages. All driveway or street connections shall be constructed in accordance with regulations and standards approved by Leon County in the Driveway and Street Connection Guidelines and Procedures Manual, adopted April 12, 2016, as amended. The manual is available online at <u>www.leonpermits.org</u>, or at the DSEM offices at 435 North Macomb Street.

The applicant/owner for self, heirs, assigns and successors in interest, binds and obligates self to save and hold Leon County harmless from any and all damages, claims or injuries caused in whole or in part by applicant that may occur by reason of this construction, said facility design, maintenance or continuing existence of connection.

This permit authorizes work within the County right-of-way only. Additional permitting will be required for canopy road connections and any activity outside the right-of-way.

The applicant/owner binds and obligates by way of the approved permit to construct the driveway connection in accordance with the approved permit. Failure to do so shall result in enforcement action.

1

Vec Applicant's Signature: Charles 2/17/2017.

Revised S/11/16

Composite Exhibit "A" Page 2 of 8 Page 46 of 1014

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DRIVEWAY CONNECTION PERMIT APPLICATION CLASS I

APPLICANT: The following is a checklist of site plan requirements. It will be used by staff to determine whether or not the design proposed for development is in accordance with County regulations. Applications will not be processed without the following information.

Use this as a checklist. Check each item that you provide and use N/A if requirement is non-applicable to your site. Letters in parenthesis (ROW, W, etc.) correspond to the letters on the attached Class I Site Plan.

SITE PLAN REOUIREMENTS CHECKLIST:

The following items and measurements must be included on the attached Class I Site Plan (check "N/A" if not applicable to your project):

Driveway Information:

N/A Included

- Distance from edge of pavement (EOP) to right-of-way (ROW) line.
- D E Width (W) of driveway at property line.
- Width (L) of driveway at EOP.
- Distance (D) from the driveway edge to the closest property line.
- G Frontage (F) on the public road.
- Distance between proposed driveway and existing driveway(s) (DD).

Culvert Information (see attached "Typical Culvert Cross Section" diagram):

N/A Included

- E Length, opening size, and type of material of culvert pipe.
- Type of culvert end treatment.
- E Arrow showing direction of water flow in drainage ditch.
- E D Pipe size and material of nearest upstream and downstream culvert.
- B No culvert necessary.

In addition to the site plan requirements above, please provide the following information:

Surface and base materials:

- 1. Type of surface material: Asphatt
- 2. Thickness of surface material: 2 inches.
- 3. Type of base material: Limerock
- 4. Thickness of base material: 6_____inches.

Verify any existing utilities in right-of-way within 50 feet of driveway by calling 811 before you dig (water, sewer, gas, electricity, cable, drainage structures, etc.) for potential conflict. Utilities present?
Yes
No

Both in-progress and final inspections are required. Please schedule inspections by calling 891-1800; have the permit number and the inspection codes ready when requesting an inspection. The in-progress (Rough Inspection) code is 800 and the final inspection code is 909. When requesting an inspection, please be sure to stay on the line until you receive an inspection confirmation number.

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Revised 5/11/16

Composite Exhibit "A" Page 3 of 8 Page 47 of 1014

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DRIVEWAY CONNECTION PERMIT APPLICATION CLASS I

ROADWAY CONNECTION LAYOUT REQUIREMENTS

URBAN - CURB & GUTTER RURAL - HIGHWAY	CLASS I (NON- URBAN	COMMERCIAL) RURAL		
DRIVEWAY WIDTH (W)		9' Minimum 24' Maximum		
FLARE: RETURN RADII (R)	Local Street Minor Collector	Drop Curb 10' Min. 10' Min.	Return Radii 5' Min. 15' Max.	
DROP CURB	Major Collector Arterial Street	N/A	10' Min. 25' Max.	
ANGLE OF DRIVE (Y)	75 - 90 Degrees	75 - 9	0 Degrees	
EDGE CLEARANCE (E)	0' Minimum	0° M	0° Minimum	
CORNER CLEARANCE (C)	Local Street Minor Collector Major Collector Arterial Street	0' Min. 0' Min. 10' Min. 10' Min.	10' Min. 10' Min. 25' Min. 25' Min.	
ROW CLEARANCE AT INTERSECTION (RC)	Local Street Minor Collector Major Collector Arterial Street	25' Min. 25' Min. 50' Min. 50' Min.	25' Min. 25' Min. 50' Min. 50' Min.	
DISTANCE BETWEEN DRIVES (DD)	Local Street Minor Collector Major Collector Arterial Street	40' Min. 40' Min. 100' Min. 100' Min.	40° Min. 40° Min. 100° Min. 100° Min.	
ISL	AND	NOT PERMITT	ED	

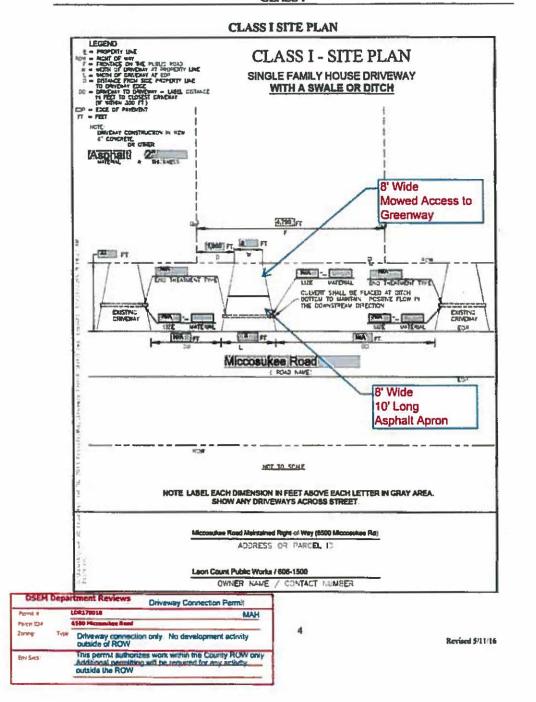
Revised 5/1 L/L6

Composite Exhibit "A" Page 4 of 8 Page 48 of 1014

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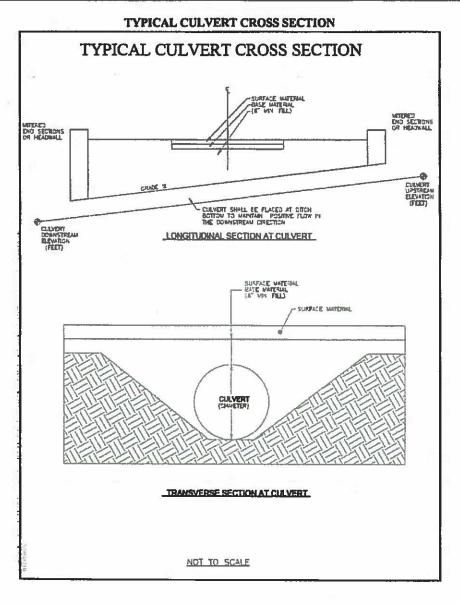
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DRIVEWAY CONNECTION PERMIT APPLICATION CLASS I



Composite Exhibit "A" Page 5 of 8 Page 49 of 1014

DRIVEWAY CONNECTION PERMIT APPLICATION CLASS I

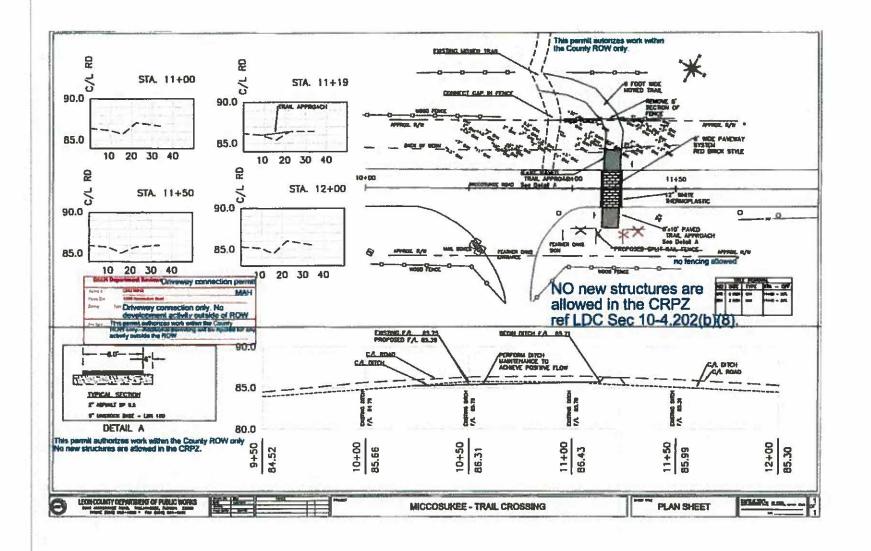


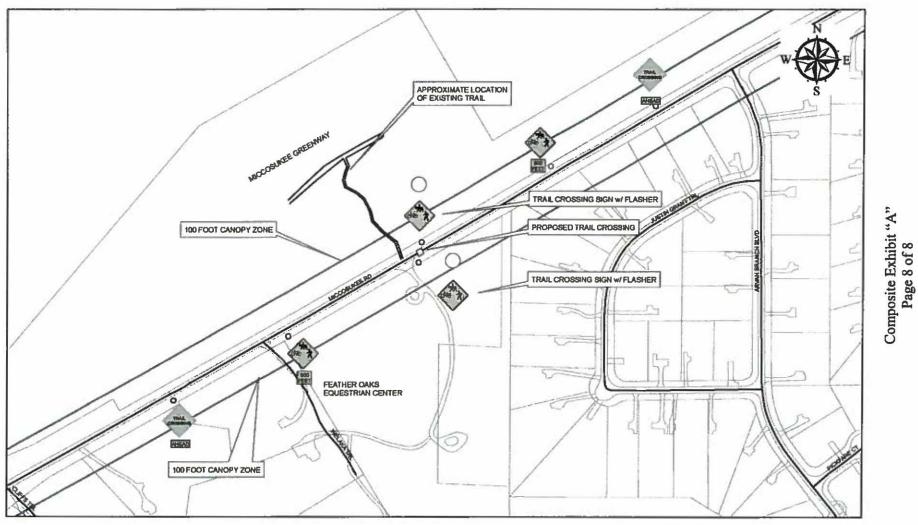
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Revised 5/11/16

Composite Exhibit "A" Page 6 of 8 Page 50 of 1014





PROPOSED MICCOSUKEE GREENWAY ACCESS POINT - SIGNAGE

Exhibit "B" Preliminary Cost Estimate

 DATE:
 4/20/17

 TO:
 Charles Wu, P.E., Director of Engineering Services

 FROM:
 Chris Muchlemann, P.E., Chief of Engineering Design

 SUBJECT:
 Miccosukee Greenway Access Point near the Feather Oaks Equestrian Center

PRELIMINARY ESTIMATE

A Project Cost Estimate for a Miccosukee Greenway Access Point on Miccosukee Road has been developed. The scope of the work includes pavement marking (Paveway) for the new crossing, post and rail fence for the approaches to Miccosukee Road, trail approach area pavement on both sides of the road, pipe installation (if required), site preparation and stabilization, and signage. The estimated quantities are based on the field evaluation and typical design of the existing trail crossing. No survey work has been conducted. Neither has a detailed design been developed for this particular site.

CONSTRUCTION COST PAID BY THE APPLICANT

Pay Item #	Description	Unit	Quantity	Unit Price	Total Dollar
101-1	MOBILIZATION	LS	1.00	\$2,562.12	\$2,582.12
102-1	MAINTENANCE OF TRAFFIC	DA	14.00	\$400.00	\$5,600.00
110-2-1	CLEARING & GRUBBING	I AC	0.09	\$5,000.00	\$445.36
120-3	REGULAR EXCAVATION	CY CY	8.95	\$4.00	\$35.80
180-72	SUBBASE STABILIZED	SY	14.67	\$3.50	\$51.33
285-704	6* LIME ROCK BASE	SY	65.00	\$12.00	\$1,020.00
334-1-13	SUPERPAVE ASPHALT CONC "C"	TN	1.96	\$78.00	\$152.53
570-2	SEED & MULCH	SY	16.00	\$0.50	\$8.00
711-11-121	PAVEMENT MARKING- WHITE	LF	44.00	\$4.00	\$178.00
S523-0003	PAVEWAY (STS)	SY	19.56	\$54.00	\$1,058.00
LC001	FLASHING BEACON	EA	1.00	\$5,000.00	\$5,000.00
Permit Applicatio	n Fees (Based on the most current fee schedule and are sui	ject to change in the future)		_	\$305.00
SUBTOTAL:					\$16,412.16

COUNTY'S CONTRIBUTION

COUNTY'S CON	ITRIBUTION				
700-20 11	SINGLE POST SIGN,	EA	8.00	\$291.00	\$2,328.00
LC-2001	BOLLARD POST	EA	2.00	\$239.00	\$478.00
LC001	FLASHING BEACON	EA	1.00	\$5,000.00	\$5,000.00
Geotech/Testing			10%		\$1,891.32
Survey (including	g Tree Inventory)		20%	The second s	\$3,782.63
LEON COUNTY Engineering Des			30%		\$5,673,95
SUBTOTAL:				á	\$5,673.95
Project Sublota	a)				\$35,566.05
Contingency				10%	\$3,558.60
Total (Prelimina	ary Estimate):				\$39,122.65

Note 1: This estimate is not valid after six (6) months of the above date.

Note 2: Unit Price Sources are from FDOT average unit costs between 1/1/2014 & 12/31/2014 and latest County project bid prices.

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2016/2017; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 20th day of June, 2017.

LEON COUNTY, FLORIDA

BY: _____

John E. Dailey, Chairman Board of County Commissioners

ATTEST: Gwen Marshall, Clerk of the Court and Comptroller Leon County, Florida

BY: _

Gwen Marshall, Clerk

Approved as to Form: Leon County Attorney's Office

BY: _____ Herbert W. A. Thiele, Esq. County Attorney

						EAR 201			Page2 of 2
			BL	JDGET		NDMEN	T REQUEST		
No: Date:		<u>17022</u> 2017					Agenda Item No: Agenda Item Date	:	06/20/2017
County	/ Adminis	strator					Deputy County A	dministrator	
Vincen	t S. Long						Alan Rosenzweig		
					Requ	est Detai	I:		
					Re	venues			
Fund	Org	Acc Acct	count Inform Prog		Title		Current Budget	Change	Adjusted Budget
140	000	366000	000 C	ontributic	ons and D	onations	3,800	16,412	20,212
					Evo	ondituroa	Subtotal:	16,412	
		-	count Inform	nation		enditures	Current Budget	Change	Adjusted Budget
<i>Fund</i> 140	Org 950	Acct 591305	Prog 581	Transfe	<i>Title</i> er to Fund	305	1,374,716	16,412	1,391,128
							Subtotal:	16,412	
		Ac	count Inform	nation	<u>Re</u>	venues	Current Budget	Change	Adjusted Budget
Fund 305	Org 950	Acct 381140	Prog 000		<i>Title</i> r from Fun	d 140	1,374,716	16,412	1,391,128
							Subtotal:	16,412	
		Ac	count Inform	nation	<u>Exp</u>	enditures	Current Budget	Change	Adjusted Budget
Fund 305	Org 046009	Acct 56300	Prog		<i>Title</i> Capital Ma	aintenance	441,159	16,412	, ,
				ý	·		Subtotal:	16,412	
					Purnose	e of Requ	est:		
\$16,412	2 combine	ed with the		Inding for	r The Spa of \$22,71	ce at Feath 1 will bring	er Oaks. The Space the project total to S		Daks' contribution of project is for the
Group/	/Program	Director			_		Budget Manager		
						Scott Ross	, Director, Office o	of Financial S	Stewardship
Approv	ved By:		Resol	ution	x	Motio	n 🗌	Administrat	or 🗌

Attachment #2

To: Leigh Davis, Director Parks and Recreation From: Scott Carruthers Date: September 30, 2013 Re: Request for Community/Neighborhood Access Point to Miccosukee Greenway

8

Please accept this as a formal request for the approval of a Community/Neighborhood Access Point to the Miccosukee Canopy Road Greenway (Greenway).

I am the owner of a home and business- the Feather Oaks Equestrian Center (Feather Oaks)- located directly across the road from the Greenway on the south side of Miccosukee Road at 6500 and 6510 Miccosukee Road. This property is adjacent to two residential subdivisions: Arvah Branch to the East and Welaka Trail to the West.

Currently my family, the residents of Arvah Branch and Welaka Trail, along with many other Leon County residents who horse ride at Feather Oaks, cannot safely access the Greenway, except by automobile. While the Thornton Road Greenway access is just a short distance down the road, the inherent risks presented by Miccosukee Road, make traveling by foot, bike or horseback an extremely dangerous and unsafe proposition.

After discussing this dilemma with my neighbors in Welaka Trail and Arvah Branch, I proposed the idea of seeking a Community/Neighborhood Access Point across from the entrance to Feather Oaks on the condition that I grant residents in both Arvah Branch and Welaka Trail access through my property so that they can safely access the Greenway directly from their homes without having to walk or bike along Miccosukee Road.

On the basis of this proposal, the Arvah Branch Homeowners' Association, which represents 98 families, has signed a letter supporting the proposed Feather Oaks access point. In addition other residents of Arvah Branch and Welaka Trail have indicated their individual support by signing the attached Petition and letter.

The Greenway is truly a rare and cherished gem for our community and should be shared and enjoyed by as many people as possible. I strongly believe that the proposed access point will provide a new and safe way for over 100 families and well over 200 hundred residents to easily connect to the Greenway directly from their homes by foot, bike or horseback, without having to risk the dangers of traveling on Miccosukee Road.

Thank you for your assistance in reviewing and considering this request for a Community/Neighborhood Access Point.

Arvah Branch

Arvah Branch Homeowners Association, Inc.

A Corporation Not-for-Profit P.O. Box 12183 Tallahassee, FL 32317-2183

September 20, 2013

Scott Carruthers Feather Oaks 6500 Miccosukee Rd. Tallahassee, FL 32309

Dear Scott,

We understand that you are attempting to create a walking path from Feather Oaks directly across Miccosukee Road into the Miccosukee Canopy Road Greenway Trail. This Trail is well known for the varied recreational users who include hikers, bikers and horse riders. The Trail is a huge asset to residents of Leon County and visitors alike.

Arvah Branch is a community of 100 properties (98 families) and is adjacent to the Feather Oaks complex. Because this possible trail connection will offer access for our community as well as your use, we support this project. This trail connection would allow our residents' access to the Greenway directly from home.

Our Board of Directors voted to support this Trailways connection at a Directors meeting on September 19, 2013.

Sincerely, John W. Forster

President ABHOA

Terry H. Meek 2465 Arvah Branch Boulevard Tallahassee, Florida 32309-9104

June 30, 2013

Mr. Scott Carruthers Carruthers Law Group 3010 S. County Road Highway 395 Santa Rosa Beach, FL 32459

Dear Scott:

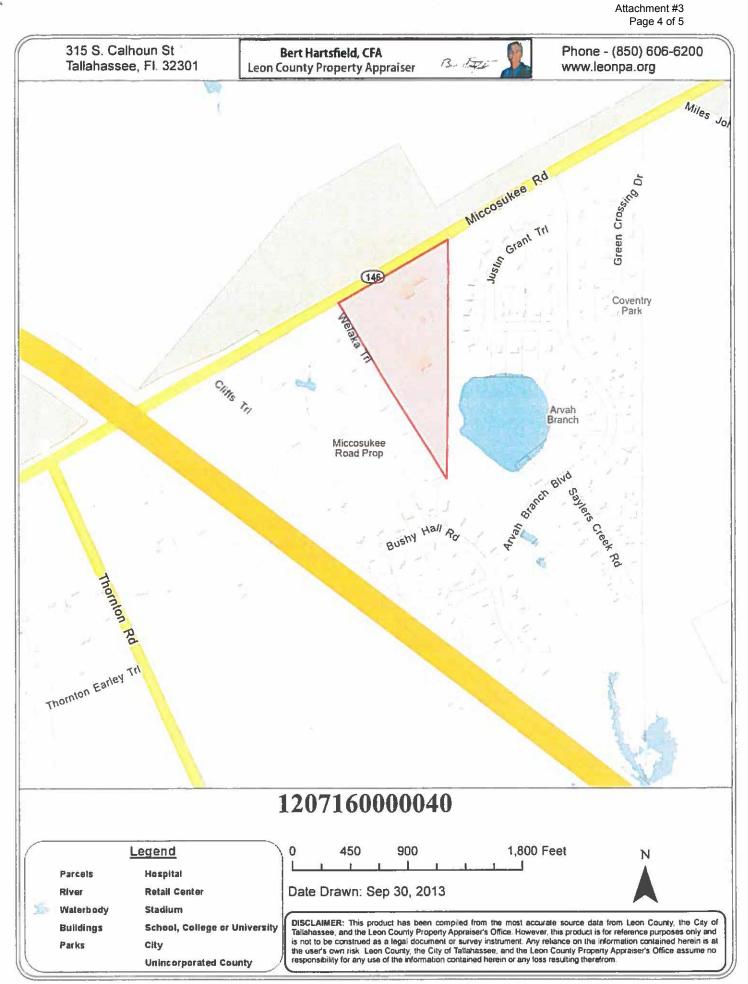
I appreciate the opportunity to have recently talked with you and learn of your plan to pursue a greenway access across Miccosukee Road across from the Equestrian Center at Feather Oaks. I think that this is an outstanding idea.

My wife and I built our home in the adjacent subdivision to Feather Oaks of Arvah Branch in 1991 and plan to be here many more years. We feel that being close to the greenway is good for the area and our subdivision. We would welcome a closer access to Arvah Branch than what is now available and the location you have proposed would be excellent. We would like to go on record as being totally in support of your effort to establish this greenway access.

Please let me know if there is anything we can do to assist you with this project.

Sincerely,

Terry H. Meek meekt@mindspring.com (850) 545-5775

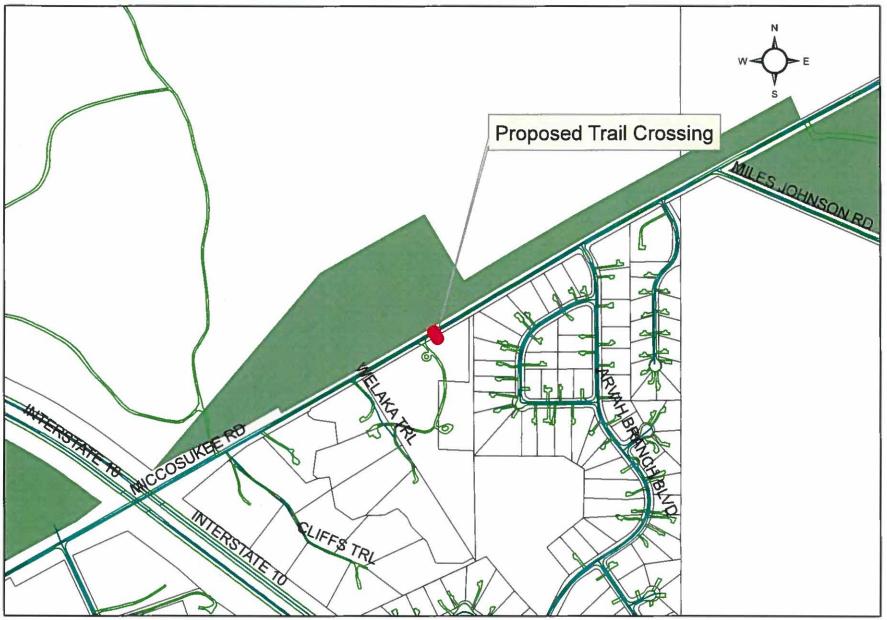


Petition to Leon County Division of Parks and Recreation for a Neighborhood Access Point to the Miccosukee Canopy Road Greenway

Petition summary and background	Request for a Neighborhood Access Point into the Miccosukee Canopy Greenway
Action petitioned for	We, the undersigned, reside in a neighborhood on the south side of Miccosukee Rd, directly across from the Miccosukee Canopy Road Greenway. We are petitioning the Leon County Division of Parks and Recreation to grant a neighborhood access point to the Miccosukee Canopy Road Greenway directly across from the entrance to the Feather Oaks Equestrian Center. The nearest access point is greater than .25 miles away and cannot be safely accessed by walking or biking because of the inherent dangers presented by Miccosukee Road. Granting the requested access point will provide my neighborhood with a safe and easily accessible way to access the Greenway and will encourage its use by my family and others in the neighborhood. For these reason, I hereby request that Division of Parks and Recreation approve the creation of a neighborhood access point directly opposite from the entrance to the Feather Oaks Equestrian Center.

Printed Name	Signature	Address	Date
Katrice Howell	Lat Hours	6500 Mice Rd 32309	9/29/13
Lynda Gray (Simon	2350 Welaka Tr 32309	9/29/13
Jett Heller	Joffen Z. Hilly	2358 Welaka Tr.	9/29/13
GREG MCKENDREE	Lies The Kendher	2366 WELAKA TRAIL	9/29/13
Lysler Molan	Realy Collolar	6460 Justin Grant Tr	9.29/13
AmyEckorie	Alli	6510 MiccosukeeRcl 32309	9/29/13
Julie Coffey	Julie Copper	6473 Juster grant Frail	9/29/13
Jun H. Collin "	JAMES H. ColliER	2460 Arush Brunch Blud 32309	9/30/13
Vhillipm Calla	Phillip M. Cellahen	2456 Arugh Brench Bird 3230	9/3:/13

PROPOSED TRAIL CROSSING ON MICCOSUKEE ROAD



Page 61 of 1014



Home Owners Association, Inc. A Corporation Not-For-Profit

Post Office Box 12183 • Tallahassee, FL 32317-2183

January 16, 2016

Leigh Davis, Director Leon County Parks and Recreation 2280 Miccosukee Road Tallahassee, FL 32308

Dear Director Davis;

As President of Arvah Branch Homeowners Association (ABHOA), a community of 99 home owners and families, I'm writing to reaffirm our full support for Mr. Carruthers' application for a proposed community access point to the Miccosukee Greenway.

Back in September of 2013, the Board of Directors of ABHOA first voted to support the proposed community access application. Since then, it is my understanding that the application has been delayed, at least in part, due to the issue of an access easement connecting the Arvah Branch common area to and through Mr. Carruthers' property to the proposed community access point on Miccosukee Road.

While Mr. Carruthers has offered to work with us in a proposed easement, I've advised him that ABHOA does not need or want such an access easement. Historically, Arvah Branch has maintained a single point of access into and out of our community, which is our main entrance located on Miccosukee Road, and we do not wish to create a second access point, even for pedestrian traffic.

The Arvah Branch Community is located directly adjacent Mr. Carruthers' property and to the proposed community access point. Given the very short distance between the Arvah Branch entrance and the proposed community access point, we feel that our community can safely access the Greenway without the necessity of creating any new access easement.

We believe that the proposed community access point will be a tremendous benefit to the Arvah Branch Community and offer our full support for its approval.

Sincerely,

John Forster, President Arvah Branch Home Owners Association

Cc: Mr. Scott Carruthers

Leon County Board of County Commissioners

Notes for Agenda Item #5

Leon County Board of County Commissioners

Agenda Item #5

June 20, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Interagency Management Control Agreement between Leon County and the Leon County Sheriff Regarding Access to the National Crime Information Center

Review and Approval:	Vincent S. Long, County Administrator
Department/	Alan Rosenzweig, Deputy County Administrator
Division Review:	Wanda Hunter, Assistant County Administrator
Lead Staff/	Pat Curtis, Director, Office of Information and Technology
Project Team:	Teresa Broxton, Director, Intervention and Detention Alternatives

Statement of Issue:

This agenda item seeks the Board's approval to execute a revised and updated Interagency Management Control Agreement between Leon County and the Leon County Sheriff regarding access to the National Crime Information Center through Florida Department of Law Enforcement's Florida Criminal Justice Network.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the Interagency Management Control Agreement between Leon County and the Leon County Sheriff regarding access to the National Crime Information Center and the Florida Crime Information Center through Florida Department of Law Enforcement's Florida Criminal Justice Network (Attachment #1), and authorize the County Administrator to execute. Title: Interagency Management Control Agreement between Leon County and the Leon County Sheriff Regarding Access to the National Crime Information Center
 June 20, 2017
 Page 2

Report and Discussion

Background:

The Board approved an Interagency User Agreement and a Management Control Agreement with the Leon County Sheriff's Office (LCSO) at its June 12, 2012 meeting (Attachment #2). These agreements were required to be in compliance with the Federal Bureau of Investigation (FBI)'s Criminal Justice Information Security (CJIS) Policy. The policy requires that criminal justice organizations, such as LCSO, using non-criminal justice organizations, such as Leon County's Office of Information and Technology (OIT), for technology support through the Florida Criminal Justice Network, must complete a Management Control Agreement (MCA). County OIT manages the network infrastructure for Leon County agencies, including LCSO, and controls access to the Florida Criminal Justice Network (FCJN) and Florida Department Law Enforcement (FDLE) resources that potentially provide criminal justice information. Network support, provided by the OIT staff, requires LCSO and Leon County enter into a Management Control Agreement.

Additionally, the updated CJIS Security Policy requires an Interagency User Agreement between agencies, where access to FCJN is provided to related organizations. As LCSO provides an interface between FDLE and the Office of Intervention and Detention Alternatives (IDA) through FCJN, an Interagency User Agreement is required.

Analysis:

The Sheriff's Office undergoes a technical audit by FDLE each year. The recent audit found that the current Management Control Agreement needs to be revised and updated. FDLE wants County OIT specified as a signatory along with IDA. For better presentation and effectiveness, the Interagency User Agreement and the Management Control Agreement have been combined into a single agreement called the Interagency Management Control Agreement. Along with this change, the Agreement is updated to reflect the current Sheriff's name. No other substantive changes were made to the agreement.

This item also requests authorization for the County Administrator to execute this agreement, in a form approved by the County Attorney, as it serves as an operational document supporting normal operations between LCSO, OIT, and IDA.

 Title: Interagency Management Control Agreement between Leon County and the Leon County Sheriff Regarding Access to the National Crime Information Center
 June 20, 2017
 Page 3

Options:

- 1. Approve the Interagency Control Management Control Agreement between Leon County and the Leon County Sheriff regarding access to the National Crime Information Center and the Florida Crime Information Center through Florida Department of Law Enforcement's Florida Criminal Justice Network (Attachment #1), and authorize the County Administrator to execute.
- 2. Do not approve the Interagency Control Management Control Agreement between Leon County and the Leon County Sheriff regarding access to the National Crime Information Center and the Florida Crime Information Center through Florida Department of Law Enforcement's Florida Criminal Justice Network.
- 3. Board direction.

Recommendation:

Option #1.

Attachments:

- 1. Interagency Management Control Agreement
- 2. June 12, 2012 Agenda Item

INTERAGENCY MANAGEMENT CONTROL AGREEMENT

This Agreement dated this _____ day of June, 2017, is made and entered into by and between Leon County, Florida, a Political Subdivision of the State of Florida, hereinafter "County" and Walt McNeil, Sheriff of Leon County, Florida, a County Constitutional Officer of the State of Florida, hereinafter "Sheriff".

RECITALS

WHEREAS, Walt McNeil, as Sheriff of Leon County, Florida, a County Constitutional Officer of the State of Florida, also known as the Leon County Sheriff's Office (LCSO), and the Leon County Office of Intervention and Detention Alternatives, a department of the County (IDA), are criminal justice agencies, and have been previously formally recognized as same by both the Federal Bureau of Investigation (FBI) and the Florida Department of Law Enforcement (FDLE); and,

WHEREAS, LCSO presently has the benefit of access to the Florida Criminal Justice Network (FCJN), the National Crime Information Center (NCIC), the Florida Crime Information Center, and the Interstate Identification Index (III), collectively referred to hereinafter as "FCIC", via network connectivity with FDLE; and,

WHEREAS, IDA wishes to access FCIC and state/national criminal justice information for the administration of criminal justice in Leon County, Florida; and

WHEREAS, the Leon County Office of Information Technology ("OIT"), which supports the network infrastructure for Leon County and the Leon County Sheriff's Office and therefore must access that network for support and maintenance functions as well as being required to be specifically listed in this agreement by the Florida Department of Law Enforcement

NOW, THEREFORE, the parties do hereby agree as follows:

- I. <u>Management Control</u>
- a. IDA and OIT shall be entitled to use, through agents and employees of the Sheriff, the computer system provided via the Sheriff for the purpose of gaining access to FCIC.
- b. IDA and OIT agree to abide by all applicable local, state and federal laws, rules and regulations, as well as the FBI CJIS Security Policy and rules and regulations of FCIC, with regards to accessing FCIC.
- c. IDA and OIT agree to abide by all the terms and conditions of the Criminal Justice User Agreement executed by the FDLE and the Sheriff, dated December 14, 2009, a copy of which is attached hereto and made a part hereof as Exhibit A, but only to the extent it is not inconsistent with the provisions of the Agreement.

- d. IDA and OIT agree that they shall make use of the computer systems only for the administration of criminal justice matters.
- II. <u>Administrative Supervision</u>
- a. Any and all of the Leon County Sheriff's Office computer systems, applications, equipment, systems design, programming, and operational procedures associated with the development, implementation, and maintenance of any such system, including but not limited to NCIC Programs that may be subsequently designed and/or implemented within the Leon County Sheriff's Office, shall remain under the overall supervision of the Sheriff.
- b. In accordance with CJIS Security Policy Version 5.5, Sections 3.2.2 and 5.1.1.4, it is agreed that with respect to the administration of that portion of any computer system and network infrastructure interfacing directly or indirectly with the FCJN for the interstate exchange of criminal history/criminal justice information, hereinafter "System", LCSO shall have the authority, via managed control, to set, maintain, and enforce:
 - 1. Priorities with regard to the System.
 - 2. Standards for the selection, supervision, and authorization of personnel who will be granted access to utilize the System.
 - 3. Policy governing operation of the System, including use of computers, access devices, circuits, hubs, routers, firewalls, and any other components, including encryption, that comprise and support a telecommunications network and related criminal justice systems used to process, store, or transmit criminal justice systems information, guaranteeing the priority, confidentiality integrity, and availability of service needed by the criminal justice community.
 - 4. Restrictions for unauthorized personnel from access or use of equipment interfering with the System.
 - 5. Ensure compliance with all rules and regulations contained in LCSO Policies and CJIS Security Policy in regard to access to the System.
- c. "...management control of the criminal justice function remains solely with the Criminal Justice Agency." CJIS Security Policy Version 5.5, Section 5.1.1.4.
- III. <u>General Provisions</u>
- a. <u>Governing Law and Venue</u>. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Any action to enforce any of the provisions of this Agreement shall be maintained in Leon County, Florida.

- b. <u>Waiver</u>. Failure to insist upon strict compliance with any term, covenant or condition of this Agreement shall not be deemed a waiver of it. No waiver or relinquishment of a right or power under this Agreement shall be deemed a waiver of that right or power at any other time.
- c. <u>Modification</u>. This Agreement shall not be extended, changed or modified, except in writing duly executed by the Parties hereto.
- d. <u>Binding Effect</u>. This Agreement shall be binding upon the successors and, subject to below, assigns of the Parties hereto.
- e. <u>Assignment</u>. Because of the unique nature of the relationship between the Parties and the terms of this Agreement, neither Party hereto shall have the right to assign this Agreement or any of its rights or responsibilities hereunder to any third Party without the express written consent of the other Party to this Agreement, which consent shall not unreasonably be withheld.
- f. <u>Entire Agreement</u>. This Agreement constitutes the entire agreement between the Parties with respect to the matters contained herein, and all prior agreements or arrangements between them with respect to such matters are superseded by this Agreement.
- g. <u>Headings</u>. Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.
- h. <u>Ambiguity</u>. This Agreement has been negotiated by the Parties with the advice of counsel and, in the event of an ambiguity herein, such ambiguity shall not be construed against any Party as the author hereof.
- i. <u>Public Bodies</u>. It is expressly understood between the Parties that the Sheriff is a County Constitutional Officer of the State of Florida and that the County is a political subdivision of the State of Florida. Nothing contained herein shall be construed as a waiver or relinquishment by either of the Parties to claim such exemptions, privileges or immunities as may be provided to that Party by law.
- j. <u>Force Majeure</u>. A Party shall be excused from performance of an obligation under this Agreement to the extent, and only to the extent, that such performance is affected by a "Force Majeure Event" which term shall mean any cause beyond the reasonable control of the Party affected, except where such Party could have reasonably foreseen and reasonably avoided the occurrence, which materially and adversely affects the performance by such Party of its obligation under this Agreement. Such events shall include, but not be limited to, an act of God, disturbance, hostility, war, or revolution; strike or lockout; epidemic; accident; fire; storm, flood, or other unusually severe weather or act of nature; or any requirements of law.
- k. <u>Indemnification</u>. To the extent permitted by law and subject to the limitations, conditions, and requirements of Section 768.28, Florida Statutes, which the

Parties do not waive, each Party agrees to indemnify, defend and hold harmless the other Party, their officials, officers, and employees, from and against all liabilities, damages, costs and expenses, resulting from or arising out of any acts or omissions by the indemnifying Party, or its officials, officers, or employees, relating in any way to this Agreement.

- 1. Severability. It is intended that each Section of this Agreement shall be viewed as separate and divisible, and in the event that any Section, or part thereof, shall be held to be invalid, the remaining Sections and parts shall continue to be in full force and effect.
- Termination. Either party may terminate this Agreement upon thirty (30) days m. written notice, except that the Sheriff may terminate this Agreement immediately and without notice upon finding that the IDA has violated the terms of this Agreement.

IN WITNESS HEREOF, the parties hereto have caused this Agreement to be executed this day.

LEON COUNTY SHERIFF'S OFFICE

LEON COUNTY, FLORIDA

By:_____ Walt McNeil, Sheriff

By:___

Vincent S. Long, County Administrator

Approved as to Form: Leon County Sheriff's Office ATTEST: Gwendolyn Marshall, Clerk of Court & Comptroller, Leon County, Florida

By:

By:_____ James Pimentel, Esq.

By:____

Teresa Broxton, Director Leon County Office of IDA Approved as to Form:

Leon County Attorney's Office

By:

Herbert W. A. Thiele, Esq. County Attorney

By:__

Pat Curtis, Director Leon County Office of Information Technology

Leon County Board of County Commissioners

Cover Sheet for Agenda #4

June 12, 2012

То:	Honorable Chairman and Members of the Board
From:	Vincent S. Long, County Administrator Herbert W. A. Thiele, County Attorney
Title:	Approval of the Interlocal Management Control Agreement Between Leon County and the Leon County Sheriff Regarding the Access to the National Crime Information Center and the Florida Crime Information Center through Florida Department of Law Enforcement's Florida Criminal Justice Network

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Pat Curtis, MIS Director Wanda Hunter, Intervention and Detention Alternatives Director Patrick Kinni, Deputy County Attorney

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Approve the Interlocal Management Control Agreement between Leon County and the Leon County Sheriff regarding the Access to the National Crime Information Center and the Florida Crime Information Center through Florida Department of Law Enforcement's Florida Criminal Justice Network, and authorize the Chairman to execute (Attachment #1). Title: Approval of an Interlocal Management Control Agreement Between Leon County and the Leon County Sheriff Regarding the Access to the National Crime Information Center and the Florida Crime Information Center through Florida Department of Law Enforcement's Florida Criminal Justice Network June 12, 2012

Page 2

Report and Discussion

Background:

In February 2011, the Federal Bureau of Investigation (FBI) released version 5.0 of the Criminal Justice Information (CJIS) Security Policy (Attachment #2). The updated requirements specified that criminal justice organizations, such as the Leon County Sheriff's Office (LCSO), using noncriminal justice organizations, such as Leon County's Management Information Services (MIS) for technology support through the Florida Criminal Justice Network, must complete a Management Control Agreement (MCA). County MIS manages the network infrastructure for Leon County agencies, including LCSO, and controls access to the Florida Criminal Justice Network (FCJN) and Florida Department Law Enforcement (FDLE) resources that potentially provide criminal justice information. Network support, provided by the MIS staff, requires LCSO and Leon County enter into a Management Control Agreement.

Additionally, the updated CJIS Security Policy requires an Interagency User Agreement between agencies, where access to FCJN is provided to related organizations. As LCSO provides an interface between FDLE and the Office of Intervention and Detention Alternatives (IDA) through FCJN, an Interagency User Agreement is required.

Analysis:

Technical staff from LCSO, MIS, and process staff from the Office of Intervention and Detention Alternatives (IDA) met with the Leon County Attorney's Office to draft an MCA. The FBI's CJIS Security Policy, Version 5 requires an inter-agency and Management Control Agreement. Section 5.1.1.4 provides:

A Non-Criminal Justice Agency (government) designated to perform criminal justice functions for a Criminal Justice Agency shall be eligible for access to the CJI. Access shall be permitted when such designation is authorized pursuant to Executive Order, statute, regulation, or inter-agency agreement. The Non-Criminal Justice Agency shall sign and execute a management control agreement (MCA) with the Criminal Justice Agency, which stipulates management control of the criminal justice function remains solely with the Criminal Justice Agency. The MCA may be a separate document or included with the language of an inter-agency agreement. An example of an NCJA (government) is a city or county IT department.

Also required, under the FBI's CJIS Security Policy, is a Management Control Agreement (MCA) defined as:

An agreement between parties that wish to share or pool resources that codifies precisely who has administrative control over, versus overall management and legal responsibility for, assets covered under the agreement. An MCA must ensure the CJA's authority remains with regard to all aspects of section 3.2.2. The MCA usually results in the CJA having ultimate authority over the CJI supporting infrastructure administered by the NCJA.

Page 72 of 1014

Title: Approval of an Interlocal Management Control Agreement Between Leon County and the Leon County Sheriff Regarding the Access to the National Crime Information Center and the Florida Crime Information Center through Florida Department of Law Enforcement's Florida Criminal Justice Network June 12, 2012 Page 3

Further, Section II FCIC/NCIC/CJNET User Requirements provides that:

By accepting access as set forth above, the User agrees to adhere to the following to ensure continuation of access:

1. USE OF THE SYSTEM: Use of the CJNet and any system accessed via the CJNet is restricted to the administration of criminal justice or as otherwise specifically authorized or required by statute. Information obtained from the FCIC/NCIC files, or computer interfaces to other state or federal systems, by means of access granted through CJNet, can only be used for authorized purposes in compliance with FCIC/NCIC and III rules, regulations and operating procedures, and state and federal law. It is the responsibility of the User to insure access to CJNet is for authorized purposes only, and to regulate proper use of the network and information at all times. The User must establish appropriate written standards, which may be incorporated with existing codes of conduct, for disciplining violators of this and any incorporated policy.

A single Agreement was prepared for Leon County and the Leon County's Sheriff's Office to address the requirements of the Interagency User Agreement, as well as the Management Control Agreement, in compliance with the version 5.0 CJIS Security Policy. The Agreement provides for the administrative supervision, management control, and general provisions for any computer system and network infrastructure interfacing directly or indirectly with the Florida Criminal Justice Network. The Office of Intervention and Detention Alternatives is included because of its access to criminal justice information through the FCJN.

Options:

- 1. Approve the Interlocal Management Control Agreement between Leon County and the Leon County Sheriff Regarding the Access to the National Crime Information Center (NCIC) and the Florida Crime Information Center (FCIC) through Florida Department of Law Enforcement's (FDLE) Florida Criminal Justice Network (FCJN), and authorize the Chairman to execute.
- 2. Do Not Approve the Interlocal Management Control Agreement between Leon County and the Leon County Sheriff Regarding the Access to the National Crime Information Center (NCIC) and the Florida Crime Information Center (FCIC) through Florida Department of Law Enforcement's (FDLE) Florida Criminal Justice Network (FCJN).
- 3. Board Direction.

Recommendation:

Option #1.

Attachments:

- 1. Interagency Management Control Agreement
- 2. Criminal Justice Information Services Security Policy, Version 5.0

Leon County Board of County Commissioners

Notes for Agenda Item #6

Leon County Board of County Commissioners

Agenda Item #6

June 20, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Florida Department of Health Emergency Medical Services Matching Grants

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator Chad Abrams, Chief, Emergency Medical Services
Lead Staff/ Project Team:	Timothy Carlson, Financial Compliance Manager

Statement of Issue:

This agenda item seeks Board acceptance of two Florida Department of Health Emergency Medical Services Matching Grants in the amount of \$52,053.75 for the purchase of Automated External Defibrillators (AED) for Volunteer Fire Departments and for citizen CPR training programs.

Fiscal Impact:

This item is associated with a grant. The grant requires a 25% local match of \$17,351.25. The match funding of \$6,562.50 for the AEDs is available in the fire services budget and \$10,788.75 is available in the EMS operating budget for the CPR training match.

Staff Recommendation:

- Option # 1: Accept the two Florida Department of Health grants in the amount of \$52,053.75 and authorize the County Administrator to execute all documents related to the grant projects (Attachment #1).
- Option # 2: Approve the Resolution and associated Budget Amendment Request (Attachment #2).

Report and Discussion

Background:

Annually, the Department of Health makes grant funding available to EMS organizations in Florida. The grant program provides 75% of the funding towards the project with the County being responsible for a 25% local match. The purpose of the grants is to improve and enhance pre-hospital emergency medical services.

These grant projects are essential to the following FY2017-FY2020 Strategic Initiative and Target that the Board approved at the January 24, 2017 meeting:

- Continue to evaluate emergency medical response strategies to improve medical outcomes and survival rates. (2016-26)
- Train 8,500 citizens in CPR/AEDs. (T11)

This particular Strategic Initiative aligns with the Board's Quality of Life Strategic Priority:

• Provide essential public safety infrastructure and services. (Q3)

Analysis:

On May 25, 2017, the County was notified by the Department of Health of the award of the following grant projects (Attachment #1):

- Automated External Defibrillators Total project budget of \$26,250 (\$19,687.50 grant/ \$6,562.50 County match). This grant is for Automated External Defibrillators (AED) that will be provided to the six volunteer fire departments for use during emergency responses. These devices will allow early shocks for victims of cardiac arrest and will improve survival rates for victims of sudden cardiac arrest.
- *Cardio Pulmonary Resuscitation Training* Total project budget of \$43,155 (\$32,366.25 grant/\$10,788.75 County match). This grant is to provide CPR training to citizens in Leon County through CPR rallies and other training efforts.

The total match funding for both grants is \$17,351.25. The match funding of \$6,562.50 for the purchase of AEDs for the volunteer fire departments is available in the fire services budget and the \$10,788.75 match for the CPR training is available in the EMS operating budget.

Options:

- 1. Accept the two Florida Department of Health grants in the amount of \$52,053.75 and authorize the County Administrator to execute all documents related to the grant projects (Attachment #1).
- 2. Approve the Resolution and associated Budget Amendment Request (Attachment #2).
- 3. Board direction.

Recommendation:

Options #1 & #2.

Attachments:

- 1. Grant Award Notifications
- 2. Resolution and associated Budget Amendment Request

Mission: To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



NECLIVED MAI & U 701/ Attachment #1 1 of 2 Rick Scott Governor

> Ceteste Philip, MD, MPH Surgeon General and Secretary

Vision: To be the Healthiest State in the Nation

Aay 19, 2		Received	
	1	MAY 2 6 2017	
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	Le	Ben County OMB	

Leon County Emergency Medical Services 301 South Monroe Street Tallahassee, Florida 32301

Vincent Long, County Administrator

Dear Mr. Long:

The Department of Health is pleased to award an Emergency Medical Services (EMS) Matching Grant, ID Code M5054, in the amount of \$19,687.50, to Leon County Emergency Medical Services. This grant program is funded through the Florida Department of Health, EMS Trust Fund. There are no federal funds involved. The purpose of this grant is to improve and expand EMS by assisting your organization in the purchase of 30 AEDs with carry case and pads for six volunteer fire departments.

The grant begins the date of this letter and ends June 30, 2018. Your required local cash match is \$6,562.50, with a total budget of \$26,250.00. You are required to report grant activities and purchases to the state pursuant to section 401.113(2)(b), Florida Statutes, and in compliance with the Florida Catalog of State Financial Assistance, number 64.003. The reports are due the third week of November 2017, March 2018, and July 2018.

Your signed grant application affirms you have read, understand and will comply with the conditions and requirements in the 'Florida EMS Matching Grant Program Application Packet, December 2008." You may obtain a copy of the grant application packet from your identified contact person.

Thank you for your participation in the state EMS grant program. If you need assistance, please contact the Bureau of Emergency Medical Oversight, Emergency Medical Services Section, Health Services and Facilities Consultant, Alan Van Lewen at (850) 245-4440, extension 2734.

Sincerely, fu.

Cindy E. Dick, MBA, CPM Interim Division Director Emergency Preparedness and Community Support

CED/avl

cc: Mac Kemp, Deputy Chief

Fiorida Department of Health Division of Emergency Preparedness and Community Support Bureau of Emergency Medical Oversight 4052 Baki Cypress Way, Bin A-22 • Tallahassee, FL 32399-1722 PHONE: 850/245-4440 • FAX: 850/245-4378 FioridaHealth.gov



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Mission: To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



RECEIVED MAY 2 5 2017

Attachment #1 2 of 2 Rick Scott Governor

Celeste Philip, MD, MPH Surgeon General and Secretary

Vision: To be the Healthlest State in the Nation

	May 19, 2017 Received
Vincent Long, County Administrator Leon County Emergency Medical Services	MAY 2 6 2017
301 South Monroe Street Tallahassee, Florida 32301	Leon County OMB

Dear Mr. Long:

The Department of Health is pleased to award an Emergency Medical Services (EMS) Matching Grant, ID Code M5055, in the amount of \$32,366.25, to Leon County Emergency Medical Services. This grant program is funded through the Florida Department of Health, EMS Trust Fund. There are no federal funds involved. The purpose of this grant is to improve and expand EMS by assisting your organization in the purchase of 1,000 "Family and Friends Anytime Kits" for community CPR training.

The grant begins the date of this letter and ends June 30, 2018. Your required local cash match is \$10,788.75, with a total budget of \$43,155.00. You are required to report grant activities and purchases to the state pursuant to section 401.113(2)(b), Florida Statutes, and in compliance with the Florida Catalog of State Financial Assistance, number 64.003. The reports are due the third week of November 2017, March 2018, and July 2018.

Your signed grant application affirms you have read, understand and will comply with the conditions and requirements in the 'Florida EMS Matching Grant Program Application Packet, December 2008." You may obtain a copy of the grant application packet from your identified contact person.

Thank you for your participation in the state EMS grant program. If you need assistance, please contact the Bureau of Emergency Medical Oversight, Emergency Medical Services Section, Health Services and Facilities Consultant, Alan Van Lewen at (850) 245-4440, extension 2734.

Sincerely

Cindy E. Dick, MBA, CPM Interim Division Director Emergency Preparedness and Community Support

CED/avl

cc: Mac Kemp, Deputy Chief

Florida Department of Health Division of Emergency Preparedness and Community Support Bureau of Emergency Medical Oversight 4052 Bald Cypress Way, Bin A-22 • Tallahassee, FL 32399-1722 PHONE: 850/245-4440 • FAX: 850/245-4378 FloridaHealth.gov



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RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2016/2017; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 20th day of June, 2017.

LEON COUNTY, FLORIDA

BY: _____

John E. Dailey, Chairman Board of County Commissioners

ATTEST: Gwen Marshall, Clerk of the Court and Comptroller Leon County, Florida

BY: _

Gwen Marshall, Clerk

Approved as to Form: Leon County Attorney's Office

BY: ______ Herbert W. A. Thiele, Esq. County Attorney

							Page 2 of 3
				FISCAL YEAR 201	6/2017		
				BUDGET AMENDMEN			
No:	BAB	17021			Agenda Item No:		
Date:	5/31/	/2017			Agenda Item Date:		06/20/2017
County	/ Admini	strator			Deputy County Ad	ministrator	
Vincen	t S. Long	9			Alan Rosenzweig		
				Request Detai	il:		
				Revenues			
		A	Account	Information	Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
				Expenditures			
		4	Account	Information	Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title	ourrent Buuget	Ununge	Aujusteu Buuget
135	185	53400	526	Other Contractual Services	4,196,508	(17,352)	4,179,156
135	950	591127	581	Transfer to Grant Fund	-	17,352	17,352
					Subtotal:	0	
				<u>Revenues</u>			
		A		Information	Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
127		381135	000	Transfer from EMS Fund	-	6,563	6,563
127	961055	334202	000	EMS Matching Grant	- Subtotoli	19,687	19,687
					Subtotal:	26,250	
127	961056	381135	000	Transfer from EMS Fund	-	10,789	10,789
127		334202	000	EMS Matching Grant	-	32,366	32,366
				Ŭ	Subtotal:	43,155	,
					Subtotal:	69,405	
				<u>Expenditures</u>			
	-			Information	Current Budget	Change	Adjusted Budget
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121	301000	04000	520		-	40,100	40,100
					Subtotal:	69,405	69,405
					Cuntotuli	00,400	00,400

Attachment #2

		Purpo	ose of Request	t:		
This budget amendment appr Services matching grants. Th External Defibrillators (AEDs) total of \$26,250. The second \$10,789 for a total of \$43,155	e grant program re for Volunteer Fire grant is for CPR ti	equires a Departi	a 25% local match ments in the amou	. The first gra nt of \$19,687	int is for the purchase A with a county match o	Automated f \$6,563 for a
Group/Program Director			Bu	idget Manag	er	
		_		irector, Offic	ce of Financial Stewar	rdship
Approved By:	Resolution	x	Motion		Administrator	

Leon County Board of County Commissioners

Notes for Agenda Item #7

Leon County Board of County Commissioners

Agenda Item #7

June 20, 2017

To: Honorable Chairman and Members of the Bqard

From: Vincent S. Long, County Administrator

Title: Status Report on Legislation Permitting Industrial Hemp Pilot Programs

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator
Lead Staff/ Project Team:	Andy Johnson, Assistant to the County Administrator for Legislative and Strategic Initiatives Nicki Paden, Management Analyst

Statement of Issue:

This agenda item seeks Board approval of a status report on legislation permitting industrial hemp pilot programs by any land grant university in the state that has a college of agriculture.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the status report on legislation permitting industrial hemp pilot programs.

Background:

Report and Discussion

During the May 9, 2017 meeting, the Board directed staff to prepare a status report on legislation regarding industrial hemp pilot programs. Industrial hemp, also referred to as hemp, is derived from non-psychoactive varieties of *cannabis sativa* L., primarily used for industrial and agricultural purposes. The varieties of *cannabis sativa* L. used to produce hemp are distinctly different from the varieties used to produce marijuana. Specifically, hemp is characterized by being low in THC (delta-9 tetrahydrocannabinol), the psychoactive compound in marijuana, and is cultivated primarily for the substance's seeds, fiber content, and byproducts such as oil, seed cake, and hurds. Although hemp contains low THC and cannot be used as a recreational drug, the Controlled Substance Act of 1970 classified all forms of cannabis, including hemp, as a "Schedule 1 controlled substance." As a result, production of hemp had been strictly prohibited in the United States leading the U.S. market to depend on imports.

In 2014, President Obama signed the Farm Bill (Agricultural Act of 2014, Pub. L. 113-79) into law which allows the cultivation of hemp in the United States by research institutions and state departments under the following conditions:

- The industrial hemp is grown or cultivated for research conducted under an agricultural pilot program or other agricultural or academic research; and
- The growing or cultivating of industrial hemp is allowed under state law where the university or state department of agriculture is located.

Following the recent change in federal law, over thirty states, including Florida, have passed legislation to define hemp as distinct from marijuana and remove barriers to its production. Generally, states have taken three approaches: (1) establish industrial hemp research and/or pilot programs, (2) authorize studies of the industrial hemp industry, and/or (3) establish commercial industrial hemp programs. Sixteen states have legalized industrial hemp production for commercial purposes and twenty states have passed laws allowing research and pilot programs.

Analysis:

During the 2017 Legislative Session, the House and Senate passed SB 1726, a bill that provides the Department of Agriculture and Consumer Services with authority and oversight of the development of industrial hemp pilot projects at the Institute of Food and Agricultural Sciences at the University of Florida (UF), Florida Agricultural and Mechanical University (FAMU), and any land grant university in the state that has a college of agriculture. As of the drafting of this agenda item, SB 1726 remains pending the Governor's signature prior to becoming law.

SB 1726 allows the entities described above to develop pilot programs to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in Florida's agricultural sector. In addition, SB 1726:

• Requires authorization from a university's board of trustees before the university may implement a pilot project. The pilot project must be registered with the Department of Agriculture and Consumer Services and must comply with rules adopted by the department.

Title: Status Report on Legislation Permitting Industrial Hemp Pilot Programs June 20, 2017 Page 3

- Requires the universities to establish guidelines for the approval, oversight, and enforcement of pilot project rules. A contact person must be identified who is responsible for oversight of the pilot project. Each university research office must adopt procedures and guidelines that meet specified minimum requirements to ensure the proper operation of the pilot project, the proper handling of hemp material and products, and compliance with state and federal law.
- Requires each university to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of its pilot project. The report must be prepared and submitted within two years after the pilot project's creation.

Green Point Research, LLC (GPR) has shared with staff that they will meet with FAMU's Board of Trustees in August 2017 to propose a partnership with FAMU for a pilot program to cultivate and research industrial hemp. GPR intends to fully fund the university's research into the viability of industrial hemp as an agriculture commodity grown in Florida.

GPR has indicated that the pilot program could be a catalyst for new jobs in Leon County and an opportunity to produce research that can be utilized across the country and state. However, the pilot program will primarily engage students to conduct the research; therefore, the number of jobs the program will create is currently undetermined. Further, GPR is currently exploring areas around the state to host an industrial plant to process the cultivated hemp. As part of the Office of Economic Vitality's (OEV) CapitalLOOP program, approved at the February 2017 Intergovernmental Agency (IA) meeting, OEV has engaged with GPR in identifying opportunities for locating an industrial plant in Leon County following a successful pilot program.

If approved by the FAMU Board of Trustees, GPR plans to work with FAMU to contract with farmers throughout the state to use their fields during off cycles of regular planting for the cultivation of hemp. The cultivated and processed hemp will then be studied by FAMU researchers at a designated facility in Leon County, the results of which would be used to guide future state regulations regarding the agricultural production of hemp. In anticipation of the Board of Trustee's approval, GPR has also secured five acres of land on Tram Road in Leon County to build a 24,000 square foot greenhouse, lab space, and storage area.

There are currently over 30 universities across the U.S. that host industrial hemp research pilot programs; the program at FAMU would be the first in Florida. Staff will continue to monitor the Governor's action regarding SB 1726 and GPR's pilot program proposal with FAMU. Following the FAMU Board of Trustee's approval of the program in August, OEV will continue to maintain contact with GPR regarding the potential development as an industrial plant in Leon County.

Options:

- 1. Accept the status report on legislation permitting industrial hemp pilot programs.
- 2. Do not accept the status report on legislation permitting industrial hemp pilot programs.
- 3. Board direction.

Recommendation:

Option #1.

Leon County Board of County Commissioners

Notes for Agenda Item #8

Leon County Board of County Commissioners

Agenda Item #8

June 20, 2017

To: Honorable Chairman and Members of the Board

From: Vincen

Vincent S. Long, County Administrator

Title:Status Report on the National Opioid Epidemic and Public Education
Initiatives to Combat Opioid Related Deaths

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator
Lead Staff/ Project Team:	Teresa Broxton, Director, Intervention & Detention Alternatives Shington Lamy, Director, Human Services & Community Partnerships

Statement of Issue:

This item seeks Board's acceptance of a status report on the National Opioid Epidemic and the existing public education initiatives to combat opioid related deaths.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept staff's status report on the National Opioid Crisis and the existing public education initiatives to combat opioid related deaths.

Title: Status Report on the National Opioid Epidemic and Public Education Initiatives to Combat Opioid Related Deaths

June 20, 2017 Page 2

Report and Discussion

Background:

As a part of the December 12, 2016 Board Retreat discussions, the Commission requested an agenda item on the national opioid epidemic and an analysis of the existing education initiatives to combat opioid related deaths which have steadily increased over the past decade. Governments at all levels, as well as national organizations like the National Association of Counties (NACo) and the National League of Cities (NLC) have convened tasks forces to identify and implement solutions in combating opioid overdose deaths around the country.

The term opioid refers to drugs like oxycodone, hydrocodone, methadone, morphine and fentanyl, commonly prescribed to relieve pain, as well as illicitly produced and sold substances like heroin. According to the National Institute on Drug Abuse, young adults, between the ages of 18 to 25 are the biggest abusers of prescription opioid pain relievers, ADHD stimulants and anti-anxiety drugs. About 3 out of 4 new heroin users began by using narcotic painkillers.

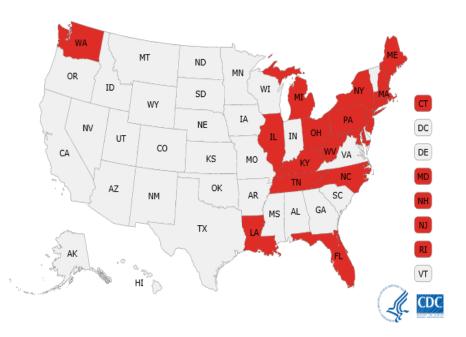
Analysis:

In December 2016, the Centers for Disease Control and Prevention (CDC) reported that drug overdose deaths nearly tripled from 1999 to 2014 and death rates involving heroin and synthetic opioids increased sharply across many states. Drug overdoses in 2015, accounted for 52,404 deaths in the United States, 33,091 (63.1%) involved a prescription or illicit opioid.

According to the CDC, the number of drug overdose deaths increased in twenty states from 2014 to 2015. The table and map below highlight the states with significant percentage increases.

States with Significant Increases in Deaths Due to Opioid Overdose from 2014-2015

	%
State	Increase
Massachusetts	35.3
New Hampshire	30.9
Maine	26.2
Connecticut	25.6
Florida	22.7
Ohio	21.5
Kentucky	21.1
Rhode Island	20.5
New York	20.4
Maryland	20.1
Pennsylvania	20.1
West Virginia	16.9
New Jersey	16.4
North Carolina	14.5
Tennessee	13.8
Michigan	13.3
Louisiana	12.4
Washington	10.5
Illinois	7.6



Title: Status Report on the National Opioid Epidemic and Public Education Initiatives to Combat Opioid Related Deaths

June 20, 2017 Page 3

Florida experienced the fifth greatest increase nationally at 22.7%, following Massachusetts, New Hampshire, Maine, and Connecticut. While most states have implemented specific initiatives to address the increase in opioid related deaths, this next section of the analysis will highlight steps taken by the five states experiencing the highest increase in opioid related deaths between 2014 and 2015.

<u>Massachusetts</u>

In 2016, Governor Charlie Baker appointed a workgroup that implemented a comprehensive action plan focused on prevention, intervention, treatment and recovery support. In addition, Massachusetts passed landmark legislation that features prevention education for students and doctors and the first-in-the nation seven-day limit on first-time opioid prescriptions.

New Hampshire

Manchester, New Hampshire has received national attention for its innovative approach to helping people who struggle with opioid addiction get access to treatment and recovery services without the fear of prosecution by implementing the Safe Station Program. Through this program, emphasis is placed on first responders and fire fighters who have the ability to administer over-dose reversing drugs at the fire station as well as in the field. Since first responders and fire fighters are not law enforcement this program creates a safe environment where those who are addicted to drugs may go and receive counseling and treatment at any time.

New Hampshire also created a website, entitled "AnyoneAnytimeNH" that provides educational information and resources for the public and professionals affected by opioid addiction. The website links individuals to the statewide addiction crisis hotline.

<u>Maine</u>

MaineWorks is a for profit temporary employment agency that helps individuals struggling with addiction find steady work. The agency provides full service by not only identifying employers willing to hire someone with a criminal record, as often is the case for those struggling with drug addiction, but also helps place its employees into sober-living homes and connect them with various community based providers to receive free health and social services.

Connecticut

Connecticut recognized that often the fear of prosecution or liability deters individuals from pursuing life-saving treatment. To remove this barrier, Connecticut implemented the Good Samaritan Law which provides civil and criminal immunity for those seeking emergency treatment for a drug overdose and others who assist them. The law also releases health care professionals and individuals from liability when they administer an opioid antagonist to treat an overdose.

Title: Status Report on the National Opioid Epidemic and Public Education Initiatives to Combat Opioid Related Deaths

June 20, 2017 Page 4

<u>Florida</u>

During the 2017 Florida Legislative Session, several bills were passed which include provisions to address the ongoing opioid crisis in Florida. These bills are summarized below; as of the drafting of this agenda item, each bill awaits final approval by the Governor prior to becoming law.

- **HB 477** amends the Florida Comprehensive Drug Abuse Prevention and Control Act to enhance existing and create new penalties for unlawful acts relating to opioids and other controlled substances.
- **HB 249** allows emergency medical technicians and paramedics to report controlled substance overdoses to the Florida Department of Health (FDOH), along with certain details related to the overdose. FDOH must make reports available to law enforcement, public health, fire rescue, and EMS agencies in each county. Additionally, the bill requires FDOH to prepare quarterly reports that summarize the data it receives, which may be used to maximize the utilization of funding programs for licensed basic and advanced life support service providers, and to disseminate available federal, state, and, private funds for local substance abuse treatment services. The bill also requires a hospital with an emergency department to develop a best practices policy to promote the prevention of unintentional drug overdoses by connecting patients who have experienced unintentional overdoses with substance abuse treatment services.
- **HB 807** implements several recommendations made by a task force appointed in Florida's Fifteenth Judicial Circuit to address criminal and regulatory violations in the substance abuse treatment industry (particularly surrounding recovery residences, or "sober homes"). The task force identified patient brokering and fraudulent marketing as key problems in the industry.
- **SB 2500** (General Appropriations Act): provides \$7 million in recurring funds and \$3.5 million in non-recurring funds for naltrexone extended-release injectable medication to treat alcohol- or opioid-addicted individuals who are involved in the criminal justice system or at high risk of involvement. The Office of the State Courts Administrator will contract with the Florida Alcohol and Drug Abuse Association to distribute the medication.

Other Agency Initiatives

In November 2016, NACo and the NLC released a comprehensive report resulting from their joint task force to assist leaders at every level of government in decreasing the national rate of opioid misuse, overdose, and death (Attachment #1). The report, "A Prescription for Action – Local Leadership in Ending the Opioid Crisis" provides recommendations in four primary areas: Leadership; Education and Prevention; Treatment; and Public Safety and Law Enforcement. The task force's recommendations also highlighted best practice opportunities for initiatives at the local level.

1. Leadership: local officials can assist their communities by setting the tone in the local conversation on opioids, convening community leaders, fostering regional cooperation,

Title: Status Report on the National Opioid Epidemic and Public Education Initiatives to Combat Opioid Related Deaths

June 20, 2017	
Page 5	

educating and advocating to state and federal partners, ensuring processes for all in formulating responses to addiction.

- 2. Education and Prevention: increasing public awareness by all available means, reaching children early, in and outside of schools, advocating for opioid training in higher education, embracing the power of data and technology, and facilitating safe disposal sites and take-back days.
- 3. **Expanding Treatment**: making naloxone (a medication to block the effects of opioids, especially in overdoses) widely available, intervening to advance disease control by implementing a clean syringe program, increasing availability of medication-assisted treatments, expanding insurance coverage of addiction treatments, and employing telemedicine solutions.
- 4. **Reassessing Public Safety and Law Enforcement**: reducing the illicit supply of opioids, considering alternatives to arrest, diverting from the criminal justice system, facilitating treatment in jails, and supporting "Ban the Box" initiatives (changing hiring practices to prohibit inquires of past criminal history on employment applications).

Additionally, the Florida Association of Counties (FAC) has taken an active role in advancing legislative priorities to combat the opioid crisis in Florida and throughout the country. Among its state and federal legislative priority statements for 2016-17, FAC adopted the following priorities:

- SUPPORT providing life-saving interventions, medically-assisted detoxification programs, and diversions from the criminal justice system for those suffering from opioid addiction.
- SUPPORT efforts to stop opioid trafficking and increased penalties for dealers and traffickers whose actions result in loss of life.

Some local efforts to address opioid and drug abuse are already in place in our area. For example, Leon County Emergency Medical Services (EMS) is equipped with naloxone which reverses the effects of an overdose and increases the likelihood of survival. Of the total number of EMS incident responses (122,324) over the past 3 years, less than 1% (732) required naloxone.

The Leon County court system offers two alternatives to incarceration tailored to address drug addiction: Felony Drug Court and Veterans Treatment Court. These programs provide offenders a chance to avoid the full and often long-term effects of prosecution through participation in counseling and treatment programs designed to address the behaviors that led to the criminal charge.

The Tallahassee Police Department and Walgreens Pharmacy host safe disposal drop-off sites for unused and outdated prescription drugs.

Title: Status Report on the National Opioid Epidemic and Public Education Initiatives to Combat Opioid Related Deaths

June 20, 2017 Page 6

Conclusion

Prevention is the goal in combating drug overdoses and deaths. The state-wide Medical Examiner's Deceased Person Reports for Jan.-Dec. 2015 and Jan.-June 2016 did not indicate an increase in opioid related deaths in District 2 (Franklin, Gadsden, Leon, Liberty, Taylor and Wakulla). During this period, 26 deaths occurred in these counties which is less than 1% of the total (5,686) opioid related deaths throughout the state (Attachment #2).

These statistics should not be taken as an indicator that Leon County has escaped this epidemic. Rather, the low number of opioid related deaths in our area may be attributable to the community's overall quality of life and the ongoing collaborative efforts to educate and treat individuals struggling with drug addiction.

Options:

- 1. Accept staff's status report on the National Opioid Crisis and the existing public education initiatives designed to combat opioid related deaths.
- 2. Do not accept staff's status report on the National Opioid Crisis and the existing public education initiatives designed to combat opioid related deaths.
- 3. Board direction.

Recommendation:

Option #1.

Attachments:

- 1. A Prescription for Action Local Leadership in Ending the Opioid Crisis
- 2. Summary Table of Opioid Related Deaths by District

A PRESCRIPTION FOR ACTION

Local Leadership in Ending the Opioid Crisis



A Joint Report From





Posted 3:00 p.m. on June 12, 2017

It has been said that in every crisis lies the seed of opportunity, and the opioid crisis presents an invaluable opportunity for city and county officials.

Letter from Task Force Co-Chairs

he epidemic of overdoses and deaths from the abuse of prescription painkillers and heroin has devastated countless families and communities across the country. In August, 2016 alone - as this joint task force convened by the National Association of Counties and the National League of Cities carried on its work - news reports informed us of 174 overdoses in six days in an Ohio city; 8 overdoses in 70 minutes in a Pennsylvania county and 26 overdoses in 3.5 hours in a West Virginia city. Although news outlets often provide little more than a running tally of the epidemic, leaders at the local level experience the human costs of this public health crisis one life at a time. We confront the tragedies of this epidemic in rural counties and in urban cities, and no portion of society is immune from the devastation. Families are shattered without regard to income, race, ethnicity, gender, educational attainment or family structure.

As city and county leaders entrusted with preserving the health, safety, and vitality of our communities, it is our duty to act with urgency to break the cycles of addiction, overdose, and death that have taken hold in so many corners of this nation. To that end, the report that follows features recommended policies and programs that are designed to help local leaders address the opioid epidemic. These recommendations reflect several core convictions: that addiction is an illness; that although law enforcement is critical to an effective response to this epidemic, we cannot simply arrest our way out of a crisis of addiction; and that to stem the tide of this epidemic and combat the stigma that often accompanies it, we must build partnerships across our communities and with our counterparts at the local, state and federal levels.

As we embrace these convictions, we recognize that they differ from those that informed our nation's response to previous drug epidemics. During the crack cocaine epidemic of the 1980s and 1990s, addiction was criminalized - through policies like mandatory minimum sentences and three strikes laws - resulting in mass incarceration of African-Americans and Latinos. Our communities of color continue to feel the detrimental effects of these policies. It is important that we reflect upon past policies and their impact on our communities as we formulate our response to an epidemic that threatens every community across the country. Further, although it is not in our power to change the past, we can help to undo some of the damage caused by our prior responses. First, we can expand and replicate the compassion for those struggling with addiction and the public support for diversion and treatment programs to individuals throughout the criminal justice system. Second, we can support sentencing reform legislation that would retroactively apply to individuals still serving time for non-violent drug-related convictions.

It has been said that in every crisis lies the seed of opportunity, and the opioid crisis presents an invaluable opportunity for city and county officials: an opportunity to assess the way we respond to addiction and to formulate lasting and equitable responses that promote health, safety, and opportunity for all members of our communities.

Hary W. Maore

JUDGE GARY MOORE Boone County, Kentucky Task Force Co-Chair

Marte Stalola

MAYOR MARK STODOLA Little Rock, Arkansas Task Force Co-Chair

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Dr. Vidya Kora, Commissioner, LaPorte County, Indiana, addresses inmates in the substance use recovery program at the Kenton County Jail, Kenton County, Kentucky

Posted 3:00 p.m. on June 12, 2017

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List of Task Force Members

NATIONAL ASSOCIATION OF COUNTIES MEMBERS

Co-Chair - Judge/Executive Gary Moore, Boone County, Kentucky Commissioner Matt Bell, Weber County, Utah Commissioner Doug Corcoran, Ross County, Ohio County Executive Kathy Dahlkemper, Erie County, Pennsylvania Dr. Vidya Kora, Commissioner, LaPorte County, Indiana County Council Member Waymon Mumford, Florence County, South Carolina Supervisor Leticia Perez, Kern County, California County Executive Mark Poloncarz, Erie County, New York Commissioner Greg Puckett, Mercer County, West Virginia County Executive Steve Schuh, Anne Arundel County, Maryland Commissioner Judy Shiprack, Multnomah County, Oregon

NATIONAL LEAGUE OF CITIES MEMBERS

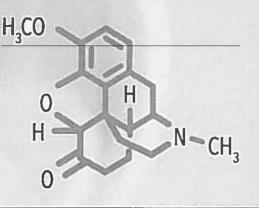
Co-Chair - Mayor Mark Stodola, Little Rock, Arkansas Councilmember Walt Allen, Covina, California Executive Director Geoff Beckwith, Massachusetts Municipal Association City Manager Lee Feldman, Fort Lauderdale, Florida Councilmember Leta Mach, Greenbelt, Maryland Council President Ceasar Mitchell, Atlanta, Georgia Councilmember Joel Navarro, Tempe, Arizona Mayor Nan Whaley, Dayton, Ohio Police Chief Nick Willard, Manchester, New Hampshire Councilmember Lavonta Williams, Wichita, Kansas Mayor Stephen Williams, Huntington, West Virginia

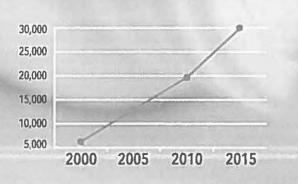
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Fact and Figures on the Opioid Crisis

WHAT IS AN OPIOID?

As used in this report, opioid refers broadly to substances that bind to opioid receptors in the brain and body. This includes drugs commonly prescribed to relieve pain like hydrocodone (e.g., Vicodin) and oxycodone (e.g., OxyContin, Percocet), as well as substances like heroin that are produced and sold illicitly.





THE SCALE OF THE CRISIS

In 2014, the latest year for which national data is available, nearly 30,000 individuals died from opioid overdose in the U.S. This number increased steadily during the last two decades, from 6,242 deaths in 2000, to 12,991 in 2005, and 19,687 in 2010.

Source: Centers for Disease Control and Prevention



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OVERALL, AMERICANS CONSUME UP TO 80% OF THE WORLD'S PRESCRIPTION OPIOIDS.

Source: Centers for Disease Control and Prevention



On an average day in the U.S., according to the Department of Health and Human Services, health care professionals dispense more than 650,000 OPIOID PRESCRIPTIONS.



EACH DAY: 3,900

580

People initiate nonmedical use of prescription opioids for the first time.

People use heroin for the first time.

78 People die from an opioidrelated overdose.

Source: U.S. Department of Health and Human Services

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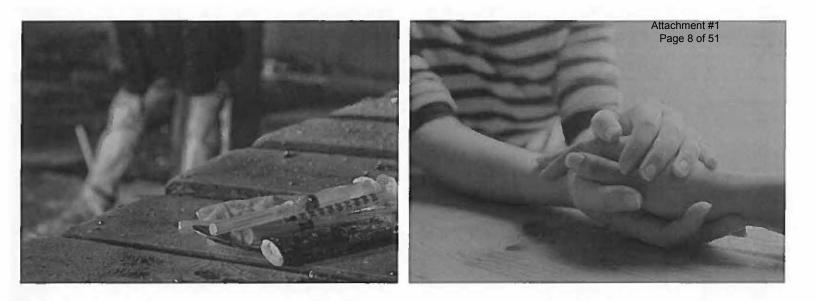
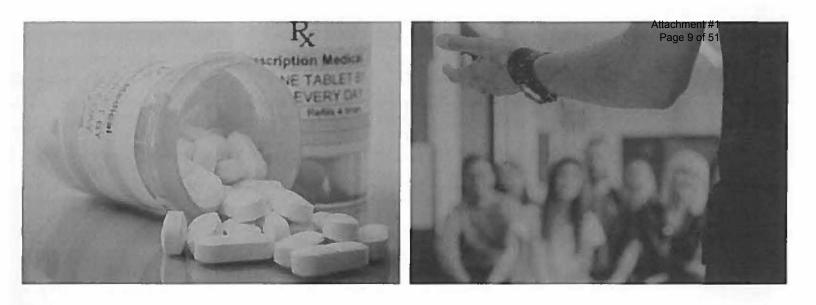


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	 Allow Individuals in Custody to Continue Receiving Medicaid Benefits Until Convicted, Sentenced and Incarcerated and Require States to Suspend, rather than Terminate, Medicaid for Individuals in Jail
ACK	NOWLEDGMENTS

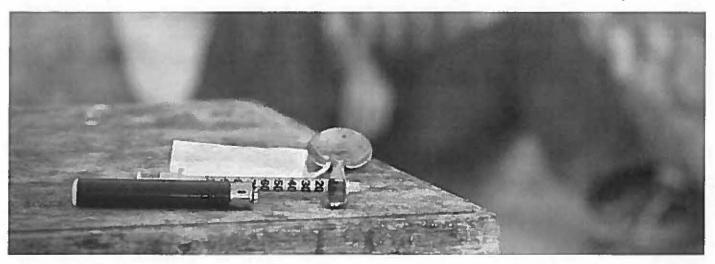
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I. INTRODUCTION: RESPONDING TO A CRISIS

Parents of heroin and opioid addicts embrace during a family addiction support group in March 2016 in Groton, CT. Photo by John Moore/ Getty Images



Responding to a Crisis

As the opioid epidemic has taken hold, city and county leaders are taking action. The number and scope of programs in place are a testament to the problem-solving skills of local officials. With both determination and imagination, local leaders are expanding prevention and treatment programs and giving more flexibility to public safety personnel who interact daily with individuals struggling with addiction. Knowing that localities cannot end this epidemic alone, these leaders are actively seeking partnerships and exploring innovative strategies that challenge old conventions about the stigma of addiction.

In early 2016, the National League of Cities and the National Association of Counties convened a joint task force to identify the local policies and practices that reduce opioid abuse and related fatalities. The task force met twice, in Washington, D.C., and in northern Kentucky. These meetings, coupled with countless conversations with local officials from across the country, including public health directors, prosecutors, law enforcement officials and substance abuse directors, enabled the task force to produce this report and its recommendations.

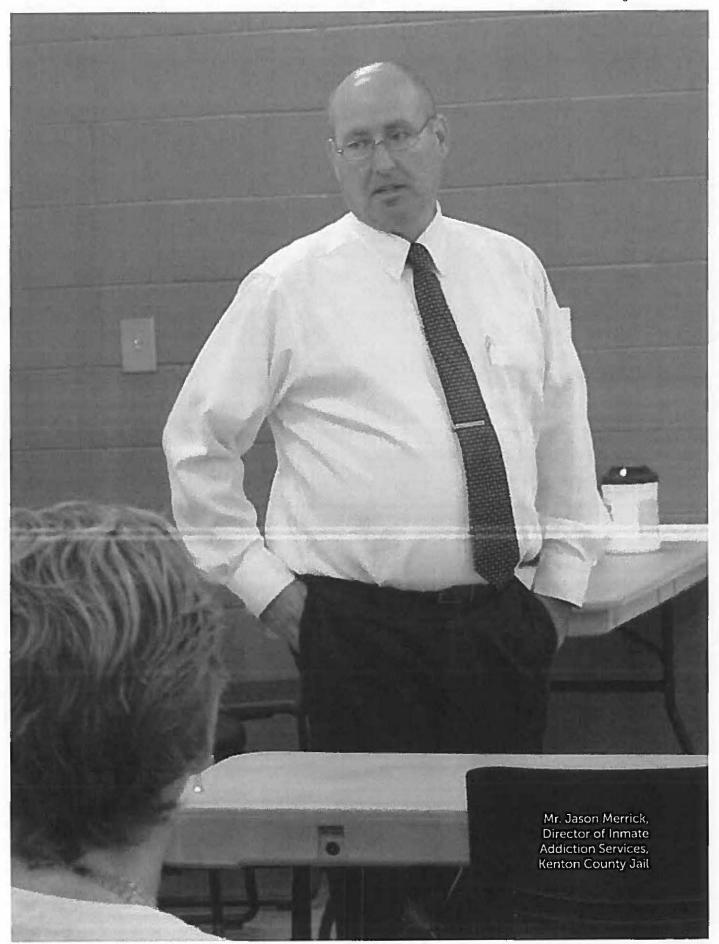
The recommendations are aimed at city and county officials and are divided into four sections: 1) leadership, 2) education and prevention, 3) treatment and 4) public safety and law enforcement. Several of the recommendations are accompanied by existing local practices from cities and counties. The report also includes recommendations for state and federal officials, who are pivotal partners in local efforts to combat opioid misuse, diversion, overdose and death.

The contents of this report, in addition to expanded case studies and further resources to aid local officials in addressing the opioid crisis, are available online at http://www.opioidaction.org/.

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II. RECOMMENDATIONS FOR LOCAL LEADERS



LEADING IN A CRISIS: RECOMMENDATIONS AT A GLANCE

City and county leaders must assume roles of leadership in local efforts to reverse the trends of the opioid crisis.

- 1. Set the tone in the local conversation on opioids.
- 2. Convene community leaders.
- 3. Foster regional cooperation.
- 4. Educate and advocate to state and federal partners.
- 5. Ensure progress for all in formulating responses to addiction.

Leading in a Crisis

In early 2016, the Massachusetts Municipal Association published a report for local leaders on the opioid crisis aptly titled "An Obligation to Lead." The opioid epidemic, wrote the association, "presents more than an opportunity," and is a "moral duty that all of us who are privileged to serve in local government must embrace fully."



We wholeheartedly echo those sentiments and call

on city and county leaders to assume leadership roles in local efforts to reverse the trends of the opioid epidemic. It has become apparent that this epidemic can ravage any community in the nation regardless of its size or composition. In the face of such a threat, which has taken far too many lives and torn apart countless families, local officials must lead with energy, urgency and compassion. There is much to be accomplished in reversing the opioid epidemic, and few are better positioned to carry out this work.

Recommendations

Set the tone in the local conversation on opioids.

As local government officials, we are privileged to speak to our constituents with the authority and legitimacy that comes with public office and the trust and empathy derived from living daily in the communities we serve. From this invaluable position, we must set the tone in conversations about opioids by breaking the silence and speaking candidly and compassionately about the crisis in our cities and counties. However, we must also highlight and uplift local efforts to prevent further abuse of opioids and the overdoses and deaths that result from such abuse. In short, we must define our local struggles with the opioid crisis so that those struggles do not define our cities and counties.

By setting a constructive and compassionate tone in conversations on opioid abuse, we can achieve the imperative of chipping away at the stigma of opioid addiction. Stigma can prevent parents and teachers from speaking with children about the dangers of opioids, prevent individuals struggling with opioid addiction from seeking the treatments they need and prevent cities and counties from providing these treatments. As local leaders, we must normalize conversations about addiction and its treatment to empower individuals, families and governments to take actions needed to address the opioid crisis, without fear of the stigma that such actions may bring.

Convene community leaders.

It is imperative that local government officials be in regular contact with community leaders who work with populations affected by the opioid crisis and who are thus well positioned to contribute to effective local responses. City and county leaders should form or join local task forces of leaders from various sectors of local government and across the community to assess the causes and impacts of opioid abuse and the solutions needed to decrease rates of abuse. Elected officials, health officials—including behavioral health and substance abuse directors judges, prosecutors, public defenders and law enforcement officials, among others, should be involved in the task forces. Joining them should be education officials, representatives from local medical societies, directors of treatment facilities, parent advocates and faith leaders.

The Community Anti-Drug Coalitions of America (CADCA) helps to establish or strengthen local coalitions to create and maintain safe, healthy and drug-free communities. CADCA can point to community coalitions in an area or walk local government officials through the process of starting a coalition. The organization also offers a variety of resources for local coalitions, including technical assistance and training and media and marketing strategies.

3 Foster regional cooperation.

Just as it imperative that local government officials establish regular communication with leaders in the community, it is also vital to establish or strengthen lines of communication with neighboring governments. Although the causes and impacts of the opioid crisis may differ in neighboring communities, solutions are more effective when coordinated among the various governments within a region. Regional cooperation is perhaps most important in law enforcement, given that drug trafficking often cuts across local lines. In northern Kentucky, the counties of Boone, Campbell and Kenton and the city of Bellevue have formed a regional task force that enables their law enforcement departments to work cooperatively in drug enforcement. Whether through formal task forces like northern Kentucky's or through less formal regular meetings, regional cooperation should not be overlooked.

Educate and advocate to state and federal partners.

Although we firmly believe that the opioid crisis must be confronted and addressed locally, we are also cognizant that many important decisions that affect this crisis are made at the state and federal levels. City and county officials should educate their state and federal counterparts on the effects of the opioid crisis on local communities and advocate for actions from those levels of governments that can help reverse trends of opioid misuse. State and national membership organizations, like the National League of Cities and the National Association of Counties and their sister organizations in states, are well positioned to assist local officials with state and federal advocacy.

See the section on "Recommendations for State and Federal Officials" for specific state and federal actions that can help local governments address the opioid crisis.

Ensure progress for all in formulating responses to addiction.

Communities of color continue to feel the detrimental effects of the criminalization of addiction, which today is being replaced by a new focus on harm reduction and improved public health. Moving forward, we must give ongoing attention and action to the racial disparities relevant to addiction and to its treatment. Both the National League of Cities and the National Association of Counties should continue programs of research, information sharing, educational programming, advocacy and technical assistance in the fields of addiction and addiction treatment beyond the duration of this task force.

A rehab counselor 'highfives' an addict in recovery following a group therapy session at a substance abuse treatment center on March 2016 in Westborough, MA. Photo by John Moore/Getty Images

FOCUSING ON PREVENTION AND EDUCATION: RECOMMENDATIONS AT A GLANCE

In order to stem the tide of the opioid epidemic, local leaders must approach prevention and education efforts with the same urgency and determination with which we work to reverse overdoses and arrest drug traffickers.

- 1. Increase public awareness by all available means.
- 2. Reach children early, in and outside of schools.
- 3. Advocate for opioid training in higher education.
- 4. Embrace the power of data and technology.
- 5. Facilitate safe disposal sites and take-back days.

Focusing on Prevention and Education

It is said that an ounce of prevention is worth a pound of cure, and this certainly applies to our efforts to fight the opioid crisis. Given the staggering number of overdoses and deaths from the opioid crisis, a heavy focus is placed, with good reason, on treatment. But that focus and urgency should not diminish our determination to prevent others from becoming addicted in the first place. Preventing individuals from abusing and becoming dependent on opioids will save lives, preserve the health and vibrancy of our communities and result in significant fiscal savings for local governments, many of which are struggling to fund addiction treatments. By approaching prevention and education efforts with the same urgency and determination with which we work to reverse overdoses and arrest drug traffickers, we can begin to create the cultural transformation needed to free our communities from the grip of the opioid crisis.

Recommendations

Increase public awareness by all available means.

As local elected leaders, we are uniquely positioned to spread information about the dangers of prescription painkillers and the lethality of heroin and other illicit opioids. From traditional forms of communication, like town hall meetings and pamphlets, to newer forms, like Facebook and Twitter, we have numerous platforms through which to communicate with our constituents. We must fully use these platforms to increase public awareness about the dangers of opioids, and we must be thoughtful and creative in crafting our messaging.

Further, we must actively look for new opportunities to communicate with constituents, especially those who may be at greater risk of opioid abuse and addiction. The Ocean County, N.J., prosecutor's office has done this through its "funeral cards," which contain information about the dangers of prescription painkillers alongside instructions for proper disposal of remaining prescriptions. The prosecutor's office gives these cards to funeral directors, who then hand them out to families of deceased individuals.



Thinking Outside the Box

In Erie County, Pennsylvania, parents are educated about the symptoms of adolescent drug abuse through open-bedroom displays located in shopping malls.

Reach children early, in and outside of schools.

Children should be educated at the earliest possible age about the dangers of prescription painkillers and illicit opioids. Classrooms provide an excellent opportunity to do so. The



National Institute on Drug Abuse offers free resources for teachers, including lesson plans, activity finders and student-targeted pamphlets that answer questions like, How do opioids work? How do people get addicted to opioids? Out-of-school recreation programs also provide valuable opportunities to engage children and youth on these topics.

Local elected officials should also call on each parent in the community to speak regularly with their children about the dangers of prescription and illicit opioids. According to the Red Ribbon Campaign, an initiative of the National Family Partnership that asks parents to pledge to educate their children about drug abuse, children of parents who speak with their teens regularly about drugs are 42 percent less likely to use drugs than those whose parents do not, yet only one-fourth of teens report having these conversations.

Advocate for opioid training in higher education.

Students in health-related undergraduate and graduate programs, in addition to those in medical, pharmacy, nursing and dental schools, should receive appropriate training on pain management and substance use disorders. City and county leaders should assess the extent to which this training is provided in educational institutions within their jurisdiction and use their positions as elected leaders to advocate for greater training where needed.

Although the importance of opioid prescription training for medical and dental students is self-evident and overarching, local leaders should also advocate for drug abuse intervention

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training for all students in health-related fields. The Screening, Brief Intervention and Referral to Treatment (SBIRT) program is an evidence-based approach endorsed by the Substance Abuse and Mental Health Services Administration (SAMHSA). It promotes universal screening of all individuals to identify use, early risks and abuse in order to intervene appropriately. Basic SBIRT training is available via a free app developed at the Baylor College of Medicine.

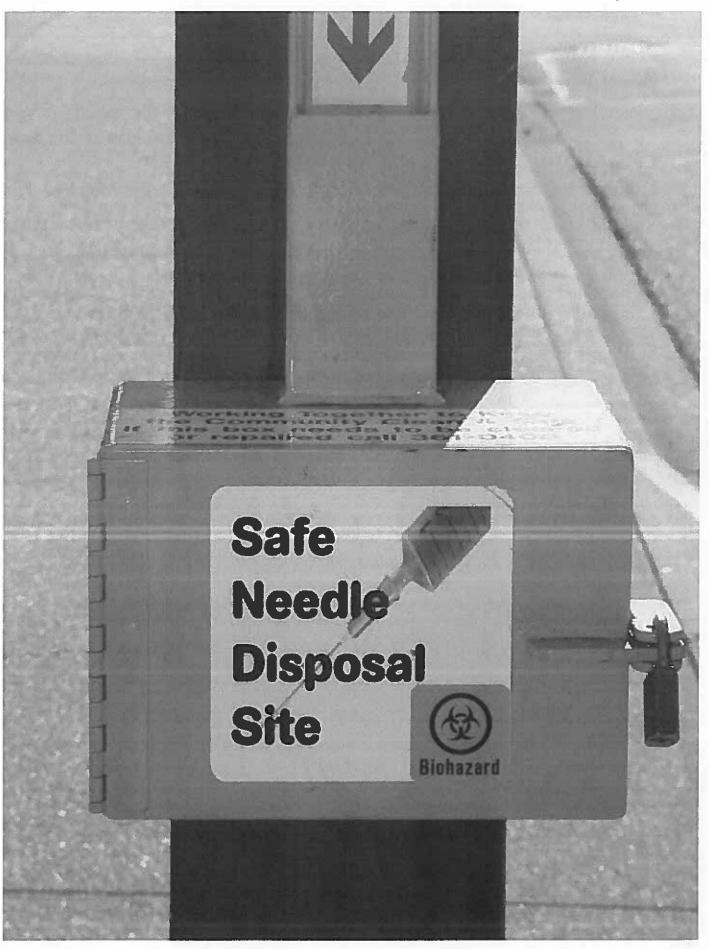
④ Embrace the power of data and technology.

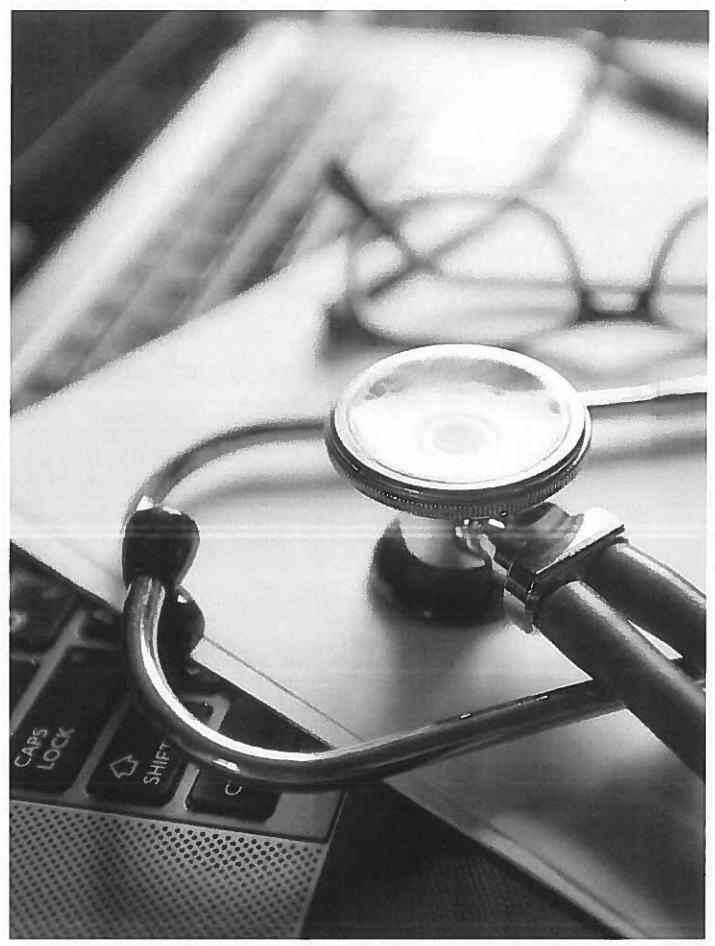
Local leaders must recognize the potential of data and technology to advance efforts in fighting the opioid crisis. When properly collected and analyzed, data can help cities and counties better understand the causes of opioid abuse in communities and fine-tune their responses. Data related to overdoses and deaths, for example, can help local leaders focus public awareness efforts on neighborhoods facing greater rates of opioid-related harm. City and county leaders should assess where data is being collected within local government and to what extent it is being shared between different departments and local, regional and state governments.

In addition, city and county leaders should advocate for greater data collection and use of data and technology. Coroners should list with specificity the drugs that caused opioid-related deaths so public health and law enforcement officials can adjust responses accordingly. Administration of the overdose antagonist naloxone should be tracked closely to better target overdose prevention and treatment efforts. Mapping technology can also provide information to individuals about resources such as safe disposal locations, pharmacies that dispense naloxone and facilities that offer treatment services.

5 Facilitate safe disposal sites and take-back days.

Cities and counties must ensure that there are a sufficient number of accessible, safe disposal sites within their jurisdiction so members of the community can dispose of unneeded opioids. Local pharmacies, physicians and law enforcement can serve as important partners in efforts to provide and promote safe and convenient disposal sites. Information about these sites should be widely shared through traditional and web-based forms of communication. Cities and counties should also host periodic drug take-back days so community members can dispose of unneeded opioids at a convenient location while also creating public awareness about the dangers of prescription drugs. The Drug Enforcement Administration (DEA) partners with local communities across the country to host national take-back days. On April 30, 2016, Franklin County, Ohio, collected 4,000 pounds of prescription drugs, and the DEA reported that 447 tons were collected overall throughout the country.





EXPANDING TREATMENT: RECOMMENDATIONS AT A GLANCE

Local leaders should institute policies that expand treatment for individuals struggling with opioid addiction.

1. Make naloxone widely available.

- 2. Intervene to advance disease control by implementing a clean syringe program.
- 3. Increase availability of medication-assisted treatments.
- 4. Expand insurance coverage of addiction treatments.
- 5. Employ telemedicine solutions.

Expanding Treatment

As society has embraced the need to medically treat addiction rather than incarcerate those with a substance use disorder convicted of a crime, the need for treatment longer than 90 days has grown and overwhelmed city, county and state governments' ability to respond. But we do know how to treat chronic illness. Nearly the same number need treatment for diabetes (29 million) as those needing treatment for substance use disorder (21 million). Yet roughly three of four diabetes patients receive treatment while only 12 percent of those with substance use disorder do, according

to estimates from the Centers for Disease Control and Prevention. Society is in short supply of drug treatment specialists to carry out medication-assisted treatments and dispense methadone, buprenorphine and naltrexone. Training programs are necessary for health professionals, and more patients should be served by doctors in private practice. Arbitrary caps should be removed on the number of patients undergoing medication-assisted treatments, at least during the present epidemic.



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Recommendations

Make naloxone widely available.

Local leaders should work to ensure that naloxone, an overdose recovery medication, is made widely available in each community and provided to all city and county first responders. Nearly 40 states now grant some broad authority to pharmacists—such as through a standing prescription order from the state's public health director or by a collaborative drug therapy agreement—to distribute naloxone not only to those with an opioid prescription but to those who support or act as caregivers to people suffering with addiction, and in some cases to the general public. This practice should be operational in all 50 states and territories. Bulk purchasing agreements by organizations such as the U.S. Communities Government Purchasing Alliance can make this life-saving drug available to cities and counties at a significant discount, easing the cost burden on local government.

The administration of naloxone should be followed by medical holds, referrals or "warm handoffs" to counseling and treatment services that help individuals address the underlying drug abuse that led to their overdose.

Without follow-up services, administering naloxone can amount to delaying a lethal overdose, rather than saving a life.

Intervene to advance disease control by implementing a clean syringe program.

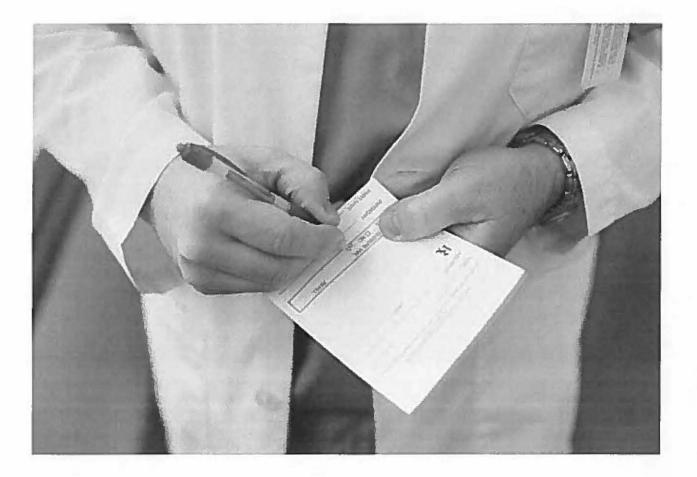
Safe disposal of unused prescription medications and needles contaminated with blood are important steps to protect against outbreaks of HIV and hepatitis. Establishing places or programs to deposit used syringes and needles not only helps with disposal, but also opens a path for individuals seeking substance use treatment.

At a minimum, localities can provide information on hospitals, clinics or other health facilities and providers who will

TOOLS AND EXAMPLES

Recovery coaches in Ocean County, N.J.

The Ocean County prosecutor's office has launched the "Recovery Coach Program," a voluntary program that connects individuals revived by naloxone with treatment options once they are stabilized in emergency rooms. Working with area hospitals, the program matches an overdose victim with a recovery coach, who, if the patient is willing, will work with the person for up to eight weeks and help steer him or her toward recovery. Free or subsidized treatment is available for willing participants. The coaches are typically in recovery themselves, which officials say provides a perspective that doctors and law enforcement officials cannot. Early in the program, up to 70 percent of overdose victims had agreed to participate in the program.



receive or exchange contaminated syringes and needles for new ones. One such program, The Point, developed by the Center for Health and Social Research at SUNY Buffalo in collaboration with the Erie County, N.Y., Department of Health, provides information on locations where an individual can access clean needles and syringes.

Increase availability of medication-assisted treatments.

A regimen of long-term (six months or more) medication exchange (such as methadone, buprenorphine or naltrexone replacing heroin), psychological counseling, peer-to-peer support networks and close patient monitoring is the evidence-based model to address addiction and co-occurring mental health problems. Such sophisticated medication-assisted treatment requires highly trained practitioners and access to often costly medication. At present there are too few drug treatment specialists to meet the growing demand. Progress can be made if more health professionals, such as licensed practical nurses, can undergo training to properly administer medications such as buprenorphine and naltrexone. Both the federal government and county governments (such as Erie County, N.Y.) have expanded the availability of such training programs.

Efforts are in place to make better use of community health centers to increase treatment services. Likewise, rules that limit the number of patients to whom any single physician can prescribe buprenorphine are barriers to increasing treatment. Instead of capping the level of physician treatment, doctors in private practice should be incentivized to treat more patients struggling with a substance use disorder.

Increasing the cooperation between city and county governments to enhance the number of beds for long-term medication-assisted treatment is critical to overcoming this health crisis.

Expand insurance coverage of addiction treatments.

Local leaders should advocate for including addiction treatments in all health insurance plans and removing limits on such treatments. In addition, city and county officials should work to ensure that the health plans of local government employees cover addiction treatments. Given that cities and counties together employ several million individuals, including addiction treatments in local government health plans represents a significant step toward enabling individuals to access affordable treatments for substance abuse.

5 Employ telemedicine solutions.

Although the nature of addiction treatment often requires in-person visits with medical professionals, telemedicine can enhance these treatments. Advances in technology have expanded access to health professionals and extended the capacity of each individual service provider to meet the growing needs of those with substance use disorders. For paramedics responding to calls, telemedicine can facilitate immediate support to patients. The technology is also useful in serving rural populations, where distance between first responders and patients is often a critical factor.

The U.S. Department of Agriculture has awarded Distance Learning and Telemedicine grants to establish telemedicine networks to provide treatment for medical conditions, including mental health and drug addiction treatment. These grants are also designed to expand and improve rural counseling centers with mental, behavioral and psychiatric care services and substance treatment services, and to support mobile health units providing onsite care and telemedicine video conferencing with doctors and specialists.



Local leaders should advocate for including addiction treatments in all health insurance plans and removing limits on such treatments.

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Task Force members, in the company of corrections officers, tour the Kenton County Jail to learn about the addiction services program

REASSESSING PUBLIC SAFETY AND LAW ENFORCEMENT APPROACHES: RECOMMENDATIONS AT A GLANCE

Law enforcement agencies should focus resources on supplyreduction and aim to divert individuals struggling with addiction from the criminal justice system to appropriate treatments.

- 1. Reduce the illicit supply of opioids.
- 2. Consider alternatives to arrest.
- 3. Divert from the criminal justice system.
- 4. Facilitate treatment in jails.
- 5. Support "Ban the Box" initiatives.

Reassessing Public Safety and Law Enforcement Approaches

Cities and counties have been fighting the "war on drugs" for nearly five decades, and unlike many other wars, this war is waged on American soil. Because this war has largely failed to differentiate between individuals struggling with addiction and traffickers who profit from addiction, communities, and in particular communities of color, have suffered extensive casualties in the war. The end result of this criminalization of addiction has been a cycle of over-incarceration that fails to address the root causes of drug abuse in our communities and costs taxpayers trillions of dollars.

In recent years, and with the onset of the opioid epidemic, local governments are reassessing and shifting approaches to drug enforcement. Although law enforcement agencies continue to carry out the important task of aggressively pursuing the drug traffickers and cartels that are flooding our communities with illicit drugs such as heroin and fentanyl, they are placing a greater focus on alternatives to arrest for those whose low-level criminal behavior is rooted in addiction.

Good Samaritan laws that provide legal protection for individuals who report overdoses have also been widely embraced.

Local law enforcement and public safety officials must continue to work closely with health care providers, addiction treatment facilities, and drug courts to identify such alternatives. Equipped with the discretion to use these alternatives, local law enforcement officials can continue to play a crucial role in helping to break the cycle of addiction that, as past efforts to criminalize addiction have made clear, cannot be solved through arrest and incarceration.

Recommendations

Reduce the illicit supply of opioids.

City and county leaders should facilitate partnerships between local law enforcement and their state and federal counterparts to identify the flow of illicit drugs into communities. They should use all available law enforcement resources to incarcerate drug traffickers. Local law enforcement agencies should work closely with DEA's State and Local Task Force Program. The program's ability to combine federal resources with state and local officers' detailed knowledge of their jurisdictions leads to highly effective drug enforcement investigations.

By targeting drug traffickers and the supply chain of drugs, local law enforcement can dramatically reduce the availability of drugs in communities. Reducing supply is especially important as drug dealers

TOOLS AND EXAMPLES

Drug Market Intervention in High Point, N.C.

First piloted in 2004 in High Point, N.C., Drug Market Intervention (DMI) is a strategy for shutting down overt drug markets and improving life for residents in the surrounding communities. DMI identifies particular drug markets and street-level dealers, arrests violent offenders, creates "banked" cases-or suspends prosecution-for nonviolent dealers and brings together dealers, their families, law enforcement officials, service providers and community leaders for a call-in meeting that makes clear that selling drugs openly must stop. The strategy also includes a critical process of racial reconciliation to address historical conflict between law enforcement and communities of color

are increasingly lacing heroin with lethal drugs like carfentanil, which is used to sedate large animals. Drug users are typically unaware that the drugs they are purchasing are laced in this way, resulting in greater frequency of lethal overdoses. In August 2016, in a span of just two



days, Cincinnati's emergency services responded to more than 60 heroin overdoses, many of which resulted from batches of heroin laced with carfentanil. Active and collaborative drug enforcement is key to preventing further tragedies.

2 Consider alternatives to arrest.

City and county leaders should empower local law enforcement officials to use alternatives to arrest for individuals who commit low-level crimes associated with drug abuse and often cooccurring mental health issues. Illicit drug use and low-level possession of drugs continue to be treated as criminal behavior throughout the country, leading to millions of arrests each year. However, many local law enforcement agencies have taken the position that arresting users for possession is not an effective way to change behavior. Instead of criminalizing drug addiction, communities are now addressing the problem as a treatable disease that requires intervention and treatment. The International Association of Chiefs of Police states that law enforcement leaders "should strive to create innovative partnerships with public health providers and rehabilitation experts to help line officers respond more effectively to substance abusers with an increased array of alternative solutions to incarceration."

Local law enforcement officers are among a community's best resources in the effort to identify individuals with who need treatment for a substance use disorder and divert those individuals to needed treatment services. As an alternative to arrest and incarceration, local law enforcement officers should be able to refer drug addicts to local, community-based drug treatment programs to break the cycle of drug use. Local governments should train local law enforcement officials on resources that are available for drug treatment programs and how individuals who need treatment can access these programs.

TOOLS AND EXAMPLES

Seattle/King County LEAD Program

In 2011, Seattle and King County began piloting the Law Enforcement Assisted Diversion Program (LEAD) to address low-level drug and prostitution crimes in targeted city neighborhoods and parts of King County. The program's goals are to improve public safety and public order and to reduce the criminal behavior patterns of people who participate in the program. LEAD is a coalition of law enforcement, public health, city and county officials, community stakeholders and private-sector supporters.

LEAD is a pre-booking diversion program that empowers street-level public safety personnel to make decisions about arrests. Rather than moving persons with substance use disorder into the criminal justice system, LEAD participants begin working immediately with case managers and social workers. In the case of persons suffering from addiction, LEAD participants have access to trained clinicians who specialize in medication-assisted treatments and have been the key providers in the region for street-level outreach. Treatment services may include substance use disorder treatment, mental health support, housing and job training.

LEAD has been independently evaluated by researchers from the University of Washington. They find that the program reduces recidivism significantly among participants (both on a pre/post-participant-only analysis and when compared with a selected group of controls) and also reduces criminal justice spending.

3 Divert from the criminal justice system.

City and county officials should advocate for diversion from incarceration for nonviolent individuals whose low-level criminal behavior stems from their drug addiction. Many communities throughout the country have established drug courts to help individuals struggling with addiction enter a substance abuse program instead of serving time in jail. Drug courts employ a program designed to reduce drug use relapse and criminal recidivism through risk and needs assessment, judicial interaction, monitoring and supervision, graduated sanctions and incentives, treatment and various rehabilitation services. A multidisciplinary team of judges, prosecutors, defense attorneys, community corrections, social workers and treatment service professionals often manages the courts and provides targeted treatment services to drug offenders.

Although drug courts have higher investment costs, especially in treatment services, many communities have experienced extensive savings associated with victim and criminal justice system costs because of fewer crimes, rearrests and incarcerations. On average, drug courts save an estimated \$5,680 to \$6,208 per offender.

Diversion courts have a particularly positive impact on our nation's veterans. According to a 2011 study from the U.S. Department of Veterans Affairs (VA), veterans are nearly twice as likely to die from an accidental opioid overdose than their civilian counterparts. Veterans' treatment courts offer an opportunity for those suffering with substance abuse or mental health issues to receive assistance in accessing their earned benefits, obtaining targeted treatment and connecting with a peer mentor who understands their challenges and pain. There are already over 200 such courts, and local jurisdictions can receive assistance in setting up their own veterans' treatment court through the Justice for Vets initiative.

Facilitate treatment in jails.

Local leaders should work to ensure that inmates in local jails who struggle with addiction receive proper treatment for their illness, including medication-assisted treatments, with a special focus on pre-release treatment and service coordination. Treatment programs in jails offer an opportunity to break the cycle of drug abuse and criminal behavior that ensnares many individuals who come into contact with the criminal justice system. Jails can implement low-cost treatment



programs to provide these individuals the treatment they need. Statistics demonstrate that incarcerated individuals who struggle with opioid addiction and receive little or no treatment are much more likely to relapse into drug use and criminal behavior on their release. These individuals also are more likely to suffer a lethal overdose shortly after being released. Treatment programs in jails have consistently been shown to reduce the costs associated with lost productivity, crime and incarceration caused by heroin use.

Providing treatment services to fit the needs of the individual is an important part of effective drug abuse treatment for criminal justice populations. Drug treatment should address issues of motivation, problem solving and skill building for resisting drug use and criminal behavior. Treatment programs during incarceration should also facilitate the development of healthy interpersonal relationships and improve the participant's ability to interact with family, peers and others in the community.

TOOLS AND EXAMPLES

Kenton County detention center treatment program

It is estimated that roughly 80 percent of those booked into the Kenton County detention center in northern Kentucky are incarcerated for charges that are either directly or indirectly related to substance abuse disorders. In 2015, jail directors dedicated a 70-bed dormitory in their facility to substance abuse treatment, adding to the 30 beds already designated for such treatment.

The voluntary, application-based six-month program provides inmates with cognitive-behavioral therapy, intensive counseling individually and in groups, spiritual programming and, prior to their release, a naltrexone injection to block the effects of opioids for 30 days after release. Inmates are also connected to community services before they are released, including organizations that help them attain health insurance. As of mid-2016, nearly 200 inmates had completed the program, and the recidivism rate was less than 10 percent.

5 Support "Ban the Box" initiatives.

City and county officials should change hiring practices to prohibit questions regarding past criminal history on applications for local government jobs and hiring by vendors under government contract. Among the biggest challenges individuals convicted of drug offenses face is securing employment and housing after release from jail. The inability to find a job or a place to live leads many to return to their previous criminal activities and remain in the grip of opioid abuse and associated criminal behavior.

One program used in more than 100 cities and counties is the "Ban the Box" initiative. This initiative prevents prospective employers from asking about the criminal background history during the early stages of the application process. The goal of the initiative is to ensure employers first consider the job candidate's qualifications without the stigma of a criminal record.

To support local efforts to enact "fair-chance" policies, the National Employment Law Project (NELP) has developed best practices and model policies for local governments. The NELP toolkit provides model administrative policies, sample resolutions, ordinances, state executive orders and model state legislation.

TOOLS AND EXAMPLES

Tallahassee Ban the Box initiative

In January 2015, Tallahassee moved to adopt a new set of municipal hiring guidelines for criminal background checks. City officials recognized that in 2014, more than 1,700 formerly incarcerated individuals returned to Leon County, Fla., and almost 200,000 more are expected to be released in Florida during the next five years.

To help remove employment barriers for people with criminal convictions, the city manager can now inquire about criminal history and conduct background checks later in the interview process, rather than at the start.

Of the 816 criminal background screenings conducted in 2014, excluding those for public safety jobs, 15 percent had criminal histories. Of those 15 percent, 11 percent were hired and 4 percent were denied on the basis of their background as it applied to positions.



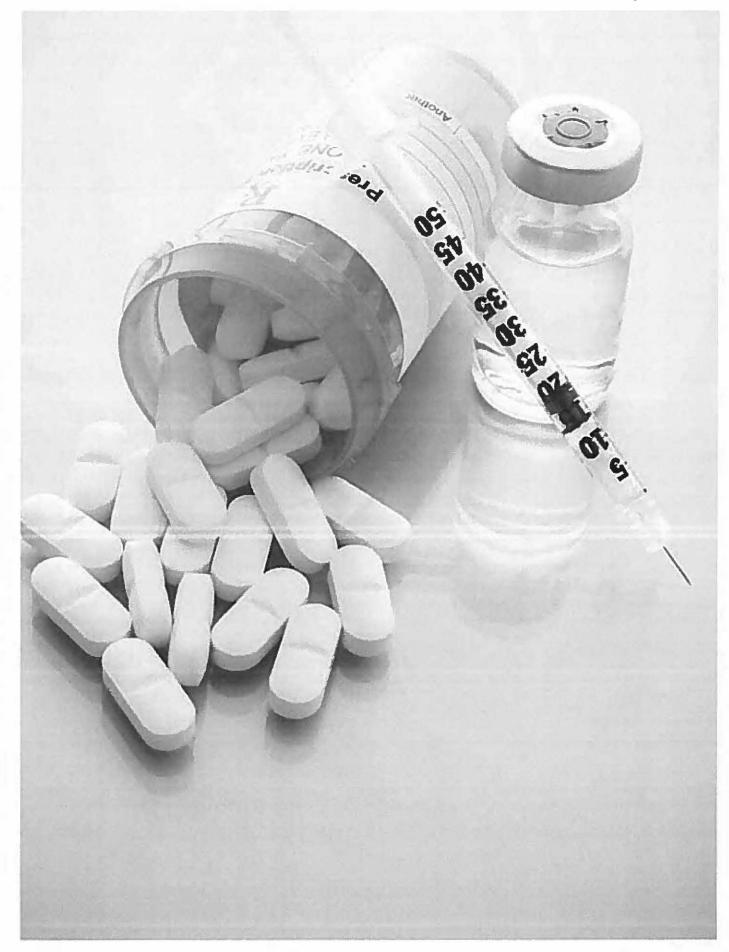
NACo - NLC : A PRESCRIPTION FOR ACTION



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ttachment

III. RECOMMENDATIONS FOR STATE AND FEDERAL OFFICIALS



Federal and State Recommendations

As we call on city and county officials to lead efforts to address the opioid epidemic across our local communities, we recognize that these local efforts will be far more effective when carried out in partnership with state and federal counterparts. The following recommendations call for state and federal actions that can complement local efforts to reduce the rates of opioid dependence, overdose and deaths in our communities. In the crafting the recommendations, the task force referenced the National Governors Association's 2016 report, "Finding Solutions to the Prescription Opioid and Heroin Crisis: A Road Map for States."

State Recommendations

Establish or strengthen prescription drug monitoring programs (PDMPs).

Most states collect data on controlled substances dispensed in the state, including opioids. States should require medical professionals to use PDMPs to assess potential abuse or diversion before prescribing opioids, and they should require those who dispense opioids to report each prescription to the PDMP within 24 hours.

Institute guidelines for prescribing opioids.

In March 2016, the Centers for Disease Control and Prevention (CDC) published opioid prescription guidelines with recommendations to help prescribers determine when to initiate opioids for chronic pain, how to select opioids, set their dosage, duration and discontinuation and how to assess risk and address the harms of opioid use. States should adopt the CDC guidelines or similar guidelines that achieve the same goal.

Support greater availability of medication-assisted treatments.

States should assess the factors that limit medication-assisted treatments in their cities and counties and take actions to help increase the availability of such treatments. Barriers to medication-assisted treatments in state statutes should be reassessed and training of primary care physicians in administering medication-assisted treatments should be required or incentivized.

4 Structure Medicaid programs to promote safe opioid prescription practices and access to treatments.

According to the National Association of Medicaid Directors, compared with their privately insured counterparts, Medicaid participants are twice as likely to be prescribed opioids and have six times the risk of opioid-related overdose deaths. States should address these disparities through their Medicaid plans by limiting opioid prescriptions, promoting the use of non-opioid pain management methods and optimizing timely access to medication-assisted treatments like buprenorphine and naltrexone.

Explicitly authorize or remove barriers to clean syringe programs.

In addition to protecting communities from the outbreak of infectious diseases like HIV and hepatitis, syringe exchange programs provide important opportunities to connect individuals struggling with drug addiction to treatment services. States should support these programs and remove statutory barriers to their establishment in cities and counties.

Federal Recommendations

Expand access to medication-assisted treatments.

One of the greatest impediments to the treatment of individuals struggling with addiction is the limited number of practitioners who can prescribe buprenorphine. To prescribe buprenorphine, practitioners must apply for a special license that limits the number of patients they can treat. Recently, the federal government took action to increase the limit from 100 to 275 patients. The federal government must continue to make policy changes to allow other medical professionals (such as nurse practitioners) to dispense such medications.

Provide funding for local efforts to address the opioid crisis.

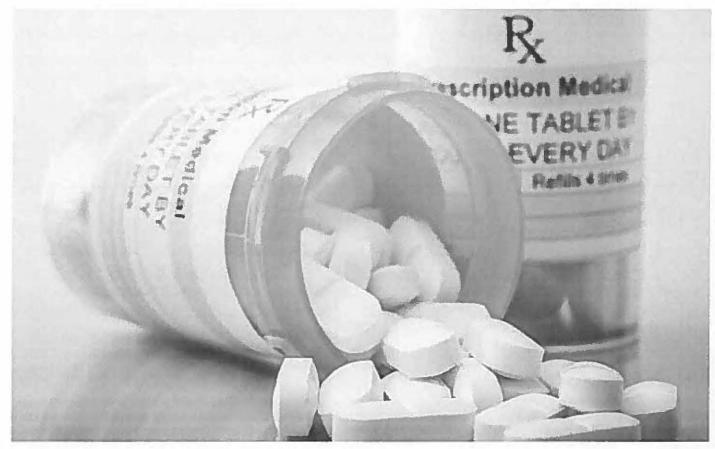
Local governments are struggling to find sufficient funding to provide medication-assisted treatment programs, expand drug abuse prevention and education efforts, purchase sufficient quantities of naloxone and implement useful drug take-back programs. The federal government must quickly pass legislation to provide emergency supplemental funding to assist local governments through grants that would help expand and improve existing efforts to address the opioid epidemic in local communities across the nation.



3 Partner with local and state officials to reduce the supply of fentanyl and carfentanil.

The increasingly lethal synthetic forms of opioid, which can be up to 10,000 times stronger than morphine, are quickly becoming the leading cause of opioid overdose in local communities as drug traffickers lace heroin with these stronger opioids to create a more potent product. First responders often have to use several doses of naloxone to revive persons who have overdosed on heroin laced with fentanyl and carfentanil. The federal government must devote extensive resources to federal, state and local law enforcement efforts to stop the illicit trafficking of fentanyl and carfentanil.

NACo - NLC : A PRESCRIPTION FOR ACTION



The federal government should provide greater flexibility in the Medicaid program for justice-involved populations and should require states to suspend, rather than terminate, coverage for incarcerated individuals.

Allow individuals in custody to continue receiving Medicaid benefits until convicted, sentenced and incarcerated and require states to suspend, rather than terminate, Medicaid for individuals in jail.

Under current federal law, federal Medicaid matching funds cannot be used to pay for treatment of jail inmates—an estimated 64 percent of whom struggle with addiction. This statutory exclusion applies not only to individuals who have been convicted of crimes, but also to pre-trial inmates who make up a majority of jail populations and are presumed innocent until proven guilty. To avoid violating the federal exclusion, states typically terminate Medicaid benefits when an inmate is booked into jail, meaning he or she must reapply on release, further interrupting access to treatment in the post-release period when many individuals relapse and overdose. The federal government should provide greater flexibility in the Medicaid program for justice-involved populations and should require states to suspend, rather than terminate, coverage for incarcerated individuals. Doing so will allow counties and cities to better coordinate systems of care and treat previously undiagnosed individuals with substance abuse disorders.

Resources

In carrying out its work over the last several months, the task force was generously supported by several corporate sponsors of the National Association of Counties and the National League of Cities. We are grateful to Aetna, the Centene Corporation, the Consumer Healthcare Products Association, Esri and the U.S. Communities Government Purchasing Alliance for their support and partnership.

The task force is also grateful for the partnership of the many organizations that contributed to our work and the publication of this report, including the Office of National Drug Control Policy, the Substance Abuse and Mental Health Services Administration, the American Medical Association, the National District Attorneys Association, the National Association of County Behavioral Health and Developmental Disability Directors, the National Association of County and City Health Officials and the National Association of State Alcohol and Drug Abuse Directors.

Lastly, we are grateful to the Kenton County Detention Center and the NKY Med Clinic in Covington, Ky., for allowing the task force to visit their facilities and observe their commendable work in treating individuals struggling with addiction.

Staff to the task force, primary report authors and ongoing points of contact for this report are: James Brooks and Yucel Ors for the National League of Cities and Hadi Sedigh for the National Association of Counties.

Resources

NACo-NLC Opioid Report Portal www.opioidaction.org

National League of Cities www.nlc.org

National Association of Counties www.naco.org

White House Office of National Drug Control Policy https://www.whitehouse.gov/ondcp

Substance Abuse and Mental Health Services Administration http://www.samhsa.gov/

American Medical Association https://www.ama-assn.org/

National Association of County and City Health Officials http://www.naccho.org/

National District Attorneys Association http://www.ndaa.org/

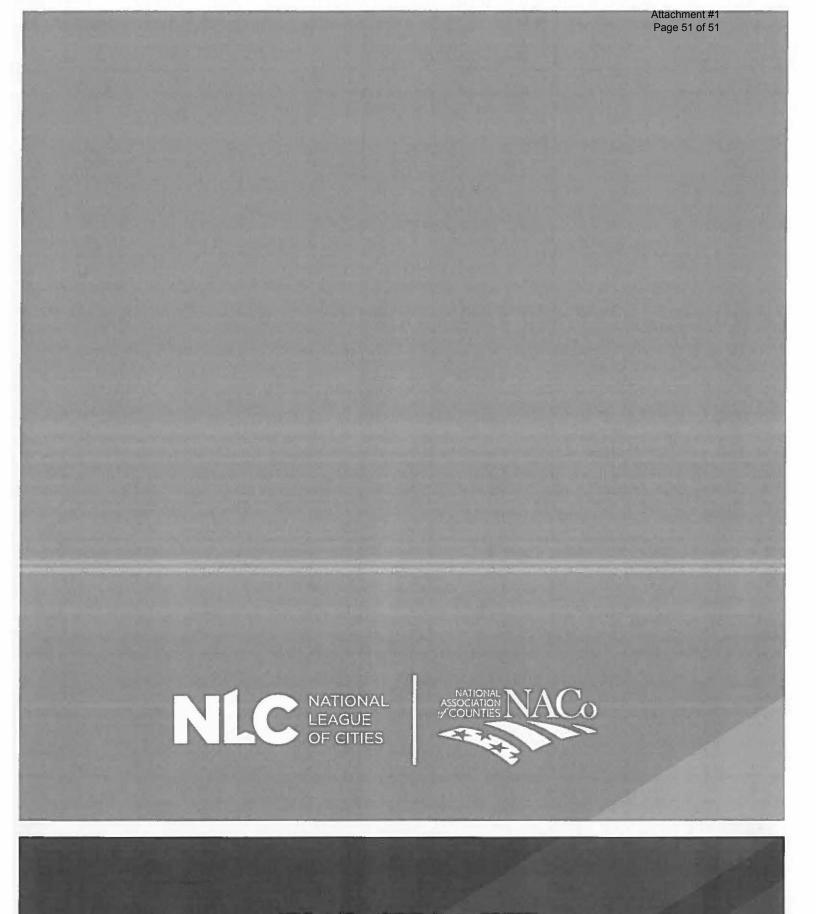
International Association of Chiefs of Police http://www.theiacp.org/

National Association of County Behavioral Health and Developmental Disability Directors http://www.nacbhd.org/

National Association of State Alcohol and Drug Abuse Directors http://nasadad.org/

Community Anti-Drug Coalitions of America www.cadca.org

The Red Ribbon Campaign www.redribbon.org



660 Capitol Street NW, Washington DC 20001

Drugs Identified in Deceased Persons by Florida Medical Examiners

Summary Table of Opioid Related Deaths by District

			January - December						January - June	
Rank	District	Area of Florida	2015			Rank	District	Area of Florida	2016	
1	15	West Palm Beach	372	10.86%		1	15	West Palm Beach	393	17.37%
2	9	Orlando	361	10.54%		2	4	Jacksonville	255	11.27%
3	11	Miami	304	8.88%		3	17	Ft. Lauderdale	239	10.57%
4	17	Ft. Lauderdale	298	8.70%		4	11	Miami	212	9.37%
5	12	Sarasota	280	8.18%		5	6	St. Petersburg	160	7.07%
6	6	St. Petersburg	257	7.51%		6	9	Orlando	152	6.72%
7	4	Jacksonville	246	7.18%		7	5	Leesburg	116	5.13%
8	13	Tampa	190	5.55%		8	13	Tampa	90	3.98%
9	18	Melbourne	162	4.73%		9	12	Sarasota	76	3.36%
10	1	Pensacola	148	4.32%		10	21	Ft. Myers	74	3.27%
11	21	Ft. Myers	130	3.80%		11	18	Melbourne	70	3.09%
12	7	Daytona Beach	105	3.07%		12	7	Daytona Beach	60	2.65%
13	5	Leesburg	89	2.60%		13	1	Pensacola	53	2.34%
14	19	Ft. Pierce	86	2.51%		14	19	Ft. Pierce	50	2.21%
15	10	Lakeland	84	2.45%		15	10	Lakeland	45	1.99%
16	24	Sanford	68	1.99%		16	24	Sanford	42	1.86%
17	20	Naples	62	1.81%		17	23	St. Augustine	35	1.55%
								Kissimmee		
10			54	4 400/		10	25	*2016 first as	22	4 460/
18	8	Gainesville	51	1.49%		18	25	independent area	33	1.46%
19 20	14 22	Panama City Port Charolotte	29 26	0.85% 0.76%	-	19 20	14 8	Panama City Gainesville	27 25	1.19%
20	22		26	0.76%		20	20		25	1.11%
21	3	St. Augustine Live Oak	18	0.73%		21	20 16	Naples	24 11	1.06% 0.49%
22	3 16	Florida Keys	18	0.53%		22	2	Florida Keys Tallahassee	11 10	0.49%
23	2	Tallahassee	17	0.50%		23	2	Port Charolotte	6	0.44%
24	2	rananassee	10	0.47%		24 25	3	Live Oak	4	0.27%
		Totals	3,424			25	3	Totals	2,262	0.18%
		Totals	3,424					TOLAIS	2,202	

*The data above does not include deaths attributed to the following substances Buprenorphine, Codeine, Hydromorphone, Meperidine, Oxymorphone, and Tramadol within the individual medical examiner districts. These substances were identified as the cause of death in 472 additional cases in 2015 and 402 additional cases in 2016.

Leon County Board of County Commissioners

Notes for Agenda Item #9

Leon County Board of County Commissioners

Agenda Item #9

June 20, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Negotiate and Execute a Contract for External Auditing Services

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/	Scott Ross, Director, Office of Financial Stewardship
Project Team:	Jordan Steffens, Interim Finance Director
	Shelly Kelley, Purchasing Director

Statement of Issue:

This agenda item requests Board authorization to negotiate and execute a contract with Thomas Howell Ferguson, P.A./Law, Redd, Crona & Munroe, P.A. for professional auditing services.

Fiscal Impact:

This item has been budgeted and adequate funding is available. The initial term of the contract is for 3 years with two one year optional renewals for a total potential of 5 years. A final contract amount will be the result of negotiations with the top ranked firm. However, for reference, the current annual expenditures for the external audit services are approximately \$265,000 annually dependent upon actual hours of work performed.

Staff Recommendation:

Option #1: Authorize the negotiation and execution of a contract with Thomas Howell Ferguson, P.A./Law, Redd, Crona & Munroe, P.A. for professional auditing services for Leon County, and authorize the County Administrator to execute.

Report and Discussion

Background:

State law requires that a complete set of financial statements be published within nine months of the fiscal year end and presented in conformance with Generally Accepted Accounting Principles (GAAP) as applicable to governmental entities. In order to meet this requirement the County hires an independent external auditor to audit the financial statements. This item seeks Board authorization to negotiate an agreement for professional auditing services and the County Administrator to execute said agreement.

Analysis:

On March 23, 2017, the County's Purchasing Division released a Request for Proposals (RFP) for Professional Auditing Services. The solicitation was advertised locally in the newspaper and via DemandStar. A total of 344 vendors were notified through the automated procurement system. Sixteen vendors requested bid packages, and the County received five bids on April 20, 2017: Carr, Riggs & Ingram, LLC (CRI); EFPR Group, CPAs, PLLC (EFPR); Mauldin & Jenkins, LLC; Purvis Gray and Company, LLP (Purvis Gray); and the joint venture of Thomas Howell Ferguson P.A. and Law, Redd, Crona & Munroe, P.A. (THF/LRCM).

Due to the limited possibilities for sub-contracting, in accordance with County MWSBE policy, the Office of Economic Vitality's MWSBE Division advised that no aspirational targets be included as part of the bid process. However, consistent with policy, each respondent was strongly encouraged to secure MBE and WBE participation through the purchase of goods or services from MWSBE's, when opportunities are available.

The Auditor Selection Committee was composed of designees of the Board and each Constitutional Officer: Amanda Lewis, Sheriff; Holly Thompson, Supervisor of Elections; Michelle Weathersby, Property Appraiser; Bridget Kettrell, Tax Collector; Scott Ross, Leon County; and Jordan Steffens, Clerk of the Court. All proposals met the mandatory criteria and were evaluated by each Committee member using the technical evaluation criteria outlined in the RFP (Attachment #1).

The Committee met on May 17, 2017 to share individual scores, discuss and rank proposals. Each Committee member's scores were recorded and ranked individually; the ranks were averaged to provide the committee ranking (Attachment #2); a score of "1.0" being the highest rank possible:

- Thomas Howell 1.17
- Purvis Gray
 2.33
- Carr Riggs Ingram 2.83
- Mauldin Jenkins 3.83
- EFPR Group 4.83

Based upon the final ranking, the committee recommends negotiating with the top ranked vendor. Should the County and the top ranked vendor be unable to negotiate a satisfactory contract, then negotiations with that firm will be formally terminated and negotiations undertaken with the second ranked vendor. Failing to reach a contract with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Should negotiations be unsuccessful with the top three ranked firms, the committee recommends rejecting all proposals and re-soliciting for professional auditing services.

Options:

- 1. Authorize the negotiation and execution of a contract with Thomas Howell Ferguson, P.A./Law, Redd, Crona & Munroe, P.A. for professional auditing services for Leon County, and authorize the County Administrator to execute.
- 2. Do not authorize negotiation and execution of a contract with Thomas Howell Ferguson, P.A./Law, Redd, Crona & Munroe, P.A. for professional auditing services for Leon County
- 3. Board Direction.

Recommendation:

Option #1.

Attachments:

- 1. Tabulation Sheet
- 2. Summary Score Sheet

LEON COUNTY PURCHASING DIVISION TABULATION SHEET BC-04-20-17-31

RFQ Title: Request for Proposals for Professional Auditing Services Opening Date: Thursday, April 20, 2017 at 2:00 PM

Item/Vendor	Corr, Riggs + Ingram, UC.	Maudin + Jenkins	Thomas, Howell, Ferguson, PA Law Redd Crona + Munroe, PA	EFPR Group
Manual Signature/Proposal Response Cover Sheet	Yes	Yes	Yes	Ves
# Of Copies	Yes	Yes	Yes	Ves
Proposal Guarantee (Tab A)	Yes	Yes	Yes	Yes
Equal Opportunity/Affirmative Action Statement	Yes	Yes	Yes	Yes
Insurance Certification	Ves	Yes	Yes	Ves
Certification of Debarment	Yes	Yes	Yes	Ves
Immigration	Yes	Yes	Ves	Yes
Local Vendor Certification	Yes	NA	Yes	Yes
Non-Collusion	Yes	Yes	Yes	Ves
Drug Free Workplace	Yes	Yes	Yes	Yes
No Bid Document				

Tabulated By:

Thely feller

LEON COUNTY PURCHASING DIVISION **TABULATION SHEET** BC-04-20-17-31

RFQ Title: Request for Proposals for Professional Auditing Services Opening Date: Thursday, April 20, 2017 at 2:00 PM

Item/Vendor	Purvis, Gray *Company, LLP		
Manual Signature/Proposal Response Cover Sheet	Yes		
# Of Copies	Ves		
Proposal Guarantee (Tab A)	Ves		
Equal Opportunity/Affirmative Action Statement	Yes		
Insurance Certification	Yes		
Certification of Debarment	Yes		
Immigration	Yes		
Local Vendor Certification	Yes		
Non-Collusion	Yes		
Drug Free Workplace	Yes		
No Bid Document			

Tabulated By:

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Summary Scoresheet and Ranking RFP BC-04-20-17-31 PROFESSIONAL AUDITING SERVICES

	Evaluar	Evalues	Evaluar.	Evalues	Evaluar,	Evaluar (SR)	Evaluar,	Evaluation (US)	Evaluar.	Evaluar.	Evaluar.	EValuar	Average	Meyon
Carr, Riggs, Ingram	97.00	3	90.00	2	75.00	3	73.00	3	84.00	2	69.00	4	2.83	
EFPR Group	91	5	81	5	55	4	62	5	71	5	54	5	4.83	
Maudin Jenkins	93	4	87	3	54	5	64	4	77	4	75	3	3.83	
Purvis Gray	98	2	82	4	89	1	79	2	83	3	88	2	2.33	
Thomas Howell Ferguson/Law Redd Crona Monroe	100	1	92	1	86	2	84	1	94	1	98	1	1.17	

Vendor Ranking:

Thomas Howell	1.17
Purvis Gray	2.33
Carr Riggs Ingram	2.83
Mauldin Jenkins	3.83
EFPR Group	4.83

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Leon County Board of County Commissioners

Notes for Agenda Item #10

Leon County Board of County Commissioners

Agenda Item #10

June 20, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title:Update on the Leon County Purchasing Division and Proposed Revisions to
County Policy No. 96-1, "Purchasing and Minority, Women and Small
Business Enterprise Policy"

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Ben Pingree, Director, PLACE Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Andy Johnson, Assistant to the County Administrator for Legislative and Strategic Initiatives Darryl Jones, Deputy Director, MWSBE Shelly Kelley, Director, Purchasing Division

Statement of Issue:

This agenda item provides an update on the structure, functions, and recent enhancements to the Leon County Purchasing Division. Additionally, this item seeks Board approval of proposed revisions to County Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy" in order to enhance participation by minority- and woman-owned prime contractors in the County's procurement opportunities and to make the policy consistent with current best practices and new federal requirements.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept staff's update on the Leon County Purchasing Division and adopt the revised County Policy No. 96-1, "Purchasing Policy" (Attachment #1).

Title: Update on the Leon County Purchasing Division and Proposed Revisions to County Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy"
June 20, 2017

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Report and Discussion

Background:

At the May 23 meeting, the Board approved a motion to schedule a workshop to receive a comprehensive update on the County's purchasing function in light of the recent realignment of the Office of Economic Vitality (OEV) and the Minority, Women & Small Business Enterprise (MWSBE) Division within the Department of PLACE. At the time of the May 23 meeting, Leon County's Purchasing Division was in the process of preparing an agenda item for the June 20 meeting with recommendations to streamline the purchasing process, enhance MWSBE provisions relative to MBE and WBE prime contractors, and to make the County's purchasing policy consistent with current best practices and new federal requirements. Accordingly, and in order to expedite the Board's request for information, this agenda item includes the comprehensive update on the County's purchasing function sought by the Board as well as the recommended revisions to the County's purchasing policy referenced above. Should the Board wish to discuss the County's purchasing function further in a workshop following the June 20 meeting, this agenda item includes an option for Board action to that effect.

This agenda item builds upon the many enhancements that the Board has made over the years to the County's purchasing policy dating back to the initial adoption of the policy in 1996, including enhancements specifically targeted to encourage the growth of small, minority-owned, and woman-owned businesses in Leon County.

Analysis:

This item summarizes recent actions relative to the County MWSBE program and includes specific recommended policy revisions to further enhance opportunities for minority/women owned businesses to conduct business with the County. In addition, the item provides an overview of the recent enhancements to the procurement process, structure and functions of the Leon County Purchasing Division. Finally, this item highlights current best practices in government purchasing and recently enacted federal purchasing requirements and provides additional policy recommendations to reflect these changes.

Recommended Policy Changes to Improve Opportunities for Minority/Women Owned Businesses

County staff, working closely with the disparity study consultant MGT of America, is recommending immediate changes to the County's MWSBE Policy to allow MWBE prime contractors to meet aspirational targets for subcontracting in the category in which they are certified. This change was recommended by the MWSBE Programs Evaluation Committee and was to initially be evaluated by the consultant as part of the overall study. However, in working with the consultant, County staff and the County Attorney's Office, were able to accelerate the implementation of this recommendation and have included the necessary modifications to the policy in Attachment #1.

In summary, for a construction project, the County MWSBE policy has subcontracting aspirational targets of seventeen percent (17%) MBE and nine percent (9%) WBE. For example, under the proposed revised policy, if a certified MBE responds to the solicitation as a prime contractor, the aspirational target for MBE would bedeemed fulfilled; however, the MBE prime

Title: Update on the Leon County Purchasing Division and Proposed Revisions to County Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy"
June 20, 2017
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contractor must still meet the WBE aspirational target through subcontracting. The revised policy would substantially enhance MBE and WBE prime contractors' competitiveness for County procurement opportunities. This approach is consistent with the City.

In addition to this proposed immediate modification to the Policy, the Purchasing Division regularly coordinates with the Minority, Women & Small Business Enterprise (MWSBE) Division to encourage the growth of small and minority businesses in Leon County. Leon County has a long history of promoting minority and women participation in County procurement, dating back to the initial 1994 disparity study. Leon County's Purchasing Division works closely with the MWSBE office on County procurements in order to promote bid opportunities to certified MWSBE vendors. MWSBE staff attend solicitation development meetings, set aspirational targets for solicitations, attend pre-bid meetings, and conduct MWSBE analyses of utilization plans that are submitted as part of the response to a solicitation.

The Board also conducted a workshop on October 27, 2015 which provided an overview and update on the County's MWSBE programs. At the workshop, the Board directed staff to convene a MWSBE Program Evaluation Committee prior to the disparity study update to provide feedback on the existing MWSBE program, consider how the program is working and not working, and identify any ways to grow and expand minority- and woman-owned businesses in Leon County. The County Commission appointed ten citizens to serve on this Committee and requested that the Tallahassee City Commission appoint two additional at-large members for a total of 12 Committee members. The Committee met from January through March 2016.

The Board accepted the MWSBE Programs Evaluation Committee's Final Report at the April 26, 2016 Budget Workshop (subsequently ratified at the May 10, 2016 meeting), which included a series of recommendations for improvement of MWSBE programs. These recommendations included the consolidation of the County and City MWSBE programs within the Tallahassee/Leon County Office of Economic Vitality, which was completed on May 15, 2016. Additionally, the Committee's final report included a recommendation to initiate a joint County/City disparity study, which is currently underway. Although the MWSBE offices are organizationally consolidated, the County's and City's individual MWSBE policies remain in effect until the completion of the disparity study and the development of a consolidated MWSBE policy.

Leon County Purchasing Division – Overview and Recent Enhancements

The Leon County Purchasing Division is responsible for the procurement of supplies, equipment, and services for all departments under the Board of County Commissioners. The Purchasing Division administers the competitive solicitation process and coordinates all associated bid awards, proposals, evaluation processes, and contract development. In addition to competitive solicitations, the Purchasing Division also administers the County's Warehouse, Property Control and Purchasing Card programs.

Title: Update on the Leon County Purchasing Division and Proposed Revisions to County Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy"
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Structurally, most public sector purchasing agencies can be categorized as either a "centralized" or "decentralized" agency. In a centralized structure, the final authority relating to purchasing is vested in a Purchasing Director, who administers purchasing activities on behalf of the entire organization and may delegate some purchasing power to other departments within the organization on a limited basis. In a decentralized structure, designated personnel throughout the organization are delegated the authority to decide on sources of supply and to contract directly with suppliers without consulting or receiving the approval from the organization's Purchasing Director. In this structure, the Purchasing Director assumes an oversight and coordination role.

Leon County's Purchasing Division is considered a hybrid purchasing organization. While the majority of its functions are centralized within Purchasing, some functions are decentralized with oversight by Purchasing Division. Each Leon County department and division has a designated staff member who conducts most of the purchasing functions for their area such as soliciting quotes, making purchase requests, and assisting the Purchasing Division as subject matter experts when formalizing solicitations that are of a sensitive nature or that are expected to exceed cost thresholds established in County policy. At lower purchasing thresholds, Leon County's system is decentralized - staff are authorized to make purchases under the quote threshold of \$1,000 without supervision or assistance of Purchasing, as well as independently soliciting quotes of items with a value of up to \$50,000. Beyond those thresholds, the purchasing structure becomes centralized, requiring formal quotes and competitive solicitations as contained in Attachment #3.

To reduce purchasing costs and ensure the greatest return on the expenditure of public funds, the Purchasing Division frequently participates in cooperative purchasing with other public sector procurement agencies. Leon County participates in several purchasing cooperatives including U.S. Communities, Government Services Agency, the National Intergovernmental Purchasing Alliance, the National Cooperative Purchasing Alliance, the Leon County School Board; and the City of Tallahassee (City). Through the County's purchasing relationship with the City, both organizations share the responsibility to issue "Invitation to Bid" solicitations. For example, the City recently conducted a solicitation for MWSBE disparity study services for both the County and City, while the County conducted solicitations for disaster debris removal and debris monitoring services.

In addition to its role in administering the County's competitive solicitations and coordinating bid documents and contracts, the Purchasing Division also operates a warehouse in support of other Leon County work areas. The primary customers of the warehouse are Public Works, Fleet Management, and the Parks and Recreation Division, although the warehouse also stocks support items for EMS, Solid Waste Management, and Facilities Management.

Additional Recommended Policy Enhancements

Staff recommends modifications to the Purchasing policy to reflect the recent realignment of the MWSBE Division as well as current best practices in public procurement. Attachment #2 reflects the following proposed revisions:

Title: Update on the Leon County Purchasing Division and Proposed Revisions to County Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy"

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- The policy is re-titled to reflect that the MWSBE Division is consolidated and realigned within the Tallahassee-Leon County Office of Economic Vitality.
- The policy is re-formatted to separate the respective sections relating to Purchasing and MWSBE in anticipation of the development of a new consolidated MWSBE policy following the completion of the current disparity study update, as described earlier in this item.
- Section 2(C) is updated to provide exemptions to the Purchasing Policy to expand the utilization of cooperative purchasing organizations, to streamline the process utilized by the Division of Tourism when applying to organizations to host tourism events, and to better facilitate contracts that generate revenue for the County.
- Section 5.03 is updated to revise the definition of and increase the purchasing threshold for some small purchases, consistent with current industry best practices. The minimum threshold for consumables and services is increased from \$1,000 to \$2,500 before requiring quotes. This threshold has not been increased in many years and no longer reflects current market trends and shelf item costs. Increasing this threshold will more accurately reflect the current cost of goods and services while continuing to streamline the County's purchasing process. As always, County staff will continue to seek competitive, fair and reasonable pricing for purchases at all thresholds. A comparative analysis of other local government purchasing policies indicates that many counties have a threshold similar to that recommended in this item. The purchasing policy for Alachua and Marion Counties currently allow for small purchases (i.e., no quotes required) up to \$2,500.
- Section 5.08(N) is created to prohibit certain communications with County officials or staff during the course of a competitive solicitation.
- Section 5.12(D) is created to clarify and facilitate the use of Cooperative Purchasing Organizations.

In addition to policy revisions recommended above, Attachment #2 reflects revisions to Section 11 of the policy to comport with new Federal Uniform Administrative Requirements outlined in 2 CFR 200, which pertain to contracts funded in whole or in part by assistance from any federal agency. The recommended revisions would also provide that when a local declaration of emergency has been made and the utilization (or request for reimbursement) of Federal funds is anticipated, the purchasing policy is waived and Federal guidelines will be utilized.

Conclusion

Given the comprehensive nature of this agenda item and the immediate recommended improvements to the MWSBE policy, the Board may determine that the acceptance of this report and the associated recommendations addresses the need for a stand-alone purchasing workshop. However, if additional information is required and stand-alone workshop is requested, staff recommends conducting the workshop on September 12, 2017 at 1:30 p.m.

Title: Update on the Leon County Purchasing Division and Proposed Revisions to County Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy"
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Options:

- 1. Accept staff's update on the Leon County Purchasing Division and adopt the revised County Policy No. 96-1, "Purchasing Policy" (Attachment #1).
- 2. Accept staff's update on the Leon County Purchasing Division and take no further action.
- 3. Do not accept staff's update on the Leon County Purchasing Division.
- 4. Schedule a workshop on Leon County's Purchasing Operations for Tuesday, September 12 at 1:30 p.m.
- 5. Board direction

Recommendation:

Option #1.

Attachments:

- 1. Proposed Revised County Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy" (as revised)
- 2. Proposed Revised County Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy" (with proposed revisions shown)
- 3. Purchasing thresholds

Board of County Commissioners Leon County, Florida

Policy No. 96-1

Title:	Purchasing Policy
Date Adopted:	June 20, 2017
Effective Date:	June 20, 2017
Reference:	Chapters 274 and 287, 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; revised January 27, 2015

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 January 27, 2015 be superseded and a revised policy, Policy No. 96-1 "Purchasing Policy," is hereby adopted in its place, to wit:

Attachment #1 Page 2 of 55 **12.02**

BOARD OF COUNTY COMMISSIONERS LEON COUNTY

Purchasing Policy



LEON COUNTY BOARD OF COUNTY COMMISSIONERS Purchasing Policy

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PART A: PURCHASING PROCEDURE

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, minority and women owned 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; under the terms and conditions of a cooperative purchasing agreement or term contract by other governmental units, or through other cooperative purchasing organizations.
 - 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

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 \$50,000 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 \$50,000 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, prerecorded 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)
- 22. Tourism Event Hosting Applications/Requests/Bids
- 23. Revenue Generating contracts

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/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.
 - 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 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.
 - 13. "Contractor" means any person having a contract with Leon County (not to include employment contracts).
 - 14. "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.

- 15. "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.
- 16. "Cooperative Purchasing" is procurement conducted by, or on behalf of, more than one public procurement unit.
- 17. "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.
- 18. "Data" means recorded information, regardless of form or characteristic.
- 19. "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.
- 20. "Designee" means a duly authorized representative of a person holding a superior position.
- 21. "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.
- 22. "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.
- 23. "Employee" means an individual drawing a salary from Leon County, whether elected or nonelected. 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.
- 24. "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.
- 25. "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.
- 26. "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.
- 27. "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.

- 28. "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
- 29. "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.
- 30. "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.
- 31. "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.
- 32. "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 nonminority 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.
- 33. "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.
- 34."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.
- 35. "Option to Renew" means a contract clause that allows a party to reinstate the contract for an additional term.
- 36. "Person" means any business, individual, committee, club, other organization, or group of individuals.
- 37. "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.
- 38. "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.
- 39. "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.

- 40. "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.
- 41. "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.
- 42. "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.
- 43. "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.
- 44. "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.
- 45. "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.
- 46. "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.
- 47. "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.
- 48. "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.
- 49. "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.
- 50. "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.
- 51. "Revenue Generating Contract" means a contract where revenue is received for goods and services provided on behalf of governmental entities.
- 52. "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.

- 53. "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.
- 54. "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.
- 55. "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.
- 56. "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.
- 57. "Tangible Personal Property" is defined as property which has an original acquisition cost of \$1,000 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.
- 58. "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.
- 59. "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.
- 60. "Tourism Event Hosting Application/Request/Bid" means the process utilized by the Tourism Department when applying to organizations to host tourism events.

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.
- 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 coordinate with the Tallahassee-Leon County Office of Economic Vitality, Office of Minority, Women, and Small Business Enterprise, to implement, monitor, and enforce the Minority, Women, and Small Business Enterprise program.

Table 1 Purchasing Proce	ess Thresholds
Procurement Method	Threshold
Petty Cash/Reimbursement (Section 5.02)	Not to exceed \$100
Small Purchase Procedures (Section 5.03) Tangible Property/Controlled Asset Consumables Warehouse Operations (Section 5.031)	\$1 to \$1,000 \$1 to \$2,500 \$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) Tangible Property/Controlled Asset Consumables	\$1,000 to \$5,000 \$2,500 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	Threshold ¹
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 Utilization of Minority, Women, and Small Business Enterprises

Minority, Women, and Small Business Enterprise Program will be conducted in compliance with Part B of this Policy. Employees are encouraged to seek out and utilize certified minority, women-owned, and small business enterprises in the procurement process, when available. (Please see Part B, Minority, Women, and Small Business Enterprise Participation Program).

Whenever practicable, at least one of the three quotes/bids from certified minority and wormen-owned business enterprises shall be secured for Small Purchases, Field Quotes, Purchasing Quotes, and Informal Bids. The Purchasing Director shall review the quotations and make the award or require additional quotations/bids prior to award.

For Competitive Sealed Bidding, Competitive Sealed Proposals (CCNA), and Other Competitive Sealed Proposals, Part B, Minority, Women, and Small Business Enterprise Participation Program shall be utilized unless otherwise exempted in this policy.

Section 5.02 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.
 - 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 5.03 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. Small purchase thresholds are to be determined utilizing the definitions below. Specific questions should be referred to the Purchasing Division for final decisions as to the determination of the category to be utilized.

- A. Tangible Property/Controlled Asset Items/Assets that require a property tag and inclusion on the County inventory. For purposes of this section tangible property/controlled asset includes the following:
 - 1. An item which has an original acquisition cost of \$1,000 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; and
 - 2. An item with a historical cost less than \$1,000 but has been identified as being particularly at risk or vulnerable to loss or theft and having a residual value when approaching its end of shelf life by the Purchasing Director and the appropriate Division Director. Examples include computers, laptops, iPads, certain types of IT equipment, and certain types of maintenance equipment.
- B. Consumables Commodities and services that are not included in the Tangible Property/Controlled Asset description above. These items are generally assumed to be consumed during use, have little to no residual value when wear-out is achieved/reached, intended to be used up and then replaced, or used up very quickly Some examples include writing instruments, fuel, filters, most items of clothing, paper products, food, and some replaceable hand tools such as shovels, rakes, etc.

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.

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.

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.

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 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. Negotiation of Terms and Conditions – Less Than Two Responsive Submissions. 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.

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 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.

- 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 a 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.

- 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. Negotiation of Terms and Conditions Less Than Two Responsive Submissions. 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 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. 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."
 - 3. 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)

- N. Prohibited Communications
 - 1. Any form of communication, except for written correspondence with the Purchasing Division requesting clarification or asking questions, shall be prohibited regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between: Any person or person's representative seeking an award from such competitive solicitation; and
 - 2. Any County Commissioner or Commissioner's staff, or any county employee authorized to act on behalf of the Commission to award a particular contract.

For the purpose of this section, a person's representative shall include, but not be limited to, the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.

The prohibited communication shall be in effect as of the release of the competitive solicitation and terminate at the time the Board, or a County department authorized to act on behalf of the Board, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.

The provisions of this section shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meetings, presentations made to the Board, and protest hearings. Further, the provisions of this section shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, communications with the County Attorney or communications with the Purchasing Director.

Prohibited communications may result in disqualification from the particular request for proposal, request for qualification, bid, or any other competitive solicitation and shall be grounds for suspension from doing business with the County.

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.
 - 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. Negotiation of Terms and Conditions Less Than Two Responsive Submissions. 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:
 - 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.

- 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 and Evaluation.
 - 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.
 - 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.
- 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. Negotiation of Terms and Conditions – Less Than Two Responsive Submissions. 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.

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.
- D. Cooperative Purchasing Organizations. The Purchasing Director is authorized to purchase goods or services for any dollar amount from authorized vendors listed on eligible contracts of cooperative purchasing organizations. 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. All Cooperative Purchasing contracts utilized under this section shall have been awarded through full and open competition, including use of source selection methods equivalent to those required by this policy.

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.

- 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 florida law, but in no event attorney for 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.
 - 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. Additionally, the County Administrator, or designee may execute an extension of current contract(s) to ensure the continuation of critical services.
- 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 two business days 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 two business days 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 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
 - The Procurement Appeals Board shall give reasonable notice to all substantially affected persons or businesses, including the Protestor, and any Intervenor.
 - 2) 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.

- 3) 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 crossexamination 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.
- 4) 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.
- 5) 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.
- 6) 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 the 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.
 - 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.
 - 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 crossexamination 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, which shall then be presented to the Board of County Commissioners for ratification or other final disposition.

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.
- 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.
 - 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.

- 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;
 - 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."

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. 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 County Administrator or designee. In the event a budget amendment is required, the procedures of the Office of Management and Budget shall apply to the amendment.
- 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 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.

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.

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.

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 nonemployee 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 REQUIREMENTS

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 FEDERAL PUBLIC POLICY REQUIREMENTS

- A. Applicability. If a contract is being funded in whole or in part by assistance from any federal agency, either directly or as a pass-through, 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.
- B. 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 (including Federal pass-through grants such as the Community Development Block Grant) 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; 2 CFR Part 200.317-.326; 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 and any subsequent revisions to any of the above laws, rules, and regulations.
- C. 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 unless otherwise required in the grant award.
 - 1. In the event of declaration of emergency by the Chairman of the Board, the Purchasing Policy shall be suspended and the guidelines of Federal Regulation 2 CFR Part 200 shall be utilized, to include, but not be limited to procurement thresholds.
 - 2. Local Preference Program is not applicable to Federally funded programs.
 - 3. The Tallahassee-Leon County Office of Economic Vitality's Minority, Women, and Small Business Enterprise Program is not applicable to Federally funded programs. Instead, the following affirmative steps shall be taken and documented to ensure that these firms are used when possible:
 - a) Place qualified small, minority, and women owned businesses on solicitation lists;
 - b) Assure that small, minority, and women owned businesses are solicited when they are potential sources;
 - c) Divide total requirement, when economically feasible, into smaller tasks or quantities to permit maximum participation by small, minority, and women owned businesses;
 - d) Establish delivery schedules, when requirements permits, which encourage participation by small, minority, and women owned business enterprises;
 - e) Use service and assistance from such organization as Small Business Administration (SBA) and the Minority Business Development Agency of the Department of Commerce; and
 - f) Require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs a through e of this section.

- 4. All procurement of commodities or services in excess of \$2,000 shall require a written agreement embodying all provisions and conditions thereof.
- 5. All procurement of commodities or services in excess of \$2,000 and less than the threshold amount provided for CATEGORY TWO in s. 287.017, Florida Statutes may be entered into only after informal competition based on offers or quotes from not less than three (3) vendors, unless otherwise required in the grant or aid program.
- 6. 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.
- 7. 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.
- 8. Nothing herein shall prohibit the County from utilizing a single source procurement (Section 5.10, Sole Source Purchases) or procurement from another unit of government (Section 5.12, Cooperative Purchasing).
- D. 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.
 - 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.
- 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.
- 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 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.

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.

PART B: MINORITY WOMEN AND SMALL BUSINESS ENTERPRISE PROGRAM

Section 1 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 Part 2 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.
- 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.
- 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
- 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.
- 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;
 - 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. The Tallahassee-Leon County MWSBE Citizens Advisory Committee shall monitor the progress of the MWSBE Program toward achieving program performance goals established by the Board of County Commissioners. The Committee may be requested to review and provide MWSBE policy alternatives, as well as provide programmatic recommendations relative to seeking resolution of disputes regarding Certification and Good Faith Efforts. There are eleven members: four appointed by the County Commission, four appointed by the City Commission, and one nominated appointee each from the Big Bend Minority Chamber of Commerce, Capital City Chamber of Commerce, and the Greater Tallahassee Chamber of Commerce. Members serve two- year terms with vacancies being filled for the remainder of a term; and, reappointments will be limited to three consecutive terms. 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.
- E. Aspirational Targets
 - 1. The Aspirational Targets (Part 2, Section 1, 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.

Part 2, Section 1, 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. However, if a bidder is MBE or WBE certified, then the aspirational target for subcontracting in that category shall be deemed fulfilled. All other aspirational targets will apply.
- 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.
- G. Setting and Meeting Aspirational Targets
 - 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.
- 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.
 - 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.
- 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 prebid 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 MSWBE Division, which shall be based on reasonable considerations such as:
 - i. The Prime Contractor has provided the MWBSE 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.
 - 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.	х		
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.	Х	х	
Majority Owner(s) must reside in Leon, Gadsden, Jefferson, or Wakulla County Florida.	Х	Х	Х
Majority Owner(s) must be a United States citizen or lawfully admitted permanent resident of the United States.	Х	х	Х
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.	Х	x	x
Business must be Independent and not an Affiliate, Front, façade, broker, or pass through.	Х	х	х
Business must be a for-profit business concern.	Х	Х	Х
Business must be currently located within the Market Area.	X X	Х	Х
Business must have all licenses required by local, state, and federal law.	Х	Х	Х
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.	х	x	x
Business must have expertise normally required by the industry for the field for which Certification is sought.	Х	Х	Х
Business must have a net worth no more than \$2 million.	Х	Х	Х
Business must employ 50 or fewer full- or part-time employees, including leased employees.	Х	х	Х
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.	х	x	x
Business must have been established for a period of one (1) calendar year prior to submitting its application for SBE certification.			Х
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

- 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 MWBSE 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.
 - 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.
- M. Small Business Enterprise (SBE)
 - 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 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)	

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.

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 womenowned 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.

(Part 2 (previously 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)

Revised June 20, 2017

Board of County Commissioners Leon County, Florida

Policy No. 96-1

Title:	Purchasing and Minority, Women and Small Business Enterprise Policy
Date Adopted: Effective Date:	January 27, 2015June 20, 2017 January 27, 2015June 20, 2017
Reference:	Chapters 274 and 287, Florida Statutes
Policy Superseded:	Policy No. 96-1, <u>"</u> Purchasing Policy <u>"</u> ; 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; revised January 27, 2015

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 96-1, <u>"</u>Purchasing and Minority, Women and Small Business Enterprise Policy", revised by the Board of County Commissioners on October 29, 2013 January 27, 2015 be superseded and a revised policy, Policy No. 96-1 "Purchasing 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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PART A: PURCHASING PROCEDURE

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 and women owned 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, or through other cooperative purchasing organizations.
 - 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

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 \$2050,000 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 \$2050,000 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, prerecorded 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.

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- 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)
- 22. Tourism Event Hosting Applications/Requests/Bids
- 23. Revenue Generating contracts

Section 3 DEFINITIONS

I

- 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/<u>Contract</u>" 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.
 - 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.
 - 1312. "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.

14<u>13</u>. "Contractor" means any person having a contract with Leon County (not to include employment contracts).

1514. "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.

- 1615. "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<u>16</u>. "Cooperative Purchasing" is procurement conducted by, or on behalf of, more than one public procurement unit.
- 1817. "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.
- <u>1918</u>. "Data" means recorded information, regardless of form or characteristic.

- 2019. "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.
- 2420. "Designee" means a duly authorized representative of a person holding a superior position.
- 2221. "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.
- 2322. "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.
- 2423. "Employee" means an individual drawing a salary from Leon County, whether elected or nonelected. 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.
- 2524. "Established Catalog Price" is the price included in a catalog, price list, schedule, or other form that:
 - a.<u>a</u>) is regularly maintained by a manufacturer or contractor;
 - b.b) is either published or otherwise available for inspection by customers; and
 - e.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.
- 2725. "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.

- 2826. "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.
- <u>2927</u>. "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.
- 3028. "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
- 3429. "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.
- 3230. "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.
- 3331. "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.
- 3432. "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
- a joint business association of a minority individual(s)/firm(s) as defined herein, and a nonminority 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.
- 3533. "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.
- 3634. "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<u>35</u>. "Option to Renew" means a contract clause that allows a party to reinstate the contract for an additional term.
- 3836. "Person" means any business, individual, committee, club, other organization, or group of individuals.

<u>3937</u>. "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.

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- 40<u>38</u>. "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.
- 44<u>39</u>. "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<u>40</u>. "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<u>41</u>. "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<u>42</u>. "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.
- 4543. "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<u>44</u>. "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<u>45</u>. "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<u>46</u>. "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<u>47</u>. "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.
- 5048. "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.

- 5049. "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.
 - 51<u>50</u>. "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.
 - 51. "Revenue Generating Contract" means a contract where revenue is received for goods and services provided on behalf of governmental entities.
 - 5352. "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<u>53</u>. "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.
- 5554. "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<u>55</u>. "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<u>56</u>. "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.
- 5857. "Tangible Personal Property" is defined as property which has an original acquisition cost of \$7501,000 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.
- 5958. "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.
- __6059. "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.

60. <u>"Tourism Event Hosting Application/Request/Bid" means the process utilized by the Tourism</u> Department when applying to organizations to host tourism events.

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.
- 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 coordinate with the Tallahassee-Leon County Office of Economic Vitality, Office of Minority, Women, and Small Business Enterprise-Coordinator, to implement, monitor, and enforce the County's Minority, Women, and Small Business Enterprise program-policy.

Section 5 PURCHASING CATEGORIES; THRESHOLD AMOUNTS

Table 1 Purchasing Proce	ess Thresholds
Procurement Method	Threshold
Petty Cash/Reimbursement (Section 5.0102)	Not to exceed \$100
Field Purchase Order (Section 5.02) Small Purchase Procedures (Section 5.03)	\$1 to \$500 \$1 to \$1,000 <u>\$1 to \$2,500</u> \$1 to \$5,000
Blanket Purchase Orders (Section 5.04) Non-contractual Basis Contractual Basis Field Quotes (Section 5.05) <u>Tangible Property/Controlled Asset</u> Consumables	not to exceed \$5,000 not to exceed annual contract value \$1,000 to \$5,000 \$2,500 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	Threshold ¹			
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 Utilization of Minority, Women, and Small Business Enterprises

Minority, Women, and Small Business Enterprise Program will be conducted in compliance with Part B of this Policy. –Employees are encouraged to seek out and utilize certified minority, women-owned, and small business enterprises in the procurement process, when available. (Please see Part B, Minority, Women, and Small Business Enterprise Participation Program).

Whenever practicable, at least one of the three quotes/bids from certified minority and wormen-owned business enterprises shall be secured for Small Purchases, Field Quotes, Purchasing Quotes, and Informal Bids. The Purchasing Director shall review the quotations and make the award or require additional guotations/bids prior to award.

For Competitive Sealed Bidding, Competitive Sealed Proposals (CCNA), and Other Competitive Sealed Proposals, Part B, Minority, Women, and Small Business Enterprise Participation Program shall be utilized unless otherwise exempted in this policy.

Section 5.02 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.
 - 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. Small purchase thresholds are to be determined utilizing the definitions below. Specific questions should be referred to the Purchasing Division for final decisions as to the determination of the category to be utilized.

A. Tangible Property/Controlled Asset - Items/Assets that require a property tag and inclusion on the

- <u>equipment; and</u>
 <u>An item with a historical cost less than \$1,000 but has been identified as being particularly at risk</u> or vulnerable to loss or theft and having a residual value when approaching its end of shelf life by the Purchasing Director and the appropriate Division Director. Examples include computers,</u> laptops, iPads, certain types of IT equipment, and certain types of maintenance equipment.
- B. Consumables Commodities and services that are not included in the Tangible Property/Controlled Asset description above. These items are generally assumed to be consumed during use, have little to no residual value when wear-out is achieved/reached, intended to be used up and then replaced, or used up very quickly Some examples include writing instruments, fuel, filters, most items of clothing, paper products, food, and some replaceable hand tools such as shovels, rakes, etc.

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.

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. <u>Negotiation of Terms and Conditions Less Than Two Responsive Submissions.</u> 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.
 - C. Public Notice.

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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 the established bid opening and at least 5 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 bidder¹/₂'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.
- 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.

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- 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 a 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.
- 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. <u>Negotiation of Terms and Conditions Less Than Two Responsive Submissions.</u> 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:
 - 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.
 - 3.2. 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."

4.3. 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)

N. Prohibited Communications

Any form of communication, except for written correspondence with the Purchasing Division requesting clarification or asking questions, shall be prohibited regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:

1. Any person or person's representative seeking an award from such competitive solicitation; and

2. Any County Commissioner or Commissioner's staff, or any county employee authorized to act on behalf of the Commission to award a particular contract.

For the purpose of this section, a person's representative shall include, but not be limited to, the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.

The prohibited communication shall be in effect as of the release of the competitive solicitation and terminate at the time the Board, or a County department authorized to act on behalf of the Board, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.

The provisions of this section shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meetings, presentations made to the Board, and protest hearings. Further, the provisions of this section shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, communications with the County Attorney or communications with the Purchasing Director.

Prohibited communications may result in disqualification from the particular request for proposal, request for qualification, bid, or any other competitive solicitation and shall be grounds for suspension from doing business with the County.

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.

- 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. <u>Negotiation of Terms and Conditions Less Than Two Responsive Submissions.</u> 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:

- i.<u>1)</u> 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.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.
- 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 and Evaluation.

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- 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.

- 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.

- 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)

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 Negotiation of Terms and Conditions – Less Than Two Responsive Submissions. -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.

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.
 - D. Cooperative Purchasing Organizations. The Purchasing Director is authorized to purchase goods or services for any dollar amount from authorized vendors listed on eligible contracts of cooperative purchasing organizations. 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. -All Cooperative Purchasing contracts utilized under this section shall have been awarded through full and open competition, including use of source selection methods equivalent to those required by this policy.

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 multistep 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.
 - 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 florida law, but in no event attorney fees, 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.
- 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. Additionally, the County Administrator, or designee may execute an extension of current contract(s) to ensure the continuation of critical services.
- 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 two business days 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 two business days 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 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.<u>1)</u> The Procurement Appeals Board shall give reasonable notice to all substantially affected persons or businesses, including the Protestor, and any Intervenor.
- ii.2) 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.3) 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 crossexamination 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.4) 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.
- ∀.<u>5</u>) 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.<u>6</u>) 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 the 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.
- 4. Ex parte communication.

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- 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.
 - 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, which shall then be presented to the Board of County Commissioners for ratification or other final disposition.

Section 5.14 CONTRACT CLAIMS

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- 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.
- 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.
 - 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;
 - 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."

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.

 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 BoardCounty Administrator or designee. In

the event a budget amendment is required, the procedures of the Office of Management and Budget shall apply to the amendment.

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.

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.

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.

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 nonemployee 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 <u>REQUIREMENTS POLICY NOTICE</u>

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 <u>a the</u> contract is being funded in whole or in part by assistance from any federal agency, <u>either directly or as a pass-through</u>, 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.
- B. 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 (including Federal pass-through grants such as the Community Development Block Grant) 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; 2 CFR Part 200.317-.326; 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 and any subsequent revisions to any of the above laws, rules, and regulations.
- C. 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 unless otherwise required in the grant award.

1. In the event of declaration of emergency by the Chairman of the Board, the Purchasing Policy

shall be suspended and the guidelines of Federal Regulation 2 CFR Part 200 shall be utilized, to include, but not be limited to procurement thresholds.

- 2. Local Preference Program is not applicable to Federally funded programs.
- 3. The Tallahassee-Leon County Office of Economic Vitality's Minority, Women, and Small Business Enterprise Program is not applicable to Federally funded programs. Instead, the following affirmative steps shall be taken -and documented to ensure that these firms are used when possible:
 - a) Place qualified small, minority, and women owned businesses on solicitation lists;
 - b) Assure that small, minority, and women owned businesses are solicited when they are potential sources;
 - c) Divide total requirement, when economically feasible, into smaller tasks or quantities to permit maximum participation by small, minority, and women owned businesses;
 - d) Establish delivery schedules, when requirements permits, which encourage participation by small, minority, and women owned business enterprises;
 - e) Use service and assistance from such organization as Small Business Administration (SBA) and the Minority Business Development Agency of the Department of Commerce; and
 - <u>f)</u> Require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs a through e of this section.
- 4. All procurement of commodities or services in excess of \$2,000 shall require a written agreement embodying all provisions and conditions thereof.
- 5. All procurement of commodities or services in excess of \$2,000 and less than the threshold amount provided for CATEGORY TWO in s. 287.017, Florida Statutes may be entered into only after informal competition based on offers or quotes from not less than three (3) vendors, unless otherwise required in the grant or aid program.
- 6. 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.
- 7. 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.
- 8. Nothing herein shall prohibit the County from utilizing a single source procurement (Section 5.10, Sole Source Purchases) or procurement from another unit of government (Section 5.12, Cooperative Purchasing).
- BD. 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.
 - 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.
- 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 Couuthty 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<u></u>'s address and phone number; the name of the vendor<u></u>'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.
 - 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.

