Board of County Commissioners
Leon County, Florida

Policy No. 19-2

Title:	L.I.F.E. Rural Road Safety Stabilization Program Policy
Date Adopted:	July 9, 2019
Effective Date:	July 9, 2019
Reference:	Livable Infrastructure for Everyone (L.I.F.E.) Program Policy No. 16-6
Policy Superseded:	None

It shall be policy of the Board of County Commissioners of Leon County, Florida that a new policy entitled " L.I.F.E. Rural Road Safety Stabilization Program Policy" is hereby adopted, to wit:

Article 1
Legislative Findings, Intent, and Purpose

A. The intent of this Policy, in accordance with the Board's findings and declarations set forth in Resolution No. 19-20, a copy of which is attached hereto and incorporated herein by this reference, is to establish the L.I.F.E. Rural Road Safety Stabilization Program in order to select and implement repairs and improvements to private dirt roads as designated traffic safety and emergency access projects in the Board's Livable Infrastructure For Everyone (L.I.F.E.) Program. The L.I.F.E. Program Policy (No. 16-6) provides for the annual expenditure, commencing in January 2020, of two percent (2%) of the proceeds of the Local Government Infrastructure Surtax extension as approved by referendum in November 2014 (the 2% Share), with a portion of the funding dedicated to traffic safety and emergency access projects. As authorized in Resolution No. 19-20, it is further the intent of this Policy to utilize a portion of the 2% Share to fund the private dirt road repair and improvement projects selected in accordance with this Policy.

B. The purpose of this Policy is to establish a uniform and clear policy and procedure to ensure proper accountability and legal consistency in administering and managing the L.I.F.E. projects selected under this Policy. These policies and procedures shall be followed, along with all applicable laws and professional ethics, in order to ensure fair and equitable treatment to the County, the general public, and all affected participants.

Article 2
Definitions

As used in this Policy, unless the context otherwise indicates:

A. *Adjusted for Family size* means adjusted in a manner that results in an income eligibility level that is lower for Households having fewer than four persons, or higher for Households having more than four persons, than the base income eligibility determined for Low-Income Persons or Low-Income Households, in accordance with the guidelines provided in the SHIP Statute.

B. *Annual Gross Income* means the amount of income expected to be received collectively by all persons 18 years of age or older in a Household in the coming twelve months based on the current employment status of such persons.

C. *Board* means the Leon County Board of County Commissioners.

D. *City* means, as indicated by the context used, either Tallahassee, Florida, as a geographic location, or the City of Tallahassee, a Florida municipal corporation, as a legal entity.

E. *County* means, as indicated by the context used, either Leon County, Florida, as a geographic location, or Leon County, Florida, a charter county and political subdivision of the state of Florida, as a legal entity.

F. *Dirt Road* means a way open to travel by the public, including, but not limited to, a street or alley, with a surface consisting primarily of soil, sand, grass, or other such natural material.

G. *Family* means a natural person or group of natural persons residing together, regardless of whether such persons are related by blood, by marriage, or by any other legal capacity.

H. *Household* shall have the same meaning as Family.

I. *Low-Income Person* or *Low-Income Household* means one or more natural persons or a Family that has a total annual gross Household income that does not exceed 80 percent of the median annual income adjusted for Family size for Households within the County.

J. *Owner* means any natural person who is a part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or a part of Parcel.

K. *Parcel* shall mean any piece of real property in the County, regardless of whether located within City limits or in the unincorporated area, having a single parcel identification number assigned to it by the County Property Appraiser; provided, however, that if such parcel identification number is associated with multiple pieces of real property as depicted on the cadastral map maintained by the County Property Appraiser, each one of such multiple pieces shall be deemed to be a separate parcel unless otherwise determined by County staff.

L. *Project* means the undertaking and completion of Rural Road Improvements pursuant to this Policy.

M. *Policy* means this L.I.F.E. Rural Road Safety Stabilization Program as adopted by the Board and as may be amended from time to time.

N. *Private Dirt Road* means a Dirt Road in which neither the County, City, nor any other governmental entity has an ownership interest, whether by fee simple, easement, plat dedication, presumed dedication, or other such ownership interest, and which is entirely owned by the abutting owners or some other private individual or entity including, but not limited to, a homeowners' association or property owners' association.