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
 - 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.

PART B: MINORITY WOMEN AND SMALL BUSINESS ENTERPRISE PROGRAM

Section 1 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 16Part 2 of this policy.
 - "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.
 - 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.
 - 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
- 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.
- 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. The Tallahassee-Leon County MWSBE Citizens Advisory Committee shall monitor the progress of the MWSBE Program toward achieving program performance goals established by the Board of County Commissioners. The Committee may be requested to review and provide MWSBE policy alternatives, as well as provide programmatic recommendations relative to seeking resolution of disputes regarding Certification and Good Faith Efforts. There are eleven members: four appointed by the County Commission, four appointed by the City Commission, and one nominated appointee each from the Big Bend Minority Chamber of Commerce, Capital City Chamber of Commerce, and the Greater Tallahassee Chamber of Commerce. Members serve two- year terms with vacancies being filled for the remainder of a term; and, reappointments will be limited to three consecutive terms. 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.
- E. Aspirational Targets
 - 1. The Aspirational Targets (Part 2, 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.

Part 2, 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. <u>However, if a bidder is MBE or WBE certified, then the aspirational target for subcontracting in that category shall be deemed fulfilled</u>. All other aspirational targets will apply.
- 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.
- G. Setting and Meeting Aspirational Targets
 - 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 -
 - 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.
 - 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.
 - 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.
- 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 prebid 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 MSWBE Division, which shall be based on reasonable considerations such as:
 - i. The Prime Contractor has provided the MWBSE 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.
- 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.	х		
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.	Х	х	
Majority Owner(s) must reside in Leon, Gadsden, Jefferson, or Wakulla County Florida.	Х	х	Х
Majority Owner(s) must be a United States citizen or lawfully admitted permanent resident of the United States.	Х	х	Х
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.	Х	x	x
Business must be Independent and not an Affiliate, Front, façade, broker, or pass through.	Х	х	х
Business must be a for-profit business concern.	Х	Х	Х
Business must be currently located within the Market Area.	X X	Х	Х
Business must have all licenses required by local, state, and federal law.	Х	Х	Х
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.	х	x	x
Business must have expertise normally required by the industry for the field for which Certification is sought.	Х	х	Х
Business must have a net worth no more than \$2 million.	Х	Х	Х
Business must employ 50 or fewer full- or part-time employees, including leased employees.	Х	х	Х
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.	х	x	x
Business must have been established for a period of one (1) calendar year prior to submitting its application for SBE certification.			Х
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

- 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 MWBSE 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.
 - 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.
- M. Small Business Enterprise (SBE)
 - 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 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)

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.

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 womenowned 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.

(<u>Part 2 (previously</u> 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)

Revised January 27, 2015June 20, 2017

Table 1 Purchasing Process Thresholds			
Procurement Method	Threshold		
Petty Cash/Reimbursement (Section 5.02)	Not to exceed \$100		
Small Purchase Procedures (Section 5.03) Tangible Property/Controlled Asset Consumables Warehouse Operations (Section 5.031)	\$1 to \$1,000 \$1 to \$2,500 \$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) Tangible Property/Controlled Asset Consumables	\$1,000 to \$5,000 \$2,500 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		

Section 5 PURCHASING CATEGORIES; THRESHOLD AMOUNTS

Table 2 Contract Award and Signature Authority Thresholds		
Individual	Threshold ¹	
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.		

Leon County Board of County Commissioners

Notes for Agenda Item #11

Leon County Board of County Commissioners

Agenda Item #11

June 20, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title:2017 Florida Legislative Session Final Report and Request to Schedule the
Board Workshop on 2018 State and Federal Legislative Priorities and a 2018
Community Legislative Dialogue Meeting

Review and Approval:	Vincent S. Long, County Administrator	
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator	
Lead Staff/ Project Team:	Andy Johnson, Assistant to the County Administrator for Legislative and Strategic Initiatives Nicki Paden, Management Analyst	

Statement of Issue:

This agenda item seeks the Board's approval of the 2017 Florida Legislative Session Final Report. Additionally, this item seeks approval to schedule the Board Workshop on the 2018 State and Federal Legislative Priorities for October 24, 2017 from 1:30 - 3:00 p.m. and a Community Legislative Dialogue Meeting for February 9, 2018 from 9:00 a.m. - 10:30 a.m.

Fiscal Impact:

The final legislative report summarizes legislation that may have an immediate and/or future impact on the County budget.

Staff Recommendation:

- Option #1: Accept the 2017 Florida Legislative Session Final Report.
- Option #2: Schedule the Board Workshop on the 2018 State and Federal Legislative Priorities for Tuesday, October 24, 2017 from 1:30 3:00 p.m.
- Option #3: Schedule a Community Legislative Dialogue Meeting for the 2018 Florida Legislative Session for February 9, 2018 from 9:00 a.m. 10:30 a.m.

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Report and Discussion

Background:

At the 2017 State and Federal Legislative Priorities Workshop held on October 18, 2016, staff presented verbal and written reports to the Board and proposed a slate of appropriations and policy requests for the 2017 federal and state legislative sessions (Attachment #1). Additionally, as part of the ratification agenda item at the November 22, 2016 Regular Meeting, the Board directed staff to include five additional items in Leon County's 2017 State and Federal Legislative Priorities (Attachment #2). As directed, the County's contract lobbying team continued to pursue funding at the state and federal levels for the projects approved by the Board. County staff submitted appropriation requests to the Florida Legislature for the following projects:

<u>Request:</u>	Amount:	Project Phase:
Woodville Sewer - Phase 1 & 2	\$7.2 million	Design & Construction
Lake Munson Area Septic to Sewer	\$5.5 million	Design & Construction
Fords Arm Restoration	\$3.97 million	Construction
Belair/Annawood Septic to Sewer	\$3.5 million	Design & Construction
Harbinwood Estates Septic to Sewer	\$2.5 million	Design
Leon South Regional Water System	\$1.5 million	Design & Construction
Centerville Trace Septic to Sewer	\$1 million	Design
Fred George Wetland Restoration	\$1 million	Construction

Agriculture and Natural Resources Appropriations Requests:

Transportation, Tourism, and Economic Development Appropriations Requests:
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		-
Request:	Amount:	Project Phase:
Capital Circle Southwest - Segment 1 (Springhill Road to Crawfordville Road)	\$14.9 million	Right-of-Way Acquisition
Capital Circle Southwest - Segment 1 (Springhill Road to Crawfordville Road)	\$19.5 million	Construction
Capital Circle Southwest - Segment 2 (Orange Avenue to Springhill Road)	\$23.9 million	Right-of-Way Acquisition
Capital Circle Southwest - Segment 2 (Orange Avenue to Springhill Road)	\$10.4 million	Construction
Woodville Highway (Capital Circle to Paul Russell Road)	\$23 million	Construction
Veterans Memorial Drive (CR 59) Bridge Replacement	\$530,000	Design & Construction
Apalachee Regional Park Master Plan Implementation	\$500,000	Design & Engineering
Orchard Pond Greenway Trail, Phase II	\$300,000	Design & Construction
Leon Works Junior Apprenticeship Program	\$100,000	Program Funding
Pre-Disaster Hazard Mitigation	\$1,000,000	Capital/Fixed Assets

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In addition, staff recommended support for two appropriations requests by community partners, which the Board also approved:

- 1. Support the Apalachee Center Inc.'s funding requests for eight short-term residential treatment beds and for the establishment of a Central Receiving Facility.
- 2. Support programmatic and capital funding requests by Florida State University, Florida A&M University, and Tallahassee Community College, including FSU's Interdisciplinary Research and Commercialization Building.

During the Workshop and during discussion on the ratification agenda item on November 22, the Board also discussed state and federal substantive policy issues that were expected to be considered during the 2017 state and federal legislative sessions. The Board approved the following state and federal policy statements:

State Substantive Issues:

- Support the protection of the state workforce and oppose any reductions to state employee benefits.
- Support the revision of Sec. 125.0104, F.S. to modify the eligibility for levying the local option High Tourism Impact Tax to include counties that are home to Preeminent State Research Universities.
- Support the prioritization of springs restoration funding, with a program designed to assist local governments with the cost of wastewater facility upgrades, septic tank connections, and septic tank abandonment.
- Support legislation and appropriation that enhances the efficiency and effectiveness of the state and local government partnership in economic development. Support the continuation of important local-level economic development incentive programs in partnership with the State of Florida.
- Support of the position of the presidents of Florida State University, Florida A&M University, and Tallahassee Community College, based on last year's position, opposing statutory changes to Section 790.06, F.S. that would allow the concealed carrying of weapons into college or university facilities.
- Support the revision of Section 119.071(4)(d)2, F.S. to provide a similar exemption for personal information of EMTs and paramedics, as well as their immediate family members.
- Support legislation to maintain a countywide regulatory system for EMS through the current Certificate of Public Convenience of Necessity (COPCN) process.
- Support legislation and appropriations that assists Leon County to provide access to highquality library services for all residents across the County.
- Support the appropriation of long-term funding to sustain the Entrepreneurial Excellence Program at Innovation Park.

June 20, 2017

- Page 4
 - Support the appropriation of state and federal funding_for housing programs for homeless and special needs individuals.
 - Support the 2017 Florida Association of Counties (FAC) legislative program unless specific issues conflict with Leon County's interests.

Federal Substantive Issues:

- Support legislation that clarifies that local streets, gutters, and other stormwater infrastructure are excluded from the definition of "Waters of the U.S.," while also requiring federal agencies to consult with state and local officials to identify which waters should be federally regulated and which should be left to the states.
- Support federal legislation that includes full mandatory funding for PILT in the FY 2017 appropriations package and support a long-term strategy for a sustainable PILT program.
- Support legislation that promotes an equitable and competitive environment between 'brick and mortar' businesses and remote businesses establishments operating in Florida.
- Oppose any legislation that would eliminate or limit the tax-exempt status of municipal bonds.
- Support the appropriation of long-term funding to sustain the Entrepreneurial Excellence Program at Innovation Park.
- Support the appropriation of state and federal funding_for housing programs for homeless and special needs individuals.
- Support Leon County's bid to host an ACE (America's Competitiveness Exchange) tour.
- Support NACo's 2016-17 legislative efforts unless specific issues conflict with Leon County's interests.

Analysis:

The 2017 Florida Legislative Session began on Tuesday, March 7 and was scheduled to end on Friday, May 5. However, the House and Senate were unable to reach a final agreement on the state budget in time to end the session on its scheduled date. Accordingly, the legislative session was extended until Monday, May 8 in order to adopt the General Appropriations Act. Subsequently, and as discussed in further detail below, Governor Rick Scott issued a proclamation calling the Legislature back into a special session from June 7 through June 9, 2017 to reconsider a handful of appropriation issues. The "call" for the special session was later expanded to include consideration of medical marijuana implementing legislation.

A key issue that emerged during the 2017 Regular Legislative Session was a proposal to place a constitutional amendment on the 2018 general election ballot that would create an additional \$25,000 homestead exemption for ad valorem purposes. Described in greater detail later in this analysis, this proposal moved quickly through the legislative process late in session and ultimately became a component of late-session negotiations between the House and Senate. County staff worked with the Florida Association of Counties (FAC) and our legislative delegation to vigorously oppose this legislation, emphasizing its potential to severely restrict the

County's ability to raise future revenue in support of the various programs and services provided to Leon County citizens. Ultimately, the proposal was approved by the House and Senate during the final week of the legislative session.

The House and Senate approved an \$82.9 billion budget for FY 2017-2018, representing an approximate increase of \$700 million or 0.8% from the FY 16-17 final budget. Prior to the start of the 2017 session, state economists predicted a budget surplus for the sixth consecutive year; however, the projected surplus amounted to a narrow \$7.5 million. Although the Legislature's Office of Economic and Demographic Research later added about \$141.9 million to its estimate of general revenues, Governor Rick Scott's two principal budget priorities were affected for the second year in a row, as funding for economic development incentive programs through Enterprise Funding was eliminated and funding for tourism marketing was significantly reduced despite the Governor's request of \$100 million for each.

Following the adjournment of the 2017 Regular Legislative Session, and facing the prospect of gubernatorial vetoes of two major education bills that were top priorities of legislative leadership, the Governor, House Speaker, and Senate President continued seeking a compromise that would provide concessions to each party. On June 2, the Governor announced in a press conference that such a deal had been reached and a special session would be called for June 7 through June 9 to boost funding for public schools as well as economic development and tourism promotion. In addition, the Governor issued a subsequent proclamation expanding the "call" for the special session to include consideration of medical marijuana implementing legislation following the passage of a constitutional amendment in 2016 authorizing the use of medical marijuana for certain debilitating medical conditions. As of the drafting of this agenda item, Special Session 2017A is still ongoing. Staff will be available to provide the Board with an updated report on the special legislative session during the June 20 meeting.

Throughout the 2017 legislative session and special session, staff worked with the County's lobbying team to advocate for the Board's priority issues, as well as to address other emerging statewide issues in order to protect and enhance the County's interests. These issues were presented to the Board and senior County staff on a weekly basis through the *Capitol Update* memorandum. As part of the legislative process, staff utilizes the priorities identified by the Board prior to and during the legislative session to develop a strategic action plan with the County's legislative partners (FAC, members of the Leon County Legislative Delegation, the County's contract lobbyists, and community partners). A more detailed account of the Capitol Alliance Group's efforts is provided in its final report on state legislative activities (Attachment #3).

Staff presents a final report to the Board annually that summarizes significant legislative activity at the end of each legislative cycle. Following is the final report on the 2017 Regular Legislative Session including the most up-to-date information available as of this writing regarding Special Session 2017A.

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LEON COUNTY KEY APPROPRIATIONS ISSUES:

This year, the House adopted rules governing the submittal of community budget issue requests. The House rules required that members file individual bills for each appropriation request in order for projects to be considered for inclusion in the House budget. With respect to budget projects, the House rules could have placed the lower chamber at odds with the Senate, which did not adopt a similar rule to govern its budget process. However, on the first day of the 2017 Session the House and Senate adopted a joint rule stipulating that an appropriations project may be included in a budget conference report as long as it was included in either the House's or the Senate's adopted budget. Notwithstanding this, similar to the current trend in the federal budget process, the Legislature continues to place a greater emphasis on grant programs through the executive branch and coordinating through state agencies for long-term infrastructure needs.

Prior to the start of the 2017 session, staff worked with the local delegation to submit appropriation requests for each of Leon County's appropriation priorities, in accordance with the new House and Senate rules. Three Leon County projects were included in the Legislature's adopted budget, but all three were subsequently vetoed by the Governor. A brief description of these three projects follows:

- **Pre-Disaster Mitigation:** a joint request of Leon County and the City of Tallahassee for the installation of ten backup generators at branch libraries and community centers. \$1,000,000 was included in the Legislature's budget for the installation of these backup generators to improve the disaster resistance of critical facilities owned by both entities and enhance the overall resiliency of the community. Once installed, these facilities can serve as additional "comfort stations," points of distribution, or logistical staging areas during future emergency events.
- Veterans Memorial Bridge: Leon County submitted an appropriation request for the replacement of a double 14-foot wide 8 foot tall pipe-arch bridge located on Veterans Memorial Drive (CR 59). The replacement of this bridge ensures its continued use for interstate commerce and hurricane evacuation. \$530,000 was included in the Legislature's budget to replace the Veterans Memorial Bridge.
- Orchard Pond Greenway Trail, Phase II: An appropriation request was submitted for the design and construction of the Orchard Pond Greenway Trail, Phase II. The Phase II trail segment will be a 12-foot paved multi-use trail connecting from the eastern parking area to Meridian Road, adding approximately 1.4 miles to the overall trail. \$300,000 was included in the Legislature's budget to create this segment of the trail.

Community Partners' Appropriations Requests

As indicated above, the Board directed staff to support funding requests by Apalachee Center and the County's higher education partners. Leon County's legislative team worked with our delegation members to express the County's support for these requests. Apalachee Center was successful in securing funding for short-term residential treatment beds. FSU and FAMU were

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successful in securing Public Education Capital Outlay (PECO) funding for several capital projects, although some were vetoed by the Governor:

- FAMU Student Affairs Building (\$3,500,000)
- FSU Earth Ocean Atmospheric Sciences Building, Phase I (\$16,040,737)
- FSU College of Business Building (\$5,000,000)
- FSU Interdisciplinary Research Commercialization Building (\$8,000,000) VETOED
- FSU STEM Teaching Lab (\$5,000,000) VETOED
- FSU Land Acquisition (\$4,000,000) VETOED

During Special Session 2017A, the Senate voted to override several gubernatorial vetoes, including the vetoes of FSU's Interdisciplinary Research Commercialization Building and STEM Teaching Lab. As of this writing, the House has not indicated any intent to similarly override the Governor's vetoes. Staff will continue to keep the Board apprised of further developments in this area.

LEON COUNTY KEY POLICY ISSUES:

Each year, staff evaluates the trends and issues affecting all County programs and services to identify potential legislative policy issues. Significant substantive issues that have been identified for County participation range from maintaining the County's home rule authority to the protection of the state workforce. Following is a recap of the proposed Leon County 2017 state legislative policy requests.

Protection of the State Workforce

Recognizing that the state employees who live in Leon County are vital to our community, economy, and diversity, protecting the jobs of these workers from privatization and advocating for fair wages has continuously been a top priority of the Board. Accordingly, the Board again adopted "Protection of the State Workforce" as one of its top priorities for the 2017 legislative session. For the first time in eight years, an across the board pay raise for over 97,000 employees made it through both chambers as part of SB 7022. Effective October 1, most state employees earning less than \$40,000 annually will receive a \$1,400 increase and those earning over \$40,000 will receive a \$1,000 increase.

State pay raises were a priority this session in the Senate; however, in late-session negotiations between the House and Senate, two long-standing priorities of the House were included in SB 7022 – reforms within the Florida Retirement System (FRS) and the state's health insurance system. By combining all of these issues into a single bill, the Legislature ensured that all would either pass or fail together. Reforms to the FRS system include a provision requiring that newly hired employees covered by FRS who do not actively choose a retirement plan will be defaulted into the FRS investment plan rather than the pension plan. In light of the change, the timeframe of the election period was extended to nine months to allow new hires three additional months to choose their plan option. Only workers who make no choice will be defaulted into the investment plan. In addition, SB 7022 revised the state employee health insurance plan to require the

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Department of Management Services (DMS) to provide four different levels of health-insurance benefits to state employees beginning in 2020. SB 7022 provides an incentive for employees to choose coverage that would cost less than the amount of money the state contributes for premiums. If employees choose lower-premium plans, which could carry higher deductibles, they could receive additional benefits, such as credits to health savings accounts or additional health plan reimbursements. The bill requires the DMS to develop a plan for implementation of the new health insurance benefit levels which must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2019. As of this writing, SB 7022 has been transmitted to the Governor and awaits signature.

Modification of the Eligibility to Levy the Local Option High Impact Tourist Development Tax

A top priority for the Board during the past two legislative sessions has been to seek the revision of Sec. 125.0104, F.S. to authorize counties that are home to the main campus of a Preeminent State Research University to levy the High Tourism Impact Tax in support of these universities in recognition of their economic benefit through tourism. Proceeds from a local option High Impact Tourist Development Tax could be used to fund improvements to the Donald L. Tucker Civic Center along with the construction, maintenance, operations, etc. of a convention center, a full-service hotel, the relocation of the College of Business, new entrepreneurial spaces, future in-fill academic buildings, and other elements in an effort to modernize its facilities and grow the campus footprint. The County and City Commissions have allocated up to \$20 million of local funds from a voter-approved sales tax referendum in support of the \$400 million project in effort to support the community's shared initiatives and long-term economic goals. Leon County's legislative team worked closely with FSU and our local legislative delegation throughout the session to advocate for this policy request; however, the proposal was not amended into an existing bill for the second year in a row. Should the Board wish to include this item as a legislative priority for the 2018 session, Leon County's legislative team will continue to build support with local and statewide stakeholders, legislative staff, and members over the course of interim committee meetings.

Support Springs Restoration Funding

Water quality and protection of Florida's springs remained a highly debated issue this legislative session and continues to be one of Leon County's top priorities. Last session, the Legislature approved HB 989, amending F.S. 375.041 to require \$50 million to be set aside annually for springs restoration projects. Leon County has demonstrated a longstanding commitment to environmental protection and preservation, and springs protection more specifically. The County has designated a Primary Springs Protection Zone by ordinance, which is consistent with similar provisions contained in its Comprehensive Plan. The Primary Springs Protection Zone is designed to minimize the adverse impacts of development on groundwater recharge and aquifer water quality. In addition, Leon County has advanced several infrastructure projects aimed at restoring water quality within the Wakulla Springs Basin.

Similar to previous years, there was low funding available for the number of water project appropriations that were requested. As a result, none of the nine water projects that Leon County

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submitted for funding consideration were included in the final budget. However, the \$50 million for springs restoration grant projects, pursuant to last year's HB 989, was included. Although no direct legislative funding was allocated in support of the County's water projects this year, staff believes there is a strong likelihood of receiving grant funding from the Northwest Florida Water Management District (NWFWMD) for the Lake Munson and Belair/Annawood Septic to Sewer projects through the state's Springs Restoration Matching Grant Program.

State-Local Economic Development Partnerships

State-local partnerships for economic development are important tools that empower local governments and provide resources that lead to the creation of quality jobs, vibrant communities, and global economic competitiveness. However, in recent sessions, state-local economic development partnerships and incentive programs have been scaled back by the Legislature. In 2015 the Florida Enterprise Zone Program, a key component of the state-local economic development toolkit, was allowed to expire and funding for "Florida Enterprise Fund," a \$250 million economic development incentive fund proposed by the Governor, was not included in the final 2016 budget.

As indicated above, despite being a high priority of Governor Scott, the House quickly proposed legislation during the first week of the 2017 Regular Legislative Session to eliminate Enterprise Florida and to reduce funding and impose strict oversight measures on Visit Florida, the state's tourism marketing agency. The final budget approved by the Legislature eliminated funding for Enterprise Florida's business incentive programs and reduced funding for Visit Florida to \$25 million, approximately a third of its current fiscal year budget. In addition to a reduction in funding, Visit Florida will also be subject to strict oversight measures that will require private contributions to match state dollars, cap employee salaries, and require legislative review of contracts worth more than \$750,000.

Following the adjournment of the 2017 Regular Legislative Session, the Governor, House Speaker, and Senate President agreed to convene a special session in part to restore funding for economic development and tourism promotion programs. Under the tentative agreement, the Legislature would create an \$85 million "Florida Job Growth Grant Fund," which would provide funding for economic development-related infrastructure projects and workforce development programs at state colleges and technical centers. Local governments would be eligible to apply for grant funding through this program for economic development infrastructure projects. Additionally, the tentative agreement for the special session would include restoring the funding amount for Visit Florida to \$76 million for the upcoming fiscal year. As of this writing, these proposals have been filed by the House and Senate as HB 1A and SB 2A for the special session. Staff will continue to keep the Board apprised of the status of this legislation as it progresses.

Public Safety on College and University Campuses

Gun rights legislation took a prominent role during the 2017 Legislative Session, with a broad variety of bills filed that address how and where firearms can be carried in Florida – including college and university campuses. Overall, 39 bills, resolutions, and resolution-like memorials

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were filed for the 2017 session that included language related in some aspect to firearms and the Second Amendment, but all gun-related measures failed. Of the 39 bills, SB 622 would have allowed people with concealed-weapons licenses to carry firearms on college and university campuses. However, for the third consecutive year, the bill died in the Senate Judiciary Committee.

EMS Balance Billing

In recent years, bills have been introduced that would have prohibited health care providers, including Leon County EMS, from collecting or attempting to collect any amount beyond the insurance provider's reimbursement. This practice, known as "balance billing," is utilized by health care providers to bill patients for fees or charges not reimbursed by the patient's insurance coverage. For emergency medical transport providers, balance billing is a critical cost recovery strategy; without the ability to collect these charges, EMS providers would have to rely on additional general revenue subsidies to fund operations instead of collecting charges from system users. No bills passed this session including a statutory change to Chapter 627, F.S. eliminating balance billing, avoiding an estimated \$1.7 million recurring negative fiscal impact for Leon County.

Certificates of Public Convenience and Necessity (COPCNs)

Similar to last session, some changes related to the issuance of Certificate of Public Convenience and Necessity (COPCNs) were considered during the 2017 session, but ultimately failed to pass. A COPCN is a written statement issued by the governing board of a county granting permission for an emergency medical service provider to operate within the county. During the last weeks of session, amendments were filed to non-EMS related transportation bills to remove the requirement of obtaining a local government's COPCN for nonemergency transport. Changes to the COPCN requirement face significant opposition from counties and the statewide EMS community, as the COPCN process to approve the operation of basic and advanced life support vehicles in a county is essential to ensuring emergency and nonemergency ambulance services in every community.

Support Funding for Public Libraries

Florida's State Aid to Libraries Grant Program, managed by the Florida Department of State's Division of Library and Information Services, has been the cornerstone of public library support in Florida since 1963, and is recognized as a national model. Florida library systems rely on State Aid grant funding to assist library users with economic development resources to small businesses and job seekers; access to the internet, government services, and a vast array of online services and products and; education and reading. The Board adopted a priority for the 2017 session to support legislation and appropriation that assists Leon County in providing access to high-quality library services for all residents across the County.

Leon County utilizes State Aid grant funding to further assist with purchasing circulating library materials for County residents. The FY 2017-2018 budget included an allocation of \$25,398,834 from the general revenue fund for local government library assistance reflecting an approximate

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increase of \$2 million from FY 2016-2017. Staff is anticipating for Leon County to receive approximately \$183,000 in in state aid for FY 2017-2018.

Support for the Entrepreneurial Excellence Program at Innovation Park

As indicated above, the Board directed staff to support a funding request by the Leon County Research & Development Authority (LCRDA) to sustain the Entrepreneurial Excellence Program at Innovation Park. Staff assisted LCRDA in preparing House and Senate appropriations request forms and Leon County's legislative team worked with our delegation members to express the County's support for this request. However, no funding was included in the Legislature's approved budget for this request.

Support Funding for Housing Programs for Homeless and Special Needs Individuals

The Legislature's adopted budget includes \$3 million in funding for local homeless coalition lead agencies throughout the state, and an additional \$5.2 million is provided through the State Housing Initiatives Partnership (SHIP) to provide services to homeless individuals. Additionally, \$10 million is provided to fund a competitive grant program for housing developments designed, constructed, and targeted for persons with developmental disabilities. Private, nonprofit organizations whose primary mission includes serving persons with developmental disabilities will be eligible for these grant funds. Housing projects funded with these grants may include community residential homes, individual housing units, and may include new construction and renovation of existing housing units.

Support the 2017 FAC Legislative Program

In addition to the substantive issues indicated above to monitor and pursue for the 2017 legislative session, the Board adopted a policy statement to support FAC's 2017 legislative program. Staff and the Capitol Alliance Group worked closely with FAC throughout the legislative session as issues developed that would impact counties throughout the state. FAC advocated against legislation that contained preemptions and unfunded mandates, or worked to lessen the negative impacts these bills would have on local governments.

Additional Emerging Issues during the 2017 Session:

Additional Homestead Exemption

As indicated earlier in this report, the Legislature approved HB 7105 during the last week of the session, proposing a constitutional amendment on the 2018 general election ballot that would create an additional \$25,000 homestead exemption for ad valorem purposes. If passed by 60% voter approval, the exemption will be applied to all ad valorem taxes, except those levied by school districts, on homestead properties valued between \$100,000 and \$125,000. The exemption would become effective January 1, 2019 and is estimated to have a fiscal impact of approximately \$7.2 million to Leon County and \$644 million statewide. The Legislature also passed an implementing bill, HB 7017, which holds fiscally constrained counties harmless should the constitutional amendment be approved. Specifically, the implementing bill directs the

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Legislature to appropriate funds to offset property tax losses in fiscally constrained counties attributable to the increased homestead exemption; however, citizens in fiscally constrained counties will still vote on the amendment in 2018. The carve-out for fiscally constrained counties is not part of the proposed constitutional amendment, so the Legislature would have to budget for this relief every year. Also, FAC has reported that during the 2018 session, the Legislature may introduce a proposal to further restrict local governments' authority to increase the millage rate for ad valorem taxes, potentially by requiring legislative approval to do so. Staff has prepared a fiscal analysis for presentation to the Board during the June 20 Budget Workshop and will continue working to best position the County to remain fiscally viable should the proposed constitutional amendment pass in 2018.

Budget and Tax Cut Package

At 2:43 p.m. on Friday, May 5, the House and Senate published the conference report on the state budget, which started the clock on a constitutionally-mandated 72-hour "cooling off period" before members can vote on final adoption of the budget. Accordingly, the 2017 legislative session was extended until Monday, May 8. Ultimately, the House and Senate agreed on an \$82.9 billion budget for FY 2018. Like last year, the legislature's proposed budget significantly impacts Governor Rick Scott's top priorities - funding for economic development incentives and tourism marketing. The governor requested \$100 million for both categories; however, funding for incentive programs through Enterprise Florida was eliminated and funding for tourism marketing was significantly reduced to \$25 million and is tied to new restrictions on travel and salaries of the program's employees. Accordingly, and as described earlier in this item, the Governor, House Speaker, and Senate President agreed to a compromise that would involve restoring funding for economic development and tourism promotion in exchange for restoring funding for House and Senate education priorities during a special legislative session from June 7 through June 9. The budget was presented to the Governor on May 31, 2017. On June 2, the Governor issued a veto that included approximately \$409 million in vetoed projects, including several Leon County and community partners' projects as described earlier in this item. The Governor also vetoed \$11.4 billion in state funding for public education, although the education vetoes are part of the agreement to increase funding in this area during Special Session 2017A as discussed earlier in this item.

The Legislature's comprehensive tax cut proposal was approved by the Governor on May, 25, 2017. The proposal, contained in HB 7019, includes a total of \$180.3 million in a combination of recurring and non-recurring cuts with a first year fiscal impact of \$97.7 million and recurring impact \$134.7 million. The statewide impact of each component of the proposal is provided in Attachment #4 to this item. Overall, FAC estimates that counties will experience a recurring fiscal impact of \$4.62 million statewide. In addition, the tax package included approximately \$75 million in tax breaks for FY 17-18, primarily through a three-day back-to-school tax holiday and by permanently eliminating sales taxes on feminine hygiene products.

"Small Cell" Wireless Communications Infrastructure

The House and Senate both approved HB 687 during the eighth week of session, creating the "Advanced Wireless Infrastructure Act" to regulate the deployment of "small cell" wireless

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communication infrastructure. As reported throughout the session in *Capitol Update*, this legislation preempts much of local governments' authority to regulate small wireless facilities in the right-of-way. Among other provisions, HB 687 restricts local governments from requiring certain location criteria and would establish a statutory timeframe for permit review and approval. The bill allows local governments to adopt a reasonable and nondiscriminatory ordinance for registration, permitting, insurance coverage, and other provisions related to the deployment of equipment in the right-of-way, but establishes a maximum fee of \$150 per pole per year to collocate small wireless facilities on a publicly owned utility pole. As of this writing, HB 687 has not yet been sent to the Governor's desk for signature.

In light of HB 687's passage by the Legislature, Leon County has been working with the City of Tallahassee to address new changes and implications with regard to regulation and deployment of small cells in public rights-of-way. As reported to the Board during the May 9, 2017 meeting, staff created an interdepartmental/intergovernmental working group, referred to as the Cell Tower Workgroup, to address emerging issues and draft and review proposed amendments to the County's and City's Code. To date, the Cell Tower Workgroup has met seven times and consists of the County Attorney's Office, County Administration, Public Works, Development Support and Environmental Management, City of Tallahassee ("COT") City Attorney's Office, COT Real Estate, COT Electric, and Talquin Electric Cooperative. The Cell Tower Workgroup has met with industry representatives to learn about the emerging technologies and their general position on local government regulations. A final draft of the County's amendments is scheduled to be completed by October 2017 and the City's is scheduled to be completed around the same time.

Significant Bills That Did Not Pass:

<u>Medical Marijuana</u>

Following extensive debate over the number of retail outlets a licensed grower could operate, the Legislature ultimately failed to implement the recently passed medical marijuana amendment. The House and Senate continued to seek a compromise up until the final evening of the Regular Legislative Session on how to implement a voter-approved constitutional amendment legalizing medical marijuana for patients with debilitating conditions. The Senate laid its bill, SB 406, on the table and both chambers considered HB 1397, which would have preserved local governments' ability to determine by ordinance the criteria for the number and location of medical marijuana dispensing facilities. In its latest form, HB 1397 also provided that a dispensing facility may not be located within 500 feet of an elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding open to the public at which it determines that the location promotes the public health, safety, and general welfare of the community.

Because the House and Senate were unable to reach a final agreement on the number of retail outlets medical operators would be able to run, medical marijuana legislation failed to pass during the 2017 session. However, on June 7, the Governor issued a proclamation expanding the "call" for Special Session 2017A to include consideration of medical marijuana implementing

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legislation, following an agreement reached between House and Senate leadership to resolve the differences that remained at the end of the regular session.

Under the legislative compromise, filed as HB 5A and SB 8A for the special session, medical marijuana licensees each could operate up to 25 retail dispensaries. As before, under the new proposals, the number of dispensaries each operator could run would increase as the number of patients registered in the statewide Compassionate Use Registry grows. The dispensary cap would go away in 2020. The state currently has seven licensed medical marijuana organizations, and the proposed legislation would require the Florida Department of Health to approve 10 new operators by Oct. 3, 2017.

With regard to local authority to regulate the location of dispensing facilities, HB 5A and SB 8A would authorize local ordinances for determining the location of dispensing facilities and other permitting requirements not in conflict with state law or administrative rule. Ordinances for permitting or determining the location of dispensing facilities would not be allowed to be more restrictive than those for pharmacies, except that dispensing facilities may not be located within 500 feet of a private or public elementary, middle or secondary school, unless the municipality or county approves such a location as promoting the public health, safety, and general welfare of the community. The legislation would also exempt dispensing facility locations already approved by municipalities or counties pursuant to current legislation from the location requirements. Finally, the legislation would prohibit a municipality or county from charging a license or permit fee that is higher than the fees charged to pharmacies, and would expressly allow local governments to enforce compliance with the Florida Building Code and Florida Fire Prevention Code. Staff will continue to keep the Board apprised of the status of this legislation.

Community Redevelopment Agencies

Bills were considered this session that would have provided significant changes for Community Redevelopment Agencies (CRAs). The House and Senate bills would have provided for the phase-out of existing CRAs (except those with outstanding bond obligations) at the earlier of the CRA's expiration date or September 30, 2037, unless the CRA's board votes to retain the agency indefinitely by supermajority vote. In addition, the House bill considered this session included several provisions intended to increase the accountability and transparency of CRAs. The bills differed on how a county or municipality would be able to create a new CRA, but both ultimately failed in their respective committees by the end of session.

Workers Compensation Reform

Following several recent Florida court decisions, multiple parts of Florida's workers' compensation law have been found unconstitutional, prompting the need for legislative reforms during the 2017 session. A Supreme Court ruling last year, in *Marvin Castellanos v. Next Door Company*, involved an attorney being awarded the equivalent of \$1.53 an hour in successfully pursuing a claim for benefits for a worker injured in Miami. The court's ruling that the state's fee limits were unconstitutional played a key role in a 14.5% rate increase approved by the state's Office of Insurance Regulation in September 2016. HB 7085 and SB 1582 were filed this session in attempt to make a variety of changes to Florida's workers' compensation law and the state's

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Insurance Code, which governs rate making approval processes for worker's compensation coverage. Most notably, the bills sought to reduce workers' compensation premiums by establishing a maximum hourly rate for attorney fees in workers' compensation cases with judicial approval. However, this legislation died during the last week of session.

Vacation Rentals

The House and Senate proposed legislation this session that would have restored a state preemption on the regulation of vacation rental properties. In 2011, the legislature passed a bill that preempted vacation rental regulation to the state and prevented local governments from enacting any new law, ordinance, or regulation that prohibited, restricted the use of, or regulated vacation rentals based on classification, use, or occupancy. In 2014 the legislature rolled back some of these preemptions, allowing local governments to regulate vacation rentals provided those regulations do not prohibit, or regulate the duration or frequency of, the vacation rental. HB 425 and SB 188 were filed this session which would have returned the preemption authority back to what was enacted during the 2011 Legislative Session; however, both bills faced substantial opposition and neither ultimately passed before the Legislature adjourned.

"Super-Preemption" of Local Business Regulations

During committee weeks prior to the start of the 2017 session, the House proposed a broadreaching pre-emption of local governments' home rule authority with respect to local regulations on businesses, professions, and occupations. This bill, HB 17, proposed that that as of January 1, 2017, no local government would be able to adopt or impose a new regulation on a business, profession, or occupation, unless expressly authorized by general law, preempting regulation of businesses to state. Regulation includes rules, regulations, licenses, permits, and fees. Existing regulations would expire January 1, 2020. HB 17 stalled in its second committee of reference early in session. Although the bill did not have a Senate companion, SB 1158 would have similarly preempted local government regulation of matters relating to commerce, trade, and labor. SB 1158 also did not gain much traction as it was never considered in committee.

"Local Government Fiscal Responsibility"

The House also proposed additional fiscal restrictions on local governments that were unsuccessful. HB 7063 would have prohibited local governments from adopting a millage rate above the rolled-back rate unless "excess unencumbered fund balances" are spent down. HB 7063 would have also prohibited local governments from enacting, extending, or increasing local-option taxes if they had adopted a millage rate above the rolled-back rate in any of the three previous years. HB 7063 did not have a companion and was not heard in committee.

Selection and Duties of County Officers

Several bills were filed in both chambers this session that proposed amendments to the Florida Constitution to limit the manner of selection of county constitutional officers, all of which ultimately failed. These bills generally would have proposed to remove the authority of a charter county to provide for choosing a constitutional officer in any manner other than by election, and to prohibit any county charter from abolishing or transferring the duties of constitutional officers or changing the length of their term of office.

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COMMUNITY LEGISLATIVE DIALOGUE MEETINGS

As directed by the Board, Commissioner Maddox worked with staff to host three "Community Legislative Dialogue" meetings for the 2017 session. This year marked the seventh year that these meetings were held in order to coordinate with community partners and local organizations to identify shared interests in advance of the Florida Legislative Session. Meetings were held prior to the start of session, in the middle of session, and immediately following session. Representatives from several community organizations participated in these meetings, including representatives from the Leon County Legislative Delegation, Florida State University (FSU), Tallahassee Community College, Tallahassee Memorial Hospital, the Greater Tallahassee Chamber of Commerce, County Constitutional Officers, the City of Tallahassee, and others. The group collectively identified four issues of shared significance for the community and agreed to work together to monitor these issues throughout the legislative session. These priorities included:

- Protection of the State Workforce
- Leon Works Expo and Junior Apprenticeship Program
- Pre-Disaster Mitigation Funding
- Entrepreneurial Excellence Program at Innovation Park

Leon County's first Community Legislative Dialogue Meeting was hosted on March 1, 2011. Staff has tracked the evolution of these meetings over the years to continually identify ways to enhance community participation and to increase the meetings' impact on state legislative policy. Participation has historically been strong during the first meeting of each year, which is held prior to the beginning of the legislative session, but generally declines during the second and third meetings. Additionally, many of the issues discussed during these meetings are similar or identical to those discussed by community stakeholders during the formal Leon County Legislative Delegation Meeting, which is also held prior to the beginning of the legislative session close to the same date as the first Community Legislative Dialogue Meeting.

In order to maximize the effectiveness of and participation in future Community Legislative Dialogue Meetings, staff recommends reducing the frequency of these meetings to one per year, to occur on a Friday morning close to the mid-point of the legislative session. As always, other Community Legislative Dialogue Meetings for the 2018 session could be called should the Board wish to do so. The Legislature typically holds committee meetings and floor sessions from Monday through Thursday of each week until late in session, when meetings are frequently held on Fridays and through the weekend. Hosting only one meeting each session would best leverage the opportunity for the County and its community partners to address the County's delegation members during the formal Legislative Delegation Meeting to communicate their top priority issues prior to session, while providing a second opportunity during mid-session to discuss new and emerging legislative issues through the Community Legislative Dialogue Meeting. As always, invitations to the Community Legislative Dialogue Meeting would be extended to the County's legislative delegation members as well as the extensive list of community partners customarily invited to the meetings. Staff recommends scheduling one Community Legislative

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Dialogue Meeting for the 2018 legislative session, to be held on Friday, February 9, 2018 at 9:00 a.m. in the Commission Chambers.

FLORIDA ASSOCIATION OF COUNTIES 2017 LEGISLATIVE DAY

On April 5, 2017, over 200 county leaders from across the state converged on the state Capitol to participate in the Florida Association of Counties (FAC) Legislative Day. This event provided a unique forum for FAC to discuss the top legislative issues with county and legislative leaders. Leon County's Vice Chairman and FAC Second Vice President Nick Maddox welcomed county leaders and legislators to Leon County during the FAC Legislative Reception at the Governor's Club and invited guests to visit Leon County throughout the remainder of the session.

CONSTITUTION REVISION COMMISSION

Once every twenty years, Article XI, Section 2 of the Florida Constitution provides for the creation of a 37-member Constitution Revision Commission (CRC) for the purpose of reviewing Florida's Constitution and proposing changes for voter consideration. Prior to the start of the 2017 Legislative session, a 37-member commission was appointed to identify issues, perform research, and possibly recommend changes to the Constitution over the next year and a half. The Governor of Florida appointed 15 members, the House Speaker and Senate President each selected nine members, the Chief Justice of the Florida Supreme Court selected three members and the Attorney General serves as an automatic member of the 2017-2018 CRC. The CRC will finalize and file any proposed constitutional amendments by May 20, 2018. These amendments will appear on the November 2018 general election ballot and will require approval of 60% of voters for passage. To date, the CRC has hosted nine public hearings across the state to solicit public input regarding constitutional amendments that it may propose.

2017 CONGRESSIONAL UPDATE

At the 2017 State and Federal Legislative Priorities Workshop, the Board also approved several policy priorities for the first session of the 115th Congress. The Board's practice has been to focus the County's federal legislative program on appropriations issues but has added specific substantive issues from time to time. As noted over the past several years, recent trends in the federal budget process have shifted federal funding away from Congressional earmarks to federal grant programs through the executive branch. Leon County's federal legislative priorities are coordinated through the County's National Association of Counties (NACo) representation and Squire Patton Boggs, the County's federal contract lobbying firm. Staff coordinates regularly with Squire Patton Boggs by phone and e-mail to strategize on key federal budget issues and to identify new federal grant funding opportunities for County project requests. In addition, the Squire Patton Boggs team has provided critical assistance and feedback on recent federal grant applications.

Commissioners and staff attended the 2017 NACo Legislative Conference in February to take part in NACo's legislative policy process and attend educational sessions. The NACo Legislative Conference provides county officials and staff from around the country with the unique opportunity to discuss nationwide issues impacting counties. While visiting the nation's capital

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city, Commissioners, staff, and the County's federal contract lobbying team from Squire Patton Boggs met with Congressman Al Lawson, Congressman Neal Dunn, and Senator Bill Nelson to communicate issues of County importance including priorities for the U.S. Department of Transportation concerning Capital Circle Southwest, the Woodville Sewer project, Amtrak service restoration, and others.

FY 2018 Federal Appropriations

On May 23, 2017, President Trump released a \$4.09 trillion federal budget request, which proposes cutting federal spending by \$3.6 trillion over 10 years. The plan presents a dramatic change in the role of the federal government, culling out many long-standing federal programs and cutting back on the safety net which provides benefits to many Americans. The FY 2018 Budget Request severely cuts entitlement programs to purportedly save \$1.7 trillion over a decade. Of those cuts, about \$839 billion come from Medicaid, paralleling those in the Housepassed Republican health care overhaul, which would repeal and replace the Affordable Care Act. Other cuts include \$193 billion to the Supplemental Nutrition Assistance Program, \$21 billion to Temporary Assistance to Needy Families, and saving \$40 billion over 10 years by cracking down on eligibility for the Earned Income Tax Credit and the Child Tax Credit. The plan also would cut funding by 20 percent for the Children's Health Insurance Program (CHIP). There would be a short-term bump for the military in 2018, which would allow for an addition of more than 56,000 service members, but then the proposed spending flattens out over the next nine years. It proposes \$1.6 billion for the creation of a wall along the Mexican border, and increases spending on border security and immigration control. Further, the FY 2018 Budget Request would provide \$200 billion for infrastructure projects over the next 10 years.

Like the "Skinny Budget" preview released earlier this year, this budget request would eliminate or zero out funding for a number of programs important to county governments, including but not limited to:

- Community Development Block Grant
- Home Investment Partnerships Program
- Economic Development Administration
- Manufacturing Extension Partnership
- Minority Business Development Agency
- Advanced Technology Vehicle Manufacturing Loan Program
- Community Services Block Grant
- Low Income Home Energy Assistance Program
- Flood Hazard Mapping and Risk Analysis Program
- Transportation Security Administration Law Enforcement Grants
- Choice Neighborhoods
- State Criminal Alien Assistance Program
- TIGER Grants
- U.S. Interagency Council on Homelessness
- HUD Veteran Affairs Supportive Housing (VASH)

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A full analysis of the FY 2018 Budget Request is included as Attachment #5 to this agenda item. Staff will continue to keep the Board apprised of any new developments in the federal appropriations process.

Amtrak Passenger Rail Service Restoration

In 1993, Amtrak's Sunset Limited, which operated between Los Angeles, California and New Orleans, Louisiana, was extended east from New Orleans to Jacksonville, Orlando, and initially to Miami, Florida. This created a new transcontinental Amtrak route and brought passenger rail service to the Gulf Coast Region between New Orleans and Jacksonville. In August 2005, Sunset Limited service east of New Orleans was suspended due to Hurricane Katrina, which caused massive damage to rail infrastructure on the portion of the train's route between New Orleans, Louisiana and Mobile, Alabama. The service remains suspended today because of the cost and challenges associated with restoring service to this route. Shortly after service was suspended, Leon County began to engage our local legislative delegation, CSX, FDOT, and others to advocate for the restoration of passenger rail service.

The Passenger Rail Investment and Improvement Act of 2008 (PRIIA) reauthorized the nation's intercity passenger rail provider, Amtrak, and established new programs and policies to strengthen the U.S. intercity passenger rail system. Section 226 of PRIIA required Amtrak to develop a plan for restoring passenger rail service between New Orleans, Louisiana and Sanford, Florida, including a projected timeline and costs and legislative changes required to support reinstatement of service. Amtrak published a Gulf Coast Service Plan Report on July 16, 2009.

In mid-2015, the Southern Rail Commission (SRC) commissioned Amtrak to produce an updated evaluation of potential service restoration options along the Gulf Coast. This report, published in December 2015, presented updated figures to reflect changes in market demand and operating assumptions. The report did not include the capital costs associated with necessary stations or infrastructure improvements to regularly operate over the Gulf Coast. The report also did not include any incremental costs or capacity improvements needed to operate passenger trains alongside existing freight traffic.

The Passenger Rail Reform and Investment Act of 2015, which was approved by the House in March 2015, includes a provision to establish a Gulf Coast Rail Service Working Group to evaluate the restoration of intercity passenger rail service in the Gulf Coast region between New Orleans and Orlando. In February 2016, Amtrak and the Southern Rail Commission conducted a tour to examine new ideas for intercity passenger rail by operating an "inspection train" from New Orleans to Jacksonville. Chairman Proctor and Commissioner Dailey participated in this trip. In advance of the inspection train, the Tallahassee Community Redevelopment Agency authorized funding to repaint the Amtrak Community Station. A public event held to welcome the Amtrak inspection train was well-attended, and Amtrak subsequently visited each of the suspended service station areas along the Gulf Coast route in late April to examine the existing conditions of the station areas.

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Amtrak is in the process of further updating cost estimates for the suspended stations that were originally presented in its 2009 Gulf Service Restoration Plan Report. Amtrak is focusing on platform safety, clear accessible pathways, platform conditions, platform sheltering, and other "state of good repair" items. Additionally, CSX is working to help with modeling impacts on the main line tracks along the suspended route as a part of a capacity assessment that must be done before passenger service of any kind may be engaged on their rail tracks. This information will be provided as part of the planning needed for possible track improvements, capacity cost assessment, and operational readiness planning as part of the Gulf Coast Passenger Rail Working Group's final report to Congress, anticipated in summer 2017.

2018 FLORIDA LEGISLATIVE SESSION

The 2018 legislative session will begin on January 9, 2018 and is scheduled to conclude on March 9, 2018. To ensure the Board has an appropriate amount of time to consider its legislative priorities, staff recommends scheduling the Board workshop on the 2018 State and Federal Legislative Priorities for October 24, 2017 from 1:30 - 3:00 p.m. as committee weeks are likely to start in late November or early December. FAC has scheduled its annual Policy Committee Conference on September 27-28, 2017 and its Legislative Conference on November 15-17, 2017.

Options:

- 1. Accept the 2017 Florida Legislative Session Final Report.
- 2. Schedule the Board Workshop on the 2017 State and Federal Legislative Priorities for October 24, 2017 from 1:30 3:00 p.m.
- 3. Schedule a Community Legislative Dialogue Meeting for the 2018 Florida Legislative Session for February 9, 2018 from 9:00 a.m. 10:30 a.m.
- 4. Accept the 2017 Florida Legislative Session Final Report and take no further action.
- 5. Do not accept the 2017 Florida Legislative Session Final Report.
- 6. Board direction.

Recommendation:

Options #1, #2, and #3.

Attachments:

- 1. Workshop on the 2017 State and Federal Legislative Priorities
- 2. Ratification of Board Actions Taken at the Workshop on the 2017 State and Federal Legislative Priorities
- 3. Capitol Alliance Group 2017 Session Final Report
- 4. HB 7019 Final Bill Analysis
- 5. Squire Patton Boggs Analysis of the President's FY 2018 Full Budget Proposal

Board of County Commissioners Leon County, Florida

Workshop on the 2017 State and Federal Legislative Priorities

October 18, 2016 1:30 p.m. – 3:00 p.m.

Leon County Board of County Commissioners Leon County Courthouse, 5th Floor

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Posted 3:00 p.m. on June 12, 2017

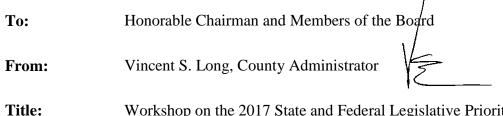
Leon County Board of County Commissioners

Notes for Workshop

Leon County Board of County Commissioners

Workshop Cover Sheet

October 18, 2016



Workshop on the 2017 State and Federal Legislative Priorities

County Administrator Review and Approval:	Vincent S. Long, County Administrator	
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator	
Lead Staff/ Project Team:	Andy Johnson, Assistant to the County Administrator Jelani Marks, Management Analyst Nicki Paden, Management Intern	

Fiscal Impact:

This item does not have a fiscal impact. However, it recommends requests for state and federal appropriations as well as substantive policy positions that seek to avoid unfunded mandates and cost shifts to the County.

Staff Recommendations:

Option #1: Approve the 2017 State and Federal Legislative Priorities, as amended by the Board.

Option #2: Designate Commissioner Maddox to host the Community Legislative Dialogue meetings for the 2017 state legislative session.

Report and Discussion

Background:

Each year, the Board conducts a workshop with the County's legislative staff and contract lobbyists to develop priorities for the upcoming state and federal legislative sessions. This workshop enables the County's legislative team to receive important guidance from the Board regarding priority legislative issues and directs the County's lobbying efforts for the upcoming year at both the state and federal level. In recent years, the Board has directed staff to refine the County's substantive policy priorities only to the most pressing issues and to support the Florida Association of Counties (FAC) and National Association of Counties (NACo) in achieving their respective legislative goals. Consistent with this direction, staff is seeking Board approval of the County's 2017 State and Federal Legislative Priorities, comprised of the state and federal policy and appropriations issues proposed herein.

Analysis:

Staff recommends several policy and appropriations priorities, arranged as follows:

- 18 appropriations requests for the 2017 state and federal sessions (Attachment #1)
- Two additional recommendations to support community partners' legislative appropriations requests (also included in Attachment #1)
- Nine substantive policy priorities for the 2017 state legislative session (Attachment #2)
- Five federal substantive policy priorities for the first session of the 115th United States Congress (Attachment #3)

The Board may wish to add, remove, and/or amend legislative priorities as deemed appropriate for the County's 2017 State and Federal Legislative Priorities. Upon Board approval, staff and the contract lobbying teams will pursue all of the legislative issues approved by the Board, placing appropriate emphasis on individual priorities according to the opportunities that arise during the legislative process. Notwithstanding this, staff will assign priority to any issue that the Board designates to receive a special level of attention in the upcoming legislative cycle.

Importantly, in addition to the issues specific to Leon County identified herein by staff, much of the County's legislative advocacy each session is focused on issues of statewide importance in conjunction with FAC. FAC will finalize its 2017 federal and state legislative program during the 2016-17 Legislative Conference in Orange County, which will take place November 30 through December 2, 2016. The statewide issues identified by the FAC membership are often the most critical issues facing counties during the state legislative session.

It is important for the Board to be active participants in the legislative process by testifying on behalf of the County and by working with our local legislative delegation. Staff will continue to keep the Board involved in legislative issues through agenda items, resolutions, memoranda, and weekly updates during the state legislative session.

PROPOSED APPROPRIATIONS REQUESTS 2017 STATE & FEDERAL LEGISLATIVE SESSION:

(*Complete information on each request is included in Attachment #1*)

The Board's practice of retaining professional contract lobbying services at both the state and federal levels enhances the County's ability to advocate for legislative appropriations to support important County projects. The County's contract lobbying firms provide a daily presence by advocating the County's legislative priorities with the County's legislative delegations and other legislative leaders. As an update to the Board regarding the status of Leon County's state and federal lobbying contracts, at the May 24, 2016 meeting the Board authorized the County Administrator to renew the existing contract for state lobbying services with Capitol Alliance Group for a three-year period with two additional one-year options to extend. With respect to the County's federal lobbying services for the 2017 legislative session. The RFP was released on September 29, 2016 for a 30-day period. Recommendation of a bid award will be brought back to the Board later this year.

Staff works throughout the year to identify projects most suitable for state and federal appropriations requests. In prior state legislative sessions, specific forms have been utilized by legislative committees to request local funding for projects. While it is not yet clear what process, if any, will be in place for requesting funding for local projects during the 2017 state legislative session, staff has prepared the information that will likely be required to support the proposed appropriations requests. In recent years, the Florida Legislature and Governor Rick Scott have placed a greater emphasis on grant programs through the executive branch and coordinating with state agencies to help fund infrastructure projects. Governor Scott's line-item vetoes totaled \$461 million in the FY 2016 state budget and \$256 million in the FY 2017 budget, specifically striking projects that bypassed state agency review or that would not benefit the state as a whole. Each of the appropriations requests proposed in this agenda item aligns with Leon County's Strategic Plan and is consistent with a statewide priority. Upon the Board's approval, staff and the County's lobbying team will begin discussing each project with state agencies and Leon County's legislative delegation members to advocate for state funding through the appropriate channels. In previous years, the County has had success in state funding for its parks and library programs through the legislative appropriations process. Several of the County's water quality appropriation requests have been included for funding in recent years, although two projects in the Legislature's 2015 approved budget were vetoed. During the 2016 legislative session, Leon County was successful in securing a legislative appropriation to support the 2016 Leon Works Expo and junior apprenticeship program.

The proposed appropriations requests for 2017 are categorized to align with the Florida Legislature's conference committee process for appropriations. The conference committee process is utilized to reconcile bills with significant differences, as a bill must be passed by both chambers in precisely the same words and figures in order to become an act of the Legislature. Since each chamber develops its own version of the state budget independently, the conference committee process is typically used to negotiate specific differences between the chambers' respective spending plans. Conference committees are comprised of separate committees from

the House and Senate. When negotiating differences in the state budget, conference committees are appointed by specific subject area – Criminal and Civil Justice; Education; Agriculture and Natural Resources; General Government; Health and Human Services; and Transportation, Tourism, and Economic Development.

Following are the proposed Leon County 2017 state and federal appropriation requests (for complete information on each, see Attachment #1):

Agriculture and Natural Resources Appropriations Requests:

<u>Request:</u>	Amount:	Project Phase:
Woodville Sewer - Phase 1 & 2	\$7.2 million	Design & Construction
Lake Munson Area Septic to Sewer	\$5.5 million	Design & Construction
Fords Arm Restoration	\$3.97 million	Construction
Belair/Annawood Septic to Sewer	\$3.5 million	Design & Construction
Harbinwood Estates Septic to Sewer	\$2.5 million	Design
Leon South Regional Water System	\$1.5 million	Design & Construction
Centerville Trace Septic to Sewer	\$1 million	Design
Fred George Wetland Restoration	\$1 million	Construction

Transportation, Tourism, and Economic Development Appropriations Requests:

<u>Request:</u>	Amount:	Project Phase:
Capital Circle Southwest - Segment 1 (Springhill Road to Crawfordville Road)	\$14.9 million	Right-of-Way Acquisition
Capital Circle Southwest - Segment 1 (Springhill Road to Crawfordville Road)	\$19.5 million	Construction
Capital Circle Southwest - Segment 2 (Orange Avenue to Springhill Road)	\$23.9 million	Right-of-Way Acquisition
Capital Circle Southwest - Segment 2 (Orange Avenue to Springhill Road)	\$10.4 million	Construction
Woodville Highway (Capital Circle to Paul Russell Road)	\$23 million	Construction
Veterans Memorial Drive (CR 59) Bridge Replacement	\$530,000	Design & Construction
Apalachee Regional Park Master Plan Implementation	\$500,000	Design & Engineering
Orchard Pond Greenway Trail, Phase II	\$300,000	Design & Construction
Leon Works Junior Apprenticeship Program	\$100,000	Program Funding
Pre-Disaster Hazard Mitigation*	TBD	Capital/Fixed Assets

* The "Pre-Disaster Hazard Mitigation" project above seeks Board direction to pursue funding for projects that would improve the disaster resistance of critical facilities owned by Leon County, such as community centers, solid waste facilities, law enforcement and first response facilities, and others. Staff anticipates that the Hurricane Hermine After Action Report will include more specific findings and recommendations related to pre-disaster hazard mitigation, at which point staff can begin to identify specific projects and cost estimates. The City of Tallahassee is contemplating a similar legislative request; staff will work together with the City to jointly pursue funding for this initiative.

In addition to the proposed appropriations requests listed above, following are two anticipated requests by community partners for which staff recommends County support:

Support The Apalachee Center's Funding Requests for Short-term Residential Treatment Beds and for the Establishment of a Central Receiving Facility

Issue: As reported to the Board during the May 24, 2016 meeting, The Apalachee Center intends to seek state legislative funding during the 2017 Legislative Session to convert eight crisis stabilization beds to costlier short-term residential treatment beds. This proposed legislative priority reflects the Board's direction to include The Apalachee Center Inc.'s \$1.0 million funding request in the Board's 2017 Legislative Priorities. The Apalachee Center does not intend to seek County financial support for this initiative.

In addition, during the September 20, 2016 meeting, the Board elected to provide a letter in support of Apalachee Center for the establishment of a central receiving facility

Action: Support The Apalachee Center Inc.'s funding requests for eight short-term residential treatment beds and for the establishment of a Central Receiving Facility.

Support Higher Education Partners' Funding Requests

Issue:

This proposed legislative priority seeks the Board's support for our higher education partners' funding requests during the 2017 Legislative Session. During the 2016 session, FAMU, FSU, and TCC each received legislative funding through the state's Public Education Capital Outlay (PECO) program. These projects include:

- \$12 million for the FSU Earth Ocean Atmospheric Sciences Building (Phase I)
- \$6.5 million for FAMU's Student Affairs Building
- \$1.5 million for the Black Student Union at FSU
- \$1 million for renovations to TCC's central utility plant

In addition, the legislature appropriated \$10 million in preeminence funding to FSU, for a total of \$35 million in annual recurring preeminence funding. In 2017, FSU is anticipated to request additional programmatic funding to enhance its student to faculty ratio, enhance class offerings, and increase the number and quality of its graduate students. Staff also anticipates each university to request PECO funding for capital projects.

Action: Support programmatic and capital funding requests by Florida State University, Florida A&M University, and Tallahassee Community College.

PROPOSED POLICY REQUESTS 2017 STATE LEGISLATIVE SESSION:

(*Please note: complete information on each request is included in Attachment #2*)

The 2017 Regular Session of the Florida Legislature will be held from March 7 through May 5, 2017. Like most legislation, the County's policy requests are generally incremental in nature, focusing on issues that are built upon over the course of several legislative sessions. However, each year staff evaluates the trends and issues affecting all County programs and services to identify potential legislative policy issues. Significant substantive issues that have been identified for County participation range from maintaining the County's home rule authority to the protection of the state workforce. The state's current fiscal challenges and efforts to further reduce the size and scope of state government are likely to dominate the Legislature's time this year. It will be important for the County's lobbying team to monitor the budgetary and programmatic decisions made by the Legislature to determine their impact, if any, on local governments in the form of cost shifts or unfunded mandates. In addition to the substantive issues that affect counties during the legislative session. In many cases, the County joins FAC to advocate for or against initiatives that would substantially impact counties.

Following is a refined listing of the proposed Leon County 2017 state legislative policy requests. Each request provides a brief overview of the issue and indicates the specific recommended legislative action. More detailed information on each is included in Attachment #2.

Protection of the State Workforce

Issue:

State workers comprise a substantial percentage of Leon County's population contributing to our community, economy and diversity. Protecting the jobs of these workers from privatization and advocating for fair wages has always been a top priority of the Board during the legislative cycle.

The FY16/17 state budget included a net reduction of 246.75 positions from the state workforce compared to the prior fiscal year. While the FY16/17 budget did not increase state employee health insurance premiums, which remain at \$50 per month for individual coverage and \$180 per month for family coverage for most employees, there have been attempts in the past several sessions to cap the state's total spending on employee health insurance and increase health insurance premiums of state employees. An unsuccessful bill considered last session also included a new health insurance system with four different benefit levels from which state employees could choose, but would have raised the employee contribution toward the state's HMO plan, which covers more than 50% of all state employees. Staff will monitor for any similar legislation affecting state employee health insurance introduced during the 2017 session. Also, during the past several sessions the Legislature has sought to reform the Florida Retirement System (FRS). FRS is the primary retirement plan for public sector employees, 80% of which are county government agencies, district school boards, community colleges, and universities. Staff will continue to closely monitor any movement related to this issue in 2017.

Action: Support the protection of the state workforce and oppose any reductions to state employee benefits.

Modification of the Eligibility for Levying the Local Option High Impact Tourist Development Tax to Include Counties that are Home to Preeminent State Research Universities as Designated by the Florida Legislature

Issue: Section 125.0104, F.S., authorizes five separate tourist development taxes that county governments may levy. Depending on a county's eligibility to levy, the tax rate applied to transient rental transactions varies from a minimum of three percent to a maximum of six percent. Proceeds from these levies are generally utilized by local governments to build tourist-related facilities and to promote and market tourism. One of these levies, the "High Tourism Impact Tax," is a discretionary (local option) one percent tax on transient rental transactions available to counties in which tourism is a significant component of the local economy.

This policy request recommends a statutory revision to allow counties that are home to the main campus of a Preeminent State Research University to levy the High Tourism Impact Tax in support of these universities in recognition of their economic benefit through tourism. Currently, Florida State University (Leon County) and the University of Florida (Alachua County) have achieved designation as Preeminent State Research Universities by reaching certain standards of academic and research excellence set forth in Section 1001.7065, F.S. Florida's Preeminent State Research Universities generate immense national and international tourism activity through hosting conferences, graduation ceremonies, short-term academic programs and symposia, and other functions. Preeminent State Research Universities receive state support for the enhancement of the university's research capabilities by recruiting faculty who are members of National Academies; showcasing university research products and facilities; enhancing national recognition of their programs in science, technology, engineering, and mathematics; and ranking among the top public universities in the nation. In turn, the growth in stature generates new tourism activity related to university functions.

The immediate past President and current President of Florida State University addressed the Board during the 2013 and 2014 Annual Retreats to share the university's vision for the Arena District. At the 2013 Retreat, the Board directed the County Administrator to work with Florida State University on the master planning effort including a potential partnership to realize the convention center space desired by the County and to bring back issues related to the County's financial participation and programmatic role for future Board consideration after the passage of the sales tax. Since that time, the Board also contemplated the possibility of supporting the convention center with tourism funds for its operational needs but has not made a formal commitment. On October 14, 2014, the Board provided further guidance to the County Administrator to contemplate the potential for utilization of ¹/₄-cent of tourism revenue to support the operational costs associated with the convention center once it is completed, based upon a future determination by the Board. Soon after, the County and City Commissions allocated up to \$20 million from the voter-approved sales tax referendum in support of the Arena District and convention center. At the 2015 Annual Retreat, the Board adopted a Strategic Initiative reflecting this proposed legislative priority.

Florida State University recently completed the master planning of its Arena District and is currently engaged in a solicitation process with private developers for the \$400 million redevelopment of several downtown parcels in partnership with Leon County and the City of Tallahassee. The university's Arena District Master Plan calls for improvements to the Donald L. Tucker Civic Center along with the development of a convention center, a full-service hotel, the relocation of the College of Business, new entrepreneurial spaces, future in-fill academic buildings, and other elements in an effort to modernize its facilities and grow the campus footprint. The current solicitation process to negotiate with private developers which staff is participating in will better define the participation, programmatic, governance, and financial needs to make the arena district successful. Based on preliminary conversations with Florida State University, County staff is of the opinion that currently anticipated revenues will not satisfy the operational costs associated with the desired convention center and ancillary improvements.

A convention center in the Arena District would serve the many business, civic, advocacy, and academic organizations that are drawn to the state capitol and its two premier institutions of higher learning. In recent years, many academic, research, and business groups affiliated with Florida State University have been forced to host their convention business hundreds of miles away from the main campus due to the lack of adequate meeting space. Proceeds from a local option High Impact Tourist Development Tax could be used to fund the construction, maintenance, operations, etc. of the convention center envisioned in the Arena District Master Plan in order to support the community's shared initiatives and long-term economic goals. The proposed statutory revision would enhance the Board's investment of up to \$20 million in local funds by ensuring that a dedicated revenue source is in place to support the long-term viability of the convention center.

Action: Support the revision of Sec. 125.0104, F.S. to modify the eligibility for levying the local option High Tourism Impact Tax to include counties that are home to Preeminent State Research Universities.

Support Springs Restoration Funding

- Issue: Last session, the Legislature approved HB 989, which requires \$50 million to be set aside annually for springs restoration projects. Leon County has demonstrated a longstanding commitment to environmental protection and preservation, and springs protection more specifically. The County has designated a Primary Springs Protection Zone by ordinance, which is consistent with similar provisions contained in its Comprehensive Plan. The Primary Springs Protection Zone is designed to minimize the adverse impacts of development on groundwater recharge and aquifer water quality. In addition, Leon County has advanced several infrastructure projects aimed at restoring water quality within the Wakulla Springs Basin.
- Action: Support the prioritization of springs restoration funding, with a program designed to assist local governments with the cost of wastewater facility upgrades, septic tank connections, and septic tank abandonment.

State-Local Economic Development Partnerships

Issue:

State-local partnerships for economic development are important tools that empower local governments and provide resources that lead to the creation of quality jobs, vibrant communities, and global economic competitiveness.

During the 2015 legislative session, the Florida Enterprise Zone Program – a key component of the state-local economic development toolkit – was allowed to expire at the end of 2015 when no legislation was passed extending its statutory authorization. In 2016, with the expiration of the Florida Enterprise Zone Program, Leon County and FAC advocated for a new state-local economic development partnership through the greater use of targeted strategic investments. Two comprehensive economic development reform bills were considered during the 2016 session. However, both bills died amid a disagreement among the House, Senate, and Governor's Office regarding funding for the "Florida Enterprise Fund," a \$250 million economic development incentive fund that was one of the Governor's top legislative priorities for the 2016 session. The approved FY 2016-17 budget did not include funding for the Florida Enterprise Fund.

Additionally, the FY 2016-17 state budget included funding for the state to conduct a study of aging government facilities, infrastructure, and expiring building leases in Leon County and to provide recommendations to the Legislature regarding how to manage these properties. This study is due to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2017. County staff met with the Florida Department of Management Services and Savills-Studley, the consultant firm hired by the state to conduct the study, in August 2016 to provide input and share information with the consultants. Staff from the City of Tallahassee and FSU also attended. At this time the state and its consultant are evaluating

long-term building and parking needs. Staff will continue to engage in this process and will provide an update to the Board once the consultant study is finalized.

Action: Support measures that empower local governments and provide resources to work with community partners towards the creation of quality jobs, more vibrant communities, and an enhanced level of national and global competitiveness. Additionally, continue to engage state partners and monitor for any legislative activity associated with the State of Florida real estate study and long-term facility needs.

Public Safety on College and University Campuses

- Issue: Under current law, even if a person has a concealed carry license, it is illegal to carry a weapon onto a college or university campus. During the March 10, 2015 meeting, the Board unanimously approved a resolution supporting President Thrasher, former President Mangum and President Murdaugh in their unified opposition to allowing concealed weapons on university and college campuses. The Board subsequently adopted this issue as one of its top legislative priorities for the 2016 legislative session. Legislation was introduced in 2015 and 2016 that would have allowed concealed carry licensees to carry firearms into college or university facilities. However, the chairman of the Senate Judiciary Committee declined to hear this legislation in committee during the 2016 session.
- Action: Oppose statutory changes to Section 790.06, F.S. that would allow the concealed carrying of weapons into college or university facilities.

EMS Balance Billing

- Issue: Bills have been introduced in recent legislative sessions that would have prohibited health care providers, including Leon County EMS, from collecting or attempting to collect any amount beyond the insurance provider's reimbursement. This practice, known as "balance billing," is utilized by health care providers to bill patients for fees or charges not reimbursed by the patient's insurance coverage. For emergency medical transport providers, balance billing is a critical cost recovery strategy; without the ability to collect these charges, EMS providers would have to rely on additional general revenue subsidies to fund operations instead of collecting charges from system users. Staff has estimated that this legislation would have a \$1.7 million recurring negative fiscal impact for Leon County.
- Action: Oppose statutory changes to Chapter 627, F.S. that would prohibit EMS providers from collecting amounts beyond an insurance provider's reimbursement.

Certificates of Public Convenience and Necessity (COPCNs)

- Issue: Two bills were considered during the 2016 legislative session related to the issuance of Certificates of Public Convenience and Necessity (COPCNs). A COPCN is a written statement issued by the governing board of a county granting permission for an emergency medical service provider to operate within the county. These bills faced significant opposition from counties and the statewide EMS community and ultimately failed to pass. This legislation would have substantially lessened a Board of County Commissioners' authority to regulate the issuance of COPCNs by requiring all counties to adopt or amend an existing COPCN ordinance to provide a quasi-judicial process, or some other type of evidentiary process, for approval or denial of an application for a COPCN. In addition, such an ordinance would be required to allow any applicant maintaining fire rescue infrastructure and providing first response in the county to appeal the county's decision to the circuit court.
- Action: Support maintaining a countywide regulatory system for EMS through the current Certificate of Public Convenience and Necessity (COPCN) process.

Support Funding for Public Libraries

Issue: Florida's State Aid to Libraries Grant Program, managed by the Florida Department of State's Division of Library and Information Services, has been the cornerstone of public library support in Florida since 1963, and is recognized as a national model. Florida library systems rely on State Aid grant funding to assist library users with economic development resources to small businesses and job seekers; access to the internet, government services, and a vast array of online services and products and; education and reading. Libraries are transitioning from traditional libraries to community hubs, which function as learning environments to better serve their communities. Libraries are extending all their services to the Web while at the same time allowing citizens to develop new businesses, to teach early reading skills, to provide safe environments for children and teens, to develop new skills to become a better fit for today's workplace, and to find greater civic engagement.

Last year, the Leon County library system received \$184,255 in state aid. For FY 2017 Leon County is anticipated to receive \$182,831. The library system uses State Aid grant funding to assist with purchasing circulating library materials for County residents.

Action: Support legislation and appropriation that assists Leon County to provide access to high-quality library services for all residents across the County.

Florida Association of Counties (FAC) Issues

Issue: FAC represents 67 counties before the Florida Legislature on issues that have broad statewide appeal, such as the opposition of unfunded mandates or cost shifts to counties (such as the \$90 million DJJ cost shift that was passed in

2005 and the \$146 million in Medicaid retrospective reconciliation and billing system changes passed in 2012), growth management, annexation, revenuesharing, and water management issues. FAC will adopt its 2017 legislative program during the 2016-17 Legislative Conference from November 30 through December 2, 2016. Commissioner Maddox's position as Second Vice President of FAC places Leon County at an advantageous position.

Action: Support the 2017 FAC legislative program unless specific issues conflict with Leon County's interests.

Update on the 2017-18 Florida Constitution Revision Commission

Once every twenty years, Article XI, Section 2 of the Florida Constitution provides for the creation of a 37-member Constitution Revision Commission (CRC) for the purpose of reviewing Florida's Constitution and proposing changes for voter consideration. Amendments proposed by the CRC will appear on the November 2018 General Election ballot. The Commission meets for approximately one year, traveling the State of Florida, identifying issues, performing research, and possibly recommending changes to the Constitution. The last comprehensive review of Florida's Constitution occurred in 1997-1998. The Governor of Florida appoints 15 members to the CRC, the House Speaker and Senate President each select nine members, three members are chosen by the Chief Justice of the Florida Supreme Court and the Florida Attorney General is an automatic member. The Governor selects one of the 37 members to serve as chairman. The CRC must be established within the 30 days prior to the convening of the 2017 Regular Legislative Session – in other words, February 5, 2017 is the earliest date that the CRC can be formally established. The CRC will begin its work in spring 2017.

The Florida Association of Counties (FAC) has established a CRC Steering Committee to research and draft CRC proposals and amendments and to actively engage with the CRC. The Steering Committee will recommend proposals to the CRC and will recommend FAC positions regarding other proposals before the CRC. Commissioner Desloge has been appointed to the CRC Steering Committee as a past president of FAC, and Commissioner Maddox is also a presidential appointee to the committee.

FAC's CRC Steering Committee met during the Policy Committee Conference in September 2016 and will meet again during the FAC Legislative Conference in Orange County from November 30 to December 2, 2016.

PROPOSED POLICY REQUESTS 115TH UNITED STATES CONGRESS, FIRST SESSION:

(*Please note: complete information on each request is included in Attachment #3*)

Each year staff evaluates the trends and issues affecting all County programs and services to identify potential policy or substantive legislative issues at the federal level. Most substantive issues that the County has at the federal level are coordinated through the County's National Association of Counties (NACo) representation. Similar to previous years, the federal appropriation requests have been combined with the state appropriation requests.

Squire Patton Boggs, the County's federal contract lobbying firm, has worked closely with staff on select federal policy issues and priorities that have been identified by the Board. Staff coordinates regularly with the County's federal lobbying team by phone and e-mail to strategize on key federal budget issues and to identify new federal grant opportunities that could potentially fund County project requests. In addition, the federal lobbying team assists staff in preparing monthly updates to the Board on federal legislative activities.

Following is a refined listing of the proposed Leon County 2017 federal legislative policy requests for the first session of the 115th Congress. Each request provides a brief overview of the issue and indicates the specific recommended legislative action. More detailed information on each is included in Attachment #3.

Waters of the U.S.

Issue:

For the past several years, the Board has prioritized a top federal legislative issues related to the United States Environmental Protection Agency's (EPA) and the United States Army Corps of Engineers' (Corps) joint administrative rule entitled, "Definition of Waters of the U.S. Under the Clean Water Act" (WOTUS). This rule amends the current definition to expand the range of waters (and their conveyances) that are subject to federal jurisdiction. The rule, which became final on August 28, 2015, eliminates the distinction between traditional navigable waters (such as lakes, rivers, and streams) and conveyances such as ditches and drains. The rule applies regardless of flow or hydrologic connections. On September 23, 2014, the Board approved a resolution voicing concerns regarding the rule and a copy of the resolution was sent to the EPA and the County's federal delegation. It is the County's position that the EPA rule change will negatively impact the County's ability to protect those resources and could put undue burden on local governments through onerous permitting requirements. While Congress has taken some steps to attempt a repeal of the rule, it is likely that the President would override any legislation affecting the rule.

On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit issued a nationwide stay against the enforcement of the WOTUS rule. That ruling followed an August 28 federal court ruling in North Dakota, which stayed the rule in 13 states. The October ruling provides nationwide uniformity while the

litigation proceeds. On Jan. 13, 2016 the U.S. House of Representatives easily passed a resolution of disapproval (Senate Joint Resolution 22) that would repeal the revised rule by a vote of 253–166. The same resolution was passed by the Senate in November by a vote of 53–44. President Obama vetoed the measure on January 19.

In June, both the House and Senate appropriations committees passed their versions of the FY17 Interior, Environment and Related Agencies appropriations bill, often referred to as the Interior bill. Both chambers' spending bills contained provisions to prohibit EPA from acting on its WOTUS rule. The provisions would prevent the EPA from moving forward to "implement, administer or enforce" the rule even if the federal court system were to lift its stay on the rule.

Action: Support legislation that clarifies that local streets, gutters, and other stormwater infrastructure are excluded from the definition of "Waters of the U.S.," while also requiring federal agencies to consult with state and local officials to identify which waters should be federally regulated and which should be left to the states.

Full Funding of the Federal Payment in Lieu of Taxes (PILT) Program

- Issue: Roughly 62% of counties in the United States have federal land within their boundaries. Although counties cannot collect property tax on federal land, they are still required to provide essential services for that land. For the past 40 years, the PILT program has provided funding to counties and municipalities to offset lost tax revenue from federal land within their respective boundaries. This request recommends full funding of the PILT program in FY2017. Congress passed the FY 2016 Consolidated Appropriations Act (P.L. 114-113), which fully funded PILT at \$452 million. The Department of the Interior estimates \$480 million will be necessary to fully fund PILT in FY 2017. In FY 2016, Leon County received approximately \$206,000 from the federal government in PILT funding due to the portion of Apalachicola National Forest in Leon County.
- Action: Support federal legislation that includes full mandatory funding for PILT in the FY 2017 appropriations package and support a long-term strategy for a sustainable PILT program.

Collection of Sales Tax on Remote Transactions

Issue: Under current law, individuals who buy goods online are required to remit sales tax to the state individually; however, that provision is largely unheeded and not enforced. Economists estimate the state loses out on about \$400 million in revenue each year the tax goes uncollected. Purchases from these stores are not subject to sales tax due to the fact that they are not physically located in the state of Florida. The inability to collect an internet sales tax puts

local 'brick-and-motor' businesses in Florida at a disadvantage relative to outof-state online retailers. Governor Rick Scott and several members of the Legislature view the implementation of internet sales tax legislation as a tax increase; therefore, efforts in the State Legislature have been unsuccessful.

In recent years, congressional legislation has been introduced (the Remote Transactions Parity Act in the House and the Marketplace Fairness Act in the Senate) that would allow states and localities to collect taxes on online sales but has not gained sufficient traction to pass both chambers. Importantly, this legislation would not create a new tax; it would simply allow states and local governments to enforce existing sales tax laws.

Action: Support legislation that promotes an equitable and competitive environment between 'brick and mortar' businesses and remote businesses establishments operating in Florida.

Tax-Exempt Status of Municipal Bonds

Issue: Tax-exempt municipal bonds have been a fundamental feature of the United States tax code since 1913. Municipal bonds remain the primary method used by states and local governments to finance public capital improvements and public infrastructure projects that are essential for creating jobs, sustaining economic growth, and improving the quality of life for Americans in every corner of the country. Deficit reduction efforts in recent years resulted in cuts in aid to local governments from the states and reduced funding in federal programs that benefit counties. Although a comprehensive rewrite of the federal tax code seems unlikely in 2016, there is some momentum building for corporate tax reform. Even under this scenario, counties still face the risk of losing a low-cost, market-driven means of financing to support local needs because of the potential it would be used as a way to achieve corporate tax reform objectives.

Funds generated from infrastructure bond financing help to build hospitals, water and sewer facilities, public utilities, roads, and mass transit. In the past decade, nearly \$288 billion of financing went to general acute-care hospitals; nearly \$258 billion to water and sewer facilities; nearly \$178 billion to roads, highways, and streets; nearly \$147 billion to public power projects; and \$105.6 billion to mass transit.

Action: Oppose any legislation that would eliminate or limit the tax-exempt status of municipal bonds.

National Association of Counties (NACo) Issues

Issue: The National Association of Counties (NACo) advocates with a collective voice on behalf of America's 3,069 county governments. Its membership includes urban, suburban, and rural counties. NACo's advocacy efforts are

guided by a policy platform and single-subject policy resolutions adopted at each annual conference by policy committees and the full membership.

Action: Support NACo's 2016-17 legislative efforts unless specific issues conflict with Leon County's interests.

Commissioner Desloge was elected NACo president on July 24, 2016, and serves on the Health Steering Committee, Financial Services Corporation Board of Directors and the Next Generation NACo Network. This provides Leon County a unique advantage in advocating the county's federal legislative priorities, as NACo is the only national organization that represents county governments in the United States. With Commissioner Desloge's presidency, Leon County will host the 2016 NACo Fall Board Meeting and the 2016 Rural Action Caucus (RAC) Symposium from December 7 through December 10, 2016. These events will bring together county elected officials from across the country to examine and highlight counties' role in providing critical services for their communities. Leon County staff has worked closely with NACo to plan the agenda for these meetings, which will include several events and activities showcasing recent Leon County projects, programs, and best practices.

The NACo 2016 Legislative Conference is scheduled for February 25 through March 1, 2017 in Washington, D.C. In the past, Commissioners and County staff have used the NACo Legislative Conference as an opportunity to meet with the Leon County Federal Legislative Delegation to advocate for the County's federal priorities.

Community Legislative Dialogue Meetings:

For the past several years, the County has hosted Community Legislative Dialogue Meetings before and throughout the legislative session to engage our community and regional partners in identifying shared legislative priorities and interests. These meetings are generally well-attended by representatives from the Leon County Legislative Delegation, higher education institutions, the Tallahassee Chamber of Commerce, Big Bend Minority Chamber of Commerce, the City of Tallahassee, Leon County School Board, Constitutional Officers, Tallahassee Memorial Hospital, and several other community partners. These meetings provide an opportunity to learn about the priorities of our community partners and to identify shared issues. Last year, Commissioner Maddox co-hosted the Community Legislative Dialogue meetings with Commissioner Desloge. Should the Board wish to continue hosting the Community Legislative Dialogue Meetings for the 2017 legislative session, staff recommends that the Board appoint Commissioner Maddox to host these meetings for the 2017 session, which will begin in late January 2017.

Additionally, the Board also hosts Leon County's annual Legislative Delegation meeting prior to the legislative session in order to communicate the County's legislative priorities to our state House and Senate representatives. This year's Legislative Delegation Meeting will be scheduled soon after the General Election in November. Staff will provide an update to the Board once this meeting date has been set.

Options:

- 1. Approve the 2017 state and federal legislative priorities, as amended by the Board.
- 2. Designate Commissioner Maddox to host the Community Legislative Dialogue meetings for the 2017 state legislative session.
- 3. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

- 1. 2017 State and Federal Legislative Appropriations Requests and Related Materials
- 2. 2017 State Legislative Session Policy Requests and Related Materials
- 3. 2017 Federal Policy Requests and Related Materials



Leon County Board of County Commissioners

Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION				
Department:	Public Works	Division:	Engineering Services	
Contact Person:	Theresa Heiker	Title:	Stormwater Management Coord.	
Email:	HeikerT@LeonCountyFL.gov	Phone:	850-606-1526	

APPROPRIATION REQUEST			
Project Title:	Woodville Sewer		
	Criminal & Civil Justice	Health & Human Services	
Program Catagony	Education	Transportation	
Program Category:	Agriculture & Natural Resources	Tourism & Economic Development	
	General Government/Operations	□ Other:	
	(EN1) - Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (rev. 2013)		
Strategic Plan Alignment:	(Q5) - Create senses of place in our rural areas through programs, planning and infrastructure, phasing in appropriate areas to encourage connectedness. (2012)		
	Implement strategies which plan for environmentally sound growth in the Woodville Rural Community, including:		
	(EN1, Q5) - Bring central sewer to Woodville consistent with the Water and Sewer Master Plan, including consideration for funding through Sales Tax Extension (2012)		

Project Description:

This project is for the design of a sewer system to provide sewer services to approximately 1,500 homes or properties located within the Woodville area of Leon County. The City of Tallahassee 2030 Sewer Master Plan included the preliminary planning to connect Woodville to the City's Advanced Wastewater Treatment Facility. These homes are located upstream to Wakulla Springs and threaten one of the world's largest and deepest freshwater springs.

Septic systems in the Woodville area of Leon County have been identified as a major source of nitrate loading to the groundwater and Wakulla Springs. Wakulla Springs is a first magnitude spring and is the longest and deepest known submerged freshwater cave system in the world. Located just five miles south of the Leon County line, Wakulla Springs is an important part of the regional culture and recreational economy. The City and the County have dedicated \$85 million (\$42.5 million each) from the penny sales tax extension for projects that improve water quality across the County and the City, while preserving and improving sensitive land and bodies of water surrounding our community. The Woodville sewer project could meet the criteria to receive funding from this source.

Purpose of the Project and Services/Benefits Provided:

Nitrate reduction associated with septic tanks is a key component of the draft Basin Management Action Plan (BMAP) for the Upper Wakulla River. Existing septic tank discharge concentrations are reported to be between 40 to 60 mg/L nitrogen. Replacing the existing septic tanks with wastewater treatment at the City of Tallahassee Advanced Wastewater Treatment Facility reduces the nitrogen discharge from a household to 3 mg/L.

Funds are requested for the design of the collection and transmission system from Woodville to the City of Tallahassee and for the construction of the transmission system. Completion of project design will support state and federal grant applications for construction costs, potentially as a match to penny sales tax funds. The Tallahassee-Leon County Comprehensive Plan provides that all waste water is to be treated and disposed of in a manner that protects natural resources and public health. The State of Florida has acquired more than half of the 6,500 acre buffer zone around Wakulla Springs, acknowledging the importance of preserving this natural habitat.

Population Served:

Approximately 1,500 homes will be directly impacted in Leon County. In addition, this project contributes to the reduction of nitrogen flowing to Wakulla Springs, an important local and state resource for tourism. Over 200,000 tourists visit Wakulla Springs State Park each year.

Project Dates for Construction/Operation:

If allocated state and/or federal funding, design, engineering, and permitting of the collection and transmission system would occur in FY2017. Construction would be anticipated in FY2018, or upon completion of the permitting process.

FUNDING REQUESTS	
Funding Requested:	 <u>Total Funding Requested: \$7.2 million</u> Design (Phase 1): \$3 million Construction (Phase 2, Transmission Line): \$4.2 million

Present or Pending Funding Sources (including county)			
Source:	Local Option Sales Tax	Amount:	\$1.5 million
Source:		Amount:	
Source:		Amount:	



Leon County Board of County Commissioners

Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION				
Department:	Public Works	Division:	Engineering Services	
Contact Person:	Theresa Heiker	Title:	Stormwater Management Coord.	
Email:	HeikerT@LeonCountyFL.gov	Phone:	850-606-1526	

APPROPRIATION REQUEST			
Project Title:	Lake Munson Area Septic to Sewer		
	Criminal & Civil Justice	Health & Human Services	
Program Catagory	Education	□ Transportation	
Program Category:	Agriculture & Natural Resources	Tourism & Economic Development	
	General Government/Operations	□ Other:	
	(EN1) - Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (rev. 2013)		
Strategic Plan Alignment:	Continue to work with regional partners to develop strategies to further reduce nitrogen load to Wakulla Springs, including:		
	(EN1) - Extend central sewer or other effective wastewater treatment solutions to the Primary Springs Protection Zone area within Leon County (2013)		

Project Description:

This project is for design and construction of a wastewater collection system in the Lake Munson area, to be connected to the City of Tallahassee's central sewer system. This request is for one-time costs that will include design, engineering, permitting, and construction fees associated with this project. This area is a "sewer target area," as identified in the City of Tallahassee's 2030 Master Sewer Plan and is also identified in the Water and Sewer Agreement between the City and County as a target sewer service area.

Purpose of the Project and Services/Benefits Provided:

The project will reduce nitrogen and fecal coliform discharges to nearby natural systems, including the Wakulla Springshed, the Lake Lafayette Chain of Lakes, and the St. Marks River watershed. Converting wastewater treatment in this area to advanced wastewater treatment will reduce the total nitrogen load by 5,290 pounds per year.

Population Served:

Approximately 263 parcels with existing septic tanks will benefit from centralized sewer service. In addition, this project contributes to the reduction of nitrogen flowing to Wakulla Springs, an important local and state resource for tourism. Over 200,000 tourists visit Wakulla Springs State Park each year.

Project Dates for Construction/Operation:

If allocated state and/or federal funding, design, engineering, and permitting of the system would occur in FY2017 and FY2018.

Leon County Board of County Commissioners 2017 Legislative Proposal Page 2

FUNDING REQUESTS		
Funding Requested:	\$5.5 million	

PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)			
Source:	Amount:		
Source:	Amount:		
Source:	Amount:		



Leon County Board of County Commissioners

Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION				
Department:	Public Works	Division:	Engineering Services	
Contact Person:	Theresa Heiker	Title:	Stormwater Management Coord.	
Email:	HeikerT@LeonCountyFL.gov	Phone:	850-606-1526	

APPROPRIATION REQUEST			
Project Title:	Fords Arm Restoration		
	Criminal & Civil Justice	Health & Human Services	
December Code comm	Education	Transportation	
Program Category:	Agriculture & Natural Resources	Tourism & Economic Development	
	General Government/Operations	□ Other:	
Strategic Plan Alignment:	(EN1) - Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (rev. 2013)		

Project Description:

This project will provide for the retrofit of Lexington Tributary (also known as Timberlane Creek) to improve water quality of stormwater into Fords Arm of Lake Jackson, a State Aquatic Preserve and an Outstanding Florida Water. Currently, Fords Arm has one of the highest pollutant loads of phosphorus within Lake Jackson. This project was developed under the State of Florida's Surface Water Improvement and Management (SWIM) Program in order to protect Florida's highly threatened surface water bodies. This project includes a new stormwater pond, channel stabilization, and drainage improvements.

Purpose of the Project and Services/Benefits Provided:

The project will reduce phosphorous conveyed by stormwater flow to nearby natural systems, including the Lake Jackson Aquatic Preserve. The improvements associated with this project are estimated to remove 430 pounds of phosphorous per year from the tributary, contributing significantly to the protection of this important ecological resource.

Population Served:

Lake Jackson is one of Leon County's most precious natural resources, and is listed as an "Outstanding Florida Water" by the State of Florida. In addition to its use for boating, swimming, and fishing by the residents of Leon County, Lake Jackson generates over \$15 million annually in tourism and associated economic activity (Lake Jackson Management Plan 1997 addendum, adjusted for inflation).

Project Dates for Construction/Operation:

If allocated state and/or federal funding, engineering, permitting, and site acquisition would occur in FY2017 and FY 2018. Construction would be anticipated in FY2018 or FY2019, or upon completion of the permitting process.

Leon County Board of County Commissioners 2017 Legislative Proposal Page 2

FUNDING REQUESTS		
Funding Requested:	 <u>Total Funding Requested: \$3.97 million</u> Engineering and permitting: \$650,000 Construction of roadway upgrades: \$1,400,000 Stormwater pond construction: \$1,200,000 Stream and channel enhancements: \$720,000 	

PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)			
Source:	Leon County	Amount:	\$3,500,000 (land acquisition)
Source:	Leon County	Amount:	\$730,000 (in-kind match for design services)
Source:		Amount:	



Leon County Board of County Commissioners

Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	Public Works	Division:	Engineering Services
Contact Person:	Theresa Heiker	Title:	Stormwater Management Coord.
Email:	HeikerT@LeonCountyFL.gov	Phone:	850-606-1526

APPROPRIATION REQUEST			
Project Title:	Belair/Annawood Septic to Sewer		
	Criminal & Civil Justice	Health & Human Services	
Program Catagony	Education	□ Transportation	
Program Category:	Agriculture & Natural Resources	Tourism & Economic Development	
	General Government/Operations	□ Other:	
	(EN1) - Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (rev. 2013)		
Strategic Plan Alignment:	Continue to work with regional partners to develop strategies to further reduce nitrogen load to Wakulla Springs, including:		
	(EN1) - Extend central sewer or other effective wastewater treatment solutions to the Primary Springs Protection Zone area within Leon County (2013)		

Project Description:

This project is for design and construction of a wastewater collection system in the Belair/Annawood neighborhoods, to be connected to the City of Tallahassee's central sewer system. This request is for one-time costs that will include design, engineering, permitting, and construction fees associated with this project. The Belair/Annawood area is a "sewer target area," as identified in the City of Tallahassee's 2030 Master Sewer Plan and is also identified in the Water and Sewer Agreement between the City and County as a target sewer service area.

Purpose of the Project and Services/Benefits Provided:

The project will reduce nitrogen and fecal coliform discharges to nearby natural systems, including the Wakulla Springshed, the Lake Lafayette Chain of Lakes, and the St. Marks River watershed. Converting wastewater treatment in this area to advanced wastewater treatment will reduce the total nitrogen load by 2,275 pounds per year.

Population Served:

Approximately 113 parcels with existing septic tanks will benefit from centralized sewer service. In addition, this project contributes to the reduction of nitrogen flowing to Wakulla Springs, an important local and state resource for tourism. Over 200,000 tourists visit Wakulla Springs State Park each year.

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Project Dates for Construction/Operation:

If allocated state and/or federal funding, design, engineering, and permitting of the system would occur in FY2017 and FY2018.

FUNDING REQUESTS

Funding Requested:

\$3.5 million

Present or Pending Funding Sources (including county)		
Source:	Amount:	
Source:	Amount:	
Source:	Amount:	



Leon County Board of County Commissioners

Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	Public Works	Division:	Engineering Services
Contact Person:	Theresa Heiker	Title:	Stormwater Management Coord.
Email:	HeikerT@LeonCountyFL.gov	Phone:	850-606-1526

APPROPRIATION REQUEST			
Project Title:	Harbinwood Estates Septic to Sewer		
	Criminal & Civil Justice	Health & Human Services	
Program Category:	Education	Transportation	
riogram Category:	Agriculture & Natural Resources	Tourism & Economic Development	
	General Government/Operations	□ Other:	
	(EN1) - Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (rev. 2013)		
Strategic Plan Alignment:	Continue to work with regional partners to develop strategies to further reduce nitrogen load to Wakulla Springs, including:		
	(EN1) - Extend central sewer or other effective wastewater treatment solutions to the Primary Springs Protection Zone area within Leon County (2013)		

Project Description:

This project is the design phase of a wastewater collection system in the Harbinwood Estates neighborhood, to be connected to the City of Tallahassee's central sewer system. This request is for one-time costs that will include design, engineering, and permitting fees associated with this project. Harbinwood Estates is a "sewer target area," as identified in the City of Tallahassee's 2030 Master Sewer Plan and is also identified in the Water and Sewer Agreement between the City and County as a target sewer service area. Harbinwood Estates has been identified as a major contributor to high nutrient concentrations in Lake Jackson, a State Aquatic Preserve and an Outstanding Florida Water.

Purpose of the Project and Services/Benefits Provided:

The project will reduce nitrogen and fecal coliform discharges to nearby natural systems, including the Lake Jackson Aquatic Preserve. Converting wastewater treatment in the Harbinwood Estates subdivision to advanced wastewater treatment will reduce the total nitrogen load by 8,000 pounds per year, contributing significantly to the protection of this important ecological resource.

Population Served:

Approximately 400 parcels with existing septic tanks will benefit from centralized sewer service. In addition, this project contributes to the reduction of nitrogen flowing to Lake Jackson, a State Aquatic Preserve and an Outstanding Florida Water. In addition to its use for boating, swimming, and fishing by the residents of Leon County, Lake Jackson generates over \$15 million annually in tourism and associated economic activity (Lake Jackson Management Plan 1997 addendum, adjusted for inflation).

Project Dates for Construction/Operation:

If allocated state and/or federal funding, surveys and site acquisition would occur in FY2017. Design, engineering, and permitting would be anticipated in FY2018.

FUNDING REQUESTS			
Funding Requested:	 <u>Total Funding Requested: \$2.5 million</u> 400-lot connection survey: \$200,000 Collection system and force main design survey: \$200,000 Pump station site acquisition: \$275,000 Design and permit applications: \$1,825,000 		

Present or Pending Funding Sources (including county)		
Source:	Amount:	
Source:	Amount:	
Source:	Amount:	



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Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	Public Works	Division:	Engineering Services
Contact Person:	Theresa Heiker	Title:	Stormwater Management Coord.
Email:	HeikerT@LeonCountyFL.gov	Phone:	850-606-1526

APPROPRIATION REQUEST			
Project Title:	Leon South Regional Water System		
	Criminal & Civil Justice	Health & Human Services	
Program Category:	Education	Transportation	
riogram Category:	Agriculture & Natural Resources	Tourism & Economic Development	
	General Government/Operations	□ Other:	
Strategic Plan Alignment:	 (EN1) - Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (rev. 2013) (Q2) - Provide essential public safety infrastructure and services which ensure the safety 		
	of the entire community. (2012)		

Project Description:

This project involves constructing a well and storage tank or a larger elevated storage tank for the Leon South Regional Water System, as well as piping upgrades. The Leon South Regional System, managed by Talquin Electric Cooperative, serves approximately 382 residential parcels in southern Leon County. The area is located east of Crawfordville Highway between Glover Road and Oak Ridge Road. Based on the service area, the improvements will cost approximately \$1.5 million and require three years from funding to completion.

Purpose of the Project and Services/Benefits Provided:

This improvement will provide improved drinking water quality for the system as well as sufficient water flow and pressure to support fire rescue services.

Population Served:

Approximately 382 residential parcels will benefit from improved drinking water quality. These and several hundred additional parcels will benefit from enhanced fire protection, including commercial properties, churches, and state- and federally-owned land in the Leon Sinks Geological Area, Wakulla Springs State Forest, and the Apalachicola National Forest.

Project Dates for Construction/Operation:

If allocated state and/or federal funding, design, engineering, and permitting of the collection and transmission system would occur in FY2017 and FY2018. Construction would be anticipated in FY2019, or upon completion of the permitting process.

Leon County Board of County Commissioners 2017 Legislative Proposal Page 2

FUNDING REQUESTS	
Funding Requested:	 <u>Total Funding Requested: \$1.5 million</u> Design, Permitting, Land Acquisition: \$400,000 Construction: \$1.1 million

PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)		
Source:	Amount:	
Source:	Amount:	
Source:	Amount:	



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Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION				
Department:	Public Works	Division:	Engineering Services	
Contact Person:	Theresa Heiker	Title:	Stormwater Management Coord.	
Email:	HeikerT@LeonCountyFL.gov	Phone:	850-606-1526	

APPROPRIATION REQUEST			
Project Title:	Centerville Trace Septic to Sewer		
	Criminal & Civil Justice	Health & Human Services	
Program Category:	Education	Transportation	
riogram Category:	Agriculture & Natural Resources	Tourism & Economic Development	
	General Government/Operations	□ Other:	
	(EN1) - Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (rev. 2013)		
Strategic Plan Alignment:	Continue to work with regional partners to develop strategies to further reduce nitrogen load to Wakulla Springs, including:		
	(EN1) - Extend central sewer or other effective wastewater treatment solutions to the Primary Springs Protection Zone area within Leon County (2013)		

Project Description:

This project is the design phase of a wastewater collection system in the Centerville Trace neighborhood, to be connected to the City of Tallahassee's central sewer system. This request is for one-time costs that will include design, engineering, and permitting fees associated with this project. Centerville Trace is a "sewer target area," as identified in the City of Tallahassee's 2030 Master Sewer Plan and is also identified in the Water and Sewer Agreement between the City and County as a target sewer service area.

Purpose of the Project and Services/Benefits Provided:

The project will reduce nitrogen and fecal coliform discharges to nearby natural systems, including the Wakulla Springshed, the Lake Lafayette Chain of Lakes, and the St. Marks River watershed. Converting wastewater treatment in the Centerville Trace subdivision to advanced wastewater treatment will reduce the total nitrogen load by 3,100 pounds per year.

Population Served:

Approximately 157 parcels with existing septic tanks will benefit from centralized sewer service. In addition, this project contributes to the reduction of nitrogen flowing to Wakulla Springs, an important local and state resource for tourism. Over 200,000 tourists visit Wakulla Springs State Park each year.

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Project Dates for Construction/Operation:

If allocated state and/or federal funding, design, engineering, and permitting of the system would occur in FY2017 and FY2018.

FUNDING REQUESTS		
Funding Requested:	 <u>Total Funding Requested: \$1 million</u> Pump station site acquisition: \$275,000 Connection survey, system design, and permit applications: \$725,000 	

PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)		
Source:	Amount:	
Source:	Amount:	
Source:	Amount:	



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Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION					
Department:	Department:Public WorksDivision:Engineering Services				
Contact Person:	Theresa Heiker	Title:	Stormwater Management Coord.		
Email:	HeikerT@LeonCountyFL.gov	Phone:	850-606-1526		

APPROPRIATION REQUEST		
Project Title:	Fred George Wetland Restoration	
	Criminal & Civil Justice	Health & Human Services
Program Category:	Education	□ Transportation
Togram Category.	Agriculture & Natural Resources	Tourism & Economic Development
	General Government/Operations	□ Other:
Strategic Plan Alignment:	(Q1) - Maintain and enhance our recreational offerings associated with parks and	
	greenway system for our families, visitors and residents. (rev. 2013)	

Project Description:

This request is for one-time construction funds to re-grade the existing topography of the project site and to intercept debris at two major inflow points in Fred George Sink, a karst feature located within the Ochlockonee River watershed and the Wakulla Springs basin area. Leon County received a \$377,000 grant from the Florida Communities Trust in 2009 for acquisition of this site.

Purpose of the Project and Services/Benefits Provided:

By providing enhanced water quality treatment of runoff and debris interception prior to release into sinks, this project will restore wildlife habitat, rehydrate wetlands, and improve discharge into the Floridian aquifer and will directly benefit the Wakulla Springs springshed. The need for this project has been identified in the Florida Department of Environmental Protection's draft Upper Wakulla River and Wakulla Springs Basin Management Action Plan. Approximately 65 acres of the park wetland area will benefit from the grade restoration effort. This project is expected to remove 5 tons of floatable debris entering Fred George Sink each year.

Population Served:

The Fred George Greenway was acquired in 2009 through joint funding from Florida Communities Trust, Blueprint 2000, and County funding. Construction of a museum, nature center, baseball field, multi-purpose field, nature trails, and associated improvements is currently underway. This project will enhance the Fred George Basin Greenway for all County residents and visitors to the site.

Project Dates for Construction/Operation:

If allocated state and/or federal funding, engineering and permitting would occur in FY2017 and FY 2018. Construction would be anticipated in FY2019, or upon completion of the permitting process.

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FUNDING REQUESTS			
Funding Requested:	 <u>Total Funding Requested: \$1 million</u> Engineering and permitting: \$200,000 Construction of debris interceptors: \$550,000 Site grading and stabilization: \$175,000 Wetland plantings: \$75,000 		

	Present or Pending Funding Sources (including county)			
Source:	Amount:			
Source:	Amount:			
Source:	Amount:			



Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION				
Department:	PLACE	Blueprint 2000		
Contact Person:	Ben Pingree	Title:	Director	
Email:	Ben.Pingree@Blueprint2000.org	Phone:	850-219-1060	

APPROPRIATION REQUEST			
Project Title:	Capital Circle Southwest		
	Criminal & Civil Justice	Health & Human Services	
Program Catagony	Education	\boxtimes Transportation	
Program Category:	Agriculture & Natural Resources	I Tourism & Economic Development	
	General Government/Operations	□ Other:	
	(EC1) - Integrate infrastructure, transportation, redevelopment opportunities and community planning to create the sense of place which attracts talent. (2012)		
Strategic Plan Alignment:	(G2) - Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value. (2012)		
	(G5) - 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. (2012)		

Project Description:

This project will provide for the construction of Capital Circle Southwest (SR 263) from north of Orange Avenue (SR 371) to Crawfordville Road (SR 61/US319), a distance of approximately six miles. This segment is the final piece of a 20-year, 17.5 mile roadway expansion project, for which approximately \$153 million in construction costs have already been spent. The overall project has been the result of a successful partnership between Leon County, the City of Tallahassee, Florida Department of Transportation (FDOT), and the Federal Highway Administration. This segment completes the larger project and improves critical transportation connections to the Tallahassee International Airport, Florida State University, Florida A&M University, and the Downtown Business District. This final segment is the number 1 priority for the Blueprint Intergovernmental Agency and is listed as the number 2 priority on the Capital Region Transportation Planning Agency Regional Mobility Plan. The PD&E Study for this segment was finalized in spring 2016.

The existing 2-lane, rural road section of Capital Circle Southwest will be reconstructed to a 6-lane urban curb and gutter facility with an enclosed drainage system and new stormwater ponds. The 6-lane roadway will be flanked by paved bike lanes, a 10 foot wide multi-use trail on one side and a six foot wide concrete sidewalk on the other side. Extensive landscaping will be installed along the medians and within the right-of-way of the corridor. New overhead lighting will also be installed. Signalized intersections will be constructed at Orange Avenue, the main entrance of the Tallahassee Regional Airport and at Springhill Road.

This six mile project has been divided into two segments with both segments currently being designed under the supervision of the Florida Department of Transportation, District Three. Segment 1 is from Springhill Road to Crawfordville Road. The estimated cost for Segment 1 is \$50.5 million which is broken down into \$31.0 million for right-of-way acquisition and \$19.5 million for construction. Segment 2 is from Orange Avenue to Springhill Road and includes the access to the Airport. Segment 2 is estimated to be \$84.5 million which is broken down into \$30.0 million for right-of-way acquisition and \$54.5 million for construction.

The portion of Capital Circle Southwest from I-10 to the Tallahassee International Airport is designated as part of Florida's Strategic Intermodal System (SIS) which is vital for transporting both people and goods between major commercial facilities such as airports, rail terminals and seaports. Segment 2 of the Capital Circle Southwest project is a part of this SIS facility. Recognizing this important factor, the FDOT has identified \$44.1 million for the construction of this segment. The FDOT has also identified funding in the amount of \$22.2 million for right of way acquisition for the entire project from Crawfordville Road to Orange Avenue. As a result, the total amount requested is for the balance of the project cost, a total of \$68.7 million (\$38.8 million for right of way and \$29.9 million for construction).

Purpose of the Project and Services/Benefits Provided:

Reconstruction of this 6 mile segment of Capital Circle Southwest will service the traveling public with convenient access to Tallahassee International Airport and businesses and communities located in the southwest quadrant of Leon County. This project also includes the first leg of the Airport Gateway, the southern entrance into Tallahassee from the Airport into the Universities and the Downtown Business District. The project stimulates economic development by providing jobs in construction and associated professional services and by improving access to the Airport, Innovation Park, Tallahassee Museum, and undeveloped properties. Efficient transportation between these major commercial facilities will benefit city, county and state agencies with potential for new businesses and developments along the corridor to service and handle/store goods.

The 6-lane facility will provide additional vehicular capacity, and the multi-use trail and sidewalk will provide safe facilities for pedestrians and bicyclists as well as complete an adopted greenway project in the Tallahassee-Leon County Greenways Master Plan and connect to the Capital City to the Sea Regional Trail, a trail included in the State of Florida's Priority Trail Network. The project terminates at Crawfordville Road, which provides a direct connection to the Gulf Coast communities and to the beaches. In summary, this project will meet many local and state goals by investing in safer and more sustainable infrastructure that will encourage economic growth and healthier lifestyles.

Population Served:

The population served by the reconstruction of this 6 mile segment of Capital Circle Southwest includes the businesses and neighborhoods that currently surround this segment of the roadway as well as those traveling to the Tallahassee International Airport, south to the beaches or circling the downtown area of Tallahassee via Capital Circle Southwest. The trail and sidewalk will attract active biking, walking and running enthusiasts while creating a pedestrian friendly environment.

Project Dates for Construction/Operation:

Both segments of Capital Circle Southwest (Segment 1 - north of Orange Avenue to south of Springhill Road and Segment 2 - south of Springhill Road to Crawfordville Road) are currently being designed under the direction of District Three at the FDOT. The design work should be complete by the end of calendar year 2016. FDOT has identified \$44.1 million in 2021 for the construction of this segment.

FUNDING REQUESTS			
	Total Funding Requested: \$68.7 million		
	Segment 1 (Springhill Road to Crawfordville Road):		
Funding Requested:	Right-of-Way Acquisition: \$14.9 millionConstruction: \$19.5 million		
	Segment 2 (Orange Avenue to Springhill Road):		
	Right-of-Way Acquisition: \$23.9 millionConstruction: \$10.4 million		

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PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)			
Source:	Florida Department of Transportation	Amount:	<u>Segment 1:</u> \$16.1 million (ROW – FY2018-2020)
Source:	Florida Department of Transportation	Amount:	Segment 2: \$6.1 million (ROW – FY2017) \$44.1 million (Construction)
Source:		Amount:	

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Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION				
Department:PLACEDivision:N/A				
Contact Person: Ben Pingree		Title:	Director	
Email:	Ben.Pingree@Blueprint2000.org	Phone:	850-219-1060	

APPROPRIATION REQUES T			
Project Title:	Woodville Highway		
	Criminal & Civil Justice	Health & Human Services	
Program Catagony	Education	⊠ Transportation	
Program Category:	Agriculture & Natural Resources	I Tourism & Economic Development	
	General Government/Operations	□ Other:	
	(EC1) - Integrate infrastructure, transportation, redevelopment opportunities and community planning to create the sense of place which attracts talent. (2012)		
Strategic Plan Alignment:	(G2) - Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value. (2012)		
	(G5) - 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. (2012)		

Project Description:

The Woodville Highway project has been a priority of the Board for the past several years. This funding request includes the construction of Woodville Highway to widen the existing two-lane segment to four lanes from Paul Russell Road to Capital Circle and significantly improve the bicycle and pedestrian infrastructure along the roadway. Staff has successfully worked with the Capital Region Transportation Planning Agency (CRPTA) to list this project as the number one priority of the Regional Mobility Plan and worked with the Florida Department of Transportation (FDOT) to include funding in its five-year work plan for the right-of-way acquisition of this project.

In partnership with the CRTPA and FDOT, the Board approved funding for a Woodville Highway Corridor Master Plan and a Project Development and Environment (PD&E) study for this portion of the road. The Corridor Master Plan was completed in November 2011 and the PD&E Study was completed July 2013. FDOT has led and funded the design of the project and have reached the 90% complete milestone. Funding for right-of-way acquisition is programmed in the FDOT five-year work plan and will begin in FY 2018.

The Southside Gateway Enrichment Project is one of the Blueprint infrastructure projects included in the 2020-2040 extension of the penny sales tax. The Blueprint project includes the widening of Woodville Highway from Capital Circle to Tram Road and also includes highway beautification along Crawfordville Highway and enhancements to pedestrian and bicycle access with sidewalks along Ross and Shelfer Roads, linking Woodville and Crawfordville Highways. Blueprint staff has worked with FDOT to incorporate the gateway elements into the design of Woodville Highway in order achieve the intent of the Blueprint project to the greatest extent possible. Blueprint has committed \$1.05 million in construction funding to enhance the roadway and trail. However, because the Blueprint project is broader in scope than the Woodville Highway widening project there are remaining elements left to construct after the completion of the roadway expansion. These remaining elements include the gateway enhancements, sidewalk connections on Ross and Shelfer Roads, landscaping and stormwater pond improvements on Crawfordville Highway. Achieving additional funding from an outside source, such as a legislative appropriation, will enable the full realization

of this project. Local sales tax revenues can be used to complete the previously listed remaining elements.

There are 28 infrastructure projects which Blueprint has been charged with completing over the 20 year period of the 2020 penny sales tax and \$514 million in projected revenues. At the time of voter approval of the 2020 penny sales tax, the total cost of these projects exceeded the projected revenues from the twenty-year sales tax levy. Available funding will dictate the implementation schedules of these projects; however, the completion of all projects remains contingent on Blueprint's ability to leverage funding and create project partnerships to secure outside dollars. Securing state funding for the Woodville Highway widening project will greatly assist Blueprint in completing the list of sales tax projects. Leveraging this outside funding source will also help to expedite the Woodville Highway project and more quickly provide benefits including increased safety and improved quality of life to the community.

Purpose of the Project and Services/Benefits Provided:

Woodville Highway connects to major arterial roadways including Capital Circle and Monroe Street and serves as a major evacuation route from the Coastal Highway (US 98) as well as the central coastal panhandle. In addition, this road is frequented by residents of Wakulla County that work in Leon County. It is anticipated that the volume of traffic will continue to increase as the Capital Circle Office Complex, which houses a number of state agencies, continues to expand. At the completion of this project, it is anticipated that there will be significant improvement in commuter access through southern Leon County and northern Wakulla County, improved freight movement from the coast, and improved hurricane evacuation options.

Leon County and the City of Tallahassee, through their joint "Southern Strategy" are attempting to spur economic growth in the southern area of the city/county with a combination of roadway improvements, sector planning efforts, growth management, and economic development incentives. This project would contribute significantly to that goal.

Population Served:

All regional coastal residents of neighboring counties will benefit from this project. This road serves as one of two links to the coast via Wakulla County.

Project Dates for Construction/Operation:

Construction commencement will be determined at a future date by FDOT based on the time necessary for the completion of project design and right-of-way acquisition.

FUNDING REQUESTS	
Funding Requested:	\$23.1 million (construction phase)

Present or Pending Funding Sources (including county)			
Source:Florida Department of TransportationAmount:\$1.98 million (design)			
Source: Florida Department of Transportation		Amount:	\$10 million (ROW – FY2018-FY2021)
Source:	Blueprint Intergovernmental Agency	Amount:	\$1.05 million (construction)



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Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION				
Department:Public WorksDivision:N/A				
Contact Person: Tony Park		Title:	Director	
Email:	ParkT@LeonCountyFL.gov	Phone:	850-606-1537	

APPROPRIATION REQUEST			
Project Title:	Veterans Memorial Drive (CR 59) Bridge Replacement		
December Code	Criminal & Civil Justice	Health & Human Services	
	Education	⊠ Transportation	
Program Category:	Agriculture & Natural Resources	Tourism & Economic Development	
	General Government/Operations	□ Other:	
Strategic Plan Alignment:	(Q2) - Provide essential public safety infrastructure and services which ensure the safety of the entire community. (2012)		
	(G2) - Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value. (2012)		

Project Description:

This project seeks legislative funding for the replacement of a bridge on Veterans Memorial Drive (CR 59), a double 14-foot wide by 8-foot tall pipe-arch bridge that has reached the point that it may be suited for replacement. Although this bridge is located along a federal aid roadway, it has historically ranked low on FDOT's ranking list for bridge replacement funding. Under this request, staff will seek other state and federal funding, including pursuing a direct legislative appropriation, to support this project.

Purpose of the Project and Services/Benefits Provided:

This project will ensure that Veterans Memorial Drive (CR 59) can continue to be used for interstate commerce and hurricane evacuation. Loss of the route would hinder movement out of storm surge areas in Jefferson County as well as Leon County. Average daily traffic currently using the roadway segment has been measured at 1,823 vehicles, and use of the roadway as a hurricane evacuation route can be expected to double the traffic volume. Failure of the roadway would result in an 18-mile detour.

Population Served:

This project will benefit all residents of and visitors to Leon County, as well as residents of other nearby areas in the event of a disaster that requires emergency evacuation.

Project Dates for Construction/Operation:

If funded, construction could begin within 8 months of grant award and completed within 3 months.

FUNDING REQUESTS	
Funding Requested:	\$530,000

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PRESENT OR PENDING FUNDING SOURCES (INCLUDING COUNTY)			
Source:Leon CountyAmount:\$500,000 (future Stormwater Struct Preventive Maintenance funding)			
Source:		Amount:	
Source:		Amount:	



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Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION				
Department:Public WorksDivision:N/A				
Contact Person:	Robert Mills	Title:	Assistant Director	
Email:	MillsRo@LeonCountyFL.gov	Phone:	850-606-1810	

APPROPRIATION REQUEST			
Project Title:	Apalachee Regional Park Master Plan Implementation		
	Criminal & Civil Justice	Health & Human Services	
Program Catagory	Education	Transportation	
Program Category:	Agriculture & Natural Resources	I Tourism & Economic Development	
	General Government/Operations	□ Other:	
	(Q1) - Maintain and enhance our recreational offerings associated with parks and greenway system for our families, visitors and residents. (rev. 2013)		
	(EC1) - Integrate infrastructure, transportation, redevelopment opportunities and community planning to create the sense of place which attracts talent. (2012)		
Strategic Plan Alignment	(EC4) - Grow our tourism economy, its economic impact and the jobs it supports, including: being a regional hub for sports and cultural activities. (2012)		
	Expand recreational amenities, including:		
	(Q1, EC1, EC4) - Develop Apalachee Facility master plan to accommodate year-round events (rev. 2013)		

Project Description:

This request is for design and engineering funds for future park improvements at the Apalachee Regional Park. At the April 28, 2015 Budget Workshop, the Board directed staff to formally proceed with the permanent closure of the landfill and to prepare a master plan for enhancing the Apalachee Regional Park. Wood+Partners will perform initial data collection and site analysis to identify opportunities and constraints resulting in a preliminary conceptual master plan. The community will be actively engaged in creating a preliminary needs assessment. Public involvement is an essential element of the master planning process, with focus groups, crowd sourcing, and engagement of key stakeholders to develop facility programming. After thorough input has been collected, a conceptual master plan and related estimates of construction costs and timelines will be developed.

Purpose of the Project and Services/Benefits Provided:

Master planning and future construction of the park improvements contemplated in the master plan will enhance the Apalachee Regional Park and will assist the facility's evolution as a regional recreational amenity. The park currently features four full size multi-purpose fields, a radio-control airplane landing strip and facility, and a premier cross country facility also used for hiking and biking in the off-season. In FY 2016, cross country running events at the Apalachee Regional Park attracted 9,500 visitors, generating 4,500 room nights and \$3.7 million in direct spending. Future improvements contemplated in the master plan will allow Apalachee Regional Park to generate additional event-based tourism by accommodating large scale events year-round.

Population Served:

This project will directly benefit all residents of Leon County by enhancing our community's recreational offerings and generating additional year-round tourism in the County.

Project Dates for Construction/Operation:

If allocated state and/or federal funding, design and engineering would occur in FY2017 and FY 2018 after the finalization of the Apalachee Regional Park Master Plan.

FUNDING REQUESTS		
Funding Requested:	\$500,000	

Present or Pending Funding Sources (including county)				
Source:	Source:Leon CountyAmount:\$250,000			
Source:		Amount:		
Source:	Source: Amount:			



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Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	Public Works	Division:	N/A
Contact Person:	Tony Park	Title:	Director
Email:	ParkT@LeonCountyFL.gov	Phone:	850-606-1537

APPROPRIATION REQUEST		
Project Title:	Orchard Pond Greenway Trail, Phase II	
	Criminal & Civil Justice	Health & Human Services
Duaguam Catagamu	Education	\boxtimes Transportation
Program Category:	Agriculture & Natural Resources	Tourism & Economic Development
	General Government/Operations	□ Other:
Strategic Plan Alignment:	(EC1) - Integrate infrastructure, transportation, redevelopment opportunities and community planning to create the sense of place which attracts talent. (2012)	
	(EN4) - Reduce our carbon footprint, realize energy efficiencies, and be a catalyst for renewable energy, including: solar. (2012)	
	(Q1) - Maintain and enhance our recreational offerings associated with parks and greenway system for our families, visitors and residents. (rev. 2013)	
	(G2) - Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value. (2012)	

Project Description:

This proposed legislative priority seeks legislative funding to support the design and construction of the Orchard Pond Greenway Trail, Phase II. This trail segment will be a twelve foot paved multi-use trail parallel to the Orchard Pond Parkway from the eastern parking area to Meridian Road, adding approximately 1.4 miles to the overall trail. The actual alignment of the trail segment has not yet been established and will require survey, design, permitting and construction.

Prior to the conveyance of the property to Leon County, the previous property owner requested funding during the past two legislative sessions (2015 and 2016) to help fund the construction of the trail. However, in both instances the funding was included in the approved budgets, but was ultimately vetoed by the Governor. In light of the County now being the property owner for the proposed trail enhancements, staff recommends an appropriation request be made during the upcoming legislative session for Phase II of the project.

Purpose of the Project and Services/Benefits Provided:

This project will create recreational trails to be utilized as horse, pedestrian and bike trails adjoining the recently completed Orchard Pond Parkway. Phase II is the eastern segment of the trailhead and will connect to the Phase I segment, or the western part of the trail.

Population Served:

This project will benefit all residents of and visitors to Leon County. The trail will be open for use to the general public.

Project Dates for Construction/Operation:

If funded, design, engineering, permitting, and construction of the trail segment would occur in FY2017 and FY2018.

FUNDING REQUESTS	
Funding Requested:	\$300,000

Present or Pending Funding Sources (including county)			
Source:	Leon County	Amount:	TBD (in-kind)
Source:		Amount:	
Source:		Amount:	



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Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	PLACE	Division:	Office of Economic Vitality
Contact Person:	Cristina Paredes	Title:	Deputy Director
Email:	CParedes@OEVforBusiness.org	Phone:	850-300-7555

APPROPRIATION REQUEST		
Project Title:	Leon Works Junior Apprenticeship Program	
	Criminal & Civil Justice	Health & Human Services
Drogrom Catagony	Education	□ Transportation
Program Category:	Agriculture & Natural Resources	I Tourism & Economic Development
	General Government/Operations	□ Other:
Strategic Plan Alignment:	 (EC2) - 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. (2012) (EC6) - Ensure the provision of the most basic services to our citizens most in need so that we have a "ready workforce." (2012) 	
	(EC2, EC6) - Create a proposed structure for an apprenticeship-like program for the Board's consideration during the budget process in support of local existing academic programs in skilled career fields such as fleet management, building maintenance/ construction, computer technology, graphic design, public safety, and other fields that require more than a high school diploma but less than a four-year degree. (2016)	

Project Description:

Working closely with the Florida Department of Economic Opportunity (DEO), Leon County identified that the Leon-Gadsden-Wakulla County area will have over 27,000 skilled job openings in a variety of industries in the next six years. Many of these positions will go unfilled simply because the region lacks workers with the needed skills and qualifications. The Leon Works Junior Apprenticeship Program is part of a comprehensive initiative designed to both raise awareness about careers in the skilled workforce and to provide emerging students with entry-level skills training and work experience prior to entering the private workforce. Through this program, Leon County provides internship opportunities matching many of the academic programs currently offered by local colleges, which will allow students the ability to gain entry-level skills training on the job prior to entering the private workforce.

Purpose of the Project and Services/Benefits Provided:

This appropriation request is to support the Leon Works Junior Apprenticeship Program, an expansion of Leon County's internship offerings in skilled career fields. Beyond simply raising awareness about careers in the skilled workforce, it is imperative that opportunities exist in the community for early-career workers to gain hands-on experience in the workplace. For the past several years Leon County has partnered with Tallahassee Community College and North Florida Community College to establish internships in the County's EMS division for EMS Technology students. Many additional opportunities exist for the County to offer internships in support of local colleges' existing academic programs in skilled career fields such as building construction, computer technology, graphic design, public safety, and other fields that require more than a high school diploma but less than a four-year degree. This request seeks a partnership with the State of Florida to provide these opportunities for entry-level skills training for students prior to entering the workforce.

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The State of Florida currently provides grant funding through CareerSource Florida for entry-level employee skills training; however, only private businesses are eligible to receive these funds. Leon County can provide essentially the same benefit with similar funding support – the County can help students develop entry-level skills on the job prior to graduating from a local college or technical center.

Population Served:

This program will target local high school students and students currently enrolled in local colleges and technical centers.

Project Dates for Construction/Operation:

October 1, 2017 through September 30, 2018.

FUNDING REQUESTS	
Funding Requested:	\$70,000

Present or Pending Funding Sources (including county)			
Source:	Leon County	Amount:	TBD (in-kind operational support)
Source:		Amount:	
Source:		Amount:	



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Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	County Administration	Division:	Strategic Initiatives
Contact Person:	Andy Johnson	Title:	Assistant to the County Administrator
Email:	JohnsonAn@LeonCountyFL.gov	Phone:	850-606-5383

APPROPRIATION REQUEST		
Project Title:	Pre-Disaster Hazard Mitigation	
	Criminal & Civil Justice	Health & Human Services
Drogrom Cotogomy	Education	□ Transportation
Program Category:	Agriculture & Natural Resources	Tourism & Economic Development
	General Government/Operations	□ Other:
	(Q2) - Provide essential public safety infrastructure and services which ensure the safety of the entire community. (2012)	
Strategic Plan Alignment:	(G2) - Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value. (2012)	
	(G5) - 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. (2012)	

Project Description:

This project requests funding support to improve the disaster resistance of critical facilities. The Tallahassee-Leon County Local Mitigation Strategy identifies a variety of critical facilities including emergency shelters, solid waste facilities, law enforcement and first response facilities, and others. Improvements contemplated under this project may include the installation of backup electrical generators and structural hardening.

Leon County is currently in the process of compiling an After Action Report for Hurricane Hermine. Staff anticipates that this report will include findings and recommendations related to pre-disaster hazard mitigation. This proposed legislative priority seeks Board approval to seek state and federal funding for such mitigation projects with a specific project scope and requested funding amount to be determined later. If successful in seeking legislative funding, any associated grant agreements and cost-sharing requirements would be brought back to the Board for approval.

Purpose of the Project and Services/Benefits Provided:

This project seeks to strengthen the disaster resistance of critical facilities in Leon County, ensuring that these facilities are able to continue operations in the event of severe winds, flooding, and/or loss of main electrical power. Critical facilities provide essential services in the event of an emergency and also play a vital role during the aftermath of a destructive storm.

Population Served:

This project will benefit all residents of Leon County, as well as potential evacuees to Leon County from other areas affected by a disaster.

Project Dates for Construction/Operation:

If awarded funding, construction and/or installation of improvements would occur in FY2017 and FY 2018.

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FUNDING REQUESTS	
Funding Requested:	TBD

Present or Pending Funding Sources (including county)		
Source:	Amount:	
Source:	Amount:	
Source:	Amount:	



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Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	County Administration	Division:	N/A
Contact Person: Wanda Hunter		Title:	Assistant County Administrator
Email:	HunterW@LeonCountyFL.gov	Phone:	850-606-5380

APPROPRIATION REQUEST		
Project Title:	Support The Apalachee Center Inc.'s Funding Request for Eight Short-term Residential Treatment Beds	
	Criminal & Civil Justice	Health & Human Services
Program Category:	Education	□ Transportation
Trogram Category.	Agriculture & Natural Resources	Tourism & Economic Development
	General Government/Operations	□ Other:
Strategic Plan Alignment:	 (Q3) - Maintain and further develop programs and partnerships necessary to support and promote a healthier community, including: access to health care and community-based human services. (rev. 2013) (G2) - Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value. (2012) 	

Project Description:

As reported to the Board during the May 24, 2016 meeting, The Apalachee Center intends to seek state legislative funding during the 2017 Legislative Session to convert eight crisis stabilization beds to costlier short-term residential treatment beds. This proposed legislative priority reflects the Board's direction to include The Apalachee Center Inc.'s \$1.0 million funding request in the Board's 2017 Legislative Priorities. The Apalachee Center does not intend to seek County financial support for this initiative.

Purpose of the Project and Services/Benefits Provided:

Since 2008, Apalachee Center has received state funding to maintain a four-bed Short term Residential Treatment (SRT) program. This program is a 24-hour locked program that maintains the staffing and care standards of a Baker Act receiving unit, but is able to maintain clients for up to six months while locating appropriate placement and stabilizing psychiatric symptoms. For the past five years, the 4-bed SRT at Apalachee Center has maintained an average length of stay of 47.56 days, has admitted an average of 31.6 clients annually (total of 158), and has maintained an average occupancy rate of 96.8%. These 158 clients would otherwise have been sent to Florida State Hospital, or awaited such discharge within the Crisis Stabilization Unit, thereby taking needed beds off-line for more acute clients.

The recent addition of crisis stabilization beds by other providers in the local market combined with the clear need for additional short-term residential treatment beds as identified in the Big Bend Community Based Care Needs Assessment presents an opportunity for the 2017 legislative session. This increase will allow Apalachee to treat, on average, an additional 60 clients annually for a longer period of time and with more ability to stabilize and identify discharge options. Since Apalachee currently transfers approximately 30 clients annually to Florida State Hospital (33 in FY 14/15), the addition of eight short-term residential treatment beds to the market should allow for considerably more treatment within the community for residents of this region and close a significant gap in the local behavioral health system.

Population Served:

This project will benefit residents of Leon County and the surrounding region by providing additional local capacity for short-term residential treatment.

Project Dates for Construction/Operation:

N/A.

FUNDING REQUESTS	
Funding Requested:	\$1 million

Present or Pending Funding Sources (including county)		
Source:	Amoun	::
Source:	Amoun	
Source:	Amoun	



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Attachment #1

2017 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	PLACE	Division:	Office of Economic Vitality
Contact Person:	Cristina Paredes	Title:	Deputy Director
Email:	CParedes@OEVforBusiness.org	Phone:	850-300-7555

APPROPRIATION REQUEST			
Project Title:	Support Higher Education Partners' Funding	Requests	
	Criminal & Civil Justice	Health & Human Services	
Program Catagony	Education	□ Transportation	
Program Category:	Agriculture & Natural Resources	I Tourism & Economic Development	
	General Government/Operations	□ Other:	
	(EC1) - Integrate infrastructure, transportation, redevelopment opportunities and community planning to create the sense of place which attracts talent. (2012)		
Strategic Plan Alignment:	(EC3) - Strengthen our partnerships with our institutions of higher learning to encourage entrepreneurism and increase technology transfer and commercialization opportunities, including: the Leon County Research and Development Authority at Innovation Park. (2012) (rev. 2015)		
	(EC4) - Grow our tourism economy, its economic impact and the jobs it supports, including: being a regional hub for sports and cultural activities. (2012)		
	(G2) - Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value. (2012)		

Project Description:

This proposed legislative priority seeks the Board's support for our higher education partners' funding requests during the 2017 Legislative Session. During the 2016 session, FAMU, FSU, and TCC each received legislative funding through the state's Public Education Capital Outlay (PECO) program. These projects include:

- \$12 million for the FSU Earth Ocean Atmospheric Sciences Building (Phase I)
- \$6.5 million for FAMU's Student Affairs Building
- \$1.5 million for the Black Student Union at FSU
- \$1 million for renovations to TCC's central utility plant

In addition, the legislature appropriated \$10 million in preeminence funding to FSU, for a total of \$35 million in annual recurring preeminence funding. In 2017, FSU is anticipated to request additional programmatic funding to enhance its student to faculty ratio, enhance class offerings, and increase the number and quality of its graduate students. Staff also anticipates each university to request PECO funding for capital projects.

Purpose of the Project and Services/Benefits Provided:

Nearly 6,000 graduates emerge annually from the Capital City's institutes of higher education and infuse the local economy with fresh ideas and untapped potential. Support for these community partners' funding requests will enhance our community's ability to continue providing the best learning opportunities for students to grow and succeed.

Population Served:

This project will primarily benefit students of the higher education institutions in our community, but will also benefit local businesses due to the infusion of non-local funding into our community.

Project Dates for Construction/Operation:

N/A.

FUNDING REQUESTS	
Funding Requested:	Based on higher education partners' requests

	Present or Pending Funding Sources (including county)		
Source:	Amount:		
Source:	Amount:		
Source:	Amount:		



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Attachment #2

2017 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:County AdministrationDivision:Strategic Initiatives		Strategic Initiatives	
Contact Person:	Contact Person: Andy Johnson		Assistant to the County Administrator
Email:	JohnsonAn@LeonCountyFL.gov	Phone:	850-606-5383

POLICY REQUEST		
Federal State		
Topic/Project Title:	Protection of the State Workforce	
Strategic Plan Alignment:		

Ident	PROBLEM/NEED Identify effect on County programs/services and the economic or fiscal impact		
Description:	State workers comprise a substantial percentage of Leon County's population contributing to our community, economy and diversity. Protecting the jobs of these workers from privatization and advocating for fair wages has always been a top priority of the Board during the legislative cycle.		
	The FY16/17 state budget did not increase state employee health insurance premiums, which remain at \$50 per month for individual coverage and \$180 per month for family coverage for most employees. However, there have been attempts in the past few sessions to cap the state's total spending on employee health insurance and increase health insurance premiums of state employees. An unsuccessful bill was considered last session also included a new health insurance system with four different benefit levels from which state employees could choose from, and would have raised the employee contribution toward the state's HMO plan, which covers more than 50% of all state employees. Staff will monitor for similar legislation affecting state employee health insurance during the 2017 session.		
	During the past several sessions, the Legislature has sought to reform the Florida Retirement System (FRS). FRS is the primary retirement plan for public sector employees, 80% of which are county government agencies, district school boards, community colleges, and universities. In several recent years bills have been introduced to reform the FRS by shifting the state workforce away from the defined-benefit plan toward a defined-contribution plan. Staff will continue to closely monitor any movement related to the issue in 2016.		

RECOMMENDED CHANGE IN LAW OR STATUTE (IF APPLICABLE)	
Current Statute of Reference:	N/A
Suggested New Language:	N/A
Recommended County Position: Support the protection of the state workforce and oppose any reductions to state employee benefits.	

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Attachment #2

2017 Legislative Priorities Information Form

CONTACT INFORMATION				
Department:	Department:County AdministrationDivision:N/A			
Contact Person: Ken Morris Title: Assistant County Administrator		Assistant County Administrator		
Email:	MorrisK@LeonCountyFL.gov	Phone:	850-606-5300	

	deral	⊠ State	
Topic/Project Title: Modif			
Tax to	Modification of the Eligibility for Levying the Local Option High Impact Tourist Development Tax to Include Counties that are Home to Preeminent State Research Universities as Designated by the Florida Legislature		
Strategic Plan Alignment: (EC3, levyin	preneurism and increase techn ling: the Leon County Researce 2015)) - Grow our tourism economy a regional hub for sports and) - Promote the local economy acting and hiring opportunities , EC4, EC7) – Support the rev ng the local option High Touri	by protecting jobs and identifying local purchasing,	

PROBLEM/NEED		
IDENTI	FY EFFECT ON COUNTY PROGRAMS/SERVICES AND THE ECONOMIC OR FIS CAL IMPACT	
Description:	Section 125.0104, F.S., authorizes five separate tourist development taxes that county governments may levy. Depending on a county's eligibility to levy, the tax rate applied to transient rental transactions varies from a minimum of three percent to a maximum of six percent. Proceeds from these levies are generally utilized by local governments to build tourist-related facilities and to promote and market tourism. One of these levies, the "High Tourism Impact Tax," is a discretionary (local option) one percent tax on transient rental transactions available to counties in which tourism is a significant component of the local economy.	
	This policy request recommends a statutory revision to allow counties that are home to the main campus of a Preeminent State Research University to levy the High Tourism Impact Tax in support of these universities in recognition of their economic benefit through tourism. Currently, Florida State University (Leon County) and the University of Florida (Alachua County) have achieved designation as Preeminent State Research Universities by reaching certain standards of academic and research excellence set forth in Section 1001.7065, F.S. Florida's Preeminent State Research Universities generate immense national and international tourism activity through hosting conferences, graduation ceremonies, short-term academic programs and symposia, and other functions. Preeminent State Research Capabilities by recruiting faculty who are members of National Academies; show casing university research products and facilities; enhancing national recognition of their programs in science, technology, engineering, and mathematics; and ranking among the top public universities in the	

nation. In turn, the growth in stature generates new tourism activity related to university activities.
Florida State University recently completed the master planning of its Arena District and is currently engaged in a solicitation process with private developers for the \$400 million redevelopment of several downtown parcels in partnership with Leon County and the City of Tallahassee. The university's Arena District Master Plan calls for improvements to the Donald L. Tucker Civic Center along with the development of a convention center, a full-service hotel, the relocation of the College of Business, new entrepreneurial spaces, future in-fill academic buildings, and other elements in an effort to modernize its facilities and grow the campus footprint. A convention center in the Arena District would serve the many business, civic, advocacy, and academic organizations which are drawn to the state capitol and its two premier institutions of higher learning. In recent years, many academic, research, and business groups affiliated with Florida State University have been forced to host their convention business hundreds of miles away from the main campus due to the lack of adequate meeting space.
The County and City Commissions have allocated up to \$20 million of local funds from a voter- approved sales tax referendum in support of the Arena District and convention center. Proceeds from a local option High Impact Tourist Development Tax could be used to fund the construction, maintenance, operations, etc. of the convention center envisioned in the Arena District Master Plan in order to support the community's shared initiatives and long-term economic goals. The proposed statutory revision would enhance the Board's investment of up to \$20 million in local funds by ensuring that a dedicated revenue source is in place to support the long-term viability of the convention center.

RECOMMENDED CHANGE IN LAW OR STATUTE (IF APPLICABLE)		
Current Statute of Reference:	Sec. 125.0104(3)(m)	
Suggested New Language:	In Subsection 2: "A county is considered to be a high tourism impact county <u>if</u> the main campus of a public university that is designated a Preeminent State Research University pursuant to s. 1001.7065(3) is located within that county, or, after the Department of Revenue has certified"	
Recommended County Position:	Support the revision of Sec. 125.0104, F.S. to modify the eligibility for levying the local option High Tourism Impact Tax to include counties that are home to Preeminent State Research Universities.	



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Attachment #2

2017 Legislative Priorities Information Form

CONTACT INFORMATION			
Department: County Administration Division: Strategic Initiatives			
Contact Person: Andy Johnson Title: Assistant to the County Administrator			
Email:	JohnsonAn@LeonCountyFL.gov	Phone:	850-606-5383

POLICY REQUEST		
☐ Federal		
Topic/Project Title:	Support State Funding for Springs Restoration	
Strategic Plan Alignment:(EN1) - Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (rev. 2013)		

Ident	PROBLEM/NEED Identify effect on County programs/services and the economic or fiscal impact		
Description:	Last session, the Legislature approved HB 989, which requires \$50 million to be set aside annually for springs restoration projects. Leon County has demonstrated a longstanding commitment to environmental protection and preservation, and springs protection more specifically. The County has designated a Primary Springs Protection Zone by ordinance, which is consistent with similar provisions contained in its Comprehensive Plan. The Primary Springs Protection Zone is designed to minimize the adverse impacts of development on groundwater recharge and aquifer water quality. In addition, Leon County has advanced several infrastructure projects aimed at restoring water quality within the Wakulla Springs Basin.		

RECOMMENDED CHANGE IN LAW OR STATUTE (IF APPLICABLE)		
Current Statute of Reference: N/A		
Suggested New Language: N/A		
Recommended County Position:Support the prioritization of springs restoration funding, with a program designed to assist local governments with the cost of wastewater facility upgrades, septic tank connections, and septic tank abandonment.		

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Attachment #2

2017 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:County AdministrationDivision:Strategic Initiatives			
Contact Person: Andy Johnson Title: Assistant to the County Administrate			Assistant to the County Administrator
Email:	JohnsonAn@LeonCountyFL.gov	Phone:	850-606-5383

POLICY REQUEST		
	Federal	⊠ State
Topic/Project Title:	State-Local Economic Development Partnerships	
Strategic Plan Alignment:		
	(EC6) - Ensure the provision of the most basic services to our citizens most in need so that we have a "ready workforce." (2012)	
(EC7) - Promote the local economy by protecting jobs and identifying local purchasing contracting and hiring opportunities. (2013)		

Identi	PROBLEM/NEED Identify effect on County programs/services and the economic or fiscal impact		
Description:	State-local partnerships for economic development are important tools that empower local governments and provide resources that lead to the creation of quality jobs, vibrant communities, and global economic competitiveness.		
	During the 2015 legislative session, the Florida Enterprise Zone Program – a key component of the state-local economic development toolkit – was allowed to expire at the end of 2015 when no legislation was passed extending its statutory authorization. In 2016, with the expiration of the Florida Enterprise Zone Program, Leon County and FAC advocated for a new state-local economic development partnership through the greater use of targeted strategic investments. Two comprehensive economic development reform bills were considered during the 2016 session. However, both bills died amid a disagreement among the House, Senate, and Governor's Office regarding funding for the "Florida Enterprise Fund," a \$250 million economic development incentive fund that was one of the Governor's top legislative priorities for the 2016 session. The approved FY 2016-17 budget did not include funding for the Florida Enterprise Fund.		

Leon County Board of County Commissioners 2017 Legislative Proposal Page 2

RECOMMENDED CHANGE IN LAW OR STATUTE (IF APPLICABLE)		
Current Statute of Reference: N/A		
Suggested New Language:	N/A	
Recommended County Position:	Support measures that empower local governments and provide resources to work with community partners towards the creation of quality jobs, more vibrant communities, and an enhanced level of national and global competitiveness.	



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Attachment #2

2017 Legislative Priorities Information Form

CONTACT INFORMATION			
Department: County Administration		Division:	Strategic Initiatives
Contact Person:	Andy Johnson	Title:	Assistant to the County Administrator
Email:	JohnsonAn@LeonCountyFL.gov	Phone:	850-606-5383

POLICY REQUEST			
□ Federal			
Topic/Project Title:	Public Safety on College and University Campuses		
Strategic Plan Alignment:	(Q2) - Provide essential public safety infrastructure and services which ensure the safety of the entire community. (2012)		

Ident	PROBLEM/NEED Identify effect on County programs/services and the economic or fiscal impact		
Description:	Under current law, even if a person has a concealed carry license, it is illegal to carry a weapon onto a college or university campus. During the March 10, 2015 meeting, the Board unanimously approved a resolution supporting President Thrasher, President Mangum and President Murdaugh in their unified opposition to allowing concealed weapons on university and college campuses. The Board subsequently adopted this issue as one of its top legislative priorities for the 2016 legislative session. Legislation was introduced in 2015 and 2016 that would have allowed concealed carry licensees to carry firearms into college or university facilities. However, the chairman of the Senate Judiciary Committee declined to hear this legislation in committee during the 2016 session, effectively killing the legislation.		

RECOMMENDED CHANGE IN LAW OR STATUTE (IF APPLICABLE)		
Current Statute of Reference:	790.06, F.S.	
Suggested New Language:	N/A – maintain as-is	
Recommended County Position:	Oppose statutory changes to Section 790.06, F.S. that would allow the concealed carrying of weapons into college or university facilities.	

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Attachment #2

2017 Legislative Priorities Information Form

CONTACT INFORMATION			
Department:	Public Safety	Division:	EMS
Contact Person:	Mac Kemp	Title:	Deputy Chief of Clinical Affairs
Email:	KempM@LeonCountyFL.gov	Phone:	850-606-2100

POLICY REQUEST			
□ Federal			
Topic/Project Title:	EMS Balance Billing		
Strategic Plan Alignment:			

IDENT	PROBLEM/NEED Identify effect on County programs/services and the economic or fis cal impact		
Description:	Bills have been introduced in recent legislative sessions that would have prohibited health care providers, including Leon County EMS, from collecting or attempting to collect any amount beyond the insurance provider's reimbursement. This practice, known as "balance billing," is utilized by health care providers to bill patients for fees or charges not reimbursed by the patient's insurance coverage. For emergency medical transport providers, balance billing is a critical cost recovery strategy; without the ability to collect these charges, EMS providers would have to rely on additional general revenue subsidies to fund operations instead of collecting charges from system users. Staff has estimated that this legislation would have a \$1.7 million recurring negative fiscal impact for Leon County.		

RECOMMENDED CHANGE IN LAW OR STATUTE (IF APPLICABLE)		
Current Statute of Reference:	Chapter 627, F.S.	
Suggested New Language:	N/A – maintain as-is	
Recommended County Position:	Oppose legislation that limits the ability of county EMS providers to be reimbursed for out-of-network transports.	

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Attachment #2

CONTACT INFORMATION			
Department:Public SafetyDivision:EMS			
Contact Person:	Mac Kemp	Title:	Deputy Chief of Clinical Affairs
Email:	KempM@LeonCountyFL.gov	Phone:	850-606-2100

POLICY REQUEST		
Federal State		
Topic/Project Title:	Maintain the current Certificate of Public Convenience and Necessity (COPCN) process	
Strategic Plan Alignment:(Q2) - Provide essential public safety infrastructure and services which ensure the safety of the entire community. (2012)		

IDENT	PROBLEM/NEED Identify effect on County programs/services and the economic or fis cal impact		
Description:	Two bills were considered during the 2016 legislative session related to the issuance of Certificates of Public Convenience and Necessity (COPCNs). A COPCN is a written statement issued by the governing board of a county granting permission for an emergency medical service provider to operate within the county. These bills faced significant opposition from counties and the statewide EMS community and ultimately failed to pass. This legislation would have substantially lessened a Board of County Commissioners' authority to regulate the issuance of COPCNs by requiring all counties to adopt or amend an existing COPCN ordinance to provide a quasi-judicial process, or some other type of evidentiary process, for approval or denial of an application for a COPCN. In addition, such an ordinance would be required to allow any applicant maintaining fire rescue infrastructure and providing first response in the county to appeal the county's decision to the circuit court.		

RECOMMENDED CHANGE IN LAW OR STATUTE (IF APPLICABLE)		
Current Statute of Reference:	401.25, F.S.	
Suggested New Language: N/A – maintain as-is		
Recommended County Position: Support maintaining a countywide regulatory system for EMS through the current Certificate of Public Convenience and Necessity (COPCN) process.		

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Attachment #2

CONTACT INFORMATION				
Department:	Department:Library ServicesDivision:N/A			
Contact Person:	Cay Hohmeister	Title:	Director	
Email:	HohmeisterC@LeonCountyFL.gov	Phone:	850-606-2616	

POLICY REQUEST		
□ Federal		⊠ State
Topic/Project Title:	Support Funding for Public Libraries	
Strategic Plan Alignment:	(Q8) - Maintain and enhance our ec library system, inspiring a love of r	lucational and recreational offerings associated with our eading and lives of learning. (2013)
		gh quality of offerings through the library system, including al resources, computers, Internet, reference resources, ry, and literacy training (2012)

Identi	PROBLEM/NEED Identify effect on County programs/services and the economic or fiscal impact		
Description:	Florida's State Aid to Libraries Grant Program, managed by the Florida Department of State's Division of Library and Information Services, has been the cornerstone of public library support in Florida since 1963, and is recognized as a national model. Florida library systems rely on State Aid grant funding to assist library users with economic development resources to small businesses and job seekers; access to the internet, government services, and a vast array of online services and products and; education and reading. Libraries are transitioning from traditional libraries to community hubs, which function as learning environments to better serve their communities. Libraries are extending all their services to the Web while at the same time allowing citizens to develop new businesses, to teach early reading skills, to provide safe environments for children and teens, to develop new skills to become a better fit for today's workplace, and to find greater civic engagement.		
	become a better fit for today's workplace, and to find greater civic engagement.		

RECOMMENDED CHANGE IN LAW OR STATUTE (IF APPLICABLE)		
Current Statute of Reference:	N/A	
Suggested New Language:	N/A	
Recommended County Position:	Support legislation and appropriation that assists Leon County to provide access to high-quality library services for all residents across the County.	



Leon County Board of County Commissioners

Attachment #3

CONTACT INFORMATION			
Department:County AdministrationDivision:Strategic Initiatives			
Contact Person: Andy Johnson		Title:	Assistant to the County Administrator
Email:JohnsonAn@LeonCountyFL.govPhone:850-606-5383		850-606-5383	

POLICY REQUEST		
☐ Federal ☐ State		□ State
Topic/Project Title:	Waters of the United States	
Strategic Plan Alignment:	health of our natural ecosystems, and from local and upstream pollution.	onserve environmentally sensitive lands, safeguard the nd protect our water quality, including the Floridan Aquifer, (rev. 2013) r with community organizations to promote sustainable

Ident	PROBLEM/NEED IFY EFFECT ON COUNTY PROGRAMS/SERVICES AND THE ECONOMIC OR FIS CAL IMPACT
Description:	For the past several years, the Board has prioritized a top federal legislative issues related to the United States Environmental Protection Agency's (EPA) and the United States Army Corps of Engineers' (Corps) joint administrative rule entitled, "Definition of Waters of the U.S. Under the Clean Water Act" (WOTUS). This rule amends the current definition to expand the range of waters (and their conveyances) that are subject to federal jurisdiction. The rule, which became final on August 28, 2015, eliminates the distinction between traditional navigable waters (such as lakes, rivers, and streams) and conveyances such as ditches and drains. The rule applies regardless of flow or hydrologic connections. On September 23, 2014, the Board approved a resolution voicing concerns regarding the rule and a copy of the resolution was sent to the EPA and the County's federal delegation. It is the County's position that the EPA rule change will negatively impact the County's ability to protect those resources and could put undue burden on local governments through onerous permitting requirements. While Congress has taken some steps to attempt a repeal of the rule, it is likely that the President would override any legislation affecting the rule. On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit issued a nationwide stay against the enforcement of the WOTUS rule. That ruling followed an August 28 federal court ruling in North Dakota, which stayed the rule in 13 states. The October ruling provides nationwide uniformity while the litigation proceeds. On Jan. 13, 2016 the U.S. House of Representatives easily passed a resolution of disapproval (Senate Joint Resolution 22) that would repeal the revised rule by a vote of 253–166. The same resolution was passed by the Senate in November by a vote of 53–44. President Obama vetoed the measure on January 19. In June, both the House and Senate appropriations committees passed their versions of the FY17 Interior, Environment and Related Agencies appropriations bill, ofte

RECOMMENDED CHANGE IN LAW OR STATUTE (IF APPLICABLE)		
Current Statute of Reference:	N/A	
Suggested New Language:	N/A	
Recommended County Position:	Support legislation that clarifies that local streets, gutters, and other stormwater infrastructure are excluded from the definition of "Waters of the U.S.," while also requiring federal agencies to consult with state and local officials to identify which waters should be federally regulated and which should be left to the states.	



Page 3 of 7 Leon County Board of County Commissioners

Attachment #3

CONTACT INFORMATION			
Department:County AdministrationDivision:Strategic Initiatives			
Contact Person:	Andy Johnson	Title:	Assistant to the County Administrator
Email:	JohnsonAn@LeonCountyFL.gov	Phone:	850-606-5383

POLICY REQUEST		
⊠ Federal □ State		
Topic/Project Title:	Full Funding of the Federal Paymer	nt in Lieu of Taxes (PILT) Program
Strategic Plan Alignment:	(Q2) - Provide essential public safe entire community. (2012)	ty infrastructure and services which ensure the safety of the
		Iship of County resources, sound financial management, and s and community enhancements are done in a fair and

Ident	PROBLEM/NEED Identify effect on County programs/services and the economic or fiscal impact		
Description:	Roughly 62% of counties in the United States have federal land within their boundaries. Although counties cannot collect property tax on federal land, they are still required to provide essential services for that land. For the past 40 years, the PILT program has provided funding to counties and municipalities to offset lost tax revenue from federal land within their respective boundaries. This request recommends full funding of the PILT program in FY2017. Congress passed the FY 2016 Consolidated Appropriations Act (P.L. 114-113), which fully funded PILT at \$452 million. The Department of the Interior estimates \$480 million will be necessary to fully fund PILT in FY 2017. In FY 2016, Leon County received approximately \$206,000 from the federal government in PILT funding due to the portion of Apalachicola National Forest in Leon County.		

RECOMMENDED CHANGE IN LAW OR STATUTE (IF APPLICABLE)		
Current Statute of Reference: N/A		
Suggested New Language: N/A		
Recommended County Position:	Support federal legislation that includes full mandatory funding for PILT in the FY 2017 appropriations package and support a long-term strategy for a sustainable PILT program.	

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Leon County Board of County Commissioners

Attachment #3

CONTACT INFORMATION			
Department:County AdministrationDivision:Strategic Initiatives			
Contact Person: Andy Johnson		Title:	Assistant to the County Administrator
Email:	JohnsonAn@LeonCountyFL.gov	Phone:	850-606-5383

POLICY REQUEST		
⊠ Federal □ State		
Topic/Project Title:	Collection of Sales Tax on Remote Transactions	
Strategic Plan Alignment:	(G5) - 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. (2012)	

Identi	PROBLEM/NEED Identify effect on County programs/services and the economic or fiscal impact		
Description:	Under current law, individuals who buy goods online are required to remit sales tax to the state individually; however, that provision is largely unheeded and not enforced. Economists estimate the state loses out on about \$400 million in revenue each year the tax goes uncollected. Purchases from these stores are not subject to sales tax due to the fact that they are not physically located in the state of Florida. The inability to collect an internet sales tax puts local 'brick-and-motor' businesses in Florida at a disadvantage relative to out-of-state online retailers. Governor Rick Scott and several members of the Legislature view the implementation of internet sales tax legislation as a tax increase; therefore, efforts in the State Legislature have been unsuccessful. In recent years, congressional legislation has been introduced (the Remote Transactions Parity Act in the House and the Marketplace Fairness Act in the Senate) that would allow states and localities to collect taxes on online sales but has not gained sufficient traction to pass both chambers. Importantly, this legislation would not create a new tax; it would simply allow states and local governments to enforce existing sales tax laws.		

RECOMMENDED CHANGE IN LAW OR STATUTE (IF APPLICABLE)		
Current Statute of Reference: N/A		
Suggested New Language: N/A		
Recommended County Position:	Support legislation that promotes an equitable and competitive environment between 'brick and mortar' businesses and remote businesses establishments operating in Florida.	

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Leon County Board of County Commissioners

Attachment #3

CONTACT INFORMATION			
Department:County AdministrationDivision:Strategic Initiatives			
Contact Person: Andy Johnson		Title:	Assistant to the County Administrator
Email:	JohnsonAn@LeonCountyFL.gov	Phone:	850-606-5383

POLICY REQUEST		
⊠ Federal □ State		
Topic/Project Title:	Tax-Exempt Status of Municipal Bonds	
Strategic Plan Alignment:	(G2) - Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value. (2012)	
		Iship of County resources, sound financial management, and s and community enhancements are done in a fair and

Identi	PROBLEM/NEED Identify effect on County programs/services and the economic or fiscal impact		
Description:	Tax-exempt municipal bonds have been a fundamental feature of the United States tax code since 1913. Municipal bonds remain the primary method used by states and local governments to finance public capital improvements and public infrastructure projects that are essential for creating jobs, sustaining economic growth, and improving the quality of life for Americans in every corner of the country. Deficit reduction efforts in recent years resulted in cuts in aid to local governments from the states and reduced funding in federal programs that benefit counties. Although a comprehensive rewrite of the federal tax code seems unlikely in 2016, there is some momentum building for corporate tax reform. Even under this scenario, counties still face the risk of losing a low-cost, market-driven means of financing to support local needs because of the potential it would be used as a way to achieve corporate tax reform objectives.		

RECOMMENDED CHANGE IN LAW OR STATUTE (IF APPLICABLE)		
Current Statute of Reference:	N/A	
Suggested New Language: N/A		
Recommended County Position: Oppose any legislation that would eliminate or limit the tax-exempt status of municipal bonds.		

Leon County Board of County Commissioners

Cover Sheet for Agenda #10

November 22, 2016

 To:
 Honorable Chairman and Members of the Board

 From:
 Vincent S. Long, County Administrator

 Title:
 Ratification of Board Actions Taken at the October 18, 2016 Workshop on the 2017 State and Federal Legislative Priorities

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Andy Johnson, Assistant to the County Administrator Jelani Marks, Management Analyst

Fiscal Impact:

This item has no fiscal impact to the County. However, it recommends requests for state and federal appropriations, as well as substantive policy positions that seek to avoid unfunded mandates and cost shifts to the County.

Staff Recommendation:

- Option #1: Ratify Board actions taken at the October 18, 2016 Workshop on the 2017 State and Federal Legislative Priorities.
- Option #2: Schedule Community Legislative Dialogue Meetings for:
 - Tuesday, January 31, 2017 at 9:00 a.m.
 - Tuesday, March 28, 2017 at 9:00 a.m.
 - Tuesday, May 16, 2017 at 9:00 a.m.

Title: Ratification of Board Actions Taken at the October 18, 2016 Workshop on the 2017 State and Federal Legislative Priorities November 22, 2016 Page 2

Report and Discussion

Background:

Each year, the Board conducts a workshop with staff on the County's state and federal legislative priorities. On October 18, 2016, the Board held a workshop to discuss the legislative priorities for the 2017 state and federal sessions.

Analysis:

Staff provided the Board with a report on 18 appropriations requests and 14 substantive issues proposed for the 2017 state and federal legislative sessions. As indicated during the workshop, the appropriations requests for 2017 are categorized to mirror the Florida Legislature's conference committee process for appropriations.

Appropriations Requests:

The appropriations requests approved by the Board were as follows:

Agriculture and Natural Resources Appropriations Requests:

<u>Request:</u>	Amount:	Project Phase:
Woodville Sewer - Phase 1 & 2	\$7.2 million	Design & Construction
Lake Munson Area Septic to Sewer	\$5.5 million	Design & Construction
Fords Arm Restoration	\$3.97 million	Construction
Belair/Annawood Septic to Sewer	\$3.5 million	Design & Construction
Harbinwood Estates Septic to Sewer	\$2.5 million	Design
Leon South Regional Water System	\$1.5 million	Design & Construction
Centerville Trace Septic to Sewer	\$1 million	Design
Fred George Wetland Restoration	\$1 million	Construction

Transportation, Tourism, and Economic Development Appropriations Requests:

<u>Request:</u>	Amount:	Project Phase:	
Capital Circle Southwest - Segment 1	\$14.9 million	Right-of-Way Acquisition	
(Springhill Road to Crawfordville Road) Capital Circle Southwest - Segment 1	¢10.5		
(Springhill Road to Crawfordville Road)	\$19.5 million	Construction	
Capital Circle Southwest - Segment 2 (Orange Avenue to Springhill Road)	\$23.9 million	Right-of-Way Acquisition	
Capital Circle Southwest - Segment 2 (Orange Avenue to Springhill Road)	\$10.4 million	Construction	
Woodville Highway (Capital Circle to Paul Russell Road)	\$23 million	Construction	
Veterans Memorial Drive (CR 59) Bridge Replacement	\$530,000	Design & Construction	
Apalachee Regional Park Master Plan Implementation	\$500,000	Design & Engineering	
Orchard Pond Greenway Trail, Phase II	\$300,000	Design & Construction	
Leon Works Junior Apprenticeship Program	\$100,000	Program Funding	
Pre-Disaster Hazard Mitigation	TBD	Capital/Fixed Assets	

In addition, staff recommended support for two appropriations requests by community partners:

- 1. Support the Apalachee Center Inc.'s funding requests for eight short-term residential treatment beds and for the establishment of a Central Receiving Facility.
- 2. Support programmatic and capital funding requests by Florida State University, Florida A&M University, and Tallahassee Community College.

Staff has not yet received guidance from our legislative delegation regarding the process that will be utilized for submitting appropriations requests for the 2017 Florida legislative session. In recent years, Senator Bill Montford's office has solicited direct appropriations requests for projects within his district, and the House Agriculture and Natural Resources Appropriations Subcommittee has utilized a web-based request form for water projects. Staff has prepared the information that will likely be required to support the County's appropriations requests and will begin advocating for state and federal funding through the appropriate channels upon the Board's approval.

Policy Requests:

The Board discussed state and federal policy issues that are expected to be considered during the 2017 legislative session. Staff presented nine state policy issues and five federal policy issues specific to Leon County. The issues presented by staff to the Board for the County's legislative priorities are as follows:

State Policy Issues:

- 1. Support the protection of the state workforce and oppose any reductions to state employee benefits.
- 2. Support the revision of Sec. 125.0104, F.S. to modify the eligibility for levying the local option High Tourism Impact Tax to include counties that are home to Preeminent State Research Universities.
- 3. Support the prioritization of springs restoration funding, with a program designed to assist local governments with the cost of wastewater facility upgrades, septic tank connections, and septic tank abandonment.
- 4. Support measures that empower local governments and provide resources to work with community partners towards the creation of quality jobs, more vibrant communities, and an enhanced level of national and global competitiveness. Additionally, continue to engage state partners and monitor for any legislative activity associated with the State of Florida real estate study and long-term facility needs.
- 5. Oppose statutory changes to Section 790.06, F.S. that would allow the concealed carrying of weapons into college or university facilities.
- 6. Oppose statutory changes to Chapter 627, F.S. that would prohibit EMS providers from collecting amounts beyond an insurance provider's reimbursement.
- 7. Support maintaining a countywide regulatory system for EMS through the current Certificate of Public Convenience and Necessity (COPCN) process.

- 8. Support legislation and appropriation that assists Leon County to provide access to highquality library services for all residents across the County
- 9. Support the 2017 Florida Association of Counties legislative program unless specific issues conflict with Leon County's interests.

Federal Policy Issues:

- 1. Support legislation that clarifies that local streets, gutters, and other stormwater infrastructure are excluded from the definition of "Waters of the U.S.," while also requiring federal agencies to consult with state and local officials to identify which waters should be federally regulated and which should be left to the states.
- Support federal legislation that includes full mandatory funding for Payment in Lieu of Taxes (PILT) in the FY 2017 appropriations package and support a long-term strategy for a sustainable PILT program. Collection of Sales Tax on Remote Transactions
- 3. Support legislation that promotes an equitable and competitive environment between 'brick and mortar' businesses and remote businesses establishments operating in Florida.
- 4. Oppose any legislation that would eliminate or limit the tax-exempt status of municipal bonds.
- 5. Support NACo's 2016-2017 legislative efforts unless specific issues conflict with Leon County's interests.

Representatives from both Capital Alliance Group and Squire Patton Boggs gave remarks regarding the upcoming state legislative session and the 115th Congress (1st Session), respectively. Staff will prepare the Board's legislative priorities in a Quick Reference Guide to assist Commissioners and the lobbying team in advocating for the Board's priorities.

In addition to the appropriations and policy issues listed above, the Board directed staff to include the following items in Leon County's 2017 State and Federal Legislative Priorities:

• Entrepreneurial Excellence Program

<u>Issue:</u> Innovation Park's Entrepreneurial Excellence Program (EEP) provides advice to startup businesses and entrepreneurs as they navigate the early stages of their development. The EEP was previously administered by the Tallahassee/Leon County Economic Development Council prior to its dissolution in early 2016. Until 2014, the EEP received federal grant funds to assist and implement local entrepreneurial activities. The Knight Foundation has provided funding to continue the program in recent years.

<u>County Position:</u> Support the appropriation of long-term funding to sustain the Entrepreneurial Excellence Program at Innovation Park. (*Add new legislative priority statements in State Policy Issues and Federal Policy Issues*)

• FSU's Interdisciplinary Research and Commercialization Building

<u>Issue:</u> Florida State University is currently in the process of completing design plans for a 125,000 square-foot building that will house research labs, imaging/characterization labs, clean rooms, collaboration, conference and administrative spaces. The facility will house

interdisciplinary research efforts relevant to the fields of biomedical engineering, chemistry, chemical engineering, condensed matter physics, and device prototyping. The construction of the Interdisciplinary Research and Commercialization Building at Florida State, projected to be complete in 2019, will provide new opportunities to broaden Leon County's economic base by leveraging scientific research and development activities.

<u>County Position:</u> Support the appropriation of funds to support FSU's Interdisciplinary Research and Commercialization Building. (*Amend the existing statement in State & Federal Appropriations*)

• Support for Economic Development Incentive Programs

<u>Issue:</u> The Tallahassee-Leon County Office of Economic Vitality administers several incentive programs to support economic development initiatives in Leon County such as the Capital Investment Tax Credit, Qualified Targeted Industry tax refunds, the Target Business Program, and others. These programs are important components of the local economic development toolkit as they stimulate economic growth by rewarding businesses that create employment opportunities in Leon County.

In recent weeks, legislative leaders and Governor Rick Scott have taken differing positions on large-scale state economic incentive programs. The Florida House appears opposed to funding the Florida Enterprise Fund, a program designed to incentivize major job creation initiatives in Florida. This legislative priority seeks to ensure continued funding of other economic development incentive programs available to local governments in partnership with the State of Florida, such as those listed above.

<u>County Position:</u> Support the continuation of important local-level economic development incentive programs in partnership with the State of Florida. (*Amend existing State Policy Issue #4*)

• Funding to Support Housing Programs for Homeless and Special Needs Individuals

<u>Issue:</u> Access to safe, affordable housing is a critical component of the quality of life and economic vitality of a community. Affordable housing revitalizes distressed neighborhoods and promotes economic and social integration while building sustainable communities. Research suggests that access to affordable housing can improve education outcomes, increase health and wellbeing, boost economic activity, and can lower social service costs for state and local governments. As indicated during the Joint County/City Workshop on Affordable Housing programs for the homeless and special needs population in Leon County. Leon County and the City of Tallahassee's existing housing programs fulfill a vital function in preserving, enhancing, and promoting homeownership in the community. However, the opportunity exists for greater collaboration and coordination with affordable housing stakeholders to explore best practices, share ideas, leverage funding and combine resources to meet the needs and revitalize communities.

During the Joint County/City Workshop on Affordable Housing, the County and City Commissions established the Tallahassee-Leon County Affordable Housing Workgroup.

The County and City also established Guiding Principles for the workgroup, which include leveraging partnerships to secure funding from a variety of sources including public funds, tax credits, grants, and others.

The FY 2016-17 State of Florida budget includes \$214.1 million for affordable housing programs, including \$135.5 million for the State Housing Initiatives Partnership. This represents an increase of approximately 22% over prior year funding for affordable housing programs statewide. The budget also includes \$5 million for Challenge Grants to lead agencies of homeless assistance continuums of care.

<u>County Position:</u> Support the appropriation of state and federal funding for housing programs for homeless and special needs individuals. (Add new legislative priority statements in State Policy Issues and Federal Policy Issues)

• Support for Leon County's Bid to Host the Americas Competitiveness Exchange on Innovation & Entrepreneurship

Issue: The Americas Competitiveness Exchange (ACE) is a coordinated best practices tour that brings together business and innovation leaders, as well as public officials from other countries to network and learn about innovative approaches to economic development. ACE provides an opportunity for decision and policy makers in the Americas to observe and learn from cutting-edge economic development initiatives in the Americas that are strengthening innovation and entrepreneurship ecosystems and to establish long-term regional and global partnerships. Specific activities of an ACE tour are selected to advance commerce and trade between participating economies, accelerate business opportunities, and promote collaboration for all stakeholders. The principal ACE convening institutions are the U.S. Department of Commerce, the U.S. Department of State, and the Organization of American States. ACE represents an opportunity for commerce and economic development officials to establish long-term global and regional partnerships and to see the results of economic development initiatives that are strengthening innovation and entrepreneurship ecosystems. Staff has prepared a separate agenda item to seek Board approval to apply for Leon County to host an ACE tour in fall 2017. This legislative priority seeks the support of relevant federal agencies and Leon County's federal delegation for the County's bid to host a future ACE tour (contingent on the Board's approval).

<u>County Position:</u> Support Leon County's bid to host an ACE tour. (Add new legislative priority statement to Federal Policy Issues)

Community Legislative Dialogue Meetings:

In a continual effort to engage the community and regional partners in identifying shared legislative priorities and interests, the Boards hosts Community Legislative Dialogue meetings throughout the state legislative session. During the workshop, the Board designated Commissioner Maddox to host these meetings during the 2017 session. Staff proposes the following dates for the Community Legislative Dialogue meetings, which would be held in the Commission Chambers:

Title: Ratification of Board Actions Taken at the October 18, 2016 Workshop on the 2017 State and Federal Legislative Priorities November 22, 2016 Page 7

- Tuesday, January 31, 2017 at 9:00 a.m.
- Tuesday, March 28, 2017 at 9:00 a.m.
- Tuesday, May 16, 2017 at 9:00 a.m.

Options:

- 1. Ratify Board Actions taken at the October 18, 2016 Workshop on the 2017 State and Federal Legislative Priorities.
- 2. Schedule Community Legislative Dialogue Meetings for:
 - Tuesday, January 31, 2017 at 9:00 a.m.
 - Tuesday, March 28, 2017 at 9:00 a.m.
 - Tuesday, May 16, 2017 at 9:00 a.m.
- 3. Do not ratify the Board actions taken at the October 18, 2016 Workshop on the 2017 Federal Legislative Priorities.
- 4. Do not schedule Community Legislative Dialogue Meetings.
- 5. Board direction.

Recommendation:

Options #1 and #2.

Attachment:

1. October 18, 2016 Workshop on the 2017 State and Federal Legislative Priorities

Leon County 2017 Legislative Session Report May 10, 2017



Provided by:

Capitol Alliance Group 106 E. College Ave, Suite 640 Tallahassee, FL 32301

I. CAPITOL NEWS SUMMARY

To the extent that the 2017 legislative session is remembered, it might be remembered as much for what legislators didn't do as for what they did. The legislative session came to an unofficial close on Friday evening after disagreements on healthcare spending delayed a budget deal — the one thing the Constitution requires the Legislature to do — lawmakers missed a key deadline and were forced to extend their annual session, which was supposed to end Friday. Friday's unofficial end was more bitter than sweet.

The Chambers were at odds most of the session and failed to pass major bills relating to worker's compensation, gaming and medical marijuana. The Legislature returned Monday to debate the **\$82.4 billion** state budget and a series of sweeping policy bills. Most of the Governor's priorities were not funded in the budget. He has 30 days to review and use his veto pen to send a message to House and Senate members.

The **Capitol Alliance Group** team remained committed to Leon County's legislative agenda and issues throughout the duration of the 2017 Legislative Session. The CAG continued to lobby vigilantly on issues ranging from the preemption of local governments, state workers' pay increases to key appropriation requests.

I. LEGISLATIVE UPDATE

> 2017 Budget Passes with Difficulty

The Florida Legislature overwhelmingly approved a state budget and ended the annual session three days late on Monday, May 8th, after narrowly avoiding a meltdown over a controversial measure that makes sweeping changes to the state's education system. The acrimony of the session between the House, Senate and Governor was evident in the budget negotiations and final funding levels as well as their inability to pass major legislative issues such as gaming, worker's comp reform and implementation of Amendment 2 for medical marijuana.

Despite his constant exhortations to fund the state's economic development programs, House leadership ignored his priorities, proposing to eliminate Enterprise Florida and defund Visit Florida and 22 other economic-development incentives programs. In the end, the legislature funded the tourism marketing effort at \$25 million, one-fourth of what the Governor requested. Enterprise Florida barely survived with only \$16 million in funding. The Governor may wield his veto pen in a wide swath as a statement of his opposition to the budget.

The **\$82.4 billion** budget for 2017-18 passed the House on a 98-14 vote, and the Senate on a 34-4 vote. The budget package includes a modest increase in per-student spending through the state's main education formula, **\$521 million** in Medicaid cuts for hospitals and far-reaching changes to education across the board.

The biggest challenge lawmakers faced was getting approval for a delicate agreement on budget-related bills that moved through the House and Senate in quick succession Monday night - a House education bill in trade for a Senate higher education bill, a package on economic-development funding for a bill on state employees' pay and benefits.

The closest showdown came on the vote for the 278-page education bill, favored by the House, that emerged from budget negotiations Friday evening. That measure covered everything from charter schools and teacher bonuses to school uniforms a proposal known as *"schools of hope,"* which would encourage charter schools to locate near academically struggling public schools, and an expansion of the "Best and Brightest" teacher bonus program.

Several senators, including Senator Montford, rebelled against the sprawling bill and the process and slammed the bill as an attempt to push otherwise unpopular education proposals through the Senate. Rejection by the Senate would have essentially shut down the budget votes Monday and force the Legislature into a special session. In the end, the legislation passed the Senate, 20-18. A tie on the legislation would have killed it.

On a positive note, the budget included a modest increase for the main formula for school funding, and gave state employees their first raise since 2013, amounting to **\$1,400 raise** for workers earning less than \$40,000 a year and a **\$1,000** raise for state employees earning more than \$40,000. In addition, there was a small package of tax cuts some of which would benefit average citizens.

Attention has quickly shifted to Governor Scott, who has openly discussed the possibility of vetoing the entire budget.

II. TOP TEN ISSUES OF THE 2017 LEGISLATIVE SESSION

BUDGET: House and Senate leaders struggled to reach agreement on a spending plan for the fiscal year starting July 1, with the sometimes-contentious process forcing them to extend the session through Monday. Lawmakers passed an **\$82.4 billion** budget, though that figure does not include some costs tucked away in other bills. The budget provides a modest increase for the main formula for school funding, gave state employees their first raise since 2013 and provided a small package of tax cuts.

ECONOMIC DEVELOPMENT: Gov. Rick Scott spent the final days of the legislative session traveling the state in a last-ditch effort to pressure lawmakers on the issues of funding economic-development agency Enterprise Florida and tourism-marketer Visit Florida. But Scott, who battled throughout the session with House Speaker Richard

Corcoran, R-Land O' Lakes, about the programs, got little of what he wanted. The Governor asked for \$100 million for Visit Florida and \$86 million for Enterprise Florida but the legislature finally agreed to \$25 million and \$16 million respectively. In addition, the House prevailed in eliminating 22 other economic development incentive programs. That has led to widespread speculation that Scott could go so far as to veto the budget.

EDUCATION: Speaker Richard Corcoran and Senate President Joe Negron, R-Stuart, had two different sets of education priorities ---- but both largely got what they wanted. Lawmakers voted Monday on what is known as a budget conforming bill that includes Corcoran priorities such as the "schools of hope" program, which will encourage charter schools to open near academically struggling traditional public schools. Negron, meanwhile, focused on bolstering the university system and got agreement on issues such as expanding the Bright Futures scholarships program and requiring universities to offer block tuition, which involves students paying a flat fee per semester rather than a credit-hour charge.

GAMBLING: With the incentive of trying to reach a new gambling deal with the Seminole Tribe of Florida, the House and Senate worked on plans that could have revamped the state's gambling industry. But the efforts collapsed early in the final week of the session, with House and Senate negotiators unable to reach a compromise. Among the key differences was the Senate's support for allowing slot machines at parimutuel facilities in eight counties where voters have approved the machines in referendums --- an issue opposed by the House, which wanted to take a more status-quo approach to gambling.

GUNS: Second Amendment supporters got a win late Friday when lawmakers approved a plan to shift a key burden of proof in "stand your ground" self-defense cases, an issue backed by groups including the National Rifle Association. But other high-profile gun issues got bottled up in the Senate early in the session and did not pass. Those issues included a proposal to allow people with concealed-weapons license to carry firearms on college and university campuses and a proposal to allow license holders to openly carry firearms in public.

HEALTH CARE: Speaker Corcoran and other House Republican leaders pushed for easing health-industry regulations, arguing a more free-market approach would help improve access to care. But the Senate scuttled high-profile House proposals such as eliminating what is known as the "certificate of need" approval process for building hospitals. Similarly, the Senate never took up a House proposal that would have changed criteria for the addition of hospital trauma centers, long a contentious issue in the hospital industry. However, hospitals took cuts of hundreds of millions of dollars as lawmakers forced them to tighten spending and become more efficient.

INSURANCE: After regulators, last year approved a 14.5 percent increase in workers' compensation insurance rates, lawmakers faced pressure from business groups to make changes that would hold down rates. But the House and Senate could not agree on a plan, with the differences largely focused on proposals to limit fees for injured workers' attorneys. The Workers Comp bills failed to pass leaving the existing rate hikes in effect. Lawmakers also did not move forward with a proposal to repeal the state's PIP no-fault auto insurance system and could not reach agreement on an issue known as "assignment of benefits," which property insurers blame for increased homeowners' rates.

MEDICAL MARIJUANA: The House and Senate adjourned Friday night without approving a plan to carry out a November constitutional amendment that broadly legalized medical marijuana in the state. Negotiations about the issue continued through the final days of the session, but the failure to agree on a bill will leave implementation of the voter-approved amendment to state health officials. A key difference between the House and Senate centered on how many marijuana licenses and retail outlets the state should have.

WATER: Along with pushing for changes in the university system, Negron made a top priority of building a reservoir south of Lake Okeechobee. The issue hit home for Negron: Polluted discharges from the lake have fouled waterways in Stuart's Treasure Coast district, and the reservoir could help alleviate the problem. Negron's proposal initially drew heavy opposition from farmers, including the sugar industry, and some community leaders south of the lake, but the Senate and House ultimately agreed on reservoir plan after Negron made changes.

DEATH PENALTY: Florida's death penalty has been on hold since January 2016 because of rulings by the U.S. Supreme Court and the Florida Supreme Court. But lawmakers moved quickly during the session to address one key legal issue. They passed a measure that requires unanimous jury recommendations before defendants can be sentenced to death. The Florida Supreme Court last year struck down a law that required only 10 of 12 jurors to agree on recommending death sentences.

III. LEON COUNTY LEGISLATIVE PRIORITIES

> State Workers to See Pay Raise, Pension Changes - PASSED

State workers are in line for pay raises, although it is coupled with major changes in the state pension fund and employee health insurance, under a *conforming bill* that encompassed two priorities for each chamber.

The tit for tat represents a compromise between the Senate, which supported a pay increase, and the House, which has been pushing for state pension changes for the last half-dozen years. Senate Appropriations Chairman **Jack Latvala**, Republican-Clearwater, made state-worker pay raises his top priority for the session.

The **\$186 million** pay raise is set to take effect Oct. 1 for most workers, and provide a **\$1,400 raise** for workers earning less than \$40,000 a year and a **\$1,000** raise for state employees earning more than \$40,000.

Rank-and-file law enforcement officers would be in line for a **5 percent** increase beginning July 1. The law enforcement members were also exempted from the pension changes.

The conforming bill also contains a provision that would allow firefighters to qualify for "in the line of duty" pension benefits if they contract certain types of cancer.

The bill additionally contains a major adjustment in base pay for correctional officers in the state prison system, setting a **\$33,500** base for rank-and-file officers rising to **\$44,589 for captains**. The pay rates for all officers would be adjusted so that they earn at least the base or receive a **\$2,500 increase**, whichever is greater.

Newly hired correctional officers could receive **\$1,000** bonuses if they are hired at institutions that had a 10 percent or higher vacancy rate in the prior quarter.

The minimum pay for law enforcement officers, including Florida Highway Patrol members, in the Department of Highway Safety and Motor Vehicles would increase to **\$36,223**.

Assistant public defenders would receive a 6 percent increase, although assistant state attorneys would not receive a similar raise. State attorneys and public defenders would receive a **10 percent** increase to **\$169,554** beginning Oct. 1.

Other officials receiving a **10 percent** raise include Supreme Court justices **(\$178,420)**, appellate judges **(\$169,554)**, circuit judges **(\$160,688)** and county judges **(\$151, 822)**.

The pay-raise package is linked to changing the state pension program so that newly hired public workers who do not actively choose a retirement plan after 9 months of employment would "default" into 401(k)-type investment plan rather than the traditional pension coverage. Currently newly hired workers default into the traditional pension plan, where they can vest in the benefits if they work at least eight years for a public agency.

> State Health Insurance Program Reform - PASSED

In addition to the agreement that tied state employee pay raises to pension reform, the legislature passed language to revise state health insurance plans. For plan year 2020 and thereafter, the Department of Management Services (DMS) must offer four health

insurance coverage levels of at least a certain actuarial value under the Program as follows: **Platinum** – 90 percent, **Gold** – 80 percent, **Silver** – 70 percent, and **Bronze** – 60 percent. If the state's contribution is more than the premium cost of the health plan selected by the employee, the bill specifies that the employee will be permitted to allocate unused state health insurance contributions to other benefits or as salary. The DMS must recommend contribution policies and employee education strategies regarding the coverage levels and other benefit alternatives.

> AT&T and Verizon's Wireless Technology Bills - PASSED

The legislature passed bills in the House **(HB 687)** and Senate **(SB 596)** to make it easier for cellular companies to install advanced satellite technology equipment. The law would allow AT&T, Sprint, Verizon, and others to install "small wireless facilities" on public land and existing telephone poles.

Local governments pushed back against the legislation in the House and Senate that will set statewide rules for wireless carriers on the installation of "small wireless facilities" and take away control from cities and counties on the public placement of devices needed to handle the new technology.

The **CAG** worked diligently in unison with the Florida Association of Counties and the Florida League of Cities.

> Community Redevelopment Agencies Reform - FAILS

SB 1770 by **Senator Tom Lee, R- Brandon** and **HB 13** by **Jake Raburn, R-Valrico** was put to rest, at least until next year. The bill dramatically altered the viability of local CRA's. It stated new CRAs created on or after October 1, 2017, may only occur by special act of the Legislature. It provided for the termination of existing CRAs at the earlier of the expiration date stated in the agency's charter 107 or on September 30, 2037, unless the local governing board continued it with a supermajority vote. The bill had a provision to protect bond maturity at CRA's. The bill required CRAs to comply with budgeting, auditing, and reporting requirements of s. 189.016, F.S., except as otherwise provided by s. 163.387, F.S. The bill required each CRA created by a municipality to submit its budget for the next fiscal year to the board of county commissioners for the county in which the CRA is located within 10 days after the date of the adoption.

The bill was opposed by all local governments and was lobbied hard. The original bill was amended significantly, but was still an assault on one of the most effective economic development tools available to local governments.

The **CAG** team worked hard in conjunction with the Florida Association of Counties and the Florida League of Cities to ensure our local governments remain protected.

> Public Works Legislation - PASSED

HB 599 by **Representative Jayer Williamson, R-Pace** and **SB 534** by **Senator Keith Perry, R-Gainesville** specified that contracts for construction services that are projected to cost more than a specified threshold must be competitively awarded. Specifically, state contracts for construction projects that are projected to cost in excess of **\$200,000** must be competitively bid. Counties, municipalities, special districts, or other political subdivisions seeking to construct or improve a public building must competitively bid the project if the estimated cost exceeds **\$300,000**.

The solicitation of competitive bids or proposals must be publicly advertised in the Florida Administrative Register. The bill prohibits the state and its political subdivisions that contract for public works projects from imposing restrictive conditions on certain contractors, subcontractors, or material suppliers or carriers, except as otherwise required by federal or state law.

Specifically, bill states that the state or political subdivision that contracts for a public works project may not require that a contractor, subcontractor, or material supplier or carrier engaged in the project:

- Pay employees a predetermined amount of wages or prescribe any wage rate;
- Provide employees a specified type, amount, or rate of employee benefits;
- Control, limit, or expand staffing; or
- Recruit, train, or hire employees from a designated, restricted, or single source.

CAG lobbied against this bill and, along with other stakeholders, were able to amend to bill so that only applies to Public works projects where 50 percent or more of the cost will be paid from state-appropriated funds. Originally the bill had any public works project that included state money.

The bill also prohibits the state or a political subdivision from restricting a qualified contractor, subcontractor, or material supplier or carrier from submitting a bid on any public works project or being awarded any contract, subcontract, material order, or carrying order. However, the prohibition does not apply to discriminatory vendors or those that have committed a public entity crime.

> Proposed Homestead Exemption Increase - PASSED

Despite our best efforts, both chambers passed a constitutional amendment that would increase the Homestead Exemption by \$25,000, which would increase the overall

exemption to \$75,000. This was a draconian tax cut measure proposed by House leadership and eventually adopted by the Senate in a very contested vote on the floor.

Opposing efforts warned that cutting taxes meant less money to fund critical local services like police and fire. **The estimated impact to Leon County's budget is \$9.2 million**. The joint resolution wouldn't affect taxes to fund local public schools. The amendment will take effect January 1, 2019, if approved by voters, needing to garner a 60-percent plus voter approval in November 2018.

The **CAG** team worked tirelessly to get Leon County Delegation to vote no on this legislation. We worked in tandem with the Florida Association of Counties and the Florida League of Cities, to try to kill this bill.

> Local Regulation Preemption Bill – FAIL

Representative Randy Fine, R-Melbourne, HB 17 sought to prohibit local governments from adopting or imposing new regulations on a business, profession, or occupation unless the regulation is expressly authorized by general law. This was one of the most egregious attacks on Home rule of the legislative session. Thankfully, the Senate was unwilling to consider the proposal.

> Firefighters Cancer Presumption - FAIL

SB 1582 allowed firefighters to qualify for "in the line of duty" pension benefits if they contract certain types of cancer. The sponsor, Senator Latvala, originally amended his cancer presumption language to another bill, **SB 1582**, part of the worker's compensation package. When the worker's compensation reform appeared to be in jeopardy as session was nearing an end, Senator Latvala successfully placed a provision in the state workers' pay raise conforming bill. The language was eventually stripped out of the bill and failed

> Workers' Compensation Insurance - FAIL

Tangled in a battle over attorney fees, legislators could not reach agreement Friday on a bill aimed at holding down workers' compensation insurance rates. The House and Senate swapped proposals Friday, the last scheduled day of the annual legislative session, but could not resolve differences after weeks of heavy lobbying by business groups, plaintiffs' lawyers and labor unions.

Critics said a limit on attorney fees in the House bill could prevent injured workers from having adequate legal representation in disputes with insurance companies.

The workers' compensation issue has been high-profile since last spring, when the Florida Supreme Court found two parts of the system unconstitutional. One of the rulings tossed out strict limits on fees paid to attorneys for injured workers.

Those rulings played a key role in state regulators later approving a **14.5 percent** increase in workers' compensation insurance rates. That hike started taking effect in December.

Business groups blame attorney fees for driving up costs in the workers' compensation system and focused heavily on trying to get lawmakers to curb the effects of the Supreme Court's fee ruling. But they ran into opposition from plaintiffs' attorneys and labor unions, who argued that fee limits hurt workers — and that lawmakers should look to increase benefits for people injured on the job.

The House proposed capping attorney fees at a maximum of \$150 an hour, while the Senate proposed \$250 an hour. In a last-ditch bid for an agreement, the House upped its proposal to \$180 an hour, but the Senate adjourned Friday night without considering it. Along with the fee issues, senators also balked at House proposals to cut reimbursements to hospitals that provide outpatient treatment to injured workers.

IV. BUDGET WINS FOR LEON COUNTY

- ✓ State worker pay raises: \$183.5 million statewide, \$1,400 for workers making less than \$40,000
- Transportation Work Plan: \$63 million to continue Capital Circle Southwest expansion and Woodville Highway included
- ✓ Florida State University: \$38 million for three new buildings, a teaching laboratory and land acquisition
- ✓ Florida A& M University: \$5 million for a new student affairs building and a Crestview education center
- ✓ Storm Preparedness: \$1 million for generators and storm hardening, a citycounty venture
- ✓ Veterans Mem. Bridge: \$530,000 to replace the bridge on CR 59 an evacuation route to the north
- ✓ Orchard Pond Greenway: \$300,000 for the north Leon County greenway and nature trails.

V. LEGISLATION TRACKED

The following bills were tracked, monitored and lobbied on behalf of Leon County.

HB **Relating to Community Redevelopment Agencies-**Raburn 13 **FAILED Community Redevelopment Agencies: Provides reporting** requirements; revises requirements for operating community redevelopment agencies; prohibits creation of new community redevelopment agencies after date certain; provides phase-out period; creates criteria for determining whether community redevelopment agency is inactive; provides hearing procedures; authorizes certain financial activity from inactive community redevelopment agencies; revises requirements for use of redevelopment trust fund proceeds; revises county & municipal government reporting requirements; revises criteria for finding that county or municipality failed to file report; requires DFS to provide report to DEO concerning community redevelopment agencies with no revenues, no expenditures, & no debts. Effective Date: October 1, 2017 HB **Relating to Local Regulation Preemption - FAILED** Fine 17

Local Regulation Preemption: Prohibits certain local governments from imposing or adopting certain regulations on businesses, professions, & occupations after certain date; preempts to state regulations concerning businesses, professions, & occupations; provides exceptions to preemption. Effective Date: July 1, 2017

<u>HB</u> Relating to Annual Sales Tax Holiday for Veterans of the ^{McGhee}

25 United States Armed Forces - FAILED

Annual Sales Tax Holiday for Veterans of the United States Armed Forces: Creates annual sales tax holiday for veterans of US Armed Forces; specifies items eligible for sales tax holiday; specifies tax treatment of layaways, exchanges, & Internet sales; provides definitions; specifies reporting requirements of retailers; authorizes DOR to adopt emergency rules. Effective Date: July 1, 2017

<u>HB</u> <u>35</u>	Relating to Well Stimulation Treatments - FAILED	Jenne
	Well Stimulation Treatments: Prohibits well stimulation treatments for exploration or production of oil or natural gas. Effective Date: July 1, 2017	
<u>HB</u> <u>49</u>	Relating to Ad Valorem Taxation - FAILED	Eagle
	Ad Valorem Taxation: Authorizes certain property damaged or destroyed by natural disaster in 2016 to receive abatement of certain property taxes; specifies procedures to use in applying for abatement of taxes; provides property appraiser & tax collector duties relative to investigating statements & determining amount of disaster relief credit; requires tax collector to reduce taxes in specified manner; provides retroactive applicability & expiration date. Effective Date: upon becoming a law	
<u>SB</u> 68	Relating to Tourist Development Tax - FAILED	Grimsley
	Tourist Development Tax; Authorizing counties imposing the tourist development tax to use those tax revenues for auditoriums that are publicly owned but operated by specified organizations under certain circumstances, etc. Effective Date: 7/1/2017	
<u>SB</u> 82	Relating to Postsecondary Education Tuition and Fee Waivers - FAILED	Steube
	Postsecondary Education Tuition and Fee Waivers; Deleting a	

requirement that a state university, Florida College System institution, career center operated by a school district, or charter technical career center waive out-of-state fees for certain students, including certain undocumented students, who meet specified requirements, etc. Effective Date: 7/1/2017

HBRelating to Selection and Duties of County Officers -87FAILED

Diaz (M)

Selection and Duties of County Officers: Proposes amendment to State Constitution to remove authority for county charter to specify method for choosing certain county officers; prohibit special law from specifying method for choosing property appraiser; requiring county voter approval to abolish a county office & transfer duties; removes authority for county charter to transfer certain duties of the clerk of circuit court. Effective Date: Not Specified

SB

Relating to Well Stimulation - FAILED Farmer **98** Well Stimulation; Citing this act as the "Stop Fracking Act"; prohibiting persons from engaging in extreme well stimulation, etc. Effective Date: 7/1/2017 SB **Relating to Well Stimulation - FAILED** Farmer 108 Well Stimulation; Proposing the creation of Section 30 of Article X of the State Constitution to establish public policy against certain types of well stimulation in order to protect the state's water resources, and to prohibit extreme well stimulation, etc. <u>SB</u> **Relating to Flood Hazard Mitigation - FAILED Brandes** 112

Flood Hazard Mitigation; Authorizing the Division of Emergency Management of the Executive Office of the Governor to administer a matching grant program for local governments to implement flood hazard risk reduction policies and projects; revising the powers of the Florida Communities Trust to authorize the undertaking, coordination, and funding of flood mitigation projects; authorizing the trust to acquire and dispose of real and personal property to reduce flood hazards, etc. APPROPRIATION: Indeterminate Effective Date: 7/1/2017

<u>нв</u> 117	Relating to Voting System Audits - FAILED	Willhite
	Voting System Audits: Requires certain entities responsible for	

election certification to conduct audit of voting systems before certifying election; requires entities to certify election immediately following completion of audit. Effective Date: July 1, 2017

SB Relating to Selection and Duties of County **130** Officers/Clerk of the Circuit Court - FAILED

Artiles

Selection and Duties of County Officers/Clerk of the Circuit Court; Proposing an amendment to the State Constitution to remove authority for a county charter to provide for choosing certain county officers in a manner other than election, prohibit a special law to provide for choosing a clerk of the circuit court in a manner other than election, authorize the abolition of any county office if its duties are transferred to another office by special law approved by county voters, and remove authority for a county charter to transfer certain duties of the clerk of the circuit court to another officer, etc.

SB Relating to Selection and Duties of County Officers/Tax 132 Collector - FAILED Artiles

Selection and Duties of County Officers/Tax Collector; Proposing amendments to the State Constitution to remove authority for a county charter to provide for choosing certain county officers in a manner other than election, prohibit a special law to provide for choosing a tax collector in a manner other than election, authorize the abolition of any county office if its duties are transferred to another office by special law approved by county voters, and remove authority for a county charter to transfer certain duties of the clerk of the circuit court to another officer, etc.

SBRelating to Selection and Duties of County Sheriff -134FAILED

Selection and Duties of County Sheriff; Proposing an amendment to the State Constitution to remove authority for a county charter or special law to provide for choosing a sheriff in a manner other than by election or to alter the duties of the sheriff or abolish the office of the sheriff, etc.

SBRelating to Selection and Duties of CountyArtiles136Officers/Property Appraiser - FAILEDArtiles

Selection and Duties of County Officers/Property Appraiser ; Proposing amendments to the State Constitution to remove authority for a county charter to provide for choosing certain county officers in a manner other than election, prohibit a special law to provide for choosing a property appraiser in a manner other than election, authorize the abolition of any county office if its duties are transferred to another office by special law approved by county voters, and remove authority for a county charter to transfer certain duties of the clerk of the circuit court to another officer, etc.

SBRelating to Selection and Duties of County138Officers/Supervisor of Elections - FAILED

Selection and Duties of County Officers/Supervisor of Elections; Proposing amendments to the State Constitution to remove authority for a county charter to provide for choosing certain county officers in a manner other than election, prohibit a special law to provide for choosing a supervisor of elections in a manner other than election, authorize the abolition of any county office if its duties are transferred to another office by special law approved by county voters, and remove authority for a county charter to transfer certain duties of the clerk of the circuit court to another officer, etc.

<u>HB</u> <u>139</u>	Relating to Local Tax Referenda - FAILED	Ingoglia
	Local Tax Referenda: Requires local government discretionary sales surtax referenda to be held on the date of a primary or general election and requires a specified percentage of votes for passage; requires notice of intent to levy certain local government discretionary sales surtaxes; prohibits certain entities for a specified period from increasing taxes that were reduced at the time a discretionary sales surtax was levied. Effective Date: July 1, 2018	
<u>SB</u> 140	Relating to Openly Carrying a Handgun - FAILED	Steube
	Openly Carrying a Handgun; Authorizing a compliant licensee to openly carry a handgun, etc. Effective Date: 7/1/2017	
<u>SB</u> 160	Relating to Minimum Wage - FAILED	Rodriguez (J)
	Minimum Wage; Revising the formula for the adjusted state minimum wage, etc. Effective Date: 7/1/2017	
<u>HB</u> 173	Relating to Tourist Development Tax - FAILED	Latvala (C)
	Tourist Development Tax: Authorizes counties imposing tourist development tax to use those tax revenues for auditoriums that are publicly owned but operated by specified organizations under certain circumstances. Effective Date: July 1, 2017	

SB **Relating to Sales and Use Tax Exemption for Feminine** Passidomo **<u>176</u>** Hygiene Products - FAILED

Sales and Use Tax Exemption for Feminine Hygiene Products; Exempting the sale of feminine hygiene products from the sales and use tax. etc. Effective Date: 1/1/2018

SB Rodriguez (J) **Relating to Traffic Infraction Detectors - FAILED** 180

Traffic Infraction Detectors; Decreasing the penalty to be assessed and collected by the department, county, or municipality if a traffic infraction detector is used to enforce specified violations when a driver failed to stop at a traffic signal; prohibiting the suspension of a person's driver license and privilege to drive or the withholding of the license plate or revalidation sticker for failure to pay certain penalties under certain circumstances, etc. Effective Date: 10/1/2017

<u>HB</u> Relating to Selection and Duties of Property Appraisers - Diaz (M) **187 FAILED**

Selection and Duties of Property Appraisers: Removes authority for county charter or special law to provide for choosing property appraiser in manner other than by election or to alter duties of property appraiser or abolish office of property appraiser. Amendment takes effect January 8, 2019, if approved.

<u>SB</u> **Relating to Judicial Resources - FAILED** 196

Judicial Resources; Requiring the Supreme Court to issue an annual report regarding certain cases; requiring the establishment of civil citation or similar diversion programs for juveniles in each county; requiring the Department of Juvenile Justice, beginning on a certain date, to collect specified information relating to children who qualify for prosecution as

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Flores



adults and for children who are transferred for criminal prosecution as adults. etc. Effective Date: 7/1/2017

HB Ahern **Relating to Diversion Programs - FAILED** 205 **Diversion Programs: Encourages local prearrest diversion** programs for certain adult offenders; requires that adult issued civil citation fulfill community service requirement & pay restitution; permits criminal charges if adult fails to complete program; prohibits arrest record from being associated with certain offense for adult who successfully completes program; requires, rather than authorizes, FDLE to adopt rules to provide for expunction of certain nonjudicial records of arrest of minor upon successful completion of certain diversion programs; authorizes such expunctions for certain first-time misdemeanor offenses; requires diversion program to submit specified data to DJJ. Effective Date: July 1, 2017 **HB** Relating to Juvenile Civil Citation and Similar Diversion Brown 213 Programs - FAILED Juvenile Civil Citation and Similar Diversion Programs: Requires establishment of civil citation or similar diversion programs for juveniles; specifies program eligibility, participation, & implementation requirements; provides exceptions; provides applicability. Effective Date: July 1, 2017 SB Artiles **Relating to Property Taxes - FAILED** 226 Property Taxes; Providing that a possessor of real property for 7 years must pay all delinquent taxes prior to claiming adverse possession; providing criteria under which a property appraiser may waive unpaid penalties and interest for improper nonpayment or reduction payment of ad valorem taxes by certain property owners claiming a homestead exemption; revising a provision authorizing a property appraiser to exempt certain tangible personal property from ad valorem taxation without

filing an initial return, etc. Effective Date: 7/1/2017

HBRelating to Prohibited Places for Weapons and Firearms
Stafford235- FAILED

Prohibited Places for Weapons and Firearms: Revises locations where licensees are prohibited from openly carrying handgun or carrying concealed weapon or firearm. Effective Date: July 1, 2017

SBRelating to Tax Exemption for Diapers and Incontinence252Products - FAILED

Tax Exemption for Diapers and Incontinence Products; Exempting from the sales and use tax the sale for human utilization of diapers, incontinence undergarments, incontinence pads, or incontinence liners, etc. Effective Date: 1/1/2018

HB Relating to Veterans' Annual Sales Tax Holiday - FAILED 263 Relating to Veterans' Annual Sales Tax Holiday - FAILED

Veterans' Annual Sales Tax Holiday: Creates annual sales tax holiday for veterans; specifies eligible items; specifies documents that demonstrate proof of military status; specifies reporting requirements of retailers; authorizes certain retailers to opt out of sales tax holiday; authorizes DOR to adopt rules. Effective Date: July 1, 2017

HBRelating to Selection and Duties of County Officers -271FAILEDCortes (B)

Selection and Duties of County Officers: Proposes amendment to State Constitution to remove authority for county charter to provide for choosing certain county officers other than by election, to prohibit special law to provide for choosing tax collector other than by election, to authorize abolition of county office & transfer of duties only by approval of county voters, & to remove authority for county charter to transfer certain duties of clerk of circuit court. Ad Valorem Taxation; Requiring a property appraiser to reduce the assessed value of a residential property damaged or destroyed by a natural disaster under certain conditions; requiring a property appraiser who determines a property is eligible for a reduction to submit a written statement to the tax collector and specifying the contents thereof; requiring the tax collector to notify the Department of Revenue and the board of county commissioners of the total reduction in taxes, etc. Effective Date: Upon becoming a law

HB Relating to State Work Opportunity Tax Credit - FAILED Alexander

State Work Opportunity Tax Credit: Provides credit against corporate income tax for businesses hiring certain persons convicted of felony; provides requirements & limitations; requires DOR & DEO to adopt rules & authorizes certain guidelines. Effective Date: upon becoming a law

SB 276 Relating to State Work Opportunity Tax Credit - FAILED Bracy

State Work Opportunity Tax Credit; Providing an additional credit against the corporate income tax, beginning on a specified date and under certain circumstances, for businesses hiring certain persons convicted of a felony, etc. Effective Date: Upon becoming a law

SB278Relating to Local Tax Referenda - FAILED

Steube

Local Tax Referenda; Requiring local government discretionary sales surtax referenda to be held on the date of a primary election or on the date of a general election and specifying the required approval of voters for passage, etc. Effective Date: 7/1/2019

<u>HB</u> 285	Relating to Onsite Sewage Treatment and Disposal Systems - FAILED	Fine
	Onsite Sewage Treatment and Disposal Systems: Directs DOH to identify certain information for onsite sewage treatment & disposal systems, update database of such systems, & submit report to Governor & Legislature; requires system disclosure summary for certain properties & acknowledgement of such disclosures by purchaser before or at execution of contract for sale. Effective Date: October 1, 2017	
<u>HB</u> 333	Relating to Rural Economic Development Initiative - FAILED	Clemons (C)
	Rural Economic Development Initiative: Revises legislative intent relating to Rural Economic Development Initiative (REDI); redefines term "rural area of opportunity"; revises duties, responsibilities, & membership of REDI; revises reporting requirements. Effective Date: upon becoming a law	
<u>HB</u> 353	Relating to Local Government Participation in Florida Retirement System - FAILED	Fischer
	Local Government Participation in Florida Retirement System: Provides that employees of governing body of municipality, metropolitan planning organization, or special district that applies to participate in FRS on or after certain date may enroll only in defined contribution program; authorizes enrollment in pension plan for employees of governing bodies that have elected or applied to participate in FRS before certain date; provides for retroactive application. Effective Date: upon becoming a law	
<u>HB</u> 379	Relating to Underground Facilities - PASSED	Leek
	Underground Facilities: Revises information to be submitted to	

Legislature by board of directors of Sunshine State One-Call of Florida, Inc.; requires excavators to call 911 under specified circumstances; requires member operators to file report with free-access notification system; provides reporting requirements; specifies distribution of civil penalties issued by state law enforcement officers. Effective Date: July 1, 2017

SBRelating to Local Government Participation in the428Florida Retirement System - FAILED

Local Government Participation in the Florida Retirement System; Providing that employees of a governing body of a municipality, metropolitan planning organization, or special district that applies to participate in the Florida Retirement System on or after a certain date may enroll only in the defined contribution program; authorizing enrollment in the pension plan for employees of governing bodies that have elected or applied to participate in the Florida Retirement System before a certain date, etc. Effective Date: Upon becoming a law

SBRelating to Underground Facilities - PASSEDPassidomo446PassidomoPassidomo

Underground Facilities; Revising the information that must be submitted to the Legislature annually by the board of directors of Sunshine State One-Call of Florida, Inc.; requiring excavators to call the 911 emergency telephone number under certain circumstances; specifying how certain civil penalties issued by state law enforcement officers shall be distributed, etc. Effective Date: 7/1/2017

SB Relating to Tax on Sales, Use, and Other Transactions -**490** FAILED Perry

Tax on Sales, Use, and Other Transactions; Providing an exemption from the sales and use tax for the sale of certain clothing, wallets, bags, school supplies, and personal computers and related accessories during a specified period, etc. APPROPRIATION: \$225,000.00 Effective Date: Upon becoming a law

	Workers' Compensation Benefits for First Responders; Deleting provisions that limit certain workers' compensation benefits for first responders; providing that mental or nervous injuries of law enforcement officers, firefighters, emergency medical technicians, or paramedics are compensable under the Workers' Compensation Law under specified conditions, etc. Effective Date: 7/1/2017	
<u>HB</u> 551	Relating to Onsite Sewage Treatment and Disposal Systems - FAILED	Stone
	Onsite Sewage Treatment and Disposal Systems: Specifies appropriation from Land Acquisition Trust Fund for grant program to offset property owner costs to retrofit certain onsite sewage treatment & disposal systems, connect certain properties to central sewer systems, & for certain dredging & stormwater improvements; directs DEP to develop specified onsite sewage treatment & disposal system remediation plans under certain conditions. Effective Date: July 1, 2017	
<u>HB</u> 555	Relating to Sales and Use Tax Exemptions - FAILED	Fischer
	Sales and Use Tax Exemptions: Provides tax exemption for certain tangible personal property related to disaster preparedness; provides expiration date & appropriation. Effective Date: upon becoming law	
<u>HB</u> 571	Relating to Selection and Duties of County Officers/Clerk of the Circuit Court - FAILED	Drake
	Selection and Duties of County Officers/Clerk of the Circuit Court: Proposes amendment to Section 1 of Article VIII & creation of new section in Article XII of State Constitution to remove	1

SB Relating to Workers' Compensation Benefits For First

<u>516</u> Responders - FAILED

Perry

authority for county charter to provide for choosing certain county officers in manner other than election, prohibit special law to provide for choosing clerk of circuit court in manner other than election, authorize abolition of any county office if its duties are transferred to another office by special law approved by county voters, & remove authority for county charter to transfer certain duties of clerk of circuit court to another officer. Effective Date: Not Specified

SB 596 Relating to Utilities - **PASSED**

Utilities; Authorizing the Department of Transportation and certain local governmental entities to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any voice or data communications services lines or wireless facilities; creating the "Advanced Wireless Infrastructure Deployment Act"; providing requirements for the collocation of small wireless facilities on authority utility poles, etc. Effective Date: 7/1/2017

SBRelating to Rural Economic Development Initiative -600FAILED

Rural Economic Development Initiative; Requiring an analysis of the Rural Economic Development Initiative and rural areas of opportunity; revising legislative intent relating to the Rural Economic Development Initiative; revising the duties, responsibilities, and membership of the Rural Economic Development Initiative, etc. Effective Date: Upon becoming a law

HBRelating to Publicly Funded Defined Benefit Retirement603Plans - FAILED

Publicly Funded Defined Benefit Retirement Plans: Defines term

Hutson

"long-range return rate"; provides additional requirements for actuarial reports submitted by retirement plan or system subject to part VII of ch. 112, F.S.; provides declaration of important state interest. Effective Date: July 1, 2017

SB
610Relating to Firearms - FAILEDSteubeFirearms; Requiring a business, organization, or entity that
prohibits a concealed weapon or firearm licensee from carrying a
weapon or firearm onto its property to assume certain
responsibility for the safety and defense of such licensee;
providing a cause of action for a concealed weapon or firearm
licensee who incurs injury, death, damage, or loss as the result of
urstain extra an etter the exercise of each having a function.

certain acts or attacks occurring on the property of such business, organization, or entity or on other specified properties, etc. Effective Date: 7/1/2017

SB 616 **Relating to Concealed Weapons or Firearms - FAILED** Steube

Concealed Weapons or Firearms; Authorizing a concealed weapons or concealed firearms licensee to temporarily surrender a weapon or firearm if the licensee approaches courthouse security or management personnel upon arrival and follow their instructions, etc. Effective Date: 7/1/2017

SB 618 **Relating to Concealed Weapons and Firearms - FAILED** Steube

Concealed Weapons and Firearms; Authorizing a concealed weapons or concealed firearms licensee to carry a concealed weapon or firearm into any area of an airport excluding the sterile area, etc. Effective Date: 7/1/2017

SBRelating to Concealed Weapons or Firearms - FAILEDSteube

Concealed Weapons or Firearms; Authorizing a concealed weapons or concealed firearms licensee to carry a concealed weapon or firearm into any meeting or committee meeting of the Legislature, etc. Effective Date: 7/1/2017

SB 622 **Relating to Concealed Weapons or Firearms - FAILED** Steube

Concealed Weapons or Firearms; Prohibiting a concealed weapons or concealed firearms licensee from carrying a concealed weapon or firearm into any athletic event for a K-12 school, college, or university which is not related to firearms; deleting an exception authorizing a student, employee, or faculty licensee to carry specified nonlethal weapons, etc. Effective Date: 7/1/2017

SB 626 Relating to Concealed Weapons or Firearms - FAILED Steube

Concealed Weapons or Firearms; Authorizing a concealed weapons or concealed firearms licensee to carry a concealed weapon or firearm into any meeting of the governing body of a county, public school district, municipality, or special district, etc. Effective Date: 7/1/2017

CD

<u>648</u>	Relating to Weapons and Firearms - FAILED	Book
	Weapons and Firearms; Increasing the penalties for a person who exhibits a weapon in a certain way in the presence of one or more persons on or near a school or school activity; creating criminal penalties for the discharge of a firearm obtained by the minor if a person violates certain provisions, etc. Effective Date: 7/1/2017	
<u>SB</u> 664	Relating to Disaster Preparedness Tax Exemption - FAILED	Bean
	Disaster Preparedness Tax Exemption; Providing a sales and use tax exemption for certain tangible personal property related to	

disaster preparedness during a specified period, etc. APPROPRIATION: \$290,580.00 Effective Date: Upon becoming a law

HB687687

La Rosa

Utilities: Authorizes DOT & certain local governmental entities to prescribe & enforce rules re: placing & maintaining communications services lines/wireless facilities; prohibits authority regulation of facility collocation; authorizes authority to require registration process & permit fees; requires authority to process applications; prohibits authority from requiring approval/fees for maintenance/placement of facilities; provides requirements for collocation on authority utility poles; requires authority to waive certain application & placement requirements; prohibits authority from adopting/enforcing certain regulations & imposing certain fees; authorizes wireless infrastructure provider to apply to place utility poles; authorizes authority to enforce certain local codes/rules/regulations under certain circumstances. Effective Date: July 1, 2017

<u>HB</u> 721	Relating to Selection and Duties of County Sheriff - FAILED	Fischer
	Selection and Duties of County Sheriff: Removes authority for county charter to provide for choosing a sheriff in manner other than by election or to transfer duties of a sheriff or abolish office of a sheriff. Amendment takes effect January 8, 2019, if approved Effective Date: Not Specified	
<u>HB</u> 751	Relating to Stormwater Management - FAILED	Clemons (C)

Requires local governments to adopt specified best management practices & measures; provides that such practices & measures comply with certain water quality standards; prohibits adoption of more stringent standards; exempts certain standards.

<u>HB</u> 765	Relating to Sales Tax Exemptions for Agricultural Products - FAILED	McClain
	Sales Tax Exemptions for Agricultural Products: Revises maximum sales price of certain farm trailers exempt from the sales & use tax; exempts certain animal health products & agricultural items from tax. Effective Date: July 1, 2017	
<u>SB</u> 768	Relating to Annual Sales Tax Holiday for Veterans of the United States Armed Forces - FAILED	Powell
	An Annual Sales Tax Holiday For Veterans Of The United States Armed Forces; Creating an annual sales tax holiday for veterans; specifying items that are eligible for the sales tax holiday, etc. Effective Date: 7/1/2017	
<u>HB</u> 797	Relating to State Group Insurance Program - FAILED	Miller (A)
	State Group Insurance Program: Establishes state employee health & wellness clinic program; provides conditions for Division of State Group Insurance to select vendor to manage program; specifies services to be provided by program; provides for location & hours of operation of program clinics; provides for duration of program; requires report to Governor & Legislature. Effective Date: upon becoming a law	
<u>HB</u> 809	Relating to Firearm Purchases - FAILED	DuBose
	Firearm Purchases: Requires FDLE to include questions concerning potential firearm buyer's criminal history or other information relating to person's eligibility to make purchase on standard form for potential buyers; requires FDLE to notify law enforcement officials when potential sale or transfer receives nonapproval number; provides requirements for such notice.	

Effective Date: upon becoming a law

HBRelating to Firearms - FAILED

Firearms: Requires business, organization, or entity that prohibits concealed weapon or firearm licensee from carrying weapon or firearm onto its property to assume certain responsibility for safety & defense of such licensee; provides that such responsibility extends to conduct of certain people & animals; provides cause of action for concealed weapon or firearm licensee who incurs injury, death, damage, or loss as result of certain acts or attacks occurring on property of such business, organization, or entity. Effective Date: July 1, 2017

<u>SB</u> Relating to Building Code Administrators and **<u>860</u>** Inspectors - **FAILED**

Building Code Administrators and Inspectors ; Revising eligibility requirements for the examination for certification as a building code inspector or plans examiner to include an internship certification program; authorizing specified entities to contract for the provision of building code administrator and building official services, etc. Effective Date: 7/1/2017

SBRelating to Nutrient Pollution from Onsite SewageYoung874Treatment and Disposal Systems - FAILEDYoung

Nutrient Pollution from Onsite Sewage Treatment and Disposal Systems; Specifying an appropriation from the Land Acquisition Trust Fund to reduce nutrient pollution by offsetting or partially offsetting property owner costs incurred to retrofit certain onsite sewage treatment and disposal systems, to connect certain properties to central sewer systems, and for certain muck dredging and stormwater improvements; authorizing the Department of Environmental Protection to make certain grants; requiring the department, as part of a basin management action plan, to develop onsite sewage treatment and disposal system remediation plans under certain conditions, etc. APPROPRIATION: Indeterminate Effective Date: 7/1/2017

Byrd

Brandes

SBRelating to State Group Insurance Program - FAILEDLee (T)

State Group Insurance Program; Authorizing an employee to use a specified portion of the state's contribution to purchase additional program benefits and supplemental benefits under certain circumstances; requiring the Department of Management Services to develop a plan for implementation of the benefit levels; providing that the department shall determine and recommend premiums for enrollees for the 2018 plan year, etc. APPROPRIATION: \$658,762.00 Effective Date: 7/1/2017

<u>SB</u> 908	Relating to Licenses to Carry Concealed Weapons or Firearms - FAILED	Baxley
	Licenses to Carry Concealed Weapons or Firearms; Authorizing persons holding licenses to carry concealed weapons or firearms to carry concealed weapons or firearms in secure and restricted areas of seaports and at school-sponsored events or on school property; authorizing persons holding licenses to carry concealed firearms to carry concealed firearms in pharmacies, etc. Effective Date: 7/1/2017	
<u>SB</u> 938	Relating to Minimum Salaries for Full-time Public School Teachers - FAILED	Rader
	Minimum Salaries for Full-time Public School Teachers; Proposing an amendment to the State Constitution to establish minimum salaries for full-time public school teachers, etc.	
<u>HB</u> 1123	Relating to Fee and Surcharge Reductions - FAILED	Drake
	Fee and Surcharge Reductions: Deletes fees for commission of elected officer by Governor, claim for refund of tax on motor fuel, registration of certain dealers/businesses, & addition of word "Veteran" to ID card/driver license; exempts surviving spouse	

from fee to transfer motor vehicle title; exempts veterans from fee for original commercial driver license; exempts certain persons from fee for identification card; revises provisions re: imposition & amount of delinquency fee for licensees regulated by DBPR; reduces fees for licensure to operate driver school; reduces surcharge assessed by DBPR on Florida Building Code permit fees. Effective Date: July 1, 2017

<u>нв</u> 1141	Relating to State Employment - FAILED	Yarborough
	State Employment: Repeals provisions relating to Florida State	
	Employees' Charitable Campaign; prohibits organization, entity,	
	or person from intentionally soliciting state employees for	
	fundraising or business purposes within specified areas during	
	specified times; provides exemptions. Effective Date: July 1, 2017	

<u>SB</u>	Polating to Cornorate Income Tay - PASSED	Stargel
<u>1156</u>	Relating to Corporate Income Tax - PASSED	Starger

Corporate Income Tax; Adopting the 2017 version of the Internal Revenue Code, etc. Effective Date: Upon becoming a law

SB 1202 Relating to Veterans' Annual Sales Tax Holiday - FAILED Montford

Veterans' Annual Sales Tax Holiday; Creating an annual sales tax holiday for veterans; specifying items that are eligible for the sales tax holiday; authorizing certain retailers to elect not to participate in the sales tax holiday, etc. Effective Date: 7/1/2017

SBRelating to Florida Retirement System - FAILEDBrandes

Florida Retirement System; Authorizing renewed membership in the Florida Retirement System for retirees who are reemployed in a position eligible for the Elected Officers' Class under certain circumstances; providing for renewed membership in the retirement system for retirees of the Senior Management Service Optional Annuity Program who are reemployed on or after a specified date; revising criteria for eligibility of payment of death benefits to the surviving children of a Special Risk Class member killed in the line of duty under specified circumstances; requiring that certain retirees who are reemployed on or after a specified date be renewed members in the investment plan, etc. Effective Date: 7/1/2017

SB 1310 Relating to State Employment - **FAILED**

State Employment; Repealing provisions relating to Florida State Employees' Charitable Campaign; prohibiting an organization, an entity, or a person from intentionally soliciting state employees for fundraising or business purposes within specified areas during specified times, etc. Effective Date: 7/1/2017

SE <u>1320</u> Relating to Tax Administration - FAILED

Tax Administration; Deleting a requirement for circuit judges to monthly report certain information to the Department of Revenue relating to the estates of certain decedents; deleting requirements to pay license taxes for a terminal supplier license, an importer, exporter, or blender of motor fuels license, or a wholesaler of motor fuel license; deleting a requirement for the department to deduct a specified fee from certain motor fuel refund claims, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law

SBRelating to Stormwater Management - FAILEDPerry1378

Stormwater Management; Requiring that all local government stormwater management plans and programs incorporate the best management practices adopted by the Department of Environmental Protection and other local stormwater management measures; exempting local governments that Mayfield

Stargel

adopted more stringent standards before a specified date, etc. Effective Date: 7/1/2017

SB 1380 Relating to State Group Insurance Program - FAILED Artiles

State Group Insurance Program; Requiring the Division of State Group Insurance of the Department of Management Services to establish a state employee health and wellness clinic pilot program; requiring the division to select a vendor to establish and manage the clinics; specifying services to be provided by the clinics, etc. Effective Date: Upon becoming a law

SB1442Relating to Fee and Surcharge Reductions - FAILEDBroxson

Fee and Surcharge Reductions; Deleting the fee for a commission of an elected officer by the Governor; deleting the fee for a claim for refund of the tax on motor fuel; exempting a surviving spouse from the fee to transfer a motor vehicle title; revising provisions relating to imposition and amount of a delinquency fee for licensees regulated by the Department of Business and Professional Regulation, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2017

SBRelating to Agricultural Practices - FAILEDPerry1536Perry

Agricultural Practices; Exempting prescription and nonprescription animal health products used to treat poultry or livestock from sales, rental, use, consumption, distribution, and storage taxes; revising the circumstances under which a truck tractor or heavy truck engaged in transporting certain agricultural or horticultural products is eligible for a restricted license plate for a fee; deleting a requirement that registrants pay a supplemental fee for pesticides that contain an active ingredient for which the United States Environmental Protection Agency has established a food tolerance limit, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2017

SB Relating to Community Redevelopment Agencies -**1770 FAILED** Lee (T)

Community Redevelopment Agencies; Requiring ethics training for community redevelopment agency commissioners; providing a phase-out period for existing community redevelopment agencies; requiring the Department of Economic Opportunity to declare inactive community redevelopment agencies that have reported no financial activity for a specified number of years, etc. Effective Date: 7/1/2017

Relating to Concealed Weapons and Firearms - FAILED Raburn

Concealed Weapons and Firearms: Revises areas of an airport where person is prohibited from openly carrying handgun or from carrying concealed weapon or firearm. Effective Date: July 1, 2017

HBRelating to Licenses to Carry Concealed Weapons or
6005Plakon6005Firearms - FAILED

Licenses to Carry Concealed Weapons or Firearms: Removes provision prohibiting concealed carry licensees from openly carrying handgun or carrying concealed weapon or firearm into college or university facility. Effective Date: July 1, 2017

HB Relating to Sports Development - FAILED Avila

Sports Development: Repeals provision relating to state funding for sports facility development by unit of local government, or by certified beneficiary or other applicant, on property owned by local government. Effective Date: July 1, 2017

HB 7007 Relating to State Group Insurance Program - FAILED

Health & Human Services Committee

State Group Insurance Program: Authorizes state group insurance program to include additional benefits & for employees to use certain portion of state's contribution to purchase additional & supplemental benefits; requires DMS to develop plan for implementation of benefit levels, submit report, & contract with independent benefits consultant & entity that provides comprehensive pricing & certain inclusive services; directs DMS to provide premium alternatives to Governor & Legislature by specified date; provides criteria for calculating premium alternatives; provides appropriation & authorizes positions. Effective Date: July 1, 2017

SB Relating to State-administered Retirement Systems -	Governmental
SB Relating to State-administered Refirement Systems - 7022 PASSED	Oversight and
TOZZ FASSED	Accountability

State-administered Retirement Systems; Revising required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System, etc. Effective Date: 7/1/2017

HB Relating to Local Government Fiscal Responsibility -	Ways & Means
7063 FAILED	Committee

Local Government Fiscal Responsibility: Revises dates & voting requirements for referenda related to most local government taxes & local option surcharges; prohibits certain local governments from enacting, extending, or increasing taxes otherwise authorized under specified conditions; requires local governments to receive voter approval for issuance of any new tax-supported debt with term of more than five years; provides dates & voting requirements for such referenda; authorizes referenda at times other than at general election if an emergency exists; provides exceptions for refunding or refinancing certain debt. Effective Date: October 1, 2018

<u>HB</u> Relating to Increased Homestead Property Tax 7105 Exemption - PASSED	Ways & Means Committee
Increased Homestead Property Tax Exemption: Proposing	

amendments to the State Constitution to increase the homestead exemption by exempting the assessed valuation of homestead property greater than \$100,000 and up to \$125,000 for all levies other than school district levies, etc.

HB Relating to Homestead Exemption Implementation - 7107 PASSED	Ways &
	Means
TOT PASSED	Committee

Homestead Exemption Implementation: Increases homestead exemption from all taxes other than school district taxes; specifies calculation of rolled-back rate for purposes of 2019 tax roll; requires Legislature to appropriate moneys to offset reductions in tax revenues in certain counties as result of specified constitutional amendment. Effective Date: on the effective date of the amendment to the State Constitution proposed by HJR 7105 or a similar joint resolution having substantially the same specific intent and purpose

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HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

BILL #:	HB 7109	FINAL HOUSE FLOOR ACTION:			
SUBJECT/SHORT TITLE	Taxation	109	Y's	3	N's
SPONSOR(S):	Ways & Means Committee, Boyd and others	GOVERNO)R'S		Approved
COMPANION BILLS:	HB 63, HB 555, HB 765, CS/HB 1123, SB 176, SB 490, CS/SB 664, SB 1320, CS/SB 1442, CS/SB 1536				

SUMMARY ANALYSIS

HB 7109 provides for a wide range of tax reductions and modifications designed to directly impact both households and businesses, and to improve tax administration.

The bill contains several <u>sales tax</u> provisions. The bill reduces the tax rate on rental of commercial real estate (business rent tax) from 6 percent to 5.8 percent beginning January 1, 2018. The bill includes new or expanded sales tax exemptions for products used to control menstrual flow; certain animal and aquaculture health products; certain resales of admissions; certain purchases for the operation and maintenance of municipally owned golf courses; purchases of certain construction materials, equipment and electricity for certain datacenters; and purchases of certain materials, goods and services used for new construction in Rural Areas of Opportunity. The bill also includes a three-day "back-to-school" holiday for clothing, school supplies, and computers; and a three-day "disaster preparedness" holiday for certain items related to disaster preparedness.

For <u>property tax</u> purposes, the bill provides property tax relief for certain property used to provide affordable housing, amends the definition of inventory to include certain construction and agricultural equipment, clarifies the documentation required to obtain an exemption for certain nonprofit homes for the aged, exempts charitable assisted living facilities, clarifies the current exemption for property leased to a charter school and extends the deadline for charter schools to apply for an exemption for the 2016 tax year.

For <u>corporate income tax</u>, the bill increases the tax credits available for voluntary brownfields clean-up from \$5 to \$10 million per year, increases the amount available for research and development tax credits in calendar year 2018 from \$9 million to \$16.5 million, and makes the Community Contribution Tax Credit permanent, with \$14 million in tax credits each fiscal year (also may be taken against sales tax and insurance premiums tax).

Further changes in the bill include: various improvements to general tax administration; elimination of several tax registration fees; exempting registration taxes and fees for marine boat trailers owned by ch. 501(c)(3) organizations; amending the definition of "beer" and "malt beverage"; extension of the cigarette tax distribution to the Moffitt Cancer Center; clarification of geographic boundaries for local incentive programs; and allowing the use of tourist development taxes for publically owned auditoriums operated by charitable organizations.

The total impact of the bill in fiscal year 2017-2018 is -\$91.6 million (-\$134.7 million recurring). See FISCAL COMMENTS section for details.

The bill was approved by the Governor on May 25, 2017, ch. 2017-36, L.O.F., and will become effective July 1, 2017, except as otherwise provided.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

<u>Sales Tax</u>

Florida's sales and use tax is a six percent levy on retail sales of a wide array of tangible personal property, admissions, transient lodgings, and commercial real estate rentals, unless expressly exempted. In addition, Florida authorizes several local option sales taxes that are levied at the county level on transactions that are subject to the state sales tax. Generally, the sales tax is added to the price of a taxable good and collected from the purchaser at the time of sale. Sales tax represents the majority of Florida's general revenue stream (78.5 percent for FY 2016-17)¹ and is administered by the Department of Revenue (DOR) under ch. 212, F.S.

Sales Tax on Rental of Commercial Real Estate (Business Rent Tax)

Current Situation

Since 1969, Florida has imposed a sales tax on the total rent charged under a commercial lease of real property.² Sales tax is due at the rate of six percent on the total rent paid for the right to use or occupy commercial real property and county sales surtax can also be levied on total rent.³ If the tenant makes payments such as mortgage, ad valorem taxes, or insurance on behalf of the property owner, such payments are also classified as rent and are subject to the tax.

Commercial real property includes land, buildings, office or retail space, convention or meeting rooms, airport tie-downs, and parking and docking spaces. It may also involve the granting of a license to use real property for placement of vending, amusement, or newspaper machines. However, there are numerous commercial rentals that are not subject to sales tax, including:

- Rentals of real property assessed as agricultural;
- Rentals to nonprofit organizations that hold a current Florida consumer's certificate of exemption;
- Rentals to federal, state, county, or city government agencies;
- Properties used exclusively as dwelling units; and
- Public streets or roads used for transportation purposes.

Florida is the only state to charge sales tax on commercial rentals of real property. The Legislature's Office of Economic and Demographic Research reviewed and issued a report on the business rent tax in 2014.⁴

Proposed Changes

The bill reduces the state sales tax rate on rental of commercial real estate (business rent tax) from 6 percent to 5.8 percent, beginning January 1, 2018.

¹ FLORIDA REVENUE ESTIMATING CONFERENCE, 2017 FLORIDA TAX HANDBOOK (2017).

² Ch. 1969-222, Laws of Fla.

³ s. 212.031, F.S., and Rule 12A-1.070, F.A.C.

⁴ Office of Economic and Demographic Research, Economic Impact: Sales Tax on the Rental of Real Property (Nov. 15, 2014).

Admissions

Current Situation

Section 212.04, F.S., governs the state sales tax on admissions. Sales tax is levied at the rate of six percent of sales price or the actual value received from admissions. Admissions are defined⁵ as the net sum of money after deduction of any federal taxes for admitting a person or vehicle or persons to any:

- Place of amusement, sport, or recreation including, but not limited to, theaters, shows, exhibitions, games, races;
- Place where charge is made by way of sale of tickets, gate charges, and similar fees or charges;
- Receipts of anything of value measured on an admission or entrance or length of stay or seat box accommodations in any place where there is any exhibition, amusement, sport, or recreation; and
- All dues and fees paid to private clubs and membership clubs providing recreational or physical fitness facilities, including, but not limited to, golf, tennis, swimming, yachting, boating, athletic, exercise, and fitness facilities.

Several exceptions and exemptions exist,⁶ such as:

- Memberships for physical fitness facilities owned or operated by any hospital;
- Admissions to athletic or other events sponsored by a school;
- Fees or charges imposed by certain not-for-profit organizations;
- Events sponsored by a governmental entity, nonprofit sports authority, or nonprofit sports commission under certain circumstances;
- Admissions to certain professional and collegiate sports all-star and championship games;
- Entry fees for freshwater fishing tournaments;
- Participation or entry fees charged to participants in a game, race, or other sport or recreational event if spectators are charged a taxable admission to such event;
- Admissions to any postseason collegiate football game sanctioned by the National Collegiate Athletic Association.

Generally, sales of tangible personal property made for resale are exempt from sales tax.⁷ This treatment does not apply to sales of taxable admissions.⁸

Proposed Changes

The bill provides an exemption for certain resales of admissions to a purchaser that is eligible for an exemption from sales tax, beginning January 1, 2018. The bill allows a person who has purchased a taxable admission and resells that admission to an entity that is exempt from sales and use tax, to seek from the DOR a refund or credit of the tax paid on its purchase of the admission. The bill also provides that if a purchaser of a taxable admission resells that admission to an entity that is exempt from sales and use tax, and that purchaser is a member of the same controlled group of corporations for federal income tax purposes as the dealer that sold it the admission, the purchaser may then seek a refund or credit of the tax from the vendor who may then seek a credit or refund from the DOR.

⁵ s. 212.02(1), F.S.

⁶ See s. 212.04(2)(a), F.S.

⁷ See the definition of "retail sale" in s. 212.02(14), F.S. Also see s. 212.07, F.S.

⁸ s. 212.04(1)(c), F.S.

Products Used to Control Menstrual Flow

Current Situation

Products used to absorb menstrual flow are currently subject to state sales and use tax. These products include tampons, sanitary napkins, panty liners, and menstrual cups.

From 1977 through 1986, the sales of products used to absorb menstrual flow in Florida were specifically exempt from sales and use tax.⁹ However, the Legislature repealed various sales tax exemptions in 1986, including products used to absorb menstrual flow.¹⁰ The 1986 legislation also created a commission to review the changes made by ch. 1986-166, L.O.F., and to recommend prior to the subsequent legislative session whether to allow the repeal to remain effective. The commission's findings did not specifically address the repeal of the exemption for products used to absorb menstrual flow, but it recommended that all sales tax exemptions not specifically recommended in the report should be repealed.¹¹

In 2016, a class action lawsuit was filed in Leon County, Florida to challenge the state sales tax levied on the sale of products used to absorb menstrual flow.¹² The plaintiffs argue that such products are necessary for women's health and should be exempt as common household remedies. The plaintiffs also argue that the taxation of products used to absorb menstrual flow violates the Equal Protection Clauses of both the Florida and United States Constitutions. The plaintiffs seek declaratory and injunctive relief, along with a refund of taxes. The case is currently pending in circuit court.

Of the 45 states¹³ that currently levy sales and use tax, eight states do not impose the tax on the sale of products used to absorb menstrual flow. Illinois,¹⁴ Maryland,¹⁵ Massachusetts,¹⁶ Pennsylvania,¹⁷ Minnesota,¹⁸ New Jersey,¹⁹ Connecticut,²⁰ and New York²¹ have passed legislation to specifically exempt these products from sales and use tax.

Proposed Changes

Effective January 1, 2018, the bill creates a sales tax exemption for products used to absorb menstrual flow.

⁹ Ch. 77-193, Laws of Fla.

¹⁰ Ch. 86-166, Laws of Fla.

¹¹ Sales Tax Exemption Study Commission, *Report and Recommendations of the Sales Tax Exemption Study Commission* (April, 1987).

¹² Wendell v. Florida Dep't. of Rev., No. 2016 CA 001526 (Fla. Leon Cty. Ct. July 7, 2016).

¹³ Alaska, Delaware, Montana, New Hampshire, and Oregon do not impose state sales tax.

¹⁴ 35 Ill. Comp. Stat. 110/3-5 (2016).

¹⁵ Md. Tax-Gen. Code Ann., §11-211 (2016).

¹⁶ Mass. Gen. Laws ch. 64H, § 6 (2016).

¹⁷ 72 Pa. Cons. Stat. § 7204 (2016).

¹⁸ Minn. Stat. §297A.67 (2016).

¹⁹ N.J. Stat. Ann. § 54:32B-8.1 (2016).

²⁰ Conn. Gen. Stat. § 12-412 (2016).

²¹ N.Y. Tax Law §1115 (2016).

Agriculture-Related Sales Tax Exemptions

Current Situation

Current law exempts specified items for agricultural use from sales and use tax.²² For example, disinfectants, fertilizers, insecticides, pesticides, herbicides, fungicides, and weed killers used for application on crops or groves, including commercial nurseries and home vegetable gardens, used in dairy barns or on poultry farms for the purpose of protecting poultry or livestock, or used directly on poultry or livestock are exempt. To obtain the exemption, the purchaser must sign a certificate stating that the item to be exempted is for the exclusive use designated in statute.²³

In addition, current law exempts the purchase by a veterinarian of commonly recognized substances possessing curative or remedial properties which are ordered and dispensed as treatment for a diagnosed health disorder by or on the prescription of a duly licensed veterinarian, and which are applied to or consumed by animals for alleviation of pain or the cure or prevention of sickness, disease, or suffering are exempt.²⁴ However, the exemption is not allowed if these health products are not purchased by a veterinarian. It is common in the livestock and poultry industry for such health products to be purchased from farm supply stores or directly from the manufacturer.

Proposed Changes

Effective July 1, 2017, the bill provides an exemption for animal health products which are applied to, administered to, or consumed by livestock or poultry for alleviation of pain or the cure or prevention of sickness, disease, or suffering, including:

- Antiseptics,
- Absorbent cotton,
- Gauze for bandages,
- Lotions,
- Vaccines,
- Vitamins, and
- Worm remedies.

The bill also exempts aquaculture health products used by aquaculture producers to prevent or treat fungi, bacteria, and parasitic diseases.

The bill provides that the above exemptions are remedial in nature and apply retroactively, but do not create a right to a refund or credit of any tax paid before the effective date of the bill.

Data Centers

Current Situation

A data center provides a central location for a business to house all of the necessary computer hardware—servers, server racks, cables and other infrastructure, and cooling components—and computer software required to, "organize, process, store and disseminate large amounts of data."²⁵ Currently, approximately 131 data centers and colocation data centers are located in Florida. The

²² s. 212.08(5)(a), F.S.

²³ s. 212.08(5)(a), F.S.

²⁴ s. 212.08(2)(h), F.S.

²⁵ TechTarget, *Definition, data center*, <u>http://searchdatacenter.techtarget.com/definition/data-center</u> (last visited May 4, 2017).

majority of data centers located in Florida are in South Florida, Orlando, Tampa, and Jacksonville.²⁶ There is no current provision or program that specifically provides sales tax exemptions for purchases of equipment, electricity and building materials for datacenters.

Proposed Changes

The bill exempts from the sales and use tax data center property purchased, rented, or leased by a data center's owners and tenants when used to construct, maintain, and operate computer server equipment at a data center. The data center's owners and tenants must make a cumulative capital investment of \$150 million and the data center must have at least 15 megawatts of total power capacity and at least 1 megawatt of power capacity dedicated to each individual owner and tenant of the data center. Additionally, a datacenter must meet the requisite investment requirements no later than June 30, 2022, must submit to subsequent periodic review by DOR to assure continued qualification, and is subject to revenue clawback provisions if it utilizes the tax exemption and is not qualified.

Rural Areas of Opportunity

Current Situation

Background

Florida's Rural Economic Development Initiative (REDI), housed within DEO, is a multi-agency endeavor that coordinates the efforts of regional, state, and federal agencies to address issues that affect the fiscal, economic and community viability of the state's economically distressed rural communities. REDI works with local governments, community-based organizations, and private entities that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs and economic development. A number of agencies and organizations are directed to designate a staff person to serve as REDI representatives.²⁷

A Rural Area of Opportunity (RAO) is a rural community, or a region comprised of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, a natural disaster, or severe or chronic distress. The area may also be classified as a RAO if it presents a unique economic development opportunity of regional impact.²⁸

The Governor may designate up to three RAO areas for five-year periods upon recommendation by REDI. This allows these areas to receive priority assignments for REDI, and allows the Governor, acting through REDI, to waive certain criteria or requirements of any economic development incentives.²⁹ Currently, there are three designated RAO areas:

- North West RAO Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla and Washington Counties, and the City of Freeport in Walton County.
- South Central RAO DeSoto, Glades, Hardee, Hendry, Highlands and Okeechobee Counties, the Cities of Pahokee, Belle Glade and South Bay in Palm Beach County, and a portion of the Immokalee area in Collier County.
- North Central RAO Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor and Union Counties.

²⁶ See DataCenterAndColocation, Florida Data Centers, <u>http://www.datacenterandcolocation.com/florida-data-centers/</u> (last visited May 4, 2017).

²⁷ s. 288.0656(6)(a), F.S.

²⁸ s. 288.0656(2)(d), F.S.

²⁹ s. 288.0656(7)(1), F.S.

Sales & Use Tax on Building Materials, Rental of Tangible Personal Property, and Pest Control Services

Sales and use tax are currently levied on the purchase of building materials, pest control services, and the rental of tangible personal property used in the construction of improvements to real property in Rural Areas of Economic Opportunity. The tax is collected at a state rate of 6 percent and a local rate which varies from 0 percent to 2 percent depending on the county.

Proposed Changes

The bill creates an exemption from sales and use tax for the purchase of building materials, pest control services, and the rental of tangible personal property used in new construction in Rural Areas of Opportunity. The exemption is provided in the form of a refund of taxes paid, and is capped at \$10,000 per parcel. The bill provides for a procedure by which taxpayers submit an application to REDI. Within 10 days of receipt of a completed application, REDI must review the application and, if it meets the requirements of the bill, certify to DOR that a refund is to be issued.

Fingerprinting Services

Current Situation

Section 212.05(1)(i)1., F.S., imposes the 6 percent sales tax on detective, burglar protection, and other protection services (NAICS National Numbers 561611, 561612, 561613, and 561621). Fingerprinting services fall under NAICS National number 561611. Thus, sales tax generally applies to fingerprinting services.

Section 790.06(5)(c), F.S., requires each applicant for a concealed weapons permit to submit a full set of fingerprints administered by a law enforcement agency, the Division of Licensing of the Department of Agriculture and Consumer Services (DACS), or an approved tax collector together with any personal identifying information required by federal law to process fingerprints.

Section 790.062(2), F.S., provides that, if an applicant for a concealed weapons permit is a member or honorably discharged veteran of United States Armed Forces, DACS must accept fingerprints administered by any law enforcement agency, military provost, or other military unit charged with law enforcement duties or as otherwise provided for in s. 790.06(5)(c).

In 1994, DOR received a taxpayer's request for a technical assistance advisement (TAA) on whether criminal history background check services provided by the Florida Department of Law Enforcement and required by state law are subject to a sales tax. The TAA concluded that the charges for the criminal background were not taxable, basing its decision on the fact that the background check, and the associated fee or charge, are mandated by the state.³⁰

On March 2, 2016, DOR issued an informal tax information publication (TIP) entitled "Fingerprinting Services Are Taxable."³¹ This publication affirmed that fingerprint services are specifically included under NAICS National Number 561611, and therefore fingerprinting services are taxable under section 212.05(1)(i), F.S. The TIP did not specifically address fingerprint services required under ss. 790.06(5)(c) or 790.062(2), F.S., to obtain a license to carry a concealed weapon.

³⁰ Dept. of Revenue, *Technical Assistance Advisement 94(A)-035*, *Whether FDLE Criminal History Check Fee of \$8 is Subject to Sales Tax* (June 17, 1994).

³¹ <u>http://floridarevenue.com/dor/tips/tip16a01-02.html</u>

Proposed Changes

The bill amends ss. 212.05, 790.06, and 790.062, F.S., to clarify that charges for fingerprint services required by law to obtain a license to carry a concealed weapon or firearm are not subject to sales tax.

Purchases by Municipal Golf Courses

Current Situation

Sales made to the United States government, the state, or any county, municipality, or political subdivision of the state are exempt from sales tax, *when payment is made directly to the dealer by the governmental entity*. ³² When payment is made by another who is subsequently reimbursed by the government, the sale is generally not exempt.³³

Proposed Changes

The bill provides that the phrase "when payment is made directly to the dealer by the governmental entity" includes a situation in which an entity under contract with a municipality to maintain and operate a municipally owned golf course pays for a purchase or lease for the operation or maintenance of that golf course using the golf course revenues or other funds provided by the municipality for use by that entity. The new provision applies to a municipally owned golf course that is located in a county with a population of at least 2 million residents and is the site upon which youth education programs are delivered on an ongoing basis by a nonprofit organization that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.

Sales Tax Holidays

Current Situation

Since 1998, the Legislature has enacted 20 temporary periods (commonly called "sales tax holidays") during which certain household items, household appliances, clothing, footwear, books, and/or school supply items were exempted from the state sales tax and county discretionary sales surtaxes.

*Back-to-School Holidays--*Florida has enacted a "back to school" sales tax holiday fifteen times since 1998. The length of the exemption periods has varied from three to 10 days. The type and value of exempt items has also varied. Clothing and footwear have always been exempted at various thresholds, most recently \$60. Books valued at \$50 or less were exempted in six periods. School supplies have been included starting in 2001, with the value threshold increasing from \$10 to \$15. In 2013, personal computers and related accessories purchased for noncommercial home or personal use with a sales price of \$750 or less were exempted. In 2014, the first \$750 of the sales price of personal computers and related accessories purchased for noncommercial home or personal use were exempted. The following table describes the history of back-to-school sales tax holidays in Florida.

		TAX EXEMPTION THRESHOLDS					
Dates	Length	Clothing/ Wallets/ Footwear Bags Books	Computers	School Supplies			
August 15-21, 1998	7 days	\$50 or less	N/A	N/A	N/A	N/A	
July 31-August 8, 1999	9 days	\$100 or less	\$100 or less	N/A	N/A	N/A	
July 29-August 6, 2000	9 days	\$100 or less	\$100 or less	N/A	N/A	N/A	

July 28-August 5, 2001	9 days	\$50 or less	\$50 or less	N/A	N/A	\$10 or less
July 24-August 1, 2004	9 days	\$50 or less	\$50 or less	\$50 or less	N/A	\$10 or less
July 23-31, 2005	9 days	\$50 or less	\$50 or less	\$50 or less	N/A	\$10 or less
July 22-30, 2006	9 days	\$50 or less	\$50 or less	\$50 or less	N/A	\$10 or less
August 4-13, 2007	10 days	\$50 or less	\$50 or less	\$50 or less	N/A	\$10 or less
August 13-15, 2010	3 days	\$50 or less	\$50 or less	\$50 or less	N/A	\$10 or less
August 12-14, 2011	3 days	\$75 or less	\$75 or less	N/A	N/A	\$15 or less
August 3-5, 2012	3 days	\$75 or less	\$75 or less	N/A	N/A	\$15 or less
August 2-4, 2013	3 days	\$75 or less	\$75 or less	N/A	\$750 or less	\$15 or less
August 1-3, 2014	3 days	\$100 or less	\$100 or less	N/A	First \$750 of the sales price	\$15 or less
August 7 - 16, 2015	10 days	\$100 or less	\$100 or less	N/A	First \$750 of the sales price	\$15 or less
August 5 - 7, 2016	3 days	\$60 or less	\$60 or less	N/A	N/A	\$15 or less

Hurricanes and Disasters in Florida--In 2016, the Florida Office of Insurance Regulation estimated a gross probable loss of over \$1 billion due to hurricanes Hermine and Mathew in 2016,³⁴ \$25 billion due to four hurricanes in 2004, and \$10.8 billion due to four in 2005.³⁵ Tropical Storm Fay was estimated to have resulted in \$242 million of damage in 2008.³⁶ The Florida Division of Emergency Management (DEM) recommends having a disaster supply kit with items such as a battery operated radio, flashlight, batteries, and first-aid kit.³⁷

Proposed Changes

The bill establishes a temporary disaster preparedness sales tax holiday in fiscal year (FY) 2016-17 and a temporary back-to-school sales tax holiday in FY 2017-18.

Back-to-School Holiday--The bill provides for a three-day sales tax holiday from August 4, 2017, through August 6, 2017. During the holiday, the following items that cost \$60 or less are exempt from the state sales tax and county discretionary sales surtaxes:

- Clothing (defined as an "article of wearing apparel intended to be worn on or about the human body," but excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs);
- Footwear (excluding skis, swim fins, roller blades, and skates);
- Wallets; and
- Bags (including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags).

The bill also exempts "school supplies" that cost \$15 or less per item during the holiday.

³⁴ Florida Office of Insurance Regulation, Florida Office of Insurance Regulation Catastrophe Report, http://www.floir.com/Sections/PandC/ProductReview/CatastropheReporting.aspx (last visited March 17, 2017).

³⁵ Florida Office of Insurance Regulation, Florida Office of Insurance Regulation Hurricane Summary Data,

http://www.floir.com/siteDocuments/HurricaneSummary20042005.pdf (last visited March 17, 2017). ³⁶ Florida Office of Insurance Regulation, *Florida Office of Insurance Regulation Hurricane Summary Data*,

http://www.floir.com/siteDocuments/HurricaneSummary2008.pdf (last visited March 17, 2017)

³⁷ Florida Division of Emergency Management, *Disaster Supply Kit*, http://www.floridadisaster.org/supplykit.htm (last visited May 12, 2017).

The bill also exempts personal computers and related accessories purchased for noncommercial home or personal use that are priced at \$750 or less. This would include tablets, laptops, monitors, input devices, and non-recreational software. Cell phones, furniture and devices or software intended primarily for recreational use are not exempted.

Disaster Preparedness Sales Tax Holiday-- The bill provides for a three day sales tax holiday from June 2, 2017, through June 4, 2017, for specified items related to disaster preparedness. During the holiday, the following items are exempt from the state sales tax and county discretionary sales surtaxes:

- A portable self-powered light source selling for \$20 or less;
- A portable self-powered radio, two-way radio, or weather band radio selling for \$50 or less;
- A tarpaulin or other flexible waterproof sheeting selling for \$50 or less;
- A self-contained first-aid kit selling for \$30 or less;
- A ground anchor system or tie-down kit selling for \$50 or less;
- A gas or diesel fuel tank selling for \$25 or less;
- A package of AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for \$30 or less;
- A nonelectric food storage cooler selling for \$30 or less;
- A portable generator that is used to provide light or communications or preserve food in the event of a power outage selling for \$750 or less; and
- Reusable ice selling for \$10 or less.

The sales tax holidays in the bill do not apply to the following sales:

- Sales within a theme park or entertainment complex, as defined in s. 509.013(9), F.S.;
- Sales within a public lodging establishment, as defined in s. 509.013(4), F.S.; and
- Sales within an airport, as defined in s. 330.27(2), F.S.

The bill allows the "back to school" sales tax holiday to apply at the option of the dealer if less than five percent of the dealer's gross sales of tangible personal property in the prior calendar year are comprised of items that would be exempt under the holiday. If a qualifying dealer chooses not to participate in the tax holiday, by August 1, 2017, the dealer must notify the DOR in writing of its election to collect sales tax during the holiday and must post a copy of that notice in a conspicuous location at its place of business. The bill authorizes the DOR to adopt emergency rules to implement the provisions of both holidays.

Corporate Income Tax

Florida levies corporate income tax on corporations of 5.5 percent for income earned in Florida.³⁸ The calculation of Florida corporate income tax starts with a corporation's federal taxable income.³⁹ After certain addbacks and subtractions to federal taxable income required by ch. 220, F.S., the amount of adjusted federal income attributable to Florida is determined by the application of an apportionment formula.⁴⁰ The Florida corporate income tax uses a three-factor apportionment formula consisting of property, payroll, and sales (which is double-weighted) to measure the portion of a multistate corporation's business activities attributable to Florida.⁴¹ Income that is apportioned to Florida using this formula is then subject to the Florida income tax. The first \$50,000 of net income is exempt.⁴²

³⁸ s. 220.11, F.S.

³⁹ s. 220.12, F.S.

⁴⁰ s. 220.15, F.S.

⁴¹ s. 220.15, F.S.

⁴² s. 220.14, F.S.

Research and Development Tax Credits

Current Situation

*Federal Tax Credit--*The "U.S. Research and Experimentation Tax Credit" was created in 1981 as part of the Economic Recovery Tax Act, a comprehensive package of initiatives designed to boost U.S. business competitiveness and encourage investment and savings by American taxpayers during a period of economic recession.⁴³ For the 2013 federal tax year, 16,624 companies claimed \$11.3 billion in R&D tax credits, including \$177.1 million claimed via "pass-through" entities.⁴⁴ At \$97.8 billion, manufacturing companies claimed the largest portion of research tax credits.⁴⁵

Florida Tax Credit--Section 220.196, F.S., authorizes an R&D tax credit against state corporate income taxes for certain businesses with qualified research expenses that received the federal credit. The tax credit is 10 percent of the difference between the current tax year's research and development expenditures in Florida and the average of R&D expenditures over the previous four tax years. However, if the business has existed fewer than four years, then the credit amount is reduced by 25 percent for each year the business or predecessor corporation did not exist.

The state tax credit taken in any taxable year may not exceed 50 percent of the company's remaining net corporate income tax liability under ch. 220, F.S., after all other credits to which the business is entitled have been applied. Any unused credits may be carried forward by the business that originally earned them for up to five years following the year in which the qualified research expenses were incurred.

The maximum amount of research and development credits that may be approved by the DOR during any calendar year is \$9 million. Applications for the credit may be filed with the DOR between March 20th and March 27th for qualified research expenses incurred within the preceding calendar year. If the total amount of credits applied for exceeds the annual cap, credits are allocated on a prorated basis.

The Legislature passed a one-time increase in the \$9 million cap for research and development tax credits to \$23 million for calendar year 2016.⁴⁶ This cap amount was allocated as follows:

- The DOR received 131 applications during the one week application window, requesting a total of \$52,481,052 in credits.
- 118 applications were approved. Each applicant received approximately 46 percent of the amount of credit determined in their application. These 118 applications requested \$50,447,562 in credit.
- 13 applications were denied for various reasons, including withdrawal by the taxpayer, duplicate applications, application figures resulting in zero credit requested, and failure to include a required certification letter from the Department of Economic Opportunity (DEO). These 13 applications requested \$2,003,490 in credit.

The statutory cap of \$9 million in credits available in the 2017 calendar year was allocated as follows:

⁴³ "<u>The U.S. Research and Experimentation Tax Credit in the 1990s</u>" by Francisco Moris. National Science Foundation Report #NSF05-316 published July 2005. Retrieved at http://www.nsf.gov/statistics/infbrief/nsf05316/ and "The <u>Prospects for Economic Recovery</u>," prepared by the Congressional Budget Office. Published February 1982. Pertinent information on pages 87-93. Retrieved at http://www.cbo.gov/ftpdocs/51xx/doc5135/doc03b-Part8.pdf. (last visited on March 22, 2017)

⁴⁴ Internal Revenue Service, Statistics of Income Division, available at: http://www.irs.gov/uac/SOI-Tax-Stats-Corporation-Research-Credit, (last visited March 22, 2017).

⁴⁵ Internal Revenue Service, Statistics of Income Division, available at: http://www.irs.gov/uac/SOI-Tax-Stats-Corporation-Research-Credit, (last visited March 22, 2017).

⁴⁶ See s. 21, ch. 2015-221, Laws of Fla.

- The DOR received 146 applications, requesting a total of \$54,915,138 in credit.
- Of the 146 applicants, 137 requested an allocation of \$53,986,728 in credit.
- An allocation of the available \$9 million credit cap was made to 137 applicants. Each applicant received a reserve of the credit equal to approximately 16.67 percent of the amount they requested on their application.
- Nine applications were denied for various reasons, including duplicate applications and application figures resulting in zero credit requested. These nine applications requested a total of \$928,410 in credit.

Proposed Changes

The bill increases the maximum amount of credits that may be granted in calendar year 2018 from \$9 million to \$16.5 million.

Voluntary Cleanup Tax Credit Program - Brownfields Tax Credit

Current Situation

In 1998, the Legislature provided the Department of Environmental Protection (DEP) the direction and authority to issue tax credits as an additional incentive to encourage site rehabilitation in brownfield areas and to encourage voluntary cleanup of certain other types of contaminated sites. This corporate income tax credit may be taken in the amount of 50 percent of the costs of voluntary cleanup activity that is integral to site rehabilitation at the following sites:

- A site eligible for state-funded cleanup under the Drycleaning Solvent Cleanup Program;⁴⁷
- A drycleaning solvent contaminated site at which the real property owner undertakes voluntary cleanup, provided that the real property owner has never been the owner or operator of the drycleaning facility; or
- A brownfield site in a designated brownfield area.⁴⁸

Eligible tax credit applicants may receive up to \$500,000 per site per year in tax credits. Due to concern that some participants in a voluntary cleanup might only conduct enough work to eliminate or minimize their exposure to third party lawsuits, current law also provides a completion incentive in the form of an additional 25 percent supplemental tax credit for those applicants that completed site rehabilitation and received a Site Rehabilitation Completion Order from the DEP. This additional supplemental credit has a \$500,000 cap. Businesses are also allowed a one-time application for an additional 25 percent of the total site rehabilitation costs, up to \$500,000, for brownfield sites at which the land use is restricted to affordable housing. They may also submit a one-time application claiming 50 percent of the costs, up to \$500,000, for removal, transportation and disposal of solid waste at a brownfield site.

Site rehabilitation tax credit applications must be complete and submitted by January 31 of each year. The total amount of tax credits for all sites that may be granted by the DEP is \$5 million annually. In the event that approved tax credit applications exceed the \$5 million annual authorization, the statute provides for remaining applications to roll over into the next FY to receive tax credits in first come, first served order from the next year's authorization. These tax credits may be applied toward corporate income tax in Florida. The tax credits may be transferred one time, although they may succeed to a surviving or acquiring entity after merger or acquisition.

Since 1998, the VCTC Program has awarded \$66.9 million in VCTCs. Total requests for tax credits have met or exceeded the annual authorization since 2007.⁴⁹ Since 2012, the approved tax credits

⁴⁷ s. 376.30781, F.S. ⁴⁸ s. 220.1845, F.S.

have averaged more than \$8.3 million per year. In 2015, the Legislature approved a one-time tax credit authorization of \$21.6 million, which allowed the DEP to issue certificates for all tax credits that were approved but had not received funding. In 2016, DEP received 99 tax credit applications and approved \$10.8 million in VCTCs for site rehabilitation work completed in 2015. However, some of the tax credit recipients will not receive their certificates until 2018 because the total eligible requests received for 2015 site rehabilitation work exceeded the \$5 million authorization by \$5.8 million. In 2017, DEP received 133 tax credit applications in the amount of \$14.8 million in requested tax credits for site rehabilitation work completed in 2016.⁵⁰

Proposed Changes

The bill increases the amount of credits that may be awarded from \$5 million to \$10 million in each fiscal year.

Sales/Corporate/Ins. Premiums Tax: Community Contribution Tax Credit Program

Current Situation

In 1980, the Legislature established the Community Contribution Tax Credit Program ("CCTCP") to encourage private sector participation in community revitalization and housing projects.⁵¹ Broadly, the CCTCP offers tax credits to businesses or persons ("taxpayers") anywhere in Florida that contribute⁵² to certain projects undertaken by approved CCTCP sponsors.⁵³

Eligible sponsors under the CCTCP include a wide variety of community organizations, housing organizations, historic preservation organizations, units of state and local government, and regional workforce boards.⁵⁴ As of November, 2016, the CCTCP had 119 approved sponsors.⁵⁵

Eligible projects include activities undertaken by an eligible sponsor that are designed to accomplish one of the following purposes:

- To construct, improve, or substantially rehabilitate housing that is affordable to low-income households or very-low-income households as those terms are defined in s. 420.9071;
- To provide commercial, industrial, or public resources and facilities; or
- To improve entrepreneurial and job-development opportunities for low-income persons.⁵⁶

In addition, eligible projects must be located in an area that was designated as an enterprise zone as of May 1, 2015⁵⁷ or a Front Porch Florida Community, with two exceptions. First, any project designed to construct or rehabilitate housing for low-income households or very-low-income households as those terms are defined in s. 420.9071, F.S., is exempt from the area requirement. Second, any project designed to provide increased access to high-speed broadband capabilities that includes coverage in a

¹⁹ DEP, Florida Brownfields Redevelopment Program, 2016 Annual Report, available at:

http://www.dep.state.fl.us/Waste/quick_topics/publications/wc/brownfields/AnnualReport/2016/2015-16_FDEP_Annual.pdf (last visited March 22, 2017).

⁵⁰ DEP, Agency Analysis of 2017 HB 753, p. 5 (March 3, 2017).

⁵¹ Ch. 80-249, Laws of Fla. The CCTCP is one of the state incentives available under the Florida Enterprise Zone Act, which was partially repealed on December 31, 2015. Sections 290.007(3) and 290.016, F.S.

⁵² ss. 212.08(5)(p)2.a., 220.183(2)(a), and 624.5105(5)(a), F.S require community contributions to be in the form of cash or other liquid assets, real property, goods or inventory, or other physical resources.

⁵³ See ss. 212.08(5)(p); 220.183; and 624.5105, F.S.

⁵⁴ See ss. 212.08(5)(p)2.c.; 220.183(2)(c); and 624.5105(2)(c), F.S.

⁵⁵ DEO, Division of Community Development, Email to House Ways & Means staff, Nov. 8, 2016. Email on file with the Ways & Means Committee.

⁵⁶ ss. 212.08(5)(p)2.b.; 220.183(2)(d); 624.5105(2)(b); and 220.03(1)(t), F.S.

⁵⁷ The Florida Enterprise Zone Act was partially repealed as of December 31, 2015- see ch. 2015-221, L.O.F.; s. 290.016, F.S.

rural community that had an enterprise zone designation as of May 1, 2015, may locate the project's infrastructure in any area of a rural county (inside or outside of the zone).

The DEO administers the CCTCP, and its responsibilities include reviewing sponsor project proposals and tax credit applications, periodically monitoring projects, and marketing the CCTCP in consultation with the Florida Housing Finance Corporation and other statewide and regional housing and financial intermediaries.⁵⁸ Once approved by the DEO, the taxpayer must claim the community contribution tax credit from the DOR.

The credit is calculated as 50 percent of the taxpayer's annual contribution, but a taxpayer may not receive more than \$200,000 in credits in any one year.⁵⁹ The taxpayer may use the credit against corporate income tax, insurance premiums tax, or as a refund against sales tax.⁶⁰ Unused credits against corporate income taxes and insurance premium taxes may be carried forward for five years.⁶¹ Unused credits against sales taxes may be carried forward for three years.⁶²

DOR may approve \$21.4 million in annual funding for projects that provide homeownership opportunities for low-income and very-low-income households or housing opportunities for persons with special needs and \$3.5 million for all other projects. "Persons with special needs" is defined in current statute to include adults requiring independent living services, young adults formerly in foster care, survivors of domestic violence, and people receiving Social Security Disability Insurance, Supplemental Security Income, or veterans' disability benefits.⁶³ During FY 2015-2016, the DEO approved 430 tax credit applications submitted by 60 eligible sponsors for eligible projects located in 32 counties. For FY 2016-17, as of March 16, 2017, the DEO has approved 349 tax credit applications.⁶⁴ For FY 2014-15, as of December 31, 2014, the DEO has approved 383 tax credit applications.⁶⁵ The Legislature extended the CCTCP in 1984, 1994, 2005, 2014, and 2015.⁶⁶ It has also amended the annual tax credit allocation of the CCTCP on numerous occasions.⁶⁷ The CCTCP cap, which started at \$3 million annually, is currently set at \$24.9 million. The cap has been reached every year since fiscal year 2001-02.

The CCTCP expires June 30, 2018.68

Proposed Changes

The bill makes the CCTCP permanent with \$10.5 million in annual funding for projects that provide homeownership opportunities for low-income and very-low-income households or housing opportunities for persons with special needs and \$3.5 million for all other projects.

⁵⁸ ss. 212.08(5)(p)4.; 220.183(4); and 624.5105(4), F.S.

⁵⁹ ss. 212.08(5)(p)1.; 220.183 (1)(a) and (b); and 624.5105(1), F.S.

⁶⁰ See ss. 212.08(5)(p); 220.183; and 624.5105, F.S.

⁶¹ ss. 220.183(1)(e) and (g); and 624.5105, F.S.

⁶² s. 212.08(5)(p)1.b. and f., F.S.

⁶³ s. 420.0004(13), F.S.

⁶⁴ Email correspondence with DEO staff, March 22, 2017, on file with House Ways & Means Committee.

⁶⁵ Florida Legislature, Office of Economic and Demographic Research, Revenue Estimating Conference, Community Contribution Tax Credits Extension, HB 311/SB 302, p. 19, January 26, 2015 Revenue Impact Results,

http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2015/_pdf/impact0126.pdf.

⁶⁶ Chs. 84-356, 94-136, 2005-282, 2014-38, and 2015-221 Laws of Fla.

⁶⁷ See Chs. 94-136, 98-219, 99-265, 2005-282, 2006-78, 2008-153, and 2015-221 Laws of Fla.

⁶⁸ Ch. 2014-038, s. 15 Laws of Fla.

Cigarette Tax

H. Lee Moffitt Cancer Center Distribution

Current Situation

Chapter 210, F.S., governs taxes on tobacco products. Cigarette tax collections received by the Division of Alcoholic Beverages and Tobacco (division) in the DBPR are deposited into the Cigarette Tax Collection Trust Fund. Section 210.20, F.S., provides for the payment of monthly distributions as follows:

From the total amount of cigarette tax collections:⁶⁹

- 8.0 percent service charge to the General Revenue Fund;⁷⁰ and
- 0.9 percent to the Alcoholic Beverage and Tobacco Trust Fund.

From the remaining net collections:⁷¹

- 2.9 percent to the Revenue Sharing Trust Fund for Counties;
- 29.3 percent to the Public Medical Assistance Trust Fund;
- 4.04 percent to the Moffitt Center;⁷² and
- 1.0 percent to the Biomedical Research Trust Fund in the Department of Health (DOH).⁷³

After the above distributions are made, the remaining balance of net cigarette tax collections is deposited in the General Revenue Fund.⁷⁴

The funds distributed to the Moffitt Center may not be less than \$15.6 million annually, which is the amount that would have been paid to the Moffitt Center in Fiscal Year 2001-2002 at the 4.04 percent rate. This distribution is scheduled to expire June 30, 2033.⁷⁵

Proposed Changes

The bill extends the 4.04 percent distribution, not to fall below \$15.6 million annually, to the Moffitt Center until June 30, 2053.

⁷⁴ See s. 210.20(b), F.S.

⁷⁵ s. 210.20(2)(b), F.S.

⁶⁹ See s. 210.20(2)(a), F.S.

⁷⁰ See s 215.20(1), F.S. concerning the appropriation of the eight percent service charge to the General Revenue Fund.

⁷¹ See s. 210.20(2)(a), F.S.

⁷² See s. 210.20(2)(b), F.S. The distribution of cigarette tax funds to the Moffitt Center was initiated in 1998, using 2.59 percent for the calculation on net cigarette tax collections. See ch. 98-286, Laws of Fla. The last adjustment to the percentage for the calculation occurred in 2014, when the percentage was set at the current 4.04 percent from July 1, 2014 through June 30, 2017. See s. 8 of ch. 2014-38., Laws of Fla.

⁷³ Pursuant to s. 210.20(2)(c), F.S. these funds (constituting 1.0 percent of net collections) are appropriated in an amount up to \$3 million annually during the period of July 1, 2013 to June 30, 2033, to the DOH and the Sanford-Burnham Medical Research Institute for the purpose of those entities working to establish activities and grant opportunities relating to biomedical research.

Highway Safety Taxes

Boat Trailers Fees for ch. 501 (c)(3) Organizations

Current Situation

Florida law imposes annual license taxes and one-time registration fees for the operation of motor vehicles, mopeds, motorized bicycles, tri-vehicles, trailers, and mobile homes.⁷⁶ The amount of the fee depends of the type and size of the vehicle.

Proposed Changes

The bill provides an exemption from the annual license tax and surcharges for any marine boat trailer owned and operated by a nonprofit organization that is exempt under s. 501(c)(3) of the Internal Revenue Code and which is used exclusively in carrying on their customary nonprofit activities. The annual tax and surcharge savings on a trailer weighing 500 lbs. or less would be \$21.10.

Alcoholic Beverages Excise Taxes

Current Situation

Section 563.01, F.S., defines "beer" and "malt beverage" to mean all brewed beverages containing malt. Section 534.01, F.S., defines "wine," in part, to mean all beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, vermouths, and like products. Section 565.01, F.S., defines "liquor" to mean that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.

Excise taxes are imposed upon the manufacturers and distributors of beer, wine and liquor.⁷⁷

Beer			
Pints or less	\$0.06 each		
Quarts	\$0.12 each		
Bulk Gallons	\$0.48 per gallon		
Wine (% alcohol by volume)			
Less than 17.259%	\$2.25 per gallon		
17.259% or more	\$3.00 per gallon		
Natural Sparkling	\$3.50 per gallon		
Cider	\$0.89 per gallon		
Liquor (% alcohol by volume)			
Less than 17.259%	\$2.25 per gallon		
17.259% to 55.780%	\$6.50 per gallon		
More than 55.780%	\$9.53 per gallon		

⁷⁶ s. 320.08, F.S.

⁷⁷ See ss. 563.05, F.S., 564.06, F.S., and 565.12, F.S.

There are some products that meet the federal definition of "beer," but are not beer under current Florida law because they do not contain malt. Consequently, they are taxed at the \$2.25 per gallon liquor tax rate.

On January 17, 2017, the DBPR's Division of Alcoholic Beverages and Tobacco published Industry Notice 2017-001.⁷⁸ The notice provided, in pertinent part:

The Division of Alcoholic Beverages and Tobacco has recently reviewed the brand registration and excise tax classification for several alcoholic beverage brands comprising a product variety commonly known as non-malt spirituous seltzer beverages. The Division's review has determined that clarification regarding this product variety may be needed to ensure the consistent and compliant registration and reporting of these particular products within the industry in Florida.

The alcoholic beverage products regulated by the Florida Beverage Law are classified in three primary beverage types – beer or malt beverages, wine, and liquor. The Division relies on this statutory delineation of the alcoholic beverage product types in the licensing, auditing, and enforcement of regulated entities engaged in the manufacturing, distribution, or retail sale of alcoholic beverages in Florida.

Section 563.01, Florida Statutes, defines "beer" and "malt beverages" to mean all brewed beverages containing malt. Section 564.01, Florida Statutes, defines "wine," in part, to mean all beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, vermouths, and like products. Section 565.01, Florida Statutes, defines "liquor" to mean that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.

By definition, alcoholic beverages not containing malt do not qualify to be registered as beer or malt beverage. Similarly, alcoholic beverages not made from fresh fruits, berries, or grapes do not qualify to be registered as wine. If unable to qualify as beer or wine, an alcoholic beverage may be categorized as liquor. *Pursuant to the Florida Beverage Law, spirituous seltzer beverages and similar products that do not contain malt and are not made from fresh fruits are classified as liquor for the purpose of brand registration in Florida.* (emphasis supplied)

Alcoholic beverages that are not classified as a malt beverage or as wine, which contain less than 17.259 percent alcohol by volume, are subject to alcoholic beverage excise taxes at a rate of \$2.25 per gallon. The Florida Beverage Law requires that this rate be computed and remitted with the monthly report for all spirituous seltzer beverages or similar alcoholic beverages sold during the previous calendar month.

Proposed Changes

The bill amends the definition of "beer" and "malt beverage" to more closely align with the federal definition of beer set forth in 27-CFR 25.11, but limits the alignment to beverages that are under six percent alcohol by volume. The federal definition of beer appears to encompass non-malt spirituous seltzer type beverages, although specific determinations would depend on the specific formulation of the beverage in question.

⁷⁸ http://www.myfloridalicense.com/dbpr/abt/documents/2017.01.17%20Industry%20Notice%202017-001%20Spirituous%20Seltzer%20Beverages.pdf

Tourist Development Taxes

Current Situation

Florida law permits counties to impose local option taxes on rentals or leases of accommodations with a term of six months or less.⁷⁹ The taxes are generally referred to as "tourist development taxes," but consist of several separate levied taxes.

- <u>1 or 2 Percent Tax</u>:⁸⁰ This tax may only be levied with approval of the voters in the county at a rate of 1 or 2 percent on the total amount charged for transient rental transactions.
- <u>Additional 1 Percent Tax</u>:⁸¹ This tax may be levied by an extraordinary vote of a county's governing board, in addition to the 1 or 2 percent tax on the total amount charged for transient rental transactions. To be eligible to levy the tax, a county must have levied the 1 or 2 percent tax for at least 3 years.
- <u>High Tourism Impact Tax</u>:⁸² A county with high tourism impact may levy an additional 1 percent tax on the total amount charged for transient rental transactions.⁸³
- <u>Professional Sports Franchise Facility Tax</u>:⁸⁴ In addition to any other tourist development taxes, a 1 percent tax on the total amount charged for transient rental transactions may be levied to pay debt service on bonds issued to finance professional sports franchise facilities, retaining spring training franchise facilities, and convention centers. These funds may also be used to promote tourism in the state.
- <u>Additional Professional Sports Franchise Facility Tax</u>:⁸⁵ Counties that levy the professional sports franchise facility tax may levy an additional tax no greater than 1 percent to be used for the same purposes.

Depending on a county's eligibility, the maximum tax rate varies from 3 to 6 percent. The table below displays the five local option tourist development taxes available to counties, the number of counties eligible to levy a specific tourist development tax, and the number of counties currently levying such tax.⁸⁶

	Original Tax	Additional	Professional Sports	High Tourism	Additional Professional
	(1% or 2%)	Tax (1%)	Franchise Facility	Impact Tax	Sports Franchise Facility
			Tax (up to 1%)	(1%)	Tax (up to 1%)
Eligible to Levy:	67	59	67	8	65
Levying:	63	48	41	5	26

These local option taxes may be administered by the DOR or by one or more units of local government. These taxes may be levied within a subcounty special district. If the tax is levied in a subcounty special district, the additional taxes must be levied only in that district.⁸⁷

⁷⁹ s. 125.0104, F.S.

⁸⁰ s. 125.0104(3)(c), F.S.

⁸¹ s. 125.0104(3)(d), F.S.

⁸² s. 125.0104(3)(m), F.S.

⁸³ A county may be designated as having a "high tourism impact" by the DOR as provided by s. 125.0104(3)(m)2, F.S.

⁸⁴ s. 125.0104(3)(l), F.S.

⁸⁵ s. 125.0104(3)(n), F.S.

⁸⁶ Office of Economic Demographic Research, The Florida Legislature, *County Tax Rates: CY 2007-2017, Local Option Tourist Taxes*, (website last revised, Mar 14, 2017), *available at <u>http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm</u> (last visited Mar 14, 2017).*

⁸⁷ See ss. 125.0104(b), (d), and (l), F.S.

As a requirement for adopting tourist development taxes, a county's tourist development council⁸⁸ must prepare a plan for tourist development and present it before the governing board of the county. The plan must include the anticipated revenue derived from the tax for the first 24 months, the tax district where it will be imposed, and a list prioritizing the use of the revenue. Any changes to the plan after the levy has been enacted must be approved by the county's governing board.⁸⁹

Local option tourist development tax revenues may be used for capital construction of tourist-related facilities, tourism promotion, and beach or shoreline maintenance, unless otherwise restricted. More specifically, the revenues derived from tourist development taxes are authorized to be used:

- To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more:
 - Publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums; or
 - Aquariums and museums that are publicly owned and operated, or owned and operated by a non-profit organization that is open to the public;
- To promote zoological parks that are publicly owned and operated or owned and operated by a non-profit organization that is open to the public;
- To promote and advertise tourism in the state;
- To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies; or
- To finance beach park facilities or beach improvement, maintenance, renourishment, restoration, and erosion control.⁹⁰

Proposed Changes

The bill expands the authorized uses of revenue derived from local option tourist development taxes to include the acquisition, construction, extension, enlargement, remodel, repair, improvement, maintenance, operation, or promotion of auditoriums that are publicly owned and open to the public, but operated by an organization that is tax-exempt under 26 U.S.C. s. 501(c)(3) and within the boundaries in which the tax is levied.⁹¹

Property Taxation in Florida

Local governments, including counties, school districts, and municipalities have the constitutional authority to levy ad valorem taxes. Special districts may also be given this authority by law.⁹² Ad valorem taxes are collected on the fair market value of the property, adjusting for any exclusions, differentials or exemptions.

All ad valorem taxation must be at a uniform rate within each taxing unit, subject to certain exceptions with respect to intangible personal property.⁹³ However, the Florida constitutional provision requiring that taxes be imposed at a uniform rate refers to the application of a common rate to all taxpayers within each taxing unit – not variations in rates between taxing units.⁹⁴

⁸⁸ Also referred to as a "tourism" development council.

⁸⁹ See ss. 125.0104(4), F.S. The provisions found in ss. 125.0104(4)(a)-(d), F.S., do not apply to the high tourism impact tax, the professional sports franchise facility tax, or the additional professional sports franchise facility tax.

⁹⁰ s. 125.0104(5)(a), F.S.

⁹¹ Examples of publicly owned auditoriums that are operated by 501(c)(3) organizations include the Florida Theatre in Jacksonville, the Tampa Theatre, and the Ruth Eckerd Hall in Clearwater.

⁹² FLA. CONST. art VII, s. 9,

⁹³ FLA. CONST. art VII, s. 2.

⁹⁴ See, for example, *Moore v. Palm Beach County*, 731 So. 2d 754 (Fla. 4th DCA 1999) citing W. J. Howey Co. v. Williams, 142 Fla. 415, 195 So. 181, 182 (1940).

Federal, state, and county governments are immune from taxation but municipalities are not subdivisions of the state and may be subject to taxation absent an express exemption.⁹⁵ The Florida Constitution grants property tax relief in the form of certain valuation differentials,⁹⁶ assessment limitations,⁹⁷ and exemptions,⁹⁸ including the exemptions relating to municipalities and exemptions for educational, literary, scientific, religious or charitable purposes.

Inventory Definition

Current Situation

Current law exempts from ad valorem taxation all items of inventory.⁹⁹ "Inventory" is defined as chattels consisting of items commonly referred to as goods, wares, and merchandise (as well as inventory) which are held for sale or lease to customers in the ordinary course of business.¹⁰⁰ Supplies and raw materials are considered to be inventory only to the extent that they are acquired for sale or lease to customers in the ordinary course of business. Partially finished products which when completed will be held for sale or lease to customers in the ordinary course of business are deemed items of inventory. All livestock is considered inventory.

Items of inventory held for lease to customers in the ordinary course of business, rather than for sale, are deemed inventory only prior to the initial lease of such items. Current administration of the law by property appraisers in most counties is to treat such property as taxable tangible personal property once in the hands of a lessee. Should the property be back in the hands of the lessor, the property appraiser will look to the intent of the lessor and determine whether the lessor intends to sell or lease the property. If the intent is to lease the property, it remains taxable. If the intent is to sell the property, it is again treated as inventory. However, the property is never considered inventory when it is in the hands of a lessee.

Proposed Changes

The bill amends the definition of inventory to explicitly include construction and agricultural equipment weighing 1,000 pounds or more that is returned to a dealership under a rent to purchase option and held for sale to customers in the ordinary course of business.

⁹⁵ "Exemption" presupposes the existence of a power to tax, while "immunity" implies the absence of it. See *Turner v. Florida State Fair Authority*, 974 So. 2d 470 (Fla. 2d DCA 2008); *Dept. of Revenue v. Gainesville*, 918 So. 2d 250, 257-59 (Fla. 2005).

⁹⁶ FLA. CONST. art VII, s. 4, authorizes valuation differentials, which are based on character or use of property.

⁹⁷ FLA. CONST. art VII, s. 4(c), authorizes the "Save Our Homes" property assessment limitation, which limits the increase in assessment of homestead property to the lesser of 3 percent or the percentage change in the Consumer Price Index. S. 4(e) authorizes counties to provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. This provision is known as the "Granny Flats" assessment limitation.

⁹⁸ FLA. CONST. art VII, s. 3, provides authority for the various property tax exemptions. The statutes also clarify or provide property tax exemptions for certain licensed child care facilities operating in an enterprise zone, properties used to provide affordable housing, educational facilities, charter schools, property owned and used by any labor organizations, community centers, space laboratories, and not-for-profit sewer and water companies.

⁹⁹ s. 196.185, F.S.

¹⁰⁰ s. 192.001(11)(c), F.S.

Affordable Housing Agreements

Current Situation

The Florida Constitution requires that all property be assessed at just value for ad valorem tax purposes,¹⁰¹ and it provides for specified assessment limitations, property classifications and exemptions.¹⁰² Such exemptions include, but are not limited to, exemptions for such portions of property used predominately for educational, literary, scientific, religious or charitable purposes.¹⁰³

In 1999,¹⁰⁴ the Legislature authorized a property tax exemption for property owned by certain exempt entities which provide affordable housing under the charitable purposes exemption. The property must be owned entirely by a not for profit corporation, used to provide affordable housing through any state housing program under ch. 420, F.S., and serving low-income and very-low-income persons.¹⁰⁵ In order to qualify for the exemption, the property must comply with ss. 196.195 for determining non-profit status of the property owner and s. 196.196 for determining exempt status of the use of the property.

In determining whether an applicant is a nonprofit or profit-making venture, s. 196.195 outlines the statutory criteria that a property appraiser must consider.¹⁰⁶ The applicant must show that "no part of the subject property, or the proceeds of the sale, lease, or other disposition thereof, will inure to the benefit of its members, directors, or officers or any person or firm operating for profit or for a nonexempt purpose."¹⁰⁷

In determining whether the use of a property qualifies as charitable, s. 196.196 requires the property appraiser to consider the nature and extent of the qualifying activity compared to other activities performed by the organization owning the property, and the availability of the property for use by other qualifying entities.¹⁰⁸

The Florida Housing Finance Corporation (FHFC) was created by the Legislature to administer the governmental function of financing or refinancing housing and related facilities, and is described as an "entrepreneurial public corporation" that is housed in, but not controlled by, the DEO.¹⁰⁹ The FHFC programming provides numerous financing resources, such as loans and tax credits, to real estate developers who build certain low-income housing projects. Rental property developers who receive financing from the FHFC must agree to enter a Land Use Restrictive Agreement (LURA), which subjects the rental property to certain limitations in exchange for preferable financing, in the way of low-interest loans or tax credits.¹¹⁰ The purpose of a LURA is to ensure FHFC-financed housing remains affordable by limiting the maximum rent that can be charged for a unit and by requiring that some or all of the units be made available only to households with specified lower income.¹¹¹ The land use restrictions are documented in the LURA, and recorded in the public record.¹¹² Recording the LURA means its restrictions run with the land, so that if the property is sold during the term of the agreement,

- ¹⁰⁷ s. 196.195(3), F.S.
- ¹⁰⁸ s. 196.196(1)(a)-(b), F.S.

¹⁰¹ FLA. CONST., art. VII, s. 4.

¹⁰² FLA. CONST., art. VII, ss. 3, 4, and 6.

¹⁰³ FLA. CONST., art. VII, s. 3.

¹⁰⁴ s. 15, ch. 99-378, Laws of Fla., codified at s. 196.1978, F.S.

¹⁰⁵ The not for profit corporation must qualify as charitable under s. 501(c)(3) of the Internal Revenue Code and other federal regulations. See 26 U.S.C. § 501(c)(3) ("charitable purposes" include relief of the poor, the distressed or the underprivileged, the advancement of religion, and lessening the burdens of government).

¹⁰⁶ s. 196.195, F.S.

¹⁰⁹ s. 420.504(1), F.S.

¹¹⁰ Correspondence with Florida Housing Finance Corporation Staff, on file with the House Ways and Means Committee.

¹¹¹ Correspondence with Florida Housing Finance Corporation Staff, on file with the House Ways and Means Committee.

¹¹² See. s. 420.504(46), F.S.

then the buyer must also abide by the terms of the LURA. Depending on applicable federal and state program requirements, the restriction period for the property may be as short as 10 years or as long as 50 years.¹¹³

Proposed Changes

Effective January 1, 2018, the bill provides that certain property used to provide affordable housing will be considered a charitable purpose and qualify for a 50 percent property tax discount, notwithstanding the requirements of ss. 196.195 and 196.196, F.S.

In order to qualify for the discount, the property must:

- Provide affordable housing to natural persons or families meeting the extremely low, very low, or low-income limits specified in s. 420.0004, F.S.;
- Provide the housing in a multifamily project in which at least 70 units are providing affordable housing to the above group; and
- Be subject to an agreement with the Florida Housing Finance Corporation to provide affordable housing to the above group, recorded in the official records of the county in which the property is located.

The discount will begin on January 1 of the year following the 15th year of the term of the agreement on those portions of the affordable housing property that provide the housing as described above. The discount will terminate when the property is no longer serving extremely low, very low, or low-income persons pursuant to the recorded agreement. The discount is applied to taxable value prior to tax rolls being reported to taxing authorities and tax rates being set in the annual local government budgeting process.

Homes for the Aged

Current Situation

Florida law exempts from ad valorem taxation property used as a home for the aged by certain nonprofit corporations.¹¹⁴ In order to qualify for the exemption, the following criteria must be met:

- The applicant for exemption must be qualified as a 501(c)(3) exempt charitable organization under federal law by January 1 of the year it requests to be exempt from Florida ad valorem taxation; and either:
 - \circ A corporation not for profit pursuant to ch. 17, F.S.; or
 - A Florida limited partnership, the sole general partner of which is a corporation not for profit pursuant to ch. 17, F.S.; and
- Seventy-five percent of the occupants of the facility must be over the age of 62 years or be totally and permanently disabled;
- Certain facilities must also acquire licensing by the Agency for Health Care Administration.¹¹⁵

Upon sufficient proof that the applicant meets the above criteria, the property appraiser will exempt the portions of the facility which are devoted exclusively to the conduct religious services or the rendering of nursing or medical services. In addition, the property appraiser may exempt individual units or apartments in the facility if residency in those units or apartments is restricted to or occupied by certain persons who are either low income or disabled as specified below:

¹¹³ Correspondence with Florida Housing Finance Corporation Staff, on file with the House Ways and Means Committee.

¹¹⁴ Fla. Const. ss. 3(a), 6(c), art. VII, implemented by s. 196.1975, F.S.

¹¹⁵ Facilities that furnish medical facilities or nursing services, or qualifies as an assisted living facility under ch. 429. See s. 196.1975(2), F.S.

- Persons who have gross incomes¹¹⁶ of not more than \$7,200¹¹⁷ per year and who are 62 years of age or older;
- Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged;
- Persons who are totally and permanently disabled and who have gross incomes of not more than \$7,200 per year;¹¹⁸
- Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

Any portion of the facility used for nonexempt purposes may be valued and placed upon the tax rolls separately from any portion entitled to the exemption.

In order to demonstrate to the property appraiser the facility is qualified for the exemption, the facility must annually file an application for exemption with the property appraiser (DR-504HA).¹¹⁹ Section 196.1975(9)(b), F.S., also requires the facility to file with the application an affidavit from each person residing in a unit or apartment in the facility that meets the disability or income requirements described above (DR-504S). Paragraph (9)(b) provides that the person signing the affidavit attests that he or she resides in the unit or apartment claiming the exemption and, in good faith, makes that unit or apartment his or her permanent residence. The application notifies the facility that it may be required to provide supplemental information other than the application upon a reasonable request by the property appraiser.¹²⁰

Proposed Changes

The bill provides that each facility applying for an exemption must file with the annual application for exemption an affidavit approved by the DOR from each person who occupies a unit or apartment stating the person's income and provides that the affidavit is prima facie evidence of the person's income. However, if the property appraiser determines, at a later time, that additional documentation proving an affiant's income is necessary, the property appraiser may request such documentation. The bill provides that the facility is not required to provide an income affidavit from a resident who is a totally and permanently disabled veteran who meets the requirements of s. 196.081, F.S.

Assisted Living Facilities

Current Situation

Nursing homes, hospitals and homes for special services that are exempt organizations under s. 501(c)(3) of the Internal Revenue Code are exempt from property tax.¹²¹

¹¹⁶ Includes social security benefits for purposes of this exemption. See s. 196.1975(6), F.S.

¹¹⁷ Section 196.1975(4)(b), F.S., provides all of the income limitations are annually adjusted by the percentage change in the average cost-of-living index.

¹¹⁸ Section 196.1975(4)(a), F.S., provides the income limitations do not apply to totally and permanently disabled veterans that meet the requirements of s. 196.081, F.S.

¹¹⁹ s. 196.1975(9)(b), F.S.

¹²⁰ DOR, Ad Valorem Tax Exemption Application and Return, Homes for the Aged, DR-504HA, available at: http://floridarevenue.com/Pages/forms_index.aspx (last visited April 1, 2017).

¹²¹ s. 196.197, F.S.

Proposed Changes

The bill exempts 501(c)(3) Assisted Living Facilities from property tax, beginning in calendar year 2017.

Charter School Facilities

Current Situation

Property leased by a charter school and used for educational purposes is exempt from property tax, if the landlord reduces the rental payment by the full amount of the property taxes otherwise due.¹²² In some situations, the rental agreement between the landlord and the charter school requires the charter school to pay any applicable property tax on the educational facility directly to the tax collector.

Proposed Changes

The bill clarifies that the exemption applies as long as the payments required under a lease are reduced by the tax savings, whether paid to the landlord or on behalf of the landlord to a third party.

Charter School Facilities- Application Deadline

Current Situation

Property used for educational purposes by a charter school is generally exempt from property tax; however, the specific exemption involved is different depending on whether the charter school owns or leases the property.¹²³ If the property is *owned* by the charter school, the charter school applies for the exemption.¹²⁴ If the property is *leased* by the charter school, the landlord applies for the exemption.¹²⁵ When a charter school purchases the property that it previously leased, the charter school must apply for a new exemption.

Proposed Changes

The bill extends to August 1, 2017, the time for a charter school to apply for exemption on property that it leased in 2015 and owned in 2016.

Local Incentive Programs

Current Situation

The Florida Enterprise Zone Program sunset on December 31, 2015.¹²⁶ Local governments employ various business and economic development programs. Some of these programs use enterprise zone boundaries to delineate as a determinant of where or how incentive funds are deployed. For example, Miami-Dade County has a Targeted Jobs Incentive Fund intended to spur business activity and promote economic growth in the county. The program awards cash incentives to companies in selected industries that create above-average paying jobs (at least 10 new jobs) and make a capital investment of at least \$3 million. Businesses that expand or relocate within the boundaries of the

¹²² s. 196.1983, F.S.

¹²³ Compare ss. 196.198, F.S., and 196.1983, F.S.

¹²⁴ s. 196.198, F.S.

¹²⁵ s. 196.1983, F.S.

¹²⁶ When the Enterprise Zone Program expired, the Legislature preserved state incentives for certain businesses with incentive agreements with the state that were located within enterprise zones. See ch. 2015-221, L.O.F.

Enterprise Zone, Targeted Urban Areas, Brownfield areas and Community Development Block Grant eligible areas are eligible for an additional incentive amount.¹²⁷

Proposed Changes

The bill provides that enterprise zone boundaries in existence before December 31, 2015, are preserved for the purpose of allowing local governments to administer local incentive programs within these boundaries through December 31, 2020, except for eligible contiguous multi-phase projects in which at least one certificate of use or occupancy has been issued before December 31, 2020, and which project will then vest the remaining project phases until completion, but no later than December 31, 2025.

DOR Tax Administration

This bill contains general tax administration improvements, primarily consisting of legislative concepts proposed by the DOR following approval by the Governor and Cabinet. The bill includes numerous statutory changes intended to reduce the burden of compliance on taxpayers, reduce the DOR's costs, increase efficiency in tax administration, and improve the enforcement of tax laws.

Estate Administration Reporting

Current Situation

Current law requires each circuit judge of this state to notify the DOR and the Agency for Healthcare Administration on a monthly basis of names and certain other information related to all estates of decedents that commenced estate administration during the preceding month.¹²⁸ Due to changes in estate and intangible tax law, the DOR no longer uses or needs this information.

In addition, the personal representative of an estate generally must notify the creditors of the decedent that estate administration proceedings have commenced.¹²⁹ If the DOR has not previously been served with a copy of the notice to creditors, then the personal representative is also required to provide the DOR with a copy of the estate's inventory, even when the DOR is not a creditor.¹³⁰

Proposed Changes

The bill removes the DOR from the monthly reporting requirement for circuit court judges.

In addition, the bill provides that the personal representative has to provide the DOR with a copy of the notice of creditors only when the DOR is a creditor.

Registration Fees

Current Situation

Under current law, the following registration and licensing fees must be paid to the DOR:

• Terminal supplier, importer, exporter, blender, biodiesel manufacturer, or wholesaler of motor fuel license tax (\$30 annually);¹³¹

¹²⁷ See <u>http://www.miamidade.gov/business/targeted-jobs-incentive-fund.asp</u> (last visited May 9, 2017).

¹²⁸ s. 198.30, F.S.

¹²⁹ s. 733.2121, F.S.

¹³⁰ s. 733.2121(3)(e), F.S.

¹³¹ s. 206.02, F.S.

- Private or common carrier of motor fuel license tax (\$30 annually);¹³² ٠
- Terminal operator license tax (\$30 annually):¹³³ •
- Any person who is not otherwise licensed pursuant to ch. 206 (fuel taxes) and who produces, • imports, or causes to be imported pollutants, a temporary license fee (\$30 annually);¹³⁴
- Commercial air carrier license application fee (\$30 annually);¹³⁵ •
- Natural gas fuel retailer license fee (\$5 annually);¹³⁶ •
- Unregistered persons who but for their mail order purchases would not be required to remit • sales or use tax directly to the DOR (unspecified amount);¹³⁷
- Most sales tax dealers (one time \$5 registration fee for paper return filers);¹³⁸ •
- Drycleaning facility or drycleaning drop-off facility registration fee (\$30 annually);¹³⁹ and •
- Any person producing in, importing into, or causing to be imported into, or selling in, this state • perchloroethylene registration fee (e.g., chemical sold to drycleaning facilities).¹⁴

In addition, when motor fuel or diesel fuel is sold by a retail dealer to a person who claims to be entitled to a refund, such person may file a refund claim pursuant to s. 206.41, F.S., and is charged \$2 per refund claim.

Proposed Changes

The bill eliminates the license registration fees described above, as well has the \$2 per refund charge.

Vending Machine Operators

Current Situation

An operator of a vending machine may not operate or cause to be operated in this state any vending machine until the operator has registered with the DOR, has obtained a separate registration certificate for each county in which such machines are located, and has affixed a notice to each vending machine selling food or beverages.¹⁴¹ The penalty for noncompliance with the notice requirement is \$250 per machine.¹⁴² The notice is intended to notify customers that each vending machine must contain the required notice, and if a machine does not have such notice the customer may report the noncompliance to the DOR and potentially receive a cash reward.¹⁴³

The DOR estimates that they receive approximate 100-150 calls per year on the toll-free number provided on the notice related to vending machines, but almost all of those calls are individuals complaining that the machine does not work. The DOR has never issued the \$250 penalty, nor the reward for reporting noncompliance.

- ¹³⁴ s. 206.9943, F.S.
- ¹³⁵ s. 206.9865, F.S.
- ¹³⁶ s. 206.9952, F.S.
- ¹³⁷ s. 212.0596, F.S. ¹³⁸ s. 212.18, F.S.
- ¹³⁹ s. 376.70, F.S.
- ¹⁴⁰ s. 376.75(2), F.S.
- ¹⁴¹ s. 212.0515(3)(a), F.S.
- ¹⁴² s. 212.0515(4), F.S.
- ¹⁴³ s. 212.0515(3)(b), F.S.

¹³² s. 206.021, F.S.

¹³³ s. 206.022, F.S.

Proposed Changes

The bill removes the notice requirement, the associated penalty, and the customer reward for reporting noncompliance.

Local Option Fuel Taxes

Current Situation

Counties may levy a "ninth-cent fuel tax" (one cent per net gallon) on motor fuel and diesel fuel if approved by extraordinary vote of its governing board or by voter referendum.¹⁴⁴ Counties also may levy a "local option fuel tax" on motor fuel (between one cent and eleven cents per net gallon) and diesel fuel (six cents per net gallon).

All impositions of the ninth-cent fuel tax or the local option fuel tax must be levied before October 1 of each year to be effective January 1 of the following year. This timing allows the DOR sufficient time to implement necessary changes in distribution programs and other administrative changes needed to implement the tax levy. However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be re-imposed at the current authorized rate to be effective September 1 of the year of expiration. Current law does not specify when the re-imposition of the tax must be levied, which has resulted in some confusion and administrative challenges for implementing such re-impositions of tax.

Proposed Changes

The bill provides that levies of the ninth-cent fuel tax or the local option fuel tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be re-imposed at the current authorized rate provided that the imposition of the tax is levied before July 1 to be effective September 1 of that year.

Tax Remittance Due Dates

Current Situation

Employers in Florida required to remit reemployment assistance contributions must do so on a quarterly basis, except that they may remit annually between January 1 and February 1 for employees performing domestic services, as defined in s. 443.1216(6), F.S.¹⁴⁵

For an annual administrative fee not to exceed \$5, employers can remit the quarterly contributions in equal installments according to specified due dates for each installment.¹⁴⁶

Any employer who employed 10 or more employees in any quarter during the preceding state FY must file the Employers Quarterly Reports (UCT-6) for the current calendar year and remit the contributions and reimbursements due by electronic means approved by the tax collection service provider.¹⁴⁷ An employer who is required file a UCT-6 report by approved electronic means, but who files the report by a means other than approved electronic means, is liable for a penalty of \$50 for that report and \$1 for each employee.¹⁴⁸

¹⁴⁴ s. 336.021(1)(a), F.S.

¹⁴⁵ s. 443.131, F.S.

¹⁴⁶ s. 443.141, F.S.

¹⁴⁷ s. 443.161(1), F.S.

¹⁴⁸ s. 443.161(2)(a)-(b), F.S.

Proposed Changes

The bill provides that employers of employees performing domestic services described above must remit no later than January 31, or if that day is a Saturday, Sunday, or holiday, then on the next day that is not a Saturday, Sunday, or holiday.

Further, if any of the quarterly due dates for employers remitting contributions on an installment basis fall on a Saturday, Sunday, or holiday, then the due date will be the next day that is not a Saturday, Sunday, or holiday.

For purposes of these changes, holidays are those dates designated by ss. 110.117(1) and (2), F.S., and any other day that the offices of the United States Postal Service are closed.

Lastly, the tax collection service provider (i.e., DOR) may waive the penalty for reporting by a means other than approved electronic means if a written request for waiver is filed that establishes that imposition would be inequitable. Examples of inequity include, but are not limited to, situations where the failure to e-file was caused by one of the following factors:

- Death or serious illness of the person responsible for the preparation and filing of the report.
- Destruction of the business records by fire or other casualty.
- Unscheduled and unavoidable computer down time.

DOR Emergency Rulemaking Authority

Current Situation

The DOR has the authority to adopt rules to enforce the laws it administers.¹⁴⁹ Section 125.54(4), F.S., provides emergency rulemaking authority to an agency if the agency finds that an immediate danger to the public health, safety, or welfare requires emergency action. Emergency rules adopted by an agency are temporary and not renewable, except when the agency has initiated rulemaking to adopt rules addressing the subject of the emergency rule.¹⁵⁰ Tax legislation occasionally contains an express grant of emergency rulemaking authority to the DOR when the timeframe for implementing the tax law changes contained in the legislation is too short to allow for formal rulemaking to be completed in time to implement the law change. In the past, several such grants of emergency rulemaking authority were provided without an express mechanism to repeal such authority when the emergency rulemaking authority was no longer needed.

Proposed changes

The bill repeals several obsolete grants of emergency rulemaking authority for the DOR.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS.

¹⁴⁹ See e.g. s. 212.18(2) and s. 220.51, F.S. ¹⁵⁰ s. 120.54(4)(c), F.S.

2. Expenditures:

See FISCAL COMMENTS.

- B. FISCAL IMPACT ON LOCAL GOVERNMENTS:
 - 1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill provides for a wide range of tax reductions and modifications designed to directly impact both households and businesses. Direct economic impacts on the private sector include:

- Broad-based business cost reductions due to lower sales taxes on rental of commercial property.
- Budget savings to many households on necessities such as clothing, school supplies, products used to control menstrual flow, and disaster preparedness supplies.
- Expanded incentives for businesses to clean up brownfield sites, engage in research and development, and contribute to or invest in the creation of affordable housing.
- Reduced construction costs in Rural Areas of Opportunity.
- Increased interstate economic competitiveness of Florida-based, large capacity datacenters.
- D. FISCAL COMMENTS:

The total impact of the bill in Fiscal Year (FY) 2017-2018 is -\$91.6 million (-\$134.7 million recurring) of which -\$71.8 million (-\$88.9 million recurring) is to General Revenue and -\$19.8 million (-\$45.8 million recurring) is to local government (see table below). Non-recurring General Revenue impacts in years beyond FY 2017-18, total -\$2.1 million. Total tax reductions proposed by the bill are represented by the sum of the recurring impacts, reflecting the annual value of permanent tax cuts when fully implemented, and the pure nonrecurring impacts, reflecting temporary tax reductions. The total of -\$180.3 million in tax reductions proposed by the bill is the sum of -\$134.7 million (recurring), -\$43.5 million (pure nonrecurring in FY 2017-18), and -\$2.1 million (pure nonrecurring after FY 2017-18).

Appropriations Detail—The \$681,598 appropriated in the bill consists of \$241,200 to implement the "back-to-school" sales tax holiday, \$290,580 to implement the disaster preparedness sales tax holiday, and \$149,818 to implement the business rent tax rate reduction and the new exemption for products used to control menstrual flow. Most of the above appropriations are needed to pay the cost of notifying several hundred thousand sales tax dealers of either the temporary or permanent law changes.

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	General Revenue						Total	
lssue	<u>1st Yr</u>	<u>Recur.</u>	<u>1st Yr</u>	Recur.	<u>1st Yr</u>	Recur.	<u>1st Yr</u>	Recur.
Sales Tax: Business Rent/0.2% Rate Cut	(22.5)	(54.0)	(*)	(*)	(2.9)	(7.0)	(25.4)	(61.0
Sales Tax: Tax Holiday/"Back-to-School" [Aug 4-6]	(26.6)	-	(*)	-	(6.8)	-	(33.4)	-
<u>Sales Tax:</u> Tax Holiday/Disaster Prep [June 2-4]	(3.6)	-	-	-	(0.9)	-	(4.5)	-
Sales Tax: Agriculture/Animal Health Products	(2.1)	(2.1)	-	-	(0.6)	(0.5)	(2.7)	(2.6)
Sales Tax: Admissions Resales	(1.0)	(2.4)	(*)	(*)	(0.3)	(0.6)	(1.3)	(3.0)
Sales Tax: Building Materials used in RAO	(**)	(1.3)	(**)	(*)	(**)	(0.6)	(**)	(1.9)
<u>Sales Tax:</u> Data Centers	(0.7)	(2.1)	(*)	(*)	(0.2)	(0.5)	(0.9)	(2.6)
Sales Tax: Hygiene Products	(3.8)	(8.9)	(*)	(*)	(1.0)	(2.3)	(4.8)	(11.2)
Sales Tax: Purchases by Government Contractors	(0.3)	(0.2)	(*)	(*)	(*)	(*)	(0.3)	(0.2)
Ad Valorem: Affordable Housing (1)	-	-	-	-	-	(25.8)	-	(25.8)
Ad Valorem: Assisted Living Facilities Exemption (1)	-	-	-	-	(6.9)	(6.9)	(6.9)	(6.9)
Ad Valorem: Charter School Late Application (1)	-	-	-	-	(0.1)	-	(0.1)	-
Ad Valorem: Charter School Lease Clarification (1)	-	-	-	-	(0.1)	(0.1)	(0.1)	(0.1)
Ad Valorem: Inventory Definition (1)	-	-	-	-	-	(0.2)	-	(0.2)
Beverage Tax: Beer/Malt Beverage Definitions	(**)	(**)	(**)	(**)	-	-	(**)	(**)
Corp Income Tax: Brownfields Credit Increase	(5.0)	(5.0)	-	-	-	-	(5.0)	(5.0)
Corp Income Tax: R&D Credit Increase (7.5m)	(5.4)	-	-	-	-	-	(5.4)	-
Sales/Corporate: Community Cont Tax Credits	-	(12.7)	-	-	-	(1.3)	-	(14.0)
HSMV Fees: Boat Trailers Fees for 501(c)(3)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
DOR Legislative Concepts	(0.1)	(0.2)	(*)	(*)	-	-	(0.1)	(0.2)
Appropriations: Tax Holidays & Admin	(0.7)	-	_	-	-	-	(0.7)	-
FY 2017-18 Total	(71.8)	(88.9)	-	-	(19.8)	(45.8)	(91.6)	(134.7)
Non-recurring Impacts After FY 2017-18	<u>Cash</u>		<u>Cash</u>		<u>Cash</u>		<u>Cash</u>	
Corp Income Tax: R&D Credit Increase	(2.1)	-	-	-	-	-	(2.1)	-
D:II Total	(73.9)	(88.9)	-	-	(19.8)	(45.8)	(93.7)	(134.7)
Bill Total						Nonrecur		(180.3)

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FY 2018 Budget Analysis

May 2018



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INTRODUCTION

On May 23, 2017, President Trump released a \$4.09 trillion federal budget request, entitled "*A New Foundation for American Greatness*" (FY 2018 Budget Request), which proposes cutting federal spending by \$3.6 trillion over 10 years. The plan presents a dramatic change in the role of the federal government, culling out many long-standing federal programs and cutting back on the safety net which provides benefits to many Americans. It is being billed as reforming the welfare system and replacing dependency with the dignity of work. Office of Management and Budget (OMB) Director Mick Mulvaney credits the foundation of the budget to "Trumpenomics," which he maintains holds to a sustained three percent economic growth as compared to the previous administration's growth of 1.9 percent.

The FY 2018 Budget Request severely cuts entitlement programs for the poor to purportedly save \$1.7 trillion over a decade. Of those cuts, about \$839 billion come from Medicaid, paralleling those in the House-passed Republican health care overhaul, which repeals and replaces Obamacare. Other cuts include \$193 billion to the Supplemental Nutrition Assistance Program, \$21 billion to Temporary Assistance to Needy Families, and saving \$40 billion over 10 years by cracking down on eligibility for the Earned Income Tax Credit and the Child Tax Credit. The plan also would cut funding by 20 percent for the Children's Health Insurance Program (CHIP). There would be a short-term bump for the military in 2018, which would allow for an addition of more than 56,000 service members, but then the proposed spending flattens out over the next nine years. It proposes \$1.6 billion for the creation of a wall along the Mexican border, and increases spending on border security and immigration control. Further, the FY 2018 Budget Request would provide \$200 billion for infrastructure projects over the next 10 years.

Like the "Skinny Budget" preview, this budget request would eliminate or zero out funding for a number of programs, some of which are:

- Community Development Block Grant
- Home Investment Partnerships Program
- Economic Development Administration
- Manufacturing Extension Partnership
- Minority Business Development Agency
- 21st Century Community Learning Centers
- Advanced Research Project Agency Energy
- Advanced Technology Vehicle Manufacturing Loan Program
- Community Services Block Grant
- Low Income Home Energy Assistance Program
- Flood Hazard Mapping and Risk Analysis Program
- Transportation Security Administration Law Enforcement Grants
- Choice Neighborhoods
- State Criminal Alien Assistance Program
- OSHA Training Grants
- Senior Community Service Employment Program
- Green Climate Fund and Global Climate Change Initiative
- TIGER Grants

- Corporation for National and Community Service
- Corporation for Public Broadcasting
- Institute of Museum and Library Services
- Legal Services Corporation
- National Endowment for the Arts
- National Endowment for the Humanities
- U.S. Interagency Council on Homelessness
- HUD Veteran Affairs Supportive Housing (VASH)

The FY 2018 Budget Request was met with mixed and mostly frosty reviews amongst Republican Members of Congress. Many had reacted after the "Skinny Budget" was released to convey their opposition to the draconian cuts outlined, and members of the Appropriations Committee have stated that the President's budget proposal is largely symbolic. One senior Republican appropriator has gone so far as to predict that the final outcome of the FY 2018 budget process will be a continuing resolution at FY 2017 sequestration levels. Nevertheless, Appropriations Committees are holding hearings this week to discuss elements of the budget and will begin the process of crafting their own bills to move forward, outlining Congressional priorities.

DEPARTMENT OF AGRICULTURE

Funding

The President's FY 2018 Budget Request seeks \$21 billion, approximately level to FY 2017 funding, for the US Department of Agriculture's (USDA) discretionary budget authority. Mandatory funding, which includes funding for Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Rural Development, Forest Service, food safety, research, and conservation activities, is estimated at \$116 billion (\$132.5 billion in FY 2017).

For FY 2018, the Budget Request seeks to support core USDA programs that: (1) advance sustainable agricultural production; (2) ensure food safety; (3) protect US public and private working lands based on sound public policy and efficient management; (4) provide nutrition assistance; and (5) support rural communities. In line with the President's promise to lower overall government spending, the FY 2018 Budget Request seeks to reduce and eliminate duplicative and/or redundant USDA programs.

The Budget seeks to protect Supplemental Nutrition Assistance Program (SNAP) benefits for the neediest households while encouraging work among able-bodied adults without dependents by offering several legislative reforms to the program. These proposed reforms are estimated to generate nearly \$191 billion in savings over 10 years.

Nutrition Programs

- SNAP: \$73.61 billion (\$78.48 billion in FY 2017).
- Child Nutrition Programs: \$24.2 billion (\$22.79 billion in FY 2017).
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): \$6.15 billion (\$6.35 billion in FY 2017).
- Commodity Assistance Program: \$294 million (\$315.14 million in FY 2017).
- Food Insecurity Nutrition Incentive (FINI) Program: \$25 million (\$19 million in FY 2017).

Research and Food Safety Programs

- Agricultural Research Service (ARS): \$993 million (\$1.35 billion in FY 2017).
- National Institute for Food and Agriculture (NIFA): \$1.43 billion (\$1.49 billion in FY 2017).
- Agricultural Marketing Service (AMS): \$1.07 billion (\$1.19 billion in FY 2017).
- Animal and Plant Health Inspection Service (APHIS): \$1.09 billion (\$1.2 billion in FY 2017).
- Food Safety and Inspection Service (FSIS): \$1.03 billion (\$1.27 billion in FY 2017).

Farm and Rural Programs

- Crop Insurance Programs: \$12.28 billion (\$8.86 billion in FY 2017).
- Grain Inspection, Packers and Stockyards Administration (GIPSA): \$73 billion (\$98 billion in FY 2017).
- Rural Utilities Service (RUS): \$6.26 billion (\$8.02 billion in FY 2017).

Program Eliminations

- McGovern-Dole International Food for Education Program
- Farmers Market Nutrition Program
- Rural Business-Cooperative Service
- Water and Wastewater Loan and Grant Program
- Single Family Housing Direct Loan Program
- Biomass Crop Assistance Program
- Rural Energy for America Program
- Market Access Program
- Specialty Crop Block Grant Program

Policy Highlights

The FY 2018 Budget Request includes several proposals aimed at reforming SNAP eligibility and benefit calculations, including changes that would give states flexibility in how they manage the program and modify how the program is funded. Under the President's Budget Request, states would be required to cover, on average, 25 percent of SNAP benefits. In addition, the Budget Request would require retailers seeking to accept SNAP payments to pay an initial application fee, as well as a separate fee when renewing its application.

Separately, the President's USDA Budget Request proposes changes to the Crop Insurance Program, as well as legislation that would charge a user fee to offset certain inspection, regulatory, and oversight activities undertaken by the agency (e.g., inspection of meat, poultry, and eggs, and enforcement of animal welfare requirements).

DEPARTMENT OF COMMERCE

Funding

The President's FY 2018 Budget requests \$7.8 billion for the Department of Commerce, a \$1.5 billion or 16 percent decrease from FY 2017. The Budget focuses on streamlining programs considered to be redundant or ineffective and provides funding for core government functions, such as the 2020 Decennial Census. Specifically, the Budget eliminates several Economic Development Administration (EDA) and National Oceanic and Atmospheric Administration (NOAA) programs as part of a broader effort to streamline duplicative economic development programs across several federal agencies. Similarly, the President requests the elimination of grant programs that are considered not to be optimally targeted, favoring certain geographic areas, or distributing funds by formula rather than to projects of greatest need.

The President's FY 2018 Budget Request proposes:

- The elimination of funding for the Economic Development Administration (EDA), providing \$30 million to conduct an orderly closure to begin in FY 2018.
- National Institute of Standards and Technology (NIST): \$600 million (\$954 million in FY 2017).
- U.S. Census Bureau: \$1.5 billion (\$1.45 billion in FY 2017).
- National Ocean Service: \$385 million (\$517 million in FY 2017).
- National Weather Service: \$937 million (\$980 million in FY 2017).
- National Network for Manufacturing Innovation: \$15 million (\$25 million in FY 2017).

The Budget Request also proposes the cancelation of \$47 million in unobligated Economic Development Administration Program balances made available in prior years by September 30, 2018.

Program Eliminations

- EDA Public Works Program
- EDA Economic Adjustment Assistance (EAA) Program
- EDA Regional Innovation Program (RIS)
- NIST Hollings Manufacturing Extension Partnership (MEP)
- NOAA Sea Grant
- National Estuarine Research Reserve System
- Coastal Zone Management Grants
- Minority Business Development Agency
- Pacific Coastal Salmon Recovery Fund

DEPARTMENT OF EDUCATION

The President's FY 2018 Budget Request seeks \$59 billion in discretionary appropriations for the Department of Education, a \$9 billion, or 13 percent, reduction from the current funding level of \$68 billion. The education budget request prioritizes investments in public and private school choice, protects support for Historically Black Colleges and Universities and Minority-Serving Institutions, and maintains funding for Individuals with Disabilities Education (IDEA) Act programs to support students with special education needs. The education budget eliminates the Supporting Effective Instruction State Grant program (Title II, Part A), which was funded at \$2.345 billion in FY 2017.

Funding

Increases in spending include:

- \$1.4 billion to promote public and private school choice, including:
 - \$1 billion increase for core Title I funding to Local Educational Agencies (LEAs) program to encourage districts to adopt a system of student-based budgeting and open enrollment that enables federal, state, and local funding to follow the student to the public school of his or her choice;
 - \$250 million increase for the Education Innovation and Research program to provide scholarships for low-income students to attend the private school of their choice; and
 - \$167 million increase for the Charter School program.

Maintained funding levels include:

- \$22.4 billion in discretionary funding for Pell Grants in 2018, but cancellation of \$3.9 billion from unobligated carryover funding;
- \$12.9 billion in funding for the Individuals with Disabilities Education Act (IDEA) formula grant programs, including \$458 million in funding for Grants for Infants and Families and \$367.5 million in funding for Preschool Grants;
- \$492.2 million in funding for Historically Black Colleges and Universities and Minority-Serving Institutions.

Program Eliminations

- Supporting Effective Instruction State Grants (\$2.345 billion)
- 21st Century Community Learning Centers program (\$1.164 billion)
- Federal Supplemental Educational Opportunity Grant (SEOG) program (\$732 million)
- Student Support and Academic Enrichment Grants program (\$277 million)
- Preschool Development Grants (\$250 million)
- Comprehensive Literacy Development Grants/Striving Readers (\$190 million)
- Strengthening Institutions (\$86 million)
- International Education (\$72 million)
- Impact Aid Payments for Federal Property (\$67 million)
- Teacher Quality Partnership (TPQ) program (\$43 million)

Notable Program Reductions

- Career and Technical Education (CTE) State Grants program: \$949.5 million (\$1.12 billion in FY 2017).
- Federal Work-Study (FWS) program: \$500 million (\$988 million in FY 2017).
- TRIO programs: \$808 million (\$898 million in FY 2017).
- Gaining Early Awareness for Undergraduate Programs (GEAR UP): \$219 million (\$322 million in FY 2017). GEAR UP would only be funded as continuations of current awards, pending a review process.

Policy Highlights

The FY 2018 Budget Request seeks to simplify student loan repayment by creating a single income-driven student loan repayment plan. To support this proposal, the Budget Request proposes a package of targeted student loan reforms and program eliminations, including the elimination of subsidized loans and of the Public Service Loan Forgiveness (PSLF) program. The Budget Request also supports year-round Pell Grant eligibility to allow students the opportunity to earn a third semester of Pell Grant support during an award year in which they have exhausted their eligibility.

DEPARTMENT OF ENERGY

Funding

The President's FY 2018 Budget Request seeks a 2.7 percent decrease for the Department of Energy (DOE), from the current funding level of \$30.7 billion to \$28 billion. However, due to the President's request to increase funding for DOE's National Nuclear Security Administration (NNSA) by \$1 billion from \$12.9 billion in FY 2017 to \$13.9 billion for FY 2018, the remainder of DOE's budget is proposed to be adjusted downward to accommodate for this large increase.

The President's FY 2018 Budget Request prioritizes: investing in the nuclear weapons stockpile and advancing the nation's nuclear waste program; commercializing products as a result of DOE's R&D programs; and increasing the cybersecurity of the nation's energy infrastructure. Despite the agency's own FY 2018 Budget Request "Fact Sheet," which cites support for the advancement of clean coal technologies, the only mention of clean coal technologies in the actual budget states that "all projects have concluded and only closeout activities remain."

Of note, while the budget reaffirms the "federal responsibility for the oversight DOE's basic research portfolio, which includes grants and contracts supporting nearly 19,000 researchers located at 300 universities and other institutions and 17 national laboratories, as well as supervision of major construction projects," the Budget Request proposes the elimination of the Advanced Research Projects Agency-Energy (ARPA-E) program, which had previously been funded at \$306 million in FY 2017. The ARPA-E program funds energy technology research at universities located throughout the U.S. While the program is known for its ability to fund high-potential, high-impact energy technologies that are "too early for private-sector investment," the FY 2018 budget recommends that the ARPA-E program should be funded by the private sector.

With regard to nuclear waste, the budget provides \$90 million for Nuclear Waste Disposal, which includes funding for:

- The Yucca Mountain and Interim Storage Program, in order to develop a capability for earlier acceptance of spent nuclear fuel. The budget specifies that additional funding for Yucca Mountain will be sourced from "Defense Nuclear Waste Disposal appropriations."
- Funding for the Office of the Attorney General of the State of Nevada "solely for expenditures, other than salaries and expenses of state employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982 (NWPA)."

With an eye toward cost-savings for the National Labs, the Budget Request proposes a consolidation of the National Energy Technology Laboratory (NETL) operations currently located in three areas (Morgantown, WV, Pittsburgh, PA, and Albany, OR) to a single complex. The Budget Request also proposes the deactivation and decommissioning of high risk excess facilities of the Y-12 National Security Complex and the Lawrence Livermore National Laboratory.

The FY 2018 Budget Request provides for the following funding amounts. Each of the below programs are targeted for cuts:

- Energy Efficiency and Renewable Energy: \$636 million (\$2.09 billion in FY 2017).
- Hydrogen and Fuel Cell Technologies: \$68 million (\$101 million in FY 2017).
- Bioenergy Technologies: \$120 million (\$205 million in FY 2017).
- Solar Energy: \$134 million (\$208 million in FY 2017).
- Wind Energy: \$66 million (\$90 million in FY 2017).
- Geothermal Technology: \$38 million (\$69.5 million in FY 2017).

- Water Power: \$44 million (\$84 million in FY 2017).
- Vehicle Technologies: \$148 million (\$307 million in FY 2017).
- Building Technologies: \$107 million (\$199 million in FY 2017).
- Advanced Manufacturing: \$149 million (\$257.5 million in FY 2017).
- Advanced Research Projects Agency-Energy: \$0 million (\$306 million in FY 2017).*
- Electricity Delivery and Energy Reliability: \$120 million (\$230 million in FY 2017).
- Clean Energy Transmission and Reliability: \$13 million (\$36 million in FY 2017).
- Smart Grid Research and Development: \$10 million (\$50 million in FY 2017).
- Energy Storage: \$8 million (\$31 million in FY 2017).
- Cyber Security for Energy Delivery Systems: \$42 million (\$62 million in FY 2017).
- Office of Science: \$4.47 billion (\$5.39 billion in FY 2017).
- Nuclear Energy: \$703 million (\$1.01 billion in FY 2017)
- Fossil Energy Research and Development (FER&D): \$335 million (\$668 million in FY 2017).**
- Advanced Technology Vehicles Manufacturing Loan Program: \$0 million (\$4 million in FY 2017).

* ARPA-E is proposed for elimination. The FY 2018 Budget Request proposes \$20 million only for administrative expenses necessary in carrying out activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69).

** The FY 2018 Budget Request proposes a base of \$280 million and that an additional \$55 million for Fossil Energy Research and Development be made available "from funds appropriated under this heading in prior Acts [which] shall be deobligated, if necessary, and shall be made available for activities under this heading without regard to the provisions in the Act in which the funds were originally appropriated"

Program Eliminations

- Advanced Research Projects Agency-Energy (ARPA-E), with full closure of the program by mid-2019
- Advanced Technology Vehicle Manufacturing Program
- Title 17 Innovative Technology Loan Guarantee Program
- Mixed Oxide (MOX) Fuel Fabrication Facility (MFFF) project (to dispose U.S. weapon-grade plutonium by fabricating it into MOX fuel)
- Weather Assistance
- State Energy Program

Program Increases

Increases in spending include:

• \$1 billion increase in National Nuclear Security Administration (NNSA)

Policy Highlights

The Budget Request proposes some significant changes in order to raise revenue:

- Strategic Reserve. The FY 2018 Budget Request proposes selling off one-half of the Strategic Petroleum Reserve (SPR), which historically has been saved and used for emergencies, in order to raise \$1 trillion by FY 2019 in revenue for the General Fund of the Treasury. Specifically, the budget proposes to sell 270 million barrels of SPR crude by 2027. The Budget Request also proposes the closure of two of the four Gulf Coast SPR sites, with the specific sites "to be determined."
- Northeast Gasoline Supply Reserve (NGSR). The NGSR is proposed for "de-estalishment" and for the sale of all of its 1,000,000 barrels of refined petroleum product during FY 2018.
- Southwestern, Western and Bonneville Power Administrations. The FY 2018 budget proposes three legislative proposals, subject to PAYGO, to authorize the federal government to sell the transmission assets of the Southwestern Power Administration, the Western Power Administration, and the Bonneville Power Administration.
 - The Southwestern Power Administration operates in a six-state area and maintains 1,380 miles of high voltage transmission lines and 26 substations/switching stations.
 - The Western Area Power Administration markets electric power in 15 central and western states from federally-owned power plants, maintains 17,000 circuit-miles of high voltage transmission lines and more than 300 substations/switching yards.
 - The Bonneville Power Administration operates in the Pacific Northwest and markets hydroelectric power from 21 multipurpose water resource projects of the U.S. Army Corps of Engineers and 10 projects of the U.S. Bureau of Reclamation, in addition to energy from non-federal generating projects.

Funding

The President's FY 2018 Budget Request seeks \$69 billion in discretionary funding for the Department of Health and Human Services (HHS). This is \$4.5 billion below the \$73.5 billion FY 2017 level.

Of the Budget Request's total net estimated 10-year savings, the HHS budget contributes \$665 billion in mandatory savings, primarily from allowing state flexibilities to operate their Medicaid programs under per capita caps or block grants beginning in FY 2020.

The budget also proposes reform of the current medical liability system, and estimates its reforms would save HHS programs \$31.8 billion over 10 years and the federal government \$55 billion overall. Most of these estimated savings would come from the reduction of unnecessary services and reduced practice of defensive medicine.

Funding Highlights:

Health Resources and Services Administration (HRSA)

The President's FY 2018 Budget Request seeks \$5.5 billion in discretionary spending for the Health Resources and Services Administration. This is \$65 million below the FY 2017 level of \$6.15 billion.

- Community Health Centers Program: \$1.4 billion (\$1.4 billion in FY 2017).
- Health Workforce: \$771 million (\$839 million in FY 2017).
- 340B Drug Pricing Program: \$10 million (\$10 million in FY 2017).
- Children's Hospital Graduate Medical Education: \$295 million (\$300 million in FY 2017).
- Ryan White HIV/AIDS Program: \$2.32 billion (\$2.26 billion in FY 2017).
- Rural Health: \$74 million (\$156 million in FY 2017).
- Rural Hospital Flexibility Grant: \$0 (\$43.6 million in FY 2017).

Centers for Disease Control and Prevention (CDC)

The President's FY 2018 Budget Request seeks \$5.1 billion in discretionary spending for the Centers for Disease Control and Prevention. This is \$1.2 billion below the FY 2017 level of \$6.3 billion.

- Injury Prevention and Control: \$216 million (\$286 million in FY 2017).
- Public Health Preparedness and Response: \$1.27 billion (\$1.4 billion in FY 2017).
- National Center for Emerging and Zoonotic Infectious Diseases: \$514 million (\$579 million in FY 2017).
- Chronic Disease and Health Promotion: \$952 million (\$1.17 billion in FY 2017).
- Prevention and Public Health Fund: \$841 million (\$891 million in FY 2017).

The Budget Request also includes a new CDC \$500 million America's Health Block Grant to increase state flexibility and focus on leading public health challenges.

Substance Abuse and Mental Health Services Administration (SAMHSA)

The President's FY 2018 Budget Request seeks \$3.9 billion in discretionary funds for the Substance Abuse and Mental Health Services Administration. This is \$400 million below the FY 2017 level of \$4.3 billion.

- State Targeted Response to the Opioid Crisis Grants: \$500 million (authorized in the 21st Century Cures Act).
- Substance Abuse Block Grant: \$1.9 billion (\$1.9 billion in FY 2017).

National Institutes of Health (NIH)

The President's FY 2018 Budget Request seeks \$26.9 billion for the National Institutes of Health (NIH). This is \$7.1 billion below the FY 2017 level of \$34 billion.

- National Institute of Allergy and Infectious Disease: \$3.78 billion (\$4.9 billion in FY 2017).
- National Institute on Drug Abuse: \$865 million (\$1.09 billion in FY 2017).
- National Center for Advancing Translational Sciences: \$557 million (\$706 million in FY 2017).
- National Cancer Institute: \$4.47 billion (\$5.4 billion in FY 2017).

Centers for Medicaid and Medicare Service (CMS)

The FY 2018 Budget Request for the Centers for Medicare and Medicaid Services (CMS) contains \$1 trillion in mandatory and discretionary outlays, a net increase of \$13 billion from the FY 2017 level. This includes requests for funding for Medicare, Medicaid, the Children's Health Insurance Program (CHIP), other health insurance programs, program integrity efforts, and operating costs. The Budget Request proposes target savings of \$636 billion to CMS federal health benefit programs over the next 10 years.

The FY 2018 Budget Request restructures Medicaid financing and includes a net savings to Medicaid of \$627 billion over 10 years. This does not include additional savings to Medicaid because of the Administration's plan to repeal and replace the Affordable Care Act (ACA).

The FY 2018 Budget Request does not include any direct Medicare cuts. The Budget Request repeals the Independent Payment Advisory Board (IPAB), commits to improving the Medicare appeals process, and supports efforts to support medical liability reform.

CMS' Health Care Fraud and Abuse Control Program is funded at \$2.15 billion — \$1.4 billion in mandatory funding and \$751 million in discretionary funding (\$1.3 billion in mandatory funding and \$725 million in discretionary funding in FY 2017).

Administration for Children and Families (ACF)

The President's FY 2018 Budget Request proposes \$14.5 billion in discretionary spending for the ACF. This is \$5 billion below the FY 2017 level of \$19.5 billion.

- Low-Income Heating and Energy Assistance Program: \$0 (\$3.39 billion in FY 2017).
- Unaccompanied Children: \$948 million (\$948 million in FY 2017).

Program Eliminations

- Health Resources and Services Administration:
 - Discontinues diversity training programs, mental and behavioral health programs, oral health programs, and select nursing and physician training programs; and
 - Discontinues Rural Hospital Flexibility Grants and funding for State Offices of Rural Health.

- Administration for Children and Families:
 - Eliminates funding for the Low-Income Heating Assistance Program (LIHEAP), which was previously funded at \$3.4 billion. The justification is that LIHEAP is "unable to demonstrate strong performance outcomes" and that "utility companies and state and local governments are providing significant heating and cooling assistance"; and
 - Eliminates the Community Services Block Grant program and the Community Economic Development, Rural Community Facilities, and Assets for Independence program (\$769 million in savings).
- National Institutes of Health:
 - The FY 2018 NIH Budget Request eliminates the Fogarty International Center, but retains the \$25 million in mission-critical international research and research related activities within the NIH Office of Director.

Policy Highlights

Health Reform proposal

- The budget assumes \$250 billion in net deficit savings over 10 years associated with health care reform. According to the budget justification, a repeal and replace approach would:
 - Eliminate the Affordable Care Act taxes;
 - Provide states funding for market stabilization;
 - Allow for tax credits for the purchase of health insurance;
 - Expand the usage of health savings accounts; and
 - Improve Medicaid's sustainability and targets resources to those most in need. The \$250 billion in combined savings accrue to both the Department of Treasury and HHS.

Medical Liability proposal

- The Budget Request proposes medical liability reforms that will save HHS programs \$31.8 billion over 10 years and the federal government \$55 billion overall. Specifically, the Budget Request proposes the following medical liability reforms:
 - Cap awards for noneconomic damages at \$250,000 indexed to inflation;
 - Provide safe harbors for providers based on clinical standards;
 - Authorize the Secretary to provide guidance to states to create expert panels and administrative health care tribunals;
 - Allow evidence of a claimants' income from other sources such as workers compensation and auto insurance to be introduced at trial;
 - Provide for a three-year statute of limitations;
 - Allow courts to modify attorney's fee arrangements;
 - Establish a fair-share rule to replace the current rule of joint and several liability;
 - Exclude provider expressions of regret or apology from evidence; and
 - Require courts to honor a request by either party to pay damages in periodic payments for any award equaling or exceeding \$50,000

Health Resources and Services Administration (HRSA) proposals

• The Administration encourages the reauthorization of the Ryan White HIV/AIDS program, but proposes changes to the funding methodologies for Parts A and B to focus on populations with disproportionately high rates of new infections/diagnoses.

Centers for Disease Control and Health Prevention (CDC) proposals

• The Administration proposes a new \$500 million funding stream, the America's Health Block Grant. These awards would be distributed to states, tribes, and territories to encourage flexibility and a focus on the leading chronic disease challenges specific to each state. Suggested interventions include improvements in physical activity and nutrition of children and adolescents.

Office of the National Coordinator (ONC) proposals

- The ONC Health IT Certification plan, as authorized in the 21st Century Cures Act, will promote interoperability, such as requiring a condition of certification for health IT developers to attest that they do not engage in information blocking.
- As directed in the 21st Century Cures Act, ONC will combine its two federal advisory committees into a single "Health Information Technology Advisory Committee." The ONC will work with the Office of the Inspector General (OIG) to investigate and issue penalties for developers, networks, and exchanges engaged in information blocking.

National Institutes of Health (NIH) policy proposals

- Consolidate the Agency for Healthcare Research and Quality (AHRQ) into a NIH and merges select research activities within a new National Institute for Research Safety and Quality (NIRSQ).
- Provide \$272 million in budget authority for NIRSQ. NIRSQ is projected to receive \$107 million in mandatory resources from the Patient-Centered Outcomes Research Trust Fund and will provide administrative support for the United States Preventative Services Task Force at \$7 million.
- Include \$496 million for the implementation of the 21st Century Cures Act an additional \$86 million for Brain Research through Advancing Innovative Neurotechnologies (BRAIN) Initiative, \$100 million for the Precision Medicine Initiative (PMI), \$300 million for the Beau Biden Cancer Moonshot, and \$10 million for Regenerative Medicine.
- Streamline the administrative processes for investigators, support new and early stage investigators, and cultivate a world-class biomedical research workforce.
- Maximize efficiency and effectiveness in consultation with HHS leadership through trans-NIH efforts for planning and assessment.
- Modify the reimbursement of indirect costs for NIH grants by capping as a percentage of total research.

Medicaid legislative proposals

- Reform Medicaid funding to states to provide additional flexibility with the choice between a
 per capita cap and a block grant beginning in FY 2020 (\$610 billion in Medicaid savings over
 10 years).
- Reform medical liability (\$399 million in Medicaid savings over 10 years).

Medicare legislative proposals

- Repeal the Independent Payment Advisory Board (IPAB) (\$7.6 billion in costs over 10 years).
- Institute medical liability reform (\$31.4 billion in Medicare savings over 10 years).
- Provide additional resources for Medicare appeals (\$1.3 billion in costs over 10 years).
- Remand appeals to the redetermination level with the introduction of new evidence (no budget impact).
- Increase minimum amount in controversy for administrative law judge adjudication of claims to equal amount required for judicial review (no budget impact).
- Establish magistrate adjudication for claims with amount in controversy below new administrative law judge amount in controversy threshold (no budget impact.
- Expedite procedures for claims with no material fact in dispute (no budget impact).

Children's Health Insurance Program (CHIP) proposals

- Extending CHIP for two years, through FY 2019 (\$13.4 billion).
- Rebalancing the state-federal partnership and increasing state flexibility.

Funding

The President's FY 2018 Budget Request seeks \$44.1 billion for the Department of Homeland Security (DHS), an increase of \$1.7 billion over FY 2017 funding. The President also requests an additional \$7.4 billion for the Disaster Relief Fund, which falls outside of the discretionary spending caps.

As expected, the President directs additional funding to immigration enforcement and border security in his FY 2018 Budget Request. His request includes increased Immigration and Customs Enforcement (ICE) funding for additional detention beds, transportation costs, immigration officers and support staff, as well as enhancements to the new VOICE office to support victims of crime committed by undocumented individuals.

Customs and Border Protection (CBP) is budgeted to receive \$2.9 billion in funding, specifically for enhanced southern border security. This includes:

- \$1.6 billion for 32 miles of new border wall construction (\$784 million) and 28 miles of levee wall (\$498.4 million) along the Rio Grande Valley, and 14 miles of a new border wall "system" to replace existing secondary fencing in the San Diego sector (\$250.6 million).
- \$975.8 million for high-priority tactical infrastructure and technology.
- \$100 million for additional border patrol personnel.

The President's Budget Request also requests \$131.5 million to expand the E-Verify system to enable mandatory nationwide use within three years.

The President proposes to eliminate Transportation Security Administration (TSA) staffing of airport exit lanes (saving \$77 million) as well as the Law Enforcement Officer Reimbursement Program (saving \$45 million), which was established after 9/11 to enhance airport security. The budget notes that these activities should be the responsibility of airports, states, and local jurisdictions. The budget also requests a \$1 increase in the TSA passenger security fee from \$5.60 to \$6.60.

The President proposes to eliminate and reduce FEMA State and Local Government Programs by \$767 million, noting program duplication and preparedness as a responsibility of state and local governments. Additionally, he proposes to implement a 25 percent cost share for preparedness grants, such as the State Homeland Security Grant Program and the Urban Area Security Initiative. The budget notes that these two programs have a combined total of \$1.9 billion in unspent balances.

Funding highlights:

- Disaster Relief Fund: \$7.4 billion (\$7.3 billion in FY 2017)
- State Homeland Security Grants: \$349 million (\$467 million in FY 2017).
- Urban Area Security Initiative: \$448.8 million (\$580 million in FY 2017).
- Port Security Grants: \$47.8 million (\$100 million in FY 2017).
- Public Transportation Security Assistance: \$47.8 million (\$100 million in FY 2017) (also including Railroad Security Assistance and Over-the-Road Bus Security Assistance).
- Assistance to Firefighters Grants: \$344 million (\$345 million in FY 2017).
- SAFER Grants: \$344 million (\$345 million in FY 2017).

- Emergency Management Performance Grants: \$279 million (\$350 million in FY 2017).
- National PreDisaster Mitigation Fund: \$39 million (\$100 million in FY 2017).

Program Eliminations

- FEMA Continuing Training Grants
- FEMA National Domestic Preparedness Consortium (NDPC)
- FEMA Countering Violent Extremism (CVE)/Complex Coordinated Terrorist Attack (CCTA) Grants
- FEMA Emergency Food and Shelter Program
- TSA Law Enforcement Officer Reimbursement Program
- Flood Hazard Mapping and Risk Analysis Program

Policy Highlights

Sanctuary Jurisdictions

Through the DHS budget, the President proposes to make significant changes to 8 U.S.C. 1373 (Section 1373), which covers state and local jurisdiction communications with federal immigration officials. Noncompliance to Section 1373 has been identified as the threshold for designation as a "sanctuary city." The President's proposal covers communication with all of DHS (as opposed to just the Immigration and Naturalization Service, under current law) and proposes to: expand the scope of activities and information under Section 1373; require 48-hour detention or prior notice of release under detainer request; and condition Department of Justice (DOJ) and DHS grants on compliance with Section 1373. *Additional information and analysis will be sent under separate cover.*

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Funding

The President's FY 2018 Budget Request seeks \$40.7 billion for the Department of Housing and Urban Development (HUD), which is estimated to be a 14 percent decrease from the FY 2017 funding level. The President's Budget Request follows the previewed "Skinny Budget" by proposing eliminations of programs, such as the Community Development Block Grant, the HOME program, and others, in keeping with the President's philosophy of devolving community and economic development activities to the state and local level, and redirecting federal resources to other activities. The Budget Request also calls for the elimination of the National Housing Trust Fund (HTF), which is funded through a small fee on Fannie Mae and Freddie Mac. Instead, the Budget Request allows the HUD Secretary to direct these resources to offset the cost of salaries, contract expenses, and technology improvements at the Federal Housing Administration.

The budget includes several provisions impacting rent policy in public housing that give the HUD Secretary the authority to:

- Increase a tenant's rent contributions from the current standard of 30 percent of their income to 35 percent.
- Increase the minimum monthly rent for tenants to \$50 and prohibits tenants from receiving utility reimbursements used to cover heat and water.

It provides flat funding for the Office of Fair Housing and Equal Opportunity.

The Budget Request also eliminates funding for the U.S. Interagency Council on Homelessness.

- Tenant-Based Rental Assistance (Section 8): \$19.3 billion (\$20.3 billion in FY 2017).
 - Voucher Renewals: \$17.6 billion (\$18.4 billion in FY 2017).
 - Tenant Protection Vouchers: \$60 million (\$110 million in FY 2017).
 - HUD-VASH Vouchers: No funds are proposed for this program except for \$7 million for the Tribal HUD-VASH program for Native American veterans (\$40 million in FY 2017).
 - Section 811 Vouchers: \$121 million (\$146 million in FY 2017).
- Public Housing Capital Fund: \$628 million (\$1.94 billion in FY 2017).
- Public Housing Operating Fund: \$3.9 billion (\$4.4 billion in FY 2017).
- Housing Opportunities for Persons with AIDS: \$330 million (\$336 million in FY 2017).
- Homeless Assistance Grants: \$2.25 billion (\$2.4 billion in FY 2017).
 - Emergency Solutions Grants (ESG): \$255 million (\$310 million in FY 2017).
 - Continuum of Care and Rural Housing Sustainability Assistance Program: \$1.98 billion (\$2 billion in FY 2017).
 - National Homeless Data Analysis Project: \$7 million (\$7 million in FY 2017).
- Office of Lead Control and Healthy Homes: \$130 million with \$100 million for Lead Hazard Control Program, \$25 million for Healthy Homes, \$5 million for technical studies (\$145 million in FY 2017).
- Project-Based Rental Assistance: \$10.7 billion (\$10.4 billion in FY 2017).
- Housing for the Elderly: \$510 million (\$502 million in FY 2017).

- Housing for Persons with Disabilities: \$121 million (\$146 million in FY 2017).
- Housing Counseling Assistance: \$47 million (\$55 million in FY 2017).

Program Eliminations

- Community Development Block Grant
- Home Investment Partnerships Program
- Choice Neighborhoods
- Self-help Homeownership Opportunity Program
- Section 4 Capacity Building for Community Development and Affordable Housing

Policy Highlights

- The proposed FY 2018 Budget Request serves as a starting point as the Administration works toward a more comprehensive package of rental assistance and other housingoriented reforms. The proposals include increased tenant rent contributions, the establishment of mandatory minimum rents, and the end of utility allowance reimbursements, among others.
- In eliminating the Home Investment Partnerships Program (HOME), the proposal states that HUD will continue to administer the program until all existing grant funds are disbursed and closed. There are currently \$2.9 billion of undisbursed HOME funds from 2016 and earlier years. HUD will also oversee projects assisted with HOME grants until the end of their affordability periods (projects are required to remain affordable for as long as 20 years from the date of completion).
- The Budget Request proposes two legislative changes to Homeless Assistance Grants: 1) allow Continuum of Care (CoC) grantees to receive one-year transition grants, which better allow projects to maintain service to program participants as those projects transition from one CoC program component to another (e.g., from transitional housing to permanent supportive housing); and 2) allow CoC grant recipients to count program income toward meeting matching requirements.

Funding

The President's FY 2018 Budget Request seeks \$11.7 billion for the U.S. Department of the Interior. President Trump prioritizes American energy production on federal lands and national security.

Funding highlights:

- Bureau of Reclamation, Water, and Related Resources: \$960 million (\$1.156 billion in FY 2017).
- National Park Service: \$2.25 billion (\$2.9 billion in FY 2017).
 - Historic Preservation Fund: \$51.1 million (\$80.91 million in FY 2017).
 - Payments in Lieu of Taxes (PILT): \$398.8 million (\$465 million in FY 2017).

Program Eliminations

The FY 2018 Budget Request recommends permanent cancellation of the Land and Water Conservation Fund, which was funded at \$400 million in FY 2017. The FY 2018 Budget Request reallocates these funds to various Interior programs and missions.

Policy Highlights

- Wildland Fire Prevention and Preparedness: \$3.38 billion, which includes funding from the Department of Interior and Department of Agriculture.
- Bureau of Reclamation, Water and Related Resources: The FY 2018 Budget Request notes the significant water challenges in the American West. To address these challenges, the Budget Request recommends a water conservation program, which includes cost-shared grants for conservation and water and energy management improvement projects, basinwide planning studies that will evaluate and address water supply and demand factors, cooperative watershed management, and funding of water reuse and recycling projects.

DEPARTMENT OF JUSTICE

Funding

The President's FY 2018 Budget Request seeks \$27.7 billion for the Department of Justice (DOJ), a \$1.3 billion decrease from FY 2017. The President's Budget Request focuses on national security, immigration enforcement, and combating violent crime. The President identifies combatting cyberattacks, the opioid crisis, and Transnational Criminal Organizations as major priorities for the administration.

The Budget Request seeks reductions to some grant programs and prison costs to increase spending to combat violent crime and enforce immigration law. This includes the elimination of \$210 million for the State Criminal Alien Assistance Program (SCAAP). The Budget Request proposes to cancel or redirect \$888 million in prison construction funding in order to focus on other law enforcement priorities, such as immigration and violent crime.

Funding highlights:

- State and Local Law Enforcement Grants: \$940.5 million (\$1.27 billion in FY 2017).
- Byrne Memorial Justice Assistance Grants (JAG): \$332.5 million (\$403 million in FY 2017).
- Victims of Trafficking: \$45 million (\$45 million in FY 2017).
- Second Chance/Offender Reentry: \$48 million (\$68 million in FY 2017).
- Comprehensive School Safety Initiative: \$20 million (\$50 million in FY 2017).
- Community Teams to Reduce the Sexual Assault Kit Backlog: \$45 million (\$45 million in 2017).
- Cyber Crime Prevention: \$11 million (\$13 million in FY 2017).
- Community Trust Initiative: \$42.5 million (\$65 million in FY 2017).
- Community Oriented Policing Services (COPS): \$218 million (\$221.5 million in FY 2017).
- Office of Violence Against Women Prevention and Prosecution Programs: \$480 million (\$481.5 million in FY 2017).
- STOP Grants: \$215 million (\$215 million in FY 2017).
- Transitional Housing Assistance: \$30 million (\$30 million in FY 2017).
- Grants to Encourage Arrest Policies: \$51 million (\$53 million in FY 2017).
- Sexual Assault Services: \$35 million (\$35 million in FY 2017).
- Juvenile Justice Programs: \$229 million (\$247 million in FY 2017).
- Part B Formula Grants: \$55 million (\$53 million in FY 2017).
- Youth Mentoring: \$58 million (\$80 million in FY 2017).
- Assets Forfeiture Fund: \$21.4 million (\$20.5 million in FY 2017).

New Programs and Enhancements

• \$19 million to support the implementation of recommendations of the "Task Force on Crime Reduction and Public Safety."