O. *Program* means the L.I.F.E. Rural Road Safety Stabilization Program.

P. *Property Appraiser* means the Leon County Property Appraiser.

Q. *Public Works* means the Leon County Public Works Department.

R. *Rural Road Improvements* mean any repairs or improvements to a Rural Road, or to a series of Rural Roads, undertaken pursuant to this Policy.

S. *Rural Road* means a Private Dirt Road located in the County, regardless of whether located within City limits or in the unincorporated area.

T. *SHIP Statute* means the State Housing Initiatives Partnership Act contained within sections 420.907 – 420.9079, Florida Statutes, as may be amended from time to time.

Article 3
Responsibilities

A. The County Administrator, or designee, shall be charged with the responsibility of developing and maintaining uniform and clear procedures for managing and administering the Board's directives in this Policy.

B. The departmental responsibility for managing and implementing the approved L.I.F.E. projects in accordance with the directives in this Policy and the approved procedures shall be as designated by the County Administrator;

C. The County Attorney, or designee, shall be charged with the following responsibilities:

1. Preparing, reviewing, and approving the form of any and all legal documents necessary for the implementation of the directives in this Policy and the approved procedures;
2. Providing legal advice, as necessary, in the development of the approved procedures; and
3. Providing legal advice in the determination of any documentation needed to provide appropriate permission for the County employees and contractors to enter the area in which Rural Road Improvements will be undertaken.

Article 4
Owner Eligibility Criteria; Project Selection Process

A. Application Request. Application forms for participation in the Program shall be obtained from and submitted to Leon County Public Works, 2280 Miccosukee Road, Tallahassee, Florida, 32308. Upon receipt of an application, Public Works staff will perform a review to determine if the request meets all applicable Program criteria.

B. Ineligibility of Previous Project Area. This Program is intended to provide one-time Rural Road Improvements within the boundaries of the Project area as determined by Public Works staff. As such, any application which requests Rural Road Improvements lying within the boundaries of a previously completed Project will be deemed to be ineligible to receive any further Rural Road Improvements.

C. Income Limits. In order to be eligible for a Rural Road Improvements Project, no less than sixty percent (60%) of the Owners of the Parcels abutting the Rural Road(s) within the boundaries of the Project area must be deemed to be Low-Income Persons or reside in a Low-Income Household. Owners and other persons 18 years of age or older residing in the Owners' Household must complete a Household income certification form as part of the application process for purposes of income verification. In determining the percentage of Low-Income Persons and Low-Income Households, any parcel owners that are corporations, LLC's, partnerships, trusts, estates, or other such entities that are not natural persons are considered not to be an "Owner," as defined in Article 2 above, and should not be included in the computation.

D. Terms and Conditions. Each Owner of a Parcel abutting the Rural Road(s) within the boundaries proposed for Rural Road Improvements must agree that: (1) he/she has no objection to the proposed Rural Road Improvements; and (2) he/she will grant any license, right-of-entry, or other such written permission to enter their Parcel if needed to accomplish the proposed Rural Road Improvements. If any Owners object to the proposed Rural Road Improvements or refuse to grant permission to enter their Parcel the proposed Rural Road Improvements will not be completed.

E. Condition of Road. Upon receipt of an application form, Public Works staff will review the history of the Rural Road, consider its traffic patterns, and verify its condition. Upon evaluation, Public Works staff will determine if the proposed Rural Road Improvements are warranted, and if so, the extent required to sufficiently stabilize the Rural Road and the boundaries within which the Rural Road Improvements will be performed.

F. Rural Road Improvement Criteria. Proposed Rural Road Improvements must be able to be accomplished by commonly used maintenance techniques such as grading, repair of wash-outs and depressions, and clearing of obstructions and blockages in existing swales and ditches.

1. Rural Road Improvements completed under this Policy are intended only to stabilize the Private Dirt Road, but not to improve it up to County road standards.

2. Upon completion of the Rural Road Improvements, the requesting Owners will be solely responsible, at their expense, for all future maintenance responsibilities of the Rural Road(s). As such, the County will in no manner assume any responsibility for such future maintenance. Owners are encouraged to inquire of Public Works staff about the availability of the County's Private Road Preventative Maintenance and Repair Program and the 2/3 Program for Road Improvements as options for future road maintenance needs.
3. Rural Road Improvements will typically be limited to the following:
   - Roadside ditch repair;
   - Dirt road grading;
   - Addition of soils for the purpose of dirt road stabilization;
   - Addition of aggregates for the purpose of dirt road stabilization; and
   - Installation of sod and sediment controls for the purpose of stabilizing areas associated with road and stormwater repair activities.