- \$70 million for a new "Project Safe Neighborhoods (PSN) Block Grants," designed to create safer neighborhoods through sustained reductions in gang violence and gun crime.
- \$41.5 million for the Federal Bureau of Investigation's (FBI) cyber security capabilities, including hiring an additional 20 agents focused on cybercrime.
- \$19.7 million to hire 50 agents focused on foreign intelligence and insider threats.
- \$8.2 million to support surveillance operations and an additional 78 agents focused on physical surveillance.
- \$61 million for U.S. Attorneys, which includes \$20 million for 300 new Assistant U.S. Attorneys nationwide to increase the prosecution of violent criminals.
- \$79 million for the Executive Office of Immigration Review (EOIR), including 75 new immigration judges, 40 deputy U.S. Marshals, 12 attorneys focused on securing land along the U.S. Southern border, and 15 attorneys for civil immigration litigation assistance.
- \$8.9 million to enhance FBI firearm background checks.
- \$20 million for opioid training, enforcement, and drug disposal.
- \$20 million for the COPS Hiring Program.

Program Eliminations

• State Criminal Alien Assistance Program (SCAAP)

DEPARTMENT OF LABOR

Funding

The President's FY 2018 Budget Request for the Department of Labor (DOL) provides \$9.7 billion in discretionary funding, down from \$12.1 billion in FY 2017. The Trump Administration says the DOL Budget Request prioritizes programs that provide a good return for taxpayers and serve the most critical functions, while consolidating or eliminating duplicative or ineffective programs.

As expected, the Budget Request includes deep cuts for worker training programs. Workforce Innovation and Opportunity Act (WIOA) programs dedicated to adult employment, youth activities, and dislocated workers would face cuts of 39 percent. Apprenticeship grants would be cut from \$95 million to \$89.8 million. DOL programs dedicated to the employment and training of veterans would remain at \$279 million.

The Migrant and Seasonal Farmworker Training program (also known as the National Farmworker Jobs Program) and the Senior Community Service Employment Program, which transitions seniors into unsubsidized employment, would be eliminated entirely. The Budget Request also calls for the closure low-performing Job Corps centers that "do a poor job of educating and preparing disadvantaged youth for jobs or where it does not make economic sense to keep the center open," which would save an estimated \$237.5 million.

Funding Highlights:

- Employment and Training Services: \$2.1 billion in discretionary funding (\$3.3 billion in FY 2017).
 - Adult Employment and Training: \$490.4 million (\$815 million in FY 2017);
 - Youth Activities: \$523.7 million (\$873 million in FY 2017);
 - Dislocated Workers: \$732.5 million (\$1.2 billion in FY 2017);
 - Native American Programs: \$49.9 million (\$50 million in FY 2017);
 - Migrant and Seasonal Farmworker Programs: \$0 (\$81.9 million in FY 2017); and
 - Youthbuild: \$84.4 million (\$84.5 million in FY 2017).
- Veterans Employment and Training: \$279.6 million (\$279 million in FY 2017).
 - Transition Assistance Program: \$16.1 million (\$14.6 million in FY 2017); and
 - Homeless Veterans Reintegration Program: \$45.03 million (\$50 million in FY 2017).
- Job Corps: \$1.5 billion (\$1.7 billion in FY 2017).
- Reintegration of Ex-Offenders (RExO): \$77.1 million (\$88 million in FY 2017).

Program Eliminations

- Migrant and Seasonal Farmworker Training program (also known as the National Farmworker Jobs Program)
- OSHA Susan Harwood Training Grant Program
- Senior Community Service Employment Program

Program Reductions

- Bureau of International Labor Affairs (ILAB) Grant funding eliminated
- Office of Disability Employment Policy (ODEP)
- Workforce Innovation and Opportunity Act (WIOA) Titles I And III Formula Programs (Adult, Youth, Dislocated Workers, Employment Service)

Policy Highlights

- Paid Family Leave. The Budget Request includes a proposal that would establish a paid parental leave benefit program within the current unemployment insurance program. The program would provide six weeks of benefits for mothers, fathers, and adoptive parents. The program would cost an estimated \$20 billion over 10 years, but would not begin until 2020. The program would be paid for through reforms to the current unemployment insurance program.
- Reemployment Services and Eligibility Assessments. The Budget Request includes a request for \$130 million (a \$15 million increase) to expand Reemployment Services and Eligibility Assessments (RESEA), which the Administration says saves an average of \$536 per unemployment insurance claimant. Beginning in 2019, the budget proposes mandatory funding to allow states to provide RESEA to one-half of eligible claimants and all claimants receiving unemployment compensation for ex-servicemen.
- Bureau of International Labor Affairs. The Budget Request calls for a \$67 million reduction for ILAB. The cuts come from the elimination of ILAB's grant funding, which is used for, among other things, combating child labor and promoting worker rights internationally.
- OSHA Harwood Training Grant Program. The Budget Request calls for the elimination of the OSHA Susan Harwood's Training Grant Program for a savings of \$11 million per year. The program provides competitive grants to nonprofits that develop and conduct occupational safety and health training programs.

DEPARTMENT OF TRANSPORTATION

Funding

FAST Act

The President's FY 2018 Budget Request proposes the same obligation levels for highway and transit formula programs financed from the Highway Trust Fund (HTF) as in the Fixing America's Surface Transportation (FAST) Act. Most of the highway and transit programs in the FAST Act, which authorized \$305 billion over FY 2016-2020, are contract authority funded from the HTF and therefore not subject to appropriations.

The President's FY 2018 Budget Request seeks:

- Federal Transit Administration:
 - Capital Investment Grants (New Starts/Small Starts): \$1.23 billion (\$2.41 billion in FY 2017). This would be a dramatic cut from the FAST Act authorized level of \$2.3 billion for FY 2018. The Department of Transportation's Budget Highlights document notes that a list of Capital Investment Grants projects will be provided separately.
 - Washington Metropolitan Area Transit Authority (WMATA): \$149.7 million (\$150 million in FY 2017).
- Federal Railroad Administration:
 - Amtrak: \$760 million (\$1.5 billion in FY 2017). As noted below, the President's FY 2018 Budget Request proposes to significantly reduce funding for Amtrak and terminate federal support for long-distance services to focus on the Northeast Corridor and state-supported services.
 - Safety and Operations: \$199 million (\$218.3 million in FY 2017).
 - Research and Development: \$39.1 million (\$40.1 million in FY 2017).
- National Highway Traffic Safety Administration:
 - Operations and Research: \$301.5 million (\$325.98 million in FY 2017).
 - Highway Traffic Safety Grants: \$597.63 million (\$585.37 million in FY 2017).
- Office of the Secretary:
 - Research and Technology: \$8.47 million (\$13 million in FY 2017).
 - Cyber Security Initiative: \$10 million (\$15 million in FY 2017).
- TIGER Grants: \$0 (\$500 million in FY 2017). As noted below, the President's FY 2018 Budget Request proposes to eliminate the TIGER grant program.

Aviation

The Budget Request includes \$16.1 billion for the Federal Aviation Administration (FAA), a reduction from \$16.4 billion in FY 2017. The President's FY 2018 Budget Request also includes a proposal to reform the air traffic control (ATC) system and transfer ATC system responsibilities to a non-governmental, non-profit corporation.

- Federal Aviation Administration: \$16.1 billion (\$16.4 billion in FY 2017).
 - Grants-in-Aid for Airports: \$3.35 billion (\$3.35 billion in FY 2017).
 - Facilities and Equipment: \$2.77 billion (\$2.86 billion in FY 2017).

- Operations: \$9.89 billion (\$10.03 billion in FY 2017).
- Research, Engineering, and Development: \$150 million (\$176.5 million in FY 2017).
- Contract Tower Program: \$181 million (\$159 million in FY 2017).
- Essential Air Service: \$0 in discretionary funding (\$150 million in FY 2017). The President's FY 2018 Budget Request proposes to eliminate discretionary funding for the EAS program; the FY 2018 Budget Request anticipates there will be \$119 million in mandatory overflight fee funding for EAS (\$104 million of mandatory overflight fee funding in FY 2017).

Program Eliminations and Reductions

- Capital Investment Grants (New Starts/Small Starts). The President's FY 2018 Budget Request proposes to significantly reduce funding for the New Starts/Small Starts program, which is funded from the General Fund, and only provide funding to projects with existing full funding grant agreements (FFGAs). The FY 2018 Budget Request would reduce funding from \$2.41 billion in FY 2017 to \$1.23 billion in FY 2018. The Budget Request states that future investments in new transit projects should be funded by the localities that use and benefit from the localized projects. Additionally, the Budget Request notes that several major metropolitan areas have successfully passed ballot initiatives, with the support of local residents, to provide multi-billion dollar bond measures for transit and highway projects. The same proposal was suggested by the Obama Administration for FY 2017, but Congress did not adopt it.
- Transportation Investment Generating Economic Recovery (TIGER) Grants. The President's FY 2018 Budget Request proposes to eliminate the TIGER grant program. The FY 2018 Budget Request notes that many of the projects under the TIGER grant program are eligible under existing formula programs, and suggests that the FASTLANE grant program better funds projects with national or regional benefits. The same proposal was suggested by the Obama Administration for FY 2017, but Congress did not adopt it.
- Essential Air Service (EAS). The President's FY 2018 Budget Request proposes significant
 reforms to the EAS program, including eliminating discretionary funding for the program and
 focusing remaining resources on remote communities in most need of support. The FY 2018
 Budget Request notes that several EAS eligible communities are located relatively close to
 major airports and that the Department of Transportation has routinely provided waivers for
 airports that do not meet eligibility criteria.
- Amtrak. The President's FY 2018 Budget Request proposes to significantly reduce funding for Amtrak and terminate federal support for long-distance services to focus on the Northeast Corridor and state-supported services. The FY 2018 Budget Request would reduce grants for Amtrak from \$1.5 billion in FY 2017 to \$760 million in FY 2018.

Policy Highlights

Infrastructure Proposal:

The President's FY 2018 Budget Request also proposes \$5 billion in funding in FY 2018 to begin a 10-year plan to spend \$200 billion to promote \$1 trillion in infrastructure investment. In addition to the \$200 billion in direct federal funding, the \$1 trillion investment will include incentivized non-federal funding and expedited projects that would not have happened if not for the Administration's involvement.

A fact sheet distributed with the President's FY 2018 Budget Request lists four key principles that will guide the Administration's infrastructure proposal:

- Make Targeted Federal Investments. Proposes focusing federal funding on projects that address high-priority problems to a region or the nation, or projects that provide long-term changes to how infrastructure is designed, built, and maintained.
- Encourage Self-Help. Provide support for states, tribes, and localities that raise their own dedicated revenues for infrastructure.
- Align Infrastructure Investment with Entities Best Suited to Provide Sustained and Efficient Investment. Look for opportunities to appropriately divest from certain functions when the private sector could deliver the services more efficiently and disposing of underused capital assets so they can be put to their highest and best use.
- Leverage the Private Sector. Pursue public-private partnerships to capture valuable benefits through better procurement methods, market discipline, and a long-term focus on maintaining assets.

The fact sheet notes that the Administration included the following proposals as part of its FY 2018 Budget Request:

- Air Traffic Control Corporatization. Proposes to create a non-governmental, non-profit corporation to take responsibility for operation of the air traffic control (ATC) system, which the Administration states will result in a more efficient airspace while maintaining safety.
- Increase Infrastructure Flexibility at VA. Proposes to expand VA's authority to lease out vacant assets, encourage public-private partnerships, and reduce barriers to acquisitions contracting, and disposals.
- Divestiture of the Power Marketing Administration's (PMA's) Transmission Assets. Proposes to lease PMA's transmission infrastructure assets to more efficiently allocate economic resources and relieve pressures on the federal deficit.
- Reform the laws governing the Inland Waterways Trust Fund. Proposes reforming the Inland Waterways Trust Fund and establishing a fee to increase the amount paid by commercial users to finance future capital investments in these waterways.

The fact sheet notes that the Administration will pursue the following illustrative proposals as part of its Infrastructure Initiative:

- Expand the TIFIA Program. Proposes substantially increase funding for the TIFIA surface transportation credit assistance program, proposing \$1 billion annually for each of the next 10 years to cover the subsidy costs of TIFIA credit assistance. The Administration also proposes to expand TIFIA eligibility, although such expansion is undefined.
- Lift the Cap on Private Activity Bonds and Expand Eligibility. To date, \$11.2 billion in highway and surface freight transfer facility private activity bonds have been issued for 23 projects, providing tax-exempt financing to projects with significant private sector support. The Administration proposes to remove the \$15 billion cap on these private activity bonds and to expand PAB eligibility.
- Incentivize Innovative Approaches to Congestion Mitigation. Provide incentives to localities
 to think outside the box to solve congestion challenges, such as by providing competitive
 grants to urbanized areas that institute several congestion solutions including congestion
 pricing, enhanced transit services, increased telecommuting and flex scheduling, and the
 deployment of advanced technology.
- Liberalize Tolling Policy and Allow Private Investment in Rest Areas. Reduce the restriction on tolling interstate highways to allow states to consider the merits of tolling their assets. Allowing the private sector to construct, operate, and maintain interstate rest areas.
- Fund the WIFIA Program. Provide funding for the Water Infrastructure Finance and Innovation Act (WIFIA) program to leverage private investments in large drinking water and wastewater infrastructure projects.

 Encourage the Use of Army Corps of Engineers Contributed/Advanced Funding Authorities. Leverage the Army Corps' authorities to enter into agreements with non-federal sponsors for infrastructure projects.

The fact sheet notes that the Administration will pursue the following new Federal Tools as part of its Infrastructure Initiative. These tools address the inability of federal cash budgeting to give appropriate weight to the long-term benefits of infrastructure investment.

- Federal Capital Revolving Fund. The Administration is developing a proposal to establish a revolving fund to finance federally-owned capital assets. The Fund would help address the underinvestment in capital assets driven in part due to the large upfront costs of such procurements; the Fund would be capitalized through annual appropriations.
- Partnership Grants for Federal Assets. The Administration is also developing a proposal to offer federal grants to private investors in infrastructure that build/improve a federal facility for the federal government in exchange for the right to retain revenue from activities associated with the facility.

The fact sheet also notes that the Administration will pursue Environmental Review and Permitting Process Enhancements to reduce the costs associated with the current fragmented and inefficient patchwork of requirements:

- Improving Environmental Performance. Proposes pilot programs to address the inefficiencies of the current process that result in too much time and too many resources dedicated to time-intensive analyses that do not necessarily improve the environment.
- Accountability. Proposes to establish tools to track and measure the performance of agencies and to begin holding agencies accountable.
- One Federal Decision. Proposes designating a single agency with responsibility for shepherding each project through the review and permitting process to increase efficiency and reduce delay.
- Unnecessary Approvals. Proposes giving the responsibility for infrastructure permitting to state and local officials where appropriate.
- Judicial Reform. Proposes limiting needless environmental litigation in the review and permitting process.

DEPARTMENT OF THE TREASURY

The President's FY 2018 Budget for the Department of Treasury (Treasury) requests \$11.2 billion for its operating bureaus and \$1.5 billion for its international programs.

The request prioritizes national security and cybersecurity programs, while requiring the majority of Treasury's other programs to achieve savings through efficiencies. The Budget continues to fund core tax administration functions at the Internal Revenue Service (IRS), but proposes for the agency to utilize technology, training, and internal efficiencies to manage a two percent reduction in funding.

Program Eliminations

Community Development Financial Institutions (CDFI) Fund grants

Policy Highlights

One of the more notable highlights of the Budget is something that is absent for FY 2018: Treasury did not release the Green Book to accompany the President's Budget – a departure from normal procedure, which could indicate that the White House is indeed working with Congress to deliver a unified tax reform proposal and thus wants to be in lockstep with tax writers.

That said, the President did include in the Budget many of his high-level tax reform principles released earlier this year, which are intended to "simplify the tax Code and provide tax relief." In putting out its Budget, it is notable that the Administration assumes deficit neutral tax reform.

The Administration's core principles, which will inform its participation in the tax reform debate, include:

Individual Tax Reform:

- Lower rates
- An expanded standard deduction
- Continuation of tax incentives for homeownership, charitable giving, and retirement saving
- Elimination of the alternative minimum tax (AMT)
- Repeal of the 3.8 percent surcharge on capital gains and dividends mandated by the Affordable Care Act
- Elimination of the Estate Tax

Business Tax Reform

- Lower rates
- Elimination of most "special interest" tax credits and deductions
- A transition to a territorial system of taxation, including a one-time repatriation tax on already accumulated overseas income

Beyond tax reform, the Administration is using the Budget to reaffirm its commitment to a "thorough review of the extent to which existing laws, regulations, and other Government policies promote (or inhibit) the Administration's priorities for financial regulation." The Budget assumes \$35 billion in savings as a result from such reforms – including its proposal to restructure the Consumer Financial Protection Bureau (CFPB) and reduce its funding in FY 2018. Similarly, the

Budget also specifically indicates that the Financial Stability Oversight Council (FSOC) will continue to evaluate its nonbank financial company determinations and financial market utility designations.

Funding

The President's FY 2018 Budget requests \$5.65 billion for the Environmental Protection Agency, a decrease of more than \$2.4 billion from \$8.06 billion in FY 2017 funding. This represents a 31 percent cut, the largest proposed cut of any agency, and would result in almost exactly half the budget the agency had in FY 2010.

Budget priorities include "making improvements to drinking water and waste water infrastructure as well as a focusing on cleaning up contaminated land." In addition, efforts are made to highlight the Superfund and Brownfields programs; however, at the same time the budget proposes a reduction of \$330 million and \$11 million respectively for these programs.

The Budget proposes to continue to fund wetlands protection programs and reiterates the agency's commitment to water quality programs to control discharges, while ironically recommending the elimination of the non-point source grant program that was funded at \$165 million in FY 2017.

The budget highlights the State Revolving Funds (SRFs) and Water Infrastructure Finance and Innovation Act (WIFIA) as the key drinking water programs through which funds will flow and points to WIFIA's ability to leverage more funds than the program's size, possibly raising an estimated \$2 billion for total water infrastructure investment.

The budget also touts the discontinuation of funding for the Clean Power Plan, climate change research, and partnership programs and claims more than \$1 billion in program eliminations and programmatic changes at the agency.

Funding Highlights

- Clean Water State Revolving Fund: \$1.39 million (\$1.39 billion in FY 2017).
- Drinking Water State Revolving Fund: \$863 billion (\$863 million in FY 2017).
- WIFIA: \$20 million (\$30 million in FY 2017).
 - \$3 million for administrative expenses; and
 - \$17 million for the subsidy costs of loans and loan guarantees.
- Brownfields Project: \$69 million (\$80 million in FY 2017).

Program Eliminations

Program eliminations total approximately \$1 billion which include:

- State and Tribal Assistance Grants (STAG)
 - Alaska Native Villages Program
 - Infrastructure Assistance: Mexico Border
 - Infrastructure Assistance: Lead Infrastructure (does not eliminate the \$100 million that Congress provided for Flint, MI provided for by P.L. 114-254)
 - Targeted Airshed Grants
- Categorical Grants
 - Beaches Protection

- Multipurpose Grants
- Nonpoint Source (Sec. 319)
- Radon
- Lead
- Pollution Prevention
- Underground Storage Tanks
- Science to Achieve Results Grant Program
- Energy Star Program
- Geographic Programs:
 - Great Lakes Restoration
 - Chesapeake Bay
 - Puget Sound
 - San Francisco Bay
 - South Florida
 - Gulf of Mexico
 - Lake Champlain
 - Long Island Sound
 - Lake Pontchartrain
 - S. New England Estuary (SNEE)
- Clean Air
 - Greenhouse Gas Reporting Program
 - Stratospheric Ozone: Multilateral Fund
- Indoor Air and Radiation
 - Radon Program
 - Radiation Protection
- Information Exchange / Outreach
 - Environmental Education
 - Small Minority Business Assistance
- Homeland Security Critical Infrastructure Protection
- International Programs
 - US Mexico Border
 - Trade and Governance
- Pesticides Licensing
 - Science Policy and Biotechnology
- Resource Conservation and Recovery Act (RCRA)
 - Waste Minimization & Recycling
- Toxics Risk Review and Prevention

- Endocrine Disruptors
- Pollution Prevention Program
- Water: Ecosystems
 - National Estuary Program / Coastal Waterways Program
- Water: Human Health Protection
 - Beach / Fish Programs
- Water Quality Protection
 - Marine Pollution
- Congressional Priorities
 - Congressionally Mandated Projects
 - Water Quality Research and Support Grants
- Enforcement
 - Environmental Justice
 - Superfund: Federal Facilities Enforcement
- Leaking Underground Storage Tank Prevention

Program Reductions

The budget requests reductions in funding for the following areas:

- \$597 million for Categorical Grants. These grants help fund state environmental program offices to implement and enforce federal environmental laws including the Clean Air Act, Clean Water Act and the Safe Drinking Water Act. The budget documents propose to "reduce many of these grants and eliminate others to better focus and prioritize environmental activities on core functions required by Federal environmental laws." The proposed reduction would reduce by half the amount of funding these grants received in FY 2017.
- \$419 million for Enforcement Activities. This is a proposed reduction of approximately \$130 million from FY 2017.
- \$248 million for Research and Development. This is a proposed reduction in funding by approximately one-half the amount for R&D in FY 2017.
- \$762 million for Superfund. This is a reduction approximately \$330 million from FY 2017.
- \$13.5 million for the Greenhouse Gas Reporting Program (Formerly Climate Protection Program). This is a reduction of \$82 million from the FY 2017 amount of \$95 million.
- \$10 million for the Diesel Emissions Reduction Act (DERA) Grant Program. This is a reduction of approximately \$40 million from the FY 2017 amount of \$50 million. This program provides funding entities including local governments to convert older diesel dependent vehicles and fleets to cleaner fuels to achieve emission reductions through engine retrofits and idling reduction programs.

Other notable program reductions include:

• Air and Energy. This program provides scientific information to EPA and Regional Offices to reduce impacts of air pollution. This program is proposed for a reduction of \$50 million.

- Chemical Safety and Sustainability Human Health Risk Assessment and Related Programs. These programs provide scientific assessments for EPA decision-making concerning human health. These programs are proposed for a reduction of approximately \$32 million.
- Sustainable Water and Communities Programs. These research programs protect the health
 of water concerning microbial contaminants and support sustainable communities. These
 programs are proposed to be cut by \$103 million.
- Hazardous Waste Financial Assistance. This program, which seeks to minimize waste generation and hazardous waste, is proposed for a \$30 million reduction.
- Pollution Control (Sec. 106). This program, which provides assistance to states to control groundwater and non-point source pollution, is slated for a nearly \$70 million reduction.
- Public Water System Supervision. The program, which provides grants to states and tribes with primary enforcement authority to implement and enforce the National Primary Drinking Water Regulations, as well as to build system capacity, is proposed for a reduction of \$30 million.
- State and Local Air Quality Management. This program, which funds state pollution control agencies, is targeted for a reduction of nearly \$70 million.
- Tribal General Assistance Program. This program provides grants and technical assistance to tribes to establish environmental protection programs consistent with laws administered by the EPA. This program is proposed to be reduced by \$19.6 million.

Policy Highlights

The budget overall proposes a stark shift in priorities from the last Administration and selected examples that highlight this change include plans to:

- End the Science to Achieve Results (STAR) Grant Program. STAR funds research grants and graduate fellowships in environmental science and engineering disciplines through a competitive solicitation process and independent peer review.
- End the Global Change Research Program. This program develops scientific information to supports policy makers, stakeholders, and society at large as they respond to climate change.
- End the WaterSense Program. WaterSense is a voluntary program to label water-efficient products as a resource for helping to reduce water use.
- Terminate the Office of Public Engagement. This Office is used to coordinate EPA programs to promote environmental literacy.
- Terminate Energy Star and voluntary climate programs. Even while citing the popularity for these programs, the budget documents declare that "these programs are not essential to EPA's core mission and can be implemented by the private sector."
- Reduce Civil Enforcement. This program is responsible for ensuring compliance with 12 major environmental statutes for approximately 40 million regulated federal and private entities. This program is proposed for a reduction of \$31 million.

US ARMY CORPS OF ENGINEERS

Funding

The President's FY 2018 Budget Request provides significantly less funding for the Army Corps of Engineers (ACOE) than in FY 2017. The FY 2018 Budget Request supports construction for commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration projects. Funding for facilities under the Dredged Material Disposal Facilities program is funded by the Harbor Maintenance Trust Fund and Inland Waterways Trust Fund. The FY 2018 Budget Request also recommends investment in sustainable and resilient coastal management.

- ACOE: \$5 billion (\$6.03 billion in FY 2017).
 - Investigations: \$86 million (\$121 million in FY 2017);
 - Construction: \$1.02 billion (\$1.88 billion in FY 2017);
 - Operation and Maintenance: \$3.1 billion (\$3.15 billion in FY 2017);
 - Harbor Maintenance Trust Fund: \$965 million (\$1.3 billion in FY 2017); and
 - Inland Waterways Trust Fund: \$26 million (\$75.3 million in FY 2017).

OTHER AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

The President's FY 2018 Budget Request proposes to eliminate the Corporation for National and Community Service (CNCS), which administers funding for national service programs such as AmeriCorps and SeniorCorps.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Funding

The President's FY 2018 Budget Request seeks \$19.1 billion for the National Aeronautics and Space Administration (NASA), a \$600 million decrease from FY 2017.

The Budget Request focuses on U.S. leadership in space exploration, technology, and aeronautics research. The Budget Request is designed to support the development of technology for future space missions and enhance public-private partnerships for service to the International Space Station.

Funding Highlights

- Requests \$1.9 billion for Planetary Science, including the continuation of the Mars 2020 rover and the formulation of a mission to Jupiter's moon Europa.
- Requests \$1.8 billion for Earth Science, including the continuation of Landsat record for global land-imaging measurements.
- Requests \$816 million for Astrophysics and support for the Hubble Space Telescope.
- Continues the development of 30 missions and operation of over 60 missions producing leading-edge science.
- Funds 10,000 U.S. scientists in universities, industry, and government labs through over 3,000 competitive research awards.
- Increases funding to strengthen cybersecurity.
- Advances aeronautics research focused on the efficiency of the air transportation system and enabling the use of commercial Unmanned Aircraft Systems (UAS).

Program Eliminations

- Office of Education;
- Plankton, Aerosol, Cloud, Ocean Ecosystems (PACE);
- Radiation Budget Instrument (RBI);
- Orbiting Carbon Observatory (OCO-3);
- Deep Space Climate Observatory (DSCOVR);
- Earth-viewing Instruments;
- Climate Absolute Radiance and Refractivity Observatory (CLARREO) Pathfinder

NATIONAL SCIENCE FOUNDATION

The President's FY 2018 Budget Request seeks \$6.65 billion for the National Science Foundation (NSF), a decrease of \$850 million from FY 2017.

The Budget Request is designed to ensure NSF identifies the most innovative and promising fundamental research to drive the U.S. economy, support national security, and maintain U.S. global leadership in science, technology, engineering, and mathematics (STEM).

The Budget Request seeks \$5.4 million for research and related activities, including \$500 million for polar research and operations support.

NSF anticipates evaluating over 50,000 proposals in FY 2018, and making nearly 11,000 awards, including 8,000 new research grants.

Policy Highlights

The following are identified as areas of priority for NSF research:

- Biological Sciences
- Computer and Information Science and Engineering
- Engineering
- Geosciences
- Mathematical and Physical Sciences
- · Social, Behavioral, and Economic Sciences
- Office of International Science and Engineering
- Office of Polar Programs
- Integrative Activities
- U.S. Arctic Research Commission

CYBERSECURITY

Funding

The Administration has prioritized addressing cybersecurity challenges by increased funding across multiple departments and agencies in its FY 2018 Budget Request. A White House summary of the Budget Request notes: "Bad actors must not be allowed to use the internet to perpetrate crimes and threaten our security. These crimes affect our largest companies, impact millions of people at a time, damage our small businesses, and affect our national security."

The Administration remains committed to: providing the necessary cyber workforce; upgrading technology and systems to prevent cyber intrusions; and sharing information standards and best practices with critical infrastructure and American business to keep them secure. The proposal does not include a government-wide cybersecurity line item.

DHS Budget Proposal

The Department of Homeland Security's (DHS) budget would allocate \$971.3 million in funding for cybersecurity initiatives¹, which includes:

- \$279 million for the Continuous Diagnostics and Mitigation (CDM) program, which provides hardware, software, and services to support activities that strengthen the operations security of federal civilian ".gov" networks.
- \$397.2 million for the National Cybersecurity Protection System ("EINSTEIN") to continue deploying new intrusion prevention, information sharing, and analytic capabilities to federal civilian departments and agencies.
- \$56.5 million for Next Generation Networks (NGN) to maintain the number of wireless carriers deploying Priority Telecommunications Services.
- An increase of \$49.2 million for the National Cybersecurity and Communications Integration Center to execute new authorities under the Federal Information Security Modernization Act.

DOJ Budget Proposal

The Department of Justice's budget focuses on increasing law enforcement capabilities with respect to cyber incidences, particularly "program enhancements" within the FBI:

- \$98.5 million is allocated to address: (1) domestic and foreign terrorism; (2) intelligence collection and analysis; (3) cybercrime; and (4) investigative and law enforcement technology.
- \$41.5 million would go toward hiring 36 positions, 20 of which are agents to help the FBI to defeat cyber intrusion threats.
- \$21.6 million is allocated to counter the threat of Going Dark, which includes the inability to access data because of challenges related to encryption, mobility, etc.

The FBI would also receive \$11 million for a program that trains state and local police forces to address cyber issues.

Consistent with the *Presidential Executive Order on Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure* (May 11, 2017).

DOD Budget Proposal

The Department of Defense's budget seeks to boost investments in military technology, including cyberspace operations. The Pentagon is seeking \$13.2 billion in Science & Technology (S&T) investments, an increase from the \$12.6 billion FY 2017 funding level. The S&T funds would allocate \$45 million for the Defense Innovation Unit Experimental, a new initiative intended to help the Pentagon to access cutting-edge technology around the country, including cybersecurity tools.

The Pentagon also remains focused on continuing the process to elevate U.S. Cyber Command to its own unified command. The Budget Request would allocate \$393 million to Cyber Command. The FY 2017 budget request did not have a breakout number for the cyber unit.

OFFICE OF THE U.S. TRADE REPRESENTATIVE (USTR)

Funding

The President's FY 2018 Budget Request seeks \$59 million for the Office of the U.S. Trade Representative (USTR), a 5.3 percent increase above FY 2017. It also proposes \$88.5 million in funding (a 9.9 percent increase) for the International Trade Administration's Enforcement and Compliance program at the Department of Commerce for additional staff to investigate and potentially self-initiate antidumping duty and countervailing duty investigations.

The Budget Request proposes winding down operations of several trade promotion and development related agencies, including the Overseas Private Investment Corporation and the U.S. Trade and Development Agency, suggesting the work of these bodies is best left to the private sector. It maintains the Export-Import Bank, authorizing funding for administrative expenses out of expected receipts and directing the return of any excess funds collected to the Department of the Treasury.

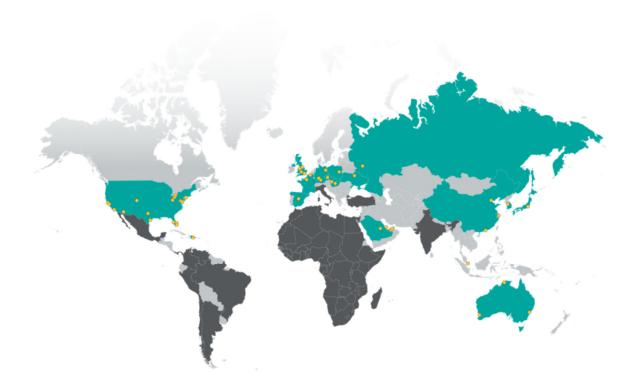
Program Eliminations

- Overseas Private Investment Corporation
- U.S. Trade and Development Agency
- African Development Foundation
- Inter-American Foundation

Policy Highlights

The President's FY 2018 Budget Request seeks authority from Congress to undertake a new round of Base Realignment and Closures (BRAC) in 2021. It notes that the Pentagon estimates it has approximately 20 percent in excess infrastructure and that a 2021 BRAC round could generate at least \$2 billion in annual savings by 2027.





Offices					Regional Desks & Alliances	
Abu Dhabi	Columbus	Leeds	Paris	Sydney	Africa	Israel
Beijing	Dallas	London	Perth	Tampa	Argentina	Italy
Berlin	Darwin	Los Angeles	Phoenix	Tokyo	Brazil	Mexico
Birmingham	Denver	Madrid	Prague	Warsaw	Chile	Panamá
Böblingen	Doha	Manchester	Riyadh	Washington DC	Colombia	Peru
Bratislava	Dubai	Miami	San Francisco	West Palm Beach	Cuba	Turkey
Brussels	Frankfurt	Moscow	Santo Domingo		India	Venezuela
Budapest	Hong Kong	New York	Seoul			
Cincinnati	Houston	Northern Virginia	Shanghai			
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Leon County Board of County Commissioners

Notes for Agenda Item #12

Leon County Board of County Commissioners

Agenda Item #12

June 20, 2017

To: Honorable Chairman and Members of the Boa[†]d

From: Vincent S. Long, County Administrator

Title:Bid Award to Oglesby Construction, Inc. for Installation and Maintenance of
Striping and Pavement Markings

Review and Approval:	Vincent S. Long, County Administrator	
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Tony Park, P.E., Public Works Director	
Lead Staff/ Project Team:	Dale Walker, Director of Operations Andrew Riley, Transportation Superintendent	

Statement of Issue:

This agenda item seeks the Board's approval of a continuing services agreement with Oglesby Construction Inc. for the installation and maintenance of striping and pavement markings.

Fiscal Impact:

This item has a fiscal impact. The contract is for a continuing services agreement with Oglesby Construction, Inc. The estimated total cost is \$492,642. Funding is available in the proposed FY18 Capital Improvement Program for Arterial & Collector Roads Pavement Markings.

Staff Recommendation:

Option #1: Approve the bid award to Oglesby Construction, Inc. for the installation and maintenance of striping and pavement markings (Attachment #1), and authorize the County Administrator to execute.

Title: Bid Award to Oglesby Construction, Inc. for Installation and Maintenance of Striping and Pavement Markings

June 20, 2017 Page 2

Report and Discussion

Background:

As part of the County's Resurfacing Program, the Leon County Public Works, Division of Engineering Services is responsible for the installation of striping and pavement markings on newly resurfaced County-maintained arterial roads. Additionally, as part of paved road maintenance, the Leon County Public Works, Division of Operations is responsible for maintenance of striping and pavement markings on the County's arterial and collector roads.

In FY 2006, the Division of Operations joined with the Division of Engineering Services in performing its striping and pavement marking activities through contractual services. In an effort to increase efficiency, it was determined that a joint contract to serve both the Divisions of Engineering Services and Operations was the best approach. Over the life of the previous contract, an average of \$411,000 has been spent annually.

Analysis:

The Invitation to Bid for the installation of striping and pavement markings was advertised on Procurement Connect April 20, 2017, and locally on April 25, 2017. A total of 18 vendors requested bid packages. The County received two bids on May 18, 2017.

The lowest responsive/responsible bidder was Oglesby Construction which submitted a totaled unit price of \$492,642 for the project. Due to the limited possibilities for sub-contracting, in accordance with County MWSBE policy, the Office of Economic Vitality's MWSBE Division advised that no aspirational targets be included as part of the bid process. However, consistent with policy, each respondent was strongly encouraged to secure MBE and WBE participation through the purchase of goods or services from MWSBE's, when opportunities are available.

The Contract will be administered jointly by the Divisions of Engineering Services and Operations. However, each Division shall be responsible for the management and budgeting of its respective projects. This is a unit pricing contract which runs for a period of two years with three additional one-year extensions. The contract will be utilized as necessary for both Operations and Engineering projects and will not exceed amounts budgeted annually.

Options:

- 1. Approve the bid award to Oglesby Construction, Inc. for the installation and maintenance of striping and pavement markings (Attachment #1), and authorize the County Administrator to execute.
- 2. Do not approve bid award to Oglesby Construction, Inc. for the installation and maintenance of striping and pavement markings.
- 3. Board direction.

Recommendation:

Option #1.

Title: Bid Award to Oglesby Construction, Inc. for Installation and Maintenance of Striping and Pavement Markings

June 20, 2017 Page 3

Attachments:

- 1. Agreement with Oglesby Construction, Inc.
- 2. Striping and Pavement Markings Bid Tabulation Sheet

AGREEMENT

THIS AGREEMENT, by and between LEON COUNTY, FLORIDA, a charter county and a political subdivision of the State of Florida, hereinafter referred to as the "County" and OGLESBY CONSTRUCTION, INC., hereinafter referred to as the "Contractor."

WHEREAS, the County has determined that it would be in the best interest of the citizens of Leon County, Florida, that the County be able to utilize the services of private persons when such services cannot be reasonably provided by the County; and

WHEREAS, the County has determined that it would be better to contract for these services than to hire the necessary personnel to satisfy the needs of the County: and

WHEREAS, in order to secure the lowest cost for these services, the County has sought and received competitive bids from contractor for such services.

NOW, THEREFORE, the parties hereto agree as follows:

1. SERVICES TO BE PROVIDED

The Contractor hereby agrees to provide to the County with services in accordance with the scope, terms, and conditions as listed in the Invitation to Bid # BC-05-18-17-39, Installation and Maintenance of Pavement Striping and Markings, which is attached hereto and incorporated herein as Exhibit A, to the extent that it is not inconsistent with this Agreement; and 2) the Contractor's bid submission which is attached hereto as Exhibit B, to the extent that it is not inconsistent with this Agreement; and 2) the Contractor's bid submission which is attached hereto as Exhibit B, to the extent that it is not inconsistent with this Agreement or with Exhibit A.

2. <u>WORK</u>

Any work to be performed shall be upon the written request of the County Administrator or his representative, which request shall set forth the commencing date of such work and the time within which such work shall be completed.

The performance of Leon County of any of its obligations under this Agreement shall be subject to and contingent upon the availability of funds lawfully expendable for the purposes of this Agreement for the current and any future periods provided for within the bid specifications.

3. <u>TIME AND LIQUIDATED DAMAGES</u>

The Agreement resulting from this solicitation is anticipated to be for a period of two (2) years, commencing on October 1, 2017, and shall continue until September 30, 2019. After the initial two (2) year period, at the sole option of the County, this Agreement may be extended for no more than three additional one (1) year periods. Such one (1) year extensions will be automatic unless the County provides written notice of non-renewal to the Contractor no less than thirty (30) days prior to the expiration date of the then current term.

4. <u>CONTRACT SUM</u>

The Contractor agrees that for the performance of the Services as outlined in Section 1 above, it shall be remunerated by the County according to the unit prices contained in the Contractor's bid proposal, Exhibit B, which is attached hereto.

5. <u>PAYMENTS</u>

The County shall make such payments within forty-five (45) days of submission and approval of invoice for services.

- 6. Prompt payment information:
 - A. The County Project Manager is:

Name:	Andrew Riley
Street Address:	2280 Miccosukee Road
City, State, Zip Code:	Tallahassee, FL 32308
Telephone:	850-606-1428
E-mail:	rileya@leoncountyfl.gov

- B. The Contractor's Project Manager is:
 - Name: Street Address: City, State, Zip Code: Telephone: E-mail:
- C. Proper form for a payment request for this contract is:

A numbered invoice document with date of invoice; reference of the County purchase order number; itemized listing of all goods and services being billed with unit prices and extended pricing; vendor's name, address, billing contact person information, and Federal tax identification number. The invoice must be properly addressed to the Division listed on the County purchase order and delivered to that address. Delivery to another County address will void the invoice.

- D. <u>Payment</u> Dispute Resolution: Section 14.1 of the Leon County Purchasing and Minority, Women and Small Business Enterprise Policy details the policy and procedures for payment disputes under the contract.
- 7. <u>STATUS</u>

The contractor at all times relevant to this Agreement shall be an independent contractor and in no event shall the Contractor nor any employees or sub-contractors under it be considered to be employees of Leon County.

8. INSURANCE

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Contractor's bid.

A. Minimum Limits of Insurance. Contractor shall maintain limits no less than:

General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

- 1) Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage. (Non-owned, Hired Car).
- 2) Workers' Compensation and Employers Liability: Insurance covering all employees meeting Statutory Limits in compliance with the applicable state and federal laws and Employer's Liability with a limit of \$500,000 per accident, \$500,000 disease policy limit, \$500,000 disease each employee. Waiver of Subrogation in lieu of Additional Insured is required.

- 3) Professional Liability Insurance, including errors and omissions: for all services provided under the terms of this agreement w ith minimum limits of One Million and 00/100 (\$1,000,000.00) Dollars per occurrence; or claims made form with "tail coverage" extending three (3) years beyond the term of the agreement. Proof of "tail coverage" must be submitted with the invoice for final payment.
- 4) Umbrella: \$5,000,000 combined single limit for bodily injury and property damage combined per occurrence and annual aggregate. The coverage shall provide excess coverage for employer's liability, general liability, including completed operations and auto liability.
- B. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the County, its officers, officials, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

- C. Other Insurance Provisions The policies are to contain, or be endorsed to contain, the following provisions:
 - 1) General Liability and Automobile Liability Coverages (County is to be named as Additional Insured).
 - a. The County, its officers, officials, employees and volunteers are to be covered as insureds as respects; liability arising out of activities performed by or on behalf of the Contractor, including the insured's general supervision of the Contractor; products and completed operations of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protections afforded the County, its officers, officials, employees or volunteers.
 - b. The Contractor's insurance coverage shall be primary insurance as respects the County, it officers, officials, employees and volunteers. Any insurance of self-insurance maintained by the County, its officers, officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
 - c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the county, its officers, officials, employees or volunteers.
 - d. The Contractor's insurance shall apply separately to each insured against whom claims is made or suit is brought, except with respect to the limits of the insurer's liability.
 - 2) All Coverages

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the County.

- D. Acceptability of Insurers. Insurance is to be placed with insurers with a Best's rating of no less than A:VII.
- E. Verification of Coverage. Contractor shall furnish the County with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by the County before work commences. The County reserves the right to require complete, certified copies of all required

insurance policies at any time.

F. Subcontractors. Contractors shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

9. PERMITS

The Contractor shall pay for all necessary permits as required by law.

10. LICENSES

The Contractor shall be responsible for obtaining and maintaining his city or county occupational license and any licenses required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida. Should the Contractor, by reason of revocation, failure to renew, or any other reason, fail to maintain his license to operate, the contractor shall be in default as of the date such license is lost.

11. ASSIGNMENTS

This Agreement shall not 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 him hereunder without the previous written consent of the County.

12. INDEMNIFICATION

The Contractor agrees to indemnify and hold harmless the County, its officials, officers and employees, from and against any and all liabilities, damages, losses and costs, including, but not limited to reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the Contractor and persons employed or utilized by the Contractor in the performance of this agreement.

The County may, at its sole option, defend itself or required the Contractor to provide the defense. The Contractor acknowledges that the sum of ten dollars (\$10.00) of the amount paid to the Contractor constitutes sufficient consideration for the Contractor's indemnification of the County, its officials, officers and employees.

It is understood that the Contractors responsibility to indemnify and defend the County, it officials, officers and employees is limited to the Contractors proportionate share of liability caused by the negligent acts or omissions of the Contractor, its delegates, agents or employees.

13. AUDITS, RECORDS, AND RECORDS RETENTION

The Contractor agrees:

- A. To establish and maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices, which sufficiently and properly reflect all revenues and expenditures of funds provided by the County under this Agreement.
- B. To retain all client records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to this Agreement for a period of five (5) years after termination of the Agreement, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit findings or any litigation which may be based on the terms of this Agreement.
- C. Upon completion or termination of the Agreement and at the request of the County, the Contractor will cooperate with the County to facilitate the duplication and transfer of any said records or documents during the required retention period as specified in paragraph 1 above.

- D. To assure that these records shall be subject at all reasonable times to inspection, review, or audit by Federal, state, or other personnel duly authorized by the County.
- E. Persons duly authorized by the County and Federal auditors, pursuant to 45 CFR, Part 92.36(I)(10), shall have full access to and the right to examine any of provider's Agreement and related records and documents, regardless of the form in which kept, at all reasonable times for as long as records are retained.
- F. To include these aforementioned audit and record keeping requirements in all approved subcontracts and assignments.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

LEON COUNTY PURCHASING DIVISION ATTN: SHELLY KELLEY, PURCHASING DIRECTOR 1800-3 N. BLAIRSTONE ROAD TALLAHASSEE, FLORIDA 32308 PHONE: 850-606-1600 EMAIL: KELLEYS@LEONCOUNTYFL.GOV

14. MONITORING

To permit persons duly authorized by the County to inspect any records, papers, documents, facilities, goods, and services of the provider which are relevant to this Agreement, and interview any clients and employees of the provider to assure the County of satisfactory performance of the terms and conditions of this Agreement.

Following such evaluation, the County will deliver to the provider a written report of its findings and will include written recommendations with regard to the provider's performance of the terms and conditions of this Agreement. The provider will correct all noted deficiencies identified by the County within the specified period of time set forth in the recommendations. The provider's failure to correct noted deficiencies may, at the sole and exclusive discretion of the County, result in any one or any combination of the following: (1) the provider being deemed in breach or default of this Agreement; (2) the withholding of payments to the provider by the County; and (3) the termination of this Agreement for cause.

15. <u>TERMINATION</u>

Leon County may terminate this Agreement without cause, by giving the Contractor thirty (30) days written notice of termination. Either party may terminate this Agreement for cause by giving the other party hereto thirty (30) days written notice of termination. The County shall not be required to give Contractor such thirty (30) day written notice if, in the opinion of the County, the Contractor is unable to perform its obligations hereunder, or if in the County's opinion, the services being provided are not satisfactory. In such case, the County may immediately terminate the Agreement by mailing a notice of termination to the Contractor.

16. PUBLIC ENTITY CRIMES STATEMENT

In accordance with Section 287.133, Florida Statutes, Contractor hereby certifies that to the best of his knowledge and belief neither Contractor nor his affiliates has been convicted of a public entity crime. Contractor and his affiliates shall provide the County with a completed public entity crime statement form no later than January 15 of each year this Agreement is in effect. Violation of this section by the Contractor

shall be grounds for cancellation of this Agreement by Leon County.

17. UNAUTHORIZED ALIEN(S)

The Contractor agrees that unauthorized aliens shall not be employed nor utilized in the performance of the requirements of this solicitation. The County shall consider the employment or utilization of unauthorized aliens a violation of Section 274A(e) of the Immigration and Naturalization Act (8 U.S.C. 1324a). Such violation shall be cause for unilateral termination of this Agreement by the County.

18. <u>NON-WAIVER</u>

Failure by the County to enforce or insist upon compliance with any of the terms or conditions of this Agreement or failure to give notice or declare this Agreement terminated shall not constitute a general waiver or relinquishment of the same, or of any other terms, conditions or acts; but the same shall be and remain at all times in full force and effect.

19. <u>DELAY</u>

No claim for damages or any claim other than for an extension of time shall be made or asserted against the County by reason of any delays. The Contractor shall not be entitled to an increase in the contract sum or payment or compensation of any kind from the County for direct, indirect, consequential, impact or other costs, expenses or damages, including but limited to costs of acceleration or inefficiency, arising because of delay, disruption, interference or hindrance from any cause whatsoever, whether such delay, disruption, interference or hindrance be reasonable or unreasonable, foreseeable or unforeseeable, or avoidable or unavoidable; provided, however, that this provision shall not preclude recovery of damages by the Contractor for hindrances or delays due solely to fraud, bad faith, or active interference on the part of the County or its agents. Otherwise, the Contractor shall be entitled only to extensions of the contract time as the sole and exclusive remedy for such resulting delay, in accordance with and to the extent specifically provided above.

20. <u>REVISIONS</u>

In any case where, in fulfilling the requirements of this Agreement or of any guarantee, embraced in or required thereby it is necessary for the Contractor to deviate from the requirements of the bid, Contractor shall obtain the prior written consent of the County.

21. <u>VENUE</u>

Venue for all actions arising under this Agreement shall lie in Leon County, Florida.

22. CONSTRUCTION

The validity, construction, and effect of this Agreement shall be governed by the laws of the State of Florida.

23. CONFLICTING TERMS AND CONDITIONS

In the instance that any other agreement exists concerning the matters herein, then the terms and conditions in this Agreement shall prevail over all other terms and conditions.

ORDER OF PRECEDENCE

- 1. Agreement
- 2. Exhibit A
- 3. Exhibit B

ATTACHMENTS

Exhibit A – Solicitation Document #BC-05-18-17-39 Exhibit B – Vendor's Response to Solicitation

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WHERETO, the parties have set their hands and seals effective the date whereon the last party executes this Agreement.

LEON COUNTY, FLORIDA	OGLESBY CONSTRUCTION, INC.
By: Vincent S. Long County Administrator	By: President or designee
	Printed Name
Date:	Title:
ATTEST: Gwendolyn Marshall, Clerk of the Court & Comptroller, Leon County, Florida BY: Approved as to Form:	Date:
Leon County Attorney's Office	
BY: Herbert W. A. Thiele, Esquire County Attorney	

Exhibit A Page 1 of 16

Bid Title: Installation and Maintenance of Pavement Striping and Markings Bid No: BC-05-18-17-39 Opening Date: May 18, 2017 at 2:00 PM Location: 1800-3 N. Blair Stone Road, Tallahassee, Florida 32308

I. INSTRUCTION TO BIDDERS

To Insure Acceptance of Your Bid, Please Follow These Instructions:

1. Items listed on the bid checklist in this form and all other items required within this invitation to bid must be executed and/or submitted in a sealed envelope. Address your sealed envelope as follows:

Bid No. _____ Board of County Commissioners Leon County Purchasing Division 1800-3 N. Blair Stone Road Tallahassee, Florida 32308

- 2. Bid must be typed or printed in ink. All corrections made by the bidder prior to the opening must be initialed and dated by the bidder. No changes or corrections will be allowed after bids are opened.
- 3. Bid must contain an <u>original, manual</u> signature of an authorized representative of the company.
- 4. The bid opening shall be public on the date and time specified on the bid. It is the bidder's responsibility to assure that the bid is delivered at the proper time and location. Bids which are received after the bid opening time will be returned unopened to the bidder.
- 5. Bidders are expected to examine the specifications, delivery schedule, bid prices and extensions and all general and special conditions of the bid prior to submission. In case of error in price extension, the unit price will govern.
- 6. Special Accommodation: Any person requiring a special accommodation at a Pre-Bid Conference or Bid opening because of a disability should call the Division of Purchasing at (850) 606-1600 at least five (5) workdays prior to the Pre-Bid Conference or Bid opening. If you are hearing or speech impaired, please contact the Purchasing Division by calling the County Administrator's Office using the Florida Relay Service which can be reached at 1(800) 955-8771 (TDD).

NOTE: ANY AND ALL CONDITIONS OR REQUIREMENTS ATTACHED HERETO WHICH VARY FROM THE INSTRUCTIONS TO BIDDERS WILL BE PRECEDENT.

PURPOSE:

Leon County is seeking the services of a qualified contractor for the following services:

- A. Refurbishing of existing striping and pavement markings utilizing water base traffic paint.
- B. Installation of new striping and pavement markings utilizing water base traffic paint.
- C. Refurbishing of existing striping and pavement markings with thermoplastic.
- D. Installation of new striping and pavement markings with thermoplastic.
- E. Removal of existing striping and pavement markings.
- F. Removal of existing reflective pavement markers (RPM's), as needed.
- G. Installation and replacement reflective pavement markers (RPM's), as needed.

All work shall be performed in accordance with FDOT Standard Specifications for Road and Bridge Construction edition with latest and most recent revisions.

Bidders shall submit their bids by Unit Price in accordance with the Specifications below and the Bid Price Sheet (page 17). The quantities show are estimated/projected quantities. However, Contractor understands that no amount of work is guaranteed to it nor is the County under an obligation to utilize the services of the Contractor in those instances where the work to be performed can be done by County personnel or under separate contract.

Leon County reserves the right to negotiate with the successful bidder for any related items not specifically listed that may be required during the term of the contract.

PRICE ESCALATION / DE-ESCALATION:

Prices offered in this bid for striping services shall be firm against any increase for the first six month period of the agreement. Price adjustments for each six month period thereafter may be considered only in the event of an extraordinary factor such as a larger than 10% increase/decrease in the cost of petroleum products utilized in the material production. The County may consider a price adjustment on a case-by-case basis upon the written request of the contractor. All adjustments in product pricing shall be at the sole discretion of the County. Leon County reserves the right to accept or reject the request for any price adjustment within fourteen (14) days from receipt.

Upon written request from the vendor no less than 45 days prior to each anniversary date of the agreement, and at the discretion of the County, an annual price increase may be negotiated. It is the intent of the County to not allow a price increase greater than the Consumer Price Index for All Consumers (CPI-U) for the latest twelve month period reported at the time of request.

SPECIFICATIONS:

1.1 Equipment, Materials, Installation and Services:

Equipment, materials, installation and services provided under this bid shall be in strict accordance with the FDOT Standard Specifications for Road and Bridge Construction edition with latest & most recent revisions at the time

1.2 Equipment (County Supplemental):

All thermoplastic and paint application equipment shall have the capacity and capability of applying a minimum of twenty-five (25) line miles of striping per day. Striping equipment shall meet all applicable F.D.O.T. and other industry standards for longline striping equipment. Handline equipment shall be utilized only when installing pavement messages or for similar applications.

- 1.3 Measurement and Payment:
 - a. Maintenance of Traffic unit price per day
 - b. Mobilization Lump Sum (Roads will be grouped)

- c. Permanent Striping per gross mile or linear foot (e.g. centerline and edge line striping)
- d. Permanent Pavement Messages, Stop Bars and Directional Arrows each
- e. Reflective Pavement Markers each
- f. Removal of Existing Pavement Markings square feet
- 1.4 Projects:

Leon County reserves the right to add or delete any project at its discretion during the terms of the agreement.

2. DEFAULT AND TERMINATION OF CONTRACT:

Should the Contractor fail to correct any condition which is in violation of the terms of the contract within 24 hours after having been notified by the County, then the County may declare this contract in default and terminate the same.

Failure to correct problems brought to the attention of the Contractor shall be grounds for the County to terminate the contract.

3. TIME PERMITTED:

Each individual job performed under this contract shall be commenced within five (5) days of the Notice to Proceed. All work to be performed under this Contract shall be completed within a time to be agreed to by both parties. If the work to be performed under this Contract is not completed within the time set forth above, or within such extra time as may be granted by the County, the Contractor shall be deemed to be in default. Leon County is seeking the services of

SCHEDULE OF EVENTS

Below in Table 1 is the current schedule of the events that will take place as part of this solicitation. The County reserves the right to make changes or alterations to the schedule as the County determines is in the best interests of the public. If any changes to the Schedule of Events are made, the County will post the changes on the County website either as a public meeting notice, or as an addendum, as applicable. It is the responsibility of Registered Planholders and other interested persons and parties to review the Purchasing Division's website to stay informed of the Schedule of Events, addenda issued, and public meetings scheduled. The website address is: http://www.leoncountyfl.gov/procurementconnect/.

Table 1 - Schedule of Events				
Date and Time (all eastern time)	Event			
April 25, 2017	Release of the ITB			
Not later than:	QUESTIONS/INQUIRIES DEADLINE:			
May 8, 2017 at 5:00 p.m.	Date and time by which questions and inquiries regarding the ITB must be received by Leon County.			
Not later than:	BID SUBMISSION DUE DATE/OPENING OF RESPONSE:			
	Date and time by which Bid Submissions must be received by the Leon County Purchasing Division, located at 1800-3 North Blair Stone Road, Tallahassee, FL 32308.			

BID INFORMATION AND CLARIFICATION:

Questions pertaining to bid procedures or regarding the specifications should be addressed to Shelly Kelley phone (850) 606-1600; fax (850) 606-1601; E-mail and <u>kelleys@leoncountyfl.gov</u> and Don Tobin, phone (850) 606-1600; fax (850) 606-1601; E-mail and <u>tobind@leoncountyfl.gov</u>. **Bidders are requested to send such requests to both representatives of the Purchasing Division.** Email inquiries are preferred.

Each Bidder shall examine the solicitation documents carefully; and, no later than the last day for questions listed in schedule of events, he shall make a written request to the County for interpretations or corrections of any ambiguity, inconsistency or error which he may discover. All interpretations or corrections will be issued as addenda. The County will not be responsible for oral clarifications. No negotiations, decisions or actions shall be initiated or executed by the proposer as a result of any discussions with any County employee prior to the opening of proposals. Only those communications which are in writing from the County may be considered as a duly authorized expression on the behalf of the Board. Also, only communications from firms which are in writing and signed will be recognized by the Board as duly authorized expressions on behalf of proposers.

ADDENDA TO SPECIFICATIONS

If any addenda are issued after the initial specifications are released, the County will post the addenda on the Leon County website at: <u>http://www.leoncountyfl.gov/procurementconnect/</u>. For those projects with separate plans, blueprints, or other materials that cannot be accessed through the internet, the Purchasing Division will make a good faith effort to ensure that all registered bidders (those who have been registered as receiving a bid package) receive the documents. It is the responsibility of the bidder prior to submission of any bid to check the above website or contact the Leon County Purchasing Division at (850) 606-1600 to verify any addenda issued. The receipt of all addenda must be acknowledged on the bid response sheet.

PROHIBITED COMMUNICATIONS

Any Form of communication, except for written correspondence with the Purchasing Division requesting clarification or asking questions, shall be prohibited regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:

- 1. Any person or person's representative seeking an award from such competitive solicitation; and
- 2. Any County Commissioner or Commissioner's staff, or any county employee authorized to act on behalf of the Commission to award a particular contract.

For the purpose of this section, a person-s representative shall include, but not be limited to, the person-s employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.

The prohibited communication shall be in effect as of the release of the competitive solicitation and terminate at the time the Board, or a County department authorized to act on behalf of the Board, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.

The provisions of this section shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meetings, presentations made to the Board, and protest hearings. Further, the provisions of this section shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence with any employee, County Commissioner, or decision-making board member or selection committee member, unless specifically prohibited by the applicable competitive solicitation process.

The penalties for an intentional violation of this article shall be those specified in 125.69(1), Florida Statutes, as amended, and shall be deemed supplemental to the penalties set forth in Section 1-9 of the Code of Laws, Leon County, Florida.

REGISTRATION:

Bidders which obtain solicitation documents from sources other than the County Purchasing Division MUST officially register with the County Purchasing Division in order to be placed on the planholders list for the solicitation. Bidders should be aware that solicitation documents obtained from sources other than those listed above may be drafts, incomplete, or in some other fashion different from the official solicitation document(s). Failure to register through the Purchasing Division (<u>http://www.leoncountyfl.gov/Procurementconnect</u>) may cause your submittal to be rejected as non-responsive.

CONTRACTOR'S QUALIFICATIONS

All Contractors used on the project shall possess a current and valid FDOT Certificate of Qualifications valid for the work being performed. Copies of both the contractor's, and any proposed subcontractors' Certificate of Qualifications shall be submitted to Leon County concurrent with bid. Failure to demonstrate FDOT certification in the fashion described will result in the rejection of bid.

PREPARATION AND SUBMISSION OF BID:

Each Bidder shall submit Bid Prices and other requested information, including alternates or substitutions if allowed by this invitation to bid, on the proper forms and in the manner herein prescribed. Any erasures or other corrections in the Bid must be explained or noted over the signature of the Bidder. Bids containing any conditions or irregularities of any kind may be rejected by the County. All bids must be submitted in a sealed envelope or other appropriate container. Facsimiles will not be accepted. It is the intention of the County to award this bid based on the low total bid price and/or other criteria herein contained meeting all specifications.

REJECTION OF BIDS:

The County reserves the right to reject any and/or all bids when such rejection is in the best interest of the County.

RECEIPT AND OPENING OF BIDS:

Bids will be opened publicly at the time and place stated in the Invitation to Bid. The person whose duty it is to open them will decide when the specified time has arrived and no bids received thereafter will not be considered. No responsibility shall be attached to any person for the premature opening of a Bid not properly addressed and identified. At the time fixed for the opening of bids, the bids will be made public and posted on the Purchasing Division website at: <u>http://www.leoncountyfl.gov/procurementconnect</u>. A bidder may request, in their bid submittal, a copy of the tabulation sheet to be mailed in a bidder provided, stamped self-addressed envelope for their record.

Sealed bids, proposals, or replies received by the County pursuant to a competitive solicitation are exempt from public records requirements until such time as the County posts an intended decision or until 30 days after opening of the documents, whichever is earlier.

WITHDRAWAL OF BIDS:

Bids may be withdrawn by written or telegraphic request received from Bidders prior to the time fixed for opening. Negligence on the part of the Bidder in preparing the Bid confers no right for the withdrawal of the bid after it has been opened.

AWARD OF BIDS/BID PROTEST:

The bid will be awarded to the lowest responsive, responsible bidder, unless otherwise stated elsewhere in this document. The County reserves the right to waive any informality in bids and to award a bid in whole or in part when either or both conditions are in the best interest of Leon County.

Notice of the Intended Decision will be posted on the County website at: http://www.leoncountyfl.gov//Procurement connect for a period of seventy-two (72) consecutive hours, which does not include weekends or County observed holidays. Failure to file a protest within the time prescribed in Leon County Policy No. 96-1, Purchasing and Minority, Women and Small Business Enterprise Policy, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings. Notice of intent of bid protest shall be made in writing to the Purchasing Director, 1800-3 N. Blair Stone Road, Tallahassee, Florida 32308. The bidder shall be responsible for inquiring as to any and all award recommendation/postings.

Should concerns or discrepancies arise during the bid process, bidders are encouraged to contact the Purchasing Division prior to the scheduled bid opening. Such matters will addressed and/or remedied prior to a bid opening or award whenever practically possible. Bidders are not to contact departments or divisions regarding the bidder complaint.

PLANHOLDERS

As a convenience to bidders, the County has made available via the internet lists of all registered planholders for each hid or request for proposals. The information is available on-line at: http://www.leoncountyfl.gov/procurementconnect by simply clicking the planholder link on the bottom left of the advertisement of the respective solicitation. A listing of the registered bidders with their telephone numbers and email address is designed to assist bidders in preparation of their responses.

OCCUPATIONAL LICENSES AND REGISTRATIONS:

The contractor shall be responsible for obtaining and maintaining throughout the contract period any required occupational license and other licenses required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida. The bidder shall submit with the bid a copy of the company's local business or occupational license(s) <u>or</u> a written statement on letterhead indicating the reason no license exists.

If the bidder is operating under a fictitious name as defined in Section 865.09, Florida Statutes, proof of current registration with the Florida Secretary of State shall be submitted with the bid. A business formed by an attorney actively licensed to practice law in this state, by a person actively licensed by the Department of Business and Professional Regulation or the Department of Health for the purpose of practicing his or her licensed profession, or by any corporation, partnership, or other commercial entity that is actively organized or registered with the Department of State shall submit a copy of the current licensing from the appropriate agency and/or proof of current active status with the Division of Corporations of the State of Florida or such other state as applicable.

Failure to provide the above required documentation may result in the bid being determined as non-responsive.

UNAUTHORIZED ALIEN(S)

The Contractor agrees that unauthorized aliens shall not be employed nor utilized in the performance of the requirements of this solicitation. The County shall consider the employment or utilization of unauthorized aliens a violation of Section 274A(e) of the Immigration and Naturalization Act (8 U.S.C. 1324a). Such violation shall be cause for unilateral termination of this Agreement by the County. As part of the response to this solicitation, please complete and submit the attached form AFFIDAVIT CERTIFICATION IMMIGRATION LAWS.

MINORITY and WOMEN BUSINESS ENTERPRISE AND EQUAL OPPORTUNITY POLICIES

- A. Minority Business Enterprise (MBE) and Women (WBE) Business Enterprise Requirements
 - 1. There is no Minority and Women Business Enterprise aspirational target prescribed for this solicitation.

- 2. The purpose of the Minority and Women-Owned Business Enterprise (MWBE) 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 in a competitive environment. This program shall:
 - a. Eliminate any policies and/or procedural barriers that inhibit MBE and WBE participation in our procurement process.
 - b. Established targets designed to increase MBE and WBE utilization proportionate to documented underutilization.
 - c. Provide increased levels of information and assistance available to MBE-s and WBEs.
 - d. Implement mechanisms and procedures for monitoring MBE and WBE compliance by prime contractors.
- 3. Each Proposer is strongly encouraged to secure MBE and WBE participation through purchase(s) of those goods or services to be provided by others. Proposers responding to this solicitation are hereby made aware of the County's targets for MBE and WBE utilization. Proposers that require assistance or guidance with these MBE, WBE, SBE, and DBE requirements should contact:

Cristina Paredes, Deputy Director for the Tallahassee/Leon County Office of Economic Vitality by telephone (850) 300-7559 or by email <u>CParedes@oevforbusiness.org</u>

Alternates:

LaTanya Raffington, MWSBE Coordinator by email at <u>lraffington@oevforbusiness.org</u> Shanea Wilks, MWSBE Coordinator by email at <u>swilks@oevforbuisness.org</u>

B. Equal Opportunity/Affirmative Action Requirements

The contractors and all subcontractors shall agree to a commitment to the principles and practices of equal opportunity in employment and to comply with the letter and spirit of federal, state, and local laws and regulations prohibiting discrimination based on race, color, religion, national region, sex, age, handicap, marital status, and political affiliation or belief.

For federally funded projects, in addition to the above, the contractor shall agree to comply with Executive Order 11246, as amended, and to comply with specific affirmative action obligations contained therein.

In addition to completing the Equal Opportunity Statement, the Respondent shall include a copy of any affirmative action or equal opportunity policies in effect at the time of submission.

LOCAL PREFERENCE IN PURCHASING AND CONTRACTING

- 1. Preference in bidding. 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 in which pricing is the major consideration, the authorized purchasing authority of Leon 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 set forth in this article, 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 set forth in this article, shall be given a preference in the amount of three percent of the bid price.

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 in projects estimated to exceed \$250,000. Except where otherwise prohibited 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 that are estimated to exceed \$250,000 in value, the County may give preference to local businesses in the following manner:
 - a) 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 bid was not greater than 110% of the lowest responsive and responsible bid amount.
 - b) All contractual awards issued in accordance with the provisions of this subsection (paragraph 2) 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 with the Leon, Gadsden, Wakulla or Jefferson County area. The term Atrade 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.
- 3. Local business definition. For purposes of this section, "local business" shall mean 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 (6) 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 the County, and, if applicable, the City of Tallahassee; and
 - c) Is the principal offeror who is a single offeror; a business which is the prime contractor and not a subcontractor; or a partner or joint venturer submitting an offer in conjunction with other businesses.
- 3. Certification. Any bidder claiming to be a local business as defined, shall so certify in writing to the Purchasing Division. The certification shall provide all necessary information to meet the requirements of above. The Local Vendor Certification Form is enclosed. 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 bidder meets the definition of a "local business."

INSURANCE:

Bidders- attention is directed to the insurance requirements below. Bidders should confer with their respective insurance carriers or brokers to determine in advance of bid submission the availability of insurance certificates and endorsements as prescribed and provided herein. The Insurance Certification Form attached hereto is to be completed and submitted as part of your bid response. If an apparent low bidder fails to comply strictly with

the insurance requirements, that bidder may be disqualified from award of the contract.

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Contractor-s bid.

- 1. Minimum Limits of Insurance. Contractor shall maintain limits no less than:
 - a. General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
 - b. Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage. (Non-owned, Hired Car).
 - c. Workers- Compensation and Employers Liability: Workers- Compensation insurance covering all employees and meeting statutory requirements in compliance with the applicable state and federal laws and Employer-s Liability with a limit of \$500,000 per accident, \$500,000 disease policy limit, \$500,000 disease each employee. Waiver of Subrogation in lieu of Additional Insured is required.
- 2. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the County, its officers, officials, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

- 3. Other Insurance Provisions The policies are to contain, or be endorsed to contain, the following provisions:
 - a. General Liability and Automobile Liability Coverages (County is to be named as Additional Insured).
 - 1. The County, its officers, officials, employees and volunteers are to be covered as insureds as respects; liability arising out of activities performed by or on behalf of the Contractor, including the insured-s general supervision of the Contractor; products and completed operations of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protections afforded the County, its officers, officials, employees or volunteers.
 - 2. The Contractors insurance coverage shall be primary insurance as respects the County, it officers, officials, employees and volunteers. Any insurance of self-insurance maintained by the County, its officers, officials, employees or volunteers shall be excess of the Contractors insurance and shall not contribute with it.
 - 3. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the county, its officients, officials, employees or volunteers.
 - 4. The Contractor-s insurance shall apply separately to each insured against whom claims is made or suit is brought, except with respect to the limits of the insurer-s liability.

b. All Coverages

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the County.

- 4. Acceptability of Insurers. Insurance is to be placed with insurers with a Best-s rating of no less than A:VII.
- 5. Verification of Coverage. Contractor shall furnish the County with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by the County before work commences. The County reserves the right to require complete, certified copies of all required insurance policies at any time. Certificates of Insurance acceptable to the County shall be filed with the County prior to the commencement of the work. These policies described above, and any certificates shall specifically name the County as an additional Insured and shall contain a provision that coverage afforded under the policies will not be canceled until at least thirty (30) days prior to written notice has been given to the County.

Cancellation clauses for each policy should read as follows: Should any of the above described policies be canceled before the expiration date thereof, the issuing company will mail thirty (30) days written notice to the Certificate Holder named herein.

 Subcontractors. Contractors shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

AGREEMENT:

After the bid award, the County will, at its option, prepare a purchase order or an agreement specifying the terms and conditions resulting from the award of this bid. Every procurement of contractual services shall be evidenced by a written agreement. The bidder will have five calendar days after receipt to acknowledge the purchase order or execute the agreement.

The performance of Leon County of any of its obligations under the purchase order or agreement shall be subject to and contingent upon the availability of funds lawfully expendable for the purposes of the purchase order or agreement for the current and any future periods provided for within the bid specifications.

PURCHASES BY OTHER PUBLIC AGENCIES:

With the consent and agreement of the successful bidder(s), purchases may be made under this bid by other governmental agencies or political subdivisions within the State of Florida. Such purchases shall be governed by the same pricing, terms and conditions stated herein with no deviations allowed. This agreement in no way restricts or interferes with the right of any public agency or political subdivision to bid any or all of the items or services independently.

PUBLIC ENTITY CRIMES STATEMENT:

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, subcontractor, or consultant under a contract with any public entity, and may not transact business with any

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public entity in excess of the threshold amount provided in Section

287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list. By submission of a proposal in response to this document, the vendor certifies compliance with the above requirements as stated in Section 287.133, Florida Statutes.

MANUFACTURERS' NAME AND APPROVED EQUIVALENTS:

Manufacturers' names, trade names, brand names, information and/or catalog numbers listed in a specification are for information and not intended to limit competition. The bidder may offer any brand for which he is an authorized representative, which meets or exceeds the specifications for any item(s). If bids are based on equivalent products, indicate on the bid form the manufacturer's name and catalog number. Bidder shall submit with his bid, cuts, sketches, and descriptive literature and/or specifications. The bidder should also explain in detail the reason(s) why and submit proof that the proposed equivalent will meet the specifications and not be considered an exception thereto. The Leon County Board of County Commissioners reserves the right to be the sole judge of what is equal and acceptable. Bids which do not comply with these requirements are subject to rejection. If Bidder fails to name a substitute it will be assumed that he is bidding on, and he will be required to furnish goods identical to bid standard.

IDENTICAL TIE BIDS:

Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. Bidder must complete and submit as part of the bid response the attached AIDENTICAL TIE BID® form. Failure to submit a completed form may result in the bid being determined as non-responsive.

ETHICAL BUSINESS PRACTICES

- A. <u>Gratuities.</u> 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. <u>Kickbacks.</u> 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. The Board reserves the right to deny award or immediately suspend any contract resulting from this proposal pending final determination of charges of unethical business practices. At its sole discretion, the Board may deny award or cancel the contract if it determines that unethical business practices were involved.

II. CONTRACT PROVISIONS

TIME AND LIQUIDATED DAMAGES

The Agreement resulting from this solicitation is anticipated to be for a period of two (2) years, commencing on October 1, 2017, and shall continue until September 30, 2019. After the initial two (2) year period, at the sole option of the County, this Agreement may be extended for no more than three additional one (1) year periods. Such one

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(1) year extensions will be automatic unless the County provides written notice of non-renewal to the Contractor no less than thirty (30) days prior to the expiration date of the then current term.

EMPLOYMENT ELIGIBILITY VERIFICATION

- 1. Contractor agrees that it will 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).
- 2. 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.
- 3. 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 3 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.
- 4. 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 above, and to make such records available to the County or other authorized state entity consistent with the terms of the Memorandum of Understanding.
- 5. Compliance with the terms of this <u>Employment Eligibility Verification</u> 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.

PAYMENTS TO THE GENERAL CONTRACTOR

Payments to the Contractor shall be made according to the requirements of the Local Government Prompt Pay Act, sections 218.70 - 218.79, Florida Statutes.

<u>STATUS</u>

The Contractor shall at all times, relevant to this contract, be an independent contractor and in no event shall the Contractor, nor any employees or sub-contractors under it, be considered to be employees of Leon County.

AUDITS, RECORDS, AND RECORDS RETENTION

The Contractor agrees:

- 1. To establish and maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices, which sufficiently and properly reflect all revenues and expenditures of funds provided by the County under this contract.
- 2. To retain all client records, financial records, supporting documents, statistical records, and any other documents (including electronic storage media) pertinent to this contract for a period of five (5) years after termination of the contract, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit findings or any litigation which may be based on the terms of this contract.
- 3. Upon completion or termination of the contract and at the request of the County, the Contractor will cooperate with the County to facilitate the duplication and transfer of any said records or documents during the required retention period as specified in paragraph 1& 2 above.
- 4. To assure that these records shall be subject at all reasonable times to inspection, review, or audit by Federal, state, or other personnel duly authorized by the County.
- 5. Persons duly authorized by the County and Federal auditors, pursuant to 45 CFR, Part 92.36(I)(10), shall have full access to and the right to examine any of providers contract and related records and documents, regardless of the form in which kept, at all reasonable times for as long as records are retained.
- 6. To include these aforementioned audit and record keeping requirements in all approved subcontracts and assignments.
- 7. IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

LEON COUNTY PURCHASING DIVISION ATTN: SHELLY KELLEY, PURCHASING DIRECTOR 1800-3 N. BLAIRSTONE ROAD TALLAHASSEE, FLORIDA 32308 PHONE: 850-606-1600 EMAIL: KELLEYS@LEONCOUNTYFL.GOV

MONITORING

To permit persons duly authorized by the County to inspect any records, papers, documents, facilities, goods, and services of the provider which are relevant to this contract, and interview any clients and employees of the provider to assure the County of satisfactory performance of the terms and conditions of this contract.

Following such evaluation, the County will deliver to the provider a written report of its findings and will include written recommendations with regard to the provider's performance of the terms and conditions of this contract. The provider will correct all noted deficiencies identified by the County within the specified period of time set forth in the recommendations. The provider-s failure to correct noted deficiencies may, at the sole and exclusive discretion of the County, result in any one or any combination of the following: (1) the provider being deemed in breach or default of this contract; (2) the withholding of payments to the provider by the County; and (3) the termination of this contract for cause.

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.

TERMINATION

Leon County may terminate this Contract without cause, by giving the Contractor thirty (30) days written notice of termination. Either party may terminate this Contract for cause by giving the other party hereto thirty (30) days written notice of termination. The County shall not be required to give Contractor such thirty (30) day written notice if, in the opinion of the County, the Contractor is unable to perform its obligations hereunder, or if in the County's opinion, the services being provided are not satisfactory. In such case, the County may immediately terminate the Contract by mailing a notice of termination to the seller.

WARRANTIES:

Bidder will warrant title to all goods sold as provided for in Section 672, Florida Statutes.

WORK

Contractor understands that no amount of work is guaranteed to it nor is the County under an obligation to utilize the services of the Contractor in those instances where the work to be performed can be done by County personnel or under separate contract. Any work to be performed shall be upon the written request of the County Administrator or his representative, which request shall set forth the commencing date of such work and the time within which such work shall be completed.

PERMITS

The Contractor shall pay for and obtain all necessary permits as required by law.

CONFLICTING TERMS AND CONDITIONS

In the instance that terms, conditions, specifications, or other instruments are provided by architects, engineers, or persons other than County Procurement concerning the matters herein, then the terms and conditions in this Solicitation document shall prevail over all other terms and conditions.

ASSIGNMENT

This contract shall not 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 him hereunder without the previous written consent of the County.

INDEMNIFICATION

The Contractor agrees to indemnify and hold harmless the County, its officials, officers and employees, from and against any and all liabilities, damages, losses and costs, including, but not limited to reasonable attorney=s fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the Contractor and persons employed or utilized by the Contractor in the performance of this agreement.

Bid Title: Installation and Maintenance of Pavement Striping and Markings Bid No: BC-05-18-17-39 Opening Date: May 18, 2017 at 2:00 PM

The County may, at its sole option, defend itself or required the Contractor to provide the defense. The Contractor acknowledges that the sum of ten dollars (\$10.00) of the amount paid to the Contractor constitutes sufficient consideration for the Contractor's indemnification of the County, its officials, officers and employees.

It is understood that the Contractors responsibility to indemnify and defend the County, it officials, officers and employees is limited to the Contractors proportionate share of liability caused by the negligent acts or omissions of the Contractor, its delegates, agents or employees.

TERMS AND CONDITIONS

Leon County objects to and shall not consider any additional terms or conditions submitted by a respondent, including any appearing in documents attached as part of a respondent's response. In submitting its response, a respondent agrees that any additional terms or conditions, whether submitted intentionally or inadvertently, shall have no force or effect. Failure to comply with terms and conditions, including those specifying information that must be submitted with a response, shall be grounds for rejecting a response or placing a respondent in default.

PENALTIES:

BIDS MAY BE REJECTED AND/OR Bidder(S) DISQUALIFIED FOR THE FOLLOWING REASONS:

- 1. Consistent failure to respond to bid invitation for three (3) consecutive instances.
- 2. Failure to update the information on file including address, product, service or business descriptions.
- 3. Failure to perform according to contract provisions.
- 4. Conviction in a court of law of any criminal offense in connection with the conduct of business.
- 5. 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.
- 6. Clear and convincing evidence that the bidder 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.
- 7. Other reasons deemed appropriate by the Board of County

Commissioners. BID CHECKLIST:

Please submit the items on the following list and any other items required by any section of this invitation for bids. The checklist is provided as a courtesy and may not be inclusive of all items required within this invitation for bids.

- Completed Bid Response Sheet with Manual Signature
- _____ Affidavit Immigration Laws
- _____ Identical Tie Bid Statement
- _____ Insurance Certification Form
- Certification/Debarment Form
- _____ Applicable Licenses/Registrations

BID RESPONSE SHEET

The Board of County Commissioners, Leon County, reserves the right to accept or reject any and/or all bids in the best interest of Leon County.

Shelly W. Kelley Purchasing Director

John E. Daily Chairman

This proposal is submitted by the below named firm/individual by the undersigned authorized representative.

DV	(Firm Name)
BY	(Authorized Representative)
ADDRESS	(Printed or Typed Name)
EMAIL ADDRESS	
TELEPHONE	
FAX	

ADDENDA ACKNOWLEDGMENTS: (IF APPLICABLE)

Addendum #1 dated _____ Initials

Addendum #2 dated _____ Initials

Addendum #3 dated _____ Initials

Exhibit B Page 1 of 12

Bid Title: Installation and Maintenance of Pavement Striping and Markings Bid No: BC-05-18-17-39 Opening Date: May 18, 2017 at 2:00 PM

BID RESPONSE SHEET

The Board of County Commissioners, Leon County, reserves the right to accept or reject any and/or all bids in the best interest of Leon County.

Shelly W. Kelley Purchasing Director

John E. Daily Chairman

(Firm Name)

(Authorized Representative)

(Printed or Typed Name)

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21-6313

TH

This proposal is submitted by the below named firm/individual by the undersigned authorized representative.

ΒY

ADDRESS

EMAIL ADDRESS

FAX

ADDENDA ACKNOWLEDGMENTS: (IF APPLICABLE)

Addendum #1 dated _____ Initials

Addendum #2 dated _____ Initials

Addendum #3 dated _____ Initials



2017 HAY 18 AM ID 116

PURCHASING DIVISION LEON COUNTY

Bid Title: Installation and Maintenance of Pavement Striping and Markings Bid No: BC-05-18-17-39 Opening Date: May 18, 2017 at 2:00 PM

	ITEM DESCRIPTION AND	APPROX.		1		
ITEM NO.	UNIT PRICE/OR QUANTITY BID	UNIT				
102-1	MAINTENANCE OF TRAFFIC	PER DAY	80	1.00	80.00	
711-11-123	SOLID 12" THERMO (WHITE) STANRARD	LF	80	3.80	304.00	
711-11-124	SOLID 18" THERMO (WHITE) STANDARD	LF	80	6.25	500.00	
	GUIDELINES 6" THERMO (WHITE) STANDARD	LF	80	0.00		
	(2-4)			1.00	80.00	
711-11-224	SOLID 18" THERMO (YEL) STANDARD	LF	80	6.25	500.00	
711-11-160	PAVEMENT MESSAGES, THERMOPLASTIC	EACH	20	150.00	3,000.00	
711-11-160	PREFORMED THERMO MESSAGE (BIKE	EACH	20	100.00	5,000 -0	
	SYMBOL)			200.00	4.000.00	
711-11-170	DIRECTIONAL ARROWS, THERMOPLASTIC	EACH	40	65.00	2,600.00	
711-11-170	PREFORMED THERMO ARROWS (BIKE	EACH	20		2,140.00	
	ARROW)			95.00	1,900.00	
711-5	GUIDE LINES, THERMOPLASTIC (DOTTED)	LF	1,000	, 75	750.00	
711-11-131	SKIP TRAFFIC STRIPE, THERMOPLASTIC (6"	GM	0.250	1		
	WHITE)			1,500.00	375.00	
711-11-231	SKIP TRAFFIC STRIPE, THERMOPLASTIC (6"	GM	13.310			
	YELLOW)			1.100.00	14.641.00	
711-11-121	SOLID TRAFFIC STRIPE, THERMOPLASTIC (6"	LF	177,513			
	WHITE)			.64	113.608.32	
711-11-221	SOLID TRAFFIC STRIPE, THERMOPLASTIC (6"	LF	104,068			
	YELLOW)			,63	65,562.84	
711-11-125	SOLID TRAFFIC STRIPE, THERMOPLASTIC (24"	LF	88			
	WHITE)			7.60	668.80	
	DIRECTIONAL ARROWS, PAINT	EACH	40	30.00	1,200,00	
	PAVEMENT MESSAGES, PAINT	EACH	20	65.00	1.300.00	
	SKIP TRAFFIC STRIPE, PAINT (6" WHITE)	GM	11.230	195.00	2.189.85	
	SKIP TRAFFIC STRIPE, PAINT (6" YELLOW)	GM	224.620	90.00	20,215.80	
	SOLID TRAFFIC STRIPE, PAINT (6" WHITE)	LF	2,371,987		166.039.09	
	SOLID TRAFFIC STRIPE, PAINT (6"YELLOW)	LF	1,185,994		83,019.58	
_C#01	REMOVE & REPLACE REFLECTIVE PAVEMENT	EACH	150			
	MARKERS EACH			1.00	150.00	
706-3	INSTALL REFLECTIVE PAVEMENT MARKERS	EACH	2,845	3.50	9.957.50	

BID PRICE SHEET

492,641.7

Item FDOT#102-1 - Maintenance of Traffic bid price per day shall be quoted on the basis of providing all necessary signs, barricades, flagger, etc., in accordance with the Manual of Uniform Traffic Control Devices and the Florida Department of Transportation Maintenance of Traffic Procedures.

Item FDOT #710 & 711 – Thermoplastic prices, paint prices and payments will be full compensation for all work specified in this Section, including all cleaning and preparing of surfaces, furnishing of all materials, application, curing and protection of all items, protection of traffic, furnishing of all tools, machines and equipment, and all incidentals necessary to complete the work. Final payment will be withheld until all deficiencies are corrected.

Exhibit B Page 3 of 12

Bid Title: Installation and Maintenance of Pavement Striping and Markings Bid No: BC-05-18-17-39 Opening Date: May 18, 2017 at 2:00 PM

AFFIDAVIT CERTIFICATION IMMIGRATION LAWS

Leon County will not intentionally award County contracts to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324 A(e) {Section 274a(e) of the Immigration and Nationality Act (AINA@).

Leon County may consider the employment by any Contractor of Unauthorized Aliens a violation of Section 274A(e) of the INA. Such violation by the Recipient of the employment provision contained in Section 274A(e) of the INA shall be ground for unilateral cancellation of the contract by Leon County.

BIDDER ATTESTS THAT THEY ARE FULLY COMPLIANT WITH ALL APPLICABLE IMMIGRATION LAWS (SPECIFICALLY TO THE 1986 IMMIGRATION ACT AND SUBSEQUENT AMENDMENTS).

Company Name: Oglesky Conist Truc	
Signature:	Title:
STATE OF Floe Da COUNTY OF Semi No la	
Sworn to and subscribed before me this $\underline{//}$ day of $\underline{//}$	ky 20/_7
Personally known	NOTARY PUBLIC
OR Produced identification	Notary Public - State of
(Type of identification)	My commission expires: Sept. 06, 2020 Lennie M. Montgomers Printed, typed, or stamped commissioned name of notary One way Notary Public State of Florida Lennie M. Montgomersy
T	Legalter Mindean Gold 19732 My Commission GG 009732 Finites 09/06/2020

The signee of this Affidavit guarantees, as evidenced by the sworn affidavit required herein, the truth and accuracy of this affidavit to interrogatories hereinafter made.

LEON COUNTY RESERVES THE RIGHT TO REQUEST SUPPORTING DOCUMENTATION, AS EVIDENCE OF SERVICES PROVIDED, AT ANY TIME.

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Exhibit B Page 4 of 12

Bid Title: Bid Number: BC-XX-XX-XX-XX Opening Date:

IDENTICAL TIE BIDS

Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

- Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
- 4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employees will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify the following:

(Check one and sign in the space provided.)

_This firm complies fully with the above requirements.

____This firm does not have a drug free work place program at this time.

Bidder's Signature PROSIDEN F

Title

Date

19

Exhibit B Page 5 of 12

Bid Title: Bid Number: BC-XX-XX-XX-XX **Opening Date:**

INSURANCE CERTIFICATION FORM

To indicate that Bidder/Respondent understands and is able to comply with the required insurance, as stated in the bid/RFP document, Bidder/Respondent shall submit this insurances sign-off form, signed by the company Risk Manager or authorized manager with risk authority.

A. Is/are the insurer(s) to be used for all required insurance (except Workers: Compensation) listed by Best with a rating of no less than A:VII?

XX YES NO	
Commercial General Liability:	Indicate Best Rating: <u>A+</u> Indicate Best Financial Classification: <u>XV</u>
Business Auto:	Indicate Best Rating:
XX YES NO Indicate Best Rating: Indicate Best Financial C	for Workers: Compensation insurance listed by Best with a rating of no less than A:VII?
s the Respondent able to	obtain insurance in the following limits (next page) as required for the services agreement?

XX YES NO

1.

Insurance will be placed with Florida admitted insurers unless otherwise accepted by Leon County. Insurers will have A.M. Best ratings of no less than A:VII unless otherwise accepted by Leon County.

Exhibit B Page 6 of 12

Bid Title: Bid Number: BC-XX-XX-XX-XX Opening Date:

Required Coverage and Limits

The required types and limits of coverage for this bid/request for proposals are contained within the solicitation package. Be sure to carefully review and ascertain that bidder/proposer either has coverage or will place coverage at these or higher levels.

Required Policy Endorsements and Documentation

Certificate of Insurance will be provided evidencing placement of each insurance policy responding to requirements of the contract.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the County, its officers, officials, employees and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Endorsements to insurance policies will be provided as follows:

Additional insured (Leon County, Florida, its Officers, employees and volunteers) -General Liability & Automobile Liability

Primary and not contributing coverage-General Liability & Automobile Liability

Waiver of Subrogation (Leon County, Florida, its officers, employees and volunteers)- General Liability, Automobile Liability, Workers: Compensation and Employers Liability

Thirty days advance written notice of cancellation to County - General Liability, Automobile Liability, Workers Compensation & Employers Liability.

Please mark the appropriate box:

Coverage is in place 9X Coverage will be placed, without exception

The undersigned declares under penalty of perjury that all of the above insurer information is true and correct.

Name Diane M. Kainec Typed or Printed

anne Signature

Date 5/12/2017

Title Agent (Company Risk Manager or Manager with Risk Authority)

Exhibit B Page 7 of 12

Bid Title: Bid Number: BC-XX-XX-XX-XX Opening Date:

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, And OTHER RESPONSIBILITY MATTERS PRIMARY COVERED TRANSACTIONS

- 1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b) Have not within a three-year period preceding this been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statues or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of these offenses enumerated in paragraph (1)(b) of this certification; and
 - d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- 2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
- No subcontract will be issued for this project to any party which is debarred or suspended from eligibility to receive federally funded contracts.

Signature Title Contractor

Sourced El 32771

Address

Exhibit B Page 8 of 12

Bid Title: Bid Number: BC-XX-XX-XX-XX Opening Date:

LOCAL VENDOR CERTIFICATION

The undersigned, as a duly authorized representative of the vendor listed herein, certifies to the best of his/her knowledge and belief, that the vendor meets the definition of a "Local Business." For purposes of this section, "local business" shall mean 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 (6) 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 (or one of the other local counties), and, if applicable, the City of Tallahassee; and
- c) Is the principal offeror who is a single offeror; a business which is the prime contractor and not a subcontractor; or a partner or joint venturer submitting an offer in conjunction with other businesses.

Please complete the following in support of the self-certification and submit copies of your County and City business licenses. Failure to provide the information requested will result in denial of certification as a local business.

Business Name: Oglesby Const. Insc	
Current Local Address:	Phone:
3645 Pellie De. TAllahasse, 19 37303	Fax:
If the above address has been for less than six months, please pro	ovide the prior address.
Longth of time at this originary	
Length of time at this address:	
Home Office Address:	Phone: 407.321.1010
600 Hickman CR. SANFORD A 32771	Phone: 407.321.1010 Fax: 407.321-6313
Resulant	5/11/17
Signature of Authorized Representative	Date
STATE OF Holila	
	IM
The foregoing instrument was acknowledged before merthis	day of hluy ,20_17
By TIGUN THEISEN UPPERSUM	of (Neme of concortation acknowledging)
a CHTO Corporation, on behalf of	of the corporation. He/she is personally known to me
(State or place of incorporation) or has produced	as identification.
•	I n notes
Return Completed form with supporting	Signature of Notary
documents to:	Print, Type or Slamp Name of Notary
Leon County Purchasing Division	Matava
1800-3 N. Blair Stone Road	Annillege Bach man 2
Tallahassee, Florida 32308	Seal Rumberniniter M Montgomery
	My Commission GG 009732
	2

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		KEVIN THEISEN (VP) Receipt #: 10432016120927541	OGLESBY CONSTRUCTION INC 600 HICKMAN CIRCLE SANFORD, FL 32771	RAY PO F	
	1	41 Amount Paid: \$ 28.75	N INC	SEMINOLE COUNTY BUSINESS TAX RECEI RAY VALDES, SEMINOLE COUNTY TAX COLLECTOR PO Box 630 = Sanford, FL 32772-0630 = Telephone: 407-665-1000 www.seminoletax.org VALID THROUGH 09/30/17	
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OGLESB	Y CONSTRUCTION	I INC		P	age 10 of 12 FL00 921
endor	657-	CITY OF TALLAHASSEE-UTILITIES	Check 9213	04/19,	/17
rx No	Invoice No	Inv Date Job/Description	Gross	Discount	Check Amount
2330	04-12-2017	04/12/17 FL42-OH	311.49		311.49
			311.49	0.00	
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0	GLESBY CONS 1600 TOLEI NORWALK,	TRUCTION INC DO ROAD OH 44857	CROGHAN COLONIA	AL BANK	FL00 921
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	GLESBY CONS 1600 TOLEI NORWALK, 419-668	TRUCTION INC DO ROAD OH 44857	CROGHAN COLONIA FREMONT, OH 4 56-274/412	AL BANK 3420 CHECK N	FL00 921
	GLESBY CONS 1600 TOLEI NORWALK, 419-668	TRUCTION INC DO ROAD OH 44857 3-8204	CROGHAN COLONIA FREMONT, OH 4 56-274/412 ***** DATE	AL BANK 3420 CHECK N 9213	FL00 921 NO. AMOUNT
****	GLESBY CONS 1600 TOLE NORWALK, 419-668 *THREE HUNDREI	TRUCTION INC DO ROAD OH 44857 3-8204 D ELEVEN DOLLARS AND 49 CENTS*** TALLAHASSEE-UTILITIES	CROGHAN COLONIA FREMONT, OH 4 56-274/412	AL BANK 3420 CHECK N 9213	FL00 921
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Account	Past Due	Current Charges	Total Amount
Number	Pay Now	Due 5/2/2017	Due
9566959558	\$0.00	\$311.49	\$311.49

Oglesby Construction Inc 600 Hickman Circle Sanford, FL 32771

City of Tallahassee 435 N. Macomb St. Relay Box Tallahassee, FL 32301

111 9566959558 0 04122017 000000000 0000031149 0000031149 9566959558

Exhibit B Page 12 of 12

Customer Name:	Oglesby Construction Inc
Account Number:	9566959558
Billing Date:	April 12, 2017

3	of	4	

Page

006950

Meter ID	Current Meter Read			Previous Meter Read			Reading	Mtr	Billed	Time
	Date	Reading	Est.	Date	Reading	Est.	Difference	Multr	Usage	of Use
W830721	4/5/17	51	N	3/5/17	51	N	0	1.00	0 CGAL	
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Meter	Current Meter Read			Previous Meter Read		Reading	Mtr	Billed	Time	
ID	Date	Reading	Est.	Date	Reading	Est.	Difference	Multr	Usage	of Use
W830721	4/5/17	51	N	3/5/17	51	N	0	1.00	0 CGAL	
Refuse Service – Commercial				4 yard d	Commercial Garbage Rate 4 yard dumpster picked up 1 day per week Subtotal				60.6	
ormwater – Non Residential					Service from 3/9/2017 – 4/12/2017 Stormwater Service					
ormwater		esidential						4/12/2017		\$ 60.6
ormwater		esidential			Stormy	vater				\$ 60.6 86.5
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ormwater re Service					Stormwa Stormwa Subtota	vater ater Fe I e from onres	Service ee – \$8.01 per n 3/9/2017 – idential	ERU		86.5

Subtotal

Service Address Total: 3645 Peddie Dr, Tallahassee, FL 32303 Premise Id #: 4011514524

311.49

\$ 121.75

LEON COUNTY PURCHASING DIVISION BID TABULATION SHEET BC-05-18-17-39

Attachment #2 Page 1 of 1

Bid Title: Striping and P	avement Markings	Opening Date: Thursday, May 18, 2017 at 2:00 PM				
Item/Vendor	Oglesby Const.	Emerald Coast				
Manual Signature	yes	Ves				
Affidavit of Immigration	Yes	Vies				
Tie Bid	Ves	Vies				
Insurance	yes	Yes				
Certificate Debarment	Yes	Yes				
	(
Bid Total for Unit price Sheet	# 492,641.78	# 832, 327.94				
No Bid:						
Tabulated By:	AD	Joanne Jenning				

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Leon County Board of County Commissioners

Notes for Agenda Item #13

Leon County Board of County Commissioners

Agenda Item #13

June 20, 2017

To: Honorable Chairman and Members of the Bqard

From: Vincent S. Long, County Administrator

Title: Full Board Appointments to the Advisory Committee on Quality Growth

Review and Approval:	Vincent S. Long, County Administrator		
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator		
Lead Staff/ Project Team:	Mary Smach, Agenda Coordinator		

Statement of Issue:

This agenda item seeks the Board's consideration of the Full Board appointments of citizens to the Advisory Committee on Quality Growth.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

- Option #1: Consideration of the appointment of thirteen citizens as members of the Advisory Committee on Quality Growth as follows:
 - a. **Seat #1** A person who is engaged in providing construction development, planning, or environmental-related services nominated by <u>Tallahassee Builders</u> <u>Association</u> for a three-year term ending May 31, 2020. The eligible applicant is: Bill Kimberl.
 - b. Seat #2 A person who is engaged in providing construction development, planning, or environmental-related services nominated by <u>Big Bend</u> <u>Contractors Association</u> for a two-year term ending May 31, 2019. The eligible applicant is: Elva Peppers.
 - c. Seat #3 A person who is engaged in providing construction development, planning, or environmental-related services nominated by <u>National Association</u> of Women in Construction for a three-year term ending May 31, 2020. The eligible applicant is: Jackie Wilson.
 - d. Seat #4 A person who is engaged in providing construction development, planning, or environmental-related services nominated by <u>Associated Builders</u> and <u>Contractors of North Florida</u> for a two-year term ending May 31, 2019. The eligible applicant is: Jay Bostwick.

- e. Seat #5 A person who is employed by the university or local school system for a three-year term ending May 31, 2020. The eligible applicant is: David Thayer.
- f. Seat #7 & Seat #8 A person employed by, or represents, a community-based, environment-related organization, one member for a three-year term ending May 31, 2020 and one member for a two-year term ending May 31, 2019. The eligible applicants are: Michael Dobson and Ryan Smart.
- g. Seats #9, #10 & #11 Any resident of Leon County. Two members for a three-year term ending May 31, 2020 and one member for a two-year term ending May 31 2019. The eligible applicants are: Ja'Baree Allen, Ronald Burger, Robert A. Campbell, Janice Dodge, Rafael Marimon, Shawn Roberts, Todd Sperry and Jared Willis.
- h. **Seat #12** A person who represents a business association or organization nominated by the <u>Greater Tallahassee Chamber of Commerce</u> for a two-year term ending May 31, 2019. The eligible applicant is: Matt Tharpe.
- i. Seat #13 A person who represents a business association or organization nominated by the <u>Big Bend Minority Chamber of Commerce</u> for a three-year term ending May 31, 2020. The eligible applicant is: Antonio Jefferson.
- j. Seat #14 A person who represents a business association or organization nominated by <u>Network of Entrepreneurs & Business Advocates</u> for a two-year term ending May 31, 2019. The eligible applicant is: Will Croley.

Staff is working with the Council of Neighborhood Associations and the Capital City Chamber of Commerce to provide their nominations and member applications to the County. Upon receipt, staff will provide additional information to the Board. If these applications are received prior to the Board's June 20 meeting, then the applicants for Option #2 may be considered by the Board; if not, the appointments in Option #2 will be brought back to the Board for consideration at a future Board meeting.

Option #2: Pending the receipt of the nominations and applications, consideration of the appointment of two citizens as members of the Advisory Committee on Quality Growth as follows:

- a. **Seat #6** A person who serves on a neighborhood association board or represents a neighborhood-based organization nominated by the <u>Council of Neighborhood Associations</u> for a two-year term ending May 31, 2019.
- b. Seat #15 A person who represents a business association or organization nominated by the <u>Capital City Chamber of Commerce</u> for a three-year term ending May 31, 2020.

Report and Discussion

Background:

At its August 23, 2011 meeting, the Board approved the revised process for full Board appointments to Authorities, Boards, Committees, and Councils by having a General Business item prepared to fill vacancies.

On April 4, 2017, the Board approved the creation of the Advisory Committee on Quality Growth (Committee) and at the May 9, 2017 meeting the Board approved the Enabling Resolution establishing the Committee (Attachment #1).

Analysis:

Advisory Committee on Quality Growth

Purpose:

The Advisory Committee for Quality Growth serves as a standing advisory committee made up of development industry professionals and community stakeholders to provide continuous feedback and guidance to the department of Development Support and Environmental Management (DSEM) on process improvements, service enhancements, and regulatory policies which support the highest quality growth and development attainable for our community. The Committee is staffed by the new Chief Development Resources Officer and charged with providing feedback and input on the overall customer experience at DSEM including proposed process improvements, customer service and desired regulatory enhancements. The responsibilities of this advisory committee will place a greater emphasis on proactive input and feedback for all development review and approval matters.

Composition:

The Committee has fifteen-members appointed by the full Board: nine are nominated by local organizations / associations and the remaining six do not require a nomination. The initial terms will be staggered, with the even seat numbers serving a two-year term and the odd seat numbers serving a three-year term. After the initial term, all terms will be for three years.

Vacancies:

There are fifteen vacancies on the Committee and the eligibility criteria and nominating organizations are listed in Table #1. Members of the DSEM User Group were contacted and invited to apply for membership on the Committee. Eligible applicants for each seat are listed in Table #1.

Seat No.	Nominator	Eligibility Criteria	Application Attachment #	Eligible Applicant	No. of Vacancies
1	Tallahassee Builders Association	A person who is engaged in providing construction development, planning, or environmental-related services.	2.	Bill Kimberl	1
2	Big Bend Contractors Association	A person who is engaged in providing construction development, planning, or environmental-related services.	3.	Elva Peppers	1
3	National Assoc. of Women in Construction	A person who is engaged in providing construction development, planning, or environmental-related services.	4.	Jackie Wilson ¹	1
4	Associated Builders & Contractors	A person who is engaged in providing construction development, planning, or environmental-related services.	5.	Jay Bostwick	1
5	N/A	A person who is employed by the university or local school system.	6.	David Thayer	1
6	Council of Neighborhood Associations	A person who serves on a neighborhood association board or represents a neighborhood-based organization.		Pending	1
7 8	N/A	A person employed by, or represents, a community-based, environment-related organization.	7. 8.	Michael Dobson Ryan Smart	2
9 10 11	N/A	Any resident of Leon County	9. 10. 11. 12. 13. 14. 15. 16.	Ja'Baree Allen Ronald Burger Robert A. Campbell Janice Dodge Rafael Marimon Shawn Roberts Todd Sperry Jared Willis	3
12	Greater Tallahassee Chamber of Commerce	A person who represents a business association or organization.	17.	Matt Tharpe ²	1
13	Big Bend Minority Chamber of Commerce	A person who represents a business association or organization.	18.	Antonio Jefferson	1
14	Network of Entrepreneurs & Business Advocates	A person who represents a business association or organization.	19.	Will Croley	1
15	Capital City Chamber of Commerce	A person who represents a business association or organization.		Pending	1

 Table #1. Advisory Committee on Quality Growth
 Particular

¹ This applicant is currently a member of the Contractors License & Examination Board (CLEB) and has agreed to resign from CLEB if appointed to the Advisory Committee on Quality Growth.

 2 This applicant has provided a Form 4A (Disclosure of Business Transaction, Relationship or Interest) which discloses to the Board a conflicting employment or contractual relationship with a business entity doing business with the County. Pursuant to Fla. Stat. Secs. 112.313(3) and (7), this conflict would normally prohibit the applicant from serving on a Board advisory committee. However, Fla. Stat. Sec. 112.313(12) allows the Board to waive this conflict upon being presented the applicant's disclosure of the conflict in Form 4A followed by the appointment of the applicant by at least a two-thirds affirmative vote of the Board.

Staff is working with the Council of Neighborhood Associations and the Capital City Chamber of Commerce to provide their nominations and member applications to the County. Upon receipt, staff will provide additional information to the Board. If these applications are received prior to the Board's June 20 meeting, then the applicants for Option #2 may be considered by the Board; if not, the appointments in Option #2 will be brought back to the Board for consideration at a future Board meeting.

Options:

- 1. Consideration of the appointment of thirteen citizens as members of the Advisory Committee on Quality Growth as follows:
 - a. **Seat #1** A person who is engaged in providing construction development, planning, or environmental-related services nominated by <u>Tallahassee Builders</u> <u>Association</u> for a three-year term ending May 31, 2020. The eligible applicant is: Bill Kimberl
 - b. Seat #2 A person who is engaged in providing construction development, planning, or environmental-related services nominated by <u>Big Bend Contractors</u> <u>Association</u> for a two-year term ending May 31, 2019. The eligible applicant is: Elva Peppers
 - c. Seat #3 A person who is engaged in providing construction development, planning, or environmental-related services nominated by <u>National Association of Women in Construction</u> for a three-year term ending May 31, 2020. The eligible applicant is: Jackie Wilson
 - d. **Seat #4** A person who is engaged in providing construction development, planning, or environmental-related services nominated by <u>Associated Builders and Contractors of North Florida</u> for a two-year term ending May 31, 2019. The eligible applicant is: Jay Bostwick
 - e. **Seat #5** A person who is employed by the university or local school system for a three-year term ending May 31, 2020. The eligible applicant is: David Thayer
 - f. Seat #7 & Seat #8 A person employed by, or represents, a community-based, environment-related organization, one member for a three-year term ending May 31, 2020 and one member for a two-year term ending May 31, 2019. The eligible applicants are: Michael Dobson and Ryan Smart
 - g. Seats #9, #10 & #11 Any resident of Leon County. Two members for a threeyear term ending May 31, 2020 and one member for a two-year term ending May 31 2019. The eligible applicants are: Ja'Baree Allen, Ronald Burger, Robert A. Campbell, Janice Dodge, Rafael Marimon, Shawn Roberts, Todd Sperry and Jared Willis
 - h. **Seat #12** A person who represents a business association or organization nominated by the <u>Greater Tallahassee Chamber of Commerce</u> for a two-year term ending May 31, 2019. The eligible applicant is: Matt Tharpe

- i. Seat #13 A person who represents a business association or organization nominated by the <u>Big Bend Minority Chamber of Commerce</u> for a three-year term ending May 31, 2020. The eligible applicant is: Antonio Jefferson
- j. **Seat #14** A person who represents a business association or organization nominated by <u>Network of Entrepreneurs & Business Advocates</u> for a two-year term ending May 31, 2019. The eligible applicant is: Will Croley
- 2. Pending the receipt of the nominations and applications, consideration of the appointment of two citizens as members of the Advisory Committee on Quality Growth as follows:
 - a. **Seat #6** A person who serves on a neighborhood association board or represents a neighborhood-based organization nominated by the <u>Council of Neighborhood</u> <u>Associations</u> for a two-year term ending May 31, 2019.
 - b. Seat #15 A person who represents a business association or organization nominated by the <u>Capital City Chamber of Commerce</u> for a three-year term ending May 31, 2020.
- 3. Board direction.

Recommendation:

Options #1 & #2.

Attachments:

- 1. Enabling Resolution
- 2. Bill Kimberl application & nomination
- 3. Elva Peppers application & nomination
- 4. Jackie Wilson application & nomination
- 5. Jay Bostwich application & nomination
- 6. David Thayer application
- 7. Michael Dobson application
- 8. Ryan Smart application
- 9. Ja'Baree Allen application
- 10. Ronald Burger application
- 11. Robert A. Campbell application
- 12. Janice Dodge application
- 13. Rafael Marimon application
- 14. Shawn Roberts application
- 15. Todd Sperry application
- 16. Jared Willis application

- 17. Matt Tharpe application, disclosure form & nomination
- 18. Antonio Jefferson application & nomination
- 19. Will Croley application & nomination

RESOLUTION NO. 17-05

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, TO AUTHORIZE THE CREATION OF THE ADVISORY COMMITTEE FOR QUALITY GROWTH AND TO PROVIDE GUIDELINES FOR ITS OPERATION AND FUNCTION AS A FOCUS GROUP OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY ESTABLISHED PURSUANT TO POLICY No. 03-15, BOARD-APPOINTED ADVISORY COMMITTEES.

WHEREAS, the Board of County Commissioners of Leon County, Florida (the Board), values and acknowledges the importance of public involvement and input in County government; and

WHEREAS, in order for the Board to consider the input of the public to provide to the Board recommendations regarding service enhancement relating to the development review and approval process, it wishes to authorize and appoint an advisory committee to function and operate in accordance with Board Policy No. 03-15, Board-Appointed Advisory Committees; and

WHEREAS, on April 4, 2017, Leon County Board of County Commissioners approved the Department of Development Support and Environmental Management (DSEM) Upgrade, including the creation of a new advisory committee to replace the DSEM Citizens User Group; and

WHEREAS, the DSEM Citizens User Group, created by Resolution No. 14-27, shall be dissolved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, that:

1. The Board hereby authorizes the advisory committee named the Advisory Committee for Quality Growth for the purpose of providing continuous feedback for all development review and approval process improvements and service enhancements.

2. The Advisory Committee for Quality Growth shall function and operate as a focus

group in accordance with Board Policy No. 03-15, Board Appointed Committees.

3. The Advisory Committee for Quality Growth shall have as its goal to serve as a fact-finding source of community input and technical resources from development industry professionals and community stakeholders regarding issues relating to the development review and approval service processes.

4. The Advisory Committee for Quality Growth shall offer, through the Leon County Development Support and Environmental Management Department staff, proactive input and realtime feedback for all development review and approval process service enhancements considered to be of priority interest.

5. The Advisory Committee for Quality Growth shall have fifteen (15) members, specifically to represent a balance of community interests. The members shall be residents of Leon County and shall have demonstrated experience and interest in community development, and environmental management-related issues within Leon County. The following members, appointed by the full Board, are to be appointed based on the following criteria:

a) Seat 1: a person who is engaged in providing construction development,
 planning or environmental-related services, nominated by the Tallahassee Builders
 Association;

b) Seat 2: a person who is engaged in providing construction development,
 planning or environmental-related services, nominated by the Big Bend Contractors
 Association;

c) Seat 3: a person who is engaged in providing construction development, planning or environmental-related services, nominated by the National Association of Women in Construction;

d) Seat 4: a person who is engaged in providing construction development, planning or environmental-related services, nominated by the Associated Builders and Contractors of North Florida;

e) Seat 5: a person who is employed by the university or local school system;

 f) Seat 6: a person who serves on a neighborhood association board or represents a neighborhood-based organization, nominated by the Council of Neighborhood Associations;

g) Seat 7: a person employed by or represents, a community-based, environment-related organization;

h) Seat 8: a person employed by or represents, a community-based, environment-related organization;

i) Seat 9: a resident of Leon County;

j) Seat 10: a resident of Leon County;

k) Seat 11: a resident of Leon County;

 Seat 12: a person who represent a business association or organization, nominated by the Greater Tallahassee Chamber of Commerce;

m) Seat 13: a person who represent a business association or organization,
 nominated by the Big Bend Minority Chamber of Commerce;

n) Seat 14: a person who represent a business association or organization, nominated by the Network of Entrepreneurs & Business Advocates; and

o) Seat 15: a person who represent a business association or organization, nominated by the Capital City Chamber of Commerce.

6. The terms of the members of the Advisory Committee for Quality Growth shall be for three years. Committee appointments will be made initially for staggered two-year, and threeyear terms, with even numbered seats serving two-year terms and odd numbered seats serving threeyear terms. After the initial appointments, all terms will be for three years, with no member serving more than three consecutive three-year terms. Vacancies are filled for the remainder of the unexpired term.

7. The members of the Advisory Committee for Quality Growth shall not be subject to full and public disclosure of financial interests.

8. The Advisory Committee for Quality Growth shall be staffed by the Chief Development Resources Officer and assisted by staff from the Department of Development Support and Environmental Management.

9. The DSEM Citizens User Group is hereby dissolved.

10. The Advisory Committee for Quality Growth shall be dissolved only as directed by the Board.

11. This Resolution shall become effective immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County,

Florida, this 9th day of May 2017.

LEON COUNTY, FLORIDA ATTESTED BY: BY Vice-Ch Nick laddox. rinan BY: Board of County Commissioners Gwendol in Marsha Clerk of the Circuit Court APPROVED AS TO FORM: Leon County Attorney's Office Leon County, Florida Se BY: Herbert W. A. Thiele

Herbert W. A. Thield County Attorney

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Page 1 of 4

It is the applicant's responsibility to keep this information	current		
To advise the County of any changes please contact Mar			
by telephone at 606-5300 or by e-mail at SmachM@leonco			
Applications will be discarded if no appointment is made after			
Name:William KImberl IVHome Phone:(850) 251-6273Work Phone:(850) 251-XE	Date: 6/5/2017 3:24:44PM		
Occupation: BUILDING CONTRACTOR Employer: SELF-EMPLOYE			
Preferred mailing location: Home Address			
Work Address: 1970 BUSHY HALL RD.			
City/State/Zip: TALLAHASSEE,FL 32309			
Home Address 1970 BUSHY HALL RD.			
City/State/Zip: TALLAHASSEE,FL 32309			
Do you live in Leon County? Yes If yes, do you live within the City limits			
Do you own property in Leon County? Yes If yes, is it located within the For how many years have you lived in and/or owned property in Leon County?	City limits? No 20 years		
Are you currently serving on a County Advisory Committee? No			
If yes, on what Committee(s) are you a member? Have you served on any previous Leon County committees? No			
If yes, on what Committee(s) are you a member?			
Please indicate your area of expertise:			
X Provider of construction development, planning or environmental-relate	d convision		
(This seat requires a nomination)	u services		
Name of nominating organization: Tallahassee Builders Associaton			
Employed by a university or local school system			
Name of Employer:			
Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.)			
Name of neighborhood Board/Organization:			
Employed by or represents, a community-based, environment-related organization			
Name of organization:			
Represents a business association or organization. (This seat requires	s a nomination.)		
Name of nominating association/organization:			
Resident of Leon County			
(OPTIONAL)Leon County strives to meet its goals, and those contained in variou maintaining a membership in its Advisory Committees that reflects the diversity of strictly optional for Applicant, the following information is needed to meet reporting those goals. Race: CaucasianSex: MaleMaleAge: 	the community. Although		

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. AS A BUILDER FOR THE LAST 15 YEARS, I HAVE OWNED AND OPERATED MY BUSINESS BOTH IN FL AND GEORGIA AND AM LICENSED ON BOTH STATES. I ALSO HOLD A FLORIDA INSPECTORS LICENCE AND WORKED FOR THE COUNTY PLANNING DEPARTMENT AS AN INSPECTOR FOR 5 YEARS.	Attachment #2 Page 2 of 4
References (you must provide at least one personal reference who is not a family member): Name: KAREN KOELEMIJ Telephone: 850-222-5262 Address: PO BOX 1212 TALL 32301	
Name: BRIAN WILL Telephone: 8502220319 Address: PO BOX 13798 For the second secon	
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	
 Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? No (Your application will only be considered if you have completed the online orientation.) Yes per email dated 6/8/17. Are you willing to complete a financial disclosure form Yes 	
3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.	
4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No If yes, please explain.	

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currenty 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: William 'Bill" Kimberl

This application was electronically sent: 6/5/2017 3:24:44PM

From:	Bill Kimberl IV <billiv@embarqmail.com></billiv@embarqmail.com>
To:	Mary Smach <smachm@leoncountyfl.gov></smachm@leoncountyfl.gov>
Date:	6/8/2017 1:40 PM
Subject:	Re: Application Received

Mary, I have reviewed the new member orientation. What else is needed from me. Thanks much, Bill IV

Bill Kimberl IV ; CIP, CAPS 2013 TBA Builder of the Year Bill Kimberl Construction "Your High Performance Home Builder" Fl Lic # CBC 1257118 HI 2375 Ga Lic# RBQA 5341

Mbl # 850-251-6273 Office/Fax # 850-386-3513 billiv@embarqmail.com HighPerformanceHomeBuilder.com

> On Jun 5, 2017, at 3:40 PM, Mary Smach <SmachM@leoncountyfl.gov> wrote:

> Dear Mr. Bill Kimberl,

>

> Thank you for your interest in serving on an advisory committee. Citizen participation is important in developing Leon County's programs and policies, and in providing quality public services to the community.

> We received your application for the Advisory Committee on Quality Growth. We currently have a vacancy on the Board and I will forward your application to the appropriate personnel. We will keep your application on file for a period of two years.

> In order to be eligible for to serve on a committee, all applicants must complete our online orientation. Unfortunately, your application indicates that you did not. Would you please complete the short online orientation so that your application may be considered for appointment, and please let me know by return email that you have done so?

> If I can be of any further assistance please feel free to contact me.

> > Mary Smach

> Agenda Coordinator

> Leon County Administration > 301 S. Monroe St. Suite 502

> Tallahassee, FL 32301 > 850-606-5311

>

> www.leoncountyfl.gov

>

> "People Focused. Performance Driven"

> Thank you for your email. 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.

>

From:Heather PeeplesTo:Mary SmachDate:5/23/2017 4:53 PMSubject:Fwd: Bill Kimberl is the TBA nominee

>>> Lynne Edwards <lynne.edwards@tallyba.com> 5/23/2017 4:52 PM >>>

Bill Get online and try to get your information in this week.

Once you've identified an eligible nominee for the Committee, please have them complete the Online Citizen Committee Application <<u>http://cms.leoncountyfl.gov/apps/committeeapp/></u>

Again, my apologies for the inconvenience.

The TBA has MOVED – Note our new street address: 3231 Capital Medical Blvd. Tallahassee, FL 32308

Lynne Edwards Executive Officer Tallahassee Builders Association

Mailing: PO Box 12723, Tallahassee, FL 32317 Current Street Address: 3231 Capital Medical Blvd, Tallahassee, FL 32308

Email: Lynne.Edwards@tallyba.com Phone: 850-385-1414 Fax: 850-329-7013 Cell: 850-251-7477

Visit www.TallyBa.com LIKE US ON FACEBOOK: https://www.facebook.com/TallahasseeBuildersAssociation

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Page 1 of 4

It is the applicant's responsibility to keep this informatio	n current.		
To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov			
Applications will be discarded if no appointment is made after			
Name: Elva Peppers	Date: 5/12/2017 2	::53:23PM	
	Email: elvapeppers@felsi.o		
Occupation: ENVIRONMENTAL Employer: FLORIDA ENVI CONSULTANT INC	IRONMENTAL & LAND SEF	RVICES,	
Preferred mailing location: Work Address Work Address: 221-4 DELTA CT City/State/Zip: TALLAHASSEE,FL 32303			
Home Address 227 WEST 4TH AVENUE			
City/State/Zip: TALLAHASSEE,FL 32303			
Do you live in Leon County?YesIf yes, do you live within the City limitDo you own property in Leon County?YesIf yes, is it located within theFor how many years have you lived in and/or owned property in Leon County?			
Are you currently serving on a County Advisory Committee? No If yes, on what Committee(s) are you a member?			
Have you served on any previous Leon County committees? No If yes, on what Committee(s) are you a member?			
Please indicate your area of expertise: X Provider of construction development, planning or environmental-relation (This seat requires a nomination)	ed services		
Name of nominating organization: Big Bend Constractors Asso	ociation		
Employed by a university or local school system			
Name of Employer:			
Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.)			
Name of neighborhood Board/Organization:			
Employed by or represents, a community-based, environment-related	organization		
Name of organization:			
Represents a business association or organization. (This seat require	es a nomination.)		
Name of nominating association/organization:			
X Resident of Leon County			
(OPTIONAL)Leon County strives to meet its goals, and those contained in vario maintaining a membership in its Advisory Committees that reflects the diversity o strictly optional for Applicant, the following information is needed to meet reportin those goals. Race:Sex:FemaleAge:48.00Disabled?NoDistrict:1	of the community. Although ag requirements and attain	f	

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.

Attachment #3 Page 2 of 4

References (you must provide at least one personal reference who is not a family member):

Name:MICHAEL ROBERTSTelephone:850-576-3610Address:1712 SILVER LAKE ROAD, TALLAHASSEE

Name:DEBRA PREBLETelephone:850-443-0067Address:502 EAST PARK AVENUE, TALLAHASSEE

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

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
 If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? Yes (If yes, prior to or at the time of submission of any bid for county business, a disclosure form must be filed.)

6.) Do you currenty 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Elva Peppers

This application was electronically sent: 5/12/2017 2:53:23PM

From:	Tina Crowder <tina@jimmiecrowder.com></tina@jimmiecrowder.com>
To:	Mary Smach <smachm@leoncountyfl.gov></smachm@leoncountyfl.gov>
Date:	5/19/2017 10:28 AM
Subject:	Re: Nomination for the Advisory Committee on Quality Growth

Elva Peppers. I believe she submitted her application on line this past weekend.

Thank you, Tina Crowder

Sent from my iPhone

On May 19, 2017, at 8:50 AM, Mary Smach <SmachM@leoncountyfl.gov<mailto:SmachM@leoncountyfl.gov>>> wrote:

Good Morning Ms. Crowder,

Would you please let us know by return email, who the Big Bend Contractors Association is nominating for membership on the new Leon County Advisory Committee on Quality Growth?

Thank you for your time.

Mary Smach Agenda Coordinator Leon County Administration 301 S. Monroe St. Suite 502 Tallahassee, FL 32301 850-606-5311

www.leoncountyfl.gov<http://www.leoncountyfl.gov>

"People Focused. Performance Driven"

Thank you for your email. 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 #3 Page 4 of 4

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT Attachment #4 ADVISORY COMMITTEE ON QUALITY GROWTH Page 1 of 6

lt is the applicant's responsibility to keep this informatio			
It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach			
by telephone at 606-5300 or by e-mail at SmachM@leonce	ountyfl.gov		
Applications will be discarded if no appointment is made af			
Name: Jackie Wilson Home Phone: (850) 980-1414 Work Phone: (850) 980-1414X	Date: 5/8/2017 5:34:08PM		
	Email: jwilson@tlhtech.com E TECH GROUP		
Preferred mailing location: Work Address			
Work Address: PO BOX 13672			
City/State/Zip: TALLAHASSEE,FL 32317			
Home Address 1010 MIMOSA DR			
City/State/Zip: TALLAHASSEE,FL 32312			
Do you live in Leon County? Yes If yes, do you live within the City limi			
Do you own property in Leon County? Yes If yes, is it located within the For how many years have you lived in and/or owned property in Leon County?	e City limits? Yes 62 years		
Are you currently serving on a County Advisory Committee? Yes			
	NSING & EXAMINATION BOAR		
Have you served on any previous Leon County committees? Yes If yes, on what Committee(s) are you a member? CONTRACTOR'S LICE!	NSING & EXAMINATION BOARDCURRE		
Please indicate your area of expertise:			
X Provider of construction development, planning or environmental-relat (This seat requires a nomination)	ted services		
Name of nominating organization: Nat'l Assoc of Women in Co	onstruction		
Employed by a university or local school system			
Name of Employer:			
Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.)			
Name of neighborhood Board/Organization:			
Employed by or represents, a community-based, environment-related organization			
Name of organization:			
Represents a business association or organization. (This seat require	es a nomination.)		
Name of nominating association/organization: Network of Er	ntrepreneurs & Business Advocates		
X Resident of Leon County			
(OPTIONAL)Leon County strives to meet its goals, and those contained in varior maintaining a membership in its Advisory Committees that reflects the diversity of strictly optional for Applicant, the following information is needed to meet reporting those goals. Race: CaucasianSex:Age: Disabled?Disabled?NoDistrict:3	of the community. Although		

References (you must provide at least one personal reference who is not a family member):
Name: CYNTHIA HENDERSON Telephone: 850-559-0855 Address: 2606 THOMASVILLE RD
Name: ED DION Telephone: 850-528-4467 Address: LOTHIAN DR
 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 1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? Yes
2.) Are you willing to complete a financial disclosure form Yes
3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.
4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No If yes, please explain.
5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No
6.) Do you currenty 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/Board/Authority? No If yes, please explain.
All statements and information provided in this application are true to the best of my knowledge. Signature: Jackie Wilson This application was electronically sent: 5/8/2017 5:34:08PM

Jackie Wilson P.O. Box 13672, Tallahassee, FL 32317, 850-980-1414 cell

Objective:	To work in a challenging position, for an organization where my creative talents, people skills, contacts, organizational skills and professional training and experience can be put to good use.
Education:	 *Leon High School, Tallahassee, FL *Florida State University, Tallahassee, FL—Bachelors Degree *Multiple workshops/seminars <i>re:</i> management, promotions & sales & marketing, Event planning, association law, employment law, Political Action Committees, (PACs/PICs), etc
Professional Exp 2013-Present	<i>berience:</i> Leon County Construction Industry Licensing & Examination Board—County Commission appointment seat
8/2013-Present	Tallahassee Technology Group, Inc.—Senior Account Executive Sales/Marketing of Xerox Print/Copy/Scan/Fax Devices create/present proposals & contracts. Handle my customer's service needs.
8/2012-8/2013	 Brian Barnard's Flooring America—"the Hunter" (a marketing position to "drive" business to the stores). Targeting specific segments of the community, prepare a package of products/services appropriate to the group. Make presentations to groups or a lead person in order to bring new business to the company. Work with the Sales team to follow-up on the services to the customer. Coordinate & man the booth at Home Shows/Trade Shows/ Table-Tops, etc Coordinate participation with builders, participating in the Parade of Homes, to man the homes, where we had product(s). Also, handled marketing and representing the company at various organizations & networking groups (TBA, ABC, NAWIC, CAI, Chamber, etcetc)
7/08-4/30/12	Cadence Bank/Superior Bank—AVP Association Services Marketing a specific product/service to, to manage funds of Homeowners Associations (HOAs), Condo Associations, Professional and Trade Associations and certain businesses, throughout the Florida Panhandle. Also promoting and marketing other Treasury Management and banking services to prospective customers. Participated in various Trade Show events across the panhandle, set up and manned the booth or table-top display. Held membership in the CAI (Community Association Institute.
3/07-6/08	Ameritime Mortgage Co/Avery and Associates—Operations Manager/Marketing Director/Loan Officer Responsible for representing the company in the community attending events and meetings to bring awareness of the company to members of the real estate and building industries and the community at large. Handled advertising and marketing of the local office. Work with clients to secure loans for purchasing and/or refinancing their homes or properties.
3/06-07/08	The Builder News—Marketing Director Sales, promotions and public relations for a newspaper publication specifically targeting the building industry.
3/06-3/07	All-Tech Southeast—Sales Director Sales of custom gates and powder coating jobs throughout the North Florida panhandle
3/06-3/07	Business Edge Consulting—Partner/Consultant Consulting and training for businesses, private and government agencies, and associations. Coordinated special projects/programs.
3/85-2/06:	Tallahassee Builders Association—CEO/EVP Management of all activities of the 600 corporate member Professional Trade Association. Hiring/firing/training/managing staff, preparation and management of budget, P&L, payables and receivables, membership records, reports to state, and national associations, monthly newsletter, monthly board meetings and monthly general membership meetings, agendas, minutes, and arranged for all speakers and programs. Led the lobbying efforts, at the local, state and national levels. Managed the scholarship programs. Presentation of CEUs (continuing educational classes) as required (by DBPR/CILB) for the licensed contractors to renew their professional licenses. Liaison to the National (NAHB) and State (FHBA) associations. Managed the Political Action Committee (PAC), Remodelers Council [™] , Home Owners Warranty (HOW) [™] Council, Associate Member Council(AMC) [™] , Sales and Marketing Council (SMC) [™] , Building Industry Oversight Committee (BIOC)

				Page 4 of	
-		association meeting	s, activities and ever	nts including the following annual	
events:	*Parade of Homes TM Parade of Homes TM	Vial off Event			
	Parade of Homes TM				
	Parade of Homes TM				
	*Home Show		*Fun Night (Theme	ed Social)	
	*Home and Garden Sho	W	*Industry Day		
*North Florida Co		ction		assee-Industry Panel	
	Trade EXPO		*Legislative Action Week		
	*Salt Water Fishing Tou	ırnament	*Annual Auction	••. •.	
	*Clay Target Shoot *Golf Tournament			mini trade show)	
Also or	ganized many special pro	iects and fundraise	r events to henefit.		
*Habitat for Hun		Big Bend Hospice	evenus to benefit.	*The Refuge House	
*Boys and Girls		American Cancer S	Society	*Tallahassee Housing	
*Big Brothers &	Big Sisters *	Odyssey Science N	/luseum	Foundation	
*Boys Town		The SHELTER		*United Way	
*PACE Center for	or Girls *	The Women's SH	ELTER	"Octoberfix" & "Springfix"	
6/82—3/85:	Turner Heritage Hom	es (formerly Centi	ry Construction C	orn)—Production	
0/02 5/05.	Coordinator	es (tormerty cent	in y construction c	orp.)—1 roduction	
	Permitting, scheduling, estimating, purchasing, job cost coordinator for 400+ homes a year.				
				nomeowner's service calls.	
10/00 6/02		·			
10/80-6/82:	Collier Interiors—Inte				
	Estimating and bidding residential and commercial interior finishes projects, including coordination of materials and labor. Coordinated/directed the job from estimate to completion.				
	coordination of material	s and fabor. Coord	mated/unceted the j	to nom estimate to completion.	
9/72—10/80:	Capital City Plumbing Company—Owner/Business Manager				
	Managed all business, including, but not limited to A/P & A/R, taxes, estimating, customer service, hiring, firing, managing employees; both in the office and the field. Also some job site				
	service, hiring, firing, m work.	anaging employees	s; both in the office a	and the field. Also some job site	
	WOIK.				
Member/Board:	Tallahassee Board of Realtors, Women's Council of Realtors-Board Member, Society of				
	Human Resource Managers (SHRM), NEBA-Board/Treasurer, Community Associations				
	Institute (CAI), American Society of Association Executives (ASAE), Florida Society of				
				ciation Executives (TSAE),	
		National Association of Women in Construction (NAWIC)-Currently serving as President and have served as <i>Past President, Past National Board Member</i> , Zonta International — <i>Past</i>			
				rs, FSU Alumni Association,	
				mni Association-currently	
	serving as President				
	PACE Center for Girls-Founding Member & President/Chairman of the Board for 13 years,				
	and continued serving 2 more 3 year terms as a Board Member				
	Alzheimer's Project—				
				ber approximately 5 years	
	Actively served on the American Cancer Society's "Cattle Barons Ball" Committee—approx 8 out of the 14 years of Tallahassee events.				
	Girl Scouts 2 nd grade Through High School, Girl Scout leader '70-'73				
	-	8	,		
Awards & Recog					
2016				Community Leadership"	
2006 2005	Outstanding Woman in FSU College of Human			rd	
	nding Volunteer of the Y			lu	
	nding Member of the Ye			action (Three times)	
	nding Zontian of the Yea				
Nomina	ited several years as Talla	ahassee Volunteer	of the Year-sponsor	red by The Tallahassee Democrat	
North F	lorida Christian School F	ootball Boosters	2003 Outstanding V	Volunteer of the Year	

**References and letters of recommendation provided upon request

From:	Jackie Wilson <jwilson@tlhtech.com></jwilson@tlhtech.com>
To:	Mary Smach <smachm@leoncountyfl.gov>, "ZirinG@leoncountyfl.gov" <ziring@leoncountyfl.gov></ziring@leoncountyfl.gov></smachm@leoncountyfl.gov>
CC:	Heather Peeples < Peeples H@leoncountyfl.gov>
Date:	5/8/2017 4:51 PM
Subject:	RE: Advisory Committee for Quality Growth (ACQG)

I have decided to submit my name for this committee, and relinquish my position on the Leon County Construction Licensing and Examination Board.

I would be glad to submit another person from the Women in Construction Organization, to fill that position, if you would like.

I will complete the application and submit it back to you, immediately.

Jackie Wilson Xerox Account Executive Tallahassee Technology Group, Inc. 1949 Raymond Diehl Rd. Tallahassee, FL 32308 Cell: 850-228-8661 or 850-980-1414 jwilson@thhtech.com<mailto:jwilson@thhtech.com> [TTG_Logo (3)] Xerox supports Green Initiatives. [Green Initiative]

From: Mary Smach [mailto:SmachM@leoncountyfl.gov] Sent: Tuesday, May 02, 2017 2:07 PM To: Jackie Wilson <jwilson@tlhtech.com> Cc: Heather Peeples <PeeplesH@leoncountyfl.gov> Subject: Advisory Committee for Quality Growth (ACQG)

Hi Jackie,

It was a pleasure speaking with you today. As we discussed, it is the County policy that citizens may only serve on one committee at a time. So if you would like to serve on the new Advisory Committee on Quality Growth, you would need to resign your seat on the Contractor's License & Examination Board.

Our web page provides more information on this new committee: http://cms.leoncountyfl.gov/committees/detail.asp?id=157

Your organization may make a nomination to the new Advisory Committee on Quality Growth via email or letter if you prefer. Please ask your nominee to complete the online application: http://cms.leoncountyfl.gov/committees/

If we can be of any further assistance, please do not hesitate to contact me or Heather Peeples at 850-606-5300.

Regards,

Mary Smach Agenda Coordinator Leon County Administration 301 S. Monroe St. Suite 502 Tallahassee, FL 32301 850-606-5311

www.leoncountyfl.gov<http://www.leoncountyfl.gov/>

"People Focused. Performance Driven"

Thank you for your email. 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.

>> Jackie Wilson <jwilson @tlhtech.com<mailto:jwilson@tlhtech.com>> 4/18/2017 11:45 AM >>> Just to let you know, in response to your letter, I would be very interested in serving on this new committee

Jackie Wilson President Tallahassee Chapter #72 National Association of Women in Construction PO Box 13672 Tallahassee, FL 32317 Cell: 850-980-1414 jwilson@tlhtech.com<mailto:jwilson@tlhtech.com>

Attachment #4 Page 6 of 6

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Page 1 of 4

It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov Applications will be discarded if no appointment is made after two years.			
Name: Jay Bostwick Date: 5/10/2017 2:25:09PM			
Home Phone: (850) 556-2188 Work Phone: (850)562-1101X Email: jbostwick@sperryconstruction.co	om		
Occupation: CONSTRUCTION Employer: SPERRY & ASSOCIATES			
Preferred mailing location: Work Address Work Address: 4495 CAPITAL CIRCLE N.W. City/State/Zip: TALLAHASSEE,FL 32303			
Home Address 2102 GREAT OAK DR.			
City/State/Zip: TALLAHASSEE,FL 32303			
Do you live in Leon County? Yes If yes, do you live within the City limits? Yes	12		
Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes			
For how many years have you lived in and/or owned property in Leon County? 28 years Are you currently serving on a County Advisory Committee? No			
If yes, on what Committee(s) are you a member?			
Have you served on any previous Leon County committees? Yes			
If yes, on what Committee(s) are you a member? BOARD OF ADJUSTMENTS AND APPEALS Please indicate your area of expertise: Provider of construction development, planning or environmental-related services (This seat requires a nomination) Name of nominating organization: Associated Builders & Contractors of N FL Employed by a university or local school system Name of Employer: Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.) Name of neighborhood Board/Organization: Employed by or represents, a community-based, environment-related organization Name of organization: Represents a business association or organization. (This seat requires a nomination) Name of nominating association/organization: Represents a business association/organization: Resident of Leon County			
(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. Race: Caucasian Sex: Male Age: 58.00 Disabled? No District: 3			

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. SERVED ON BOARD OF ADJUSTMENTS AND APPEALS. HAVE B.S. IN BUILDING CONSTRUCTION FROM THE UNIVERSITY OF FLORIDA. HAVE A GENERAL CONTRACTORS LICENCE IN FLORIDA, GEORGIA, AND ALABAMA.	Attachment ≠ Page 2 of
References (you must provide at least one personal reference who is not a family member): Name: MATT EDWARDS Telephone: 850-879-7778 Address: 1838 MARY ELLEN DR., TALLAHASSEE, FL. 32303	
Name: BART WELLS Telephone: 850-545-7096 Address: 339 MILESTONE DR., TALLAHASSEE, FL.32312	
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	
 Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? Yes 	
2.) Are you willing to complete a financial disclosure form Yes	
3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.	

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? Yes (If yes, prior to or at the time of submission of any bid for county business, a disclosure form must be filed.)

6.) Do you currenty 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Jay Bostwick

This application was electronically sent: 5/10/2017 2:25:09PM

>>> Angie Brooke <Brooke@abcnorthflorida.org> 5/15/2017 3:16 PM >>> Hi Heather-Jay Bostwick will be our nominee from Associated Builders and Contractors North Florida.

Thank you- *Angie Brooke* President/CEO Associated Builders & Contractors, Inc. North Florida Chapter

Attachment #5 Page 4 of 4

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Attachment #6 Page 1 of 3

It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach			
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov Applications will be discarded if no appointment is made after two years.			
Name: David Thayer	Date: 5/3/2017 9:58:58AM		
	dthayer1@gmail.com		
Occupation: AST. DIRECTOR FOR FACILITIES PLANNING	VRESITY		
Preferred mailing location: Home Address Work Address: 2658 NOBLE DRIVE City/State/Zip: TALLAHASSEE,FL 32308			
Home Address: 2658 NOBLE DRIVE			
City/State/Zip: TALLAHASSEE,FL 32308 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 lin			
For how many years have you lived in and/or owned property in Leon County?	13 years		
Are you currently serving on a County Advisory Committee? Yes	_		
	Р		
	P		
If yes, on what Committee(s) are you a member? DSEM CITIZENS USER GROUP Have you served on any previous Leon County committees? Yes If yes, on what Committee(s) are you a member? DSEM CITIZENS USER GROUP Please indicate your area of expertise: DSEM CITIZENS USER GROUP Please indicate your area of expertise: If yes, on what Construction development, planning or environmental-related services (This seat requires a nomination) Name of nominating organization: If Employed by a university or local school system Name of Employer: Florida State University Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.) Name of neighborhood Board/Organization: Employed by or represents, a community-based, environment-related organization Name of organization: Represents a business association or organization. (This seat requires a nomination.) Name of nominating association/organization: Resident of Leon County			
(OPTIONAL) Leon County strives to meet its goals, and those contained in various feder maintaining a membership in its Advisory Committees that reflects the diversity of the co- strictly optional for Applicant, the following information is needed to meet reporting require goals. Race: Caucasian Sex: Male Age: 42.00 Disabled? No District: District 3	mmunity. Although		

In the space below briefly describe or list the Committees; your educational background; y Committee; any of your professional license held them and whether they are effective in L which you participate; and reasons for your	your skills and s and/or desigr ₋eon County; a	experience you could contribute to a nations and indicate how long you have ny charitable or community activities in	Attachment #6 Page 2 of 3
References (you must provide at least one perso	onal reference w	/ho is not a family member):	
Name: DENNIS BAILEY Address: 969 LEARNING WAY	Telephone:	850-644-8136	
Name: MARK BERTOLAMI Address: 969 LEARNING WAY	Telephone:	850-644-8458	
IMPORTANT LEGAL REQUIREMENTS FOR ADV AS A MEMBER OF AN ADVISORY COMMITTEE, LAWS REGARDING GOVERNMENT-IN-THE-SUM PUBLIC RECORDS DISCLOSURE. THE CONSE INCLUDE CRIMINAL PENALTIES, CIVIL FINES, A ANY SUBSEQUENT ACTION BY THE BOARD OF WITH THESE LAWS AND TO ASSIST YOU IN AM COMPLETE THE ORIENTATION PUBLICATION	, YOU WILL BE NSHINE, CODE QUENCES OF AND THE VOID F COUNTY COI NSWERING THE	OBLIGATED TO FOLLOW ANY APPLICABL OF ETHICS FOR PUBLIC OFFICERS, AND VIOLATING THESE APPLICABLE LAWS ING OF ANY COMMITTEE ACTION AND OF MMISSIONERS. IN ORDER TO BE FAMILIAR E FOLLOWING QUESTIONS, YOU MUST	

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
 If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currenty 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: David Thayer

This application was electronically sent: 5/3/2017 9:58:58AM

Attachment #6 Page 3 of 3

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Page 1 of 3

lt is the employed records life, to been this information of			
It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach			
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov			
Applications will be discarded if no appointment is made after the	wo years.		
Name: Michael Dobson	Date: 5/19/2017		
	il: Michael@dobsonar	ndcraig.com	
Occupation: CONSULTANT Employer: DOBSON, CRAIG	AND ASSOCIATES		
Preferred mailing location: Home Address			
Work Address: 4005 BRANDON HILL DRIVE			
4005 BRANDON HILL DRIVE			
City/State/Zip: TALLAHASSEE,FL 32309 Home Address 4005 BRANDON HILL DRIVE, TALLAHASSEE FL 32309			
4005 BRANDON HILL DRIVE TALLAHASSEE FL			
City/State/Zip: TALLAHASSEE,FL 32309			
Do you live in Leon County?YesIf yes, do you live within the City limits?Do you own property in Leon County?YesIf yes, is it located within the Cit	Yes y limits? Yes		
For how many years have you lived in and/or owned property in Leon County?	27 years		
Are you currently serving on a County Advisory Committee? No			
If yes, on what Committee(s) are you a member?			
Have you served on any previous Leon County committees? No If yes, on what Committee(s) are you a member?			
Please indicate your area of expertise:			
Provider of construction development, planning or environmental-related s (This seat requires a nomination)	ervices		
Name of nominating organization:			
Employed by a university or local school system			
Name of Employer:			
Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.)			
Name of neighborhood Board/Organization:			
X Employed by or represents, a community-based, environment-related organization			
Name of organization: Florida Renewable Energy Producers Assiociation			
Represents a business association or organization. (This seat requires a nomination.)			
Name of nominating association/organization:			
X Resident of Leon County			
(OPTIONAL) Leon County strives to meet its goals, and those contained in various for maintaining a membership in its Advisory Committees that reflects the diversity of the strictly optional for Applicant, the following information is needed to meet reporting re those goals. Race: African American Sex: Age: 58.00 Disabled? District: District 4	community. Although		

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 Committee; any of your professional licenses and/or designations and indicate how long you held them and whether they are effective in Leon County; any charitable or community active which you participate; and reasons for your choice of the Committee indicated on this Apple	ou have Page 2 of vities in
References (you must provide at least one personal reference who is not a family member):	
Name:DEBRA BRODSKYTelephone:850-566-8944Address:1128 MARION AVE, TALLAHASSE 32303	
Name: PETER HARRIS Telephone: 850-509-7248 Address: 1114 MARION AVE, TALLAHASSEE 32303 3	
OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF AN 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 PUB 1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & A Yes	Y LICATION
2.) Are you willing to complete a financial disclosure form Yes	
3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) N If yes, please explain.	0
 4.) Are you you or your employer, or your spouse or child or their employers, currently doing busine Leon County? No If yes, please explain. 	ess with
5.) Do you foresee participating in any competitive bid process for Leon County business during you on this committee/board/authority? No	ur time serving
6.) Do you currenty have any employment or contractual relationship with Leon County that would of continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Au No If yes, please explain.	

All statements and information provided in this application are true to the best of my knowledge.

Signature: Michael Dobson

This application was electronically sent: 5/19/2017 12:34:47AM

Attachment #7 Page 3 of 3

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT Attachment #8 ADVISORY COMMITTEE ON QUALITY GROWTH Page 1 of 5

It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach			
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov			
Applications will be discarded if no appointment is made after two years.			
Name: Ryan Smart Date: 5/30/2017 9:27:02AM			
Home Phone: (561) 358-7191 Work Phone: (850)222-6277X102 Email: Smarts421@gmail.com			
Occupation: PRESIDENT OF NON-PROFT Employer: 1000 FRIENDS OF FLORIDA			
Preferred mailing location: Home Address			
Work Address: 308 N. MONROE STREET			
City/State/Zip: TALLAHASSEE,FL 32301			
Home Address 4917 EASY STREET			
City/State/Zip: TALLAHASSEE,FL 32303			
Do you live in Leon County? Yes If yes, do you live within the City limits? No			
Do you own property in Leon County? No If yes, is it located within the City limits? No			
For how many years have you lived in and/or owned property in Leon County?4 yearsAre you currently serving on a County Advisory Committee?No			
If yes, on what Committee(s) are you a member?			
Have you served on any previous Leon County committees? No If yes, on what Committee(s) are you a member?			
Please indicate your area of expertise:			
Provider of construction development, planning or environmental-related services (This seat requires a nomination)			
Name of nominating organization:			
Employed by a university or local school system			
Name of Employer:			
Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.)			
Name of neighborhood Board/Organization:			
X Employed by or represents, a community-based, environment-related organization			
Name of organization: 1000 Friends of Florida			
Represents a business association or organization. (This seat requires a nomination.)			
Name of nominating association/organization:			
Resident of Leon County			
(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. Race: Caucasian Sex: Male Age: 36.00 Disabled? District: District 3			

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.	Attachment # Page 2 of
References (you must provide at least one personal reference who is not a family member): Name: VICKI TSCHINKEL Telephone: 850-294-2964	
Address: 1561 MARION AVENUE, TALLAHASSEE, FLORIDA 32303 Name: ESTUS WHITFIELD Telephone: 850-385-5508 Address: 3444 LAKESHORE DR., TALLAHASSEE, FL 32312	
MPORTANT 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	
1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? Yes	
2.) Are you willing to complete a financial disclosure form Yes	

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
 If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currenty 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Ryan Smart

This application was electronically sent: 5/30/2017 9:27:02AM

Ryan Smart

4917 Easy Street Tallahassee, FL 32303 rsmart@1000fof.org Cell: 561-358-7191

Professional Experience

1000 Friends of Florida, Tallahassee, FL

The state's leading 501(c)(3) smart growth advocacy organization, 1000 Friends of Florida is building better communities and saving special places in one of the fastest growing states in the nation.

President

Ryan is responsible for the day-to-day management, financial sustainability, policy direction and long-term visioning for Florida's premier growth management advocacy organization. He oversees a staff of planners, attorneys and other professionals focused on influencing community development and conservation policies at the municipal, county and state levels. Ryan provides leadership to several coalitions, including the Florida Conservation Coalition, and Floridians Clean Water Declaration Coalition.

Leadership & Management Successes

Florida's land, water and wildlife.

- Worked on community planning projects in 14 Florida counties.
- Fostered greater unity and collaboration within conservation community. •
- Presented 1000 Friends' mission and goals to over 3000 Floridians.
- Defeated, improved and championed growth management legislation and conservation legislation, based on Friends' values and positions, through grassroots mobilization and lobbying.
- Added three new management level staff members. •
- Initiated and maintained legal challenges to protect significant state resources and rural areas. •
- Increased size and diversity of Board of Directors.

Florida Conservation Coalition, Tallahassee, FL

2012 to 2014 Coalition of more than 50 organizations and 1,500 individuals dedicated to protecting and conserving

Operations, Policy & Communications Consultant

Manage the day to day operations of the Coalition for the past two and a half years. Responsible for communicating with Steering Committee, Charter and Affiliate organizations, general membership, media, and legislative and administrative decision-makers at the local, state and federal levels; developing and defending policy positions; consensus building and coordination among environmental groups;

2014 to Present

identifying, attaining and sustaining funding; writing opinion pieces for publication; and representing the Coalition at public meetings and functions.

Leadership & Management Successes

- Increased Coalition membership by more than 100% over past two years.
- Attained initial funding for Coalition and attracted new funders each year.
- Increased public awareness and concern over environmental issues in Florida, especially issues related to water and springs.
- Contributed to combatting harmful legislation and supporting and refining beneficial legislation, resulting in improved legislative outcomes last year.

Consumer Credit Management Services, Delray Beach, FL 2006 to 2010

501(c)(3) non-profit organization providing a variety of housing services to the local community including first-time home buyer education, foreclosure prevention assistance and community development coordination.

Program & Special Projects Director/Grant Administrator

Established and managed U.S. Department of Housing and Urban Development (HUD) approved housing counseling program with more than 20 professional employees serving over 2,000 clients per year. Funded program through a combination of federal and private foundation grants and client fees totaling more than \$750,000 per year.

Leadership & Management Successes

- Guided organization through HUD approval and funding process, including one year of preparatory work within organization and successful completion of HUD application and funding proposal.
- Created network of community based referral organizations resulting in 400% increase in clients counseled per year, while maintaining over 90% client satisfaction scores and highest ISO 9001 quality rating.

Education

Master's of Political Science/Public Affairs (May, 2013; 4.0 GPA) – University of Florida, Gainesville, FL

• Graduated with Highest Honors

Bachelor of Arts – Political Science (May 2011) – University of Florida, Gainesville, FL

Community Service

Wakulla Springs Alliance Board Member: 2016 to present

Guardians of Martin County Advisory Board Member: 2015 to present

Lake Worth Community Development Corporation Board Member: 2009-2010

Attachment #8 Page 5 of 5

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT Advisory COMMITTEE ON QUALITY GROWTH Page 1 of 4

It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov				LEON
Applications will be discarded if no appointment is made	after two	years.		
Name: Ja'Baree Allen		Date:	5/15/2017	
Home Phone:(850) 597-3887Work Phone:(850)201-7387XOccupation:CEOEmployer:BUSINESS A			-	nessautomatior
			N03	
Preferred mailing location: Work Address Work Address: 113 S MONROE ST				
City/State/Zip: TALLAHASSEE,FL 32301				
Home Address 4254 RIDGE HAVEN RD				
City/State/Zip: TALLAHASSEE,FL 32305 Do you live in Leon County? Yes If yes, do you live within the City lir	nits?	Yes		
Do you own property in Leon County? No If yes, is it located within the			Yes	
For how many years have you lived in and/or owned property in Leon County?		-	7 years	
Are you currently serving on a County Advisory Committee? No If yes, on what Committee(s) are you a member?				
Have you served on any previous Leon County committees? No				
If yes, on what Committee(s) are you a member?				
Please indicate your area of expertise: Provider of construction development, planning or environmental-related services (This seat requires a nomination) Name of nominating organization: Employed by a university or local school system Name of Employer: Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.) Name of neighborhood Board/Organization: Employed by or represents, a community-based, environment-related organization Name of organization: Represents a business association or organization. Name of nominating association or organization: Begins a business association or organization. Name of nominating association or organization. Mame of nominating association or organization.				
X Resident of Leon County				
(OPTIONAL)Leon County strives to meet its goals, and those contained in va maintaining a membership in its Advisory Committees that reflects the diversity strictly optional for Applicant, the following information is needed to meet repor those goals. Race: African American Sex: Male Age: 27. Disabled? Yes District: 1	/ of the co ting requ	ommuni	ity. Although	

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.	Attachment #9 Page 2 of 4
References (you must provide at least one personal reference who is not a family member): Name: DARRYL JONES Telephone: 850-300-7567 Address: 315 S CALHOUN ST., SUITE 450 TALLAHASSEE, FL 32301	
Name: FRANK HOLMES Telephone: 850-891-1851 Address: 2295 PASCO ST, TALLAHASSEE FL 32310	
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

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? Yes

(If yes, prior to or at the time of submission of any bid for county business, a disclosure form must be filed.)

6.) Do you currently 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Jabaree Allen

This application was electronically sent: 5/15/2017 2:31:39PM

Ja'Baree Allen

4254 Ridge Haven Road | Tallahassee, FL 32305 | (850) 597-3887 | Jabaree.a89@gmail.com

Objective

Experienced tech industry professional looking to serve on the board of an organization that will allow me to leverage my innovative communication skills, to positively impact the local community.

Education

- Florida State University | B.S Social Sciences | Spring 2013 | Tallahassee, FL
- Minor: Business Management | JMI Certification in Entrepreneurship
- Relevant Courses: Urban and Regional Development, Innovation and Creativity, New Venture Creation, Managing Growth, Concepts of Management

Experience

November 2016 - Present

CEO | Business Automation Pros | Tallahassee, FL

- Maintain a deep knowledge of the ECM market and industry leaders.
- Developing high quality business strategies and plans ensuring their alignment with shortterm and long-term objectives.
- Overseeing all operations and business activities to ensure they produce the desired results and are consistent with the overall strategy and mission.

April 2016- Present

Vice President | Ancrum Janitorial Services | Tallahassee, FL

- Identify new business opportunities, participate in new business pitches and draft new business proposals.
- Expand and/or renew existing accounts.
- Hire new staff that ultimately prove to be excellent long-term employees.

References Available Upon Request

Attachment #9 Page 4 of 4

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Attachment #10 Page 1 of 3

It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach			
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov			
Name: Ronald Burger	Date: 5/3/2017 9:48:23PM		
Home Phone: (850) 893-1443 Work Phone: (850)728-3304X	Email: disasterdude15@gmail.com		
COORDINATOR SECURITY	OR FOR US DEPT OF HOMELAND		
Preferred mailing location: Home Address Work Address: 4052 BALD CYPRESS WAY City/State/Zip: TALLAHASSEE,FL 32399			
Home Address: 6692 CROOKED CREEK ROAD			
City/State/Zip: TALLAHASSEE,FL 32311 Do you live in Leon County? Yes If yes, do you live within the City I	imits? No		
Do you own property in Leon County? Yes If yes, is it located within			
For how many years have you lived in and/or owned property in Leon County	? 11 years		
Are you currently serving on a County Advisory Committee? No			
	DMMITTEE		
If yes, on what Committee(s) are you a member? Have you served on any previous Leon County committees? Yes If yes, on what Committee(s) are you a member? GEMS CITIZENS COMMITTEE Please indicate your area of expertise: Provider of construction development, planning or environmental-related services (This seat requires a nomination) Name of nominating organization: Employed by a university or local school system Name of Employer: Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.) Name of neighborhood Board/Organization: Mame of neighborhood Board/Organization: Employed by or represents, a community-based, environment-related organization Name of organization: Florida Dept of Health Represents a business association or organization. (This seat requires a nomination) Name of nominating association or organization: Name of nominating association or organization.			
(OPTIONAL)Leon County strives to meet its goals, and those contained in variantaining a membership in its Advisory Committees that reflects the diversit strictly optional for Applicant, the following information is needed to meet report goals.goals.Race:CaucasianSex:MaleAge:68Disabled?NoDistrict:5	ty of the community. Although		

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.	tachment #1 Page 2 of
References (you must provide at least one personal reference who is not a family member): Name: DAVID MORGAN Telephone: 850-322-2101 Address: 6672 CROOKED CREEK ROAD TALLY	
Name: TED COWAN Telephone: 301-351-7106 Address: 1700 NEW YORK AVE WASHINGTON DC	
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 1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?	
Yes	

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currenty 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Ronald C Burger

This application was electronically sent: 5/3/2017 9:48:23PM

Attachment #10 Page 3 of 3

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Attachment #11 Page 1 of 6

It is the applicant's responsibility to keep this information current.				
To advise the County of any changes please contact Mary Smach				
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov Applications will be discarded if no appointment is made after two years.				
Name: Robert A Campbell Jr Date: 5/1/2017 12:48:13PM				
Home Phone: (850) 893-2707 Work Phone: (850)893-2707X Email: Bob1402wsl@aol.com				
Occupation: REAL ESTATE DEVELOPER Employer: SELF				
Preferred mailing location: Home Address Work Address: 7120 OX BOW CIRCLE				
Work Address: 7120 OX BOW CIRCLE				
City/State/Zip: TALLAHASSEE,FL 32312				
Home Address: 7120 OX BOW CIRCLE				
City/State/Zip: TALLAHASSEE,FL 32312				
Do you live in Leon County? Yes If yes, do you live within the City limits? No				
Do you own property in Leon County?YesIf yes, is it located within the City limits?YesFor how many years have you lived in and/or owned property in Leon County?54years				
Are you currently serving on a County Advisory Committee? Yes				
If yes, on what Committee(s) are you a member? DSEM USER GROUP				
Have you served on any previous Leon County committees? No If yes, on what Committee(s) are you a member?				
Please indicate your area of expertise:				
Provider of construction development, planning or environmental-related services (This seat requires a nomination)				
Name of nominating organization:				
Employed by a university or local school system				
Name of Employer:				
Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.)				
Name of neighborhood Board/Organization: Ox Bow Estates HOA				
Employed by or represents, a community-based, environment-related organization				
Name of organization:				
Represents a business association or organization. (This seat requires a nomination.)				
Name of nominating association/organization:				
X Resident of Leon County				
(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.				
goals Race:CaucasianSex:MaleAge:72.00Disabled?NoDistrict:District 4				

Committees; your educational background; Committee; any of your professional license held them and whether they are effective in	ne following: any previous experience on other ; your skills and experience you could contribute to a es and/or designations and indicate how long you have Leon County; any charitable or community activities in r choice of the Committee indicated on this Application.	Attachment #11 Page 2 of 6
References (you must provide at least one pers	sonal reference who is not a family member):	
Name: ROBERTW BURTON Address: 6076 HEARTWOOD CIRCLE	Telephone: 85032193141	
Name: Address:	Telephone:	
LAWS REGARDING GOVERNMENT-IN-THE-SU PUBLIC RECORDS DISCLOSURE. THE CONSU INCLUDE CRIMINAL PENALTIES, CIVIL FINES, ANY SUBSEQUENT ACTION BY THE BOARD O WITH THESE LAWS AND TO ASSIST YOU IN A	E, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE INSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND EQUENCES OF VIOLATING THESE APPLICABLE LAWS , AND THE VOIDING OF ANY COMMITTEE ACTION AND OF DF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR ANSWERING THE FOLLOWING QUESTIONS, YOU MUST I www.leoncountyfl.gov/bcc/committees/training.asp	
1) Have you completed the Applicant Orientation Yes	for membership on Citizen Committees, Board & Authorities?	
2.) Are you willing to complete a financial disclos	ure form Yes	
3.) Do you know of any circumstances that would Committee/Board/Authority due to voting conflicts If yes, please explain.		
4.) Are you you or your employer, or your spouse County? No If yes, please explain.	e or child or their employers, currently doing business with Leon	
5.) Do you foresee participating in any competitiv on this committee/board/authority?	ve bid process for Leon County business during your time serving No	g

6.) Do you currenty 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Robert A Campbell Jr

This application was electronically sent: 5/1/2017 12:48:13PM

5/3/17 Spoke with Mr. Campbell. He would like to be considered for the LeAttachine #M Resident seat. MS Page 3 of 6

1983-Present

Robert A. Campbell, Jr.

7120 Ox Bow Circle Tallahassee, Fl 32312 850-893-2707 (Ofc) 850-933-9408 (Cell) Bob1402wsl@aol.com

EXPERIENCE

Campbell Land Company – Tallahassee, Fl

Owner and manager of real estate company. Developed subdivisions. Development activities include: raw land evaluation and purchase, subdivision planning for lot layout and infrastructure, government approval process to acquire entitlements, supervision of infrastructure installation, preparation of various legal documents such as subdivision restrictive covenants, sales contracts, legal descriptions, deeds, mortgages and easements, take sales calls, show property to prospective buyers and execute contracts, maintain subdivision lots and community property, maintain company computers, printers and networks. Developed over 600 residential lots in Leon County, Florida in 27 different subdivisions.

	REAL ESTATE DEVELOPMENTS IN LEON COUNTY, FLORIDA 1977 - Present		Robert A. Campbell, Jr. 7120 Ox Bow Circle Tallahassee, Fla. 32312
	SUBDIVISION	LOTS	ACRES
	DEVELOPED		(approx)
1	AUGUSTINE HILLS I	22	75
2	AUGUSTINE HILLS II	26	40
3	AUGUSTINE MEADOWS	12	47
4	AUGUSTINE MEADOWS II	7	14
5	AUGUSTINE OAKS	18	67
6	RIVERWOOD I	16	65
7	RIVERWOOD II	10	40
8	PRIORITY WOODS	19	24
9	SILVER LAKE WOODS	16	35
10	ANTHONY PROPERTIES	6	8
11	WILLIAMS WOODS	6	38
12	LOUVINIA WOODS	17	67
13	POWDER HORN WOODS	42	75
14	LOUVINIA HILLS	16	37
15	LOUVINIA LAKES	37	149
16	THUNDER HILL	21	18

17	ST. AUGUSTINE VILLAGE	13	3
18	LAFAYETTE MEADOWS	48	83
19	LAFAYETTE ESTATES	50	87
20	OX BOTTOM UNITS 1 THROUGH 9	71	145
21	BRANDED OAKS	18	38
22	WATERFORD PLANTATION II	5	20
23	ELYSIAN FOREST II & III	13	39
24	ST AUGUSTINE WOODS	15	12
25	SIERRA WOODS	50	150
26	OAK GROVE PLANTATION	22	55
27	OAK GROVE MEADOWS	24	24
	MISCELLANEOUS PARCELS	8	56
	TOTALS	604	1511

Real Estate Consultant – A. B. Taff & Sons, Inc.

Manage real estate operations of timber and coastal resort owner located in Tallahassee, Florida and Shell Point Beach, Florida. Negotiated with State of Florida for sale and purchase of Shell Point Beach, Florida by the State of Florida. Managed development and sale of company owned real estate including timber tracts, coastal property and subdivision lots.

Project Manager – Burroughs Corporation (Unisys Corporation) 1973-1983

Began as Systems Engineer, then Systems Specialist, through Project Manager for large computer vendor with installed large computer systems issuing driver's licenses and auto tags at the Florida Department of Highway Safety and Motor Vehicles and issuing food stamps and other services at the Florida Department of Health and Rehabilitative Services. Responsibilities included installation and maintenance of all system software, training of customer personnel, interface with customer management, and problem resolution.

Systems Analyst – Florida Department of Law Enforcement 1973

Developed fingerprint analysis computer program to match fingerprints on file with suspect fingerprints.

Data Center Director - CAI Center - Florida State University1968-1973

Began as Computer Operator at Computer Assisted Instruction (CAI) Center at Florida State University, worked up through Operations Manager position, then into Data Center Director position, while taking coursework in Statistics And Educational Research at Florida State University.

1991-1993

EDUCATION

Masters Degree in Educational Research Florida State University	August, 1977
Masters Degree in Statistics Florida State University	March, 1977
Bachelors Degree in Criminology Florida State University Minor in Math	December, 1967

SKILLS

Project Management Real Estate Development Microsoft Word and Excell

AFFILIATIONS

Northside Rotary Club, Tallahassee, Florida

Leon County Growth and Environmental Management Citizen's Advisory Group (Group reviews and advises Leon County Growth Management staff on proposed changes to Leon County Land Development Regulations. Member since founding of group in mid 1990's)

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Attachment #12 Page 1 of 6

It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach				
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov				
Applications will be discarded if no appointment is made after two years.				
Name: Janice Dodge Date: 5/4/2017 9:36:30AM				
Home Phone: (850) 562-4331 Work Phone: ()-X Email: janicedodge@mail.com				
Occupation: RETIRED Employer: RETIRED FROM FSU				
Preferred mailing location: Home Address Work Address:				
Work Address.				
City/State/Zip: TALLAHASSEE,FL				
Home Address: 2120 LONGVIEW DRIVE				
City/State/Zip: TALLAHASSEE,FL 32303				
Do you live in Leon County? Yes If yes, do you live within the City limits? No				
Do you own property in Leon County? Yes If yes, is it located within the City limits? No				
For how many years have you lived in and/or owned property in Leon County? 50 years Are you currently serving on a County Advisory Committee? No				
If yes, on what Committee(s) are you a member?				
Have you served on any previous Leon County committees? No				
If yes, on what Committee(s) are you a member?				
Please indicate your area of expertise:				
Provider of construction development, planning or environmental-related services				
(This seat requires a nomination)				
Name of nominating organization:				
X Employed by a university or local school system				
Name of Employer: Past employment as FSU Laboratory Safety Officer				
Serves on a neighborhood association board or represents a neighborhood-based organization.				
(This seat requires a nomination by the Council of Neighborhood Associations.)				
Name of neighborhood Board/Organization:				
Employed by or represents, a community-based, environment-related organization				
Name of organization:				
Represents a business association or organization. (This seat requires a nomination.)				
Name of nominating association/organization:				
X Resident of Leon County				
(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. Race: Caucasian Sex: Age:				
Disabled? No District: 3				

held them and whether they are effective	und; your skills and censes and/or desig ve in Leon County; a		Attachment #1 Page 2 of
References (you must provide at least one	personal reference v	vho is not a family member).	
Name: LYNN GRIFFIN Address: 722 IDLEWILD	Telephone:	850-566-5768	
Name: KAREN BECK Address: TURKEY TROT	Telephone:	850-933-6251	
IMPORTANT LEGAL REQUIREMENTS FOR AS A MEMBER OF AN ADVISORY COMMIN LAWS REGARDING GOVERNMENT-IN-TH PUBLIC RECORDS DISCLOSURE. THE CON INCLUDE CRIMINAL PENALTIES, CIVIL FI ANY SUBSEQUENT ACTION BY THE BOA WITH THESE LAWS AND TO ASSIST YOU COMPLETE THE ORIENTATION PUBLICA	TTEE, YOU WILL BE E-SUNSHINE, CODE ONSEQUENCES OF NES, AND THE VOID RD OF COUNTY CO IN ANSWERING THI	OBLIGATED TO FOLLOW ANY APPLICA OF ETHICS FOR PUBLIC OFFICERS, AN VIOLATING THESE APPLICABLE LAWS ING OF ANY COMMITTEE ACTION AND MMISSIONERS. IN ORDER TO BE FAMIL E FOLLOWING QUESTIONS, YOU MUST	ID OF
1) Have you completed the Applicant Orient Yes	ation for membership	on Citizen Committees, Board & Authoritie	es?
2.) Are you willing to complete a financial dis	sclosure form Y	es	
3.) Do you know of any circumstances that v	would result in you ha	ving to abstain from voting on a	

No Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving No on this committee/board/authority?

6.) Do you currenty 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Janice Dodge Signature:

This application was electronically sent: 5/4/2017 9:36:30AM

JANICE DODGE

2120 Longview Dr. Tallahassee, Fl. 32303 562-4331

Biographical data: Born in Miami, 9-14-50, moved to Tallahassee in 1968 to attend FSU, married with two adult children. Work experience includes fifteen years as the FSU Laboratory Safety Officer and twenty-five years working in research laboratories as noted below. I also taught freshman composition at FSU and TCC. I will retire from FSU on 8/31/2016.

Knowledge, Abilities and Skills:

Ability and experience in the training and supervision of laboratory personnel Extensive experience in laboratory operations: biology and biochemistry Experience in experimental design and execution Experience in writing: technical writing, creative writing Experience in classroom teaching Knowledge of research safety regulations

Education:

BA in English from Florida State University, 1993, with minors in biology and chemistry.MA in English from Florida State University, 1995, specializing in writing.

Environmental Health and Safety Employment:

9/01 – present: **Laboratory Safety Officer**, Department of Environmental Health and Safety. Began working in EH&S for the Biological Safety Office as a Sr. Environmental Health and Safety Specialist in 2001. Was responsible for administering the medical monitoring programs for FSU employees, oversight of biohazardous waste disposal, laboratory issues related to biohazards, and emergency response related to biohazards. Promoted to Lab Safety Officer in January 2003. Developed the EH&S oversight program for use of controlled substances in research. Formalized and developed the laboratory safety inspection program. Developed the FSU online Laboratory Safety Manual. Developed and expanded laboratory safety training programs. Have worked with FSU researchers to identify and remediate specific laboratory safety issues of concern. Established and am a member of four safety committees on the SW FSU campus. These four committees provide safety guidance to the College of Engineering, High Performance Materials Institute, Center for Advanced Power Systems, and the Aero-Propulsion, Mechatronics and Energy Facility.

Scientific (laboratory) Employment:

12/00 – 9/01: Biological Scientist, Biology Department, FSU for Dr. Marc Freeman. Responsible for managing lab functions, with duties encompassing all lab work in support of grant research goals, including radioimmunoassays, small animal surgery, biochemical assays, tissue collection and processing, radiolabelling of proteins, maintaining stock solutions, animal husbandry, supervision of student assistants, and the setting up and implementing of laboratory safety protocols. Additionally, I was responsible for initiation and tracking of all expenditures and employment, and establishment of new fiscal contracts.

1/98 to 12/00: Biological Scientist, Chemistry Department, FSU for Dr. Nancy Greenbaum. Study of the structure and function of transplicing RNA and RNA binding proteins. Responsible for student supervision and training, providing technical support, instituting and teaching lab safety protocols, maintaining biological inventories, overseeing repairs to equipment, restocking supplies. Technical responsibilities included enzyme purification from bacteria, protein isolation from nematodes, making recombinant DNA and obtaining bacterial clones, DNA purification, transcription of RNA, HPLC purification of biological molecules, training personnel involving sterile technique.

9/95 to 12/97: Biological Scientist, Neuroscience, FSU for Dr. Paul Trombley. Study of the regulation of olfactory bulb neuron toxicity and synaptic function. In September, 1995, because of low grant funding, my hours in Professor Williams's lab were reduced and I was fortunate to be employed by Dr. Trombley, then a new professor of Biology at FSU, to set up his lab and perform tissue culture. In addition, I coordinated repairs, modifications and inspections, and kept him informed of regulatory protocols. I worked in support of lab functions: executed experiments, maintained stock solutions, inventories, supplies, supervised animal care and handling, and coordinated activities with other researchers. I simultaneously held an OPS lab position with Dr. Cathy Levenson, Professor of Nutrition, Food and Movement Sciences, for whom I isolated mRNA from olfactory bulb neurons.

7/87 to 5-97: Biological Scientist, Biological Sciences, FSU for Dr. Theodore Williams. Study of the morphology and biochemistry of retinal rod cells in rats and humans. Responsible for managing lab, maintaining inventory, design and execution of experiments pursuant to grant proposals, data analysis, library research, co-writing of research results for presentation or publication, establishment of lab safety policies and training, coordination of repairs and modifications, supervision of part-time assistants.

1/83 - 4/87: Lab Technologist, Department of Chemistry, FSU for Dr. Earl Frieden. Study of thyroid hormone mechanisms in amphibians. Responsibilities: execute experiments pursuant to grant goals, maintain lab inventory, perform data analysis, supervise lab assistants, perform library research, and write technical reports and papers. 1/80 - 11/82: Lab Technologist, Biological Sciences, FSU for Dr. Kenneth Roux. Study of genetic markers of antibodies in rabbits. Responsibilities: execute experiments, maintain inventories, data analysis, supervise lab assistants.

6/77 - 3/79: Lab Technologist, Department of Chemistry, FSU for Dr. Earl Frieden. Study of thyroid hormone mechanisms in isolated tadpole liver and tailfin cells. Responsibilities: plan and execute experiments, data analysis, maintain laboratory inventories, supervise isotope handling and inventory, supervise of lab assistants, write technical reports.

9/75 - 6/77: Lab Technician, Biological Sciences, FSU for Dr. Marc Freeman. Study of environmental and biochemical influences on the reproductive hormones of female rats. Responsibilities: plan and execute experiments, maintain laboratory inventories, supervise isotope handling and inventory, data analysis.

Scientific Publications:

See listing at <u>https://www.researchgate.net/profile/Janice_Dodge</u>

Teaching Employment:

8/93 - 5/95: Florida State University English Department, Graduate Teaching Assistant. Each fall and spring, I taught two freshman composition classes, developed curriculum and course policies.

9/95 - 6/96: Bainbridge College, Georgia, Developmental Studies. Part-time instructor of remedial writing for freshman college students.

9/97 - 12/99 Tallahassee Community College English Department, Part-time instructor of freshman composition.

Attachment #12 Page 6 of 6

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Page 1 of 3

To advise the Co by telephone at 6	t's responsibility to ke ounty of any changes p 06-5300 or by e-mail at discarded if no appoir	olease contact SmachM@leo	Mary Sm ncountyf	ach I.gov		LEON
Name: Rafael Marimon				Date:	5/16/2017 1	2.24.20414
Home Phone: (754) 304-1926	Work Phone: ()-X		Email:		narimon777@	
Occupation: STEM ACCOUNT	Employer:	CAREERSC				ginaliooni
SPECIALIST						
Preferred mailing location: Home	Address					
Work Address: 325 JOHN KNOX RE						
ATRIUM BUILDING,	, SUITE 102					
City/State/Zip: TALLAHASSEE,FL 3						
Home Address 2054 LAKE HALL RO	OAD					
City/State/Zip: TALLAHASSEE,FL 3	32309					
Do you live in Leon County? Yes	If yes, do you live	within the City I	limits?	Yes		
Do you own property in Leon County?		it located within		limits?	No	
For how many years have you lived in		n Leon County	?		2 years	
Are you currently serving on a County	•	No				
If yes, on what Committee(s) are you a Have you served on any previous Leor		No				
If yes, on what Committee(s) are you a	•	NO				
Please indicate your area of exper Provider of construction dev (This seat requires a nomi Name of nominating organ Employed by a university or Name of Employer: Serves on a neighborhood a (This seat requires a nomir Name of neighborhood Boa X Employed by or represents, Name of organization: Represents a business assoc Name of nominating assoc Resident of Leon County	relopment, planning or e ination) nization: local school system association board or rep nation by the Council o ard/Organization: a community-based, en CareerSource Capital I pociation or organization.	resents a neigh f Neighborhoc vironment-relat Region	iborhood- o d Associ ted organi	based o ations.)		
	ory Committees that reflection is needed	ects the diversi ed to meet repo	ty of the c	ommun	ity. Although	

· · · · · · · · · · · · · · · · · · ·	nent #13 ge 2 of 3
References (you must provide at least one personal reference who is not a family member):	
Name:DARYL JONESTelephone:850-528-5241Address:315 S. CALHOUN ST.	
Name: Telephone: Address:	
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 1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? Yes	
2.) Are you willing to complete a financial disclosure form Yes	
3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.	
 4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No If yes, please explain. 	
5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No	
6.) Do you currenty 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/Board/Authority? No If yes, please explain.	
All statements and information provided in this application are true to the best of my knowledge. Signature: Rafael Antonio Marimon This application was electronically sent: 5/16/2017 12:24:39AM	

Attachment #13 Page 3 of 3

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Page 1 of 4

It is the applicant's responsibility to keep this information current.				
To advise the County of any changes please contact Mary Smach				
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov				
Applications will be discarded if no appointment is made after two years.				
Name: Shawn Roberts Date: 5/26/2017 7:10:40AM				
Home Phone: (850) 528-4658 Work Phone: (850)878-8272X Email: Shawn@morethanbuildings.com				
Occupation: GENERAL CONTRACTOR Employer: MAD DOG CONSTRUCTION				
Preferred mailing location: Home Address				
Work Address: 1203 MICCOSUKEE ROAD				
City/State/Zip: TALLAHASSEE,FL 32308 Home Address 3077 OBRIEN DRIVE				
Home Address 3077 OBRIEN DRIVE				
City/State/Zip: TALLAHASSEE,FL 32309				
Do you live in Leon County?YesIf yes, do you live within the City limits?YesDo you own property in Leon County?YesIf yes, is it located within the City limits?Yes				
Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes For how many years have you lived in and/or owned property in Leon County? 38 years				
Are you currently serving on a County Advisory Committee? No				
If yes, on what Committee(s) are you a member?				
Have you served on any previous Leon County committees? No If yes, on what Committee(s) are you a member?				
Please indicate your area of expertise:				
Provider of construction development, planning or environmental-related services				
(This seat requires a nomination)				
Name of nominating organization:				
Employed by a university or local school system				
Name of Employer:				
Serves on a neighborhood association board or represents a neighborhood-based organization.				
(This seat requires a nomination by the Council of Neighborhood Associations.)				
Name of neighborhood Board/Organization:				
Employed by or represents, a community-based, environment-related organization				
Name of organization:				
Represents a business association or organization. (This seat requires a nomination.)				
Name of nominating association/organization:				
X Resident of Leon County				
(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.				
Race: Caucasian Sex: Male Age: 44.00				
Disabled? No District: District 4				

L

Committees; your ed Committee; any of yo held them and wheth	riefly describe or list the lucational background; yo our professional licenses er they are effective in Le e; and reasons for your c	our skills and and/or design eon County; ar	experience you co ations and indica ny charitable or co	ould contribute t te how long you ommunity activit	ı have ties in	Attachment #14 Page 2 of 4
References (you must p	provide at least one persor	nal reference w	ho is not a family r	member):		
Name: LAURIE DOZI Address: 1203 MICC	ER OSUKEE ROAD	Telephone:	850-508-8272			
Name: CLAUDE WAL Address:	KER	Telephone:	850-251-2670			
OFFICERS, AND PUBLIC APPLICABLE LAWS INC COMMITTEE ACTION A COMMISSIONERS. IN C ANSWERING THE FOLL	GARDING GOVERNMEN C RECORDS DISCLOSUR CLUDE CRIMINAL PENAL ND OF ANY SUBSEQUEN ORDER TO BE FAMILIAR OWING QUESTIONS, YO he Applicant Orientation fo	E. THE CONS TIES, CIVIL FI IT ACTION BY WITH THESE I U MUST COMI	EQUENCES OF V NES, AND THE VO THE BOARD OF O LAWS AND TO AS PLETE THE ORIEN	VIOLATING THES DIDING OF ANY COUNTY SSIST YOU IN NTATION PUBLI	SE	
2.) Are you willing to com	nplete a financial disclosure	e form Ye	es			
	ircumstances that would re ity due to voting conflicts?	•	•	•		
Leon County? Yes	mployer, or your spouse o					
lf yes, please explain.	WE ARE A GENERAL COUNTY	ONTRACTING	COMPANY THAT	PERMITS THR	OUGH THE	
5.) Do you foresee partic on this committee/board/	ipating in any competitive authority?	bid process for No	Leon County busi	ness during your	time serving	
	any employment or contra ecurring conflict with rega					

All statements and information provided in this application are true to the best of my knowledge.

Signature: Shawn Roberts

This application was electronically sent: 5/26/2017 7:10:40AM

PROJECT MANAGEMENT STAFF FOR TCC PROJECTS





SHAWN ROBERTS Chief Operating Officer, Senior Project Manager

EMPLOYMENT

Mad Dog Construction employee 6 years; 21 years construction experience. Co-owner of Mad Dog Construction since 2012.

CITY OF RESIDENCE Tallahassee, Florida

EDUCATION & ACTIVE CERTIFICATIONS

- Auburn University, Bachelor of Science in Building Sciences, Class of 1995
- State of Florida Certified General Contractor's License, CGC-061939
- State of Georgia Certified General Contractor's License, GCCO-003107
- State of Alabama Certified General Contractor's License, 47531
- Smith Currie and Hancock Risk Management Course (yearly)
- Biennial 14-hour State Licensing Required Education

EXPERIENCE & QUALIFICATIONS

During Shawn's 21 years of construction management experience, **he has led the construction of many University and K-12 projects** in North Florida and South Georgia as well as numerous other commercial Construction Management projects including offices, retail, industrial, club house/resort and financial institutions throughout Florida and Georgia. These projects represent over 1,000,000 square feet, over \$150 million in construction services, and over \$100 million in preconstruction, development planning and estimating services.

Prior to joining Mad Dog Construction, Shawn served as President of TeamSouth Construction's North Division in Tallahassee, where he led numerous projects. He also directed a regional office in Jacksonville, FL where he was responsible for all aspects of operations, finances and marketing in 12 counties. Shawn is now an owner, Chief Operating Officer (COO), and Senior Project Manager at Mad Dog Construction.

Shawn's Project Management responsibilities include estimating, contract negotiations, scheduling, cost control, quality control, document management, conflict resolution, submittals, pay requests, Owner/Architect meetings, site personnel management, and general oversight of project activities.

SIGNIFICANT EXPERIENCE FSU Longmire Stair Demo and Reconstruction **K-12 Experience** (2 projects) (+/- \$726K combined) (N/A SF) **University & Community College** Total of +/- \$25M over 3 years as Director Experience Total of +/- \$35M FSU Players' Lounge (\$408K) (8,400 SF) of a regional office that served Duval County Schools and several other school FSU Strozier Library Annex AHU Replacement Additional FSU Construction Management Projects, systems & Renovation (\$1.4M) (16,000 SF) 2013 - 2016 Duval County Schools, CM Continuing FSU Film School Renovation (\$1,7M) FSU Construction Management Projects, 1999 -(10,000 SF)Services (50 + projects) (\$25M) (1M SF)* 2002 (19 projects) (\$19M) (240,000 SF)* Greenville, FL Elementary School (Complete FSU Central Utilities Plant Waterproofing GA Southwestern Plant Facilities Renovation and Renovation) (\$3M) (30K SF)* (\$300K) (N/A SF, exterior waterproofing New Building (\$2M) (10,000 SF)* project) Starke, FL Elementary Media Center Santa Fe Community College Minor Projects (Ground Up) (\$800K) (7,000 SF)* FSU Longmire Conference Room Renovation Continuing Services Contract (\$3M) (20.000 SF)* (\$250K) (1.650 SF) **Commercial Construction** Bainbridge College Classroom Wing Addition Management FSU Opperman Musical Courtyard (\$67K) (\$1.5M) (8,000 SF)* (1K SF) Total of +/- \$100M in additional Other Construction Management Various Projects FSU Athletics Fueling Station (\$280K) **Construction Management projects using** (\$4M) (60,000 SF)* (730 SF) CM at Risk method.

*previous experience

QUALIFICATION STR TEN PEN PEN 1014 SECTION 4 | PR SEC 2:00 p.m. on June 12, 2017

Attachment #14 Page 4 of 4

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Page 1 of 4

It is the applicant's reaponsibility to keep this informat	tion ourron	4	
It is the applicant's responsibility to keep this informat To advise the County of any changes please contact M			
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov			LEON T
Applications will be discarded if no appointment is made a	after two y	ears.	
Name: Todd Sperry			:50:36PM
Home Phone: () - Work Phone: (850)544-2822X Occupation: GENERAL CONTRACTOR Employer: OLIVERSPER		sperry@oliversperr	yrenovation.coi
Cocupation. General Contractor Employer. Oliversper		DVATION	
Preferred mailing location: Work Address			
Work Address: 401 OFFICE PLAZA DRIVE			
City/State/Zip: TALLAHASSEE,FL 32301 Home Address 2125 TRESCOTT DRIVE			
City/State/Zip: TALLAHASSEE,FL 32308			
Do you live in Leon County?YesIf yes, do you live within the City lirDo you own property in Leon County?YesIf yes, is it located within the City lir		No its? No	
For how many years have you lived in and/or owned property in Leon County?		30 years	
Are you currently serving on a County Advisory Committee? No			
If yes, on what Committee(s) are you a member? Have you served on any previous Leon County committees? Yes			
If yes, on what Committee(s) are you a member?			
Please indicate your area of expertise:			
Provider of construction development, planning or environmental-related services (This seat requires a nomination)			
Name of nominating organization:			
Employed by a university or local school system			
Name of Employer:			
Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.)			
Name of neighborhood Board/Organization:			
Employed by or represents, a community-based, environment-related organization			
Name of organization:			
Represents a business association or organization. (This seat requires a nomination.)			
Name of nominating association/organization:			
X Resident of Leon County			
(OPTIONAL) Leon County strives to meet its goals, and those contained in val maintaining a membership in its Advisory Committees that reflects the diversity strictly optional for Applicant, the following information is needed to meet report those goals. Race: Caucasian Sex: Male Age: 56. Disabled? District: District 5	of the con ting require	nmunity. Although	of

In the space below briefly describe or list the Committees; your educational background; yo Committee; any of your professional licenses held them and whether they are effective in Le which you participate; and reasons for your cl	our skills and and/or design on County; a	experience you could contribute to a nations and indicate how long you have ny charitable or community activities in	Attachment #1 Page 2 of
References (you must provide at least one person Name: WILL BUTLER Address: 997 ILEX WAY TALLAHASSEE - 12		vho is not a family member): 850-345-9455	
Name: EVERITT DREW Address: 250 JOHN KNPOX ROAD SUITE 6 T	•	850-385-5005 E-03	
MPORTANT LEGAL REQUIREMENTS FOR ADVIS AS A MEMBER OF AN ADVISORY COMMITTEE, Y APPLICABLE LAWS REGARDING GOVERNMENT OFFICERS, AND PUBLIC RECORDS DISCLOSUR APPLICABLE LAWS INCLUDE CRIMINAL PENAL COMMITTEE ACTION AND OF ANY SUBSEQUEN COMMISSIONERS. IN ORDER TO BE FAMILIAR Y	YOU WILL BE F-IN-THE-SUN E. THE CONS TIES, CIVIL F T ACTION BY	OBLIGATED TO FOLLOW ANY ISHINE, CODE OF ETHICS FOR PUBLIC SEQUENCES OF VIOLATING THESE INES, AND THE VOIDING OF ANY ' THE BOARD OF COUNTY	

ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
 If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? Yes (If yes, prior to or at the time of submission of any bid for county business, a disclosure form must be filed.)

6.) Do you currenty 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Todd H Sperry

This application was electronically sent: 5/8/2017 2:50:36PM

5/8/17

Todd Sperry Bio

Todd's Family moved to Tallahassee in 1972. He graduated from Godby High School in 1978. After received a BS in Building Construction from University of Florida he joined the Family Business, Sperry and Associates Inc.(Commercial General Contracting Firm), in 1983. Todd became President and CFO of the Company from 1993 to 2001. In 2001 he was recruited by the ST Joe Company to create a construction entity in one of their Business units, the ST Joe Land Co. Projects of significance while at ST Joe include the HGTV Dream House in 2003, two Southern Living Idea Houses and the 1400 acre River Camps at Crooked Creek in Bay County. In 2007 he formed Oliver Renovation and Kimmel Development with partners. In 2013 he sold his interest in Kimmel Development. His current role is Vice President and CFO of OliverSperry Renovation, but prefers the job description as "Head Dreamer and Schemer". Todd describes himself as a serial entrepreneur having been involved in the startup or running of six business.

Todd has been married to Jodi for 31 years and has two children Chase 22 and Shane 18. He enjoys home improvement projects, traveling and working out doors

Community Involvement include:

- Leon County Schools Citizen Oversight Committee advising the administration of ½ penny sales tax. 2003 – 2008
- Chairman of the Board of United Way 2006-2007
- Original KCCI Community Catalyst 2007
- Founding member of Sustainable Tallahassee 2008
- Chairman of Chamber of Commerce 2011
- Member of Blue Print Sales Tax Committee
- Member of the seven member Joint Planning Board, representing United Way, overseeing the CHSP process of the distribution of charitable funds 2013
- Member of TCC Foundation

5/8/17 Spoke with Mr. Sperry. He is seeking one of the Leon County Resident Seats. While he is a member of the Tallahassee Chamber of Commerce, he does not have a nomination from any organization. MS

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Attachment #16 Page 1 of 4

It is the applicant's responsibility to keep this information current.		
To advise the County of any changes please contact Mary Smach		
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov		
Applications will be discarded if no appointment is made after two years.		
Name: Jared Willis Date: 5/2/2017 3:46:10PM		
Home Phone: (850) 284-1996 Work Phone: ()-X Email: jared@jaredwillisllc.com		
Occupation: COMMERCIAL ADVISOR, NAI TALCOR Employer: PRESIDENT, DOWNTOWN BUSINESS ASSOCIATION		
Preferred mailing location: Home Address Work Address: 1650 RICH STREET		
City/State/Zip: TALLAHASSEE,FL 32303		
Home Address: 1650 RICH STREET		
City/State/Zip: TALLAHASSEE,FL 32303		
Do you live in Leon County? Yes If yes, do you live within the City limits? Yes		
Do you own property in Leon County?NoIf yes, is it located within the City limits?YesFor how many years have you lived in and/or owned property in Leon County?22years		
Are you currently serving on a County Advisory Committee? No		
If yes, on what Committee(s) are you a member?		
Have you served on any previous Leon County committees? No		
If yes, on what Committee(s) are you a member?		
Please indicate your area of expertise:		
Provider of construction development, planning or environmental-related services		
(This seat requires a nomination)		
Name of nominating organization:		
Employed by a university or local school system		
Name of Employer:		
Serves on a paighborhood association board or represents a paighborhood based organization		
Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.)		
Name of neighborhood Board/Organization: Downtown Tallahassee Business Association		
Employed by or represents, a community-based, environment-related organization		
Name of organization:		
X Represents a business association or organization. (This seat requires a nomination.)		
Name of nominating association/organization:		
X Resident of Leon County		
(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. Race: Caucasian, Hispanic Sex: Male Age: 27.00		
Disabled? No District: District 1		

In the space below briefly describe or list the f Committees; your educational background; yo Committee; any of your professional licenses held them and whether they are effective in Le which you participate; and reasons for your ch	our skills and and/or desigr on County; a	experience you could contribute to a nations and indicate how long you have ny charitable or community activities in	Attachment # Page 2 o
References (you must provide at least one person	al reference w		
Name: KRISTIN DOZIER Address: DOZIERK@LEONCOUNTYFL.GOV	Telephone:	8505092907	
Name: Address:	Telephone:		
ANY SUBSEQUENT ACTION BY THE BOARD OF WITH THESE LAWS AND TO ASSIST YOU IN ANS COMPLETE THE ORIENTATION PUBLICATION w 1) Have you completed the Applicant Orientation for Yes	WERING THE ww.leoncoun	E FOLLOWING QUESTIONS, YOU MUST tyfl.gov/bcc/committees/training.asp	
2.) Are you willing to complete a financial disclosure	e form Y	es	
3.) Do you know of any circumstances that would re Committee/Board/Authority due to voting conflicts? If yes, please explain.	-		
4.) Are you you or your employer, or your spouse or County? No If yes, please explain.	r child or their	employers, currently doing business with Leon	
5.) Do you foresee participating in any competitive b on this committee/board/authority?	oid process for No	r Leon County business during your time serving	9
6.) Do you currenty have any employment or contra continuing or frequently recurring conflict with regard No If yes, please explain.			
All statements and information provided in this appli	ication are true	e to the best of my knowledge.	
Signature: Jared Willis			

This application was electronically sent: 5/2/2017 3:46:10PM

5/3/17 Spoke with Mr. Willis. He would like to be considered for the County Resident seat. In addition, he will contact the Chambers to see if they would be willing to nominate him for a Chamber seat. MS



JARED WILLIS

OBJECTIVE

To use my acquired skills and education to serve and represent my community on a Leon County citizen advisory board.

SKILLS & ABILITIES

Excel, Word, Powerpoint

Wordpress, Squarespace, Wix

Adobe Creative Suite

VITALS

1650 Rich Street

Tallahassee, FL 32303

T 850-284-1996

E jaredcwillis@icloud.com

EDUCATION

B.S. in Hospitality Mgmt. Florida State University

EXPERIENCE

PRESIDENT, DOWNTOWN TALLAHASSEE BUSINESS ASSOC.

JANUARY, 2015 - PRESENT My duties as President include:

-Advocating for downtown businesses to local government and stakeholders.

-Creating partnerships with other community-oriented organizations.

-Representing the association to the Tallahassee community.

COMMERCIAL ADVISOR, NAI TALCOR

MARCH, 2016 - PRESENT

My duties as a commercial advisor include representing tenants, landlords, building owners, and purchasers in commercial real estate transactions.

ASSOCIATIONS

Greater Tallahassee Chamber of Commerce & Access Tallahassee Member

Tallahassee Board of Realtors, Commercial Council – Co-Chair

Florida Society of Association Executives

KCCI Tallahassee, Class of 2017

REFERENCES

BETSY COUCH Executive Director, Knight Creative Community Institute

PAIGE CARTER-SMITH Executive Director, Downtown Improvement Authority

ED MURRAY President, NAI TALCOR

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Page 1 of 6

It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach			
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov			
Applications will be discarded if no appointment is made after two years.			
Name: Mat Tharpe Date: 5/22/2017 11:07:56AM			
Home Phone:(850) 868-0806Work Phone:(850) 868-0806XEmail:mtharpe@tharpeconstruction.comOccupation:BUILDING CONTRACTOREmployer:THARPE CONSTRUCTION & REMODELING LLC			
Employer. THARPE CONSTRUCTION & REMODELING ELC			
Preferred mailing location: Work Address Work Address: PO BOX 14868			
City/State/Zip: TALLAHASSEE,FL 32317 Home Address 117 GLENHAVEN TERRACE			
Home Address TT7 GLENHAVEN TERRACE			
City/State/Zip: TALLAHASSEE,FL 32312			
Do you live in Leon County?YesIf yes, do you live within the City limits?NoDo you own property in Leon County?YesIf yes, is it located within the City limits?No			
Do you own property in Leon County?YesIf yes, is it located within the City limits?NoFor how many years have you lived in and/or owned property in Leon County?25 years			
Are you currently serving on a County Advisory Committee? No			
If yes, on what Committee(s) are you a member?			
Have you served on any previous Leon County committees? Yes If yes, on what Committee(s) are you a member? DSEM Citizens User Group			
Please indicate your area of expertise: Provider of construction development, planning or environmental-related services			
(This seat requires a nomination) Name of nominating organization:			
Employed by a university or local school system			
Name of Employer:			
Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.)			
Name of neighborhood Board/Organization:			
Employed by or represents, a community-based, environment-related organization			
Name of organization:			
X Represents a business association or organization. (This seat requires a nomination.)			
Name of nominating association/organization: Greater Tallahassee Chamber of Commerce			
X Resident of Leon County			
(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. Race: Caucasian Sex: Male Age: 34.00 Disabled? No District: 3			

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.	Attachment # Page 2 o		
I HOLD A STATE CERTIFIED BUILDING CONTRACTORS LICENSE. I CURRENTLY SIT ON THE BOARD FOR THE GREATER TALLAHASSEE LEON COUNTY CHAMBER.			
References (you must provide at least one personal reference who is not a family member):			
Name: JAY REVELL Telephone: 850-567-9419 Address: 300 EAST PARK AVE			
Name: Telephone: Address:			
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			
1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?			
Yes 2.) Are you willing to complete a financial disclosure form No			
(Your application will only be considered for those committees/boards/authorities that do not require members to complete the Financial Disclosure Form 1.)			
3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No f yes, please explain.			
4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with _eon County? Yes			
f yes, please explain. My wife is employed by Capital City Youth Services and they receive CHSP funds. 5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No	9		
6.) Do you currenty 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/Board/Authority? No If yes, please explain.			
All statements and information provided in this application are true to the best of my knowledge.			
Signature: Mathew Tharpe			

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRS	Mathen Thorpe		OFFICE / POSITION HELD
MAILING ADDRESS	lax 14868		AGENCY OR ADVISORY BOARD Advisory Lown on Audity fronth
CITY	ZIP	COUNTY	ADDRESS OF AGENCY
Tall	5 32317	Leon	

HOW TO COMPLETE AND FILE THIS FORM:

Parts A and B of this form serve two different purposes. Part A is for advisory board members who wish to use an exemption in the ethics laws that is applicable only to advisory board members. Part B is for public officers and employees who wish to use a separate exemption that is applicable when the business entity involved is the sole source of supply within the political subdivision. In order to complete and file this form:

- Fill out Part A or Part B, as applicable.
- Sign and date the form on the reverse side.
- File Part A with the appointing body or person that will be waiving the restrictions of 112.313(3) or (7), Fla. Stat., prior to the waiver.
- File Part B with the governing body of the political subdivision in which the reporting person is serving, prior to the transaction.

PART A - DISCLOSURE OF TRANSACTION OR RELATIONSHIP CONCERNING ADVISORY BOARD MEMBER

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including persons serving on advisory boards. See Part III, Chapter 112, Florida Statutes, and/or the
한 것이 집에 가지 않는 것이 같은 것 같
brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more
details on these prohibitions. However, Section 112.313(12), Florida Statutes, permits the appointing official or body to
waive these requirements in a particular instance provided: (a) waiver by the appointing body must be upon a two-thirds
affirmative vote of that body; or (b) waiver by the appointing person must be effected after a public hearing; and (c) in either
case the advisory board member must fully disclose the transaction or relationship which would otherwise be prohibited by
Subsections (3) of (7) of Section 112.313, Florida Statutes. This Part of Form 4A has been prescribed by the Commission
on Ethics for such disclosure, if and when applicable to an advisory board member.

PLEASE COMPLETE THE FOLLOWING:

- The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - () The reporting person;

(>) The spouse of the reporting person, whose name is ______ Jess Thank

() A child of the reporting person, whose name is

2. The particular transaction or relationship for which this waiver is sought involves [check applicable space]:

(x) Supplying the following realty, goods, and/or services: _____CH

- () Regulation of the business entity by the governmental agency served by the advisory board member.
- 3. The following business entity is doing business with or regulated by the governmental agency:



4. The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:

() Officer; () Partner; () Associate; () Sole proprietor; () Stockholder; () Director; () Owner of in excess of 5% of the assets of capital stock in such business entity; (x) Employee; () Contractual relationship with the business entity;

() Other, please describe:

: or

; or

PART B - DISCLOSURE OF INTEREST IN SOLE SOURCE OF SUPPLY

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain employment and business relationships on the part of public officers and employees. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12)(e), Florida Statutes, provides an exemption from the above-mentioned restrictions in the event that the business entity involved is the only source of supply within the political subdivision of the officer or employee. In such cases the officer's or employee's interest in the business entity must be fully disclosed to the governing body of the political subdivision. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable*.

PLEASE COMPLETE THE FOLLOWING:

- 1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - () The reporting person;
 - () The spouse of the reporting person, whose name is ______
 - () A child of the reporting person, whose name is _____
- 2. The following are the goods, realty, or services being supplied by a business entity with which the public officer or employee, or spouse or child of such officer or employee, is involved is:

3. The business entity which is the only source of supply of the goods, realty, or services within the political subdivision is:

(NAME	OF	ENTITY)
(14)-MAILE	UI.	

(ADDRESS OF ENTITY)

4. The relationship of the undersigned public officer or employee, or spouse or child of such officer or employee, to the business entity named in Item 3 above is [check applicable spaces]:

() Officer;
() Partner;
() Associate;
() Sole proprietor;
() Stockholder;
() Director;
() Owner of in excess of 5% of the assets or capital stock in such business entity;
() Employee;
() Contractual relationship with the business entity;
() Other, please describe;

SIGNATURE

SIGNATURE

DATE SIGNED 5/23/17

DATE EN ED 24/17 Crox

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES 5. 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10.000. >>> Sue Dick <sdick@talchamber.com> 5/12/2017 2:49 PM >>> Bryan,

Following up on your previous message asking for Chamber name to serve. We had received this letter as well and we are going to recommend Matt Tharpe to serve. He actually was our designee on the previous DSEM Group and will roll into this slot.

Sara Blei on our team is in communication with Matt. (As an fyi, he is also on our Board of Director's.)

Brenda,

Please let Sarah know if we need to do anything further.

Thank you,

Sue



Sue Dick

President/CEO Greater Tallahassee Chamber of Commerce sdick@talchamber.com

Office: (850) 224-8116 www.talchamber.com

P.O. Box 1639 Tallahassee, FL 32302

Attachment #17 Page 6 of 6

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Page 1 of 4

It is the applicant's responsibility to keep this information surront		
It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach		
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov		
Applications will be discarded if no appointment is made after two years.		
Name: Antonio Jefferson Date: 5/31/2017 9:30:15AM		
Home Phone: (Work Phone: (850)856-5257X2031 Email: ajefferson8@comcast.net		
Occupation: CITY MANAGER Employer: CITY OF GRETNA		
Preferred mailing location: Home Address Work Address: POST OFFICE BOX 220		
City/State/Zip: GRETNA,FL 32332		
Home Address		
City/State/Zip: TALLAHASSEE,FL		
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		
For how many years have you lived in and/or owned property in Leon County?23 yearsAre you currently serving on a County Advisory Committee?No		
If yes, on what Committee(s) are you a member?		
Have you served on any previous Leon County committees? No		
If yes, on what Committee(s) are you a member?		
Please indicate your area of expertise:		
Provider of construction development, planning or environmental-related services (This seat requires a nomination)		
Name of nominating organization:		
Employed by a university or local school system		
Name of Employer:		
Serves on a neighborhood association board or represents a neighborhood-based organization. (This seat requires a nomination by the Council of Neighborhood Associations.)		
Name of neighborhood Board/Organization:		
Employed by or represents, a community-based, environment-related organization		
Name of organization:		
X Represents a business association or organization. (This seat requires a nomination.)		
Name of nominating association/organization: Big Bend Minority Chamber of Commerce		
X Resident of Leon County		
(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. Race: African American Sex: Male Age: Disabled? No District:		

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.

Attachment #18 Page 2 of 4

References (you must provide at least one personal reference who is not a family member):

Name:SEAN PITTMANTelephone:8502161002Address:1028 EAST PARK AVENUE TALLAHASSEE, FLORIDA

Name:BRENDA WILLIAMSTelephone:8503565534Address:2940 GRADY ROAD TALLAHASSEE, FLORIDA

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

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currenty 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Antonio Jefferson

This application was electronically sent: 5/31/2017 9:30:15AM

From:	<antonia@mybbmc.org></antonia@mybbmc.org>
To:	Mary Smach <smachm@leoncountyfl.gov></smachm@leoncountyfl.gov>
Date:	5/19/2017 8:59 AM
Subject:	Re: Nomination for the Advisory Committee on Ouality Growth

On 2017-05-19 07:55, Mary Smach wrote:

> Dear Ms. Smith,

>

> Would you please let us know by return email, who the Big Bend

> Minority Chamber of Commerce is nominating for membership on the new

> Leon County Advisory Committee on Quality Growth?

> Thank you for your time.

>

> Mary Smach

> Agenda Coordinator

> Leon County Administration

> 301 S. Monroe St. Suite 502

> Tallahassee, FL 32301

> 850-606-5311

>

> www.leoncountyfl.gov [1]

>

> "People Focused. Performance Driven"

>

> Thank you for your email. 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.

>

> Links: > -----

> [1] http://www.leoncountyfl.gov

Ms. Smach:

I'm sorry for not getting back with you. The nominee for this committee is Antonio Jefferson. His email address is: ajefferson@mygretna.com. Please let me know if there is anything more you need from me. Thank you.

Antonia

Florida Commission on Ethics

Attachment #18 Page 4 of 4

Public Records Exemption Request

Florida law provides that an agency shall treat social security numbers, bank account numbers, and debit, charge, and credit card numbers as automatically exempt from public disclosure. In addition, Florida law allows eligible persons to request in writing that a non-employing agency maintain as exempt from public disclosure certain identification and/or location information contained in records within the agency's custody.

The person entitled to the additional exemptions must submit a written request directly to this agency to maintain the exemption to the records in our custody. § 119.071(4)(d)3., F.S. You are not required to use this form; however doing so will help us in keeping your information confidential. Please return this completed form or a written request to: Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709.

If you or your spouse qualify; or if you are the child of someone who qualifies; you are eligible to receive additional public records exemptions. Please check the box for any of the following that apply:

Active or Former:

- Sworn or civilian law enforcement personnel, including correctional and correctional probation officers.
- Department of Children and Families personnel whose duties include investigating abuse, neglect, exploitation, fraud, theft, or other criminal activities.
- Department of Health personnel whose duties are to support the investigation of child abuse or neglect.
- Department of Revenue or local government personnel whose responsibilities include revenue collection and enforcement or child support enforcement.

Current or Active:

- Firefighter certified in compliance with s. 633.408, F.S.
- General magistrate, special magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child support enforcement hearing officer.*
- County Tax Collector.*

Current or Former:

- Department of Financial Services nonsworn investigative personnel whose duties include investigating fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations.
- Supreme Court Justice, or judge of district court of appeal, circuit court, or county court.
- State attorney, assistant state attorney, statewide prosecutor, or assistant statewide prosecutor.
- Public defender, assistant public defender, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel.
- Human resource, labor relations, or employee relations director, assistant director, manger, or assistant manager of any local government agency or water management district whose duties include hiring/firing employees, labor contract negotiation, administration, or other personnel-related duties.
- Code Enforcement Officer.

☑ Yes, I qualify ☑ Yes, my spouse qualifies

□ Yes, my parent qualifies

Phone Number:

Printed Name: Ant	onio Jefferson
-------------------	----------------

The residence address(es) you wish us to maintain as confidential:

	1,	1	11
Signature of Requestor:	1 mars	101	Herrom
Signature of Requestor.	VIEYUU		

Date: June 7, 2017

* – If this category is selected, person also certifies, by signing this form, that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public. ** – Exemption valid for 5 years from date of request.

Page 615 of 1014

Posted 3:00 p.m. on June 12, 2017

Guardian ad litem, as defined in s. 39.820, F.S.*

- Juvenile probation officer, juvenile probation supervisor, detention superintendent, assistant detention superintendent, juvenile justice detention officers I and II, juvenile justice detention officer supervisor, juvenile justice residential officer, juvenile justice residential officer supervisors I and II, juvenile justice counselor, juvenile justice counselor supervisor, human services counselor administrator, senior human services counselor administrator, rehabilitation therapist, or social services counselor of the Department of Juvenile Justice.
- Department of Business and Professional Regulation investigator or inspector.*
- Department of Health personnel whose duties include, or result in, determining or adjudicating eligibility for social security disability benefits, investigating or prosecuting complaints filed against health care practitioners, or inspecting health care practitioners or health care facilities licensed by the Department of Health.*
- Impaired practitioner consultant retained by an agency, or employees of such a consultant, whose duties result in determining a person's skill and safety to practice a licensed profession.*
- П Emergency medical technician or paramedic certified under chapter 401. F.S.*
- Personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline.*
- U.S. Attorney or Assistant U.S. Attorney, U.S. Courts of Appeal judge, U.S. district judge, or U.S. magistrate.*
- Member of the U.S. Armed Forces, a reserve component of the U.S. Armed Forces, or the National Guard, who served after September 11, 2001.*
- Victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence (if applicable, must attach official verification that crime occurred; exemption applies only to individual victim of specified crime, not to the spouse or child of the victim).**

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADVISORY COMMITTEE ON QUALITY GROWTH Attachment #19 Page 1 of 5

It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov
Applications will be discarded if no appointment is made after two years.
Name: Will Croley Date: 5/4/2017 2:58:40PM
Home Phone: (850) 228-2029 Work Phone: ()-X Email: willcroley@dougcroleyins.com
Occupation: INSURANCE AGENT Employer: DOUGLAS M CROLEY, INC
Preferred mailing location: Work Address
Work Address: PO BOX 13619
City/State/Zip: TALLAHASSEE,FL 32317
Home Address: 3215 LORD MURPHY TRAIL
City/State/Zip: TALLAHASSEE,FL 32309 Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 8 years
Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member? Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?
Please indicate your area of expertise:
Provider of construction development, planning or environmental-related services
(This seat requires a nomination)
Name of nominating organization:
Employed by a university or local school system
Name of Employer:
Serves on a neighborhood association board or represents a neighborhood-based organization.
(This seat requires a nomination by the Council of Neighborhood Associations.)
Name of neighborhood Board/Organization:
Employed by or represents, a community-based, environment-related organization
Name of organization:
X Represents a business association or organization. (This seat requires a nomination.)
Name of nominating association/organization: Network of Entrepreneurs & Business Advocates
X Resident of Leon County
(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.
goals. Race:CaucasianSex:MaleAge:32.00Disabled?NoDistrict:District 4
Disabled? No District: District 4

Commi Commi held the	ittees; your educational bac ittee; any of your profession em and whether they are ef	kground; your skills and nal licenses and/or desigr fective in Leon County; a	y previous experience on other experience you could contribute to a nations and indicate how long you have ny charitable or community activities in committee indicated on this Application.	Attachment #1 Page 2 of
	SED INSURANCE AGENT F -20 AND FL 2-15 LICENSES			
- BOAR	GIDENT OF NETWORK OF E RD MEMBER FOR ACCESS IORAN GRADUATE AND VE	TALLAHASSEE	SUSINESS ADVOCATES	
	ION MAKING WITHIN THE [DEVELOPMENT PROCES	OVIDE INFLUENCE AND BE APART OF THE S. AS A YOUNGER COUNTY RESIDENT I RT THE LONG TERM CHANGES AND GROW	
Referenc	ces (you must provide at leas	t one personal reference w	vho is not a family member):	
Name: Address:	PEGGY MUNROE 2791 CAPITAL CIRCLE	-	8503859495	
Name: Address:	TED THOMAS	Telephone:	8505451241	
AS A MEN LAWS RE PUBLIC R INCLUDE ANY SUB WITH THE	GARDING GOVERNMENT-I ECORDS DISCLOSURE. TI CRIMINAL PENALTIES, CIV SEQUENT ACTION BY THE SE LAWS AND TO ASSIST	DMMITTEE, YOU WILL BE N-THE-SUNSHINE, CODE HE CONSEQUENCES OF VIL FINES, AND THE VOID BOARD OF COUNTY COI YOU IN ANSWERING THE	TTEE MEMBERSHIP OBLIGATED TO FOLLOW ANY APPLICABL OF ETHICS FOR PUBLIC OFFICERS, AND VIOLATING THESE APPLICABLE LAWS ING OF ANY COMMITTEE ACTION AND OF MMISSIONERS. IN ORDER TO BE FAMILIAF E FOLLOWING QUESTIONS, YOU MUST tyfl.gov/bcc/committees/training.asp	
1) Have yo Yes	ou completed the Applicant C	Drientation for membership	on Citizen Committees, Board & Authorities?	
2.) Are you	u willing to complete a financ	ial disclosure form Y	es	
Committee	I know of any circumstances e/Board/Authority due to votir ase explain.	-	ving to abstain from voting on a e to Focus Groups) No	

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No

If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currenty 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Will Croley

This application was electronically sent:

Will Croley

3215 Lord Murphy Trail, Tallahassee FL 32309 (850)228-2029 / willcroley@dougcroleyins.com

Objective

Seeking Position on the Advisory Committee for Quality Growth

Skills and Abilities

- Problem Solving
- Critical Thinking
- Leadership
- Worth Ethic

Professional Experience

Doug Croley Insurance Services, Tallahassee FL

Account Executive, June 2012-Present

- > Sell and Manage Multiple Lines of Insurance across Florida
- Oversee Agency Security Operation
- Marketing Manager

United States Marine Corps, Camp Lejeune NC

Sergeant, 2005-2009

- Artillery Section Chief
- Patrol Squad Leader
- Logistics Supply Chief for 105 Marines

Education

Flagler College

Business Administration, 2012

Professional Group Involvement

- Access Tallahassee Advisory Council Member (current)
- Network of Entrepreneurs and Business Advocates, President (current)
- Jim Moran Institute Graduate
- Chamber Leads 4 Member, 2012-2017

>>> Will Croley <willcroley@dougcroleyins.com> 5/4/2017 3:02 PM >>>

I have applied. Hope to hear back!

Thank you again for sending this our way.

Regards,

Will Croley Agent/Broker

Doug Croley Insurance Services

2814 Remington Green Circle Tallahassee, FL 32308 Tel 850-386-1922 Fax 850-385-1685 willcroley@dougcroleyins.com

Like us on Facebook (http://www.facebook.com/dougcroleyins)

Complete Insurance Solutions

Homeowners Insurance - Personal Auto Insurance - Business Insurance -Commercial Specialty Insurance - Life Insurance

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From: Heather Peeples [mailto:PeeplesH@leoncountyfl.gov] Sent: Thursday, May 04, 2017 1:44 PM To: Will Croley <willcroley@dougcroleyins.com> Subject: Advisory Committee for Quality Growth

Good afternoon Mr. Croley,

I wanted to make sure the members of the Network of Entrepreneurs & Business Advocates were aware that several seats are currently available on Leon County's new Advisory Committee for Quality Growth. Additional information about the Committee can be found on our website here (http://cms.leoncountyfl.gov/committees/detail.asp?id=157) and your members are welcome to submit their applications online here (http://cms.leoncountyfl.gov/apps/committeeapp/).

Next week, the Board of County Commissioners will also consider several possible industry groups to make nominations to the Committee. Should the Board request a formal nomination from the Network of Entrepreneurs & Business Advocates, I will contact you next week for the name of the member you would like to nominate.

Please feel free to call if you have any questions.

Best,

Heather Peeples Special Projects Coordinator Leon County, Florida 301 South Monroe Street Suite #502 Tallahassee, FL 32301

Phone: (850) 606-5317

www.leoncountyfl.gov

"People Focused. Performance Driven."

Attachment #19 Page 5 of 5

Leon County Board of County Commissioners

Notes for Agenda Item #14

Leon County Board of County Commissioners

Agenda Item #14

June 20, 2017

To: Honorable Chairman and Members of the Board

From:

Vincent S. Long, County Administrator

Title:Full Board Appointments to the Board of Adjustments and Appeals, the
CareerSource Capital Region Board and the Planning Commission

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Mary Smach, Agenda Coordinator

Statement of Issue:

This agenda item seeks the Board's consideration of the full Board appointments of citizens to the Board of Adjustment and Appeals, the CareerSource Capital Region Board and the Planning Commission.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

- Option #1: Consideration of the appointment of **three** citizen members to the Board of Adjustments and Appeals. The eligible applicants are as follows: Shaleen Miller, Carlos Rey and Paul Patronis.
- Option #2: Consideration of the appointment of **three** citizen members to the CareerSource Capital Region Board. The eligible applicants are as follows: Rebecca Kelly Manders, Katrina Tuggerson-Alexander and Brad Coburn.
- Option #3: Consideration of the appointment of **one** citizen member to the Planning Commission: The eligible applicants are as follows: Pierre Buie, Timothy Edmond, William Howell, Tom E. Lewis and Ryan Smart.

Title: Full Board Appointments to the Board of Adjustments and Appeals, the CareerSource Capital Region Board and the Planning Commission June 20, 2017 Page 2

Report and Discussion

Background:

At its August 23, 2011 meeting, the Board approved the revised process for full Board appointments to Authorities, Boards, Committees, and Councils by having a General Business item prepared to fill vacancies.

Analysis:

Board of Adjustments and Appeals (BOAA)

<u>Purpose:</u> The BOAA hears and decides on appeals of administrative decisions as provided in the City of Tallahassee and Leon County Land Development Code, and variances to sign, plumbing, zoning, housing, building, gas and fire prevention codes of the City of Tallahassee and Leon County as provided in the City and Leon County Land Development Codes.

<u>Composition:</u> The BOAA has three members appointed by the full Board, three members appointed by the City and 1 member alternately appointed by the full Board and the City Commission. In addition, both the full Board and the City Commission may appoint an alternate member, who serves in the event that their presence is needed to constitute a quorum. The members serve a three-year term and may not serve more than two full consecutive terms. Vacancies are filled for the remainder of the unexpired term.

<u>Vacancies</u>: The terms of County appointed members Carlos Rey and Bradley Trotman expire on June 30, 2017. Mr. Rey has had good attendance and is seeking reappointment. Mr. Trotman is not eligible for reappointment due to term limits. The current County alternate member, Shaleen Miller, was appointed March 8, 2016, has good attendance and is seeking the permanent member seat. Should the Board appoint Ms. Miller to the permanent member seat, then another appointment will need to be made to the County alternate member seat. Eligible applicants are listed in Table #1.

Vacancies	Term Expiration	Application Attachment #	Eligible Applicants	Recommended Action
Bradley Trotman	6/30/2017	1.	Shaleen Miller	Full Board to make an appointment for a three-year term ending 6/30/2020
Carlos Rey	6/30/2017	2.	Carlos Rey	Full Board to reappointment the member for a three-year term ending 6/30/2020
Shaleen Miller (County alternate member seat)	6/30/2019	3.	Paul Patronis	Full Board to make an appointment for the remainder of the unexpired term ending 6/30/2019

Table #1: Board of Adjustments and Appeals

Title: Full Board Appointments to the Board of Adjustments and Appeals, the CareerSource Capital Region Board and the Planning Commission

June 20, 2017 Page 3

CareerSource Capital Region Board (CSCR)

<u>Purpose</u>: CareerSource Capital Region connects employers with qualified, skilled talent and Floridians with employment and career development opportunities to achieve economic prosperity in Gadsden, Leon and Wakulla counties. The CSCR Board develops 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.

<u>Composition:</u> The CSCR Board has seven private sector representative members appointed by the full Board. Nominations for the private sector seats are submitted by local business organizations including local chambers of commerce, downtown merchants associations, area business associations, etc., and must be compliant with the Workforce Innovation and Opportunty Act (WIOA) and Florida Statutes. Nominees are representative of the business community in optimal business leadership positions, such as CEO's, VP's of HR, General Managers, Presidents and C Suite executives of firms that require a large workforce to maintain their business. The members serve a three-year term, and vacancies are filled for the remainder of the unexpired term.

<u>Vacancies</u>: There are three vacancies on the Committee: the term of George Banks ends June 30, 2017 and he is not eligible for reappointment due to term limits; David Hager and Mark Robinson have resigned (Attachments #4 & #5). The Greater Tallahassee Chamber of Commerce has nominated all three eligible applicants, and they are listed in Table #2.

Vacancies	Term Expiration	Application Attachment #	Eligible Applicants	Recommended Action
George Banks	6/30/2017	Manders appointme		Full Board to make an appointment for a three-year term ending 6/30/2020
David Hager	6/30/2017	7.	Katrina Tuggerson- Alexander	Full Board to make an appointment for a three-year term ending 6/30/2020
Mark Robinson	6/30/2019	8.	Brad Coburn	Full Board to make an appointment for the remainder of the unexpired term ending 6/30/2019

Table #2: CareerSource Capital Region

Title: Full Board Appointments to the Board of Adjustments and Appeals, the CareerSource Capital Region Board and the Planning Commission

June 20, 2017 Page 4

Planning Commission

<u>Purpose</u>: The Tallahassee-Leon County Planning Commission was established by interlocal agreement on September 26, 1967, between Leon County and the City of Tallahassee. This agreement designated the Planning Commission as the entity responsible for comprehensive area wide planning within the City of Tallahassee and Leon County. The Planning Commission is also the designated as the Local Planning Agency (LPA) that reviews amendments to the Comprehensive Plan. Duties and responsibilities of the Planning Commission and the LPA are set forth in the Planning Commission Bylaws as well as the interlocal agreement and local land development codes for the City and County.

<u>Composition:</u> The Planning Commission has three members appointed by the full Board, three members appointed by the City and one member selected by the School Board and appointed by the full Board and the City Commission. The members serve a three-year term and may be reappointed. Vacancies are filled for the remainder of the unexpired term.

<u>Vacancies:</u> The term of County appointed member, Tim Edmond, expires on June 30, 2017. Mr. Edmond has good attendance and is seeking reappointment. Eligible applicants are listed in Table #3.

Vacancies	Term Expiration	Application Attachment #	Eligible Applicants	Recommended Action
Timothy Edmond	6/30/2017	9.	Pierre Buie	Full Board to make an
		10.	Timothy Edmond	appointment for a three-year
		11.	William Howell	term ending 6/30/2020
		12.	Tom E. Lewis	
		13.	Ryan Smart ¹	

Table #3: Planning Commission

¹ Also applied for the Advisory Committee on Quality Growth (ACQG), see Agenda item #13. Should the Board appoint Mr. Smart to the ACQG, he would not be eligible for appointment to the Planning Commission based on County Policy No. 03-15 prohibiting a citizen serving on more than one committee/board at a time.

Title: Full Board Appointments to the Board of Adjustments and Appeals, the CareerSource Capital Region Board and the Planning Commission

June 20, 2017 Page 5

Options:

- 1. Consideration of the appointment of **three** citizen members to the Board of Adjustments and Appeals. The eligible applicants are as follows: Shaleen Miller, Carlos Rey and Paul Patronis.
- 2. Consideration of the appointment of **three** citizen members to the CareerSource Capital Region Board. The eligible applicants are as follows: Rebecca Kelly Manders, Katrina Tuggerson-Alexander and Brad Coburn
- 3. Consideration of the appointment of **one** citizen member to the Planning Commission: The eligible applicants are as follows: Pierre Buie, Timothy Edmond, William Howell, Tom E. Lewis and Ryan Smart.
- 4. Board direction.

Recommendation:

Options #1, #2 & #3.

Attachments:

- 1. Miller application & email
- 2. Rey application & email
- 3. Patronis application
- 4. Hager resignation
- 5. Robinson resignation
- 6. Kelly-Manders application, resume & nomination
- 7. Tuggerson-Alexander application, resume & nomination
- 8. Coburn application & nomination
- 9. Buie application & resume
- 10. Edmond application, resume & email
- 11. Howell application & bio
- 12. Lewis application & resume
- 13. Smart application & resume

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT ADJUSTMENT AND APPEALS BOARD

Attachment #1 Page 1 of 3

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 yea	LEON
Name: Shaleen Miller Dat	e: 2/1/2016 10:54:37AM
	eenmiller@gmail.com
Occupation: PHD STUDENT, URBAN AND Employer: FSU	eenninel @gritalliceliti
REGIONAL PLANNING	
Preferred mailing location: Home Address	
Work Address:	
City/State/Zip: TALLAHASSEE,FL	
Home Address 576 RHODEN COVE RD	
City/State/Zip: TALLAHASSEE,FL 32312	
Do you live in Leon County? Yes If yes, do you live within the City limits? N	
Do you own property in Leon County? Yes If yes, is it located within the City limits	? Yes
For how many years have you lived in and/or owned property in Leon County?	1 years
Are you currently serving on a County Advisory Committee? No	
If yes, on what Committee(s) are you a member?	
Have you served on any previous Leon County committees? No	
If yes, on what Committee(s) are you a member?	
	o 3 or more t
(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal maintaining a membership in its Advisory Committees that reflects the diversity of the comm strictly optional for Applicant, the following information is needed to meet reporting requirem those goals	unity. Although
those goals. Race: Caucasian Sex: Female Age: 36.00	
Disabled? No District: District 3	
In the space below briefly describe or list the following: any previous experience on a Committees; your educational background; your skills and experience you could com Committee; any of your professional licenses and/or designations and indicate how lo held them and whether they are effective in Leon County; any charitable or communit which you participate; and reasons for your choice of the Committee indicated on this PREVIOUSLY SERVED ON THE PARCS (PARKS, ARTS, RECREATION, CULTURAL A STREETSCAPES) ADVISORY BOARD FOR THE CITY OF SUGAR LAND, TX. ALSO A SUGAR LAND HERITAGE FOUNDATION. I AM CURRENTLY WORKING ON MY PHD IN URBAN PLANNING WITH A SPECIALIZA COMMUNITIES AND GREEN INFRASTRUCTURE. MY PREVIOUS BACKGROUND INC	ribute to a ng you have v activities in Application. RTS, AND DOCENT FOR THE TION IN HEALTHY
ANTHROPOLOGY AND FINANCE. I HAVE ALSO TAUGHT YOGA AND GROUP FITNES IN THE PAST, I WAS A PERFORMING DANCER OF BHARATNATYAM, AN INDIAN CLA AND COMPETED IN BALLROOM DANCING WHILE AT THE UNIVERSITY OF TEXAS A	S CLASSES. SSICAL DANCE,

References (you must provide at least one person	al reference w	ho is not a family me	ember):	
Name: JAMIE CAMBELL Address: 839 LAKE RIDGE DR. TALLAHASSE	•	(724) 493-6226		Attachmen Page 2
Name: CECILE BAKER Address: 588 RHODEN COVE RD TALLAHASS	Telephone: SEE 32312	(850) 668-3084		
MPORTANT LEGAL REQUIREMENTS FOR ADVIS AS A MEMBER OF AN ADVISORY COMMITTEE, Y APPLICABLE LAWS REGARDING GOVERNMENT OFFICERS, AND PUBLIC RECORDS DISCLOSURI APPLICABLE LAWS INCLUDE CRIMINAL PENAL ⁻ COMMITTEE ACTION AND OF ANY SUBSEQUEN ⁻ COMMISSIONERS. IN ORDER TO BE FAMILIAR W ANSWERING THE FOLLOWING QUESTIONS, YOU www.leoncountyfl.gov/bcc/committees/training.as	YOU WILL BE Y-IN-THE-SUN E. THE CONS TIES, CIVIL FI T ACTION BY WITH THESE J MUST COM	OBLIGATED TO FO SHINE, CODE OF E SEQUENCES OF VIC NES, AND THE VOI THE BOARD OF CO LAWS AND TO ASS PLETE THE ORIENT	LLOW ANY THICS FOR PUBLIC DLATING THESE DING OF ANY DUNTY IST YOU IN TATION PUBLICATION	I
Have you completed the Orientation? Yes Are you willing to complete a financial disclosure for	m and/or a ba	ickground check, if a	pplicable?	Yes
Will you be receiving any compensation that is expe participation on a Committee? No If yes, from whom? Do you anticipate that you would be a stakeholder w		•		No
Do you know of any circumstances that would result to voting conflicts? No If yes, please explain.	t in you having	g to abstain from voti	ng on a Committee due	9
Do you or your employer, or your spouse or child or f yes, please explain.	their employe	ers, do business with	Leon County?	No
Do you have any employment or contractual relatior frequently recurring conflict with regard to your parti f yes, please explain. All statements and information provided in this appli	cipation on a (Committee?	No	
Signature: Shaleen Miller				

This application was electronically sent: 2/1/2016 10:54:37AM

From:	Ariel Robinson					
To:	Miller, Shaleen					
CC:	Smach, Mary; Culpepper, Ryan					
Date:	5/18/2017 4:58 PM					
Subject:	Re: Upcoming BOAA Appointment					

Thanks so much for your speedy reply!

Ariel Rabinson

Administrative Associate V Support Services Division Leon County Development Support & Environmental Management 435 N. Macomb St., 2nd Floor Tallahassee, FL 32301 Office: (850) 606-1363

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 email communications may therefore be subject to public disclosure

>>> Shaleen Miller <shaleenmiller@gmail.com> 5/18/2017 3:25 PM >>> Yes.

Thanks! Shaleen Miller shaleenmiller@gmail.com

On May 18, 2017, at 2:20 PM, Ariel Robinson <RobinsonA@leoncountyfl.gov> wrote:

Good afternoon Ms. Miller,

The BOAA will have an appointment opening June 30, 2017, please notify me if you are interested in a permanent seat on the Board.

Respectfully,

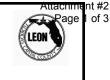
Aniel Relinean Administrative Associate V Support Services Division Leon County Development Support & Environmental Management 435 N. Macomb St., 2nd Floor Tallahassee, FL 32301 Office: (850) 606-1363

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 email communications may therefore be subject to public disclosure

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.

Name: Carlos Rey	Date: 13-Aug-2014
Home Phone: (305) 905-3028 Work Phone: (8	50)245-6515X Email: carlosrey.jd@gmail.com
Occupation:ATTORNEY	Employer: FLORIDA DEPARTMENT OF STATE
Preferred mailing location: Work Address	
Work Address: 500 S. BRONOUGH STREET	
City/State/Zip: TALLAHASSEE FL	32399
Home Address 2020 CONTINENTAL AVE	
APT. 202	
City/State/Zip: TALLAHASSEE FL	32304
	s, 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
For how many years have you lived in and/or owr	
Are you currently serving on a County Advisory C	
If yes, on what Committee(s) are you a member?	
Have you served on any previous Leon County co	
If yes, on what Committee(s) are you a member?	
	nmittee(s)? If yes, please indicate your preference
1st Choice: Adjustment and Appeals Board	2nd Choice:
What cultural arts organization do you represent,	if any?
	you interested in a specific subject matter? If yes, please
note those areas in which you are interested:	
If you are appointed to a Committee, you are ex	xpected to attend regular meetings.
How many days permonth would you be willing to	
And for how many months would you be willing to	
What time of day would be best for you to attend	Committee meetings? Day, Night
· · · · ·	
	als, and those contained in various federal and state laws, of
-	ttees that reflects the diversity of the community. Although
those goals.	ation is needed to meet reporting requirements and attain
Race:Hispanic Sex:Male	Age: 35
Disabled? No District: Di	istrict 2
In the space below briefly describe or list the	following: any previous experience on other
Committees: your educational background: y	our skills and experience you could contribute to a

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.

I SERVED ON THE CITY OF TALLAHASSEE MUNICIPAL CODE BOARD FOR 6 YEARS (2007-2013) SERVING AS ITS CHAIRMAN FOR 2 TERMS. SINCE STEPPING DOWN FROM BOARD, I HAVE SERVED AS A CODE MAGISTRATE FOR THE CITY OF TALLAHASSEE. I AM INTERESTED IN CONTINUING MY UNDERSTANDING OF LAND USE AND PLAYING AN ACTIVE ROLE IN GROWTH AND DEVELOPMENT OF THIS COMMUNITY.

AMONG MY VARIOUS DUTIES IN THE FLORIDA DEPARTMENT OF STATE, I ADVISE THE DEPARTMENT ON MATTERS REGARDING COMPLIANCE WITH THE SUNSHINE LAW ON ISSUES OF PUBLIC RECORDS AND PUBLIC MEETINGS. References (you must provide at least one personal reference who is not a family member):

Name: JORGE CHAMIZO Telephone: 850-681-0024 Address: 108 S MONROE STREET TALLAHASSEE, FL 32301

Attachment #2 Page 2 of 3

Name: HAROLD KNOWLES

Telephone: 850-222-3768 Address: 3065 HIGHLAND OAKS TERR. TALLAHASSEE, FL 32301

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

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?

If ves. 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? 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? No If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Carlos A. Rey

8/13/2014 11:03:21AM This application was electronically sent:

From:	Ariel Robinson					
To:	Rey, Carlos					
CC:	Smach, Mary; Culpepper, Ryan					
Date:	5/18/2017 2:23 PM					
Subject:	Re: BOAA Expiring Appointment					

Yes sir it does and great!

Ariel Rabinson

Administrative Associate V Support Services Division Leon County Development Support & Environmental Management 435 N. Macomb St., 2nd Floor Tallahassee, FL 32301 Office: (850) 606-1363

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 email communications may therefore be subject to public disclosure

>>> Carlos Rey <carlosrey.jd@gmail.com> 5/18/2017 2:18 PM >>> Dear Ms. Robinson,

My does time fly. I would like to re-apply.

Thank you,

Carlos

On Thu, May 18, 2017 at 2:05 PM, Ariel Robinson < RobinsonA@leoncountyfl.gov> wrote:

Good afternoon Mr. Rey,

You have an upcoming BOAA expiring appointment, June 30, 2017... You are eligible for a re-appointment, please reply by email if you are interested in being re-appointed.

Thanks a million,

Ariel Rabinson

Administrative Associate V Support Services Division Leon County Development Support & Environmental Management 435 N. Macomb St., 2nd Floor Tallahassee, FL 32301 Office: (850) 606-1363

People Focused. Performance Driven"

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ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT BOARD OF ADJUSTMENT AND APPEALS

Attachment #3 Page 1 of 2

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.					
Name: Paul Patronis Date: 6/22/2016 11:03:37AM					
Home Phone: (850) 980-3605 Work Phone: ()-X Email: nt_98@hotmail.com					
Occupation: MANAGEMENT ANALYST Employer: STATE OF FL					
Preferred mailing location: Home Address					
Work Address:					
City/State/Zip: TALLAHASSEE,FL 32399					
Home Address 1211 WALTON DRIVE					
City/State/Zip: TALLAHASSEE,FL 32312					
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					
For how many years have you lived in and/or owned property in Leon County? 40 years					
Are you currently serving on a County Advisory Committee? No					
If yes, on what Committee(s) are you a member?					
Have you served on any previous Leon County committees? No					
If yes, on what Committee(s) are you a member?					
If you are appointed to a Committee, you are expected to attend regular meetings.					
How many days permonth would you be willing to commit for Committee work? 4 or more					
And for how many months would you be willing to commit that amount of time? 6 or more					
What time of day would be best for you to attend Committee meetings? Day, Night					
(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. Race: Caucasian Sex: Male Age: 44.00					
Disabled? No District: District 3					
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.					
TALLAHASSEE NATIVE AND ARMY VET. FAMILY OLD TALLAHASSEE AND HAS PROMINENT IN ,					
TALLY, PCB AND STATE OF FL POLITICS FOR MANY YEARS. I HAVE 15 YEARS EXPERIENCE					
WORKING FOR THE STATE OF FL IN VARIOUS ROLES, MOST NOTABLY WORKING AS AN					
ADMINISTRATIVE LAW JUDGE DEALING WITH REEMPLOYMENT ASSISTANCE TO A MANAGEMENT					
ANALYST REVIEWING PROGRAMS TO ENSURE THEY CONFORM TO FEDERAL POLICY/IES.					

Name: RON DRA				
Address: TALLA	AA NHASSEE	Telephone:	8503216140	Attachmer Page 2
Name: BRIAN CI Address: TALLA	RONIN AHASSEE	Telephone:	8503214424	
AS A MEMBER OF , APPLICABLE LAWS OFFICERS, AND PL APPLICABLE LAWS COMMITTEE ACTIC COMMISSIONERS. ANSWERING THE F	S REGARDING GOVERNMEN JBLIC RECORDS DISCLOSUI S INCLUDE CRIMINAL PENAI DN AND OF ANY SUBSEQUEI IN ORDER TO BE FAMILIAR FOLLOWING QUESTIONS, YC gov/bcc/committees/training.	YOU WILL BE T-IN-THE-SUN RE. THE CONS LTIES, CIVIL FI NT ACTION BY WITH THESE DU MUST COM	OBLIGATED TO FOLLOW ANY SHINE, CODE OF ETHICS FOR PUBLIC SEQUENCES OF VIOLATING THESE INES, AND THE VOIDING OF ANY	
Will you be receiving participation on a Co f yes, from whom?	g any compensation that is exp pmmittee? No	ected to influer	nce your vote, action, or	⁄es
	circumstances that would resu No	•	your participation on a Committee? g to abstain from voting on a Committee due	No
	lover or your apound or shild a	r thair amplava	ers, do business with Leon County?	Yes

This application was electronically sent: 6/22/2016 11:03:37AM

From:	Mary Smach
To:	Bryant, Robin
Date:	3/30/2017 10:08 AM
Subject:	Fwd: CareerSource Capital Region Board

Hi Robin,

I spoke with Dave Hager today. As you know, he is no longer employed by Danfoss. He is moving out of the area and has resigned his seat on the CareerSource Capital Region Board.

Mary Smach

Agenda Coordinator Leon County Administration 301 S. Monroe St. Suite 502 Tallahassee, FL 32301 850-606-5311

www.leoncountyfl.gov

"People Focused. Performance Driven"

Thank you for your email. 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.

>>> Mary Smach 3/29/2017 9:26 AM >>> Hi Mr. Hager,

I've been trying to contact you regarding your Leon County appointment to the CareerSource Capital Region Board. Please give me a call at your earliest convenience.

Thank you,

Mary Smach

Agenda Coordinator Leon County Administration 301 S. Monroe St. Suite 502 Tallahassee, FL 32301 850-606-5311

www.leoncountyfl.gov

"People Focused. Performance Driven"

Thank you for your email. 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.



May 22, 2017

Jim McShane, CEO CareerSource Capital Region 325 John Knox Road Atrium Building, Suite 102 Tallahassee, FL 32303

Dear Jim:

It is with regret that I tender my resignation from CareerSource Capital Region. CareerSource will be better served if I can be replaced by Capital Regional Medical Center's Vice-President of Human Resources, Brad Coburn. Brad brings many years of service to the table with the Human Resources ranks, and will represent Capital Regional Medical Center and CareerSource Capital Region well.

I am grateful for having had the opportunity to serve on the board of an organization dedicated to assisting members of our community with career opportunities. I offer my best wishes for your continued success.

Sincerely,

MAR

Mark Robinson Chief Executive Officer

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT CAREERSOURCE CAPITAL REGION BOARD

It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov					
Applications will be discarded	if no appointment is made	e after two	years.		
Name: Rebecca Kelly-Manders			Date: 5/17/2017 9:0	9:11AM	
Home Phone: (850) 830-8366 Work Phor			chef@streetchefs.com		
Occupation: OWNER/CHEF	Employer: STREET CH	HEFS			
Preferred mailing location: Work Address Work Address: 1700 N MONROE ST SUITE 11-220 City/State/Zip: TALLAHASSEE,FL 32303 Home Address 2402 BALSAM TER					
City/State/Zip: TALLAHASSEE,FL 32303 Do you live in Leon County? Yes If yes, Do you own property in Leon County? No For how many years have you lived in and/or owne Are you currently serving on a County Advisory Co		the City li	Yes mits? Yes 13 years		
If yes, on what Committee(s) are you a member? Have you served on any previous Leon County co If yes, on what Committee(s) are you a member?					
(OPTIONAL) Leon County strives to meet its goal maintaining a membership in its Advisory Committ strictly optional for Applicant, the following informa those goals. Race: Caucasian Sex: Fem	ees that reflects the diversit tion is needed to meet repo	ty of the co	ommunity. Although		
In the space below briefly describe or list the f Committees; your educational background; yo Committee; any of your professional licenses held them and whether they are effective in Le which you participate; and reasons for your ch	our skills and experience y and/or designations and ir on County; any charitable	ou could ondicate ho	contribute to a w long you have unity activities in		

References (you must provide at least one personal reference who is not a family member):

Name:LARISSA CARPENTERTelephone:229-416-6912Address:1 ASHLEY PARK PL APT 413 E, THOMASVILLE GA 31792

Name: STEPHANIE SCHWARTZ Telephone: 85 Address: 2230 MONAGHAN DRIVE, TALLAHASSEE FL, 32309

Telephone: 850-980-1259

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

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No

If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Rebecca Kelly-Manders

This application was electronically sent: 5/17/2017 9:09:11AM

Rebecca Kelly-Manders, CFPM

2402 Balsam Terrace Tallahassee, Florida 32303 850.830.8366 chef@streetchefs.com

QUALIFICATIONS

- 20 + years kitchen experience
- Development and implementation of new menu items
- Calculation of monthly food costs by department
- Inventory and ordering for specific events and par stock
- Supervision of all kitchen activities

EDUCATION

2004- 2006 Associates of Science in Culinary Arts, Phi Theta Kappa, Capital Culinary Institute at Keiser College, Tallahassee, FL

EMPLOYMENT

- 2011- Present Chef/Owner, Street Chefs, Tallahassee, FL
 - All general daily operations of the Mobile Food Unit
- 2013-2016 Chef/Owner, Marge's Cafe, Tallahassee, FL
 - All general daily operations of the cafe
- 2007-2011 General Manager, Bruegger's Bagels, Tallahassee, FL
 - Weekly inventory of all products on hand to maintain food cost below 30%
 - Assuring consistent quality of product
 - Working within a labor grid to maintain labor goals
 - Providing feedback on new promotions and menu items
- 2005-2007 Kitchen Manager, Catering Capers, Tallahassee, FL
 - Supervision of prep cooks to ensure all catering orders are filled and delivered properly
 - Inventory control and ordering
 - Helping to maintain safety and sanitation standards
- 2000 -2005 Culinary Assistant, Olive Garden Tallahassee, FL (2004-2005), Ft Walton Beach, FL (2000-2004)
 - Monitored HACCP and completed corresponding paperwork
 - Plating, presentation and expediting
 - Supervised kitchen staff through high volume periods
 - Maintained par-pull daily inventory system

RECOGNITIONS

- Oasis Center for Women and Girls Trailblazer award, 2017
- Chairperson, DBPR Hotel and Restaurant Advisory Committee, 2017
- Appointed to DBPR Hotel and Restaurant Advisory Committee, 2014
- Named one of the "25 Women you need to know", Tallahassee Democrat, 2014
- Winner, Best of Tallahassee 2013, Food Truck category
- President/Founding member, Tallahassee Food Truck Association, 2011-2016
- Winner, Bruegger's Bagels "Best for our GUEST" Award, 2009 BEI GM of the year
- Serve Safe Certified, 9/2009, 10/2014



GREATER TALLAHASSEE CHAMBER OF COMMERCE

May 24th, 2017

Honorable John E. Dailey Chairman Leon County Board of County Commissioners Leon County Courthouse 301 S. Monroe Street Tallahassee, FL 32301

Dear Chairman Dailey,

Based on the requirement that the Greater Tallahassee Chamber of Commerce must generate nomination requests for individuals to serve on the CareerSource Capital Region Board of Directors, we would ask that you consider the following members to serve for the terms listed.

Brad Coburn, Capital Regional Medical Center, term ending June 30, 2019 Rebecca Kelly-Manders, Street Chefs, term ending June 30, 2020

We appreciate your consideration.

Sincerely,

Sue Dick

President/CEO

cc: Mary Smach Agenda Coordinator Attachment #6 Page 4 of 4

EXECUTIVE COMMITTEE:

Reggie Bouthillier Chair

Heidi Otway Chair-Elect

Kathy Bell Immediate Past Chair

Canita Gunter Peterson Treasurer

Sue Dick President/CEO

Terrie Ard

Elaine Bryant

Andrew Gay

Rick Moore

Mark O'Bryant

Nan O'Kelley

Michael Roberts

P. O. Box 1639 • Tallahassee, FL 32302 • Phone: (850) 224-8116 • Fax: (850) 561-3860 • www.TalChamber.com

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT CAREERSOURCE CAPITAL REGION BOARD Page 1 of 8

It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov					
Applications will be discarded if no appointment is mad					
Name: Katrina Tuggerson-Alexander	Date: 5/29/2017 10				
Home Phone: (850) 590-5420 Work Phone: (850)296-4005X	Email: katrinaalexander@tlf				
Occupation: DIRECTOR OF FINANCIAL Employer: TALLAHAS EMPOWERMENT &	SSEE LEON FEDERAL CREDIT	UNION			
Preferred mailing location: Home Address Work Address: 1827 CAPITAL CIRCLE NE					
City/State/Zip: TALLAHASSEE,FL 32308					
Home Address 2007 DUNEAGLE LN					
City/State/Zip: TALLAHASSEE,FL 32317					
Do you live in Leon County? Yes If yes, do you live within the City					
Do you own property in Leon County? Yes If yes, is it located within	-				
For how many years have you lived in and/or owned property in Leon Count Are you currently serving on a County Advisory Committee? No	y? 24 years				
Are you currently serving on a County Advisory Committee? No If yes, on what Committee(s) are you a member?					
Have you served on any previous Leon County committees? Yes					
	N AND SMALL BUSINESS - TAS				
(OPTIONAL) Leon County strives to meet its goals, and those contained in maintaining a membership in its Advisory Committees that reflects the divers strictly optional for Applicant, the following information is needed to meet rep those goals. Race: African American Sex: Age: Disabled? No District:	sity of the community. Although porting requirements and attain	f			
In the space below briefly describe or list the following: any previous e Committees; your educational background; your skills and experience Committee; any of your professional licenses and/or designations and held them and whether they are effective in Leon County; any charitabl which you participate; and reasons for your choice of the Committee in	you could contribute to a indicate how long you have e or community activities in				

References	(you must	provide at	least one	personal	reference	who is	not a family	member):

Name: DIANE WILLIAMS COX Address: 2312 MAVIS CIRCLE

Telephone: 850-556-0627

Attachment #7 Page 2 of 8

Name: Address:

Telephone:

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

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No

If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Katrina Tuggerson-Alexander

This application was electronically sent: 5/29/2017 10:02:35AM

QUALIFICATION PROFILE

Results-oriented and strategic leader looking to continue career with 23 years of extensive experience in accomplishing remarkable outcomes in economic and community development. Highly skilled in planning, organizing and implementing economic development functions from conception to completion, including business retention, business attraction and incentive programs. Adept at coordinating with various political subdivisions and facilitating change in a community to support organizational objectives. Possess proven success in economic development program, budgeting and management, operational characteristics & services, cross-departmental project management, information technology utilization, human resources development, review and analyze data and deliver information in a comprehensible manner. Strong background in relationship management, team building and general business acumen coupled with significant track record of driving profitability gains and huge revenues within highly competitive organizations

SUMMARY OF QUALIFICATIONS

- 11 years of a higher education as an operations director of a campus Aeronautical University
- Manage an annual operating budget of \$40K to support grant funded program and salaries for instructors, administrative staff, travel, and consulting professional.
- Managed and directed a staff of 25 people.
- Responsible for creating diverse programs, workshops, and activities for university
- Responsible for creating programs to promote cross-cultural inclusion
- Responsible for writing grant application for State and Federal grant program
- Provide recommendations for best practices for grant renewal for next fiscal year
- Develop and implement strategic plan for college prep programs
- Created and implemented student personnel policies, such as code of ethics
- Specialize in ensuring that minorities are represented in accordance with state and federal guidelines.

SUMMARY OF KNOWLEDGE, SKILLS, AND ABILITIES

- Ability to develop goals, objectives, and budgets for department
- Ability to create, plan, and implement strategic plan
- Ability to engage in sensitivity and awareness issues to meet the needs of diverse student populations
- Ability to engage in effective leadership that supports student learning, development, and recruitment and retention in a positive multicultural environment.
- Ability to create, develop, and implement both short and long term strategic goal plans.
- Excellent written, and interpersonal communication skills including the ability to develop rationale and communicate persuasively in all mediums for diverse audiences.

- Skill in organization, project planning, problem solving, and management.
- Ability to engage with integrity, ethical conduct, maintain strict confidentiality and comply with FERPA.
- Skill in providing effective leadership which results in collaboration and teamwork to involve direct reports in the decision-making process
- Knowledge of the importance of Student Affairs and its role in the college, including a strong commitment to student-centered learning
- Knowledge of grant application, administration, and accountability.

PROFESSIONAL BACKGROUND

Education

- MA, Webster University, October 2009, Management and Leadership
- B.S., Barry University, December 2005, Professional Administration
- A.S. Logos Christian College, September 1998, Biblical Studies
- A.S. Keiser University, January 1996, Medical Assisting

Certifications

- Entrepreneurship, July 2016, University of Pennsylvania
- Customer Analytics, July 2016, University of Pennsylvania
- Sustanable Business- Entrepreneurship and Innovation, June 2016, Alison
- "Conflict Resolution", April 2002, Tallahassee Memorial Healthcare
- "Recruit, Mentoring, Coaching", April 2002, Tallahassee Memorial Healthcare
- "Employee Relations", April 2002, Tallahassee Memorial Healthcare
- "Focusing on the Customer", April 2002, Tallahassee Memorial Healthcare
- FERPA

Professional Activities and Memberships

- Diversity & Inclusion Committee Greater Tallahassee Chamber of Commerce
- MWSBE Task Force Leon County
- Tallahassee Chamber of Commerce
- Leon County Economic Development Council
- Women in Aviation Association
- Veteran's Affairs Certified Official since 2005
- Lively Technical Institute Aviation Program Advisor
- National Guard Armory
- Tallahassee Fire Academy Advisor

PROFESSIONAL EXPERIENCE

Economic Development Council of Tallahassee/Leon County- Director, (Program for Diversity/Small Business Development) Sep 2015- Feb 2016

- Overseeing leadership development through successful delivery of Diversity programming.
- Creating and implement procedures that integrate economic inclusion throughout the local community
- Providing professional and personal coaching and development.
- Developing and launch regional talent attraction and retention strategy to include immigration, talent, college students.
- Developing and implement Economic Inclusion Forum.
- Developing business growth accelerator and/or services for small and medium Minority/Women Business Enterprises (M/WBEs)
- Establishing , build and maintain strategic relationships with corporate and community partners creating a more welcoming chamber and region through redesign of facilities, reception and general services to provide internal and external teamwork for high quality service.

Embry-Riddle Aeronautical University (TCC Location) – Associate Director- 2009 - 2015

- Participated in the public relations and marketing efforts to provide civilian and military sectors with relevant information regarding University programs.
- Promoted the University and its programs through participation in college fairs, briefings of interested groups, and other available means.
- Communicated with local civilian organizations as well as the military.
- Responsible for the timely completion and submission of registration and end of term actions, matriculation applications, and student account collections as needed.
- Maintained pertinent data on these activities to be used in reports on campus operations. Maintained student data in student information system.
- Participated in monitoring the enrollment patterns of the campus.
- Provided various student services to include limited advisement of students concerning their academic programs, preparation of unofficial student evaluations, ordering of

textual material, maintenance of student records, and reconciliation and follow up of student accounts receivable.

- Certified official for students who qualified for Veterans Education Benefits. In this capacity, submitted any necessary supporting documents for the certification of veterans for educational benefits in a timely and accurate manner.
- Processed information for reports and correspondence in a timely and accurate manner in accordance with published procedures.
- Prepared reports for various University and external agencies.
- Assisted in monitoring and processing budget expenditures for the campus.
- Practiced diligence in safeguarding of University assets.
- Provided administrative support for the campus, including answering telephones, email, processing mail, copying, sending/receiving facsimiles, ordering supplies, maintaining files and updating procedural manuals.
- Continued all general operations of the campus with minimal supervision provided from the Worldwide Campus Department of Campus Operations.

Embry-Riddle Aeronautical University (TCC Location) – Assistant Director- 2004 – 2009

- Recruited, hired, supervised, developed, and evaluated professional and student staff from diverse backgrounds who have expertise in student develop and academic support.
- Anayalized national and local and recruitment data.
- Developed and managed campus operating budget over \$100,000.00 yearly.
- Produced and submitted annual and marketing reports
- Used data to track students' success towards degree completion.
- Provided strategic planning, overall leadership, direction, and management of student academic support services integrating best practicing, attention to sensitive nature of issues as well as compliance with FERPA.
- Provided leadership and created partnerships to promote community, civility, social responsibility, and a vibrate campus climate that is inclusive, equitable and affirms diverse learning environment which reflects a comment to equal opportunity with services for all students.
- Lead a diverse team of qualified professional staff, trained to work collaboratively to provide academic and multicultural advising, access services for student with disabilities and career development.

National Youth & Young Adult Director – Global Dominion Covenant Fellowship 2000-2015

- Planning, developing and implementing strategies for youth activities and preparation for the future.
- Investigate and research other youth related agencies, foundations, grant programs, individuals, and businesses.

- Mentor and Develop youth from low to moderate income homes and various socioeconomic backgrounds.
- Responsible for budgeted expenses and fundraising.

Research Interests:

- Higher Education Institutional Decision Making
- Online Social Networking Usage in Sports
- Institutional Values About Diversity
- Retention and Transition in Higher Education
- Globalization Curriculum, Environment and Cultural Issues
- Learning Styles among Intercollegiate Athletes

Presentations and Public Appearances

• **"Training and Developing Dynamic Tutors,"** National Tutoring Association Conference (Tampa, FL), April 9, 2014

This presentation focuses on a number of teaching elements including small group facilitation; giving effective feedback; underlying processes and theories behind teaching and learning. It is designed to assist employers and program directors in establishing, implementing, and maintaining a quality tutor-training program.

• **"The Five StarSuccess Plan,"** Tallahassee Emergency Management (Tallahassee, FL), 2015

This presentation focuses on the five important points that students, faculty and staff need to consider in order to achieve successful retention and graduation rates for male students of color. The five points include: (1) early detection of student academic or personal needs; (2) new student orientation; (3) academic enrichment and support; (4) personal and career development advising; and (5) individual student achievement plans. The Five Star Student Success Plan aims to increase students' retention and graduation rates for men of color and includes campus-wide professional development trainings for faculty and staff. This unique action plan will help professionals who are looking to improve their students' retention and graduation rates as well as impact their entire campus community.

Invited Lectures, Workshops and Seminars

- "Aviation Roundtable's," Keynote Speaker, Economic Development Council (Tallahassee, FL), present.
- "College Advising" Keynote Speaker, Tallahassee Community College(Tallahassee, FL), 2012- Present
- **"Student Orientation"** Creating a Learning Environment Which Meets The Needs of a Diverse Student Population-Keynote speaker, Central Florida College (Ocala, FL) July, 2012



May 31, 2017

Honorable John E. Dailey Chairman Leon County Board of County Commissioners Leon County Courthouse 301 S. Monroe Street Tallahassee, FL 32301

Dear Chairman Dailey:

Based on the requirement that the Greater Tallahassee Chamber of Commerce must generate nomination requests for individuals to serve on the CareerSource Capital Region Board of Directors, we would ask that you consider the following members to serve for the terms listed.

Katrina Tuggerson-Alexander, Tallahassee-Leon Federal Credit Union, term ending June 30, 2020

We appreciate your consideration.

Sincerely,

Sue Dick President/CEO

cc: Mary Smach Agenda Coordinator EXECUTIVE COMMITTEE:

Reggie Bouthillier Chair

Heidi Otway Chair-Elect

Kathy Bell Immediate Past Chair

Canita Gunter Peterson Treasurer

Sue Dick President/CEO

Terrie Ard

Elaine Bryant

Andrew Gay

Rick Moore

Mark O'Bryant

Nan O'Kelley

Michael Roberts

P. O. Box 1639 • Tallahassee, FL 32302 • Phone: (850) 224-8116 • Fax: (850) 561-3860 • www.TalChamber.com

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT CAREERSOURCE CAPITAL REGION BOARD

It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov					
Applications will be discarded	l if no appointment is ma	de after two years.			
Name: Brad Coburn		Date: 5/30/2017			
Home Phone: (850) 363-2848 Work Pho		Email: brad.coburn@hcahe			
Occupation: HUMAN RESOURCES	Employer: CAPITAL	REGIONAL MEDICAL CENTER			
Preferred mailing location: Work Address Work Address: 2626 CAPITAL MEDICAL BOU	ILEVARD				
City/State/Zip: TALLAHASSEE,FL 32308					
Home Address 2662 NOBLE DRIVE					
City/State/Zip: TALLAHASSEE,FL 32308					
	, do you live within the Cit				
Do you own property in Leon County? Yes	If yes, is it located with	-			
For how many years have you lived in and/or own		ty? 4 years			
Are you currently serving on a County Advisory C	ommittee? No				
If yes, on what Committee(s) are you a member?	mmittaaa? Na				
Have you served on any previous Leon County c If yes, on what Committee(s) are you a member?					
(OPTIONAL) Leon County strives to meet its goa maintaining a membership in its Advisory Commi					
strictly optional for Applicant, the following inform					
those goals.					
Race: Caucasian Sex: Mal	e Age:	48.00			
Disabled? No District:					
In the space below briefly describe or list the		-			
Committees; your educational background; y Committee; any of your professional licenses	-	-			
held them and whether they are effective in L	-				
which you participate; and reasons for your of		-			
which you participate, and reasons for your e		naleated on this Application.			

References	(vou must	provide at	least one	personal	reference	who is i	not a familv	/ member):

Name: MARK ROBINSON Telephone: 325-5017 Address: 2626 CAPTIAL MEDICAL BOULEVARD Attachmert #8 Page 2 of 3

Name: Address: Telephone:

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

- 1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? Yes
- 2.) Are you willing to complete a financial disclosure form No Yes per email dated 5/30/17 (Your application will only be considered for those committees/boards/authorities that do not require members to complete the Financial Disclosure Form 1.)

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No

If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Brad Coburn

This application was electronically sent: 5/30/2017 8:19:51AM



GREATER TALLAHASSEE CHAMBER OF COMMERCE

May 24th, 2017

Honorable John E. Dailey Chairman Leon County Board of County Commissioners Leon County Courthouse 301 S. Monroe Street Tallahassee, FL 32301

Dear Chairman Dailey,

Based on the requirement that the Greater Tallahassee Chamber of Commerce must generate nomination requests for individuals to serve on the CareerSource Capital Region Board of Directors, we would ask that you consider the following members to serve for the terms listed.

Brad Coburn, Capital Regional Medical Center, term ending June 30, 2019 Rebecca Kelly-Manders, Street Chefs, term ending June 30, 2020

We appreciate your consideration.

Sincerely,

Sue Dick

President/CEO

cc: Mary Smach Agenda Coordinator Attachment #8 Page 3 of 3

EXECUTIVE COMMITTEE:

Reggie Bouthillier Chair

Heidi Otway Chair-Elect

Kathy Bell Immediate Past Chair

Canita Gunter Peterson Treasurer

Sue Dick President/CEO

Terrie Ard

Elaine Bryant

Andrew Gay

Rick Moore

Mark O'Bryant

Nan O'Kelley

Michael Roberts

P. O. Box 1639 • Tallahassee, FL 32302 • Phone: (850) 224-8116 • Fax: (850) 561-3860 • www.TalChamber.com

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT PLANNING COMMISSION Attachment #9 Page 1 of 6

It is the applicant's responsibility to keep this information current. To advise the County of any changes please contact Mary Smach by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov				
Applications will be discarded	if no appointment is made	after two years.		
Name: Pierre Buie		Date: 5/24/2017	3:45:41PM	
Home Phone: (850) 562-5569 Work Phor	· · · ·	Email: pbuie@prominentinf		
Occupation: EXECUTIVE PASTOR	Employer: JOURNEY T	TO LIFE INTERNATIONAL INC		
Preferred mailing location: Work Address Work Address: 2790-1 WEST TENNESSEE ST City/State/Zip: TALLAHASSEE,FL 32304	REET			
Home Address 8247 BALMORAL DRIVE				
City/State/Zip: TALLAHASSEE,FL 32311 Do you live in Leon County? Yes If yes, Do you own property in Leon County? Yes For how many years have you lived in and/or own	do you live within the City li If yes, is it located within ed property in Leon County?	the City limits? No		
Are you currently serving on a County Advisory Co If yes, on what Committee(s) are you a member?				
Have you served on any previous Leon County co If yes, on what Committee(s) are you a member?	mmittees? No			
(OPTIONAL) Leon County strives to meet its goal maintaining a membership in its Advisory Committ strictly optional for Applicant, the following informa those goals. Race: African American Sex: Male Disabled? No District: D	ees that reflects the diversit tion is needed to meet repo	ty of the community. Although	f	
In the space below briefly describe or list the f Committees; your educational background; yo Committee; any of your professional licenses held them and whether they are effective in Le which you participate; and reasons for your ch	our skills and experience ye and/or designations and in on County; any charitable	ou could contribute to a ndicate how long you have or community activities in		

References (you must provide at least one personal reference who is not a family member):

Name:MARY ANN MORGAN-BURKETelephone:1-877-302-9900Address:280 W. CANTON AVE, SUITE 210 WINTER PARK, FLORIDA 32789

Attachment #9 Page 2 of 6

Name:ROSALIND J. FRAZIERTelephone:8503451982Address:1210 STONE ROAD, TALLAHASSEE, FL 32303

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

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities? Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No

If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currenty 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Pierre L. Buie, MPA, CFI.

This application was electronically sent: 5/24/2017 3:45:41PM

SUMMARY

EXPERIENCE

Journey to Life International Inc. Consultant

Tallahassee, Fl. 1998 to Current

- Marketing and Advertising, through the use of Broadcast, Billboards, and Social Media tools.
- Leadership Training and Development.
- Payroll, Financial, Banking Affairs, and Maintaining Internal Revenue Service Compliance for 501c3 Not For-Profit Organizations.
- Identifying Public Safety Issues, and Establishing Emergency Plans Under FEMA Guidelines for Churches and Ministries.
- Financial Campaigns, Accounting, and Growth Management.
- Facilitation of Seminars on topics not limited to the following: Credit and Finance, Child Safety, First Time Home Buyer, Marriage, Family, and Anger Management.
- Religious Studies.
- International Outreach.
- Community Affairs, Crime Awareness, and Issues of Major Public Concerns for Safety and Security.
- Human Resources, Interviewing, and Volunteer Coordinating.

Department of Children and Family	Tallahassee, Florida
Crime Intellegence Technician	2011 to 2012

Conduct criminal history checks of all subjects involved in abuse and neglect cases involving adults and children; the checks are conducted via NCIC and FCIC databases (National Crime Information Center & Florida Criminal Information Center).

Checks include but are not limited to the following:

- The Florida Department of Corrections, and the Florida Department of Law Enforcement (FDLE) Sexual Predator.
- > The Criminal Intelligence Technician is required to review the backgrounds of alleged abusers within minutes of receiving a report, so as to identify potentially hazardous situations sooner.
- > Identify individuals with past serious criminal charges, such as weapons possession or assault.

- > Direct incoming "Florida Abuse Hotline" calls to the available abuse counselor as needed.
- Guarantee that the Child and Adult Protective Investigators on staff" will know what kind of people they -- and the alleged victims will be dealing with prior to initiating an investigation, at which time they will be able to respond properly based on that knowledge."

The Reop Group LLC.

Investigative Consultant (Part-Time)

- Conducted private investigations for various clients.
- Observed and documented activities of individuals in order to detect unlawful acts and to obtain evidence for cases, using binoculars and video cameras.
- > Wrote reports and summaries to document investigations.
- Searched computer databases, credit reports, public records, tax and legal filings, and other resources in order to locate persons and compile information for the client or case file.
- Obtained and analyzed information on suspects, crimes and disturbances in order to solve cases, to identify criminal activity, and to gather information for cases.
- Conducted background investigations of individual's character, financial status and personal history for commercial and domestic clients.

Shoe Carnival

Loss Prevention Specialist

- Protected property of business establishment by detecting vandalism, thievery, shoplifting and dishonesty among employees and patrons.
- > Conducted investigations on own initiative and on request of management.
- > Observed company grounds to apprehend suspects in illegal acts.
- > Interrogated suspects and apprehended culprits.
- Trained and managed employees on proper way to protect the premises and merchandise and achieved significant improvements in their productivity.
- > The apprehension of suspects which led arrest and convictions.
- > Installed Mirrors for better coverage in blind spots.
- ➢ Wrote case reports.
- > Programmed and operated DVR/CCTV Surveillance Security System with PTZ.
- Alerted other retail establishments when person of known criminal character was observed in store.

Page 655 of 1014

➢ Fraud Investigation

Leon County Sheriff's Office

Tallahassee, Florida 2002 to 2004

Volunteer

Installation of computer software Verifying warrants via law enforcement database Filing documents

Tallahassee, Florida

Tallahassee, Florida

2006 to 2015

2004 to 2006

Pierre L. Buie

8247 Balmoral Drive ,Tallahassee, Florida 32311-9403 850-562-5569 850-459-6668 pbuie7@gmail.com

ACCOMPLISHMENTS:

Alpha Sigma Lambda National Honor Society Golden Key International Honour Society Deans List 2010 & 2011

EDUCATION

Ashford University-Forbes School of Business	San Diego, CA
Master of Public Administration	2014
Ashford University	Clinton, IA
Bachelor of Arts-Social and Criminal Justice, with Distinction	2011
Tallahassee Community College	Tallahassee, Fl.
Associate of Arts-Public Affairs	2003
<i>Tunxis Community College</i>	<i>Farmington, CT.</i>
Associate of Science-Criminal Justice	1998
ADDITIONAL TRAINING	

Public Speaking (25 Years of Experience)

Peace Officer Safety Training Courses:

Community Policing 8 Hour Course 2008 Crash Investigations 8 Hour Course 2008 Report Writing 8 Hour Course 2009 Bargaining, Negotiation and Conflict Management 2014 Certified Forensic Interviewing 16 Hour Prep Course 2014 Certified Forensic Interviewer (CFI) Wicklander-Zulawski 2014 LICENSES

> Private Investigator Certified Anger Management Professional-Level 2

> > FCIC Certified NCIC Certified JIS (JUDICIAL INQUIRY SYSTEMS)

REFERENCES: Available upon request

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT PLANNING COMMISSION Attachment #10 Page 1 of 6

It is the applicant's responsibility to keep this informa To advise the County of any changes please contact by telephone at 606-5300 or by e-mail at SmachM@leo	Mary Smach ncountyfl.gov
Applications will be discarded if no appointment is made	e after two years.
Name: timothy edmond	Date: 3/23/2017 2:45:40PM
Home Phone: (850) 668-7831 Work Phone: (850)528-5676X	Email: edmondgroup.tde@gmail.com
Occupation: REAL ESTATE DEVELOPER Employer: SELF	
Preferred mailing location: Work Address Work Address: 1234 TIMBERLANE RD	
City/State/Zip: TALLAHASSEE,FL 32312	
Home Address 813 LAKE RIDGE DRIVE	
City/State/Zip: TALLAHASSEE,FL 32312	
Do you live in Leon County? Yes If yes, do you live within the City	
Do you own property in Leon County? Yes If yes, is it located within	5
For how many years have you lived in and/or owned property in Leon County Are you currently serving on a County Advisory Committee? Yes	? 22 years
	N COUNTY PLANNING COMMISS
Have you served on any previous Leon County committees? Yes	
	N COUNTY PLANNING COMMISSION, CU
If you are appointed to a Committee, you are expected to attend regular n	neetings
How many days permonth would you be willing to commit for Committee work	
And for how many months would you be willing to commit that amount of time	
What time of day would be best for you to attend Committee meetings?	Day, Night
(OPTIONAL) Leon County strives to meet its goals, and those contained in v maintaining a membership in its Advisory Committees that reflects the diversi strictly optional for Applicant, the following information is needed to meet report those goals. Race: Caucasian Sex: Male Age:	ty of the community. Although
Disabled? No District: 3	
In the space below briefly describe or list the following: any previous ex Committees; your educational background; your skills and experience y Committee; any of your professional licenses and/or designations and in held them and whether they are effective in Leon County; any charitable which you participate; and reasons for your choice of the Committee ind RESUME ATTACHED. CURRENTLY SERVE AS CHAIRMAN, TLH/LEON AND REQUEST REAPPOINTMENT.	ou could contribute to a ndicate how long you have or community activities in licated on this Application.

References (you must provide at least one perso			Attachment #1
Name: DAVE RAMSAY Address: SHOAL CK. DR, TALLAHASSEE	l elephone:	850.893.6434	Page 2 of
Name: Address:	Telephone:		
I IMPORTANT LEGAL REQUIREMENTS FOR ADV	ISORY COMM		
AS A MEMBER OF AN ADVISORY COMMITTEE,	YOU WILL BE	OBLIGATED TO FOLLOW ANY	
			_IC
OFFICERS, AND PUBLIC RECORDS DISCLOSUI APPLICABLE LAWS INCLUDE CRIMINAL PENA			
COMMITTEE ACTION AND OF ANY SUBSEQUEI		-	
COMMISSIONERS. IN ORDER TO BE FAMILIAR			
ANSWERING THE FOLLOWING QUESTIONS, YO			TION
www.leoncountyfl.gov/bcc/committees/training. COMPLETE.	asp BEFORE	YOUR APPLICATION IS DEEMED	
Have you completed the Orientation? Yes			
Are you willing to complete a financial disclosure for	orm and/or a ba	ackground check, if applicable?	Yes
Will you be receiving any compensation that is exp participation on a Committee? No If yes, from whom?	pected to influe	nce your vote, action, or	
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 rest to voting conflicts? No If yes, please explain.	ult in you havin	g to abstain from voting on a Committe	e due
Do you or your employer, or your spouse or child o If yes, please explain.	or their employ	ers, do business with Leon County?	No
Do you have any employment or contractual relation frequently recurring conflict with regard to your part If yes, please explain.	ticipation on a	Committee? No	ng or
All statements and information provided in this app	blication are tru	e to the best of my knowledge.	
Signature: timothy d. edmond			
This application was electronically sent: 3/	23/2017 2:45	:40PM	

TIMOTHY D. EDMOND CEO, THE EDMOND GROUP LLC 1234 Timberlane Rd., Tallahassee, FL 32312 Edmondgroup.tde@gmail.com

An accomplished real estate executive with 42-years of development, entitlement, land planning, design and finance experience. Earned a national reputation for work in large-scale master planned communities, resorts and home building. Highly skilled in complex transactions, land acquisition/disposition, operations, sales and distressed asset management.

The Edmond Group, LLC (TEG), a licensed real estate broker (FL), is a full service real estate development, brokerage and consulting firm for mixed-use master planned communities, resort, retail/office and urban infill projects, headquartered in Tallahassee, FL. TEG, its management team and through a broad range of relationships, has created and completed numerous award winning residential and resort communities throughout the nation for a diverse spectrum of private and public companies.

Through a thoughtful and focused development and consulting approach, our intent is on adding value to underlying real estate assets with laser focus on shareholder returns. As bottom line thinkers and strategists, we have earned a reputation for excellence as creators of thriving communities, each with its own uniqueness, character, quality and charm.

Our view, simply stated, is that opportunity exists everywhere. The key is to know what shape it will take and how to seize upon it.

Under the guidance and auspices of Timothy Edmond, TEG offers a wide array of development, consulting and real estate brokerage services including:

- Real estate development, asset management and finance
- Managing complex entitlement and development strategies
- Creating community consensus for projects of all types
- Due diligence for acquisitions and dispositions
- Distressed asset workouts for bond holders, principals and municipalities
- Political and approval strategies
- Expert witness in real estate related issues

Over four decades of real estate experience brings with it a host of relationships to bear upon any development or consulting assignment. Top-of-class expertise is easily added to any development opportunity or consultancy that includes: Market research; Land use and environmental law; Marketing, PR and Communications; Architecture; Land planning; Bond finance; Debt procurement; and, Equity sourcing.

BACKGROUND

Chief Executive Officer, The Edmond Group, LLC Tallahassee, FL and Fischer (Austin), TX, 2011-Present

Per above, The Edmond Group is a real estate development, consultant and real estate brokerage firm. Consulting services include land development, redevelopment, disposition and/or recapitalization efforts for large land owners, banks, land planning, landscape architecture and architecture firms. Also, serve as expert witness in real estate matters.

President, CNL Real Estate & Development Corp. Orlando and Tallahassee, FL, 2005-2011

CNL is a leading private investment management firm providing global real estate exposure and expertise. Since its inception, CNL and/or affiliates have formed or acquired companies with more than \$30B in assets. As President of its private real estate development concern, oversaw a portfolio of investments whose value exceeded \$1 billion. Procured, planned and entitled the 525-acre master planned community of Canopy, Tallahassee, Fl and developed SweetGrass, a 300-acre mountain resort, Blowing Rock, NC; Moss Park, 1500-acre MPC, Orlando, FL; and, oversaw the team to construct two office towers for CNL, 480,000 sf, Orlando. Co-led governmental affairs, legislative and lobbying efforts.

President, St. Joe Towns & Resorts (f.k.a., Arvida/St. Joe) Tallahassee, FL, 1997-2005

Arvida was the residential, resort, development and services arm of the St. Joe Company (NYSE: JOE), the then largest private land owner in Florida. As the first employee hired after the merger, began the visioning, entitlement/political strategy, staffing and master planning for a 1.2 million acre portfolio of property throughout Florida. Created a management and operational structure to monetize dormant timber assets into a fully functional and profitable public real estate development company. Managed a staff of over 250, began a home building company and developed numerous mixed-use primary, second home and resort communities, spanning a corridor of 165 miles in north Florida. Served as a key liaison to Wall Street analysts.

Notable projects included: SouthWood, 3,200-acre, mixed-use TND oriented community; SummerCamp, 800-acre, Gulf of Mexico waterfront, second home community; St. James Island, 49,000-acres, 50-year development program; and, Timber Island, a 300-acre island in Carrabelle, FL. Other projects initiated under my guidance included: WaterColor, WindMark Beach, SummerWood, Newport, Bay County, FL home building activities, and St. Vincent Sound, a 30,000-acre master plan and environmental programming.

President, Florida Division, Town & Country Homes Celebration, FL, 1994-1997

Complete P&L responsibilities for the start up of this *Builder 50* developer and home building company. Operations located within the Walt Disney Company's Celebration development, an award winning and first of its kind traditional neighborhood development. First developer/builder selected from a nationwide search. Annual sales volume \$100MM.

Senior Vice President, The Prime Group Chicago, IL, 1990-1994

Managed the Residential and Land Development Division of this privately held, multinational real estate developer. Developed the community of Huntley, 10,000-acres; created a \$113MM tax increment financing district; secured development rights for 6,500 homes; developed a 600,000 sf retail outlet mall and light industrial park.

Vice President, The William Lyon Company Ft. Lauderdale, FL, 1985-1990

Acquired the land assets of Senior Corporation, Chicago, and planned, developed or sold a significant portfolio located throughout Florida. \$350MM asset base including over 5,000-acres of undeveloped property. Developed 5 master planned communities in FL.

Other Florida based history 1974-1990

Fairfield Communities, General Manager; Reynolds Smith and Hills, Director of Business Development/Marketing. Began career with Deltona Corporation, Project Director and Research Ecologist, Marco Island, FL.

Education

Master of Business Administration, Nova Southeastern University, 1982. Bachelor of Science, Louisiana State University, 1974. Licensed real estate broker, Florida.

Affiliations

Commissioner and Chairman, Tallahassee/Leon County Planning Commission. Board member, Tallahassee/Leon County Chamber of Commerce. Formerly Governor, Leon County Research & Development Authority; and, recent Board Memberships include: Florida State University College of Business; and, Community Foundation of North Florida. Alumnus of Leadership Florida (II) and Leadership Broward (I). Annual guest lecturer, Harvard Graduate School of Design, 1998-2010.

From:	"Perrine, Beth" < Mary.Perrine@talgov.com>
To:	"Smach, Mary" <smachm@leoncountyfl.gov></smachm@leoncountyfl.gov>
CC:	"Snyder, Russell" <dwayne.snyder@talgov.com></dwayne.snyder@talgov.com>
Date:	1/31/2017 4:41 PM
Subject:	Planning Commission Appointee

Tim Edmonds current term as Planning Commissioner ends in June 2017 and he has requested to be reappointed for another three year term.

Thank you.

Beth Perrine Staff Assistant Tallahassee-Leon County Planning Dept. Land Use Planning 850.891.6400 * beth.perrine@talgov.com<mailto:beth.perrine@talgov.com> [Description: JUST-PLN] Please note that under Florida's Public Records laws, most written communications to or from city and county staff or officials regarding public business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT PLANNING COMMISSION

It is the applicant's responsibility to keep this informat To advise the County of any changes please contact Ch by telephone at 606-5300 or by e-mail at CobleC@leono Applications will be discarded if no appointment is made a	ristine Coble countyfl.gov
Name: william howell	Date: 2/5/2016 12:06:15PM
Home Phone: (850) 562-8429 Work Phone: ()-X	Email: williamhowell32303@yahoo.com
Occupation: ELECTED OFFICIAL SWCD Employer: SELF	
Preferred mailing location: Home Address	
Work Address: 4143 MIRAFLORES LANE	
City/State/Zip: TALLAHASSEE,FL 32303	
Home Address 4143 MIRAFLORES LANE	
City/State/Zip: TALLAHASSEE,FL 32303	
Do you live in Leon County? Yes If yes, do you live within the City lin	
Do you own property in Leon County? Yes If yes, is it located within t	-
For how many years have you lived in and/or owned property in Leon County?	32 years
Are you currently serving on a County Advisory Committee? No	
If yes, on what Committee(s) are you a member?	
Have you served on any previous Leon County committees? Yes	
If yes, on what Committee(s) are you a member? BPAC	
If you are appointed to a Committee, you are expected to attend regular me	
How many days permonth would you be willing to commit for Committee work?	
And for how many months would you be willing to commit that amount of time?	
What time of day would be best for you to attend Committee meetings?	Day
(OPTIONAL) Leon County strives to meet its goals, and those contained in var maintaining a membership in its Advisory Committees that reflects the diversity strictly optional for Applicant, the following information is needed to meet report those goals. Race: Sex: Age: Disabled? District: 3	of the community. Although
	·
In the space below briefly describe or list the following: any previous exp Committees; your educational background; your skills and experience yo Committee; any of your professional licenses and/or designations and inc held them and whether they are effective in Leon County; any charitable o which you participate; and reasons for your choice of the Committee indic	u could contribute to a dicate how long you have or community activities in

Name: DON AXELRAD Address: BALM ROAD	Telephone:	8508784960	Attachment # Page 2 o
Name: ED CONKLIN Address: LUCY CT	Telephone:	8508775486	
MPORTANT LEGAL REQUIREMENTS FO AS A MEMBER OF AN ADVISORY COMM			
APPLICABLE LAWS REGARDING GOVE OFFICERS, AND PUBLIC RECORDS DIS		,	
APPLICABLE LAWS INCLUDE CRIMINAL			
COMMITTEE ACTION AND OF ANY SUB COMMISSIONERS. IN ORDER TO BE FA			
ANSWERING THE FOLLOWING QUESTIC			ATION
vww.leoncountyfl.gov/bcc/committees/ti COMPLETE.	aining.asp BEFORE Y	OUR APPLICATION IS DEEMED	
lave you completed the Orientation?	Yes		
Are you willing to complete a financial disc	osure form and/or a ba	ackground 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?

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.

ir yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? 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? No If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: william howell

This application was electronically sent: 2/5/2016 12:06:15PM

No

No

William (Bill) Howell

My Background:

I received a BS in Economics from the University of Illinois and a MS in Geography from Florida State. I worked for the Lee County Planning Department for several years (1980-81) on their first Comprehensive Plan. I then moved to Tallahassee to attend the Urban and Regional Planning Department at FSU to seek a Masters degree. I worked at the Department of Community Affairs as an intern and finally for the DNR/DEP from 1985-2011. I worked primarily in land management and land acquisition positions. I reviewed hundreds of land management plans, DRI's and private development proposals for the DNR/DEP. I coordinated comments with the Regional Planning Councils statewide for 5 years. I retired in 2011 and have an organic garden, a woodworking shop and an investment LLC. I am currently a Supervisor with the Leon Soil & Water Conservation District.

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT PLANNING COMMISSION

			-
It is the applicant's respons To advise the County of an by telephone at 606-5300 or	y changes please contac by e-mail at SmachM@le	ct Mary Smach eoncountyfl.gov	LEON
Applications will be discarded	if no appointment is mad	le after two years.	
Name: Tom Lewis		Date: 5/18/2017	9:22:38PM
Home Phone: (850) 491-5983 Work Phor		Email: atty32301@gmail.o	com
Occupation: ARCHITECT-ATTORNEY	Employer: SELF		
Preferred mailing location: Home Address Work Address: 3270 LONGLEAF RD City/State/Zip: TALLAHASSEE,FL 32310 Home Address 3270 LONGLEAF RD			
City/State/Zip: TALLAHASSEE,FL 32310	do you live within the City	/ limits? No	
Do you own property in Leon County? Yes For how many years have you lived in and/or own	If yes, is it located with ed property in Leon Count	in the City limits? No	
Are you currently serving on a County Advisory Co If yes, on what Committee(s) are you a member?			
Have you served on any previous Leon County co If yes, on what Committee(s) are you a member?	mmittees? No		
	tion is needed to meet rep Age: 7 3	sity of the community. Although porting requirements and attain 78.00	
In the space below briefly describe or list the f Committees; your educational background; you Committee; any of your professional licenses held them and whether they are effective in Le which you participate; and reasons for your ch MY BACKGROUND AND PROFESSIONAL EXF PROVIDED ME WITH OPPORTUNITIES TO HA CONSIDERATIONS EVALUATED BY THE COM	our skills and experience and/or designations and on County; any charitabl noice of the Committee ir PERIENCE OVER A 50 YE VE LEAD ROLES IN THE	you could contribute to a indicate how long you have le or community activities in indicated on this Application. EAR TIME FRAME HAVE VARIOUS PLANNING	
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References ((vou must	provide at	least one	personal	reference	who is	not a fa	amily membe	er):

Name: SCOTT MADDOX Address: 502 N. ADAMS ST

Telephone: 850--222--6020

Attachment #12 Page 2 of 6

Name: TIM CENTER Address: 309 OFFICE PLAZA DRIVE Telephone: 850-222-2043

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

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2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No

If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently 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/Board/Authority? No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Tom E. Lewis

This application was electronically sent: 5/18/2017 9:22:38PM



Tom E. Lewis

3270 Longleaf Road Tallahassee, Florida 32310 850-491-5983 atty32301@gmail.com

Attorney at Law
Architect - FAIA
Certified Florida Supreme Court Circuit Civil Mediator
Qualified Florida Supreme Court Arbitrator
Colonel, USAF (Retired)

construction, real estate developmen private senior executive positions to	t, procurement and experience in p provide legal, mediation, arbitr	oublic and
 Goal-oriented individual with strong Organized, highly motivated, and determined of the strong strength of the strong strength of the strong strength of the strong st	g leadership capabilities etailed problem solver	-
Bachelor of Science Bachelor of Architecture Master of Architecture Certificate Juris Doctor, <i>Cum Laude</i>	•	
-		2014 - 2016
Florida Department of Children and Tallahassee, Florida	l Families	2013 - 2014
Executive Leader Florida Department of Children and Tallahassee, Florida • thorough evaluation of DCF System	l Families Procurement Program and Contract Tr	2013 - 2014 racking
	 construction, real estate development private senior executive positions to and expert witness services to and expertised individual with strong Organized, highly motivated, and de Organized, highly motivated, and de Proven ability to facilitate successful set all levels Bachelor of Science Bachelor of Architecture Master of Architecture Master of Architecture Certificate Juris Doctor, <i>Cum Laude</i> Special Consultant to Chief Information Florida Department of Children and Tallahassee, Florida Review of Section 508 Requirement & Executive Leader Florida Department of Children and Tallahassee, Florida thorough evaluation of DCF System 	Bachelor of Science Georgia Institute of Technology Bachelor of Architecture Georgia Institute of Technology Master of Architecture Georgia Institute of Technology Master of Architecture Georgia Institute of Technology Certificate Harvard University-JFK School for Scoretary Juris Doctor, Cum Laude College of Law, Florida State Univer Special Consultant to Chief Information Officer (CIO) Florida Department of Children and Families Tallahassee, Florida Special Consultant to Assistant Secretary of Administration (ASA) Florida Department of Children and Families Tallahassee, Florida • Review of Section 508 Requirements – develop DCF Program Professionalizing Procurement & Contract Management Executive Leader Florida Department of Children and Families Tallahassee, Florida • thorough evaluation of DCF Procurement Program and Contract Tallahassee

	nor Rick Scott's Procurement Savings Program ive Leader	2012-2013 Attachment #12
	of the State of Florida Chief Operating Officer	Page 4 of 6
Tallaha	Assee, Florida Managad 22 State Agamaias Repagatiating Existing Contracts	
•	Managed 22 State Agencies Renegotiating Existing Contracts Resulted in \$750 Million in Contract Savings	
	ant Secretary of Administration Department of Children and Families	2012
	assee, Florida	
•	Responsible for Contracts, General Services,	
	Budget and Finance, Human Resources, Information Technology	
	or of Performance Services	2011-2012
	nce Abuse and Mental Health Department of Children and Families	
	assee, Florida	
•		
	ey at Law – Maddox-Horne Law Firm – assee, Florida	2009-2011
•	Law Practice in the areas of real estate, land use, growth management transportation, construction and procurement	,
•	Represented local governments in development and approval of Comp Land Use Plans	prehensive
Attorn	ey at Law - Pennington Law Firm – Tallahassee, Florida	2007-2009
•	Law Practice in the areas of real estate, land use, growth management, transportation, construction and procurement	
	ary, Florida Department of Management Services (DMS) ssee, Florida	2005-2007
•	Responsible for total operation of agency providing administrative support to state agencies and employees including human resource, retirement, insurance, procurement, real estate, fleet and	
	information technology services.	
•	Provided senior management and leadership for 950 employees and a budget of \$658 million, delivering services totaling some \$7 bil	lion.
	President, The Walt Disney Co.	1987-2005
	y Development Co., The Celebration Co., Walt Disney Imagineering World Co.) - Lake Buena Vista, Florida	ig, Walt
	Senior executive team developing strategy and managing real estate development at Walt Disney World – for The Town of Celebration, Little Lake Bryan and other non- theme park development	
•	Assisted Reedy Creek Improvement District (RCID) in preparing and its Chapter 163 Comprehensive Plan and subsequent Land Developme	nt
•	Regulations, Comp Plan Amendments and Evaluation and Appraisal I Managed government and community affairs for Disney Development	-
•	Walt Disney Imagineering Represented Disney in all matters involving growth management and t in Florida with local, regional state, federal governments	ransportation

 Develop and Manage Strategy for federal/state / local approvals, and implementation of \$750M in major Transportation projects at Walt Dist Executive Sponsor – Disney's Town of Celebration (Business Planning, and Design, Public Approvals, Development) 	httactWierld#12 Page 5 of 6 Planning
Secretary, Florida Department of Community Affairs (DCA) Tallahassee, Florida	1985-1987
 Responsible for total operation and senior leadership of state's Growth Management, Housing and Community Development and Emergency Management agency Key leader in Passage / Implementation of Florida's Historic 	
 Growth Management Legislation Managed the Development and Adoption of Rule 9J-5 governing all Local Government Comprehensive Land Use Plans 	
Assistant Secretary, Florida Department of Transportation (FDOT) Tallahassee, Florida	1982-1985
• As Agency COO, responsible for day to day operation of state transportation agency including some 10,000 employees statewide and an annual budget & Work Program of over \$5 billion	
 Successfully established the Department's first Quality Assurance Program Lead Liaison with Florida Legislature 	
Special Assistant to Governor Bob Graham mbe Executive Office of the Governor Tallahassee, Florida	
 Governor's Cabinet Aide and Legislative Team Member Staff Director – Governor's Management Advisory Council 	
1979 - 1981	
President & CEO, Lewis and Burke Associates, Inc. Architects-Planners	1974-1979
 Winter Park, Florida Founded and managed professional Architectural Firm 	
 Design and CM for Residential, Commercial and Institutional projects for Public and Private Clients 	
Military Officer, United States Air Force, Worldwide	1961-1990
 11 years active duty - 18 years Active Reserve Detired Colored, USAE 	
 Retired Colonel, USAF Architect/Project Manager - USAFAerospace Defense Command 	
 Member, Air Force Design Advisory Council 	

Juror, Air Force Design Awards Program ٠

Honors, Awards, Community Service:

- College of Fellows, American Institute of Architect
- President's Award Florida Association-American Institute of Architects
- Outstanding Professional of the Year Engineering News Record
- Florida Commission on Ethics Vice Chairman
- Member US Air Force Design Advisory Council (AFDAC)
- Kissimmee-Osceola Chamber of Commerce Chairman
- Commission on Statewide Building Code Chairman
- Coast to Coast Rail Consortium Chairman
- Board of Directors, Orlando Area Chamber of Commerce
- Board of Directors, Loch Haven Art Center
- Board of Directors, Central Florida Boys and Girls Club

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT PLANNING COMMISSION

Attachment #13 Page 1 of 4

It is the applicant's responsibility to keep this information co To advise the County of any changes please contact Mary S by telephone at 606-5300 or by e-mail at SmachM@leoncount	mach	LEON
Applications will be discarded if no appointment is made after t	wo years.	
Name: Ryan Smart	Date: 5/30/2017	
	il: Smarts421@gmail.c	com
Occupation: PRESIDENT OF NON-PROFT Employer: 1000 FRIENDS OF	FLORIDA	
Preferred mailing location: Home Address Work Address: 308 N. MONROE STREET		
City/State/Zip: TALLAHASSEE,FL 32301		
Home Address 4917 EASY STREET		
City/State/Zip: TALLAHASSEE,FL 32303		
Do you live in Leon County? Yes If yes, do you live within the City limits?	No	
Do you own property in Leon County? No If yes, is it located within the Cit		
For how many years have you lived in and/or owned property in Leon County? Are you currently serving on a County Advisory Committee? No	4 years	
If yes, on what Committee(s) are you a member?		
Have you served on any previous Leon County committees? No		
If yes, on what Committee(s) are you a member?		
(OPTIONAL) Leon County strives to meet its goals, and those contained in various for maintaining a membership in its Advisory Committees that reflects the diversity of the strictly optional for Applicant, the following information is needed to meet reporting restricts goals.Race:CaucasianSex:MaleAge:36.00Disabled?District:District 3	community. Although	of
In the space below briefly describe or list the following: any previous experien Committees; your educational background; your skills and experience you cou Committee; any of your professional licenses and/or designations and indicate held them and whether they are effective in Leon County; any charitable or con which you participate; and reasons for your choice of the Committee indicated	ld contribute to a how long you have imunity activities in	

References (you must provide at least one personal reference who is not a family member):

Name: VICKI TSCHINKEL Telephone: 850-294-2964 Address: 1561 MARION AVENUE, TALLAHASSEE, FLORIDA 32303 Attachment #13 Page 2 of 4

Name: ESTUS WHITFIELD

Telephone: 850-385-5508

Address: 3444 LAKESHORE DR., TALLAHASSEE, FL 32312

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If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Ryan Smart

This application was electronically sent: 5/30/2017 9:27:02AM

Ryan Smart

4917 Easy Street Tallahassee, FL 32303 <u>rsmart@1000fof.org</u> Cell: 561-358-7191

Professional Experience

1000 Friends of Florida, Tallahassee, FL

The state's leading 501(c)(3) smart growth advocacy organization, 1000 Friends of Florida is building better communities and saving special places in one of the fastest growing states in the nation.

President

Ryan is responsible for the day-to-day management, financial sustainability, policy direction and long-term visioning for Florida's premier growth management advocacy organization. He oversees a staff of planners, attorneys and other professionals focused on influencing community development and conservation policies at the municipal, county and state levels. Ryan provides leadership to several coalitions, including the Florida Conservation Coalition, and Floridians Clean Water Declaration Coalition.

Leadership & Management Successes

- Worked on community planning projects in 14 Florida counties.
- Fostered greater unity and collaboration within conservation community.
- Presented 1000 Friends' mission and goals to over 3000 Floridians.
- Defeated, improved and championed growth management legislation and conservation legislation, based on Friends' values and positions, through grassroots mobilization and lobbying.
- Added three new management level staff members.
- Initiated and maintained legal challenges to protect significant state resources and rural areas.
- Increased size and diversity of Board of Directors.

Florida Conservation Coalition, Tallahassee, FL

Coalition of more than 50 organizations and 1,500 individuals dedicated to protecting and conserving Florida's land, water and wildlife.

Operations, Policy & Communications Consultant

Manage the day to day operations of the Coalition for the past two and a half years. Responsible for communicating with Steering Committee, Charter and Affiliate organizations, general membership, media, and legislative and administrative decision-makers at the local, state and federal levels; developing and defending policy positions; consensus building and coordination among environmental groups;

2012 to 2014

2014 to Present

identifying, attaining and sustaining funding; writing opinion pieces for publication; and representing the Coalition at public meetings and functions.

Leadership & Management Successes

- Increased Coalition membership by more than 100% over past two years.
- Attained initial funding for Coalition and attracted new funders each year.
- Increased public awareness and concern over environmental issues in Florida, especially issues related to water and springs.
- Contributed to combatting harmful legislation and supporting and refining beneficial legislation, resulting in improved legislative outcomes last year.

Consumer Credit Management Services, Delray Beach, FL 2006 to 2010

501(c)(3) non-profit organization providing a variety of housing services to the local community including first-time home buyer education, foreclosure prevention assistance and community development coordination.

Program & Special Projects Director/Grant Administrator

Established and managed U.S. Department of Housing and Urban Development (HUD) approved housing counseling program with more than 20 professional employees serving over 2,000 clients per year. Funded program through a combination of federal and private foundation grants and client fees totaling more than \$750,000 per year.

Leadership & Management Successes

- Guided organization through HUD approval and funding process, including one year of preparatory work within organization and successful completion of HUD application and funding proposal.
- Created network of community based referral organizations resulting in 400% increase in clients counseled per year, while maintaining over 90% client satisfaction scores and highest ISO 9001 quality rating.

Education

Master's of Political Science/Public Affairs (May, 2013; 4.0 GPA) – University of Florida, Gainesville, FL

• Graduated with Highest Honors

Bachelor of Arts – Political Science (May 2011) – University of Florida, Gainesville, FL

Community Service

Wakulla Springs Alliance Board Member: 2016 to present

Guardians of Martin County Advisory Board Member: 2015 to present

Lake Worth Community Development Corporation Board Member: 2009-2010

Leon County Board of County Commissioners

Notes for Agenda Item #15

Leon County Board of County Commissioners

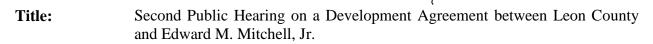
Agenda Item #15

June 20, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Herbert W.A. Thiele, County Attorney



Review and Approval:	Vincent S. Long, County Administrator Herbert W.A. Thiele, County Attorney
Department/ Division Review:	Patrick T. Kinni, Deputy County Attorney Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator
Lead Staff/ Project Team:	David McDevitt, Director, Development Support & Environmental Management Tony Park, P.E., Director, Department of Public Works Theresa B. Heiker, P.E., Stormwater Management Coordinator Dan Rigo, Assistant County Attorney

Statement of Issue:

This agenda item seeks to conduct the second public hearing on a proposed Development Agreement to acquire property in furtherance of the Fords Arm South Water Quality Improvement Project goals and delineate certain development rights for the property owner.

<u>Fiscal Impact:</u>

This item has a fiscal impact to the County. Should the Board approve the Development Agreement, the funds for the costs of property acquisition in the amount of \$497,500 are available in the approved budget for the Project.

Staff Recommendation:

Option #1: Conduct the second public hearing on a proposed Development Agreement with the property owner (Edward M. Mitchell, Jr.), approve the Development Agreement and authorize the Chairman to execute same.

Title: Second Public Hearing on a Development Agreement between Leon County and Edward M. Mitchell, Jr.
June 20, 2017

Page 2

Report and Discussion

Background:

On April 4, 2017 the Board accepted staff's status report regarding the Fords Arm South Water Quality Improvement Project ("Project") (see Attachment #1, Description of Fords Arm South Water Quality Improvement Project) and authorized staff to schedule public hearings for consideration of a Development Agreement to acquire property necessary to complete the Project. To address long standing flooding and water quality issues in the southeast area of Lake Jackson, the County has an approved and currently budgeted capital project designed to improve stormwater conveyances and water quality prior to discharge into Lake Jackson. Staff has identified property interests to be acquired through a Development Agreement with the property owner, Edward M. Mitchell, Jr. necessary to proceed with the Project. The Board conducted the first of two public hearings on May 9, 2017, and scheduled the second public hearing for consideration of such Development Agreement for June 20, 2017 at 6:00 p.m.

The Board also directed staff to provide a status report item to the joint City/County Canopy Roads Citizens Committee at its next regularly scheduled meeting. Staff provided a status report to the joint City/County Canopy Road Citizens Committee (CRCC) on May 17, 2017. The CRCC provided three comments on the proposed planting plan. First, they requested to see the difference between the current Environmental Management Act (EMA) and the court ordered 1989 EMA during the site plan process for the future development. Second, they preferred to see more tree species diversity and size. Third, the plan might need adjustments due to the conflict between live oaks being planted too close to the power lines. They did not want to see trees with their tops chopped off. These comments will be addressed during the site plan process for the future development.

Further, the Board directed staff to meet with the citizens who spoke at the first public hearing, those property owners in the immediate vicinity of the proposed Development Agreement and the Friends of Lake Jackson citizens group. That meeting was held on Thursday, June 8 at 6 p.m. at the Renaissance Building, where professional staff from Leon County Development Support and Environmental Management and Leon County Public Works provided a presentation on the proposed project and answered questions. Also, a draft pollutant load reduction and the most recent stream condition index (SCI) for Lexington Creek was discussed.

Analysis:

The acquisition of the property interests and associated Development Agreement are necessary to proceed with the Project. In summary, the Project addresses both water quality and historic flooding in the southeast area of Lake Jackson. Specifically, the Project will:

• Construct a cross drain under Meridian Road critical to address dangerous flooding of Meridian Road. The Project will allow runoff to pass under Meridian Road instead of over the roadway as it currently occurs. The Lexington Branch, which flows under Meridian Road near the Goodwill store, will be directed to a sediment sump to allow any sediments to settle where maintenance staff can remove them on a regular basis. This will further reduce the amount of nutrient-rich sediment reaching Lake Jackson.

Title: Second Public Hearing on a Development Agreement between Leon County and Edward M. Mitchell, Jr.

June 20, 2017	
Page 3	

- Reduce historic flooding of John Hancock and Timberlane Roads.
- By reducing the flooding of the roads, stormwater runoff will be kept in the channels and reduce the amount of sediment moving downstream to Lake Jackson. This sediment causes the lake to be shallower and more susceptible to heating. The warm water and nutrients from the sediment encourage algae blooms which further degrade the lake.

In summary, the benefits of the proposed Development Agreement are:

- Limits overall impervious surface area to no more than 68%, a 17% reduction from the entitlements established by court order, thus assisting in limiting additional stormwater runoff resulting from the new development.
- Establishes architectural, design, lighting and signage standards to ensure a consistent development pattern and to assist in mitigating potential offsite impacts to neighboring residential properties.
- Establishes a specific review process for final development plans to provide certainty in the development review process for the site while also providing the opportunity for public notification and input.
- Provides the opportunity to establish a transit stop and shelter, should StarMetro determine the need and the funding is available.
- Provides a commitment to utilize Low Impact Design standards to the greatest extent possible, which will further assist in the treatment of stormwater from the site.
- Limits disturbance within the Canopy Road Protection Zone (CRPZ) to only those improvements necessary for access and turn lane improvements and places in conservation the CRPZ area to ensure continued protection.
- Provide for additional plantings in the adjacent CRPZ, which will enhance the canopy road view-shed.
- Includes a 1.36 acre conservation easement on an adjacent residential property that will provide protection for the naturally vegetated floodplain.
- Provides development criteria which will allow conveyance of floodwater from the northern drainage basin that will improve flooding conditions on the property north of the Project.
- Clarifies the vested development entitlements and obligations established by the court order in 1992 ensuring consistency with the applicable development standards.

Title: Second Public Hearing on a Development Agreement between Leon County and Edward M. Mitchell, Jr.
June 20, 2017

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County staff has worked with representatives of the owner of Parcels 100 and 101, located adjacent to Meridian Road, and Parcel 102, located adjacent to Cloverdale Drive, toward drafting a Development Agreement. The proposed Development Agreement (Attachment #2) will clarify the status of the development rights assigned to the property, consistent with the Comprehensive Plan vested rights determination set forth by the Circuit Court Order dated March 16, 1992, and affirmed on appeal before the First District Court of Appeals, on December 31, 1992. The Court's order vested Parcel 100 from the future land use and concurrency provisions of the Comprehensive Plan, and also provided the owner with the ability to develop up to 69,000 square feet of commercial uses on that property. The proposed Development Agreement will clarify the applicable development standards and the review process applicable to all of the property pursuant to the provisions of the Land Development Code, and thereby, would extinguish a longstanding debate between the property owner and the County regarding these matters.

Pursuant to Sections 163.3220 through 163.3243, Florida Statutes, the "Florida Local Government Development Agreement Act", and Sections 10-2.501 through 2.504, Leon County Land Development Code, development agreements with property owners and developers are required to include the following:

- 1. **a legal description of the land subject to the agreement:** Parcels 100 and 101 are located adjacent to Meridian Road, and Parcel 102, is located adjacent to Cloverdale Drive, as further described in Attachment #2, Exhibit A.
- 2. **the duration of the agreement:** Twenty (20) years.

3. **the uses permitted on the land:**

Parcel 100 Approved Land Uses: Parcel 100 is vested from the Comprehensive Plan and is authorized for the development of 69,000 square feet of commercial uses, see Attachment #2, Exhibit "F.";

Parcel 101 Approved Land Uses: Parcel 101 (outside of the Drainage Easement Area) is authorized for development in conjunction with Parcel 100 as part of an overall plan of development for Parcels 100 and 101, and the authorized land uses for Parcel 101 include the following: landscaping, asphalt and concrete paving, underground and overhead utilities, stormwater facilities, fencing, signage, lighting, driveway connections, and grading;

Parcel 102 Approved Land Uses: Parcel 102 is authorized for the development of a single-family residential unit and accessory uses and structures that support the residential unit;

Impervious Area. Development and construction of impervious areas on Parcel 100 is limited to 71% and Parcel 101 is limited to 24% associated with the Approved Land Uses, and when combined may occur up to, but shall not exceed,

68% impervious. The property owner has agreed to this standard despite the fact that the amount of impervious area currently authorized on Parcel 100 is 85%.

4. a description of the public facilities that will provide utility services to the development:

Potable water from City of Tallahassee, Utilities Department;

Sewer service from City of Tallahassee, Utilities Department;

Fire protection from City of Tallahassee, Fire Department;

Electric service from City of Tallahassee, Utilities Department;

Emergency Medical Services from Leon County Emergency Medical Services.

5. consistency with the local government's comprehensive plan and land development regulations:

- a. The property subject to the Development Agreement lies within the Lake Protection Future Land Use Category of the Comprehensive Plan with a vested zoning designation C-1, Neighborhood Commercial District, applicable to Parcel 100.
- b. The development of Parcel 100 is vested from the consistency and concurrency requirements of the Comprehensive Plan (see Attachment #2, Exhibit "G", Vesting Certificate), and as such, is consistent with the Comprehensive Plan and the development proposed in the Development Agreement is consistent with the County's 1989 Land Development Regulations. Since the land uses on Parcel 100 are vested from concurrency, the property is not required to conduct any transportation concurrency or operational analysis, nor subject to any transportation mitigation or fees, except for any turn lane improvements.
- c. The development of Parcels 101 and 102 are consistent with the Comprehensive Plan and the County's 2017 Land Development Regulations.

The proposed Development Agreement will also include provisions to address:

1. **Canopy Road Protection Zone:** Mitigation of anticipated impacts to the portion of the property falling within the Canopy Road Protection Zone, include the assignment of costs to the property owner for turn lane improvements on Meridian Road anticipated to be required as a result of the development of the property and a planting plan associated therewith, see Attachment 2, Exhibit M.

Title: Second Public Hearing on a Development Agreement between Leon County and Edward M. Mitchell, Jr.

June 20, 2017 Page 6

- 2. off-site mitigation of onsite natural area and open space requirements: Incorporation of the adjacent Parcel 102 to the north of Parcel 100 into the overall development plan of the property, and minimum natural area and landscape requirements shall be provided for the development of Parcel 100 pursuant to the 1989 Environmental Management Act ("EMA"). Minimum natural area and landscape requirements shall be provided for development of Parcel 101 (outside of the Drainage Easement Area) pursuant to the 2017 EMA. These minimum natural area and landscape requirements may be satisfied by the property owner using the land on Parcel 102 that will be the subject of the Parcel 102 Conservation and Drainage Easement (Attachment #2, Exhibit J) and the Canopy Road Protection Area Impacts and Planting Plan (Attachment #2, Exhibit M), located on Parcels 100 and 101. As required by the 1989 and 2017 EMAs, respectively, 5% of the developed areas of Parcel 100 shall be landscaped. These 5% landscaping requirements for Parcel 101 may be satisfied by the property owner on Parcel 100.
- 3. **current onsite buildings and associated uses:** The building presently located on Parcel 101, an abandoned convenience store will be removed in its entirety, as will the associated parking lot. No buildings will be placed on Parcel 101, however a perpetual, exclusive drainage easement is being acquired by the County in furtherance of the Project. The building presently located on Parcel 100 leased to Goodwill, will remain.
- 4. **architectural design and site planning standards for the development:** Architectural design, lighting and signage standards are set forth in Attachment #2, Exhibit "L," and shall be incorporated into the final development plans for Parcels 100 and 101. The property owner's development applications for Parcels 100 and 101 shall comply with such Architectural Design, Lighting and Signage Standards prior to approval.
- 5. **applicable stormwater and floodplain management standards:** The proposed developable areas on Parcels 100 and 101 are not in their natural state or condition and therefore the Lake Jackson Special Development Zone B requirements in the 1989 and 2017 EMAs, respectively, do not apply. However, stormwater for Parcel 100 shall be provided pursuant to the 1989 EMA stormwater requirements. The property owner shall satisfy the 1989 EMA stormwater requirements for treatment and rate control. As an alternative, the property owner may provide an additional 50% stormwater treatment volume than is mandated by the EMA stormwater requirements, with no rate control, if it is satisfactorily demonstrated to the County, during the permitting process, that there will be no adverse flooding impacts to downstream property. Parcel 101 stormwater shall be met pursuant to the 2017 EMA.

Title: Second Public Hearing on a Development Agreement between Leon County and Edward M. Mitchell, Jr.

June 20, 2017	
Page 7	

- 6. Development Review Process: The development of Parcels 100 and 101 is authorized subject to the property owner obtaining approval from the County for the following development permits:

 Permitted Use Verification ("PUV");
 Natural Feature Inventory ("NFI");
 Site Plan under Type B Review ("Site Plan");
 Environmental Management Permit, Standard Form ("EMP"); and
 - v. Building Permits.

The proposed Development Agreement effectuates the purchase of a perpetual, exclusive drainage easement on Parcel 101, and temporary construction easements on Parcels 100 and 101, as part of the County mitigation Project. The costs associated with this acquisition equal \$497,500. As set forth above, funds for the costs associated with the acquisition of the property interests are available in the approved budget for the Project.

The acquisitions from Parcels 100 and 101 have been negotiated under the threat of eminent domain pursuant to Section 73.015, Florida Statutes. As such, the County is obligated to pay full compensation to the property owner in an amount that includes several components. The property owner is entitled to compensation for the value of the easements acquired and for any reduction in value for the owner's remaining property not acquired. The full compensation must also address any adverse impact the acquisition may have on the business operation of the property owner's tenant, Goodwill Industries-Big Bend, Inc. The County is also statutorily obligated to pay the reasonable costs of the property owner's attorney's fees, expert fees, and costs incurred in the matter.

Based on our experience in past County projects, this has proven to be one of the most complex of any previous eminent domain acquisitions. It involves two abutting parcels, one which is vested from the Comprehensive Plan and the other of which contains an abandoned commercial use, and has a decades-long history of unresolved issues with regard to its development potential. These complexities have resulted in a significant amount of time and expense incurred up to this point and, if not resolved with the approval of the Development Agreement, will likely result in substantial litigation costs to the County in excess of the settlement amount, regardless of the outcome.

Before entering into a development agreement the County is required to conduct at least two public hearings and is required to provide both published and mailed notice in advance of the Board's consideration of such development agreement at a public hearing. Such notice shall specify the location of the property subject to the agreement, proposed uses, proposed population densities and proposed building intensities, etc., a copy of the published notice of the second and final public hearing is attached hereto (Attachment #3).

Title: Second Public Hearing on a Development Agreement between Leon County and Edward M. Mitchell, Jr.

June 20, 2017 Page 8

Options:

- 1. Conduct the second and final public hearing on a proposed Development Agreement with the property owner (Edward M. Mitchell, Jr.), approve the Development Agreement and authorize the Chairman to execute same.
- 2. Conduct the second public hearing on a proposed Development Agreement with the property owner (Edward M. Mitchell, Jr.) and do not approve such Development Agreement
- 3. Board direction.

Recommendation:

Option #1.

Attachments:

- 1. Description of Fords Arm South Water Quality Improvement Project
- 2. Proposed Development Agreement
- 3. Published Notice

Description of Fords Arm South Water Quality Improvement Project

The Fords Arm South Water Quality Improvement Project ("Project") consists of three distinct projects which are designed to improve the stormwater quality discharging to Lake Jackson, and to address flooding experienced in the Linene Woods neighborhood, the Lakeshore Estates neighborhood, as well as to Meridian Road. The Fords Arm of Lake Jackson is located in the southeast quadrant of the lake, receiving stormwater from south and east of the lake. The Project is broken into three target areas shown on the map (See page 2): the Linene Woods Tributary Improvements, the Western Channels Project and the Meridian Crossdrain Project.

Linene Woods Tributary Improvements:

- Regrading the main ditches that run from Lakeshore Drive north to Hunter's Crossing and from Hunter's Crossing to the wetland north of John Hancock Drive;
- Replacing the existing crossdrain under John Hancock Drive to increase the stormwater capacity;
- Regrading two lots purchased for flood mitigation, one on Lakeshore Drive and the other on John Hancock Drive, to better transition the stormwater into the crossdrains under the respective roadways;
- All regraded ditches will be stabilized to prevent future sediment scour into the wetland and Lake Jackson; and
- Conveyance improvements within the Linene Woods Subdivision to reduce nuisance flooding.

Western Channels Project:

- Regrading the main ditches that run through the Lakeshore Estates neighborhood to the wetland north of John Hancock Drive;
- All regraded ditches will be stabilized to prevent future sediment scour into the wetland and Lake Jackson; and
- Replacing the crossdrain under Timberlane Road so that peak flows pass under rather than over the road, ensuring access for residents.

Meridian Road Crossdrain Project:

- Addressing the flooding of Meridian Road by the Lexington Branch. Stormwater from over 1,800 acres beginning in the vicinity of Thomasville Road and Interstate 10 overwhelms the existing single pipe under Meridian Road. The pipe will be increased to three box culverts providing ten times the flow capacity;
- Property upstream of Meridian Road will be purchased to turn the stormwater flow west under Meridian Road at John Hancock Drive;
- A meandering swale will treat the stormwater after it passes under Meridian Road; and
- A large creek will join Lexington Branch in a sediment sump to further improve water quality before it reaches the wetland and Lake Jackson.



Fords Arm South Water Quality Improvement Project

DEVELOPMENT AGREEMENT (3401 North Meridian Road Property)

THIS DEVELOPMENT AGREEMENT ("**Agreement**") is entered into by and between LEON COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 301 S. Monroe Street, Tallahassee, FL 32301 ("**County**"), and EDWARD M. MITCHELL, JR., a/k/a Eddie Mitchell, whose address is 1330 Capital Circle NE, Tallahassee, FL 32308 ("**Developer**"). The County and the Developer shall be collectively referred to herein as the "**Parties**."

RECITALS

WHEREAS, the Developer is the fee simple owner of 8.7 acres which is specifically described in the attached Exhibit "A" ("Property"); and

WHEREAS, the Property consists of three (3) parcels, which are referred to herein as "Parcel 100," "Parcel 101" and "Parcel 102" and which are each specifically described in the attached Exhibits "B", "C" and "D", respectively; and

WHEREAS, this Agreement is adopted pursuant to Chapter 163, Florida Statutes, and Chapter 10, Article II, Division 5 of the Leon County Code of Laws, and under the authority and powers of Leon County as a charter county and political subdivision of the State of Florida; and

WHEREAS, stormwater runoff from the Fords Arm South Water Shed drains in a westerly direction through Lexington Tributary and across Meridian Road to Fords Arm, which forms the southeastern lobe of Lake Jackson; and

WHEREAS, Lake Jackson is a designated Outstanding Florida Water, State Aquatic Preserve and Surface Water Improvement and Management priority water body; and

WHEREAS, under existing conditions, Meridian Road is overtopped with water during many storm events, which creates a hazardous condition during two (2) year frequency stormwater events; and

WHEREAS, culvert velocities are extremely high for all frequencies at rates which strip vegetation and promote scouring beyond the existing culvert discharge under Meridian Road; and

WHEREAS, in order to reduce the frequency of flooding and erosion therefrom, and improve water quality of stormwater discharging into Lake Jackson, a mitigation project has been approved by the County (the "County Mitigation Project"), which is part of the Fords Arm South Water Quality Improvement Project (the "Water Quality Improvement Project"), and which includes the following improvements:

(1) Removal of existing stormwater structures, buildings (including an existing 2,400 square-foot building), the paved parking area, fill, other associated improvements within Parcel 101, and grading to redirect stormwater runoff to triple culverts described in sub-paragraph (3) below;

- (2) Addition of a new culvert offsite under Meridian Road to be located north of Parcel 100;
- (3) Supplementing the existing 3' x 5.5' pipe arch with triple culverts to be located under Meridian Road adjacent to Parcel 101;
- (4) Constructing an offsite (not on the Property) swale downstream from the new triple culverts referenced in subparagraph (3) above to improve water quality before stormwater runoff reaches Lake Jackson;
- (5) Constructing an offsite (not on the Property) permanent pool pond to intercept sediment from the swale;
- (6) Stabilization with vegetation (i.e., Hydro-seeding and/or sod), following construction of the County Mitigation Project, within the Parcels 100 and 101 Temporary Construction Easement Areas (defined below);
- (7) Installing a protective guardrail along the Meridian Road boundary of the Parcel 101 Drainage Easement Area (defined below);
- (8) Construction of a drainage ditch within the Parcel 102 Drainage Easement Area (defined below); and

WHEREAS, the County Mitigation Project will provide relief from flooding, environmental benefits (including improving the water quality of discharged water before it reaches Lake Jackson), groundwater recharge, and habitat preservation; and

WHEREAS, the County needs the following "**Easements**" to implement the County Mitigation Project:

- (1) the Parcel 101 Drainage Easement (defined below) which will provide a perpetual, exclusive drainage easement over the Parcel 101 Drainage Easement Area (defined below);
- (2) the Parcels 100 and 101 Temporary Construction Easements (defined below) which provide temporary non-exclusive construction easements over the Parcels 100 and 101 Temporary Construction Easement Areas (defined below) to provide the County access to construct the Goodwill Improvements (defined below) and the County Mitigation Project;
- (3) the Parcel 102 Conservation and Drainage Easement (defined below) which provides, in part, a perpetual, non-exclusive drainage easement over the Parcel 102 Drainage Easement Area (defined below); and

WHEREAS, the Developer desires to develop the Property as provided herein; and

WHEREAS, the Parties through this Agreement desire to provide the County with the Easements to facilitate the construction, operation, and maintenance of the County Mitigation Project, and confirm the development rights and obligations for the development of the Property.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the receipt and sufficiency of which being acknowledged hereby, the Parties do enter into this Agreement and agree as follows:

1. <u>**Recitals**</u>. The recitals set forth above are true and correct and are incorporated herein by reference as if specifically set out below.

- 2. **<u>Purpose</u>**. The purpose of this Agreement is to:
 - a. Confirm the development rights and obligations for the Property;
 - b. Establish a development approval process for the Property that will facilitate the development of the Property;
 - c. Confirm that the development rights and obligations for developing: (i) Parcel 100 are vested and therefore consistent with the Tallahassee-Leon County Comprehensive Plan ("Comprehensive Plan") and that the land use proposed by this Agreement is consistent with the 1989 Land Development Regulations of the County ("1989 LDRs"), and (ii) that the land use proposed by this Agreement on Parcels 101 and 102 is consistent with the Comprehensive Plan and the current Land Development Regulations ("2017 LDRs") of the County; and
 - d. Dedicate the Easements over the Property as more specifically provided herein, which will allow the County to construct, operate, and maintain the County Mitigation Project.

3. <u>Applicability.</u> This Agreement shall apply to all development activities undertaken by the Developer and its grantees, assigns, and lessees on the Property.

4. <u>Authority for Development Agreement.</u> This Agreement is being entered into pursuant to authority provided in Sections 163.3220-163.3243, Florida Statutes, otherwise known as the Florida Local Government Development Agreement Act (the "Act") and Chapter 10, Article II, Division 5 of the Leon County Code of Laws, and under the authority and powers of Leon County as a charter county and political subdivision of the State of Florida. Accordingly, in addition to the vested rights detailed in Paragraph 7 below, as provided by the Act, any County laws and policies governing the development of the Property, including the land development regulations and policies and concurrency and mobility related fees, that are adopted after the Effective Date of this Agreement, except as provided for by Section 163.3233(2), Florida Statutes, or as otherwise agreed to by the Parties, shall not apply to the development of the Property.

5. <u>**Terms and Duration.**</u> The term and duration of this Agreement shall be for a period of twenty (20) years from the date on which the County records the Agreement in the public records for Leon County following the execution of the Agreement by the Parties (the "**Effective Date**"). The term of this Agreement may be extended by mutual consent of the Parties, or their respective successors and/or assigns, subject to public hearings being held in accordance with the Act.

6. <u>Approved Land Uses/Development.</u> Parcels 100, 101 and 102 may be developed with the following land uses, densities, and intensities (collectively, "Approved Land Uses") within

the Development Plan dated April 21, 2017 attached hereto as Exhibit "E" ("Development Plan"):

- a. Parcel 100 Approved Land Uses: Parcel 100 is vested and authorized for the development of 69,000 square feet of commercial uses as specifically provided in **Exhibit "F."**
- b. Parcel 101 Approved Land Uses: Parcel 101 (outside of the Parcel 101 Drainage Easement Area) is authorized for development in conjunction with Parcel 100 as part of an overall plan of development for Parcels 100 and 101, and the authorized land uses for Parcel 101 include, but are not limited to the following: landscaping, asphalt and concrete paving, underground and overhead utilities, stormwater facilities, fencing, signage, lighting, driveway connections, and grading.
- c. Parcel 102 Approved Land Uses: Parcel 102 is authorized for the development of a single-family residential unit and accessory uses and structures that support the residential unit.

7. <u>Comprehensive Plan Vesting and Consistency.</u>

- a. The Property is within the Lake Protection Future Land Use Category of the Comprehensive Plan; however, Parcel 100 is vested as provided below in paragraph 7.b. and therefore not subject to the Lake Protection Future Land Use Category.
- b. The development of the Approved Land Uses on Parcel 100 is vested from the consistency and concurrency requirements of the Comprehensive Plan (see **Exhibit "G,"** Parcel 100 Vesting Certificate), and as such, is consistent with the Comprehensive Plan and the development proposed by this Agreement is consistent with the 1989 LDRs. Since the Approved Land Uses on Parcel 100 are vested from concurrency, the Developer shall not be required to conduct any transportation concurrency or operational analysis, and development of the Approved Land Uses shall not be subject to any transportation mitigation or fees, except for the Turn Lane Improvements (defined below).
- c. The development of the Approved Land Uses on Parcels 101 and 102 are consistent with the Comprehensive Plan and the 2017 LDRs.

8. <u>The County Mitigation Project and the Easements.</u> The County shall, at its sole cost and expense, design, permit, install, construct and maintain, the County Mitigation Project. The following Easements are necessary for the County to implement the County Mitigation Project, and shall be executed by the Parties and recorded in the public records for Leon County within thirty (30) days after the Effective Date, unless otherwise agreed to in writing by the Parties:

a. **Parcel 101 Drainage Easement:** The "**Parcel 101 Drainage Easement**" is attached hereto as **Exhibit "H"** and provides the County with the following: (i) perpetual, exclusive drainage easement over that portion of Parcel 101 described therein ("**Parcel 101 Drainage Easement Area**") for the construction, operation and maintenance of the County Mitigation Project; and (ii) non-exclusive

temporary construction easements ("Parcels 100 and 101 Temporary Construction Easements") over those portions of Parcels 100 and 101 described therein ("Parcels 100 and 101 Temporary Construction Easement Areas") to provide the County access to construct the Goodwill Improvements (defined below) and the County Mitigation Project. The Developer and Goodwill Industries-Big Bend, Inc. ("Goodwill"), a tenant on a portion of Parcel 100 and a portion of Parcel 101, have entered into the Amended and Restated Lease Agreement dated April 27, 2017 ("Amended and Restated Lease") to confirm Goodwill's agreement to the following conditions and actions that will be taken by the County during the construction of the County's Mitigation Project: (i) removal of the Parcel 101 Drainage Easement Area from the Amended Lease; (ii) the County's construction on Parcel 100 of a gravel access road providing ingress and egress to Goodwill from Meridian Road, gravel parking area, a new concrete handicapped parking space, a wooden handicapped ramp and deck, a new concrete dumpster slab, a gravel pit for drainage, and relocation and reconstruction of the existing Goodwill identification sign in substantially the same form (to be coordinated with Developer in the process), as depicted on Exhibit "I" ("Goodwill Improvements"); and (iii) the relocation of the leased area to the shaded area on Exhibit "I" labeled "Goodwill Improvements." The Amended and Restated Lease provides, and the Parties agree, that Goodwill may use the existing access, parking area, and handicapped access ramp until the County completes construction of the Goodwill Improvements. The County shall construct the Goodwill Improvements prior to commencing construction of the County Mitigation Project.

b. Parcel 102 Conservation and Drainage Easement. The "Parcel 102 Conservation and Drainage Easement" is attached hereto as Exhibit "J" and provides the County, in part, with perpetual, non-exclusive drainage easement over that portion of Parcel 102 described therein ("Parcel 102 Drainage Easement Area") for the construction, operation and maintenance of a drainage ditch which is part of the County Mitigation Project.

9. General Development Authorizations and Requirements.

- a. <u>Impervious Area.</u> Development and construction of impervious areas on Parcels 100 (71%) and 101 (24%) associated with the Approved Land Uses (when combined) may occur up to, but shall not exceed, 68% impervious. (See also Exhibit "E"). The Developer has agreed to this standard despite the fact that the amount of impervious area currently authorized on Parcel 100 is 85%.
- b. <u>Stormwater Standards.</u> Stormwater for the Approved Land Uses on Parcel 100 shall be provided pursuant to the 1989 Environmental Management Act ("1989 EMA") stormwater requirements. (See also Exhibit "E"). The Developer shall satisfy the 1989 EMA stormwater requirements for treatment and rate control. However, as an alternative, the Developer may provide an additional 50% stormwater treatment volume than is mandated by the EMA stormwater requirements, with no rate control, if it is satisfactorily demonstrated to the County, during the permitting process described below, that there will be no

adverse flooding impacts to downstream property. Parcel 101 (outside of Parcel 101 Drainage Easement Area) stormwater shall be met pursuant to the current EMA ("**2017 EMA**") which is part of the 2017 LDRs. (See also **Exhibit "E"**).

- c. <u>Natural Area Requirements.</u> Minimum natural area and landscape requirements shall be provided for the development of the Approved Land Uses on Parcel 100 pursuant to the 1989 EMA. (See also **Exhibit "E"**). Minimum natural area and landscape requirements shall be provided for development of the Approved Land Uses on Parcel 101 (outside of the Parcel 101 Drainage Easement Area) pursuant to the 2017 EMA. (See also **Exhibit "E"**). These minimum natural area and landscape requirements may be satisfied by the Developer using the land on Parcel 102 that will be the subject of the Parcel 102 Conservation and Drainage Easement and the Canopy Road Protection Area located on Parcels 100 and 101 (outside of the Parcel 101 Drainage Easement Area). (See also **Exhibit "E"**). As required by the 1989 and 2017 EMAs, respectively, 5% of the developed areas of Parcel 100 shall be landscaped. These 5% landscaping requirements for Parcel 101 may be satisfied by the Developer on Parcel 100.
- d. <u>Lake Jackson Special Development Zone B.</u> The proposed developable areas on Parcels 100 and 101 are not in their natural state or condition and therefore the Lake Jackson Special Development Zone B requirements in the 1989 and 2017 EMAs, respectively, do not apply. (See also Exhibit "E").
- e. **Onsite Fill.** The development and construction of the Approved Land Uses on Parcels 100 and 101 may occur by placing fill on Parcels 100 and 101 as described on **Exhibit "E."** Except as depicted in **Exhibits "E," "K," and "M,"** no fill is authorized in the "**FEMA Regulated Floodway**" as delineated on FEMA's Flood Insurance Rate Map and as specifically depicted on **Exhibit "K"** attached hereto. Any fill placed in the FEMA Regulated Flood Plain shall be mitigated through excavation of an equivalent amount of compensating volumes of material. The County's support for the Developer's application for a Letter of Map Revision for Parcels 100 and 101 to the Federal Emergency Management Agency shall not be unreasonably withheld.
- f. <u>Architectural Design, Lighting and Signage Standards.</u> Architectural design, lighting and sign standards as set forth in Exhibit "L," or as may be otherwise be agreed to by the Parties and confirmed in writing, shall be incorporated into the final development plans for Parcels 100 and 101. The Parties agree that Developer's development applications for Parcels 100 and 101 shall comply with such Architectural Design, Lighting and Signage Standards prior to approval or approval with conditions as provided therein.
- g. <u>Public Transit.</u> The Developer shall coordinate with StarMetro to locate a transit stop and shelter should StarMetro determine a need and have appropriate funds to implement same. The costs of design, permitting, construction and installation of such a transit stop/shelter shall be borne by StarMetro with the exception of the concrete pad for the stop/shelter which shall be borne by the Developer. Future

maintenance of said stop/shelter shall be agreed upon at a later date between the Developer and Star Metro.

- h. <u>Development Review Process.</u> The development of the Approved Land Uses on Parcels 100 and 101 is authorized subject to the Developer obtaining approval from the County of the following development permits (collectively, "County Permits"):
 - i. Permitted Use Verification ("**PUV**");
 - ii. Natural Feature Inventory ("**NFI**");
 - iii. Site Plan under Type B Review ("Site Plan");
 - iv. Environmental Management Permit, Standard Form ("EMP"); and
 - v. Building Permits.

The Parties agree that Developer shall provide the County access to the Parcel 101 Drainage Easement Area as a condition within the Site Plan. Failure of the Agreement to address a particular permit other than the County Permits shall not relieve the Developer of the necessity of complying with other applicable federal and state laws governing such permits.

i. Approved Turn Lanes and Access Driveways, and Canopy Protection Zone **Requirements.** The "Turn Lane Improvements" and two (2) full access driveways ("Driveway Improvements") depicted on the Development Plan attached as **Exhibit "E"** are hereby approved. The Developer is authorized to design, permit and construct the Turn Lane Improvements and Driveway Improvements as part of the development of the Approved Land Uses on Parcels 100 and 101. The Developer shall depict on the Site Plan, consistent with the area shown on the attached Development Plan (Exhibit "E") the relocated drainage swale/ditch which is necessary to provide drainage from the Turn Lane Improvements, and Developer shall be required to design, permit, construct, operate, and maintain the drainage swale/ditch as part of applicable County Permits. With the exception of the Turn Lane Improvements, the Driveway Improvements, the stormwater facilities, signage, and other similar uses, as depicted on the Development Plan (Exhibit "E"), and the Canopy Conservation Area Impacts and Planting Plan dated April 21, 2017 attached as Exhibit "M," the Parcels 100 and 101 land located within 100 feet of the center line of Meridian Road within the Canopy Road Protection Zone shall be protected in a conservation area which will be depicted on the Site Plan ("Canopy Conservation Area"). The Canopy Conservation Area shall be replanted as depicted on the Canopy Conservation Area Impacts and Planting Plan (Exhibit "M"). The Canopy Conservation Area Impacts and Planting Plan also depicts the impacts and uses within the Canopy Road Protection Zone which are hereby authorized. Developer shall bear all of the costs of designing, surveying,

engineering, permitting, and constructing the Turn Lane Improvements as a condition to developing the Approved Land Uses on Parcels 100 and 101.

- j. **Public Facilities.** The following public facilities will service the development authorized by this Agreement:
 - i. Potable water from City of Tallahassee.
 - ii. Sewer service from City of Tallahassee.
 - iii. Fire protection from City of Tallahassee Fire Department.
 - iv. Electric service from City of Tallahassee.
 - v. Emergency Medical Services from Leon County Emergency Medical Services.
- 10. **Full Compensation.** The Parties understand and agree as follows:
 - a. In order for the County to construct the County Mitigation Project, it is necessary that the County acquire the Easements;
 - b. The County is acquiring the Parcel 101 Drainage Easement under the threat of condemnation pursuant to Chapters 73, 74 and 127, Florida Statutes ("Condemnation Threat");
 - c. The limitations on the County's use of the Easements are described in the respective Easements which are attached to this Agreement as provided herein;
 - d. In order for the Developer to develop Parcels 100 and 101 with the Approved Land Uses, it is necessary to resolve the County's need for these Easements in order to implement the County's Mitigation Project;
 - e. The development rights granted by the County to the Developer pursuant to this Agreement, together with the sums to be paid pursuant to paragraph 10.f below, represent any and all full compensation to which the Developer is entitled by law for the County's acquisition of the Easements and the construction of the County Mitigation Project including, but not limited to, full compensation for the interests in the land comprising the Easements for any damages to the remainder of the Property not acquired, for any damages to any business operated by the Developer on the remainder of the Property not acquired, for any attorney's fees and costs incurred by the Developer in reaching this Agreement pursuant to Sections 73.091 and 73.092, Florida Statutes;
 - f. As part of the full compensation described in paragraph 10.e above, the Developer agrees to accept from the County the sum of Four Hundred Ninety-Seven Thousand Five Hundred and 00/100 Dollars (\$497,500.00). Said amount shall be paid in cash by the County at a closing to take place no later than thirty (30) days

after the Effective Date, or as may otherwise be agreed to in writing by the Parties, and concurrent with the Developer's delivery to the County of the executed Easements.

11. Indemnification and General Release.

- Excepting the County's Mitigation Project, if this Agreement or any development a. order of the County issued for the proposed development is challenged in any judicial or administrative action as being invalid or unlawful for any reason, the Developer shall diligently defend such action, and hold the County, its officers, officials and employees, harmless from and against any and all costs, fees, damages and attorney's fees, which may be assessed against the County, its officers, officials and employees, as it relates to such challenge. Notwithstanding the above, in no event shall the Developer be required to hire separate legal counsel to represent the County nor pay for the County's expenses related to its own legal representation, in the event the County decides to represent itself. The Parties further agree to cooperate in good faith in the defense of any such action. The Developer shall not be responsible for the defense or defense costs of the County or any officer, official or employee thereof for any judicial or administrative challenge to any part of the County Mitigation Project. If either party is unable to perform any of its obligations under this Agreement due to delay caused by litigation or a final order of any court or administrative body or agency, the Parties agree they may not act under this Agreement to enforce the obligation(s) created by the Agreement which have not otherwise been performed nor shall either party have a cause of action against the other for failure to meet such obligation(s).
- b. The Developer, for and in consideration of the privileges and benefits to be derived from the development rights granted under this Agreement, does hereby release and forever discharge, absolve, and hold harmless the County, its officers, agents and employees from and against any and all liability, claim, or action that Developer or his successors, heirs, assigns, administrators, or executors, has or may ever have resulting directly or indirectly or remotely from the Condemnation Threat as it pertains to the County Mitigation Project ("Developer Release"). The Developer Release shall not be applied in any manner to limit the Developer's right to enforce the terms and conditions of this Agreement.
- c. That to the extent allowed by the Constitution and laws of the State of Florida, including Section 768.28, Florida Statutes, the County agrees and does hereby release and forever discharge, absolve, hold harmless and indemnify the Developer, its officers, agents, contractors and employees from and against any and all liability, losses, claim, or action that the County its successors, heirs, assigns, administrators, or executors, has or may ever have resulting directly or indirectly or remotely from the County Mitigation Project. It is specifically understood and agreed that this indemnification clause does not cover or indemnify the Developer for its negligence, or that of its contractors, agents or employees.

12. <u>Effects of Annexation</u>. The rights and obligations of this Agreement shall remain in full force and effect in the event that the Property, or any portion thereof, is annexed into the City of Tallahassee.

13. **No Public Access.** No rights of access to the public are granted in this Agreement and all the easements referenced herein, and members of the public shall not have access to the Property unless specifically authorized by the Developer.

14. **<u>Recording.</u>** Within fourteen (14) days of County approval of the Agreement the County shall record this Agreement and Exhibits in the public records of Leon County.

15. <u>Applicable Law/Venue.</u> This Agreement shall be interpreted under the laws of the state of Florida. Venue for any litigation pertaining to this Agreement shall be exclusively in Leon County, Florida.

16. <u>Costs and Fees.</u> In the event of any litigation involving the terms of this Agreement or the duties or obligations of the Parties, the prevailing party shall be entitled to recover its costs and expenses, including without limitation, expert fees, consulting fees and all other fees reasonably incurred, and a reasonable attorney's fee in connection therewith, whether incurred at trial or appeal.

17. <u>**Binding Effect and Assignment.</u>** The rights and obligations of this Agreement shall be binding upon and shall inure to the benefit of the Parties hereto and to their lawful heirs, successors, and assigns. The Developer may assign his rights and obligations under this Agreement.</u>

18. <u>Severability.</u> If any provision of this Agreement, or the application thereof to any person or circumstances, shall to any extent be held invalid or unenforceable by any court of competent jurisdiction, then the remainder of the Agreement shall be valid and enforceable to the fullest extent provided by law.

19. <u>**Complete Agreement.**</u> This Agreement contains the entire agreement of the Parties hereto, and no representations, inducements, promises, or agreements, oral or otherwise, between the Parties not embodied herein shall be of any force or effect.

20. <u>Amendments.</u> Any amendment to this Agreement shall not be binding upon the Parties hereto unless such amendment is in writing and executed by all Parties hereto.

21. <u>Captions or Paragraph Headings.</u> Captions and paragraph headings contained in this Agreement are for convenience and reference only, and in no way define, describe, extend or limit the scope or intent of this Agreement, not the intent of any provision hereof. All exhibits are made a part of this Agreement by incorporation as though they were restated herein.

22. **Joint Preparation.** Preparation of this Agreement has been a joint effort of the Parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against a party to this Agreement.

23. **Further Assurances.** The Parties hereto agree to do, execute, acknowledge and deliver, or cause to be done, executed, acknowledged and delivered all other further acts and assurances

as shall be reasonably requested by the other party in order to carry out the intent of this Agreement and give effect thereto. Without in any manner limiting their specific rights and obligations set forth in this Agreement, the parties hereby declare their intention to cooperate with each other in effecting the terms of this Agreement, and to coordinate the performance of their respective obligations under the terms of this Agreement.

24. <u>Notices.</u> Except as otherwise expressly provided herein, notices may only be delivered by either (i) hand deliver, (ii) by certified mail, return receipt requested, (iii) delivery by overnight delivery serve such as UPS or FedEx, to the addressee at the address set forth herein, and shall be deemed to have been delivered on the date of receipt of such notice, if handdelivered, or, if mailed on the date the receipt for which the certified mail is signed by the addressee or its authorized agent or employee, or if sent by overnight delivery service, the day such notice is received, or (iv) by means of electronic facsimile transmission, which shall be deemed effective at the time the fax transmission is confirmed by the electronic confirmed receipt of transmission of the sender. Any party may change the address for notice to that party by delivering written notice of such change in the manner provided above, such change to be effective not sooner than three (3) days after the date of notice of change, addressed as provided hereinafter.

As to the County:	Vincent Long County Administrator Leon County 301 S. Monroe Street Tallahassee, FL 32301 Telephone: (850) 606-5300 Facsimile: (850) 606-5301
With a copy to:	Leon County Attorney's Office Attn: Patrick Kinni, Esquire 301 S. Monroe Street, Suite 217 Tallahassee, FL 32301 Telephone: (850) 606-2500 Facsimile: (850) 606-2501
As to Developer:	Edward M. Mitchell, Jr. 1330 Capital Circle NE Tallahassee, FL 32308 Telephone: (850) 933-3000 Facsimile: (850) 656-6435
With a copy to:	Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. Attn: Reggie L. Bouthillier, Esq. and Kelly O'Keefe, Esq. 106 E. College Ave., Suite 700 Tallahassee, FL 32301 Telephone: (850) 329-4844 Facsimile: (850) 329-4867

With a copy to: Fixel & Willis Attn: Joe W. Fixel, Esq. 211 S. Gadsden St. Tallahassee, FL 32301 Telephone: (850) 681-1800 Facsimile: (850) 681-9017

25. **Public Hearings.** The County Commission approved this Agreement on , 2017 after two public hearings before the County Commission, the first of which was on May 9, 2017, and the second of which was on ______, 2017.

26. <u>**Counterparts.**</u> This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same document.

27. <u>Incorporation of Exhibits.</u> Exhibits "A" - "M" are attached hereto and shall be deemed incorporated herein and made part of this Agreement.

WITNESS WHEREOF, the Parties hereto, through their duly authorized representatives, have executed this Agreement.

Signatures Follow on Next Page

Remainder of this Page is Intentionally Blank

LEON COUNTY, FLORIDA

By: John E. Dailey, Chairman Board of County Commissioners

Date: _____

ATTEST:

•

By: ______ Gwendolyn Marshall, Clerk of Court & Comptroller, Leon County, Florida

APPROVED AS TO FORM: Leon County Attorney's Office

By: _____

Herbert W. A. Thiele County Attorney

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

EDWARD M. MITCHELL, JR. a/k/a Eddie Mitchell

Name:

Developer

Date:_____

Name: _____

STATE OF FLORIDA COUNTY OF LEON

The foregoing Agreement was acknowledged before me this _____ day of ______, 2017 by Edward M. Mitchell, Jr., who is personally known to me or who has produced ______ as identification.

NOTARY PUBLIC

Printed Name My commission expires:

EXHIBITS

- A. The Property
- B. Parcel 100
- C. Parcel 101
- D. Parcel 102
- E. Development Plan
- F. Parcel 100 Approved Land Uses
- G. Parcel 100 Vesting Certificate, dated June 1, 1993
- H. Parcel 101 Drainage Easement
- I. Goodwill Improvements
- J. Parcel 102 Conservation and Drainage Easement
- K. FEMA Regulated Floodway Plan
- L. Architectural Design, Lighting and Sign Standards
- M. Canopy Conservation Area Impacts and Planting Plan

Exhibit "A"

The Property

NOTE: A full-size copy of this reduced exhibit is available by contacting the Leon County Administrator's Office

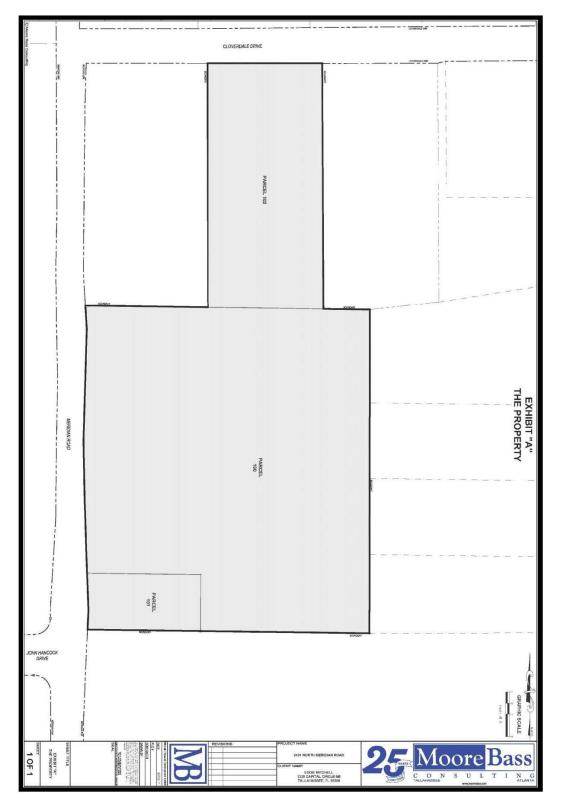


Exhibit "B" Parcel 100 (Parcel ID No. 1107202120000)



2844 PABLO AVENUE TALLAHASSEE, FL 32308 P:850.385.1179 F:850.385.1404

NCG Project Number 5668-001 June 17, 2014 Sheet 1 of 3

As per Official Record Book 910, Page 2023 of the Public Records of Leon County Florida.

Commence at the Northwest Corner of Section 7, Township 1 North, Range 1 East, Leon County, Florida, and run thence South 00 degrees 05 minutes 02 seconds West along the Section Line and East boundary of Meridian Street a distance of 1997.30 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue thence South 00 degrees 05 minutes 02 seconds West along the Section line and East boundary of Meridian Street a distance of 575.0 feet to a point on the Northerly boundary of a 50.0 foot natural gas line easement, thence South 89 degrees 14 minutes 59 seconds East along said Northerly boundary a distance of 500.0 feet, thence North 00 degrees 05 minutes 02 seconds West 500.0 feet to the POINT OF BEGINNING; containing 6.60 acres, more or less.

LESS & EXCEPT:

Commence at the Northwest Corner of Section 7, Township 1 North, Range 1 East, Leon County, Florida, and run thence South 00 degrees 05 minutes 02 seconds West along the West boundary of said Section 7 and the East right-of-way boundary of Meridian Road, a distance of 2472.30 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue thence South 00 degrees 05 minutes 02 seconds West along said West boundary of Section 7 and the East right-of-way boundary of Meridian Road 100.0 feet to a point on the North boundary of a Natural Gas line Easement, thence run South 89 degrees 14 minutes 59 seconds East along the North boundary of said Natural Gas Line Easement 200.0 feet, thence run North 00 degrees 05 minutes 02 seconds East along a line 200.0 feet East of and parallel to said West boundary of Section 7 and the East right-of-way boundary of Meridian Road 100.0 feet, thence run North 89 degrees 14 minutes 59 seconds East along a line 200.0 feet East of and parallel to said West boundary of Section 7 and the East right-of-way boundary of Meridian Road 100.0 feet, thence run North 89 degrees 14 minutes 59 seconds East along a line 100.0 feet North of and parallel to said Natural Gas Line Easement 200.0 feet to the POINT OF BEGINNING; containing 0.459 acre, more or less.

Being more particularly described by field survey as follows:

PENSACOLA NICEVILLE CHIPLEY TALLAHASSEE VALDOSTA

Exhibit "B" Page **1** of **3** Page 704 of 1014



2844 PABLO AVENUE TALLAHASSEE, FL 32308 P:850.385.1179 F:850.385.1404

NCG Project Number 5668-001 June 17, 2014 Sheet 2 of 3

PARCEL 100

Commence at the Northwest Corner of Section 7, Township 1 North, Range 1 East, Leon County, Florida, and run thence South 00 degrees 05 minutes 02 seconds West along the West boundary of said Section 7 a distance of 1997.30 feet to a found 4 inch by 4 inch concrete monument (broken) for the POINT OF BEGINNING. From said POINT OF BEGINNING thence leaving said West boundary run North 89 degrees 40 minutes 23 seconds West a distance of 5.18 feet to the Easterly maintained right of way boundary of Meridian Road (right of way varies); thence run along said Easterly maintained right of way boundary as follows: thence run South 03 degrees 57 minutes 31 seconds East a distance of 41.89 feet; thence run South 01 degree 11 minutes 29 seconds West a distance of 200.04 feet; thence run South 01 degree 40 minutes 22 seconds East a distance of 100.04 feet; thence run South 02 degrees 14 minutes 42 seconds East a distance of 100.08 feet; thence run South 02 degrees 38 minutes 55 seconds East a distance of 33.60 feet to a point lying on the North boundary of that property recorded in Official Records Book 1629, Page 2074 of said Public Records; thence leaving said Easterly maintained right of way boundary run South 89 degrees 45 minutes 03 seconds East along said North boundary a distance of 201.54 feet to a found 1/2" iron rod and cap (LB# 732); thence leaving said North boundary run South 00 degrees 24 minutes 43 seconds East along the East boundary of that property recorded in Official Records Book 1629, Page 2074 of said Public Records a distance of 100.01 feet to a found 4 inch by 4 inch concrete monument (LS# 1254) lying on the North boundary of a 50 foot Gas Line Easement; thence leaving said East boundary run South 89 degrees 45 minutes 03 seconds East along said North boundary a distance of 300.19 feet to a found 4 inch by 4 inch concrete monument (broken) marking the Southeast corner of that property recorded in Official Record Book 910, Page 2023 of said Public Records; thence leaving said North boundary and said Southeast corner run North 00 degrees 25 minutes 45 seconds West along the East boundary of that property recorded in Official Record Book 910, Page 2023 of said Public Records a distance of 574.68 feet to a found 4 inch by 4 inch concrete monument (LS# 1254) marking the Northeast corner of said property; thence leaving said Northeast corner run North 89 degrees 40 minutes 23 seconds West along the North boundary of said property a distance of 505.27 feet to the POINT OF BEGINNING, containing 6.20 acres, more or less.