   Other repairs or improvements may be considered to the extent they are consistent with the criteria and limitations in this Policy and with the objectives of the Program.

G. Priority. Request application forms will be considered on a first come first served basis upon the submittal of a completed application. Project prioritization may take into consideration: (1) whether or not the Rural Road has historically been deemed impassable to any residents' vehicles or to vehicles of law enforcement or emergency personnel, or (2) the ability to complete a smaller project based on available funds in a given fiscal year.

H. Waiting List. When funding is not available to proceed with approved Rural Road Improvements, a waiting list will be established. Those applicants on the waiting list will be notified annually of their status. Applicants will be prioritized on the waiting list in the order in which their applications were approved, except in the event of a higher priority Rural Road Improvement as set forth in paragraph G of Article 4 above. Applicants may be required to update their Household Income Certification Form if the original date of their application submittal has exceeded three calendar years.

I. Program Funding. Approval and scheduling of all requests for Rural Road Improvements shall be contingent upon the availability of Program funding. If at the end of the County fiscal year all appropriated Program funds are not expended, remaining Program funds may be carried forward to the next fiscal year. As set forth in paragraph B of Article 4 above, any application which requests Rural Road Improvements lying within the boundaries of a previously completed Project area will be deemed to be ineligible to receive any further Rural Road Improvements.

RESOLUTION: R19-20

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA FINDING A PARAMOUNT PUBLIC PURPOSE IN THE REPAIR AND IMPROVEMENT TO DETERIORATING AND SUBSTANDARD PRIVATE DIRT ROADS TO ALLOW FOR SAFE PASSAGE OF EMERGENCY VEHICLES TO RURAL LEON COUNTY NEIGHBORHOODS IN WHICH PROPERTY OWNERS HAVE INSUFFICIENT FINANCIAL MEANS TO PROPERLY MAINTAIN THEIR ROADS TO A SAFE MINIMUM STANDARD; AND DIRECTING THAT THE L.I.F.E. RURAL ROAD SAFETY STABILZATION PROGRAM BE ESTABLISHED TO PROVIDE FOR SUCH REPAIRS AND IMPROVEMENTS AS APPROVED L.I.F.E. PROJECTS AND, AS SUCH, AUTHORIZING THE USE OF THE TWO PERCENT (2%) SHARE OF THE EXTENDED 2020 SURTAX PROCEEDS TO ACCOMPLISH SUCH REPAIRS AND IMPROVEMENTS.

WHEREAS, on November 4, 2014 a majority of the electors of Leon County voting in a referendum approved a 20-year extension of the existing local government infrastructure surtax scheduled to expire on December 31, 2019 (the "Extended 2020 Surtax"), a portion of which, in the amount of two percent (the "2% Share"), will be used for projects designed to address core infrastructure needs in both the incorporated and unincorporated areas of Leon County, identified as "Livable Infrastructure For Everyone" ("L.I.F.E.") projects; and

WHEREAS, pursuant to the Second Amended and Restated Interlocal Agreement, dated December 9, 2015, between Leon County and the City of Tallahassee, the use of the 2% Share of the Extended 2020 Surtax proceeds for the cost of financing, planning, and construction or implementation of any L.I.F.E. projects must be authorized by the Board of County Commissioners (the "Board"), and the Board is also charged with the responsibility of administering the spending of the 2% Share on L.I.F.E. projects; and

WHEREAS, on June 14, 2016, in furtherance of its responsibility for authorizing and administering the use of 2% Share for L.I.F.E. projects, the Board adopted its Livable Infrastructure for Everyone (L.I.F.E.) Program Policy, identified as Policy No. 16-6 (the "L.I.F.E. Policy"), wherein it established certain eligibility and implementation criteria for L.I.F.E. projects; and

WHEREAS, among the categories and types of authorized L.I.F.E. projects originally established by the Board in the L.I.F.E. Policy were road projects needed to restore or improve traffic safety; and

WHEREAS, on May 8, 2018, the Board amended its L.I.F.E. Policy by expanding the traffic safety project category to also include road repairs and improvements needed to restore or improve emergency access; and