James E. Melcher

Professional Surveyor and Mapper Florida Certificate No. 6159 NOBLES CONSULTING GROUP, Inc. Licensed Business No. 3293

PENSACOLA NICEVILLE CHIPLEY TALLAHASSEE VALDOSTA

Exhibit "B" Page **2** of **3** Page 705 of 1014

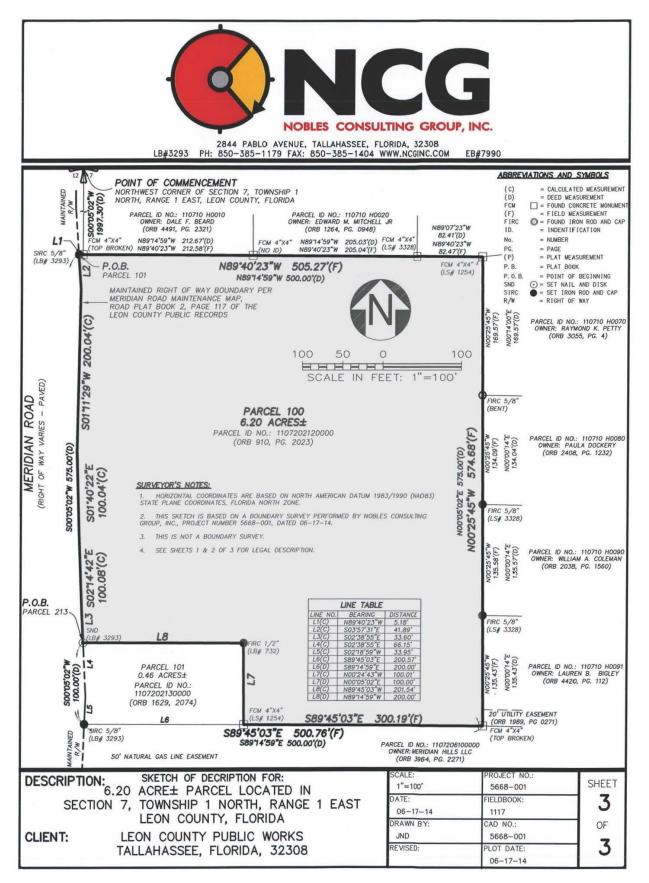


Exhibit "C" Parcel 101 (Parcel ID No. 1107202130000)



2844 PABLO AVENUE TALLAHASSEE, FL 32308 P:850.385.1179 F:850.385.1404

NCG Project Number 5668-001 June 17, 2014 Sheet 1 of 3

As per Official Record Book 1629, Page 2074 of the Public Records of Leon County Florida.

Commence at the Northwest Corner of Section 7, Township 1 North, Range 1 East, Leon County, Florida, and run South 00 degrees 05 minutes 02 seconds West along the West boundary of said Section 7 and the East right of way of boundary of Meridian Road a distance of 2472.30 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue South 00 degrees 05 minutes 02 seconds West along said West boundary of Section 7 and the East right of way boundary of Meridian Road 100.00 feet to a point on the North Boundary of a Natural Gas Line Easement, thence run South 89 degrees 14 minutes 59 seconds East along the North boundary of said Natural Gas Line Easement 200.00 feet, thence run North 00 degrees 05 minutes 02 seconds East along a line 200.00 feet East of and parallel to said West boundary of Section 7 and the East right of way boundary of Meridian Road 100.00 feet, thence run North 89 degrees 14 minutes 59 seconds East along the North boundary of Section 7 and the East right of way boundary of Meridian Road 100.00 feet, thence run North 89 degrees 14 minutes 59 seconds East along a line 200.00 feet East of and parallel to said West boundary of Section 7 and the East right of way boundary of Meridian Road 100.00 feet, thence run North 89 degrees 14 minutes 59 seconds West along a line 100.0 feet North of and parallel to said Natural Gas Line Easement 200.00 feet to the POINT OF BEGINNING.

Being more particularly described by field survey as follows:

PARCEL 101

Commence at the Northwest Corner of Section 7, Township 1 North, Range 1 East, Leon County, Florida, and run thence South 00 degrees 05 minutes 02 seconds West along the West boundary of said Section 7 a distance of 1997.30 feet to a found 4 inch by 4 inch concrete monument (broken); thence leaving said West boundary run North 89 degrees 40 minutes 23 seconds West a distance of 5.18 feet to the Easterly maintained right of way boundary of Meridian Road (right of way varies); thence run along said Easterly maintained right of way boundary as follows: thence run South 03 degrees 57 minutes 31 seconds East a distance of 41.89 feet; thence run South 01 degree 11 minutes 29 seconds West a distance of 100.04 feet; thence run South 02 degrees 14 minutes 42 seconds East a distance of 100.08 feet; thence run South 02 degrees 38 minutes 55 seconds East a distance of 33.60 feet to the POINT OF BEGINNING.

PENSACOLA NICEVILLE CHIPLEY TALLAHASSEE VALDOSTA

Exhibit "C" Page **1** of **3** Page 707 of 1014



2844 PABLO AVENUE TALLAHASSEE, FL 32308 P:850.385.1179 F:850.385.1404

NCG Project Number 5668-001 June 17, 2014 Sheet 2 of 3

From said POINT OF BEGINNING continue along said Easterly maintained right of way boundary South 02 degrees 38 minutes 55 seconds East a distance of 66.15; thence run South 02 degrees 18 minutes 59 seconds West a distance of 33.95 feet to a point lying on the North boundary of a 50 foot Natural Gas Line Easement; thence leaving said Easterly maintained right of way boundary run South 89 degrees 45 minutes 03 seconds East along said North boundary a distance of 200.57 feet to a found 4 inch by 4 inch concrete monument (LS# 1254) marking the Southeast corner of that property recorded in Official Record Book 1629, Page 2074 of said Public Records; thence leaving said North boundary and said Southeast corner run North 00 degrees 24 minutes 43 seconds West along the East boundary of said property a distance of 100.01 feet to a found 1/2 inch iron rod and cap (LB# 732) marking the Northeast Corner of said property; thence leaving said Northeast corner run North 89 degrees 45 minutes 03 seconds West along the North boundary of said property a distance of 201.54 feet to the POINT OF BEGINNING, containing 0.46 acre, more or less.

The above described property being subject to an Ingress / Egress Easement recorded in Official Records Book 4100, Page 1851 of said Public Records.

The above described property being subject to a Parking and Access Easement recorded in Official Records Book 4100, Page 1856 of said Public Records.

The above described property being subject to a Utility Easement recorded in Official Records Book 4100, Page 1859 of said Public Records.

Jamés E. Melcher Professional Surveyor and Mapper Florida Certificate No. 6159 NOBLES CONSULTING GROUP, Inc. Licensed Business No. 3293

PENSACOLA NICEVILLE CHIPLEY TALLAHASSEE VALDOSTA

Exhibit "C" Page **2** of **3** Page 708 of 1014

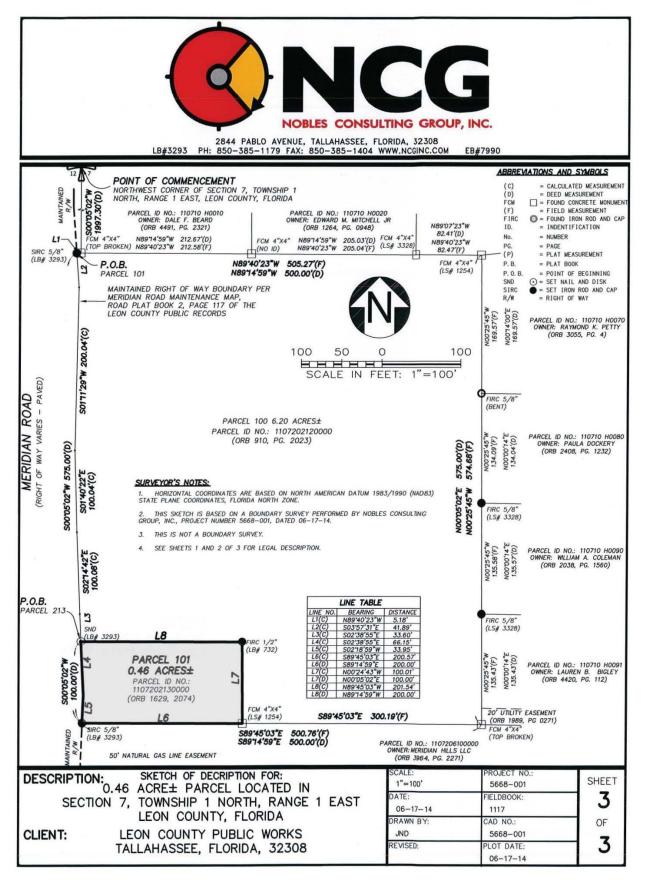


Exhibit "C" Page **3** of **3** Page 709 of 1014

Exhibit "D" Parcel 102 (Parcel ID No. 110710 H0020)

				RAPHIC SCALE
		oore Ba	ass	50 100 20
	C O N TALLAHASSEE	SULTI	N G ATLANTA	
	SKETCH OF	DESCRIPTIO		1 inch = 100 ft.
SECT	ION 7, TOWNSHIP 1 NORTH, RA			DA
POINT OF	S 00°05'02" W CLOVERDALE			
COMMENCEMENT NORTHWEST CORNER OF	1566.0 (D) EAST 210.0' (D)	EAST 205.0'(D)		
SECTION 7, TOWNSHIP 1 NORTH, RANGE 1 EAST, LEON COUNTY, FLORIDA	POINT OF _/ BEGINNING			T
LEON DOURT, FLONDA				
1				(0)
1				(ASSLME
1	2			HTBON
	434.09° (D	PARCEL 102	(D)	~
1		TAX ID: 110710 H0 O.R. BOOK 126		
	N 00~16, W	PAGE 948 2.04± ACRES	00-16	
		2.041 MOREO		
			EN	ANDARD ABBREVIATIONS: EAST NORTH
			O.R. R/W	OFFICIAL RECORDS
			S W	SOUTH WEST
			(D)	DEED INFORMATION
OAD		N 89°14'59" W 205.03'	(0)	
ANR			5)	
WERIDIAN ROAD				
ME		LEGAL DESCRIPTIO	N: O.R. Book 1264, page	948
		PARCEL 102		
1 1				nonument marking the Northwest East, Leon County, Florida, and run
		along the Easterly box	undary of Meridian Road	ds West along the Section Line and 1566.0 feet to a point on the South
		boundary 210.0 feet to	the POINT OF BEGINN	ce East along said right-of-way ING. From SAID POINT OF vay boundary 205.0 feet, thence
	PARCEL 100	South 00 degrees 16	minutes East 436.77 feet,	thence North 89 degrees 14 minutes degrees 16 minutes West 434.09 feet
	TAX ID: 110720212000			un - errete constanting (165,5,5,5,5,6,5,5,7,7,5,6)
		GENERAL NOTE		R THAN SHOWN HEREON.
		 BEARINGS AR PAGE 968 OF 	E BASED ON THE LAND THE PUBLIC RECORDS	OS DESCRIBED IN O.R. BOOK 1264, OF LEON COUNTY, FLORIDA.
		ADDITIONS OF		EY MAP OR REPORT BY OTHER
			SNING PARTY OR PART	IES IS PROHIBITED WITHOUT PARTY OR PARTIES.
		SURVEYOR'S	PETRENTION	59).
		I hereby centry that i Standards of Particip	SKETCH OF DESCRI	PTION shown hereon meets the
		The undersigned sur of matters are doing t	vevor has not been provi to proceeding to the sut	PTION shown hereon meets the e State of Florida (F.A.C. 5J-17). ded a current title opinion or abstraction sect property. It is possible there are
	PARCEL 101 TAX ID: 1107202130000	deeds of errord, and affect the goundances	scanded deeds, easemen	yect property. It is possible there are ts or other instruments which could
		SKI1X	los prist	
JOHN HANCOCK DRIVE		LARRY D. DAWS REGISTERED FLOR	RIDA CAND SURVEYOR	NO. 5254
C Moore Bass Consulting	The Drawings, Specifications and other documents p	prepared by Moore Bass Consulting.	FILE #	Mitchial - SK - Parcel 102.dwg
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDAL IDENSED SURVEYOR AND MAPPER THIS DRAWNO, SKETCH PART. OR MAP IS FOR INFORMATION PURPOSES ONLY AND IS NOT VALID.	Inc. (MB) for this Project are instruments of MB for u and, unless otherwise provided, MB shall be deeme shall retain all common law, statutory and other rese	d the author of these documents and	NOTEBOOK #	PAGE # M/21/2017 DRAWN BY AJT
MOORE BASS CONSULTING, INC. 805 N. GADSDEN STREET TALLAHASSEE, FL. 32003 (850) 222-5678 1330 CA	EDDIE MITCHELL 3	401 NORTH MERIDIAN ROAD	SHEET TITLE SKETCH	I OF DESCRIPTION ARCEL 102)
C MBC/Dropbox/Eddie Mitchell - Meridian Road/EXHBITS	PITAL CIRCLE NE TALLAHASSEE, FL 32308 32917 04.21 FINALMitchell - SK - Parcel 102 dwg, 1, kandree, A	pr 20, 2017 - 5 11 05pm	1 0	101044 /061

Exhibit "D" Page **1** of **1** Page 710 of 1014

Exhibit "E" Development Plan

NOTE: A full-size copy of this reduced exhibit is available by contacting the Leon County Administrator's Office

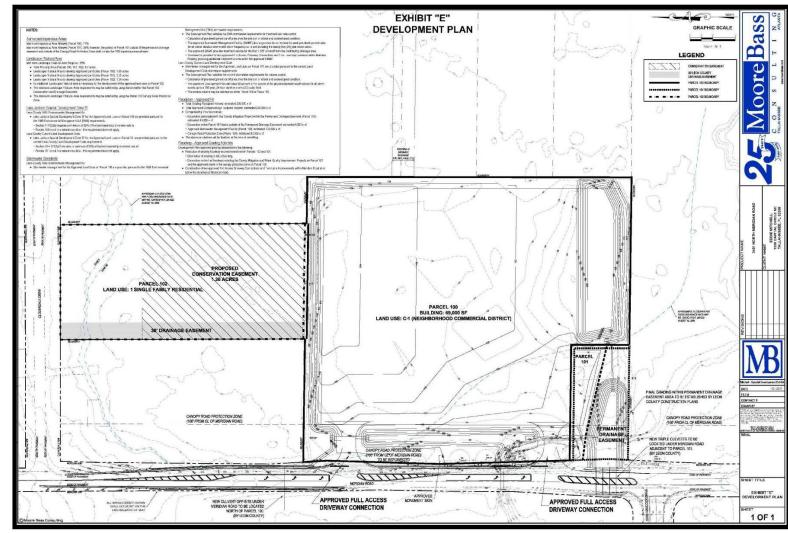


Exhibit "E" Page 2 of 3

Enlargement of Development Plan "NOTES" Page 1 of 2

Authorized Impervious Areas

Maximum Impervious Area Allowed (Parcel 100): 71%

Maximum Impervious Area Allowed (Parcel 101): 24%; however, the portion of Parcel 101 outside of the permanent drainage easement and outside of the Canopy Road Protection Zone shall contain the 24% impervious area allowed.

Landscape / Natural Area

Minimum Landscape / Natural Area Required: 25%

- Total Property Area (Parcels 100, 101, 102): 8.7 acres
- Landscape / Natural Area to develop Approved Land Uses (Parcel 100): 1.80 acres
- Landscape / Natural Area to develop Approved Land Uses (Parcel 101): 0.35 acres
- Landscape / Natural Area to develop Approved Land Uses (Parcel 102): 1.36 acres
- No additional Landscape / Natural area is necessary for the development of the approved land uses on Parcel 102.
- The minimum Landscape / Natural Area requirements may be satisfied by using the land within the Parcel 102 Conservation and Drainage Easement.
- The minimum Landscape / Natural Area requirements may be satisfied by using the Parcel 100 Canopy Road Protection Zone.

Lake Jackson Special Development Zone 'B'

Leon County 1989 Environmental Management Act

- Lake Jackson Special Development Zone 'B" for the Approved Land Uses on Parcel 100 are provided pursuant to the 1989 Environmental Management Act (EMA) requirements.
 - Section 7-17(2)(b) requires a minimum of 50% of the land ownership to remain natural.
 - Parcels 100 is not in a natural condition this requirement does not apply.

Leon County Current Land Development Code

- Lake Jackson Special Development Zone 'B" for the Approved Land Uses on Parcel 101 are provided pursuant to the current Leon County Land Development Code requirements.
 - Section 10-4.323(b)(2) requires a minimum of 50% of the land ownership to remain natural.
 - Parcels 101 is not in a natural condition this requirement does not apply.

Stormwater Standards

Leon County 1989 Environmental Management Act

- Stormwater management for the Approved Land Uses on Parcel 100 are provided pursuant to the 1989 Environmental Management Act (EMA) stormwater requirements.
- The Development Plan satisfies the EMA stormwater requirements for treatment and rate control.
 - o Calculation of pre-development runoff presumes the site is in a natural and undeveloped condition.
 - The approved Stormwater Management Facility (SWMF) discharge rates do not exceed the peak predevelopment rates for all critical duration storms with return frequency up to and including the twentyfive (25) year storm period.
 - The approved SWMF provides treatment volume for the first 1.125" of runoff from the contributing drainage area.
 - Treatment is provided for two approved Full Access Driveway Connections and Turn Lane Improvements within Meridian Road by providing additional treatment volume within the approved SWMF.

Exhibit "E" Page **3** of **3**

Enlargement of Development Plan "NOTES" Page 2 of 2

Leon County Current Land Development Code

- Stormwater management for the Approved Land Uses on Parcel 101 are provided pursuant to the current Land Development Code stormwater requirements.
- The Development Plan satisfies the current stormwater requirements for volume control.
 - Calculation of pre-development runoff presumes the site is in a natural and undeveloped condition.
 - The approved Development Plan will retain 50 percent of the excess of the pre-development runoff volume for all storm events up to a 100-year, 24-hour duration storm (363 cubic feet)
 - The excess volume may be retained on either Parcel 100 or Parcel 101.

Floodplain - Approved Fill

- Total Existing Floodplain Volume: estimated 230,000 ± cf
- Total Approved Compensating Floodplain Volume: estimated 230,000 ± cf
- Compensating Volume sources:
 - Excavation associated with the County Mitigation Project within the Permanent Drainage Easement (Parcel 101): estimated 43,000 ± cf
 - Excavation within Parcel 101 that is outside of the Permanent Drainage Easement: estimated 4,000 ± cf
 - Approved Stormwater Management Facility (Parcel 100): estimated 100,500 ± cf
 - Canopy Road Protection Zone (Parcel 100): estimated 82,500 ± cf
- The above calculations will be finalized at the time of permitting.

Floodway - Approved Grading Activities

Development Plan approved grading demonstrates the following:

- Reduction of existing floodway encroachments within Parcels 100 and 101.
 - Elimination of existing 2,400 sf building.
 - Excavation within the floodway including the County Mitigation and Water Quality Improvement Projects on Parcel 101 and the approved swale in the canopy protection zone on Parcel 100.
- Construction of two approved Full Access Driveway Connections and Turn Lane Improvements within Meridian Road at or below the elevation of Meridian Road.

Exhibit "F" Parcel 100 Approved Land Uses

Section 6.20. C-1 Neighborhood Commercial District.

1. District Intent		USES PE 2. Unrestricted Uses			3. Restricted Uses				
		a. Principal Uses		ssory Uses	a. Use		b. Applicable Article XIII S		
The provisions of the C-1 District are intended to apply to urban areas with direct access to a major street located within convenient traveling		 (1) Retail food and grocery. (2) Retail drug store. (3) Retail hardware, paint 	structur to one o	(1) Customary uses and structures clearly incidental to one or more permitted uses and structures.	(1) Service stations without major mechanical repairs.		Subsections 1	, 3.	
		and garden supply. (4) Retail variety store. (5) Retail package liquors.			(2) Reserved.				
listance to on leighborhood mall groups ommercial, p	ls, wherein of retail	(6) Retail department store (7) Retail apparel and accessories.				(3) Transient lodgings.		Subsection 2.	
office and financial and other convenience commercial activities are permitted. The district is not intended to accommodate large scale commercial or service activities or automotive or other types of more intensive commercial activity.	 (6) Retail specialties toys, sewing equipment, camera, phonographs, gifts, stationery, books, luggage and similar uses. (9) Retail newsstand. (10) Retail small appliances (portable). (11) Retail pet stores, in a completely enclosed structure. (12) Restaurants and delicatessens. (13) Cocktail lounges and bars. (14) Indoor amusements (bowling, pool, billiards and similar uses). (15) Indoor theaters (including amphitheaters). (16) Financial institutions with drive-in windows. (17) Veterinary hospitals in completely enclosed structure. (18) Personal services (barber and beauty shops, massaging, etc.). (19) Business offices and services. (20) Non-medical professional offices and services. (21) Medical offices and services. (22) Nursery and child caref facilities. (23) Repair services – small items (shoes, apparel, TV and radio, business machines, and similar uses). (24) Churches and schools. (25) Social, fraternal and recreational clubs and lodges. 	s d 1		(4) Retail dry cleaning establishments.		Subsection 5, specifically: a. A nonflammable cleaning solvent must be used. b. Specifically excludes industrial laundries and industrial dry cleaning establishments which are defined as those establishments which launder or dry clean garments and linens which are rented out by that cleaning establishment. c. When such site borders residential zoning district, a plan must be submitted demonstrating protection of the residential property from adverse noise, vibration, fumes or odors from the retail dry cleaning establishment.			
	(26) Laundromats, laundry and dry cleaning pick-up stations.								
			DEVELO	OPMENT STANDAR	DS				
	4. Minimu	un Lot or Site Size	5. Minimum Building Setbacks*				um Building fictions		
		Lot c. Lot Depth a		b. Side-Interior Lot	c. Side-Corner Lot	d. Rear	a. Lot Coverage or Floor Area Ratio	b. Building Height	
	None		25 feet	None, except 15 ft. when adjoining a residential district	25 feet	10 feet		35 feet	

* See Section 9.9

(Ord. No. 73-0-1346, § 1, 4-17-73; Ord. No. 73-0-1361, § 1, 6-26-73; Ord. No. 73-0-1379, § 1, 8-28-73; Ord. No. 80-0-1763, § 1, 3-23-80; Ord. No. 82-0-1969, § 1, 2-24-82)

Supp. No. 17

1876

Exhibit "G" Parcel 100 Vesting Certificate Dated June 1, 1993



TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT



CERTIFICATION OF VESTED STATUS

This certificate of vested status is issued for the development or property herein described and confirms that said development or property is exempt from the consistency and concurrency provisions of the Tallahassee-Leon County 2010 Comprehensive Plan based upon findings established through review by the Florida First District Court of Appeals rendered on December 31, 1992.

This certificate of Vested Status does not preclude enforcement actions brought pursuant to a violation of any applicable federal, state or local laws.

DESCRIPTION

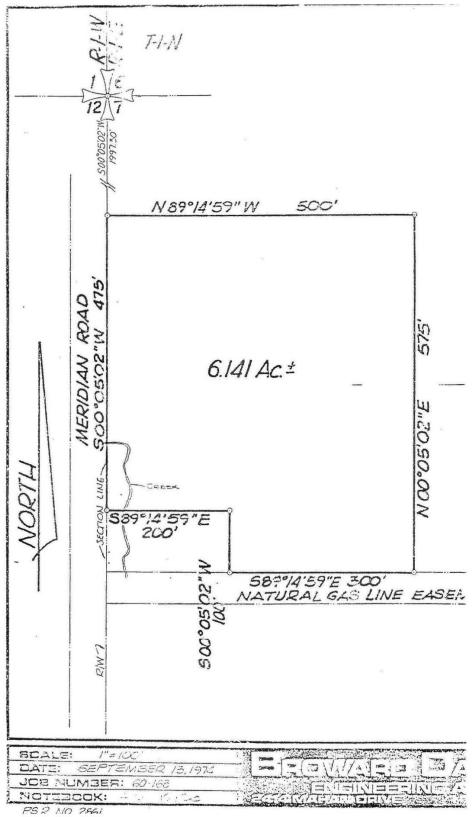
The property as described in Exhibit "A" containing 6.141 acres, more or less, on Meridian Road is vested for the following intensity and density of land uses:

C-1, Neighborhood Commercial Uses (1970 Zoning Code, as amended)

69,000 Gross Sq. Ft.

Martin P. Black, AICP Chief of Land Use Administration

Jue 1, 1993



LEGAL DESCRIPTION

Commence at the Northwest corner of Section 7, Township 1 North; Range 1 East, Leon County, Florida, and run South 00 degrees 05 minutes 02 seconds West along the West boundary of said Section 7 and the East rightof-way boundary of Meridian Road 1997.30 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue South 00 degrees 05 minutes 02 seconds west along said West boundary Section 7 and the East right-of-way boundary of Meridian Road 475.00 feet, thence run South 89 degrees 14 minutes 59 seconds East along a line 100.0 feet North of and parallel to the North boundary of a · Natural Gas Line Easement 200.0 feet, thence run South 00 degrees 05 minutes 02 seconds west along a line 200 feet East of and parallel to said West boundary of Section 7 and the East right-of-way boundary of Meridian Road 100.0 feet to a point of the North boundary of said Natural Gas Line Easement thence run South 89 degrees 14 minutes 59 seconds East along the North boundary of said Natural Gas Line Easement 300.0 feet, thence run North 00 degrees 05 minutes 02 seconds East along a line 500.0 feet East of and parallel to said West boundary of Section 7, and the East boundary of Meridian 'Road 575.0 feet, thence run North 89 degrees 14 minutes 59 seconds West along a line 575.0 feet North and parallel to the North boundary of said Natural Gas Line Easement 500.0 feet to the POINT OF BEGINNING. containing 6.141 acres, more or less.

Alla

Exhibit "G" Page **3** of **4** Page 717 of 1014

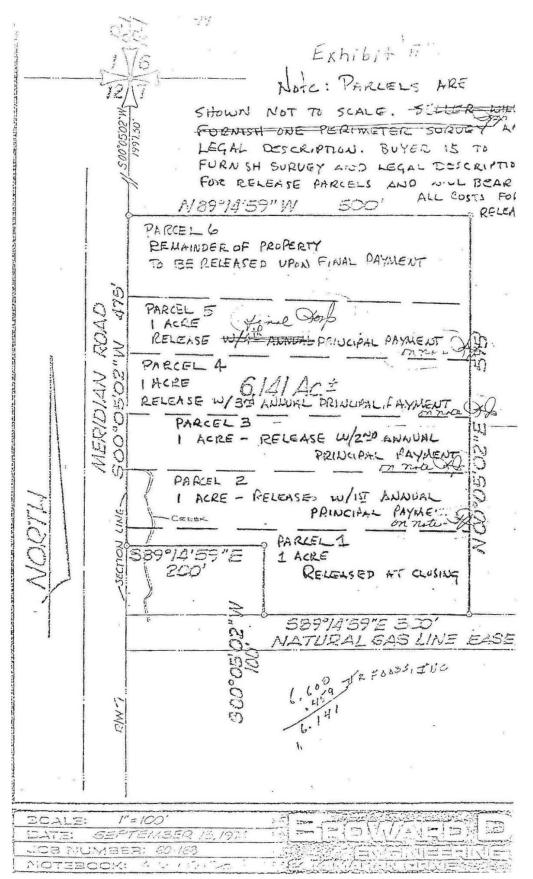


Exhibit "G" Page 4 of 4 Page 718 of 1014

Exhibit "H" Parcel 101 Drainage Easement

This Instrument prepared by: Herbert W.A. Thiele, Esq., County Attorney Leon County Attorney's Office 301 South Monroe Street, Suite 202 Tallahassee, Florida 32301

Fords Arm South Water Quality Improvement Project Tax ID No. 1107202120000 1107202130000

DRAINAGE EASEMENT AGREEMENT

THIS DRAINAGE EASEMENT AGREEMENT ("Parcel 101 Drainage Easement Agreement") is made and executed this _____ day of ______, 2017, by EDWARD M. MITCHELL, JR. a/k/a Eddie Mitchell, whose post office address is 1330 Capital Circle NE, Tallahassee, FL 32308, as Grantor, to LEON COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida, having a mailing address of Division of Real Estate Management, 301 South Monroe Street, Suite 202, Tallahassee, Florida 32301, as Grantee.

WHEREAS, Grantor owns in fee simple certain real property in Leon County depicted in Composite Exhibit "1" as "Parcel 100" and "Parcel 101";

WHEREAS, the Grantor and Grantee have entered this Parcel 101 Drainage Easement Agreement pursuant to the terms of a Development Agreement recorded at book ______, and page ______, Official Records of Leon County, Florida (the "Development Agreement"), as specifically provided for therein;

NOW THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby conveys, transfers and grants unto Grantee, its successors and assigns the easements set forth herein.

AGREEMENT

1. <u>Recitals</u>. The recitals set forth above are true and correct and are incorporated herein by reference into this Parcel 101 Drainage Easement Agreement.

2. <u>Title to Parcel 100 and 101</u>. Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

3. Grant of Easements

3.1 <u>Parcel 100 Temporary Construction Easement</u>. Grantor hereby conveys, transfers and grants unto Grantee, its successors and assigns, a non-exclusive, temporary construction easement (**"Parcel 100 Temporary Construction Easement"**) over the shaded area on Parcel 100 as depicted within **Exhibit "2"** attached hereto (**"P100 TCE Area"**), for the purpose of Grantee constructing the Goodwill Improvements (as defined by the Development Agreement) as part of the County Mitigation Project (as defined by the Development).

3.2 <u>Parcel 101 Drainage Easement.</u> Grantor hereby conveys, transfers and grants unto Grantee, its successors and assigns, a perpetual, exclusive drainage easement (**"Parcel 101 Drainage Easement"**) over and upon the .28 acres within that portion of Parcel 101 described in the legal description and sketch attached hereto as **Exhibit "3"**

Exhibit "H" Page **1** of **16** Page 719 of 1014 (**"P101 Drainage Easement Area"**), for the construction, operation and maintenance of the County Mitigation Project (as defined by the Development Agreement).

3.3 <u>Parcels 100 and 101 Temporary Construction Easement.</u> Grantor hereby conveys, transfers and grants unto Grantee, its successors and assigns, a non-exclusive, temporary construction easement (**"Parcels 100 and 101 Temporary Construction Easement"**) over the shaded areas on Parcels 100 and 101 as depicted within **Exhibit "4"** attached hereto (**"P100 & 101 TCE Area"**), for the purpose of Grantee constructing the County Mitigation Project (as defined by the Development Agreement).

3.4 <u>Avoidance of Condemnation.</u> The easements described in this Section 3 are being conveyed by Grantor under the threat and in lieu of condemnation pursuant to Chapters 73, 74 and 127, Florida Statutes as provided by the Development Agreement ("Condemnation Threat").

4. <u>Terms of Parcel 100 Temporary Construction Easement.</u>

4.1 <u>Purpose.</u> The Parcel 100 Temporary Construction Easement shall be used by Grantee for the sole purpose of ingress and egress in, over, under, on, and through the P100 TCE Area to construct the Goodwill Improvements (as defined by the Development Agreement) which shall be completed prior to Grantee commencing construction of the County Mitigation Project (as defined by the Development Agreement).

4.2 <u>Restoration.</u> Upon completion of the Goodwill Improvements:

a. Grantee shall remove its excess materials and equipment from the P100 TCE Area; and

b. Grantee shall, to the extent necessary, stabilize any disturbed non-graveled portions of P100 TCE Area with grass and mulch.

4.3 <u>Termination</u>. The Parcel 100 Temporary Construction Easement shall terminate upon Grantee's recording of a notice of termination and release of said easement at the completion of Grantee's construction of the Goodwill Improvements and the removal of its materials and equipment associated with said construction activities; provided, however, that the Parcel 100 Temporary Construction Easement shall automatically terminate three years from the Effective Date, unless otherwise agreed to by the mutual written and recorded consent of the Parties. Upon the termination or expiration of the Parcel 100 Temporary Construction Easement, all of the rights and benefits of Grantee with respect to said easement shall automatically terminate and be of no further force and effect.

4.4 <u>Reservation of Rights.</u> Grantor reserves unto itself and is successors and assigns the right and privilege to use the P100 TCE Area in common with Grantee for all purposes except as might interfere with Grantee's construction of the Goodwill Improvements.

Page 2 of 6

Exhibit "H" Page **2** of **16** Page 720 of 1014

5. <u>Terms of Parcel 101 Drainage Easement.</u>

5.1 <u>Purpose</u>. The Parcel 101 Drainage Easement shall be used by Grantee for the sole purpose of ingress and egress in, over, under, on, and through the P101 Drainage Easement Area for clearing, excavating, constructing, and maintaining the County Mitigation Project (as defined by the Development Agreement).

5.2 <u>Maintenance Obligations.</u> Grantee's specific maintenance obligations for the County Mitigation Project and the P101 Drainage Easement Area shall include but not be limited to regularly inspecting and, at all times, maintaining the County Mitigation Project in good order and repair and in proper operating condition with sufficient safety mechanisms in place to protect against unauthorized use of the County Mitigation Project or the P101 Drainage Easement Area.

5.3 <u>Reservation of Rights</u>. Grantor reserves unto itself and is successors and assigns:

a. All rights accruing from ownership of Parcel 101, including the right to engage in or permit or invite others to engage in all uses of Parcel 101 that are not expressly prohibited herein, are not inconsistent with, and do not interfere with the County Mitigation Project or the purpose of the Parcel 101 Drainage Easement, and are in compliance with all applicable laws.

b. The right to connect, in a manner substantially similar to that depicted on Exhibit "E" to the Development Agreement, including but not limited to: (i) an outfall from Grantor's future stormwater management facility on Parcel 100 to the County Mitigation Project, and (ii) cross drains to Grantor's drainage swale along the Meridian Road frontage.

c. All rights to discharge stormwater from Parcels 100 and 101 in predevelopment and post-development conditions to the Parcel 101 Drainage Easement Area and/or County Mitigation Project.

6. <u>Terms of the Parcels 100 and 101 Temporary Construction Easement:</u>

6.1 <u>Purpose.</u> The Parcels 100 and 101 Temporary Construction Easement shall be used by Grantee for the sole purpose of ingress and egress in, over, under, on, and through the P100 & 101 TCE Area to construct the County Mitigation Project (as described by the Development Agreement). These construction activities shall not commence in the P100 & 101 TCE Area until the construction of the Goodwill Improvements as described in Section 4.1 above is completed by Grantee.

- 6.2 <u>Restoration.</u> Upon completion of the County Mitigation Project:
 - a. Grantee shall remove its equipment from the P100 & 101 TCE Area;

b. Grantee shall remove the fencing from the Fenced Construction Laydown Site; and

c. Grantee shall stabilize the P100 & 101 TCE Area with hydro-seeding, sod, and/or other such vegetation as may be appropriate for vegetative stabilization.

6.3 <u>Termination</u>. The Parcels 100 and 101 Temporary Construction Easement shall terminate upon Grantee's recording of a notice of termination and release at the completion of Grantee's construction of the County Mitigation Project, including the

Page 3 of 6

restoration required by paragraph 6.2 above; provided, however, that the Parcels 100 and 101 Temporary Construction Easement shall automatically expire three years from the Effective Date, unless otherwise agreed to by the mutual written and recorded consent of the Parties. Upon the termination or expiration of the Parcels 100 and 101 Temporary Construction Easement, all of the rights and benefits of Grantee with respect to said easement shall automatically terminate and be of no further force and effect.

6.4 <u>Reservation of Rights.</u> Grantor reserves unto itself and its successors and assigns the right and privilege to exclusive and continued use of the P100 & 101 TCE Area for ingress, egress, parking, and handicapped access associated with the Goodwill site until Grantee completes construction of the Goodwill Improvements on the P100 TCE Area. The Parties agree to cooperate and work together in good faith during the construction of the County Mitigation Project, Goodwill Improvements, and development otherwise authorized herein. In the event Grantor develops Parcels 100 and 101 pursuant to the Development Agreement prior to Grantee's completion of construction of the County Mitigation Project or the automatic expiration of the three-year term of the Parcels 100 and 101 Temporary Construction Easement, the Parties agree to relocate the P100 TCE Area to another location on Parcel 100 agreeable to the Parties.

7. <u>Easements Running with the Land.</u> The easements, agreements and covenants set forth above are of a commercial nature, freely transferable, and are intended to be, and shall be construed as easements, agreements and covenants appurtenant to and running with the land and the burdens and benefits of said easements, agreements and covenants shall run with the title to Parcels 100 and 101, and shall bind and inure to the benefit of the Parties, their successors in title and assigns as provided for herein.

8. <u>Dedication.</u> The rights granted to the Grantee in this Parcel 101 Drainage Easement Agreement shall not be deemed a dedication of all or any portion of Parcels 100 or 101 for public use. No members of the public shall be granted access to any portion of Parcels 100 or 101 without Grantor's prior written authorization.

9. Indemnity.

9.1 <u>Indemnification by Grantor</u>. Grantor hereby agrees to indemnify, defend, save, and hold harmless Grantee, its officers, agents, contractors, and employees, from all claims, demands, liabilities, and suits arising out of, because of, or due to any negligent act of Grantor, its officers, agents, contractors and employees arising out of Grantor's use of the Parcel 101 Drainage Easement Area.

9.2 Indemnification by Grantee. To the extent allowed by the Constitution and laws of the State of Florida, including Section 768.28, Florida Statutes, Grantee hereby agrees to indemnify, defend, save, and hold harmless Grantor, its officers, agents, contractors and employees from all claims, demands, liabilities, and suits arising out of arising out of Grantee's (including Grantee's officers, agents, contractors and employees) use of Parcel 100 and Parcel 101.

10. <u>Applicable Law.</u> This Parcel 101 Drainage Easement Agreement shall be construed in accordance with the laws of the State of Florida.

11. <u>Severability.</u> If any provision of this Parcel 101 Drainage Easement Agreement, or the application thereof to any person or circumstances, shall be for any reason and to any extent be

Page 4 of 6

Exhibit "H" Page **4** of **16** Page 722 of 1014 invalid or unenforceable, the remainder of this Parcel 101 Drainage Easement Agreement and the application of such provision to other persons or circumstances shall not be affected thereby but rather shall be enforce to the greatest extent permitted by law.

12. <u>Further Assurances.</u> Each party hereto agrees to give further assurances to each other party hereto, by way of executing such other and further instruments and documents as may be reasonably necessary to effectuate and carry out the intents and purposes of this Parcel 101 Drainage Easement Agreement.

13. <u>Counterparts.</u> This Parcel 101 Drainage Easement Agreement may be executed in counterparts, each of which shall be deemed an original copy and all of which together shall constitute one agreement binding on all partied hereto, notwithstanding that all the Parties shall not have signed the same counterpart.

14. <u>Effective Date.</u> The effective date of this Parcel 101 Drainage Easement Agreement shall be the date upon which the last of the Parties signatures is evidenced herein (the "Effective Date").

IN WITNESS WHEREOF, Grantor and Grantee have caused these covenants to be
executed and their seal to be affixed hereto on the day and year first above written.
Signed, sealed and delivered
in the presence of: EDWARD M. MITCHELL, JR., a/k/a
• Eddie Mitchell
(Signature)
(Typed or Printed Name)
(Signature)
(Typed or Printed Name)
STATE OF FLORIDA
COUNTX OF LEON
The foregoing instrument was acknowledged before me this day of, 2017,
by Eddie Mitchell, who is personally known to me or who has produced
as identification, and who did take an oath.
NOTARY PUBLIC
Signature
Typed or printed name
My Commission expires

[GRANTEE'S SIGNATURE IS ON FOLLOWING PAGE]

Page 5 of 6

	LEON COUNTY, FLORIDA
_(Signature)	
_(Typed or Printed Name)	
(Signature)	
_(Typed or Printed Name)	-
nent was acknowledged before in, as	, who is personally known to me or as identification, and who did take an JBDIC ted name
	(Typed or Printed Name) (Signature) (Typed or Printed Name) nent was acknowledged before , as NOTARY PU Signature Typed or print

L14-041 #560329v5

Page 6 of 6

Exhibit "H" Page 6 of 16 Page 724 of 1014

Composite Exhibit 1 Parcels 100 and 101

Parcel 100 Sheet 1 of 3



2844 PABLO AVENUE TALLAHASSEE, FL 32308 P:850.385.1179 F:850.385.1404

NCG Project Number 5668-001 June 17, 2014 Sheet 1 of 3

As per Official Record Book 910, Page 2023 of the Public Records of Leon County Florida.

Commence at the Northwest Corner of Section 7, Township 1 North, Range 1 East, Leon County, Florida, and run thence South 00 degrees 05 minutes 02 seconds West along the Section Line and East boundary of Meridian Street a distance of 1997.30 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue thence South 00 degrees 05 minutes 02 seconds West along the Section Line and East boundary of Meridian Street a distance of 575.0 feet to a point on the Northerly boundary of a 50.0 foot natural gas line easement, thence South 89 degrees 14 minutes 59 seconds East along said Northerly boundary a distance of 500.0 feet, thence North 00 degrees 05 minutes 02 seconds East 575.0 feet, thence North 89 degrees 14 minutes 59 seconds West 500.0 feet to the POINT OF BEGINNING; containing 6.60 acres, more or less.

LESS & EXCEPT:

Commence at the Northwest Corner of Section 7, Township 1 North, Range 1 East, Leon County, Florida, and run thence South 00 degrees 05 minutes 02 seconds West along the West boundary of said Section 7 and the East right-of-way boundary of Meridian Road, a distance of 2472.30 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue thence South 00 degrees 05 minutes 02 seconds West along said West boundary of Section 7 and the East right-of-way boundary of Meridian Road 100.0 feet to a point on the North boundary of a Natural Gas line Easement, thence run South 89 degrees 14 minutes 59 seconds East along the North boundary of said Natural Gas Line Easement 200.0 feet, thence run North 00 degrees 05 minutes 02 seconds East along a line 200.0 feet East of and parallel to said West boundary of Section 7 and the East right-ofway boundary of Meridian Road 100.0 feet, thence run North 89 degrees 14 minutes 59 seconds West along a line 100.0 feet North of and parallel to said Natural Gas Line Easement 200.0 feet to the POINT OF BEGINNING; containing 0.459 acre, more or less.

Being more particularly described by field survey as follows:

PENSACOLA - NICEVILLE - CHIPLEY - TALLAHASSEE - VALDOSTA

Composite Exhibit 1 Page 1 of 6

Exhibit "H" Page **7** of **16** Page 725 of 1014 Parcel 100 Sheet 2 of 3



2844 PABLO AVENUE TALLAHASSEE, FL 32308 P:850.385.1179 F:850.385.1404

NCG Project Number 5668-001 June 17, 2014 Sheet 2 of 3

PARCEL 100

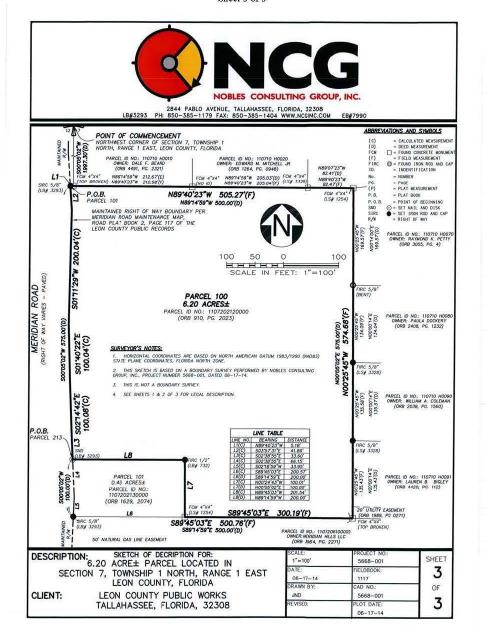
Commence at the Northwest Corner of Section 7, Township 1 North, Range 1 East, Leon County, Florida, and run thence South 00 degrees 05 minutes 02 seconds West along the West boundary of said Section 7 a distance of 1997.30 feet to a found 4 inch by 4 inch concrete monument (broken) for the POINT OF BEGINNING. From said POINT OF BEGINNING thence leaving said West boundary run North 89 degrees 40 minutes 23 seconds West a distance of 5.18 feet to the Easterly maintained right of way boundary of Meridian Road (right of way varies); thence run along said Easterly maintained right of way boundary as follows: thence run South 03 degrees 57 minutes 31 seconds East a distance of 41.89 feet; thence run South 01 degree 11 minutes 29 seconds West a distance of 200.04 feet; thence run South 01 degree 40 minutes 22 seconds East a distance of 100.04 feet; thence run South 02 degrees 14 minutes 42 seconds East a distance of 100.08 feet; thence run South 02 degrees 38 minutes 55 seconds East a distance of 33.60 feet to a point lying on the North boundary of that property recorded in Official Records Book 1629, Page 2074 of said Public Records; thence leaving said Easterly maintained right of way boundary run South 89 degrees 45 minutes 03 seconds East along said North boundary a distance of 201.54 feet to a found 1/2" iron rod and cap (LB# 732); thence leaving said North boundary run South 00 degrees 24 minutes 43 seconds East along the East boundary of that property recorded in Official Records Book 1629, Page 2074 of said Public Records a distance of 100.01 feet to a found 4 inch by 4 inch concrete monument (LS# 1254) lying on the North boundary of a 50 foot Gas Line Easement; thence leaving said East boundary run South 89 degrees 45 minutes 03 seconds East along said North boundary a distance of 300.19 feet to a found 4 inch by 4 inch concrete monument (broken) marking the Southeast corner of that property recorded in Official Record Book 910, Page 2023 of said Public Records; thence leaving said North boundary and said Southeast corner run North 00 degrees 25 minutes 45 seconds West along the East boundary of that property recorded in Official Record Book 910, Page 2023 of said Public Records a distance of 574.68 feet to a found 4 inch by 4 inch concrete monument (LS# 1254) marking the Northeast corner of said property; thence leaving said Northeast corner run North 89 degrees 40 minutes 23 seconds West along the North boundary of said property a distance of 505.27 feet to the POINT OF BEGINNING, containing 6.20 acres, more or less.

James E. Melcher Professional Surveyor and Mapper Florida Certificate No. 6159 NOBLES CONSULTING GROUP, Inc. Licensed Business No. 3293

PENSACOLA NICEVILLE CHIPLEY TALLAHASSEE VALDOSTA

Composite Exhibit 1 Page **2** of **6**

Exhibit "H" Page **8** of **16** Page 726 of 1014 Parcel 100 Sheet 3 of 3



Composite Exhibit 1 Page **3** of **6**

Exhibit "H" Page **9** of **16** Page 727 of 1014 Parcel 101 Sheet 1 of 3



2844 PABLO AVENUE TALLAHASSEE, FL 32308 P:850.385.1179 F:850.385.1404

NCG Project Number 5668-001 June 17, 2014 Sheet 1 of 3

As per Official Record Book 1629, Page 2074 of the Public Records of Leon County Florida.

Commence at the Northwest Corner of Section 7, Township 1 North, Range 1 East, Leon County, Florida, and run South 00 degrees 05 minutes 02 seconds West along the West boundary of said Section 7 and the East right of way of boundary of Meridian Road a distance of 2472.30 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue South 00 degrees 05 minutes 02 seconds West along said West boundary of Section 7 and the East right of way boundary of Meridian Road 100.00 feet to a point on the North Boundary of a Natural Gas Line Easement, thence run South 89 degrees 14 minutes 59 seconds East along the North boundary of said Natural Gas Line Easement 200.00 feet, thence run North 00 degrees 05 minutes 02 seconds East along a line 200.00 feet for the said West boundary of Section 7 and the East right of way boundary of Meridian Road 100.00 feet, thence run North 00 degrees 17 and the East right of way boundary of Meridian Road 100.00 feet, thence run North 89 degrees 14 minutes 59 seconds West along a line 100.00 feet North of and parallel to said West boundary of Section 7 and the East right of way boundary of Meridian Road 100.00 feet, thence run North 89 degrees 14 minutes 59 seconds West along a line 100.0 feet North of and parallel to said Natural Gas Line Easement 200.0 feet to the POINT OF BEGINNING.

Being more particularly described by field survey as follows:

PARCEL 101

Commence at the Northwest Corner of Section 7, Township 1 North, Range 1 East, Leon County, Florida, and run thence South 00 degrees 05 minutes 02 seconds West along the West boundary of said Section 7 a distance of 1997.30 feet to a found 4 inch by 4 inch concrete monument (broken); thence leaving said West boundary run North 89 degrees 40 minutes 23 seconds West a distance of 5.18 feet to the Easterly maintained right of way boundary of Meridian Road (right of way varies); thence run along said Easterly maintained right of way boundary as follows: thence run South 03 degrees 57 minutes 31 seconds East a distance of 41.89 feet; thence run South 01 degree 11 minutes 29 seconds West a distance of 200.04 feet; thence run South 01 degree 40 minutes 22 seconds East a distance of 100.08 feet; thence run South 02 degrees 14 minutes 42 seconds East a distance of 100.08 feet; thence run South 02 degrees 38 minutes 55 seconds East a distance of 33.60 feet to the POINT OF BEGINNING.

PENSACOLA NICEVILLE CHIPLEY TALLAHASSEE VALDOSTA

Composite Exhibit 1 Page 4 of 6

Exhibit "H" Page **10** of **16** Page 728 of 1014 Parcel 101 Sheet 2 of 3



TALLAHASSEE, FL 32308 P:850.385.1179 F:850.385.1404

2844 PABLO AVENUE

NCG Project Number 5668-001 June 17, 2014 Sheet 2 of 3

From said POINT OF BEGINNING continue along said Easterly maintained right of way boundary South 02 degrees 38 minutes 55 seconds East a distance of 66.15; thence run South 02 degrees 18 minutes 59 seconds West a distance of 33.95 feet to a point lying on the North boundary of a 50 foot Natural Gas Line Easement; thence leaving said Easterly maintained right of way boundary run South 89 degrees 45 minutes 03 seconds East along said North boundary a distance of 200.57 feet to a found 4 inch by 4 inch concrete monument (LS# 1254) marking the Southeast corner of that property recorded in Official Record Book 1629, Page 2074 of said Public Records; thence leaving said North boundary and said Southeast corner run North 00 degrees 24 minutes 43 seconds West along the East boundary of said property a distance of 100.01 feet to a found 1/2 inch iron rod and cap (LB# 732) marking the Northeast Corner of said property; thence leaving said Northes 03 seconds West along the North 80 degrees 45 minutes 03 seconds West along the North boundary of said property a distance of 201.54 feet to the POINT OF BEGINNING, containing 0.46 acre, more or less.

The above described property being subject to an Ingress / Egress Easement recorded in Official Records Book 4100, Page 1851 of said Public Records.

The above described property being subject to a Parking and Access Easement recorded in Official Records Book 4100, Page 1856 of said Public Records.

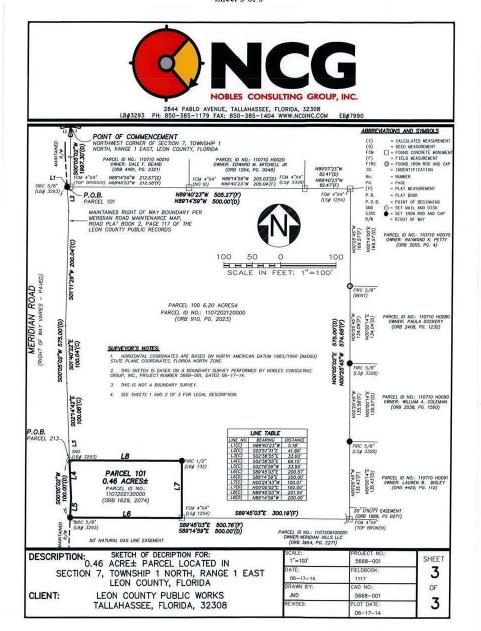
The above described property being subject to a Utility Easement recorded in Official Records Book 4100, Page 1859 of said Public Records.

Jamés E. Melcher Professional Surveyor and Mapper Florida Certificate No. 6159 NOBLES CONSULTING GROUP, Inc. Licensed Business No. 3293

PENSACOLA - NICEVILLE - CHIPLEY - TALLAHASSEE - VALDOSTA

Composite Exhibit 1 Page **5** of **6**

Exhibit "H" Page **11** of **16** Page 729 of 1014 Parcel 101 Sheet 3 of 3



Composite Exhibit 1 Page 6 of 6

Exhibit "H" Page **12** of **16** Page 730 of 1014



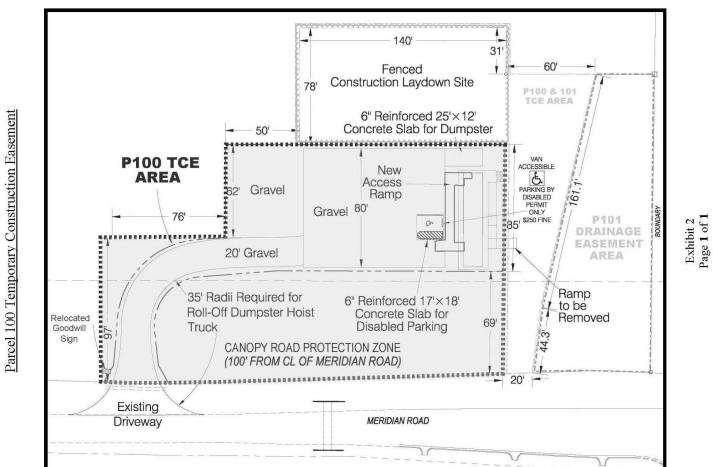


Exhibit 2 el 100 Temporary Construction Easem

Exhibit 3 Parcel 101 Drainage Easement

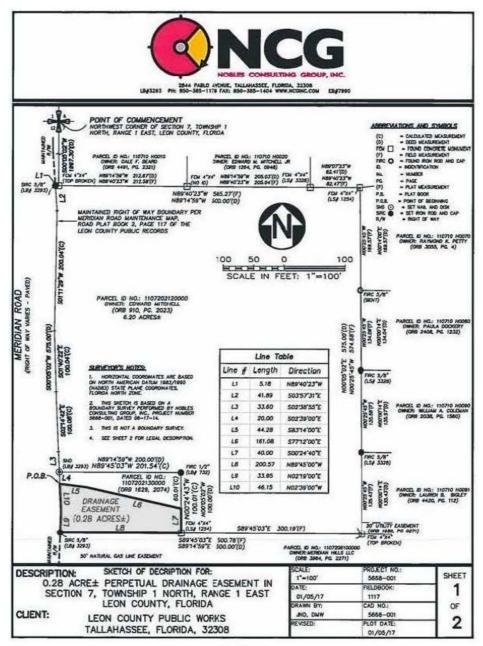


Exhibit 3 Page 1 of 2

Exhibit "H" Page **14** of **16** Page 732 of 1014

	2844 PAILO AVENIC, TALLAMASSEE, F.C. 18423553 Phil 850-458-1178 F/KE 850-358-1460 M	TING GROUP, INC.		
	•			
	PERPETUAL DRAINAGE E (0.28 ACRES, MORE OR			
	COMMENCE AT THE NORTHWEST CORNER OF SECTIO RANGE 1 EAST, LEON COUNTY, FLORDA, AND RUN MINUTES 02 SECONDS WEST ALONG THE WEST BOU DISTANCE OF 1997.30 FEET TO A FOUND 4 INCH B (BROKEN); THENCE LEAVING SAID WEST BOUNDARY MINUTES 23 SECONDS WEST A DISTANCE OF 5.18 F MAINTAINED RIGHT OF WAY BOUNDARY OF MERIDIAN THENCE RUN ALONG SAID EASTERLY MAINTAINED RI FOLLOWS; THENCE RUN SOUTH 03 DEGREES 57 MIN DISTANCE OF 41.89 FEET; THENCE RUN SOUTH 01 SECONDS WEST A DISTANCE OF 100.04 DEGREES 14 MINUTES 42 SECONDS EAST A DISTAN RUN SOUTH 02 DEGREES 38 MINUTES 55 SECONDS FEET TO A SET NAIL AND DISK (LBY 3293); SOUTH SECONDS EAST A DISTANCE OF 20.00 FEET TO THE SECONDS EAST A DISTANCE OF 20.00 FEET TO THE	N 7. TOWNSHIP 1 THENCE SOUTH (NDARY OF SAID Y 4 INCH CONCR RUN NORTH 89 FEET TO THE EAS N ROAD (RIGHT O GHT OF WAY BOO UTES 31 SECONI DEGREE 11 MINU VICE RUN SOUTH 4 FEET, THENCE 1 CE OF 100.08 FE EAST A DISTANC	DO DEGREES OS SECTION 7 A ETE MONUMENT DEGREES 40 TIRELY F WAY VARIES); INDARY AS DIS EAST A TES 29 01 DEGREE 40 RUN SOUTH 02 ET; THENCE E OF 33.60	
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DESCRIPTION:	LEGAL DESCRIPTION FOR	SCALE:	AND THE ORIGINAL RAISED MAPPER. PROJECT ND.: 5668-001	SHEE
	RE± PERPETUAL DRAINAGE EASEMENT IN	DATE:	FIELDBOOK:	
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Exhibit 3 Page **2** of **2**

Exhibit "H" Page **15** of **16** Page 733 of 1014

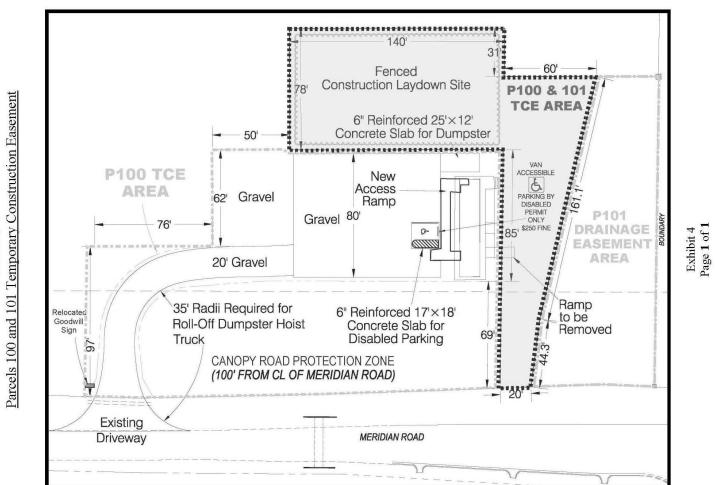


Exhibit 4

Exhibit "I"

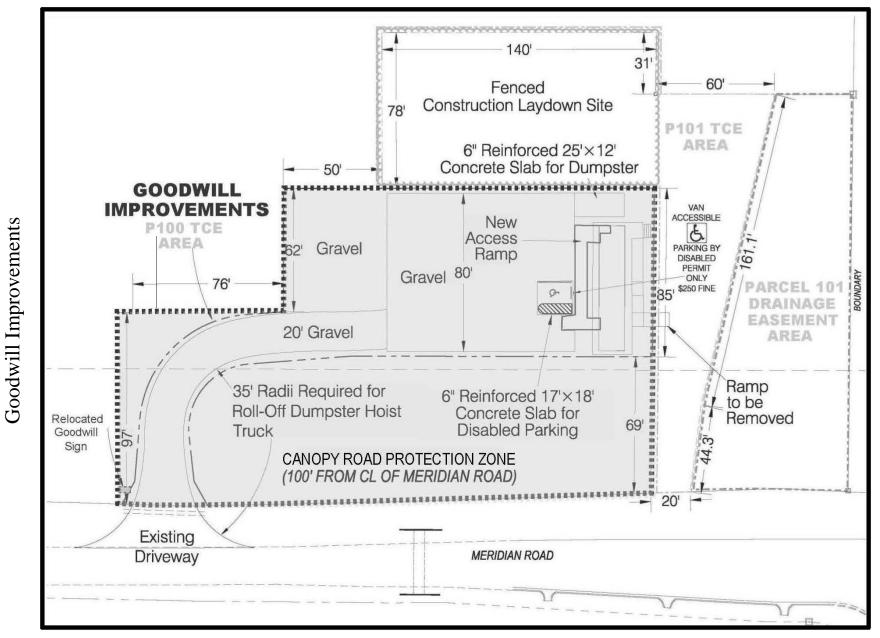


Exhibit "I" Page 1 of 1

Exhibit "J" Parcel 102 Conservation and Drainage Easement

This Instrument prepared by: Herbert W.A. Thiele, Esq., County Attorney Leon County Attorney's Office 301 South Monroe Street, Suite 202 Tallahassee, Florida 32301

Fords Arm South Water Quality Improvement Project Tax ID No. 110710 H0020

CONSERVATION AND DRAINAGE EASEMENT AGREEMENT

THIS CONSERVATION AND DRAINAGE EASEMENT AGREEMENT ("Parcel 102 Easement Agreement") is made in accordance with Section 704.06, Florida Statutes, and executed this ______ day of ______, 2017, by EDWARD M. MITCHELL, JR. whose post office address is 1330 Capital Circle NE, Tallahassee, FL 32308, as Grantor, to LEON COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida, having a mailing address of Division of Real Estate Management, 301 South Monroe Street, Suite 202, Tallahassee, Florida 32301, as Grantee.

RECITALS

WHEREAS, Grantor owns in fee simple certain real property in Leon County depicted in Composite Exhibit "1" as "Parcel 102";

WHEREAS, Grantor and Grantee have entered into this Parcel 102 Easement Agreement pursuant to the terms of a Development Agreement recorded at book _____, and page _____, Official Records of Leon County, Florida ("Development Agreement"), as specifically provided for therein;

NOW THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby conveys, transfers and grants unto Grantee, its successors and assigns the easements set forth herein.

AGREEMENT

1. <u>Recitals</u>. The recitals set forth above are true and correct and are incorporated herein by reference into this Parcel 102 Easement Agreement.

2. <u>Title to Parcel 102</u>. Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

3. Grant of Easements

3.1 <u>Parcel 102 Conservation Easement.</u> Grantor hereby conveys, transfers and grants unto Grantee, its successors and assigns, a perpetual, non-exclusive conservation easement ("**Parcel 102 Conservation Easement**") over and upon the 1.36 acres within Parcel 102 specifically described in the legal description and sketch attached hereto as part of **Composite Exhibit "1"** ("**Parcel 102 Conservation Easement Area**").

3.2 <u>Parcel 102 Drainage Easement.</u> Grantor hereby conveys, transfers and grants unto Grantee, its successors and assigns, a perpetual, non-exclusive drainage easement ("**Parcel 102 Drainage Easement**") over and upon the .30 acres within Parcel 102 specifically described in the legal description and sketch attached hereto as part of **Composite Exhibit "1"** ("**Parcel 102 Drainage Easement Area**").

4. <u>Terms of Parcel 102 Conservation Easement.</u>

4.1 <u>Prohibited Uses.</u> Except as otherwise provided for herein, the following activities are prohibited within the Parcel 102 Conservation Easement Area pursuant to Section 704.06, Florida Statutes:

- a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures above or on the ground.
- b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials.
- c. Removal or destruction of trees, shrubs, or other vegetation, except for (i) invasive exotic vegetation, and (ii) mowing of grass and weeds.
- d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such matter as to affect the surface.
- e. Surface use except for purposes that permit the land or water area to remain predominately in its natural condition.
- f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife conservation habitat preservation.
- g. Acts or uses detrimental to such retention of land or water areas.
- h. 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.

4.2 <u>Exemption for Parcel 102 Drainage Easement</u>. Notwithstanding anything to the contrary contained in the prohibited activities listed in Section 4.1 above, any and all activities associated with Grantee's construction, operation, and maintenance of a drainage ditch ("**Drainage Ditch**") as part of the County Mitigation Project as defined by the Development Agreement shall be exempt from the Section 4.1 prohibited uses, and shall be authorized within the Parcel 102 Drainage Easement Area.

- 4.3 <u>Reserved Rights.</u> Grantor reserves unto itself, and its successors and assigns:
 - a. All rights accruing from ownership of Parcel 102 and the Conservation Easement Area, including, but not limited to, the right of Grantor (including Grantor's invitees, successors and assigns) to engage in all uses of Parcel 102 that are not expressly prohibited herein, and which are in compliance with all applicable laws.
 - b. All activities as may be approved in writing by the Leon County Department of Development Support and Environmental Management.
 - c. Removal or pruning of hazardous, diseased or insect infested trees in the Parcel 102 Conservation Easement Area as may be permitted upon prior approval from the Leon County Department of Development Support and Environmental Management.
 - d. Mowing of grass and weeds to the extent such activity is not inconsistent with the prohibited uses set forth in Section 4.1 above.

Page 2 of 5

4.4 <u>Rights of Grantee</u>.

- a. It is understood that the granting of this Parcel 102 Conservation Easement entitles Grantee to enter the Parcel 102 Drainage Easement Area in a reasonable manner and at reasonable times to assure compliance with the conditions set forth herein.
- b. Grantee shall be permitted to construct, operate and maintain a Drainage Ditch on the portion of the Parcel 102 Conservation Easement Area containing the Parcel 102 Drainage Easement Area, pursuant to the terms of the Parcel 102 Drainage Easement below.

4.5 <u>Grantee's Discretion.</u> Lack of enforcement or insistence upon compliance with any of the terms or conditions of the Parcel 102 Conservation Easement shall not constitute a waiver or relinquishment of the same, or of any other terms, conditions, or acts; but the same shall be and remain at all times in full force and effect.

4.6 <u>Acts Beyond Grantor's Control.</u> Nothing contained in this Parcel 102 Conservation Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in Parcel 102 Conservation Easement Area resulting from natural causes beyond Grantor's control, including, without limitation, fire, flood, storm and earth movement, or from any necessary action taken by Grantor under emergency conditions to prevent, abate or mitigate significant injury to Parcel 102 or to persons resulting from such causes.

5. <u>Terms of the Parcel 102 Drainage Easement</u>

5.1 <u>Purpose.</u> The Parcel 102 Drainage Easement Area, including the portion falling within the Parcel 102 Conservation Easement Area, shall be used by Grantee for the sole purpose of ingress and egress for the clearance, excavation, construction, operation, and maintenance of the Drainage Ditch that is part of the County Mitigation Project as that term is defined by the Development Agreement.

5.2 <u>Operation and Maintenance.</u> Grantee's specific operation and maintenance obligations for the Drainage Ditch and the Parcel 102 Drainage Easement Area shall include but not be limited to regularly inspecting and maintaining the Drainage Ditch in good order and repair and in proper operating condition.

5.3 <u>Reservation of Rights.</u> Grantor reserves unto itself and is successors and assigns all rights accruing from ownership of Parcel 102 and the Parcel 102 Drainage Easement Area, including, but not limited to, the right of the Grantor (including Grantor's invitees, successors and assigns) to engage in all uses of Parcel 102 that are not expressly prohibited herein, and which are in compliance with all applicable laws.

6. <u>Easements Running with the Land.</u> The easements, agreements and covenants set forth above in this Parcel 102 Easement Agreement are of a commercial nature, freely transferable, and are intended to be, and shall be construed as easements, agreements and covenants appurtenant to and running with the land and the burdens and benefits of said easements, agreements and covenants shall run with the title to Parcel 102, and shall bind and inure to the benefit of the Parties, their successors in title and assigns.

7. <u>Dedication</u>. The rights granted to the Grantee in this Parcel 102 Easement Agreement shall not be deemed a public dedication of all or any portion of Parcel 102 for public use. No

Page 3 of 5

members of the public shall be granted access to any portion of Parcel 102 without Grantor's prior written authorization.

8. Indemnification by Grantee. To the extent allowed by the Constitution and laws of the State of Florida, including Section 768.28, Florida Statutes, Grantee hereby agrees to indemnify, defend, save, and hold harmless Grantor, its officers, agents, contractors and employees, from any and all claims, demands, liabilities, and suits arising out of Grantee's (including Grantee's officers, agents, contractors and employees) use of the Parcel 102 Conservation Easement Area and the Parcel 102 Drainage Easement Area.

9. <u>Applicable Law.</u> This Parcel 102 Easement Agreement shall be construed in accordance with the laws of the State of Florida.

10. <u>Severability.</u> If any provision of this Parcel 102 Easement Agreement, or the application thereof to any person or circumstances, shall be for any reason and to any extent be invalid or unenforceable, the remainder of this Parcel 102 Easement Agreement and the application of such provision to other persons or circumstances shall not be affected thereby but rather shall be enforce to the greatest extent permitted by law.

11. **Further Assurances.** Each party hereto agrees to give further assurances to each other party hereto, by way of executing such other and further instruments and documents as may be reasonably necessary to effectuate and carry out the intents and purposes of this Parcel 102 Easement Agreement.

12. <u>Counterparts.</u> This Parcel 102 Easement Agreement may be executed in counterparts, each of which shall be deemed an original copy and all of which together shall constitute one agreement binding on all partied hereto, notwithstanding that all the parties shall not have signed the same counterpart.

13. <u>Effective Date.</u> The effective date of this Parcel 102 Easement Agreement shall be the date upon which the last of the Parties signatures is evidenced herein (the "Effective Date").

IN WITNESS WHEREOF, Grantor and Grantee have caused these covenants to be executed and their seal to be affixed hereto on the day and year first above written.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK] [SIGNATURE PAGE FOLLOWS THIS PAGE]

Page 4 of 5

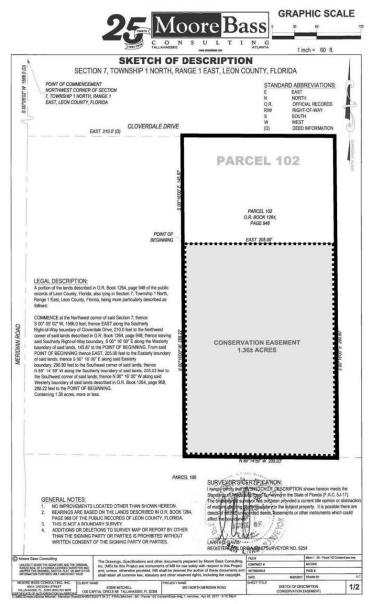
Signed, sealed and delivered in the presence of:		EDWARD M. MITCHELL, JR.
(Signatu	re)	
(Typed of	or Printed Name)	
(Signatu	re)	
(Typed of	or Printed Name)	
STATE OF FLORIDA COUNTY OF LEON		1
The foregoing instrument was as by Eddie Mitchell, who is personally as identification,	known to me or wh and who did take an oa NOTARY PUE Signature	o has produced th. BLIC
	Typed or printe	
•	My Commissio	n expires
(Signatu (Typed of SATE OF FLORIDA COUNTY OF LEON The foregoing instrument was an	or Printed Name) re) or Printed Name) eknowledged before m	e this day of, 2017,
by	, as	, who is personally known to me or as identification, and who did take an
who has produced		as identification, and who did take an
	NOTARY PUE	BLIC
	Signature	
		d name
My Commission expires		

Page 5 of 5

Exhibit "J" Page **5** of **7** Page 740 of 1014

Composite Exhibit 1 <u>Parcel 102 Conservation Easement</u> <u>Parcel 102 Drainage Easement</u>

Parcel 102 Conservation Easement



Composite Exhibit "1" Page 1 of 2

Exhibit "J" Page **6** of **7** Page 741 of 1014

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S 00*05/02* W	EAST, LEON COUNTY, FLORIDA		N O.R. R/W S	NORTH OFFICIAL RECORDS RIGHT-OF-WAY SOUTH
5	CLOVERDALE DRIVI EAST 210.0'(D)	EAST 30.00"	W (D)	WEST DEED INFORMATION
	POINT OF	distant in		
	BEODNAM		PARCEL '	102
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Parcel 102 Drainage Easement

#5633317 v8

Composite Exhibit "1" Page **2** of **2**

> Exhibit "J" Page **7** of **7** Page 742 of 1014

Exhibit "K" FEMA Regulated Floodway Plan

NOTE: A full-size color-coded copy of this reduced exhibit is available by contacting the Leon County Administrator's Office

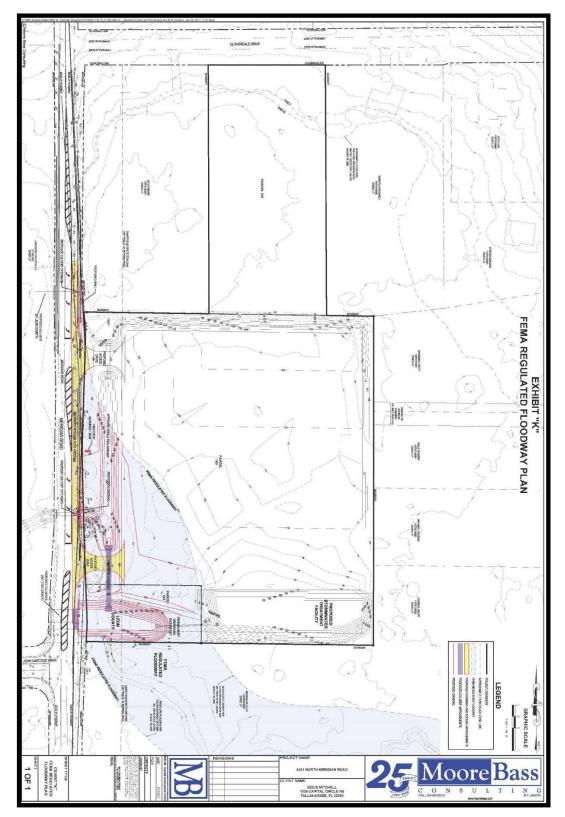


Exhibit "K" Page **1** of **1** Page 743 of 1014

Exhibit "L" Architectural Design, Lighting and Sign Standards

<u>Purpose.</u> It is the intent of this exhibit to provide architectural, lighting and sign design standards for development within Parcels 100 and 101 as described in the associated Development Agreement. The following elements shall be incorporated into the design of the site to enhance off-site visual impacts and promote compatibility with adjacent residential properties, and to incorporate design elements and concepts typical of the Tallahassee/Leon County area.

<u>Section I. Architectural Design.</u> The following design elements and concepts shall be incorporated into the final development plans for the property.

- a) Architectural features that provide visual interest from the pedestrian's perspective through the integration and application of architectural details and appropriate scale. Standardized storefronts, excessive use of plate glass and uninterrupted façade planes shall be avoided. Store front windows shall be framed to provide interest and detail, and to break-up an unarticulated solid glass appearance. There shall be a combination of materials used for store front facades rather than using an all glass and aluminum scheme. Façade treatments such as, but not limited to, canopies, overhangs, arcades, gabled entryways, and porticos are some examples of treatments that will facilitate pedestrian scale and interest.
- b) Building facades that are designed to reduce the mass/scale and uniform monolithic appearance of large, unadorned walls. Buildings shall incorporate windows along fifty percent (50%) or more of the horizontal length of the primary customer entrance façade. Faux window treatments may be utilized to attain the minimum.
- c) The incorporation of architectural details and elements to provide visual interest at a pedestrian scale. The overall architecture style of a building's façade shall incorporate elements and details that promote a pedestrian scale. These treatments shall include multiple architectural details and trim components consisting of changes in color, texture, material, and the expression of architectural or structural bays via a change in plane using a reveal, offset or projecting rib. Uninterrupted blank wall facades shall be avoided. Refuse collection containers (e.g. dumpsters) shall be screened using building materials and design elements consistent with the principal structure. Landscaping shall be required around screening walls for refuse collection containers whenever they are visible from public view.
- d) Variation in building mass, height, and width so the building appears divided or articulated into distinct massing elements and details perceived at the pedestrian scale. Building facades shall be designed to reduce the mass, scale and uniform monolithic appearance of large, unadorned walls. This may be accomplished by varying the building's mass in height and width so it appears divided into distinct massing elements

Exhibit "L" Page **1** of **3** Page 744 of 1014 with details perceived at the pedestrian scale. Exterior facades shall also be designed with projections and recesses of varying depths.

- e) The incorporation and integration of appropriate exterior building materials and colors consistent with the local vernacular style. The exterior building materials and colors should reflect the local vernacular style and shall be indigenous to the area. Natural, subdued "earth tone" colors shall be utilized. High quality, man-made materials such as stucco and tinted or textured concrete masonry units are acceptable. Primary colors may only be used for accents. Excessively brilliant, metallic or reflective colors shall be avoided. Exterior building materials not recommended for use are plastic or vinyl siding, corrugated or reflective metal panels, sheathing, tile or smooth or rib-faced concrete blocks or panels, stone in an ashlar or rubble look or other simulated natural materials.
- f) The use of roof forms that provide visual interest and reflect the primary elements of local vernacular architecture. Elemental to the local vernacular is the use of varied and articulated sloping roof forms. Gabled roofs are typical for this style. The use of dormers which provide an additional element of architectural detail and interest to uninterrupted roof planes is also common. Flat roofs shall only be permitted in limited areas such as entrance canopies, walkway connections, storage and mechanical equipment areas, arcades, etc. Appropriate roof materials include metal standing seam, shakes, shingles and tile. Primary or bright colors shall be avoided. Variations in roof lines and height shall be used to increase visual interest. Multiple roof slope planes which incorporate gables are encouraged. Rooftop mechanical equipment shall be shielded so as to not be visible from public view.

<u>Section II. Lighting standards.</u> These standards shall be incorporated in the final development plans to limit offsite lighting impacts to adjacent residential properties.

- a) All exterior lighting shall have recessed bulbs and filters which conceal the source of illumination. No wall or roof mounted flood or spot lights used as general grounds lighting are permitted. "Shoebox" or "cobra head" style light fixtures shall be prohibited. Security lighting is permitted where ballasts and filters are recessed and lighting is downward directed.
- b) Lighting for off-street walkways shall not exceed ten (10) feet in height.
- c) Parking lighting shall not exceed twenty (20) feet in height.
- d) Lighting levels at the property line (six feet above ground) adjacent to residential areas shall not exceed one footcandles.
- e) A photometric plan shall be provided at the time of site and development plan application to demonstrate compliance with the referenced lighting standards.

<u>Section III.</u> Low Impact Design. In order to further reduce the impact in stormwater runoff, the development may incorporate low impact design elements to the greatest extent practicable.

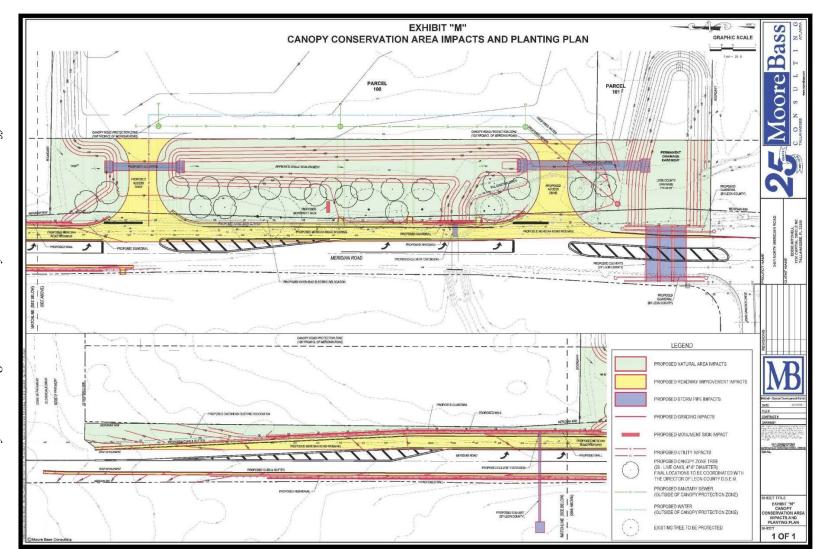
- a) All parking areas shall be of an approved pervious material, unless determined by the Parking Standards Committee that an alternative would be more appropriate.
- b) The development shall utilize shared parking where appropriate.
- c) The development shall utilize native xeriscape landscaping and turf shall be kept to a minimum.
- d) The development shall utilize inverted landscape islands, rain gardens and other similar low impact designs concepts unless determined infeasible by Environmental Services.

<u>Section IV. Signs.</u> The standards for signage are intended to provide signage that is compatible with perimeter landscaping, and enhance the pedestrian environment. In addition to the rights provided to the Developer under the applicable sign ordinance, the combined parcels shall be allowed one (1) ground sign, that may contain multiple signs. Each tenant space shall be allowed one (1) wall sign.

- a) All signs, both ground and wall signs, shall be externally illuminated. Lighting for wall signs shall be neck-down lighting.
- b) The ground sign shall be monument-type and shall not exceed 10 feet in height as measured from grade. Ground signs shall incorporate exterior material and finish consistent with the façade and architectural theme of the primary on-site structure.
- c) Each tenant shall be allowed one blade sign or under canopy sign per sidewalk frontage not to exceed six square feet and shall not to exceed the width of the canopy.
- d) Digital, flashing or animated signs are prohibited.
- e) Off-site advertising (billboard) signs are prohibited.
- f) Window graphics that cover more than 25% of the window face are prohibited.

Exhibit "M"

Canopy Conservation Area Impacts and Planting Plan NOTE: A full-size color-coded copy of this reduced exhibit is available by contacting the Leon County Administrator's Office



NOTICE OF INTENT TO CONSIDER DEVELOPMENT AGREEMENT

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, June 20, 2017, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider a proposed Development Agreement for three parcels, collectively referred to as the "Property", which are identified as Parcel 100 (Parcel ID No. 1107202120000) and Parcel 101 (Parcel ID No. 1107202130000), located on the east side of Meridian Road near the intersection of John Hancock Drive, and Parcel 102 (Parcel ID No. 110710 H0020), located adjacent to Cloverdale Drive. The proposed Development Agreement is being considered by the County in conjunction with the County's Mitigation Project associated with the Fords Arm South (Lake Jackson) Water Quality Improvement Project.

The proposed development uses on the Property include the following. Parcel 100 is vested and authorized for the development of 69,000 square feet of commercial uses, which may include office and/or retail. Parcel 100 has no proposed residential uses, and thus no population densities. The building height for Parcel 100 will be restricted to 35 feet. Parcel 101 is authorized for development in conjunction with Parcel 100 as part of an overall plan of development for Parcels 100 and 101, and the authorized land uses for Parcel 101 include, but are not limited to the following: landscaping, asphalt and concrete paving, underground and overhead utilities, stormwater facilities, fencing, signage, lighting, driveway connections, and grading. No buildings shall be located on the area contained within Parcel 101, thus there are no building intensities or heights. The authorized land uses for Parcel 102 include the development of a single-family residential unit and accessory uses and structures that support the residential unit. The population density of Parcel 102 will be that which is associated with one single-family residential unit. The building height for Parcel 102 will be restricted to 35 feet.

All interested parties are invited to present their comments at the public hearing at the time and place set out above. Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), or 1-800-955-8770 (Voice), or 711 via Florida Relay service.

Copies of the Development Agreement may be inspected at the following location during regular business hours:

Department of Development Services and Environmental Management 435 N. Macomb Street Renaissance Center, 2nd Floor Tallahassee, Florida 32301 Telephone: (850) 606-1300

Advertise: June 12, 2017

Leon County Board of County Commissioners

Notes for Agenda Item #16

Leon County Board of County Commissioners Agenda Item #16

June 20, 2017

To: Honorable Chairman and Members of the Board

Vincent S. Long, County Administrator From:

Title: First and Only Public Hearing to Adopt a Proposed Ordinance Amending the **Canopy Road Protection Requirements**

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator David McDevitt, Director of Development Support and Environmental Management
Lead Staff/ Project Team:	Jessica M. Icerman, Assistant County Attorney John Kraynak, Director of Environmental Services

Statement of Issue:

This agenda item seeks to conduct the first and only Public Hearing to adopt a proposed Ordinance amending the canopy road protection requirements.

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 amending the canopy road protection requirements (Attachment #1).

Title: First and Only Public Hearing to Adopt a Proposed Ordinance Amending the Canopy Road Protection RequirementsJune 20, 2017Page 2 of 4

Report and Discussion

Background:

On October 13, 2015, while considering two appointments to the Canopy Road Citizen's Committee (CRCC), the Board passed a motion to table the appointments and directed staff to conduct a review of the CRCC. Specifically, the Board directed staff to evaluate the overall performance and efficiency of the CRCC and related processes to maximize canopy road protection and improve coordination with the other departments and professional staff that work to address canopy road issues.

On March 8, 2016, staff provided an agenda item summarizing the community's holistic efforts to protect canopy roads, including a review of County actions taken to date and a detailed analysis of the official and historical role of the CRCC. The Board directed staff to prepare Ordinance amendments to further improve development review efficiency, specifically the following:

- Clarify the CRCC's advisory role in the review of new road connection and intersection project proposals on canopy roads;
- Add a requirement for review of all proposed infrastructure projects, including utilities installation and sidewalks, in the Canopy Road Protection Zone (CRPZ) by formalizing a technical staff committee with membership from Public Works, Planning, and Development Support and Environmental Management (DSEM); and
- Include the establishment of more objective criteria for the evaluation of projects impacting the CRPZ.

The Board also directed staff to reassign the County Urban Forester position as dedicated support staff to implement expanded protection of the canopy road system. The Urban Forester position was filled by Mindy Mohrman on November 7, 2016. Staff began to draft the Ordinance amendments after Ms. Mohrman came on staff and appointments were made to the CRCC to obtain additional input.

Analysis:

The DSEM is responsible for the review of development proposals in the unincorporated County that may impact the CRPZ. Staff is tasked with determining the proposal's compliance with code requirements and ensuring impacts to canopy roads are minimized to the greatest extent possible. In general, staff reviews site planning details, such as the placement of infrastructure (often driveways) to avoid impacts to trees and their root zones, and conducts a visit to the subject site. Staff also considers alternative construction methods which minimize root impacts and looks for opportunities to mitigate any unavoidable impacts through tree planting or arboricultural mitigation techniques.

Title: First and Only Public Hearing to Adopt a Proposed Ordinance Amending the Canopy Road Protection Requirements
June 20, 2017

Page 3 of 4

Most development applications received along canopy roads are small and relatively simple. In these cases, an applicant's adherence to the Code requirements and related canopy road protection regulations ensures the protection of the canopy roads. Moreover, a complete processing of these applications by staff to determine full compliance to canopy road protection regulations is expedient, thorough, and substantial.

Review by the CRCC is an additional step for all project applicants within the CRPZ. While the committee's bylaws direct the CRCC to take a proactive role in the maintenance and enhancement of canopy roads, in recent years the majority of their time and support staff time has been devoted to development review activities. In many cases, the additional step of CRCC review is duplicative of the professional staff review provided by DSEM. Staff reviewed all the CRPZ code requirements and used those requirements as the basis for the amendments to the proposed Ordinance to redefine the roles of staff and the CRCC in an effort to reduce unnecessary duplicative review (Attachment #1).

The Board also directed staff to create a new technical staff committee with membership from Public Works, Planning, and DSEM to review all proposed infrastructure projects, including road improvements, utilities, sidewalks, etc. Rather than creating a new committee, staff is recommending that the Development Review Committee (DRC) take on this new role. The DRC consists of the three members required by the Board: Public Works, Planning and DSEM. The recommendation for the DRC to assume review of proposed infrastructure projects in the CRPZ has been included in the draft Ordinance.

As directed by the Board, also included in the draft Ordinance is more objective criteria for evaluating projects affecting the CRPZ. Staff is proposing several clarifications to codify existing practices and remove subjectivity where appropriate. An example of one of the changes is to allow by right a residential structure in the CRPZ in instances of vested single family lots. Sometimes the home cannot physically fit on a lot without a portion of the home being placed in the CRPZ due to the lot dimensions. The proposed provision allows for the structure to be placed in the CRPZ as long as the disturbance is minimized to the greatest extent possible.

The proposed Ordinance was reviewed by the former DSEM Citizen's User Group on March 13, 2017, and staff included their recommendations in the proposed Ordinance. The CRCC also provided valuable input, which resulted in their recommended approval of the proposed Ordinance. The Planning Commission found the proposed Ordinance consistent with the Tallahassee-Leon County Comprehensive Plan and recommended that the Board adopt the proposed Ordinance.

Public Notification

The Public Hearing has been publicly noticed consistent with the requirements of Florida Statutes (Attachment #2).

Title: First and Only Public Hearing to Adopt a Proposed Ordinance Amending the Canopy Road Protection Requirements

June 20, 2017 Page 4 of 4

Options:

- 1. Conduct the first and only Public Hearing and adopt the proposed Ordinance amending the canopy road protection requirements (Attachment #1).
- 2. Conduct the first and only Public Hearing and do not adopt the proposed Ordinance amending the canopy road protection requirements.
- 3. Board direction.

Recommendation:

Option #1

Attachments:

- 1. Proposed Ordinance
- 2. Legal Advertisement

1	ORDINANCE NO. 17
2	
3	AN ORDINANCE OF THE BOARD OF COUNTY
4	COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING
5	CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY,
6	FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE;
7	AMENDING SECTION 10-1.101. DEFINITIONS, SECTION 10-
8 9	4.202. PRE-DEVELOPMENT ANALYSIS REVIEWS, SECTION 10-4.206. APPLICATION REQUIREMENTS FOR THE
10	REMOVAL OF TREES, GENERALLY; AND, FOR THE REPAIR
11	AND MAINTENANCE OF EXISTING LAWFULLY
12	ESTABLISHED STRUCTURES AND FENCES FOR LANDS
13	WITHIN THE CANOPY ROAD PROTECTION ZONE; SECTON
14	10-4.363. TREE PROTECTION REQUIREMENTS, SECTION 10-
15	6.707. CANOPY ROADS OVERLAY DISTRICT, PROVIDING
16 17	FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
	TROVIDING AN EFFECTIVE DATE.
18	
	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON
20	COUNTY, FLORIDA, that:
21	
22	SECTION 1. Section 10-1.101 of the Code of Laws of Leon County, Florida, is hereby
23	amended to read as follows:
24	
25	10-1.101. Definitions.
26	* * *
27	Exceptional specimen shall mean an individual tree which is in very good to good
27	condition as evidenced by less than ten percent upper crown dieback, few epicormic branches,
28 29	• • • •
	absence of signs or symptoms of virilent disease or other characteristics commonly employed to
20	absence of signs or symptoms of virulent disease, or other characteristics commonly employed to measure tree health, and which exhibits characteristics of size, species, age, form, historical
30 31	measure tree health, and which exhibits characteristics of size, species, age, form, historical
31	measure tree health, and which exhibits characteristics of size, species, age, form, historical significance, or other qualities which make it of such greater value than individuals of the same
31 32	measure tree health, and which exhibits characteristics of size, species, age, form, historical significance, or other qualities which make it of such greater value than individuals of the same species usually found in the county as to warrant special consideration as a biological and social
31 32 33	measure tree health, and which exhibits characteristics of size, species, age, form, historical significance, or other qualities which make it of such greater value than individuals of the same species usually found in the county as to warrant special consideration as a biological and social resource to be preserved for the benefit of the general public. Such a determination shall be made
31 32 33 34	measure tree health, and which exhibits characteristics of size, species, age, form, historical significance, or other qualities which make it of such greater value than individuals of the same species usually found in the county as to warrant special consideration as a biological and social resource to be preserved for the benefit of the general public. Such a determination shall be made by the County Administrator or <u>designee</u> Except pursuant to these criteria in cases of doubt.
31 32 33	measure tree health, and which exhibits characteristics of size, species, age, form, historical significance, or other qualities which make it of such greater value than individuals of the same species usually found in the county as to warrant special consideration as a biological and social resource to be preserved for the benefit of the general public. Such a determination shall be made

SECTION 2. Section 10-4.202(a)(2)b.8. of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

3	8.	Canopy road.	The canopy road protection zone includes all lands
4		within 100 fee	et from the centerlines of the roadways. The uses
5		permitted in t	he canopy road protection zone are those uses
6		permitted in the	he underlying zoning district. Canopy road citizens'
7		committee rev	view is required when development is proposed
8		within the car	nopy road tree protection zone. The following special
9		restrictions sh	all apply within the canopy road protection zone:
10		(a)	All structures, including fences, shall be set back a
11			minimum of 100 feet from the centerline of the
12			canopy road <u>unless there is no reasonable</u>
13			alternative in the case of a vested single family lot
14			of record. Any disturbance to the protection zone
15			shall be minimized to the greatest extent possible,
16			but not cause an unreasonable and undue hardship
17			on the use of the property. Structures are permitted
18			to prevent motorized vehicles from accessing trail
19			approaches.
20		(b)	Any structure which exceeds 40 feet in height must
21		(0)	be set back an additional one foot for every one foot
22			in excess of 40 feet in height;
<i></i>			
23		(c)	No development may occur in the canopy road
24			protection zone unless authorized for health, safety
25			or welfare of the public;
26			A manual of the company model anotootion more that is
26		(d)	Any part of the canopy road protection zone that is
27			disturbed cleared or has trees removed from it for
28			roadway projects must be widened by the same
29			amount that was disturbed in the same location if
30			possible, or another reasonable location, in some
31			other location by the same amount that was
32			removed and shall be replanted if necessary, with
33			native, non-invasive canopy trees, understory trees
34			and shrubs;
35		(e)	A full analysis of the impact of a development on
36		(-)	the affected canopy road as described in Section 10-

1 2 3		4.206(b) shall be submitted by the applicant as a component of the environmental <u>permitting; impact</u> analysis;
4 5 6 7	(f)	Joint access to canopy roads shall be required <u>for</u> <u>newly created lots</u> unless there is no alternative. New curb cuts on canopy roads shall be designed to serve more than one property;
8 9 10	(g)	If the site is accessible by roads other than the canopy road, it shall not have direct vehicular access to the canopy road.
11 12 13	(h)	The canopy road tree protection zone shall be placed in preserved by a conservation easement or preservation affidavit.
14 15 16 17 18 19 20 21 22 23	(i)	No removal of understory vegetation (underbrushing) shall be allowed within the canopy road tree protection zones, except as specified in a vegetation management plan, submitted to and approved by the County Administrator or designee, which outlines specific planting and maintenance operations designed to restore or maintain the natural vegetation component of a specific canopy road section, and is consistent with the objectives of this chapter.
24 25 26	(j)	Repair and maintenance of existing lawfully established structures <u>, including</u> and fences <u>,</u> shall meet the <u>following</u> requirements <u>:</u> in Sec. 10-4.206.
27 28 29		(1) Emergency repairs to existing structures or fences that are necessary for public health, welfare and safety issues, as approved by the
30 31 32 33		<u>County Administrator or designee, are</u> <u>exempt from permitting requirements if the</u> <u>repairs do not impact protected trees, do not</u> <u>increase the encroachment within the</u>
34 35 36		canopy road protection zone, and the material is the same or less visually intrusive than that used to construct the original

structure or fence.

2		(2)	Repair and maintenance of existing lawfully
3			established structures and fences may be
4			allowed upon finding in the affirmative in
5			regard to the following factors: a) that it is
6			not in conjunction with a change of use of
7			the subject property; b) that, if it is in
8			conjunction with a fence, that the proposed
9			construction shall be with the same, or less
10			visually intrusive, materials as the fence was
11			originally constructed; c) the proposed
12			methods and techniques for repair and
13			maintenance shall not be detrimental to
14			canopy road protection zone resources.
15	(k)) Sid	ewalks shall be a maximum of 6 feet in width.
16	(K)		e County Administrator or designee may can
10			ow up to a maximum of 10 feet in width if
18			igation is sufficient to offset the negative
19			bacts to the canopy. In determining whether a
20		-	ewalk will be permitted in the canopy road
20			erlay, the impacts to other
21			servation/preservation areas will be considered.
22			atural feature inventory/environmental impact
25 24			latural relative inventory environmental impact
24 25			-
			ermination of placement of the sidewalk. In
26			es where the proposed sidewalk would
27			rimentally impact other
28			servation/preservation areas in the canopy road erlay, as determined during the environmental
29			
30		-	<u>mitting</u> , impact analysis, the sidewalk shall not
31			allowed. permitted. Emphasis shall be on
32		-	cing the sidewalk such that impacts to trees and
33		nat	ive vegetation are minimized.
34	<u>(1)</u>	Gat	tes are permitted over a lawful driveway
35		con	nection. The appearance shall not be opaque,
36			it shall be in character with the surrounding
37		area	a. It shall be a utilitarian type swing gate and

1		located no closer than 30 feet from the edge of the
2		travel lane of the canopy road.
3		
4	SECTION 3. Section	on 10-4.206 of the Code of Laws of Leon County, Florida, is hereby
5	amended to read as	
6 7 8	repair and mainten	lication requirements for the removal of trees, generally; and, for the ance of existing lawfully established structures and fences for lands road protection zone.
9		e. Any request to remove or relocate any protected tree shall be made
10	-	of an environmental management permit application, unless a general
11		ay placement permit, or a vegetation management plan has been issued as
12	provided for in section	on 10-4.201.
13	(b) Cano	py road tree protection zone tree or vegetation removal applications.
14	<u>(1)</u>	Required information. All permits for removal or relocation of trees, for
15		the repair and maintenance of existing lawfully established structures and
16		fences, or for pruning or vegetation management, within the canopy road
17		protection zone (unless such activity is conducted under an approved
18		general permit), shall be obtained by making application to the County
19		Administrator or designee, providing the same material to be submitted for
20		permits for other protected trees as set forth in subsection (c).
21	(2)	Mitigation requirements. The permit application for removal of trees or
22		vegetation in the canopy road tree protection zone must be accompanied
23		by a mitigation plan which shall include at a minimum, the following:
24		a. An analysis documenting the purpose which necessitates the tree
25		removal and explaining why the project cannot be modified to
26		avoid the need for the tree removal.
27		b. An analysis of the canopy road section to be impacted by the
28		proposed activity within the canopy road tree protection zone. The
29		analysis shall include a narrative description of the affected
30		roadway section together with other material helpful in assessing
31		the impact of the intrusion on the existing canopy road effect. Such
32		characteristics as understory density and species composition, tree
33		species and size distribution, high bank areas and opacity should
34		be included as appropriate.

1	<u>C.</u>	A replanting and management plan designed to mitigate the visual
2		and vegetation impacts identified in Subsection (b)(2)a.
3	(3) Inspe	ection. The County Administrator or designee shall conduct an on-site
4		ction.
	<u></u>	
5		s of the County Administrator or designee, Canopy Road Citizen
6	Com	mittee (CRCC) and Development Review Committee (DRC).
7		
8		he County Administrator or designee is responsible for the review of
9	<u>th</u>	ne application with primary responsibility as follows:
10	<u>1</u>	. Verification that the required information has been provided in the
11		application.
12	<u>2</u>	. Conducting on-site inspection.
13	<u>3</u>	. Verification that a separate driveway or street connection
14		application has been provided if required.
15	<u>4</u>	. Protection of the health, safety and welfare of the public.
16	<u>5</u>	. Ensuring joint access and accessibility by other roads.
17	<u>6</u>	. Verification that no unauthorized structures are proposed within
18		the canopy road tree protection zone unless there is no reasonable
19		<u>alternative.</u>
20	7	<u>Ensuring the canopy road tree protection zone is widened by the</u>
21		same area that was disturbed.
22	<u>8</u>	. Verification that the conservation easement or preservation
23		<u>affidavit is provided.</u>
24	<u>9</u>	<u>Authorizing emergency repairs to existing structures or fences.</u>
25	<u>1</u>	0. Review and approval of gates over driveway connections.
26	<u>1</u>	1. All other matters that are not the responsibility of the Canopy
27		Roads Citizens Committee or the Development Review
28		Committee.
29		
30	<u>b.</u>	All applications pursuant to this section shall undergo review by
31		the Canopy Roads Citizen Committee (CRCC). The CRCC's
32		review responsibility is as follows:
33		1. Driveway location after the County Administrator or
34		designee approves a safe corridor.
35		2. <u>Review of the replanting and management plan designed to</u>
36		mitigate the visual and vegetation impacts.
37		3. <u>Repair and maintenance requests of existing lawfully</u>
38		established structures and fences.
39		4. Other matters related to disturbance in the canopy road
40		protection zone at the discretion of the County
41		Administrator or designee.
42		
43	<u>C.</u>	The DRC shall make a determination to approve, deny, or approve
44		with conditions the permit application for all infrastructure projects

1 2 3	within the unincorporated area, including, but not limited to, utilities, intersections, new roads and sidewalks.
4 5 6 7 8 9 10	(5) Application review. Only the Board shall have power to grant or deny permit applications for removal of trees within a canopy road tree protection zone, except that the County Administrator or designee shall have the authority to grant or deny permit applications for the removal of trees or other vegetation under the additional conditions listed in subsection d. below. The following standards must be met at a minimum in order to receive permit approval:
11 12 13	a. Applicant must demonstrate that the proposed clearing or tree removal is necessary for protection of the health, safety, and welfare of the public.
14 15	b. As part of the proposed mitigation plan, any part of the canopy road tree protection zone that is cleared or has trees removed from it must be widered by the same amount removed for ready
16 17	it must be widened by the same amount removed for roadway improvements or enhancements. Such replacement area shall be
18 19	replanted in a manner sufficient to reestablish the canopy effect and the understory density, species composition, and species and
20 21	size distribution of the impacted area within a reasonable time, and to be protected by either a conservation easement or a preservation
22	affidavit for residential lots of record.
23 24	c. The applicant must demonstrate compliance with Section 10- 4.202(a)(2)b.8.
25	d. In addition to the standards above, the County Administrator or
26 27	designee or DRC shall grant approvals for the removal of trees or other vegetation only when one of the following conditions exist:
28	1. Diseased or pest-infested trees. Necessity to remove a
29 30	diseased or pest-infested tree to prevent the spread of the disease or pest. The need to remove trees because of insect
30	and disease damage must be determined by a forester with
32	a B.S. degree or higher, from a Society of American
33	Foresters accredited college or by an arborist certified by
34	the International Society of Arboriculture.
35	2. Good forestry/silviculture practices. Activities associated
36	with a bona fide silvicultural operation on land that has

1		received an agricultural exemption from the Leon County
2		Property Appraiser is exempt from the provisions of this
3		section. The activities shall be in compliance with the
4		Silviculture Best Management Practices of the Florida
5		Department of Agriculture and Consumer Services.
6		3. <u>Reasonable access. Removal of protected trees may be</u>
7		allowed under this section, if the proposed single-family
8		residential development activity is found to be in
9		compliance with the special restrictions as defined under
10		Section 10-4.202(a)(2)b.8.
11		
12		<u>4.</u> <u>Repair and maintenance of existing lawfully established</u>
13		structures and fences. The repairs shall meet the
14		requirements in Section 10-4.202(a)(2)b.8.(j).
15		
16		5. <u>The DRC shall make a determination to approve, deny, or</u>
17 18		approve with conditions the permit application for all
18 19		infrastructure projects in the unincorporated area, including, but not limited to, utilities, intersections, new
20		roads and sidewalks.
20		Todus and side warks.
22	<u>e.</u>	Applications shall be reviewed by the County Administrator or
23	<u></u>	designee for compliance with the requirements of this article.
24		Within 10 business days after receiving an application, the County
25		Administrator or designee shall determine whether the application
26		is complete, and if not shall notify the applicant of the deficiency.
27		If the deficiency is not corrected by the applicant within 30
28		calendar days after mailing, the application shall be deemed
29		withdrawn unless an extension is granted. The Board of County
30		Commissioners, DRC or the County Administrator or designee
31		shall make its determination to approve, deny, or approve with
32		conditions the permit application after procedural timeframes have
33		been followed for the CRCC and the DRC or Board of County
34		Commissioner agenda processes. If the application is denied, the
35		reason for such action shall be specified and provided to the
36		applicant in writing.
50		<u>appreant in writing.</u>
37	(b) <i>Canopy road tree pro</i>	otection zone tree or vegetation removal applications.
38	(1) Required info	prmation. All permits for removal or relocation of trees, for the repair
39		ance of existing lawfully established structures and fences, or for
40		regetation management, within the canopy road protection zone
	1 0	

1		(unless such activity is conducted under an approved general permit), shall be
2		obtained by making application to the county administrator or designee, providing
3		the same material to be submitted for permits for other protected trees as set forth
4		in subsection (c). All applications pursuant to this section shall undergo review
5		by the Canopy Roads Citizen Committee. Emergency repairs to existing fences
6		that are necessary due to public health, welfare and safety issues, as approved by
7		the County Administrator or designee, are exempt from permitting requirements if
8		the repairs do not impact protected trees, do not increase the encroachment within
9		the canopy road protection zone, and the fence material is the same or less
10		visually intrusive than that used to construct the original fence.
11	(2)	Mitigation requirements. The permit application for removal of trees or
12		vegetation in the canopy road tree protection zone must be accompanied by a
13		mitigation plan which shall include at a minimum, the following:
14		a. An analysis documenting the purpose which necessitates the tree removal
15		and explaining why the project cannot be modified to avoid the need for
16		the tree removal.
17		b. An analysis of the canopy road section to be impacted by the proposed
18		activity within the canopy road tree protection zone. The analysis shall
19		include a narrative description of the affected roadway section together
20		with other material helpful in assessing the impact of the intrusion on the
21		existing canopy road effect. Such characteristics as understory density and
22		species composition, tree species and size distribution, high bank areas
23		and opacity should be included as appropriate.
24		c. A replanting and management plan designed to mitigate the visual and
25		vegetational impacts identified in Subsection (b)(2)a.
26	(3)	-Inspection. Prior to determination on a permit application, the county
27		administrator or designee shall conduct an on-site inspection.
28	(4)	Application review. Only the board shall have power to grant or deny permit
29		applications for removal of trees within a canopy road tree protection zone, except
30		that the county administrator or his or her designee shall have the power to grant
31		or deny permit applications for the removal of trees or other vegetation under the
32		additional conditions listed in subsection d below. The following standards must
33		be met at a minimum in order to receive permit approval:
34		a. Applicant must show that the proposed clearing or tree removal is
35		necessary for protection of the health, safety, and welfare of the public.
		······································

1 —	b. As p	part of the proposed mitigation plan, any part of the canopy road tree
2	prot	ection zone that is cleared or has trees removed from it must be
3	wide	ened by the same amount that was removed, with such replacement
4	area	to be replanted in a manner sufficient to reestablish the canopy effect
5	and	the understory density, species composition, and species and size
6		ibution of the impacted area within a reasonable time, and to be
7		ected by a conservation easement.
8 —	c. The	applicant must show that any proposed cut into the canopy road will
9	be c	lesigned and dedicated to serve more than one property unless the
10	appl	icant can show that such joint access would be impossible under the
11	circu	umstances of the specific site.
12 —	d. In a	ddition to the standards above, the county administrator or his or her
13	desi	gnee shall grant permit applications for the removal of trees or other
14	vege	etation only when one of the following conditions exist:
15 —		Diseased or pest-infested trees. Necessity to remove a diseased or
16		pest infested tree to prevent the spread of the disease or pest. The
17		need to remove trees because of insect and disease damage must be
18		determined by a forester with a B.S. degree or higher, from a
19		Society of American Foresters accredited college or by an arborist
20		certified by the International Society of Arboriculture.
21 —	2.	Good forestry/silviculture practices. Activities associated with a
22		bona fide silvicultural operation on land that has received an
23		agricultural exemption from the Leon County Property Appraiser
24		is exempt from the provisions of this section.
25	3.	Reasonable access. Removal of protected trees may be allowed under
26	ŧ	his section, if the proposed single-family residential development
27		activity is found to be in compliance with the special restrictions as
28		defined under Subsection 10-6.708(c) Development standards.
29 30	4. 1	Repair and maintenance of existing lawfully established structures and fences. Repair and maintenance of existing lawfully established
30 31		structures and fences may be allowed if there is no substantial
32		impact to protected trees. The Canopy Roads Citizen Committee
33		shall evaluate such applications and may provide a positive
34		recommendation upon finding in the affirmative in regard to the
35		following factors: a) that the application is not in conjunction with
36		a change of use of the subject property; b) that, if the application is
37		in conjunction with a fence, that the application proposes repair
38		with the same or less visually intrusive materials as the fence was
39		originally constructed; c) that the application does not represent a

1 2 3 4 5 6 7 8	negative change in the visual impacts to the canopy road protection zone; and, d) that application proposes methods and techniques for repair and maintenance that will not be detrimental to canopy road protection zone resources. In determining whether to approve, deny, or approve the application subject to conditions, the County Administrator or designee shall consider the Canopy Roads Citizen Committee's recommendation.
9	The Board of County Commissioners (or the county administrator or his
10	or her designee in cases of tree removal or other vegetation removal
11	applications) shall make its determination on the permit application, or the
12	county administrator or his or her designee shall request additional
13	information from the applicant, within 20 working days after receipt of the
14	application. In the event the director requests additional information, the
15	permit application shall be granted or denied by the Board of County
16	Commissioners (or the county administrator or his or her designee in cases
17	of tree removal or other vegetation removal applications) within ten
18	working days after the receipt of the requested information, or, if the
19	request is not complied with by the applicant within 14 calendar days after
20	mailing, the application shall be deemed withdrawn. If the application is
21	denied, the reason for such action shall be specified and provided to the
22	applicant in writing. If no additional information is requested and no final
23	action is taken within the required 20 working days, the application shall
24	be deemed to have been approved to the extent that it is in compliance
25	with the requirements of this article, provided no stop work order is in
26	effect on the site.
27	e. The Board of County Commissioners (or the county administrator or his
28	or her designee in cases of tree removal or other vegetation removal
29	applications) shall make its determination to approve, deny, or approve the
30	permit application subject to condition, within 20 working days after
31	receipt of the application or request that additional information from the
32	applicant as is necessary to allow such determination to be made. In the
33	event the director requests additional information, the permit application
34	shall be granted or denied by the Board of County Commissioners (or the
35	county administrator or his or her designee in cases of tree removal or
36	other vegetation removal applications) within ten working days after the
37	receipt of the requested information, or, if the request is not complied with
38	by the applicant within 14 calendar days after mailing, the application
39	shall be deemed withdrawn. If the application is denied, the reason for
40	such action shall be specified and provided to the applicant in writing. If

- no additional information is requested and no final action is taken within 1 2 the required 20 working days, the application shall be deemed to have 3 been approved to the extent that it is in compliance with the requirements of this article, provided no stop work order is in effect on the site. 4 *Removal applications affecting city right of way or city property.* If a patriarch or 5 (5)6 canopy road tree protection zone tree which is proposed for removal is located on 7 a right-of-way or other property belonging to the City of Tallahassee but located outside of the incorporated area of the city, any permit for removal shall be 8 conditioned upon the applicant obtaining approval of the removal from the city 9
- 9 10

11

(c) *Other protected tree removal, patriarch tree removal, and vegetation*

12 *management applications.*

commission.

- 13 (1)*Required information.* Permits for removal or relocation of protected trees. other than trees located within a canopy road tree protection zone, and applications for 14 vegetation management plan approval for areas other than those located within a 15 canopy road tree protection zone, shall be obtained by making application for 16 17 permit to the Ceounty Aadministrator or designee. Additional requirements for tree removal or vegetation management within a canopy road protection zone are 18 found in Subsection (b). Applications for vegetation management plan approval 19 shall be accompanied by a diagram depicting the area to be subject to the plan and 20 the existing vegetation therein, and a description of the nature and purpose of the 21 plan. The application for tree removal shall be accompanied by a written 22 statement indicating the reasons requiring removal or relocation of each protected 23 tree and an area map indicating the location of trees to be removed or relocated 24 25 and any existing and proposed structures or vehicular use areas. In addition, the 26 application shall contain a signed acknowledgment by the applicant verifying that no protected trees will be removed on the site except as noted on the approved 27 application and permit. If the proposed tree removal is associated with 28 development requiring a stormwater management application as part of the 29 environmental management permit application, the written statement and area 30 31 map mentioned above shall include, at a minimum, the following:
- 32a.Written, detailed justification for the proposed removal of each protected33tree, which shall reference the development area where the trees are to be34removed. Each tree that is 36-inch DBH or greater and any dogwood 4-35inch DBH or greater must be shown on the required development area36map by map number designation for each such tree.
- b. The locations and dimensions of all existing and proposed vehicular use

1		areas and other improvements, including finished elevations for each.
2		c. Significant natural site features.
3		d. Existing and proposed site contours.
4 5 6 7 8 9 10 11		e. If the applicant chooses the option of obtaining credit for preserved trees onsite instead of replanting the developed area with 40 trees per acre, the preserved trees must be identified on the plans. Existing protected or required trees to remain on-site, and protected trees proposed to be removed, shall be indicated by a number assigned to each tree and noting DBH, species and critical protection zone. Indication of the general location of the trees, including blocks of trees, may be acceptable depending on-site conditions and provided that a listing of individual trees
12 13 14 15		 by species and size is submitted. f. Existing and proposed utilities, underground and overhead, and location of any other known man-made on-site features, such as underground tanks or old building foundations.
16		g. Building and other setbacks.
17 18		h. Protected trees on adjacent property which may be affected by proposed development activity within the critical protection zone of such trees.
19 20 21		i. All applicable land use requirements pertaining to property use or restrictions, including easements, zoning, rezonings, site and development plan or plat reviews and development orders.
22 23		j. For proposed patriarch tree removal, the applicant shall demonstrate that no feasible alternatives exist.
24 25 26	(2)	<i>Inspection.</i> Subsequent to application, but prior to the issuance of a permit for tree removal or relocation, the <u>Ceounty Aadministrator</u> or designee shall conduct an on-site inspection.
27 28 29 30 31 32 33 34	(3)	Application review. The <u>Ceounty Aadministrator</u> or designee shall have <u>10</u> <u>business 20 working</u> days after receipt of a complete application filed pursuant to this subsection to approve or deny the requested permit, or to request additional information from the applicant, unless the application is accompanied by a short- form application as part of the environmental management permit, in which case approval, denial, or request for additional information shall be made according to the short-form timelines. Where additional information is requested, the <u>Ceounty</u> <u>Aadministrator</u> or designee shall grant or deny the permit request within ten

working days after the information is provided by the applicant. If the applicant 1 2 fails to provide such information within 3014 days of the request, the application 3 shall be deemed to have been withdrawn. In the event the Ceounty Aadministrator 4 or designee denies an application, the Ceounty Aadministrator or designee shall specify to the applicant in writing the reason for such action. If no additional 5 information is requested and no final action with respect to a complete application 6 7 is taken within the required 20 working days, the application shall be deemed to 8 have been approved to the extent that it is in compliance with the requirements of 9 this article, provided that no stop work order is in effect on the site.

10

11

SECTION 4. Section 10-4.363(f) of the Code of Laws of Leon County, Florida, is hereby amended to read as follows: 12

13 (f) Understory protection in canopy road tree protection zones. No underbrushing or other removal of understory vegetation shall be allowed within the canopy road tree protection 14 zones, except when approved for legal access (provided no alternative exists) or for health, 15 16 safety, or welfare of the public as specified in a vegetation management plan, submitted to and 17 approved by the <u>Ceounty Aadministrator</u> or designee, which outlines specific planting and maintenance operations designed to restore or maintain the natural vegetation component of a 18 specific canopy road section. Each vegetation management plan shall be consistent with the 19 objectives and intent of this article. Seven pPoisonous or noxious species shall be exempt from 20 the requirements of this article. They shall be kudzu (Pueraria lobata), Chinese tallow (Sapium 21 22 seberiferum), Silktree/Mimosa (Albizia julibrissin), chinaberry (Melia azedarach), Coral ardisia (Ardisia crenata), Heavenly bamboo (Nandina domestica), and poison ivy/oak (Toxicodendron 23 radicans/toxicarium), grape vine (Vitis spp.), Cherokee rose (Rosa laevigata), greenbrier (Smilax 24 25 spp.), Virginia creeper (Parthenocissus quinquefolia) and any plant listed on Leon County's List 26 of Invasive Exotic Plants. As a condition of the approval of a vegetation management plan, a satisfactory plan shall be presented by the applicant for the successful replacement of understory 27 vegetation equal to the square footage of the area cleared. If protected understory vegetation is 28 removed without an approved vegetation management plan or otherwise in violation of this 29 chapter, the square footage of the required replant may be increased up to twice the size of the 30 31 vegetation removal area at the discretion of the County Administrator or designee. All removal and replanting shall be in conformance with the Canopy Roads Management Plan. In cases 32 33 where the applicant can show that an area was maintained by mowing, pruning or other 34 techniques on a regular basis, prior to January 15, 1990, such person may obtain approval of a 35 vegetation management plan that may include continued maintenance of such existing lawn and shrubbery by submitting a letter of request to the Ceounty Aadministrator or designee which 36 37 includes a verified statement and description of the area to be subject to such a plan and the history of maintenance upon which the request is based. Minimal public road safety 38

- maintenance practices which must occur within canopy road tree protection zones shall not
 require a vegetation management plan if carried out pursuant to an approved general permit.
- Leon County is responsible for maintenance practices in the canopy road tree protection zones on
- 4 County maintained roads up to the right-of-way line. Private property owners are responsible for
- 5 maintenance practices outside the right-of-way line.
- 6

SECTION 5. Section 10-6.707 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

- 9 Sec. 10-6.707. Canopy roads overlay district.
- (a) *Purpose and intent.* The purpose and intent of the canopy roads overlay district is to ensure
 the preservation and protection of the canopy road trees on the following roads:
- 12 (1) Meridian Road from its intersection with Seventh Avenue to the state line.
- (2) Magnolia Drive—Centerville Road—Moccasin Gap Road from their intersection with
 Seventh Avenue to State Road 59.
- 15 (3) Miccosukee Road from its intersection with Capital Circle to Moccasin Gap Road.
- (4) Old St. Augustine Road from its intersection with East Lafayette Street to W.W. Kelley
 Road.
- 18 (5) Old Bainbridge Road from its intersection with Raa Avenue to Capital Circle.
- 19 (6) Sunny Hill Road from its intersection with Thomasville Road to Old Centerville Road.
- 20 (7) Old Centerville Road from its intersection with Centerville Road to the state line.
- (8) Pisgah Church Road from Bradfordville Road to the end of the county maintained right of-way east of Centerville Road.
- (b) *Allowable land use*. The uses permitted in the canopy road overlay district are those uses
 permitted in the underlying zoning district.
- (c) *Development standards*. The canopy road overlay includes as all lands within 100 feet from
 the centerlines of the roadways. The following special restrictions shall apply within the
 canopy road overlay:
- (1) All structures, including fences, shall be set back a minimum of 100 feet from the 28 centerline of the canopy road unless there is no reasonable alternative in the case of a 29 vested single family lot of record. Any disturbance to the overlay shall be minimized to 30 the greatest extent possible, but not cause an unreasonable and undue hardship on the 31 use of the property. except that Aa permit may be issued by Leon County for gates and 32 the repair or maintenance of an existing, lawfully established fence, pursuant to any and 33 all applicable criteria and standards set out in section 10-4.206 10-4.202(a)(2)b.8(j) and 34 Structures are permitted to prevent motorized vehicles from accessing trail (1). 35 approaches. 36

(2) Any structure which exceeds 40 feet in height must be set back an additional one foot 1 for every one foot in excess of 40 feet in height. 2 3 (3) No development clearing may occur in the canopy road overlay, (100 feet from the centerline of the road) unless authorized for health, safety or welfare of the public. 4 (4) Any part of the canopy road overlay that is cleared or has trees removed from it for 5 roadway projects must be widened by the same amount that was disturbed in the same 6 location if possible, or another reasonable location. in some other location by the same 7 8 amount that was removed. (5) A full analysis of the impact of a development on the affected canopy road shall be 9 submitted by the applicant at the time of development review. 10 (6) Joint access to canopy roads shall be required for newly created lots unless there is no 11 alternative. New curb cuts on canopy roads shall be designed to serve more than one 12 development. 13 (7) If the site is accessible by roads other than the canopy road, it shall not have direct 14 access to the canopy road. 15 (Ord. No. 07-20, § 2, 7-10-07; Ord. No. 08-25, § 5, 11-25-08; Ord. No. 09-20, § 4, 7-14-09) 16 SECTION 6. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of 17 this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this 18 Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County 19 Comprehensive Plan, as amended, which provisions shall prevail over any parts of this 20 Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan. 21 22 23 SECTION 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction. 24 such portion shall be deemed a separate, distinct, and independent provision and such holding 25 shall not affect the validity of the remaining portions of this Ordinance. 26 27 28 **SECTION 8.** Effective date. This ordinance shall be effective according to law. 29 30 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, 31 Florida, this _____ day of _____, 2017. 32 33 34 LEON COUNTY, FLORIDA 35 36 BY: 37 JOHN E. DAILEY, CHAIRMAN 38 BOARD OF COUNTY COMMISSIONERS 39 40

1	ATTESTED BY:
2	GWENDOLYN MARSHALL, CLERK OF COURT AND COMPTROLLER
3	LEON COUNTY, FLORIDA
4	
5	BY:
6	GWENDOLYN MARSHALL, CLERK
7	
8	APPROVED AS TO FORM:
9	LEON COUNTY ATTORNEY'S OFFICE
10	
11	
12	BY:
13	HERBERT W.A. THIELE, ESQ.
14	COUNTY ATTORNEY

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, June 20, 2017, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider adoption of an ordinance entitled to wit:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE; AMENDING SECTION 10-1.101. DEFINITIONS, SECTION 10-4.202. PRE-DEVELOPMENT ANALYSIS REVIEWS, SECTION 10-4.206. APPLICATION REQUIREMENTS FOR THE REMOVAL OF TREES, GENERALLY; AND, FOR THE REPAIR AND MAINTENANCE OF EXISTING LAWFULLY ESTABLISHED STRUCTURES AND FENCES FOR LANDS WITHIN THE CANOPY ROAD PROTECTION ZONE; SECTON 10-4.363. TREE PROTECTION REQUIREMENTS, SECTION 10-6.707. CANOPY ROADS OVERLAY DISTRICT, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

Copies of said ordinance may be inspected at the following locations during regular business hours:

Leon County Courthouse 301 S. Monroe St., 5th Floor Reception Desk Tallahassee, FL 32301

and

Leon County Clerk's Office 315 S. Calhoun Street, Room 750 Tallahassee, Florida 32301

Advertise: June 8, 2017

Leon County Board of County Commissioners

Notes for Agenda Item #17

Leon County Board of County Commissioners

Agenda Item #17

June 20, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Herbert W.A. Thiele, County Attorney

Title:First and Only Public Hearing for Adoption of the Revised Public Water and
Sewage Disposal Systems Ordinance and Authorization to Delegate
Regulatory Control to the Florida Public Service Commission

Review and Approval:	Vincent S. Long, County Administrator Herbert W.A. Thiele, County Attorney
Department/	Alan Rosenzweig, Deputy County Administrator
Division Review:	Patrick T. Kinni, Deputy County Attorney
	Scott Ross, Director, Office of Financial Stewardship
	Tony Park, Director, Department of Public Works
	Charles Wu, Director, Division of Engineering
Lead Staff/ Project Team:	Josh Pascua, Management & Budget Analyst

Statement of Issue:

As directed by the Board at the April 26, 2017, Budget Workshop this public hearing considers the adoption of the revised Public Water and Sewage Disposal Systems ordinance and authorization to delegate regulatory control to the Public Services Commission.

Fiscal Impact:

This item has a potential fiscal impact. A review of other counties that regulate water/sewage disposal systems within their jurisdictions indicates that each individual rate review could cost approximately \$100,000.

Staff Recommendation:

- Option #1: Conduct first and only public hearing and adopt proposed changes to the Leon County Public Water and Sewage Disposal Systems Ordinance (Attachment #1).
- Option #2: Adopt resolution transferring regulatory control of water/sewage disposal systems to the Public Service Commission (Attachment #2).

Title: First and Only Public Hearing for Adoption of the Revised Public Water and Sewage Disposal Systems Ordinance and Authorization to Delegate Regulatory Control to the Florida Public Service Commission June 20, 2017

Page 2

Report and Discussion

Background:

At the April 25, 2017, Budget Workshop the Board directed staff to schedule the first and only public hearing to authorize the Public Services Commission (PSC) to regulate water and sewage systems in the unincorporated areas of the County.

The Board presently regulates systems pursuant to its authority as a charter county and Section 367, Florida Statutes. The County's 'Public Water and Sewage Disposal Systems' ordinance (Ordinance) further outlines the County's authority to fix rates, fees, and other charges related to water and sewage disposal systems.

With the adoption of a resolution, the County will no longer regulate seven systems that fall under PSC jurisdiction for a minimum period of 10 years. However, the PSC does not regulate systems that service 100 or fewer persons; staff is aware of five systems that currently meets this criteria (Attachment #3). Therefore, the County shall retain jurisdiction to regulate all systems exempted from the jurisdiction of the PSC; with the limited exception of the rate fixing authority over City of Tallahassee provided water and sewage disposal, pursuant to Section 367.171(8), Florida Statutes.

Analysis:

The County recently received a request from Seminole Water Works to impose a rate increase (Attachment #4). Before any system can raise its rates, the County must approve the rate change. The County is required to follow the same detailed statutory rules as the PSC in considering any proposed rate increases, which would include the evaluation of a formal rate study. System rate fixing is a highly technical and specialized process that would require industry professionals to assist the County in evaluating any proposed rate increases. A review of other jurisdictions indicates that a system rate evaluation could cost the County approximately \$100,000.

Alternatively, Chapter 367, Florida Statutes, provides that counties may invoke the regulatory jurisdiction of the PSC over those systems not exempted by Section 367.022, Florida Statutes. The PSC then manages the regulatory responsibility, including the responsibility for review and approval of rate changes.

Currently, 37 of 67 Florida counties (Attachment #5) have authorized the PSC to regulate systems in their counties. As reflected in Attachment #5, the vast majority of mid and large size counties are regulated by the PSC. The PSC is a five member board that regulates investor-owned electric, natural gas, water, and sewage disposal systems throughout the state. As a Charter county, Chapter 367, Florida Statutes, specifically excludes Leon County from PSC jurisdiction. However, by adoption of a resolution, the Board may choose to invoke the jurisdiction of the PSC (Attachment #2). Such authorization may be rescinded after a minimum period of 10 years.

Title: First and Only Public Hearing for Adoption of the Revised Public Water and Sewage Disposal Systems Ordinance and Authorization to Delegate Regulatory Control to the Florida Public Service Commission

June 20, 2017 Page 3

Additionally, staff is recommending that the existing County Ordinance should be modified to reflect and clarify this regulatory change (Attachment #6). Under the proposed revisions to the Ordinance, the County will retain regulatory authority over systems not falling within the jurisdiction of the PSC.

Options:

- 1. Adopt proposed changes to the Leon County Public Water and Sewage Disposal Systems Ordinance (Attachment #1).
- 2. Adopt resolution transferring regulatory control of water/sewage disposal systems to the Public Service Commission (Attachment #2).
- 3. Do not adopt resolution transferring regulatory control of water/sewage disposal systems to the Public Service Commission.
- 4. Do not adopt proposed changes to the Leon County Public Water and Sewage Disposal Systems Ordinance.
- 5. Board Direction.

Recommendation:

Options #1 and #2.

Attachments:

- 1. Leon County Public Water and Sewage Disposal Systems Ordinance (as revised)
- 2. Resolution transferring regulatory control of Leon County water/sewage disposal systems in to the Public Service Commission
- 3. Leon County regulated water and sewage disposal systems
- 4. Rate increase request from Seminole Waterworks, Inc.
- 5. Public Service Commission regulated and non-regulated Florida Counties
- 6. Leon County Public Water and Sewage Disposal Systems Ordinance (with proposed revisions shown)

Attachment #1 Page 1 of 17

1	ORDINANCE NO. 2017
2	
3	AN ORDINANCE OF THE BOARD OF COUNTY
4	COMMISSIONERS OF LEON COUNTY, FLORIDA,
5	AMENDING CHAPTER 18, ARTICLE II, DIVISION 1 OF
6	THE CODE OF LAWS OF LEON COUNTY, FLORIDA,
7	REGARDING PUBLIC WATER AND SEWAGE
8	DISPOSAL SYSTEMS; PROVIDING FOR CONFLICTS;
9	PROVIDING FOR SEVERABILITY; AND PROVIDING
10	AN EFFECTIVE DATE.
10	AN EFFECTIVE DATE.
11	
12	WHEPEAS the Board of County Commissioners desires to enact an ordinance
	WHEREAS, the Board of County Commissioners desires to enact an ordinance
14	amending Chapter 18, Article II, Division 1 of the Leon County Code of Laws, relating to Public
15	Water and Sewage Disposal Systems;
16 17	DE IT ODDAINED has the Deceder Commissioners of the Community of Lease
17	BE IT ORDAINED by the Board of County Commissioners of the County of Leon,
18	Florida, as follows, that:
19	
20	Section 1. The Code of Laws of Leon County, Florida, is hereby amended by
21	repealing Division 1, Sections 18-26 through 18-45, of Article II of Chapter 18, in its entirety.
22	
23	Section 2. The Code of Laws of Leon County, Florida, is hereby amended by adding
24	a new Division 1 to Article II of Chapter 18, to be entitled "Generally," which shall read as
25	follows.
26	
27	ARTICLE II. PUBLIC WATER AND SEWAGE DISPOSAL SYSTEMS
28	DIVISION 1. GENERALLY
29	Sec. 18-26. Intent.
30	
31	The intent of this article is to delineate the jurisdiction of water system and sewage
32	disposal system regulation.
33	
34	Sec. 18-27. Definitions.
35	
36	The following words, terms and phrases, when used in this article, shall have the
37	meanings ascribed to them in this section, except where the context clearly indicates a different
38	meaning:
39	
40	Commission shall mean the Florida Public Service Commission.
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	Depreciation shall mean depreciation on a straight-line basis over the useful life of the
43	<i>Depreciation</i> shall mean depreciation on a straight-line basis over the useful life of the asset, unless the term of the authorization is less than the useful life of the asset, in which event
43 44	

General obligation bonds shall mean general obligations of the county which are payable from unlimited ad valorem taxes or from such taxes and additionally secured by a pledge of water service charges or sewer service charges or special assessments, or all of them.

Public water system or public sewage disposal system shall mean any water or sewage disposal system serving more than eight persons.

9 Rate fixing authority shall mean the authority to fix and collect rates, fees and other 10 charges for the service and facilities furnished by any such *public water system* or *public sewage* 11 *disposal system*.

Revenue bonds shall mean special obligations of the county which are payable solely from water and sewage disposal service charges and which shall in no way pledge the property, credit or general tax revenue of the county.

Service revenue shall mean all revenues received by the system owner from users of the
system for water and sewage disposal services, including systems charges.

Sewage shall include any substance that contains any of the waste products, excrement or
 other discharge from the bodies of human beings or animals as well as such other wastes as
 normally emanate from dwellings, or commercial or industrial establishments.

24 Sewage disposal system shall mean and shall include any plant, system, facility or 25 property used or useful or having the present capacity for future use in connection with the 26 collection, treatment, purification or disposal of sewage, and, without limiting the generality of 27 the foregoing definition, shall embrace treatment plants, pumping stations, intercepting sewers, 28 pressure lines, mains, and all necessary appurtenances and equipment and shall include all 29 property, rights, easements and franchises relating to any such system and deemed necessary or 30 convenient for the operation thereof. The term "sewage disposal system" shall also include all 31 sanitary sewers within the county and shall embrace sewer mains and laterals for the reception of 32 sewage from premises connected therewith and for carrying such sewage to some part of the 33 sewage disposal system.

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35 *Sewage treatment plant* shall mean that part of a sewage disposal system which is used in 36 connection with the treatment or purification of sewage.

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38 Systems shall mean either or both a public water system or public sewage disposal
39 system.
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Water system shall mean and shall include any plant, wells, pipes, tanks, reservoirs, system, facility or property used or useful or having the present capacity for future use in connection with the obtaining and supplying water for human consumption, fire protection, irrigation, consumption by business, or consumption by industry, and, without limiting the generality of the foregoing definition, shall embrace all necessary appurtenances and equipment and shall include all property, rights, easements and franchises relating to any such system and deemed necessary or convenient for the operation thereof. The term "water system" shall also include all water pipes or lines, valves, meters and other water-supplying equipment within the county and shall embrace water mains and laterals for the carrying of water to the premises connected therewith and for carrying such water from some part of the water supply system.

- Sec. 18-28. Jurisdiction and authority, generally.
- (a) Jurisdiction.

10 (1) The county designates to the commission regulatory authority over public water 11 systems and public sewage disposal systems serving or proposing to serve over 100 persons.

13 (2) The county shall retain sole regulatory authority over those public water systems 14 and public sewage disposal systems serving or proposing to serve 100 or less persons but more 15 than eight persons, and those systems exempt from the jurisdiction of the commission, unless 16 otherwise provided herein.

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(3) The county shall retain regulatory authority over the abandonment of any system.

20 (b) *County authority for implementation.* The county is hereby authorized and empowered:

(1) To purchase or construct and to improve, extend, enlarge and reconstruct a water system or systems or sewage disposal system or systems, or both, within such county and any adjoining county or counties and to operate, manage and control all such systems purchased or constructed and all properties pertaining thereto, and to furnish and supply water and sewage collection and disposal services to any of such counties and to any governmental entity and any person in any of such counties.

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(2) To issue water revenue bonds and/or sewer revenue bonds or general obligation
 bonds of the county to pay all or a part of the cost of such purchase and/or construction or
 reconstruction.

33 (3) To receive and accept from the federal government or any agency thereof grants 34 for or in aid of the planning, purchase, construction, reconstruction or financing of any facility, 35 and to receive and accept contributions from any source of money, property, labor or other things 36 of value to be held, used and applied only for the purpose for which such grants and 37 contributions may be made.

39 (4) To acquire in the name of the county by gift, purchase as hereinafter provided or 40 by the exercise of the right of eminent domain, such lands and rights and interests therein, 41 including lands under water and riparian rights, and to acquire such personal property as it may 42 deem necessary for the efficient operation or for the extension of or the improvement of any 43 facility purchased or constructed under the provisions of this article and to hold and dispose of 44 all real and personal property under its control.

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1 (5) To make and enter into all contracts and agreements necessary or incidental to the 2 performance of its duties and the execution of its powers under this article and to employ such 3 consulting and other engineers, superintendents, managers, construction and accounting experts 4 and attorneys and such other employees and agents as it may deem necessary in its judgment and 5 to fix their compensation.

6 7

7 (6) To enter into contracts with the government of the United States or any agency or 8 instrumentality thereof or with any other county or with any governmental entity, private 9 corporation, co-partnership, association, or individual providing for or relating to the acquisition 10 and supplying of water and the collection, treatment and disposal of sewage.

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12 (7) To acquire by gift or purchase at a price to be mutually agreed upon or the 13 exercise of the right of eminent domain, any of the facility or portions thereof, provided for by 14 this article, which shall, prior to such acquisition, have been owned by any person. 15

16 To enter into agreements and contracts with building contractors erecting (8)17 improvements within any subdivision within the county, the terms of which such agreements or 18 contracts may provide that such building contractors shall install within such subdivision water systems and sewage disposal systems, to be approved by the county or to run the mains and lines 19 20 of such systems to a point or location to be agreed upon, at which said point or location such 21 mains and lines shall be connected to the water system or to the sewage disposal system owned 22 or authorized by the county. In the event such agreements or contracts are entered into, they shall 23 provide that the systems or the connection of the mains or lines within the subdivision to the 24 water or sewer facilities owned or authorized by the county such systems, mains, lines and 25 equipment running to the various privately owned parcels of land within such subdivision shall 26 become the property of the county and shall become a part of the county water system or sewage 27 disposal system.

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(9) To restrain, enjoin or otherwise prevent any person or corporation, public or private, from contaminating or polluting any source of water supply from which is obtained water for human consumption to be used in any water supply system or water system improvement as authorized by this article, and to restrain, enjoin or otherwise prevent the violation of any provision of this article or any resolution, rule or regulation adopted pursuant to the powers granted by this article.

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(10) To acquire by gift or purchase, at such price and upon such deferred or other terms as may be mutually agreed upon, all the capital stock of any domestic or foreign corporation which, prior to such acquisition, shall have owned or operated any of the facilities or portions thereof provided for by this article; to pledge the revenues from the facilities as security for payment of the purchase price for such stock; and to operate the facilities through the corporation so acquired or to dissolve such corporation and operate the facilities in any other manner authorized by law.

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44 Sec. 18-29. Authorization to operate public water and sewage disposal systems.

1 County sole authority. The county has determined that it will be the sole local (a) 2 governmental entity to authorize the planning, construction and operation of water systems and 3 sewage disposal systems within the unincorporated area of the county and will provide such 4 services when it deems it appropriate. No authorization for the construction or operation of any 5 water or sewage disposal system within the unincorporated area of the county shall be granted 6 unless the county specifically determines that it is in the best interest of the citizens of the 7 county.

- 8 9
- (b) *Nature of authorization*. An authorization under this section:
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(1)Shall be granted for such time as may be established by the county.

13 (2)Unless specifically stated otherwise by the county, shall grant to the water or 14 sewage disposal system owner the exclusive right within a specific geographical area to own, 15 acquire, construct, operate and maintain the system specified in the authorization. The owner of 16 such authorized system shall be required to serve upon request any owner, tenant, occupant on 17 each parcel of land within the authorized area which abuts upon a public easement or right-of-18 way wherein is constructed, or pursuant to the terms of the authorization, will be constructed a 19 public water or sewage disposal system. 20

- 21 May be made nonexclusive upon such reasonable terms and conditions as are (3)22 established by the county.
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24 (4) Acceptance by the owner of the authorization for the system from the county 25 conveys to the county, in the event of default by the owner, the right to enter upon the premises, 26 possess, keep and maintain all system records, operate the system and perform such repairs and 27 maintenance of the system as are necessary to provide the services required by the system. At 28 such time as the county assumes the operation of the system, it shall become the owner of the 29 system and thereafter shall receive all revenues from the system. 30

31 Sec. 18-30. Rate fixing authority.

33 The county shall have rate fixing authority for those systems serving or proposing to (a) 34 serve 100 or less persons but more than eight persons. 35

- 36 (b) Those exempted from the county's rate fixing authority include:
- 37 38 Systems under the jurisdiction of the commission, including those systems (1)39 serving or proposing to serve over 100 persons.

41 Systems owned, operated, managed, or controlled by governmental authorities, (2)42 including water or sewage disposal systems operated by private firms under water or sewage 43 disposal system privatization contracts, and nonprofit corporations formed for the purpose of 44 acting on behalf of a political subdivision with respect to a water system or sewage disposal 45 system. 46

Sec. 18-31. Operation of systems.

Water franchise areas. All current franchisees and applicants for future franchise areas (a) shall fully comply with all provisions set forth in this article concerning such franchises.

(b) Sewer franchise areas. All current franchisees and applicants for future franchise areas shall fully comply with all provisions set forth this article concerning such franchises.

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Procedure for transfer of water and sewer franchise areas.

11 (1)*General.* The board of county commissioners hereby delegates to the county 12 administrator, or his designee, the authority to grant transfers of the authorization to provide 13 water and/or sewer service from a current franchise area holder to another person where all of the 14 following conditions are met:

- The authorization to provide water and/or sewer service for a specific a. geographical area has been previously granted by the county to the current franchise area holder:
 - The current franchise area holder agrees to relinquish any and all rights to b. provide water and/or sewer service for the specific geographic area, yet there are property owner(s) in that area in need of such service;
 - Another utility provider (hereinafter "applicant") is willing to provide c. water and/or sewer service in the subject geographic area; and
 - d. The applicant has an established service area on property adjoining, adjacent or appurtenant to the subject geographical area.

30 *Required information.* The following information shall be submitted with the (2)application for franchise area transfer: 31 32

- Written confirmation from the originally authorized franchise area holder a. relinquishing any and all rights to provide water and/or sewer service for the subject geographical area.
- b. Written confirmation from the applicant that they are willing to add the geographical area in question to their existing authorized franchise area and provide water and/or sewer service to property owner(s) in need of such services.
- A boundary description on a copy of the county property appraiser's map c. of the geographical area to be transferred.

1 2 3 4		d.	A copy of the most recent assessment roll of the county property appraiser showing the name, address, item number and description to all property within the area for which authorization is sought.			
5 6 7 8		e.	Conceptual drawings indicating tentatively the system to be constructed, plant location, location of collection system, implementation schedule and any other general information that will determine when and where services will be supplied within the area described.			
9 10 11 12		f.	Written consent of the property owner(s) of all property subject to the franchise area transfer.			
12 13 14	(d) Application procedure for construction, operation, etc., of system.					
14 15 16 17 18	(1) <i>Submission of preapplication</i> . Any person who desires to construct, operate or own a water system or sewage disposal system within the unincorporated area of the county shall first submit a preapplication to the county administrator.					
19	(2	2) Rea	nuired information. The following data shall be submitted with the			
20	preapplic	· •				
21						
22 23 24		a.	A boundary description on a copy of the county property appraiser's map of the geographical area for which authorization to operate such system is sought.			
25 26 27 28 29		b.	A copy of the most recent assessment roll of the county property appraiser showing the name, address, item number and description of all property within the area for which authorization is sought.			
30 31 32 33 34		c.	Conceptual drawings indicating tentatively the system to be constructed, plant location, location of collection system, implementation schedule and any other general information that will determine when and where services will be supplied within the area described.			
35 36 37 38		d.	Information as to the proposed method of financing the water or sewage system for which authorization to construct or operate such system is sought.			
39 40 41 42	(3) <i>Fee.</i> A preapplication fee shall be paid to the county prior to the scheduling of a public hearing on the preapplication. The required preapplication fee shall be set forth in a resolution duly adopted by the board of county commissioners.					
43 44 45 46	public he	tion is so earing the	<i>vice of notice by mail.</i> All property owners within the area for which ught shall be notified of such preapplication and of the time and place set for reon at least ten days prior to the date of the hearing by mail to the address erty appraiser's assessment roll.			

(5) *Public notice of hearing.* Public notice of the hearing on the preapplication shall
be published once each week for two successive weeks in a newspaper of general circulation
published in the county, the first publication to be no sooner than 20 days prior to the hearing
and in substantially the following form:

Notice is hereby given that _____ has applied to the Board of County Commissioners of Leon County, Florida, for authorization to operate a water/sewage disposal system, embracing the following described lands in Leon County, Florida, to wit:

(Description of area by public road, street, or landmark)

Dated this ______ day of ______, 20 _____,

22
23 /s/_____
24 Chairman, Board of County Commissioners

Leon County, Florida

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(6) Submission of application, fee. Upon completion of the preapplication procedure and upon receiving approval of the conceptual plans by the county administrator, the applicant may proceed to submit an application for authorization to construct and operate a water or sewage disposal system in the area for which a preapplication has been approved or any portion thereof in the unincorporated area of the county, along with an application fee. The required application fee shall be set forth in a resolution duly adopted by the board of county commissioners.

Required information. The following data shall be submitted with the application:
 a. Legal descriptions of all properties upon which treatment facilities, wells, life stations, pump
 stations or other portions of the water or sewage disposal systems will be located other than
 mains and lines.

- a. Legal descriptions of all properties upon which treatment facilities, wells, lift stations, pump stations, or other portions of the water or sewage disposal systems will be located other than mains and lines.
- 44b.A description of the facilities to be provided, including a construction45schedule showing dates upon which the facilities will be constructed in46each portion of the geographical area for which authorization is sought.

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2	с.	A set of plans and specifications prepared under the direction and			
3		supervision of a registered professional engineer for the system to be built,			
4		together with a copy of the operating procedures for such system.			
5					
6	d.	A list of the proposed rates and fees to be charged to users of the system.			
7					
8	e.	An estimate of operating costs and revenues on an annual basis for the			
9		first three years of operation.			
10					
11	f.	An estimate of the total capital requirements of the system and the amount			
12		of anticipated indebtedness, terms for the repayment of the indebtedness,			
13		and the security required therefor.			
14		~			
15	g.	Copies of any agreements between the system owner and other persons			
16		relating to the construction or operation of the system.			
17	1				
18	h.	Instruments of transfer in the event the system is to be transferred to the			
19 20		county at the end of the authorization period.			
20 21	i.	Such other date as the county may deem appropriate			
21	1.	Such other data as the county may deem appropriate.			
22	(8) Exemp	ption. The provisions of this section shall not apply to applications to			
23 24		own a water system or sewage disposal system within the unincorporated			
25		which rights are granted pursuant to a validly adopted and properly executed			
26		with another governmental entity.			
27					
28	(e) <i>Construction</i>	plans.			
29	()				
30	(1) All c	onstruction must be in accordance with the approved application. No			
31		shall be authorized unless approved in advance in writing by the county.			
32					
33	(2) Prior	to the commencement of construction, the owner shall obtain and deliver to			
34	the county a performance bond in an amount to be determined by the county and with a surety				
35	approved by the county or other acceptable security which shall guarantee the completion of all				
36	construction and the payment for all labor and materials used in such construction. The county				
37	may waive the requirement for a performance bond upon the receipt of other adequate assurance				
38	of the owner's ability	to perform its obligations under the authorization.			
39					
40		n 90 days following completion of any construction authorized by the			
41	county, the owner shall submit as-built plans certified by the engineer that the system as installed				
42	is in substantial compliance with the approved application and meets or exceeds the minimum				
43	construction standards set forth in section 18-31(f).				
44					

1 (4) When all of the requirements hereof are met, the county shall issue a written 2 authorization to place the system in service. No system shall be placed in service until such 3 authorization is obtained.

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(f) Minimum standards - Construction.

7 (1) *Water systems*. Water systems shall be of a design which will ensure an adequate, 8 safe supply of water at all times. All design and construction shall be under the supervision of a 9 registered professional engineer. All design and construction shall be in accordance with the 10 policies, standards and specifications for water systems in the county and all other applicable 11 regulatory agencies, according to generally accepted engineering practices.

- a. Water shall be obtained from a source which, in its natural state or with the treatment prescribed, shall meet or exceed the minimum standards for drinking water established by the state department of environmental protection.
- b. All water supplies shall be disinfected by chlorination or other approved method before distribution to the user. All parts of the water system in contact with the water to be distributed shall be disinfected before being placed in operation. Disinfection shall be in accordance with the requirements of the state department of environmental protection.
 - c. All necessary meters shall be furnished by the public system owner and shall remain the property of the public system owner.

26

27 (2) Sewage disposal systems. Sewage disposal systems shall be designed by a
 28 registered professional engineer and shall be in accordance with the policies, standards and
 29 specifications for sewage disposal systems of the county and all other applicable regulatory
 30 agencies according to generally accepted engineering practices.

- a. No sewage treatment plant may be constructed within 300 feet of an existing residential or commercial structure.
- b. Disposal of sewage disposal system effluent and sludge shall be in accordance with the regulations of the state department of environmental protection.
- 39 (g) *Operation of system, generally.*
- 41 (1) *Office*. Each water or sewage disposal system owner shall maintain:
 - a. A current record of customer accounts.

1 2 3			b.	A record of all interruptions of service affecting ten percent or more of its system users, including the date, time, duration and cause of the interruption and the steps taken to prevent its recurrence.
4 5 6 7			с.	A record of each complaint received showing the name and address of the complainant, the telephone number, nature of the complaint, date received, the disposition of the complaint and the date thereof.
8 9 10 11			d.	A telephone through which the system owner is able to respond to emergency situations on a 24-hour-a-day basis.
12		(2)	Dookk	agning. Each system owner shall maintain its records in accordance with
	~~~~~~	(2)		<i>eeping</i> . Each system owner shall maintain its records in accordance with
13 14	genera	my acce	epted ac	counting principles.
15 16	(h)	Minim	um stan	dards - Operations.
17		(1)	Waton	systems. Water supplied from a public water system shall be satisfactory
	for di	· /		
18		-		ry and domestic purposes meeting the quality standards of the state
19	depart	ment of	enviror	mental protection and all other applicable regulatory agencies.
20				
21			a.	Copies of the analysis results made pursuant to the regulations of the state
22				department of environmental protection or any other applicable regulatory
23				agency shall be made available for public inspection.
24				
25			b.	The county shall be immediately notified by the system owner of the
26				results of all tests failing to meet the applicable standards.
27				
28			c.	All public water systems shall be operated by a person licensed by the
29				state department of environmental protection for the operation of such
30				public water system.
31				
32		(2)	Sewag	e disposal systems. All sewage disposal systems shall be operated by a
33	persor	. ,		he state department of environmental protection for the operation of such
34	sewage disposal system.			
35	0	1	2	
36			a.	All sewage disposal systems shall be operated in accordance with the
37				standards for the operation of such systems as established by the state
38				department of environmental protection or any other applicable regulatory
39				agency.
40				ugeney:
41			b.	The treatment and discharge of industrial and toxic wastes will be in
42			01	accordance with the United States Environmental Protection Agency's
43				rules and regulations for pretreatment of existing and new sources of
44				pollution.
45				L
46	(i)	Conne	ctions to	o public water and sewage disposal systems.
.0	(-)	20.000		r

2 (1) No use shall be made of a public water or sewage disposal system until 3 application for such use is made to the system owner and payment of security deposit and a 4 connection or reconnection charge, and where appropriate, a capital facilities charge. 5

6 (2) Security deposits shall be held by the system owner until the use of the system is 7 terminated, at which time such deposit shall be applied against any water or sewage disposal bill 8 due the system owner, and any unused portion shall be then refunded to the user. In the event 9 service is terminated and the user does not claim the funds within 12 months after service is 10 discontinued, such unclaimed deposit shall become the property of the system owner.

12 (3) A system owner may refuse service to any person who is delinquent in payments
 13 otherwise owed to the system owner.
 14

15 (4) At the request of a user, water or sewage disposal services may be temporarily 16 disconnected to accommodate the user's temporary absence. Should the duration of such 17 temporary disconnection exceed eight months, reconnection shall be permissible only upon a 18 renewed application and payment of the appropriate application fee.

(5) Temporary services such as for circuses, fairs, carnivals, construction activities,
 and the like shall be granted upon written application and accompanied by a deposit sufficient to
 cover the system owner's estimate of the costs of water or sewage disposal services to be utilized
 by the user.

25 (j) Billing and meter reading procedures.

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(1) Services for water and sewage disposal facility usage shall be billed periodically
by the system owner, where applicable, based on meters which are read periodically and, where
not applicable, based on standard charges on file with the county.

31 (2) Where meters are used in water or sewage disposal systems, the bill shall include32 the following:

33 34 The meter reading at the commencement of the period. a. 35 36 The meter reading at the end of the period. b. 37 The quantity of usage during the period. 38 c. 39 40 d. The charge and date of billing. 41 42 Where a meter is utilized and such meter is destroyed, the user will be billed (3) 43 based on his average usage for the previous six months. 44

1 (4) Where a user receives both water service and sewage disposal service from a 2 single system owner, all bills for services rendered by such owner shall be contained on a single 3 bill. 4

5 (5) If a user requests that the accuracy of a meter be checked and the meter is found 6 to be accurate, the expense of the test shall be born by the user. If the meter is found not to be 7 accurate within three percent, the expense of the test shall be born by the system owner and 8 billing adjustments for a period not to exceed six months will be made. 9

10 (k) *Emergency restrictions on water.* In time of emergency, the county may restrict or 11 suspend the use of water systems.

Sec. 18-32. Complaints and appeals; abandonment; default; unlawful acts; and penalties.

15 (a) *Complaints and appeals.* 

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17 (1) *Complaint procedure.* Each system owner shall maintain a capability for 18 responding to user complaints within 24 hours after receipt of the complaint. Each authorized 19 owner shall file with the county its established procedures for receiving, acting upon and 20 resolving user complaints.

- a. This procedure shall be utilized for handling all complaints with regard to terminations of service, refusals to grant or extend service, unsatisfactory or poor quality of water, failure to comply with terms of the authorization, billing errors or errors dealing with meter readings.
- b. In the event that a user complaint is not resolved to the mutual satisfaction of a user and the system owner, either the user or the system owner may request that the matter be resolved by a person designated by the county for such purpose.
  - c. All other complaints not specifically designated in subsection (2) of this section shall be handled in the manner set forth above.

35 (2) *Appeals*. Any aggrieved person may appeal a decision by the county administrator 36 to declare a water or sewage system in default of its authorization, the refusal to grant a rate 37 increase hearing, disagreement regarding the plans, documents and specifications submitted with 38 an application for a system authorization. 39

- a. The procedure for such appeal shall be as follows:
  - 1. The aggrieved party shall, in writing, request an appeal to the Board of County Commissioners designating the specific activity of the county administrator sought to be reviewed.

- 2. At least 20 days' notice of the time and place of the hearing shall be given. Each party at such hearing shall have the opportunity to present evidence, cross-examine witnesses and submit such information as they deem appropriate supporting their respective positions. Any party is entitled to be represented by an attorney at such hearing.
  - 3. In lieu of hearing the appeal itself, the Board of County Commissioners may appoint a hearing examiner who shall promptly render to the Board of County Commissioners written findings of fact and conclusions of law with regard to the issue presented.
    - 4. Probative effect shall be given to evidence which would be admissible in civil proceedings in the courts of this state; but in receiving such evidence, the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect.
    - 5. When the appeal is heard by the Board of County Commissioners, the Board of County Commissioners shall render its final order in writing within 90 days of the final hearing; or in the event that the matter was heard by a hearing examiner, the Board of County Commissioners shall render its final order within 45 days of the receipt of the hearing examiner's findings of fact and conclusions of law.
  - b. An aggrieved party will be deemed to have exhausted his administrative remedies upon the rendition of the final order of the Board of County Commissioners.

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Abandonment. The following shall apply to all systems:

A person, lessee, trustee, or receiver that owns, operates, manages, or controls a
 system may not abandon the system without giving 60 days' prior written notice to the county
 and to the commission. Any such abandonment shall constitute a violation of this Article, and a
 violation of Chapter 367, Florida Statutes.

38

39 (2) After receiving any notice of abandonment, the county may petition the circuit
40 court to appoint a receiver, which may be the county or any other person deemed appropriate.
41 The receiver shall operate the system from the date of abandonment until such time as the
42 receiver disposes of the property of the system in a manner designed to continue the efficient and
43 effective operation of service.

44

45 (3) The notification of abandonment to the county and commission is sufficient cause 46 for revocation, suspension, or amendment of authorization for operation of the system as of the date of abandonment. The receiver operating such system shall be considered to hold a temporary authorization from the county and commission, and the approved rates of the system shall be deemed to be the interim rates of the receiver until modified by the commission.

(c)	Defau	lt.		
	(1)	The following shall constitute default by the owner of an authorized system:		
		a. The failure to meet or exceed the minimum construction or operation standards set forth in sections 18-31(f) and 18-31(h).		
		b. The failure to meet construction schedules submitted as part of the application procedure.		
		c. The violation of the lawful order of the county or other applicable regulatory agency pertaining to the operation and maintenance of such system.		
		d. Refusal to provide service required by the authorization granted.		
		e. Such other action or inaction as will substantially affect the general health, safety and welfare of the citizens residing in or whose property is located within the authorized area.		
notice being	of defactivel	In the event of such default, the county shall give written notice of such default to the system. Unless such default is cured within 30 days of receipt of such written ault, or if such cure cannot be reasonably accomplished within 30 days and is not y and expeditiously pursued, then such authorization may be revoked. Upon such ich system shall become the property of the county.		
(d)	Unlav	<i>yful acts</i> . It shall be unlawful:		
		For any person to remain in or engage in the business of constructing or operating m or sewage disposal system within the unincorporated area of the county without ng with the terms of this article.		
public	(2) water	To interconnect a privately owned water system or sewage disposal system to a or sewage disposal system without proper authorization.		
compl	(3) ying wi	To reconnect to the public water or sewage disposal system without first of the terms of this article.		
public	(4) water	For any person to tap, cut-in, connect to, or in any manner use any line or part of a or sewage disposal system without proper authorization.		

1 (5) To prevent or impede an authorized employee access to any portion of a water or 2 sewage disposal system including meters. 3

4 To construct or operate a water or sewage disposal system without first having (6)5 obtained all permits required by other regulatory agencies. 6

7 To allow septic tank and portable toilet waste to be introduced into a public (7)8 sewage disposal system except when specifically authorized by the system owner. 9

10 To maintain any privy, sewage disposal system pipe or drain so as to dispose or (8) discharge the contents thereof into the atmosphere or on the surface of the ground, or so as to 11 12 endanger any source of drinking water; nor shall any person discharge into any watercourse, 13 storm sewer, drain or body of water any sewage or sewage effluent unless a permit for such 14 discharge shall have been issued therefor by the county. 15

16 To introduce into a sewage disposal system any material in such quantity as will (9)17 be harmful to the system. 18

Penalties. (e)

Section 5.

(1)Upon failure of any water system or sewage disposal system user to pay, when required, all authorized charges, the use of such systems may be discontinued.

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(2)Any person violating this article shall be punished in accordance with section 1-9.

**Effective Date.** This ordinance shall have effect upon becoming law.

26 Conflicts. All ordinances or parts of ordinances in conflict with the Section 3. 27 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the 28 extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, 29 which provisions shall prevail over any parts of this ordinance which are inconsistent, either in 30 whole or in part, with the said Comprehensive Plan.

32 **Severability.** If any provisions or portion of this Ordinance is declared by Section 4. 33 any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all 34 remaining provisions and portions of this Ordinance shall remain in full force and effect. 35

36 37

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon 1 2 County, Florida, this 20th day of June, 2017.

3			
4			LEON COUNTY, FLORIDA
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7		By:	John E. Dailey, Chairman
8			
9			Board of County Commissioners
10			
11	ATTESTED BY:		
12	GWENDOLYN MARSHALL, CLERK		
13	OF COURT AND COMPTROLLER		
14	LEON COUNTY, FLORIDA		
15			
16			
17	By:		
18	Clerk		
19			
20	APPROVED AS TO FORM:		
21	COUNTY ATTORNEY'S OFFICE		
22	LEON COUNTY, FLORIDA		
23			
24			
25	By:		
26	Herbert W. A. Thiele, Esq.		
27	County Attorney		
28			

#### RESOLUTION NO. R17-____

## A RESOLUTION OF THE LEON COUNTY BOARD OF COUNTY COMMISSIONERS INVOKING THE JURISDICTION OF THE FLORIDA PUBLIC SERVICE COMMISSION OVER WATER AND WASTEWATER SYSTEMS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Leon County Board of County Commissioners (the "Board") currently regulates water and wastewater systems under its authority as a charter county and Chapter 367, Florida Statutes; and

WHEREAS, Chapter 367, Florida Statutes, details the procedure by which the County may transfer this regulatory power to the Public Service Commission for a minimum period of 10 years; and

WHEREAS, the Board has determined that it is in the best interest of Leon County that water and wastewater systems be regulated by the Public Service Commission, which has adequate resources to regulate those systems; and

WHEREAS, pursuant to Section 125.66, Florida Statutes (2016), the Board has advertised a public hearing to review the transfer of regulatory jurisdiction of water and wastewater systems to the Public Service Commission;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

1. The Board hereby invokes the jurisdiction of the Florida Public Service Commission pursuant to Section 367.171, Florida Statutes, effective immediately.

2. The County Administrator shall immediately notify and provide a certified copy of this Resolution to the Public Service Commission.

Page 793 of 1014

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on

this the 20th day of June, 2017.

## LEON COUNTY, FLORIDA

BY:_____ John E. Dailey, Chairman Board of County Commissioners

ATTEST:

GWENDOLYN MARSHALL, CLERK OF COURT AND COMPTROLLER LEON COUNTY, FLORIDA

BY:

Clerk

APPROVED AS TO FORM: OFFICE OF THE COUNTY ATTORNEY LEON COUNTY, FLORIDA

BY:

Herbert W. A. Thiele County Attorney

# Leon County Regulated Private Water and Wastewater Systems

# Private Utilities To Be Regulated Under Public Service Commission

Туре	Company	Franchise Location
Wastewater	Lake Bradford Partners LLC	Lake Bradford Estates
Wastewater	Grand Village Mobile Home Park LLC	Grand Village Mobile Home Park
Wastewater	Western Estates Mobile Home Park LLC	Western Estates Mobile Home Park
		Meadow Hills Subdivision
Water		Sedgefield Subdivision
	Seminole Waterworks Inc.	Brewster Subdivision
	Seminole waterworks me.	Buck Lake Estates Subdivision
		North Lake Meadow Subdivision
		Plantation Estates Subdivision
Water	Blount's Landing Water System	Blount's Landing
Water	Lake Bradford Partners LLC	Lake Bradford Estates
Water	Twin Lakes Mobile Home Park LLC	Twin Lakes Mobile Home Park

# Private Utilities Serving Fewer Than 100 People (To Remain Under Leon County Regulatory Authority

Туре	Company	Franchise Location	
Water	Dogwood MHP	Dogwood Mobile Home Park	
Water	Grand Village MHP West	Grand Village Mobile Home Park West	
Water	Grand Village MHP East	Grand Village Mobile Home Park East	
Water	Eagle's Nest MHP	Eagle's Nest Mobile Home Park	
Water	Burgess Circle Subdivision	Burgess Circle Subdivision	

# SEMINOLE WATERWORKS, INC.

April 14, 2017

Leon County Board of County Commissioners 301 S. Monroe Street, 5th Floor Tallahassee, FL. 32301

#### RE: Seminole Waterworks, Inc. request for rate increase

Dear Commissioners:

On January 29, 2016, Seminole Waterworks, Inc. (Seminole) purchased Rowe Utilities' water assets for the existing water systems within Leon County, Florida. On March 8, 2016, the Leon County Board of County Commissioners approved the transfer of the existing franchises from Rowe Utilities to Seminole at its regularly schedules board meeting.

The owners of Seminole are Water and Wastewater Industry Professionals; they have over 30 years of experience in providing water and wastewater services to customers throughout the State of Florida. USWSC is a Florida based contract operating company providing services to more than 1,000 systems statewide, with customers such as; McDill AFB, the FGUA, City of North Lauderdale, Hillsborough County, and a host of other systems.

In addition to Seminole, the owners of the utility also own sixteen (16) water and wastewater utilities regulated by the Florida Public Service Commission located throughout the State of Florida.

Pursuant to Section 367.171(3), Florida Statutes (F.S.):

(3) In consideration of the variance of powers, duties, responsibilities, population, and size of municipalities of the several counties and in consideration of the fact that every county varies from every other county and thereby affects the functions, duties, and responsibilities required of its county officers and the scope of responsibilities which each county may, at this time, undertake, the Counties of Alachua, Baker, Bradford, Calhoun, Charlotte, Collier, Dixie, Escambia, Flagler, Gadsden, Gilchrist, Glades, Hamilton, Hardee, Hendry, Hernando, Hillsborough, Holmes, Indian River, Jefferson, Lafayette, *Leon*, Liberty, Madison, Manatee, Miami-Dade, Okaloosa, Okeechobee, Polk, St. Lucie, Santa Rosa, Sarasota, Suwannee, Taylor, Union, Wakulla, and Walton are excluded from the provisions of this chapter until such time as the board of county commissioners of any such county, acting pursuant to the provisions of subsection (1), makes this chapter applicable to such county or until the Legislature, by appropriate act, removes one or more of such counties from this exclusion. (emphasis added)

In reference to the rate setting provisions of Chapter 367, F.S., Section 367.171(8), F.S. hereby states:

(8) Each county which is excluded from the provisions of this chapter shall regulate the rates of all utilities in that county which would otherwise be subject to regulation by the

#### April 14, 2017 Letter to Leon County Board of County Commissioners

commission pursuant to s. 367.081(1), (2), (3), and (6). The county shall not regulate the rates or charges of any system or facility which would otherwise be exempt from commission regulation pursuant to s. 367.022(2). For this purpose the county or its agency shall proceed as though the county or agency is the commission.

To our knowledge, Leon County has not adopted any regulation ordinances related to the ratemaking provisions contained in Section 387.081, F.S. Without any established rules, regulations, or procedures to follow to allow a private water utility to recover its prudent costs, the utility is at a disadvantage to recover these costs.

Seminole operates these water systems under the same rules and regulations prescribed by the Florida Public Service Commission. The rates were not changed due to the change in ownership.

Since purchasing the utility, Seminole Waterworks, Inc. has incurred significant capital costs and extraordinary expenses. As a result of the hurricane that hit the Tallahassee area, Seminole incurred over \$2,300 in expenses related to generator rentals and repairs. In addition since purchasing the utility, Seminole experienced several water well failures due to well motors breaking and needing to be replaced. Since January 2016, Seminole has incurred capital expenditures of **\$61,270** in unanticipated repairs and/or replacements. The support documentation is readily available for review. Again, without an approved established procedure to request rate relief, Seminole has no way to recover these costs.

Prior to the purchase of the utility by Seminole, the former owner (Rowe Utilities) did implement regular rate increases by sending notices to its customers. The most recent increase incurred in December 2015, prior to the purchase. The increase at that time was an across the board nine percent (9%) increase. Prior to that time, the previous increase occurred in 2013. (See attached notices) Rowe Utilities indicated that it regularly increased rates by three percent (3%) on an annual basis for inflationary increases in expenses.

In early February 2017, Seminole sent a customer notice to its customer indicating the water rates would go up by 2.7% effective March 1, 2017. At the request of Mr. Tony Parks, Seminole subsequently sent a notice to its customer indicating that the rate increase would not go into effect. Seminole hereby requests that the Board of County Commissioner of Leon County approve this 2.7% increase in order for the utility to recover its prudent investments and increased operating expenses. This increase is less than the previous owner's prior increases, and the rates have not changed in over a year.

If you'd like to discuss further, please do not hesitate to contact me at (727) 848-8292.

Respectfully Submitted,

Troy Rendell

Manager of Regulated Utilities // for Seminole Waterworks, Inc.

# **ROWE UTILITIES, LLC**

P.O. DRAWER 1389 TALLAHASSEE, FL 32302 Phone: (850) 576-1271

To all Rowe Utilities, LLC customers:

The following rates will be in effect starting December 1, 2015.

This increase will appear on your January 1, 2016 bill.

#### MONTHLY WATER RATES

Basic Service	\$21.00
0 – 5000 Gallons	\$ 2.64 per 1,000 gals used
5001- 20000 Gallons	\$ 2.92 per 1,000 gals used
20001 and over	\$ 3.25 per 1,000 gals used

Disconnect/Reconnection Fee: \$165.00 (This is the fee for non-payment shutoff and reconnect)

Return Check Fee: \$25.00 (if check value is <\$50.00) \$30.00 (if check value is between \$50.00 and \$300.00)

Our late fee structure will remain at 10%, calculated on the total bill owed. Feel free to call our office @ 576-1271 with any questions you may have.

# ROWE UTILITIES, LLC P.O. DRAWER 1389 TALLAHASSEE, FL 32302 Phone: (850) 576-1271

To all Rowe Utilities, LLC customers:

Effective January 1, 2013 Rowe Utilities will be increasing our rates and fees, due to the increase in the costs of maintaining our systems. (The changes are in bold)

This increase will appear on your February 1, 2013 bill.

#### **MONTHLY WATER RATES**

Basic Service 0 – 5000 Gallons 5001- 20000 Gallons 20001 and over \$19.25 \$ 2.40 per 1,000 gals used \$ 2.65 per 1,000 gals used \$ 2.95 per 1,000 gals used

Disconnect/Reconnection Fee : **\$150.00** (This is the fee for non-payment shutoff and reconnect)

Return Check Fee: \$25.00

Our late fee structure will remain at 10%, calculated on the total bill owed. Feel free to call our office @ 576-1271 with any questions you may have.

# SEMINOLE WATERWORKS, INC.

#### NOTICE TO CUSTOMERS OF SEMINOLE WATERWORKS, INC.

The existing water rates will be increased effective March 1, 2017. This adjustment in rates are affected by increases in non-controllable expenses subject to inflationary pressures, such as chemicals, purchased power, and other general operation and maintenance costs. In addition, the Violation Reconnection Charge is being lowered down to \$95.00 and the customer deposit amount is being increased to \$65.00.

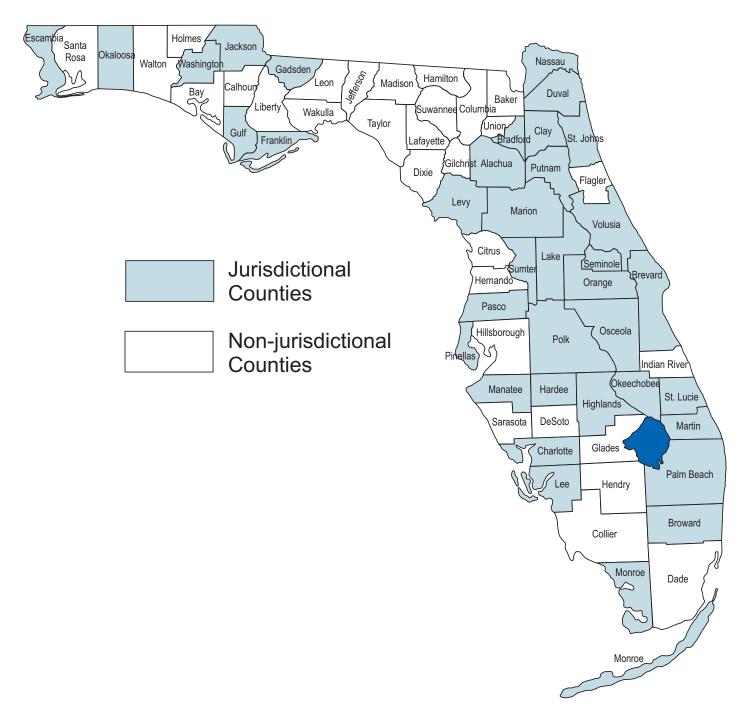
Water rates will increase by 2.7% effective March 1, 2017. The utility's existing rates and new rates based on monthly billing are contained in this notice below.

If you should have any questions, you may call the utility at 888–228-2134. Please be sure to have your account number handy for quick reference.

#### SEMINOLE WATERWORKS, INC. RATE INCREASE EFFECTIVE MARCH 1, 2017

Water Monthly Rates	Existing 1	Rate	New Rates
Base Facility Charge:			
5/8 X 3/4" meter	\$	21.00	\$ 21.57
Gallonage Charges:			
0 - 5,000 gallons	\$	2.64	\$ 2.71
5,001 - 20,000 gallons	\$	2.92	\$ 3.00
Over 20,000 gallons	\$	3.25	\$ 3.34
Misc. Charges/Fees:			
Returned Check Charge - NSF	\$	25.00	(if check value < \$50.00)
	\$	30.00	(if check value > \$50.00 and \$300.00)
	\$	40.00	(or 5% greater amount if check value > \$300)
Violation Reconnection Fee:	\$	165.00	\$ 95.00
(This is a fee for non-payment shutoff and reconnect)			
Late Fees:		10%	(calculated on bill owed)
Set Up Fee:	\$	50.00	
Credit Card Convenience:	\$	2.60	
Deposits:	\$	50.00	\$ 65.00

# 37 Jurisdictional Counties



# PSC JURISDICTIONAL AND NON-JURISDICTIONAL COUNTIES

JURISDICTIONAL	NON-JURISDICTIONAL	
COUNTIES	COUNTIES	
(37)	(30)	
ALACHUA BRADFORD BREVARD BROWARD CHARLOTTE CLAY DUVAL ESCAMBIA FRANKLIN GADSDEN GULF HARDEE HIGHLANDS JACKSON LAKE LEE LEVY MANATEE MARION MARTIN MONROE NASSAU OKALOOSA OKEECHOBEE ORANGE OSCEOLA PALM BEACH PASCO PINELLAS POLK PUTNAM SEMINOLE ST. JOHNS ST. LUCIE SUMTER VOLUSIA WASHINGTON	BAKER BAY CALHOUN CITRUS COLLIER COLUMBIA DADE DESOTO DIXIE FLAGLER GILCHRIST GLADES HAMILTON HENDRY HERNANDO HILLSBOROUGH HOLMES INDIAN RIVER JEFFERSON LAFAYETTE LEON LIBERTY MADISON SANTA ROSA SARASOTA SUWANEE TAYLOR UNION WAKULLA WALTON	

Attachment #6 Page 1 of 17

1	ORDINANCE NO. 2017
2	
3	AN ORDINANCE OF THE BOARD OF COUNTY
4	COMMISSIONERS OF LEON COUNTY, FLORIDA,
5	AMENDING CHAPTER 18, ARTICLE II, DIVISION 1 OF
6	THE CODE OF LAWS OF LEON COUNTY, FLORIDA,
7	<b>REGARDING PUBLIC WATER AND SEWAGE</b>
8	<b>DISPOSAL SYSTEMS; PROVIDING FOR CONFLICTS;</b>
9	<b>PROVIDING FOR SEVERABILITY; AND PROVIDING</b>
10	AN EFFECTIVE DATE.
11	
12	
13	WHEREAS, the Board of County Commissioners desires to enact an ordinance
14	amending Chapter 18, Article II, Division 1 of the Leon County Code of Laws, relating to Public
15	Water and Sewage Disposal Systems;
16	
17	BE IT ORDAINED by the Board of County Commissioners of the County of Leon,
18	Florida, as follows, that:
19	
20	Section 1. The Code of Laws of Leon County, Florida, is hereby amended by
21	repealing Division 1, Sections 18-26 through 18-45, of Article II of Chapter 18, in its entirety.
22	
23	Section 2. The Code of Laws of Leon County, Florida, is hereby amended by adding
24	a new Division 1 to Article II of Chapter 18, to be entitled "Generally," which shall read as
25	follows.
26	
27	ARTICLE II. PUBLIC WATER AND SEWAGE DISPOSAL SYSTEMS
28	<b>DIVISION 1. GENERALLY</b>
29	Sec. 18-26. Intent.
30	
31	The intent of this article is to delineate the jurisdiction of water system and sewage
32	disposal system regulation.
33	
34	Sec. 18-27. Definitions.
35	
36	The following words, terms and phrases, when used in this article, shall have the
37	meanings ascribed to them in this section, except where the context clearly indicates a different
38	meaning:
39	
40	Commission shall mean the Florida Public Service Commission.
41	
42	Depreciation shall mean depreciation on a straight-line basis over the useful life of the
43	asset, unless the term of the authorization is less than the useful life of the asset, in which event
44	the county may authorize depreciation over the term of the authorization.
••	the county may authorize depreciation over the term of the authorization.

*General obligation bonds* shall mean general obligations of the county which are payable from unlimited ad valorem taxes or from such taxes and additionally secured by a pledge of water service charges or sewer service charges or special assessments, or all of them.

Public water system or public sewage disposal system shall mean any water or sewage disposal system serving more than eight persons.

*Rate fixing authority* shall mean the authority to fix and collect rates, fees and other charges for the service and facilities furnished by any such *public water system* or *public sewage disposal system*.

*Revenue bonds* shall mean special obligations of the county which are payable solely from water and sewage disposal service charges and which shall in no way pledge the property, credit or general tax revenue of the county.

Service revenue shall mean all revenues received by the system owner from users of the
 system for water and sewage disposal services, including systems charges.

Sewage shall include any substance that contains any of the waste products, excrement or
 other discharge from the bodies of human beings or animals as well as such other wastes as
 normally emanate from dwellings, or commercial or industrial establishments.

24 Sewage disposal system shall mean and shall include any plant, system, facility or 25 property used or useful or having the present capacity for future use in connection with the 26 collection, treatment, purification or disposal of sewage, and, without limiting the generality of 27 the foregoing definition, shall embrace treatment plants, pumping stations, intercepting sewers, 28 pressure lines, mains, and all necessary appurtenances and equipment and shall include all 29 property, rights, easements and franchises relating to any such system and deemed necessary or 30 convenient for the operation thereof. The term "sewage disposal system" shall also include all sanitary sewers within the county and shall embrace sewer mains and laterals for the reception of 31 32 sewage from premises connected therewith and for carrying such sewage to some part of the 33 sewage disposal system.

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Sewage treatment plant shall mean that part of a sewage disposal system which is used in
 connection with the treatment or purification of sewage.

38 Systems shall mean either or both a public water system or public sewage disposal 39 system.

Water system shall mean and shall include any plant, wells, pipes, tanks, reservoirs, system, facility or property used or useful or having the present capacity for future use in connection with the obtaining and supplying water for human consumption, fire protection, irrigation, consumption by business, or consumption by industry, and, without limiting the generality of the foregoing definition, shall embrace all necessary appurtenances and equipment and shall include all property, rights, easements and franchises relating to any such system and

deemed necessary or convenient for the operation thereof. The term "water system" shall also include all water pipes or lines, valves, meters and other water-supplying equipment within the county and shall embrace water mains and laterals for the carrying of water to the premises connected therewith and for carrying such water from some part of the water supply system.

Sec. 18-28. Jurisdiction and authority, generally.

# (a) Jurisdiction.

(1) The county designates to the commission regulatory authority over public water systems and public sewage disposal systems serving or proposing to serve over 100 persons.

(2) The county shall retain sole regulatory authority over those public water systems and public sewage disposal systems serving or proposing to serve 100 or less persons but more than eight persons, and those systems exempt from the jurisdiction of the commission, unless otherwise provided herein.

(3) The county shall retain regulatory authority over the abandonment of any system.

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(b) *County authority for implementation.* The county is hereby authorized and empowered:

(1) To purchase or construct and to improve, extend, enlarge and reconstruct a water system or systems or sewage disposal system or systems, or both, within such county and any adjoining county or counties and to operate, manage and control all such systems purchased or constructed and all properties pertaining thereto, and to furnish and supply water and sewage collection and disposal services to any of such counties and to any governmental entity and any person in any of such counties.

28

(2) To issue water revenue bonds and/or sewer revenue bonds or general obligation
 bonds of the county to pay all or a part of the cost of such purchase and/or construction or
 reconstruction.

33 (3) To receive and accept from the federal government or any agency thereof grants 34 for or in aid of the planning, purchase, construction, reconstruction or financing of any facility, 35 and to receive and accept contributions from any source of money, property, labor or other things 36 of value to be held, used and applied only for the purpose for which such grants and 37 contributions may be made.

39 (4) To acquire in the name of the county by gift, purchase as hereinafter provided or 40 by the exercise of the right of eminent domain, such lands and rights and interests therein, 41 including lands under water and riparian rights, and to acquire such personal property as it may 42 deem necessary for the efficient operation or for the extension of or the improvement of any 43 facility purchased or constructed under the provisions of this article and to hold and dispose of 44 all real and personal property under its control.

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1 (5) To make and enter into all contracts and agreements necessary or incidental to the 2 performance of its duties and the execution of its powers under this article and to employ such 3 consulting and other engineers, superintendents, managers, construction and accounting experts 4 and attorneys and such other employees and agents as it may deem necessary in its judgment and 5 to fix their compensation.

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7 (6) To enter into contracts with the government of the United States or any agency or 8 instrumentality thereof or with any other county or with any governmental entity, private 9 corporation, co-partnership, association, or individual providing for or relating to the acquisition 10 and supplying of water and the collection, treatment and disposal of sewage.

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12 (7) To acquire by gift or purchase at a price to be mutually agreed upon or the 13 exercise of the right of eminent domain, any of the facility or portions thereof, provided for by 14 this article, which shall, prior to such acquisition, have been owned by any person. 15

16 To enter into agreements and contracts with building contractors erecting (8) 17 improvements within any subdivision within the county, the terms of which such agreements or 18 contracts may provide that such building contractors shall install within such subdivision water 19 systems and sewage disposal systems, to be approved by the county or to run the mains and lines 20 of such systems to a point or location to be agreed upon, at which said point or location such 21 mains and lines shall be connected to the water system or to the sewage disposal system owned 22 or authorized by the county. In the event such agreements or contracts are entered into, they shall 23 provide that the systems or the connection of the mains or lines within the subdivision to the 24 water or sewer facilities owned or authorized by the county such systems, mains, lines and 25 equipment running to the various privately owned parcels of land within such subdivision shall 26 become the property of the county and shall become a part of the county water system or sewage 27 disposal system.

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(9) To restrain, enjoin or otherwise prevent any person or corporation, public or private, from contaminating or polluting any source of water supply from which is obtained water for human consumption to be used in any water supply system or water system improvement as authorized by this article, and to restrain, enjoin or otherwise prevent the violation of any provision of this article or any resolution, rule or regulation adopted pursuant to the powers granted by this article.

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(10) To acquire by gift or purchase, at such price and upon such deferred or other terms as may be mutually agreed upon, all the capital stock of any domestic or foreign corporation which, prior to such acquisition, shall have owned or operated any of the facilities or portions thereof provided for by this article; to pledge the revenues from the facilities as security for payment of the purchase price for such stock; and to operate the facilities through the corporation so acquired or to dissolve such corporation and operate the facilities in any other manner authorized by law.

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# 44 Sec. 18-29. Authorization to operate public water and sewage disposal systems.

1 (a) *County sole authority.* The county has determined that it will be the sole local 2 governmental entity to authorize the planning, construction and operation of water systems and 3 sewage disposal systems within the unincorporated area of the county and will provide such 4 services when it deems it appropriate. No authorization for the construction or operation of any 5 water or sewage disposal system within the unincorporated area of the county shall be granted 6 unless the county specifically determines that it is in the best interest of the citizens of the 7 county.

- 8 9
- (b) *Nature of authorization*. An authorization under this section:
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(1) Shall be granted for such time as may be established by the county.

13 (2)Unless specifically stated otherwise by the county, shall grant to the water or 14 sewage disposal system owner the exclusive right within a specific geographical area to own, 15 acquire, construct, operate and maintain the system specified in the authorization. The owner of 16 such authorized system shall be required to serve upon request any owner, tenant, occupant on 17 each parcel of land within the authorized area which abuts upon a public easement or right-of-18 way wherein is constructed, or pursuant to the terms of the authorization, will be constructed a 19 public water or sewage disposal system. 20

(3) May be made nonexclusive upon such reasonable terms and conditions as areestablished by the county.

(4) Acceptance by the owner of the authorization for the system from the county conveys to the county, in the event of default by the owner, the right to enter upon the premises, possess, keep and maintain all system records, operate the system and perform such repairs and maintenance of the system as are necessary to provide the services required by the system. At such time as the county assumes the operation of the system, it shall become the owner of the system and thereafter shall receive all revenues from the system.

Sec. 18-30. Rate fixing authority.

(a) The county shall have rate fixing authority for those systems serving or proposing to serve 100 or less persons but more than eight persons.

- (b) Those exempted from the county's rate fixing authority include:
- (1) Systems under the jurisdiction of the commission, including those systems serving or proposing to serve over 100 persons.

41 (2) Systems owned, operated, managed, or controlled by governmental authorities, 42 including water or sewage disposal systems operated by private firms under water or sewage 43 disposal system privatization contracts, and nonprofit corporations formed for the purpose of 44 acting on behalf of a political subdivision with respect to a water system or sewage disposal 45 system.

4 shall fully comply with all provisions set forth in this article concerning such franchises. 5 6 (b) Sewer franchise areas. All current franchisees and applicants for future franchise areas 7 shall fully comply with all provisions set forth this article concerning such franchises. 8 9 (c) Procedure for transfer of water and sewer franchise areas. 10 11 (1)General. The board of county commissioners hereby delegates to the county 12 administrator, or his designee, the authority to grant transfers of the authorization to provide 13 water and/or sewer service from a current franchise area holder to another person where all of the 14 following conditions are met: 15 16 The authorization to provide water and/or sewer service for a specific a. 17 geographical area has been previously granted by the county to the current 18 franchise area holder: 19 20 b. The current franchise area holder agrees to relinquish any and all rights to 21 provide water and/or sewer service for the specific geographic area, yet 22 there are property owner(s) in that area in need of such service; 23 24 Another utility provider (hereinafter "applicant") is willing to provide c. 25 water and/or sewer service in the subject geographic area; and 26 27 d. The applicant has an established service area on property adjoining, 28 adjacent or appurtenant to the subject geographical area. 29 30 (2)*Required information.* The following information shall be submitted with the application for franchise area transfer: 31 32 33 Written confirmation from the originally authorized franchise area holder a. 34 relinquishing any and all rights to provide water and/or sewer service for 35 the subject geographical area. 36 37 b. Written confirmation from the applicant that they are willing to add the 38 geographical area in question to their existing authorized franchise area 39 and provide water and/or sewer service to property owner(s) in need of 40 such services. 41 42 A boundary description on a copy of the county property appraiser's map c. 43 of the geographical area to be transferred. 44

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Water franchise areas. All current franchisees and applicants for future franchise areas

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(a)

Sec. 18-31. Operation of systems.

1 2 3 4			d.	A copy of the most recent assessment roll of the county property appraiser showing the name, address, item number and description to all property within the area for which authorization is sought.
5 6 7 8 9			e.	Conceptual drawings indicating tentatively the system to be constructed, plant location, location of collection system, implementation schedule and any other general information that will determine when and where services will be supplied within the area described.
9 10 11 12			f.	Written consent of the property owner(s) of all property subject to the franchise area transfer.
12 13 14	(d)	Applic	eation pr	rocedure for construction, operation, etc., of system.
15 16 17 18			ystem o	<i>ssion of preapplication</i> . Any person who desires to construct, operate or r sewage disposal system within the unincorporated area of the county shall ication to the county administrator.
		( <b>2</b> )	Doguir	and information. The following date shall be submitted with the
19		(2) Liastian	-	red information. The following data shall be submitted with the
20	preapp	incation	1.	
21				
22			a.	A boundary description on a copy of the county property appraiser's map
23				of the geographical area for which authorization to operate such system is
24				sought.
25				
26			b.	A copy of the most recent assessment roll of the county property
27				appraiser showing the name, address, item number and description of all
28				property within the area for which authorization is sought.
29				
30			c.	Conceptual drawings indicating tentatively the system to be constructed,
31			C.	plant location, location of collection system, implementation schedule and
32				any other general information that will determine when and where services
33				will be supplied within the area described.
34			1	
35			d.	Information as to the proposed method of financing the water or sewage
36				system for which authorization to construct or operate such system is
37				sought.
38				
39		(3)	Fee. A	preapplication fee shall be paid to the county prior to the scheduling of a
40	public	hearin	g on th	e preapplication. The required preapplication fee shall be set forth in a
41	resolut	ion dul	y adopte	ed by the board of county commissioners.
42				
43		(4)	Service	e of notice by mail. All property owners within the area for which
44	authori	· /		ht shall be notified of such preapplication and of the time and place set for
45			0	on at least ten days prior to the date of the hearing by mail to the address
46				y appraiser's assessment roll.

(5) *Public notice of hearing.* Public notice of the hearing on the preapplication shall
be published once each week for two successive weeks in a newspaper of general circulation
published in the county, the first publication to be no sooner than 20 days prior to the hearing
and in substantially the following form:

Notice is hereby given that _____ has applied to the Board of County Commissioners of Leon County, Florida, for authorization to operate a water/sewage disposal system, embracing the following described lands in Leon County, Florida, to wit:

## (Description of area by public road, street, or landmark)

Dated this ______ day of ______, 20 _____,

22
23 /s/_____
24 Chairman, Board of County Commissioners

Leon County, Florida

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(6) Submission of application, fee. Upon completion of the preapplication procedure and upon receiving approval of the conceptual plans by the county administrator, the applicant may proceed to submit an application for authorization to construct and operate a water or sewage disposal system in the area for which a preapplication has been approved or any portion thereof in the unincorporated area of the county, along with an application fee. The required application fee shall be set forth in a resolution duly adopted by the board of county commissioners.

*Required information.* The following data shall be submitted with the application:
 a. Legal descriptions of all properties upon which treatment facilities, wells, life stations, pump
 stations or other portions of the water or sewage disposal systems will be located other than
 mains and lines.

- a. Legal descriptions of all properties upon which treatment facilities, wells, lift stations, pump stations, or other portions of the water or sewage disposal systems will be located other than mains and lines.
- 44b.A description of the facilities to be provided, including a construction45schedule showing dates upon which the facilities will be constructed in46each portion of the geographical area for which authorization is sought.

1 2	с.	A set of plans and specifications prepared under the direction and
3	υ.	supervision of a registered professional engineer for the system to be built,
4		together with a copy of the operating procedures for such system.
5	1	
6	d.	A list of the proposed rates and fees to be charged to users of the system.
7		
8	e.	An estimate of operating costs and revenues on an annual basis for the
9		first three years of operation.
10		
11	f.	An estimate of the total capital requirements of the system and the amount
12		of anticipated indebtedness, terms for the repayment of the indebtedness,
13		and the security required therefor.
14		5 I
15	g.	Copies of any agreements between the system owner and other persons
16	5.	relating to the construction or operation of the system.
17		relating to the construction of operation of the system.
18	h.	Instruments of transfer in the event the system is to be transferred to the
19	11.	county at the end of the authorization period.
20		county at the end of the authorization period.
20 21	:	Such other data as the county may door appropriate
21 22	i.	Such other data as the county may deem appropriate.
	(0) E	retion. The manufacture of this spectrum shall not employ to employed and
23		ption. The provisions of this section shall not apply to applications to
24		own a water system or sewage disposal system within the unincorporated
25	-	which rights are granted pursuant to a validly adopted and properly executed
26	interlocal agreement	with another governmental entity.
27		
28	(e) <i>Construction</i>	plans.
29	(e) <i>Construction</i>	plans.
		plans.
29	(1) All c	•
29 30	(1) All c	construction must be in accordance with the approved application. No
29 30 31 32	(1) All c substantial deviation	construction must be in accordance with the approved application. No shall be authorized unless approved in advance in writing by the county.
29 30 31 32 33	<ul><li>(1) All c</li><li>substantial deviation</li><li>(2) Prior</li></ul>	to the commencement of construction, the owner shall obtain and deliver to
29 30 31 32 33 34	<ul> <li>(1) All c</li> <li>substantial deviation</li> <li>(2) Prior</li> <li>the county a perform</li> </ul>	construction must be in accordance with the approved application. No shall be authorized unless approved in advance in writing by the county. to the commencement of construction, the owner shall obtain and deliver to nance bond in an amount to be determined by the county and with a surety
29 30 31 32 33 34 35	<ul> <li>(1) All c substantial deviation</li> <li>(2) Prior</li> <li>the county a perform approved by the court</li> </ul>	construction must be in accordance with the approved application. No shall be authorized unless approved in advance in writing by the county. to the commencement of construction, the owner shall obtain and deliver to nance bond in an amount to be determined by the county and with a surety nty or other acceptable security which shall guarantee the completion of all
29 30 31 32 33 34 35 36	<ul> <li>(1) All c</li> <li>substantial deviation</li> <li>(2) Prior</li> <li>the county a perform</li> <li>approved by the cou</li> <li>construction and the</li> </ul>	construction must be in accordance with the approved application. No shall be authorized unless approved in advance in writing by the county. to the commencement of construction, the owner shall obtain and deliver to nance bond in an amount to be determined by the county and with a surety nty or other acceptable security which shall guarantee the completion of all payment for all labor and materials used in such construction. The county
29 30 31 32 33 34 35 36 37	<ul> <li>(1) All c</li> <li>substantial deviation</li> <li>(2) Prior</li> <li>the county a perform</li> <li>approved by the cou</li> <li>construction and the</li> <li>may waive the require</li> </ul>	construction must be in accordance with the approved application. No shall be authorized unless approved in advance in writing by the county. to the commencement of construction, the owner shall obtain and deliver to nance bond in an amount to be determined by the county and with a surety nty or other acceptable security which shall guarantee the completion of all payment for all labor and materials used in such construction. The county rement for a performance bond upon the receipt of other adequate assurance
29 30 31 32 33 34 35 36 37 38	<ul> <li>(1) All c</li> <li>substantial deviation</li> <li>(2) Prior</li> <li>the county a perform</li> <li>approved by the cou</li> <li>construction and the</li> <li>may waive the require</li> </ul>	construction must be in accordance with the approved application. No shall be authorized unless approved in advance in writing by the county. to the commencement of construction, the owner shall obtain and deliver to nance bond in an amount to be determined by the county and with a surety nty or other acceptable security which shall guarantee the completion of all payment for all labor and materials used in such construction. The county
29 30 31 32 33 34 35 36 37 38 39	<ul> <li>(1) All c substantial deviation</li> <li>(2) Prior</li> <li>the county a perform approved by the cou construction and the may waive the requi- of the owner's ability</li> </ul>	construction must be in accordance with the approved application. No shall be authorized unless approved in advance in writing by the county. to the commencement of construction, the owner shall obtain and deliver to nance bond in an amount to be determined by the county and with a surety nty or other acceptable security which shall guarantee the completion of all apayment for all labor and materials used in such construction. The county rement for a performance bond upon the receipt of other adequate assurance to perform its obligations under the authorization.
29 30 31 32 33 34 35 36 37 38 39 40	<ul> <li>(1) All c substantial deviation</li> <li>(2) Prior</li> <li>the county a perform approved by the cou construction and the may waive the require of the owner's ability</li> <li>(3) Withi</li> </ul>	<ul> <li>construction must be in accordance with the approved application. No shall be authorized unless approved in advance in writing by the county.</li> <li>to the commencement of construction, the owner shall obtain and deliver to nance bond in an amount to be determined by the county and with a surety nty or other acceptable security which shall guarantee the completion of all payment for all labor and materials used in such construction. The county rement for a performance bond upon the receipt of other adequate assurance to perform its obligations under the authorization.</li> <li>n 90 days following completion of any construction authorized by the</li> </ul>
29 30 31 32 33 34 35 36 37 38 39 40 41	<ul> <li>(1) All c substantial deviation</li> <li>(2) Prior</li> <li>the county a perform approved by the cou construction and the may waive the require of the owner's ability</li> <li>(3) Withit county, the owner shows a state of the ow</li></ul>	<ul> <li>construction must be in accordance with the approved application. No shall be authorized unless approved in advance in writing by the county.</li> <li>to the commencement of construction, the owner shall obtain and deliver to nance bond in an amount to be determined by the county and with a surety nty or other acceptable security which shall guarantee the completion of all payment for all labor and materials used in such construction. The county rement for a performance bond upon the receipt of other adequate assurance to perform its obligations under the authorization.</li> <li>n 90 days following completion of any construction authorized by the nall submit as-built plans certified by the engineer that the system as installed</li> </ul>
29 30 31 32 33 34 35 36 37 38 39 40 41 42	<ul> <li>(1) All c substantial deviation</li> <li>(2) Prior</li> <li>the county a perform approved by the cou construction and the may waive the requi of the owner's ability</li> <li>(3) Withi county, the owner sh is in substantial com</li> </ul>	construction must be in accordance with the approved application. No shall be authorized unless approved in advance in writing by the county. to the commencement of construction, the owner shall obtain and deliver to nance bond in an amount to be determined by the county and with a surety nty or other acceptable security which shall guarantee the completion of all apayment for all labor and materials used in such construction. The county rement for a performance bond upon the receipt of other adequate assurance to perform its obligations under the authorization.
29 30 31 32 33 34 35 36 37 38 39 40 41	<ul> <li>(1) All c substantial deviation</li> <li>(2) Prior</li> <li>the county a perform approved by the cou construction and the may waive the requi of the owner's ability</li> <li>(3) Withi county, the owner sh is in substantial com</li> </ul>	<ul> <li>construction must be in accordance with the approved application. No shall be authorized unless approved in advance in writing by the county.</li> <li>to the commencement of construction, the owner shall obtain and deliver to nance bond in an amount to be determined by the county and with a surety nty or other acceptable security which shall guarantee the completion of all payment for all labor and materials used in such construction. The county rement for a performance bond upon the receipt of other adequate assurance to perform its obligations under the authorization.</li> <li>n 90 days following completion of any construction authorized by the nall submit as-built plans certified by the engineer that the system as installed</li> </ul>

1 (4) When all of the requirements hereof are met, the county shall issue a written 2 authorization to place the system in service. No system shall be placed in service until such 3 authorization is obtained.

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(f) Minimum standards - Construction.

7 (1) *Water systems*. Water systems shall be of a design which will ensure an adequate, 8 safe supply of water at all times. All design and construction shall be under the supervision of a 9 registered professional engineer. All design and construction shall be in accordance with the 10 policies, standards and specifications for water systems in the county and all other applicable 11 regulatory agencies, according to generally accepted engineering practices.

- a. Water shall be obtained from a source which, in its natural state or with the treatment prescribed, shall meet or exceed the minimum standards for drinking water established by the state department of environmental protection.
- b. All water supplies shall be disinfected by chlorination or other approved method before distribution to the user. All parts of the water system in contact with the water to be distributed shall be disinfected before being placed in operation. Disinfection shall be in accordance with the requirements of the state department of environmental protection.
  - c. All necessary meters shall be furnished by the public system owner and shall remain the property of the public system owner.

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27 (2) Sewage disposal systems. Sewage disposal systems shall be designed by a 28 registered professional engineer and shall be in accordance with the policies, standards and 29 specifications for sewage disposal systems of the county and all other applicable regulatory 30 agencies according to generally accepted engineering practices.

- a. No sewage treatment plant may be constructed within 300 feet of an existing residential or commercial structure.
- b. Disposal of sewage disposal system effluent and sludge shall be in accordance with the regulations of the state department of environmental protection.
- 39 (g) Operation of system, generally.40
- 41 (1) *Office*. Each water or sewage disposal system owner shall maintain:
  - a. A current record of customer accounts.

1 2 3 4			b.	A record of all interruptions of service affecting ten percent or more of its system users, including the date, time, duration and cause of the interruption and the steps taken to prevent its recurrence.
5 6 7 8			с.	A record of each complaint received showing the name and address of the complainant, the telephone number, nature of the complaint, date received, the disposition of the complaint and the date thereof.
9 10 11			d.	A telephone through which the system owner is able to respond to emergency situations on a 24-hour-a-day basis.
12		(2)	Rookka	eeping. Each system owner shall maintain its records in accordance with
13 14	general	ly acce	pied acc	counting principles.
15	(h)	Minimi	um stan	dards - Operations.
16				
17 18		(1) nking		<i>systems.</i> Water supplied from a public water system shall be satisfactory y and domestic purposes meeting the quality standards of the state
19		-		mental protection and all other applicable regulatory agencies.
20	ucpartin		CIIVIIOII	inental protection and an other applicable regulatory agencies.
20			0	Conjes of the analysis results made pursuant to the regulations of the state
			a.	Copies of the analysis results made pursuant to the regulations of the state
22				department of environmental protection or any other applicable regulatory
23				agency shall be made available for public inspection.
24			_	
25			b.	The county shall be immediately notified by the system owner of the
26				results of all tests failing to meet the applicable standards.
27				
28			с.	All public water systems shall be operated by a person licensed by the
29				state department of environmental protection for the operation of such
30				public water system.
31				
32		(2)	Sewage	e disposal systems. All sewage disposal systems shall be operated by a
33		• •	0	e state department of environmental protection for the operation of such
34	sewage		-	
35	sewage	uispos	ai syste	
			0	All converse disposed systems shall be ensented in accordance with the
36			a.	All sewage disposal systems shall be operated in accordance with the
37				standards for the operation of such systems as established by the state
38				department of environmental protection or any other applicable regulatory
39				agency.
40				
41			b.	The treatment and discharge of industrial and toxic wastes will be in
42				accordance with the United States Environmental Protection Agency's
43				rules and regulations for pretreatment of existing and new sources of
44				pollution.
45				
46	(i)	Connee	ctions to	public water and sewage disposal systems.

2 (1) No use shall be made of a public water or sewage disposal system until 3 application for such use is made to the system owner and payment of security deposit and a 4 connection or reconnection charge, and where appropriate, a capital facilities charge. 5

- 6 (2) Security deposits shall be held by the system owner until the use of the system is 7 terminated, at which time such deposit shall be applied against any water or sewage disposal bill 8 due the system owner, and any unused portion shall be then refunded to the user. In the event 9 service is terminated and the user does not claim the funds within 12 months after service is 10 discontinued, such unclaimed deposit shall become the property of the system owner.
- 12 (3) A system owner may refuse service to any person who is delinquent in payments
   13 otherwise owed to the system owner.
   14
- 15 (4) At the request of a user, water or sewage disposal services may be temporarily 16 disconnected to accommodate the user's temporary absence. Should the duration of such 17 temporary disconnection exceed eight months, reconnection shall be permissible only upon a 18 renewed application and payment of the appropriate application fee.
- (5) Temporary services such as for circuses, fairs, carnivals, construction activities,
  and the like shall be granted upon written application and accompanied by a deposit sufficient to
  cover the system owner's estimate of the costs of water or sewage disposal services to be utilized
  by the user.
- 25 (j) Billing and meter reading procedures.

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- (1) Services for water and sewage disposal facility usage shall be billed periodically
  by the system owner, where applicable, based on meters which are read periodically and, where
  not applicable, based on standard charges on file with the county.
- 31 (2) Where meters are used in water or sewage disposal systems, the bill shall include 32 the following:
- 33 34 The meter reading at the commencement of the period. a. 35 36 The meter reading at the end of the period. b. 37 The quantity of usage during the period. 38 c. 39 40 d. The charge and date of billing. 41 42 Where a meter is utilized and such meter is destroyed, the user will be billed (3) 43 based on his average usage for the previous six months. 44

1 (4) Where a user receives both water service and sewage disposal service from a 2 single system owner, all bills for services rendered by such owner shall be contained on a single 3 bill. 4

5 (5) If a user requests that the accuracy of a meter be checked and the meter is found 6 to be accurate, the expense of the test shall be born by the user. If the meter is found not to be 7 accurate within three percent, the expense of the test shall be born by the system owner and 8 billing adjustments for a period not to exceed six months will be made. 9

10 (k) *Emergency restrictions on water.* In time of emergency, the county may restrict or 11 suspend the use of water systems.

13 Sec. 18-32. Complaints and appeals; abandonment; default; unlawful acts; and penalties.

15 (a) *Complaints and appeals.* 

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17 (1) *Complaint procedure.* Each system owner shall maintain a capability for 18 responding to user complaints within 24 hours after receipt of the complaint. Each authorized 19 owner shall file with the county its established procedures for receiving, acting upon and 20 resolving user complaints.

- a. This procedure shall be utilized for handling all complaints with regard to terminations of service, refusals to grant or extend service, unsatisfactory or poor quality of water, failure to comply with terms of the authorization, billing errors or errors dealing with meter readings.
- b. In the event that a user complaint is not resolved to the mutual satisfaction of a user and the system owner, either the user or the system owner may request that the matter be resolved by a person designated by the county for such purpose.
  - c. All other complaints not specifically designated in subsection (2) of this section shall be handled in the manner set forth above.

35 (2) *Appeals*. Any aggrieved person may appeal a decision by the county administrator 36 to declare a water or sewage system in default of its authorization, the refusal to grant a rate 37 increase hearing, disagreement regarding the plans, documents and specifications submitted with 38 an application for a system authorization. 39

- a. The procedure for such appeal shall be as follows:
  - 1. The aggrieved party shall, in writing, request an appeal to the Board of County Commissioners designating the specific activity of the county administrator sought to be reviewed.

2.	At least 20 days' notice of the time and place of the hearing shall
	be given. Each party at such hearing shall have the opportunity to
	present evidence, cross-examine witnesses and submit such
	information as they deem appropriate supporting their respective
	positions. Any party is entitled to be represented by an attorney at
	such hearing.

- 3. In lieu of hearing the appeal itself, the Board of County Commissioners may appoint a hearing examiner who shall promptly render to the Board of County Commissioners written findings of fact and conclusions of law with regard to the issue presented.
  - 4. Probative effect shall be given to evidence which would be admissible in civil proceedings in the courts of this state; but in receiving such evidence, the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect.
  - 5. When the appeal is heard by the Board of County Commissioners, the Board of County Commissioners shall render its final order in writing within 90 days of the final hearing; or in the event that the matter was heard by a hearing examiner, the Board of County Commissioners shall render its final order within 45 days of the receipt of the hearing examiner's findings of fact and conclusions of law.
- b. An aggrieved party will be deemed to have exhausted his administrative remedies upon the rendition of the final order of the Board of County Commissioners.
- (b) *Abandonment*. The following shall apply to all systems:

(1) A person, lessee, trustee, or receiver that owns, operates, manages, or controls a system may not abandon the system without giving 60 days' prior written notice to the county and to the commission. Any such abandonment shall constitute a violation of this Article, and a violation of Chapter 367, Florida Statutes.

39 (2) After receiving any notice of abandonment, the county may petition the circuit
40 court to appoint a receiver, which may be the county or any other person deemed appropriate.
41 The receiver shall operate the system from the date of abandonment until such time as the
42 receiver disposes of the property of the system in a manner designed to continue the efficient and
43 effective operation of service.

45 (3) The notification of abandonment to the county and commission is sufficient cause 46 for revocation, suspension, or amendment of authorization for operation of the system as of the

complying with the terms of this article.

2 temporary authorization from the county and commission, and the approved rates of the system 3 shall be deemed to be the interim rates of the receiver until modified by the commission. 4 5 (c) Default. 6 7 (1)The following shall constitute default by the owner of an authorized system: 8 9 The failure to meet or exceed the minimum construction or operation a. 10 standards set forth in sections 18-31(f) and 18-31(h). 11 12 b. The failure to meet construction schedules submitted as part of the 13 application procedure. 14 15 The violation of the lawful order of the county or other applicable с. 16 regulatory agency pertaining to the operation and maintenance of such 17 system. 18 19 Refusal to provide service required by the authorization granted. d. 20 21 Such other action or inaction as will substantially affect the general health, e. 22 safety and welfare of the citizens residing in or whose property is located 23 within the authorized area. 24 25 In the event of such default, the county shall give written notice of such default to (2)26 the owner of the system. Unless such default is cured within 30 days of receipt of such written 27 notice of default, or if such cure cannot be reasonably accomplished within 30 days and is not 28 being actively and expeditiously pursued, then such authorization may be revoked. Upon such 29 revocation, such system shall become the property of the county. 30 31 (d) *Unlawful acts.* It shall be unlawful: 32 33 For any person to remain in or engage in the business of constructing or operating (1)34 a water system or sewage disposal system within the unincorporated area of the county without 35 first complying with the terms of this article. 36 37 (2)To interconnect a privately owned water system or sewage disposal system to a 38 public water or sewage disposal system without proper authorization. 39 40 (3) To reconnect to the public water or sewage disposal system without first

date of abandonment. The receiver operating such system shall be considered to hold a

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43 (4) For any person to tap, cut-in, connect to, or in any manner use any line or part of a 44 45

(5) To prevent or impede an authorized employee access to any portion of a water or
 sewage disposal system including meters.

4 (6) To construct or operate a water or sewage disposal system without first having
5 obtained all permits required by other regulatory agencies.
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7 (7) To allow septic tank and portable toilet waste to be introduced into a public
8 sewage disposal system except when specifically authorized by the system owner.

10 (8) To maintain any privy, sewage disposal system pipe or drain so as to dispose or 11 discharge the contents thereof into the atmosphere or on the surface of the ground, or so as to 12 endanger any source of drinking water; nor shall any person discharge into any watercourse, 13 storm sewer, drain or body of water any sewage or sewage effluent unless a permit for such 14 discharge shall have been issued therefor by the county.

16 (9) To introduce into a sewage disposal system any material in such quantity as will
17 be harmful to the system.
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(e) *Penalties*.

(1) Upon failure of any water system or sewage disposal system user to pay, when required, all authorized charges, the use of such systems may be discontinued.

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(2) Any person violating this article shall be punished in accordance with section 1-9.

26 <u>Section 3.</u> Conflicts. All ordinances or parts of ordinances in conflict with the 27 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the 28 extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, 29 which provisions shall prevail over any parts of this ordinance which are inconsistent, either in 30 whole or in part, with the said Comprehensive Plan.

32 <u>Section 4.</u> Severability. If any provisions or portion of this Ordinance is declared by 33 any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all 34 remaining provisions and portions of this Ordinance shall remain in full force and effect. 35

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**Section 5. Effective Date.** This ordinance shall have effect upon becoming law.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon
 County, Florida, this 20th day of June, 2017.

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4			LEON COUNTY, FLORIDA
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7		By:	
8			John E. Dailey, Chairman
9			Board of County Commissioners
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11	ATTESTED BY:		
12	GWENDOLYN MARSHALL, CLERK		
13	OF COURT AND COMPTROLLER		
14	LEON COUNTY, FLORIDA		
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17	By:		
18	Clerk		
19			
20	APPROVED AS TO FORM:		
21	COUNTY ATTORNEY'S OFFICE		
22	LEON COUNTY, FLORIDA		
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24			
25	By:		
26	Herbert W. A. Thiele, Esq.		
27	County Attorney		
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# Leon County Board of County Commissioners

Notes for Agenda Item #18

# Leon County Board of County Commissioners

# Agenda Item #18

June 20, 2017

To: Honorable Chairman and Members of the Board

From:

Vincent S. Long, County Administrator

Title: First and Only Public Hearing to Approve the Ordinance Awarding the Refunding of the Capital Improvement Revenue Bonds, Series 2014

<b>Review and Approval:</b>	Vincent S. Long, County Administrator
Finance Team:	Gwendolyn Marshall, Clerk of Court & Comptroller
	Herbert W. A. Thiele, Esq., County Attorney
	Alan Rosenzweig, Deputy County Administrator
	Scott Ross, Director, Office of Financial Stewardship
	Jordon Steffens, Interim Finance Director

## **Statement of Issue:**

This agenda item conducts the first and only public hearing to approve the ordinance awarding the refunding of the Capital Improvement Revenue Bonds, Series 2014 to Regions Bank.

#### **Fiscal Impact:**

This item has a fiscal impact. The refinancing saves approximately \$500,000 in total debt service over the next eight fiscal years with an annual savings of \$63,877.

#### **Staff Recommendation:**

Option #1: Conduct the first and only public hearing and approve the ordinance awarding the refunding of Capital Improvement Revenue Bonds, Series 2014 to Regions Bank (Attachment #1), and authorize the Chairman and County Administrator to execute all appropriate documents, in a form approved by the County Attorney, necessary to complete the transaction.

Title: First and Only Public Hearing to Approve the Ordinance Awarding the Refunding of the Capital Improvement Revenue Bonds, Series 2014June 20, 2017Page 2

#### **Report and Discussion**

#### **Background:**

At the April 26, 2017 Budget Workshop, later ratified on May 9, 2017, the Board authorized staff to conduct the necessary steps to refinance the 2014 Capital Improvement Refunding Bank Loan with the current vendor, Regions Bank.

The County contracts for financial advisor services with Public Financial Management (PFM) in order to monitor market conditions and provide advice with regards to the County's financed debt. Over the past several months, County and Clerk Finance staffs have been working with PFM in evaluating opportunities to refinance a portion of the County's outstanding debt.

PFM has been monitoring interest rates and providing updates regarding opportunities for additional savings by refinancing an existing bank loan. Interest rates have reached a rate where refinancing the existing bank loan with the current vendor are advantageous. The County's financial advisor and staff recommend approving the attached ordinance, loan agreement, and escrow agreement awarding the refunding bank loan to Regions Bank (Attachments #1, #2 and #3). This outstanding bank loan was last refinanced on July 8, 2014. Through that effort, the County refinanced its Series 2005 Revenue Bonds with a bank loan providing savings of \$1.7 million over the life of the loan.

This refinancing is essential to the following FY 2017 – FY 2021 Five-Year Target that the Board approved at the January 24, 2017 meeting:

• Reduce by 60% the outstanding debt of the County

This particular Target aligns with the Board's Governance Strategic Priority:

• (G5) 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.

#### Analysis:

Analysis provided at the April 26, 2017, indicated that refinancing the 2014 bank loan with the current loan holder, Regions Bank, would provide significant saving to the County over the next eight years. At the workshop, the net present value (NPV) savings were estimated at \$420,000 or \$60,000 per year.

Title: First and Only Public Hearing to Approve the Ordinance Awarding the Refunding of the Capital Improvement Revenue Bonds, Series 2014June 20, 2017Page 3

As indicated in PFM's analysis, refinancing with the current vendor allows the County to "keep favorable transaction terms negotiated in 2014..."(Attachment #3) If the County was to competitively rebid this refinancing, fluctuation in the interest rate market over the bid period could make the refinancing unattractive by the time new bids were received, and negotiations finalized (which would include increased issuance costs). Over the past several months the estimated NPV savings have fluctuated significantly:

- \$270,000 on February 17
- \$134,000 on March 13
- \$420,000 on April 19
- \$320,560 on April 28
- \$301,813 on May 5

Immediately after the workshop, interest rates moved upwards, and the refinancing savings declined; therefore, staff delayed the refinancing and returned to a rate monitoring status. On May 22, market rates improved in the County's favor, and the current locked interest rate of 2.11% provides \$489,076 in savings, with \$63,877 provided in FY 2018.

Based on the continued fluctuations in the interest rate market and to maximize and ensure potential savings are realized, staff is recommending that the 2014 Regions Bank Loan be refinanced with Regions Bank with the rate locked effective, May 21, 2017. To insure this rate remains effective closing on the new loan must occur no later than June 22, 2017. The required notice for the Public Hearing is reflected in Attachment #4.

## **Options:**

- 1. Conduct the first and only public hearing and approve the ordinance awarding the refunding of Capital Improvement Revenue Bonds, Series 2014 to Regions Bank (Attachment #1), and authorize the Chairman and County Administrator to execute all appropriate documents, in a form approved by the County Attorney, necessary to complete the transaction.
- 2. Do not conduct the first and only public hearing and approve the ordinance awarding the refunding of Capital Improvement Revenue Bonds, Series 2014 to Regions Bank.
- 3. Board Direction.

#### **Recommendation:**

Option #1.

Attachments:

- 1. Ordinance for the refinancing of the Series 2014 Bonds
- 2. Loan Agreement
- 3. Letter from Financial Advisor, PFM
- 4. Public Notice Advertisement

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA AUTHORIZING THE ISSUANCE OF THE NOT TO EXCEED \$15,991,000 CAPITAL IMPROVEMENT REVENUE REFUNDING BOND, SERIES 2017 FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING DEBT OF THE COUNTY AS DESCRIBED HEREIN AND PAYING COSTS RELATED THERETO; PROVIDING THAT THE SERIES 2017 BOND SHALL BE LIMITED OBLIGATIONS OF THE COUNTY PAYABLE FROM PLEDGED REVENUES, AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNERS OF THE SERIES 2017 BOND; AUTHORIZING THE PRIVATE NEGOTIATED SALE OF SUCH SERIES 2017 BOND TO THE LENDER, PURSUANT TO THE TERMS AND CONDITIONS DESCRIBED HEREIN: AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; AUTHORIZING OTHER REQUIRED ACTIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA:

SECTION 1. <u>Authority for this Ordinance</u>. This Ordinance is enacted pursuant to the provisions of Chapter 125, Florida Statutes, the County Charter, Ordinance No. 98-02 enacted on March 31, 1998, as amended and supplemented, and other applicable provisions of law (collectively, the "Act").

SECTION 2. <u>Definitions</u>. All capitalized undefined terms shall have the same meaning as set forth in this Ordinance. In addition, the following terms, unless the context otherwise requires, shall have the meanings specified in this section. Words importing the singular number shall include the plural number in each case and vice versa.

"Act" shall have the meaning ascribed thereto in Section 1 hereof.

"Additional State Revenue Sharing Funds" shall mean 50% of the funds received in the prior year by the Issuer from the Revenue Sharing Trust Fund for Counties minus the Guaranteed Entitlement and the Second Guaranteed Entitlement.

"Bond Counsel" shall mean Bryant Miller Olive P.A., or other national recognized bond counsel firm.

"Business Day" shall mean any day except any Saturday or Sunday or day on which the principal office of such Lender or Issuer is lawfully closed.

"Chairman" shall mean the Chairman of the Board of County Commissioners of Leon County, Florida and such term shall also include the Vice Chairman or the Chairman's designee.

"Clerk" shall mean the Clerk of the Circuit Court and Comptroller, or any assistant or deputy County Clerk of the Issuer.

"County Attorney" shall mean Herbert W.A. Thiele, Esq.

"Fiscal Year" shall mean the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law.

"Guaranteed Entitlement Revenues" shall mean the guaranteed entitlement revenues received by the Issuer pursuant to Chapter 218, Part II, Florida Statutes, and defined therein as "Guaranteed Entitlement".

"Issuer" shall mean Leon County, Florida, a political subdivision of the State.

"Lender" shall mean Regions Capital Advantage, Inc. and its successors and assigns.

"Loan Agreement" means the agreement or agreements between the Lender and the Issuer setting forth the terms and details of the Loan, in substantially the form attached hereto as Exhibit A with such modifications or changes thereto as may be necessary or desirable, such approval to be presumed by the execution and delivery thereof by the Issuer to the Lender.

"Local Government Half-Cent Sales Tax" shall mean the local government half-cent sales tax revenues received by the Issuer pursuant to Chapter 218, Part VI, Florida Statutes.

"Ordinance" shall mean this Ordinance as from time to time amended or supplemented in accordance with the terms hereof.

"Original Ordinance" shall mean Ordinance No. 98-02 enacted on March 31, 1998 as amended and supplemented from time to time.

"Owner" or "Owners" shall mean the Person or Persons in whose name or names the Series 2017 Bond shall be registered on the books of the Issuer kept for that purpose in accordance with provisions of this Ordinance. "Parity Bonds" shall mean the Series 2012A Bonds, Series 2012B Bonds and Series 2015 Bond.

"Person" shall mean natural persons, firms, trusts, estates, associations, corporations, partnerships and public bodies.

"Pledged Revenues" shall mean collectively, (i) the Local Government Half-Cent Sales Tax (ii) the Guaranteed Entitlement Revenues (iii) the Second Guaranteed Entitlement and (iv) the Additional State Revenue Sharing Funds, all as defined herein.

"Refunded Bonds" shall mean the remaining outstanding Series 2014 Bond.

"Series 2012A Bonds" shall mean the \$8,267,000 Leon County, Florida Capital Improvement Revenue Refunding Bonds, Series 2012A authorized by Ordinance No. 2012-13 enacted on November 13, 2012.

"Series 2012B Bonds" shall mean the \$12,956,000 Leon County, Florida Taxable Capital Improvement Revenue Refunding Bonds, Series 2012B authorized by Ordinance No. 2012-13 enacted on November 13, 2012.

"Series 2012 Bonds" shall mean, collectively, the Series 2012A Bonds and the Series 2012B Bonds.

"Series 2014 Bond" shall mean the \$16,200,000 Capital Improvement Revenue Refunding Bonds, Series 2017 authorized by Ordinance No. 2014-11 enacted on July 8, 2014.

"Series 2015 Bond" shall mean \$13,692,000 Leon County, Florida Capital Improvement Revenue Refunding Bond, Series 2015.

"Second Guaranteed Entitlement Revenues" shall mean the second guaranteed entitlement revenues received by the Issuer pursuant to Chapter 218, Part II, and defined therein as the "Second Guaranteed Entitlement for counties."

"State" shall mean the State of Florida.

## SECTION 3. Findings.

(A) For the benefit of its citizens, the Issuer finds, determines and declares that it is necessary for the continued preservation of the welfare and convenience of the Issuer and its citizens to current refund the Refunded Bonds in order to achieve debt service savings. Issuance of the Series 2017 Bond to refund the Refunded Bonds satisfies a public purpose.

(B) The Issuer previously issued the Parity Bonds and pledged the Pledged Revenues to the payment thereof.

(C) The Pledged Revenues are not now pledged or encumbered in any manner, except to the payment of the Parity Bonds. The Series 2017 Bond shall be payable from a lien on the Pledged Revenues on an equal and ratable basis to the lien on the Parity Bonds, as provided herein.

(D) The Issuer shall never be required to levy ad valorem taxes or use the proceeds thereof to pay debt service on the Series 2017 Bond or to make any other payments to be made hereunder. The Series 2017 Bond shall not constitute a lien on any property owned by or situated within the limits of the Issuer.

(E) The estimated Pledged Revenues for the payment thereof will be sufficient to pay all principal of and interest on the Series 2017 Bonds to be issued hereunder and the Parity Bonds, as the same become due, and to make all required reserve or other payments required by the Original Ordinance and this Ordinance.

(F) The Issuer has received an offer from the Lender to provide a term loan to the Issuer and to purchase the Series 2017 Bond in connection therewith.

(G) In consideration of the term loan, purchase and acceptance of the Series 2017 Bond authorized to be issued hereunder by those who shall be the Owners thereof from time to time, this Ordinance shall constitute a contract between the Issuer and the Lender or any subsequent Owner.

SECTION 4. <u>Authorization of Series 2017 Bond and Refunding</u>. Subject and pursuant to the provisions of this Ordinance, an obligation of the Issuer to be known as the "Leon County, Florida Capital Improvement Revenue Refunding Bond, Series 2017" is hereby authorized to be issued under and secured by this Ordinance in the principal amount of not to exceed \$15,991,000 for the purpose of refunding the Series 2014 Bond and paying the costs of issuing the Series 2017 Bond. The refunding of the Refunded Bonds is hereby authorized.

Because of the characteristics of the Series 2017 Bond, prevailing market conditions, and additional savings to be realized from an expeditious sale of the Series 2017 Bond, it is in the best interest of the Issuer to accept the offer of the Lender to purchase the Series 2017 Bond at a private negotiated sale. Prior to the issuance of the Series 2017 Bond, the Issuer shall receive from the Lender, the Lender's Certificate, in substantially the form attached hereto as <u>Exhibit B</u> and a Disclosure Letter containing the information required by Section 218.385, Florida Statutes, in substantially the form attached hereto as <u>Exhibit C</u>.

The Series 2017 Bond is hereby sold to Regions Capital Advantage, Inc.

SECTION 5. <u>Approval of the Loan Agreement and Series 2017 Bond</u>. The Loan Agreement and the Series 2017 Bond (attached to the Loan Agreement as Exhibit A thereto), in substantially the form attached hereto as <u>Exhibit A</u>, are approved, and the Chairman and Clerk are authorized to execute and deliver the Loan Agreement and the Series 2017 Bond to the Lender, and to take such other actions as shall be necessary to consummate the Series 2017 Bond and conform the Loan Agreement.

SECTION 6. <u>Application of Proceeds of Loan</u>. The proceeds, including accrued interest and premium, if any, received from the sale of any or all of the Series 2017 Bond shall be applied by the Issuer simultaneously with the delivery of such Series 2017 Bond to the purchaser thereof, as follows:

A. A sum which, together with other funds of the Issuer, will be sufficient to pay the principal of, interest on, premium, if any, and other costs and obligations incurred with respect to the Refunded Bonds on the date of delivery of the Series 2017 Bond.

B. The remaining proceeds, if any, shall be used to pay the Costs of Issuance in connection with the issuance, delivery and sale of the Series 2017 Bond. For purposes of this Ordinance, "Costs of Issuance" includes, legal fees, any fees of the Lender and all other miscellaneous costs associated with the issuance of the Series 2017 Bond.

SECTION 7. <u>Authorization of Other Action</u>. The Chairman, the Clerk, and the County Attorney are each designated agents of the Issuer in connection with the execution and delivery of the Loan Agreement and the Series 2017 Bond and are authorized and empowered, collectively or individually, to take all action and steps to execute and deliver any and all instruments, documents or contracts on behalf of the Issuer, including a Tax Certificate, which are necessary or desirable in connection with the execution and delivery of the Loan Agreement and the Series 2017 Bond to the Lender, including, but not limited to, the making of modifications to the Loan Agreement and the Series 2017 Bond, as are necessary and desirable.

SECTION 8. <u>Repeal of Inconsistent Provisions</u>. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 9. <u>Severability</u>. If any one or more of the covenants, agreements, or provisions of this Ordinance should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements, or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions, and in no way affect the validity of all other provisions of the Ordinance or of the Series 2017 Bond or Loan Agreement delivered hereunder.

SECTION 10. <u>Business Days</u>. In any case where the due date of interest on or principal of the Series 2017 Bond is not a Business Day, then payment of such principal or interest need

not be made on such date but may be made on the next succeeding Business Day, provided that credit for payments made shall not be given until the payment is actually received by the Owners.

SECTION 11. <u>Effective Date</u>. This Ordinance shall take effect immediately upon its enactment.

DULY PASSED AND ENACTED by the Board of County Commissioners of Leon County, Florida on this 22nd day of June, 2017.

# BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA

By:___

JOHN E. DAILEY, CHAIRMAN BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:

GWENDOLYN MARSHALL, CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By:_____

APPROVED AS TO FORM:

COUNTY ATTORNEY'S OFFICE LEON COUNTY, FLORIDA

ВҮ:_____

HERBERT W.A. THIELE, ESQ. COUNTY ATTORNEY

## EXHIBIT A

## LOAN AGREEMENT

#### <u>EXHIBIT B</u>

#### FORM OF LENDER'S CERTIFICATE

This is to certify that Regions Capital Advantage, Inc. (the "Lender") has not required Leon County, Florida (the "Issuer") to deliver any offering document and has conducted its own investigation, to the extent it deems satisfactory or sufficient, into matters relating to business affairs or conditions (either financial or otherwise) of the Issuer in connection with the issuance by the Issuer of its \$15,991,000 Capital Improvement Refunding Revenue Bonds, Series 2017 (the "Series 2017 Bond"), and no inference should be drawn that the Lender, in the acceptance of said Series 2017 Bond, is relying on Bond Counsel or the County Attorney as to any such matters other than the legal opinions rendered by Bond Counsel and by the County Attorney. Any capitalized undefined terms used herein not otherwise defined shall have the meaning set forth in Ordinance No. 98-02 enacted on March 31, 1998, as supplemented by Ordinance No. ________enacted by the Board of County Commissioners of the Issuer on June 20, 2017 (collectively, the "Ordinance").

We are aware that our loan to the Issuer and purchase of the Series 2017 Bond involves various risks, that the Series 2017 Bond is not a general obligation of the Issuer or payable from ad valorem tax revenues, and that the payment of the Series 2017 Bond is secured solely from the sources described in the Ordinance (the "Bond Security").

We have made such independent investigation of the Bond Security as we, in the exercise of sound business judgment, consider to be appropriate under the circumstances. In making our decision, we have relied upon the accuracy of information which has been provided to us.

We have knowledge and experience in financial and business matters and are capable of evaluating the merits and risks of our purchase of the Series 2017 Bond and can bear the economic risk of our purchase of the Series 2017 Bond.

We acknowledge and understand that the Ordinance is not being qualified under the Trust Indenture Act of 1939, as amended (the "1939 Act"), and is not being registered in reliance upon the exemption from registration under Section 3(a)(2) of the Securities Act of 1933, Section 517.051(1), Florida Statutes, and/or Section 517.061(7), Florida Statutes, and that neither the Issuer, Bond Counsel nor the County Attorney shall have any obligation to effect any such registration or qualification.

We are not acting as a broker or other intermediary, and are purchasing the Series 2017 Bond for our own account as evidence of a privately placed and negotiated loan and not with a present view towards a resale or other distribution to the public. We understand that the Series 2017 Bond may not be transferred in a denomination less than the outstanding principal amount of the Series 2017 Bond.

We are a bank, trust company, savings institution, insurance company, dealer, investment company, pension or profit-sharing trust, or qualified institutional buyer as contemplated by Section 517.061(7), Florida Statutes. We are not purchasing the Series 2017 Bond for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of Chapter 517, Florida Statutes.

We are an "accredited investor" within the meaning of the Securities Act of 1933, as amended, and Regulation D thereunder, or a "qualified institutional buyer" (as defined under Rule 144A under the Securities Act).

DATED this _____ of _____, 2017.

#### REGIONS CAPITAL ADVANTAGE, INC.

By:_____

Name: Bo Buckner Title: President

### <u>EXHIBIT C</u>

#### FORM OF DISCLOSURE LETTER

Following a competitive selection process, the undersigned, as initial lender and purchaser (the "Lender"), proposes to negotiate with Leon County, Florida (the "Issuer") for the private purchase of its \$15,991,000 Capital Improvement Refunding Revenue Bond, Series 2017 (the "Series 2017 Bond"). Prior to the award of the Series 2017 Bond, the following information is hereby furnished to the Issuer:

1. Set forth is an itemized list of the nature and estimated amounts of expenses to be incurred for services rendered to us, the Lender, in connection with the issuance of the Series 2017 Bond (such fees and expenses to be paid by the Issuer):

#### \$2,500.00

### Legal Fees

2. (a) No other fee, bonus or other compensation is estimated to be paid by the Lender in connection with the issuance of the Series 2017 Bond to any person not regularly employed or retained by the Lender (including any "finder" as defined in Section 218.386(1)(a), Florida Statutes), except as specifically enumerated as expenses to be incurred by the Lender, as set forth in paragraph (1) above.

(b) No person has entered into an understanding with the Lender, or to the knowledge of the Lender, with the Issuer, for any paid or promised compensation or valuable consideration, directly or indirectly, expressly or implied, to act solely as an intermediary between the Issuer and the Lender or to exercise or attempt to exercise any influence to effect any transaction in the purchase of the Series 2017 Bond.

3. The amount of the underwriting spread expected to be realized by the Lender is <u>\$_0</u>.

- 4. The management fee to be charged by the Lender is <u>0</u>.
- 5. Truth-in-Bonding Statement:

The Series 2017 Bond is being issued primarily to refund the outstanding \$16,200,000 Leon County, Florida Capital Improvement Revenue Refunding Bonds, Series 2014.

Unless earlier prepaid, the Series 2017 Bond is expected to be repaid by October 1, 2025; at an interest rate of 2.11%, total interest paid over the life of the Series 2017 Bond is estimated to be \$2,072,178.78.

The Series 2017 Bond will be payable solely from the Pledged Revenues of the Issuer, in the manner and to the extent described in Ordinance No. 98-02, as supplemented by Ordinance No. ______ of the Issuer enacted on June 20, 2017 (collectively, the "Ordinance"). See the Ordinance for a definition of Pledged Revenues. Issuance of the Series 2017 Bond is estimated to result in an annual maximum of approximately \$3,271,593.20 of revenues of the Issuer not being available to finance the services of the Issuer during the life of the Series 2017 Bond. This paragraph is provided pursuant to Section 218.385, Florida Statutes.

6. The name and address of the Lender is as follows:

Regions Capital Advantage, Inc. 1900 5th Avenue North, Suite 2400 Birmingham, Alabama 35203

IN WITNESS WHEREOF, the undersigned has executed this Disclosure Letter on behalf of the Lender this _____ day of _____, 2017.

REGIONS CAPITAL ADVANTAGE, INC.

By:_____

Name: Bo Buckner Title: President

Attachment #2 Page 1 of 25 BMO Draft #3 6/6/2017

## LOAN AGREEMENT

by and between

## LEON COUNTY, FLORIDA

and

REGIONS CAPITAL ADVANTAGE, INC.

Dated June 22, 2017

relating to

## \$15,991,000 LEON COUNTY, FLORIDA CAPITAL IMPROVEMENT REVENUE REFUNDING BOND, SERIES 2017

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#### LOAN AGREEMENT

This **LOAN AGREEMENT** is made and entered into as of June 22, 2017 by and between **LEON COUNTY, FLORIDA** (the "Issuer"), and REGIONS CAPITAL ADVANTAGE, INC, a Tennessee corporation authorized to do business in the State of Florida (the "Lender").

#### WITNESSETH:

WHEREAS, the Issuer has previously determined that it is necessary of the health, safety and welfare of the Issuer and in the best interest of its inhabitants to refund the Refunded Bond (as hereinafter defined). Issuance of the Series 2017 Bond (as hereinafter defined) to refund the Refunded Bond satisfies a paramount public purpose.

**WHEREAS** the Lender previously lent the Issuer the principal amount of \$16,200,000 on July 23, 2014 after selection of the Lender on July 8, 2014 in connection with the issuance of the Refunded Bond; and

WHEREAS, the Lender has agreed to provide the Issuer with a new loan with an interest rate lower than the rate on the Series 2014 Bond through a refunding of such Series 2014 Bond; and

WHEREAS, pursuant to the Ordinance, the Issuer has determined that it is in the best interest of the health, safety and welfare of the Issuer and the inhabitants thereof that the Issuer pledge the Pledged Revenues to secure the obligations of the Issuer to repay the principal of and interest on the Series 2017 Bond when due; and

WHEREAS, the obligation of the Issuer to repay principal of and interest on the Series 2017 Bond will not constitute a general obligation or indebtedness of the Issuer as a "bond" within the meaning of any provision of the Constitution or laws of the State, but shall be and is hereby declared to be a special, limited obligation of the Issuer, secured solely by the Pledged Revenues; and

**WHEREAS,** the Issuer is not authorized to levy taxes on any property of or in the Issuer to pay the principal of or interest on the Series 2017 Bond or to make any other payments provided for herein; and

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants herein set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

**SECTION 1. DEFINITIONS.** Capitalized terms used in this Loan Agreement and not defined in this Section 1 shall have the meanings assigned in the Ordinance. The following terms shall have the following meanings herein, unless the text otherwise expressly requires:

"Act" means Chapter 125, Florida Statutes, as amended, and other applicable provisions of law.

"Additional State Revenue Sharing Funds" means 50% of the funds received in the prior year by the Issuer from the Revenue Sharing Trust Fund for Counties minus the Guaranteed Entitlement and the Second Guaranteed Entitlement.

"Additional Parity Obligations" means additional obligations issued in compliance with the terms, conditions and limitations contained in the Ordinance and which (i) shall have a lien on the Pledged Revenues equal to that of the Parity Bonds and the Series 2017 Bond, and (ii) shall be payable from the proceeds of the Pledged Revenues on a parity with the Parity Bonds and the Series 2017 Bond.

"Authorized Issuer Representative" means the County Administrator or his/her designee.

"Authorized Investments" means any investment, obligation, agreement or other financial instrument to the extent not inconsistent with the terms of the investment policy of the Issuer and applicable law.

"Bond Counsel" means any attorney at law or firm of attorneys, of nationally recognized standing in matters pertaining to the validity of, and exclusion from gross income for federal tax purposes of interest on, bonds issued by states and political subdivisions and duly admitted to practice law in the State of Florida and acceptable to the Lender.

"Bond Year" means a 12-month period commencing on October 1 and ending on September 30, except for the first period which commences on the date of issuance of the Series 2017 Bond.

"Business Day" means any day of the year other than a day on which the Lender or the Issuer are lawfully closed for business.

"Clerk" means the Clerk of the Circuit Court and County Comptroller, or any assistant or deputy County Clerk.

"Chairman" means the Chairman of the Board of County Commissioners of Leon County, Florida and such term shall also include the Vice Chairman or the Chairman's designee.

"County" means Leon County, Florida, a political subdivision of the State.

"County Administrator" means the Administrator of the County, or his designee

"County Attorney" means Herbert W.A. Thiele, Esq.

"Code" means the Internal Revenue Code of 1986, as amended.

"Commission" means the Board of County Commissioners of the Issuer, as the governing body of the Issuer.

"Date of Delivery" means June 22, 2017.

"Default" means an Event of Default as defined and described in Section 15 hereof.

"Determination of Taxability" means that all or a portion of the interest accrued or paid on all or any portion of the Series 2017 Bond is not excludable from the gross income of the holder (or any former holder) of the Series 2017 Bond for federal income tax purposes, as determined by such holder (or former holder).

"Guaranteed Entitlement Revenues" means the guaranteed entitlement revenues received by the Issuer pursuant to Chapter 218, Part II, Florida Statutes, and defined therein as "Guaranteed Entitlement".

"Interest Payment Date" means each April 1 and October 1 commencing October 1, 2017.

"Interest Rate" means the rate of interest payable on the Series 2017 Bond authorized by the Ordinance and set forth in the Series 2017 Bond.

"Issuer" means Leon County, Florida.

"Lender" means Regions Capital Advantage, Inc., a Tennessee corporation and authorized to do business in the State of Florida and its successors and/or assigns.

"Loan" means the advance of moneys from the Lender to the Issuer pursuant to this Loan Agreement.

"Loan Agreement" means this loan agreement between the Lender and the Issuer setting forth the terms and details of the Loan.

"Local Government Half-Cent Sales Tax" means the local government half-cent sales tax revenues received by the Issuer pursuant to Chapter 218, Part VI, Florida Statutes.

"Maturity Date" means October 1, 2025.

"Ordinance" means collectively, Ordinance No. 98-02 enacted by the Board of County Commissioners on March 31, 1998, as amended and supplemented, particularly as supplemented by Ordinance No. ______ enacted on June 20, 2017.

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"Parity Bonds" means the Series 2012A Bonds, the Series 2012B Bonds and the Series 2015 Bond.

"Paying Agent" means the Clerk.

"Person" or words importing persons, means firms, associations, partnerships (including without limitation, general and limited partnerships), joint ventures, societies, estates, trusts, corporations, public or governmental bodies, other legal entities, and natural persons.

"Pledged Revenues" means collectively, (i) the Local Government Half-Cent Sales Tax (ii) the Guaranteed Entitlement Revenues (iii) the Second Guaranteed Entitlement Revenues and (iv) the Additional State Revenue Sharing Funds, all as defined herein

"Principal Amount" means Fifteen Million Nine Hundred Ninety-One Thousand Dollars (\$15,991,000).

"Principal Payment Date" means each October 1, through the Maturity Date commencing October 1, 2017.

"Refunded Bonds" means the Series 2014 Bond.

"Series 2012A Bonds" means the remaining outstanding \$8,267,000 Leon County, Florida Capital Improvement Revenue Refunding Bonds, Series 2012A authorized by Ordinance No. 2012-13 enacted on November 13, 2012.

"Series 2012B Bonds" means the remaining outstanding \$12,956,000 Leon County, Florida Taxable Capital Improvement Revenue Refunding Bonds, Series 2012B authorized by Ordinance No. 2012-13 enacted on November 13, 2012.

"Series 2014 Bond" means the \$16,200,000 Leon County, Florida Capital Improvement Revenue Refunding Bond, Series 2014 authorized by Ordinance No. 2014-11 enacted on July 8, 2014.

"Series 2015 Bond" shall mean \$13,692,000 Leon County, Florida Capital Improvement Revenue Refunding Bond, Series 2015.

"Series 2017 Bond" means \$15,991,000 Leon County, Florida Capital Improvement Revenue Refunding Bond, Series 2017 authorized by Ordinance No. _____ enacted on June 20, 2017. "Second Guaranteed Entitlement Revenues" means the second guaranteed entitlement revenues received by the Issuer pursuant to Chapter 218, Part II, and defined therein as the "Second Guaranteed Entitlement for counties."

"State" means the State of Florida.

**SECTION 2. INTERPRETATION.** Unless the context clearly requires otherwise, words of masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa. This Loan Agreement and all the terms and provisions hereof (a) have been negotiated between the Issuer and the Lender; (b) shall not be construed strictly in favor of or against either party hereto; and (c) shall be construed to effectuate the purpose set forth herein and to sustain the validity hereof.

#### SECTION 3. THE LOAN.

A. <u>Loan</u>. The Lender hereby makes and the Issuer hereby accepts the Loan, upon the terms and conditions set forth herein.

B. <u>Disbursement of Proceeds.</u> Proceeds of the Loan shall be delivered to the Issuer on the Date of Delivery in immediately available funds. The proceeds of the Bond shall be applied to pay the principal of and interest on the Refunded Bonds and to pay costs of issuance.

**SECTION 4. DESCRIPTION OF BOND.** The obligation of the Issuer to repay the Loan shall be evidenced by the Bond. The Bond shall be dated as of the Date of Delivery; shall mature on the Maturity Date; and shall be in registered form.

The Interest Rate on the Series 2017 Bond shall be a fixed rate of interest equal to 2.11%, subject to adjustment as provided in the Series 2017 Bond. Interest on the Series 2017 Bond shall be calculated using a 360-day year consisting of twelve 30-day months. If for any reason a Determination of Taxability occurs as a result of action or inaction by the Issuer, the interest rate on the Series 2017 Bond will be increased by a factor of 1.54x.

Interest on the Series 2017 Bond shall be paid semi-annually on each Interest Payment Date, commencing October 1, 2017. On each Principal Payment Date, the Issuer shall pay an annual installment of the outstanding principal due on the Series 2017 Bond in an amount specified in Schedule 1 attached to the Series 2017 Bond.

The Series 2017 Bond will not be subject to prepayment prior to July 23, 2017. Thereafter the Series 2017 Bond may be prepayable, in whole or in part, on any Interest Payment Date, without penalty. Any partial redemption shall be applied to the then remaining principal repayment schedule in inverse order.

There is no deposit required to be made to the Reserve Fund.

**SECTION 5. EXECUTION OF SERIES 2017 BOND.** The Series 2017 Bond shall be executed in the name of the Issuer by the Chairman and attested by the Clerk, and its corporate seal or a facsimile thereof shall be affixed thereto or reproduced thereon. The Series 2017 Bond may be signed and sealed on behalf of the Issuer by any person who at the actual time of the execution of the Series 2017 Bond shall hold the appropriate office in the Issuer, although at the date thereof the person may not have been so authorized. The Series 2017 Bond may be executed by the facsimile signatures of the Chairman and/or Clerk, provided that at least one of the foregoing signatures must be a manual signature.

**SECTION 6. REGISTRATION AND TRANSFER OF SERIES 2017 BOND.** The Series 2017 Bond shall be and shall have all the qualities and incidents of a negotiable instrument under the Uniform Commercial Code-Investment Securities Laws of the State of Florida, and each Registered Owner, in accepting the Series 2017 Bond, shall be conclusively deemed to have agreed that such Series 2017 Bond shall be and have all of the qualities and incidents of negotiable instruments thereunder.

There shall be a Registrar who shall be responsible for maintaining the Register. The person in whose name ownership of a Series 2017 Bond is shown on the Register shall be deemed the Registered Owner thereof by the Issuer and the Registrar, who may treat the Registered Owner as the absolute owner of the Series 2017 Bond for all purposes, whether or not the Series 2017 Bond shall be overdue, and any notice to the contrary shall not be binding upon the Issuer or the Registrar.

Ownership of the Series 2017 Bond may be transferred only upon the Register. Upon surrender to the Registrar for transfer or exchange of the Series 2017 Bond accompanied by an assignment or written authorization for exchange, whichever is applicable, duly executed by the Registered Owner or its attorney duly authorized in writing, the Registrar shall deliver in the name of the Registered Owner or the transferee or transferees, as the case may be, a new fully registered Series 2017 Bond of the same amount, maturity and interest rate as the Series 2017 Bond surrendered.

The Series 2017 Bond presented for transfer, exchange, redemption or payment (if so required by the Issuer or the Registrar) shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guaranty of signature satisfactory to the County Attorney, Bond Counsel, or the Registrar, duly executed by the Registered Owner or by his duly authorized attorney.

The County Administrator and the Registrar may charge the Registered Owner a sum sufficient to reimburse them for any expenses incurred in making any exchange or transfer after the first such exchange or transfer following the delivery of such Series 2017 Bond. The Registrar or the County Administrator may also require payment from the Registered Owner or his transferee, as the case may be, of a sum sufficient to cover any tax, fee or other governmental charge that may be imposed in relation thereto. Such charges and expenses shall be paid before any such new Series 2017 Bond shall be delivered.

The new Series 2017 Bond delivered upon any transfer or exchange shall be a valid obligation of the Issuer, evidencing the same debt as the Series 2017 Bond surrendered, shall be secured under this Loan Agreement, and shall be entitled to all of the security and benefits hereof to the same extent as the Series 2017 Bond surrendered.

Whenever a Series 2017 Bond shall be delivered to the Registrar for cancellation, upon payment of the principal amount thereof, or for replacement, transfer or exchange, such Series 2017 Bond shall be cancelled and destroyed by the Registrar, and counterparts of a certificate of destruction evidencing such destruction shall be furnished to the Issuer.

**SECTION 7. SERIES 2017 BOND MUTILATED, DESTROYED, STOLEN OR LOST.** In case the Series 2017 Bond shall be mutilated, or be destroyed, stolen or lost, upon the Registered Owner furnishing the Registrar satisfactory indemnity and complying with such other reasonable regulations and conditions as the Issuer may prescribe and paying such expenses as the Issuer may incur, the Registrar shall issue and deliver a new Series 2017 Bond of like tenor as the Series 2017 Bond, so mutilated, destroyed, stolen or lost, in lieu of or substitution for the Series 2017 Bond, if any, destroyed, stolen or lost, or in exchange and substitution for such mutilated Series 2017 Bond, upon surrender of such mutilated Series 2017 Bond, if any, to the Registrar and the cancellation thereof; provided however, if the Series 2017 Bond shall have matured or be about to mature, instead of issuing a substitute Series 2017 Bond, the Issuer may pay the same, upon being indemnified as aforesaid, and if such Series 2017 Bond be lost, stolen or destroyed, without surrender thereof. Any Series 2017 Bond surrendered under the terms of this Section 7 shall be cancelled by the Registrar.

Any such new Series 2017 Bond issued pursuant to this section shall constitute an original, additional contractual obligation on the part of the Issuer whether or not, as to the new Series 2017 Bond, the lost, stolen or destroyed Series 2017 Bond be at any time found by anyone, and such new Series 2017 Bond shall be entitled to equal and proportionate benefits and rights as to security for payment to the same extent as the Series 2017 Bond originally issued hereunder.

**SECTION 8. FORM OF SERIES 2017 BOND.** The Series 2017 Bond shall be in substantially the form attached hereto as Exhibit A, with such variations, omissions and insertions as may be necessary, desirable and authorized or permitted by this Loan Agreement.

# SECTION 9. SECURITY FOR SERIES 2017 BOND; SERIES 2017 BOND NOT DEBT OF THE ISSUER.

The payment of the principal of and interest on the Series 2017 Bond shall be secured forthwith solely by a lien upon and pledge of the Pledged Revenues. The principal of and

interest on the Series 2017 Bond shall not constitute a general obligation or indebtedness of the Issuer, but shall be a limited obligation of the Issuer payable solely from the Pledged Revenues as provided herein. The Registered Owner shall never have the right to compel the levy of taxes upon any property of or in the Issuer for the payment of the principal of and interest on the Series 2017 Bond.

**SECTION 10. COVENANTS OF THE ISSUER.** Until the principal of and interest on the Series 2017 Bond shall have been paid in full or provision for payment of the Series 2017 Bond shall have been made in accordance with the provisions of this Loan Agreement, the Issuer covenants with the Lender and any subsequent owner of the Series 2017 Bond as follows:

A. <u>Payments.</u> The Issuer will punctually pay all principal of and interest on the Series 2017 Bond when due by wire transfer or other medium acceptable to the Issuer and the Lender.

B. <u>Financial Statements.</u> The Issuer shall provide to the Lender its audited year-end financial statements no later than 210 days after the end of the each Fiscal Year prepared in accordance with Generally Accepted Accounting Principles.

C. <u>Annual Budget and Other Information</u>. The Issuer will prepare its annual budget in accordance with the Act, and will provide to the Lender a copy of its final annual budget for each Fiscal Year within 30 days of adoption thereof by the Board of County Commissioners and such other financial or public information as the Lender may reasonably request.

D. <u>Tax Compliance.</u> (A) The Issuer covenants to the Owner of the Series 2017 Bond that the Issuer will not make any use of the proceeds of the Series 2017 Bond at any time during the term of the Series 2017 Bond which, if such use had been reasonably expected on the date the Series 2017 Bond was issued, would have caused such Series 2017 Bond to be an "arbitrage bond" within the meaning of the Code. The Issuer will comply with the requirements of the Code and any valid and applicable rules and regulations promulgated thereunder necessary to ensure the exclusion of interest on the Series 2017 Bond from the gross income of the holders thereof for purposes of federal income taxation.

(B) The Issuer shall at all times do and perform all acts and things permitted by law and this Loan Agreement which are necessary or desirable in order to assure that interest paid on the Series 2017 Bond will be excluded from gross income for purposes of federal income taxes and shall take no action that would result in such interest not being so excluded.

(C) The Issuer shall pay or cause to be paid to the United States Government any amounts required by Section 148(f) of the Code and the regulations thereunder (the "Regulations"). In order to ensure compliance with the rebate provisions of Section 148(f) of the

Code with respect to the Series 2017 Bond, the Issuer hereby creates the "Rebate Fund" (hereinafter the "Rebate Fund") to be held by the Issuer. The Rebate Fund need not be maintained so long as the Issuer timely satisfies its obligation to pay any rebatable earnings to the United States Treasury; however, the Issuer may, as an administrative convenience, maintain and deposit funds in the Rebate Fund from time to time. Any moneys held in the Rebate Fund shall not be considered Pledged Revenues and shall not be pledged in any manner for the benefit of the holders of the Series 2017 Bond. Moneys in the Rebate Fund (including earnings and deposits therein) shall be held for future payment to the United States Government as required by the Regulations and as set forth in instructions of Bond Counsel delivered to the Issuer upon issuance of such Series 2017 Bond.

**SECTION 11. REPRESENTATIONS AND WARRANTIES.** The Issuer represents and warrants to the Lender that:

A. <u>Organization</u>. The Issuer is a political subdivision of the State of Florida and a county or local government within the meaning of Chapter 218, Florida Statutes.

B. <u>Authorization of Loan Agreement and Related Documents</u>. The Issuer has the power and has taken all necessary action to authorize the execution and delivery of and the performance by the Issuer of its obligations under, this Loan Agreement and the Series 2017 Bond in accordance with their respective terms. This Loan Agreement and the Series 2017 Bond have been duly executed and delivered by the Issuer and are valid and binding obligations of the Issuer, enforceable against the Issuer in accordance with their respective terms, except to the extent that such enforcement may be limited by laws regarding bankruptcy, insolvency, reorganization or moratorium applicable to the Issuer or by general principles of equity regarding the availability of specific performance.

C. <u>Pledged Revenues.</u> The estimated Pledged Revenues will be sufficient to pay all principal of and interest on the Series 2017 Bond to be issued hereunder and the Parity Bonds, as the same become due, and to make all payments required by the Original Ordinance and the Ordinance. The Pledged Revenues are not now pledged or encumbered in any manner, except to the payment of the Parity Bonds. The Series 2017 Bond shall be payable from a lien on the Pledged Revenues equal and ratable to the lien on the Parity Bonds.

D. <u>Financial Statements.</u> The audited financial statements of the Issuer for the Fiscal Year ended September 30, 2016 (the "Financial Statements"), previously provided to the Lender were prepared in accordance with generally accepted accounting principles, are correct and present fairly the financial condition of the Issuer as of such date and the results of its operations for the period then ended.

**SECTION 12. CONDITIONS PRECEDENT.** The obligation of the Lender to make the Loan is subject to the satisfaction of each of the following conditions precedent on or before the Date of Delivery:

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A. <u>Action</u>. The Lender shall have received a copy of the Ordinance certified as complete and correct as of the closing date, together with an executed Loan Agreement, the executed Series 2017 Bond, and the customary closing certificates.

B. <u>Incumbency of Officers</u>. The Lender shall have received an incumbency certificate of the Issuer in respect of each of the officers who is authorized to sign this Loan Agreement, the Series 2017 Bond, and the related financing documents on behalf of the Issuer.

C. <u>Opinion of County Attorney.</u> The Lender shall have received a written opinion of the County Attorney as to (1) the valid existence of the Issuer as a political subdivision of the State; (2) the due enactment of the Ordinance; (3) the due authorization and execution of this Loan Agreement and the Series 2017 Bond and the transaction contemplated hereby and thereby; (4) the Loan Agreement and the Series 2017 Bond constituting valid and binding obligations of the Issuer, enforceable against the Issuer, in accordance with their respective terms; and (5) the absence of litigation against the Issuer relating to (a) its existence or powers, (b) its authority to issue the Series 2017 Bond, and to pledge the Pledged Revenues as provided herein, (c) the procedure governing the authorization and issuance of the Series 2017 Bond, in a form and substance satisfactory to the Lender, and (d) any matter which, if determined against the Issuer, would materially adversely impact the Issuer's ability to pay debt service on the Series 2017 Bond.

D. <u>Certificate of Clerk.</u> The Lender shall have received a certification from the Clerk that: (1) since the date of the Financial Statements, there has been no material adverse change in the financial condition, revenues, properties or operations of the Issuer; (2) there are no liabilities (of the type required to be reflected on balance sheets prepared in accordance with generally accepted accounting principles), direct or indirect, fixed or contingent, of the Issuer as of the date of such financial information which are not reflected therein; (3) there has been no material adverse change in the financial condition or operations of the Issuer since the date of Financial Statements (and to the Clerk's knowledge no such material adverse change is pending or threatened); and (4) the Issuer has not guaranteed the obligations of, or made any investment in or loans to, any person except as disclosed in such information.

E. <u>Representations and Warranties; No Default.</u> The representations and warranties made by the Issuer herein shall be true and correct in all material respects on and as of the date hereof, as if made on and as of such date; no Default shall have occurred and be continuing as of the date hereof, or will result from the consummation of the Loan; and the Lender shall have received a certificate from the Issuer to the foregoing effect.

F. <u>Other Documents.</u> The Lender shall have received such other documents, certificates and opinions as the Lender or its counsel shall have reasonably requested.

**SECTION 13. NOTICES.** All notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when hand delivered,

delivered by telecopier, mailed by registered or certified mail, postage prepaid, or delivered by courier service to the parties at the following addresses:

Issuer:	LEON COUNTY, FLORIDA 301 S Monroe St. Tallahassee, FL 32301 Attention: County Administrator, with a required copy to the County Attorney at the same address, and a required copy to the Clerk at the same address, with the addition of reference to Suite 100.
Lender:	REGIONS CAPITAL ADVANTAGE, INC. 1900 5 th Avenue North; Suite 2400 Birmingham, Alabama 35203 Attention: Bo Buckner, President

Any of the above parties may, by notice in writing given to the others, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent. Communication via telecopier shall be confirmed by delivery by hand, mail, or courier, as specified above, of an original promptly after such communication by telecopier.

**SECTION 14. EVENTS OF DEFAULT DEFINED.** The following shall be "Events of Default" under this Loan Agreement, and the terms "Default" and "Events of Default" shall mean (except where the context clearly indicates otherwise), any one or more of the following events:

A. Failure by the Issuer to make any payment of principal of or interest on the Series 2017 Bond when due.

B. Failure by the Issuer to observe and perform any other covenant, condition or agreement on its part to be observed or performed under this Loan Agreement for a period of thirty (30) days after written notice of such failure shall have been delivered to the Issuer by the Lender, unless the Lender shall agree in writing to an extension of such time prior to its expiration;

C. The making of any warranty, representation or other statement by the Issuer or by an officer or agent of the Issuer in this Loan Agreement or in any instrument furnished in compliance with or in reference to this Loan Agreement which is false or misleading in any material adverse respect;

D. The filing of a petition against the Issuer under any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any

jurisdiction, whether now or hereafter in effect, if an order for relief is entered under such petition or such petition is not dismissed within sixty (60) days of such filing;

E. The filing by the Issuer of a voluntary petition in bankruptcy or seeking relief under any provision of any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, or the consent by the Issuer to the filing of any petition against it under such law; or

F. The admission by the Issuer of its insolvency or bankruptcy or its inability to pay its debts as they become due or that it is generally not paying its debts as such debts become due, or the Issuer's becoming insolvent or bankrupt or making an assignment for the benefit of creditors, or the appointment by court order of a custodian (including without limitation a receiver, liquidator or trustee) of the Issuer or any of its property taking possession thereof and such order remaining in effect or such possession continuing for more than sixty (60) days.

**SECTION 15. REMEDIES.** The Lender may sue to protect and enforce any and all rights, including the right to specific performance, existing under the laws of the State of Florida, of the United States of America, or granted and contained in this Loan Agreement, and to enforce and compel the performance of all duties required by this Loan Agreement or by any applicable laws to be performed by the Issuer or by any officer thereof, and may take all steps to enforce this Loan Agreement to the full extent permitted or authorized by the laws of the State of Florida or the United States of America. The Issuer and the Lender each waives, to the fullest extent permitted by law, any right to trial by jury in respect of any litigation based upon the Series 2017 Bond or arising out of, under or in conjunction with the Series 2017 Bond, the Ordinance or this Loan Agreement.

**SECTION 16. NO PERSONAL LIABILITY.** No recourse shall be had for the payment of the principal of and interest on the Series 2017 Bond or for any claim based on the Series 2017 Bond or on this Loan Agreement, against any present or former member or officer of the Commission or any person executing the Series 2017 Bond.

**SECTION 17. PAYMENTS DUE ON SATURDAYS, SUNDAYS AND HOLIDAYS.** In any case where the date for making any payment or the last date for performance of any act or the exercise of any right, as provided in this Loan Agreement, shall be other than a Business Day, then such payment or performance shall be made on the succeeding Business Day with the same force and effect as if done on the nominal date provided in this Loan Agreement, provided that interest on any monetary obligation hereunder shall accrue at the applicable rate to and including the date of such payment.

**SECTION 18. PRIVATELY NEGOTIATED LOAN.** The Issuer acknowledges and agrees that the Lender is purchasing the Series 2017 Bond in evidence of a privately negotiated loan and in that connection the Series 2017 Bond shall not be (a) assigned a separate rating by any municipal securities rating agency, (b) registered with The Depository

Trust Company or any other securities depository, (c) issued pursuant to any type of offering document or official statement or (d) assigned a CUSIP number by Standard & Poor's CUSIP Service.

SECTION 19. **ROLE OF PURCHASER.** The Lender and its representatives are not registered municipal advisors and do not provide advice to municipal entities or obligated persons with respect to municipal financial products or the issuance of municipal securities (including regarding the structure, timing, terms and similar matters concerning municipal financial products or municipal securities issuances) or engage in the solicitation of municipal entities or obligated persons for the provision by non-affiliated persons of municipal advisory services and/or investment advisory services. With respect to this Loan Agreement and any other information, materials or communications provided by the Lender: (a) the Lender and its representatives are not recommending an action to any municipal entity or obligated person; (b) the Lender and its representatives are not acting as an advisor to any municipal entity or obligated person and do not owe a fiduciary duty pursuant to Section 15B of the Securities Exchange Act of 1934 to any municipal entity or obligated person with respect to this Indenture, information, materials or communications; (c) the Lender and its representatives are acting for their own interests; and (d) the Issuer has been informed that the Issuer should discuss this Loan Agreement and any such other information, materials or communications with any and all internal and external advisors and experts that the Issuer, respectively, deem appropriate before acting on this Loan Agreement or any such other information, materials or communications.

If the Lender or any of its affiliates should recommend an action to the Issuer or any other municipal entity or obligated person in connection with the purchase of the Series 2017 Bond, the Issuer acknowledges and agrees that the Lender will not provide advice regarding the structure, timing, terms, and similar matters with respect to letters of credit, direct loans, municipal securities, or other extensions of credit that extends beyond the Series 2017 Bond, which the Lender plans to purchase for its own account; hence, the Lender intends for any advice and recommendations provided by the Lender in connection with the matters described herein to qualify for the bank exemption to the "Municipal Advisor Rule" of the Securities and Exchange Commission.

**SECTION 20. AMENDMENTS, CHANGES AND MODIFICATIONS.** This Loan Agreement may be amended only by a writing approved with the same formality as this Agreement, signed by both parties hereto.

**SECTION 21. BINDING EFFECT.** To the extent provided herein, this Loan Agreement shall be binding upon the Issuer and the Lender and shall inure to the benefit of the Issuer and the Lender and their respective successors and assigns. This Loan Agreement shall be discharged and neither the Issuer nor the Lender shall have any further obligations

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hereunder under the Series 2017 Bond when the Issuer shall have paid the principal of and interest on the Series 2017 Bond in full and shall have paid in full all other amounts, if any, due under the Series 2017 Bond or this Loan Agreement.

**SECTION 22. SEVERABILITY.** In the event any court of competent jurisdiction shall hold any provision of this Loan Agreement invalid or unenforceable such holding shall not invalidate or render unenforceable, any other provision hereof.

**SECTION 23. EXECUTION IN COUNTERPARTS.** This Loan Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**SECTION 24. APPLICABLE LAW.** This Loan Agreement shall be governed by and construed in accordance with the laws of the State.

[Remainder of page intentionally left blank.]

**IN WITNESS WHEREOF,** the parties hereto have duly executed this Loan Agreement as of the date first above written.

BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA

By:_____

JOHN E. DAILEY, CHAIRMAN BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:

## GWENDOLYN MARSHALL, CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By:_____

APPROVED AS TO FORM:

COUNTY ATTORNEY'S OFFICE LEON COUNTY, FLORIDA

BY:_____

HERBERT W.A. THIELE, ESQ. COUNTY ATTORNEY [Signature page to Loan Agreement]

## REGIONS CAPITAL ADVANTAGE, INC.

By:_____

Bo Buckner President

#### EXHIBIT A

#### FORM OF BOND

No. R-1

\$15,991,000

## STATE OF FLORIDA COUNTY OF LEON CAPITAL IMPROVEMENT REVENUE REFUNDING BOND SERIES 2017

RATE OF INTEREST	MATURITY DATE	DATE OF ISSUE
2.11%	October1, 2025	June 22, 2017
<b>REGISTERED OWNER:</b>	Regions Capital Advantage, Inc.	

PRINCIPAL AMOUNT: Fifteen Million Nine Hundred Ninety-One Thousand Dollars

KNOW ALL MEN BY THESE PRESENTS, that LEON COUNTY, FLORIDA (the "Issuer"), for value received, hereby promises to pay to the Registered Owner designated above, or registered assigns, solely from the special funds hereinafter mentioned, in installments, on the payment dates indicated in Schedule 1 attached hereto and on the Maturity Date, or sooner as provided herein, the Principal Amount shown above and the interest on the outstanding Principal Amount hereof from the date of this Bond or from the most recent date to which interest has been paid, whichever is applicable, until payment of such Principal Amount, at the Rate of Interest described above, and subject to adjustment as set forth in Schedule 1 attached hereto, with all unpaid interest being due on the Maturity Date or upon the earlier payment of principal hereunder upon presentation and surrender hereof at the office of the Clerk for Leon County, Florida, as Registrar and Paying Agent. The principal of, premium, if any, and interest on this Bond are payable in lawful money of the United States of America. Interest due hereon shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

[Redemption Provisions]

This Bond is being issued in the principal amount \$15,991,000 to refund certain capital improvements of the Issuer under the authority of and in full compliance with the Constitution and Statutes of the State of Florida, including particularly Chapter 125, Florida Statutes, as amended, and other applicable provisions of law, Ordinance No. 98-02, as amended and supplemented and Ordinance No. enacted by the Board of County Commissioners on June 20, 2017 (collectively, the "Ordinance"), and pursuant to a Loan Agreement between the Issuer and the Registered Owner, dated June 22, 2017 (the "Loan Agreement"), to which reference should be made to ascertain those terms and conditions. The terms and provisions of the Loan Agreement and the Ordinance are hereby incorporated as a part of this Bond. The principal of

this Bond shall be disbursed by the Registered Owner hereof to the Issuer in immediately available funds on the Date of Delivery in accordance with the Loan Agreement.

This Bond is payable from and secured solely by the Pledged Revenues, as defined in and in the manner provided in, and subject to the terms and conditions of, the Ordinance and the Loan Agreement. This Bond shall not constitute a general obligation or indebtedness of the Issuer, but shall be a limited obligation of the Issuer payable solely from the Pledged Revenues as provided in the Loan Agreement. The Registered Owner hereof shall never have the right to compel the levy of taxes upon any property of or in the Issuer for the payment of the principal of and interest on this Bond. Reference is made to the Loan Agreement for the provisions relating to the security for payment of this Bond and the duties and obligations of the Issuer hereunder.

The Registered Owner may sue to protect and enforce any and all rights, including the right to specific performance, existing under the laws of the State of Florida, of the United States of America, or granted and contained in the Loan Agreement, and to enforce and compel the performance of all duties required by the Loan Agreement or by any applicable laws to be performed by the Issuer or by any officer thereof, and may take all steps to enforce the Loan Agreement to the full extent permitted or authorized by the laws of the State of Florida or the United States of America. The Issuer waives its right to trial by jury in the event of any proceedings in state or federal courts to enforce the terms of this Bond or of the Loan Agreement, and the Registered Owner, by its acceptance of this Bond, waives its right to trial by jury in any such proceedings.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of Florida to be performed, to exist and to happen precedent to and in the issuance of this Bond, have been performed, exist and have happened in regular and due form and time as so required.

**IN WITNESS WHEREOF,** LEON COUNTY, FLORIDA, has caused this Bond to be executed by the Chairman and attested by the Clerk, either manually or with their facsimile signatures, and its seal or a facsimile thereof to be affixed, impressed, imprinted, lithographed or reproduced hereon, all as of the Date of Issue above.

#### LEON COUNTY, FLORIDA

(SEAL)

By: _____

Chairman

ATTEST:

By: _____

Clerk

#### CERTIFICATE OF AUTHENTICATION

This Bond is one of the bonds issued under the provisions of the within mentioned Ordinance.

> Clerk of the Circuit Court and County Comptroller of Leon County, Florida as Authenticating Agent

Date of Authentication:

____, 2017

By:_____ Authorized Officer

#### ASSIGNMENT AND TRANSFER

For value received the undersigned hereby sells, assigns and transfers unto (Please insert Social Security or other identifying number of transferee) ______ the attached Bond of Leon County, Florida, and does hereby constitute and appoint, ______ attorney, to transfer the said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Date:

Signature Guaranteed by

[member firm of the New York Stock Exchange or a commercial bank or a trust company.]

By:______ Title:______

> NOTICE: No transfer will be registered and no new Bond will be issued in the name of the Transferee, unless the signature to this assignment corresponds with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever and the Social Security or Federal Employer Identification Number of the Transferee is supplied.

### SCHEDULES TO LEON COUNTY, FLORIDA CAPITAL IMPROVEMENT REVENUE REFUNDING BOND, SERIES 2017

#### **SCHEDULE 1**

#### DEBT SERVICE FOR THE SERIES 2017 BOND

Period <u>Ending</u>

<u>Principal</u>

Interest Debt Service

Annual Debt Service

## Memorandum

To: Alan Rosenzweig, Scott Ross, Kim Ferrell and Norma Parrish, Leon County

From: Jeremy Niedfeldt, Public Financial Management, Inc.

Re: Updated Refunding Analysis of Capital Improvement Refunding Revenue Bond, Series 2014

As financial advisor to Leon County, Florida (the "County"), Public Financial Management, Inc. ("PFM") has previously provided a memo (dated March 6, 2017) which outlines options related to a refunding of the County's Series 2014 Bond currently held by Regions Bank, and discussed these options with the County. At that time County staff directed PFM to continue to monitor interest rates, and this memo updates the analysis of a rate reset option with Regions. The current interest rate market provides for higher savings than initially proposed, with an interest rate reset from 2.69% to 2.19% (vs. 2.35% as quoted by Regions on February 17, 2017)

	Regi ons Bank		
	2/17 Quote	3/13 Qoute	4/19 Quot e
Estimated Closing	5/ 10/ 2017	5/ 10/ 2017	5/ 10/ 2017
2014 Call Date	Waived	Waived	Waived
Par amount of Bonds Refunded	15, 951, 000	15, 951, 000	15, 951, 000
Final Maturity	10/ 1/ 2025	10/ 1/ 2025	10/ 1/ 2025
Escrow Cost (Negative Arbitrage)	-	-	-
2017 Bank Loan Rate	2. 35%	2. 49%	2. 19%
Cost of Issuance	40, 000	40, 000	40, 000
Net PV Savings of refunded	270, 000	134, 000	420, 000
% Savings of refunded bonds	1.69%	0. 84%	2.63%
Average Annual Savings (2018-2025)	42, 000	23, 000	60, 000

The County has the ability to keep favorable transaction terms initially negotiated in 2014, such as no grossup provisions for changes to corporate tax rate, no prepayment penalty after 3-years, no depository requirement, etc. Given the low current market interest rates, directly negotiating a rate reset with Regions at a competitive level also keeps the County from taking market risk and potentially realizing higher issuance and escrow costs. For example, each 0.01% increase in interest rate lowers the estimated present value savings by approximately \$9,250. In addition to market risk, costs of issuance could be as much as \$10,000 more with increased bank counsel expenses, bank commitment fees and/or escrow structuring fees. Another significant advantage of negotiating a rate reset with Regions is the bank would waive the call restriction which eliminates the need for an escrow, and the cost of negative arbitrage in an escrow for 2-months is estimated to be more than \$50,000.

## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, June 20, 2017, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider adoption of an ordinance entitled to wit:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA AUTHORIZING THE ISSUANCE OF THE NOT TO EXCEED \$15,991,000 CAPITAL IMPROVEMENT REVENUE REFUNDING BOND, SERIES 2017 FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING DEBT OF THE COUNTY AS DESCRIBED HEREIN AND PAYING COSTS RELATED THERETO; PROVIDING THAT THE SERIES 2017 BOND SHALL BE LIMITED OBLIGATIONS OF THE COUNTY PAYABLE FROM PLEDGED REVENUES, AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNERS OF THE SERIES 2017 BOND; AUTHORIZING THE PRIVATE NEGOTIATED SALE OF SUCH SERIES 2017 BOND TO THE LENDER, PURSUANT TO THE TERMS AND CONDITIONS DESCRIBED HEREIN; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; AUTHORIZING OTHER REQUIRED ACTIONS; AND PROVIDING AN EFFECTIVE DATE.

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

Copies of said ordinance may be inspected at the following locations during regular business hours:

Leon County Courthouse 301 S. Monroe St., 5th Floor Reception Desk Tallahassee, FL 32301

and

Leon County Clerk's Office 315 S. Calhoun Street, Room 750 Tallahassee, Florida 32301

Advertise: June 10, 2017

## Leon County Board of County Commissioners

Notes for Agenda Item #19

## Leon County Board of County Commissioners

## Agenda Item #19

June 20, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title:First and Only Public Hearing to Approve the Resolution Adopting the<br/>Stormwater Non-ad Valorem Assessment Roll and Authorize Certification of<br/>the Entire Roll to Tax Collector

<b>Review and Approval:</b>	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Tony Park, P.E., Director, Public Works Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Theresa B. Heiker, P.E., Stormwater Management Coordinator Joshua Pascua, Budget and Management Analyst

#### **Statement of Issue:**

As required by Florida Statutes, this Public Hearing provides for the adoption of an assessment roll for all properties being assessed for the first time, and certification of the entire assessment roll for Stormwater.

## Fiscal Impact:

This item has a fiscal impact. This non-ad valorem special assessment generates revenue in the amount of \$3,498,231 that is contemplated in the proposed FY 2017/2018 budget.

#### **Staff Recommendation:**

Option #1: Conduct the first and only public hearing and approve the Resolution adopting the Stormwater Non-Ad Valorem Assessment Roll (Attachment #1), and authorize the certification of the Non-Ad Valorem Assessment Roll to the Tax Collector (Attachment #2).

Title: First and Only Public Hearing to Approve the Resolution Adopting the Stormwater Nonad Valorem Assessment Roll and Authorize Certification of the Entire Roll to Tax Collector June 20, 2017 Page 2

#### **Report and Discussion**

#### **Background:**

The Stormwater Management Assessment was first adopted in September 1991, with a rate of \$20 per single-family unit, with a multiplier for commercial properties based on the amount of impervious area on a parcel. The Board modified the Stormwater Utility Ordinance in July 1995 to allow funding for operation and maintenance expenses, and for the purchase of wetlands and floodplains, with or without proposed structural improvements.

The Ordinance established two classes of property: residential development and non-residential development. Residential development property includes single-family units, mobile homes, and apartments. Under the original Ordinance, each single-family unit was charged a single rate. The rate of \$20 per year was established by Resolution No. 95-24 on September 12, 1995.

During the FY 2014 budget process, the Board adopted an amended stormwater Ordinance and approved the implementation of the \$85 base assessment rate, recommended in the new rate study, utilizing a variable fee for residential property classes. Non-residential development includes all the other developed property except certified agricultural property, which is exempt from the stormwater fee.

The assessment imposed on non-residential property is the rate of one single-family unit (SFU) multiplied by the numerical factor obtained by dividing the total impervious area of the non-residential developed property by the SFU average impervious area. The average SFU impervious area in the unincorporated area of Leon County is 3,272 square feet. For example, a convenience store that has 32,720 square feet of impervious area equals 10 SFU and pays \$850 under the adopted Rate Resolution.

The Ordinance also provides a 50% credit to residents qualified as Low-Income Seniors or Disabled Veterans through the Leon County Property Appraiser's Office. Finally, properties discharging to a private stormwater management facility with a valid operating permit receive a discount on their assessment.

The Stormwater Management Assessment is included on the Property Tax Notice. Section 197.3632, Florida Statutes, outlines the process for collection of non-ad valorem assessments. An assessment roll must be prepared showing all properties being assessed for the first time, which is then adopted by the Board by resolution, and the entire roll is certified to the Tax Collector for collection.

Title: First and Only Public Hearing to Approve the Resolution Adopting the Stormwater Nonad Valorem Assessment Roll and Authorize Certification of the Entire Roll to Tax Collector June 20, 2017 Page 3

#### Analysis:

The Stormwater Management System Ordinance and Section 197.3632, Florida Statutes, require that the stormwater assessment roll be adopted by Resolution of the Board following a public hearing by September 15th of the year that the fee is imposed against new properties for the first time.

County staff has published notice of the public hearing in the Tallahassee Democrat and provided first class mailed notice to each of the 350 property owner subject to the non-ad valorem assessment for stormwater management services in accordance with the requirements of Section 197.3632, Florida Statutes (2014) (Attachment #3).

The proposed assessment roll has been made available for public inspection at the County Administration offices located at the fifth floor of the County Courthouse. However, it has not been attached to this item due to the voluminous nature thereof. The assessment roll contains the name of the owner, the parcel identification number, the parcel address, and the amount of the assessment. Written comments and objections filed by affected property owners, if any, have been compiled and likewise have been made available for public inspection at County Administration.

The proposed Resolution adopting the non-ad valorem assessment roll for all properties subject to the assessment for the first time, and the Certificate to the assessment roll to the Tax Collector, are attached for the Board's consideration.

#### **Options:**

- 1. Conduct the first and only public hearing and approve the Resolution adopting the Stormwater Non-Ad Valorem Assessment Roll (Attachment #1), and authorize the certification of the Non-Ad Valorem Assessment Roll to the Tax Collector (Attachment #2).
- Conduct the first and only public hearing and do not approve the Resolution adopting the Stormwater Non-Ad Valorem Assessment Roll. (*This action would require amendments to the FY 2017/2018 budget.*)
- 3. Board direction.

#### **Recommendation:**

Option #1.

Attachments:

- 1. Proposed Resolution Adopting the Stormwater Assessment Roll
- 2. Certificate to Non-ad Valorem Assessment Roll to the Tax Collector
- 3. Notice of Public Hearing

#### RESOLUTION NO. R17-____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, ADOPTING THE STORMWATER MANAGEMENT SERVICES AND FACILITIES NON-AD VALOREM ASSESSMENT ROLL; PROVIDING FOR CERTIFICATION OF THE ROLL TO THE TAX COLLECTOR; AND PROVIDING FOR AN EFFECTIVE DATE.

#### RECITALS

WHEREAS, on May 28, 2013, the Board of County Commissioners enacted an Ordinance amending chapter 18, article iv, division 3, Leon County Code of Laws, relating to the provision and funding of the *Stormwater Management Services and Facilities* to the *Stormwater Services Area*; and

WHEREAS, on May 28, 2013, the Board of County Commissioners adopted a *Stormwater Assessment Rate Resolution* levying and imposing upon each *Developed Property* located within the *Stormwater Services Area* a *Stormwater Assessment* in an amount found to be reasonably related to the cost of providing the *Stormwater Management Services and Facilities* to such property and thereby providing an equitably corresponding special benefit to such property; and

WHEREAS, pursuant to Section 197.3632, Florida Statutes, the Board of County Commissioners has reviewed the *Stormwater Assessment Roll* for conformity with the *Stormwater Assessment Rate Resolution*; and

WHEREAS, the Board wishes to approve and adopt the *Stormwater Assessment Roll* and to certify the roll for collection to the Tax Collector; and

WHEREAS, Leon County has provided notice of a public hearing at least twenty days prior to same by first class United States mail and by publication in the *Tallahassee Democrat* advising that a public hearing would take place.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

Section 1. <u>Recitals</u>. The Recitals to this Resolution are incorporated herein and made a part hereon as if fully set forth below.

Section 2. <u>Definitions</u>. For purposes of this Resolution, the definitions contained in section 18-134.2, Leon County Code of Laws, are incorporated herein by reference.

Section 3. Pursuant to section 197.3632, Florida Statutes, Leon County hereby approves and adopts the *Stormwater Assessment Roll*, attached hereto as Exhibit 2 and incorporated herein as if fully set forth below.

Section 4. The unit of measurement for the *Stormwater Assessment* shall be as set forth in Exhibit 1, the *Stormwater Assessment Rate Resolution*, R13-20, which is attached hereto and incorporated herein as if fully set forth below. The amount of the *Stormwater Assessment* imposed against each subject parcel of *Developed Property* is and shall be as further set forth in Exhibit 2. The *Stormwater Assessment* shall be and is hereby levied and imposed annually commencing October 1, 2013, and continuing each year thereafter until such time as changed or discontinued by the Board.

Section 5. The *Stormwater Assessment Roll* is hereby certified to the Tax Collector for collection in accordance with Florida law.

Section 6. This Resolution shall be effective upon adoption.

Page 867 of 1014

DONE AND ADOPTED by the Board of County Commissioners of Leon County,

Florida, this 20th day of June, 2017.

#### LEON COUNTY, FLORIDA

By: ______ John E. Dailey, Chairman Board of County Commissioners

ATTESTED BY:

Gwen Marshall, Clerk of Court & Comptroller, Leon County, Florida

By: _____

_____

APPROVED AS TO FORM: Leon County Attorney's Office

By: ____

Herbert W. A. Thiele, Esq. County Attorney

#### EXHIBIT 1

#### RESOLUTION NO. RI3-20

#### STORMWATER ASSESSMENT RATE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, RELATING TO THE PROVISION AND FUNDING OF THE STORMWATER MANAGEMENT SYSTEM.

#### RECITALS

WHEREAS, the County desires to provide Stormwater Management Services and Facilities in the most efficient manner possible in order to promote the health, safety, and general welfare of its citizens; and

WHEREAS, a new and dedicated funding for implementation of the County's Stormwater Management Plan is needed to maintain compliance with state and federal requirements, and the levy of a Stormwater Assessment is determined to be the most equable method of providing such funding; and

WHEREAS, those elements of the Stormwater Management System that provide for the collection, storage, treatment, and conveyance of Stormwater specially benefit all Developed Property within the unincorporated area of the County; and

WHEREAS, Florida law authorizes and encourages local governments to create stormwater management systems, provide stormwater management services and facilities, and adopt stormwater charges sufficient to plan, construct, operate and maintain its stormwater management system; and

WHEREAS, the cost of operating and maintaining the County Stormwater Management System and providing Stormwater Management Services and Facilities in accordance with existing permits and the funding of existing and future repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received; and WHEREAS, on May 28, 2013, the Board of County Commissioners enacted an Ordinance amending ch. 18, Leon County Code of Laws, relating to the provision and funding of the County Stormwater Management System.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Leon County, Florida, that:

Section 1. <u>Recitals.</u> The Recitals set forth above are deemed incorporated herein as is fully set forth below.

Section 2. <u>Authority.</u> This Resolution is adopted pursuant to the authority granted the County under Article 8, Section 1, Florida Constitution, ch. 125 and 403, Florida Statutes, the Leon County Charter, and other applicable provisions of law.

Section 3. <u>Definitions.</u> For purposes of this Resolution, the definitions contained in section 18-134.2, Leon County Code of Laws, are incorporated herein by reference.

Section 4. <u>Resolution</u>. This Resolution shall constitute the *Stormwater* Assessment Rate Resolution as described in section 18-134.4(b), Leon County Code of Laws.

Section 5. <u>Provision of Stormwater Management Services and Facilities</u>. The County intends to provide *Stormwater Management Services and Facilities* for the benefit of all parcels of *Developed Property* located within the *Stormwater Services Area* commencing October 1, 2013. All or a portion of the cost to provide such *Stormwater Management Services and Facilities* shall be funded from the proceeds of the *Stormwater Assessment*.

Section 6. <u>Legislative Determinations</u>. It is hereby ascertained, determined, and declared that each parcel of *Developed Property* subject to the *Stormwater* 

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Assessment located within the Stormwater Services Area shall be specially benefited by the provision of Stormwater Management Services and Facilities, in an amount and to a degree not less than the Stormwater Assessment imposed against such parcel of Developed Property, in that such Stormwater Assessment as computed in a manner as set forth in this Resolution, constitutes a fair and reasonable charge for the provision of Stormwater Management Services and Facilities. It is hereby further ascertained, determined, and declared that the cost of providing Stormwater Management Services and Facilities used to compute the Stormwater Assessment constitutes a reasonable estimation of the ten (10) year average annual cost of providing Stormwater Management Services and Facilities to all parcels of Developed Property within the Stormwater Services Area. Lastly, the Stormwater Assessment is based upon the Leon County, Florida, Stormwater Utility Update, Final Report, dated April 5, 2013 (hereinafter "Rate Study") which is hereby specifically approved and adopted as Exhibit A, same being attached hereto and incorporated herein as if fully set forth below.

Section 7. <u>Stormwater Assessment</u>. A *Stormwater Assessment* is hereby levied and imposed upon each parcel of *Developed Property* located within the *Stormwater Services Area* and which is hereby ascertained, determined, and declared to be reasonably related to the cost of providing *Stormwater Management Services and Facilities* and thereby provides an equitably corresponding special benefit to the *Developed Property*. The *Stormwater Assessment* is hereby ascertained, determined and declared to be based upon a reasonable estimation of a ten (10) year average annual cost of providing *Stormwater Management Services and Facilities* to such *Developed Property*. It is further ascertained, determined and declared that the *Stormwater Assessment* imposed hereby provides a special benefit to and is equitably apportioned among the *Developed*  *Properties* assessed based upon the special benefit assumptions and apportionment methodology set forth in the Rate Study, Exhibit A. The amount of the *Stormwater Assessment* levied and imposed upon each parcel of *Developed Property* in the *Stormwater Services Area* shall be determined according to the property use category and rate as set forth in Exhibit B, Rate Schedule, commencing October 1, 2013, annually until discontinued or changed by the Board.

Section 8. <u>Residential Credit</u>. The Board hereby provides a fifty percent (50%) residential credit to the *Stormwater Assessment* for County residents owning and residing on residential *Developed Property* who have been qualified with the *Property Appraiser* as either a Low Income Senior or Disabled Veteran in accordance with Florida law. Funds designated by the Board to adequately fund the residential credit shall be paid from funds other than those generated by the *Stormwater Assessment*. The residential credit shall be effective commencing October 1, 2013, and continue annually until discontinued by the Board.

#### Section 9. Adjustment.

(a) The Board hereby finds that retention of Stormwater meeting the standards set forth in sections 10-4.301(3)(b) or (5)(a)(i) and (5)(b), Leon County Code of Laws, would constitute a significant and measureable reduction in County provided Stormwater Management Services and Facilities, resulting in an adjustment to the Stormwater Assessment to reflect only those costs associated with engineering and permitting services of the Stormwater Management Services and Facilities provided. Therefore, the Board hereby creates a 75% adjustment to the Stormwater Assessment for the subject Developed Property. Upon approval of an application of the owner, a 75% reduction to the Stormwater Assessment will be applied to a Developed Property, when a privately owned stormwater management facility serving the subject property has a valid operating permit issued by the County, for a private residential subdivision or an on-site stormwater management facility serving a non-residential property, meeting the requirements of Section 18-134.4(f)(2)a.(1), Leon County Code of Laws. The 75% adjustment will commence October 1, 2013 and will remain in effect so long as the subject property owner's operating permit remains valid, or until such time as discontinued by the Board.

(b) The Board hereby finds that by demonstrating that Stormwater quality treatment and rate attenuation standards applicable at the time of approval of a County issued environmental permit have been met, would constitute a significant and measurable reduction in County provided Stormwater Management Services and Facilities. As a result, adjusting the Stormwater Assessment to reflect a portion of those costs associated with the Stormwater Management Systems and Facilities provided, would result in a 50% reduction in the Stormwater Assessment. Therefore, the Board hereby creates a 50% adjustment to the Stormwater Assessment for the subject Developed Property. Upon approval of an application of the owner, a 50% reduction to the Stormwater Assessment will be applied to a Developed Property, when a privately owned stormwater management facility serving the subject property has a valid operating permit issued by the County, for a private residential subdivision or an onsite stormwater management facility serving a non-residential property, meeting the requirements of Section 18-134.4(f)(2)a.(2), Leon County Code of Laws. The 50% adjustment will commence October 1, 2013 and will remain in effect so long as the subject property owner's operating permit remains valid, or until such time as discontinued by the Board.

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- (c) The Board hereby finds that by demonstrating that Stormwater rate attenuation standards applicable at the time of approval of a County issued environmental permit have been met, would constitute a significant and measurable reduction in County provided Stormwater Management Services and Facilities. As a result, adjusting the Stormwater Assessment to reflect a portion of those costs associated with the Stormwater Management Systems and Facilities provided would result in a 25% reduction in the Stormwater Assessment. Therefore, the Board hereby creates a 25% adjustment to the Stormwater Assessment for the subject Developed Property. Upon approval of an application of the owner, a 25% reduction to the Stormwater Assessment will be applied to a Developed Property, when a privately owned stormwater management facility serving the subject property has a valid operating permit issued by the County, for a private residential subdivision or an on-site stormwater management facility serving a non-residential property, meeting the requirements of Section 18-134.4(f)(2)a.(3), Leon County Code of Laws. The 25% adjustment will commence October 1, 2013 and will remain in effect so long as the subject property owner's operating permit remains valid, or until such time as discontinued by the Board.
- (d) Upon approval of an application of the owner, a reduction to the Stormwater Assessment may be applied to the subject Developed Property, when the owner demonstrates by competent substantial evidence that alternative means or techniques have been utilized to accomplish the standards set forth in Section 18-134.4(f)(2)a.(1), Leon County Code of Laws.

Section 10. <u>Collection of the Stormwater Assessment</u>. The collection of the Stormwater Assessment shall be made pursuant to and in accordance with section 18-

134.5, Leon County Code of Laws and is authorized hereby, commencing October 1, 2013.

Section 11. <u>Effective Date.</u> This Resolution shall have effect upon adoption and shall apply to all parcels of *Developed Property* located within the unincorporated area of Leon County.

Done and adopted by the Board of County Commissioners of Leon County, Florida, this 28th day of May, 2013.



ON COUNTY, FLOR BY S MADDOX, CHAIRMAN NICH BOARD OF COUNTY COMMISSIONERS

ATTESTED BY: BOB INZER, CLERK OF THE COURT LEON COUNTY, FLORIDA

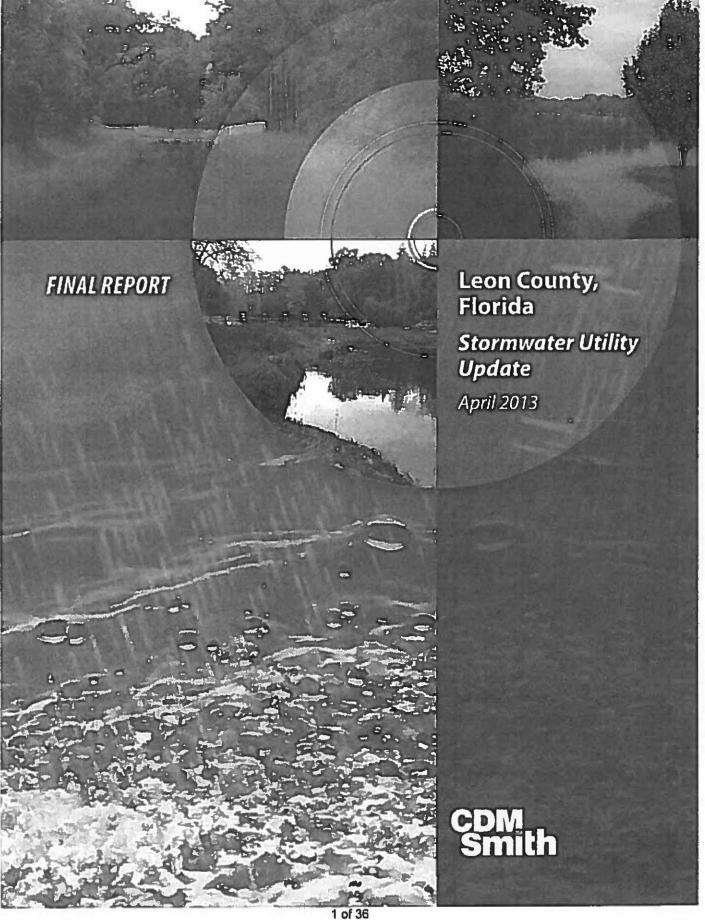
BY

APPROVED AS TO FORM: COUNTY ATTORNEY'S OFFICE LEON COUNTY, FLORIDA

R١ HERBERT W.A. THIELE, ESQ.

Don. COUNTY ATTORNEY

Page 875 of 1014





1715 North Westshore Boulevard, Suite 875 Tempa, Florida 33607 tel: 813 281-2900 fac: 813 288-8787

April 5, 2013

Ms. Theresa Heiker, P.E. Stormwater Management Coordinator Engineering Services Division Leon County Public Works Department 2280 Miccosukee Road Tallahassee, Florida 32398

Subject: Stormwater Utility Update Final Report

Dear Ms. Heiker:

CDM Smith is pleased to submit the Stormwater Utility Update Final Report (5 copies). The final report incorporates final comments and decisions CDM Smith received from the County on March 8, 2013 and early April via e-mail. Highlights from the report are presented below.

#### **Level of Service Analysis**

CDM Smith worked with County staff to define program activities and expenditures for Service Areas presented in Figure 1. The assessed level-of-service (LOS) for each program element is highlighted in blue. In general, the County's program is between a LOS C and LOS D. This assessment is based upon services currently being provided by the County and the associated funding of those services as compared to other Florida communities.

Level of Service	Engineering & Permitting Activities	Operation and Maintenance Program Activities	CIP Implementation Period	
A	Comprehensive Planning + Full Implementation Capabilities + Exemplary NPDES Permit Compliance	Fully Preventative/ 100% Routine	10-year Plan	
8	Pro-Active Planning + Systematic CIP Implementation Capabilities + Proactive Permit Compliance	Mixture of Routine and Inspection Based 20		
с	Priority Planning + Partial CIP Implementation Capabilities + Minimal NPDES Permit Compliance Inspection Based Only		40-year Plan	
D	Reactionary Planning + Minimal CIP Implementation Capabilities + Below Minimum NPDE5 Permit Compliance (Complaint-based)		50-year Plan	
F	No Planning + No CIP Implementation Capabilities + NPDES Non-Compliance	Less than full response to all complaints	100-year Plan	

Figure 1

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LOS Analysis of County Stormwater Program Elements

WATER + ENVIRONMENT + TRANSPORTATION + ENERGY + FACILITIES 2 of 36



Ms. Theresa Heiker, P.E. April 5, 2013 Page 2

In order to maintain the current LOS being provided by the County, and the elimination of the transfer of general revenues to the stormwater utility fund, the updated stormwater utility would need to generate the revenue shown in Table 1. As an option, CDM Smith also considered at the request of the County an additional scenario to add \$2 million in annual revenue for capital improvements.

#### **Table 1**

#### **Stormwater Program Costs**

Program Element	Budget	% of Total
Engineering & Permitting, and NPDES	\$1,350,000	26.2%
Operations & Maintenance	\$1,800,000	35.0%
Capital Improvement Program	\$2,000,000	38,8%
Total	\$5,150,000	100.0%

#### **Rate Structure Analysis**

CDM Smith worked with County staff to define and evaluate various stormwater utility rate structure scenarios to generate the program costs. This included an

assessment of impervious area characteristics of parcels located in unincorporated Leon County and the selection of a "single family dwelling unit" (SFU) as the basis for assigning fees to parcel owners. Based on the input from County staff, the preferred rate structure includes tiered nonsingle family residential rates, non-residential rates based upon their equivalent number of SFU's and the allowance of a credit adjustment. The analysis considered the cost of service within the defined Urban Service Area (USA). Also, the analysis showed that the rate for the USA would be only slightly different than the non-USA area, which may not support the need for different service areas.

Based on the number of SFU's in the County, to generate \$5.15 million in annual stormwater program costs, the fee is estimated to be \$140 per SFU per year assuming a 95 percent collection. To fund the stormwater program costs using a graduated 5-year approach, the fee would start out at \$44 per year per SFU, and increase by \$24 per year per SFU for each of the next 4 years. After five years, the ultimate rate would be \$140 per year per SFU. These estimates are based on a 2 percent growth per year in revenue needs and a 1 percent growth per year (i.e., new construction) in revenues.

We appreciate working with the County on this very important project and look forward to future opportunities.

Sincerely,

Scott McClelland Vice President CDM Smith Inc.

cc: Brian Mack

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# Section 1

# Introduction

In October 2012, Leon County (the County) contracted with CDM Smith to prepare a Stormwater Utility Update Study (the 2012 Study). Procurement for these services was based upon the findings and recommendations from the Board of County Commissioner's Workshop on Stormwater and Solid Waste Non-Ad Valorem Assessments and Transportation Taxes held in February 2012. The original purpose of the 2012 Study was to identify the necessary funding to maintain adequate levels-ofservice (LOS) for the County's stormwater management program and to determine the feasibility of eliminating the approximate \$2 to \$3 million subsidy from the County's general fund for stormwater services.

To accomplish this goal, CDM Smith prepared a LOS analysis of the County's stormwater programs (Section 2), performed a rate structure analysis (Sections 3 and 4), and developed subsidy elimination scenarios (Section 5). Also, as part of this work, CDM Smith developed a simple rate model using MS Excel ©, which has been provided to the County. This document summarizes the results and conclusions made for each of these tasks.

In order to compare the various rate structure options considered in Sections 3 and 4, the 2011 Stormwater Utility Survey (2011 Survey) prepared by the Florida Stormwater Association (FSA) was used. This survey included 81 respondents, of which 71 were cities and 10 were counties.

# Section 2

# (LEON)

# Level of Service

## 2.1 Stormwater Levels of Service (LOS)

For the purposes of this evaluation, stormwater management services for the County have been organized into four categories as described below:

- Engineering & Permitting Services (EPS) this area of service provides for the management and planning of the stormwater assets for the County. Included are program administration, planning, development review, total maximum daily load (TMDL) Engineering & Permitting, enforcement and monitoring. Also, this includes the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit (FLS000033) compliance activities that are not otherwise accounted for in the other categories.
- **Operation and Maintenance Services (O&M)** these services include the maintenance of the stormwater assets of the County including mowing, cleaning, litter control, and minor repair.
- Capital Improvement Program (CIP) this includes major construction of new stormwater assets for the County. Projects are generally identified annually in the S-year CIP program.

In an ideal world with unlimited funding, stormwater management activities would be completed at the highest level. This would result in routinely maintaining all systems, constructing facilities to control every storm, planning for all watersheds to ultimate build out, and performing award winning NPDES compliance. In reality, such funding is not available and thus, services must be provided at a reasonable level that balances services desired by the public with the limited funding available. This level of service (LOS) varies depending on the desires of the community and the issues that need to be addressed.

In order to define the stormwater services provided by the County to its citizens, this study will compare stormwater services provided by the County to a set of standards. The term "LOS" is used in this study to describe the magnitude of beneficial results gained by the community and the environment from the County's stormwater program. A higher LOS will result in better flood control and protection, better control of erosion and sedimentation, and better water quality and stream habitat. This LOS concept is useful for assessing each of the four major stormwater program areas that have been described previously (Engineering & Permitting which includes NPDES Compliance, Operation and Maintenance, and Capital Improvements).

For the purposes of this study, different LOS have been defined and assigned standard letter grades, with "A" being the highest and "F" being the lowest. These standard definitions facilitate evaluation of the LOS currently being provided by the County's stormwater program, and allow consideration of alternative LOS, with their associated benefits and costs. A LOS "F" is considered to be below the minimum regulatory requirements and expectations of the community.





A matrix has been developed to assist in understanding the different LOS as they relate to the four major program areas (Figure 2-1). Within this matrix, the first column contains the LOS letter grade identification ranging from "A" to "F." Subsequent column headings are provided for the four program areas, and each box within the matrix contains a brief description of the key elements required to achieve the given LOS for each program area. Later in this section, the County's current stormwater program is assigned a letter grade for each program area based on these LOS definitions. CDM Smith also evaluated the current cost of stormwater services as compared to other communities.

Level of Service	Engineering & Permitting Activities	Operation and Maintenance Program Activities	CIP Implementation Period
A	Comprehensive Planning + Full Implementation Capabilities + Exemplary NPDES Permit Compliance	Fully Preventative/ 100% Routine	10-year Plan
B	Pro-Active Planning + Systematic CIP Implementation Capabilities + Proactive NPDES Permit Compliance		
с	Priority Planning + Partial CIP Implementation Capabilities + Minimal NPDES Permit Compliance		
D	Reactionary Planning + Minimal CIP Implementation Capabilities + Below Minimum NPDES Permit Compliance		
F	No Planning + No CIP Implementation Capabilities + NPDES Non-compliance	Less than full response to all complaints	100-year Plan

Figure 2-1 Leon County, Florida Stormwater Utility Update

#### 2.1.1 Engineering & Permitting Level of Service Descriptions

A high LOS related to Engineering & Permitting provides benefits to the community and environment through the following means:

- Comprehensive planning of stormwater management activities and practices increases the
  opportunity to implement recommendations prior to development or redevelopment occurring,
  thus decreasing the costs and improving the effectiveness of these best management practices.
- A proper staffing level of County personnel to oversee and manage other program areas (i.e., operation and maintenance and capital improvements) improves the cost-effectiveness and efficiency of these program areas.
- A proper staffing level of County personnel to monitor and enforce stormwater rules and regulations increases the level of compliance by the regulated community, better protecting the community and environment from unlawful activities.
- Full compliance with all state and federal regulatory programs allows the County to qualify and gain higher priority for potential funding opportunities when they are available to the County, and avoids potential fines and/or environmental damage that may result from non-compliance. The data and information gained from monitoring activities required by these programs allows the County to make better decisions as to where to apply resources to gain the most benefit and as to the effectiveness of past and ongoing activities in achieving desired benefits.



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Section 2 • Level of Service

To a large degree, the LOS of the Engineering & Permitting area depends upon the corresponding LOS of the other two major program areas, operation and maintenance and capital improvements. This is because County staff members are required to oversee and manage these other program areas to ensure their cost-effectiveness and efficiency.

However, there are other elements within the Engineering & Permitting area that are not related to O&M or capital improvements. These include enforcement of County development and environmental regulations (e.g., plan review and inspections for soil and erosion control and floodplain regulation, and inspections of stormwater facilities controlling existing development). Other activities that would fall under the Engineering & Permitting category include public information and education about stormwater-related issues, and other supporting functions such as information management, finance, billing, and administration.

The County was first issued its NPDES MS4 permit by the Florida Department of Environmental Protection (FDEP) in 1997 (Permit No. FLS000033). The permit was reissued in 2003 and again on November 1, 2011. Under this permit, the County is required to accomplish and report on various stormwater management activities. Currently, these activates are managed and funded under engineering and permitting services. Compliance is measured by the State using annual reports prepared by the permittee documenting all of the permit related activities accomplished during the permit year.

The various LOS for Engineering & Permitting are described below:

- LOS A: Watershed planning completed or scheduled dealing with existing and future stormwater problems (drainage and water quality); complete inventory of stormwater system in a geographic information system (GIS) database. Includes exemplary and/potentially award winning compliance with State and Federal NPDES permit requirements.
- LOS B: Increased planning for the watershed considering not only existing problems but also future problems that may be caused by growth; partial stormwater system inventory and sufficient management to administer the program and complete limited CIP projects. Provides proactive NPDES compliance with permit conditions and represents activities that are better than simply a minimal compliance with the letter of the permit, no substantive comments or requests from the annual report review and associated FDEP inspection.
- LOS C: Partial planning of watershed, limited stormwater system inventory and some ability to manage capital improvement projects; planning focused on dealing with major or significant existing problems. Middle-of-the-road and minimal accepted LOS with adequate compliance with NPDES permit conditions, some comments received during the annual review, but no major compliance issues are received from FDEP.
- LOS D: Poor management characterized by minimal or no planning; some ability to perform
  project management for capital projects; poor inventory of stormwater system and limited staff
  to administer the program. Not complying with NPDES permit conditions, characterized by
  substantive comments on the annual report and during the annual inspection.
- LOS F: No management or planning, no system inventory, and no ability to accomplish CIP projects or planning. Non-compliance with major NPDES permit conditions, with the permittee subject to potential fines from the state for noncompliance.



Section 2 • Level of Service

#### 2.1.2 Operation and Maintenance Level of Service Descriptions

A high LOS related to operation and maintenance provides benefits to the community and environment through the following means:

- The useful life of the County's stormwater infrastructure is extended through proper operation and routine maintenance of these assets. This results in cost savings by delaying the need for major rehabilitation or replacement of these assets
- Cleaning of swales, catch basins, culverts, and ditches maintains the hydraulic capacity of these
  items, thus decreasing the frequency of flooding that may occur upstream of and in the vicinity
  of these areas.
- Regular removal of trash, debris, sediment, and excess vegetation from the stormwater system improves water quality of streams and downstream waterways as well as the aesthetic value of these areas to the community. Regular street sweeping and greenway maintenance achieves similar benefits.

The LOS for O&M are described below:

- LOS A: Highest O&M service level that is fully preventative all maintenance is completed routinely, addressing every stormwater facility once or more each year.
- LOS B: Mixture of routine and inspection based maintenance. Critical structures are routinely
  maintained, both periodically during each year and possibly before each storm event, and noncritical structures are maintained based on inspection.
- LOS C: Inspection based maintenance whereby all structures are routinely inspected by management and maintenance is scheduled according to the inspection.
- LOS D: Complaint-based maintenance all maintenance is done based on citizen complaints;
   generally characterized by work order based activities resulting from citizen call in complaints.
- LOS F: Less than complaint-based maintenance, with limited or no ability to even respond to complaints.

Once achieved, a LOS "A" may be less costly than lower LOS because it should reduce the frequency of high-cost capital expenditures such as repairs to failed facilities, unscheduled labor overtime, and high administrative costs. The challenge, however, is that the transition from a lower LOS to a LOS "A" cannot be achieved immediately.

#### 2.1.3 Capital Improvements Level of Service Descriptions

A high LOS related to capital improvements provides benefits to the community and environment through the following means:

- Construction of stormwater system conveyance improvements reduces flooding in known problem areas, thus better protecting public and private property from flood damage.
- Protection and/or improvement of existing lakes, ponds, and wetlands supports downstream
  water quality objectives by providing treatment of stormwater runoff entering these waters.



- Section 2 Level of Service
- Acquiring and preserving stream buffers and other environmentally sensitive areas provides water quality improvement, increased habitat opportunities, and improved aesthetic value of the surrounding environment.
- Restoration and/or stabilization of streams and other areas subject to erosion reduces sediment transport, thus decreasing the need for downstream maintenance and improving downstream habitat.

Alternate LOS associated with capital improvements primarily distinguishes between the level of funding and rate of implementation for identified capital improvement needs. LOS "F" through "A" were assumed to correspond to an implementation period of 100 years to 10 years, respectively. The implementation schedule for capital improvements under any of these LOS could be accelerated through the issuance of revenue debt, with annual stormwater utility fees servicing the debt. It should be noted, however, that deferred implementation of some capital improvements would likely increase the costs of the required improvements, thus further delaying the schedule for full implementation.

## 2.2 Description of Current County Stormwater Program

#### 2.2.1 Engineering Services Division

The goal of the Engineering Services Division "is to provide the public with professional services for the construction and maintenance of cost-effective infrastructure to enhance the community's quality of life". Within the Engineering Services Division are four full time employees dedicated to the County's stormwater management program. There are other staff within the Engineering Services Division that dedicate a portion of their time to stormwater management services. The appropriation of stormwater related costs is discussed later in this document. In general, the stormwater services provided by the Engineering Services Division include:

#### **In-house Design Services**

For small CIP projects, the Engineering Services Division provides in-house design services.

#### **Project Management Services for CIP**

For stormwater CIP projects, the Engineering Services Division provides project management services. This includes oversight of the technical aspects of the project during both design and construction.

#### **Review of Development Plans**

The Engineering Service Division is also periodically asked to review the stormwater elements of development plans submitted to the County. The review includes the associated stormwater management systems intended to meet local, state, and federal requirements. Support is also provided on wetland planting plans or review of environmental impacts.

#### **Inspections of New Construction Sites**

In addition to review of development plans, the Engineering Services Division is responsible for construction inspection activities that include enforcing erosion and sediment best management practices for County construction projects.

#### Stormwater Engineering & Permitting and Planning

These activities primarily focus on staff time associated with the continued management and planning of the County's stormwater services. Increased Engineering & Permitting services may be needed to





address the regulatory changes affecting how the County manages new mandates related to improved water quality. The County also represents County interests with the BluePrint 2000 program.

EXHIBIT A

#### Stormwater Master Planning

Under the direction of the Engineering Services Division, a stormwater master plan was completed in 1995 for the County's Primary Stormwater Management System (PSMS). Since the completion of the study, the County has been implementing CIP projects to address identified problem areas as funding becomes available. In recent years, funding of CIP projects has been accomplished with grant monies and other sources. No CIP funding has come from the existing stormwater utility.

#### **CIP** Program

On an annual basis, the County updates and prioritizes its CIP needs and then implements the project as funding becomes available. CIP prioritization is based upon previous master planning efforts and flooding complaints from the community. Priority has been given to flood complaint based projects. As a result of aging infrastructure, it is expected that the CIP needs will increase, and thus will require additional funding. Currently, the existing stormwater utility is not used for funding of the County's CIP program. Since 2003, the County has averaged approximately \$4.6 million in expenditures in its stormwater CIP.

#### **Grant Funding Pursuits**

The Engineering Services Department look for opportunities for grant funding of stormwater related services. The most recent example is grant monies secured as a result of Tropical Storm Faye to mitigate flooding problems that occurred as a result of the storm.

#### Total Maximum Daily Load (TMDL) Engineering & Permitting

The TMDL program requires governments to reduce pollutant loads to impaired waters as identified by the Florida Department of Environmental Protection (FDEP) and/or the Environmental Protection Agency (EPA). As a result of TMDL regulations, the County may be required to reduce pollutant loads leaving its stormwater system into waters of the United States. The County has a list of waters deemed impaired by FDEP and the EPA. It is expected that the County will have to look at opportunities to reduce nutrients in several of the basins.

#### NPDES MS4 Compliance & Reporting

The County has been meeting the requirements for their NPDES MS4 since first being issued (Permit No. FLS000033). In 2011, FDEP has renewed the permit, which requires the County to expand their stormwater program moving forward. Under the new permit, the County is now responsible for several new/enhanced activities. These activities will require additional funding to be compliant with the permit conditions.

#### Stormwater Utility Program

The Engineering Services Division is responsible for the administration of the Stormwater Utility Program.

#### 2.2.2 Operation Services Division

Following a reorganization effort in 2008, the Operation Services Division of Public Works became responsible for the following services areas:

Transportation Maintenance;





Section 2 • Level of Service

- Right-of-Way Management; and,
- Stormwater Maintenance.

Each of these three functions involves O&M services for stormwater management systems as described in the paragraphs below.

#### **Transportation Maintenance**

The goal of the Division of Operations Transportation Program is to "provide for the safety, comfort, and convenience of the public by creating, maintaining, and managing infrastructure and programs supporting transportation, roadside beautification, and stormwater maintenance". Activities related to stormwater management provided under transportation maintenance services include dirt road grading, stabilization and ditch maintenance.

Based upon Tallahassee Leon County GIS street segment data, there are 1,365 lane-miles that are currently being maintained by the Operations Services Division. Approximately, 51 percent of these roads are located within the Urban Service Area (USA). The County also estimated that 628 of the 1,365 lane-miles (46 percent) have a greater functional designation than "local road". For these roads, the expenses associated with transportation and stormwater O&M activities should be shared between transportation and stormwater funding sources. Sharing of these costs is common practices throughout Florida municipalities.

For the unpaved roads, the County provides grading services, including the adjacent roadside ditches on an approximate 14 day cycle. The County has 2 excavation crews available for this purpose. Additionally, the County maintains approximately 107 lane-miles within the City of Tallahassee limits. Approximately 46 percent of the lane-miles within the City limits are served by curb and gutter and closed systems (pipes) for stormwater management. The remainder is served by open systems (e.g. swales).

#### **Right-of-Way Management**

The goal of the Division of Operations Right-of-Way Management is to "provide for the safety, comfort, and convenience of the public by managing programs that support transportation, roadside beautification, and stormwater maintenance". Activities related to stormwater management under Right-of-Way management include:

- Mowing in landscape areas of County rights-of-way; and,
- Maintenance of vegetation in County maintained stormwater facilities.

The County mows approximately 500 miles of road Right-of-Way, five times each year (2,500 miles of roadway mowing annually). In addition, the County maintains approximately 42 acres of landscaped areas 11 times each year. The County expects more landscaped stormwater facilities in the future as a result of increased interests in green infrastructure for water quality improvement, and therefore, the demand for 0&M services will increase.

#### **Operations – Stormwater Maintenance**

The goal of the Division of Operations Stormwater Maintenance Program is to "provide for the safety, comfort, and convenience of the public by creating, maintaining, and managing infrastructure and





Section 2 • Level of Service

programs supporting transportation, roadside beautification, and stormwater maintenance". Activities related to stormwater management under Stormwater Maintenance include:

- Maintaining open and closed County owned drainage systems;
- Protect citizens from stormwater runoff (flooding);
- Provide silt removal from open and closed stormwater systems;
- Provide erosion protection through sod and hydromulch of ditches;
- Respond to stormwater issues identified by citizens;
- Construction and/or repair of stormwater structures (i.e., swale ditch blocks, inlets, etc.);
- Conduct routine maintenance to stormwater ponds and ditches (i.e., mowing, fence repair, etc.);
- Remove silt from County owned ponds and replace stormwater filter systems;
- Provide pond stabilization for erosion protection; and,
- Conduct inspections of stormwater ponds and conveyance systems for permit compliance.

As indicated above, the majority of stormwater services are provided by the Division of Operations under Stormwater Maintenance. It should be noted that approximately 75 percent of stormwater services are complaint based. The County maintains approximately 300 stormwater ponds. All but 10 of the stormwater ponds are "dry" ponds and require mowing. Mowing of the County-owned ponds is inspection-based and not complaint-based. Aquatic weed control is provided as necessary.

The County provides operation and maintenance services for approximately 60 miles of ditches, broken into 60 maintenance segments. Approximately25 percent of the segments receive 0&M annually. Pond maintenance also includes debris removal and mowing of the banks of Lake Henrietta. Two County crews are used to provide approximately 150,000 linear feet of ditch maintenance annually (28 miles per year). A third crew was eliminated during the last reorganization of the Operations Division.

## 2.3 Current County Stormwater Program Funding Summary

Based upon review of the Fiscal Year 2012/2013 Annual Budget Five-Year Financial Plan (Budget Document), and the information provided by the Leon County Office of Management and Budget, CDM Smith compiled a stormwater service funding and appropriation table (See Table 2-1). As can be seen from the table, the average budget for stormwater services for Fiscal Year 2011 through Fiscal Year 2013 is approximately \$4.8 million. Of the \$4.8 million, approximately \$1 million comes from the non-ad valorem assessment (stormwater utility fees), \$1.2 million from the Transportation Trust Fund, \$2.5 million from the non-countywide fund, and the balance from miscellaneous sources. To account for the funding to pay for related stormwater and engineering services, funds are transferred between stormwater and transportation funds. It is important to note that both of these funds are supported by General Revenue. \$1.2 million in transportation funds are transferred to the stormwater program to fund the maintenance of stormwater systems associated with roadways. The County's engineering services, including stormwater engineering costs, are accounted for in the Transportation Trust Fund. \$1.6 million in revenue from the Stormwater Fund is paid back to the Transportation Trust Fund to pay for related engineering services. Additionally, it is the goal of the County to



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#### Table 2-1

Leon County, Florida

Stormwater Utility Update - Stormwater Management and Operations Budgets and Costs As Shown in the Leon County Annual Budget, 5-Year Financial Plan and CIP, FY12/13

Revenue Sources for Stoomwater Utility Fund	(Ry-2010 Actual) Revenue	RY 2012 Adopted Revenue	Revenue	B-Year Average
Non Ad-valorem Assessment	\$1,006,742	\$1,021,250	\$1,004,150	\$1,010,714
City Permit Water Atlas	\$18,750	\$25,000	\$0	\$14,583
Pooled Interest Allocation	\$37,644	\$35,625	\$44,745	\$39,338
Other Sources	\$137,245	\$0	\$0	\$45,748
Transfer from 106 (Transp. Trust)	\$1,179,177	\$1,248,251	\$1,072,112	\$1,166,513
Transfer from 126 (non- countywide)	\$1,890,951	\$2,618,647	\$2,985,242	\$2,498,280
Miscellaneous	\$0	\$290,000	\$0	\$96,667
	\$4,270,508	\$5,238,773	\$5,106,249	\$4,871,843
Adual Expenses of Badgated Benefices for Stormwates Utility Read	RV 2000 Anitani Terpensers	Tří 2012-Aikpitei Budget	FY 2018 Requested Burlgat	B-Year Average
Stormwater Maintenance ¹	\$2,241,834	\$2,774,701	\$2,748,500	\$2,588,345
MIS Automation - Stormwater	\$626	\$568	\$500	\$565
Stormwater Utility Risk	\$35,769	\$32,231	\$19,644	\$29,215
Indirect Costs - Stormwater	\$549,016	\$619,399	\$425,552	\$531,322
Tax Collector	\$20,849	\$17,910	\$18,447	\$19,069
Water Quality & TMDL Sampling	\$37,500	\$59,940	\$0	\$32,480
Transfers to Account 106	\$1,067,204	\$1,699,024	\$1,886,104	\$1,550,777
Budgeted Reserves - Stormwater	\$0	\$35,000	\$35,000	\$23,333
	\$3,952,798	\$5,238,773	\$5,133,747	\$4,775,108



Section 2 . Level of Service

eliminate the transfer of the approximate \$2.5 million of Non-Countywide funds with revenue generated from the updated stormwater utility rate structure.

The County expends \$4.8 million for various stormwater related activities. Approximately \$2.6 million is spent on stormwater O&M, \$1.6 million is transferred back for engineering services, and the remaining \$600,000 is spent on various other stormwater functions located in the stormwater fund.

It is a common practice for other County stormwater programs in Florida to fund the O&M for major roads using transportation funds. Consistent with this practice, in future years, the County has identified \$800,000 in the Transportation Trust Fund for stormwater O&M on major roads. The County estimated this cost using the assumption that 46% of County roads are classified as greater than "local" and that 67% of O&M budget (\$2.6 million) is spent on roadway stormwater maintenance (\$2.6 million x 67% x 46%= \$800,000). As a result, the stormwater utility will only need to fund \$1.8 million for stormwater facility and conveyance O&M and not the full \$2.6 million (\$2,600,000 - \$800,000). Therefore, the actual funds that will be appropriated from the stormwater utility fund will be \$3.15 million.

Historically, the County has spent an average of \$4.6 million on its CIP program (FY2003 – FY2012). The majority of the dollars were secured from revenue sources other than what is generated by the County's current stormwater assessment fee. Moving forward, the County anticipates using approximately \$2.0 million for its stormwater CIP program as a minimum amount. This is based upon the last 10 years of stormwater CIP appropriations from the County's CIP program, Gas Tax, and Local Options Sales Tax. A summary of the historical CIP expenditures by fund is presented in **Table 2-2**.

Based on a review of the existing County stormwater program by CDM Smith, discussions with county staff, and the LOS definitions provided previously, the following LOS ratings are provided for the current County stormwater program.

#### 2.3.1 Current Engineering & Permitting LOS

The County's currently provides a LOS C for Engineering & Permitting. While the County completed a stormwater master plan in 1995, it has not been updated nor have basin plans related to water quality protection been completed. Also, the County continues to inventory of stormwater facilities.

#### 2.3.2 Current NPDES Compliance LOS

Based on this assessment of the compliance activities for the County, the existing program has achieved adequate compliance so would be designated a LOS C. The County does additional stormwater monitoring above what is required for permit compliance.

#### 2.3.3 Current Operation and Maintenance LOS

The existing O&M LOS is primarily complaint based. There are limited inspection based O&M practices related to pond mowing. Based upon the LOS criteria previously defined in Figure 2-1, the current LOS provided by the County is D. This LOS rating is indicative of resource limitations and not effort.

#### 2.3.4 Current Capital Improvements LOS

The current LOS provided by the County related to capital improvements associated with stormwater management is LOS D+. Projects are completed based upon need and fiscal resources. It should be noted that the currently, the stormwater utility does not fund the County's stormwater CIP.



#### Table 2-2 Leon County, Florida Stormwater Utility Update - Capital Expenditures and Source of Funding

Capital Improvement Projects - Punding Solarce	TR/280a	EV.2804	13/2005	FY/2008	FX/2007	6R/20055	FK/2009	Ff 2010	1220051	19/2012	10:Yest Marige
Grants - 125	\$0	\$508,671	\$21,391	\$0	\$1,641,670	\$110,057	\$200,000	\$308,021	\$1,097,013	\$2,086,385	\$597,321
Capital Improvements Fund - 305	\$509,975	\$1,361,643	\$1,388,050	\$2,021,548	\$1,838,855	\$615,355	\$1,350,106	\$2,171,559	\$2,098,912	\$2,306,180	\$1,566,218
Transportation Fund - 306	\$0	\$1,863	\$9,722	\$294,483	\$35,616	\$32,677	\$37,486	\$80,172	\$199,875	\$49,759	\$74,165
Sales Tax Fund - 308	\$10,914	\$161,000	\$118,891	\$326,234	\$0	\$0	\$0	\$0	\$0	\$0	\$61,704
Sales Tax Extension Fund - 309	\$71,778	\$2,753	\$937,510	\$6,857,166	\$1,185,613	\$1,997,770	\$1,796,482	\$1,812,261	\$653,984	\$2,593,600	\$1,790,892
Bond Series - 318	\$1,474,768	\$2,733,623	\$581,544	\$261,867	\$37,382	\$0	\$0	\$0	\$0	\$0	\$508,918
Totals	\$2,067,435	\$4,769,553	\$3,057,108	\$9,761,298	\$4,739,136	\$2,755,859	\$3,384,074	\$4,372,013	\$4,049,784	\$7,035,924	\$4,599,218

Capital Internationant Revisions	Neiriga
Capital Improvements Fund - 305	\$1,566,218
Transportation Fund - 306	\$74,165
Sales Tax Fund - 308	\$61,704
Totals	\$1,702,088



Section 2 . Level of Service

Figure 2-2 illustrates the current LOS for the County based on this assessment. Overall, the County is assessed as being between a Cand D+ for the LOS.

Level of Service	Engineering & Permitting Activities	Operation and Maintenance Program Activities	CIP Implementation Period	
A	Comprehensive Planning + Full Implementation Capabilities + Exemplary NPDES Permit Compliance	Fully Preventative/ 100% Routine	10-year Plan	