WHEREAS, the Board's inclusion of traffic safety and emergency access projects as an eligible project category in its L.I.F.E. Policy was in recognition of one of the most critical infrastructure deficiencies in the rural areas of Leon County: unsafe private dirt roads; and

WHEREAS, throughout the rural areas of Leon County there are many miles of private dirt roads collectively owned by the abutting property owners, many of whom have insufficient financial means to properly maintain those roads to a safe minimum standard, and where, in some instances, the roads have deteriorated to the point of causing safety concerns for emergency vehicles attempting to access the roads; and

WHEREAS, much like the way in which these property owners face a constant financial struggle to keep their homes from falling into disrepair resulting in substandard living conditions, they struggle to find the financial means to repair and maintain the substandard dirt roads that also make up a part of their property and that often provide the sole access to their homes for themselves, their guests, and, most importantly, emergency vehicles; and

WHEREAS, the substandard and deteriorating conditions of private dirt roads impede the development and conservation of healthy, safe, and viable neighborhoods in Leon County and contribute to the decline of neighborhoods and the surrounding areas which, in turn, causes a reduction of the value of property making up the Leon County tax base; and

WHEREAS, unless the problem of deteriorating private dirt roads is addressed, along with the accompanying problems of decline of neighborhoods and loss of property value from the tax base, the health, safety, and welfare of the residents of the affected neighborhoods and of Leon County will be detrimentally affected; and

WHEREAS, for all the forgoing reasons, the repair and improvement of deteriorating and substandard private dirt roads to provide safe vehicular access, especially for emergency vehicles, clearly represents a paramount public purpose and is essential to promote sound community development in Leon County; and

WHEREAS, the Board further recognizes that providing public assistance for the repair and improvement of such private dirt roads is consistent with the goals, objectives, and policies set forth in the Leon County Housing Element of the Tallahassee-Leon County 2030 Comprehensive Plan by, among other ways, supporting the conservation, protection, and rehabilitation of affordable housing by programming housing rehabilitation and infrastructure improvements in areas where there is a concentration of substandard housing and where infrastructure improvements are needed; and

WHEREAS, it is the desire of the Board to provide such assistance through a new program to be known as the L.I.F.E. Rural Road Safety Stabilization Program which will utilize a portion of the 2% Share to fund the repair and improvement of deteriorating and substandard private dirt roads, as approved L.I.F.E. projects, in neighborhoods throughout Leon County where the property owners have insufficient financial means to properly maintain those roads to a safe minimum standard.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, assembled at its budget workshop session on the 18th day of June, 2019, and ratified at its regular session on the 9th day of July, 2019, that:

1. The foregoing recitals are reaffirmed and ratified as though restated herein.

2. The repair and improvement of deteriorating and substandard private dirt roads to provide safe vehicular access, especially for emergency vehicles, clearly represents a paramount public purpose and is essential to promote sound community development in Leon County.

3. The County's assistance in repairing and improving private dirt roads is hereby declared to be a valid County purpose, and a County function of paramount public concern, when such assistance is limited to those dirt roads that allow for open and unobstructed access to the public into private neighborhoods where the roads are in deteriorating and substandard condition such that it results in unsafe vehicular passage, especially for emergency vehicles, and where the property owners are primarily persons of low income with insufficient financial means to maintain the roads in a safe condition.

4. The repair and improvement of private dirt roads, to the extent of the limitations as set forth in paragraph 3 above, are hereby declared to be approved traffic safety and emergency access projects, as designated in the L.I.F.E. Policy, for which the 2% Share is authorized to be spent.

5. In order to implement these approved L.I.F.E. projects, a Board policy shall be adopted to establish a new program to be known as the L.I.F.E. Rural Road Safety Stabilization Program, or such other name as the Board may later choose, which policy shall set forth the guidelines and criteria for interested property owners to apply and qualify for the needed road repair and improvements. In addition, the policy shall attach a copy of this executed Resolution.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, effective as ratified on the 9th day of July, 2019.

LEON COUNTY, FLORIDA

BY: _____
Jimbo Jackson, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall, Clerk of Court &
Comptroller, Leon County, Florida

BY: Gwen Marshall DG

APPROVED AS TO FORM:
Leon County Attorney's Office

BY: Daniel J. Rigo, for
Herbert W.A. Thiele, Esq.
County Attorney

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