B	Pro-Active Planning + Systematic CIP Implementation Capabilities + Proactive NPDES Permit Compliance			
с	Priority Planning + Partial CIP Implementation Capabilities + Minimal NPDES Permit Compliance	ation Capabilities Inspection Based Only		
D	Reactionary Planning + Minimal CIP Implementation Capabilities + Below Minimum NPDES Permit Compliance based		50-year Plan	
F	No Planning + No CIP Implementation Capabilities + NPDES Non-compliance	Less than full response to all complaints	100-year Plan	

Figure 2-2 Leon County, Florida Stormwater Utility Update

## 2.4 Existing Program Cost Comparison

CDM Smith used a "top-down" approach to establish a base line for varying levels of service. This approach uses standard unit costs to estimate the total program cost. Typically, costs are related to population (i.e., cost per capita) or to road or lane mile, with the latter tending to relate best to 0&M costs and the former relating to total and Engineering & Permitting costs. Table 2-3 shows the results for a number of communities in Florida and other states for which population, funding, road miles and level of service were available. Based on these data, the top-down costs for the different LOS above the current LOS for the County was estimated.

#### Table 2-3 Leon County, Florida Stormwater Utility Update LOS Costs

Population Based Level of Service (EPS, O&M, CIP)	Average	Minimum	Maximum
A	\$61	\$59	\$63
В	544	\$27	\$60
C	\$25	\$17	543
D	\$21	\$12	\$28
Lane Mile Based Level of Service (O&M only)	Average	Minimum	Maximum
A	\$12,201	\$6,550	\$17,852
8	\$8,044	\$3,148	\$11,104
C	\$6,079	\$2,698	510,090
D	52,442	51,216	\$3,216

As previously shown in Table 2-1, the County spends approximately \$3.95 million on its stormwater program, including the \$800,000 from the Transportation Trust Fund. Using a population estimate of 95,000 (2011 Census Estimate), this is an equivalent cost of \$42 per capita for stormwater services. Using the benchmark data presented in Table 2-3, this is between a LOS C and LOS B. When you consider the County appropriates a portion of its stormwater budget on stormwater maintenance activities associated with roadways within the City of Tallahassee limits, the result would move the benchmark LOS closer to LOS C. This result is consistent with the LOS determination using County specific data (see Section 2.3).



Section 2 + Level of Service

A comparison of the O&M LOS based upon the lane miles of County road currently being maintained was also performed. Currently, the County maintains approximately 1365 lane-miles of roadway. As previously discussed, approximately 694 lane-miles are within the USA and 107 lane-miles are within the City of Tallahassee limits. Because the County maintains roads inside city limits and the costs for this work is included in the overall expenses recorded here, the LOS is identified with Table 2-3 is slightly lower than it is in reality. Based upon the \$2.6 million appropriation for stormwater O&M (see Table 2-1), the County spends approximately \$1,904 per roadway lane-mile on stormwater O&M services. Based upon the benchmark information presented in Table 2-3, this equates to a LOS D, which is consistent with the LOS determination using County specific data (see Section 2.3).

## 2.5 Stormwater Program Level of Service Improvements

The cost of the County's stormwater program at the current LOS is \$3.95 million. As previously discussed, approximately \$800,000 will come from the Transportation Trust Fund to maintain arterial and collector roadways ,leaving \$3.15 million to be funded by the stormwater assessment, annually. The recommended allocation of the \$3.15 million is presented in **Table 2-4**. In order to provide \$2 million for its CIP program into the stormwater utility fund, the total revenue needed from the stormwater utility fee would be \$5.15 million.

Table 2-4 Leon County, Florida Stormwater Utility Update – Stormwater Management and Operation Estimated Budgets Excluding and Including CIP

Revenue Sources for Stormwater Utility Fund	Existing Budget
Engineering & Permitting Services	\$1,350,000
Stormwater Maintenance	\$1,800,000
Total	\$3,150,000

Revenue Sources for Stormwater Utility Fund	Future Budget			
Engineering & Permitting Services	\$1,350,000			
Stormwater Maintenance	\$1,800,000			
Capital Improvement Projects	\$2,000,000			
Total	\$5,150,000			

# Section 3



# Parcel Analysis

A stormwater utility program includes a utility fee that is generally based upon the amount of impervious area on a fee payer's land. Generally, the greater the amount of impervious area, the greater amount of stormwater runoff and, subsequently, the greater the effort local cities and counties have to expend to control the runoff. While there are a number of parameters related to runoff, the best parameter is the amount of impervious area. Therefore, to understand the stormwater assessment for Leon County (the County), this project included a study of impervious area as well as other parcel-based information that may be pertinent to the utility assessment.

Based on CDM Smith experience, it has been found in Florida and other parts of the country that there tend to be two distinct categories of parcels which need study: residential and non-residential. Generally, the impervious areas of residential parcels represent relatively uniform classes while the impervious areas for non-residential parcels vary significantly.

Provided in this section is a discussion of the parcels in the study area. The data used in the analysis were obtained from Tallahassee-Leon County GIS (GIS). A brief description of the data and techniques used is provided prior to the consideration of the results for each general parcel type.

## 3.1 Tallahassee-Leon County GIS and Leon County Appraisal Data

The GIS staff provided CDM Smith with parcel specific GIS and database information. From these records and conversations with the GIS staff, a dataset of parcel information was obtained, a summary of which is provided below.

## 3.2 Results of Parcel Assessment

A summary of the 2012 parcel data for the Unincorporated County as defined by GIS & LCPA data is provided in **Table 3-1**. The table lists the parcel types, number of parcels encountered in the dataset, number of estimated dwelling units, the impervious areas used for the assessment and the assessment revenues. The data are separated into residential, non-residential and vacant categories. The percentages are rounded to the nearest 10th percent. Also included in these tables are the relative percent of the County each category represents. It should be noted that there are a number of "vacant" parcels as defined by the GIS datasets (1,289 to be precise). These parcels, although coded as if they have no development (i.e., vacant), were considered in the analysis as they did have onsite improvements such as mobile homes or parking areas. For the purposes of the summary the 100 Department of Revenue Codes were categorized as follows:





Section 3 • Parcel Analysis

#### Table 3-1 Leon County, Florida Stormwater Utility Update

Summary of Unincorporated County Parcel Data FY 2011-2012

	tee eveniet	T di dal o						
Parcel Type	No. of Parcels	% of Total	Estimated Dwelling Units	% of Total	Impervious Area (sq ft)	% of Total	SWU Assessment	% of Total
Residential								
Single Family ¹	27,130	73.6%	27,130	73.4%	107,177,177	64.3%	\$542,600	58.4%
SFR with > 1 DU	769	2.1%	1,900	5.1%	4,958,171	3.0%	\$38,020	4.1%
Mobile Home	5,652	15.3%	5,652	15.3%	12,031,183	7.2%	\$113,040	12.2%
Mobile Home with >1 DU	451		1,091		1,944,451		\$21,820	
Condominium								
Multifamily 2-9 DUs	264	0.7%	669	1.8%	929,558	0.6%	\$13,380	1.4%
Multifamily >9 DUs	3	0.0%	332	0.9%	1,091,838	0.7%	\$1,060	0.1%
Misc. Residential	204	0.6%	204	0.6%	508,874	0.3%	\$4,780	0.5%
Subtotal Residential	34,473	93.6%	36,978	100.0%	128,641,252	77.1%	\$734,700	79.0%
Nonresidential								
Commercial	477	1.3%			15,650,717	9.4%	\$71,918	7.7%
Industrial	253	0.7%			7,876,516	4.7%	\$39,704	4.3%
Agricultural	1	0.0%			61,734	D.0%	\$40	0.0%
Institutional	50	0.1%			1,748,510	1.0%	\$9,134	1.0%
Churches	13B	0.4%			2,736,354	1.6%	\$17,406	1.9%
City/County	45	0.1%			1,224,439	0.7%	\$5,384	0.6%
Governmental	25	0.1%			1,738,624	1.0%	\$1,776	0.2%
Public Schools	9	0.0%			2,491,003	1.5%	\$2,206	0.2%
Miscellaneous	80	0.2%			750,427	0.4%	\$6,964	0.7%
Subtotal Nonresidential	1,078	2.9%			34,278,324	20.6%	\$154,532	16.6%
Vacant		in the second		الوزيرة والدورية براية والها		yddin i i		
Vacant Residential	1,171	3.2%	1,275		2,330,028	1.4%	\$29,360	3.2%
Vacant Commercial	72	0.2%			1,085,112	0.7%	\$9,372	1.0%
Vacant Industrial	33	0.1%			97,222	0.1%	\$1,000	0.1%
Vacant Institutional	13	0.0%			360,289	0.2%	\$906	0.1%
Subtotal Vacant	1,289	3.5%			3,872,651	2.3%	\$40,638	4.4%
Total Unincorporated	36,840	100.0%	38,253		166,792,227	100.0%	\$929,870	100.0%
Total Developed	35,551		36,978		162,919,576			
Estimated Unincorporated Pop	89,895							
Estimated 2011 Population (20	95,006							

Notes:

1 Based on NAV Database, some SFU (DOR Code 01) have more than 1 OU.

2 Estimated population based on 2.35 persons per OU (2010 Census)



Section 3 • Parcel Analysis

DOR Code	Category
00	Vacant Residential
01	Single Family
02	Mobile Homes
03,08	Multifamily
04	Condominiums (none in record)
05, 06, 07, 09	Miscellaneous Residential
10	Vacant Commercial
11 - 39	Commercial
40	Vacant Industrial
41 - 49	Industrial
50 - 69	
	Agricultural Vacant Institutional
70	
71	Churches
72 - 79	Institutional
80, 81, 82, 84, 85, 87 - 89	Governmental
83,86	City/County
90 – 99	Miscellaneous

For the purposes of this analysis, the term "Single Family" refers only to those parcels in DOR Code 01. Mobile homes, even though only one family may reside in them, and Multifamily are considered Non-Single Family Residential.

Also, for this analysis, "Miscellaneous Residential" includes parcels in DOR Codes 05, 06, 07 and 09. According to the GIS data, the Unincorporated County has 204 parcels identified as DOR Code 07, which according to the Department of Revenue means "Miscellaneous Residential (migrant camps, boarding houses, etc.)". How the County assigns billing units to these types of parcels is subject to County policy and in Florida, there is no standard of practices for this issue. For the purposes of this analysis, each parcel in DOR Code 07 was assigned 1 billing unit.

In total, there are 36,840 assessed parcels in the Unincorporated County, of which 34,473 are residential in nature (94 percent). The majority of the residential parcels are single family units (73 percent). The second largest number of residential parcels is Mobile Homes at 15.3 percent. Of the 1,078 non-residential parcels, 477 (44.2 percent) are commercial, 253 (23.5 percent) are industrial and 138 (12.8 percent) are churches. Of the parcels identified as vacant, most are vacant residential.

From the NAV records, the impervious area for each category is also shown in Table 3-1. Residential parcels represent 77.1 percent of the impervious area, nonresidential parcels represent 18.6 percent and vacant parcels represent 4.4 percent of the total. Also, of the estimated \$929,870 in revenue, 79.0 percent comes from residential parcels, 16.6 percent comes from nonresidential parcels and 4.4 percent comes from vacant parcels.

## 3.3 Estimated Dwelling Units

To consider rate structure options, an estimate of the number of dwelling units was needed. For single family units, normally it is assumed that each parcel is one dwelling unit. From the NAV dataset, about 770 parcels have more than one dwelling unit located on the parcel. These parcels are separately listed in Table 3.1. This is also true of mobile homes: one dwelling unit per parcel is normally assumed. There are 451 mobile home parcels with more than one dwelling unit – these are also listed separately. Finally for multifamily, the NAV record was used to identify the number of



dwelling units associated with each parcel type including vacant residential. In total, about 38,250 dwelling units were identified, the majority of which are single family units (71 percent).

## 3.4 Estimated Parcels for USA

One of the considerations of this study was the potential for service areas. Service areas, for the purpose of this study, are areas in the County where differential levels of service may be offered by the County. Upon discussion with County staff, it was suggested that one such separation may be parcels in the Urban Services Area (USA) and those without. Staff believed that the O&M component of the stormwater program may be less in the non-USA area. To test this, the parcels within and without of the USA (in the Unincorporated County) were separated.

Using the GIS information, parcels within the USA were identified.. Of the 36,840 assessed parcels in the Unincorporated County, 23,568 (64 percent) are in the USA. Table 3-2 summarizes the number of parcels, number of estimated dwelling units, impervious areas and assessment revenues for the Unincorporated County portion of the USA. Residential parcels comprise 23,495 (94 percent) of the parcels, most of which are single family units (84 percent). There are 786 nonresidential parcels in the unincorporated portion of the USA representing 3.3 percent of the total number of parcels. The rest of the parcels (2.3 percent) are coded as vacant by the Property Appraiser's Office. Using the same methods noted above for impervious area, the USA has 110.4 million square feet of impervious area of which only 73.9 percent is residential.



Section 3 • Parcel Analysis

#### Table 3-2 Leon County, Florida Stormwater Utility Update Summary of Parcel Data FY 2011-2012 – Urban Services Area

Parcel Type	No. of Parcels	% of Total	DU/ Parcel	Estimated Dwelling Units	% of Total	Imperv Area (sq ft)	% of Total	Avg. Imperv per DU (sq ft)	SWU Assessment	% of Total
Residential		140-180								
Single Family	19,700	83.6%	1	19,700	83.8%	73,476,092	66.5%	3,730	\$394,000	64.6%
SFR with > 1 DU	298	1.3%	2.5	749	3.2%	1,978,666	1.8%	2,642	\$14,980	2.5%
Mobile Home	1,866	7.9%	1	1,866	7.9%	3,769,349	3.4%	2,020	\$37,320	6.1%
Mobile Home with >1 DU	92	0.4%	2.53	233	1.0%	355,264	0.3%	1,525	\$4,660	0.8%
Condominium										
Multifamily	240	1.0%	3.75	902	3.8%	1,896,532	1.7%		\$12,460	2.0%
Misc. Residential	45	0.2%	1	45	0.2%	121,989	0.1%	2,711	\$1,220	0.2%
Subtotal Residential	22,241	94.4%	1.00	23,495	100.0%	81,597,892	73.9%	3,473	\$464,640	76.1%
Nonresidential										
Commercial	385	1.6%				13,870,197	12.6%		\$60,172	9.9%
Industrial	228	1.0%				7,194,140	6.5%		\$36,808	6.0%
Agricultural		0.0%					0.0%			0.0%
Institutional	27	0.1%				1,224,995	1.1%		\$7,324	1.2%
Churches	80	0.3%				2,069,605	1.9%		\$12,066	2.0%
City/County	25	0.1%				752,559	0.7%		\$2,584	0.4%
Governmental	18	0.1%				310,697			\$1,216	
Public Schools	4	0.0%				876,030			\$805	
Miscellaneous	19	0.1%				156,896			\$2,080	
Subtotal Nonresidential	786	3.3%		00000 00000		26,455,119	24.0%		\$123,056	20.2%
Vacant										
Vacant Residential	437	1. <del>9</del> %		437		904,299	0.8%		\$12,220	2.0%
Vacant Commercial	66	0.3%				1,071,164	1.0%		\$9,132	1.5%
Vacant Industrial	31	0.1%				96,185			\$960	
Vacant Institutional	7	0.0%				291,715			\$366	
Subtotal Vacant	541	2.3%				2,363,363	2.1%		\$22,678	3.7%
Total Unincorporated	23,568	100.0%		23,495		110,416,374	100.0%		5610,374	100.0%
Total Developed	23,027			23,495		108,053,011				

The table also identifies the stormwater utility revenue from the USA, about 65.6 percent of the total revenue.

## Section 4



# Rate Structure Analysis

As part of this assessment of the Leon County Stormwater Utility, a number of potential rate structures were considered. For this section, the rate structure options are considered independent from the fee. In the next section, the annual fee is varied to consider the current stormwater utility fund subsidy.

### 4.1 Purpose

In the previous section, information related to the potential customers within the unincorporated County was gathered including number of parcels, number of dwelling units, and impervious areas for various different parcel types. These data were collected to develop a rate model for the stormwater assessment, which is intended to estimate the potential rates and revenues depending on rate structure options. Also, to consider the potential rates for differing rates in the USA, a rate model was prepared for just the parcels in the USA.

## 4.2 Rate Model

The rate model for the County is a series of worksheets within spreadsheets that provide the following:

- A ten-year estimate of program costs for Management, Compliance and Implementation, Operation and Maintenance (O&M); and Capital Improvement Program (CIP). The CIP costs are separated so that a Pay-As-You-Go funding can be compared to a bonded program. Costs are assumed to increase at 2% per year while revenue (i.e., number of SFU's) is assumed to increase at 1% per year.
- An ad valorem tax worksheet estimates the ad valorem tax rate (millage or \$ per \$1000) that would generate an equivalent total program. In this spreadsheet, the millage needed to generate a specified revenue need can be estimated as well as to estimate the revenue for a given tax rate.
- An options worksheet allows the user to identify whether or not a rate structure option is to be simulated. Options include single family unit equivalence or residential equivalence; billing unit based on singe family units only or all residential units; potential credits and the amount of credits (percent reduction in fee); various adjustments that might be offered; and tiered nonsingle family residential rates. This spreadsheet also accumulates the number of extra staff needed to administer the rate structure options.
- A worksheet showing the resultant annual revenue from the options selected for rates in \$5 increments from \$10 per year per SFU to \$100 per year per SFU.
- A worksheet with a 10-year projection of rates and program needs is provided with the ability to test the effect of a pay-as-you-go CIP program compared to a bonded program with annual debt service. For the 10-year bonded CIP, two bonds are simulated for each of the 5 years (20year repayment, 7 percent loan rate, 25 percent coverage and 12 percent financing costs.





- A worksheet with the highest 25 parcels based on the 2012 Assessment record and the effects the chosen rate structure options may have on their assessment.
- The final worksheet in the file is the summary of data used for the other worksheets. This table is shown in Table 4-1 for the data from this study.

#### Table 4-1 Leon County, Florida Stormwater Utility Update Summary of Parcel Data (October 2012)

Parcel Type	No. of Parcels	No. of Dwciling Units	2012 Imperv. Area (sq ft)	2012 Total Patcel Area (sq ft)	Imperv./ DU or Parcel	Billing Unit Equivalent	5FUs Based on Equivalent	SFUs for Subsidy	# Affected by Credits (Estimated)	Fraction of SFUs	Total SFUs with Options
Residential(1)											
Single Family - Small	2,426	2,426	2,861,836		1,055		2,426		5%	100%	2,425
Single Family - Medlum	19,412	19,412	60,546,853		3,272		19,412		5%	100%	18,733
Single Family - Large	1,547	1,547	22,686,379		9,115		1,547		5%	100%	1,547
Single Family - Very Large	860	550	11,707,829		13,304	3,272	880		5%	100%	880
Single Family w/>1 SFU	769	1,900	4,900,177		2,610		1,900		5%	100%	1,900
Multifamily (2)	267	1,001	2,143,522		2,141		1,001		5%	100%	1,001
Mobile Home	6,103	6,743	13,894,287		2,061		6,743		5%	100%	6,743
Misc. Residential	204	204	508,874		2,494		204		5%	100%	204
Single Family w/Exemption	2,865	2,865	9,374,250		3,272		2,865		5%	100%	2,865
Subtotal Residential	34,473	36,978	128, 524, 037		3,482		36,978				35,978
Nonresidential						rain ar river de al	عليكم الجل مرامع في				
Commercial	477		15,650,717		32,526	3,272	4,786		5%		4,786
Industrial	253		7,876,516		31,132	3,272	2,407		5%		2,407
Agricultural	1		61,734		61,734	3,272	19		5%		19
Institutional w/o Churches	50		1,748,510		34,970	3,272	534		5%		516
Churches	138		2,736,354		19,829	3,272	836	836	5%		836
Governmental w/o Schools	25		1,738,624		69,545	3,272	531	531	5%		531
City/County	45		1,224,439		27,210	3,272	374	374	5%		374
Schools	9		2,491,003		276,778	3,272	761	761	5%		761
Miscellanzous	60		750,427		9,380	3.272	229		5%		229
Subtotal Nonresidential	1,078		34,286,393		31,506		10,479	2,503	and the second	10 A. 1	10,479
Vacant					and the second		and a second		60 00 Internet		
Vacant Residential	1.171	1,275	3,634,878			3,272	1,111	1,111	5%		1,111
Vacant Commercial	72		1,200,027			3,272	367	367	5%		367
Vacant Industrial	33		119,907			3,272	37	37	5%		37
Vacant Institutional	13		360,612			3,272	110	110	5%		110
Subtotal Vacant	1,289	1,275	5,315,424								1,568
Total Developed	35,551	36,978	162,910,430			12.12	47,457	4,128			47,457
Total Parcels	36,840	38,253	168,225,854								49,091

Note:

 Small SF is 10¹⁶ percentile and below; Large is 90¹⁶ percentile and above. Very large is greater than 10,000 square feet.

(2) Multifamily Includes parcels with DOA Codes 03 and 08.

(3) For Residential, column represents impervious per Dweiling Unit. For Nonresidential, column represents impervious per Parcel.



Type

Nonresidential

Residential

SFUS

38,089

10,992

%

77.6%

22.4%



Section 4 . Rate Structure Analysis

It should be noted that for the rate model, single family parcels were split into tiers based on impervious areas. Separately, parcels owned by disabled veterans or low income exemptions were quantified for credit calculations. It was assumed that all of these parcels came from the Single Family - Medium category and were moved to a separate category called "Single Family w/ Exemption" solely to consider the effects of rate structure options on this category. Also, the average impervious area per dwelling unit for Single Family – Small and Single Family – Large were based on the 20th and 80th percentile, respectively. Also, the parcel database included single family parcels (DOR Code 01) with more than one dwelling unit (usually a home with one or more mobile home). These parcels were separated in Table 4-1.

A snapshot of each of the worksheets (tabs in an Excel file) is provided in the Appendix.

### 4.3 Stormwater Program Needs

Table 4-2 Leon County, Florida Stormwater Utility Update Summary of FY13 Program Costs

Program Element	Future Budget	% of Total
Engineering & Permitting	\$1,350,000	26.2%
Operations & Maintenance	\$1,800,000	35.0%
Capital Improvement Program	\$2,000,000	38,8%
Total	\$5,150,000	100.0%

With the help of County staff, the program costs for the County were estimated and projected for potential future levels of service scenarios. **Table 4-2** provides a summary of the existing stormwater

program needs for the management and O&M costs for the County. The costs were separated in this fashion to allow various revenue sources to pay for various components of the program. In the lower part of the table, as an alternative, an additional \$2 million has been included at the request of the County staff to consider the funding of capital projects independent of the general fund, grants or sales taxes.

### 4.4 Rate Structure Alternatives – Unincorporated County

As noted previously, most of the stormwater utilities in the United States are based on the impervious area of the customer's property. Actually, the majority of stormwater utilities have a uniform rate for all residential and nonresidential parcels, with the residential customer's fee based on the number of dwelling units and the nonresidential customer's fee based on the impervious area. The purpose of this section is to discuss the alternatives for the stormwater utility rate structure. Alternatives include uniform and variable rates for both residential and non-residential customers, exemptions, and credits.

To compare the fiscal consequences of each alternative considered, the option was compared to the results for the existing rate structure. This structure includes 1 billing unit (known as an SFU, see below) for each dwelling unit associated with residential parcels and a calculated number of billing units for non-residential parcels based on their respective impervious areas. Using the current rate structure, the estimated number of billing units (or SFUs) is 49,081 based on an updated average single family unit impervious area (see below).





Section 4 • Rate Structure Analysis

#### 4.4.1 Equivalent Units

In order to provide an equitable measure of impervious areas for both residential and non-residential developed parcels, stormwater utilities have used an equivalent or base unit to measure the impervious areas by a uniform basis. Similar to other types of utilities, the equivalent unit for a stormwater utility is the relative amount of contribution of a fee payer compared to a residential unit. In other words, the residential unit is the base for the utility fee.

Two methods of defining the equivalent or base unit have been employed in Florida. The first is named the Single Family Unit Equivalent, or SFU. As expected by the name, a SFU is defined as the average or median impervious area for single family detached residences within the county. The current value used as the SFU is 2,723 square feet, based on an analysis completed prior to the adoption of the original ordinance in 1991. From the recent information obtained from the County, this method results in a median value of 3,272 square feet for the County. The second method, known as Equivalent Residential Unit or ERU, is based upon the average or median impervious area for all residential unit types including single family, multifamily, apartments and mobile homes. For Leon County, the average impervious area for all residential parcels is 3,553 sq. feet, not significantly different than the SFU value (9 percent increase).

From the rate model, the number of SFUs is 49,081 billing units, while, for the ERU method, there are 48,420 billing units (a 1.3 percent decrease). The difference is because, while the residential SFUs stay the same, the nonresidential billing units are based on a slightly larger denominator.

It should be emphasized that the choice of the SFU or ERU base is subject to the policy decisions of the County and that different communities around the U.S. have chosen differently. In Florida, the 2011 FSA Survey, within which all 10 counties were respondents, reports that 50 percent of the 10 counties with assessments or fees use the SFU base and 30 percent use the ERU base (20 percent use some other equivalent). For all cities and counties (81 respondents), 61 percent use the SFU, 30 percent use the ERU and 9 percent use another method. In the case of Leon County, 73.4 percent of the dwelling units are single family which leads to the result that an SFU Equivalent seems appropriate.

#### 4.4.2 Uniform or Tiered Residential Rates

Many utilities have the residential customer pay in relation to the number of dwelling units for the customer. A single family unit is assigned 1 SFU and a duplex is assigned 2 SFUs, for example. In Florida, 70 percent of counties use this method. Two other options are possible: variable single family rates and uniform rates by residential type. Each of these is considered below.

Tiered Single Family Rates. For this alternative, single family (and for that matter all residential customers) would be assigned a fee based on the impervious area of their property in the same manner as the nonresidential properties. The purpose of this would be to have a fee directly related to amount of impervious area on each customer's property. Most stormwater assessment datasets do not have the impervious area readily available – the Leon County GIS does. That is, using the footprint plus appurtenances and some extra features, a value for impervious area for single family can be defined. The driveway is excluded but can be added as a unit average number. Therefore, impervious area data for each single family parcel is not a significant limitation in the County.

There are some stormwater utilities that have a tiered structure for single family units to recognize that some single family properties are very small and some are extremely large. If each is assigned a fee based on 1 SFU, then the small properties may appear to pay too much and the large properties appear to pay too little. Previous studies in the US have shown that when the ratio of the 90th



Section 4 • Rate Structure Analysis

percentile to the 10th percentile is greater than 2.5, a tiered structure can be justified. In the case of Leon County, the ratio of the 90th percentile and 10th percentile is 4.05, a value which suggests a tiered methodology.

Category	Minimum Impervious Area (sq ft)	Maximum (mpervious Area (sg ft)	No. of Parcels	Total Impervious Area (sg ft)
Small	0	1,629	2,426	2,861,836
Medium	1,629	7,096	19,412	60,546,853
Potential Special Adjustment - Medium	1,629	7,096	2,865	9,274,280
Large	7,097	9,999	1,547	22,686,379
Very Large	10,000	53,930	880	11,707,829
Total			27,130	107,177,177

#### Table 4-3 Leon County, Florida Stormwater Utility Update Potential Tiered Single Family Rate Structure

To use a tiered structure, the impervious area of every single family unit would be needed. A possible structure is shown below based on the median, Small (10th percentile) and Large (90th percentile) values of the measured properties. The Very Large Single Family parcels are those with impervious areas equal to or

greater than 10,000 square feet. The SFUs for the each tier is the midpoint impervious area in the range divided by the median value (3,246 square feet), and the SFUs for the large tier is recommended to be based on impervious area divided by the median value, in the same manner as is non-residential parcels. Also, because many of the public tend to believe that very large home need to pay more, homes greater than 10,000 square feet can be billed as a commercial property is (i.e., based on impervious area). Table 4-3 shows a potential tiered structure using the 10th and 90th percentile values. It should be noted that the Disabled Veterans or Low Income Senior SF that may receive a special adjustment (see below) were assumed to be within the Medium Category.

If a tiered structure with Small, Medium and Large SF parcels is used, there would a 5.5 percent increase in revenue as the large single family parcels generally generate revenue to compensate for the small ones. If the very large single family tier is considered, additional SFUs are generated (an 8.5 percent increase in revenue).

Table 4-1 summarizes the information for SF (single-family) parcels with either a disabled veterans or senior low income credits. The rate model simulated the revenue consequences if such parcels had reduced fees. While the rate model can be modified for various percentages, for the rate structure analysis, a reduction of 50 percent (that is, the parcels are assigned 50 percent of the other SF fees) was used. Since parcels cannot be exempted from a non-ad valorem assessment other than provided in state law, these fees can only be offset by a credit from the County through another revenue source such as the General Revenue. The overall rate would stay the same for all other parcels and the credited SF parcels would be funded by a subsidy based on 1,432 SFUs times the chosen rate.

Non-Single Family Residential Fees Based on Impervious Areas. As an alternative to the non-SF residential parcels which in this report refers to Multifamily, Mobile Homes and Miscellaneous Residential to be based on dwelling unit (the most administratively simple alternative), the non-SF residential parcels may be addressed in the same manner as the nonresidential; that is, tiered based on total impervious area. According to the parcel dataset summarized in Table 4-1, there are estimated to be 7,948 non-SF dwelling units in the unincorporated County (22% of the total residential dwelling units) excluding Single Family with more than 1 dwelling unit. Using the average impervious areas for each non-SF type, the ratio to that for Single Family is as follows:





Section 4 

Rate Structure Analysis

Table 4-4 Leon County, Florida Stormwater Utility	Update
Potential Tiered Residential Rates	

Average Residential Type	Percent of Impervious	SFU's Single Family	Per DU
Single Family	3,272	100%	1.0*
Single Family w/>1 DU	2,610	80%	1.0*
Multifamily	2,141	65%	0.7
Mobile Homes	2,061	63%	0.6
Misc. Residential	2,494	76%	0.8

*Note: this can be 1 SFU per unit or tiered.

For this option, Single Family would be assigned 1 SFU or based on a tiered structure and other non-SF parcels would be assigned less than one SFU per DU. For example, a multifamily parcel with 10 dwelling units would be assigned 10 times 0.7 or 7 SFU's.

According to the FSA 2011 Survey, 70 percent of the counties and 58 percent of all SWU in Florida have a rate structure with multifamily customers assigned the same number of billing units as the single family customers (i.e., 1 SFU per dwelling unit).

#### 4.4.3 Nonresidential Rates

Nonresidential customer rates for adopted stormwater utilities in the United States are almost always related to the impervious area of the property. For most utilities, the actual impervious area is measured or inferred for each nonresidential parcel, and the ERU assignment is the parcel's impervious area divided by the residential equivalent. An alternative to this is to assign nonresidential property types a percent imperviousness based on literature values or a statistically measured sample of imperviousness. However, in the case of the County, all of the non-residential parcels have impervious area measured and these data are already part of the assessment database; therefore, other less accurate rate structures (e.g., percent imperviousness assigned) are not supported.

The FSA 2011 Survey shows that 83 percent of the respondents use an impervious area for fee setting, 7 percent use pervious and impervious area, and 10 percent use other methods (such as intensity of development). For counties, 60 percent use impervious area, 20 percent use the gross area, and 20 percent use either intensity of development or other methods

#### 4.4.4 Adjustments and Credits

Exemptions and credits are related to a reduction in the fee for a customer due to a reduction of the services provided to the customer. For an exemption, all or some of the fee is eliminated because of special circumstances, such as a reduction in imperviousness due to a portion of the property not draining to the County's stormwater system. A credit on the other hand is related to the reduction in fees due to special action taken by the fee payer to reduce the need for stormwater services such as the design, construction and maintenance of a stormwater pond that reduces both stormwater flows and pollutants associated with runoff. In both cases, however, the amount of the reduction can depend on the services being provided the customer.

As noted in Section 2, the three basic services of any stormwater program are Engineering & Permitting which includes NPDES compliance, operation and maintenance (O&M), and capital improvements (CIP). For a total LOS C recommended program costing \$5,150,000 annually (see Table 4-2), the portions of each component are as follows:



Section 4 • Rate Structure Analysis

Program Component	Cost	Percent
Engineering & Permitting	\$1,350,000	26.2%
<b>Operation &amp; Maintenance</b>	\$1,800,000	35.0%
Capital Improvement Program	\$2,000,000	38.8%

The Engineering & Permitting costs for any particular customer would be the same regardless of the presence of private BMPs on the property because these costs relate to general services received by all; thus for an example, the maximum potential credit allowed could be about 73.8 percent (the sum of percentages for O&M and CIP). For this program, this value has been rounded up to 75 percent. If a customer has a stormwater facility that reduces the runoff and treats stormwater pollutants, the O&M and CIP services provided by the County would be reduced. For this reason, the amount of the reduction for credits should be related to the reduced services provided to the property based on 75 percent for the stormwater utility fee.

#### Adjustment Based on Control of Stormwater Volume

One of the adjustments that can be considered is related to the reduction of stormwater runoff to the County's stormwater system. For many stormwater utilities, the only circumstance in which a reduction is meaningful to the overall stormwater system is for the 100-year storm event, a major stormwater quantity level of service measure. The control of stormwater for the 100-year storm event can be accomplished for two characteristics of the event: rate and volume. Rate control allows the total amount of runoff to be discharged to the stormwater system over a prolonged period of time, but does not decrease the volume of runoff. Volume control reduces the total amount of runoff ultimately discharged to the stormwater system.

For the utilities with an adjustment for volume controls, many are related to the 100-year storm event. Control of the volume for a 100-year storm event would be a significant and measurable reduction in the O&M and CIP services provided to a property. As a result, an adjustment based on the control of the 100-year storm volume can be assigned an adjustment for the O&M and CIP portion of the fee, which represents 75 percent for the utility.

It should be noted that these adjustments are related to specific characteristics of the customer's property. An adjustment for the control of the 100-year storm event and the discharge of property runoff to non-municipal stormwater systems requires site specific information. If adjustments for these conditions are allowed by the County, then the customer must petition the County by providing parcel specific, competent and substantial evidence such as photographs or engineering drawings.

#### Adjustments for Stormwater Facilities Without Volume Controls

These adjustments are for customers who, except for mitigating circumstances, would have to pay the whole fee. Mitigating circumstances include onsite stormwater facilities that attenuate and treat stormwater runoff. For example, compare three properties: one built with no detention ponds, one built with a detention pond that is not maintained, and the last with a maintained pond. In the first case, stormwater runs off the land uncontrolled and untreated to the County's stormwater system. In the second, while the runoff was originally controlled, due to lack of maintenance, runoff is no longer controlled and is no better than the first case. In the last example, runoff is controlled and treated, thereby reducing the burden on the County's system. Of these three cases, the third clearly has reduced the services that the County needs to provide and deserves a reduction in fee (credit).



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There are a number of methods used to adjust the fees for credits. The most common methods include a percentage reduction and relative reduction. In the percentage reduction, if the customer designs, builds and maintains an on-site stormwater facility, then a straight percentage reduction on the fee based on the O&M and CIP budget components of the revenue needs. For the second, the reduction is relative to an ideal stormwater facility. For example, assuming that to treat stormwater runoff, a property needs 0.1 acre-feet (ac-ft) of storage for every acre of impervious land. The ideal with this assumption for a 10-acre site with 50 percent imperviousness would be 0.5 ac-ft of storage. If this parcel constructs a pond with 0.5 ac-ft, then the site gets the maximum credit. If the actual pond is smaller, then the credit is relative to the ratio of the actual size and the ideal. Clearly, the first method is easier to administer but the second is more site-specific.

Either of the credit methods can be administered by County staff. However, to keep the program simple initially, the percentage reduction should be allowed if credits are authorized. Also, it is important that facilities are maintained annually to retain the credit. Therefore, the credit should require annual certification of maintenance via competent and substantial evidence and should be checked periodically by County staff through random and unannounced site inspection. Furthermore, since the County wishes to encourage the construction and maintenance of private stormwater ponds according to County standards, the 75 percent credit for detention ponds should be allowed only if the pond meets current County code.

A second type of adjustment for stormwater treatment would be for an incentive to reduce stormwater runoff and treat stormwater on site. For example, if a property owner uses Low Intensity Development (LID) techniques (e.g., Directly Connected Impervious Area or DCIA reduction, vegetative buffers, rain gardens, cisterns, etc.) both the runoff volume and the runoff pollutants are reduced, decreasing the effort required by the County to deal with the volume and pollutants. Since on-site stormwater facilities and LID techniques reduce the capital needs of the County, the adjustment should be no more than 33 percent of the separate utility fee. The County is in the process of developing specific LID protocols and methods; it is recommended that this credit should be reevaluated as part of the rate structure after a standard protocol has been approved.

### 4.5 Consequences of Rate Structure Options

Using the rate model, the number of billing units (a.k.a., SFU) changes depending on the rate structure options chosen. Table 4-5 provides the revenue consequences for each of the general rate structure options in comparison to the existing rate structure (i.e., single family-defined billing unit, 1 billing unit defined for each dwelling unit for all residential parcels, and 1 SFU defined for each 3,272 square feet of impervious area on nonresidential parcels). Each of the options is compared to the SFUs for the existing rate structure.





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Option	Total SFU	% Change in SFU from Current
Current Rate Structure	49,081	
ERU Based Fee	48,420	1.4%
Tiered Single Family	51,772	-5.2%
Tiered Single Family w/Large SF Extra	53,223	-7.8%
Variable Non-Single Family	45,663	7.5%
Credit for Pond at 75%	47,348	3.7%
Vacant Parcel is Excluded	47,457	3.4%
Disabled Vets & Low Income Senior	48,365	-2.9%

Table 4-5 Leon County, Florida Stormwater Utility Update Summary of Consequences for Rate Structure Options

> Most alternative rate structure options increase the fee required to fund the existing program from 1 to 7 percent. The Tiered Single Family alternative slightly decreases the rate and the Tiered Single Family with Extra Large Single Family treated like nonresidential parcels would decrease the fee by almost 7 percent. Also, for the Disabled Veterans and Low Income

Senior parcels, a 50 percent reduction in fee would slightly decrease the number of SFUs.

### 4.6 Urban Services Area Options

During the consideration of the level of service (LOS) for stormwater services, the LOS for properties within the USA and that for properties outside of the USA was considered. Based on discussions with the County staff, it was concluded that the LOS inside and outside the USA were the same for Engineering & Permitting and CIP activities. However, the LOS for O&M services may be less for properties outside of the USA. As noted in Table 4-2, the total existing O&M program costs \$1,800,000. According to County staff, 67 percent of the stormwater facilities are in the USA; assuming the O&M is consistent with the percent of facilities then the O&M costs in the USA are \$1,206,000 and outside the USA the costs are \$594,000. Table 4-6 below results from using the parcel data from Section 3 (the distribution of SFUs is based on the ratio of total revenues from Tables 3-1 and 3-2.

In this example, while the revenue requirements for the non-USA areas are smaller than for the USA, there are fewer SFU in the non-USA area. This results in a slightly larger fee in the USA area.

Area	Total SFU	Total Revenue Need	Resultant O&M Fee (\$/year/SFU)
USA Parcels	32,303	\$1,206,000	\$39.30
Non-USA Parcels.	15,778	\$594,000	\$37.27

Table 4-6 Leon County, Florida Stormwater Utility Update	
O&M Rate for USA and Non-USA Areas	

### Section 5



### **Rate Alternatives**

As noted in the level of service (LOS) analysis, the County is subsidizing the stormwater management program each year using general fund revenues. According to County records, the actual subsidy for FY11 was approximately \$1.891 million; the subsidy budget for FY12 was \$2.619 million; projected subsidy budget for FY13 was \$2.985 million. These represent a 38 percent and 14 percent increase over these years.

The purpose of this Section is to show the fiscal and rate consequences to fund the stormwater program (or at least, components of it) over the next 10 years. As noted previously, the County is interested in considering the rate needed to fund the Engineering & Permitting, O&M and CIP programs at levels of \$1.35 million, \$1.8 million and \$2.0 million, respectively, totaling \$5.15 million. One option to fund this program is to authorize a sufficient rate in the first year. Another option is to amortize the rate over a period of 5 years. In either case, the subsidy would be eliminated.

### Rate Model

For the purposes of this analysis, the following rate structure options have been included in the model to consider the rates needed to fund the program defined above:

- Single Family Unit equivalent (SFU);
- Tiered Non-Single Family Residential;
- "Vacant" parcels with impervious area included;
- Disabled Veterans and Low Income Senior Adjustment of 50 percent; and,
- Credits for Stormwater Facilities (75 percent reduction).

For this rate structure, the estimated number of SFU's is 42,686.

### **Rate Scenario Results**

Based on the number of SFU's, to generate \$5.15 million, the fee would be estimated to be \$140 per SFU per year assuming a 95 collection. If the reduction in fee is offered for Disabled Veterans and Low Income Senior exemptions, the General Fund subsidy required would be\$200,480 (1,432 SFUs times \$140).

To fund the \$5.15 million in 5 years accounting for a 95 percent collection, the fee would start out at \$44 per year per SFU, and increase by \$24 per year per SFU for each of the next 4 years. After 5 years, the ultimate rate would be about \$140 per year per SFU. The rates vary with time since the rate model includes an increase of 1 percent per year in the number of SFU's and a 2 percent increase per year in costs.





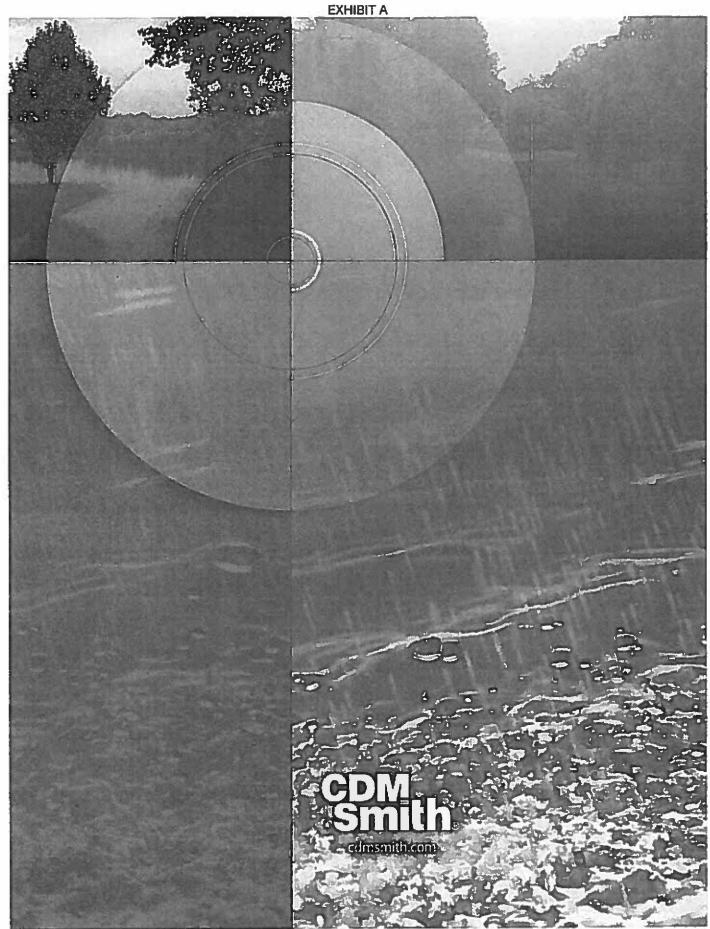
#### A summary of the rate options is provided in Table 5-1 and Table 5-2.

## Table 5-1 Leon County, Florida Stormwater Utility Update Study Rate Alternatives to Fund \$3.15 Million Annually

Year	Revenue	Rate
FY13	\$1,336,310	\$33.33
FY14	51,881,363	\$46.00
FY15	\$2,437,183	\$59.00
FY16	\$3,003,931	\$72.00
FY17	\$3,581,770	\$85.00
FY18	\$3,617,588	\$85.00
FY19	\$3,653,764	\$85.00
FY20	\$3,690,302	\$85.00
FY21	\$3,727,205	\$85.00
FY22	\$3,764,477	\$85.00

Table 5-2 Leon County, Florida Stormwater Utility Update Study Rate Alternatives to Fund \$5.15 Million Annually

Year	Revenue	Rate
FY13	\$1,781,747	\$44.00
FY14	\$2,781,145	\$68.00
FY15	\$3,800,353	\$92.00
FY15	\$4,839,666	\$116.00
FY17	\$5,899,386	\$140.00
FY18	\$5,958,380	5140.00
FY19	\$6,017,964	\$140.00
FY20	\$6,078,144	5140.00
FY21	\$6,138,925	\$140.00
FY22	\$6,200,314	\$140.00



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#### EXHIBIT B

#### RATE SCHEDULE

roperty Use Category	Unit of Measurement Applied	Assessment Rate
Residential	Single Family Unit	\$85
Residential	Single Family-Multi Dwellings/Other	\$68
Residential	Multi Family Structures	\$60
Residential	Mobile Homes	\$51
Non-Residential	Total Square Feet of Impervious Area Divided by 3,272 Sq. Ft. (Single Family Unit Equivalent)	\$85

A Single Family Unit Equivalent, or SFU is defined as the average or median impervious area for single family detached residences within Leon County. From the most recent statistical data obtained, this method results in a median value of 3,272 square feet for Leon County. Therefore, one SFU equals 3,272 Sq. Ft.

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#### EXHIBIT 2

#### STORMWATER MANAGEMENT SERVICES AND FACILITIES NON-AD VALOREM ASSESSMENT ROLL

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DR-408A N. 02/91



### CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

I, the undersigned, hereby certify that I am the Chairman of the Board, or authorized agent of <u>Leon Cty. Bd. of County Commissioners</u>, located in <u>Leon</u> County, Florida; as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I further certify that, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this the <u>20th</u> day of <u>June</u>, <u>2017</u>.

Chairman of the Board or authorized agent

of Leon County Board of County Commissioners
Name of local government

Leon County, Florida

#### **NOTICE OF PUBLIC HEARING**

Notice is hereby given, pursuant to Section 197.3632(4)(b), Florida Statutes, that the Board of County Commissioners of Leon County, Florida (the "Board"), will conduct a public hearing on Tuesday, June 20, 2017, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider the adoption of a stormwater management services and facilities non-ad valorem assessment roll for the subject parcels of improved real property located within the unincorporated area of Leon County, Florida.

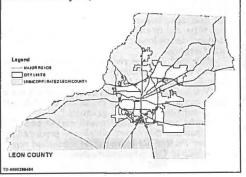
The purpose of the assessment is to equitably recover costs incurred for providing and funding County stormwater management services and facilities, including but not limited to, flood prevention and response; construction of stormwater treatment facilities; stormwater pond maintenance; and water quality monitoring, to benefit improved parcels of property located within the unincorporated area of Leon County (geographic depiction of the property subject to the assessment is set forth below). The assessment shall be collected annually by the Leon County Tax Collector.

All interested parties are invited to present their comments at the public hearing at the time and place set out above. All affected property owners have the right to appear at the public hearing, and have the right to file written objections with the Board within 20 days of the publication of this notice.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this public hearing should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the date of the public hearing. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), or 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

Advertise: May 30, 2017



# Leon County Board of County Commissioners

Notes for Agenda Item #20

# Leon County Board of County Commissioners

### Agenda Item #20

June 20, 2017

Honorable Chairman and Members of the Board

Vincent S. Long, County Administrator

From:

To:

Title: First and Only Public Hearing to Approve the Resolution Adopting the Solid Waste Disposal Services Non-ad Valorem Assessment Roll and Authorize the Certification of the Entire Roll to Tax Collector

<b>Review and Approval:</b>	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Maggie Theriot, Director, Office of Resource Stewardship

#### **Statement of Issue:**

As required by Florida Statutes, this Public Hearing provides for the adoption of an assessment roll for all properties being assessed for the first time, and certification of the entire assessment roll for Solid Waste Disposal Services.

#### **Fiscal Impact:**

This item has a fiscal impact. This non-ad valorem special assessment generates revenue in the amount of \$1,531,400 that is contemplated in the proposed FY 2017/2018 budget.

#### **Staff Recommendations:**

Option #1: Conduct the first and only public hearing and approve the Resolution adopting the Non-Ad Valorem Assessment Roll for Solid Waste Disposal Services (Attachment #1), and authorize the Chairman to certify the Roll to the Tax Collector (Attachment #2).

Title: First and Only Public Hearing to Approve the Resolution Adopting the Solid Waste Disposal Services Non-ad Valorem Assessment Roll and Authorize the Certification of the Entire Roll to Tax Collector June 20, 2017

Page 2

#### **Report and Discussion**

#### **Background:**

Section 18-164, Leon County Code of Laws provides that, prior to October 1st of each year, the Board of County Commissioners shall 1) adopt a budget for the operation and maintenance of the Solid Waste Management System; and 2) adopt a resolution incorporating a determination of annual fees, rates, charges, or assessments for disposal service to be imposed upon the owners of improved residential real property in the service area.

Section 197.3632, Florida Statutes, requires that the Board of County Commissioners hold a public hearing and adopt an assessment roll for all properties being assessed for the first time, and certify the entire assessment roll to the Tax Collector by September 15th.

#### Analysis:

The annual disposal service charge is applied to all single-family residences, with the exception of apartment complexes, mobile home parks, and public lodging establishments that are served by commercial garbage service. The annual disposal service charge covers the cost of transporting, processing and disposing of solid waste. On August 28, 2012 the Board established the annual disposal service charge of \$40.00, which remains in effect annually, thereafter, until such time the Board determines otherwise. No changes are recommended for the FY 2017/18 annual disposal service charge.

The public hearing was advertised in the Tallahassee Democrat at least 20 days prior to the hearing, according to Florida Statute (Attachment #3). Additionally, a first-class U.S. mail notice was sent to owners of property subject to the disposal service charge for the first time.

The proposed assessment roll has been made available for public inspection at the County Administration offices located at the fifth floor of the County Courthouse. However, it has not been attached to this item due to the voluminous nature thereof. The assessment roll contains the name of the owner, the parcel identification number, the parcel address, and the amount of the assessment. Written comments and objections filed by affected property owners, if any, have been compiled and likewise have been made available for public inspection at County Administration. The proposed Resolution adopting the non-ad valorem assessment roll for all properties subject to the assessment for the first time (Attachment #1), and the Certificate to the assessment roll to the Tax Collector (Attachment #2), are attached for the Board's consideration.

Failure of the Board to adopt the Non-ad Valorem Assessment Roll for Solid Waste Disposal Services will create a budget impact in the amount of \$1,531,400 for Fiscal Year 2017/2018.

Title: First and Only Public Hearing to Approve the Resolution Adopting the Solid Waste Disposal Services Non-ad Valorem Assessment Roll and Authorize the Certification of the Entire Roll to Tax Collector

June 20, 2017 Page 3

#### **Options:**

- 1. Conduct the first and only public hearing and approve the Resolution adopting the Non-ad Valorem Assessment Roll for Solid Waste Disposal Services (Attachment #1), and authorize the Chairman to certify the Roll to the Tax Collector (Attachment #2).
- Conduct the first and only public hearing and do not approve the Resolution adopting the Non-ad Valorem Assessment Roll for Solid Waste Disposal Services. (*This action would require changes to the FY 2017/2018 proposed budget.*)
- 3. Board direction.

#### **Recommendation:**

Option #1.

#### Attachments:

- 1. Resolution Adopting the Solid Waste Disposal Services Non-ad Valorem Assessment Roll
- 2. Certificate to Non-ad Valorem Assessment Roll to the Tax Collector.
- 3. Notice of Public Hearing

#### **RESOLUTION NO. R17-**

A RESOLUTION OF BOARD THE OF **COUNTY** COMMISSIONERS OF LEON COUNTY, FLORIDA, ADOPTING THE SOLID WASTE DISPOSAL SERVICES NON-AD VALOREM ASSESSMENT ROLL; PROVIDING FOR CERTIFICATION OF THE ROLL TO THE TAX **COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.** 

#### **RECITALS**

WHEREAS, on June 25, 1995, the Board of County Commissioners enacted the Solid Waste Disposal Ordinance, which authorizes the Board to establish an *Annual Disposal Service Charge* for the disposal of solid waste, which is an annual special assessment imposed upon each parcel of *Improved Residential Real Property* in the *Service Area* of unincorporated Leon County; and

WHEREAS, on August 28, 2012, the Board of County Commissioners adopted a *Rate Resolution* determining the *Annual Disposal Service Charge* for the operation and maintenance of the solid waste disposal system applicable to all *Improved Residential Real Property* located within the *Service Area* of unincorporated Leon County (see Exhibit 1); and

WHEREAS, pursuant to Section 18-167, Leon County Code of Laws, and Section 197.3632, Florida Statutes, the Board of County Commissioners has reviewed the solid waste disposal services non-ad valorem assessment roll for conformity with the *Rate Resolution*; and

WHEREAS, the Board wishes to approve and adopt the solid waste disposal services non-ad valorem assessment roll and to certify the roll for collection to the Tax Collector; and

WHEREAS, Leon County has provided notice of this public hearing at least twenty days prior to same by first class United States mail and by publication in the *Tallahassee Democrat* advising that a public hearing would take place;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

**Section 1.** <u>Recitals</u>. The Recitals to this Resolution are incorporated herein and made a part hereof as if fully set forth below.

Section 2. <u>Definitions</u>. For purposes of this Resolution, the definitions contained in section 18-161, Leon County Code of Laws, are incorporated herein by reference.

**Section 3.** Pursuant to Section 197.3632, Florida Statutes, Leon County hereby approves and adopts the solid waste disposal services non-ad valorem assessment roll, which is attached hereto as Exhibit 2 and incorporated herein as if fully set forth below.

Section 4. The unit of measurement for the annual solid waste disposal services non-ad valorem assessment is as set forth in the *Rate Resolution*, Resolution No. 2012-37, which is attached hereto as Exhibit 1 and incorporated herein as if fully set forth below, and the amount of the annual solid waste disposal services assessment is as further set forth in Exhibits 1 and 2 for each single family unit of *Improved Residential Real Property* located within the *Service Area* of the unincorporated area of Leon County, for the period commencing October 1, 2012, and continuing each year thereafter until such time as the Board determines.

**Section 5.** The solid waste disposal services non-ad valorem assessment roll is hereby certified to the Tax Collector for collection in accordance with Florida law.

Section 6. This Resolution shall be effective upon adoption.

DONE AND ADOPTED by the Board of County Commissioners of Leon County,

Florida, this 20th day of June, 2017.

#### LEON COUNTY, FLORIDA

By: _____

John E. Dailey, Chairman Board of County Commissioners

ATTESTED BY:

Gwendolyn Marshall, Clerk of Court & Comptroller, Leon County, Florida

By:_____

APPROVED AS TO FORM: Leon County Attorney's Office

By: _____

Herbert W. A. Thiele, Esq. County Attorney

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#### **EXHIBIT 1**

#### **RESOLUTION NO. 2012-** 37,

A RESOLUTION DETERMINING THE ANNUAL DISPOSAL SERVICE CHARGE FOR THE OPERATION AND MAINTENANCE OF THE SOLID WASTE DISPOSAL SYSTEM APPLICABLE TO ALL IMPROVED RESIDENTIAL REAL PROPERTY LOCATED WITHIN THE UNINCORPORATED AREA OF LEON COUNTY.

#### **RECITALS**

WHEREAS, Section 18-165, Leon County Code of Laws, adopted by the Leon County Board of County Commissioners on July 25, 1995, authorizes the Board to impose an annual disposal service charge on all improved residential real property in the service area of Leon County; and

WHEREAS, Section 18-164, Leon County Code of Laws, authorizes the Board to annually adopt a resolution determining the annual disposal service charge to be imposed upon all improved residential real property within the service area; and

WHEREAS, the Board finds that the reasonable costs of providing residential solid waste disposal services within the service area is forty dollars (\$40.00) per single family residential unit per year; and

WHEREAS, the Board finds that the annual disposal service charge shall cover the period from October 1, 2012, through September 30, 2013 and annually thereafter until such time as the Board determines otherwise.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

1. The Recitals set forth above are incorporated herein and made a part hereof.

2. The annual disposal service charge for each single family residential unit located within the service area of Leon County is hereby determined and shall be forty dollars (\$40.00) for the period from October 1, 2012, through September 30, 2013, and annually thereafter until such time as the Board determines.

3. This Resolution shall be effective upon adoption.

DONE AND ADOPTED by the Board of County Commissioners of Leon County,

Florida, this 28th day of August, 2012.



LEON COUNTY, FLORIDA

BY: m Akin Akinyemi, Chairman

Board of County Commissioners

ATTEST: Bob Inzer, Clerk of the Court Leon County, Florida

BY:

Approved as to Form: Leon County Attorney's Office

Herbert W.A. Thiele, Esq.

**County Attorney** 

#### EXHIBIT 2

#### SOLID WASTE DISPOSAL SERVICES NON-AD VALOREM ASSESSMENT ROLL

DR-408A N. 02/91



#### CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

I, the undersigned, hereby certify that I am the Chairman of the Board, or authorized agent of <u>Leon Cty. Bd. of County Commissioners</u>, located in <u>Leon</u> County, Florida; as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I further certify that, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this the <u>20th</u> day of <u>June</u>, <u>2017</u>.

Chairman of the Board or authorized agent

of Leon County Board of County Commissioners
Name of local government

Leon County, Florida

### **NOTICE OF PUBLIC HEARING**

Notice is hereby given, pursuant to Section 197.3632(4)(b), Florida Statutes, that the Board of County Commissioners of Leon County, Florida (the "Board"), will conduct a public hearing on Tuesday, June 20, 2017, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider the adoption of a solid waste disposal system non-ad valorem assessment roll for the subject parcels of improved real property located within the unincorporated area of Leon County, Florida.

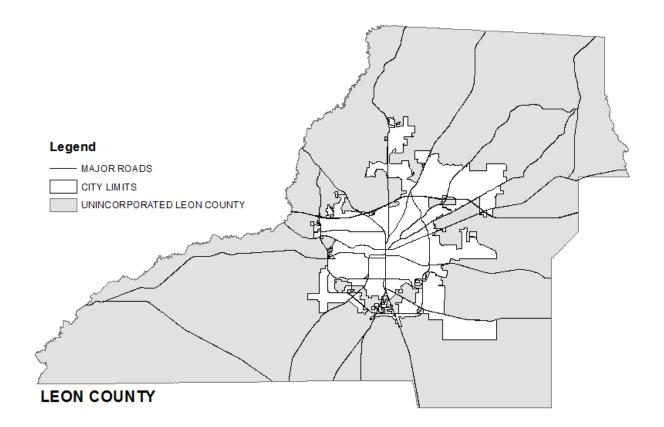
The purpose of the assessment is to equitably recover costs incurred for the construction, operation and maintenance of the solid waste disposal system for the benefit of improved residential parcels of property located within the unincorporated area of Leon County (geographic depiction of the property subject to the assessment is set forth below). The assessment shall be collected annually by the Leon County Tax Collector.

All interested parties are invited to present their comments at the public hearing at the time and place set out above. All affected property owners have the right to appear at the public hearing, and have the right to file written objections with the Board within 20 days of the publication of this notice.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this public hearing should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the date of the public hearing. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), or 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

Advertise: May 30, 2017



# Leon County Board of County Commissioners

Notes for Agenda Item #21

# **Leon County Board of County Commissioners**

### Agenda Item #21

June 20, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title:First and Only Public Hearing to Approve the Resolution Adopting the Fire<br/>Rescue Services Non-ad Valorem Assessment Roll and Authorize<br/>Certification of the Entire Roll to Tax Collector

Review and Approval:	Vincent S. Long, County Administrator
Department/	Alan Rosenzweig, Deputy County Administrator
Division Review:	Patrick T. Kinni, Deputy County Attorney
Lead Staff/	Scott Ross, Director, Office of Financial Stewardship
Project Team:	Jelani Marks, Management Analyst

#### **Statement of Issue:**

As required by Florida Statutes, this Public Hearing provides for the adoption of an assessment roll for all properties being assessed for the first time, and certification of the entire assessment roll for Fire Rescue Services.

#### **Fiscal Impact:**

This item has a fiscal impact. The total estimated collection for the unincorporated area of the 2015 Fire Rescue Services Assessment for 2018 is \$7,916,118 of which \$2,316,117 will be placed on property tax bills as an assessment for FY 2018. The remaining amount (\$5,600,001) will be collected by the City of Tallahassee through the City utility bill and quarterly billing.

#### **Staff Recommendation:**

Option #1: Conduct the first and only public hearing and approve the proposed Resolution adopting the non-ad valorem assessment roll for the 2015 Fire Rescue Services Assessment (Attachment #1) and authorize the Chairman to certify the roll to the Tax Collector (Attachment #2).

Title: First and Only Public Hearing to Approve the Resolution Adopting the Fire Rescue Services Non-ad Valorem Assessment Roll and Authorize Certification of the Entire Roll to Tax Collector June 20, 2017 Page 2

#### **Report and Discussion**

#### **Background:**

On February 26, 2009, Leon County and the City of Tallahassee entered into an Interlocal Agreement for purposes of administering and funding the provision of fire suppression, fire prevention, and emergency medical services on a countywide basis. The Interlocal Agreement provides for the funding of and payment for fire rescue services by the means of a levy and collection of special assessments upon benefited properties and a fire services fee imposed upon governmental properties.

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 (FY2010 through FY2014).

In July 2013, the County and City negotiated a comprehensive amendment to the Interlocal Agreement. With regard to the fire rescue charge, 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 FY 2015 the rate remained unchanged; this had the effect of having a constant rate for a total of six years;
- Beginning in FY 2016, 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 (FY 2020) 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. 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.

On December 9, 2014, the Board held a public hearing to hear comments on utilizing the uniform method for collection for the referenced fire rescue services special assessments and adopted Resolution No. 14-55 declaring its intent to collect said special assessments under Section 197.3632, Florida Statutes.

Beginning with the FY 2016 Adopted Budget, the Board approved implementing the proposed fire rescue charges for FY 2016 and FY 2017 at a 15% reduction, using existing fund balances to support the required payment to the City, and approved implementing the proposed fire rescue charges at the full rates for FY 2018. The Board formally adopted the Fourth Amendment to the Fire and Emergency Services Interlocal Agreement at the May 26, 2015 meeting, which included the second term fire services study and the associated rate resolution.

Title: First and Only Public Hearing to Approve the Resolution Adopting the Fire Rescue Services Non-ad Valorem Assessment Roll and Authorize Certification of the Entire Roll to Tax Collector June 20, 2017 Page 3

### Analysis:

Section 197.3632(4), Florida Statutes (2016), requires the Board of County Commissioners adopt a non-ad valorem assessment roll at a public hearing held between January 1 and September 15 of any year in which the County elects to utilize the uniform method of collection for the first time. Under Section 197.3632(9), Florida Statutes, (2016), special assessments may be placed on the annual property tax bill as a non-ad valorem assessment irrespective of whether the assessment has previously been collected by another method.

Although the County has until September 15 to conduct the public hearing, historically the hearing is conducted in June which approves newly assessed properties be added to the roll. By adding these properties to the roll in June, this allows the assessment to appear on the Truth-in-Millage (TRIM) notice; the County has until July 1 to notify the Property Appraiser of information to appear on the TRIM notice. By placing the assessment on the TRIM notice, the TRIM notice then contains the same information that will appear on the tax bill. If the public hearing is not held in June, then the information on the TRIM notices and tax bill would be different which can cause confusion for property owners.

The Board has utilized the uniform method for collecting stormwater and solid waste non-ad valorem assessments, as well as to collect assessments related to 2/3 paving and sewer projects. The amount of the assessment imposed will be payable to the Tax Collector.

The County primarily collects the assessment in three ways: City Utility invoice, quarterly direct bill by the City, and the property tax bill. Since the Fire Rescue Assessment commenced in October 2009 approximately 52% of property owners have been removed from the quarterly payment system. These property owners either preferred to pay the assessment on their property tax bill or failed to remain current with the quarterly bills.

For FY 2018, an additional 549 property owners will have the assessment removed from the quarterly payment system and added to their property tax bill. This will bring the total number of property owners who have the assessment on the tax bill to 11,159 or approximately 54% of the total property owners.

The proposed assessment roll has been made available for public inspection at the County Administration offices located at the fifth floor of the County Courthouse. However, it has not been attached to this item due to the voluminous nature thereof. The assessment roll contains the name of the owner, the parcel identification number, the parcel address, and the amount of the assessment. Written comments and objections filed by affected property owners have been compiled and are available for public inspection in the Office of the County Administrator, County Courthouse, fifth floor reception area. Title: First and Only Public Hearing to Approve the Resolution Adopting the Fire Rescue Services Non-ad Valorem Assessment Roll and Authorize Certification of the Entire Roll to Tax Collector June 20, 2017 Page 4

The total estimated collection for the unincorporated area for the FY 2018 fire rescue assessment is \$7,916,118; this includes \$5,600,001 collected by the City though utility bills or quarterly billing, and \$2,316,117 as an assessment on the Tax Bill. Failure of the Board to adopt the non-ad valorem assessment roll will create a budget impact in the amount of \$2,316,117 for fiscal year 2018.

A first class mail notice was sent to each property owner subject to the non-ad valorem assessment for fire rescue services for the first time, and/or who has failed to pay the 2015 assessment under the billing services provided by the City of Tallahassee, in accordance with the requirements of Section 197.3632(4) (b), Florida Statutes (2016).

These property owners and property owners who have previously had the fire services assessment placed on their tax bill were notified of the full fire service rate going into effect on October 1, 2017. Staff will work with City of Tallahassee to notify property owners who receive quarterly bills, toward reminding them that the discount will expire, and that the full rate will be charged beginning October 1, 2017.

#### **Options:**

- 1. Conduct the first and only public hearing and approve the proposed Resolution adopting the non-ad valorem assessment roll for the 2015 Fire Rescue Services Assessment (Attachment #1) and authorize the Chairman to certify the roll to the Tax Collector (Attachment #2).
- 2. Conduct the first and only public hearing and do not approve the proposed Resolution adopting the non-ad valorem assessment rolls for fire rescue services assessments. *(This action would require changes to the FY 2017/2018 proposed budget.)*
- 3. Board direction.

#### **Recommendation:**

Option #1.

#### Attachments:

- 1. Proposed Resolution Adopting the Fire Rescue Services Non-Ad valorem Assessment Roll
- 2. Certificate to Non-Ad Valorem Assessment Roll to the Tax Collector
- 3. Notice of Public Hearing 2017 Fire Rescue Services Assessment

#### **RESOLUTION NO. R17-___**

#### A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, ADOPTING THE FIRE RESCUE SERVICES NON-AD VALOREM ASSESSMENT ROLL; PROVIDING FOR CERTIFICATION OF THE ROLL TO THE TAX COLLECTOR; AND PROVIDING FOR AN EFFECTIVE DATE.

#### RECITALS

WHEREAS, on February 26, 2009, Leon County and the City of Tallahassee entered into an Interlocal Agreement for the provision of fire suppression, fire prevention and emergency medical services county-wide commencing October 1, 2009; and

WHEREAS, the Interlocal Agreement by and between Leon County and the City of Tallahassee provides for the funding and payment of *Fire Rescue Services* by means of the levy and collection of special assessments upon benefited property; and

WHEREAS, on March 19, 2009, the Board of County Commissioners enacted an ordinance amending Chapter 7, Leon County Code of Laws, relating to the provision and funding of *Fire Rescue Services*; and

WHEREAS, on May 26, 2015, the Board of County Commissioners adopted a *Fire Rescue Assessment Rate Resolution* levying and imposing upon each improved parcel of nongovernmental property located within the unincorporated area of the County an assessment in an amount found to be reasonably related to the cost of providing *Fire Rescue Services* to such property and thereby providing an equitably corresponding special benefit to such property; and

WHEREAS, pursuant to Section 197.3632, Florida Statutes, the Board of County Commissioners has reviewed the fire rescue services non-ad valorem assessment roll for conformity with the *Fire Rescue Assessment Rate Resolution*; and

WHEREAS, the Board wishes to approve and adopt the fire rescue services non-ad valorem assessment roll and to certify the roll for collection to the Tax Collector; and

WHEREAS, Leon County has provided notice of a public hearing at least twenty days prior to same by first class United States mail and by publication in the *Tallahassee Democrat* advising that a public hearing would take place.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

**Section 1.** <u>Recitals</u>. The Recitals to this Resolution are incorporated herein and made a part hereof as if fully set forth below.

Section 2. <u>Definitions</u>. For purposes of this Resolution, the definitions contained in section 7-39, Leon County Code of Laws, are incorporated herein by reference.

**Section 3.** Pursuant to Section 197.3632, Florida Statutes, Leon County hereby approves and adopts the fire rescue services non-ad valorem assessment roll, which is attached hereto as Exhibit 2 and incorporated herein as if fully set forth below.

Section 4. The unit of measurement for the fire rescue services non-ad valorem assessment is as set forth in the *Fire Rescue Assessment Rate Resolution*, R15-20, which is attached hereto as Exhibit 1, and incorporated herein as if fully set forth below. The amount of the fire rescue services assessment for each subject parcel of property is as further set forth in Exhibit 2, also attached hereto and incorporated herein as if fully set forth below. The *Fire Rescue Assessment* shall be and is hereby imposed annually commencing October 1, 2015, and continuing each year thereafter until such time as changed or discontinued by the Board.

**Section 5.** The fire rescue services non-ad valorem assessment roll is hereby certified to the Tax Collector for collection in accordance with Florida law.

Page 934 of 1014

Section 6. This Resolution shall be effective upon adoption.

Done and adopted by the Board of County Commissioners of Leon County, Florida, this 20th day of June, 2017.

#### LEON COUNTY, FLORIDA

By: _

John E. Dailey, Chairman Board of County Commissioners

ATTESTED BY:

Gwen Marshall, Clerk of Court & Comptroller, Leon County, Florida

By: _____

APPROVED AS TO FORM: Leon County Attorney's Office

By: ____

Herbert W. A. Thiele, Esq. County Attorney

#### EXHIBIT 1

#### RESOLUTION NO. 15-20

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS RELATING TO THE **PROVISION AND FUNDING OF FIRE RESCUE** SERVICES: PROVIDING FOR RECITALS: **PROVIDING FOR AUTHORITY; PROVIDING** FOR DEFINITIONS; PROVIDING FOR A **RESOLUTION; PROVIDING FOR PROVISION OF FIRE RESCUE SERVICES: PROVIDING FOR GENERAL LEGISLATIVE DETERMINATIONS; PROVIDING FOR FIRE RESCUE CHARGE;** PROVIDING FOR EXEMPT **PROPERTY: PROVIDING FOR LIEN; PROVIDING FOR COLLECTION OF FIRE RESCUE CHARGE; PROVIDING FOR FINAL ADJUDICIATION AND PROVIDING AN EFFECTIVE DATE.** 

#### RECITALS

WHEREAS, the County desires to continue to provide fire rescue services, facilities and programs, hereafter "*fire rescue services*," in the most efficient manner possible in order to promote the health, safety and general welfare of its citizens; and

WHEREAS, the County desires to maintain a uniform financial mechanism for the funding of such *fire rescue services* to its citizens on an equitable basis; and

WHEREAS, the City of Tallahassee and the County have entered into an Interlocal

Agreement to administer the provision of and funding for *fire rescue services*; and

WHEREAS, the Interlocal Agreement by and between the City of Tallahassee and the County provides for the funding and payment for *fire rescue services* by means of the levy, imposition and collection of special assessments upon benefited *nongovernment property* and the imposition of fire rescue fees on *government property*; and

WHEREAS, on March 19, 2009, the Board of County Commissioners enacted an ordinance amending Chapter 7, Leon County Code of Laws, relating to the provision and funding of *fire rescue services*; and

WHEREAS, the Board of County Commissioners desires to adopt a fire rescue assessment rate resolution and fire rescue fee rate resolution pursuant to Chapter 7, Leon County Code of Laws.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

Section 1. Recitals. The Recitals set forth above are deemed incorporated herein as if fully set forth below.

Section 2. Authority. This Resolution is adopted pursuant to the authority granted the County under Article VIII, Section 1, Florida Constitution, Chapter 125, Florida Statutes, the Leon County Charter, Chapter 7 of the Leon County Code of Laws, and other applicable provisions of law.

Section 3. Definitions. For purposes of this Resolution, the definitions contained in Section 7-39, Leon County Code of Laws, are incorporated herein by reference as if fully set forth below. In addition, as used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Building area" means the actual area of a building expressed in square feet and reflected on the *tax roll* or, in the event such information is not reflected or is determined not to be accurately reflected on the *tax roll*, that area determined by the County.

"Code descriptions" mean the descriptions listed in the fixed property use codes and the descriptions listed in the improvement codes.

"Core stations" are those fire stations located within five road miles of at least two other stations.

"Commercial property" means those tax parcels with a code description designated as "commercial" in the improvement codes, including those tax parcels that meet the definition of recreational vehicle park herein.

"Cost apportionment" means the apportionment of the *fire rescue cost* among all *property* use categories according to the *demand percentages* established pursuant to the apportionment methodology described in Sections 7.A.3 and 7.B.2 of this Resolution.

"Cost Factor" means the factor that represents the varying cost in providing fire rescue services to the different service zones, as calculated in accordance with Section 7.B of this Resolution.

"Demand percentage" means the percentage of demand for fire rescue services attributable to each property use category determined by analyzing the historical demand for fire rescue services as reflected in *incident reports* in the state database under the methodology described in Sections 7.A.3 and 7.B.2 of this Resolution.

"DOR code" means a property use code established in Rule 12D-8.008, Florida Administrative Code, assigned by the Property Appraiser to *tax parcels*.

"Dwelling unit" means (1) a building, or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only, or (2) the use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes or the like for residential purposes.

"*EMS services*" means those services recorded in *FFIRS* that assign a "type of situation found code" of 3, 300, 311,320, 321, 321B, 322, 323, 381, 551E, 554, and 661.

"EMS Cost" means the amount, other than first response medical rescue services, determined by the County to be associated with EMS services.

"FFIRS" means the Florida Fire Incident Reporting System maintained by the Florida State Fire Marshal.

"Fire rescue cost" means the fire rescue cost as defined in Chapter 7 of the Leon County Code of Laws, but specifically excluding any EMS Cost.

"Fire rescue services" means fire rescue services, facilities and programs.

"Fire rescue fee" means a fee for fire rescue services provided to each improved parcel of governmental property located within the unincorporated area of the County.

"Fire services property use category" means the use codes developed for the purpose of assigning a fire rescue charge for collection on a utility bill.

"Fixed property use codes" mean the property use codes used by FFIRS as specified in the attached Exhibit A, Appendix B.

"Improvement codes" mean the building use codes assigned by the Property Appraiser to tax parcels as specified in the attached Exhibit A, Appendix C.

"Incident report" means an individual report filed with the Florida State Fire Marshal under FFIRS that is not associated with EMS services.

"Industrial/warehouse property" means those tax parcels with a code description designated as "industrial/warehouse" in the improvement codes.

"Mixed use property" means a tax parcel that contains buildings whose use descriptions are capable of assignment under a code description in the improvement codes in more than one property use category.

"Non-residential property" means, collectively, commercial property and industrial/warehouse property.

"Parcel apportionment" means the further apportionment of the fire rescue cost allocated to each property use category by the cost apportionment among the tax parcels under the methodology established in Sections 7.A.3 and 7.B.2 of this Resolution.

"Property use categories" means, collectively, residential property and all categories of non-residential property.

"Recreational vehicle park" means (1) a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents; and (2) licensed by the Department of Health of the State of Florida, or its successor in function as a "recreational vehicle park" or "lodging park" under Chapter 513, Florida Statutes, as may be amended from time-to-time.

"Residential property" means those tax parcels designated as "Residential" in the improvement codes.

"Service zones" mean the geographic areas defined to differentiate between the two levels of *fire rescue services* provided within the County based upon proximity to *core stations*.

"State database" means the incident data derived from the FFIRS incident reports maintained by the Florida State Fire Marshal.

"Tax parcel" means a parcel of property located within the unincorporated area of the County to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

Section 4. Resolution. This Resolution shall constitute the *fire rescue assessment rate resolution* and the *fire rescue fee rate resolution* as described in Sections 7-42 and 7-43, Leon County Code of Laws.

Section 5. Provision of Fire Rescue Services. The County shall continue to provide *fire rescue services* for the benefit of all parcels of *assessed property* located within the unincorporated areas of the County commencing October 1, 2015. All or a portion of the cost to provide such *fire rescue services* shall be funded from proceeds of the *fire rescue charge*. The remaining cost, if any, required to provide *fire rescue services* shall be funded by available County revenues other than such proceeds.

Section 6. General Legislative Determinations. It is hereby ascertained and declared that the *fire rescue services* provide a special benefit to the *assessed property* based upon the following legislative determinations and based upon that certain report entitled "City of Tallahassee and Leon County, Florida, Fire Assessment Memorandum" dated April 14, 2015, prepared by Government Services Group, Inc., which is hereby specifically approved and adopted as Exhibit A, same being attached hereto and incorporated herein as if fully set forth below. Upon the adoption of this Resolution, the legislative determinations ascertained and declared in Sections 7-42 and 7-43, Leon County Code of Laws are hereby ratified and confirmed.

A. It is hereby ascertained, determined, and declared that each parcel of property subject to a *fire rescue charge* located within the unincorporated area of the County, and the *owners* and occupants of said parcel, will be benefited by the County's provision of *fire rescue services*, in an amount not less than the *fire rescue charge* imposed against such parcel and that such *fire rescue charge*, as computed in a manner as set forth in this Resolution, constitutes a fair and reasonable charge for the provision of *fire rescue services*.

B. The availability and provision of comprehensive *fire rescue services* enhance and strengthen the relationship of such services to the use and enjoyment of the parcels of property,

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the market perception of the area and, ultimately, the property and rental values within the assessable area.

C. The Board does hereby find that the various legislative findings and determinations contained herein are found to have existed as of the original imposition of the *fire rescue charge* in 2009 and relate back thereto. Therefore, such findings shall be deemed to have been incorporated in the provisions of Chapter 7, Leon County Code of Laws, adopted March 13, 2009, and Resolution No. 09-16, adopted June 9, 2009, as if they had been set forth fully therein and continued thereafter.

### Section 7. Fire Rescue Charges.

A. Fire Rescue Fee.

- 1. Imposition; Legislative Determinations.
  - a. A fire rescue fee is hereby imposed upon each improved parcel of government property located within the unincorporated area of the County, and which is hereby ascertained, determined, and declared to be reasonably and fairly related to the cost of providing *fire rescue services* to such government property and as such the *fire rescue fee* constitutes a fair, reasonable, just, and equitable manner for apportioning and allocating the *fire rescue cost for government property*. The *fire rescue fee* imposed hereby is not a special assessment; it is a fee for services available and rendered to government property.
  - b. Upon the adoption of this Resolution determining the *fire rescue fee* and identifying the *government property* to be billed a *fire rescue fee*, the legislative determinations ascertained and declared in Section 7-42, Leon County Code of Laws, are hereby ratified and confirmed.

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- c. It is fair and reasonable to use the *fire services property use category* to assign property use for a *fire rescue fee* because the use codes are most compatible with the system of billing on the City of Tallahassee *utility* bill.
- d. It is fair and reasonable to use the *fire rescue costs for* the development of the *fire rescue fee* and apply the *fire rescue fee* for future fiscal years at the rates established in this Resolution because it is hereby determined that the actual annual cost of providing *fire rescue services*, over the five-year period will be as great as or greater than the *fire rescue fee* established herein.
- e. It is fair and reasonable and consistent with the decision of the Florida Supreme Court in the case of <u>City of North Lauderdale v. SMM Properties</u>, <u>Inc.</u>, 825 So.2d 343 (Fla. 2002), to exclude from the *fire rescue costs*, amounts determined to constitute the cost of providing emergency medical services.
- f. Apportioning *fire rescue costs for government property* among classifications of improved *government property* based upon historical demand for *fire rescue services*, but not emergency medical services, is a fair and reasonable method of *cost apportionment* because it reflects the property uses' potential fire risk based upon *building* use and is a reasonable proxy for the amount of fire flow, fire fighters, quantity and size of apparatus, and other special firefighting equipment that must be available in accordance with the County's required standards and practices.
- g. The greater the *building area*, the greater the potential for a large fire and the greater amount of firefighting resources that must be available in the event of

a fire in a structure of that *building*'s size. Therefore, it is fair and reasonable to use *building area* as a proxy for determining the *fire rescue fees*.

- h. It is fair and reasonable to not charge a *fire rescue fee* to *government property* that is vacant as evidenced by the cessation of *utility* services. The costs of administering and collecting *fire rescue fees* from such vacant property exceed the anticipated *fire rescue fees* that could be collected from such property.
- i. The *incident reports* are the most reliable data available to determine the potential demand for *fire rescue services* from *government property* use and to determine the benefit to property use resulting from the availability of *fire rescue services* to protect and serve *buildings* located within *government property* and their intended occupants. There exists sufficient *incident reports* documenting the historical demand for *fire rescue services* from *government property*. The *demand percentage* determined for each classification of *government property* by an examination of such *incident reports* is consistent with the experience of the County. Therefore, the use of *demand percentages* determined by an examination of *incident reports* is a fair and reasonable method to apportion the *fire rescue costs* among each classification of *government property*.
- j. The suppression of fire on vacant property primarily benefits the *buildings* within the adjacent improved property by the containment of the spread of fire rather than the preservation of the vacant property. Therefore, it is fair and reasonable not to apportion any of the costs attributed to providing *fire rescue services* to vacant property and the *incident reports* omitted from the *demand percentage* calculation.

- k. The budget is sized based upon its ability to provide *fire rescue services* to *assessed property* within the unincorporated area. Therefore, the level of services required to meet anticipated demand for *fire rescue services* and the corresponding fire services budget required to fund *fire rescue services* provided to non-specific property uses would be required notwithstanding the occurrence of any incidents from such non-specific uses. Therefore, it is fair and reasonable to omit from the *demand percentage* calculation, the *incident reports* documenting *fire rescue services* provided to non-specific property.
- 2. Methodology for Determining Fire Rescue Fees. The *fire rescue fees* shall be calculated as follows:
  - a. The number of *incident reports* filed within a sampling period was determined for government property and all property use categories of nongovernment property. The percentages of total *incident reports* allocated to government property as compared to total *incident reports* allocated to nongovernment property were used to calculate the fire rescue cost for assessed property and the fire rescue cost for government property.
  - b. The fire rescue cost for government property was then apportioned among the tax parcels of government property as follows:

1. Add the *building area* of all the *buildings* of *government property* to arrive at the aggregate square footage for *government property*. Any *buildings* that exceed 100,000 square feet of *building area* shall only be included at 100,000 square feet. 2. Divide the *fire rescue cost for government property* by the product of subsection 1. above to arrive at a rate per square foot of *building area* to be charged to *government property*.

3. For each *building* of *government property*, multiply the applicable square foot rate determined in subsection 2. above by the number of square feet for that *building* and then sum the amounts for all *buildings* on that *tax parcel*.

3. Amount of Fire Rescue Fee.

The *fire rescue cost for government property* is further determined to be a reasonable estimation of a five-year average annual cost of providing *fire rescue services* to *government property*. The amount of the *fire rescue fee* imposed upon *government property for fire rescue services* is specifically based upon the Rate Study, Exhibit A, established pursuant to and in accordance with Section 7-42, Leon County Code of Laws, and shall be as set forth in Exhibit B, Rate Schedule, same being attached hereto and incorporated herein as if fully set forth below, commencing October 1, 2015, annually, until otherwise determined by the Board.

- B. Fire Rescue Assessment.
  - Imposition; Legislative Determinations; Cost Apportionment Methodology;
     Parcel Apportionment Methodology; Amount.

A fire rescue assessment is hereby levied and imposed upon each improved parcel of nongovernment property located within the unincorporated area of the County, and which is hereby ascertained, determined, and declared to be reasonably related to the cost of providing *fire rescue services* and thereby provides an equitably corresponding special benefit to nongovernment property. The *fire*  *rescue assessment* is hereby ascertained, determined and declared to be based upon a reasonable estimation of the five-year average annual cost of providing *fire rescue services* to such *nongovernment property*. It is further ascertained, determined and declared that the *fire rescue assessment* imposed hereby provides a special benefit to and is equitably apportioned among the *assessed property* based upon the special benefit assumptions and apportionment methodology set forth in the Rate Study, Exhibit A, and as further set forth below:

- a. It is further hereby ascertained and declared that the *fire rescue services* provide a special benefit to *nongovernment property*, that is improved by the existence or construction of a *building*, based upon the following legislative determinations:
  - 1. *Fire rescue services* enhance the use and enjoyment of improved property, which constitutes a special benefit to *owners*, commercial tenants, residential tenants, and occupants by the following:
    - a) Protecting the value of the improvements, structures, and contents through the provision of available *fire rescue services*;
    - b) Protecting the life and safety of occupants, residential tenants and commercial tenants, in the use and enjoyment of the improvements and structures within improved parcels; and
    - c) Lowering the cost of fire insurance, including renter's insurance and property coverage for the repair and replacement of contents of improvements and structures within the improved parcels, by the presence of a professional and comprehensive fire services program within the unincorporated area of the County.

- The *fire rescue services* enhance the use and enjoyment of commercial tenants by protecting the continued commercial operations within improved parcels of property within the unincorporated area of the County.
- 3. The *fire rescue services* enhance the value of business and commercial interests, which accrues to *owners* and lessees, by protecting the continued commercial operations within improved parcels of property within the unincorporated area of the County.
- 4. The legislative determinations of special benefit ascertained arising from the *fire rescue services*, as set out and declared in Section 7-43, Leon County Code of Laws, are incorporated herein by reference and further ratified and confirmed.
- b. It is fair and reasonable to create *service zones* to reflect the level of service differentiation between a property located in a higher density area that receives fire protection coverage from multiple *core stations* and a property located in an area generally described as rural and typically serviced by a single fire station.
- c. It is fair and reasonable to use the *improvement codes* and the *DOR codes* for the *cost apportionment* and the *parcel apportionment* because: (1) the *tax roll* database employing the use of such property use codes is the most comprehensive, accurate, and reliable information readily available to determine the property use and *building area* for improved property within the County, (2) the *tax roll* database within such property use codes is maintained by the Property Appraiser and is thus consistent with parcel designations on

the *tax roll*, and (3) the parcel descriptions on the *tax roll* are not incompatible with the property use descriptions on the City of Tallahassee's *utility* customer database which has been developed and maintained by the City of Tallahassee and which will be used in many instances to bill the *fire rescue assessments*.

- d. The data available in the *improvement codes* is more useful and accurate to determine *building area* than the data maintained in the *DOR codes* because (1) the data maintained in the *improvement codes* reveals the existence of a *building* with a different use than the use described in the *DOR codes*, (2) the *improvement codes* represent records maintained by the Property Appraiser with the most information relative to *building area* regardless of property use, and (3) the City of Tallahassee *utility* customer database does not contain *building area* data.
- e. It is fair and reasonable and consistent with the decision of the Florida Supreme Court in the case of <u>City of North Lauderdale v. SMM Properties</u>, <u>Inc.</u>, 825 So. 2d 343 (Fla. 2002), to exclude from the *fire rescue costs*, amounts determined to constitute the cost of providing *EMS services*.
- f. Apportioning the *fire rescue cost for assessed property* among classifications of improved property based upon historical demand for *fire rescue services*, but not *EMS services*, is fair and reasonable method of *cost apportionment* because it reflects the property uses' potential fire risk based upon *building* use and is a reasonable proxy for the amount of fire flow, fire fighters, quantity and size of apparatus, and other special firefighting equipment that must be available in accordance with the County's required standards and practices..

- g. The cost of responding to fire incidents varies among the service zones. Therefore, it is fair and reasonable to use a cost factor in calculating the *demand percentages* because it reflects the varying costs that are associated with the responses and services to different *property use categories* based upon average call duration, which accounts for the time that personnel and equipment were out of service.
- h. It is fair and reasonable to use the *fire rescue costs for assessed property* for the development of the *fire rescue assessment* and apply the *fire rescue assessment* for future fiscal years at the rates established in this Resolution because it is hereby determined that the actual annual cost of providing *fire rescue services* over the five-year period will be as great as or greater than the *fire rescue assessment* established herein.
- i. The *incident reports* are the most reliable data available to determine the potential demand for *fire rescue services* from property use and to determine the benefit to property use resulting from the availability of *fire rescue services* to protect and serve *buildings* located within the *assessed property* and their intended occupants. There exists sufficient *incident reports* documenting the historical demand for *fire rescue services* from *assessed property* use categories. The *demand percentage* determined for each *property use category* by an examination of such *incident reports* is consistent with the experience of the City of Tallahassee Fire Department. Therefore, the use of *demand percentages* determined by an examination of *incident reports* is a fair and reasonable method to apportion the *fire rescue costs* among the *property use categories*.

- j. The suppression of fire on vacant property primarily benefits the buildings within the adjacent improved property by the containment of the spread of fire rather than the preservation of the vacant property. Therefore, it is fair and reasonable not to apportion any of the costs attributed to providing *fire rescue services* to vacant property and the *incident reports* documenting historical *fire rescue costs* provided to vacant property were thus omitted from the *demand percentage* calculation.
- k. The budget for *fire rescue services* is sized based upon its ability to provide service to *assessed property* within the unincorporated area. Therefore the level of services required to meet anticipated demand for *fire rescue services* and the corresponding budget required to fund *fire rescue services* provided to nonspecific property uses would be required notwithstanding the occurrence of any incidents from such nonspecific uses. Therefore, it is fair and reasonable to omit from the *demand percentage* calculation the *incident reports* documenting *fire rescue services* provided to nonspecific property.
- I. It is fair and reasonable to not charge a *fire rescue assessment* to *nongovernment property* that is vacant as evidenced by the cessation of *utility* services. The costs of administering and collecting *fire rescue assessments* from such vacant property exceed the anticipated *fire rescue assessments* that could be collected from such property.
- m. The size or the value of the *residential property* does not determine the scope of the required *fire rescue services* response. The potential demand for *fire*

*rescue services* is driven by the existence of a *dwelling unit* and the anticipated average occupant population.

- n. Apportioning the *fire rescue costs* to *residential property* on a per *dwelling unit* basis is required to avoid cost inefficiency and unnecessary administration and is a fair and reasonable method of *parcel apportionment* based upon historical call data.
- o. The demand for *fire rescue service* availability is substantially the same for all *residential property*; therefore, it is fair and reasonable to use the combined *demand percentages* attributable to all types of *residential property*, both *single family property* and *multi-family property*, to determine *fire rescue assessments* for *residential property*.
- p. The risk of loss and the demand for *fire rescue services* availability is substantially the same for *buildings* below a certain minimum size. Because the value and anticipated occupancy of non-residential *buildings* below a certain minimum size is less, it is fair, reasonable and equitable to provide a lesser assessment burden on improved property containing such *buildings* by the creation of specific *building area* classification ranges for such parcels.
- q. The assessment of *nonresidential property* by square footage classification ranges is fair and reasonable for the purpose of *parcel apportionment* because the demand for fire rescue service, fire flow, fire fighters, quantity and size of apparatus, and other special firefighting equipment is determined and measured by the square footage of structures and improvements within benefited parcels.

- r. The greater the *building area*, the greater the potential for a large fire and the greater amount of firefighting resources that must be available in the event of a fire in a structure of that *building*'s size. Therefore, it is fair and reasonable to use *building area* as a proxy for determining the *tax parcel*'s *fire rescue assessment*.
- s. The separation of improved *non-residential property* into *building area* classification ranges is fair and reasonable for the purposes of *parcel apportionment* because: (1) the absence of a need for precise square footage data within the ad valorem tax records maintained by the Property Appraiser undermines the use of actual *building area* within each improved parcel as a basis for *parcel apportionment*; (2) the administrative expense and complexity created by an on-site inspection to determine the actual *building area* within each improved parcel assessed is impractical; (3) the demand for *fire rescue services* availability is not precisely determined or measured by the actual *building area* within benefited parcels; and (4) the classification of parcels within *building area* classification ranges is a fair and reasonable method to classify benefited parcels and to apportion costs among benefited parcels that create similar demand for the availability of *fire rescue services*.
- t. The demand for the availability of *fire rescue services* diminishes at the outer limit of *building* size since a fire occurring in a structure greater than a certain size is not capable of being suppressed under expected conditions and the fire control activities under such circumstances are directed to avoid the spread of the fire event to adjacent *buildings*. Therefore, it is fair and reasonable to

place a cap on the *building area* classification of benefited parcels within *nonresidential property*.

- u. In accordance with Section 125.0168, Florida Statutes, which mandates that counties treat recreational vehicle park property as *commercial property* for non-ad valorem special assessments levied by a county, like the *fire rescue assessment*, it is fair and reasonable to treat each space within recreational vehicle park property as a *building* on *commercial property* and to assign the square footage of 191 square feet, the average size of a recreational vehicle, according to the Florida Association of RV Parks and Campgrounds.
- 2. Cost Apportionment Methodology for Fire Rescue Assessment.
  - a. The number of *incident reports* filed within a sampling period was determined for government property and all property use categories of nongovernment property. The percentages of total *incident reports* allocated to government property as compared to total *incident reports* allocated to nongovernment property were used to calculate the fire rescue cost for assessed property and the fire rescue cost for government property.
  - b. Next, to correlate the nongovernment tax parcels to the service zones, the incident reports filed within a sampling period were geo-coded on the GIS system map based upon the address provided in the FFIRS database.
  - c. Based upon such correlation by *service zone*, the number of *incident reports* filed within a sampling period were determined for each *service zone*.
  - d. A cost factor was then developed and applied to the incident reports within each service zone based upon the difference in average call duration between

the *service zones* with Zone 1 being assigned a 1.00 weighting *cost factor* and Zone 2 being assigned a 1.26 weighting *cost factor*.

- e. A demand percentage was then determined for each service zone by calculating the percentage that incident reports allocated to each service zone bears to the total number of incident reports documented for both service zones during the sampling period. The demand percentage for each service zone was then applied to the fire rescue cost for assessed property and the resulting product is the cost allocation of that portion of the fire rescue costs allocated to each service zone.
- f. Using the weighted *incident reports*, fire rescue incidents were assigned within the County to the *property use categories* by correlating the *code descriptions* within the *fixed property use codes* to the *improvement codes* and *DOR codes*.
- g. To correlate the property use categories with the state database, the code descriptions within the fixed property use codes similar to code descriptions within the improvement codes that were used to determine the property use categories were identified. Exhibit A, Appendix C contains a designation of code descriptions by property use category with the improvement codes, and Exhibit A, Appendix B contains a designation of code descriptions by property use category with the fixed property use codes. Such correlation between code descriptions by property use category between the fixed property use category between the fixed property use codes is necessary to allocate the historical demand for fire rescue services as reflected by the weighted incident reports for tax parcels on the tax roll within the property use categories.

- h. Based upon such assignment of weighted *incident reports* to *property use categories*, the number of weighted *incident reports* filed within a sampling period was determined for each *property use category*. A *demand percentage* was then determined for each *property use category* in each *service zone* by calculating the percentage that weighted *incident reports* allocated to each *property use category* bear to the total number of weighted *incident reports* documented for all *property use categories* within the sampling period. The *demand percentage* for each *property use category* within each *service zone* was then applied to the *fire rescue cost for assessed property* for that *service zone*, and the resulting product is the cost allocation of that portion of the *fire rescue cost for assessed property* allocated to each *property use category* within that *service zone*.
- 3. Parcel Apportionment Methodology.
  - a. The apportionment among *tax parcels* of *nongovernment property* of that portion of the *fire rescue cost for assessed property* apportioned to each *property use category* within each *service zone* under the *cost apportionment* is consistent with the *parcel apportionment* methodology described and determined herein.
  - b. RESIDENTIAL PROPERTY. For each service zone, the fire rescue assessment for each tax parcel of residential property shall be computed by multiplying the demand percentage attributable to residential property by the fire rescue cost for assessed property allocated to the respective service zone, dividing such product by the total number of dwelling units shown on the tax

roll within the service zone, and then multiplying such quotient by the number of dwelling units located on such tax parcel.

c. NON-RESIDENTIAL PROPERTY. The *fire rescue assessments* for each *building* of *nonresidential property*, except recreational vehicle property, shall be computed as follows for each *service zone*:

1. Respectively, multiply the *fire rescue cost for assessed property* for the applicable *Service zone* by the *demand percentage* attributable to each of the non-residential *property use categories*. The resulting dollar amounts reflect the portions of the fire *rescue services* budget to be respectively funded from *fire rescue assessment* revenue derived from each of the non-residential *property use categories*.

2. Separate each *building* in each of the *nonresidential property use* categories into one of the following square footage categories:

- a) *buildings* with a *building area* of 1,999 square feet or less;
- b) *buildings* with a *building area* between 2,000 square feet and 3,499 square feet;
- c) *buildings* with a *building area* between 3,500 square feet and 4,999 square feet;
- buildings with a building area between 5,000 square feet and 9,999
   square feet;
- e) buildings with a building area between 10,000 square feet and 19,999 square feet;
- f) buildings with a building area between 20,000 square feet and
   29,999 square feet;

- g) buildings with a building area between 30,000 square feet and
   39,999 square feet;
- h) *buildings* with a *building area* between 40,000 square feet and
   49,999 square feet; and
- buildings with a building area between 50,000 square feet and
   59,999 square feet; and
- j) buildings with a building area between 60,000 square feet and
   69,999 square feet; and
- buildings with a building area between 70,000 square feet and
   79,999 square feet; and
- buildings with a building area between 80,000 square feet and 89,999 square feet; and
- m) *buildings* with a *building area* between 90,000 square feet and 99,999 square feet; and
- n) *buildings* with a *building area* of 100,000 square feet or greater.

3. As to each non-residential *property use category* multiply the number of *buildings* categorized in:

- a) Paragraph (2)(a) of this subsection by 1,000 square feet; and
- b) Paragraph (2)(b) of this subsection by 2,000 square feet; and
- c) Paragraph (2)(c) of this subsection by 3,500 square feet; and
- d) Paragraph (2)(d) of this subsection by 5,000 square feet; and
- e) Paragraph (2)(c) of this subsection by 10,000 square feet; and
- f) Paragraph (2)(f) of this subsection by 20,000 square feet; and
- g) Paragraph (2)(g) of this subsection by 30,000 square feet; and

h)	Paragraph (2)(h) of this subsection by 40,000 square feet; and
i)	Paragraph (2)(i) of this subsection by 50,000 square feet; and
j)	Paragraph (2)(j) of this subsection by 60,000 square feet; and
k)	Paragraph (2)(k) of this subsection by 70,000 square feet; and
I)	Paragraph (2)(1) of this subsection by 80,000 square feet; and
m)	Paragraph (2)(m) of this subsection by 90,000 square feet; and
n)	Paragraph (2)(n) of this subsection by 100,000 square feet.

4. For each non-residential *property use category*, add the products of paragraphs (3)(a) through (3)(n) of this subsection. The sum of these products reflects an aggregate square footage area for each non-residential *property use category* to be used in the computation of *fire rescue assessments*.

5. Divide the product of paragraph 1. of this subsection relative to each of the non-residential *property use categories* by the sum of the products for each non-residential *property use category* described in paragraph 4. of this subsection. The resulting quotient expresses a dollar amount adjusted or weighted per square foot of improved area to be used in computing *fire rescue assessments* on each of the respective non-residential *property use categories*.

6. For each of the non-residential *property use categories*, multiply the resulting quotients from paragraph 5. of this subsection by each of the respective products in paragraphs (3)(a) through (3)(n) of this subsection. The resulting products for each non-residential *property use category*, expresses a series of gross dollar amounts expected to be funded by all *buildings* in the respective non-residential *property use categories* in each of the square footage categories described in paragraph 2. of this subsection.

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7. For each of the non-residential *property use categories*, divide each of the respective products of paragraph 6. of this subsection by the number of *buildings* determined to be in each of the square footage categories identified in paragraph 2. of this subsection. The result expresses the respective dollar amounts of the *fire rescue assessments* to be imposed upon each *building* in each of the non-residential *property use categories*.

d. RECREATIONAL VEHICLE PARK PROPERTY. Notwithstanding the procedure in subsection c. above for *non-residential property*, the *fire rescue* assessments for each tax parcel of recreational vehicle park property shall be computed as follows:

1. Aggregate the amount of square footage for each *tax parcel* of *recreational vehicle park*, with recreational vehicle park spaces, as reported to the Department of Health, at 191 square feet each, mobile home spaces, as reported to the Department of Health, at actual *building area* or 720 square feet each if actual square footage is not available, and actual *building area* for all other *buildings*.

2. Assign the respective dollar amount of the *fire rescue assessments* determined in subsection c. above for *commercial property* for the applicable *service zone* to the comparable aggregated square footage category ranges of *recreational vehicle park* property as calculated in paragraph 1. above. Any aggregated square footage that exceeds 100,000 square feet on a *tax parcel* shall be assigned the *commercial* dollar amount for 100,000 square feet. The result expresses the respective dollar amounts of the *fire rescue assessments* to be imposed upon each *recreational vehicle park* property.

- e. MIXED USE PROPERTY. The fire rescue assessments for each tax parcel classified in two or more property use categories shall be the sum of the fire rescue assessments computed for each property use category.
- 4. Amount of Fire Rescue Assessment.

The amount of the *fire rescue assessment* levied and imposed upon *nongovernment property* shall be as set forth in Exhibit B, Rate Schedule, commencing October 1, 2015, annually, until otherwise determined by the Board.

Section 8. Exempt Property. The *fire rescue assessment* heretofore imposed upon *nongovernment property* shall not be levied nor imposed against property owned or occupied by a "religious institution" as that term is defined in Section 170.201(2), Florida Statutes, to the extent same is used as a place of worship.

Section 9. Lien. The *fire rescue assessments* imposed herein shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

Section 10. Collection of Fire Rescue Charge; Legislative Determinations. The collection of the *fire rescue charge* shall be made pursuant to and in accordance with Section 7-44, Leon County Code of Laws, and is authorized hereby, commencing October 1, 2015. The use of the *utility* bills for the collection of the *fire rescue fee* and *fire rescue assessment* is a method of collection that is reasonably related and directed to those that derive the benefit received by the property from the provision of *fire rescue services*. The benefit to the property is not solely received by the *owner* of the property but also extends to all intended occupants,

including but not limited to, tenants, leaseholders and others occupying the property. There is a rational nexus between the use of the *utility* bill to collect the *fire rescue fees* and *fire rescue assessments* from the property and the intended occupants of the property, including but not limited to, owners, tenants, leaseholders and others occupying property, and the benefit they derive through the enhancement of their use and enjoyment of the property. The use of *utility* bills for collection also provides a convenient mechanism of payment and further relieving any potential economic burden by providing an opportunity to pay smaller fees in twelve (12) increments annually as opposed to one larger lump sum payment being collected annually.

Section 11. Final Adjudication. The adoption of this Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment, the method of apportionment, the rate of assessment and fee, the and the levy and lien of the *fire rescue charges*), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Resolution.

Section 12. Effective Date. This Resolution shall have effect upon adoption and shall apply to all property located within the unincorporated area of Leon County.

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DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon

County, Florida, this 26th day of May, 2015.

LEON COUNTY, FLORIDA

BY:





ATTESTED BY:

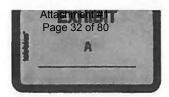
BOB INZER CLERK & COMPROLLER LEON COUNTY, FLORIDA

to Club BY:

APPROVED AS TO FORM: COUNTY ATTORNEY'S OFFICE LEON COUNTY, FLORIDA

BY

HERBERT W.A. THIELE, ESQ. COUNTY ATTORNEY



### City of Tallahassee and Leon County, Florida Fire Assessment Memorandum

APRIL 14, 2015

Presented by: Government Services Group, Inc. 1500 Mahan Drive, Suite 250 Tallahassee, Florida 32308 (850) 681-3717 (850) 224-7206 Fax

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### Introduction

The City of Tallahassee (City) and Leon County (County) entered into a professional services agreement with GSG to provide specialized services in the development and implementation of a non-ad valorem assessment program to fund fire services within the incorporated and unincorporated areas of the County (Fire Assessment Project).

The objective of this Fire Assessment Project is to develop and implement an update to the City's current revenue program capable of efficiently and effectively collecting all assessable and billable costs associated with providing fire services on an annual basis throughout the entire County for Fiscal Year 2015-16 and future fiscal years. The mechanism for collecting the fire fee from governmental properties will remain in effect, however both the City and County will utilize the City's utility bill as the collection method for all non-governmental properties where possible and the City will assist the County in the collection of the fire assessment utilizing the utility bill, separate bills and tax bill. This document is the Fire Assessment Memorandum (Assessment Memorandum), which is one of the project deliverables specified in the scope of services.

The work effort, documented by this Assessment Memorandum, focused on the calculation of assessment rates and classifications required to fully fund the identified assessable costs to provide countywide fire services for Fiscal Year 2015-16 and future fiscal years. However, the City and County have the choice of funding all or only a portion of the assessable costs based on policy direction. In addition, the work effort recorded in this Assessment Memorandum required the identification of the full costs of assessable fire services (net of all fire related revenues) and the allocation of those costs to properties that specially benefit from the provision of such fire services.

### BACKGROUND

In 1999, the City adopted a fire services funding program consisting of two components: a Fire Fee and a Fire Assessment. The goal of the Fire Services Funding Project in 1999 was to design an alternative revenue program capable of efficiently and effectively collecting all assessable and billable costs associated with providing fire services on an annual basis. The Fire Fee is the funding mechanism that secures recovery of the cost for providing fire services to governmental property. The Fire Assessment is the funding mechanism for non-government property that could be collected on the City's utility bill. The program was updated to account for changes in call data, property data and service delivery in Fiscal Year 2004-05 and once again in Fiscal Year 2009-10.

### **OBJECTIVES**

The City retained GSG to develop an annual recurring special assessment program that is capable of funding all of the assessable costs associated with providing countywide fire services. The City will utilize the utility bill for collection of the fire assessment and will assist the County in the collection of the fire assessment utilizing the utility bill, separate bills and the tax bill. Data available on the ad valorem tax roll was used to develop the Fiscal Year 2015-16 assessment program. GSG has been

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charged to fully cost the services to be provided by the City, develop a fair and reasonable apportionment methodology for such assessable costs and determine assessment rates and parcel classifications that are accurate, fair and reasonable.

The fire non-ad valorem assessments must meet the Florida case law requirements for a valid special assessment. These requirements include the following:

- 1. The service provided must confer a special benefit to the property being assessed; and
- 2. The costs assessed must be fairly and reasonably apportioned among the properties that receive the special benefit.

The work effort of this project required the evaluation of data obtained from the City to develop a fire assessment program that focuses upon the projected Fiscal Year 2015-16 assessable cost calculations. The objectives of this initial effort were to:

- Determine the full costs of providing fire services within the County.
- Review such final cost determination with the City to determine which elements provide the requisite special benefit to the assessed properties.
- Determine the relative benefit anticipated to be derived by categories of property use within the County from the delivery of fire services.
- Recommend the fair and reasonable apportionment of assessable costs among benefited parcels within each category of property use.
- Calculate assessment rates and parcel classifications for Fiscal Year 2015-16 and future years based on the projected Fiscal Year 2015-16 budget adjusted for year over year increases.

## Service Description and Assessable Cost Calculations

The fire services apportionment methodology allocates assessable costs on the basis of the anticipated demand for fire services by categories of private, real property use as identified on the real property assessment roll prepared for the levy of ad valorem taxes. The assessable fire costs are allocated among private, real property use categories based upon the historical demand for these services. This demand is identified by examining the fire incident data as reported by the City to the State Fire Marshal's office.

The fire services apportionment methodology for government property allocates billable costs to provide fire services based upon the historical demand for these services for all government owned property (i.e. City, County, State, Federal, etc.), as reflected by the incident data reported by the City.

#### SERVICE DELIVERY DESCRIPTION

Fire Rescue services are provided throughout the County from 16 paid fire rescue stations and 5 volunteer fire rescue stations. One of the volunteer stations is co-located at Station 15. Table 1 identifies fire rescue buildings/facilities inventory, as well as the corresponding physical location address for the facility.

Station	Address
Station #1	327 North Adams Street
Station #1	Tallahassee, FL 32301
Station #2	2805 Sharer Road
Station #2	Tallahassee, FL 32302
Station #3	3005 South Monroe Street
Station #3	Tallahassee, FL 32301
Station #4	2899 West Pensacola Street
5181101 #4	Tallahassee, FL 32304
Station #5	3238 Capital Circle Southwest
Station #5	Tallahassee, FL 32304
Station #6	2901 Apalachee Parkway
Station #6	Tallahassee, FL 32311
Station #7	2805 Shamrock South
Stanon #1	Tallahassee, FL 32308
Station #8	2423 Hartsfield Road
SIGUUII #O	Tallahassee, FL 32304
Station #9	3205 Thomasville Road
3101011 #3	Tallahassee, FL 32312

Table 1

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Station	Address
Station #10	5323 Tower Road
2(9(10)) #10	Tallahassee, FL 32303
Station #11	8752 Centerville Road
5/4/001 #11	Tallahassee, FL 32308
Station #12	4701 Chaires Cross Road
5(6(10)1 #12	Tallahassee, FL 32311
Station #13	1555 Oak Ridge Road
5(6(0)) #15	Tallahassee, FL 32311
Station #14	16614 Blountstown Highway
5(8(0)) #14	Tallahassee, FL 32310
Station #15	1445 Bannerman Road
5(8(0) #15	Tallahassee, FL 32312
Station #16	911 Easterwood Drive
Station #10	Tallahassee, FL 32311
Miccosukee	15210 Mahan Drive
(County-Volunteer)	Tallahassee, FL 32308
Bradfordville (County-Volunteer)	1445 Bannerman Road
(Co-located at Station #15)	Tallahassee, FL 32312
Chaires-Capitola	10541 Valentine Road South
(County-Volunteer)	Tallahassee, FL 32317
Woodville	155 East Oakridge
(County-Volunteer)	Tallahassee, FL 32305
Lake Talquin	16614 Blountstown Highway
(County-Volunteer)	Tallahassee, FL 32312

Source: City of Tallahassee

The City of Tallahassee Fire Rescue Department provides standard fire suppression, medical services, hazmat response, technical rescue, airport capabilities, state disaster response, emergency response and disaster preparedness, fire prevention and safety education. Five of the sixteen City stations provide Advanced Life Support (ALS) services in coordination with Leon County EMS.

Dispatch services for fire and EMS services are provided through a joint dispatch operation between the City and the County.

Tables 2 through 5 outline the Fire Rescue Department's current service operations and service components. Table 2 outlines the Fire Rescue Department's organizational structure.

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#### Table 2 City of Tallahassee Fire Rescue Department Organizational Chart

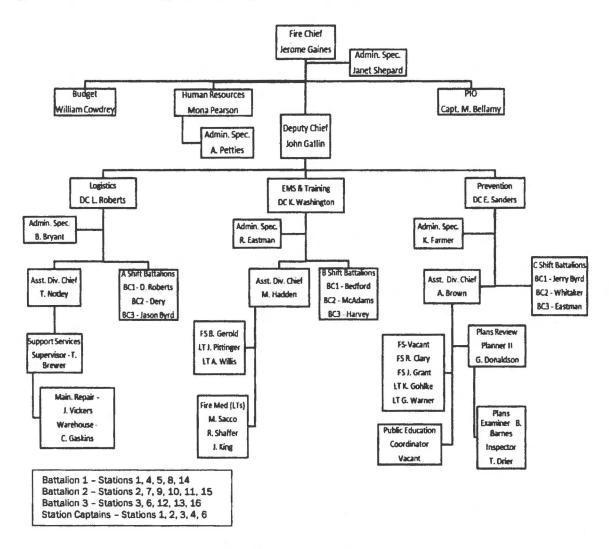


Table 3 describes the normal staffing for each apparatus. This information is used in the development of the Administrative Factor, as further discussed in the "Development of Factors" section of this Assessment Memorandum.

Apparatus	Typical Staffing
Aerial	3-4 personnel
Pumper	3-4 personnel
Ford Expedition/Battalion Chief	1 personnel
Rescue	2 Personnel
Air Truck	1 Personnel
Brush Truck	1 Personnel
Rescue Boat	2 Personnel
Tanker	1 Personnel
Chevy Suburban/FireMed1	1 Personnel
HazMat Apparatus	3-4 personnel
Squad or Mass Care	3-4 personnel
USAR Apparatus	3-4 personnel

Table 3 Fire Rescue Department Apparatus Normai Staffing Requirements

Table 4 lists the location and the fire flow/pumping capacity of the Fire Rescue Department's apparatus. This information is used to determine the square footage cap for non-residential properties.

Location	Apparatus	Fire Flow (GPM)
Station 1	1994 E-One Tanker	1,500
	1996 E-One International Air and Light	N/A
	2014 Pierce Impel Pumper	1,500
	2007 E-One 95' Platform	1,500
	2008 Ford Expedition	N/A
	2003 E-One Typhoon Rescue Pumper	1,500
Station 2 1996 E-One Haz-Mat		N/A
	1998 Pace 16ft. Trailer	N/A
	2008 Ford Expedition	N/A
	2001 E-One Platform	1,500
	2002 Ford F-550 Brush Truck	350
	2005 E-One Typhoon Rearmount Pumper	1,500
Station 3	1994 Rescue-1 Boat	N/#
	2005 Ford-550 HazMat Tow Vehicle	N/A
	1997 E-One Medium Rescue	N/#
	2014 Pierce Impel 75 ft. Aerial	1,500
	2008 Ford Expedition	N//
	2005 E-One Typhoon Rescue Pumper	1,500

### Table 4 Fire Rescue Department Apparatus Fire Flow

Location	Apparatus	Fire Flow (GPM)
Station 4	2010 Rescue -1 Boat	N/A
	2002 E-One Bronto Aerial Platform	1,500
	1996 E-One International Rescue Squad	500
	1998 16ft. Trailer	N/A
	2002 Ford F-550 Brush Truck	350
	2014 Pierce Impel Pumper	1,500
	2005 International 4X4 Tractor	N/A
	2005 Hackney Trailer	N/A
	2005 E-One International Air Light Truck	N/A
Station 5*	1994 International ARFF	500
	2010 E-One Titan Force ARFF	3,300
	2014 Oshkosh Striker 3000	3,300
Station 6	1994 Rescue-1 Boat	N/A
	1997 95 Ft. E-One Tower	1,500
	2002 Ford F-550 Brush Truck	350
	2005 E-One Typhoon Rearmount Pumper	1,500
Station 7	2005 E-One Typhoon Rearmount Pumper	1,500
Station 8	2005 E-One Typhoon Rearmount Pumper	1,500
Station 9	2005 E-One Typhoon Rescue Pumper	1,500
Station 10	1998 E-One International Tanker/Pumper	2,500
	2000 E-One International Rescue	650
Station 11	1998 E-One International Tanker/Pumper	2,500
	1996 E-One International Rescue	650
Station 12	1998 E-One International Tanker/Pumper	2,500
	2000 E-One International Rescue	650
Station 13	1998 E-One International Tanker/Pumper	2,500
	2000 E-One International Rescue	650
Station 14	1994 Rescue-1 Boat	N/A
	2000 E-One International Rescue	650
	2006 E-One International Tanker/Pumper 7600	2.500
Station 15	1994 Rescue 1 Boat	N/A
	2000 Ford F-450 Brush Truck	350
	2003 E-One Typhoon Rearmount Pumper	1,500
Station 16	Tanker/Pumper	2,500
	Rescue	650
	Total GPM	44,800

Source: City of Tallahassee

* Pumping capacity for Station 5 is not included in total because those apparatus are dedicated to the airport.

The current pumping capacity is defined as the combined amount of water that all apparatus in the Fire Rescue Department can pump to a first alarm non-residential fire. As outlined by Table 4 above, the pumping capacity of the City's Fire Rescue Department is 44,800 gallons per minute. Accordingly, based on National Fire Protection Association firefighting standards for fire flow as provided for in NFPA 1 Fire Code, 2015, Chapter 18 (assuming ordinary construction), the Fire Rescue Department currently has sufficient fire flow capacity to provide service coverage in the event of a structure fire involving unlimited square feet.

Table 5 below details the Fire Rescue Department's response protocol.

Call Type	Typical City Response
Medical	Engine (1)
Vehicle Accident	Engine (1)
Vehicle Accident with Extraction	Engine (2), Battalion Chief (1)
Residential Fire	Engine (2), Truck(1), Battalion Chief (1), FireMed (1)
Residential/Building Alarm	Engine (1)
Commercial Fire	Engine (3), Truck (1), Battalion Chief (1), FireMed (1)
Hazardous Material	Engine (2), Tanker (1), Truck (1), Haz-Mat (1), Battalion Chief (1), FireMed (1)
Service Calls	Engine (1)
Call Type	Typical County Response
Medical	Rescue (1), Tanker (1)
Vehicle Accident	Rescue (1), Tanker (1)
Vehicle Accident with Extraction	Rescue (1), Tanker (1), Battalion Chief (1), FireMed (1), Engine or Truck (1)
Residential Fire	Rescue (1), Tanker (2), Battalion Chief (1), FireMed (1), Engine or Truck (1)
Residential Fire Residential/Building Alarm	Rescue (1), Tanker (2), Battalion Chief (1), FireMed (1), Engine or Truck (1) Rescue (1), Tanker (1)
Residential/Building Alarm	Rescue (1), Tanker (1)

Table 5 Minimum Response Proto

Source: City of Taliahassee

### **DEVELOPMENT OF FACTORS**

### FIRE RESCUE V. EMERGENCY MEDICAL SERVICES

In June 2000, litigation over the City of North Lauderdale fire rescue assessment program resulted in a decision by the Fourth District Court of Appeals in the case of <u>SMM Properties</u>. Inc. v. City of North Lauderdale, (the "North Lauderdale" case). The Fourth District Court of Appeals concluded that Emergency Medical Services (EMS) did not provide a special benefit to property. The Court, however, reaffirmed that fire suppression, fire prevention, fire/building inspections and first response medical services do provide a special benefit to property. In 2002, the Florida Supreme Court upheld the decision of the Fourth District Court of Appeals.

To address these concerns, GSG developed a methodology that removed the costs associated with emergency medical services. This method of splitting the fire and EMS portions of a consolidated public safety department's budget was upheld by the Fourth District Court of Appeals in <u>Desiderio Corporation</u>. et al. vs. The City of Boynton Beach, Florida, et al., 39 So.3d 487 (Fla. 4th DCA 2010).

The proposed fire rescue department's line item costs were allocated between fire rescue and emergency medical services as a result of the Florida Supreme Court's opinion in <u>City of North</u> <u>Lauderdale v. SMM Properties</u> that emergency medical services (above the level of first response) do not provide a special benefit to property. Accordingly, the County's fire rescue costs were split from emergency medical service costs based on the following general guidelines.

### DIRECT ALLOCATIONS

To the extent that certain line items could be allocated directly to fire, direct allocations were made. For example, all costs associated with "Utility Service Expense," "Volunteer Fire Department," and "Contractual Svcs – VFD County" were allocated entirely to fire. All costs directly related to "Medical Services" were directly allocated to EMS.

### ADMINISTRATIVE FACTOR

Certain line items were allocated between fire and EMS based on an Administrative Factor. This Administrative Factor is derived by creating a ratio between non-EMS or fire personnel and total combat personnel per shift. The administrative factor calculations are based on the City's total Fire Rescue Department combat personnel staffing, including an allocation for volunteers. Under normal staffing, this results in 75 non-EMS personnel and 14 EMS personnel for a total of 89 combat personnel. This normal staffing yields an 84.27 % percent non-EMS Administrative Factor.

This percentage was applied to all applicable line items to allocate the costs that could not be directly allocated as fire costs or EMS costs, and that could not be operationally allocated (see below). For example, the Administrative Factor was applied to the line item expenditures for "Food,' "Human Resource Expense" and "Utilities - Electric" to determine the fire service costs of these line items.

### **OPERATIONAL FACTOR**

Other line items were allocated between fire and EMS based on an Operational Factor. The Operational Factor is derived by creating a ratio between non-EMS (i.e. fire) calls and EMS calls, and this ratio which is based on the City's Fire Rescue Department's operations, was then applied to certain budget line items such as "Vehicle Fuel" and "Vehicle Replacement".

To develop the Operational Factor, GSG obtained fire rescue incident data identifying the number of fire rescue calls made to property categories within the entire County over a three-year period. The City fire rescue incident data was used to determine the demand for fire rescue services. GSG obtained information from the City in an electronic format, identifying the number and type of fire rescue incident responses for calendar years 2011, 2012 and 2013.

The State Fire Marshal's office uses the Florida Fire Incident Reporting System (FFIRS). This system is a tool for fire rescue departments to report and maintain computerized records of fire rescue incidents and other department activities in a uniform manner. Under this system, a series of basic phrases with code numbers are used to describe fire rescue incidents. Appendix A provides a codes list for the "type of situation found" as recorded on the fire rescue incident reports used to identify EMS and non-EMS calls.

The ratio between non-EMS (i.e. fire) calls and EMS calls is then applied to all applicable line items to allocate the costs that could not be directly allocated as fire costs or EMS costs, and that could not be administratively allocated. For calendar years 2011, 2012 and 2013, the City reported 50,089 total non-government fire rescue incident calls to FFIRS, of which 19,406 were non-EMS (i.e. fire) calls and 30,683 were EMS calls. This information results in a 38.74% non-EMS Operational Factor.

### ASSESSABLE COST CALCULATIONS

The fire services assessable cost calculations for Fiscal Years 2015-16 through 2019-20 are based on the following assumptions for the purpose of this Fire Assessment Memorandum.

- Actual projected expenditures and revenues were provided by the City for Fiscal Years 2015-16 through 2019-20.
- Revenues are shown as a reduction of the total projected expenditures for each fiscal year, thereby
  reducing the total assessable costs for that year. Revenues are comprised of revenues directly
  received from or for the delivery of fire services, such as "Fire Inspection Fees," "Forfeited
  Discounts," "Firefighters Supplemental," and contract for service revenues that are allocated to the
  fire budget.
- All costs associated with providing contract services to the Tallahassee Regional Airport were included in the assessable budget with the corresponding contract revenues removed from the assessable budget calculations.
- The line item "Under Collection Rate" under "Additional Costs" reflects a 95% collection rate of the Fire Services Assessment.
- The line item "GSG Study/Annual/Update" under "Operating Expenditures" is the cost associated with the anticipated update of the fire assessment program in Fiscal Year 2019-20. These costs are reimbursable through the assessment program.
- The costs associated with supporting the volunteer fire departments were included as 100% fire costs and are included in the assessable budget.

Table 6 provides a calculation of the assessable costs for Fiscal Year 2015-16 based on an application of the above factors to the Fiscal Year 2015-16 Projected Budget. The calculation yields an assessable cost of \$35,497,107 for Fiscal Year 2015-16.

	FY 15-16	FY 15-16 Assessable Budge	
	Projected Budget		
Personnel Services			
Salaries	\$16,683,075	\$13,919,205	
Capitalized Wages	(\$37,935)	(\$31,968)	
Salary Enhancements	\$1,138,964	\$950,374	
Firefighter Holiday Pay	\$617,613	\$515,380	
Overtime	\$861,507	\$734,035	
Other Salary Items	\$655,681	\$540,911	
Pension-Current	\$4,143,996	\$3,457,681	
Pension-MAP	\$55,983	\$46,619	
Mandatory Medicare	\$242,113	\$201,823	
Health Benefits	\$1,945,308	\$1,612,587	
Heath Benefits-OPEB	\$200,977	\$169,363	
Flex Benefits	\$81.415	\$66,711	
Total Personnel Services	\$26,588,697	\$22,182,721	
Operating Expenditures			
Advertising	\$6,645	\$5,600	
Cleaning & Laundry	\$8,731	\$8,209	
Reproduction	\$5,412	\$2,404	
Equipment Repairs	\$44,801	\$17,357	
Medical Services	\$67,001	\$0	
Construction Services	\$10,000	\$8,427	

#### Table 6 Fire Services Assessable Cost Calculations (FY 2015-16)

	EVALAC	FV 4E 4C
	FY 15-16 Projected Budget	FY 15-16 Assessable Budget
Unclassified Contract Svcs	\$290,916	\$170,389
Computer Software	\$3,150	\$2,654
Telephone	\$22,550	\$17,827
Chem-Med-Lab	\$70,246	\$1,672
Food	\$1,211	\$1,021
Gasoline	\$697	\$270
Office Supplies	\$20,441	\$15,978
Uniforms & Clothing	\$298,761	\$251,082
Unclassified Supplies	\$156,294	\$108.628
Non-Capitalized Furniture	\$5,673	\$5,541
Travel & Training	\$72,359	\$49,453
Journals & Books	\$16,857	\$14,963
Memberships	\$4,008	\$3,098
Certificates & Licenses	\$2,300	\$590
Rent Expense-Machines	\$9,992	\$8,420
Unclassified Charges	\$52,500	\$44,242
Bad Debt Expense	\$161,366	\$135.983
Unclassified Equipment	\$351,619	\$308,733
Human Resource Expense		
Accounting Expense	\$421,915	\$355,546
Purchasing Expense	\$87,776	\$73,969
Information Systems Expense	\$42,490	\$35,806
Risk Management Expense	\$1,709,303	\$1,440,424
Radio Communications Expense	\$575,434	\$484,916
Revenue Collection Expense	\$165,497	\$139,464
Utility Service Expense	\$64,707	\$54,528
	\$1,269,676	\$1,269,676
Vehicle Garage Expense Vehicle Fuel	\$990,333	\$383,685
Vehicle Replacement	\$338,765	\$131,248
Utilities-Sewer	\$3,172,465	\$1,229,109
Utilities-Sanitation	\$30,377	\$25,599
	\$16,149	\$13,609
Utilities-Stormwater	\$21,749	\$18,328
Utilities-Gas	\$37,495	\$31,597
Utilities-Water	\$25,177	\$21,217
Utilities-Electric	\$187,813	\$158,269
Utilities-Fire Services	\$47,890	\$40,357
Indirect Costs Debt Service Transfer	\$757,947	\$638,719
	\$2,834,850	\$2,388,919
RR&I Transfer	\$1,247,500	\$1,051,264
Inter-Fund Transfer	\$10,990	\$9,261
Contribution to Human Resources	\$45,000	\$37,921
Contribution to Consolidated Dispatch Agency	\$321,978	\$271,330
Contractual Svcs – VFD County	\$482,479	\$482,479
Airport Fire Protection	\$1,234,050	\$1,234,050
GSG Study/Annual/Update	\$0	\$0
Total Operating Expenditures	\$17,823,335	\$13,203,830
Total Expenditures	\$44,412,032	\$35,386,551
Revenues		· · · · · · · · · · · · · · · · · · ·
City-Fire Inspection Fees	\$294,500	\$294,500
City-Firefighters Supplemental	\$76,450	\$76,450
City-Airport	\$1,234,050	\$1,234,050
City-Forfeited Discounts	\$59,300	\$59,300
Total Revenues	\$1,664,300	\$1,664,300

Five-Year

Average

Budget \$25,411,294

Assessable

\$13,294,347

\$38,705,641

(\$1,758,404)

\$36,949,237

\$1,944,697

FY 19-20

Budget

\$40,004,304

\$2,105,490

	FY 15-18 Projected Budget	FY 15-16 Assessable Budget
Less Total Revenues	(\$1,664,300)	(\$1,664,300)
Total Net Expenditures before Additional Costs	\$42,747,732	\$33,722,251
Additional Costs		, <u></u>
Under Collection Rate (5%)		\$1,774,856
Total Additional Costs		\$1,774,858
Total Assessable Costs		\$35,497,107

Table 7 shows the calculation of the full cost of the Fire Services Assessment Program for Fiscal Year 2015-16 through Fiscal Year 2019-20 as well as the five-year average Fire Services Assessment Program cost.

#### Table 7 Fire Services Assessable Cost Calculations Proforma Five-Year Average (FY 2015-16 thru FY 2019-20) FY 15-16 FY 16-17 FY 17-18 FY 18-19 Assessable Assessable Assessable Assessable Assessable Budget Budget Budget Budget **Total Personnel Services** \$22,182,721 \$23,552,663 \$24,866,486 \$27,625,129 \$28,829,470 **Total Operating Expenditures** \$13,203,830 \$13,360,632 \$13,697,672 \$13,209,205 \$13,000,395 \$35,386,551 \$36,913,295 \$38,564,158 \$40,834,334 \$41,829,865 **Total Expenditures** (\$1,825,561) **Total Revenues** (\$1,664,600) (\$1,729,956) (\$1,766,528) (\$1,795,675)

\$35,183,339

\$1,851,755

\$33,722,251

\$1,774,856

**Total Net Expenditures** 

before Additional Costs

**Total Additional Costs** 

Total Assessable Costs \$35,497,107 \$37,035,094 \$38,734,348 \$41,093,326 \$42,109,794 \$38,893,934 The average annual increase in the total assessable costs from Fiscal Year 2009-10 (Prior Study) to

\$36,797,630

\$1,936,718

\$39,038,659

\$2,054,667

2019-20 is estimated to be 4 - 5%. This estimate could be used for budgetary planning purposes relating to the fire assessment moving forward.

## Determination of Fire Services Demand

### **INCIDENT DATA**

GSG obtained information from the City in an electronic format, identifying the number and type of fire rescue incident responses for calendar years 2011, 2012 and 2013. The City uses the Florida Fire Incident Reporting System (FFIRS) to record its fire rescue incidents. The FFIRS is a tool for fire rescue departments to report and maintain computerized records of fire rescue incidents and other department activities in a uniform manner.

Under this system, a series of basic phrases with code numbers are used to describe fire rescue incidents. A data field in the FFIRS, "type of situation found," identifies the incident as an EMS or non-EMS type of call for each incident. Appendix A provides a code list for the "type of situation found" as recorded on the fire rescue incident reports used to identify EMS and non-EMS calls.

Another data field in the FFIRS, "fixed property use," identifies the type of property that fire rescue departments respond to for each fire rescue incident. The fixed property uses correlate to property uses determined by the Leon County Property Appraiser on the ad valorem tax roll. Appendix B provides a code list for the "fixed property use" as recorded on the fire rescue incident reports.

GSG analyzed the calendar year 2011, 2012 and 2013 fire rescue incident data from the FFIRS files to evaluate trends and determine if aberrations were present. The fire rescue incident data for calendar years 2011, 2012 and 2013 represents 52,103 fire rescue incidents. Of the 52,103 fire rescue incidents, there were 30,683 incidents classified as EMS type incidents based on the type of situation found indicated on the incident report. The 30,683 EMS type incidents were not included in the analysis.

There are certain fire incidents that could not be assigned to a specific property or parcel. These calls represent non-specific type incidents, which are incidents that either could not be correlated to a specific parcel or calls that involved auto accidents and other types of incidents along roads and highways.

Of the 21,420 remaining fire type incidents, 14,638 were calls to specific property uses. The remaining 6,782 incidents were considered non-specific type incidents. Because of the inability to correlate these non-specific type incidents to specific property categories, the call analysis does not include these 6,782 incidents. Additionally, the level of services required to meet anticipated demand for fire services and the corresponding annual fire services budget required to fund fire services provided to non-specific property uses would be required notwithstanding the occurrence of any incidents from such non-specific property uses.

The suppression of fires on vacant land and agricultural property primarily benefits adjacent property by containing the spread of fire rather than preserving the integrity of the vacant parcel. Thus, incidents to vacant and agricultural property were not included in the final analysis of the fire call database. The 116 calls to these two property use categories were removed.

Of the remaining 14,522 fire type incidents, there were 2,014 calls for service to government properties and 12,508 calls to non-Government properties as identified by addresses or fixed property use codes provided in the FFIRS reports. The costs associated with providing service to government properties was segregated and those government properties will fund fire service through a fee that is determined by the historical demand for service as detailed later in this Memorandum.

Table 8 outlines the assignment of fire type incidents based on the analysis conducted by GSG.

Property Category	Number of Fire Incidents	Percentage of Total Incidents	
Non-Government	12,508	86.13%	
Government	2,014	13.87%	
Total	14,522	100%	

### Table 8 Fire Calls by Category (Calendar Years 2011, 2012 and 2013)

Source: City of Tallahassee

### **PROPERTY DATA**

GSG obtained information from the ad valorem tax roll from the Leon County Property Appraiser's office to develop the assessment roll. Each building within the County on the ad valorem tax roll was assigned to one or more of the property use categories based on their assignment of use by the Leon County Property Appraiser or verification of use obtained through field research. A list of building improvement codes used by the Leon County Property Appraiser and their assignment to a property use category is provided as Appendix C.

The Residential Property Use Category includes such properties as single-family dwelling units, duplexes, mobile homes, triplexes, quadruplexes, apartments, condominiums, townhouses, and cooperatives. In the event the data was indefinite, the DOR codes were used to clarify mobile home categories and help identify condominium and townhouse buildings. For parcels assigned to the Residential Property Use Category, GSG utilized the total number of dwelling units as determined from the building files on the ad valorem tax roll or through the use of field research.

The Non-Residential Property Use Category includes commercial and industrial/warehouse property uses. For parcels within the Non-Residential Property Use Categories (Commercial and Industrial/Warehouse), GSG determined the amount of square footage of the structures using the building files on the ad valorem tax roll or through the use of field research.

For RV parks regulated under Chapter 513, Florida Statutes, in accordance with Sections 166.223 and 125.0168, Florida Statutes, which mandate that cities and counties treat RV parks like commercial property for non-ad valorem assessments levied by the City and County, each RV space within the park was treated as a building of commercial property and assigned the square footage of 191 square feet, the average size of a recreational vehicle, according to the Florida Association of RV Parks and Campgrounds.

## Computation of Fire Services Assessments

This section of the Memorandum includes the assessment rates as calculated within this Assessment Memorandum. The fire rescue assessment cost calculations provided herein are primarily based on information supplied by the City. The assessable cost projections developed by GSG are designed to forecast assessment rates within each property use category for Fiscal Years 2015-16 through 2019-20.

### SERVICE ZONES

Service zones were created under the previous fire assessment study in Fiscal Year 2009-10 to reflect the level of service differentiation of a property located in a higher density area that receives fire protection coverage from multiple stations as compared to a property located in an area generally described as rural and typically serviced by a single fire station. For this purpose, "core stations" were identified and defined as those stations within five road miles of at least two other stations. The creation of a core area was necessary to eliminate the appearance of a higher service level of those properties that may be within five road miles of two stations; however, the location of the property lies between two stations that are nearly ten miles apart. This same approach was used in this study. Any changes in the level of service provided in the two zones will need to be reviewed in subsequent studies to ensure that this approach is still valid.

Those properties included in "Zone 1" were generally located within five road miles of two "core stations." Properties located outside of five road miles of two "core stations" were included in "Zone 2." A map of the service zones is provided in Appendix E.

Calls were plotted, or "geocoded," on a map based upon the address provided in the FFIRS database. Those calls correlated to properties included in "Zone 1," and those calls correlated to properties included in "Zone 2," were aggregated and assigned to the respective zone. Table 9 details the assignment of calls to service zones.

### Table 9

Fire Calls to Non-Governmental Properties by Zone (Calendar Years 2011, 2012 and 2013)

Zone	Number of Calls to Specific Property Uses
Zone 1	9,590
Zone 2	2,918

The calls for service were then weighted based on the average call duration differential between Zone 1 and Zone 2 to account for the difference in resources used on calls between the two zones. On average a call in Zone 2 is 26% longer in duration than a call in Zone 1. Therefore, all calls in Zone 2 were multiplied by a weighting factor of 1.26 to determine the weighted number of calls while all calls in Zone 1 were assigned a weighting factor of 1.00. Table 10 details the weighting of calls by zone

### Table 10

Zone Spi	Number of Calls to	Weighting	Number of Weighted Calls to Specific Property Uses	
	Specific Property Uses	Factor		
Zone 1	9,590	1.00	9,590.00	
Zone 2	2,918	1.26	3,676.68	

Table 11 outlines the property use category assignment of weighted fire type incidents for nongovernmental properties based on the historical demand for service in each zone.

	Zor	ne 1	Zon	e 2
Category	Number of Incidents	Percentage of Calls	Number of Incidents	Percentage of Calls
Residential	6,036	62.94%	3,186.54	86.67%
Commercial	3,448	35.95%	444.78	12.10%
Industrial/Warehouse	106	1.11%	45.36	1.23%
Total	9,590	100%	3,676.68	100%

### Weighted Fire Calls by Category to Non-Governmental Properties (Calendar Years 2011, 2012 and 2013)

Source: City of Tallahassee

Table 11

### SPECIAL BENEFIT ASSUMPTIONS

The following assumptions support a finding that the fire services, facilities, and programs provided by the City provide a special benefit to the assessed parcels.

- Fire services, facilities, and programs possess a logical relationship to the use and enjoyment of property by: (i) protecting the value and integrity of improvements and structures through the availability and provision of comprehensive fire services; (ii) protecting the life and safety of intended occupants in the use and enjoyment of property; (iii) lowering the cost of fire insurance by the presence of a professional and comprehensive fire services program; and (iv) containing fire incidents occurring on land with the potential to spread and endanger other property and property features.
- The availability and provision of comprehensive fire services enhances and strengthens the relationship of such services to the use and enjoyment of the parcels of property, the market perception of the area and, ultimately, the property values within the assessable area.

### **APPORTIONMENT METHODOLOGY**

The following section describes the assessment apportionment methodology for fire services based on: (i) the fire services assessable cost calculations; (ii) the ad valorem tax roll maintained by the property appraiser and the availability of the data residing on the database; and (iii) the fire rescue incident data.

### COST APPORTIONMENT

The assessable costs were first apportioned among government and non-government property based upon the historical demand for service percentages shown in Table 8. The assessable costs attributable to non-government property were then apportioned to Zone 1 and Zone 2 and then further to the individual property use categories in each service zone based upon the weighted historical demand for fire services reflected by the fire incident data experienced in each service zone for Calendar Years 2011, 2012 and 2013. The five-year average cost apportionment is illustrated in Table 12.

### Table 12 Cost Apportionment (Five-Year Average)

	Zone 1 (72.29% of Weighted Fire Calls)			Zone 2 (27.71% of Weighted Fire Calls)			
Category	Total Cails	Percentage	Assessable Costs	Total Calls	Percentage	Assessable Costs	
Residential	6.036	62.94%	\$15,239,222	3,186.54	86.67%	\$8,045,128	
Commercial	3,448	35.95%	\$8,705,242	444.78	12.10%	\$1,122,946	
Industrial/Warehouse	106	1.11%	\$267,621	45.36	1.23%	\$114,521	
Total	9,590	100%	\$24,212,085	3,676.68	100%	\$9,282,595	

### PARCEL APPORTIONMENT

The share of the assessable costs apportioned to each property use category was further apportioned among the individual buildings of property within each property use category in the manner described in Table 13.

### Table 13

### Parcel Apportionment within Property Use Categories

Category	Parcel Apportionment	
Residential	Dwelling Unit	
Non-Residential	Improvement Area Per	
-Commercial	Building Within Square Footage Ranges	
-Industrial/Warehouse	(100,000 Square Foot Cap Per Building)	

Applying the foregoing parcel apportionment methodology, fire assessment rates were computed for each property use category. The specific methodology, underlying special benefit and fair apportionment assumptions are included below and generally described.

### **RESIDENTIAL PARCEL APPORTIONMENT ASSUMPTIONS**

The following assumptions support findings that the parcel apportionment applied in the Residential Property Use category are fair and reasonable. The Residential Property Use Category includes such properties as single-family dwelling units and multi-family dwelling units.

- The size or the value of the residential parcel does not determine the scope of the required fire services. The potential demand for fire services is driven by the existence of a dwelling unit and the anticipated average occupant population.
- Apportioning the assessable costs for fire services attributable to the residential property use category on a per dwelling unit basis is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of parcel apportionment based upon historical fire call data.
- The consolidation of single-family and multi-family properties into a single category is fair and reasonable because they are similar property uses and the number of calls per dwelling unit is not significantly different.

### RESIDENTIAL PARCEL APPORTIONMENT CALCULATION

Based upon the historical demand for fire services, the percentages of assessable costs attributable to residential properties were calculated. The amount of the assessable costs allocable to each residential property was divided by the number of dwelling units in the Residential Property Use Category to compute the fire assessment to be imposed against each dwelling unit. For each residential parcel, the actual number of dwelling units located on the parcel will be multiplied by the residential dwelling unit rate to compute the residential fire assessment amount for the parcel.

Table 14 illustrates the assignment of dwelling units under this apportionment methodology to the Residential Property Use Category for each zone.

Residential Property Use Category	Number of Dwelling Units-Zone 1	Number of Dwelling Units-Zone 2	
Residential Dwelling Units	75,921	43,378	

Table 14

## NON-RESIDENTIAL PARCEL APPORTIONMENT ASSUMPTIONS

The Non-Residential Property Use category includes commercial and industrial/warehouse property uses. The capacity to handle fires and other emergencies in Non-Residential Property Use category is governed by the following:

The current pumping capacity is defined as the combined amount of water that all apparatus in the Fire Department can pump to a non-residential fire. As outlined by Table 4 above, the pumping capacity of the Fire Department is 44,800 gallons per minute. Accordingly, based on National Fire Protection Association firefighting standards for fire flow as provided for in NFPA 1 Fire Code, 2015, Chapter 18 (assuming ordinary construction), the Fire Rescue Department currently has sufficient fire flow capacity to provide service coverage in the event of a structure fire involving unlimited square feet. To avoid inefficiency and unnecessary administration, the City has made a policy decision to set the maximum classification of any building at 100,000 square feet.

The following assumption supports findings that the parcel apportionment applied in the Non-Residential Property Use category is fair and reasonable.

- The risk of loss and demand for fire services availability is substantially the same for structures below a certain minimum size. Because the value and anticipated occupancy of structures below a certain minimum size is less, it is fair, reasonable, and equitable to provide a lesser assessment burden on such structures by the creation of a specific property parcel classification for those parcels.
- The separation of non-residential buildings into square footage classifications is fair and reasonable for the purposes of parcel apportionment because: (i) the absence of a need for precise square footage data within the ad valorem tax records maintained by the property appraiser undermines the use of actual square footage of structures and improvements within each improved building as a basis for parcel apportionment; (ii) the administrative expense and complexity created by an on-site inspection to determine the actual square footage of structures and improvements within each improved parcel assessed is impractical; and (iii) the demand for fire services availability is not precisely determined or measured by the actual square footage of structures and improvements within benefited parcels; and (iv) the classification of buildings within square footage ranges is a fair and reasonable method to classify benefited parcels and to apportion costs among benefited buildings that create similar demand for the availability of fire services.
- The consolidation of commercial and institutional properties into a single category is fair and reasonable because the non-government institutional type properties are similar in use to the commercial type properties.

The parcel apportionment for each Non-Residential Property Use Classification shall include both minimum building classifications and an additional classification of all other buildings based upon the assumed square footage of structures and improvements within the improved parcel. The Non-Residential Property Use Classifications include Commercial and Industrial/Warehouse. The following describes the Non-Residential Property parcel apportionment calculation and classification for the Commercial and Industrial/Warehouse categories.

### NON-RESIDENTIAL PARCEL APPORTIONMENT CALCULATION

Based upon the historical demand for fire services, property in the Non-Residential Property Use categories will be responsible for funding a percentage of assessable costs. The amount of the assessable costs allocable to buildings within each of the Non-Residential Property Use Classifications was calculated based upon the following building classifications.

- Non-residential buildings with square footage of non-residential improvements less than 1,999 square feet were assigned an improvement area of 1,000 square feet per building. Buildings with square footage of non-residential improvements between 2,000 square feet and 3,499 square feet were assigned an improvement area of 2,000 square feet per building. Buildings with non-residential improvements between 3,500 square feet and 4,999 square feet were assigned an improvement area of 3,500 square feet and 4,999 square feet were assigned an improvement area of 3,500 square feet per building. Buildings with non-residential improvement area of 3,500 square feet per building. Buildings with non-residential improvement areas between 5,000 square feet and 9,999 square feet were assigned an improvement area of 5,000 square feet and 9,999 square feet were assigned an improvement area of 5,000 square feet and 9,999 square feet were assigned an improvement area of 5,000 square feet and 9,999 square feet were assigned an improvement area of 5,000 square feet and 9,999 square feet were assigned an improvement area of 5,000 square feet and 9,999 square feet were assigned an improvement area of 5,000 square feet and 9,999 square feet were assigned an improvement area of 5,000 square feet per building. For buildings containing non-residential improvements between 10,000 square feet and 99,999 square feet, assignments of improvement area were made in 10,000 square foot increments.
- For buildings, containing non-residential improvements over 99,999 square feet, an assignment of improvement area of 100,000 was made.

Sections 125.0168 and 166.223, Florida Statutes, relating to special assessments levied on recreational vehicle parks regulated under Chapter 513, Florida Statues are based on the following:

When a city or county levy a non-ad valorem special assessment on a recreational vehicle park
regulated under Chapter 513, the non-ad valorem special assessment shall not be based on the
assertion that the recreational vehicle park is comprised of residential units. Instead, recreational
vehicle parks regulated under Chapter 513 shall be assessed as a commercial entity in the same
manner as a hotel, motel, or other similar facility.

Table 15 illustrates the assignment of improvement area under this apportionment methodology for the Commercial and Industrial/Warehouse categories.

### Table 15

Square Foot Tiers	Number of Commercial Buildings		are Foot Tiers Commercial Industrial/Wareh		arehouse
	Zone 1	Zone 2	Zone 1	Zone 2	
≤ 1,999	1,444	238	86	45	
2,000 - 3,499	961	173	147	54	
3,500 - 4,999	536	88	122	51	
5,000 - 9,999	809	111	274	79	
10,000 - 19,999	407	73	196	27	
20,000 - 29,999	141	19	60	5	
30,000 - 39,999	81	4	28	2	
40,000 - 49,999	48	7	13	0	
50,000 - 59,999	34	3	9	0	
60,000 - 69,999	18	4	5	0	
70,000 - 79,999	13	2	3	4	
80,000 - 89,999	11	2	5	1	
90,000 - 99,999	9	3	3	0	
>= 100,000	39	3	13	0	

Source: Leon County Property Appraiser Data

Because the suppression of fires on vacant land and agricultural property primarily benefits adjacent property by containing the spread of fire rather than preserving the integrity of the vacant parcel, incidents to vacant and agricultural property were not included in the final analysis of the fire call database. Therefore, only the primary structures on vacant and agricultural parcels will be charged.

### FIRE ASSESSMENT RATES

Applying the parcel apportionment methodology, fire services assessment rates were computed for each specified property use category. Based on the assessable costs of providing fire services, the number of fire calls apportioned to specific property categories and the number of billing units within the specified property categories.

Table 16 illustrates the assessment rates after application of the assessment methodology based on 100 percent funding of the five-year average total assessable costs.

Residential Property Use Catagories		Zone 1 - Rate Per Dweiling Unit	Zone 2 - Rate Per Dwelling Unit
Residential Dwelling Unit		\$201	\$185
Commercial Property Use Category	Building Classification (in square foot ranges)	Zone 1 - Rate Per Building	Zone 2 - Rate Per Building
	≤ 1,999	\$293	\$267
	2,000 - 3,499	\$585	\$533
	3,500 - 4,999	\$1,023	\$933
	5,000 - 9,999	\$1,461	\$1,332
	10,000 - 19,999	\$2,921	\$2,663
	20,000 - 29,999	\$5,842	\$5,326
	30,000 - 39,999	\$8,762	\$7,989
	40,000 - 49,999	\$11,683	\$10,652
	50,000 - 59,999	\$14,603	\$13,315
	60,000 - 69,999	\$17,524	\$15,978
	70,000 - 79,999	\$20,444	\$18,641
	80,000 - 89,999	\$23,365	\$21,304
	90,000 - 99,999	\$26,285	\$23,967
	≥ 100,000	\$29,206	\$26,630
Industrial/Warehouse Property Use Category	Building Classification	Zone 1 - Rate	Zone 2 - Rate
Industrial/ Wateriouse Property Ose Category	(in square foot ranges)	Per Building	Per Building
	≤ 1,999	\$28	\$76
	2,000 - 3,499	\$56	\$152
	3,500 - 4,999	\$98	\$265
	5,000 - 9,999	\$139	\$378
	10,000 - 19,999	\$278	\$756
	20,000 - 29,999	\$556	\$1,511
	30,000 - 39,999	\$834	\$2,266
	40,000 - 49,999	\$1,112	\$3,021
	50,000 - 59,999	\$1,390	\$3,776
	60,000 - 69,999	\$1,668	\$4,532
	70,000 - 79,999	\$1,946	\$5,287
	80,000 - 89,999	\$2,224	\$6,042
	90,000 - 99,999	\$2,502	\$6,797
	≥ 100,000	\$2,780	\$7,552

### Table 16 Fire Services Assessment Rates (Five Year Average)

*Estimated Gross Revenue: \$33,494,680; Estimated Institutional Tax Exempt Buy-down: \$1,052,276; Estimated Net Revenue: \$32,442,404.

### EXEMPTIONS AND IMPACT OF EXEMPTIONS

Because the fire services assessment is being developed to meet the case law standards for a valid special assessment, any proposed exemptions require special scrutiny. The crafting of an exemption must be founded upon a legitimate public purpose, and not tramp on state or federal constitutional concepts of equal protection and constitutional prohibitions against establishment of religion or the use of the public treasury directly or indirectly to aid religious institutions. Furthermore, to ensure public acceptance, any exemption must make common sense and be fundamentally fair. Finally, the impact of any proposed exemption should be evaluated in terms of its magnitude and fiscal consequences on the City and County's general funds respectively.

Whenever crafting an exemption, it is important to understand that the fair apportionment element required by Florida case law prohibits the shifting of the fiscal costs of any special assessment from exempt landowners to other non-exempt landowners. In other words, the funding for an exemption from a special assessment must come from a legally available external revenue source, such as the City and

County's general funds. Funding for fire assessment exemptions cannot come from the proceeds derived directly from the imposition of special assessments for fire services and facilities. Because any exemption must be funded by an external funding source, the grant of any exemption will not have any impact upon the fire assessment to be imposed upon any other non-exempt parcels.

The decision to fund exemptions for fire services assessments on property owned by non-governmental entities is based upon the determination that such exemptions constituted a valid public purpose.

Table17 summarizes the estimated impact of exempting institutional, wholly tax-exempt property based on the five-year average assessable budget.

Financial Classification	Zone 1	Zone 2	Total
Estimated Assessable Costs	\$24,212,085	\$9,282,595	\$33,494,680
Estimated Buy-down for Institutional Tax-Exempt Building Uses	\$791,202	\$261,074	\$1,052,276
Estimated Revenue Generated	\$23,420,883	\$9,021,521	\$32,442,404

### Table 17 Estimated Impact of Exemptions (Five-Year Average)

## Fire Services Fees Imposed on Governmental Property

The special benefit and fair and reasonable apportionment requirements for a valid special assessment do not rigidly apply to charges against government property. Florida case law has stated that user fees are paid by choice and are charged in exchange for a particular governmental service, which benefits the property paying the fee in a manner not shared by other members of the public. In the user fee context, choice means that the property paying the fee has the option of not using the governmental service and thereby avoiding the charge. Under such tests and definition of choice, the validity of both impact fees and stormwater fees have been upheld.

Impact fees are imposed to place the economic burden of infrastructure required by growth on new development. Stormwater fees are imposed to control and treat the stormwater burden generated by the use and enjoyment of developed property. Likewise, fire services provided by the City and County are intended to meet the historical demand for fire services from developed property and such fee benefits the owner or user of developed property in a manner not shared by other members of society (e.g., the owner of undeveloped property).

The Florida Attorney General has recognized that state-owned property is not required to pay a special assessment without legislative authorization but that such authorization is not needed for user fees or service charges. Additionally, a valid charge cannot be enforced by a lien against public property absent elector approval. Rather, the enforcement remedy is a mandamus action to compel payment. In addition, certain general laws preempt the home rule power of local governments to impose special assessments on educational institutions.

As discussed previously and documented in the "Incident Data" section of this document, the fire services incidents were analyzed to determine the fire services demand for all governmental property. It was determined that approximately 13.87% of the total fire calls were attributable to governmental property. Therefore, approximately 13.87% of the total assessable budget was allocated to governmental property as shown in Table 18 below.

### Table 18

Government Cost Anocation				
Total Assessable Costs	Percentage of Governmental Calls	Governmental Cost Allocation		
\$38,893,934	13.87%	\$5,399,254		

The costs attributable to each governmental entity will be allocated based on each entities percentage of the total governmental square footage as determined by the City. GSG calculated a rate per square foot for governmental property based on the governmental cost allocation in Table 18 and the total governmental square footage as provided by the City. This calculation is shown in Table 19 below.

### Table 19 Government Rate Calculation

Governmental Cost	Total Government	Government Rate
Allocation	Square Feet	Per Square Foot
\$5,399,254	25,608,345	\$0.211

## Additional Information

### **EXEMPTION CALCULATIONS**

GSG utilized the most current data to identify institutional, tax-exempt parcels within the County in order to calculate the aggregate cost ('buy down') of these parcels. In addition, best efforts were made by GSG to reconcile any differences necessary to calculate the estimated buy down for this exemption category. Missing or incorrect property data could affect the estimated aggregate costs.

### NON-SPECIFIC CALLS

In the fire call analysis, certain fire related calls were classified as non-property specific, because of the location of occurrence in the incident report. These calls represent non-specific incidents that either could not be correlated to a specific parcel or involved auto accidents or other types of incidents along roads and highways. These calls are excluded from the analysis that determines the percentage of calls for service to respective property types and therefore, are not considered in the determination of the extent of budget required to fund the department. Because the budget is established based on the ability of the department to adequately protect structures, no adjustment has been made to the budget due to non-property specific calls.

### MOBILE HOME AND RECREATIONAL VEHICLE PARK VACANCY CREDIT

As a consequence of the transient use and potential extraordinary vacancies within mobile home and recreational vehicle (RV) parks as compared to other residential property and the lack of demand for fire services for unoccupied spaces, it is fair and reasonable to provide for an extraordinary vacancy adjustment procedure for mobile home and RV park properties. Vacant mobile home and RV spaces within a mobile home or RV park will be charged; however, these properties will be eligible for an extraordinary vacancy adjustment for vacant mobile home or RV spaces.

### VERIFICATION OF SQUARE FOOTAGE OF STRUCTURES ON TAX-EXEMPT PARCELS

The ad valorem tax roll provides the data required to determine value. So long as properties remain in the name of owners exempt from ad valorem taxation, the property appraiser may not consistently maintain data related to building improvements on such parcels. As a consequence of such data imperfections, the square footage on some of the parcels, particularly for institutional private sector classifications, may not be complete. The City of Tallahassee Fire Department staff has assisted GSG in verifying square footage information for certain parcels of property within the County.

### BILLING PROPERTIES WITH MULTIPLE UTILITY ACCOUNTS

The proposed methodology can determine the assessment rate per building on a tax parcel. However, for some non-residential properties there may be many utility accounts assigned to a building. When utilizing the utility bill to collect the Fire Services Assessment, a considerable amount of data collection will be necessary to assess each utility account assigned to the building.

## Appendix A

SITUATION FOUND CODES AND DESCRIPTIONS

Code	Description	Туре
100	Fire, Other	Non-EMS
111	Building Fire	Non-EMS
112	Fires in structures other than in a building	Non-EMS
113	Cooking fire, confined to a container	Non-EMS
114	Chimney or flue fire, confined to chimney or flue	Non-EMS
115	Incinerator overload or malfunction, fire confined	Non-EMS
116	Fuel burner/boiler malfunction, fire confined	Non-EMS
117	Commercial compactor fire, confined to rubbish	Non-EMS
118	Trash or rubbish fire, contained	Non-EMS
118B	Bonfire Contained	Non-EMS
120	Fire in mobile property used as a fixed structure, other	Non-EMS
121	Fire in mobile home used as a fixed residence	Non-EMS
122	Fire in mobile home, camper, recreational vehicle	Non-EMS
123	Fire in portable building, fixed location	Non-EMS
130	Mobile property (vehicle) fire, other	Non-EMS
131	Passenger vehicle fire	Non-EMS
132	Road freight or transport vehicle fire	Non-EMS
134	Water vehicle fire	Non-EMS
137	Camper or RV fire	Non-EMS
138	Off Road vehicle or heavy equipment fire	Non-EMS
140	Natural vegetation fire	Non-EMS
141	Forest, woods or wildland fire	Non-EMS
142	Brush, or brush and grass mixture fire	Non-EMS
142	Grass fire	Non-EMS
150		Non-EMS
151	Outside rubbish fire, other	Non-EMS
151	Outside rubbish, trash or waste fire	Non-EMS
	Garbage dump or sanitary landfill fire Construction or demolition landfill fire	
153		Non-EMS
154	Dumpster or other outside trash receptacle fire	Non-EMS
155	Outside stationary compactor/compacted trash fire	Non-EMS
160	Special outside fire, other	Non-EMS
161	Outside storage fire	Non-EMS
162	Outside equipment fire	Non-EMS
170	Cultivated vegetation, crop fire, other	Non-EMS
200	Overpressure rupture, explosion, overheat, other	Non-EMS
210	Overpressure rupture from steam, other	Non-EMS
211	Overpressure rupture of steam pipe or pipeline	Non-EMS
213	Steam rupture of pressure or process vessel	Non-EMS
220	Overpressure rupture from air or gas, other	Non-EMS
221	Overpressure rupture of air or gas pipe/pipeline	Non-EMS
223	Air or gas rupture of pressure or process vessel	Non-EMS
240	Explosion (no fire), other	Non-EMS
243	Fireworks explosion (no fire)	Non-EMS
251	Excessive heat, scorch burns with no ignition	Non-EMS
3	Rescue Call	EMS
300	Rescue, EMS call, other	EMS
311	Medical assist, assist EMS crew	EMS
320	Allergic reaction	EMS

Code	Description	Туре
321	EMS call, excluding vehicle accident with injury	EMS
321B	Blood Pressure Check	EMS
322	Vehicle accident with injuries	EMS
323	Motor vehicle/pedestrian accident (MV Ped)	EMS
324	Motor Vehicle Accident, No Injuries	Non-EMS
331	Lock-in (if lock out, use 511)	Non-EMS
341	Search for person on land	Non-EMS
342	Search for person in water	Non-EMS
350	Extrication, rescue, other	Non-EMS
351	Extrication of victim(s) from building/structure	Non-EMS
352	Extrication of victim(s) from vehicle	Non-EMS
353	Removal of victim(s) from stalled elevator	Non-EMS
354	Trench/below grade rescue	Non-EMS
355	Confined space rescue	Non-EMS
356	High angle rescue	Non-EMS
361	Swimming/recreational water areas rescue	Non-EMS
365	Watercraft rescue	Non-EMS
370	Electrical rescue	Non-EMS
371	Electrocution or potential electrocution	Non-EMS
372	Trapped by power lines	Non-EMS
381	Rescue or EMS standby	EMS
400	Hazardous condition, other	Non-EMS
400P	Hazardous Condition Powder	Non-EMS
410	Flammable gas or liquid condition, other	Non-EMS
411	Gasoline or other flammable liquid spill	Non-EMS
412	Gas leak	Non-EMS
413	Oil or other combustible liquid spill	Non-EMS
422	Chemical spill or leak	Non-EMS
423	Refrigeration leak	Non-EMS
424	Carbon monoxide incident	Non-EMS
440	Electrical wiring/equipment problem, other	Non-EMS
441	Heat from short circuit (wiring), defective/worn	Non-EMS
442	Overheated motor	Non-EMS
443	Light ballast breakdown	Non-EMS
444	Power line down	Non-EMS
445	Arcing, shorted electrical equipment	Non-EMS
451	Police Assist	Non-EMS
460	Accident, potential accident, other	Non-EMS
461	Building or structure weakened or collapsed	Non-EMS
462	Aircraft standby	Non-EMS
462A	Aircraft Standby, Electrical Indicators	Non-EMS
462E 4620	Aircraft Standby, Engine Failure Aircraft Standby, Other	Non-EMS Non-EMS
4620	Vehicle accident, general cleanup	Non-EMS
403	Explosive, bomb removal (for bomb scare, use 721)	Non-EMS
480 481	Attempted burning, illegal action, other	Non-EMS Non-EMS
481	Attempt to burn Threat to burn	Non-EMS

Code	Description	Туре
500	Service call, other	Non-EMS
500C	Service Call Other - Check	Non-EMS
510	Person in distress, other	Non-EMS
511	Lock-out	Non-EMS
512	Ring or jewelry removal	Non-EMS
520	Water problem, other	Non-EMS
521	Water evacuation	Non-EMS
522	Water or steam leak	Non-EMS
531	Smoke or odor removal	Non-EMS
540	Animal problem, other	Non-EMS
541	Animal problem	Non-EMS
542	Animal rescue	Non-EMS
550	Public service assistance, other	Non-EMS
551	Assist police or other governmental agency	Non-EMS
551E	Assist EMS	EMS
551R	Airport Runway Check	Exclude
552	Police matter	Non-EMS
553	Public service	Non-EMS
553D	Public Service Smoke Detector	Non-EMS
554	Assist invalid	EMS
555	Defective elevator	Non-EMS
561	Unauthorized burning	Non-EMS
571	Cover assignment, standby, moveup	Non-EMS
600	Good intent call, other	Non-EMS
611	Dispatched & canceled en route	Non-EMS
621	Wrong location	Non-EMS
621L	Unable to Locate	Non-EMS
622	No incident found upon arrival	Non-EMS
631	Authorized controlled burning	Non-EMS
632	Prescribed fire	Non-EMS
641	Vicinity alarm (incident in other location)	Non-EMS
650	Steam, other gas mistaken for smoke, other	Non-EMS
651	Smoke scare, odor of smoke	Non-EMS
652	Steam, vapor, fog or dust thought to be smoke	Non-EMS
653	Barbecue, tar kettle	Non-EMS
661	EMS call, party transported by non-fire agency	EMS
671	Hazmat release investigation w/no hazmat	Non-EMS
672	Biological hazard investigation, none found	Non-EMS
700	False alarm or false call, other	Non-EMS
710	Malicious, mischievous false call, other	Non-EMS
711	Municipal alarm system, malicious false alarm	Non-EMS
712	Direct tie to FD, malicious/false alarm	Non-EMS
713	Telephone, malicious false alarm	Non-EMS
714	Central station, malicious false alarm	Non-EMS
715	Local alarm system, malicious false alarm	Non-EMS
721	Bomb scare - no bomb	Non-EMS
730	System malfunction	Non-EMS
731	Sprinkler activation due to malfunction	Non-EMS

Code	Description	Туре
732	Extinguishing system activation due to malfunction	Non-EMS
733	Smoke detector activation due to malfunction	Non-EMS
734	Heat detector activation due to malfunction	Non-EMS
735	Alarm system sounded due to malfunction	Non-EMS
736	CO detector activation due to malfunction	Non-EMS
740	Unintentional transmission of alarm, other	Non-EMS
740R	Alarm Reset	Non-EMS
741	Sprinkler activation, no fire - unintentional	Non-EMS
742	Extinguishing system activation	Non-EMS
743	Smoke detector activation, no fire - unintentional	Non-EMS
744	Detector activation, no fire - unintentional	Non-EMS
745	Alarm system sounded, no fire - unintentional	Non-EMS
745B	Alarm System Activated/Burnt Foor/No Fire	Non-EMS
745T	Alarm System Activated/Testing/Maintenance	Non-EMS
746	Carbon monoxide detector activation, no CO	Non-EMS
800	Severe weather or natural disaster, other	Non-EMS
813	Wind storm, tornado/hurricane assessment	Non-EMS
814	Lightning strike (no fire)	Non-EMS
900	Special type of incident, other, Dumpster fire	Non-EMS
900A	Training/Academy	Exclude
900B	Training/Territory	Exclude
900E	Inspection	Exclude
900G	Drug Test	Exclude
900H	Hose Testing	Exclude
9001	Hydrant Inspection	Exclude
900P	Prefire Planning	Exclude
900R	Fire/Re-Check	Non-EMS
900T	Test Incident/CAD/PMDC	Exclude
911	Citizen complaint	Non-EMS

## Appendix B

FIXED PROPERTY USE CODES AND DESCRIPTIONS

Code	Description	Category
000	FIXED PROP USE UNDETERMINED	NON-SPECIFIC
100	UNKNOWN OTHER	NON-SPECIFIC
110	FIXED USE RECREATION, OTHER	COMMERCIAL
111	BOWLING ESTABLISHMENT	COMMERCIAL
112	BILLIARD CENTER	COMMERCIAL
113	AMUSEMENT CENTER	COMMERCIAL
115	ROLLER RINK	COMMERCIAL
116	SWIMMING FACILITY	COMMERCIAL
120	VARIABLE USE AMUSEMENT/RECREATION	COMMERCIAL
121	BALLROOM,GYMNASIUM	COMMERCIAL
122	EXHIBITION HALL	COMMERCIAL
123	ARENA/STADIUM	COMMERCIAL
124	PLAYGROUND	COMMERCIAL
129	AMUSEMENT CENTER INDOOR/OUTDOOR	COMMERCIAL
130	PLACES OF WORSHIP, CHURCH, FUNERAL PARLOR	COMMERCIAL
131	CHURCH/CHAPEL	COMMERCIAL
134	FUNERAL PARLOR/CHAPEL	COMMERCIAL
140	CLUBS, OTHER	COMMERCIAL
141	ATHLETIC CLUB/YMCA	COMMERCIAL
142	CLUB HOUSE	COMMERCIAL
143	YACHT CLUB	COMMERCIAL
144	CASINO, GAMBLING CLUBS	COMMERCIAL
150	PUBLIC, GOVT, OTHER	COMMERCIAL
151	LIBRARY	COMMERCIAL
152	MUSEUM, ART GALLERY	COMMERCIAL
152	MEMORIAL STRUCTURE, MONUMENT	COMMERCIAL
155	COURT ROOM	COMMERCIAL
160	EATING/DRINKING PLACES	COMMERCIAL
161	RESTAURANT	COMMERCIAL
162	NIGHTCLUB	COMMERCIAL
170	TERMINALS OTHER	COMMERCIAL
173		COMMERCIAL
180	THEATER, STUDIO OTHER	COMMERCIAL
181		COMMERCIAL
182		COMMERCIAL
183		COMMERCIAL
185	RADIO, TV STUDIO	COMMERCIAL
200	EDUCATIONAL PROPERTY OTHER	COMMERCIAL
210	SCHOOLS NON-ADULT OTHER	COMMERCIAL
211	PRE-SCHOOL	COMMERCIAL
213	ELEMENTARY SCHOOL	COMMERCIAL
215	HIGH SCHOOL/JR HIGH/MIDDLE SCHOOL	COMMERCIAL
241	COLLEGE/UNIVERSITY	COMMERCIAL
254	DAY CARE-IN COMMERCIAL PROPERTY	COMMERCIAL
255	DAY CARE-IN RESIDENCE-LICENSED	COMMERCIAL
300	HEALTHCARE/DETENTION OTHER	COMMERCIAL
311	CARE OF THE AGED/NURSING STAFF	COMMERCIAL
321	MENTAL RETARDATION/DEVELOPMENT DISABILITY FACILITY	COMMERCIAL

Code	Description	Category	
322	2 ALCOHOL/SUBSTANCE ABUSE RECOVERY CENTER COMMERCIAL		
23	ASYLUM/MENTAL INSTITUTION	COMMERCIAL	
31	HOSPITAL-MEDICAL/PSYCHIATRIC	COMMERCIAL	
32	HOSPICES	COMMERCIAL	
40	CLINICS, OTHER	COMMERCIAL	
41	CLINIC, CLINIC-TYPE INFIRMARY	COMMERCIAL	
342	DOCTOR/DENTIST/SURGEONS OFFICE	COMMERCIAL	
343	HEMODIALYSIS UNIT	COMMERCIAL	
61	JAIL/PRISON - NOT JUVENILE	COMMERCIAL	
363	REFORMATORY, JUVENILE DETENTION CENTER	COMMERCIAL	
865	POLICE STATION	COMMERCIAL	
865A	POLICE TRAINING CENTER	COMMERCIAL	
00	RESIDENTIAL OTHER	RESIDENTIAL	
119	ONE- AND TWO-FAMILY DWELLING	RESIDENTIAL	
129	MULTI-FAMILY DWELLINGS	RESIDENTIAL	
139	ROOMING, BOARDING, RESIDENTIAL HOTELS	COMMERCIAL	
149	HOTELS, MOTELS, INNS, LODGES	COMMERCIAL	
159	RESIDENTIAL BOARD AND CARE	COMMERCIAL	
460	DORMITORIES OTHER	COMMERCIAL	
462	FRATERNITY, SORORITY HOUSE	COMMERCIAL	
164	MILITARY BARRACKS/DORMITORY	RESIDENTIAL	
500	MERCANTILE PROPERTIES OTHER	COMMERCIAL	
511	CONVENIENCE STORE	COMMERCIAL	
519	FOOD, BEVERAGE SALES, GROCERY STORE	COMMERCIAL	
529	TEXTILE, WEARING APPAREL SALES	COMMERCIAL	
539	HOUSEHOLD GOODS SALES, REPAIRS	COMMERCIAL	
549	SPECIALTY SHOPS	COMMERCIAL	
557	BARBER, BEAUTY SHOP, PERSONAL SERVICES	COMMERCIAL	
559	RECREATIONAL, HOBBY, HOME SALES, PET STORE	COMMERCIAL	
564	internal provide their many and the account of the second party and the second the second terms are a second to be a	COMMERCIAL	
	SELF-SERVICE LAUNDRY/DRY CLEANING	COMMERCIAL	
5 <b>69</b> 571	PROFESSIONAL SUPPLIES SERVICE STATION	COMMERCIAL	
		COMMERCIAL	
579	MOTOR VEHICLE, BOAT SALES/SERVICE/REPAIRS		
580	GENERAL ITEM STORES, OTHER	COMMERCIAL	
581		COMMERCIAL	
592	BANK W/FIRST STORY BANKING FACILITY	COMMERCIAL	
593	MEDICAL, RESEARCH, SCIENTIFIC OFFICE	COMMERCIAL	
596	POST OFFICE OR MAILING FORMS	COMMERCIAL	
599	BUSINESS OFFICES	COMMERCIAL	
500	BASIC INDUSTRY, UTILITY, DEFENSE OTHER	INDUSTRIAL/WAREHOUSE	
510	ENERGY PRODUCTION, OTHER	INDUSTRIAL/WAREHOUSE	
614	STEAM, HEAT ENERGY PLANT	INDUSTRIAL/WAREHOUSE	
615	ELECTRIC GENERATING PLANT	INDUSTRIAL/WAREHOUSE	
629	LABORATORIES	INDUSTRIAL/WAREHOUSE	
631	NATIONAL DEFENSE SITE/MILITARY SITE	COMMERCIAL	
635	COMPUTER, DATA PROCESSING CNTR	INDUSTRIAL/WAREHOUSE	
639	COMMUNICATIONS CENTER	INDUSTRIAL/WAREHOUSE	
640	UTILITY, ENERGY DISTRIBUTION CNTR OTHER	INDUSTRIAL/WAREHOUSE	

Code	Description	Category	
642	ELECTRIC TRANSMISSION DISTIB. SYSTEM	INDUSTRIAL/WAREHOUSE	
644	GAS DISTRIBUTION SYSTEM, PIPELINE	INDUSTRIAL/WAREHOUSE	
647	WATER UTILITY	INDUSTRIAL/WAREHOUSE	
648	SANITARY SERVICE	INDUSTRIAL/WAREHOUSE	
655	CROPS, ORCHARDS	LAND	
669	FOREST, TIMBERLAND	LAND	
700	MANUFACTURING PROPERTY, PROCESSING	INDUSTRIAL/WAREHOUSE	
800	STORAGE PROPERTY OTHER	INDUSTRIAL/WAREHOUSE	
807	OUTSIDE MATERIAL STORAGE AREA	NON-SPECIFIC	
808	SHED	NON-SPECIFIC	
819	LIVESTOCK, POULTRY STORAGE	LAND	
839	REFRIGERATED STORAGE	INDUSTRIAL/WAREHOUSE	
880	VEHICLE STORAGE; OTHER	INDUSTRIAL/WAREHOUSE	
882	GENERAL VEHICLE PARKING GARAGE	INDUSTRIAL/WAREHOUSE	
888	FIRE STATIONS	COMMERCIAL	
888T	FIRE TRAINING CENTER/ACADEMY	COMMERCIAL	
891	GENERAL WAREHOUSE	INDUSTRIAL/WAREHOUSE	
898	WHARF, PIER	INDUSTRIAL/WAREHOUSE	
899	RESIDENTIAL OR SELF STORAGE UNITS	INDUSTRIAL/WAREHOUSE	
900	OUTSIDE, SPECIAL PROPERTIES; OTHER	NON-SPECIFIC	
919	DUMP SANITARY LANDFILL	NON-SPECIFIC	
921	BRIDGE, TRESTLE	NON-SPECIFIC	
926	OUTBUILDING, EXCLUDING GARAGE	NON-SPECIFIC	
931	OPEN LAND, FIELD	LAND	
935	CAMPSITE WITH UTILITIES	COMMERCIAL	
936	VACANT LOT	LAND	
938	GRADED AND CARED FOR PLOTS OF LAND	LAND	
940	WATER AREAS, OTHER	NON-SPECIFIC	
946	LAKE/RIVER/STREAM	NON-SPECIFIC	
951	RAILROAD RIGHT OF WAY	NON-SPECIFIC	
952	SWITCH YARD, MARSHALLING YARD	NON-SPECIFIC	
960	STREET, OTHER	NON-SPECIFIC	
961	DIVIDED HIGHWAY, HIGHWAY	NON-SPECIFIC	
962	PAVED PUBLIC STREET, RESIDENTIAL	NON-SPECIFIC	
963	PAVED PRIVATE STREET, COMMERCIAL	NON-SPECIFIC	
965	UNCOVERED PARKING AREA	NON-SPECIFIC	
972	AIRCRAFT RUNWAY	COMMERCIAL	
972H	AIRCRAFT HANGER/STORAGE	COMMERCIAL	
972T	AIRPORT CONTROL TOWER	COMMERCIAL	
974	AIRCRAFT LOADING AREA	COMMERCIAL	
981	CONSTRUCTION SITE	NON-SPECIFIC	
983	PIPELINE, POWER LINE RIGHT OF WAY	NON-SPECIFIC	
984	INDUSTRIAL PLANT YARD	INDUSTRIAL/WAREHOUSE	
NNN	NONE	NON-SPECIFIC	
UUU	UNDETERMINED	NON-SPECIFIC	

## Appendix C

LEON COUNTY PROPERTY APPRAISER BUILDING IMPROVEMENT CODES AND USE DESCRIPTIONS WITH ASSIGNMENT OF PROPERTY USE CATEGORY

Code	Description	Category
0100	SINGLE FAMILY RESIDENTIAL	Residential
0300	DUPLEX	Residential
0400	CONDOMINIUM	Residential
0500	STUDENT APARTMENTS	Residential
0501	FRAT/SORORITY	Commercial
0510	STUDENT MULTI LEASE	Residential
0600	STANDARD APARTMENTS	Residential
0601	APT/ LESS THAN 10 UNITS	Residential
0602	DORMITORY	Residential
0650	LIHTC	Residential
0700	TOWNHOUSE	Residential
0800	MOBILE HOME	Residential
1000	GARDEN APARTMENT	Residential
1100	HIGH RISE	Residential
1200	EXEMPT MULTI FAMILY	Residential
1400	MOTELS	Commercial
1500	EXTENDED STAY HOMES	Commercial
1600	HOTELS	Commercial
1700	HOSP/NURS HOME	Residential
1710	NURSING HOME	Residential
1720	CLINIC	Commercial
1730	VET CLINIC	Commercial
1740	REGIONAL MEDICAL CENTER	Commercial
1750	ASSISTED LIVING FACILITY	Residential
1800	CO-OP	Residential
2000	STORE	Commercial
2010	CONDO-STORE	Commercial
2010	SALON/BARBER SHOP	Commercial
2011	LAUNDROMAT	Commercial
2012	CARWASH	Commercial
2013	PHYS FITNESS CENTER	
		Commercial
2015	STORE SFR CONV	Commercial
2016	IND/RETAIL/STORE DRY CLEANERS	Commercial
2018		Commercial
2020	CONVENIENCE STORE	Commercial
2030	CONV-STORE/GAS	Commercial
2040	SUPERMARKET	Commercial
2050	PHARMACY	Commercial
2060	JR DISCOUNT	Commercial
2070	SUPER DISCOUNT	Commercial
2080	AUTO PARTS	Commercial
2090	AUTO SERVICE	Commercial
2100	DEPARTMENT STORE	Commercial
2110	JR DEPARTMENT STORE	Commercial
2200	SHOP CENTER	Commercial
2210	NBHD SHOP CENTER	Commercial
2220	COMM SHOP CENTER	Commercial
2300	SERVICE STATION	Commercial

Code	Description	Category
2400	REC/BOWL ALLEY	Commercial
2410	CLUBHOUSE/REC	Commercial
2500	REST/LOUNGE	Commercial
2510	FAMILY RESTAURANT	Commercial
2520	TAKE-OUT RESTAURANT	Commercial
2600	FAST FOOD DRIVE IN	Commercial
2610	FAST FOOD NO SEAT	Commercial
2620	NITE CLUB	Commercial
2700	AUDIT/THEATER	Commercial
2800	MALL	Commercial
2810	SUPER REG MALL	Commercial
3000	OFFICE	Commercial
3010	OFFICE CONDO	Commercial
3015	OFFICE CONDO HIGH RISE	Commercial
3020	OFFICE STRIP CENTER	Commercial
3030	OFFICE LOW RISE	Commercial
3040	OFFICE MID RISE	Commercial
3045	OFFICE PARK	Commercial
3050	OFFICE HIGH RISE	Commercial
3060	OFFICE INDUSTRIAL	Commercial
3070	OFFICE/SFR CONVERSION	Commercial
3080	CONDO MEDICAL OFFICE	Commercial
3100	ED/RELIGIOUS	Commercial
3110	CHILD CARE	Commercial
3200	PUBLIC PARKING	Industrial/Warehouse
3300	BANKS	Commercial
3400	BANKS-BRANCH	Commercial
3410	BANKS-DRV THRU	Commercial
3500	FUNERAL HOME	Commercial
3600	TRAINING CENTER	Commercial
3700	MEDICAL OFFICE	Commercial
3901	BROADCAST CENTER	Commercial
3902	WCTV 2	Commercial
3930	CLASSROOM/TRAINING	Commercial
3940	LIBRARY/MULTI-MEDIA	Commercial
3950	OFFICES	Commercial
3960	DORMITORY/HOUSING	Commercial
3970	MEDICAL FACILITIES	Commercial
3980	COURTHOUSE	Commercial
4000	WAREHOUSE	Industrial/Warehouse
4000	CONDO WAREHOUSE	Industrial/Warehouse
4010	DISTRIBUTION WAREHOUSE	Industrial/Warehouse
4020	TECH MANUFACTURING	Industrial/Warehouse
4030	INDUSTRIAL OFFICE	Industrial/Warehouse
4031	WAREHOUSE/MULTI-BAY	Industrial/Warehouse
4040	SERVICE/PARKING GARAGE	Industrial/Warehouse
4100	INDEPENDENT AUTO CENTER	Commercial
4110	MINI WAREHOUSE	Industrial/Warehouse
4200		muusindi/ warenouse

Code	Description	Category	
4300	COLD STORAGE	Industrial/Warehouse	
4400	LIGHT MANUFACTURING	Industrial/Warehouse	
4500	HEAVY MANUFACTURING	Industrial/Warehouse	
4600	AUTO SHOW/GARAGE	Industrial/Warehouse	
4610	CAR/TRUCK RENTAL	Commercial	
4620	BOAT S/E DEALER	Commercial	
4700	PREFAB METAL BUILDING	Not Used	
4800	BARN SHED	Not Used	
4810	AIRPORT TERMINAL	Commercial	
4900	MAINT/MECH/WAREHOUSING	Industrial/Warehouse	
4910	RESEARCH/DEVELOP LABS	Industrial/Warehouse	
4920	STADIUMS/ARENAS	Commercial	
4930	PARKING GARAGES	Industrial/Warehouse	
4940	PRISONS/JAILS	Commercial	
4950	MILITARY FACILITIES	Commercial	
4960	FIRE STATION	Commercial	
MHPK	MOBILE HOME PARK	Residential	
MUSE	MUSEUM/CULTURAL	Commercial	
RVPK	RV PARK	Commercial	

## Appendix D

DEPARTMENT OF REVENUE (DOR) CODES

CODE	DESCRIPTION	
0	VACANT RESIDENTIAL	
100	SINGLE FAMILY IMPROVED	
200	MOBILE HOME	
300	MULTI FAMILY +10 UNITS	
100	CONDOMINIUM	
500	CO-OPS	
600	RETIREMENT HOMES/NONEXPT	
700	MISC RESIDENTIAL	
300	MULTI FAMILY 2-9 UNITS	
L000	VACANT COMMERCIAL	
L100	STORES 1 STORY	
200	MIXED USE STORE/OFFICE	
1300	DEPARTMENT STORES	
1400	SUPERMARKETS	
1500	REGIONAL SHOPPING CTRS	
1600	COMMUNITY SHOPPING CTR	
1700	OFFICE NON-PROF 1 STORY	
1800	OFFICE NON-PROF 2+ STORY	
1900	PROFFESIONAL SERVICES	
2000	AIR/MARINE/BUS TERMINALS	
2100	RESTAURANTS/CAFETERIAS	
2200	DRIVE-IN RESTAURANT	
2300	BANK/S & L/MORTGAGE/CREDIT	
2400	INSURANCE COMPANY OFFICE	
2500	REPAIRS SVC TV/LAUNDRIES	
2600	SERVICE STATIONS	
2700	AUTO SALES/SERVICE/RENTAL	
2800	MOBILE HOME PARKS/PK LOTS	
2900	WHOLESALE/PRODUCE OUTLETS	
3000	FLORIST/GREENHOUSE	
3100	OPEN STADIUMS	
3200	THEATER/AUDITORIUM (ENCL)	
3300	NIGHTCLUB/BAR/LOUNGE	
3400	BOWLING/SKATING/POOL HALL	
3500	TOURIST ATTRACTION	
3600	CAMPS	
3700	RACE TRACK; HORSE/DOG/AUTO	
3800	GOLF COURSE/DRIVING RANGE	
3900	HOTELS/MOTELS	
4000	VACANT INDUSTRIAL	
4100	LT MFG/SM MACH SHOP/PRINT	
4200	HEAVY IND/EQUIP MFG/MACH	
4300	LUMBER YARD/SAWMILL	
4400	PACK PLANT (FRUIT/MEAT)	
4500	CANNERIES/DISTILLERIES	

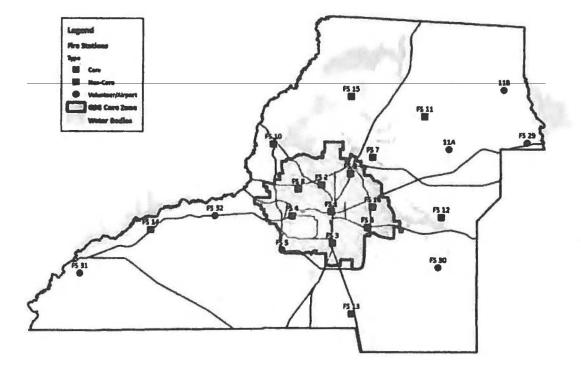
CODE	DESCRIPTION
4600	FOOD PROCESSING/BAKERIES
4700	CEMENT PLANTS
4800	WAREHOUSING
4900	OPEN STORAGE
5000	IMPROVED AGRICULTURAL
5100	VEGETABLE CROPS
5200	BI-ANNUAL ROW CROPS
5300	ROW CROPS
5400	TIMBERLAND SITE 90+
5500	TIMBERLAND SITE 80-89
5600	TIMBERLAND SITE 70-79
5700	TIMBERLAND SITE 60-69
5800	TIMBERLAND SITE 50-59
5900	TIMBERLAND NOT CLASSIFIED
6000	IMPROVED PASTURE LAND
6100	SEMI-IMPROVED LAND
6200	NATIVE LAND
6300	WASTE LAND
6400	GRAZING LAND CLASS V
6500	GRAZING LAND CLASS VI
6600	CITRUS
6700	POULTRY/BEES/FISH/RABBIT
6800	DAIRY, HOG & CATTLE FEED
6900	ORNAMENTALS, MISC AG
7000	VACANT INSTITUTIONAL
7100	CHURCHES
7200	PRIVATE SCHOOLS & COLLEGE
7300	PRIVATE OWNED HOSPITALS
7400	HOMES FOR THE AGED
7500	ORPHANAGES
7600	MORTUARIES/CEMETERIES
7700	CLUBS, LODGES, UNION HALLS
7800	SANITARIUMS, CONVALES, REST
7900	CULTURAL ORG, FACIILITIES
8000	UNDEFINED
8100	MILITARY
8200	GOVT FOREST/PARKS/RECREATIONAL
8300	PUBLIC COUNTY SCHOOLS
8400	COLLEGES
8500	HOSPITALS
8600	COUNTY
8700	STATE
8800	
8900	
9000	LEASEHOLD GOVT OWNED

CODE	DESCRIPTION	
9100	UTILITIES, GAS/ELEC/TELEP	
9200	MINING, PETROLEUM, GAS	
9300	SUBSURFACE RIGHTS	
9400	RIGHT-OF-WAY	
9500	RIVERS & LAKES, SUBMERGED	
9600	SEWAGE DISP, BORROW PITS	
9700	OUTDOOR REC OR PARK	
9800	CENTRALLY ASSESSED	
9900	ACREAGE NON AGRICULTURAL	

# Appendix E

MAP OF SERVICE ZONES

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I	

		Per Annum For FY 2016 and FY 2017		Per Annum for FY 2018 and each Fiscal Year Thereafter	
		Zone 1	Zone 2	Zone 1	Zone 2
<u>Residential</u>	Per Residential Dwelling Unit	\$170.85	\$157.25	\$201.00	\$185.00
ommercial/Institutional	Square Feet Classification				
	< 1,999	\$249.05	\$226.95	\$293.00	\$267.00
	2,000 - 3,499	\$497.25	\$453.05	\$585.00	\$533.00
	3,500 - 4,999	\$869.55	\$793.05	\$1,023.00	\$933.00
	5,000 - 9,999	\$1,241.85	\$1,132.20	\$1,461.00	\$1,332.00
	10,000 - 19,999	\$2,482.85	\$2,263.55	\$2,921.00	\$2,663.00
	20,000 - 29,999	\$4,965.70	\$4,527.10	\$5,842.00	\$5,326.00
	30,000 - 39,999	\$7,447.70	\$6,790.65	\$8,762.00	\$7,989.00
	40,000 - 49,999	\$9,930.55	\$9,054.20	\$11,683.00	\$10,652.00
	50,000 - 59,999	\$12,412.55	\$11,317.75	\$14,603.00	\$13,315.00
	60,000 - 69,999	\$14,895.40	\$13,581.30	\$17,524.00	\$15,978.00
	70,000 - 79,999	\$17,377.40	\$15,844.85	\$20,444.00	\$18,641.00
	80,000 - 89,999	\$19,860.25	\$18,108.40	\$23,365.00	\$21,304.00
	90,999 - 99,999	\$22,342.25	\$20,371.95	\$26,285.00	\$23,967.00
	≥ 100,000	\$24,825.10	\$22,635.50	\$29,206.00	\$26,630.00
Industrial/Warehouse	<u>&lt;1,999</u>	\$23.80	\$64.60	\$28.00	\$76.00
	2,000 - 3,499	\$47.60	\$129.20	\$56.00	\$152.00
	3,500 - 4,999	\$83.30	\$225.25	\$98.00	\$265.00
	5,000 - 9,999	\$118.15	\$321.30	\$139.00	\$378.00
	10,000 - 19,999	\$236.30	\$642.60	\$278.00	\$756.00
	20,000 - 29,999	\$472.60	\$1,284.35	\$556.00	\$1,511.00
	30,000 - 39,999	\$708.90	\$1,926.10	\$834.00	\$2,266.00
	40,000 - 49,999	\$945.20	\$2,567.85	\$1,112.00	\$3,021.00
	50,000 - 59,999	\$1,181.50	\$3,209.60	\$1,390.00	\$3,776.00
	60,000 - 69,999	\$1,417.80	\$3,852.20	\$1,668.00	\$4,532.00
	70,000 - 79,999	\$1,654.10	\$4,493.95	\$1,946.00	\$5,287.00
·····	80,000 - 89,999	\$1,890.40	\$5,135.70	\$2,224.00	\$6,042.00
	90,999 - 99,999	\$2,126.70	\$5,777.45	\$2,502.00	\$6,797.00
	≥ 100,000	\$2,363.00	\$6,419.20	\$2,780.00	\$7,552.00
Governmental	per square foot	\$0.18	\$0.18	\$0.21	\$0.21

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### EXHIBIT 2

Fire Rescue Services Non-Ad Valorem Assessment Roll

DR-408A N. 02/91



### CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

I, the undersigned, hereby certify that I am the Chairman of the Board, or authorized agent of <u>Leon Cty. Bd. of County Commissioners</u>, located in <u>Leon</u> County, Florida; as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I further certify that, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this the <u>20th</u> day of <u>June</u>, <u>2017</u>.

Chairman of the Board or authorized agent

of Leon County Board of County Commissioners
Name of local government

Leon County, Florida

### **NOTICE OF PUBLIC HEARING**

Notice is hereby given, pursuant to Section 197.3632(4)(b), Florida Statutes, that the Board of County Commissioners of Leon County, Florida (the "Board"), will conduct a public hearing on Tuesday, June 20, 2017, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider the adoption of a fire rescue services non-ad valorem assessment roll for the subject parcels of improved real property located within the unincorporated area of Leon County, Florida.

The purpose of the special assessment, imposed on May 26, 2015, is to equitably recover costs incurred for providing and funding fire rescue services to improved parcels of property located within the unincorporated area of Leon County (geographic depiction of the property subject to the assessment is set forth below). The assessment shall be collected annually by the Leon County Tax Collector.

All interested parties are invited to present their comments at the public hearing at the time and place set out above. All affected property owners have the right to appear at the public hearing, and have the right to file written objections with the Board within 20 days of the publication of this notice.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is based, pursuant to Section 286.0105, Florida Statutes.

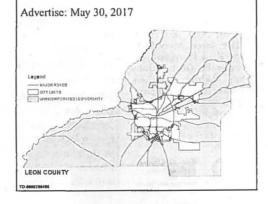
In accordance with the Americans with Disabilities Act and Section 286.26,

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Florida Statutes, persons needing a special accommodation to participate in this public hearing should contact Mathieu Cavell or Facilities

Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the date of the public hearing. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), or 1-800-955-8770 (Voice), or 711 via Florida Relay Service.



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